

Minutes of the Planning Board Meeting held by the Planning Board of the Town of LaFayette on July 16, 2002 in the Meeting Room of the LaFayette Commons Office Building on Route 11 in the Town of LaFayette.

Present: Jim Nakas, Chairman
Jim Quartier, Board Member
Rick Markoff, Board Member
Andy Peebles, Board Member
Barb Lasky, Board Member

Rec. Secretary: Mary Jo Kelly, Secretary

Others Present: John Langey, Town Attorney
Sandra Smith, Town Councilor
John Dunkle, Town Engineer
Gregory Scammell, Town Supervisor
Gil Holm, 3003 Eager Road, Jamesville
Ray Schwenn, 4273 Timothy Drive, Jamesville
Kurt & Linda Noll, 9283 Timothy Drive, Jamesville
Geri Aloï, Barker Hill Rd., Jamesville
Jim Pucello, 113 Trump St., Camillus
Phil Piazza, 1847 Watson Circle, Tully
Pete & Doris Paul, Gordon Cooper Dr., Jamesville
Matt Napierala, Empire Management
Carol Welch, 4230 West Shore Manor, Jamesville
Alfred Welch, 4230 West Shore Manor, Jamesville
Ben Demmon, 6414 Hedgerow Lane, Jamesville
Teresa Demmon, 6414 Hedgerow Lane, Jamesville
John Lytle, 4193 Apulia Rd., Jamesville
Ted Limpert, Attorney for Phoenix Corp.
Ms. Christy, Jeremy Lane, Jamesville
Henry Streiff, Coye Rd., Jamesville
Jack Conlon, 1035 Westmoreland Ave., Syracuse
Maureen Perrin, Att. For Greg Scammell
Harold Hill, Smokey Hollow Rd., Jamesville
David Muraco, Empire Management
Mark Clemens, Persse Rd., LaFayette
Nicholas Gazotis, Phoenix Corp.
Joyce Griffin, 4270 Barker Hill Rd., Jamesville

Chairman Nakas called the meeting to order at 7:03 p.m. He asked for any corrections or additions to the June 18, 2002 Minutes. He had two. On page 1, the 5th line from the bottom the word 'variance' should be added after "They explained the 10' road frontage...". On page 6, the last line should be 'affect' in place of "effect". There were no other corrections or additions. Chairman Nakas said minutes will stand as corrected.

CASE # 290 – Appeal of Helen Nelson for the estate of Anna Keough for a 7-lot subdivision on a 27-acre parcel of land on the southwest corner of Coye Rd., and Apulia Rd. in a Residential/Planned Cluster District.

Chairman Nakas opened the public hearing for Case # 290

Mr. Olmsted presented the 7-lot subdivision map dated 4/29/02 and revised on 6/17/02 and 7/12/02. Lots 1 & 2 will have access off of Apulia Rd. They are 6 and 7 acres in size. Lots 4, 5, & 6 will have access off of Timothy Drive. Lot 7 will have access off Coye Road. They have perk tested Lots 3 & 7 and have received satisfactory results. There will be a design submitted for the County Health Department's approval. There's a drainage easement that will flow between Lots 3 & 4 of 10' on either side of the property lines for drainage of Hedgerow Lane.

Chairman Nakas asked if it will drain onto Apulia Rd.

Mr. Olmsted said eventually it will drain onto Apulia Rd. The owner will be having that constructed and the easement granted to the Town and filed. There's a portion in back of Lots # 1 & #2 that will be split and adjoined to the neighbors (Mr. & Mrs. Paul and Mr. & Mrs. Spader). A gentleman on Apulia Rd. has asked if they would sell him an additional 50' strip to adjoin to his property that they have also included in the subdivision to accommodate those folks.

Ms. Christy of Jeremy Lane asked what the total acreage was.

Mr. Olmsted said 27 acres.

Mr. Holm (Craner Oil) said they have storage tanks right across the street. Does Mr. Olmsted see any conflict?

Mr. Olmsted said the neighbors would probably like to see them gone but that is the only problem he's expecting. It's a visual problem with the folks. He doesn't feel other than the visual impairment, they would cause any trouble.

Mr. Holm said he is just concerned the neighbors will want them moved.

Mr. Langey asked if they are above ground and DEC licensed.

Mr. Holm said yes. They are all legal. He just doesn't want to see what happened at the quarry happen here. People moved in and built homes and they felt the quarry was too noisy and wanted to shut it down.

A resident asked about the storm ditches.

Mr. Olmsted said they are going to put swale between Timothy Drive and Apulia Rd.

Mr. Welch said eventually this will go into the reservoir. There are lots up through there that have had a lot of problems with their septic systems. The problems have been fixed. They don't need these problems any more.

Mr. Olmsted felt the Highway Superintendent would be aware of any sewers going into the drainage ditches. The Highway Superintendent recommended they do this.

Chairman Nakas said the drainage Mr. Olmsted is referring to is storm drainage, not septic.

Mr. Welch said everything seems to drain towards Apulia Rd. The lowest point is the reservoir.

Mr. Olmsted said he can't address the other sewer problems.

Mr. Schwenn asked how they would access the 7 acres.

Mr. Olmsted said this would be Lot 1. It would be accessed from Apulia Rd.

Mr. Schwenn said originally there was a plan to extend Timothy Drive.

Mr. Olmsted said they aren't proposing any expansion of the road.

Mr. Schwenn asked what they plan to do about the East Syracuse Water line.

Mr. Olmsted said they aren't going to use East Syracuse Water.

Mr. Schwenn said the line is right up near the surface.

A resident asked about access for Lot 4.

Mr. Olmsted said the access will be from Timothy Drive. He said it is only allowed access from this road.

A resident asked if he knew where the house would be built.

Mr. Olmsted thinks near the knoll.

Chairman Nakas said there will be public water for Lot's 3 thru 7 and wells for Lots 1 & 2. There's no way to get water for Lot's 1 & 2 because it's East Syracuse Water's lowest pressure area.

Mr. Olmsted said they can't hook up any more on their line. There's something with not being able to get approval from the County Health Dept.

Mr. Welch said years ago someone wanted to build there and the Town wouldn't let him. How can they allow it now?

Chairman Nakas asked how long ago it was.

Mr. Welch said about 50 years ago.

The Board didn't know the circumstances of the denial.

Mr. Welch thought it was because of water. He asked if there would be any roads from this section.

Mr. Olmsted said no. It would only be driveways.

Mr. Welch said there could be 7 homes on this 27 acres.

Mr. Olmsted said there could be. Some of the neighbors have opted to buy the lots as they are. He would expect Lot's # 1 & # 2 would be purchased by someone to build on.

Mr. Lytle asked the minimum size for a building lot.

Chairman Nakas said 60,000 square feet. He is a little concerned about the exposed pipeline. Should it be buried? If so, buy who?

Mr. Olmsted said they aren't going to do it. He has walked the property and hasn't seen it.

Mr. Schwenn said he can show him where it is. The water line runs in front of his house. If you walk straight back from his house south, it's probably 80' down. He showed where it would be on the map.

Mr. Hill said he once owned a house on Timothy. There is a tap to the main that is exposed. It's on the opposite side of Timothy.

Mr. Langey asked if the water main was on one of these lots. He has a concern if there are water mains and would like easements located on the map for them.

Chairman Nakas asked if it's exposed on these 27 acres.

Mr. Olmsted said he can't say. Let's assume it is. What would the Town recommend?

Mr. Langey said that the town engineer look at it and make sure this Board doesn't approve a building lot that will affect the neighboring lands being able to get water.

A resident said the direction of the pipe as it goes down Timothy must go across the two southern lots.

Mr. Langey said the Planning Board needs to see exactly where it's located and limit on the plan where you can build away from the pipe. He would recommend the engineer look at this. There might be some county requirements regarding septic and its location to the water main.

A resident asked if that water line is in use any more.

Mr. Schwenn said yes.

Chairman Nakas asked for any other comments.

Mrs. Noll said for those who live on Timothy Drive, it would have been a wonderful thing if they had been notified ahead of time and given an opportunity to make purchase offers on those lots before they were put up for sale. She is purchasing two of the lots. They all wondered what was going to happen and then all the sudden the lots were up for sale.

Chairman Nakas said if someone next door to you owns some land and decides to sell it, they don't necessarily have to notify you that they are going to sell it. The Town does the best it can by notifying the surrounding property owners of the public hearing.

Mrs. Noll said they were all worried about what would happen to their beautiful meadow. They all looked into it over time because they didn't want to lose their beautiful view. All the sudden they are told the lots are sold.

Chairman Nakas said there is nothing done here that's illegal.

Mrs. Noll just wanted to say they all live on that street and wish they were given first dibs. It was a crushing blow to all of them.

Chairman Nakas asked if they knew who owned the property.

Mrs. Noll said they spoke to the owner a year ago.

Chairman Nakas said that's the best you can do.,

Ms. Christy asked if there is a possibility that any of these 7 lots can subdivide.

Mr. Olmsted said all of them could in theory split again in some way, shape, or form. He would imagine this would be a much harder than what he's done.

Board Member Markoff said it would have to come before the Planning Board.

Mr. Olmsted said in theory there's the possibility but there are many issues, i.e. driveways, that would have to be addressed.

Chairman Nakas asked for any other comments.

Board Member's Markoff moved and Quartier seconded the motion to close the public hearing. Motion passed unanimously.

Chairman Nakas said they have not heard back from the county on this yet. The Board would like the map to show where the water line goes and the easements. A decision should be able to be made on this application at the August meeting.

CASE # 296 – Appeal of Henry Streiff for a 3-lot subdivision on Coye Rd. in an Agricultural/Residential District.

Mr. Conlon submitted a revised map dated 5/17/02 and revised 7/3/02. He said the last time he met with the Board they hadn't heard back from County Planning yet.

Chairman Nakas said the applicant asked for some relief for the 60' road frontage. The Zoning Board of Appeals granted this. One of the reasons was because it opened a parcel that would have been landlocked.

Mr. Langey said the County Planning Board didn't like it because it required a variance and it didn't like the variance as it wouldn't be allowed in the Zoning Ordinance and they uphold the Ordinance. The Zoning Board of Appeals felt they had the right to overrule the County as the D.O.T. issued driveway permits and this would provide access to landlocked areas.

Chairman Nakas asked if the County knew the Zoning Board of Appeals overruled them before they made their decision regarding the subdivision.

Mr. Langey said no.

Board Member Markoff said this is all being done to ensure there won't be any problems down the road.

Mr. Conlon said exactly. If years from now one of the properties is sold, there is a variance to create another driveway.

Chairman Nakas said the Board has held a public hearing and heard back from County Planning. The applicant has obtained a variance and submitted a revised map.

Mr. Conlon said one of the conditions of the variance is that no trees, shrubs, etc. can be planted within 35' of the road right-of-way. He spoke to a member of the County Planning Board who said she didn't have a problem with this.

Board Member Quartier said he usually doesn't go against County Planning but the applicant has obtained a variance.

Board Member Peebles said this application will conform with our regulations in every way as the applicant received the variance.

Mr. Langey said the County D.O.T. has granted driveway permits for this.

Mr. Conlon said he spoke with the Commissioner of the D.O.T. who advised him they are having communication problems between the departments. He had no problem with this. They had someone come out and review the site and they saw no problem.

Board Member Peebles asked if there were any side-yard variances involved.

Mr. Conlon said no. It meets the side-yard requirements.

Mr. Langey asked if there was a septic design for one of the lots.

Mr. Conlon said there are septic approvals for both lots.

Board Member's Markoff moved and Quartier seconded the motion that this Board be lead agent, this is an unlisted action and a negative declaration was made and that his application be approved with the stipulation that there will be no planting within 35' of the road right-of-way as motioned by the Zoning Board of Appeals, payment of any outstanding fees and that everything will meet specification with the variance. Motion passed unanimously.

CASE # 293 – Appeal of Philip Piazza for a two-lot subdivision on the west side of Route 11 north approximately ¼ mile north of Winacre Drive in an Agricultural/Residential District.

Mr. Piazza submitted a letter from the D.O.T. dated July 1, 2002, stating they had no problem with a driveway for this property. He advised the neighbor, Mike Clemens, will be purchasing the lot.

Mr. Langey said a new map would have to be drawn showing 2 lots with correct tax map numbers.

Chairman Nakas said an updated map can be brought in at the next meeting which will be a public hearing for this application.

Mr. Langey said to have all the accurate acreage on it.

Chairman Nakas said to have 2 copies of the map made. If the Board is happy with it, he can have the final maps done. A public hearing will be held next month for this application.

CASE # 300 – Appeal of Gerald Aloi, Mr. Hill and Mr. & Mrs. Griffin for a 4-lot subdivision of their properties on Barker Hill Rd. in an Agricultural/Residential District.

Mr. Aloi submitted a revised application which everyone involved has signed. He submitted copies of the map dated 3/13/02 and revised 6/26/02. He lives on Lot #1. He tried to get refinancing at a bank and was advised he needed a subdivision which is what started this whole thing. Mr. Stevens sold his land to Joyce and Phil Griffin. Mr. Stevens had approached Mr. Hill and himself to purchase a small piece of land from them so he had a link to Jamesville-DeWitt School District. Mr. Stevens was an attorney and has since moved. Mr. Aloi and Mr. Hill granted the land to Mr. Stevens as long as he would take care of everything. Mr. Aloi thinks he filed a quick claim deed. They have been taxed on this property. He said at the last meeting in May, discussion took place that if they submitted a subdivision between the 3 of them, they could proceed and try to dig themselves out of this mess. This is what they have done to try to satisfy the Town.

Mrs. Griffin said they purchased the lot from Mr. Stevens thinking their son could continue to attend the Jamesville-DeWitt School District.

Mr. Hill said he found out from the school district that if you own some land and it's contiguous to any portion of the land that you live on, you have a selection of either school district you are in.

Chairman Nakas said the small strip of land allowed the owner's son to attend Jamesville-DeWitt School.

Mr. Hill said if you own 2 lots, they have to be integrated and not separate to be able to attend the school district.

Board Member Peebles said you have to lay it over the line.

Mrs. Griffin said before they purchased this house, they called the Town of LaFayette and they were aware of this property.

Mr. Aloi said they are all stuck in this limbo that they can't sell their property the way it is. This should never have happened.

Chairman Nakas asked who approved it.

Mr. Aloi said Mr. Stevens never submitted a subdivision application for this.

Chairman Nakas asked why the sliver of land can't be added to Lot # 2.

Mrs. Griffin said they bought the property in good faith that they would be in the Jamesville-DeWitt School District. Her son is a senior this year. She believes when they go to sell the property, this would be a selling point because they are much closer to the elementary school in Jamesville-DeWitt.

Mr. Langey said if she had a bank that approved her loan, he's surprised they didn't pick up on this.

Mrs. Griffin said they had an attorney too.

Chairman Nakas said if they gave this strip to Lot #2, her son would no longer be enrolled in the Jamesville-DeWitt School District.

Mrs. Griffin said that was the reason they bought the property.

Chairman Nakas said no one would ever have approved this kind of subdivision.

Mr. Aloï said they have been taxed on the 2 little pieces. They receive separate tax bills for them.

Mr. Langey asked how much the bills are for.

Mr. Aloï said \$2.13. At the last meeting when his attorney was present, it was their understanding this was a solution to get out of this mess. He went back to the surveyor and redid the application adding the Hills and Griffins.

Mr. Langey asked if the school district would agree to take her son for 1 more year if she would agree to transfer this property back to Mr. Aloï.

Mrs. Griffin doesn't agree to this as she believes being part of the Jamesville-DeWitt School District is a selling point for this property.

Mr. Langey asked how many years ago they purchased the property.

Mrs. Griffin said 6 years ago.

Mr. Aloï said if Mr. Stevens was still in town he thinks there would be some thought in going after him but now they would have to go to South Carolina to file a claim. He did write Mr. Stevens but hasn't received any reply.

Mr. Langey said at this point, the Board needs to tell them whether to proceed or not. At the last meeting the Board wondered if the other owners would agree to put the land back the way it was.

Mr. Hill said from a personal standpoint he would say yes but he can understand where Griffins are coming from so he would say leave it where it is.

Board Member Peebles asked how Mrs. Griffin knows her son has a right to attend Jamesville-DeWitt School now when this is an illegal subdivision? She is asking this Board to go way outside the limits to approve this. If the Board approves this, it is sending a signal to the community that this is O.K. Our zoning isn't set up to allow these things to happen.

Chairman Nakas said if the Board gets something like this in the future and we turn them down, they can ask why they can't do it when you were allowed to.

Mrs. Griffin said when they bought this house, the Town of LaFayette said it was fine. They hired an attorney and now find out it's not right.

Mr. Aloï agrees this was not done right. They didn't benefit from it and want to get out of it. They have gone through the steps. They know it still stinks. He doesn't know where to go from here. What else can they do to satisfy this? Can the Planning Board put in by-laws so this doesn't happen again?

Board Member Markoff believes their lawyers and bank didn't do their jobs. This isn't up to the Planning Board.

Mr. Aloï agrees. He said if any of them want to sell their property, they can't.

Chairman Nakas noted Mr. Aloï is saying they can't sell their property the way it is but Mrs. Griffin is saying it would be a selling point for her property if it were in the Jamesville-DeWitt School District.

Mrs. Griffin said she want the Board to O.K. the subdivision, then they could sell their property.

Mr. Aloï said they were all totally blind to this. Griffin's bought their land as it was sold to them. They conveyed the land under the assumption it was being done legally. Eventually this will have to be settled. Eventually it will end right back up on this table.

Board Member Quartier said the one party that never had anything to do with this was this Board. It was totally bypassed.

Mr. Langey said John Dunkle noticed another option. He asked if Mr. Aloï had considered selling some more of his land to the Griffin's.

Mrs. Griffin said she doesn't think Mr. Aloï is interested in doing this.

Mr. Aloï said no. That is his family's land. That is not an option for him.

Mr. Langey said he could draw up a covenant with them. He said the Board is opening up the door if they grant this for people to come in and seek forgiveness rather than ask permission.

Mr. Aloï said from his personal standpoint the option of giving or selling more land is not an option. Two wrongs don't make a right. He wouldn't give up something his kids will inherit.

Chairman Nakas said this Board is just trying to look down the road and setting a precedent here.

Mrs. Griffin said please don't make the precedent with them.

Chairperson Nakas said the first thing that would happen is someone would sue the Town because it was granted to these people and maybe denied to them.

Board Member Peebles said that is why we have zoning.

Mrs. Griffin said she grew up in a small town. So many of her sons' friends live in the Town of LaFayette and attend Jamesville-DeWitt School.

Chairman Nakas said the Board is trying to look into the future. If they want to avoid a lawsuit, they must treat everyone in the town the same way. If you say no to one person and yes to another, you are on thin ice.

Mr. Aloï said when they were here in May, this precedent was discussed. It was agreed to then that they needed to get out of this some way and the best way was to file a joint subdivision. If it was an issue in May when his attorney was present and another alternative was offered, they wouldn't have done this. They have done what the Board asked them to do.

Board Member Peebles said the Board's preference back then was to get this Board out of it and to see if the adjoining owners would give the land back.

Mr. Aloï said that was the previous meeting and the owners wouldn't do that. You will now hear this from the owners themselves.

Chairman Nakas asked if this had been submitted to the County.

Mr. Langey said no.

Mr. Aloï said it's within 3 miles of the city so it had to be submitted to the city. He submitted a letter from them stating they are not concerned with small conveyances of land.

Mr. Langey said they advised this application will have no impact on the city.

Chairman Nakas asked Mr. Langey if he thought it would help if a letter was submitted to the County with this application explaining everything.

Mr. Langey said Mr. Hill would be willing to give the land back. The Griffin's would not be willing to. Mr. Aloï isn't interested in selling any more of his property. He can submit a letter of explanation with this application to County Planning and the Board can wait to hear back from them before making a decision. If they deny it, it will take 4 of the 5 Board Members to vote to approve it and overrule County Planning.

Mr. Aloï asked if it's approved by the County what happens?

Chairman Nakas said then it would just require a majority of this Board to approve it.

Mr. Langey said ultimately this Board must make the decision as they always have. His guess is County Planning won't like it and will recommend disapproval.

Mr. Aloï will have his attorney contact Mr. Langey.

Mr. Langey said the Griffin's don't feel like they would like to give the land back. We don't know if the Jamesville-DeWitt School District would allow her son to go there another year. He repeated what Board Member Peebles stated that if the school district found out this was an illegal subdivision, they might not allow him to attend Jamesville-DeWitt now.

Chairman Nakas said this will be submitted to County Planning along with a letter of explanation from Mr. Langey stating how this came about. Once this Board hears back from the County, it will make a determination.

CASE # 291 – Appeal of James Pucello for a 2-lot subdivision on the west side of LaFayette Road approximately ¼ mile north of Commune Rd. in an Agricultural/Residential District.

Mr. Pucello said one of the lots is 42 acres \pm and the other one is 40 acres \pm . This was filed with the County but not with the Town for approval.

Chairman Nakas asked if they wanted the 2 lots to be building lots.

Mr. Pucello said he is just selling the lots.

Ms. Perrin said she represents the people contracting to buy the property and they are supposed to be building lots.

Mr. Langey asked if there were driveway permits.

Ms. Perrin said no.

Mr. Langey said a new map will be needed showing driveway cut approvals from the D.O.T. and topographic lines need to be added due to the size of the lots.

Board Member Peebles said the map just needs to be cleaned up to show what the actual subdivision will be.

Mr. Langey said the surveyor should also make reference to the deeds.

Mr. Pucello asked how he knows where the driveway cuts should be.

Mr. Langey said the D.O.T. will tell him and the surveyor will put them on the map.

CASE # 299 – Appeal of Ethel West for a 2 lot subdivision on the east side of Apulia Rd. at 2934 Apulia Road in an Agricultural/Residential District.

Mr. Clemens submitted a map dated 7/1/02.

Mr. Langey asked if there were 2 existing driveways there.

Mr. Clemens said yes. He said it's all agricultural. There are hay fields and a little creek.

Mr. Langey said the Board will need extra copies of the map and it needs to be labeled with the name of the subdivision.

Mr. Clemens said the land has been deeded to Lee Hege.

Mr. Langey said it can be labeled the Hege Subdivision if he wants it to be.

Chairman Nakas said Mr. Langey will submit this to County Planning.

Mr. Langey said the map he submits must have a label for the subdivision and approval boxes. As soon as he gets this map, he can submit it. He asked Mr. Clemens to have the surveyor send him copies of the map and one to the Town Clerk to file.

CASE # 288 – Appeal of Empire Management, David Muraco, for a controlled site approval to allow construction of an additional 48 units at the Willowwood Apartments on Route 11 in a Residential/Multi-Family District.

Mr. Napierala gave an update for this application. They submitted plans titled “Willowwood Apt. Phase II” dated 4/16/02 prepared by Napierala Consulting. He said Kennedy Creek is near the property line. When they get into the development, there are setback concerns and questions as to the flood plain. These are now identified on the map. The leach fields have to be outside the flood plain. Another concern they are now in the process of addressing is in regard to the well water source. They had a new well dug this week. They have done some testing on the existing well too as well as some evaluations on the existing well water treatment system. Are we going to be impacting hydraulically neighbors wells? A neighbor to the north doesn’t have a well but does have a pond which covers over an acre in size. This neighbor doesn’t have any concerns. His only concern is managing the traffic of pedestrians from Willowwood to his pond. They are proposing to put a fence up to keep the pedestrians away from his pond.

Mr. Muraco met with this neighbor and walked the entire property with him.

Chairman Nakas asked if the neighbor is Mr. Irwin.

Mr. Muraco said yes. He mailed Mr. Irwin a copy of his plans and he agreed it would be sufficient. They marked all the trails and they both felt the fence could stop where Mr. Irwin’s operation back there begins. 800,000 gallons of water are in the pond. Mr. Irwin’s daughter may have plans to build a cabin there within the next 10 years.

Mr. Napierala said they received the comments back from the county. One issue was Part II of the Environmental Assessment Review Form wasn’t complete. The second item was review of the flood and drainage issues. At the time this was submitted to the County, Mr. Dunkle had not reviewed it for his comments. The third issue they have addressed by submitting the flood plain plans to the DEC. They will probably be dealing with a field system rather than a trench system. This is one of their recommendations. Instead of being an 80’ wide system with 13 trenches that are 2’ wide with 4’ separation, it will be a tri-bed system that will be about 30’ wide. The overall affected area will give them more room and push them further away from the neighboring property and Kennedy Creek. They are doing a 24 hour pump test on the well drilled this week. They’ve had verbal conversations that it looks very good. Right now the existing well is rated at about 12 gallons/minute. The new well with the new casing will be rated at least this much.

Chairman Nakas asked if this is a two hydraulic study.

Mr. Napierala said yes. They are pumping them hard through tomorrow.

Chairman Nakas asked if they are also determining if there will be an impact on any neighboring wells.

Mr. Napierala said the closest well isn’t within 500’.

Chairman Nakas asked how close the nearest one is.

Mr. Napierala said probably 700-750’ away.

Board Member Peebles asked if this is in relationship to the new well.

Mr. Napierala said yes. There's never been any question about the existing well. There's 1,000 gallon storage right now. In dealing with peak flows they might have to be upgraded to handle a peak output for a full 2 hours with this existing well and the proposed well. An additional 500 gallon holding tank may have to be installed. This is a very strong well. They are now looking at utilizing the primary well with the 100% backup and use the same treatment center for both wells. If the groundwater table remains stable during the testing, the assumption is there will be no impact on neighboring wells.

Board Member Quartier asked how deep the well is.

Mr. Napierala said 375'.

Board Member Quartier asked about how many gallons of water they use.

Mr. Napierala said about 9,600 gallons per day for the existing complex's. Each building has 7 bedrooms. A typical water usage per bedroom is 80 gallons. You multiply this number by the total number of bedrooms to get the usage.

Chairman Nakas said the important thing when testing the well is whether the data indicates there is no draw down affect on the existing well or on the new well. As he read the letter from the County, there were several things they felt were missing. One of the things was review of the well water and waste water treatment system. Another was the Environmental Assessment Form not being complete. Drainage and the flood hazard area had not been addressed. He confirmed the applicant is waiting for a response from the Department of Health and the Department of Environmental Conservation.

Mr. Napierala said he is hoping to have their reports within the next two days. He would hope if not a final, they could get at least a discussionary letter from them.

Chairman Nakas said he is glad to see they have taken under consideration the concerns regarding the bordering of Kennedy Creek, the draw down, etc. He thinks they need to wait for further data to come in.

Mr. Dunkle said he will reserve comments on the drainage until he gets a chance to review it. Most of his concerns have been addressed. Normally the water and sewer systems are under the jurisdiction of the Dept. of Health and the DEC. He believes there is a planning issue here. He would like to have some sign-off from the DEC regarding the septic system. He thinks the Planning Board should know their proposed design is adequate. Same thing with the wells. These are large volume wells. We want to make sure they don't impact adjoining properties. One concern he has with the existing well is if they are going to be using the existing well to more capacity then it stands a good chance of impacting the well to the south. It could mean it would run more often and at a higher rate. He thinks the existing well should be tested too. He would ask just how far away the well is.

Mr. Napierala said they wouldn't recommend a 24 hour flow test on the existing well due to the tenants. They would recommend doing a 2-hour flow test.

Mr. Dunkle would suggest the Planning Board request an engineering summary of the test results and a sign-off from the developer's engineer. The engineer would sign-off and state it would not impact the neighbors wells. The grading and drainage is looking good. He would like it verified that where the drainage is leaving the property there is no issue on the neighboring property. A lot of these things are detailed. He thinks the plan is advanced enough that the Board can go forward with it at its next meeting.

Mr. Langey asked Mr. Dunkle if he will be doing a written comment.

Mr. Dunkle said yes, after he reviews all the reports.

Mr. Langey said the applicant must supply the additional information. He believes we can give County Planning a copy of Mr. Dunkle's letter and if the applicant gets back the DEC and DOH reviews, we can submit them too. As far as Part II of the Environmental Assessment Form, the Board won't do that until they get all the information. He will advise the County that the Board will be completing this when they have all the information. The two things the applicant can do are address Mr. Dunkle's concerns and get the responses back from the DEC and DOH. Once this information is submitted, County Planning will then be in a situation to complete their review.

Mr. Muraco asked if there was a way to get their review completed and their decision back to this Board so they don't have to wait an additional 30 days from the next meeting.

Mr. Langey said this is up to the applicant and if they can get the information in time or not.

Mr. Muraco asked if they can have a public hearing at the next meeting.

The Board was in agreement to this.

Board Member Markoff said as long as this Board has everything they need to hold the public hearing, it would be fine.

Mr. Muraco said within the next 7-10 days they should have the information back.

Chairman Nakas said they can bring this information with them to the next meeting. The Board scheduled this application for a public hearing in August.

**CASE # 292 - Appeal of Phoenix Corp. of CNY, Inc. (Mr. Nicholas Gazotis)
for two-lot subdivision on the west side of Route 11
approximately one mile north of the Route 11 and Route 20
intersection in an Industrial District.**

Mr. Limpert was present to represent Phoenix Corp. He is their attorney. He submitted a map showing their proposed subdivision. They are proposing a movement of the existing lines. There's a purchase offer from Lok N Logs for a portion of this property.

Chairman Nakas said there is a bunch of barrels on the property.

Mr. Limpert said they will be taken care of. It's in the agreement that they knock the building down too.

Chairman Nakas asked if the whole idea of the purchase of Lok N Logs is for more space.

A representative from Lok N Logs said it gives them a permanent location. They will continue to use it basically as they have now. They want to landscape it and clean it up.

Chairman Nakas asked how big the parcel would be.

Mr. Limpert said it's a 4 acre parcel.

Board member Peebles asked if they would be using the concrete pads.

The representative from Lok N Logs said there's a concrete pad next to the lot that they do have a model on. They have no plans at this time.

Board Member Peebles asked if they propose adding other concrete pads.

The representative said not at this point.

Chairman Nakas said they will need to submit a better map. This is really a 2-lot subdivision.

Mr. Langey said it's a resubdivision. It has to be referred to the County.

CASE # 301 – Appeal of Gregory Scammell for a 2-lot subdivision of his property located on Route 11 south approximately 1,130' south of the intersection of Route 11 and Route 20 on the westerly side of Route 11 in a Hamlet District.

Ms. Perrin is acting as the attorney for Mr. Scammell. She said they propose adding .22 acres to the property the house is located on. This would be cut off from about 5 ½ acres. The house is located about 1,000' south of the intersection of Route 11 and Route 20.

Chairman Nakas said Lot 1A is coming from Lot 1B to be added to the existing parcel which has the house on it.

Ms. Perrin said the house has been sold and the buyer is waiting for this approval.

Chairman Nakas asked what the point of this is.

Ms. Perrin said when the buyer put a purchase contract in, it called for Lot 1A to be added to the parcel. The buyer would basically have no backyard without this piece added.

Chairman Nakas said there will be a public hearing at the next meeting for this application.

Board Member Peebles asked for an updated map with the current neighboring property owners on it.

Board Members Markoff moved and Quartier seconded the motion to adjourn. Motion passed unanimously.

The Planning Board Meeting adjourned at 9:29 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary