

TOWN OF LYSANDER  
PLANNING BOARD MEETING  
8220 LOOP ROAD  
Thursday, July 14, 2016 @ 7:00 p.m.

The regular meeting of the Lysander Planning Board was held Thursday, July 14, 2016 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; Jim Hickey; Steve Darcangelo and Jerry Hole

MEMBERS ABSENT: None

OTHERS PRESENT: William Warner; Vince Kearney, Belgium Cold Springs Fire Department; DJ Smith, Diverse Foods; David Heath, Karen Rice, Clerk

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

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

1. Minor Subdivision Case No. 2016—004	Heath, David Kibby/County Line Roads
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The Public Hearing opened at 7:00 p.m.

David Heath, 700 Kibby Road, stated that he owns approximately 20 acres located at 704 Kibby Road and would like to subdivide it into three building lots of approximately 5 acres each with the remnant piece added to his home. Two of the three lots will have frontage on County Line Road and the other will have frontage on Kibby Road.

There being no comments, questions or concerns, the Public Hearing closed at 7:01 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the May 12, 2016 regular Planning Board meeting.

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

RESOLVED, that the minutes of the May 12, 2016 regular Planning Board meeting be approved as submitted.

7 Ayes -- 0 Noes

### III. OLD BUSINESS

1. Minor Subdivision  
Case No. 2016—004

Heath, David  
Kibby/County Line Roads

William Lester questioned if the final map is to scale.

John Corey stated that the map is to scale, percolation tests have been performed and are documents and we have the Onondaga County Planning Board's recommendation that will be read into the findings.

Karen Rice, Clerk, stated that the only item remaining is the four to one ratio.

Mr. Corey concurred stating that Lot 2C does not comply with the subdivision regulations.

(Article VI, Section 117-4, Paragraph B(4): Lot depth should not exceed four times the lot width, unless approval is granted by the Planning Board.

Karen Rice, Clerk, stated that the word 'shall' was replaced by 'should' which gives the board the option to waive that requirement.

Mr. Corey stated that in reviewing this particular lot, it's an example where we have the discretion to override the four to one requirement.

Mr. Kimball concurred stating that there's nothing else you can do with it, other than making it wider which doesn't accomplish anything.

Mr. Lester stated that that sentiment is consistent with Al Yager, Town Engineer's letter.

Steve Darcangelo questioned why it would not require a variance.

Karen stated that we changed the language in the subdivision regulations; the word 'shall' was replaced by 'should' so that the Planning Board had the discretion and doesn't have to go to the Zoning Board of Appeals.

***Article VI, Section 117-4, Paragraph B(4): Lot depth should not exceed four times the lot width, unless approval is granted by the Planning Board.***

#### FINDINGS:

An environmental assessment indicates that this action will not result in any significant or adverse environmental impacts.

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

This action is consistent with the Town's current zoning ordinances.

This was forwarded to the Onondaga County Planning Board who made the following recommendation, in part: NOW THEREFORE BE IT RSOLVED 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:

1) The Board encourages the Town to consider the potential long-term effects of subdivisions to create new residential lots in rural areas, including areas containing NYS agricultural district properties and in farm/agricultural zoning districts, as potential conflicts with agricultural operations, changes to the rural character, reduction of open space and farmland, and impacts to road safety and mobility may gradually occur.

2) The plan should take into consideration the location of any potential streams, wetlands, endangered species, and/or associated habitats on site when selecting a location for the proposed residence. The applicant is also advised to contact the U.S. Army Corp of Engineers and/or the New York State Department of Environmental Conservation to obtain appropriate permits as necessary.

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 a Public Hearing having been held 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, Final Plat approval for a three (3) lot subdivision application by David Heath for property located at 704 Kibby Road, Baldwinsville, New York, Part of Farm Lot No. 35 and Tax Map No. 015.-03-03.1, as shown on a map dated June 10, 2016, prepared by Stephen Sehnert, Licensed Land Surveyor, is hereby approved.

7 Ayes -- 0 Noes

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

RESOLVED, that in granting a subdivision to David Heath for property located at 704 Kibby Road, Baldwinsville, New York, the Planning Board invokes its right to impose a fee of \$150.00 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 are 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. Heath stated that the address is wrong, it should be 700 Kibby Road.

Karen stated that 704 Kibby is the remaining lands, it's your remnant piece from your last subdivision. 700 is where your residence is.

Mr. Heath concurred and thanked the board for their time.



Mr. Yager stated that both public sewer and water is available to the site.

Mr. Warner stated that the water line has already been run across. It was taken from the north side of 370 to the south side of 370. There is a meter pit in there, but I never installed a meter.

Mr. Darcangelo stated that he understands that, but the water supplier should be contacted.

Mr. Corey reiterated that Mr. Darcangelo would like to see a letter from the Village stating that water will be available to that lot.

Mr. Warner concurred.

Mr. Darcangelo questioned if there were special fees associated with lots that connected to that sewer district.

Karen concurred.

Mr. Darcangelo questioned if the fee would apply to a new lot.

Karen again concurred stating she assumes at least what Mr. Warner paid when his home was hooked up.

Mr. Kimball stated that in the end by adding one more would make it less expensive for everybody else.

Mr. Kimball questioned if the lot exits onto Goodfellow Lane.

Mr. Warner stated that his lot has access to both.

Mr. Darcangelo stated that you're not likely to get approval with an entrance onto 370.

Mr. Warner stated that he was granted approval for one when he put his residence here twelve years ago.

Karen questioned how you access the garage that's on the piece you want to subdivide, off of Goodfellow?

Mr. Warner stated that he actually just walks to it from his residence.

Karen stated that access could come off of Goodfellow. It's a private drive owned by Mr. Warner.

Mr. Warner concurred.

Mr. Darcangelo questioned if the structure on the property would become an existing non-conforming structure.

Karen stated that it's conforming...you can have a non-occupied structure. You can have a garage without the residence.

Mr. Corey questioned how many other residences access Goodfellow, five?

Mr. Warner stated that it's more like seven, but you have to define your definition of a house. There are a few houses down there that could be considered un-inhabitable.

Jerry Hole questioned if the property was within the flood plain, being along the river.

Mr. Warner stated that the property sits quite high, it's a steep elevation. If I was under water the Four Corners of Baldwinsville would be 8' underwater.

RESOLUTION #4 -- Motion by Corey, Second by Hickey

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 the William Warner 1940 West Genesee Road/Goodfellow Lane, Baldwinsville, New York Minor Subdivision 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)? No
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? No
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 #5 -- 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 William Warner 1940 West Genesee Road/Goodfellow Lane, Baldwinsville, New York, Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

7 Ayes -- 0 Noes

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

RESOLVED, that a Public Hearing be held at a date and time designated by the secretary, on the application of William Warner, for a subdivision of property located at 1940 West Genesee Road/Goodfellow Lane, Baldwinsville, New York, Part of Farm Lot No. 78 and Tax Map No. 48.-01-01.1 & 9.1, for a development of two (2) lots from a parcel of approximately 6 acres.

7 Ayes -- 0 Noes

The application will be forwarded to the Onondaga County Planning Board for their review and recommendation.

Mr. Warner thanked the board for their time.

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| 3. Site Plan Approval | Diverse Food Products LLC |
| Case No. 2016—007     | 8242 Loop Road            |

DJ Smith and Bill Cotter, O'Brien & Gere represented the applicant.

DJ Smith, Project Manager, stated that they are before the board for property you're familiar with, right next door to the Town Building at 8242 Loop Road, a 40,000 square foot facility. We are repurposing that facility to become a USDA cook plant. As part of the process and USDA requirements, pallet storage and things like that, they need to have an external storage building that they can bring products into, they can do inspections for pests, etc... until such time they transfer stuff into the building. The proposed building is a 12, 000 square foot facility that we would place in the north east corner of the lot that would meet all of the setbacks. It will be constructed on the existing paved area to minimize stormwater, impervious area. We are working with Empire State Development, however we have not met with them yet. The main purpose of this building is for pallet storage and some other dry goods, boxes, packaging materials and things like that. It will not be occupied space, just pulling product in and out.

Bill Cotter, Architect, state that the building is pushed back in the far northeast corner, right up against the setbacks. Currently there 1re 183 parking spaces, we are proposing 143. There are 94 required by the Ordinance. The existing Front Yard Setback is 82', proposed is 319', required is 100'. The existing Side Yard Setback is 63', proposed is 35, required is 35. The existing Rear Yard Setback is 119', proposed is 39', required is 35'. The Building Lot Coverage, existing is 19%, proposed is 24%, required is 30%. The existing Lot Coverage is 57%, proposed is 58%, required is 60% maximum. We are proposing to drop the building into a paved area. We will line the door with the grade elevation in this area (indicating on plan). We are planning on having gutters coming down the building and discharging into an existing low

area. We are proposing a landscape buffer around the building. There is a lot of good landscaping along the parkway (Willett Parkway), you will really only see the building in a couple of spots, we are going to fill it in with some landscaping that is currently up along the building as well as some new landscaping. We have a Landscape Architect on board and will have that plan in the next couple of weeks. We have to tear out the landscaping around the existing building per USDA, it has to be 10' away. We will relocate the landscaping in a 10' area and add some trees and lower shrub to buffer the building from Willett Parkway. There is no new lighting on this site, with the exception of a wall pack, low light pack at the man door. The building is a 20' tall structure with a 20' eave height with a low slope roof. We are proposing to recess the walls in between the structural panels. We will wrap the structural columns with architectural decorative panels (examples provided). We are trying to emulate the existing building to give it a little character. There will be insulated windows along the top to optimize day light so we're not running lights in there all of the time. We will have a dumpster enclosure with a 6' privacy fence or fractured face block, with gates, that would match the same color of the building. There will be a wash down area with a sump, there will be no drains, it will be all pumped out and taken care of.

Bill Lester questioned waste water treatment, what's the process going on in the building?

Mr. Smith stated that it's currently being done now with a permit. Their existing facility is in the Town of Salina. Basically it's going to be grease trap pH adjustment. We are proposing underground, just outside the building.

Mr. Lester asked if there would be a substantial increase in flow.

Mr. Smith stated that compared to the prior use of the facility, absolutely. It was an electronics manufacturing prior to this. It was a very dry process. I believe they only have a 4" sewer right now. They're a big water user. At the end of a production day they go through a 2 to 2 1/2 hour wash down pretty much in every room that touches food. It's a lot of hose washing/sanitizers.

Mr. Lester questioned if they have had discussions with WEP.

Mr. Smith stated they have and their comment was that they would transfer the permit to this facility. We are going to have to update them. They were very kind in saying that, but we still have to update them....how many hose stations, how many hoses are going at once, what's their maximum flow rate, average daily flow, etc...

Steve Darcangelo added that it's a different plant, no?

Mr. Smith stated that it's the same plant...

Mr. Darcangelo added that it's a different waste water treatment facility that will be taking the waste.

Mr. Smith concurred.

Mr. Kimball stated that there is some concern about the BOD's (Biochemical Oxygen Demand).

Mr. Smith concurred stating that Town Engineer did tell us that. They don't do a ton of sampling right now, I believe they're semi-annual. The only thing I've seen from the BOD is that it's very low at this point, less than 20, so again we're just getting into the wastewater treatment process.

We know we have some things to step through. One of the things I'll offer up to you is that their existing plant is maxed out and they're doing very well. They're excited to come here, so there is some pressure put on us to get this thing moving so that they can meet production needs. This project has taken a few twists and turns, but we're taking on a lot of things at once, including the wastewater treatment.

Mr. Darcangelo questioned if there will be the need to do treatment beyond pH adjustment on site.

Mr. Smith stated that from what he has seen and observing their current operations, all they're doing is some control of their grease and that's really a manual operation where they empty some of the ovens/smokers that are inside. They collect the grease before they do the wash down. You are going to have some solids removal, whether they be soluble solids or floating solids that will build right into the process in case anything gets by their manual operations. They're first line of defense is managing the process manually inside, draining the equipment. The second line of defense would be a grease trap/sediment trap and then pH adjustment on the way out. It's really the sanitizers that are driving that.

Mr. Kimball questioned the number of employees to be on site at any one point in time.

Mr. Smith stated that when they start up it will be in the 20 range. They hope to be at 50 in a couple of years.

Mr. Kimball stated that it will be less than what has been there in the past.

Mr. Smith concurred.

Mr. Lester reiterated that you don't anticipate any stormwater flow increase.

Mr. Smith again concurred.

Mr. Kimball stated that the only other question he has that relates to the proposed new building is with regard to fire issues...my concern would be that Willett Parkway has a very high curb and is a State Route through there. We would not want that road to be blocked off with fire equipment. Is there enough access from the other three sides that they wouldn't have to fight the fire with equipment on that side.

Vince Kearney, Belgium Cold Springs Fire Department, stated that he has other questions as well. Will the new building be heated and sprinklered.

Mr. Smith stated that their goal would be to stay under any limits that would trigger sprinklers. That is why we capped it at the 12,000 square foot. We have yet to get all of the details of what is going to be stored in there. We realize that...depending on what materials they bring in, they don't have any flammable materials, combustibles, etc... It really is packaging products, however some of those things may trigger some sprinkler requirements. We're actually going to be supported by a fire protection engineering group. We haven't brought them on board yet, so I can't say exactly who it is, but we're in the process of negotiating and not just with this building, but the rest of the facility. The big challenge with this project is the number of refrigerated spaces that are in here. Some of the spaces are freezers so your standard fire protection system will have to be creative. Again, we know we have to step through this process to

determine how high we can go, what specific materials are going to be in there, what is the requirement for fire protection, run it by the insurance carrier and the local jurisdiction.

Mr. Kearney stated that they will review the plans and draft their comments.

Mr. Darcangelo questioned what they use for their refrigerant at the other location, ammonia?

Mr. Smith stated that in terms of the refrigerated spaces...I don't believe they're using any ammonia. I think they only material that they have may have a glycol chiller as part of one of their process. I think that's the only unique chemical that they would essentially have in there. I'm not the right guy to answer the refrigeration questions, but there's not a lot of extra storage there for any unique chemicals. They're just a standard system as far as I know.

Mr. Lester questioned if there was adequate power to the facility.

Mr. Smith stated that there's more than enough. They are not a huge power generator in terms of electricity. I do think that 4" sewer is going to have to be upsized.

John Corey, Chairman, questioned if discussions have been held with ESDC for their approval on this project.

Mr. Smith stated that they will be meeting with them next week.

Mr. Lester stated that before the Board can do much of anything, they have to give it their blessing.

Mr. Smith concurred.

Mr. Kimball stated that if you're trying to move this rapidly you've got to deal with everybody at once, including the Fire Department, ESDC and WEP. The Board will work with you because we like the idea of having more employees in the Town.

Mr. Smith again stated they're excited to be here. The original plant is off of 7<sup>th</sup> North Street and was started decades ago. They're ready to move.

There was some discussion with regard to what the product would be at this facility.

Mr. Smith stated that it's a cook plant, so you'll see things like chicken wings, pulled products, products along those lines. They have a separate raw plant where they do those products. This one is strictly bring it in, season it, cook it, package it and ship it.

**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 (Name of Applicant/Project), (Property Address), (Name of Action) application.

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)? No
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

DISCUSSION: There was some discussion with regard to increased traffic. Mr. Corey asked how many employees were at the previous facility. The applicant did not know the answer to those questions, but Karen Rice, Clerk, stated that there were more than the potential 50 and they had three shifts at one time. It was determined that the answer was 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? No
7. Will the proposed action impact existing:
  - a. public / private water supplies? No
  - b. public / private wastewater treatment utilities? **TO BE DETERMINED**
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?

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

RESOLVED, that having reviewed the SEQR regulations and determined this is an UNLISTED ACTION and having reviewed the Short Environmental Assessment Form and finding no significant or adverse impacts resulting from Diverse Food Products, LLC, 8242 Loop Road, Baldwinsville, New York, Site Plan review the Planning Board issues a NEGATIVE DECLARATION.

7 Ayes -- 0 Noes

Mr. Smith and Mr. Cotter thanked the Board for their time.

V. OTHER BUSINESS

1. Minor Subdivision—Info Only Pelland, Linda  
Case No. To Be Determined Dunham Road

Linda Pelland stated that she owns a piece of property on Dunham Road. Steve Sehnert, Licensed Land Surveyor, prepared a preliminary division (sketch plan) of the property into four (4) lots. I'd need to sell the property and would like to do it with the ability to say it could be subdivided. The property has 100' of frontage on Dunham Road for access.

Steve Darcangelo stated that when you say the ability to subdivide it, are you saying without any infrastructure...you don't want to build the road.

Mrs. Pelland concurred stating that it would be on a private drive.

Hugh Kimball questioned the property on either side of the 100' access.

Mrs. Pelland stated that they belong to someone else. There are homes on each lot.

Jerry Hole referring to the aerial photo that was provided questioned if a stream runs through the property and asked what currently is being done on the property.

Mrs. Pelland stated that there is a stream and that the property was being farmed for a while. It is currently sitting idle. Twelve years ago there was a dirt bike track on a portion of the property.

Mr. Darcangelo stated that he would be cautious advertising this property as For Sale and able to be subdivided, only because you are creating lots that have no road frontage if you don't want to build a road, now if you built a public road down through the property, which there is a cost associated with that...if there was a cul de sac, but I would caution someone buying it with the understanding that it's going to be developed, only because I'm not sure how you can. That lot would have no frontage.

Mrs. Pelland stated that none of them would, they'd have frontage on the private drive. The thought was to have them larger than five acres to give them the ability to have horses.

Jim Hickey stated with the stream, DEC may have to get involved as well.

John Corey stated that it appears to be a hard piece of property to develop with the topography.

Karen Rice, Clerk stated that they're just giving you the worst case scenario, which is what you want; you want to know what you're dealing with.

Mrs. Pelland concurred stating that that's exactly what she wants.

Bill Lester stated that some of the property may also be in the Incentive Overlay Zone.

Mrs. Pelland stated that she's not familiar with that.

Karen stated that her parcel is not in the Incentive Overlay Zone.

Several board members conversing.

Mrs. Pelland: What you're saying is it's probably an unlikely undertaking (unclear).

Mr. Darcangelo stated that the he wouldn't say that.

Karen stated that it's just your private driveway would have to be built to Town specifications, even though it's not a Town road it has to be built to Town specs.

Mr. Corey...it would be costly, is all, not that it couldn't be done.

Mr. Hole stated that 'his' concern is the stream, drainage, how big is it, which way does the water flow, etc...

Mrs. Pelland stated that it drains down to 370.

Considerable discussion with regard to the stream/ravine that runs through the property.

Mr. Corey stated that there is plenty of room to build somewhere on those five acre lots.

Mr. Lester questioned if the property was within the Ag District.

Karen stated that the property is zoned Agricultural and is within 500' of an Ag District, but she does not receive the Ag exemption.

Mr. Lester suggested having an engineer look at the property to see what is buildable and what's not.

Mr. Hickey concurred...because of the creek. It looks pretty substantial.

Karen stated that if it's regulated by DEC she's surprised there isn't a buffer noted on the plan. I know it's only a sketch plan but you would think it would be noted on the plan if it was a 'bed & bank' stream.

Mrs. Pelland stated that it depends on how much rain we get.

Mr. Corey agreed stating that more homework is required.

The overhead powerlines were also discussed with Mrs. Pelland stating that the only rebuttal she has on that is Ryan Homes does wonders with homes near powerlines.

Mrs. Pelland reiterated that the next step is to have an engineer look at it.

Mr. Corey stated that he would have them take a look at it and see what is buildable and not buildable here and what might be involved with the road built to Town specs and such...just to get a better feel.

Additional discussion about how much room was required to build a road down through there.

Mr. Hole questioned if there was one road access into this to service the four lots, how wide would that road have to be.

Karen stated that all that is required under Town Law is 15' for each parcel, the Town Code would require 60' for the private road to allow room for the utilities. Four lots, 15' for each.

Mrs. Pelland thanked the board for time and direction.

VI. ADJOURN

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

RESOLVED, that the July 14, 2014 regular Planning Board meeting adjourn at 8:10 p.m.

7 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk