

TOWN OF LYSANDER  
PLANNING BOARD MEETING  
8220 Loop Road  
Monday, December 9, 2021 at 7:00 p.m.

The regular meeting of the Town of Lysander Planning Board meeting was held Thursday, December 9, 2021 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

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

OTHERS PRESENT: Al Yager, Town Engineer; William Massaro, Belgium Cold Springs Fire Department; Michael Malone; Lynn Malone; Christian Hill; Doug Reith, CNY Land Surveying and Karen Rice, Clerk

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

I. PUBLIC HEARING -- None Scheduled

II. APPROVAL OF MINUTES

Review and approval of the minutes of the October 14, 2021 and November 15, 2021 Planning Board meeting minutes.

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

RESOLVED, that the minutes of the October 14, 2021 and November 15, 2021 Planning Board meetings be approved as submitted.

5 Ayes -- 0 Noes

III. OLD BUSINESS

1. Controlled Site Use-Amendment      Pollock, Dan/High Country Storage  
2079 Church Road

Christian Hill, Napierala Consulting, represented Dan Pollock, owner and applicant of High Country Self Storage. Since we were last before you we went to the Town of Lysander Zoning Board of Appeals (December 6, 2021) and received a Front Yard Setback Variance for the setback on the NYS Route 48 side of the site for the placement of the pavement and fence. We've also submitted back to the engineering department to address Al Yager's comments. I believe we have addressed them all. Other than that, nothing else on the site has changed since we presented last month. We are here to field any questions and comments the Board might have.

Hugh Kimball asked the Town Engineer if he was happy with the lighting.

Al Yager, Town Engineer, stated that they don't have any new proposed light fixtures. It is the same lighting pattern as the existing buildings. I don't see any light spillage out into the public right-of-way. I don't have any concerns.

John Corey, Chairman, stated that if the NYS Department of Transportation has to do any work in the right-of-way I assume your fence will have to come down.

Mr. Hill stated that the fence is still within Mr. Pollock's property.

Mr. Corey concurred stating that they have the same situation in Seneca Estates where people have fences within the highway setbacks and we tell them if we have to come in and work the fence comes down.

Steve Darcangelo questioned if it was only the setback requirement that was violated.

Mr. Yager stated that they're not in the right-of-way; they're in the setback. There's a 140' setback required in the Highway Overlay District. The pavement isn't in the right-of-way per se, it's in the setback.

There is a letter on file dated December 9, 2022 prepared by Al Yager, Town Engineer, that will be made part of the public record, in part:

I have reviewed the revised Phase 2 Site Plan & Stormwater Pollution Prevention Plan (SWPPP) prepared by Napierala Consulting with a final revision date of December 8, 2021 for the High Country Self-Storage project. The revised submission has addressed all of the engineering comments included in my previous review letter dated November 15, 2021. The revised site plan & SWPPP appears to be in compliance with all Town of Lysander and NYS DEC Stormwater requirements. At this time, I would not be opposed to the Planning Board approving the revised site plan for Phase 2 of the project as submitted.

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

RESOLVED, that having reviewed a site plan as defined on a map dated November 1, 2021, revised December 8, 2021, which includes Pages C-1 through C-9, Title Sheet; General Notes, Survey/Existing Conditions, Overall Layout, Phase 2 Layout and Landscaping Plan, Grading and Erosion Control Plan, Lighting Plan, and Site Details, prepared by Napierala Consulting, Professional Engineers, associated with the application of Dan Pollock, High Country Self-Storage, Church Road, Baldwinsville, New York, for an amendment to the Controlled Site Use Permit that was approved May 9, 2019, to add eleven (11) storage units and gravel parking for boats and trailers, the Controlled Site Use is approved.

5 Ayes -- 0 Noes

Mr. Hill thanked the Board for their time.

2. Site Plan Review  
Case No. 2020-001

B & F Development  
3285 Belgium Road

Brian Madigan, Dunn & Sgromo, represented the applicant, stating that there really hasn't been a lot of changes since the last iteration. We are still at 162 units. Some of the progress we've got...the archaeological, there are no findings there. We've got the ARMY Corp determination; we've done the wetland delineation and we seem to be good there. We've submitted the SWPPP to the Town Engineer. We still have a little bit of work to do on the SWPPP. We've reviewed several letters from local residents. We're reading every single one of them and generating a response. What we'd like to do is move forward to a Public Hearing if possible. At that point, if you have any questions that I can answer...

Steve Darcangelo questioned if this project meets all setbacks; is there any need to apply for any variances on this at all?

Al Yager, Town Engineer, stated none at this time.

Mr. Madigan stated that they did get a comment about there is some concern from the Belgium Cold Springs Fire Department about the turning radiuses. Some of the locations are tight have these islands in here, which are not per...so it doesn't really impact the turning radius that much because they can drive into the islands if they have to, but we will take a second look at that.

Mr. Darcangelo questioned the intentions of the islands.

Mr. Madigan stated part of the landscaping, just to break up some of the parking area.

Mr. Darcangelo questioned if they will be treed.

Mr. Madigan stated that some of them will have trees, the one with the tightest turn radius will not.

Hugh Kimball stated that he has a related question. These are three-stories, to reach the third story or roof the fire department is going to need to use a ladder. Is there room enough with parking garages and a parking lot full of cars at night to position a ladder where it needs to get, the third floor or roof.

Mr. Madigan stated that they did the turning radius through-out the site and it will allow that, the vehicle. The vehicle footprints from the fire department are shown. That is what we use to determine to turning radius.

Mr. Kimball...not only turning radius but also getting far enough away to get that ladder up at a safe angle. I'd like to hear what the fire department says on that.

Bill Marsallo, Belgium Cold Springs Fire Department, stated that they have received the updated study from AI and we will be taking a look at that. One of the concerns I have though is whether or not snow/snowbanks were considered.

Mr. Madigan stated that they are programing snow storage along the back side of the buildings. It's going to be a dry swale for the snow will be pushed; most of the western half of the site.

Mr. Marsallo stated that the curbs around the islands is new information...snow and snow drifting throughout the parking lot are our concerns and we'd like to review it with AI, etc... Also, people don't always park the best and aren't always cooperative. Whoever does the plowing does the best that they can and then it slowly builds up over time. We just wanted to understand if you had taken snow drifts into consideration as well.

Mr. Madigan identified areas where snow will be stored and stated that he understands the concern.

Mr. Marsallo stated that they'll certainly review it with AI and give him our feedback.

Mr. Yager questioned if OCWA has reviewed the design or are they not quite there yet.

Mr. Madigan stated that they have not.

Mr. Yager stated that that's probably the fire department will want to see, proposed hydrant locations.

Mr. Madigan stated that they will put fire hydrants where ever the fire department want. We don't have it in writing, but it is our understanding that there is plenty of water. We have been working with Matt Speach, he has a copy of the plan. If the fire department wants to move them we are fine with that.

Mr. Darcangelo questioned if the hydrants on the property OCWA or private.

Mr. Madigan stated that the hydrants would be OCWA.

Mr. Kimball stated that he has a blurb from the October minutes quoting Mr. Sgromo, I'm not sure if his answers were clear so I just want to read it to you so you can give me your thought on it: I asked a question relative to tot-lots and also what room there would be within the project for people to walk a little bit, have a kid play a little bit, whatever... and his response was "There will be open areas, there will be play areas, there will be extra stuff..." I question if there was a plan to how to get those to the actual park at Kerrie Hornaday Park without crossing Drake's Landing. Jack Corey concurred with my question. He stated that "there is a path across Drakes Landing if they want to ride their bike and walk the trail system" which really didn't answer my question at all.

Mr. Madigan stated that the trail system is actually on the west side of Drakes Landing and go through the woods to connect to Kerrie Hornaday Park.

Mr. Kimball: So, you will be able to get there without crossing Drakes Landing?

Mr. Madigan: yes, there is internal circulation within the site. The question about tot-lots, I think the GPP requires one for 50 acres...

Mr. Kimball stated that he knows the RCA said they didn't even though it was in there...

Mr. Madigan stated that he thinks the proximity to the Kerrie Hornaday Park.

Mr. Kimball: I guess the question I have, my kids aren't here but, if I were a grandparent, had a place there, I might not want to walk all the way to Kerrie Hornaday Park but I would still like, if I was babysitting a grandchild, to be able to let him out where I could watch him. I don't see any room for that in there.

Mr. Madigan stated that they can take a look at it.

Mr. Yager stated that Radisson has said that they don't want to maintain anymore tot-lots or something like that...

Mr. Corey stated that the letter we received from the RCA specifically said they would not require tot-lots.

Mr. Yager concurred stating that anything that was added would be the developer's responsibility from a long-term maintenance standpoint.

Mr. Kimball stated that the problem I have is you're going to have grandparents in that building and if there's no place for a child, how's that going to work?

Mr. Corey stated that you're raising maybe a broader issue which is just a question of the density of what's in that usable area that you're building on. It's very tight but...Al...do you think we'll be in a position with the SWPPP...

Mr. Yager stated that none of my comments are something that can't be overcome, they've just got a little more work to do on the SWPPP. I've received some more details this afternoon that I really haven't had the chance to get into too much. Those additional details will address a lot of the concerns that I have.

Mr. Corey stated that what they'll do then is schedule a Public Hearing for our January meeting, but before we can open that Public Hearing we have to do our Part 2 SEQR review. Hopefully we will have everything in position in time for us to do that because our intention would be to do the Part 2 SEQR at the January meeting before we open the Public Hearing.

Mr. Yager concurred.

Mr. Corey continued stating that he understands the developer and the discussions I've had with them on how they maximize their potential with the space that they have, but there are two concerns with this project, one is obviously traffic and the other is density. The number of buildings packed into that area. I would just ask the builder to think about that because ...providing a little more open space by one less building or whatever solution there is also helps with the traffic. Just some thoughts for them.

Mr. Kimball stated that both of those items are among the items that were dealt with when we dealt with Y ten years ago. I would point out that we got some fifty letters or more and some of those letters were people that actually sued the Y and won with similar issues they had then that are still there.

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

RESOLVED, that a Public Hearing be held at a date and time designated by the secretary, on the application of B & F Development, 3285 Belgium Road, Baldwinsville, New York, for a Site Plan Approval to allow the construction of the Drakes Landing Apartment Complex.

5 Ayes -- 0 Noes

Mr. Madigan thanked the Board for their time.

#### IV. NEW BUSINESS

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| 1. Minor Subdivision—Tentative<br>Case No. TBD | CNY Land Surveying/Whitney, Richard<br>Oswego Road |
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Doug Reith, CNY Land Surveying, represented the applicant for a two lot subdivision being done for mortgage purposes for a bank. We have 29.885 acres and we are subdividing a 10 acre parcel out around the existing house, leaving the rest vacant. There is public water. The existing home is on a septic system.

There was some discussion with regard to an adjacent land swap between the Town of Lysander and Mr. Whitney, where Mr. Reith thought, in his opinion, was done 'illegally'

Al Yager, Town Engineer, stated that he's not an attorney and all I can do is go by what our Town attorney says.

Mr. Reith stated that he thinks the swap was done wrong, I have no problem with the swap, but how it was done and how it was recorded.

Mr. Yager stated that part of that is the Onondaga County Clerk's Office too.

Mr. Reith stated that he talked to the County Clerk. The Town attorney pushed it hard and they didn't know what to do with it so they took it, but that was not a subdivision.

Mr. Yager stated that the way the deed reads they're supposed to deed it...

Mr. Reith stated that the deed doesn't say anything about combining it, it only describes those two parcels, that's all it did, it did not combine them. The map showed it to be combined but there are no descriptions combining those two parcels, one for the Town and one to Whitney. They're two independent lots. That's a subdivision. If they combined I can say, ok, it's a land swap, which is what it is, it's just a lot line adjustment, but that's not the case. There should have been two more deeds done, one combining this lot with what the Town owns, same thing with what Mr. Whitney got to his parcel here (indicating on plan).

Mr. Yager stated that he'll get the Town attorney to look at it and get it rectified.

Mr. Reith stated that that is what held this subdivision up. I should have seen you guys back in May 2021. We have been waiting on this this whole time because we were told it was going to be combined and it wasn't.

Steve Darcangelo stated that he's not sure he fully understands what you're saying but does any of what you're saying reflect on what's being presented here today.

Karen Rice, Clerk, no, it's a separate issue.

Mr. Reith stated that it does not other than originally, we could have taken this piece if it had been combined and done a different configuration, that's all it is.

Mr. Darcangelo: Right now, what we're doing is not affected by whatever took place prior.

Mr. Reith concurred...they're separate lots. It doesn't affect this.

Mr. Kimball: But, the house that we see is part of the ten acres?

Mr. Reith: Yes, of the new lot.

Mr. Yager questioned if we do fix that, is it going to change what you're proposing.

Mr. Reith stated that Mr. Whitney might have wanted to do something different, so yeah, it could. He has a buildable lot with what he had done. He got frontage...

Mr. Yager stated that it's not supposed to be by the Town Board resolution (be a buildable lot); there's supposed to be deed restrictions to prevent that, so if that didn't happen we'll talk to the Town attorney.

Mr. Reith stated that it's a useless lot to him otherwise, so it should have been combined.

Mr. Yager stated that they question should be, do we just file a new deed...we'll talk about it after the meeting. There's a solution here though.

Mr. Darcangelo questioned the setback for the existing home for this property, more particularly the south boundary, they're all existing, but do they meet the setback requirements.

Karen stated that they do not, it's grandfathered.

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

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

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 Richard Whitney, 8444 Oswego Road, Baldwinsville, New York Minor Subdivision 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

**RESOLUTION #5** -- 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 Richard Whitney, 8444 Oswego Road, Baldwinsville, New York, Minor Subdivision application, the Planning Board issues a NEGATIVE DECLARATION.

5 Ayes -- 0 Noes

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

RESOLVED, that a Public Hearing be held at a date and time designated by the secretary, on the application of Richard Whitney, for a subdivision of property located at 8444 Oswego Road, Baldwinsville, New York, Tax Map No. 055.-03-10.0, for a development of two (2) lots from a parcel of approximately 30 acres.

5 Ayes -- 0 Noes

Mr. Reith thanked the Board for their time.

**V. OTHER BUSINESS**

1. Review and approval of the 2022 Planning Board meeting schedule.

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

RESOLVED, that the Town of Lysander 2022 Planning Board Meeting Schedule be approved as submitted.

5 Ayes -- 0 Noes

VI. OTHER BUSINESS

Jack Corey stated that before we close out 2021 I'd like to thank all of you, Karen, Al, Tim, the Board for all your work this past year and all the support you've shown me and the rest of the team here. I think we've had a very interesting year. Again, I want to thank you all and wish you a very blessed and Merry Christmas and the best of the New Year.

VII. ADJOURN

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

RESOLVED, that the Town of Lysander December 9, 2021 regular Planning Board meeting adjourn at 7:33 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk