

Minutes of the Planning Board of the Town of LaFayette held on February 17, 2004 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
Bradley Bush, Alt. Member (arrived 7:30)

Absent: James Quartier, Member

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, Planning Board Attorney
Sean McCarthy, Applicant
Jim & Betty Webb, Applicant
Ingy & Cindy Plumpton, Applicants
Ed Keplinger
Jeff Cohen, Applicant

Chairman Nakas welcomed everyone. He said the Board has a rather ambitious agenda this evening so they will try to move through it as expeditiously as they can. He asked if there were any corrections or additions to the January 20, 2004, Meeting Minutes. There were none. Chairman Nakas said the January 20, 2004, Planning Board Meeting Minutes will stand as submitted by the Secretary.

CASE # 325 - Public Hearing for appeal of Sean McCarthy for a 3-lot subdivision of his property located on the west side of Route 11A approximately ½ mile south of the Tully Farms Road Extension and Route 11A intersection in an Agricultural/Residential District.

Chairman Nakas asked Sean McCarthy to come forward and explain briefly what he wishes to do.

Sean McCarthy said he and his wife would like to subdivide 2 lots out of a piece of land they own. There's no particular reason why he's doing this other than he feels it's time he does something with the vacant piece of property that is there rather than trying to maintain that area. They have a relative looking to move out to the country from the city and this would be an opportunity for him to do so. He submitted a map titled "McCarthy Subdivision" dated February 3, 2004 and prepared by Ryan Survey.

Chairman Nakas asked if there were any apple trees on the property.

Sean McCarthy said no. The property is located after the existing orchard.

Chairman Nakas said each lot is approximately 60,000 square feet.

Sean McCarthy said yes.

Mary Jo advised when the surveyor dropped of the maps, he advised his measurements had been from the centerline of Route 11A but that he will move the property lines back accordingly to show the 60,000 square feet from the front property line.

Chairman Nakas said County Planning had two areas of concern. 1) Any future subdivision of proposed Lot 3 must use a single access on Tully Farms Road and be accompanied by a plan showing full build-out.

Sean McCarthy asked why he couldn't have a driveway onto Route 11A.

Chairman Nakas said they probably want to minimize the driveways going out onto Route 11A as there would be these lots as well as the store, etc. He said the County's second concern is that the applicant must obtain sight distance approval from the New York State Department of Transportation for any proposed access to proposed Lots 1 and 2 prior to Town subdivision approval. He advised the applicant he will need D.O.T. approval for the driveway cuts.

Sean McCarthy said O.K.

Chairman Nakas said it looks like the State D.O.T. will come to visit the applicant regarding parking for the store. They may come with a suggestion for parking. He referred to County Planning's resolution stating: "The Board offers the following comment: parking in the state right-of-way is not permitted; the new York State Department of Transportation will review existing uncontrolled access and parking for proposed Lot 3 to determine whether modifications will be required".

Member Peebles said they might come out and suggest a driveway plan for the store.

Chairman Nakas asked for any further comments or questions from the Board or the public. There were none.

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

The public hearing closed at 7:09 p.m.

Chairman Nakas asked how far the applicant is from getting approval for the driveway cuts.

Sean McCarthy said it probably takes 1 month.

Chairman Nakas believes the board could be in a position at this point to approve this application.

Member's Markoff moved and Bush seconded the motion to declare this Board Lead Agency, this is an unlisted action, a negative declaration in the SEQR process and to grant Preliminary and Final approval of the PLAT subject to the following conditions:

- 1) **The final map be prepared in conformance with the minimum lot size not using the centerline of Route 11A as a boundary.**
- 2) **A note being added to the final map stating "Any further subdivision of Lot 3 must use a single access on Tully Farms Road and be accompanied by a plan showing full build-out.**
- 3) **Final map must show owner's name as Sean McCarthy.**
- 4) **The applicant must get site approval from the D.O.T. for driveway cuts.**

Motion passed unanimously.

CASE # 326 - Sketch Plan Conference continued for appeal of N.Y. LaFayette Limited Part. For a two-lot subdivision of their property located on the northeast side of the Route 11 and Moltion Road intersection in an Industrial District.

This application will be postponed until the next meeting as on one was in attendance to represent the application.

CASE # 327 – Appeal of Thomas V. Dadey for a 2-lot subdivision of his property located on the northeast corner of the Route 20 and O’Connell Road intersection in an Agricultural/Residential District.

The applicant requested this application be scheduled for a public hearing at the March Planning Board Meeting.

CASE # 328 - Sketch Plan Conference continued appeal of Dawn Olivadoti and Mary Meyer for a 3-lot subdivision of their property at 3457 Eager Road located on the west side of Eager Road approximately 1 ½ mile north of the Reidy Hill and Eager Rd. intersection in an Agricultural/Residential District.

Chairman Nakas said the applicant is not ready to go forward with the application at this time. It will be postponed until the March meeting.

CASE # 329 - Sketch Plan Conference for appeal of Nancy Mentz for a 2-lot subdivision of her property located at 3740 Eager Road approximately ½ mile south of the Coye Rd. and Eager Rd. intersection in an Agricultural/Residential District.

Tom Sheedy was present to represent Nancy Mentz. He said there is approximately 1/3 acre between his property and Nancy Mentz’s. This piece of land is his existing front lawn. If Nancy’s property was to be sold and someone wanted to do something with it, it would greatly reduce the value of his property.

Member Lasky asked if the driveway would be 60’ wide.

Tom Sheedy said yes.

John Langey said it’s the applicant’s best interest to do a subdivision for this piece of land. It should be very simple.

Providing the survey map is received in time to refer this to County Planning, this application will be scheduled for a public hearing at the next meeting.

CASE # 330 - Sketch Plan Conference for appeal of I.R. and C.I. Plumpton for a 2-lot subdivision of their property located at 3990 Coye Rd. on the east side of the Coye Rd. and Eager Rd. intersection in an Agricultural/Residential District.

Ingy Plumpton submitted a survey map dated February 9, 2004 and prepared by Cottrell Land Surveyors. He is proposing to subdivide a 1 ½ acre from his property for his son. He submitted a letter dated January 9, 2004 from James Stelter of the D.O.T. granting approval of the driveway cut.

Chairman Nakas said this will be schedule for a public hearing at the March meeting.

CASE # 331 - Sketch Plan Conference for appeal of Jeffrey Cohen for a 21-lot subdivision of his property located at 4065 Route 91 approximately 1 ¼ mile south of the Route 91 and Route 173 intersection on the west side of Route 91 in an Agricultural/Residential District.

Ed Keplinger submitted an updated map of their proposal dated February 17, 2004 and prepared by Keplinger Freeman Associates – Landscape Architects, Richard W. Elliott – Civil Engineer. Since the Planning Board Meeting in November, they have met with John Dunkle who is the town engineer who has forwarded some comments on to them regarding the shape and direction the subdivision should go. They are proposing a 21-lot subdivision. They are not ready yet to file for a preliminary plan but want to keep the dialogue going between the town and the applicant so they thought they would give the Board and update. They have some information regarding topography but should get the survey in the next week.

Chairman Nakas asked if the number of building lots is the same.

Ed Keplinger said it was 23 before and now it's 21. They are each 60,000 square feet. They have started some dialogue with the D.O.T. regarding curb cuts, etc.

Chairman Nakas asked if there would be any access onto Route 91.

Ed Keplinger said all the lots are inward facing. They have started some dialogue with the Onondaga County Health Dept. and hope to meet with them within the next couple of weeks.

Chairman Nakas asked if he had any idea how deep the wells are on the adjoining properties.

Jeff Cohen said they have a well on this property now and it's good for 500 people so he doesn't think there will be a problem.

Chairman Nakas said it might be a matter of concern as time goes on. Would the applicant be willing to do a hydrological test?

Jeff Cohen said whatever is needed. Whatever this Board requires him to do, he will do.

Member Peebles said this was a recommendation from the town engineer too.

Jeff Cohen said the original plan called for one cul-de-sac and now they have two.

Ed Keplinger said they have started some dialogue with the Historical Office to be sure there are no archeological concerns. Regarding Niagara Mohawk, there is a transmission line across the property which may cause a little problem. It's right next to the water. They will have to see how the costs play out before they can determine how they will handle it.

John Langey asked if any drainage structures will be in the Niagara Mohawk line.

Ed Keplinger said no.

Chairman Nakas asked if the retention basin would be on one of the lots.

Ed Keplinger said they have to wait to see how that works out.

John Langey asked what proposed Lots 18 & 19 have for road frontage.

Ed Keplinger said 60' minimum. The only parameter they have some question with is the 180' at the building lot site.

Chairman Nakas said just a word of caution is they applicant might want to keep in mind this Board takes very seriously the recommendations of the town engineer. If they don't comply with one of his recommendations, this Board would want to know why.

Ed Keplinger said they have a question regarding the length of the cul-de-sac too.

Chairman Nakas asked if there was a recommendation from John Dunkle that there be another access road to the Park.

Ed Keplinger said this was under a different plan. The D.O.T. would prefer to have only one access onto Route 91.

Chairman Nakas is sure County Planning will have its own recommendations.

Ed Keplinger said currently the folks on Jamesville Terrace access their property through a 16' easement of Mr. Cohen's property. This isn't a concern for them.

Member Peebles said the town engineer discusses some runoff onto Lot # 12. Is this from the wet area?

Ed Keplinger said there is a lot of drainage down through this site. Their concept is to respect the drainage course that goes through there and build a large enough culvert under the road to handle the natural travel of drainage.

Jeff Cohen said there will be a home owners association and they will take care of the common area access to the water. All the home owners will have access to the water through the common area.

Chairman Nakas asked if they had a projected average cost per home.

Jeff Cohen said they are starting to work on this with the realtors.

Member Peebles asked what kind of issues this Board would have to address regarding the runoff per storm water runoff management.

Ed Keplinger said there would be a manual in the end that shows they have Storm water Pollution Prevention Program.

Member Peebles asked if there is anything under the DEC regs because it's a reservoir and not a natural lake.

Ed Keplinger said to his knowledge there isn't.

John Langey asked who their engineer is.

Ed Keplinger said Richard Elliott from Cazenovia.

Chairman Nakas asked if there is something stating how far the septic tanks must be from the shoreline.

Ed Keplinger said there are DEC regulations.

John Langey said when the Board makes a final decision on this, they will state the DEC, the County Health Dept, and the DOT as other involved agencies.

Jeff Cohen said he talked to the DEC and there are no restrictions for floating docks.

CASE # 332 - Sketch Plan Conference for appeal of James Webb for Controlled Site approval of his property located on the west side of Route 11 approximately ¼ mile north of the Sentinel Heights Rd. and Route 11 intersection in a Business District.

CASE # 333 - Sketch Plan Conference for appeal of James Webb for a 6-lot subdivision of his property located on the west side of Route 11 approximately ¼ mile north of the Sentinel Heights and Route 11 intersection in a Business District.

Jim Webb was present to discuss the above two applications. He submitted a map prepared by Keplinger Freeman Associates – Landscape Architects/Richard W. Elliott – Civil Engineer and dated February 17, 2004. He said they are proposing to move their business to the new site and subdivide the land into 6 lots. They are proposing to have a slow build-out of a housing development. They would build one house and use it as a model until it was sold then they would build another one and sell it. They would keep going until they had built on all 6 lots.

Member Markoff asked if they would all be log cabin homes.

Jim Webb said he hopes so. He contacted the neighbor to the south and they have agreed to swap some land so that all the drainage is on Mr. Webb's property. They are proposing to do a 5-lot subdivision if he and his neighbor don't swap the land. If they are able to swap, he is proposing a 6-lot subdivision. He wants to keep the land zoned business until all the houses are sold and then he wants the land to go back to residential.

Member Peebles asked what will happen on the vacant lots prior to the model homes being sold. Will customers be coming in to look at homes?

Jim Webb said yes. They will shoot for 1,800 to 2,000 square feet per house. They are trying to sell one house before they build another one. They would like to use the portable model they have on the current side as an office on the new site.

Member Markoff asked if they would still be selling mulch.

Jim Webb said no.

Chairman Nakas asked what the average cost per home would be.

Jim Webb said a couple hundred thousand. They have a request for driveway cuts to the D.O.T.

Chairman Nakas asked if the land has been perked yet.

Jim Webb said not yet as it's a little early in the season.

Ed Keplinger said they can do it soon. They will see what the County Health Dept.'s status is on it.

Chairman Nakas said they would want to start by getting D.O.T. approval and Dept. of Health approval. He asked if John Dunkle should review the plans.

John Langey said John Dunkle should review the whole plan.

Member Peebles asked if there would be employees.

Jim Webb said one or two staff.

Member Peebles said then the parking issues, etc. kick in.

Mr. Webb said they would want to be able to park on the street. It will be 2-lanes.

Member Peebles said they normally ask normal hours of operation, etc.

Ed Keplinger said the business may have to be confined to one lot. This would be no different than going to another subdivision where they use one house as a model.

Jim Webb said he would like their existing model home to be in the middle of the cul-de-sac.

Member Peebles doesn't think the applicant would be able to put the building in the road.

Ed Keplinger thinks this will have to be a point of discussion.

Chairman Nakas asked if it wouldn't make more sense to put it on the last lot they plan to sell.

Jim Webb said they could do that. He said they could put the office in the basement of the house they are proposing to sell.

John Langey said John Dunkle will need to review these plans and give his advice.

Ed Keplinger will contact John Dunkle regarding the plans.

John Langey said the Town Board has heard from a number of property owners that have had to go through the grueling process of subdivision approval. A lot of people have said they don't want to go through all of this and have asked what the Town Board can do to make their lives easier. He has drafted some information for the Town Board. There are two schools of thought on this. One is that a person shouldn't have to spend money to convey a small piece of property. The simple way to get rid of this would be to modify the definition of subdivision. You could jump up the number to be more than two lots. For example, a subdivision is 4 or 5 lots, etc. His opinion of this is that it will be a nightmare. The second way would be to adopt a simple subdivision procedure which takes the Planning Board's job and gives it to the Code Enforcement Officer. It still requires the filing of a survey or subdivision map.. Ralph Lamson would review this and sign it. There would be no public hearing on it. He isn't sure this is legal. In the Town of Onondaga, they have what they call a farmer subdivision where you can subdivide up to 5 lots without a subdivision approval. None of these things really solve the issue. People don't want to pay for a survey or to have an engineer review the application. He can't come up with a way for Chairman Nakas to sign a map without holding a public hearing. The Planning Board is given power through state law. He has submitted 3 options to the Town Board who has requested he discuss this matter with the Planning Board for their input. If what the Town of Pompey is doing with their subdivisions is legal, the Planning Board must be comfortable with the Code Enforcement Officer looking over the maps.

The Planning Board was in favor of keeping the reviewing of the maps the way it is.

John Langey asked the board to think about this and if they have any ideas, to contact him.

Chairman Nakas recommended having reduced fees if someone is just changing a lot line.

Member Markoff believes it would be O.K. as long as the taxpayers don't have to pay for someone else's subdivision. You can't expect taxpayers to subsidize someone else's subdivision.

Chairman Nakas believes this should remain with the Planning Board but would like to examine the possibility of reduced fees for simple lot line changes.

John Langey said Ralph Lamson submitted a letter to the Board regarding his opinion of Mr. Oot's helicopter business request. Ralph believes the applicant should seek controlled site approval from the Planning Board and a specific permit from the Zoning Board of Appeals. He believes this is a private air strip which is allowed in an Agricultural/Residential District.

John Langey asked the board how they felt about this.

The Planning Board was in agreement that this application would not be for private use, therefore, it would not be a private airstrip.

Chairman Nakas made a motion and Member Markoff seconded the motion that the Planning Board is not in agreement with the Code Enforcement Officer's interpretation that this is a private airstrip as they believe the application appears to be more commercial than private. The motion passed unanimously.

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

The Planning Board Meeting adjourned at 9:02 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary