

Minutes of the Planning Board of the Town of LaFayette held May 20, 2003, in the Meeting Room of the LaFayette Commons Office Building on Route 11 in the Town of LaFayette at 7:00 p.m.

Present: Andrew Peebles, Board Member  
James Quartier, Board Member  
Barbara Lasky, Board Member  
Richard Markoff, Board Member

Absent: James Nakas, Chairman

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, Planning Board Attorney  
Gary Booher, Applicant  
Jan & Walt Christoffel, 4025 LaFayette Rd.  
Kate Farrar, 4052 Barker Hill Rd.  
Vera Burgess, 4049 LaFayette Rd.  
Jerry & Daphne Macie, 4038 LaFayette Rd.  
Jim & Christine Cromley, Applicants  
Phil Ferro, Applicant  
Peter Grevelding, 4099 Barker Hill Rd.  
Matt Ferro & Wendy Umberger, 2880 Eager Rd.  
Barb Ferro, Applicant

Member Peebles called the meeting to order at 7:04 p.m. He asked for any corrections or additions to the April 15, 2003, Planning Board Meeting Minutes as submitted by the secretary. There were none. The Minutes will stand as submitted.

**CASE # 312 – Public Hearing on Appeal of B & B Lumber for a 4-Lot Subdivision on the east side of LaFayette Road approximately ¼ mile north of the Coye Rd. and LaFayette Rd. intersection in an Agricultural/Residential District.**

Member Peebles opened the public hearing.

Gary Booher was present to represent B & B Lumber. He submitted a map prepared by Christopherson Land Surveying dated 5/3/2003. This will be a 4-lot subdivision. Lot 1 is 2.16 acres. Lot 2 is 3 acres. Lot 3 is 43.5 acres and Lot 4 is 69.6 acres.

A gentleman asked if he already had a buyer for Lot 3.

Gary said yes, Mr. Evans.

A woman asked if some of the lots could be subdivided again.

Member Peebles said if they wish to further subdivide, there is no restrictions as long as they meet the subdivision regulations.

Peter Grevelding asked if Lot 3 could be subdivided again.

Gary said he already has someone who has put a purchase offer in on it.

Peter asked who would be the owner of Lot 4.

Gary said B & B will be.

Peter asked if they had any further subdivisions planned for this lot.

Gary said not at this time. They will probably continue growing trees and harvesting them on this lot.

Peter asked if they would accept a covenant stating there would be no further subdivisions.

Gary said no.

There was concern if there was a lot of building going on it could affect the water supply in the area.

Member Quartier asked if a hydrological study had been done.

Gary said no.

Mr. Mason said he has dug 3 wells and still has no water.

Peter asked if the purchaser of the 43 acre parcel would be willing to accept a covenant not to subdivide further.

Gary asked why they would place a covenant on this property.

Peter said he believes it's the Planning Board's responsibility under SEQR and existing zoning to identify how many lots could be built and the impact on the water in the area. He believes the impact would be unacceptable to the neighbors as they already have difficulty with the water now.

Member Peebles said the applicant isn't requesting any further plans.

Peter said it doesn't matter. The Board needs to look at this now.

Member Peebles said we have a 60' requirement for road frontage. If someone comes in from Lot 3 or Lot 4 to subdivide again, he believes this would be a concern. County Planning may come back with a plan-out request too. In regard to the restrictive covenant, if Mr. Booher wants to do that the Planning Board would allow this but he doesn't believe this requirement can be placed on the subdivision application.

Peter believes a hydrological study should be done as a condition.

John Langey would agree with that if there's water problems existing now.

Many residents in attendance stated they currently have water problems.

Peter said if a maximum potential amount was placed on this subdivision that would carry forward with the property, he isn't sure the residents would be opposed to this application.

Gary said he has no intention at this point to do more than what he is requesting. He doesn't know what will happen in 10 to 20 years. If the rules say he qualifies to subdivide into the 4 lots, he should be allowed to do that. If in 10 to 20 years he comes back and wants to subdivide again, he must follow the rules in place at that time.

John Langey said the Planning Board should be sure there is appropriate site distance for the driveways.

Gary said he was told the DOT sent a letter to the town stating the site distance where the driveways are proposed is O.K. He said the only reason they decided to subdivide into the 4 lots is because B & B only wanted the area where the trees are growing. That is the area they have kept. They thought they

would do a 4 lot subdivision and sell 3 lots for houses and didn't think it would be a problem.

A resident said the fellow purchasing Lot 3 may feel differently down the road.

Gary said that person would have to come back to this Board and submit what they wanted him to and it's up to this Planning Board to determine at that time what the applicant should be allowed to do.

Peter asked how many lots were approved on the Goldberg subdivision.

John asked how long ago it was.

Peter said 5 or 6 years ago. At one time they were looking for 20 to 40 lots. They were asked to do a hydrological study and did one and then came back and cut down their request to about 13 lots. There is potentially 12 lots on the Goldberg property which is adjacent to this. He would not complain about the 4-lot subdivision but if further subdivisions for this parcel were to occur, it could have an affect on water supply in the area. He feels if the applicant would be willing to restrict further development, he thinks this would be fine.

Gary said he came in and asked for a 4-lot subdivision and did the perk test and everything that was required. In the future there may be water in that area and it would make everything O.K.

Peter asked if he would accept a restrictive covenant until water is brought in.

Gary said if he were to subdivide further, he would have to come back again and this Board would have to make a determination.

John Langey asked if they felt there was a concern with the 4-lot subdivision.

Peter said he doesn't think anyone would object to a 4-lot subdivision.

Member Peebles said they could ask for a further build-out plan.

Gary said regarding the person who buys Lot 3, wouldn't he have to come back to this Planning Board and then this Board would address his subdivision at that time? Everything at this point is speculation. He thinks things should be handled if they happen.

Peter believes this would be segmentation.

Member Peebles asked if everyone presently has water problems.

Peter said yes. Another thing that might help the situation is if the County DOT looked at Lot 3 and determined there could either be no other driveways put in there or state how many would be allowed.

John said unless the applicant put a road in.

Peter believes there is different criterion for a road.

Gary said Jim Stelter of the DOT has had his guy come out and look at the area and he has said the driveways proposed are O.K.

Peter believes the Planning Board should go back to the County DOT and request how many driveways could be put on Lot 3.

Gary said he has people interested in purchasing the property and now this will be dragged out.

Member Peebles asked if hydrostudies have been done on other applications in this area. He said this public hearing is routine to find out how the neighbors feel.

Gary said at this time he doesn't have any intention of subdividing further. He doesn't know what will happen 20 years from now.

Peter said if he were willing to limit the number of lots contingent upon water coming through there, he doesn't think there would be a concern.

A resident said when they bought their parcel from the Goldberg estate, they had to agree not to subdivide as did other buyers of the properties.

Member Peebles said we are not at that point yet.

A resident said purchasers of the Goldberg properties had the restriction in place for them.

Member Peebles asked if there were any further comments or questions.

A resident asked the applicant if he would be leaving some trees up on the parcel B & B will continue to own.

Gary said the way it looks now is the way it will be as they are done with the harvest. They haven't picked up all the trees yet. In the future, they will go in and harvest again as the trees grow up.

Member Peebles said this Board hasn't received anything from County Planning yet so this Board can't act on the application. This Board can ask what the limitations would be for future expansion.

Gary asked what we need from the county.

Member Peebles said a resolution and if they have any issues. This Board also needs something from the DOT regarding the driveway cuts and site distances.

Gary asked what the process is now.

Member Peebles said the Board will keep the public hearing open at next month's meeting. Anyone can come and hear what County Planning has determined.

Member Quartier said he might ask the buyer of Lot 3 if he would be willing to go with a restrictive covenant.

A resident asked about the water district on Coye Rd.

Member Quartier said it's the Coye Rd. Water District.

Peter said it goes through the very lowest point of the Goldberg property. They researched water for the area and cost estimates have been done. It is costly. You need more homes to afford the water vs. you don't want more homes due to water problems.

Gary asked if there were any other issues he has to deal with prior to the next meeting.

John Langey said if this Board learns something prior to voting on this application, they can't guarantee they won't ask him to address it.

Gary asked if there's anything at this time.

Member Peebles said not from what he heard tonight.

Peter would recommend seeing if the purchaser of Lot 3 would accept a covenant or a maximum build-out and the same for the land B & B will continue

to own. If they come back with an acceptable number of lots, this may not be an issue.

Gary asked what would be reasonable.

Peter said he would have to come back and suggest a number.

Member Peebles said the Planning Board or County Planning could restrict the total number of lots.

Member Quartier said they have to look at 60,000 square feet and what the potential would be. They are the Planning Board and they try to look ahead.

Gary said he isn't asking for 60 or 70 lots.

Member Quartier said that is the job of this Board, to plan for the future.

A resident said he lives directly across the street from this site. He gave his daughter 1 ½ acres and all the sudden the city said they are within 3 miles of the city and had to have City Planning approval. He thinks the applicant might run into this problem too. Anyone within 3 miles of the city line has to do this.

John Langey said if the applicant tries to file the map with the city, he will be notified of this.

**CASE # 311 – Continuation of Appeal of Brian and Sandra Skeval for a 2-lot subdivision of their property located at 5982 Route 20 approximately 100 yards west of the Route 11 and Route 20 intersection in a Hamlet District.**

County Planning determined the application will have no significant adverse inter-community or county-wide implications. They had the following comment: "The Board does not encourage subdivision actions that create lots requiring variances from the Town's Zoning Ordinance."

**Member's Markoff moved and Lasky seconded the motion to make this Board lead agency, this is an unlisted action and a negative declaration for SEQR and this Board approves this application subject to the approval of the variance application before the Zoning Board of Appeals with the following conditions:**

- Owner signature line be placed on final map.
- Line for Chairman of Planning Board's signature on final map.
- Payments of any required fees.

**Motion passed unanimously.**

**CASE # 310 – Appeal of James T. Webb for controlled site approval of property located on the west side of Route 11 approximately ¼ mile north of the Sentinel Heights and Route 11 intersection in an Agricultural/Residential District.**

There was no one present to represent this application. This will be carried over to the next meeting.

**CASE # 313 – Appeal of Phil and Barbara Ferro for a 2-lot subdivision of their property located at 3330 Eager Rd. approximately ½ mile north of the Reidy Hill Rd. and Eager Rd. intersection on the east side of Eager Rd. in an Agricultural/Residential District.**

Barb Ferro submitted a map prepared by Cottrell Land Surveyors dated 6/24/1972. She said there is nothing unusual about this application. There is 200' of road frontage for the proposed new lot which they wish to give to their son. There is no structures currently on that lot. The perk test has been done. Mr. Cottrell is designing the septic system.

Member Quartier asked if they should show the house on the existing parcel.

Member Peebles said yes.

Member Quartier asked if there are any plans to do anything with the rest of the land.

Barb said no.

This will be scheduled for a public hearing at the meeting to be held next month.

Member Peebles said the existing house should be shown on the map as well as the names of the neighboring property owners.

Member Lasky asked about the driveway permit.

Barb said there should be no problem.

Member Peebles said just to have the DOT send a letter to the Town stating there is no problem with the proposed driveway location.

Jim and Chris Cromley were present to discuss property located at 3033 Route 11. This property borders Route 11 and Route 81. They are interested in purchasing this property currently owned by Biermans. They are proposing to put a dog kennel in the back of the property. They have spoken with the Code Enforcement Officer who advised this property was Agricultural/Residential at first and then thought it might be Business.

It was determined that this property is zoned Agricultural/Residential (AR). A dog kennel would only be allowed in an AR District if it were on a farm which this property is not.

Member Quartier believes you have to have 40 acres to be considered a farm.

John Langey said if the applicant wished to pursue this, they would have to fill out an application for a use variance which is very difficult to get as you must show hardship that is not self-inflicted.

It was determined the applicant could also go to the Town Board and request a zone change.

The applicant will be on the agenda for the next Town Board Meeting.

Member's Markoff moved and Lasky seconded the motion to adjourn. Motion passed unanimously.

The Planning Board Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Mary Jo Kelly  
Secretary