

PLANNING BOARD MEETING  
Thursday, August 13, 2015 @ 7:00 p.m.  
8220 Loop Road  
Baldwinsville, NY 13027

The special meeting of the Town of Lysander Planning Board was held Thursday, August 13, 2015 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Fred Allen, Chairman; Joann Daprano; Hugh Kimball; James Aust, John Corey; William Lester and James Hickey

OTHERS PRESENT: Tim Frateschi, Planning Board Attorney; Stephen Sehnert, Licensed Land Surveyor; Dan Barnaba, Eldan Homes; Greg Card, Spring Woods; Joe Mastroianni, Engineer, Frank Costanzo, Zoning Board of Appeals; Jim Stirushnik, Karen Rice, Clerk

The meeting was called to order at 7:05 p.m.

I. PUBLIC HEARING -- None Scheduled

II. APPROVAL OF MINUTES

Review and approval of the minutes of the July 23, 2015 special Planning Board meeting.

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

RESOLVED, that the minutes of the July 23, 2015 special Planning Board meeting be approved as submitted.

7 Ayes -- 0 Noes

III. OLD BUSINESS

1. Major Subdivision—Amendment

Eldan Homes  
Crimson Ridge, Phase 3B  
Samantha Drive

Dan Barnaba, Eldan Homes, stated that he has been before the board on this project a number of times. This particularly section was designed for buyers who had a limited budget and smaller lot sizes. As the economy has gotten better the need for some bigger building lots has increased. The purpose of tonight's meeting is to amend the shape of some of the lots and eliminate one building lot; more particularly along the run of lots between 77 and 82, with Lot 79 being eliminated. We currently have two buyers under contract to build homes on Lot 77A and Lot 82A.

Mr. Barnaba further stated that the Town has revised their process of moving lot lines where Planning Board approval would not be required. Division of Land Section 117-5.1 In part: The Planning Board Attorney shall review such request and may recommend approval of the same

to the Chairman of the Town Planning Board, providing that the proposed Division of Land complies with all Town zoning and other laws, rules and regulations).

Mr. Barnaba continued stating that when the new process was approved he didn't find it to be quite as simple as just coming before this board and making the same request. This may work for people have large tracts of land and people just want to shave off one lot or create one lot with a legal description of the property that you're impacting, but in this case it would require five or six legal descriptions and I felt it was easier to just display it on a map (Amendment to the Preliminary Plat).

Mr. Barnaba stated that in the process of making this request, it has come to his attention that all requests that affect Radisson had to go before the Radisson Community Association/Executive Director. That Executive Director was unwilling to recommend these changes. I didn't believe that stance was warranted because what she is trying to accomplish is getting paths that are long overdue to be constructed and I am the builder in this particular case; the commitment to build some of these paths is with the developer and they are nowhere near any of these building lots. I am asking this board to approve my request despite the Radisson Community Association's stance. Unfortunately it would be detrimental to my building company and to buyers who expect their houses to be under construction as soon as possible. There are mortgage commitments that are due to expire. They are trying to keep the mortgage rates they secured. I believe that a dispute or an issue between a private homeowner's association and a developer clearly has no place in the municipality. This project is consistent with what the association has approved in the past and I think they're just trying to use this request tonight as leverage to get something done and I hope the board can see past that.

Fred Allen, Chairman, questioned where the paths are in relationship to this area.

Mr. Barnaba stated that one is at Deep Glade Drive, along the entire front of the Crimson Ridge property, making a connection eventually with paths to get into Hornaday Park. There is also a path that needs to be constructed south of Lot 73, the entrance to the path will be at the road and it will get go beyond the pond and enter the back of Hornaday Park. For those who may or may not be familiar with the path system, there has been some past history with developers and the Community Association over constructing paths; making sure that they are exactly what the Community Association would like to see built, for the Community Association to inspect the paths and then take care of the paths. The two paths that need to be constructed has some challenges. There is large ditch that needs to be crossed (indicating on plan); that requires some engineering work before the path can be built and there's a downhill stretch by this detention pond/ravine (indicating on plan) and if the path is built without taking some safety measures, putting in some guard rails up, it could be a hazard to young bikers on the path. The developer's relied on my presence in the community and my knowledge of the area, along with the fact that I lived in the area, to give them some guidance. From what I understand the developers are working with Al Yager, Town Engineer and Julian Clark, Plumley Engineering, to make sure that the designs are appropriate as opposed to just running out and building these paths.

Jim Hickey questioned where the funding comes from for the paths to be constructed.

Mr. Barnaba stated that the developer constructs the paths at their own expense. All the land development that has occurred in Radisson over the last several years, there has always been a requirement that a certain amount of path construction is done with each parcel of land that's developed. A development path plan was assembled, reviewed and approved by the

Community Association a long time ago to get paths installed in sections. Admittedly though, not quite as fast as the association and developer wanted due to the slowdown of the economy. I'm sure that the Community Association has other controls to make sure in the end that all the paths that were promised to be constructed will be instructed.

Tim Frateschi, Esq., questioned what kind of controls would they have.

Mr. Barnaba stated that Certificates of Compliance; our home plans need to be approved by their Architectural Standard's Control Committee...

Mr. Frateschi stated that the Town has the leverage of a Certificate of Occupancy or building permit...

Mr. Barnaba stated that he has never had them go that far on a builder with a Certificate of Compliance. I know that there's still one more section to be developed in this Community.

Mr. Allen asked if Bill Lester, on behalf of the Radisson Community Association, has anything to add.

Mr. Lester stated that he is torn because he chaired the committee that developed the change in the Land Use Plan to simplify lot line changes. On the other hand, I was recently elected President of the Radisson Community Association and I understand that the Radisson Community Association wants to use some leverage making sure that the paths get built. The Town Engineer has worked with Dan and wrote a letter to this board.

Mr. Allen concurred stating that there is a letter on file dated August 6, 2015, prepared by Al Yager, Town Engineer, in part:

I have completed my review of the Proposed Final Plat Amendments for Phase III of the Crimson Ridge project by Applied Earth technologies. The proposed plat meets all of the dimensional requirements set forth in the Radisson General Project Plan (GPP). However the Original Radisson GPP Development Controls which were adopted by the Lysander Town Board also makes the following statement in Section B:

"UDC or its subsidiary will examine plans for all private development within the New Community to ensure compliance with all controls before construction commences, during construction and during operation of completed facilities."

In this instance the Radisson Community Association (RCA) would be a subsidiary of UDC. At this time the (RCA) has indicated that they are unwilling to approve the proposed plat amendment due to the developer not fulfilling the trail construction commitments included in the original development approval made by the RCA. It is my understanding that the developer is currently working with their engineer to prepare final design drawings for the required trails.

As you know recently we have been requiring the review and approval of all private development in Radisson by the RCA, as required by the GPP, to avoid another situation like we had in Whisper Ridge where the RCA was unwilling to take dedication of property once the development was completed.

Mr. Lester stated that he will recuse himself from further discussion on this matter and will abstain on any vote that comes as a result of this matter.

Mr. Barnaba stated that if he could be blunt, he can understand the RCA's frustration, sometimes I get frustrated with the gentlemen that I'm buying lots from, but in this particular case the RCA would be spiting my home building company and two buyers who would like to see their homes constructed as opposed to the developer. I think their leverage is misplaced. They can get to them through me, but it would be unfortunate since I've got buyers who expect their homes to be under constructed and want to be residents and it's hard for me to bring that message back to the community association, and say sorry...we can't start construction of your home.

Hugh Kimball stated that we've already given final approval of these lots and this is merely a lot line adjustment, which frankly could have been done under the new procedure which would have left this in the hands of the applicant and Tim Frateschi.

Mr. Barnaba stated that he is just trying to save the expense of \$100 for each legal description affected.

Mr. Kimball stated that he does not believe that this board should get involved at this point. The dispute is between the RCA and the homebuilder (developer).

James Hickey stated that he tends to agree with that too. However, I think there is some confusion in the way that is written with who really has authority. If you take parts of that letter, it almost could be interpreted that the RCA really has control over this, but I don't necessarily agree with that. I believe that is what this board is for and our Land Use Regulations. How do the two mesh together, is my question?

Mr. Allen stated that we have an agreement to work with Radisson. In the past there has been some problems when their approvals haven't meshed with our approvals, but from a procedure point of view, what we're doing is working with the Town Code; not with the RCA.

Tim Frateschi, Esq., concurred, however, the Town of Lysander has adopted the General Project Plan, which is the plan that guides the development of Radisson. Our role and purpose as a Planning Board in a subdivision application is to look at the subdivision, determine whether or not the lines that are now subdividing a larger parcel of land into smaller parcels meet the Town Code and Town requirements and to determine whether or not, from a Planning standpoint, that the roads are properly built, they're wide enough, there's enough access, people can come in and out...all of those things, that's our role. On top of that is the RCA regulations that is why we go to the RCA, to look at their regulations and let us know whether or not it's satisfactory and then we make our ultimate decision based on what their response is.

Mr. Allen stated that from a practical standpoint, there's no change in the way the paths are going to be, there is no change of whether there are going to be paths or not...we're just taking lots and making them bigger.

Mr. Frateschi concurred, stating that he was just answering the question of how they mesh. Our role is simply to divide up property in a reasonable way so that development can take place and that we follow State and Town Law.

Mr. Frateschi continued stating that he has gone through the GPP and the Section A1 cites about UDC and its subsidiaries. Clearly it's their responsibility to follow their plans. Since we've already subdivided this property though and it's received Final Approval, they've already

approved it. I see nothing in the GPP when they talk about the Land Use Controls about paths. There's nothing that talks about paths. They do talk about dimensional requirements, they do talk about parking, they talking about park loading, but I don't see anything in here that talks about paths/walking paths. That's why I asked Dan what other controls does the RCA have to determine how they can administer the GPP.

Mr. Barnaba stated that he has a series of documents that I entered into with the Community Association that would be considered a contract.

Mr. Frateschi reiterated that he has a contractual obligation to build according to the plans. That's your responsibility, that's the RCA's responsibility...our responsibility is to simply look at the subdivision that we've already approved and that the RCA has already agreed to.

Mr. Hickey stated that what concerns him is, if the RCA wants to come in and hold somebody hostage over their contractual agreement through the Town Planning Board...I'm not interested in that at all and that's what sounds like is going on.

Mr. Allen questioned if Mr. Barnaba is going to be the one to build the paths.

Mr. Barnaba stated that he has a contractual relationship with the site contractor, JK Tobin Construction; they will be building the paths.

Mr. Allen reiterated that it's through a contract with Mr. Barnaba.

Mr. Barnaba concurred stating that there was a land sale involved and one of the contractual requirements of the land sale was that they construct the paths. Obligations that I had with the UDC, which became the Radisson Community Association got transferred from my company to Jack Tobin. It's really JK Tobin's relationship with the RCA at this point, but there is a contract me and the State of New York obligating that the paths will be built.

Mr. Frateschi stated that the first thing he asked Karen was, "did we require paths when we did subdivision approval". The answer was no. There were no conditions as it relates to that.

Mr. Hickey stated that he doesn't think the board ever does.

Mr. Barnaba concurred stating that it's not a public utility or a utility that's approved by your municipality, it's not part of our punch list or securities.

Mr. Frateschi stated that it's something that you could request and you could make it a condition of a subdivision if it makes sense in the whole scheme of the subdivision but it's not something we did in this case. I think this board has the right, the responsibility to look at it, look at final approval that was granted last time, look at the new lines that are being proposed, decide whether or not it's an issue in terms of density, which it's not, it's actually reducing density, so from an environmental impact statement/SEQR standpoint, it's not going to have a significant environmental impact, in fact it's going to have less environmental impact...base your decision on all of that information. That is what is before you.

Mr. Allen stated that he doesn't think the board should hold up approval based on the RCA.

Mr. Hickey and Mr. Kimball concurred.

Mr. Kimball stated that the applicant chose to amend the subdivision rather than go through the new division of land procedure and questioned if you will have metes and bounds descriptions in the deeds when you pass it on to the new homeowner.

Mr. Barnaba stated that you typically don't. The front of the deed refers to the property that you're about to transfer, which is usually attached as a Schedule to a deed (Schedule A). At that point you can have a metes and bounds, a legal description of the property. We have the luxury of having a subdivided piece of property and map. It could be done either way. I find it very convenient with a map reference. As much as I would have appreciated a more streamline process, I don't find this process of going through the board cumbersome. It's one Planning Board meeting. There are no public hearings. It's usually one meeting.

Jim Aust stated that this is an issue between the developer and Radisson; it has nothing to do with this board.

Mr. Barnaba stated that the pace we want to get work done is frustrating for everybody, especially with this year's weather issues. We already have one of these homes under construction; the RCA has approved these plans.

RESOLUTION #2 -- Motion by Allen, Second by Kimball

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat for the (18) lot subdivision application of Eldan Homes for property located at Eldan Homes @ Radisson, Phase 3 (B) Amended (Crimson Ridge), Part of Farm Lot No. 82 and Part of Tax Map No. 075-03-24.1 and finding that all modifications and conditions have been met; and that the Final Plat, dated June 2, 2015, 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.

6 Ayes -- 1 (Abstain—Lester) -- 0 Noes

Mr. Lester stated that he is on the Radisson Community Association's Board of Directors.

Mr. Barnaba thanked the board for their time.

IV. NEW BUSINESS

1. Major Subdivision  
Waive Hearing/Sign Plat

Card, Greg  
Spring Woods—NYS Route 370

Greg Card stated that he'd like to thank the Planning Board for all of their cooperation and a personal thank you to Karen, without her I couldn't have got this far; and Al Yager, Town Engineer and the John Salisbury, Town Supervisor have been more than accommodating. It has been a long process, but a learning process as well. Sometimes learning the hard way, which I did because this was my first development, was rewarding in some respects and frustrating in others, but at the end of the day we're here before you for a final subdivision plan approval. My faithful engineer, Joe Mastroianni, will review it with you if you have any questions.

Fred Allen, Chairman, stated that it's a very attractive subdivision off of 370.

Mr. Card stated that when you drive up in there it's nice because I just planted 150 pounds of grass seed. I've got nice grass growing in there...but now National Grid is coming in and tearing it all up. The said thing about it is it's coming in nice, looks nice...I've ordered the street signs with your Town Highway Department. We're hopeful that we'll have gas and electric in there and hopefully close on a couple of the homes that Scott Merle is building up there. There's a nice subdivision announcement sign, we'll be taking down the temporary one that has been there for a while. The weeds have been mowed down along 370; we're starting the final touches if you will. We're getting excited as we started this in 2013.

Tim Frateschi, Esq., questioned why there were not any lot lines on this subdivision map.

Karen stated that they're very light, they're in hatch-marks, that's the building footprint (indicating on plan). This is part of the contract documents. Doug Reith is preparing the final subdivision.

Joe Mastroianni, Project Engineer, concurred stating that the final subdivision map will have all the as-built information on it. There are a couple of structures that are still being put in currently, but most of the infrastructure is in.

Mr. Frateschi stated that that's up to the Town Engineer, as long as we're ok with the footprint.

Mr. Card stated that they are on the agenda at Al's request. Mr. Salisbury has us on the Town Board agenda for the 24<sup>th</sup> of August.

Karen concurred...to accept the roads and utilities.

Mr. Allen stated that Al didn't write a letter on this one.

Karen said he won't, this is just authorizing the board to waive the public hearing and authorize you to sign the final plat once everyone signs off.

Mr. Card added that Al did do a letter for the Performance Bond for the infrastructure. The letter of credit was dropped off to the Town Clerk a few days ago. There have been no changes, the lots are the same as they were on the preliminary plat.

Mr. Allen asked if we were all set...Karen stated that we don't have the final map because they're still working out easements, National Grid, etc...the resolution is prepared to read, on a map to be dated \_\_\_\_\_, because the final plat isn't here yet. Tim may or may not have a problem with that.

Mr. Frateschi stated that he's fine, the only issue I have is we don't have a final map here to be approved. We have a map prepared by Mr. Mastroianni, but it's not a final subdivision map. Now...I see the lines and they match on with the lines on the preliminary plat, it's just if we're going to approve a final map we should have the final map.

Mr. Allen stated that we can approve it conditioned upon Al's final review.

Karen concurred.

Mr. Mastroianni added that there is a punch list of items that have to be completed before the final plat can be signed.

Karen added that the Town Board has to accept the roads and utilities as well.

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

RESOLVED, that the Planning Board authorizes the Chairperson to review the Final Plat, for The Spring Woods nine (9) lot subdivision application of Greg Card, for property located at NYS Route 370/Spring Woods Circle, Baldwinsville, New York, Tax Map No. 072.1.-03-36.1, and finding that all modifications and conditions have been met; the Board authorizes the Chairperson to waive the Final Plat public hearing and sign the Final Plat.

7 Ayes -- 0 Noes

RESOLUTION #4 -- Motion by Allen, Second by Daprano

RESOLVED, that a Public hearing having been waived 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 Final Approval for The Spring Woods Subdivision, Spring Woods Circle, Baldwinsville, New York and Tax Map No. 059.-04-18.0, to be shown on a map with a date to be determined, prepared by Douglas Reith, Licensed Land Surveyor, is hereby approved, with the following condition:

- 1) Final review and approval by the Town Engineer.

7 Ayes -- 0 Noes

Mr. Card and Mr. Mastroianni thanked the board for their time.

2. Minor Subdivision  
Case No. 2015—011

Coulter, Edward  
769 Sprague Road

Stephen Sehnert, Licensed Land Surveyor, represented the applicant, stating that Mr. Coulter owns approximately 30 acres on the northside of Sprague Road. He would like to subdivide out 1.84 acres from the southwest corner of the 30 acres. The property is zoned Agricultural. It's in Ag District No. 2. There are no Freshwater Wetlands and there is no 100 year Flood Hazard associated with this piece of property. We have done perc tests, the results of those tests are noted on the plan; both well within the requirements to develop a sub-surface sewage disposal system. There is no public water on this site. The land is currently farmed by CNY Crops; White and Bratt; about 75% of this land is currently under some type of agricultural cultivation.

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

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 Edward Coulter, Sprague Road, Memphis, New York Minor Subdivision application.

7 Ayes -- 0 Noes

The applicant has completed Part I, Project Information; Fred Allen, 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 #6 -- Motion by Allen, 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 Edward Coulter, Sprague Road, Memphis, New York, Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

Discussion:

Jim Aust questioned why the perc test was so close to the road.

Mr. Sehnert stated that a front yard system is proposed because of the grade. The lot slopes from the back to the front.

7 Ayes -- 0 Noes

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

RESOLVED, that a Public Hearing be held at a date and time designated by the secretary, on the application of Edward Coulter, for a subdivision of property located at Sprague Road, Memphis, New York, Part of Farm Lot No. 92 and Tax Map No. 043.-01-07.1, for a development of two (2) lots from a parcel of approximately 30 acres.

7 Ayes -- 0 Noes

Mr. Sehnert thanked the board for their time.

V. OTHER BUSINESS

1. Recommendation to Town Board: Review and recommendation for the adoption of the Town of Lysander Zoning Map

Fred Allen, Chairman, stated that the Town Board has asked for a recommendation from the Planning Board for the adoption of the Zoning Map. Bill Lester, who chaired the Comprehensive Land Use Plan (CLUP) Committee is probably is the best person to speak in that regard.

Mr. Lester stated that the Land Use Plan made no changes to existing zoning, other than to overlay what is called an Incentive Zoning Overlay. This basically overlays some AR-40 parcels, which through the incentive zoning process. Those parcels are in the Cold Springs Peninsula and just west of Interstate 690. The overlay will allow developers to increase the density on those parcels if they're willing to give benefits to the Town. Benefits very important to the Town would be connection to sewage facilities for not only the development that will occur in the overlay area, but outside of that area as well. We're very concerned that the septic systems along Hayes Road on the Seneca River are failing or will soon fail. At some point, within the next planning cycle, the State will issue a Consent Order that says you have to do something about those septic's. What we're trying to do here through Incentive Zoning is to have developers put in a pumping station down here (indicating on proposed zoning map), we need a pumping station which would accommodate not only the development area but also beyond it. There are dry sewers that are now required in AR-40 zones that ultimately will be connected to the sewage system that a developer who seeks higher density will install. There is also the idea of additional park space, view sheds, pathways preserved, conservation easements to preserve agricultural operations just south of 370, agri-business and agri-tourism.

The main purpose for incentive zoning is to:

- to maintain open space
- develop sewage systems that don't exist today
- encourage development
- replace the Transfer of Development Rights, much of the area that is within the over-lay were receiving areas to begin with.

The TDR process never worked. There wasn't single application for any development that would occur as a result of the TDR. Today we have two applications, one for additional development west of 690, approximately 37 homes and one for development in the Melvin Farms area which could include up to 400 homes.

Hugh Kimball stated that the area by 690, the idea there, as he understands it, is similar (Cold Springs Peninsula) and presumably would allow the extension of sewers to get to Seneca

Estates/Crane's Watch, perhaps even to Riverbend. Again, doing the same thing for residences that have septic's in close proximity to the Seneca River.

Mr. Lester concurred.

Mr. Allen questioned why a portion of the Village of Baldwinsville Highway Garage is included in the Incentive Zoning area.

Mr. Lester stated there it appears so, yes. There are other parcels as well. It may just be the lay of the land, perhaps we need to change the map.

Mr. Allen questioned several commercial parcels in the area that are not on this map, for example Merritt Seed Company, Gates Road; the old KOA and the former Stahurski's Saw Mill.

Karen stated that the zoning is correct.

Mr. Allen stated that Stan Boots, Merritt Seed has to be zoned commercial for what he's doing there.

Karen stated that he's not, nor is the KOA or Stahurski's.

Mr. Allen stated that he saw a map somewhere that showed Merritt Seed Company as commercial.

Karen stated that you may have, 50 years ago. The zoning map has been changed over the years, the last time being 1991. That zoning map that was adopted doesn't show them commercial or the KOA. There was a committee set up in the late 80's, early 90's that I was a part of that met with landowners whose properties may have been zoned commercial and the Town asked that they be removed because it was considered "spot zoning". I can dig those records out to see if Stan was one of them. They were able to continue their use under their Agricultural zoning. The map has been changed several times over the years. You could ask the Town Clerk to research her records to see how and when they got removed.

Mr. Allen stated that he doesn't know how they would have been changed without anyone knowing.

Karen stated that they would have had to have a hearing.

Mr. Frateschi stated that a zone change is either by ordinance or by local law. They would have to go through a process to create the local law or ordinance and the Town Board would have to adopt it after a public hearing, that usually references the map to what is being changed.

Mr. Allen stated that Merritt Seed Company distinctly fits the commercial definition in the Code, they don't grow anything for that Merritt Seed Company on their own property. They need to be zoned commercial. More than 50% has to be locally grown; so it has to be commercial. They buy their seed and sell it.

Karen stated that it truly isn't...it's grandfathered.

Mr. Frateschi stated just because somebody is doing something on a property that it may not be zoned for that, doesn't make that zone the way they're operating.

Mr. Allen stated that the Town has used that fact against some people and stopped them from getting special use or commercial zoning. You can't have it both ways. You've got Dean Cummins who owns the former Plainville Farms operation who can't do what he wants to do with his property.

Hugh Kimball...unless they're grandfathered.

Mr. Lester questioned if you change the zoning map for every special use....

Several: No

Karen stated that it's an allowed use under that zoning with a Special Use Permit and a Controlled Site Use.

There was considerable discussion with regard to areas that are operating commercial businesses where it's not allowed.

Mr. Lester stated that if you want to make corrections, make a recommendation.

Mr. Frateschi stated that from the extent that we're looking at a new zoning map, which purports to really only making one change; what I think what the Chairman is saying is, maybe more changes should have been made to the zoning map to reflect what is actually happening on some properties.

John Corey stated that that is not what is before this board.

Mr. Frateschi concurred.

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

RESOLVED, that the Planning Board, at the request of the Town Board has reviewed the proposed Town of Lysander Zoning Map dated April 2015, and hereby recommends APPROVAL, as submitted.

7 Ayes -- 0 Noes

2. Reschedule the Monday, September 21, 2015 regular Planning Board meeting date due to a conflict.
3. 2016 Planning Board Calendar Year

There was some discussion with regard to changing the meeting date for the 2016 Calendar Year. Fred Allen, Chairman, suggested that we meet the first Thursday of the month not to interfere with special holiday dates and/or the Onondaga County Planning Board's meeting schedule, rather than the third Thursday of the month. Joanne had a little bit of a problem but has graciously accepted trying to work it out.

It was determined that once the County Calendar and the 2016 Holiday Schedule comes out Karen will put some dates together for the board's review.

VI. ADJOURN

RESOLUTION #9 -- Motion by Allen, Second by Aust

RESOLVED, that the special August 13, 2015 Town of Lysander Planning Board meeting adjourn at 8:25 p.m.

7 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk

Planning Board