

Minutes of the LaFayette Planning Board of the Town of LaFayette on October 21, 2003 at 7:00 p.m. held in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: James Nakas, Chairman
Andrew Peebles, Member
Richard Markoff, Member
Barbara Lasky, Member

Absent: James Quartier, Member

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, Planning Board Attorney
Sandra Smith, Councilwoman
John Cotsonas, Applicant
Mike & Kristin McClary, Applicants
Doug Morris, Amidon Road
Maureen Perrin, Attorney

Chairman Nakas opened the Planning Board Meeting at 7:00 p.m.

Chairman Nakas asked if there were any changes or corrections to the September 16th Meeting Minutes. There were none. He said the September 16, 2003, Planning Board Meeting Minutes will stand as submitted by the secretary.

Chairman Nakas noted he received some correspondence. One was a letter from Mr. Chapman regarding the zone change/kennel request of the Cromley's. Mr. Chapman had some reservations about the zone change and the business that would be going in there. He was not at the public hearing.

Mary Jo said the letter was postmarked from Massachusetts on Monday. The public hearing was Tuesday and the letter was received on Wednesday. She did refer this to the Town Board prior to their determination regarding the zone change.

John Langey said a lot of Mr. Chapman's concerns were addressed in the conditions the Board imposed.

Chairman Nakas said the record should note this letter was received. He wondered if in the future there should be something in writing from neighboring property owners stating they are not opposed to the application. Cromley's had advised this Board Mr. Chapman had no problem with their application when they discussed it with him.

John Langey said anyone can send someone to represent them at a public hearing if they are unable to attend.

Chairman Nakas said he also received a letter from Tennessee Gas stating the Board should be aware if anyone has a subdivision application anywhere in the proximity of their pipeline.

John Langey said this is why the Board asks for a good survey rather than tax maps, etc. This Board needs to know about dangerous situations that might be on the property. It's important that the Board enforce the subdivision regulations regarding surveys which show easements of record.

Member Peebles asked what the Board should do if these are found on the survey. John Langey said when the Board sees those things, they should be asking where the house will be located. Notes should be put on the map that prior to construction the applicant will notify Tennessee Gas, etc.

Chairman Nakas asked if this Board can request the applicant contact Tennessee Gas and get something in writing from them that it's O.K.

John Langey said absolutely.

CASE # 321 – Public Hearing for appeal of John Cotsonas for a resubdivision combining 2 lots into one of his property located on the east side of Sugar Bush Drive approximately 203' south of the Maple Grove Dr. and Sugar Bush Dr. intersection in an Agricultural /Residential District.

Chairman Nakas opened the public hearing. He advised any member of the public is welcome to offer comments for or against this application. He asked the applicant or his attorney to give an executive summary of what is going to happen and what the application is all about.

Maureen Perrin said Mr. Cotsonas has decided to join 3 lots since they were last before the Board. She submitted a map prepared by Christopherson Land Surveying dated October 13, 2003.

John Langey said technically the Board should redo the notice as it actually changes who might be within the 300' of the properties. It might involve more notifications.

Maureen Perrin said the third lot was never filed as a separate lot.

The Board reviewed the original Maple Grove Estate Subdivision map and the tax maps for the properties.

Chairman Nakas said the new plan is for Lots # 17, # 18, and # 19. The old plan was for Lots # 18 and # 19.

John Cotsonas said Lot # 19 was never officially filed as a separate lot.

It was decided this must be readvertised and referred to County Planning as it is within 500' of North Rd.

John Langey said this will be renoticed as a 3-lot resubdivision and referred to the county.

Member Peebles believes the pond should be noted on the map as it's so close to the drainage easement.

Chairman Nakas said the public hearing will be extended until next month's meeting and hopefully this Board will have heard back from County Planning by then. The Board is legally bound to be sure everyone within 300' is notified.

CASE # 322 – Public Hearing for appeal of Lloyd and Ann Amidon for a 2-lot subdivision of their property located at 5580 Amidon Rd. on the south side of Amidon Rd. approximately 950' east of the Summerridge and Amidon Rd. intersection in an Agricultural/Residential District.

Chairman Nakas opened the public hearing.

Maureen Perrin asked if this could be continued next month as the map isn't done.

Chairman Nakas asked if anyone was present to speak about this application.

Doug Morris said he wanted to view the map.

Maureen Perrin showed him the sketch plan of what is being proposed.

Doug Morris said his interest is in how Old Cardiff Rd. is dealt with on the map.

Maureen Perrin said that is why it is taking so long.

Doug Morris said he has never seen any factual abandonment of the road. He would be interested in what they find out.

Maureen Perrin said she and Gus Christopherson have been trying to find an abstract showing what action was taken regarding this road. The road has been literally abandoned for many years.

John Langey asked if it has been abandoned more than 50 years.

Maureen Perrin and Doug Morris both believe so.

Maureen Perrin said the statute reads if a road is abandoned, it goes back to the neighboring property owners, evenly split.

Member Peebles asked if Doug Morris uses the road.

Doug Morris said he walks it and has occasionally used it with his tractor. He is fine with the subdivision. He would just like to know about Old Cardiff Road.

This public hearing will be extended until next month.

CASE # 323 – Sketch Plan Conference for appeal of Mike and Kristin McClary for a 2-lot subdivision of property located approximately 700' north of the McClary Rd. and Route 11 intersection on the east side of McClary Rd. in an Agricultural/Residential District.

Mike McClary submitted a map prepared by Cottrell Land Surveyors dated January 31, 2003. He said the driveway is in. Leon Cook put the driveway pipe in.

Chairman Nakas said he had one question on the map. On the map Lot # 1 is noted as 1.3 acres. He asked if this was accurate.

Mike McClary said there is a conflict of acreage.

Chairman Nakas said just to be sure that the lot is at least 60,000 square feet as that is what is required. It's about 1 ½ acres. 1.5 acres would be O.K.

John Langey said he would go with the actual square footage to be sure.

Chairman Nakas said there is about a 10 acre difference between the survey and the tax maps.

John Langey said this can be resolved by having Cottrell certify the map as to what the actual acreage is. Cottrell should put a note on the map as to what is actually going on. He should note the different dates the parcels were purchased and the purpose of this map. He noted the applicant should be sure they are within all the required setbacks when building their house. He recommended they get a copy of the zoning regulations for Cottrell.

Chairman Nakas asked if there is a property owner on the north side of their property.

Mike McClary said yes.

Chairman Nakas said all the surrounding property owners should be noted on the map.

Member Peebles asked if there are any power line right-of-ways.

Mike McClary said no. He advised there is a stream along the edge of the property.

Member Peebles asked how big the stream is.

Mike McClary said it does go dry. It's more of a gully along the property line.

There was discussion on whether the property was within 500' of Route 11. It was questionable so it was decided to refer this to County Planning to be safe.

Chairman Nakas said a public hearing can be held on this application next month. He asked why there were two boxes at the bottom of the map for County Health Dept. approval. One of these boxes should be for local approval.

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

The Planning Board adjourned at 7:50 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary