

TOWN OF LYSANDER
ZONING BOARD OF APPEALS
Monday, March 6, 2023 @ 7:30 p.m.
8220 Loop Road

The special meeting of the Town of Lysander Zoning Board of Appeals was held Monday, March 6, 2023 at 7:30 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

- MEMBERS PRESENT:

Richard Jarvis, Chairman; Frank Costanzo; Frank O'Donnell and Robert Sweet
- MEMBERS ABSENT:

Edwin Baker
- OTHERS PRESENT:

Al Yager, Town Engineer; John Corey, Chairman, Planning Board; Steve Darcangelo, Planning Board Member; Anthony Rivizzigno, Town Attorney; Rob Helfrich and Karen Rice, Clerk to Zoning Board of Appeals

The Meeting was called to order at 7:30 p.m.

I. PUBLIC HEARING -- None Scheduled

II. APPROVAL OF MINUTES

Review and approval of the minutes of the February 6, 2023 special Zoning Board of Appeals meeting.

RESOLUTION #2 -- Motion by Costanzo, Second by Sweet

RESOLVED, that the minutes of the February 6, 2023 special Zoning Board of Appeals meeting be approved as submitted.

4 Ayes -- 0 Noes

III. OTHER BUSINESS

Recommendation to Town Board: Adoption of the Town of Lysander Comprehensive Land Use Plan (CLUP).

Richard Jarvis, Chairman, stated that at the request of the Town Board they ask that we review and make a recommendation for proposed changes to the Town of Lysander's Comprehensive Land Use Plan along with other various amendments.

Mr. Jarvis welcomed Jack Corey, Chairman of the Planning Board; Al Yager, Town Engineer and Tony Rivizzigno, Town Attorney; as well as Steve Darcangelo Planning Board member.

Mr. Jarvis suggested that Mr. Corey address the Board briefly before the Zoning Board of Appeals makes their recommendation.

John Corey stated that what you have in your hands this evening is the Up-date Committee's recommended updates and changes to the 2015 Comprehensive Land Use Plan. We put together an overview of the document that summarizes our key findings and the recommendations that we're making. It's not going to be part of the CLUP but it's for the people reviewing it to follow through. As you can tell from reading it, after a lot of work, the Committee agreed unanimously that the core elements and the major objective and goals that were established in 2015 still remain valid; but with the passage of time and the experience of working with the 2015 Plan and our Town Codes, which have to work together to achieve the goals, we found areas where it was necessary to update sections of that Code and we found two new areas that needed to be added to it.

- Solar, which was not covered and has become very popular; and we updated the Agricultural section. Most of the suggestions are a matter of what we would call clarifications to make sure the intent is clear and our opinion. We started out by creating a Mission Statement; which was not int the 2015 CLUP to very quickly and clearly focus on what the Mission this document is and that is basically to provide a blueprint and guide lines for the Town of Lysander in order to achieve its objectives and goals of maintaining open space and the unique characteristics of the Town while fostering

balanced, smart, economic development across Residential, Industrial and Commercial Districts. We redid the Introduction section but call it a Vision Statement now better to explain for all of those people what those unique characteristics are. What I'd like to focus on is Renewable Energy. This is a section that is becoming very important because we have as an objective in this Town the maintenance of open space and agricultural land. Solar Farms are very quickly becoming popular among our farming community as a way to invest in their land and make money simpler than trying to raise crops and animals. We currently have three under construction and we have three more potential ones coming down the pipeline. We point out in this section where some of the challenges are to our Comprehensive Land Use Plan because of solar. We have suggested an Appendix A, which again is not going to be part of the CLUP but what it is is a listing of recommendations the Committee is making to the Town Board for them to consider changing the Town Code to better enact things that are in this document. In other words, the only way we can control Solar Farms is through setbacks, screening and coverage (size of lots, how much of it can be covered); beyond that the State has pretty well set the rule that you cannot in fact stop them if they're in a Zone where it's allowed. That's what those laws would do.

- Transportation section was updated.
- Parks and Recreation we made some specific recommendations there with regard to additional parks; one in the Cold Springs Peninsula possibly in conjunction with the YMCA. We also suggested there should be several more areas, not identified, where we can have sites along the river whether they be marinas for types of sites to take advantage of that opportunity.
- Agriculture to try to update the trends that are occurring in farming and the challenges the farmers are facing and the impact that will have.
- We replaced the Residential Land Use Section which removed references to the Transfer of Development Rights Program; which no longer exists.
- We have a few mentions in there about what we consider the Planning Board's protocol and role in actions that come before the Town with regard to Incentive Zoning, Site Plan, Residential development, etc...
- The remainder are basically just rewrites and updates to trends that have occurred since the adoption of the 2015 Comprehensive Land Use Plan.

Mr. Corey continued stating that he knows the Committee put a lot of hard work into this. I think this document will only reinforce those quality areas of the 2015 CLUP and it adds some new information and areas in there which the Town has to be aware of and should do. We were pretty well wrapping this up when all of a sudden the news broke on MICRON. It's pretty clear that MICRON has certainly energized at the State and County level people to try and figure out how they can change laws or have Towns put in their Codes things to encourage the kind of action that would support MICRON and the many jobs they think are coming into this area. When we looked at it, there are so many unknowns right now and MICRON, if they stay on the schedule they propose they won't even break ground for another two years and it's a ten year build-out process. So, for us to try and speculate on that we felt made no sense. What we did feel though is when we look at our Town Codes that there is enough flexibility between what's in this and the Codes and Laws that support this that the Town Board, the Town, will have the ability to adapt and adjust as time reveals what the path should be. We made no recommendation in that area if you're wondering why it's not mentioned in there.

Mr. Corey opened to floor to any questions the Board might have.

Mr. Jarvis stated that he and Frank Costanzo were the only Board members on the Board back in 2015. Things have changed since that time. Having gone through Town Board member, Robert Geraci's proposed revisions, he offered kudos on the effort of the Committee. With regard to Solar Farms we don't know how long that's going to last. We have no idea on how many people have signed leases to their properties. I don't know how you could unless you somehow search County records for every landowner with a substantial amount of land. It's like the days of gas and oil leases 20, 30 and 40 years ago. They popped up on the doorstep of people own ten acres or more because they thought they were going to be the next 'Jed Clampett' and they signed the gas and oil leases. There have been a lot of places over the last

40 years trying to work around those. The Solar Farm leases can become a nightmare for a lot of people, they just don't realize it. Just because you've only seen 6 or 7 of those now, there could be a hundred leases out there now.

Mr. Corey concurred but added if they're going to move forward and do anything with those leases we will know about it. They'll have to come before us.

Mr. Jarvis concurred but those leases are written in a way with a little bit of up-front money...

Mr. Corey stated that it's his understanding that they don't actually sign those leases unless they have a viable project.

Mr. Jarvis stated that he doesn't believe that...at least not the ones I've seen. They're getting money for the acreage they use and they have carte blanche on subletting. I've reviewed a number of these for these companies. Leases can be extended out for several years at a cost. A lot of people are signing these things not having any idea of what they're getting themselves into. They're thinking \$1500/ acre or whatever the going rate is today for 30 acres they're apt to make \$45,000 per year for however many years. Then the property can be reclaimed and sold for development. The cover letters paint the picture of riches but that's not the reality of most of the people signing these leases. There's not much we can do about it but it's happening.

Mr. Corey stated that most of these people have finally figured out that the first step after they get a lease is they have to go to National Grid to do a connection study to make sure it's even viable. We have had two cases where that has caused them to rethink their project because of the cost of it.

Al Yager, Town Engineer, stated that we did get a copy of National Grid's actual Grid Capacity Map in the process of developing this section of the Comprehensive Land Use Plan. We're not allowed to share it with anybody but when you overlay it on the map of the Town essentially nothing west of Plainville Road, even the southwest corner of the Town there just isn't grid capacity currently. That's not saying the State or Federal Government couldn't give National Grid a whole bunch of money to up-grad their network/lines; but right now as we sit today development pressures west of Plainville Road, north of Lamson Road...not a lot from a solar perspective just because of limitations in National Grid's infrastructure.

Mr. Yager indicated on the Zoning Map areas that have limited infrastructure; stating that if the farmer can lease off a 30 acre piece of their farm and it's a lifeline to them so they're not going to have to sell off the rest of their acreage that may slow residential development growth in those areas of the Town. At the same time we'd want to make the Code flexible enough so that if a farmer does put a piece of solar infrastructure on their property we try to keep the prime agricultural soils viable so they can be leased to another farmer or something like that and put the solar panels where you don't have well-drained, good agricultural soils. That's what we recommended in updates to the CLUP...further restrictions on prime agricultural soils to make sure we can support and continue to have that agricultural resource that the Town currently enjoys. It's further restriction in that regard, but we aren't disregarding the property owners' rights to make a little income.

Mr. Jarvis stated that he 'gets' it, but...

Mr. Yager interjected stating that neither he or Jack are necessarily pro-solar but the committee tried to make good comments on its effort to preserve our agricultural resources that are really important while still considering property owner rights. There has to be some kind of a balancing line there.

Robert Sweet reiterated that technically if someone going out 370 towards John Glen Boulevard desires to put a lot of solar panels on their property there's not a lot the Town can do.

Mr. Yager...no, right now the biggest limitation is National Grid capacity. With the Melvin Farms property that's part of the Incentive Zoning, they were proposing two solar farms, however after National Grid did the interconnect study said you only have capacity to take 4 megawatts of power in that area of the Cold Springs Peninsula without major upgrades to the substation feeding that area. So, right now there's preliminarily a project on the east side of Hayes Road, next to a wooded parcel that backs up to Melia where they would put a solar project. This would be the southern portion of the Melvin Farms property north of the Red Rock Neighborhood with

the rest being developed in high-density housing. We don't know how this is all going to play out.

Mr. Jarvis stated that 20 years from now technology is going to be such where we're going to look back at this like it's a dinosaur and we'll have companies signing six times over and you're going to say how do I get this stuff off of my property.

Mr. Yager stated that he doesn't disagree. Technology has changed. We've done quite a bit of research on the solar panel technology itself. They are all non-hazardous now. The first couple generations there were some hazardous materials with the film that's used to develop that power source, but that's cleaned up. There are no PCB's in it. It is purely a silicone product now, essentially. Not to say those concerns still exist but they're not what solar panels were 12 to 15 years ago when there were PCB's and other hazardous waste associated with the construction of those panels.

Mr. Jarvis stated that he didn't mean to get off on a rant...

Mr. Yager and Mr. Corey stated that we had a lot of the same discussion with Mr. Yager stating that we had to somehow balance private property owners right...the green aspect of it too. We talked about how we should be supporting hydro-power in the region. We're not really in an area where you're going to see a lot of wind development because we don't have a lot high points that collect wind like that and that's not necessarily a threat that we see from an energy development standpoint; but hydro is a resource that we have. We have a couple hydro plants and we should be trying to support those hydro plants and maybe add additional turbines to the existing plants to produce more clean renewable power that has worked for over a century now in Upstate New York. Sure there are environmental impacts but at the same time you have to think about the quality of life of the residence above and beyond the environmental impact of green energy.

Mr. Yager stated that if a portion of a farm is developed as solar it should still allow the remaining acreage of the farm to be active, productive agricultural land...which is what we want to see. We want to support agriculture in Lysander. It's an important part of our heritage, part of our community that I don't think anybody wants to see go away.

Mr. Corey added that that's what we tried to do in that section...come up with some suggestions to our Codes that help on the limitation's protection side, but respect the rights of the property owner. You'll see on the other areas where we made suggestions on Commercial and Industrial zoning we're suggesting that you raise the lot coverage up to a higher percentage. In the case of the Industrial District up to 80% which matches Radisson's and up to 70% in Commercial areas. The idea being you have two options, you can turn to the Town Board and say, 'ok, we've got to go out and rezone more areas industrial or commercial or we can opt to maximize those areas that are already in place by allowing a greater coverage'.

Mr. Sweet presented a scenario: If I have a one acre site I can have 80% covered with a building?

Mr. Yager stated that the 80% has to include the structure and parking...so you'd only have to have 20% that wasn't impervious.

Mr. Sweet questioned what the thinking was from going from 30 to 80.

Mr. Yager stated that the Town is very limited in the number of acres that we have available for industrial zoning (indicating on Town of Lysander Zoning Map of areas remaining). Rather than more land zoned Industrial we'd rather see a higher intensity use level of the land that is currently zoned Industrial rather than taking out more space for industrial development. That was the thought process and it really is because of the limited areas that we have left for industrial development in the Town.

Mr. Corey added that that was the conclusion the Committee came up with as to how to approach it. It's clearly up to the Town Board to look at the percentage recommendation. It's about the need for future development. That was our suggestion as to how to get there on the least difficult path without rezoning other areas.

Mr. Yager stated that we had lengthy discussions about commercial and industrial sprawl and what the detriments of this type of development can have on the community. Ultimately what the Committee decided was that the best approach was to maximize the usage of what we already have zoned for those areas and then if we run out the Board can maybe rezone some parcels.

Mr. Sweet questioned what it would take to create a different zoning.

Mr. Yager stated that you'd have to go through a zone change process with the Town Board who in turn refers it to the Planning Board and Zoning Board of Appeals for a recommendation. After review by the necessary local Boards and referral to the Onondaga County Planning Board the Town Board holds a Public Hearing to adopt a Local Law that would change the Zoning Map and rezone parcels. This is the process for any zone change request in the Town whether it be residential or commercial. The bottom line is our population density is so spread out in Lysander we haven't seen the commercial development pressure, even what VanBuren has seen on the other side of the river, simply because our population is so spread out. Even in Radisson with over 2000 units it doesn't support a lot of commercial activity.

Frank Costanzo stated that his biggest concern is traffic...additional commercial business will add more traffic. How will the Town address that?

Mr. Yager stated that the Syracuse Metropolitan Traffic Council (SMTC) is looking at areas that may have increased traffic pressures, especially with MICRON. We've discussed the need to put the Baldwinsville Bypass back on the radar or some kind of bypass/collector road to the north edge of the County to get people off to 690 and away from the Village Center of Baldwinsville. It's not in the Town's control. We have to keep the pressure on the State to take the pressure off of the Village. We're at their mercy. At the same time, Frank will probably differ at the opinion here, the bottom line is if you go to any other place in the Nation, even Omaha, Nebraska, our traffic volumes are pretty benign. People complain about taking five minutes to get through the Village on a Friday night. Go any other place in the Country...just about any other place in the Country people would be thankful to have a five minute wait. We're very spoiled because we haven't seen the development pressures that the rest of the Country has. We haven't see that growth of the West Coast, Mid-west, South...we've seen a decrease in growth in the Northeast over the last forty years compared to the rest of the Country. We haven't had the jobs, growth and economic development other areas of the Country has. As a Town we really have to push the idea of completing the bypass and adding an additional bridge over the Seneca River over to the Town of VanBuren which will take a ton of that traffic pressure that currently goes to the Village Center.

Mr. Costanzo stated that we always depend on the Developer to do the Traffic Study...shouldn't we be doing the Traffic Study?

Mr. Yager stated that that is what SMTC is doing right now as part of MICRON and what affects it will have because Baldwinsville is going to see an increase in traffic whether it be people coming from Oswego, Cayuga County to go to work at MICRON or whether it be from additional supporting jobs that happen surrounding MICRON. It is going to have an affect on the Greater Baldwinsville Community, same thing goes for Clay, Cicero and further east into the Town of Sullivan into Madison County. We'll see increased traffic, trip generation associated with that facility, so we need to optimize our transportation network to mitigate any degradation.

Mr. Costanzo questioned if the Town has any money in the budget to put in signalization where development occurs.

Mr. Yager stated that currently we don't own any traffic signals. We don't envision any Town roads having any traffic signals. Right now we don't see the demand. We don't have any internal street lights within Radisson. Any future developments in the areas that we've targeted for high density development those connection points will all be on State and County roads, not Town roads which is where the signals will be required. Construction of those would need to be paid for by the Developer in exchange for increased density of an Incentive Zoning area when the time came.

Mr. Costanzo stated an area of concern is River Road, Hayes and 370 at the Elks Club.

Mr. Yager concurred stating that he believes within the next 20 to 25 years it will have a traffic signal. Same thing with the Five Corners with River, Patchett, River and Hicks...it may not be a traffic signal but perhaps a round-about.

Until we know what the affects are of MICRON are it's hard for us to...who knows, this whole thing could fall through. We're from Upstate New York and we're all pessimists in some regard but here we get a piece of good news and we're all thinking finally..our piece of good luck but then it never comes.

Mr. Costanzo questioned Mr. Geraci's comments with Mr. Corey stating that some of his comments and opinions will be incorporated into the document. We still have to hear from the County and from the Planning Board with regard to their recommendation.

Mr. Sweet questioned the River System section Paragraph 2. New data is available. Mr. Yager will get those numbers and up-date the statistics.

Frank O'Donnell questioned the Building Permit Table as the number of units did not add up. Those numbers have been recalculated and changed.

There being nothing further:

RESOLUTION #1 -- Motion by Costanzo, Second by O'Donnell

At the request of the Town Board, the Zoning Board of Appeals has reviewed the Draft Comprehensive Plan and the consequences and effects that it will have on our role from a zoning standpoint and find no reason not to accept the plan as presented to us by the Chairman of the Comprehensive Land Use Plan Committee and the Town Engineer.

4 Ayes -- 0 Noes

IV. ADJOURN

RESOLUTION #3 -- Motion by Costanzo, Second by O'Donnell

RESOLVED, that the March 6, 2023 Special Zoning Board of Appeals meeting adjourn at 8:33 p.m.

4 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk
Zoning Board of Appeals