

April 15, 2014 Planning Board Meeting Minutes

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on April 15, 2014, 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  
Shawn Adam, Member  
Barb Lasky, Member  
Brad Bush, Member  
Rick Markoff, Member

Recording Secretary: Jacqueline Roorda

Others present: John Langey, Planning Board Attorney  
Karl Esmark  
Elizabeth Esmark  
Richard Rarick  
Stuart Swimm

Chairman Nakas opened the Meeting at 7:00 p.m. and welcomed everyone. He then asked if anyone had any concerns regarding the minutes of the March 18, 2014 meeting minutes. None were voiced.

**Member Lasky moved and Adam seconded motion to accept the March 18<sup>th</sup>, 2014 Planning Board Meeting Minutes as submitted by Planning Board Secretary, Jackie Roorda. All voted Aye.**

Chairman Nakas then advised that the Esmarks are returning regarding the below application:

**Application of Elizabeth Esmark for Controlled Site Approval for an antique & consignment shop and the restoration of the property and buildings thereon and return it to a part-time Antique/Consignment Shop during summer months. This is a 2.75 acre piece of property located at the corner of Field Lane and US Rt. 20. Property address: 5323 Route 20, LaFayette. (Tax Map Number; 021.-03-08.0) The net profits from the shop will be used to help fund the Matthew 25 Farm, a 501(c)(3) a public charity that grows and distributes fresh produce to food pantries, soup kitchens, etc.**

Chairman Nakas requested Attorney John Langey to explain the sequence of events pertaining to this matter.

Attorney Langey advised that at this time, the Planning Board can move forward on the approval of the Controlled Site Approval as we have heard back from the Onondaga County Planning Board wherein they determined there are no significant adverse implications; a Public Hearing was held March 18, 2014, all formalities have been completed and he has prepared the below Resolution for the Planning Board regarding a Zone change from Ag/Residential to Business Controlled Site Approval.

Chariman Nakas asked the Board if they had any questions or comments. None were voiced.

**CONTROLLED SITE APPROVAL RESOLUTION  
OF THE  
TOWN OF LAFAYETTE PLANNING BOARD**

**ELIZABETH M. ESMARK and VALERIE E. RARICK - -  
Controlled Site Approval for Proposed Antique and  
Consignment Shop to be located in an existing structure at  
5323 Route 20, Town of LaFayette, in a presently zoned  
Business District - GRANTED**

**April 15, 2014**

Shawn Adam moved and Barb Lasky seconded the following Resolution:

**WHEREAS**, Elizabeth M. Esmark and Valerie E. Rarick, as applicants/owners (the “Applicants”), of property located at 5323 Route 20, in the Town of LaFayette, County of Onondaga, New York (the “Property”), applied on or about February 21, 2014 for a controlled site approval to operate an antique and consignment shop from an existing structure located at 5323 route 20, which structure is located in a recently created Business District, all pursuant to the Town of LaFayette Zoning Ordinance as amended (the “Ordinance”); and

**WHEREAS**, the Applicants have submitted a site plan proposal in support of their application; and

**WHEREAS**, the Applicants have also submitted a request to the Town of LaFayette Town Board for a zone change for the Property, which zone change was granted on April 14,

2014 and converted the property's zoning classification from an Agricultural/Residential District to a Business District; and

**WHEREAS**, a public hearing was held on the application by the Board at its regular meeting on March 18, 2014, and after due notice by publication in the Syracuse Post Standard and due notice to the Applicants, neighboring landowners and Board Members, in accordance with the law and the Ordinance; and

**WHEREAS**, at the public hearing, the Applicants and public appeared and were heard on the application; and

**WHEREAS**, the matter was submitted to the Onondaga County Planning Board ("OCPB") for its review and comment pursuant to the General Municipal Law; and

**WHEREAS**, the Onondaga County Planning Board, by resolution dated April 2, 2014, determined that the project will have no significant adverse inter-community or county-wide implications and offer the following comments:

1. Per the New York State Department of Transportation, all access must be on Field Lane. No access will be permitted on Route 20, and any work in the State right-of-way will require a highway access work permit;
2. Should the Town require the applicant to provide potable water in lieu of a port-a-potty with no water supply, the applicant must obtain approval or acceptance of a septic system from the Onondaga County Health Department; and

**WHEREAS**, Volume 6 N.Y.C.R.R. Part 617 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York ("SEQRA"), requires that as early as possible and within (20) days of a complete application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

**WHEREAS**, the application was fully considered by the Board pursuant to the requirements of Article III, Subsection “C” of the Ordinance, and the Board finds, among other things that:

1. The location in question is zoned Business and the use will entail the operation of an antique/consignment shop in an existing structure previously occupied as a commercial use, with associated parking. All activity will be conducted within the area indicated upon the submitted site plan; and
2. No traffic problems have been identified and adequate parking exists; and
3. All necessary approvals of the Onondaga County Department of Transportation and County Health Department will be or have been obtained prior to any construction and operation; and
4. The Applicants have demonstrated the ability to conduct the use in a reasonable manner and has proposed to limit signage, which will be compliant with Town requirements and will include lighting which will not spill onto neighboring properties or impact the traffic in the area.

**NOW THEREFORE, BE IT RESOLVED**, that the Planning Board of the Town of LaFayette hereby determines that the proposed action is an Unlisted Action, that the action does not involve any federal agency and the proposed action does not involved more than one agency; and it is further

**RESOLVED**, that the Planning Board of the Town of LaFayette hereby notices all agencies involved, if any, that it shall be lead agency for this project; and it is further

**RESOLVED**, that this Board hereby determines that the proposed action will not have a significant adverse effect on the environment, and this resolution shall constitute a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617, for the following reasons:

1. There are no identified unusual or unique land forms or environmentally sensitive areas at the proposed location;
2. No other areas of concern have been identified by the public or the Board;

and it is further

**RESOLVED**, that the Board hereby allows and grants the Applicants’ request for a controlled site approval for the operation of an antique/consignment shop on the property owned by the Applicants located at 5323 Route 20 in a Business District as requested, subject, however, to the following condition:

1. Utilization of lighting which will not spill onto neighboring properties;
2. Signage which is compliant with the Town’s sign ordinance;
3. Obtaining any necessary approvals for commercial driveway access to the site, to wit, per the New York State Department of Transportation, all access must be on Field Lane. No access will be permitted on Route 20, and any work in the State right-of-way will require a highway access work permit;

and it is further

**RESOLVED**, that the Zoning Officer is hereby authorized and directed upon payment of any required fees to issue such permits and certificates and to take such other action as may be required to effectuate and enforce this Resolution subject to the above conditions; and it is further

**RESOLVED**, that this Resolution shall be effective as of the date of its filing with the Town Clerk.

The question of the adoption of the foregoing Resolution was duly put to a roll call vote, which resulted as follows:

Brad Bush, Board Member	Voting	YES
Barbara Lasky, Board Member	Voting	YES
Shawn Adam, Board Member	Voting	YES
Dr. Markoff, Board Member	Voting	EXCUSED
James Nakas, Chairman	Voting	YES

The Chairperson, Mr. Nakas, then declared the Resolution to be duly adopted.

Chairman Nakas thanked the Esmarks for attending the meeting. The Esmarks thanked the Planning Board Members, Attorney Langey and Secretary, Jackie Roorda for all their efforts, assistance and guidance with this matter. Ms. Esmark advised that they are already working on this and will be sure to have it be a place the Town of LaFayette will be proud of.

Case 2.

**Stuart Swimm (sketch) Application for Approval of Minor Subdivision of Property located at 2733 US Route 11 North (former lands of Terry A. Merron And Eleanor Motion). Total acres 32.4 subdivide two building lots on either Home, divide back acreage with right of way.**

Chairman Nakas asked Mr. Swimm to introduce himself and present his case.

Mr. Swimm approached the Board to discuss his desire to subdivide the property he recently purchased at 2733 US Route 11 North. He advised that he has fixed the house up and eventually would like to subdivide off two building lots on either side of the existing home and divide off the back acreage which contains a right of way. Mr. Swimm advised that he is presently leasing the upper portion to a gentleman who uses it strictly for hunting. He presented some rough drawings and advised that this is very preliminary and he is way too busy with his landscaping business to pursue anything at this time.

The Board complimented Mr. Swimm on the improvements to the house and property and on doing such an impressive job. Discussions regarding his intentions and motivation to improve this piece of property at a later date took place. Mr. Swimm thanked the Planning Board for their comments and taking the time to discuss his application. He advised that he most likely will not be moving forward with anything until the fall when his landscaping business slows done.

**Member Bush moved and Markoff seconded motion to adjourn the meeting. All voted Aye. Meeting adjourned at 7:34 p.m.**

Respectfully submitted,

Jacqueline Roorda  
Planning Board Secretary