

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 Loop Road
Thursday, August 11, 2022 at 7:00 p.m.

The Town of Lysander regular Planning Board meeting was held Thursday, August 11, 2022 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: John Corey, Chairman; Hugh Kimball; Steve Darcangelo; Doug Beachel and Matt Hunt

OTHERS PRESENT: Al Yager, Town Engineer; Benn Harrell, CHA; Tim Webb; Sean Webb; William Massaro, Belgium Cold Springs Fire Department and Karen Rice, Clerk

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
Case No. 2022—004 | Webb, Timothy
Kibby Road |
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John Corey, Chairman, reviewed the application of Timothy Webb on property located on Kibby Road. Mr. Webb is desirous of subdividing approximately 3 ½ acres with his home from a 25 acre parcel.

No one chose to speak on this application, therefore the Public Hearing closed at 7:01 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the July 14, 2022 Planning Board meeting minutes will be tabled.

III. OLD BUSINESS

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| 1. Minor Subdivision
Case No. 2022—004 | Webb, Timothy
Kibby Road |
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There is a letter on file dated August 9, 2022, prepared Al Yager, Town Engineer, that will be read into the record, in part:

I have completed my review of the plat map for the Kibby Road Minor Subdivision Minor Subdivision, prepared by Applied Earth Technologies, dated June 15, 2022. Overall it appears that h proposed subdivision conforms to all applicable Town Code requirements as presented. Lot 1B doe appear to exceed the preferred 4:1 depth to width ratio, as shown when considering only the Kibby Road frontage, but if the parcel’s County Line Road frontage is included in the calculation the lot is in conformance with the recommended 4:1 depth to width ratio. I would have no objections to the Planning Board approving this Minor Subdivision at this time.

Steve Darcangelo questioned the address of the parcel.

Mr. Yager stated that the parent parcel has a Kibby Road address; so it will have a Kibby Road address.

Mr. Darcangelo questioned if the County Line parcel meets the 4:1, looks like it does.

Mr. Yager concurred, adding that any further subdivision would have to front on County Line Road.

The application was forwarded to the Onondaga County Planning Board for their review and recommendation that will be made part of the public record, in part:

These actions, determined as being generally routine in nature with minimal and/or well-understood intercommunity or county wide concerns, are listed within the Rules of Procedure.

Advisory Notes:

1. The Onondaga County Health Department's bureau of Public Health Engineering must formally accept or approve, respectively, any existing or proposed septic system to service this property prior to Department endorsement of the subdivision.

If and when the owner intends to build a home on the parcel, Mr. Webb stated that he will go through the same process he did when he built his home and meet any setbacks determined by the Health Department.

2. Per GML §239-nn, the legislative body or other authorized body having jurisdiction in a municipality shall give notice to an adjacent municipality when a hearing is held by such body relating to a subdivision, site plan, special use permit, or a use variance on property that is within five hundred feet of an adjacent municipality. Such notice shall be given by mail or electronic transmission to the clerk of the adjacent municipality at least ten days prior to any such hearing.

Karen Rice, Clerk, stated that the Town of Granby Town Clerk was notified by mail.

Recommendation: MODIFICATION

The applicant must contact the Onondaga County Health department's Bureau of Public Health Engineering to confirm the location of the existing sewage disposal system to ensure it will not be impacted by the proposed subdivision.

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, that has been made part of the public record.

In addition, with regard County's Advisory Note, the Town of Granby was notified of the Public Hearing.

There is a letter on file from Al Yager, Town Engineer, dated August 9, 2022 that has been made part of the public record.

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

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

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 2 (2) lot subdivision application by Timothy Webb for property located at 722 Kibby Road, Baldwinsville, New York, Part of Farm Lot No. 35 and Tax Map No. 015.-03-02.2, as shown on a made dated June 15, 2022, prepared by Stephen Sehnert, Licensed Land Surveyor, is hereby approved.

5 Ayes -- 0 Noes:

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

RESOLVED, that in granting a subdivision to David Heath for property located at 722 Kibby Road, Baldwinsville, New York, the Planning Board invokes its right to impose a fee of \$250.00 per lot for one (1) lot in lieu of land for the development of parks, playgrounds, recreation or open land areas in the Town.

6 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. Webb thanked the Board for their time.

IV. NEW BUSINESS

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| 1. Controlled Site Use | JALAC, LLC |
| Case No. 2022—005 | 2918 Belgium Road |

Ben Harrell, CHA Consulting, represented JALAC, LLC, stating that they are proposing to build a 6800 square foot maintenance facility on property located at 2918 Belgium Road; the Old Gypsum Express Facility. We plan to maintain a 10' vegetative buffer along the front and side of this parcel along with a 6' stockade fence to provide additional screening and security protection. It will just be used for maintenance for Joe Alberici and his crew.

Steve Darcangelo questioned if it is a compliant use of the parcel.

Karen Rice, Clerk, concurred stating that it's zoned Industrial.

Mr. Darcangelo questioned if a Stormwater Pollution Prevention Plan would be required.

Al Yager, Town Engineer, stated that one is not required as it's just under an acre.

John Corey, Chairman, stated: There is a letter on file dated August 11, 2022, prepared by Al Yager, Town Engineer, to replace the August 9th, 2022 Engineering Review Letter, that will be read into the public record, in part:

I have reviewed the site plan package for the JALAC, LLC (Baldwin Hill Storage & Maintenance Building), prepared by CHA Companies, dated July 22, 2022. The total soil disturbance for the project is less than one (1) acre so a SPDES Construction permit and SWPPP will not be required. The applicant has addressed all of my previous engineering comments of August 9, 2022.

Mr. Corey decided to make those comments part of the public record as well:

- ***Please provide a utility plan that shows the water, sanitary sewer and energy utilities that will serve the new building. The existing building on the site does not appear to be served by public water and sanitary sewer service.***
- ***The three parcels controlled by JALAC, LLC, will need to be combined into one parcel or an access easement will need to be provided so that the new structure is not landlocked.***
- ***Elevations of the proposed building will need to be provided.***
- ***A lighting plan will need to also be provided if exterior lights will be installed as part of the project scope.***

Mr. Corey continued:

The only remaining comment I have is that the parcel that the building is proposed on is a landlocked parcel. The owner will need to combine the three parcels associated with this development with the Town of Lysander Assessor's office or an access easement across the adjacent parcel will need to be filed at the County Clerk's office prior to a building permit being issued for the project. At this time I would not be opposed to the Planning Board approving the Site Plan for the project contingent on the combining of the three parcels or an access easement being filed.

Hugh Kimball stated that he researched the property on the Site Plan submitted, as well as the County's website, but is still confused as to where did you get the information that there are three properties.

Karen Rice stated that she provided a copy of the tax map showing the three parcels.

Mr. Yager stated that's a legend has not been provided and proceeded to show the Board how the parcels are laid out.

Mr. Kimball questioned which action the applicant was going to choose with regard to access.

Mr. Harrell stated that they are going to go with the access easement; the attorneys are currently working on it, but it 's not complete at this time.

Mr. Corey stated that there will be no action on the Site Plan this evening as the application has to be forwarded to the Onondaga County Planning Board for their review and recommendation. We can finalize any action in September. By that time that contingency may be removed.

Mr. Darcangelo reiterated that the parcel is an existing lot with no frontage, which by the way goes with my point with these parcels that we allow like this which nobody seems to care about. This is how it happens.

Mr. Yager differed with that statement stating that attorneys go the Onondaga County Clerk's office and file a deed with a metes and bounds description.

Karen added...without a survey.

Mr. Yager concurred stating that his guess is whoever owned the Gypsum building previously bought a piece behind the adjacent building because they wanted it for storage or some other use and they just had an attorney draw up a legal description with metes and bounds with no survey and filed it at the County Clerk's office.

Karen concurred stating that it happens all of the time.

Mr. Corey concurred stating that it's not the Planning Board that does it all of the time.

Mr. Darcangelo concurred, but stated that we do approve very odd shaped parcels. I don't know how this got here, maybe an attorney did that, a little clandestine move, but this is what you end up with and now you end up with a parcel that has to give an easement; which is very easy because it happens to be owned by the same parcel.

Mr. Yager...or they get a building permit to build a new structure. As long as we address it before they get a building permit.

Karen concurred stating that we did it for Stacey Alberici's Loop Road Storage Facility for access to a parcel that's not developed yet.

Mr. Darcangelo stated he knows we do it but it still presents issues. Easements that cross private property rear their heads.

Mr. Yager stated that it's legally binding, so how is there an issue?

Mr. Darcangelo asked if Mr. Yager has ever had a phone call with someone saying there's an easement that someone wasn't aware of or wasn't recorded properly that didn't create a problem between two property owners...in your ten years, you've never had that?

Mr. Yager stated that his exact response is, it's a private property matter that doesn't involve the Town. If it's an access easement it doesn't involve the Town in any way, shape or form. It's a civil matter and if they'd like to sue their neighbor they can sue their neighbor, my exact response.

Mr. Darcangelo: Absolutely...and we are a Planning Board and the objective of a Planning Board is to avoid those things.

Mr. Yager stated that we are making them file an easement or combine the lots, one of the two.

Karen stated that this one does happen to be grandfathered, but I hear what you're saying. All three are owned by one person currently, but the parcels could be sold off to other individuals and if there's no easement and that back parcel gets sold, you can't get to it.

Mr. Darcangelo stated that without an easement that parcel could sit there for years if it wasn't owned by the same owner.

Mr. Yager stated that that's not any fault of the Planning Board.

Mr. Darcangelo stated that it is if the Planning Board approved this plan, but we don't know how it got there.

Mr. Yager stated that we can figure out the date of it, but I can tell you it predates all of us.

Mr. Darcangelo stated that at this point there's no value in pointing blame. What I'm saying is when we see subdivisions and we can anticipate that they could present problems I think we should think hard about the approval of them and we don't seem to quite honestly, we don't worry about the 4:1 ratio and I think that this type of thing as well as other issues that can come up is what we should consider when we see them. That's my only point. It could be a piece of property that has the potential of providing a tax base, but under different circumstances it could sit there for an extended period of time vacant.

Mr. Corey concurred, however we're taking care of the business before us; that's all we can do right now.

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

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 JALAC, LLC, 2918 Belgium Road, Baldwinsville, New York Controlled Site Use application.

5 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? 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

Mr. Darcangelo questioned how many vehicle trips a day are anticipated.

Mr. Harrell stated that he doesn't have an exact number but I would think under ten' it will primarily be maintenance, oil changes brakes on a dump truck, etc...

Mr. Kimball questioned what is going to be store in the building.

Mr. Harrell stated that he believes it will be lumber, but do not know exactly, it may just be spare parts.

Mr. Darcangelo questioned if the office is intended to receive people or just an office for the operation.

Mr. Harrell stated that he believes it will be just for the maintenance operation.

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

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 JALAC, LLC, 2918 Belgium Road, Baldwinsville, New York Controlled Site Use application, the Board issues a NEGATIVE DECLARATION.

5 Ayes -- 0 Noes

Mr. Corey stated that we will put this on the agenda for next month, any further questions or issues will be discussed at that time. Hopefully, County will have heard it by then.

Mr. Darcangelo stated that an Access Agreement was mentioned, but they'll need utility easements as well?

Mr. Yager stated that his thought is that the best option would be to combine them. That would be the preferred.

Mr. Darcangelo agreed that that would be the best option.

Mr. Kimball agreed.

Mr. Harrell stated that he would talk to Joe and thanked the Board for their time.

V. ADJOURN

RESOLUTION #5 -- Motion by Beachel, Second by Darcangelo

RESOLVED, that the August 11, 2022 regular Planning Board meeting adjourn at 7:32 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk