

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 Loop Road
Thursday, October 10, 2024 7:00 p.m.

The regular meeting of the Town of Lysander Planning Board was held Thursday, October 10, 2024 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 and Doug Beachel

MEMBERS ABSENT: Matt Hunt

OTHERS PRESENT: Al Yager, Town Engineer; Peter Hansen; Liz Schmitt; Ed Schmitt and Michael Chura, Belgium Cold Springs Fire District 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 | Stumpbusters, Inc. |
| Case No. 2024---005 | 9071-9073 Oswego Road |

There was no representation, however the Board felt we had enough information to proceed.

The Public Hearing opened at 7:00 p.m.

This is a continuation of a subdivision that was done several years referred to as the Allen Subdivision. There is currently two lots on this parent parcel, Lot 1 is owned by Brian Bond, Lot 2 is owned by Oswego Road LLC/Upstate Auto Imports and Lot 3 is the proposed lot that they are creating and subdividing off a 5 acre parcel for Stumpbuster's for their office/storage location leaving 7.71 remaining for Upstate Auto Imports.

The Public Hearing closed at 7:02 p.m.

II. APPROVAL OF MINUTES

Review and approval of the minutes of the September 12, 2024 Planning Board meeting will be tabled.

III. OLD BUSINESS

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| 1. Minor Subdivision | Stumpbusters, Inc. |
| Case No. 2024---005 | 9071-9073 Oswego Road |

There is a letter on file prepared by Al Yager, Town Engineer, dated October 10, 2024 that will be made part of the public record, in part:

I have completed my review of the Final Plat for the 9071-9073 Oswego Road Minor Subdivision, prepared by CNY Land Surveying, dated July 14, 2024. As presented the plat appears to meet all of the requirements of the Town of Lysander Subdivision Code. I would not be opposed to the Planning Board approving the Fina Plat as presented.

This application was forwarded to the Onondaga County Planning Board for their review and recommendation. Their Findings will be read into the public record, in part:

The Onondaa County Health Department's Bureau of Public Health Engineering must formally approve a sewage disposal plan for the proposed lot prior to Department endorsement of the subdivision.

The Board offers the following requirements for the development of proposed Lot 3: The applicant is required to coordinate Oswego Road access plans with New York State Department

of Transportation. The municipality must ensure any mitigation as may be determined by the Department is reflected on the project plans prior to, or as a condition of, municipal.

FINDINGS:

An Environmental Assessment Form indicates that the proposed action will not result in any significant adverse environmental impacts.

There is a letter on file from Al Yager, Town Engineer, dated October 10, 2024 that has been made part of the public record.

This application was forwarded to the Onondaga County Planning Board for their review and recommendation, which has been made part of the public record.

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

This action is consistent with the Town's current Zoning Ordinances.

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 Beachel

RESOLVED, that having reviewed the Minor Subdivision application of Stumpbusters, Inc., as defined on a map dated July 14, 2024, prepared by CNY Land Surveying, for property located at 9071-9073 Oswego Road, Tax Map No. 025.-02-28.1, Baldwinsville, New York is hereby approved.

4 Ayes -- 0 Noes

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

RESOLVED, that in granting a subdivision to Stumpbusters, Inc., for property located at 9071-9073 Oswego 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.

0 Ayes -- 4 Noes Property is zoned General Business, residential uses not allowed.

Steve Darcangelo: We don't generally ask commercial developers to the Town Park funds?

Karen Rice, Clerk stated that we do not. Per the Code, residential uses are prohibited, except for on-site residency of security and/or caretaker personnel.

In the future we don't even need to do this resolution because it only applies to residential building lots.

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.

2. Controlled Site Use	Stumpbusters, Inc.
Case No. 2024—006	9071-0073 Oswego Road

This item will be tabled.

1 OTHER BUSINESS

1. Recommendation to the Town Board:
Amendment of Section 320.51.1. "Farm Animal Law"

John Corey, Chairman, stated that the Town Board has asked the Planning Board for a recommendation regarding an amended law that would replace the current Farm Animal Law, Section 320-51.1. You all received copies of the current law, plus the proposed law, I believe, and at this time I would like to get whatever comments, concerns or questions you may have with regard to us putting together a recommendation.

Doug Beachel stated that he doesn't see the need for this Law. I don't know how you would manage it. I don't know what the public outcry is to do this. I don't have that background.

Mr. Corey stated that he is also unaware of the public desire for this.

Hugh Kimball stated that he doesn't want to adopt the Amendment or approve the Board's doing it; obviously they can do it even if we say no, but I want to say No. I would add a couple of things: The Amendment would not preclude residents from doing this on their own even if there was not a company involved doing it and in fact if it became law and the company went out of business or did not live up to their agreements resident's would wind up having to come up with ways to get rid of the chickens...I think also there are flaws in the proposed Amendment. There is no limit to the number of chickens there that could be put into a house. The proposal is written to say that the chickens must be kept on the property; in my property opinion they should be kept indoors so they don't get loose; and the title of the Amendment is misleading because it has rooster in the title and rooster's do not become sexually mature until at least 16 weeks, so 30 days is much less than that so there's nothing but chicken at that point. So, I think the word rooster should be taken out even it they do pass the Law. I also have concerns about the possible transmission of Bird Flu and other diseases between the chickens, possibly wild birds and humans. To me it just seems like, 'why do you want to do this'? I think Jack, from what you wrote potential future exceptions raises a valid concern about ducks, rabbits and who knows what else. It's a slippery slope once you start making exceptions in a very simple law.

Mr. Corey...I take it you are not in favor of it.

Mr. Kimball...I am not in favor of it.

Steve Darcangelo stated that he's not in favor...I did miss one thing, I read the regulation and then it referred to something else and the definition of Farm Animals and I didn't read that regulation, somewhere Farm Animals are defined:

Mr. Darcangelo questioned why we need a law that says you can't have farm animals, which defines chickens, and another law specifically for chickens.

Mr. Kimball stated that this would change the Law, it's an amendment to the existing Law...

Mr. Darcangelo...allowing just for these young ones, but for a period of time.

Karen Rice, Clerk, provided a copy of the definition:

FARM ANIMALS

Includes all farm animals (horses, mules, donkeys, sheep, goats, pigs, cattle, livestock, geese, fowl and poultry, etc.) and wild or dangerous animals.

[Added 8-2-2018 by L.L. No. 5-2018]

Mr. Darcangelo stated that the idea is you couldn't have a group of young chickens for a period of time in your home it you are in one of these Districts, regardless of what the intent is, even if the intent is for educational purposes. This Law doesn't allow you to and they're trying to write something that would allow you to. It wasn't clear to me, so I would say no. I'm in the same attitude/camp as everyone else.

Mr. Kimball stated that we're unanimous.

Mr. Corey added that basically without getting into too much detail, this was an idea that was borne out of a situation that occurred in a household in Lysander where grandparents bought this service and inadvertently put an individual in a situation where he was in violation of the Law and that is what sort of spawned the idea and it's sort of been built around this idea that this is a good thing to do because it provides an opportunity for children to learn about the process of the chicken eggs hatching, etc... The original Law, the one that is in the books now was written with the very clear and direct intent to prohibit any form of farm animals from being housed or hoarded in high density/residential zoned areas. No exception to it. It was very clear when it was passed. I share the concerns of my three colleagues. I think it's a precedence that has the potential of really creating some issues. Once you make an exception to a law you basically have said 'I am willing to consider other exceptions, there can be other exceptions' and in this case you don't want to go down that road.

Mr. Darcangelo...no, because then there will be other animals. 4H is designed around the idea that raising animals is educational.

Mr. Corey concurred stating that children can get that same education from 4H without having to raise chickens.

Mr. Darcangelo...someone else can come back and say it's educational to raise a cow as well.

Goats for Yoga, etc...

Mr. Corey stated that it sets a precedent that I think personally can open up Pandora's Box down the road. I am adamantly against it. I agree with the comments my colleagues made and in the notes that I drafted I pointed out the fact that the way the Law is written it basically has no way of being monitored and therefore it has no way of being enforced. It might as well not be in the books. The intent is to keep farm animals out of the high-density residential areas and I am very strong in my opposition to the adoption of this proposed amended Law. I have prepared some notes which you all received a copy of. Karen was kind enough to have been put in a resolution form for the Board to vote For or Against. I will say this, when I wrote this I recognized a couple things that Hugh said, that didn't spell out that they have to be indoors...that's a matter of how to correct the Law but still pass it. I am trying to focus on this...on things that say this shouldn't be a Law no matter how it is written, so that is why I didn't write that in there.

FINDINGS:

The current Law was enacted to ensure that no farm animals could be kept or harbored on land zoned R-10 R-12.5 or R-20. No exceptions were intended to be allowed. The Amended Law, if adopted, would not only create an exception to the Law's intent, but would also establish a precedent for potential future exceptions.

As written, the Amended Law provides the Town with no process to identify people who might acquire chickens or when they acquired them nor if in fact they are removed by the thirty (30) day limit. As a result, the proposed Amended Law cannot be monitored or enforced.

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

RESOLVED, that at the request of the Lysander Town Board, and having considered the proposed Local Law that would amend Section 320-51.1 Farm Animals in order to allow, as defined by 320.51.1(b) of the proposed amended law, the keeping of chickens in high density (R-10, R-12.5 and R-20) Residential Zones, the Planning Board hereby recommends that the Town Board should NOT ALLOW the adoption of the proposed Amended Law.

4 Ayes -- 0 Noes

The Lysander Planning Board does not recommend the approval of an amendment to the Farm Animal Local Law.

2 ADJOURN

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

RESOVLED, that the October 10, 2024 Regular Meeting of the Town of Lysander Planning Board adjourn at 7:22 p.m.

4 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk
Planning Board