

TOWN OF LYSANDER  
PLANNING BOARD MEETING  
8220 LOOP ROAD  
Thursday, March 14, 2019 @ 7:00 p.m.

The regular meeting of the Town of Lysander Planning Board was held Thursday, March 14, 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; Doug Beachel and Keith Ewald

OTHERS PRESENT: Al Yager, Town Engineer, Tim Frateschi, Esq. to the Planning Board; Dan Pollock; Christian Hill, Napierala Consulting; Jeanie Kenyon; Barbara Drapola; Lorie Schneider; Rick Schneider; Dennis Everett; Slavik Kaskov; Mario D'Arrigo; Bill McPartland; Geoff Hillenbrand, Plumley Engineering; Frank Costanzo, Zoning Board of Appeals; Jim Stirushnik; Frank O'Donnell, Zoning Board of Appeals; Mark Harrison, Belgium-Cold Springs Fire Department and Karen Rice, Clerk to the Planning Board

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

I. PUBLIC HEARING -- 7:00 p.m.:

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| 1. Minor Subdivision<br>Case No. 2019—001 | Kaskov, Slavik/Kuts Nikolay & Nadezda<br>Lamson & Dinglehole Roads |
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The Public Hearing opened at 7:00 p.m.

John Corey, Chairman, questioned if there was anyone in the audience who wanted to speak for or against this application.

Speakers:

Rich Schneider, Lamson Road

Concerns:

- intended use of the property
- number of additional homes
- whether there will be multi-family homes
- lot sizes
- zone change required
- added stress to the septic's, wells, aquifers and wetlands in the area
- developing a corner that already has congestion and sees accidents

Slavik Koskov represented the applicant stating that the Kuts own approximately 46 acres with an existing residence. They would like to create four (4) lots, Lot 1, 2.009 acres with 250' of road frontage, Lot 2, 2.009 acres with 250' of road frontage, Lot 3 being a corner lot with an existing house having 302.89' and 350' of road frontage and 2.434 acres with the remnant piece being 40.384 acres where they wish to build their home. Each home will be served by individual septic systems and private wells. Site visits for driveway locations from the Onondaga County Department of Transportation for Lamson Road have been preliminarily approved for all three lots, including access to the existing residence so whoever buys it has the option of either location. Access for the Dinglehole Road parcel is under the direction of the Town of Lysander Highway Department and their rules and regulations.

Todd Drapola, 1799 Lamson Road

Concerns:

- Intended use of existing home and remnant piece
- Large scale development

Mr. Koskov indicated that they may sell the house for somebody to come in, remodel and live in it. The owners want to build their home on the 40 acre piece. They'd like to build their home as soon as possible.

Al Yager, Town Engineer, stated that you can only have one home on each lot; they could build their new house on the remnant piece without selling the existing home on the corner. Mr. Koskov concurred, stating they chose to subdivide the house out as a separate parcel.

There is a letter on file prepared by Cara and David Schubert, 1820 Lamson Road, dated March 14, 2019, that was made part of the public record:

*Unfortunately, due to a prior commitment to Reynolds Elementary School this evening, we are unable to attend this public hearing. However, as residents of the Town of Lysander for the last 10 years, my husband and I want our objection to the subdivision under review to be noted.*

*We moved to this Town mostly due to its rural nature, which is supported and protected by the zoning codes currently in place in the Town. Allowing exceptions to the zoning codes, no matter how piecemeal, endangers the character of this Town. After all, once it has begun, it will be harder to justify denying the next individual subdivision request, until we've built this area into another Clay or Liverpool.*

*The second objection we have to this subdivision is the impact of adding several new lots to an aquifer that already seems to have trouble supporting the wells in the area. Several times in the dry parts of summers recently we've had to be very careful of our water use, in order to avoid overdrawing our well and having it run dry. Adding additional burden to this aquifer will only increase the danger to all of us.*

*Please add our two objections to shoes of our neighbors.*

Tim Frateschi, Planning Board attorney, commented on the letter stating that there are no changes to our Zoning Code; the lots being proposed are conforming lots under our subdivision regulations; that area where it's zoned allows residential homes...we're talking about two new building lots with the potential of a third on the third 40 acre remnant parcel. There is nothing that I'm aware of where this is an exception to our Zoning Code. This is a conforming subdivision. With regard to the aquifer issue the Onondaga County Department of Health will ultimately determine the well, won't they...

Al Yager, Town Engineer, concurred stating that they will determine the separation distance requirements from the septic's. It's up to the homeowner where they put the well.

Lori Schneider, Lamson Road  
Concern:

- Clarification on the zoning and the allowed uses
- How many times can a single piece of property be subdivided

The property is zoned Agricultural, 80,000 square foot building lots (approximately 2 acres) with single family homes being allowed by right with a building permit and two-family dwellings with a Controlled Site Use.

*Minor Subdivision: A subdivision, or a subdivision and a resubdivision or resubdivisions within a ten-year period, dividing a parcel of land into four or fewer lots or subparcels each containing at least the minimum frontage on existing public streets required by Chapter 320, Zoning of the Code of the Town of Lysander.*

*Major Subdivision: Any subdivision not classified as a "minor subdivision."*

Mr. Yager stated that the applicant meets the definition of a Minor Subdivision, any further development beyond the four lots would be prohibited for the next ten years...

Ms. Schneider reiterated that what they are proposing is totally in accordance with what is stated and thanked the Board for the letter letting them know about the Public Hearing.

Mr. Corey concurred.

Jim Stirushnik, Dinglehole Road, asked for clarification on a Minor Subdivision application versus a Major Subdivision.

Mr. Yager stated that they can come back before the Board and apply for a Major Subdivision on the 40 acre remnant parcel that is left; but the constrictions on any proposed lots with the wetlands and flood plains make it undesirable to do that.

Mr. Koskov concurred stating that it would almost make it impossible, but there is a small area where you may be able to get one or two lots but you'd have to meet the 100' buffer from the wetlands. Hunting and fishing is about all you can do with the rest of this land.

Steve Darcangelo stated that the property cannot be further divided for 10 years, but if someone wanted to enter into a Major Subdivision, which is a totally different step they could do that on the remnant piece. The other parcels are too small to further subdivide. So, the large piece they could submit at any time, with no limitation on time, to further subdivide it they would have to go into a Major Subdivision classification which is substantially different site plan review process.

Gentleman: Would they have to have public water and other amenities at that time.

Mr. Yager: No, they would just require the minimum road frontages and 80,000 square foot lots.

Mr. Frateschi stated that we're making a big distinction between a Major Subdivision and a Minor Subdivision, there isn't really that big of a distinction between the two. For a Minor Subdivision we are requiring a Public Hearing, which is also required for a Major Subdivision; the fact of the matter is that the three lots that are being subdivided tonight cannot be resubdivided because they meet the minimum standards for a lot. Those three lots are off of the table. The remnant piece can be resubdivided into however many lots they can get into 40 acres. There are natural restrictions for them to be subdivided because of the wetland issues and problems that would cause to create lots to build on. What we're hearing from the applicant is that there are no plans to do that.

Mr. Koskov again stated that it would be next to impossible because if someone was to apply even for a Minor Subdivision they'd only be able to get one, maybe two lots in here because they have to be 2 acres and maintain a 100' buffer. The rest is wetlands.

Mr. Frateschi stated that if you have a lot of money those wetlands can be developed, theoretically they could be but that's nobody's intention, but if somebody did we'd go through this same process that we're going through tonight.

Hugh Kimball stated that there would be a lot of issues brought up that we're very attuned to. We're familiar with wetlands.

Mr. Stirushnik stated that that was the purpose of his comment...theoretically next month the same applicant could come in and further subdivide that parcel.

Mr. Frateschi concurred, but there would be many issues.

Mr. Stirushnik questioned the postal code and school district for this parcel.

Neighbors: Phoenix 13135 and Phoenix Schools on Lamson Road and Baldwinsville 13027 and Baldwinsville Schools for any new house on Dinglehole Road.

Mr. Stirushnik continued questioning where the roadside drainage is and/or will be taken on Lamson Road with Mr. Koskov stating that that will be dictated by the Department of Transportation. There is a natural culvert but the direction of the existing water has not been studied.

Mr. Stirushnik suggested that the existing parcel at the corner of Lamson and Dinglehole Roads is that the existing curb cut on Dinglehole Road be maintained and no new curb cut be allowed on Lamson Road due to it being flat with few features you come up on it quick. Lamson Road is a collector road and is intended to have higher speed traffic, while Dinglehole doesn't.

Mr. Koskov stated that DOT has been out the site, measured site distances and indicated that there's no issue whatsoever with vegetation, topography of the road, etc... If the Onondaga County DOT didn't have any objections to it the Town shouldn't have an issue with it. We will work with the Town DOT for the Dinglehole Road access. The regulations of both DOT's will be followed.

Locations of the proposed driveways were outlined.

Mr. Stirushnik stated that the overall plan should be looked at as he believes there's quite a bit of land right in here (indicating on plan). A cul de sac should be brought in off of Dinglehole with the homes on the side of Lamson Road facing in on the cul de sac with any other subdivision facing in on the other side of the cul de sac.

Mr. Koskov stated that from his research they don't need that...we don't need a cul de sac, we don't need a road. We just need 250' of frontage on Lamson Road.

Mr. Yager stated that if the lots meet all of the regulations for a Minor Subdivision with road frontage and lot size no new roads need to be constructed.

Mr. Stirushnik stated that the Planning Board has the responsibility of the overall planning for the Town and for this particular parcel while it's looking at it and consider what could happen in the future.

Mr. Darcangelo stated that it's not the Planning Board's responsibility to dictate to a property owner how to develop his property. Right now he's asking for a subdivision of one parcel into four.

Mr. Frateschi stated that each of the proposed lots has at least 200 feet of frontage on a public road; the applicant can apply to whoever owns that public road to build a driveway on that public road. We are not talking about any new roads here. The roads that are in existence service these three lots plus the remnant piece. The service each of those lots individually. If someday somebody wants to build a road into the 40 acres and create a cul de sac then that would be a different story; but now as we sit here today each of those lots have sufficient frontage on public roads that they can apply to the people who own the road for curb cuts.

Mr. Stirushnik stated that by doing this in this way now you make it economically prohibitive to spread that cost of further development of the potential lots that are there which hinders the tax base of the Town.

Mr. Frateschi stated that the remaining lot is not our lot. The applicant is the one that owns the property and is coming in asking for the subdivision.

Mr. Yager stated that you may recall the Comprehensive Land Use Plan discourages Town roads in Agricultural zoning districts.

Mr. Stirushnik stated that it can be a private road...do we want to continue the policy of chopping out our road frontage in single lot depths, mile after mile and leaving vacant land scattered around in the back which is not accessible.

The Public Hearing closed at 7:32 p.m.

## II. APPROVAL OF MINUTES

Review and approval of the minutes of the February 11, 2019 Planning Board meeting.

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

RESOLVED, that the Planning Board approve the minutes of the February 11, 2019 Planning Board meeting.

7 Ayes -- 0 Noes

## III. OLD BUSINESS

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

The application was forwarded to the Onondaga County Planning Board for their review and recommendation, who made the following recommendation, in part:

NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning board has determined that said referral will have no significant adverse inter-community or county-wide implications. The Board has offered the following COMMENTS:

The Board encourages the Town to consider the potential long-term effect of large-lot, strip subdivisions along road frontages, particularly within areas in farm/agricultural zoning districts, as potential conflicts with agricultural operations, changes to the rural character, increased public service demands and costs, reduction of open space and farmland, and impacts to road safety and mobility may cumulatively occur.

There is a letter on file prepared by Al Yager, Town Engineer, dated March 14, 2019 that will be made part of the public record, in part:

I have completed my review of the final plat for the above referenced minor subdivision prepared by Dennis Everett, LS, PC dated February 13, 2019. Overall it appears that the proposed lots conform to all applicable Town Code requirements. The additional curb cuts for the new lots on Lamson Road will need to be approved by the Onondaga County DOT prior to the start of construction each lot. Any new curb cuts on Dinglehole Road will need to be approved by the Town of Lysander Highway Superintendent prior to the start of construction. The final plat provided shows that there is adequate space on Lot 4 to construct a home while avoiding any wetlands or flood hazard areas on the property. With that being said I would have no objections to the Planning Board approving this minor subdivision at this time.

#### FINDINGS:

An Environmental Assessment Form indicates that the proposed action will not result in any significant adverse environmental impacts.

There is a letter on file from Al Yager, Town Engineer, dated March 14, 2019, that has been made part of the public record.

There is a letter on file from the Onondaga County Planning Board, dated March 13, 2019 that has been made part of the public record.

This action is consistent with the Town's Comprehensive Plan.

This action is consistent with the Town's current Zoning Ordinances.

This action will cause no adverse effects on the public health, safety and welfare in the neighborhood or district.

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

RESOLVED, that having reviewed the Minor Subdivision application, as defined on a map dated January 31, 2019, prepared by Dennis Everett, Licensed Land Surveyor, associated with the application of **Slavik Koskov**, on behalf of **Nikolay & Nadezda Kuts**, for property located at Dinglehole & Lamson Road, Tax Map No. 025.-01-08, Baldwinsville, New York is hereby approved.

7 ayes -- 0 Noes

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

RESOLVED, that in granting a subdivision to **Slavik Koskov** on behalf of **Nikolay & Nadezda Kuts**, for property located Dinglehole & Lamson Roads, Baldwinsville, New York, the Planning Board invokes its right to impose a fee of \$250.00 per lot for three (3) lots in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

7 Ayes -- 0 Noes

All fees associated with this application have been paid.

State law states that the applicant shall file the final plat in the Onondaga County Clerk's office within sixty-two (62) days from the date of final approval or such approval shall expire. The applicant shall also file one copy of the final plat in the Lysander Clerk's office.

Mr. Koskov thanked the Board for their time.

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|------------------------|---|
| 2. Controlled Site Use | Murabito, Joseph & Ana Maria/Strigo Vineyards |
| Case No. 2018—012      | 9272 Plainville Road                          |

Geoff Hillenbrand, Plumley Engineering, represented the applicant, stating that they have made a few minor changes to the plan since the last Board meeting.

- The non-agricultural disturbance areas have been identified with a total of .69 acres of non-agricultural ground disturbance, therefore a SWPPP is not required.
- A stormwater summary has been prepared and submitted to the Town Engineer showing a very minor change to discharge rates.

- Submission has been made to the Onondaga County Department of Transportation for shoulder reconstruction for the two driveways, agricultural/farm use access and the entrance into winery.

Steve Darcangelo questioned if the construction of the winery and parking lot is defined as agricultural disturbance.

Mr. Yager stated that it is not...the access road to the back of the barn is described as agricultural disturbance. The parking spaces would not be covered under that Memorandum of Understanding between the NYS Department of Ag & Markets and NYS Department of Environmental Conservation. The areas that are not exempt from that Memorandum of Understanding would fall under the SPDES Construction Permit requirements which go into effect if they disturb more than one acre of land. With that being said a SPDES Permit and full SWPPP is not required because of those agricultural exemptions for disturbances.

There is a letter on file prepared by Al Yager, Town Engineer, dated March 13, 2019 that will be made part of the public record, in part:

I have completed my review of the Site Plan for the Strigo Winery. At this time the site plan with a final revision date of March 7, 2019 appears to meet all applicable Local and State Code requirements. The total area of soil disturbance on the site that is not exempted by the Stormwater Memorandum of Understanding between the NYS Department of Agricultural and Markets and the NYS Department of Environmental Conservation is less than 1 acre so a Stormwater Pollution Prevention Plan and SPDES Construction Permit will not be required for the project. At this time I would not be opposed to the Planning Board passing a resolution of Site Plan approval for the project.

John Corey, Chairman, questioned if all of the concerns from the last meeting have been satisfied.

Mr. Yager stated that they have submitted a lighting plan; there is no light pollution outside the limits of this site. I have not seen a sign detail yet, but that would be part of the building permit process. As long as they don't plan on doing anything that does not conform to the current sign code I don't know if we really need to take any action on it at this point in time. They said they want to essentially move the existing sign to where the new driveway is and approximately the same size. I do not see a need to put any restrictions on that, other than it must comply with the Zoning Ordinance which the Code Enforcement Officer will make sure it does anyway when they come in for the building permit.

Mr. Darcangelo questioned if the existing sign is conforming.

Mr. Yager concurred stating that it's 4 x 8 which is the limit allowed.

Mr. Darcangelo stated there was some concern from a neighbor with water on the other side of the road.

Mr. Yager stated that there will be improvements to the culvert and grading at the roadside that should help that problem.

**RESOLUTION #4** -- Motion by Corey, Second by Kimball

RESOLVED, that having reviewed a site plan as defined on a map dated December 18, 2019, prepared by Plumley Engineering, associated with the application of **Strigo Winery**, for property located at 9272 Plainville Road, Baldwinsville, New York for a **Controlled Site Use** to allow the operation of a Country Store/Vineyard and there being no findings or grounds for decision contrary to the laws and regulations of the Town of Lysander, County of Onondaga or State of New York, the site plan is hereby approved.

7 Ayes -- 0 Noes

Mr. Hillenbrand thanked the Board for their time.

Mario D'Arrigo, Highland Meadows Development, stated that it has been a while since he was before the Board and felt a recap is in need. During the Preliminary Plat approval process we talked about different phasing of the project and how far we could go before the connection was made to Giddings Trail. Phase I sold out rather quickly, however Phase II didn't go quite as well as another subdivision opened up out on Van Buren Road and sucked the air out of the room and we didn't do very much with this subdivision for about three years. Six or seven lots may have been sold in that time. Now that the subdivision on Van Buren Road is pretty much built out a year or so ago we started the development of Phase III. We were fairly steady with it and hoped against hope that we might be able to finish it by the end of last year; but the weather didn't cooperate and we weren't able to get to it because it was a big mud hole. At the same time our permits expired and we had to reapply with NYS DEC and the Army Corp. Both of those have been obtained. Tobin has been working on this fairly steady. The sewers will be connected shortly. It is my understanding that storm sewers will be done next week, water will be done within a week or two and if the weather cooperates we hope to finish the rest of the paving. We hope to have the whole street paved as soon as the asphalt plants open and the weather cooperates. The weather is the biggest thing, not the opening of the plant. Most of it is done. The detention area has been completed. We have a lot of money in the ground which is the reason I am before the Board this evening. We'd like the Board to consider going contrary to what I agreed to four or five years ago to finish this (indicating on plan) before you give me a final approval. I am asking for approval of fifteen lots. Everything is there with the exception of National Grid however we have our contracts in place and are on the queue and will hopefully have that done by June. The primary reason we're here asking for Final Plat approval of these fifteen lots is Ryan Homes is anxious. They have two contracts but corporate policy says they cannot buy the lots or commence construction unless there is a filed map and we convey it, not by metes and bounds, but by actual map. We're here to ask for approval of this. It's a temporary thing knowing that we're going to come through no later than hopefully May...

Al Yager, Town Engineer, stated that realistically the end of April, beginning of May is the earliest shot.

Mr. D'Arrigo continued stating that any approval given can be conditioned upon no issuance of Certificates of Occupancy until the road is completed and approved by the Highway Department.

Mr. D'Arrigo stated that they have no objections to a conditional approval to this subdivision stating that no issuance of Certificates of Occupancy until the road is completed and approved by the Highway Department.

Tim Frateschi, Esq., questioned if we are holding a bond for the road and if so, how much?

Mr. Yager stated that the Bond at this point in time will be for the section that they're filling the Final Plat on then we'll have a Bond for the roads. The way the Town Code reads, we are authorized to require a Bond for lots that are being dedicated to the Town. In this instance we are only taking dedication of 586', the punch list is set up for the 586' of road that is being dedicated with an additional Bond to be provided for the remaining portion of the road. At this point in time I don't necessarily take dedication of the entire roadway simply because all of the utilities are not in the ground.

Mr. Frateschi stated that State Statute says that we can take a Bond for the rest of the road for security purposes, even if our Town Code does not state that.

Mr. Yager concurred.

Mr. D'Arrigo stated that there's no real risk to the Town here because there will be no Certificate of Occupancy's issued.

Mr. Frateschi stated that a Town can't require hold-backs on approved subdivisions on lots. The remedy for that is security to make sure the roads are constructed. I'm ok with entering into an agreement with the applicant because you can contract that right-of-way, but the right way to

do it would be to have a Bond in place just in case the road didn't get constructed. I don't know how much that Bond would be for the rest of the road.

Mr. Yager stated that a ballpark figure for the Bond for the remaining portion of the road would be \$190,000 to \$200,000.

Mr. D'Arrigo stated that will be able to finish the road very quickly, in a sense the security is that we have a 'ton' of money in the ground. Obviously we're not going to just walk away from it. It doesn't make any sense.

John Corey, Chairman, stated that that would be a matter of the Town Board and stated that he would like a few items made part of the public record, beginning with Hugh Kimball making a few comments:

*Mr. Kimball discussed the different phasing of the project with the developer coming before the Board three different times. Once as it eventually got built; once with this section being the second section (indicating on plan) and then going back to the original plan. This took place in 2012. In October of 2014 Mr. D'Arrigo acknowledged the restriction of 62 lots. The reason for doing this in the first place was a safety issue to make sure that there were two entrances and exits out of what would become a fairly large development so that emergency traffic could get in and out both ways. That was one of the key conditions that we made as part of the agreement with Mario go ahead and approve the plan. Obviously we're giving up a little something here at this point which Mr. Frateschi indicated a possible remedy.*

The second item being the Town Engineers review letter; dated March 13, 2019:

*I have reviewed the Final Plat for Phase 3A of the Highland Meadows/Lysander Preserve subdivision, prepared by Ianuzi & Romans Surveying, P.C., dated February 28, 2019. It appears that the Final Plat submitted for the 15 lots included in Phase 3A is identical to the Preliminary Plat approved by the Planning Board on June 18, 2012.*

*The original Planning Board resolution approving the Preliminary Plat for the subdivision conditioned upon the Preliminary Plat approval by limiting the maximum number of lots that could have Final Plat approval to 62 prior to the connecting road between Giddings Trail and Mercer Street being completed. If the Planning Board moves forward with Final Plat approval for the lots included in Phase 3A a total of 75 lots in the development will have been approved. To mitigate the proposed exception to the maximum of 62 lots that can be approved prior to the completion of the connecting road, the developer has suggested that the Planning Board conditional the Final Plat approval resolution for Phase 3A for the development to prohibit the Code Enforcement Officer from issuing Certificates of Occupancy for any homes started prior to the connecting road construction being completed. Construction of the remaining portion of the connecting road and associated utilities is currently underway. I spoke with the Onondaga County 911 Director and he indicated that a note would be placed on each new lot directing first responders to enter the development from Mercer Street for the lots included in Phase 3A until the connecting road is completed.*

The third item being the Highway Superintendents review letter; dated March 23, 2019:

*As Highway Superintendent for the Town of Lysander I recommend the following restrictions be added to the development to allow lot sales to continue beyond the original agreement of 2012's allowance of 62 prior to completion of road to connection at Giddings Trail.*

- 1. Any homes constructed beyond 62 will not be issued a CO until completion of said road.*
- 2. Road subgrade will be proof rolled prior to any subbase stone being placed*
- 3. Subbase stone shall be installed per the Town Roadway Typical Section.*
- 4. Proof roll subbase prior to installation of asphalt binder course.*
- 5. Town Board takes dedication of the roadway and associated utilities..*

*Once completed to this point, release of CO's on any completed homes can be issued.*

*Highway Superintendent and Town Engineer will monitor road construction until completed. Top layer of asphalt to be installed after one winter season and final inspection of binder.*

*These changes to the original agreement are only being considered due to site conditions where new road will connect. Not precedent setting.*

There was considerable discussion with regard to a conditional approval and items that would be necessary for this request to go forward, which have been identified below, including a temporary hammerhead built to hold the weight of emergency vehicles, to be able to get in and out in case of an emergency. Verbatim minutes aren't required. A full transcript can be made available upon request.

**FINDINGS:**

An Environmental Assessment Form was reviewed as part of the Preliminary Plat Approval Process; this proposed action will not result in any significant adverse environmental impacts.

There is a letter on file from Al Yager, Town Engineer, dated March 13, 2019 that has been made part of the public record.

There is a letter on file from Jerry Hole, Highway Superintendent, dated March 13, 2019, that has been made part of the public record.

This action is consistent with the Town's Comprehensive Plan.

This action is consistent with the Town's current Zoning Ordinances.

This action did not require referral to the Onondaga County Planning Board for their review and recommendation.

This action will cause no adverse effects on the public health, safety and welfare in the neighborhood or district.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the fifteen (15) lot subdivision application of Highland Meadows Development, LLC, for property located at Highland Meadows, Section 3A, Mercer Street to Giddings Trail, Part of Farm Lots No. 78 & 79, Part of Tax Map Number 049.2-03-06.1 and finding that all modifications and conditions have been met; and that the Final Plat is consistent with the approved Preliminary Plat; and that any differences found are not significant; the Board authorizes the Chairperson to waive the Final Plat Public Hearing and sign the Final Plat, with the following conditions:

- 1) All fees associated with this application, including expert fees, be paid to the Town Clerk;
- 2) Any financial securities established by the Town Board has to be in place;
- 3) The Town Board accept the Roads and utilities;
- 4) No Certificates of Occupancy shall be issued until Giddings Trail is connected to Giddings Crest has been completed and dedicated to the Town and a deed filed in accordance with the road design standards of the Town;
- 5) The final subdivision map shall have a condition on all fifteen (15) new lots indicating that no Certificate of Occupancy shall be issued until Giddings Trail is connected to Giddings Crest and the connected road will be completed and dedicated to the Town;
- 6) A temporary hammerhead shall be constructed according to the Town Engineer and the engineer signing off; and
- 7) The Chairman shall not sign the Final Plat until legal review on the above conditions are satisfied.

7 Ayes -- 0 Noes

Mr. D'Arrigo thanked the Board for their time.

#### IV. NEW BUSINESS

1. Controlled Site Use                      High Country Self-Storage  
Case No. 2019—002                      2079 Church Road

Christian Hill, Napierala Consulting, represented the applicant, Dan Pollock, stating that they are the Civil Engineers for the project. The proposed project is located at the corner of NYS Route 48 and Church Road. The property consists of approximately 28 acres, comprised of grass, a forested area and DEC wetlands on the west side. Mr. Pollock is proposing a self-storage facility; which would include a building for office space, approximately 2000 to 2400 square feet in size. We are working with an architect to develop a building footprint with elevations. Indicating on the plan, we will have one climate controlled indoor storage building behind that with the remaining 9 buildings being self-storage unit buildings, typical of what you see elsewhere. Those buildings and the climate-controlled building would be designed, manufactured and brought to the site by a building company, not built on the site. We will be adding asphalt parking with a curb cut off of Church Road. Access to the site would be a secured entryway. There will also be 8' tall security fencing with site lighting, both on the units and pole mounted lights. We are also proposing a gravel parking area for boats, trailers and recreational vehicle storage, things of that nature. We are designing the stormwater management features of the site. We are prepared to submit a full SWPPP and the SPDES General Construction Permit the layout and grading are pretty much concrete at this point. We still have a few things to work out with the stormwater which is why we didn't submit the SWPPP with the first submittal. A new septic system is being proposed to the west of the proposed office. With the weather we haven't be able to get out there and run percolation tests so the septic design is not at 100% at this point, but the design flow would be less than a single family residence. We're not expecting any issues with the design and a conventional leach system there.

Mr. Hill stated that that sums up the basic layout of the site with Dan and himself available for any questions.

William Lester questioned the zoning of the property.

Karen Rice, Clerk, stated that the property is zoned General Commercial

Steve Darcangelo questioned if there is any Town Code that would restrict unlicensed vehicles being stored outside...would there be an issue with his outdoor parking area.

Karen stated that she's not sure if there's a restriction on Commercial property...residential we have restrictions. We have other storage units in the area...you can have them screen them.

Tim Frateschi stated that it's governed by Site Plan approval...you can add conditions.

Mr. Darcangelo questioned if there was any intention of screening between Route 48 and the units.

Mr. Hill stated there isn't really a visual screen right now; it's most scrub and brush. I believe the Landscaping Plan shows some screening. I'm not sure what the spacing interval is, but I believe there were at least ten trees on that side of the site to screen between the site and Route 48.

Mr. Darcangelo stated that he sees the description of the planting but he doesn't see anything in place.

Mr. Hill stated that is either a misprint or mistake on our part and will be included on the revised site plan. The intent is to have the buildings along Route 48 screened. It will be all 'top soiled' and seeded as well.

Mr. Frateschi questioned if you're looking for approval of Phase 2 at this time.

Mr. Hill stated that the intent is to get approval for a full build-out. The stormwater and all of the utilities will be designed to mitigate all of the additional impervious area for the full build-out.

Mr. Frateschi stated that in terms of a site plan approval, you're talking about parking vehicles on Phase 2.

Mr. Hill concurred stating that they will have a gravel area in the vicinity of where the Phase 2 storage buildings are; then we would simply move that gravel storage area to the north of where

Phase 2 will go once that happens. We're not 100% sure of what Phase 2 is going to look like. It's going to depend on the market and how the business is doing. The feasibility study dictates that it's going to do well and we'll be able to do full build-out, but the main reason we have it on there is because we want to be straight forward; we don't want to come back in three years and say... 'we're doubling the size of this project'. We want to have our intentions in front of the Board so that they know this is our intent, this is what we want to build. As far as the details of Phase 2 that's kind of up to you and the Board, would you rather give us approval for Phase 1 or would you rather have us come to you if we want to change Phase 2 and do Site Plan approval amendment.

Mr. Frateschi stated that it appears you know what you want to do for Phase 1. If you're going to do a site plan I think it needs to be for Phase 1. If you're going to do Phase 2 in the future I think the Board would want you to come back and show us the details of what it is. You can size everything for what you're talking about, but we don't know what's going to be on Phase 2 so you'd have to come back before the Board and explain where you're going to display the vehicles, etc...

Mr. Hill concurred.

Mr. Pollock stated that Phase 1 is pretty set in stone for what we want to do for the unit mix, buildings, snow removal, all that stuff. The hard part about showing exactly what Phase 2 is...it makes good sense to only do Phase 1 looking at it now because we just don't know. Maybe it doesn't do as well, but the boat and recreational vehicle part does, then we look at a different building to accommodate that. Phase 2 will be a work in progress later on. My only comment for the screening part is to let the Board know my intention was to use the length of the building as perimeter security. It would just be the side of a building with a curtain that looks like a storage unit, but it's not. It wouldn't be accessible. It's to show what it is and then I thought it would be nice to have the name of the company down the side of the building. I wouldn't want to screen it, or at least the first part if possible.

Mr. Darcangelo stated that that would constitute a sign. It would have to be in compliance. There are size restrictions with that as well as with any other signs that may be allowed. You are going to have to be in compliance with what's in the Code or request a variance for signage. With structures like this it would be nice to have something that would field the vision of the public.

Mr. Frateschi stated that the Board has a lot of authority with site plan approval.

Mr. Darcangelo concurred adding that a little bit of landscaping certainly helps soften it. Talk to your Landscape Architect and see what they can do.

Mr. Darcangelo continued questioning snow storage with Phase 2 as it appears that it's almost completely surrounded by your retention basin.

Mr. Yager concurred stating that you'll have to look into that. You don't want it pushed into the stormwater pond.

Mr. Hill stated that the Initial plan was for buildings that were 250' long. Those buildings were broke up to give more movement throughout the site. We can take a look at that for Phase 2 and come up with something, perhaps an area adjacent to some pavement.

**RESOLUTION #6** -- 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 Dan Pollock, High Country Self-Storage, 2079 Church Road, Baldwinsville, New York Controlled Site Use application.

7 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 #7 -- Motion by Corey, Second by

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 Dan Pollock, High Country Self-Storage, 2079 Church Road, Baldwinsville, New York, Controlled Site Use application, the Planning Board issues a NEGATIVE DECLARATION.

7 Ayes -- 0 Noes

The application will be forwarded to the Onondaga County Planning Board for their review and recommendation. This item will be placed on a future agenda.

Mr. Hill thanked the Board for their time.

V. OTHER BUSINESS

- |                                       |  |
|---------------------------------------|--|
| 1. Major Subdivision Information Only | J. Alberici & Sons<br>Timber Banks Subdivision<br>River Road |
|---------------------------------------|--|

There was no representation. This item will be tabled until such time that the developer asks to be placed back on.

- |                     |                                  |
|---------------------|----------------------------------|
| 2. Information Only | 5G Small Cell Wireless Town-wide |
|---------------------|----------------------------------|

John Corey, Chairman, stated that at the March 7, 2019 Town Board meeting a resolution was passed asking the Planning Board to provide some recommendations with regard to Code changes related to the siting, aesthetics and fees that could be put into our Code regarding the implementation of 5G Small Cell Network.

Mr. Corey stated that he does not have the expertise to respond to that. One of the sessions offered at the Onondaga County Planning Board's Symposium was moderated by our attorney, Mr. Tim Frateschi. I'm looking for input and suggestions on how we proceed to respond to the Town Board's request. Recognizing that a number of the issues related to this subject are not issues we've been asked to address so I'd like to keep us focused just on the issues asked, siting, aesthetics and fees.

Mr. Frateschi stated that this all has to do with the FCC Order that was issued in September of 2018. The FCC is the body that regulates the deployment of 4G and 5G cell service. In the Order the issue of fees was addressed in the sense that you cannot charge unreasonable fees. The whole point of the Order was to make deployment of these 5G communication facilities

easier because they want to provide services to the people of the United States of America. They have established what they call Safe Harbors. If you charge fees, set fees, which we determined are reasonable then we don't have a problem. \$500 per application, \$100 for every antenna more than five (5). So it's \$500 for an application of five (5) plus every antenna above that another \$100. If you want to put a new pole in the right-of-way it's \$1,000. If you want to have an annual, on-going right-of-way charge on a utility pole in the Town's right-of-way, \$270 per year. There are other things like right-of-way agreements or attachment agreements that you can also charge, but you have to charge a reasonable rate only to recover your costs. That's what the Order says. You can't be making a profit on what you're doing. The fees is easy...you can charge more than the Safe Harbor, but you have to justify it.

Steve Darcangelo questioned if you can have a general fee but then in the instance of installation in a particular location that provides a hindrance, can we charge more money?

Mr. Frateschi stated that you cannot. You cannot discriminate based on the wireless carrier. If you're charging one rate for AT&T and another charge for Verizon, you can't do that.

William Lester stated that we have Local Law 312, Wireless Telecommunication Facilities that does an amazing job of discussing all the kinds of issues of siting for towers. I think we recommend to the Town Board that we hire an expert who knows what we're talking about here and give them this Local Law and ask if we can turn it into a Law that also applies to Small Cell 5G units.

Mr. Frateschi stated that the difficulty is your tower law is based on an assumption, it's based on an assumption that we've all had when we site cell towers and that is the carrier who is going to come to us has to prove to us that there's something called a gap in service, telling the Board where extra coverage is needed. That's the old way of looking at siting cell towers. The FCC Order goes into great detail about this issue, about why that's no longer the case. The issue is not gaps in services anymore, the issue is capacity. There's not enough capacity with those towers to provide the data services that people have become accustomed to. That's why the deployment of these smaller antennas is going to be much greater. There's going to be a lot more of them but they're going to be less obtrusive, less visible than towers. Your whole Code is based on this concept of gaps in services. You're not going to put 5G antennas on towers.

Mr. Lester concurred, stating that they're going to put them on light poles.

Mr. Frateschi concurred stating that you're going to put them closer to houses.

Mr. Lester stated that somebody is going to have to site them because the capacity will be needed...every 500' and as much as 1000' apart. In a place like Radisson, which is all buried utilities, there are very few light poles to put these things on.

Mr. Frateschi stated that there's a long section that speaks directly about underground utilities and how that doesn't apply anymore because an antenna can't work underground. The only way an antenna can work is if it's above ground.

Mr. Lester stated that the siting of those poles that will house these antennas...keep in mind there's as many as five providers of this service, Verizon, AT&T, Sprint, T-Mobile and Spectrum will come into play in the not too distant future. If you're talking about \$500 for every five of these antennas from as many as five different providers, there's a lot of money and a lot of money and a lot of people saying they need to improve the capacity, as an example in Radisson. There's certainly going to be more than one provider that wants to do that. We have to have some ability to force them co-occupy and limit the number that they're going to put up. I don't quite know how to go about doing that other than what I've read in the Law we already have about siting towers.

Mr. Frateschi stated that with towers you're talking about miles apart, we're talking about feet apart with these. They're not going to be on towers, they're going to be in your right-of-ways. The question you as a Planning Board and Town Board is going to have from an aesthetic standpoint is how do you match the aesthetics in an area like Radisson that doesn't have utilities above ground, how many feet apart can they be...

Mr. Darcangelo questioned if we could dictate to them that the antenna has to be on a flat black painted light pole no less than 12' tall, no more than 20' tall...

Mr. Frateschi stated that you could depending on the technical requirement...you can't say you can only put it on a 12' pole if it's not going to work on a 12' pole. They could come back to you and say it has to be higher in order for our system to work properly. But yes, the color of the

pole, decorative nature of the pole, ground mounted...those are things you can try to regulate as long as it doesn't get in the way of the technical functioning of the communication facility.

Mr. Lester questioned if there are Towns that have already done something like this.

Keith Ewald stated that yes there are codes in place that we could look at.

Mr. Frateschi concurred stating that he has begun drafting design standards and codes for the Town's I represent because there is some question as to whether or not these regulations have to be in place by the 15<sup>th</sup> of April. I don't agree with that opinion, but we should be working on something. At the very least we should have design standards that we can give to a carrier showing them what we want to see. There are design standards we're reviewing from Ohio, Massachusetts, Maryland...there are not a lot in New York or in Onondaga County but we're trying to gather all of them and put them together to come up with something that might make sense here.

Hugh Kimball questioned if co-location is even possible with these things.

Mr. Frateschi stated that it is and if it technically works you can require it.

There was some discussion with regard to whether the Board can request that they use a utility pole that's already in existence...can we make them use it?

Mr. Frateschi stated that yes; you can require them to prove to you that it can't work in certain areas. They're going to have the experts, we're not. We can tell them what we'd like to see but we can't prohibit them.

Mr. Corey questioned if Mr. Frateschi could assist the Town in coming up with a Local Law.

Mr. Lester concurred.

Mr. Frateschi stated that he would and intends to have his Local Law done within the next week or so.

Al Yager, Town Engineer, stated that one of his concerns with having a whole bunch of poles in the right-of-way would be from a traffic safety issue. How do we address the placement of the pole in consideration of traffic safety.

Mr. Frateschi stated that one of the Local Laws he has researched states that poles have to be placed in accordance with the State, County or Local Codes. All of those are important things to be made part of your design standards.

## VI. ADJOURN

### RESOLUTION #8 -- Motion by Kimball, Second by Ewald

RESOLVED, that the March 14, 2019 Town of Lysander regular Planning Board meeting adjourn at 9:30 p.m.

7 Ayes --- 0 Noes

Respectfully submitted,

Karen Rice, Clerk  
Lysander Planning Board