

TOWN OF LYSANDER
Zoning Board of Appeals Meeting
8220 Loop Road, Baldwinsville, NY 13027
Monday, June 2, 2025 @ 7:00 p.m.

The Town of Lysander Zoning Board of Appeals special meeting was held Monday, June 2, 2025 at 7:00 p.m. at the Lysander Town Building, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT: Richard Jarvis, Chairman; Frank Costanzo; Frank O'Donnell; Bob Sweet and Vince Mangan

OTHERS PRESENT: Theresa Carbone and Karen Rice, Clerk

The meeting was called to order at 7:01 p.m.

I. PUBLIC HEARING -- None Scheduled

II. NEW BUSINESS

1. Recommendation to Town Board: Proposed Lysander Code Updates

The Town Board tabled their referral for a recommendation after the meeting was scheduled and notification posted. Additional changes are expected when the referral goes through the proper channels.

Richard Jarvis, Chairman, stated that the changes mainly affect Solar Facilities and suggested making any comments the Board may have to date.

RECOMMENDED CHANGES TO THE CODE

Suggested Incentive Zoning Code changes shown in red

Incentive Zone Code Section 320-74 opening paragraph:

Section 320-74 Purpose and Intent

The Town Board has determined that it is appropriate to make the provision of the IZ Overlay in areas where residential development is most desirable in order to protect and preserve farmland, open space and view sheds in, primarily, other areas of the Town by making adjustments to permissible density and area requirements for the specific purposes of promoting the extension of roadways, sewers and other such amenities at a minimum cost to the residents and taxpayers. It is the intent of this Article to empower the Town Board to grant incentives or bonuses to advance the Mission, Vision and policies articulated in the Town of Lysander's Comprehensive Plan to achieve the following objectives:

Add a new G to objectives:

G. The improvement of water quality of the river system through the extension sewers to non-sewered areas.

Insert new Paragraph C1 in Section 320-79:

1. The suitability of the site(s) for the type of viewshed and recreational preservation, sewer, roadway or other amenities proposed, the physical characteristics of the land, and the relation of the proposed development to surrounding existing and probably future development.

Solar Code Section 320.86.2, Paragraph A:

- Solar farms and solar power plants in Agricultural Districts can only be located on lots of 20 acres or larger with a maximum coverage of 50% of the lot. Solar farms and solar power plants in AR-40 Zones and incentive overlay zones can only be located on lots of 30 acres or larger with a maximum coverage of 50% of the lot. To preserve the agricultural value commercial solar development shall be limited to 30% lot coverage on prime agricultural soils.
- Proposed Solar Farms whose property lines abut residential properties or County/Town roads will require a minimum setback of 200 feet plus all season screening where

needed. At the Planning Board's discretion, the required setback may be greater than 200 feet.

- An approved Maintenance Plan for the ongoing upkeep of the Solar Farm, it's fencing and screening, will be required before final approval is granted.
- Establish a per leased acre fee of \$_____ for the siting of Solar Farms. The fee is based on recovering fees in Lieu of Land for Public Use.

Add Language to Major Subdivisions:

- Life Cycle Analysis for Major Subdivisions
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Bob Sweet stated that the first change that should be made is the first paragraph Section 320-74 Purpose and Intent, last sentence: Change fooling to following:

Karen Rice, Clerk, stated that she did not prepare this document. The notation will be made in the minutes and forwarded to the Town Engineer.

Mr. Jarvis questioned what they mean by view sheds.

Karen stated that in one situation where you are going down NYS Route 370 across from Abbott Farms, where the Melvin Farms Incentive Zoning request is, the Planning Board in their recommendation to the Town Board suggested a 500' buffer from 370 so you can't 'see' the proposed apartments. It's to protect the view with greater setbacks.

Mr. Sweet suggested rewording #1 in the third paragraph, more particularly remove the word 'probably'.

Mr. Jarvis concurred, 'proposed' future development or just future development.

Mr. Sweet: Second bullet in the fourth paragraph: Curious more than anything, who chose 200' vs 300' or greater? Why 200' was it just arbitrary?

Karen stated that they're trying to increase the setbacks so that they're visually pleasing.

Frank Costanzo concurred with the greater setbacks as it could be right in my backyard.

Karen stated that they're only allowed in AR-40 and Agricultural Districts.

Vince Mangan questioned what the normal setback is, 100'?

Karen stated that it varies... it's 140' from the centerline of State roads 100' from County roads and 100' from Town roads for non-principal structures. The Planning Board has the right to ask for more during the site plan review process.

Mr. Jarvis is happy with the 200'. The one thing that is absent for this, I'm not a Legislature, but I am always amazed that there's no provision in here for a bond or something to take this out of the ground.

Karen stated that there is, they have to provide a Decommissioning Bonds.

Mr. Jarvis stated that that's good because this stuff is going to be obsolete in less than 15 years.

There was some discussion with regard to where the panels go when they become obsolete.

Mr. Jarvis stated that it's not the companies that are putting the solar panels...somebody is going to foot the bill for this and it's not going to be the companies putting them in. It's going to cost hundreds and hundreds of thousands of dollars, maybe millions of dollars.

Karen agreed saying the four we have approved have been sold several times. They get the approvals and off they go.

Mr. Costanzo stated that he does not think \$500 is enough money in the fourth bullet in paragraph 4. That's not enough to remove the panels. How are you going to get rid of these panels that are no good?

Karen stated that the \$500 per acre is to recover land that can't be used for public space...fees in lieu of land for public use. There's no requirement for parklands for a Solar Farm. The decommissioning bond is supposed to take care of the removal of the panels.

There was some discussion with regard to the lease arrangements made with the property owner and the solar companies with Mr. Jarvis stating that he has reviewed several. Some of them extend out 40 years...your grandkids and great grandkids are going to have to deal with it. They can also sublet it if they can't draw power off of it...they can sublet it to a 'pig farmer' if they want to. There's no control over what they can use your land for with some of these leases. Your land is under contract and unless they use it they don't have to pay...people don't realize it. It's the same thing they did for gas and oil leases 45 years ago. All these farmers have gas and oil leases with no gas being taken off of their property.

Mr. Sweet questioned the vegetative screening and questioned who maintains that

Karen stated that you make a good point because if you go out Route 48 just past 690 towards Fulton a Utility Substation was approved and all of the screening requested has all but disappeared. The people who leased the land were supposed to maintain it, but who is going to police it unless a complaint is made. It's an enforcement issue.

Mr. Sweet asked if they \$500 per acre is a one time fee or annual.

Karen stated that it's a one-time thing when we do a subdivision.

Mr. Sweet questioned the fifth bullet.

Karen stated that that was put in because if you take a ride down Sixty Road, just outside the Village limits, John Wight/Gypsum Express property was all forested and it has all been removed with the exception of the buffer that was asked for. The property will be fenced in with a buffer of trees in front it. If you go to the YMCA and look across the street there is a Solar Farm that you really can't see because it's buffered by existing pine trees. It has a lot of trees and set back in. Similar to preserving Ag lands they want to preserve forested lands. They want this language added to the Code.

Mr. Sweet stated that 'the greatest extent possible' is a vague term. Again, who is going to police that. They're going to day, 'we tried, it was the best we could do, we left two trees'.

Mr. Sweet continued with the last bullet in this section, 'equipment shall be limited to no more than two new poles being allowed for the utility interconnect'. What kind of poles are we talking about.

Karen stated that that has been a concern. The Planning Board would like everything to be underground, but it's a huge expense, not the Town's fault, the cost of doing business...so that's why they're saying to limit the number of poles. If you go to the corner of Lamson Road and Dinglehole Road there are a lot of utility poles already and they're adding six more for the field that was approved there. They're just trying to make it a little more restrictive to protect the neighbors that are already there. They're learning their lesson from past approvals.

Mr. Sweet...are they talking about telephone poles. It's not identified High-transmission poles, telephone poles?

Mr. Sweet jumped to the last bullet on the second page: In no instance will driveways with grades greater than 15% be permitted. Why was that added? It's already stated about in that paragraph.

Karen stated that we're having an issue right now with builders that their driveway has to be at 10% and some of them are over and creates a drainage issue from the drainage coming off of the property. That may be why it got added.

Mr. Sweet stated that he doesn't see having it in there as an issue.

Mr. Jarvis questioned if the Board had any other concerns with Mr. Mangan stating that Bob hit on them all. Mr. Costanzo impressed that he would like to see the park fees increased.

Karen reiterated that because they are giving up let's say 60 acres for a site you think that price could be increased for the park land fund.

Mr. Costanzo concurred.

Karen asked if the Board had any issues with the proposed subdivision changes?

Karen stated that after this meeting was scheduled there was a ZOOM meeting held where other changes were proposed. We will have to hold a separate meeting once the Town Board makes a formal recommendation.

There being no further comments from the Board Mr. Jarvis opened the floor to anyone in the audience.

Theresa Carbone, Plainville Road, stated that she's just an observer this evening.

It was determined that any Findings and Resolution this evening is premature and we will wait until the recommendation is formally made.

III. APPROVAL OF MINUTES

Review and approval of the minutes of April 7, 2025 and May 5, 2025 special Zoning Board of Appeals Meetings.

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

RESOLVED, that the minutes of the April 7, 2025 special Zoning Board of Appeals meeting be approved as submitted.

5 Ayes -- 0 Noes

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

RESOLVED, that the minutes of the May 5, 2025 special Zoning Board of Appeals meeting be approved as submitted

IV. ADJOURN

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

RESOLVED, that the June 2, 2025 special Zoning Board meeting adjourn at 7:28 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk