

December 16, 2003 – Planning Board Meeting Minutes

Minutes of the Planning Board of the Town of LaFayette held on December 16, 2003 at 7:00 p.m. 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
James Quartier, Member
Bradley Bush, Alt. Member

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, Planning Board Attorney
Maureen Perrin, Attorney
Doug Morris, Amidon Rd.
Kevin Conners, Applicant
Laura Conners, Applicant
Kim Conners, Meeker Hill Rd.

Chairman Nakas called the Meeting to order and welcomed everyone. He asked if there were any corrections or additions to the November 18th Minutes as submitted by the Secretary. There were none. He advised the November 18, 2003 Planning Board Meeting Minutes will stand as submitted.

CASE # 322 – Public Hearing continued 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.

Maureen Perrin was present to represent the applicant. She submitted plans prepared by Christopherson Land Surveying dated 12/7/2003. She said this is on Amidon Road about mid-way up the hill. It is a lot that faces Jeff and Kim Amidon’s property. Just west of them is Margaret Fire’s property. Lloyd and Ann Amidon want to make Lot A a total of 3.2 acres. The additional land would come off from Lot B which is Lloyd and Ann Amidon’s property.

Chairman Nakas asked if there was anyone present for or against this application. He said anyone is welcome to come forward and take a look at the map.

Doug Morris came forward.

Maureen Perrin said Doug Morris originally had a question about the Old Cardiff Road which has been abandoned by time rather than a legislative action.

John Langey asked if it was landlocked.

Maureen Perrin said no. There is access from the 60’ right-of-way.

John Langey asked who the fee owner is.

Maureen Perrin believes it's Lloyd Amidon. It is also an access to Timothy Amidon's subdivision.

Member Peebles asked if the right-of-way services any other lots.

Maureen Perrin said yes, Lot No. 1.

Chairman Nakas said Kim and Jeff Amidon will own 3.2 acres.

Member Peebles asked how this can be subdivided when it's land-locked with a right-of-way.

The Board reviewed the previous Timothy Amidon Estate subdivision.

It was noted Lot B cannot be sold without having access from the right-of-way.

Maureen Perrin asked who would buy it without access?

Chairman Nakas said someone could buy it thinking they have access and then find out they don't.

Doug Morris said his only comment would be that the Planning Board request the Town Board to make some sort of decision about Old Cardiff Rd. or at least explore it a little more.

John Langey will speak to the town attorney about this.

Chairman Nakas asked what Doug would like the Board to figure out.

Doug Morris said he would just like to know what the real status is and if it was ever abandoned. He wants to know if Old Cardiff Road was ever officially abandoned.

There were no further questions or comments.

Member's Markoff moved and Quartier seconded the motion to close the public hearing. Voting was as follows:

Chairman Nakas	Aye
Member Quartier	Aye
Member Peebles	Aye
Member Markoff	Aye
Member Lasky	Aye

Motion passed.

Member's Markoff moved and Quartier seconded the motion to declare this Board Lead Agency, this is an unlisted action, a negative declaration in the SEQR process and to approve this application with the conditions that the town attorney investigate the current status of Old Cardiff Road leading from Route 11A to Amidon Road. Voting was as follows:

Chairman Nakas	Aye
Member Quartier	Aye
Member Peebles	Nay
Member Markoff	Aye
Member Lasky	Aye

Motion carried.

Maureen Perrin said this right-of-way was probably created about 60-80 years ago.

Member Quartier asked if it showed up in the abstract.

Maureen Perrin said yes.

Sketch Plan Conference with Dan Oot regarding Controlled Site Approval for Tax map # 022-03-05.1.

Chairman Nakas advised the applicant called and said he would not be able to make tonight's meeting but would like to be put on the January agenda.

CASE # 324 – Continuation of Sketch Plan Conference - Kevin and Laura Connors for Controlled Site Approval for a private stable on their property located on the north side of Meeker Hill Rd. approximately 1/8 mile east of the Route 11 and Meeker Hill Rd. intersection in an Agricultural/Residential District.

Chairman Nakas asked the applicant to run briefly through what they want to do. Kevin Connors submitted an updated plan and survey prepared by Cottrell Land Surveyors dated 11/14/2003. He reviewed the map with the Board.

Chairman Nakas asked what the numbers 1, 2, 3, 4 and 5 are for.

Kevin Connors said it showed the years and when they proposed to fence those areas in. For example, in 2004 they propose to put up turnouts 1 through 4. In 2005, they propose to put up turnouts 5 and 6. In 2006, # 7 turnout will be done and in 2007, they will complete # 8 turnout. These will all be fenced in.

Chairman Nakas asked if the two horses he has now would be rotated.

Kevin Connors said yes.

Laura Connors said these are horses that are turned out a maximum of 2-3 hours a day.

Kevin Connors said they have one show horse and one that has broken his foot and can't be out for long periods of time. Right now he's on stall rest.

Laura Connors said they want to provide their neighbors with a buffer zone. If the Planning Board is requiring 2 acres per horse be fenced in, they will not be able to do this. This was not made clear in the Ordinance when they purchased the property. There was no place in the Ordinance that said the acreage must be fenced in.

Chairman Nakas said as the Ordinance reads, it just states usable grazing land. If you are going to put a horse out to graze, it will be fenced in. You can't have grazing land that isn't fenced in.

Laura Connors said she would like the Board to consider for the future that this be specified in the Ordinance. In horseman terms, grazing usually means you are walking the horse on a lead. Turnout is the terminology for grazing.

Chairman Nakas said this Board must go by the current Ordinance which states usable grazing land. The grazing land would be fenced. You wouldn't just let a horse graze next to the road without fencing.

Laura Connors said there was a misinterpretation of the Ordinance. The Ordinance is a little misleading in terms of usable grazing land. They are concerned about their own fencing plan and the Board's consideration of it as well as how many horses they can ask for. She is just pointing out how for future people who might want to purchase land in LaFayette with the thought they can have horses, the Ordinance is a little misleading.

Chairman Nakas said the reason it was written this way was because originally if you owned 90 acres and might not be able to use 80 of it for grazing, there was nothing addressing this problem. The applicant could have over 10 horses on 10 acres of useable land.

Kevin Connors said they were here before they even owned the land which is why they did the subdivision before they even closed on the property. He understands about not wanting to have 50 horses on 10 acres because that is not beneficial to the horses at all.

Chairman Nakas said this Board has run into situations like that which is why the Ordinance was amended to read this way.

Kevin Connors understands they are the first ones to come in under the new amendment. He reviewed the information from Cornell Cooperative Extension that he submitted to the Board. These horses will be living in the barn.

John Langey asked why he stopped at 11.74 acres. Why not go to 12?

Kevin Connors said he isn't sure why the surveyor did this. He had it planned for 12 but the surveyor didn't prepare the map that way. He just got the map today and noticed they didn't do it for 12.

Member Peebles asked if it could be 12 acres.

Kevin Connors said yes. If they do have kids later, they will definitely want to get them a pony.

Kim Connors said it could be closer to 18 acres if they take the woods down and fence that area in. They want to keep the woods for a buffer.

Chairman Nakas said the real purpose of the Planning Board is to help people accomplish their plans. They have to balance that with what the impact would be on the surrounding property owners.

Kevin Connors submitted a copy of what Cazenovia's plan is just for the Board's information.

Chairman Nakas said this Board has to interpret its own rules and regulations and help the applicant at the same time. It really is a balancing act.

Kevin Connors looked at the other townships rules to get some kind of basis of where the rules were set.

Chairman Nakas said this Board can't change the regulations. It would have to be done by the Town Board. This Board has to interpret, use, and follow the existing Ordinance in everything it does.

Laura Connors said they aren't really here asking for a change in the two acres, they really just want their application approved. They just wanted to point out the confusion with the existing Ordinance. In the future, if you have horse people reading the Ordinance, grazing to them might not mean what it means to this Board.

Maureen Perrin asked if someone has the 2 acres of contiguous grazing land for their horse and they put up some fencing and then inside that fencing they build a turn-out paddock, would that be legal?

Chairman Nakas said yes.

Maureen Perrin said then the Connors could fence in their whole area and be O.K.

Member Peebles said yes but it doesn't stop this Board from being sure the area is usable. There's more than just grazing land. It must be usable.

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Laura Conners said they understood this but just didn't understand that it all had to be fenced in. Again, their main concern is not to ask the Board to change the rules, it's to review their application and make a determination.

Member Quartier asked how many horses they want.

Laura Conners said originally they asked for 8 but now they are asking for 6.

Kevin Conners said with the Ordinance reading the way it does, someone could be forced to put up a rinky dink fence and the horses could get loose all the time because the person couldn't afford to put a good fence up.

Member Quartier said there's really nothing this Board can do about that.

Member Peebles said that is part of why this Board is here. It must look out for the health, safety and welfare of the neighbors.

Laura Conners said they agree and it's more important what their neighbors are thinking of what they are doing on a day-to-day basis. They have taken this into consideration and that is why they propose the nice fencing.

Kevin Conners said the fence he is proposing is not barbed wire or electric. It's a wood fence and it's a nice fence divided into paddocks. This is a very labor intense process.

Kim Conners asked if to get the 8 horses, they would have to have the entire property fenced in or could they do it in stages?

John Langey said that is what the Board is doing now. They are reviewing the application in stages. He advised they might want to increase the 7.3 acres area on the map to 8 acres and then they would have the 12 acres.

Chairman Nakas asked if this application is being submitted for 6 horses.

Kevin Conners said if that is what the Board thinks would be better.

Chairman Nakas thinks that would be better received by the surrounding land owners.

Kevin Conners asked if this is something that could be presented to the Town Board regarding the changing of the wording in the Ordinance.

Chairman Nakas has referred this to the Planning Board Attorney who will take it to the Town Attorney. He asked if the applicant had any more questions for the Planning Board.

There were none.

Chairman Nakas said this application will be scheduled for a Public Hearing next month for 6 horses. He said if they have any other questions in the meantime, feel free to contact him or one of the Board Members.

Chairman Nakas said he received a memo regarding nonconforming uses and some proposed language.

John Langey said to call either Mary Jo or himself if they didn't have a copy of the proposed language and one of them would get a copy to the Board. Currently the Ordinance reads that a nonconforming use can go on forever. Most other places feel nonconforming uses are a bad idea which is why certain land is zoned a certain way. The concept is to phase a nonconforming use out. You may or may not agree with it. The Zoning Board of Appeals feels there should be some exceptions to this.

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

The Planning Board Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary