

TOWN OF LYSANDER  
SPECIAL PLANNING BOARD MEETING  
8220 Loop Road  
Monday, March 31, 2025 @ 7:00 p.m.

The special meeting of the Town of Lysander Planning Board was held Monday, March 31, 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; Doug Beachel and Matt Hunt

OTHERS PRESENT: Al Yager, Town Engineer; Amelia McLean Robertson, Attorney to Planning Board; Kara Setrella; Mark Bragman; Carl Schmidt; Andrew Osterhout; Lauren Baron; Doug Dunlap; Betsy Dunlap; Holly Magdziuk; Kathy Rode; Liz Schmitt; Ed Schmitt; Doug Henry; Pete Hansen; Joe Mastroianni; Nolan Reeves; Ron Trinca and Karen Rice, Clerk

These minutes are a summary of the discussions and actions taken by the Planning Board and are not a verbatim transcript of the meeting. They are intended to provide a record of the proceedings and the decisions reached, but may not include every detail of the conversation.

I. PUBLIC HEARING -- None Scheduled

II. APPROVAL OF MINUTES

Review and approval of the minutes of February 13, 2025 and March 13, 2025 Planning Board meeting.

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

RESOLVED, that the minutes of the February 13, 2025 regular Planning Board meeting be approved as submitted.

5 Ayes -- 0 Noes

RESOLUTION #2 -- Motion by Corey, Second by

RESOLVED, that the minutes of the March 13, 2025 regular Planning Board meeting be approved as submitted.

3 Ayes -- 2 Abstain (Corey and Beachel absent at that meeting)

III. OLD BUSINESS

- |                        |                                   |
|------------------------|-----------------------------------|
| 1. Controlled Site Use | Winds of Cold Springs Harbor, LLC |
| Case No. 2024—018      | 3642 Hayes Road                   |

Carl Schmidt, Hancock Estabrook: I would like to thank the board initially, for holding a special meeting. Much appreciated on that front, I know this has been going on for a little while between the adjournments, I think, for both sides. So, we're on tonight, from my understanding, the last meeting we attended, the board had tabled the matter to get a determination from the CEO whether the use fell under the restaurant use. My understanding is that that's been resolved, and the town at the administrative level has determined that current use falls under a restaurant use. Obviously, as we discussed at length at the last meeting, this board can't rule on any use for an applicant, so I believe that all we are on for tonight is controlled use review with regard to approval of exterior speakers. Again, as I have contended, as I have discussed at the last meeting, I think the local zoning code makes clear exterior speakers are permitted in the district, in the NRBD district, subject to the board's limited authority to impose conditions as of set forth in the zoning code. Certainly, our take will be that the Board should approve the exterior speakers. I think we are, you know, cognizant of the fact that the board has some discretion to impose conditions. I know Mark has come forward and made some submissions to the board. Fundamental, I guess, accommodation, that we have proposed is a fence across the eastern boundary of the property, from where the barn is currently to the river, 10 foot high fence with a sound deadening membrane, and also plantings. Obviously, the planting will take some time to

get in, versus the fence itself. So, we would ask for some consideration of that. That said, I think the board is limited in what other conditions it can impose. The local code makes clear that the board when it comes to conditioned site approval should set hours limits, but those are set in the statute, clearly, at midnight to five o'clock i.e. I know my client and the Tiki Bar have sort of informally discussed and abided by agreements with the neighbors, and we're willing to continue to abide by those, to restrictions to exterior speaker use on weekends up until 10 p.m. and on weekdays, up until 9 p.m. Again, I think it's perhaps questionable whether the board has any further authority to set hours restrictive on the business outside of what are defined in the Code.

John Corey, Chairman: You have your opinion.

Mr. Schmidt...that's certainly, that's my take. I think it's clearly defined in the code, what restrictions the board can place on businesses. I think it's clearly defined at midnight to five. And certainly the Board may have another determination. I obviously, I think we, you know, at the risk of being pedantic, I think we went through this at the last meeting. Sort of my take is that the board needs to be very cognizant of the fact that's administrative board. It works within the jurisdiction that it is afforded by the town board, and it works within the tax drawing constraints of the local zoning code. So for purposes of tonight's meeting, for purposes of us making clear what we are willing to put forward as far as accommodation, the fence, we're also willing and will turn the speakers that are currently located at sort of the stage to the island to reduce any sound that gets directed towards the neighborhood and the hours restrictions that I had discussed, that's the extent of I believe, of what we can initially propose, with regard to this application, I will note, and I know the board is aware that this will have to go through SEQR review. My contention, I guess strong contention is that this is a Type Two action. I think that 6NYCRR PART 617.5 C(9) rules here.

**INSERT SECTION CITED:**

*Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities*

Mr. Schmidt stated again, This a commercial facility. There's no meaningful expansion of square footage. Again, the current application for the board is for exterior speakers only. This is clearly less than 4000 square foot expansion, if it is any meaningful expansion of square footage. I have noted before, this is a clear use that is allowed in the district; is not subject to a use variance. It's not subject to zoning change. I think the SEQR handbook makes it abundantly clear that in these circumstances, the board is bound by what the local code is, essentially SEQR has already been determined when the local zoning code was passed and whether its own SEQR review...the environmental review is vacant to the existing Code. This is fully compliant with the existing Code subject to the Board's authority to implement limited conditions. As I provided, again, the SEQR handbook makes clear that SEQR process should not be used to re-legislate any existing Town Zoning Code. I think that sets forth our position. Does the board have any questions?

Mr. Corey stated that he would agree with your first statement that upon an investigation and discussion we have determined that the Code does in fact provide for the use of speakers in that Zoning at the discretion and approval of the Planning Board within the limits set in the Code. So, that issue was resolved, as you said. What we have before us tonight is the discussion on whether the Planning Board agrees with your proposal with regard to it because the Code does require us to minimize the effect of sound in that Zoning. We clearly would have the intent of complying with conditions to any approval that might come forth. Let's discuss what you proposed. The fence makes sense, the plantings are good for visual. You mentioned times...10:00 p.m. on the weekends and 9:00 on the weekdays, does that imply seven days a week that there's going to be entertainment there?

Mr. Schmidt stated that he doesn't think the intention is necessarily that seven days a week there will be entertainment there. But that, you know, by way of what I think we are agreeable to would be those restrictions on any particular day where there is entertainment.

Mr. Corey stated that you would be comfortable with say, on weekends from 5:00 p.m. to 10:00 p.m.?

Mr. Schmidt...again, my contention here is it this very well may be outside of this Board's authority. If the Zoning Code is clear and the restrictions in the NRBD District with regard to a Controlled Site Use are midnight to five o'clock, which is exactly what the statute says. It does not make it anywhere clear that that's a minimum restriction. That may be (unclear) this Board's delegation from the Town Board. So subject to that, I think we are willing to discuss time limitations for the weekends. We would require 2:00 p.m. until 10:00 p.m. just to facilitate earlier acts. I don't think those are contemplated as necessarily full bands, and I think it's going to be hard to put some sort of balance upon that, but 2:00 to 10:00 p.m. would be where we would be willing to make accommodation.

Amelia McLean Robertson, Attorney to the Planning Board, stated that the Planning Board, pursuant to the Town Code, has the authority to grant approval of speakers in this District or choose not to grant speakers in this District. So, the purpose of this, you can put conditions on the speaker use. Those can be time restrictions...at all times it will be subject to the Noise Ordinance that is overriding, but as far as additional requirements, screening, fencing, proposed times, you know, because we have to consider the community and the character of the community as a part of our SEQR process, I would disagree that this is a Type Two. I would say this is Unlisted. To be a Type Two it really has to be specifically identified, and speaker approval is not listed. So, we're going to do the Unlisted Short Form SEQR here and one of those questions is community character. So, we'll have to ask and hopefully come to some kind of agreement as to what the Planning Board thinks is fair. So, limitations, discussion of music type, potentially, but it should always never exceed the decibels allowed under the Code anyway.

Steve Darcangelo asked that the Attorney, Clerk or Engineer, read the language regarding amplification from our Town Code. I think it should go on record as well. I'd like to hear it for discussion.

Ms. McLean Robertson stated that she's looking at Section 320-23, which is structures and uses in the Neighborhood Residential Business District, and Subsection f(6) so that's special requirements for business uses. So, f(6) states exterior noise and odor shall be minimized. Within this section exterior speakers shall not be permitted or used without the specific approval of the Planning Board.

Al Yager, Town Engineer, questioned if Mr. Darcangelo wanted the Noise Ordinance read as well.

Mr. Darcangelo stated that that was the language that he wanted. The reason that I do is because it would appear to me that the intent of that regulation was to say that speakers are not allowed unless there's a special consideration. Now you might ask, well, what would that be? And I don't know the intent of when that was written, but that's how it sounds to me. It sounds to say that amplification is only allowed under these special approvals so let's say that you had a facility such as yours, and you were having an auction there one day, and you said the auctioneer would like to have a microphone. That seems to be the type of request that fits into this the way that that's written. It's as if there's a special consideration to be given, but you're not asking for a special consideration. You're asking for while we practice our business, we want to have amplification. I'm trying to get an understanding of why that would have been written the way that it is, but the way I listen to that, I read that as saying that the idea was there's no amplification except under special consideration. And I don't know that special consideration would mean giving someone approval to use it all the time. If that was the intention, I would never have written it like that. That's very peculiar the way that's written. Do you agree or disagree to that?

Mr. Schmidt stated that he would disagree. I think that, and I will note it doesn't specifically reference amplification, it's exterior speakers. I guess regardless, perhaps that by nature of exterior speakers includes amplification. But my take would be that this is tantamount to a Special Use Permit where the legislature makes a determination that this use is permissible in the district, subject to conditions that the Board may apply.

Mr. Darcangelo stated that it's somewhat contradictory. We have a Code which limits how loud something can be and then we have a statement regarding amplification of noise. Why is the amplification of a question? We already have a Code limit so that's the reason that, I believe the intention must have been something regards to a special consideration, and I don't know that, and I don't mind that you disagree. I can appreciate that, but I just find that there's an odd understanding that we have a Code that limits a noise level and then a statement regarding amplification.

Mr. Schmidt stated that he thinks if the intention of the Town Board was to limit this approval, the exterior speaker approval, to very limited circumstances, it could have gone out right and said, exterior speakers are not permitted in the District. You would have to go through a Use Variance process. Or it could have said exterior speakers are subject specifically to specific requirements, a Special Use Permit or another permit. It did not do that. It just says that approval is necessary of the Planning Board. My take on that is that the approval would fit into the same section that the exterior speakers are addressed which addresses, compatibility, like you had said, compatibility with nearby residential uses and notes of businesses shall not be operated between the hours of 12 midnight and five in the morning. I think the legislature has spoken there to say, you know, these uses are not allowed at those times. And I think that trumps whatever the noise ordinance may say. That should be a restriction on the use 12 midnight until five. Again, I think the Board's authority is very clear, that buffers shall be required on the side yard lot lines where necessary. I think that's well within the board's jurisdiction and delegation to address buffers and that's why we're here tonight, is to address the fence, address plantings, and address the our proposal, and I think we're trying to be good neighbors here, our proposal to go ahead and...at least, I think voluntarily, abide by some

Mr. Corey questioned how the Planning Board Attorney would respond to Steve's point with regard to the Code being clear enough as to what's allowed (unclear) noise.

Ms. McLean Robertson stated...two things. The Code does not put speakers into a separate Section that requires a Special Use Permit, so it's just with this Section. Regarding the Counsel's comment about this Section, it has hours, so Section one that says, no business shall be operated between the hours of 12 midnight and five in the morning. The speakers' Section is not a Subsection of that. It's separate. So regardless of what these other special requirements are, the speakers specifically you can set limits on if the Planning Board chooses to do that. And as far as Mr. Darcangelo's comments, the language says speakers shall not be permitted or used without the specific approval of the Planning Board. And I think the word specific shows, in my opinion, that the Town Board intended for there to be some deliberation for the Planning Board to evaluate what are the speakers going to be used for and how can we potentially set limits on mitigating impacts to the surrounding community; or else it would just be a yes or no thing, and it says the specific approval.

Mr. Corey stated that he's not a lawyer, but Steve, sort of in response of what you said, the way I had read that is the Code specifically recognizes the opportunity for the existence of speakers in that zoning by its language. And it gives the Planning Board the authority to say yes or no to that with conditions. And then in the Noise Ordinance, it puts in limits and caps on what that noise can be that the Planning Board may have allowed by granting speakers. I'm a layman, but that's the way I would read that. In any event, you came here with some suggested proposals with regard to certain conditions...one is a fence with a membrane on the north side of the property. I believe and plantings to go in front of that between the fence and the stage.

Mr. Yager questioned if the applicant meant plantings between the fence and the stage or the fence and the property line? Because...

Mr. Schmidt... (unclear) contemplated between the stage and the fence. Look at it from the stage to the fence.

Mr. Yager stated that from an aesthetic standpoint, a plain ten-foot tall fence is a bit obtrusive to the neighbors and maybe some plantings on both sides would be warranted to break that up a bit. That was the only thing that I was thinking.

Mr. Darcangelo questioned if the fence is Code compliant.

Mr. Yager It would have to be approved with a permit (unclear) because it's over 8' tall engineered...

Mr. Darcangelo questioned what the intention of the fence is?

Mr. Schmidt...the intention of the fence, sound mitigation.

Mr. Darcangelo questioned if that implies that you've exceeded the sound...

Mr. Schmidt stated that it doesn't imply anything, I don't think that anybody can point to any determination made by any authority that we haven't ever exceeded the sound ordinance. Like the board said, I have my opinions on where the Board's jurisdiction begins and ends, but I think we're willing to be good neighbors and say, we understand the Board's concerns and are willing to come forward with some mitigation items. I don't think that that implies that we think there's, there is any sound violation now, but we're, like I had said, I think the board's authority, at least, my opinion, is that the board's authority is clear. It can establish buffers between our use and residential uses, which is what we're proposing to do here.

Mr. Corey stated the other thing that you were proposing is to aim the speakers across the river towards the Island instead of the way they're aimed now down towards the residential...

Mr. Schmidt concurred.

Mr. Corey stated that he would like to see a time limit as you proposed at 10:00. I'm not totally comfortable with open ended on the other.

Mr. Schmidt stated that we're willing to concede to the hours for the weekends 2:00 p.m. to 10:00 p.m.

Mr. Bragman stated that the only reason it is 2:00 to 10:00...is because a solo guy comes in and plays, not a band, just a solo guy and he starts at 2:00.

Mr. Corey concurred adding that you have a mixture...you have acoustic and then you have speakers and bands.

Mr. Schmidt concurred.

Mr. Corey stated that he wouldn't imagine that anyone is complaining about your solo acts unless they're really loud.

Mr. Bragman stated that they use speakers as well...no they're not loud.

Mr. Darcangelo questioned if it would be in our jurisdiction if we were to approve the use of speakers with a stipulation be the responsibility of the property owner to increase the mechanisms to assure exceed the Code requirement for whatever the decibels is.

Ms. McLean Robertson stated that to be fair we'll probably have to be more specific as to what...you were talking about screening and what you anticipate that will do to the decibels/sound, [and that] we have an opinion that it will be effective and the property owner would be responsible for all of the artists and their actions. That would fall on the property owner. We should set specific parameters so that they can be held to those parameters if there's a violation.

Mr. Darcangelo questioned if one of the parameters could be that the property owner, during events where amplification is utilized, have someone who is on the parameter on the property with a handheld device watching decibel levels and in the event that they exceed the Code that they adjust the amplification in order to stay within the limits.

Ms. McLean Robertson stated that if the Planning Board wanted to make that a requirement they could.

Mr. Corey stated that the applicant indicated that he has some equipment out there that does that.

Mr. Bragman stated that on the corner of his barn between my property and the neighbor's (DEC) there's a decibel gauge. It's a big one, it's like a traffic light. It cost \$600...it sits up there so the band can see it. I tell all of the bands to keep an eye on the decibel meter...it'll go just like your traffic light, it's green, yellow, red. When it starts flashing yellow it's time to tone it down. We walk around with the handhelds and go to the corner of the property and don't have a problem with the decibels going over 70. Now I know the neighbor's said that they get 80's and all that stuff, I would suggest that maybe they've got a better meter.

Mr. Darcangelo stated that that is why he brought up the point because we have been forwarded information from the neighbor's that has stated that there have been 'exceedances' of the Noise

Ordinance in the past. I don't know how frequently it is, I don't know to what levels...if the Code is at 70...if you have instantaneous at 73 at 75 I can understand that happens. It goes up and goes right back down. So I don't know what they're referring to but the public provided us with a lot of concerns and they're own documentation and instances and that was one of the things that I noticed...that there was a contradiction to the fact that it has never been above the limit. They stated that they had records that indicated that it was.

Mr. Bragman stated that they had Codes come in, right at the front door and did their own decibel meter and it was fine there and it was at the same time that the neighbor's were saying it was 118 or 120.

Mr. Darcangelo stated that the reason I say this is to put the onus on you is that I would hate to create a condition that requires a level of enforcement that we don't have the resources for. We have two guys in an office. I don't know how frequently we can be there, so it may be, and I'm not saying that this would be done, I'm just throwing out the idea that I would not want to create a situation that prompts us to have to spend resources to monitor this all Summer long. We don't have those resources.

Mr. Bragman stated that we take the precaution of doing that. If I could just say that I think between the fence, the soundproof membrane that's going in there, and the trees planted, I think it'll cut the noise down. You know, you see the numbers on there, and there were Case Studies done on it so it's not numbers that we made up. I think it'll cut it down a lot.

Mr. Corey added that he would think aiming the speakers in a different direction is going to help a lot with that too.

Mr. Bragman concurred stating that they'll have them turn the speakers towards the island.

Mr. Corey stated that if we were to go along with those conditions and proper mitigation for approval, one requirement we would ask is that there would be no entertainment until those conditions are met. In other words, fence needs to be up, the speakers need to be turned before you start.

Mr. Schmidt stated that those are fairly easy, the plantings may...just due to the nature of the season, the plantings may take a longer amount of time. We have proposed that and it's certainly our intention to get those in within a reasonable amount of time. We would not want to delay opening to be able to establish the plantings within the season where the plantings could reasonably take.

Mr. Darcangelo stated that the first year the plantings are going to be of minimal impact to noise deterrent anyways. It will be a number of years when they start to grow up.

Mr. Bragman stated that he has to buy them...it takes a while to get them in. The fence will be up and the membrane will be done before any band.

Mr. Schmidt stated that for purposes of concession of hours I believe we said 5:00 p.m. to 10:00 p.m. Friday and Saturday with Sunday's being 2:00 p.m. to 5:00 p.m. We don't have any intention of operating late on Sunday's. Weekdays 5:00 p.m. to 9:00 p.m.

Mr. Bragman stated that they have a Music Fest that we put on once a year. It's just like the Elks Club right up the road. They have their all day Music Fest, which nobody seems to have a problem with theirs, we hear it down to the Marina it's so loud, but it is what it is. We have one every year, the Elks has one every year, it's just a one-time thing.

Mr. Schmidt stated that we would also request one Food Festival a year. We'd be willing to give the Town some guidance on that, but one time per year, Noon to 10:00 p.m.

Mr. Darcangelo stated that his guess would be to clarify the 2:00 to 10:00 p.m....the 4<sup>th</sup> of July is on a Wednesday, might you have entertainment earlier in the day on that particular day. Labor Day and Memorial Day are Monday's.

Hugh Kimball stated that the Board reviewed your application back in 2018 and the impression he had was a small restaurant. We talked about the parking spaces, which was a limited amount required. No one asked anything about speakers. In fact the only thing that we put up was that you needed one handi-cap parking space and we added that and you did that.

Mr. Bragman stated that he has the lot across the street for parking.

Mr. Kimball stated that it's pretty obvious, and I don't know when it happened or if it happened incrementally or whatever, but some of the photos that the neighbors have given us...it's no longer a small restaurant or at least a small area for a few number of cars. It's a couple of hundred and I don't know how many people. I don't go there so I can't say, but I can look at their pictures and it seems to me that part of the problem is too many people. You've even indicated in some of the quotes that seen that some of those people are causing problems. Is there anything you can do to control that.

Mr. Schmidt stated that he contests the restaurant use being before the Board currently. I believe we're just here for a Controlled Site Use approval of the speakers. I don't want us or the Board to get ahead of there being any enforcement action to say that we are in any way outside of our restaurant use subject to the prior approval.

Mr. Bragman stated that in his posts, if you read some of them, you'll see that I always put in there 'be kind to the neighbors'; I asked the motorcyclists to pull out quietly, don't go revving your motors, don't go burning your tires. I used to go down the road and pick up every bit of liter the next morning, anything that people...and it wasn't just people from my place that three it out...there's McDonald's bags and all that and I picked that up. The only reason I stopped is because of all of the complaints that the neighbors are giving me; but I do my best. I do my best for the neighbors.

Mr. Corey opened the floor to other Board member comments only. There was some discussion among Board members that this is not a Public Hearing.

Liz Schmitt, Hayes Road, stated she understands that it's not a Public Hearing, you mentioned on the 12<sup>th</sup> (December), but I beseech the Board to hear the neighbors. We've really been trying to work with the Town for six years to at least hear our story. (unclear) what we've been through... we're at least entitled to state some of our case (unclear)...

Mr. Corey stated that we've gotten all of the written documents and read that. From what I've read you've well expressed your concerns and opinions.

Ms. Schmitt stated that it does. I will say that we requested a copy of the ruling that said this was a restaurant and was allowed to operate in Neighborhood Residential Business District multiple times through FOILS and through the Code Enforcement Clerk we were told that no such ruling was in existence and we come here tonight and find out that a ruling in fact had been made. As well....I would counter some of the claims that were made about...we did some calibrations that show our meters were calibrated within...I don't know if Certificate's of Calibration are produced for the other ones. And as far as respect to my neighbors my husband has been repeatedly when he comes to the property line on the Seneca River (unclear) to take these readings. He has been threatened by people at the bar. He leaves with a body cam whenever he wants to walk our dog. I would not...I'm 56, my husband is 60, I've never sued anyone in my life, but for 6 years I've tried to work this out and now there are four plaintiff's and a lawsuit, which you know are not cheap and they take a lot of my time and that should indicate how that is has negatively affected our lives. If in 2018 someone had come to you in a Neighborhood Residential District and said we want to have an outdoor music venue and there's going to be live music, with speakers, five days a week, trivia night and karaoke two other nights, so there really is amplified speaker sound 7 days a week and we're going to, you know, we expect we can have 700 people at the most popular bands on the weekends. I don't know that you would have given them that permission because the character of the Neighborhood Residential District means activities must coexist with residential, with the abutting residential districts. I don't know how having a totally outdoor operation that's contingent on loud music. My husband went through the Social Media Sites of the past two years and the vast majority of the posts are about the music, they're not about food, they're about the music, that is the draw and it draws hundreds of people. And so you've got a short form that says it doesn't impact traffic, how can that not impact traffic, you've seen the pictures. How does that not impact our lives. The idea is this place scaled...it was a marina, the Webb's owned it and the Peta's before it was the marina for decades and then it scaled up without getting necessary permission, right, the default was the speakers and he admittedly operated with speakers this entire time. I don't know why we reward that, now only he has been dragged in because really the lawsuit compelled Code Enforcement Citation that brings you here today and that's the only reason that compelled action. And so, for years now, he came before you in



2018 (unclear) it was a small restaurant. It was already operating as this large music venue impacting our lives. It already was and we tried to coexist and coexist with every other business in the Neighborhood Residential Business District. And yes the Elks have a Music Fest that's loud once a year for charity and of course I coexist with that. It's not every night. I have a beautiful screened in porch that I haven't sat in in the evening for years in the Summer. Because that's the beautiful time of year. We put up with January so we get a beautiful July. That has been denied us...you know, there's a small amount of the neighborhood around here. We're not movers or shakers and maybe we just don't matter but I think we have been gaslit and ignored about the tremendous impact this has had on our lives. Thank you for hearing me.

Resident: I just want to say the litigation measures that are being introduced now are new and I don't see how that can work, honestly for us, we're northwest. We've been complaining about the noise and any of these mitigation measures are not going to help us and actually it's going to be worse because it's going down the water. The water is one of those avenues where it just goes, so disturbs the peace and enjoyment of our property as well and mitigation measures are not going to help. He's just going to...you're just giving him an excuse to increase the volume...

Ed Schmitt: That and (unclear) at the water there are endangered species there. There are two species that come back...by echolocation in the evening when he's blaring this music and right over the water. There are species of fish that are endangered in the waters there. If you're going to approve this it absolutely has to go through an environmental review. ...to deprive the world of species of animals that aren't found in a lot of places and are endangered.

Mr. Darcangelo stated that one of the concerns he did have is that I assume your property is the 'blue' line on the river. Your property line...is it not AI, the river's 'blue' line, which legally you would have to be 70 decibels there.

Mr. Schmitt asked for clarification.

Mr. Darcangelo...forget the 'blue' line, your property line is seasonal high water, or no, whatever it is you have a property line.

Mr. Schmitt...you're saying that's a property line at the river side.

Mr. Darcangelo concurred stating that that property line is 85' from your stage. Your 70 decibel limit applies there as well as it applies to property lines up to the front of the property or to the sides...you tell me you're able to have amplification and not have 70 decibels at the edge of the water, I can hardly believe it to be honest.

Resident: The Code Enforcer announces...

(Several talking)

Mr. Schmidt stated that he thinks we're at a situation here where there's a lot of conjecture and surmise about what may or may not be the case. Whatever has been said, my client has never been determined to be in violation of the Zoning Code, my understanding. My understanding was that the initial meeting here was tabled and adjourned so that the Board can get a determination from Code Enforcement whether the use was permitted in the District. I guess I can't say for sure whether that has been done or not but certainly this Board does not have the authority to rule on uses. ...we need to discuss (unclear) I think that's what we're here for tonight. It makes it hard for us to answer, again, comments just thrown from the audience without this being in some sort of formalized forum.

Ms. McLean Robertson stated that she would like to add for the record that the outdoor bar and stage/pavilion were approved in 2018; so the Code Enforcement Officer has determined that the use occurring at the property is in line with the Site Plan. However, jurisdiction regarding speakers falls to the Planning Board and that's what is up for discussion now.

Mr. Corey stated that you made the comment that there's entertainment and music every night.

Ms. Schmitt stated that Monday was Karaoke, Tuesday is Trivia and then there is a series of musical acts that happen the other days...

Mr. Schmitt added...music five nights with speakers, karaoke with speakers.



Mr. Corey stated that you were talking about Friday Saturday and Sunday when you talked to us.

Mr. Schmitt stated that he thinks he made it known that we would, by way of agreeing to concessions, we would agree to 5:00 to 9:00 Tuesday through Thursday; Friday 5:00 to 10:00, Saturday 2:00 to 10:00 with the understanding that the earlier acts prior to 5:00 would be, I don't know if there's a way to quantify this, but it would be smaller bands and then Sunday, again with the qualification that this would be smaller bands 2:00 to 5:00.

Mr. Bragman stated that he did cancel the karaoke on Monday's and I did that partly because people from the audience got up and sang and sometimes they ad-lib and use language I didn't like, so that's the first thing I did this year. I cancelled that so that's no longer on there for Monday nights. We are having some cornhole thing and on then on Tuesday, yes we have Trivia. You can't hear the Trivia girl at the bar when the fans are running so I can't see that any of the neighbors to just using that as part of their argument because you can't hear the Trivia lady.

Mr. Darcangelo stated that that's exactly the type of situation that I read regulation to permit. When someone gets up to speak and they're trying to project their voice to your entire facility it's difficult, so...that's kind of how I listen to the way the Code is written, is that the default is no amplification under special considerations. Lets say you are having some sort of service there and someone got up to speak, it would be difficult for them to project their voice to your entire bar/restaurant facility, so therefore you might require...'hey, can we have amplification for that event' and I would certainly think that that would fall into...my understanding of what I am guessing is the intent of that, that's the kind of thing it would be; so your Trivia Night would be absolutely approved. Yes, you can have someone there who needs to talk to the crown and talking to the crowd is difficult, so you amplify their (unclear).

Mr. Schmidt...lets be clear, it's not amplification, its exterior speakers, so you know, if my client wanted to use amplification to speak to a crowd (unclear) a building certainly, that's allowable in any circumstances. It's just exterior speakers. Our take would certainly be that that's allowable in any circumstances. It's just exterior speakers. Our take would certainly be that contemplates more than just an auctioneer or something. That's not spelled out in the Code that this in any way temporary or limited and again, honestly I think that the Town's Controlled Site Use, the provisions for determining Controlled Site Use mitigation (unclear) I don't even know if they reference sound as a (unclear) directly as a mitigating item. ...apart from this section regarding exterior speakers.

Mr. Darcangelo...just for an academic exercise I'll ask you this question, why do you think there's a section in the Code that specifically states that any amplification of sound needs to be approved by this Board. Why would that be in there?

Mr. Schmidt stated that he thinks they've conceded that the Board has authority and the jurisdiction to impose certain conditions and I think our take is that those conditions are defined by the Code in the same section as the speakers section.

Mr. Darcangelo stated that it doesn't that, it doesn't say that amplification is permitted and that the Planning Board has the discretion of imposing restrictions on that or conditions that dampen that. It says that amplification is a special condition granted by...

Mr. Schmidt...it says speakers, exterior speakers, lets be clear, maybe it is academic, but exterior speakers shall not be permitted or used without specific approval of the Planning Board. It does not say exterior speakers are prohibited. It just says they are not permitted without specific approval of the Planning Board. That sounds to me like, without specific approval of the Planning Board. That sounds to me like the type of set-up as a Special Use Permit or a Controlled Site Use where the use is presumed permissible and in accordance with the local zoning so long as conditions are met.

Ms. McLean Robertson stated that that would be the conditions that you would set on an approval.

Lauren Baron, Mancuso Brightman, at the last meeting, your December 10<sup>th</sup> meeting I spoke at the end of the meeting asking to be heard as the attorney for some of the neighbors. If it's ok with you I'd like to respond to some of the statements that have been made tonight after he's

done commenting. I understand it's not considered a Public Hearing but if it would be ok I would appreciate it, the opportunity.

Mr. Corey concurred to a few minutes.

Ms. Baron stated that that's fine, she can keep it short. Just a couple points, as my client indicated we're unaware that a determination was made regarding the use of the property. We've asked for that determination several times through FOIL. Regardless of that as several Board members have indicated you've certainly had the right authority to completely reject the idea that the property can have speakers. My clients have been extremely impacted by the use of speakers. They've been not approved for several years at this point and just being used on the property for several years in a way that legally violates the Code. As indicated by your attorney we definitely agree that this is an Unlisted Action. It could have serious environmental impacts, noise is an environmental impact that needs to be evaluated as part of this. And with the impacts that have been had on my clients we would request that the Board really consider denying this application at this time. Noise travels easily across waters as Board member Darcangelo indicated. Even on the side of the water with some of these mitigation measures that have been proposed, will they actually impact that? It's really unclear...the noise can just carry across the water reverberate off anything that is across the water and come back; or travel down the river from the property. So it's really not clear that these mitigation measures that are being proposed would have any impact on the decibels and the impact on the neighborhood. That aside, if the Board is inclined to approve the application not only will we ask that there be really specific time limitations for when speakers can be used...the Board can go even further than that. Our position is that you can include any conditions that you want. You have that authority. These conditions are related to the use of the property; which is (unclear) Case Law but the Planning Board has the authority to impose any conditions that you want related to the use of the property. So, timing limitations, number of speakers, location, size...these are conditions that could be imposed by the Board along with mitigation measures like fencing, tree planting, anything like that. So, that's our position and I think I'll rest at that. Thank you!

Ms. McLean Robertson commented for the record that the Code Enforcement Officer's determination that the use, set aside the speakers, that the use as the restaurant with the open stage is compliant with the Site Plan that was approved.

Mr. Corey...Amelia, at this point I think we should do the SEQR.

Ms. McLean Robertson asked if we could go through step by step each of the proposed mitigations first:

- 10' fence along the eastern boundary with a vinyl membrane.

Is that everyone's understanding.

Mr. Yager stated that it's the northern property line.

- 10' fence along the northern boundary with a vinyl membrane

Notation changed accordingly

- Friday and Saturday proposed usage from 2:00 p.m. to 10:00 p.m.

Is that everyone's understanding.

- Weekdays Monday through Thursday 5:00 p.m. to 9:00 p.m.

Is that everyone's understanding.

- Sunday's 2:00 p.m. to 5:00 p.m.

Mr. Corey...right.

- Decibel meter to be on at all times that the speakers are in use. So the applicant said they have an existing decibel reader that is on the property that lights up at different...so it lights red when the sound is too high, so that is one of the elements.

- Also there's potentially a one-time a year event...not clear on that. What is proposed?

Mr. Schmidt: 12 Noon to 10:00 p.m. one time a year.

Ms. McLean Robertson stated that that's not going to be during a work week...

Mr. Bragman stated that it's a weekend.

Ms. Baron stated that we would also ask, because of the condition of the decibel meter, that it be calibrated annually as a requirement of that condition.

Mr. Schmitt...some kind of log of what it's set to.

Ms. McLean Robertson stated that that's up to the Board to determine.

Mr. Darcangelo stated that calibration goes without saying as far as he's concerned. The piece of equipment that's being used to monitor so I agree that it should be calibrated. I don't know if this equipment has a means of recording.

Mr. Bragman...recording, no, but there's a dial on it that you set at 70 and that's when it goes red and it has done that every time.

Ms. McLean Robertson continued:

- No Karaoke allowed

Mr. Darcangelo questioned if No Karaoke means no Monday events.

Mr. Bragman stated that they will have corn hole instead.

Mr. Darcangelo concurred, but no amplification on Monday. I guess you're right, the term really is external speakers, the amplification is permitted, it's external speakers that (unclear).

Ms. McLean Robertson stated that if the Planning Board has any more ideas as far as mitigation we can discuss them or we can go through the SEQR.

Mr. Corey stated that the other one was moving the speakers.

Ms. McLean Robertson added:

- Position the speakers towards the water
- Trees

The fence mitigation and its location was discussed.

Mr. Yager stated that in reviewing the Tax Map I don't know that there's enough room to put trees on the other side of the fence. It appears to be DEC property there. Is that correct?

Mr. Bragman concurred stating that he's 2' off (unclear)

Mr. Darcangelo questioned if this application were granted would this Board have the authority to revoke it in the event that they have 'x' number of violations as cited by the Code Enforcement Officer over a wide period of time?

Ms. McLean Robertson stated that once it's approved enforcement falls then to Code Enforcement Officer and then whatever the Town Law requires as far as revoking but it wouldn't come in front of the Planning Board at that point. At this point if you want to go through the SEQR analysis and when we get to the impacts on the community we'll discuss what has been discussed as far as mitigation.

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?**

## DISCUSSION

Mr. Corey stated that this is probably where we get into noise levels.

Mr. Darcangelo stated that he thinks he's going to break with the crowd here a little bit and say no, the reason I say that is that they have an obligation to stay within the Code. It's going to be my assumption that the Code was written and that anyone creating noise and maintaining it less than 70 decibels at their property line is not imposing a hardship upon their neighbors. I mean why is our Code set at that level? Now the problem becomes, is it indeed meeting that limit? But that's the Code requirement. We have a Code that says that so I assume that it's with the understanding that 70 decibels at the property line does not impose a hardship on the neighbor to the extent that it's considered an excessive hardship.

Mr. Schmitt...the Code doesn't really consider that this is everything single night. We can't sit on our porch to enjoy dinner.

Mr. Darcangelo stated that he recognizes that and I certainly understand what you're saying but the Code does not put a restriction in as to how long someone can maintain 69 decibels at their property, I don't believe. I don't believe there's any...so someone must have come up with the idea that that noise level does not impose a hardship...

Mr. Schmitt stated that he has done a lot of research on this and where that noise level, the 70 comes in, it's considered above 70 because (unclear) and a lot of municipalities grant that and 'well we're going to put that into place'; but to be honest the DEC has recommendations that are much lower than that (unclear) consider the noise.

Mr. Corey...good discussion but the reality is the issue we're really talking about and you're talking about is the need to go to our Town Board and have the Code changed to recognize what claiming. This Board has to operate under the current Codes and what they say. So, I would suggest to you, whether we approve or disapprove, I would suggest to you to consider talking to the Supervisor and the Town Board about your concerns and having them look into lowering the (unclear) but right now the Code 70; and the only condition set on that, other than the ones that this Board may impose is the 12 midnight to 5:00 a.m., right, can't do it any time during there. Maybe the Law wasn't written right but it's the Law we have to work with.

Mr. Schmitt...real quick, you're telling me if you approve them tonight under the 70 rule and then the Town Board says, no it should be maybe 60 or 55 or something. Are these kinds of things grandfathered in?

Mr. Darcangelo stated that we're not approving them to any decibel level. We're approving the use of amplification. If the Code changes...if the speed limit gets lowered from 45 to 30 everyone has to meet that requirement regardless of how fast you used to drive on that road. The same would apply to them. We're not granting them permission to exceed the Code, we're only granting them exterior speakers.

Mr. Corey concurred stating that this really gets down to...it's all about noise and that's a Code Enforcement issue.

Mr. Schmitt stated that it's about noise, but it's also, you know, concerts draw a huge crowd, if the noise were not there we would not get this gigantic crowd...we wouldn't get the motorcycles driving in the neighborhood at midnight revving their engines. We wouldn't get all the trash thrown on the road and the beer bottles thrown at our houses and all of the rest of the mess. This is a gigantic impact of our lives.

Mr. Schmidt questioned if he would be given the chance to rebut to comments...what's the format to the SEQR review, is it open for comments?

Mr. Corey stated that we're going through the SEQR and we're discussing it. Now they've chosen to speak when supposedly they're not supposedly they're not supposed to speak. You are allowed to speak and comment.

Mr. Schmidt...ok, obviously we'd contest for multiple contentions there. My client has made it clear that he does the best that he can do and he has an established permitted use currently. He does the best he can do to control litter, etc... I don't think there's any...I don't think there's anything further that needs to be said about the decibel limit (unclear)...

Mr. Corey stated that I happen to agree with what Steve just said and I would say that as far as this item is concerned:

**3. Will the proposed action impair the character or quality of the existing community?**  
**Small Impact**

Mitigations that have been discussed here and talked about certainly from everything we know, should have an impact on noise levels by lowering them. And given that, I think on the SEQR I would indicate that it would have a small impact, but not a large impact. Anyone want to straighten me out?

Matt Hunt stated that he would agree...if it's within what the Code allows.

Mr. Corey concurred...that's literally all we can do. We can do the best at mitigation we can, we get the best advice we can from our engineer and other people so I'm going to mark that one small impact.

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

Mr. Corey stated that we've gone through the SEQR and it's what we would call a Negative Declaration which means we found nothing that would materially change things. At this point we would normally have a Resolution on what we're dealing with tonight. Amelia...

Mr. Darcangelo questioned if we need a Resolution on a Negative Declaration.

Ms. McLean Robertson...yes.

Karen Rice, Clerk, and Lead Agency. Amelia has been taking notes.

Mr. Darcangelo stated that he would make a resolution that based on our evaluation of the SEQR that we identify this action as a Negative Declaration.

Karen stated that you have to do the Lead Agency first.

**RESOLUTION #3** -- Motion by Darcangelo, Second by Corey

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 the Winds of Cold Springs Harbor, LLC, Controlled Site Use application for property located at 3642 Hayes Road, Baldwinsville, New York.

5 Ayes -- 0 Noes

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

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 Winds of Cold Springs Harbor, LLC, Controlled Site Use application for property located at 3642 Cold Springs Road, Baldwinsville, New York, to allow the use of external speakers, the Board issues a **NEGATIVE DECLARATION**.

5 Ayes -- 0 Noes

Mr. Corey...at this time is the Board prepared to consider a Resolution regarding...I think we should.

Ms. McLean Robertson stated that if the Board would like she can read the proposed conditions, it'll likely help, like me to read the proposed conditions to an approval.

The Conditions should the Planning Board approve, would be:

1. The applicant shall install a 10' tall wooden fence with screening such as green trees and mass loaded vinyl rolls;
2. At all times when the speakers are in use the applicant shall position the speakers such that they face the Seneca River;
3. Applicant shall direct performers to position speakers towards the Seneca River;
4. The sound emitting from the speakers shall comply with the Town of Lysander's Local Law governing noise at all times;
5. A decibel meter shall be on that the speakers are in use and shall calibrated annually, and
6. The hours of operation for use of the speakers shall be as follows:
  - 5:00 p.m. to 9:00 p.m. Tuesday's, Wednesday's & Thursday's
  - 2:00 p.m. to 10:00 p.m. on Friday's and Saturday's
  - 2:00 p.m. to 5:00 p.m. on Sunday's
  - Noon to 10:00 p.m. one day per year for a Special Event

Discussion:

Doug Beachel questioned Monday's. It was determined language would be put into the conditions.

Mr. Schmitt questioned if a Holiday falls on a Monday, would speakers be allowed.

Mr. Yager stated that it will not the way the conditions are read.

Mr. Schmitt stated that it hasn't been voted yet, so that would be my request, on a Monday Holiday.

There was conflicting times mentioned for Monday's. It was determined that:

- No use of Speakers on Monday's; with the exception of National Holiday's

Ms. Baron: If they do not comply with the times the music is supposed to be off, I have examples on my phone from 2018 that they do not shut the music off when they're supposed to, what ramifications would happen to the property owner.

Mr. Corey...if they end up in violation Code Enforcement can pull their permit to use speakers...we can't but Code Enforcement can.

**RESOLUTION #5** -- Motion by Darcangelo, Second by Beachel

RESOLVED, that the Planning Board having reviewed the application of the Winds of Cold Springs Harbor, LLC, for a Controlled Site Use to allow the use of Exterior Speakers, on property located at 3642 Hayes Road, Baldwinsville, New York, in accordance with Article X, Section 320-23, Paragraph F(6), the application is hereby approved with the following conditions:

1. The applicant shall install a 10' tall wooden fence with screening such as green trees and mass loaded vinyl rolls;
2. At all times when the speakers are in use the applicant shall position the speakers such as they face the Seneca River;
3. Applicant shall direct performers to position speakers towards the Seneca River;
4. The sound emitting from the speakers shall comply with the Town of Lysander's Local Law governing noise at all times;
5. A decibel meter shall be on that the speakers are in use and shall calibrated annually, and
6. The hours of operation for use of the speakers shall be as follows:  
 5:00 p.m. to 9:00 p.m. Tuesday's, Wednesday's & Thursday's  
 2:00 p.m. to 10:00 p.m. on Friday's and Saturday's  
 2:00 p.m. to 5:00 p.m. on Sunday's and National Holiday's  
 No use of speakers on Monday's with the exception of National Holiday's  
 Noon to 10:00 p.m. one day per year for a Special Event

5 Ayes -- Noes

Mr. Darcangelo stated that often we have a developer here in front of us and they want to do something and our concern is for the constituents of the Township. The developers are coming in and are not yet residents of our community. In this case both parties are residents of our community and we're trying to walk a fine line of a business that is established and here and homeowners who are trying to enjoy the use of their home. It's certainly difficult for me.

Hugh Kimball...I agree.

Mr. Corey stated that it is very difficult. I think the thing you might want to keep in mind is we came to this decision because of the way the Codes are, the way they're written. One thing we can't do is go against the Code. An alternate solution that would satisfy you would be by changes from the Town Board to either excluding them outright, which I don't think they would do because there are a lot of restaurants with bands operating all over the place; but certainly to get the noise level decibels lowered if they were of mind. That concludes our agenda on Cold Springs Harbor and we'll now move on to our next application.

Winds of Cold Springs Harbor thanked the Board for their time.

IV. NEW BUSINESS

- |                        |                        |
|------------------------|------------------------|
| 1. Controlled Site Use | Reeves Farm LLC        |
| Case No. 2025—002      | 1184 West Genesee Road |

Joe Mastroianni, Engineer, and Nolan Reeves, Reeves Farm LLC represented the applicant.

Mr. Mastroianni stated that this is a Site that has been before the Board a couple of times for similar developments. What we're looking at tonight is an existing (unclear) looking at building a slab on grade single story structure, 16' x 72'. The primary purpose is going to be for toilets, sinks and showers. There is going to be two bedrooms at the end. I want to point out that there's not going to be any increase in the number of workers that are coming here. There's 72 max, so in saying that there would be no need to adjust or enlarge the septic system or anything else. Everything will be the same. We are showing, which wasn't on the initial plan, some grading from the end to this end (indicating on plan). There's an approximately a 2 ½ to 3 foot drop and we will be filling that in with suitable material tamped down...again, it's going to be a slab on grade, stick build. Elevations (unclear) one thing I had talked to Al about is this structure will attach to the existing building so no one is meant to go outside to go to the bathroom, take a shower, anything else. One of the reasons we're trying to upgrade as far as the shower facility (unclear) more modern...

Mr. Mastroianni presented and reviewed the following with the Board:  
 Title Page T-1; Site Plan P-1; East & West Elevations A—1; North & South Elevations A-2; Floor Plan, Wall Section & Notes/Schedules A-3; Foundation Plan & Section A-4; Potable Water & Sewage Plans A-5; and Electrical Plan & Details A-6.

Mr. Mastroianni reiterated that there would be no increase in people. There's nothing on this site now. The reason it's angled is because we have a septic system/tanks and we're trying to go



parallel with that. There will be some resulting fill with the grading. It's not going to be that much...

( A lot of commotion made it difficult to hear)

Steve Darcangelo stated that you mentioned it's attached to the building so they don't have to go leave the building in order to get into the restrooms.

Mr. Mastroianni concurred stating that the kitchen is also in the building that it will attach to.

Mr. Darcangelo stated that the building they will attach to has no accommodations; there's no bedroom facilities in that, is there.

Mr. Mastroianni stated that there is not.

Mr. Darcangelo stated that the five bedroom and ten bedroom facility people still have to walk across the yard in order to get to the restrooms.

Mr. Mastroianni concurred.

There's a letter on file prepared by Al Yager, Town Engineer, dated March 31, 2025 that will be made part of the public record, in part:

Before the letter is read into the record, Al Yager, Town Engineer, stated that the one contingency put in the letter with regard to the grading plan has been addressed. I will note that the grades on the east sides taper just a bit because you have a couple doors that are there to provide an adequate ingress/egress doorway so it's not a steep grade. At least 5' away from the building need (unclear...slope) for access; but that's not going to affect the septic system. You may need to put a riser manhole on the septic tanks but there should be more than enough room there. Appropriately sloped ingress/egress of the east side of the building will be needed.

Mr. Corey stated that that can be made a contingency.

Mr. Yager concurred stating that they can just address that with a revised grading plan...

Mr. Darcangelo stated that he doesn't know how tightly designed your septic system is and I understand that the septic system is based on the number of bedrooms and you're not changing that. I guess there's two additional bedrooms being added which may not be significant. I can assure you your water usage is going to go up under the conditions that you're adding showers and making them convenient for people. I assume that's why you are adding.

Mr. Reeves stated that there are current showers in the existing building also that they use.

Mr. Mastroianni stated that they're going by the New York State Health Department Standards as to what is required for five bedrooms.

Mr. Yager added that it would certainly be prudent to have the Health Department review the existing septic system prior to the issuance of a building permit...have it be adequate. That's standard operating procedure.

Mr. Darcangelo concurred.

Mr. Corey questioned if that should be a condition too.

Mr. Darcangelo stated that...for instance I'm looking at the septic system and it looks like there's three zones. How do you distribute to those. I mean that very first Distribution Box after the second septic tank?

Mr. Yager stated that it looks like they have three tanks in a series and they have a Distribution Box with three laterals coming out of it. And then a second Distribution Box with two manholes, I guess that is, with two laterals coming out of it.

Mr. Darcangelo stated that somehow you're getting equal distribution to the manholes.

Mr. Reeves stated that a couple of them have pumps in them.

(Several talking at once)

Additional discussion with Mr. Reeves stating that there are two pump stations there...

Mr. Mastroianni stated that there was an addition put on to the septic system when this building was put in a few years ago (indicating on plan). The County Health Department had to come out and review this before it was covered over and everything. It was inspected.

Mr. Reeves stated that those also had the two additional bedrooms in this addition...we're going to eliminate some living quarters in the house.

Mr. Yager stated that there used to be a single wide trailer that was there.

Mr. Reeves stated that there were two single wides there. Those are gone. There are still some residents in the actual house; but we're eliminating a couple of bedrooms from there to have more space in that house. That's where the two additional bedrooms in this addition come from. Even though it looks like there are two more bedrooms here, they're replacing older living quarters.

Mr. Darcangelo stated that that should be clarified with the Health Department; they're going to think there are two additional bedrooms and ask for more designs.

Mr. Reeves stated that he has been in contact with them already because they have to inspect any new construction.

Engineering Review Amended:

I have completed my review of the site plan drawings, dated February 21, 2025, prepared by Mastroianni Engineering and SEQR For the Reeves Farm Migrant Worker Housing project. The project will not involve more than an acre of soil disturbance so a SPDES permit and SWPPP will not be required.

Overall, the plan appears to be in compliance with all applicable State, County and Town Code requirements. At this time, I would not be opposed to the Planning Board granting approval of the site plan with the following contingencies:

- 1) Grades at ingress/egress locations shall not exceed 2% cross-slope for a 5-foot distance away from the building, and
- 2) Updated review by the Onondaga County Health Department regarding the septic system.
- 3) Both will be provided before the issuance of the building permit.

#### RESOLUTION #6 -- Motion by Corey, Second by Kimball

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 Reeves Farm Holding LLC, 1184 West Genesee Road, Baldwinsville, New York, Controlled Site Use application for Farm Worker Housing.

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 #7 -- Motion by Corey, Second by Darcangelo

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 Reeves Farm Holding LLC, 1184 West Genesee Road, Baldwinsville, New York, Controlled Site Use application for Farm Worker Housing, the Board issues a **NEGATIVE DECLARATION**.

5 Ayes -- 0 Noes

RESOLUTION #8 -- Motion by Corey, Second by Kimball

RESOLVED, that having reviewed a Site Plan as defined on a map dated February 21, 2025. prepared by Joseph A Mastroianni, Professional Engineer, associated with the application of Reeves Farm Holding LLC, on behalf of Reeves Farm, for a Controlled Site Use to allow the construction of Farm Worker Housing on property located at 1184 West Genesee Road, Baldwinsville, New York, the Site Plan is hereby approved.

5 Ayes -- 0 Noes

Mr. Mastroianni and Mr. Reeves thanked the Board for their time.

V. ADJOURN

RESOLUTION #9 -- Motion by Corey, Second by Darcangelo

RESOLVED, that the March 31, 2025 special Planning Board meeting adjourn at 8:37 p.m.

5 Ayes -- 0 Noes

Respectfully submitted,

Karen Rice, Clerk  
Planning Board