

## **November 19, 2013 Planning Board Meeting Minutes**

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on November 19, 2013 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 7:00 PM.

Present: James Nakas, Chairman  
Richard Markoff, Member  
Brad Bush, Member  
Barb Lasky, Member  
Shawn Adam, Member

Recording Secretary: Jacqueline Roorda

Others Present: John Langey, Attorney  
Ralph Lamson, Building & Code Enforcer  
Bill McConnell, Supervisor  
Andy Ohstrom, Councilman  
Steve Zajac, Councilman  
Doug Daniel, Councilman  
Chris Brunnelle, VP Sonbyrne Sales  
Jim Gosier, Byrne Dairy  
Mark Chambers, C & S Engineers  
Jeff Palin, C & S Engineers  
Bruce Donahue, Property Owner

Chairman Nakas opened the Meeting at 7:04 p.m. He welcomed everyone and announced the one item on the agenda:

**Application for Commercial Planned Development District requesting a 7.0+/- acre piece of property on the northwest corner of US Interstate 81 and NYS Rte. 20, located west of the current McDonalds on Route 20 (Portion of Tax Map No. 020.-06-01.2) be designated a Commercial Planned Development District to permit construction of a Retail Grocery Store and Fueling Facility as shown on the attached preliminary site plan, dated September 2013.**

Chairman Nakas announced that Chris Brunnelle of Sonbyrne will be doing a short presentation and that although this is not a Public Hearing, comments and questions may be addressed.

Chris Brunelle and Jim Gosier of Byrne gave a presentation using display boards including the site plan, an aerial view showing the neighboring properties and their distance from proposed development, the pointing out of the entire 30 acre parcel & the 7 acres parcel Byrne has applied to develop, the location of the 7,030 square foot store, 8 gas pumps, 2 diesel pump spots, 52 parking spaces, two driveways (one to be shared with McDonalds). They advised that they have met with the Dept. of Transportation and hired a traffic engineer, Jim Natolie. He

showed the existing hedgerow at the far West line of the property that borders the Olrich property and advised that Bruce Donahue, property owner will state in the deed that the hedgerow will never be removed to ensure their privacy.

They further explained that Byrne Dairy was founded in 1933 and still manufactures and bottles its fresh dairy products in Syracuse and in the 1970's expanded to include Mighty Fine Ice Cream; in 2005 they opened the Ultra pasteurization plant in East Syracuse; April 2009 Byrne Dairy Corporate Headquarters relocated to LaFayette and in the spring of 2014 will open a Yoghurt Plant and Agri-tourism Park in Cortlandville, NY producing more jobs for local residents. All 54 stores are owned and operated by Byrne and none are franchised. The grocery store is their focus and is not going to be the typical convenience store. They own and operate their own warehouse dairy production facility and bakery. It will be similar to the IGA store that use to exist in LaFayette and will include locally made products including produce, dairy, expanded freezer section, bread and bakery. It will be open 24 hours a day, will have private utilities (well and septic) and Dept. of Health has already given conceptional approval for these. Their roadside sign will include an area for Community Events and location of it will have to be approved by DOT.

Questions from the Planning Board members include concerns of overnight parking; and questions regarding the traffic studies such as a traffic light to be installed, and is "peak Hours", "checking school traffic" and traffic at "four corners" included in study. Also, has a traffic accident study been conducted since McDonalds was built, are they checking on the blinding sun effect on traffic, traffic flow, why a second driveway. What about the rest of the 23 acres they are not including in their plan?

Mr. Brunelle advised that signs "No Overnight Parking" can be installed and policed by Byrne. He further advised that this has not been a problem in other store locations. As far as the traffic studies, Byrne has hired a traffic engineer to do the preliminary study as they do not want any unsafe conditions, however the study being done by the New York State Department of Transportation will be a double check and should include all aspects of their traffic concerns. The second driveway will benefit the flow of traffic and those heading west will most likely use the second driveway.

Attorney John Langey advised that the Dept. of Transportation will look at all factors relating to traffic, traffic light necessity, accident reports and long term anticipated increase in traffic, etc. and all of these reports will be available for their review and will be part of the Public Record. An Environmental Review will be much more intense, looking at traffic, drainage, etc.

**Motion made be Chairman Nakas and seconded by Member Brad Bush to recommend the approval of the final development and zone change for a Commercial Planned Development District, Tax Map No. 020.-06-01.2 based upon the following findings.**

**DRAFT FINDINGS AND DETERMINATIONS ASSOCIATED WITH  
RECOMMENDATION OF TOWN OF LAFAYETTE PLANNING BOARD  
PURSUANT TO TOWN OF LAFAYETTE ZONING ORDINANCE  
ARTICLE II SECTION G(4)**

Pursuant to Article II Section G(4), the Planning Board hereby recommends approval of the final development plan and zone change for a Commercial Planned Development District for the subject premises upon the following findings:

- A. The site area is comprised of 7.0± acres located in the northwest corner of U.S. Interstate 81 and NYS Route 20 (being a portion of Tax Map No. 020.-06-01.2), which acreage is in excess of the required 5 acres necessary for consideration for a Commercial Planned Development District.
- B. The proposed preliminary development plan demonstrates appropriate development of the area with respect to its existing natural features, its location and suitability for the included structures and uses since the project entails a large, previously vacant site of over 7 acres with a single main structure of 7,030 sq. ft. for a full service grocery store along with associated fueling and parking facility. The proposal further includes significant open green areas, particularly on the western, northwestern and southwestern portions of the site which are closest to the nearest residential area. The development is further appropriate in the sense that it adjoins an existing commercial use in the form of the existing McDonald's restaurant and associated parking area directly to the east of the facility. The site accommodates the existing natural topography of the parcel and preserves other existing features, including the hedgerows bordering on the west and northern part of the property as proposed by the Developer.
- C. The proposed preliminary development plan also includes a combination of structures and uses which appear to be harmonious and in proportion with the site improvements. In particular, the layout of the grocery store is centralized on the site to allow for appropriate drainage and for safe internal access and traffic control. Further, the development mitigates any impacts through the placement of the fueling station between the commercial use located directly to the east and the proposed grocery store structure. In addition, the developer's proposal to include covenants to maintain existing hedgerows will also allow for buffering of the structures and uses from adjacent properties.
- D. The proposal demonstrates adequate public utilities and highway access to service the structures and uses. In particular, the applicant will be required to demonstrate obtaining the necessary commercial driveway cut permits from the New York State Department of Transportation (hereinafter "NYSDOT"). U.S. Route 20 is and has been recognized as a major thoroughfare through this portion of the Community and the applicant will be required to work closely with NYSDOT to demonstrate appropriate sight distance for any new road cut and will utilize the existing road cut to the McDonald's restaurant facility and thereafter gain access to the site through an internal driveway located on the border of the McDonald's parcel and the subject parcel.
- E. The proposed project demonstrates a development that is harmonious with appropriate development of neighboring areas and will not be unreasonably detrimental to existing structures and uses in such areas. The parcel is unique in the sense that it shares its border with a long-standing adjacent commercial use (*i.e.* the McDonald's restaurant).

Further, the parcel's access from U.S. Route 20 through a separate driveway cut (which must be established pursuant to a specific permit from the NYSDOT) and the existing McDonald's driveway cut will limit any potential detrimental impacts to surrounding uses. The development further includes a minor simple subdivision which will allow for residual lands to be retained and act as a physical buffer from the nearest residential parcel to the west. With regard to the buffering parcel, the owner of that parcel (Route 20 Crossroads Corporation) has indicated, in conjunction with the applicant that it will enter into Covenants to Run with the Land that will preserve the existing hedgerow which currently acts as a natural buffer to the parcels to their immediate east. There are no anticipated impacts to parcels opposite to U.S. Route 20 and the applicant will be required to demonstrate to the Town Board an appropriate lighting plan to demonstrate that all lighting will be maintained on-site such that there will be no spillage onto neighboring parcels or onto U.S. Route 20. Further, the applicant has demonstrated that the day-to-day operations of the Byrne Dairy site will include safeguards to avoid overnight parking of vehicles (including tractor trailers) and a prohibition of idling of such vehicles on the site. The applicant has further demonstrated that the proposed septic field and septic system will be well in excess of all setbacks required under New York State Health Department guidelines and that sufficient septic field sizing is available onsite. The applicant has also demonstrated that the facility will have an appropriately engineered stormwater management area, including a four bay system.

- F. The proposed site development demonstrates an appropriate evolution of the Comprehensive Plan of the Town of LaFayette. In particular, the Comprehensive Plan includes the following references:
- i) **pp 6-7:** Pursuant to the Business Demand Survey, 83% of residents responded favorably to the inclusion of a grocery store in LaFayette.
  - ii) **p. 9:** According to the Survey, the lack of a grocery store in the Town was seen as a significant weakness to the Town's attractiveness.
  - iii) **p. 51:** The 2007 Business Demand Survey demonstrated that residents were "particularly interested in having more restaurants and a grocery store in the Town."
  - iv) **p. 52:** In accordance with the 2007 Business Demand Survey, 78% of respondents indicated that they would prefer to see development in the LaFayette Hamlet and the Comprehensive Plan further concluded that it was important to build a "strong Hamlet economy in supporting small businesses" as a focus for the Town's economic development efforts. Further, the Comprehensive Plan suggested that the Town should attract new business focused on the Hamlet area.
  - v) **p. 54:** In the section titled "Goals and Implementation Measures," Goal 10 includes the expansion of existing businesses in the Town of LaFayette and taking action to promote and encourage the expansion of businesses

that provide goods and services needed by Town residents and that are consistent with the Town's character. Further, Goal 11 of the same section states that the Town should seek to increase the number and variety of business in the Town, especially in the Hamlet area and includes the implementation measure to work cooperatively with developers to attract a grocery store, restaurants and other retailers and services in the Hamlet area that will serve the needs of Town residents."

- vi) **p. 54:** In the same section, Goal 12 encourages increasing the economic impact of existing Town assets through the implementation measure of capitalizing on numerous travelers on nearby transportation routes to increase the customer base for new and existing businesses.
- vii) **p. 60:** Section 5 ("Hamlet Development") of the Comprehensive Plan recognizes the paucity of opportunities for Town residents to buy groceries. Specifically, the only existing such areas are the Nice and Easy and The Dollar General.

G. The proposed plan limits building coverage of the development to an area far less than 30%. The total building area, as shown on the plans, is 7,030 sq. ft. and the parcel size is in excess of 7 acres. In total, with all structures (including those with canopies), the building coverage is less than 4%.

For all of the above-reasons, the Town of LaFayette Planning Board makes this positive recommendation with the proposed condition to the Town Board that any approval be subject to the Town Board entering into a Stormwater Management Agreement with the applicant and the recording of appropriate covenants consistent with these findings.

<b>Chairman Jim Nakas</b>	<b>Voted</b>	<b>Yes</b>
<b>Member Brad Bush</b>	<b>Voted</b>	<b>Yes</b>
<b>Member Shawn Adam</b>	<b>Voted</b>	<b>Yes</b>
<b>Member Barb Lasky</b>	<b>Voted</b>	<b>No</b>
<b>Member Richard Markoff</b>	<b>Voted</b>	<b>Yes</b>

**Motion passed 4 – 1.**

**Member Adam moved and Lasky seconded motion to adjourn the meeting. All voted Aye. Meeting adjourned at 7:35.**

Respectfully submitted,

Jacqueline Roorda  
Planning Board Secretary