

2577 US Route 11
P.O. Box 193
LaFayette, NY 13084
www.townoflafayette.com



Date: November 21, 2017

Time: 7:00 pm

Location: LaFayette Town Offices

Planning Board Meeting

Meeting called by: LaFayette Planning Board

Chair: Jim Nakas

Secretary: Sue Marzo

Attendees: Planning board members: Jim Nakas, Brad Bush, Shawn Adam, Barb Laskey, Rick Markoff
John Langey, Town Counsel

Andrew Oliver, James Oliver, Jordan Oliver, Kelsey Moody, James Camperlino, Anita Miner, resident, Tony Scala, resident, Deb McCasland, resident

Minutes

Agenda Items: Case #1 – Application of Oliver's Campers, Inc. of 6460 Ste Highway 12, Norwich, NY for Controlled Site Approval for a family owned and operated RV sales and service dealership. The location is at 2843 US Route 11, west side, 725.55 feet northerly of the intersection of Moltion Rd. and Route 11 in an industrial zoned property. Tax Map No. 020-03-02.0

Case #2 – Re-application of W. James Camperlino for a subdivision on the east side of LaFayette Rd. 400ft. south of the Bull Hill/LaFayette Road intersection zoned agricultural.

Discussion:

Jim Nakas welcomed all in attendance. On the agenda is a Controlled site approval for Oliver's Campers and a Subdivision application from William Camperlino.

The minutes from the October 17th meeting were approved as written. Motion made by Brad Bush. All others present were in favor of approval.

Jim Nakas stated regarding Oliver's Campers; some of the points that were raised by the Onondaga County Planning Board can be addressed expeditiously and we could move along. Jim asked the applicants if they had a chance to look at the documents from the county? Oliver's Campers had not seen the document. Jim Nakas will review the comments that are pertinent.

Applicant must contact Onondaga Health Department about the location of the existing septic system prior to municipal approval.

Contact the Department of Transportation to coordinate regarding site access, drainage and lighting plans. Explain where people are going to be coming in and traffic flow. There can be no lighting spilling out onto the highway or adjacent homes. You will need highway access or work permit for any new or modified driveways from the Department of Transportation. Agricultural data statement, a form must be submitted if there is any interference with farmers.

John Langey went over the environmental review. We have a county referral and comments from them. Important to go over hours of operation again. They are looking at operating Monday thru Friday 9:00 am – 5:00 pm and Saturday 9:00 am thru 5:00 pm. They need to go through DOT to make sure they can use both driveways. Parking plans different from original plan. Jim Nakas asked what's been outlined by the County. John Langey stated that the County is saying that for any modifications, they still must contact the Department of Health on existing septic system. Ralph Lamson would hold any C of O until shown that paperwork. All lighting on plan must be properly shielded that is the typical condition. If they are working on the state highway right of way they must get a work permit. They have completed part 1 of the SEQR short form. The Planning Board went though the questions on Part 2:

Will the proposed actions cause?

Material conflict with adopted land use plan or zoning regulation – no

Change the use of the land or intensity of the use of the land - is it significant – no

Impair character or quality of existing community – no

Impact on Critical environmental – no

Adverse change of existing level of traffic or infrastructure for mass transit – no

Increase in use of energy and doesn't incorporate reasonably efficient energy opportunities - no

Public or private water supplies – no

Waste water/Septic - no

Character or quality of an important historic archaeological – no

Natural resources wetlands, etc. – no

Increase in potential erosion flooding or drainage - no

Environmental resources or Human health – no

Answered all in the negative which leads to a negative declaration. Motion was made to declare negative declaration. John Langey will check the box for negative declaration. It will be dated November 21, 2017. Jim Nakas will be the responsible officer. John Langey to sign and will bring to Jim Nakas to sign and put in formal record.

John Langey stated the purpose of the operation is a sales operation only. If they ever want to do service, they will have to revisit with the board. Pursuant to the submitted drawings provided, Jim needs to date plans initialed by the chairman. Condition as referenced by County Planning Board, signage DOT said they can do whatever they want. Mr. Oliver talked to DOT and they said they could do whatever they want with signage. He was going to double check and if it is not on the highway they can do whatever they want. Mr. Langey stated signage must be to code.

Shawn Adam asked where the leach field was located. Ralph Lamson said the county should have it on file and be able to tell them where it is. Shawn Adam said applicants should get a copy. The Health Department should have the document. Applicants will need a letter from them stating that they are good go. The formal resolution is as follows. Chairman Nakas wished the applicants the best of luck.

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

OLIVER'S CAMPERS, INC. -- Controlled Site Approval for a RV Sales Dealership to be located at 2843 U.S. Route 11, Town of LaFayette, in a presently zoned Industrial District - GRANTED WITH CONDITIONS

B. Bush moved and Chairman Nakas seconded the following Resolution:

WHEREAS, Oliver's Campers, Inc., as Applicant/Owner (the "Applicant"), of property located at 2843 U.S. Route 11 in the Town of LaFayette, County of Onondaga, New York (the "Property"), applied on or about August 16, 2017 for controlled site approval to operate an RV Sales Dealership in an existing structure on the Property and outside on the Property itself, which Property is located in the Industrial District, 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 October 17, 2017 and continued on November 21, 2017, 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 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 November 15, 2017, recommended the following modification(s):

"The applicant must contact the Onondaga County Health Department regarding the location of **the** existing well and septic system. The Onondaga County Health Department must formally accept any existing septic system to service this property prior to municipal approval of the site plan. The Board also offers the following comment(s):

1. The applicant is advised to continue to coordinate with the New York State Department of Transportation regarding site access and any required drainage or lighting plans as part of the commercial driveway permitting process.
2. The applicant and municipality are advised to ensure the following county, state, and/or federal regulations have been met prior to site plan approval:
 - a. State Highway Access and/or Work Permit – Any new or modified driveways and work within the state right-of-way require a highway access and/or work permit from the New York State Department of Transportation.
 - b. Agricultural Data Statement – Any application for a special use permit, site plan approval, use variance, or subdivision approval requiring municipal review and approval that would occur on or within 500 feet of a property within a New York State Certified Agricultural District is required by the New York State Agricultural and Markets Law to include an Agricultural Data Statement."; 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 Industrial and the use will entail the operation of an RV Sales Dealership in an existing structure and on the site which was 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 Applicant has 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 involve 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 Applicant's request for controlled site approval to operate an RV Sales Dealership in an existing structure on the Property and outside on the Property itself located at 2843 U.S. Route 11 in the Industrial District as requested, subject however to the following conditions:

1. There shall be no sales of motorized trailers, "tow-behind" only;
2. There shall be no service performed on the site, sales only;
3. Utilization of lighting which will not spill onto neighboring properties and/or roadways;
4. Hours of operation will be Monday - Friday, 9:00 am - 5:00 p.m. and Saturday, 9:00 a.m. - 3:00 or 5:00 p.m.
5. Signage which is compliant with the Town's sign ordinance;
6. Appropriate County work permits must be obtained;
7. Obtaining any necessary approvals for commercial driveway access to the site;

and it is further

RESOLVED that the recommended modifications of the Onondaga County Planning Board are hereby incorporated and adopted into this resolution; 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	Voting	YES
James Nakas, Chairman	Voting	YES

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

Subdivision of Mr. William Camperlino reduced from 9 to 3 lot subdivision.

Jim Nakas asked for Mr. Camperlino to bring us up to speed where we are regarding concerns raised by Onondaga County Planning Board and the archaeological sensitivity that was raised by your consultant. Mr. Camperlino read a document dated October 27, 2017 with results of archaeological tests for lot 2. The archaeological consultant group was hired to do phase two. They performed a shovel test. Recommendation of phase was performed only for lot 2 based on the results they recommend no further archaeological investigations are warranted on October 27, 2017. Shovel test was done for lot 2 and not for 1 and 3. 1A historical mostly maps and photos were provided and looked at historical records. It was pointing to a site across the street and down the road which was considered sensitive. They thought that my property required a shovel test and found nothing of historical significance. How many shovels did they do (every 50'). Most of it is mostly boiler plate with the same maps as before. The board has not been given copies of this document prior to the meeting for review. If we could put this on the back burner for a minute. Mr. Langey cannot give any advice on this as he had not received the document to review.

They want you to continue to coordinate with DOT to assure the appropriate access permits are obtained for driveways. Mr. Camperlino stated that access location for lots 1,2, 3 meets our current site requirements. If the site distance formula changes before driveways are installed, we will have to reevaluate with a new formula. This letter is not a permit. You may get a permit application mailed or emailed to you. Documentation must be presented with your permit application before access permit is approved.

Jim Nakas stated the County had concern with the right of way not being measured 40' from the centerline of LaFayette Road. Leach fields may need to be relocated. They may not be permitted in a county right of way. Ralph Lamson stated that if you look at the subdivision map, the proposed leach field is right next to the road. They are saying it should be 40' from the centerline. This in the county of right of way and they don't like that.

John Langey stated that the new lot 2 shows it is not on the right of way. Mr. Camperlino said the Health Department approved the septic plan just for lot 2. The septic is behind the house. Jim Nakas asked how far is it from the septic to the wetland buffer? Brad Bush stated 100'. Mr. Nakas stated there has to be 100' from the property line to the buffer. Mr. Camperlino stated that they are going to be at least 100' from the wetlands and 70' from the buffer. This is approved for lot 2 only by County Health. John Langey said you'll have a separate parcel. You won't have a building permit applicable to that. Shawn Adam said they are not approved building lots as is it now. Septic systems must be designed. John Langey asked about the one residual lot and the acreage of 77 acres, lot 1. We received a comment about lot 1 that could become a larger subdivision of that in the future. Jim Nakas mentioned that there is missing information on streams that were referred to as perennial streams. They don't flow every year but only certain times of the year. Resident stated - Development might hinder the flow of the perennial streams. The stream runs right between my property. Trees have been cut down and caused expansion.

John Langey asked if there is enough detail on the plan for the proposed 3 lot subdivision. Brad Bush is not sure what he is asking us to review. This definitely would need to be looked at again if you dice it up again. I would like to not even personally worry about lot 1. I would put those concerns to the side. Do our due diligence to make sure we have to address this at some point. John Langey said there is a fear of segmentation under the environmental review existed since SEQR came about. We cannot zero in on part of it without looking at the rest of the property. John Langey asked if Mr. Camperlino had intentions of dividing further. Mr. Camperlino said they did examine the 9 lot first and we had issue with driveway cuts – that is why we went to a 3-lot subdivision. They rejected for 9-lot, but he has one customer that wants to build a house. Lot 2 is not the same as the original map with the 9 lots. It has been reconfigured and has been made bigger. John Langey wants to make sure the septic is in the right place. Brad Bush also is concerned about DOT and county issue with leach field.

Jim Nakas discussed the segmentation thing I guess I voiced my opinion I think there is any further subdivision of lot 1, we would be accused of segmentation. Shawn Adam mentioned there has been other subdivisions that have been approved in a piece meal fashion. John Langey said the difference is first 9 and now 3 and they think the planning board must look at environmental issues to avoid a claim of segmentation. Brad Bush stated that we have determined there are lots of problems on lot 1. Not real desirable.

Rick Markoff moved to open the public hearing 2nd by Jim Nakas. All members voted in favor. Public Hearing is now open, and you are all welcome to make comments and answer questions as best we can. Ralph Lamson has an issue with the wetlands 4-5 years ago at Butternut Landing. DEC said you must move it because the wetlands moved. With these problems being so close and narrow, DEC should

come in look at the wetlands and document. Jim Nakas stated that the DEC came out and walked the property. That should be approved by the DEC recently.

Tony Scala spoke first- if you own a piece of property you have a right to build on it. You must do it according to the rules and regulations, DEC and all other authorities in the state. We have a creek alongside the boundary between the two properties. It is already flooding more than ever. It is always there and never like that before. Building will cause the wetland to get worse. My property is muddy all the time now. Take into consideration the water will flow to the lowest area and that is a pretty low area. DEC needs to come out there again. Mr. Camperlino stated they have been out already and a wetland engineer marked it and a different engineer designed the lots accordingly. Matt Naparella designed the lots accordingly. Tony Scala said there has been enough changes with trees being cut down and the beavers have all been killed. Beaver damn was on your property and the beavers were all killed. Sheriff's came down and documented the whole thing. The beaver damn was blown up and killed all the beavers. You can get a permit to kill beavers, but the DEC doesn't like that. I don't want that changed but he must follow the rules and regulations.

Deb McCasland spoke next. I live next to Scala's. In the spring we had the rains and the corner of the land used to get wet but didn't turn into a lake and it goes across the road and dug out our ditches but spring we had cars in our ditch from the ice. This is because there is so much run off there. Creek is running a lot and is not emptying like it used to. She had the DEC come out and there was a beaver damn there. 30 years ago, snowmobilers used to have bridges. The beaver ended up building a damn and bringing up the waterfalls on each side, but it kept it on the lower level of the property you are trying to develop. She called the Army Corp. of Engineers said that he is going to take down all the hardwoods and it is so wet right now and I don't know how you are going to get drainage. The trees helped to keep that a stable wetlands area. There are gun shots in the middle of the night. I don't go back there anymore because I don't feel safe. The DEC said beavers should have been relocated but there were explosions in October. It is a beautiful area and it is your property and if it is done correctly it will be a very nice environment for 2 or 3 houses. Our water table is very high, and we have wells. We are getting water at 3 feet in our pump house. You had supposedly done perk tests. Army Corp. of Engineers they sent me to the Auburn office. Where are you getting info that things are ok, when visually you see that something is not right. Who is providing these tests?

Mr. Camperlino explained that his engineer, Matt Naparella did the perk tests. Shute's Water dug the holes with a backhoe and a different engineer who is a wetland engineer walked the wetlands and staked the perimeters of the wetlands. Hal Romans surveyed the stakes, and lots were designed by engineers and surveyors and we followed every step that we know of. We didn't cut any corners. A paid engineer delineated the wetlands. He is a paid wetland engineer.

They are subcontractors. The wetland engineer is the first time I ever used him. I used another environmental engineer, Matt Naparella who works on many of my different projects. He is a subcontractor. He is a licensed engineer and designed the septic system and sent them to the Health Department for approval and we got their approval.

Deb McCasland asked about Federal wetlands. Mr. Camperlino said to his knowledge it is a DEC wetland. Army Corp is not to his knowledge. If you start doing something that they want to be notified. I pay the subcontractors and the procedures are followed. I must rely on the licensed engineers. They all seem to be legitimate.

Ralph Lamson - We should have the DEC mark those wetlands.

Mr. Camperlino chooses who gets jurisdiction. They refer to the DEC. DEC does wetlands, Army Corp does bodies of water. Deb McCasland stated his development is proper to the creek which connects to Butternut Creek and ends up at Limestone Creek.

Andrew Metz owns the property across the road. One stream goes on the Scala property and crosses to his property. I don't know why anyone would leave a stream off a map and the associated wetlands. You would never leave that feature off a map. The other stream goes under LaFayette road. The wetland is adjacent to it, and in close proximity to lot 2. How could an engineer approve a site plan without the streams and associated wetlands on the map? Brad Bush stated that the map does not show any streams on it. Andrew Metz said it is not just the native runoff, there is a lot of storm water runoff. All the water goes in to Bull Hill Rd. under LaFayette Rd into that creak and onto his property. The map is lacking these details. They are necessary features.

Mr. Camperlino was asked to put the streams on the map. He is only looking to get one lot approved. Those features should be added if we add additional lots. How could we have increased the runoff. The trees that were harvested by Kevin Sikes were the over mature trees to allow the younger trees to grow. Kevin Sikes said for the health of the forest they should be harvested every 10-15 years. That is all we harvested.

Deb McCasland - When that slid down too many things were taken out. She referred to the mud slide on Tully Farms Road.

Jim Nakas asked if you were to develop lot 2 would that impair either of these two streams. Mr. Camperlino said he didn't think it could. It will drain to the lake. We are not changing that. We aren't even going into the buffer.

John Langey there is a lot of technical stuff thrown around. We don't know what is pertinent. It is within your purview to have the town engineer look at this. John Langey stated we can use our engineer. There is a lot of information that the engineer will need. Jim said Matt Naparella can pdf all the files to Mark Chambers of C&S Engineers.

Andrew Metz stated that there is a buried telephone line on that property. May be deeded back to you if abandoned. It is another feature that should be on the map. He believes it is in the deed. Mr. Camperlino is not aware of the abandoned telephone line. Shawn Adam stated that the design for lot 2 addresses that. Other two lots are still in the air. It is in the public right of way. Mr. Metz stated that line goes out several feet from the road head south behind the barn. No easement that Mr. Camperlino is aware of.

Brad Bush said the map shows in lot 2 one stream. But just the one stream not the other one. It shows it on the subdivision map from the wetlands. That shows on the map. We'll have the town engineers look at this. We'll take their advice to give a report back to the Planning Board. Towns engineers, Mr. Camperlino's engineers and then we can address. We'll have engineers look at the property physically. John Langey will get a hold of Mark Chambers and get a report to us prior to the meeting.

John Langey advised Mr. Camperlino needs to change the map to show the new location of the septic. Surveyor needs to relocate on lot 2 and push it back to where it was approved.

Brad Bush said we must have a map that we can approve. Creek is missing and septic are mis-located. You must come back with a map that we can approve. Shawn Adam stated on Lot 1 and 3 get leach fields off there and 2 shows exactly where it will be.

Jim Nakas stated that we can't approve it as is. Mr. Camperlino thought the septic was ok on a separate map. But it needs to be on the subdivision map there is indication that the Leach fields are out on the road. Mr. Camperlino is asking for approval of one lot. The rest is just raw land. John Langey stated that if we approve it would be 3 lots and he is looking for only 1 because that is what the map reflects. Rough location that is consistent with your approved septic design where a building permit may be issued.

John Langey I rarely see this much wetland flowing through a subdivision. It is not a bad idea to have the septic on the map. This map is sporadic, and we want to see the one you want us to approve. Brad Bush stated you can't have them where they are. Short of it is this map is not going to work. Mr. Camperlino said when I go to pull my building permit and house gets staked, it never goes on the map as long as it has perk. I have never seen a septic system on a filed map. It always comes with the building permit. Survey then draws a new plan. Take off the septic system on the filed map. Septic should be on building permit map. Ralph Lamson said he can show you maps that it is not unusual.

Rick Markoff made motion to close public hearing, Brad Bush 2nd the motion. All present were in favor. John Langey advised residents that they can still send letter but there will not be another public hearing. There will be another public meeting but not a public hearing. We appreciate hearing about your concerns. Thank you for your input.

John Langey reminded board members of training before the end of the year. He reminded them of the four-hour requirement per year. Downtown one will be in spring time.

Rick Markoff made a motion to close the meeting, 2nd by Brad Bush. All members were in favor. Meeting adjourned at 8:09pm.

Respectfully submitted,

Sue Marzo
Planning Board Secretary

