

June 21, 2016 Planning Board Meeting Minutes

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on June 21, 2016, in the Library Community Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 7:00 PM.

Present: Jim Nakas Chairman
Brad Bush, Member
Shawn Adam, Member
Barb Lasky, Member
Rick Markoff, Member

Absent: Rick Markoff, Member

Attorney: John Langey

Recording Secretary: Jackie Bush Roorda

Others present: Ralph Lamson, Bldg & Code Enforcer
Paul Swimm, Applicant
Kurt & MaryLou Watson

Chairman Nakas opened the Meeting at 7:00 p.m. and welcomed everyone. He then asked if anyone had any comments regarding the minutes of the May 17, 2016 meeting minutes. None were voiced.

Motion was made by Brad Bush and seconded by Shawn Adam to accept the minutes as submitted by Planning Board Secretary, Jackie Bush Roorda. Motion passed 4 – 0.

Chairman Nakas then asked all in attendance to introduce themselves and then stated the case involved below.

Application for Controlled Site approval by S. Paul Swimm of 2733 US Route 11 North to run his landscaping business in a zoned Business District. The property is approximately one mile north of Route 20, next to Watsons Landscape.
Tax Map Number 020.-04-17.0

Attorney Langey advised that the County Planning Board disapproved the application for Mr. Swimm to run his landscaping business at 2733 US North Road

as the Zone change from Ag/Res to Business had not been completed at the time of their review and they requested a resubmitted application and more detailed site plans. Langey advised that the Town Planning Board can overrule the County as the Town has already approved the Zone Change.

Discussion that a more detailed site plan is not necessary as it will be costly to the applicant and Code Officer Ralph Lamson advised that the current site plan was already updated. Nakas asked if anyone felt a better site plan is needed and all answered no.

Member Bush moved and Adam seconded the motion to open the Public Hearing. Motion carried 4-0.

Chairman Nakas asked for any questions or comments from the Public. Kurt Watson commented that he feels the landscaping business is a nice addition to the neighborhood.

Attorney Langey asked if there are any plans for signs advertising the business. Swimm replied that they may have a sign on the side of the barn. Code Officer Lamson advised the board that Swimm already fixed the illegal driveway by roping it off and planted grass seed. Langey asked if there will be any customers in need of parking. Swimm replied that **no** customers will be on the premises as he will not be selling any products at this location.

Chairman Nakas asked if there were any further questions or comments. Member Bush replied that he agrees with the Watsons in that this is a nice addition to LaFayette, and he disagrees with the County Planning Board requiring a more detailed site map. His voice is to proceed with the current map overruling the County Planning Board.

Member Lasky moved and Nakas seconded the motion to close the Public Hearing. Motion carried 4-0.

Attorney Langey advised that Part 1 SEQR/short EAF were already filled out and proceeded with Part 2. Answers to each question were “no change or small impact”. Chairman Nakas signed the negative Declaration, completing the SEQR process.

**CONTROLLED SITE APPROVAL RESOLUTION
OF THE**

TOWN OF LAFAYETTE PLANNING BOARD

STUART PAUL SWIMM -- Controlled Site Approval for Landscaping Business to be Located at 2733 Route 11 North, Town of LaFayette, in a presently zoned Agricultural-Residential District - **GRANTED WITH CONDITIONS**

June 21, 2016

Brad Bush moved and Barb Lasky seconded the following Resolution:

WHEREAS, Stuart Paul Swimm, as Applicant/Owner (the “Applicant”), of property located at 2733 Route 11 North in the Town of LaFayette, County of Onondaga, New York (the “Property”), applied on or about May 10, 2016 for controlled site approval to operate a landscaping business at 2733 Route 11 North, which structure is to be located in the presently zoned Agricultural-Residential District subject to approval by the Town Board of the property being rezoned Business, all pursuant to the Town of LaFayette Zoning Ordinance as amended (the “Ordinance”); and

WHEREAS, a public hearing was held on the application by the Board at its regular meeting on June 21, 2016, and after due notice by publication in the Syracuse Post Standard and due notice to the Applicant, neighboring landowners and Board Members, in accordance with the law and the Ordinance; and

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

WHEREAS, the Applicant has prepared an updated site plan drawing depicting the site amenities, including building/supply locations and the driveway; 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 June 8, 2016, recommended that the application be **DISAPPROVED** for the following reason:

“The proposed use is not allowed under current zoning, and the Town is encouraged to resubmit the proposed site review once a zone change

application for the parcel has been referred. The resubmitted referral must include a scaled, detailed site plan showing the entirety of the lot, information about the extent of the proposed use, and an agricultural data statement per state law.

More generally, the Board strongly advises the Town to adhere its regulations which require complete and accurate site plans, in order to ensure adequate review of projects is feasible and to improve the quality of local land use decisions”; and

WHEREAS, the Town of LaFayette Planning Board has determined to consider said application on the condition of the granting of the requested Zone Change; 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 Agricultural-Residential but is in the process of being considered for rezoning to Business which would allow for the proposed landscaping business to take place after Controlled Site Approval;
2. The Applicant has demonstrated the ability to conduct the use in a reasonable manner; and
3. The predominant character of the neighborhood includes low-impact business uses, including a nearby garden center (Watson).

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. There will be no impacts to neighborhood character as the proposed use is complimentary to the area which includes a nearby existing garden center;
3. 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 Applicant's request for controlled site approval to operate a landscaping business at 2733 US Route 11 North in the Agricultural-Residential District (to be rezoned Business District) as requested, subject, however, to the Town of LaFayette Town Board granting the associated Zone Change request changing the parcel's zoning district designation from Agricultural-Residential to Business; and it is further

RESOLVED that the recommended disapproval of the Onondaga County Planning Board is hereby declined and overruled as the Applicant is in the process of obtaining a Zone Change making the reasons for the denial recommendation inapplicable (unless the requested Zone Change is not granted) and the Applicant has provided an updated, detailed site plan; and it is further

RESOLVED that the Town of LaFayette Code Enforcement Officer shall review the satisfaction of all conditions prior to the issuance of a Building Permit/Certificate of Occupancy; 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	Excused	-----
James Nakas, Chairman	Voting	YES

Chairman James Nakas, then declared the Resolution to be duly adopted.

Member Shawn Adam commented that he drives by the applicant's property every day and is very satisfied with the appearance and improvements since Mr. Swimm has resided there.

Member Adam moved and Bush second the motion to adjourn the meeting. Chairman Bush adjourned the Meeting of the LaFayette Planning Board at 7:35 pm.

Respectfully Submitted,

Jacqueline Roorda, Town Clerk
Planning Board Secretary