

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 LOOP ROAD
Monday, February 11, 2019 @ 7:00 p.m.

The special meeting of the Town of Lysander Planning Board was held Monday, February 1, 2019 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John Corey, Chairman; Joanne Daprano; Hugh Kimball;
William Lester; Steve Darcangelo and Doug Beachel

MEMBERS ABSENT: Keith Ewald

OTHERS PRESENT: Al Yager, Town Engineer; Tim Frateschi, Esq.; Joseph
Murabito; Ana Maria Murabito; Julian Clark, Plumley
Engineering; Frank Costanzo, Zoning Board of Appeals;
Jim Stirushnik; Slavik Kaskov, Nadezda Kuts, Dennis
Everett, Licensed Land Surveyor and Karen Rice, Clerk

The meeting was called to order at 7:00 p.m.

I. APPOINTMENTS:

Al Yager, Engineer to the Planning Board
Timothy Frateschi, Attorney to the Planning Board
William Lester, Deputy Chairman

RESOLUTION #1 -- Motion by Corey, Second by Kimball

RESOLVED, that the Planning Board appoint **Allen Yager**, Engineer to the Planning Board for the 2019 calendar year.

6 Ayes -- 0 Noes

RESOLUTION #2 -- Motion by Corey, Second by Daprano

RESOLVED, that the Planning Board appoint **Timothy Frateschi**, Esq., Baldwin, Sutphen & Frateschi, PLLC, attorney to the Planning Board for the 2019 calendar year.

6 Ayes -- 0 Noes

RESOLUTION #3 -- Motion by Corey, Second by Kimball

RESOLVED, that the Planning Board appoint **William Lester, Deputy Chairman** to the Planning Board to act on behalf of the Chairman if he is unable or has a conflict of interest for the 2019 calendar year.

5 Ayes -- 1 Abstain (Lester) -- 0 Noes

II. APPROVAL OF MINUTES

Review and approval of the minutes of the December 10, 2018 and December 17, 2018 Planning Board meetings.

RESOLUTION #4 -- Motion by Lester, Second by Kimball

RESOLVED, that the December 10, 2018 and December 17, 2018 minutes of the Lysander Planning Board be approved as submitted.

6 Ayes -- 0 Noes

III. OLD BUSINESS

1. Controlled Site Use Case No. 2018—012 Murabito, Joseph & Ana Maria/Strigo Vineyards 9272 Plainville Road

Joe Murabito, owner and Julian Clark, Plumley Engineering, represented Strigo Vineyards for the proposed winery to be located at 9272 Plainville Road. Changes have been made since the

last Planning Board meeting. In reviewing Sheet No. C201 of the Site Plan a proposed sign location has been shown to replace the existing sign of a former business that took place there. It will not be internally lit, however will have ground lights. A dumpster location has also been shown at the rear of the proposed winery. It will be shielded by a retaining wall. A French garden with a decorative fence and gate has been added to the front of the winery with a gravel paved ground surface, bench and landscaping. Our thought process was a better transition into the tasting room. Those are really the only changes to the site since the last meeting.

Julian Clark, Plumley Engineering, stated that they received the Special Permit for Use from the Zoning Board of Appeals at their February 4, 2019 meeting. We are working with the Onondaga County Department of Transportation with regard to access. Changes to access are being implemented at their recommendation.

Mr. Murabito stated that there was some concern with regard to drainage that was brought up at the Zoning Board of Appeals meeting, more particularly in the location of the agricultural driveway. There was a culvert, but apparently has been crushed.

Mr. Murabito reiterated to the neighbor that he doesn't want the water there either. I told them I would take care of it. There is actually some machinery out there now ready to repair it. The intent is to open that up so that the water flows like it's supposed to.

Steve Darcangelo questioned if there was drainage from east to west...what was their concern?

Mr. Yager stated that in reviewing Google Earth, there appears to be a 6 inch tile that goes across there, why it's there I don't know...

Mr. Clark stated that they have shown a 6 inch pipe but we thought it was just a drain from the farm field.

Mr. Murabito stated that he talked with the former owners, Marie & Tony who indicated that it was an old drain tile to try and get water moving. It doesn't do anything right now. The water is backed up.

Mr. Darcangelo questioned if anything crosses Plainville Road.

Mr. Clark stated that it does through the 6 inch pipe which will be removed once drainage improvements are done.

Mr. Murabito stated that in looking at the wetlands map you can see where the water flows. There was some concern about directing water over there (to the neighbor's property). Nothing we are doing is going to do that but I understand their concerns. There is a water flow issue in that general area but it's not from the 6 inch pipe.

Mr. Darcangelo stated that he doesn't see any mechanism where the drainage from this project could impact property on the other side of the road.

Hugh Kimball stated that he did a site visit the day after the ZBA made their Findings. Of course it rained and thawed and there was a lot of water right in through here (indicating on plan) with Mr. Murabito stating it was to the south of the agricultural driveway.

Mr. Murabito stated that there's a machine there right now...we're going to dig out where that culvert is smashed to get that moving.

Mr. Kimball questioned which way the water would flow.

Mr. Murabito stated that it would go north.

There was additional discussion with regard to drainage and water flow, which will be addressed with the proposed drainage improvements, with or without the help of the Onondaga County Department of Transportation.

Hugh Kimball questioned the septic tank and water well...what's the rule as to how far apart they have to be. It doesn't look like they have the adequate separation.

Mr. Yager stated that the leach field is 200'.

Mr. Darcangelo concurred stating that the separation is from the leach field, not the septic tank.

Mr. Yager concurred stating that the septic tank is sealed so no...

Mr. Kimball questioned the location of the leach field.

Mr. Yager stated that it's up on the hill...it will be pumped.

There was some discussion with regard to the existing septic tank with the applicant stating no changes would be made to the existing tank that services the house.

Mr. Darcangelo questioned how the leach field was sized based on the 'commercial' flow.

Mr. Clark stated that it was based on the square footage of the barn.

William Lester stated that the new septic tank is for sanitary flow and not product waste.

Mr. Clark concurred stating that product waste will go to a holding tank and be pumped out.

Mr. Kimball questioned if there would be another wall installed for this operation.

Mr. Murabito stated that there are three things we have talked about with regard to water. With regard to the water system for the house and the barn; we think we're going to add a two to three hundred gallon holding tank so that we're not stressing the well in the house. One of the things that came up in our construction meeting is the likelihood of catching rainwater for flush...the more we talked about that the more sense that it makes. It will basically be a cistern in the ground with a pump. I'm 85 to 95 percent on board with this idea, I just need to understand what's involved. I like the idea.

Mr. Darcangelo questioned if food would be served.

Mr. Murabito stated that there is a catering kitchen being built if we're going to be serving something with a tasting. It is being designed but not finished yet.

Mr. Darcangelo questioned public drinking water...if you're going to hold water I think there are some regulations. You're going to have to take that into consideration for a holding tank.

Mr. Murabito concurred...for both the house and barn.

Mr. Darcangelo stated that for the house you're ok because it's private use, but for the facility you might have to get an operator.

Mr. Yager stated that he doesn't believe there is an operator requirement that fits this threshold on the number of patrons. A holding tank may alter that for obvious reasons.

Mr. Darcangelo stated that this is beyond the site review, but whatever you have to do.

Mr. Corey asked if Mr. Yager had any thoughts at this time.

Mr. Yager stated that he's waiting on the photometric plan for the exterior lighting and signage. Our sign Code is pretty weak; not very definitive or restrictive. It currently does not address signs on the building, it only addresses the roadside sign of 4' x 8', 32 square feet that can be double sided that's allowed. I've printed off a guidance document from Ag & Markets that essentially over rules our sign Code that says farmers can do what they want with signage as long as it's not excessive. In this instance they want a sign on the building, our Code simply doesn't address whether it is or is not allowed; but Ag & Markets clearly says that it would be allowed. However we would ask to see the details of what they're proposing for the building even though we don't define it in the Code.

Mr. Darcangelo: Being that it's a gravel drive, is there was a requirement for striping the parking lot to identify the number of parking spots.

Mr. Yager stated that one parking spot is required for every 250 square feet of retail area; they only need seven (7) spots total. They are proposing seven (7) spots over by the side entrance that appear to be for workers, laborers, staff....the twenty-two (22) patrons out front would be for patrons.

Mr. Darcangelo asked for more information about the holding tank for wash down, etc...

Mr. Murabito indicated on the plan where the 2000 gallon holding tank will be with easy access for trucks to get in there. That's basically wash down water. The grape skins will likely become fertilizer.

Mr. Darcangelo questioned what happens if a truck can't get there on a particular day...is there excess capacity available.

Mr. Murabito stated that he'd be completely speculating, but he knows that there is not a lot of water...(background noise) basically for cleaning.

Mr. Lester, referring to the Onondaga County Planning Board's Findings, stated that it appears you're disturbing less than one acre where a Stormwater Pollution Prevention Plan won't be required.

Mr. Clark concurred.

Mr. Kimball questioned if the applicant was aware that there are requirements for the operation of a Bed & Breakfast/Tourist Home that there aren't with a single family residence, fire exits, etc... I assume you are aware that that would require another site approval.

Mr. Murabito concurred

There is a letter on prepared by Al Yager, Town Engineer, dated January 31, 2019 that was presented to the **Zoning Board of Appeals** at their meeting of February 4, 2019, that will be made part of the public record, in part:

I have completed my review of the above referenced Special Use Permit application and preliminary site plan. The owner of the property is currently proposing the redevelopment of the Pennies from Heaven Farm that was used as a horse stable and dog breeding facility in the past. The current owner of the farm has proposed changing the use of the farm to a winery which would be allowed under Lysander Town Code Section 320-21 C(5,8) with the issuance of a Special Use Permit for Farm Produce Processing and a Country Store. Issuance of the proposed Special Use Permit conforms with the Agricultural Policies included in the Town of Lysander Comprehensive Land Use Plan, (pages 33 & 34) and the suggested goals discussed in the Implementation Procedures (page 34). The Town of Lysander currently has two other similar businesses, one located at the Abbott Farms Country Store called Four Grand Wine & Cidery and WT Brews on Patchett Road.

The Town of Lysander Planning Board will have the opportunity to address any site concerns your Board may have during the Controlled Site Review process.

RESOLUTION #5 -- Motion by Corey, Second by Lester

RESOLVED, That the Planning Board having followed the prescribed SEQQR procedures and having received no comments to the contrary, hereby designates itself as **Lead Agency** for **Strigo Winery**, 9272 Plainville Road, Baldwinsville, New York **Controlled Site Use** application.

6 Ayes -- 0 Noes:

The applicant has completed Part I, Project Information; John Corey, Chairman, reviewed Part Two—Environmental Assessment, with the board.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? N/A
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

7. Will the proposed action impact existing:
 - a. public / private water supplies? No
 - b. public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No
11. Will the proposed action create a hazard to environmental resources or human health? No

RESOLUTION #6 -- Motion by Corey, Second by Lester

RESOLVED, that having reviewed the SEQR regulations, determined this is an **UNLISTED ACTION**, and having reviewed the Short Environmental Assessment form, and finding no significant or adverse impacts resulting from the **Strigo Winery**, 9272 Plainville Road, Baldwinsville, New York, **Controlled Site Use** application, the Planning Board issues a **NEGATIVE DECLARATION**.

6 Ayes -- 0 Noes

This item will tabled until such time that we receive the signage and other documentation requested of the applicant and/or his representatives.

Mr. Murabito and Mr. Clark thanked the Board for their time.

IV. **NEW BUSINESS**

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|----------------------|---------------------------------------|
| 1. Minor Subdivision | Kaskov, Slavik/Kuts Nikolay & Nadezda |
| Case No. 2019—001 | Lamson & Dinglehole Roads |

Slavik Kaskov stated that he has experience in the real estate and construction business and is representing his friends of 20 years in the efforts to subdivide their property at Lamson and Dinglehole Roads. The Kuts' purchased this 46 acre parcel with an existing residence and out-buildings with plans to build a house for themselves. They had considered remodeling the old house and live there temporarily while building their home. They are proposing three residential building lots on Lamson Road two having 250' x 350', the home having 302' on Lamson Road and 350' on Dinglehole Road. To offset their cost, they will sell off those three lots and build on the remnant piece along the tree line approximately 200 to 300 feet from Dinglehole Road. They'll decide on that number once they design their home. Discussions have been held with Terry Morgan, Onondaga County Department of Transportation, who is supposed to send a crew out there. In reviewing photos from Google Earth with him in both directions for the sight distance there didn't appear to be any issues as it's a straight shot. Based on Mr. Morgan's recommendation we have placed the stakes in the center of each proposed lot on Lamson Road so that when his crew goes out there they can mark the property accordingly.

There was some discussion as to whether or not a wetland delineation was required.

Steve Darcangelo stated that he would question whether or not there's not some areas that would delineate as wetlands, particularly on your large lot.

Karen Rice, Clerk, questioned if a delineation would have to be done if they're disturbing any of that...they're not building in that area.

Al Yager, Town Engineer, concurred.

Mr. Darcangelo stated that as long as they know that going in if at some point in time they want to do something on that lot.

Karen stated that they're only proposing one home at this point in time.

Mr. Kaskov indicated on the plan where a proposed home may go (in area of percolation test holes). We'd be well off of Dinglehole Road.

Mr. Yager concurred stating that if you look at the contours that are there it looks like it's a ridge...406 contours.

Mr. Kaskov concurred stating that they walked the area a few weeks back and went back to the actual creek. Standing where the top of the creek is I would say it's a good 10 to 15 feet higher as you walk to the proposed home site (indicating on plan).

Hugh Kimball questioned what the area is zoned.

Karen stated that it's Ag...80,000 square foot lots.

Mr. Kaskov stated that they meet the minimum lot size, with extra frontage along Lamson Road.

Mr. Darcangelo suggested that your contours be carried a little bit further to the south if you plan on developing where you have a rise from the 'floodway' to the proposed home site. Right now you only have one contour.

Mr. Kimball concurred stating that he'll have the surveyor put that on there.

Mr. Yager stated that if you're going to do work on Dinglehole Road as you approach Lamson Road there is a significant grade change there.

RESOLUTION #7 -- Motion by Corey, Second by Kimball

RESOLVED, That the Planning Board having followed the prescribed SEQR procedures and having received no comments to the contrary, hereby designates itself as Lead Agency for **NIKOLAY & NADEZDA KUTS** Dinglehole and Lamson Road, Baldwinsville, New York Minor Subdivision application.

6 Ayes -- 0 Noes

The applicant has completed Part I, Project Information; John Corey, Chairman, reviewed Part Two—Environmental Assessment, with the board.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No
2. Will the proposed action result in a change in the use or intensity of use of land? No
3. Will the proposed action impair the character or quality of the existing community? No
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? N/A
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?
7. Will the proposed action impact existing:
 - a. public / private water supplies? No
 - b. public / private wastewater treatment utilities? No
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, water bodies, groundwater, air quality, flora and fauna)? No
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? No
11. Will the proposed action create a hazard to environmental resources or human health? No

RESOLUTION #8 -- Motion by Corey, Second by Lester

RESOLVED, that having reviewed the SEQR regulations, determined this is an **UNLISTED ACTION**, and having reviewed the Short Environmental Assessment form, and finding no significant or adverse impacts resulting from the **NIKOLAY & NADEZDA KUTS** Dinglehole and Lamson Road, Baldwinsville, New York Minor Subdivision application, the Planning Board issues a **NEGATIVE DECLARATION**.

6 Ayes -- 0 Noes

RESOLUTION #9 -- Motion by Corey, Second by Kimball

RESOLVED, that a Public Hearing be held at a date and time designated by the secretary, on the application of **NIKOLAY & NADEZDA KUTS** a subdivision of property located at Dinglehole and Lamson Road, Baldwinsville, New York, Tax Map No. 0025-01-08, for a development of Four (4) lots from a parcel of approximately 60 acres.

6 Ayes -- 0 Noes

Mr. Kaskov thanked the Board for their time.

V. OTHER BUSINESS

1. Amendment to Planning Board Fee Schedule

Mr. Corey stated that the Town Board, at their January 2019 meeting, put a new regulation in for Fees in Lieu of Land for Public Use, more particularly to include apartments. The Fee that has been established is \$500 per unit. Further, language has been added to clarify and reaffirm our normal practice that Fees in Lieu of Land for Public Use must be paid prior to the Final Plat approval.

RESOLUTION #10 -- Motion by Corey, Second by Lester

RESOLVED, that the Planning Board Fee and Deposit Schedule be amended to include Fees in Lieu of Land for Public Use for apartments at \$500 per unit and that those fees must be paid prior to Final Plat approval.

6 Ayes -- 0 Noes

Steve Darcangelo questioned if a Certificate of Occupancy is withheld until they have Final Plat approval.

Karen Rice, Clerk, concurred.

2. 5G Small Cell Wireless Communication

John Corey, Chairman, stated that all Board members received documentation from Karen Rice, Clerk, with regard to the FCC's new regulation regarding 5G Small Cell Wireless Communication. At the last Town Board meeting the Town Board passed a resolution requesting that the Planning Board prepare a recommendation for them regarding those areas where local municipalities currently have some flexibility with regard to this matter, mainly fees, aesthetic issues, siting of poles, etc... It's not something we're going to act on tonight.

Mr. Corey questioned if Tim Frateschi, Esq to the Planning Board, is aware of any other areas that are working on this that he may be familiar with.

Mr. Frateschi stated that he will be a guest speaker at the Syracuse-Onondaga County Planning Federation Conference on March 7, 2019. They are having a specific section on this, which I will be moderating. We will be discussing it at length with some of the private telephone operators who are going to be telling us their thoughts on it. I will be moderating it on behalf of the municipalities to explain what the Law is and what can and can't be done. Your ability to restrict is very limited in terms of micro-cells and in terms of the 5G. Congress has passed several Laws that restrict our ability because they are considered a utility under Federal Law and they have a public purposes...your ability to restrict it is limited even more so than it is for cell towers. We will be discussing it at that meeting, but yes everybody is looking at this issue.

Mr. Corey asked Karen to change his class choices to include this one.

Steve Darcangelo stated that they're going to be all over; they only have about a mile range.

Mr. Frateschi concurred stating that they're not very intrusive in terms of their visual impact. They obviously meet all the standards of the FCC...the difficulty is that there's going to be so many of them.

Mr. Darcangelo...and quite tall.

Mr. Frateschi...some of them, but not all.

Mr. Yager stated that it's his understanding that a lot of them are hubs on top of existing utility poles that transmit back to a higher antenna...

Mr. Frateschi stated that they're really booster for existing cell signals.

Mr. Corey questioned what happens when you go into a residential development area that has no poles.

Mr. Frateschi and Mr. Yager stated that in those instances they'll probably be more of a light pole.

Mr. Darcangelo stated one was proposed for a local municipality that was 4' in diameter and that was 78' tall. That's quite obtrusive.

Mr. Frateschi stated that that would be unusual.

Mr. Yager stated that that would be a collector tower....these small 'pods' actually transmit back to a collector tower. There was one that they proposed right here in Radisson on the west side of Willett Parkway in the Industrial Park area. I believe that was all on speculation from someone trying to lock up the rights to put these systems in place and probably resell them back to the cell providers that would be using them.

Mr. Kimball stated that it looked like they had a bunch of 'junk' hanging off of the bottom of them. I'm not sure what that was but that did look pretty ugly.

Karen Rice, Clerk, questioned if they would have to come before the Board.

Mr. Frateschi stated that there is a recently passed regulation which seems to indicate that if it's a co-location....

Karen...by right with building permit.

Mr. Frateschi concurred stating that they should be able to do that. I know a little more than a little bit right now, I'll know a lot more about it in about a three weeks.

Mr. Lester suggested that we should delay making our recommendation to the Board.

Mr. Frateschi concurred.

Mr. Darcangelo stated that these are coming but there are issues....

Several taking at once stating there are concerns, the same concerns that everybody had with cell phones.

Mr. Frateschi stated that this is where everybody gets bogged down; there are things you can regulate, like the fee schedule, the aesthetics to some degree...the one thing you can't say is this is a health problem or that it's going to cause a health problem because under the Federal Communications Act of 1996 they determined through studies that they aren't going to be. There is a standard, as long as they meet that standard in terms of the amount of radiofrequency that's coming off of those towers they are presumed to be not a health risk and that is a big concern. Now there are many people who will be out there saying this is a different technology, there's going to be so many more of them, they're going to be into our neighborhoods everywhere...nobody has really calculated what the impact is going to be.

Mr. Yager stated that his understanding of those studies is that it's all based on frequency of the wave length.

Mr. Darcangelo stated that that's not what he has heard though as a problem, I've heard the problem is that there is only one manufacturer, Chinese and they're very concerned about the use of US communication and they're the only people who make it. It might slow up the advance of it is what I've heard.

Mr. Frateschi stated that he's not aware of that but can tell you that all of the cell tower companies are very hot on this subject and they've spent a lot of money, lobbied Congress on these issues...

Mr. Darcangelo stated that they're supposed to really fantastic and supposed to make things go very well.

Mr. Kimball questioned if it will interfere with radio or television reception.

Mr. Frateschi stated that it's not supposed to. It's supposed to be at a different frequency, put them at different levels.

Mr. Corey stated that this will be something we'll be working on in the future.

VI. ADJOURN

RESOLUTION #11 -- Motion by Kimball, Second by Daprano

RESOLVED, that the February 11, 2019 special meeting of the Lysander Planning Board adjourn at 8:00 p.m.

6 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk