

TOWN OF LYSANDER
PLANNING BOARD MEETING
8220 Loop Road
Thursday, May 8, 2025 @ 7:00 p.m.

The regular meeting of the Town of Lysander Planning Board meeting was held Thursday, May 8, 2025 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 Matt Hunt
- MEMBERS ABSENT:

Doug Beachel
- OTHERS PRESENT:

Al Yager, Town Engineer; Peter Hansen; Josh Allen; Asher Bitz 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 March 31, 2025 special Planning Board meeting and the April 10, 2025 regular Planning Board meeting.

RESOLUTION #1 - Motion by Corey, Second by Kimball

RESOLVED, that the March 31, 2025 special Planning Board meeting minutes be approved as submitted.

4 Ayes -- 0 Noes

The meeting minutes of April 10, 2025 Planning Board meeting will be tabled.

III. OTHER BUSINESS

1. Division of Land

Case No. 2025—004DIV
- MWB Family/Bitz, Asher

Tater & Plainville Roads

Lot Line Adjustment/Minor Subdivision: Bitz Family LLC
Tax Map No. 035.-02-04.0 7920 Tater Road
Tax Map No. 035.-02-03.1 Tater Road
Tax Map No. 035.-02-05.3 Plainville Road

Asher Bitz was before the Board on February 13, 2025 to see what direction to go in conveying land to adjacent property owners in such a way where they did not have to give up tillable farmland by meeting the required lot width requirements on both Tater and Plainville Roads. It was determined that although it would create ‘awkward’ lots they are preserving farmland and it could be accomplished by a Division of Land. The applicant proceeded to have the surveys updated with new legal descriptions. They were forwarded to John Corey, Chairman and Al Yager, Town Engineer, for their review to see if the changes made were in agreement with what was discussed at the at the February meeting. Mr. Yager indicated that the proposed lot revisions reflect what was previously discussed and it appears that the new lot boundaries will still meet all of the zoning code requirements.

The plans were then sent to the Planning Board Attorney, who made the following decision, in part:

I have reviewed the proposed division of land application for the Bitz lots. In both cases the proposed maps appear to create interior parcels with adjoining strips of land that are below the dimensional lot width requirements. I understand that the applicant met with the Planning Board previously and discussed the application with the applicant and that the Town Engineer provided an opinion on March 28, 2025, by email.

However, under the Division of Land procedure section 270-6 (E), the Town Attorney may abstain from making a recommendation and refer the request for a division of land to the Planning Board for approval. Pursuant to this section I will abstain from making a recommendation and refer the application to the Planning Board.

Al Yager, Town Engineer, is familiar with the proposal reviewed the same with the Board and Public, stating they have got two barns that are on the old Bitz Family Farm that CNY Crops desires to obtain. Neither one of the barns are truly contiguous with their existing parcels that they own. Mr. Bitz does not desire to sell any of the cropland; he desires to keep that, but he is willing to part with the two barns. What they have done is created a rather odd, configured lot shape that will allow the two barns to be transferred to CNY Crops through what are existing farm lanes. Part of those farm lanes will be transferred to CNY Crops and part will be held by the Bitz family. An access easement is granted to CNY Crops so that they can access the parcels from Tater Road from one and Plainville from the other one. As shown they do conform to all Town Code requirements; while they are a bit odd, they do comply. The reason they did not want to subdivide them off as separate parcels is because of our lot frontage requirements in the Agricultural District and how much agricultural land would have to be subdivided with the barns to facilitate the transfer and have a lot that is in compliance with the Town Code. That is the long and short of it. It does comply...it is certainly odd but there are other odd shaped lots in our Agricultural District.

Steve Darcangelo concurred that it is peculiar but it meets the Code.

Hugh Kimball stated that you are creating flag-lots.

Karen Rice, Clerk...but the lots they are adding them to are not.

Mr. Yager stated that this design allows the two parties involved to accomplish their goal while still creating lots that comply with the Town of Lysander's Code.

Josh Allen, CNY Crops, concurred stating that they did not want to take a 200' slice out of the field is what it comes down to.

Mr. Corey stated that the property is zoned Agricultural, which means you can have nonconforming lots or flag lots there. .

Karen stated that it does not...but it is not a stand-alone lot. They are adding it to a conforming lot.

Mr. Yager concurred stating that it is not a stand-alone lot; our Code would not allow a flag-lot if it was not attached to a parcel that wasn't compliant. This will be compliant.

Mr. Corey stated that the Town Code gives us the authority to...

Mr. Yager...yes, gives you the discretion to approve it.

Mr. Darcangelo...or not approve it?

Mr. Yager...or not approve it I suppose; you'd have to have justification to not approve it or I would suggest that you have justification for not approving it. Other than it is an odd configuration there's no clear violation or non-item that is not in compliance with the Town of Lysander Subdivision Code.

Mr. Darcangelo stated that it's hard to write a Code to cover every crazy thing. This is a very peculiar lay-out of property. I suppose it meets the Code, but my guess would be that those that wrote the Code would not have wanted to allow a parcel like this.

Mr. Bitz stated that you have an easement from both sides so it's not like it's a landlocked island. If it ever got sold you'd still have an easement.

Mr. Darcangelo stated that he recognizes that.

Mr. Yager stated that the only way they can be separated from the parcels they are being conveyed to at some point in time would be to do so by a subdivision that would require the appropriate size and frontage on the public road. That would be the only way they could be separated from the parcels they are being conveyed to now.

Mr. Bitz stated that Josh has been working with just about his whole life...

Mr. Allen concurred stating that they have been using the buildings for 20 years..

Mr. Bitz added that if we were to sell the surrounding property it would be most likely back to Josh. He would probably merge everything together at that time. But at this point in time, we don't want to sell the land.

Mr. Darcangelo stated that he understands that as well and asked if there was some way to come up with an agreement...maybe a 55-year lease on that barn, responsible for the maintenance of it using the same easement for access (rather than this Division of Land)?

Mr. Bitz stated that he's responsible for the maintenance right now, that's the point...

Mr. Allen stated that we need to put quite a bit of money into it.

Mr. Bitz stated that he doesn't want to maintain what he doesn't own. All of the roofs need to be replaced and it's a 25,000 square foot building. If it's not replaced the barn's going to fall in.

Mr. Kimball stated that the one saving grace is if we do this, 50 years from now there's nothing to prevent somebody from reversing it. If either party owns it at that point and they want to go back to the way it is now they could do it if they both agreed.

Mr. Allen concurred stating that he is the one taking the risk because they can't parcel it off. It is going to go with the farm if it ever gets sold. If you were standing there and seeing how they were being used it would make more sense than seeing them on paper. It looks funny on the paper but that's the way they are being used.

Mr. Kimball added that one of the prime things in the Comprehensive Land Use Plan is to save farmland; so, this saves farmland.

Mr. Corey concurred. Basically, if it's in compliance with our Code and within our authority to do so...Steve and I share some of the same concerns; we are creating something that isn't allowed in any other circumstance. But it's allowed under a Code so if there's an issue it's an issue that needs to be addressed by the Town Board to change the Code, not the Planning Board. Their job is to follow the Code.

Mr. Darcangelo questioned what would happen if the barn were to collapse or burn down two weeks after this approval; you've got an extremely odd piece of property.

Karen stated that they can change it back...

Mr. Darcangelo concurred.

Mr. Bitz stated that realistically if that happened he could sell the land back to us and we could make it a joined parcel again.

Mr. Darcangelo stated that that is all good when they're friendly and all work together, not 30 years in the future and the barn falls down and the property is transferred to other people. I've seen these issues where very awkward parcels run into extremely difficult problems. I'm all for what you're trying to achieve I just wish there was a different way to achieve it.

Mr. Allen stated that the point is well taken but one thing that's not seen on this...these are cement wall silage bunkers that roofs got put on; so, if the barn burns to the ground the facility would still be used as silage. Does that make sense...it's not a like a house that burns down and now you have a vacant lot.

Mr. Darcangelo concurred by stating that he believes he designed one of them for you years ago.

Mr. Allen concurred stating that it's a covered bunker silo that any farm would give their right arm for. So, to your point it would have it's use whether there's a building there or not. Point well taken, I totally understand.

Mr. Darcangelo concurred and stated that he's all set.

MWB Family Division of Land:

7920 Tater Road, Tax Map No. 035.-02-04, Memphis, NY

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

RESOLVED, that the Planning Board, having reviewed the application of MWB Family 1, LLC, for a **Division of Land** per the Subdivision Regulations, Chapter 270, Section 270.6, for property located at 7920 Tater Road, Tax Map No. 035.-02-04, Memphis, New York, and finding that it meets the criteria of the regulation, authorizes the Chairman to sign the map dated March 13, 2025, identified as Lot Line Relocation, prepared by John Legnetto, Licensed Land Surveyor.

4 Ayes -- 0 Noes

MWB Family Division of Land:

Plainville Road, Tax Map No. 035.-02-05.3, Baldwinsville, NY

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

RESOLVED, that the Planning Board, having reviewed the application of MWB Family 1, LLC, for a **Division of Land** per the Subdivision Regulations, Chapter 270, Section 270.6, for property located at Plainville Road, Tax Map No. 035.-02-05.3, Baldwinsville, New York, and finding that it meets the criteria of the regulation, authorizes the Chairman to sign the map dated March 13, 2025, identified as Lot Line Relocation, prepared by John Legnetto, Licensed Land Surveyor.

4 Ayes -- 0 Noes

Mr. Bitz and Mr. Allen thanked the Board for their time.

Mr. Darcangelo questioned the difference between a Division of Land and a Subdivision.

Mr. Yager stated that a Division of Land allows the lot lines to be moved administratively. The Planning Board Attorney can review a Lot Line Movement map and recommend the Planning Board Chairman to sign the map.

Mr. Darcangelo stated that a Division of Land is what we commonly call a Lot Line Adjustment.

Karen stated that it is in the Code as a Division of Land. It is a Lot Line Adjustment.

II. ADJOURN

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

RESOLVED, that the May 8, 2025 regular Planning Board meeting adjourns at 7:17 p.m.

4 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk
Planning Board