

Minutes of the Town of LaFayette Planning Board Meeting held at 7:00 pm. on April 20, 2004, 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

Absent: James Quartier, Member

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, Planning Board Attorney  
Francis & Helen Nelson, 4175 Pompey Rd.  
Bill Poirier, Jamesville Fire Dept.  
Chris Mellblom, Fayetteville  
Ron DeRollo, Jamesville  
Tim Brayman, 2051 Jamesville Terrace  
Richard Braungart, 2047 Jamesville Terrace  
Jean Baker, 4201 W. Shore Manor  
George & Georgia Mushow, 4214 W. Shore Manor  
Donnie Seemann, 4160 W. Shore Manor  
Alfred Welch, Jr., 4230 W. Shore Manor  
Mike Seemann, 4160 W. Shore Manor  
Dawn Olivadoti, 3473 Eager Rd.  
Pauline Mattes, 4115 Pompey Rd.  
Louise Zgardzinski, 4130 Pompey Rd.  
Jim Damiano, Route 11  
Frank & Elizabeth Mt.Pleasant, 4212 W. Shore Manor  
Ann Chase, 4132 W. Shore Manor  
Kyle LaTray, 4142 W. Shore Manor  
Jim Keech, 4240 W. Shore Manor  
Ed & Vernice Michalenko, 4174 W. Shore Manor  
Barbara Coughlin, 4158 W. Shore Manor  
James & Karen Brower, 4190 W. Shore Manor  
Nick Azzolina, 4163 W. Shore Manor  
Roger Praetorius, 4155 Route 91  
David Broda, 2043 Jamesville Terrace  
Jeffrey & Marla Cohen, 5201 Hoag Lane, Fayetteville  
Jeff & Sally Slovich, 4140 W. Shore Manor  
Michael Goodfellow, 1 Burns Cove  
Paula Naselli, 4104 W. Shore Manor  
Darcy Pease, LaFayette Lmtd. Ptnrship, Rte. 11  
Ed Keplinger, Jamesville Grove/Lok 'N Logs

Jamie Kriz-Orso, 2071 Jamesville Terrace  
Sheila Harrington, 2055 Jamesville Terrace  
Herb Naumann, Cook Farm Rd.  
Jim , Jamesville  
Pete Paul, Gordon Cooper Dr.  
Donna Glassberg, 1326 Cumberland Ave  
Bob Loughlin, Mondore Dr.  
Rand Walser, 3812 Apulia Rd.  
Maureen Perrin, Attorney Olivadoti/Meyer Application  
Robin Sirota, Eager Rd.  
Joseph Jerry, Attorney – Jamesville Grove Application  
Jessie Mondore, Mondore Dr.  
Paul Sheneman, 1635 North Rd., CNY Auto Auction  
Darcy Pease, N.Y. LaFayette LP  
Jamie & Sherrie Plouff, 4080 Route 91

Chairman Nakas welcomed everyone to the April 20<sup>th</sup> Meeting of the LaFayette Planning Board. He advised the Board has a rather ambitious agenda in front of them this evening with three public hearings. He said if anyone is here for a certain case or application, please be patient and the Board will get to it as soon as they can. The first item on the agenda is the approval of the March 16<sup>th</sup> Planning Board Minutes. He asked if there were any corrections or additions. There were none. He advised the March 16, 2004, Planning Board Meeting Minutes will stand as submitted by the secretary.

**CASE # 328 - Public Hearing for 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 Road intersection in an Agricultural/Residential District.**

Dawn Olivadoti and Mary Meyer were present to represent their application. Chairman Nakas asked them to tell what it is they are trying to do.

Dawn Olivadoti said 12 acres of the parcel are going to go to her nephew who has horses and would like a little more pasture land. The other lot which is mostly swamp will go to Fred Taylor. The final lot will remain in the family for now.

Maureen Perrin arrived. She advised this application is just a matter of conveying 3 lots. The landlocked piece in the rear (Lot # 1) will be conveyed to the neighbor.

Dawn will retain Lot # 3 and her nephew will have Lot # 2.

Chairman Nakas said none of these will be building lots.

Maureen Perrin said not at this time.

Chairman Nakas asked if there were any questions.

John Langey said County Planning recommended modifications to the proposed subdivision. One modification regarded potential access for Lot 1 and the other was that Lot 3 be labeled that it hasn't been reviewed by the County Health Dept.

Robin Sirota asked if there would be any houses gong up here.

Chairman Nakas said not at this time. He asked for any further questions or comments. There were none.

**Member's Markoff moved and Peebles seconded the motion to close the public hearing and 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) Lot # 1 be conveyed to Mr. Taylor, the neighboring property owner.
- 2) Lot # 3 to be labeled that it is not a building lot.

**The motion passed unanimously.**

**CASE # 331 Public Hearing 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.**

Jeff Cohen and Ed Keplinger, and Joseph Jerry were present to represent the application.

Chairman Nakas said this is a public hearing and the applicants will be doing a short presentation.

Joseph Jerry said he is present to represent Mr. Cohen. Mr. Cohen's ownership of the property is relatively new. He's had many opportunities to lease the Grove out as a continued restaurant and several offers to utilize the Grove for concerts. He was a little bit concerned relative to the fact that there are residential properties located right near the Grove. There is a little bit of history relative to the concerts. The Town of LaFayette had to work out an agreement with the previous owner regarding the concerts and decimal levels. The property has a beautiful view of the water, is adjacent to the water and is zoned residential.

Mr. Keplinger submitted a map dated April 20, 2004 prepared by Keplinger, Freeman Associates titled "Jamesville Grove Estates Subdivision". He reviewed what is being proposed. They are proposing demolition of the existing Grove. They are proposing to divide the parcel into 21 lots. There will be two access roads. The subdivision drainage and increase in stormwater runoff will be mitigated on site through detention basins and they will comply with the water quality regulations and DEC regulations.

Elizabeth Mt Pleasant who resides on West Shore Manor asked if they could come up and look at the maps.

Chairman Nakas said sure.

Tim Brayman of Jamesville Terrace said he has had the luxury of having the plans for a couple of weeks. A lot of the people present have not had a chance to view the plans. He would recommend the residents come up and take a look at them.

Richard Braungart of Jamesville Terrace said Jamesville Terrace is floating on water so all the drainage from this will float into the reservoir. He said there is water all under this property.

Ed Keplinger said they have done test pits on the site.

Richard Braungart said the test pits they did were all done on fill.

Ed Keplinger said they will have to look into this.

Jeff Slovich of West Shore Manor said he can definitely appreciate, given the picture, how desirable something like this would be for the property owner but speaking perhaps selfishly, he has been fishing there for 20 years. Any development on that site he envisions as an environmental disaster for the reservoir. The reservoir has been dying for the last 20 years. He used to fish a lot. In 1980 it was probably 9' deep where the water meets with Butternut Creek. Now it's only a couple of inches in that area. There are wildlife and marsh there now which never used to be there. The lake has been getting worse. As pretty as this picture is, it will create a lot more pressure on the lake that it isn't tolerating now. He can't possibly believe that the drainage won't end up in the lake. He doesn't think anyone from the DEC or other agencies would argue with this. If you look at the bottom of the lake with a fish finder, you can see where the bottom of the lake has all filled in. The silt has filled in. Nobody takes responsibility for that watershed. The people who buy these lots will contribute to the death of the lake. There's wildlife there, etc. He can't see this being good for anybody. This will definitely kill the lake.

David Broda of Jamesville Terrace said he has lived there since 1983. He can pretty much cooperate with what Jeff said. It used to be about 8-10' deep where the reservoir meets Butternut Creek and now you can walk through the reservoir from his house to Jamesville Beach. He's seen several jet skis get bogged down in the marsh in that area. If the level drops a foot or more during a dry period, you can see the bottom. The other concern he has is the impact that 21 wells and 21 septic systems will have on the resident's water supply. There are many many underground aquifers running through this area.

Chairman Nakas asked if he knew the depth of the average well.

David Broda said about 24'. He said back when Serio's owned the property, they did run out of water once in awhile when they had a big party or a dry spell. As the perk tests show, the ground has very good drainage. Since this is in the valley and there's watersheds on both sides of the valley, all the water will run into what used to be Butternut Creek and now Jamesville Reservoir. The other concern is the cul-de-sac.

Ed Keplinger said the situation of the reservoir is not caused by the runoff from this site but rather from Butternut Creek. The runoff from this site will be flushed through water purifying systems.

David Broda said he understands they are proposing a 25-year plan.

Ed Keplinger said this will be gone over by the town engineer.

Tim Brayman said he drove over there this past week and the water was running across the road to the Grove.

Chairman Nakas said drainage will be an issue this Board will be concerned with.

Ed Keplinger showed the area on the map that will be the proposed drainage easement.

James Brower of West Shore Manor advised he is a retired professor of geology at Syracuse University. He is really concerned about the environmental impact that this project may have. He researched this due to his concern. He had information that he submitted to the Board dated April 20, 2004. He handed out some copies of the information to the public.

Frank Mt Pleasant of West Shore Manor asked if the end of the lake would be considered water or DEC wetland.

Ed Keplinger showed the area which is designated as wetland. Any construction on the shoreline would require a permit.

Roger Praetorius of Route 91 asked if there was any shared beach for the proposed lots not located on the shore.

Ed Keplinger said they are still trying to come to some kind of resolution on how they can provide an easement for other property owners. There will be no boat launch there.

Roger Praetorius asked if it will just be beach.

Ed Keplinger said there could be a dock there.

Roger Praetorius said all the property owners could have access to the beach with all their jet skis, boats and their friends jet skis and boats, etc.

Tim Brayman said he has lived there his entire life. He doesn't begrudge anyone for buying the property or wanting to develop it. He thinks the one thing that bothers people the most is the amount of density. The possibility of shared lake rights ignited a lot of peoples interest in this. A lot of them live on the water and a lot of them choose not to own jet skis. They enjoy the water. If you are out on the lake on a Sunday afternoon, it's dangerous if you don't have a motor boat.

Chairman Nakas said this Board can't dictate to people how they can use jet skis, boats, etc.

Tim Brayman said there are 5 properties proposed on the shore, the concern is allowing access to the other 16 properties. This will impact the Keough property when they divide too.

Chairman Nakas said unless you pass a town resolution that will restrict this type of development, this would be permissible. If you have a parcel that is 60,000 square feet, you are allowed to create a building lot. Unless you can get the Town Board to pass some kind of legislation denying this, this Planning Board can't deny it.

Tim Brayman would suggest a moratorium until major subdivision regulations are reviewed.

Chairman Nakas said it wouldn't affect this application but Tim Brayman can approach the Town Board about it. Regarding the cul-de-sac, the town has regulations that no cul-de-sac will be created more than 500' in length. He thinks Ed Keplinger indicated that it would be 700', in a letter he received Ed Keplinger said it would be 800', and in a letter to John Dunkle it said 1200'.

Ed Keplinger said the 1200' was measuring it from Route 91.

Chairman Nakas said the town regulations state 500'.

Ed Keplinger said that is why they are asking for a waiver.

Chairman Nakas said this would be a waiver of double what the regulations say. Why can't another road be put out to Route 91?

Ed Keplinger said they had looked at this. They had wanted to limit the drainage through the site. From the developer's standpoint, they would loose a building lot.

Chairman Nakas asked if they would loose more than one lot.

Ed Keplinger said there would still be a 700' to 800' cul-de-sac. In talking to the Jamesville Fire Chief, the concern was how he would service the roads that are near Jamesville Reservoir.

Chairman Nakas said his question is if you have a law on the books that says 500' and you ask for 504' it might be done but when you have regulations stating 500' and you ask for 1200', it is quite different.

Joseph Jerry said there are various surrounding areas that have cul-de-sac's larger than 500'. The ability of this Board to waive the standard is because the standard set is purely an arbitrary one. The Planning Board has the right to waive this providing there wouldn't be any detrimental effects. There are cul-de-sac's in the area much larger than this. After talking to the fire department and the town engineer, they have offered a way to mitigate any concern regarding fire protection by using their pond area and putting a hydrant there so the fire department could get water from it. The reality is that the subdivision before this Board is not something that was thought about over night. It's taken many months of study by their professionals. The plan before the Planning Board now has been evolved as they believe it's a plan that will work and will not be detrimental to anyone. In the event that there isn't anyone to bring forth testimony that it would be detrimental, they would like this Board to look upon it favorably.

Chairman Nakas can appreciate their input regarding the hydrant but when there is 4' of snow on the road and an ambulance can't get through to help someone who might have a heart attack, it's more or less a liability of the town. There has to be a reason that the 500' was decided upon for safety issues. He asked if the Jamesville Fire Chief was present tonight.

Bill Poirier said the fire department is O.K. with the cul-de-sac as long as the width and the ability for equipment to turn around is there. There's a pond so they could tap into the hydrant that is being proposed.

A resident said this is assuming there is water in the pond.

Bill Poirier said they could have a hydrant and the fire department could still draw from the reservoir.

Tim Brayman asked what about the dead of winter when it's frozen?

Kyle LaTray said pond hydrants are a great thing but they are supplemental and can't be guaranteed.

Bill Poirier said until tonight, he didn't realize how shallow the pond was.

Ed Keplinger said the pond could be enlarged to meet what the fire department requires.

Jamie Plouff said the cul-de-sac is right acrossed the road from her house and she doesn't want people going in and out every 3 minutes.

Chairman Nakas asked John Dunkle to discuss the project.

John Dunkle said it's his responsibility to look at this proposal and make sure the proposal doesn't jeopardize a town or its residents and to be sure they comply with all the regulations. The applicant has done quite a bit of work. What is important right now is that this project is before the Planning Board and the public for their input. He and the applicant will be looking at the drainage issues and the mitigation they are proposing. The concerns about the water quality will be reviewed by himself as well as by the DEC before it goes into the reservoir. Septic systems and well supplies will be scrutinized very closely by the Onondaga County Health Dept. They have to have approval for each septic system on this site and the impact on the neighboring property owners. This is true for the wells too. They will look at the hydrology of the area. They may require the

applicant to do some testing. These are some of the things the applicant will have to do once they get into the technical part of this.

Roger Praetorius asked who would be responsible for testing the water periodically. Who will be responsible a year from now if he tests his water and it becomes contaminated? He tests his own water periodically, who will be responsible if it becomes contaminated?

John Dunkle said the water quality of the reservoir would depend on the quality of Butternut Creek. The water quality of the reservoir is up and down. They can take the best practices possible and be sure the applicant follows them.

Jim Keech of West Shore Manor said he has lived there since 1935. He's interested in the reservoir. He's surprised at the neighbors who haven't been very interested. There is a proposal by the Corp of Engineers but he seems to be the only one who has contacted anyone to have this done. He is interested in improving the reservoir. If this helps to improve the reservoir, he's for it. If it will be detrimental, he's against it.

Mr. Praetorius agreed that the residents should be trying to clean up the reservoir.

Jeff Slavich said he understands about complying with the codes but it seems to him the question of what happens if this goes bad and if it does, who is responsible for cleaning up the mess. As far as the careful planning is concerned he is surprised their answers regarding fire protection can't be addressed directly.

Chairman Nakas said this is why we have a Planning Board and a public hearing. All of these things need to be addressed which is why we go through this process. Every application, building lot and subdivision goes through the same drill. After tonight's meeting, this will be referred to the Onondaga County Planning Board. The public hearing will be continued next month. This Board can't make a decision until we hear back from County Planning.

Jeff Slavich asked after the project does go bad, who's responsible for cleaning it up? After this turns out to be an ecological disaster, who's responsible?

Chairman Nakas believes the ecological disaster may have already occurred.

Jeff Slavich said this could make it worse.

James Brower agreed it can get worse.

Ed Keplinger said it wouldn't be caused by this project.

James Brower said it can get worse and it can get a lot worse. He urges preliminary testing, testing during building and testing afterwards. The houses are 3 deep to 6 deep which is totally out of character with what they have around the reservoir.

Jeff Cohen asked him to explain this.

James Brower said most of the houses around the reservoir are only 1 or 2 deep.

Jeff Cohen said he is stating this plan is out of character from what exists now. 150' fronting the reservoir is out of character when they have lots there now that are 50' wide.

Joseph Jerry asked the fire chief to address the issue of the safety as it relates to ambulances.

Bill Poirier said as long as the road is wide enough to meet the town regulations they will get an ambulance down there.

Ed Keplinger asked him to explain how the dry hydrant would work.

Bill Poirier said the pond has to be deep enough.

Jeff Cohen said the pond will be designed for winter use too.

Ed Keplinger asked the closest pond to this property if the hydrant wasn't there. Bill Poirier said there's one on Palladino Road.

Ed Keplinger said this would be a benefit to have for fire protection to the surrounding areas as well.

Bill Poirier said it would be a bonus.

Bonnie Seeman of West Shore Manor asked if they did comply with the length of the cul-de-sac, how many lots would there be?

Ed Keplinger said they would have to study this. They would potentially lose a couple of lots. What drives the development to some degree is the shape and configuration of the lot, the drainage, etc. This site was developed with consideration to the existing drainage, the existing slope, and that is why they are asking for a waiver.

Bonnie Seeman said her other objection is public areas. The applicant will only let people in who have their boats there. The Onondaga County Park doesn't let jet skis in other than ones owned by property owners on the reservoir.

Mrs. Plouff said she isn't against the subdivision, it's better than the concerts. She's assuming they will go through a SEQR process. Who is the lead agency?

Chairman Nakas said the Planning Board.

Mrs. Plouff asked if they had started this yet.

Chairman Nakas said they haven't reviewed it yet. The Planning Board will be extended until next month.

David Broda said in the minutes of the last meeting there was some concern regarding the grade.

Chairman Nakas said originally there is 3% grade and then an 8% grade.

Ed Keplinger said it's 3% for the first 100' or so and an 8% grade from this point to the lower grade of the road.

David Broda asked if this complied with town regulations.

Chairman Nakas believes this is the maximum the town allows.

Ed Keplinger said he has had the town highway superintendent at the site and he said as long as everything is in compliance with the town regulations, he is O.K. with it.

David Broda asked about the easement.

Joseph Jerry said the easements would be continued as they exist.

Mike Seeman of West Shore Manor said this will be an impact on the Jamesville DeWitt School System. If there are 2 children in each house, you are looking at 40+ students which will be attending that school. It will impact the taxpayers. This wouldn't include any school enlargements required. He has been on the reservoir since 1976 and when they drained the reservoir in 1978, the DEC was very restrictive. To get any permit on the reservoir, you would have to appeal to the DEC to get permission to improve the area to be allowed to get a boat out there. They wouldn't grant it in 1978 so he doesn't see them granting it now. The majority of the residents are against this and since they are the taxpayers in the area, they believe any permission to get around the town regulations regarding the cul-de-sac should be watched carefully.

Chairman Nakas said you can't turn something down just because you don't like it. You can turn a project down if town, county, or state regulations are not met, but not just because you don't like something. It must be for legitimate, legal reasons.

Mike Seeman said there should be no give away for the cul-de-sac.

Chairman Nakas said the problem you run into is that there are cul-de-sac's in the Town of LaFayette that are greater than 500'.

Tim Brayman asked why not just uphold the laws the way they are?

Joseph Jerry said someone said everyone is against this proposal which is not what he has heard. This meeting is so they can hear from everyone here. This is as close as you can get to your government. The Chairman is telling the public tonight that there has to be a give and take and there has to be reasons or findings in order to turn something down. There would have to be legitimate reasons. The reality is, what positive things could come out of a development of this nature? There could be better fire protection for the surrounding area with the applicant providing a dry hydrant. The drainage could be controlled much better than it is now. There are concerns that the residents have and with the help of this development maybe things could be made better. They are here to listen and work with the residents. They are not here to force anything down anyone's throat.

Chairman Nakas said the Board will take a few last questions.

Helen Nelson said she has lived on the reservoir for many many years. She has a question about the power. They have the last line which goes through and it comes from Tully Valley. They have asked a couple of times about moving the pole. It's about \$10,000 to move a pole. Niagara Mohawk tells her they own 10' around their poles. This means from her property to the development, they can't put anything in 10' around the poles. What type of electrical supply are they proposing?

Ed Keplinger said this would be up to Niagara Mohawk.

Kyle LaTray asked the Planning Board to consider the fact that they created this plan on existing regulations. The resident's believe the lot sizes should be smaller. The cul-de-sac shouldn't be more than 500' long.

Chairman Nakas said the lot sizes are in compliance with the town regulations.

Kyle LaTray would ask them not to grant the waiver. He would request that anything that goes on from this point forward be communicated to all the residents on the reservoir and not just the people within 300'.

Chairman Nakas said we are required to notify anyone within 300' of the property and it's also put in the Pennywise and the town legal newspaper which is the Post Standard.

Bill Poirier said he's here representing the fire and emergency equipment for this project. He is neither for it or against it. The applicant asked him about the length of the cul-de-sac. The dry hydrant is a bonus. If the hydrant doesn't fly, they will still get trucks down there if there is an emergency.

Ann Chase said there are some endangered species there. Does this have to go to the fishing and wildlife agency?

Chairman Nakas said this would be referred to the DEC who would have the final say.

Ann Chase said brown bats are the endangered species.

John Langey said this Board would be requesting a letter from the DEC regarding any concerns they might have regarding the endangered species.

Ed Keplinger said they have received a letter from the DEC stating the bats are endangered and inhabit the southern end of the lake. They will have a person from the DEC come out and look at the site.

Ann Chase asked about the wetlands.

Ed Keplinger said they are not impacting any mapped wetlands as far as this project goes.

Ann Chase asked if the drainage would have an impact.

Ed Keplinger said per the regulations, they are not impacting any wetlands.

Chairman Nakas thanked everyone for coming and said the public hearing will be continued at the next meeting.

John Langey is recommending this be a Type I action for the SEQR process. He would encourage the Board to look through the long form EAF before the next meeting. He asked if they wanted this referred to the County Planning Board.

The Board was in agreement to refer it to the County.

**CASE # 334 - Public Hearing for appeal of James P. Damiano, CNY Auto Auction, Inc. for Controlled Site approval for his property at 3181 Route 11 North on the west side of Route 11 approximately ½ mile south of the Webb Rd. and Route 11 intersection in an Industrial District.**

James Damiano said basically they are putting an addition on the existing structure that will include 4 auction lanes. He has operated down there for the past 7 years with 4 auction lanes. The older lanes will be used for storage.

Chairman Nakas said the existing building will not be used for putting cars through but strictly for storage. He asked for any questions from the public or the Board regarding this application.

Member Lasky asked what the traffic pattern would be.

James Damiano said currently the cars go through from a south to north route through the building. They will now be going west to east.

Norman Paul said he has been down to this business several times and Mr. Damiano runs a very good business down there. The people are very nice. He has had the opportunity to go and view it.

Chairman Nakas said one issue that will not go away is the drainage. He understands there has been a problem with the drainage in the past. Most of it comes from the hill the high school is on. The Planning Board would like to insure this additional building and associated bays will not affect any of the neighboring land owners.

Paul Sheneman said they addressed this. The site the building is proposed to be erected on is already paved. There will only be a small area to be paved. The area is so small you can't even measure it.

Chairman Nakas asked what the town can do to mitigate the drainage issues as they are there.

Paul Sheneman said he really doesn't know. It appears there's quite a bit of drainage coming off of Route 11 possibly from piping which comes from the high school. They dug up a drainage structure that was completely silted in. They discovered there is drainage coming into a structure from Route 11 and almost all of Mondore Drive. The drainage problem is mostly a problem for CNY Auto Auction. It does not appear to be a problem that CNY Auto Auction caused nor that this proposal will impact.

John Dunkle said he concurs this proposal will not impact the drainage issue as it exists. There are two spots where drainage comes onto the CNY Auto Auction property. He has been involved with the town supervisor, D.O.T., etc and they all concur that CNY Auto Auction is not responsible for this drainage. They would request that the CNY Auto Auction have their engineer find out exactly what is there. This way we can all sit at the table and know what exactly is involved so it can be determined how this can be fixed.

Paul Sheneman said Jim Damiano has already hired him to find out where the problem is.

John Langey said to do a baseline study to understand the nature of the problem. The town engineer will look it over and find out if it's acceptable.

John Dunkle doesn't believe this project should be held hostage because of the drainage problem.

John Langey said this is merely a baseline study subject to the town engineer's approval so to be sure he's happy with the quality of the study.

Chairman Nakas said County Planning had 3 comments regarding this application. 1) One of the existing drives on Route 11 shall be closed as per the New York State Department of Transportation; two drives shall be allowed on Route 11 which must meet the requirements of this department. 2) The applicant shall provide written documentation to show that an easement is in place to access the dirt road on the adjacent parcel to the north. 3) Every municipal review provides the opportunity to improve community appearance, and the Town may wish to consider requiring the applicant to provide some landscaping on site.

Jim Damiano said there is no access to the dirt road from his property.

Chairman Nakas would recommend changing the map so this road doesn't show access from the property.

Jim Damiano said he has been working on the landscaping. This is something he personally is interested in doing. He has in mind landscaping 5' around the building. He is concerned about putting landscaping along Route 11 as the salt hits it every winter and he also has concerns about security. When the police drive by, they can see the building from Route 11 now.

Paul Sheneman said drainage could be an issue to.

Robert Loughlin of Mondore Drive said Mr. Damiano has done a real nice job on the property. He has done a lot of work on site. He sees no problem with what he does.

John Dunkle asked if there is any possibility that something might be found in the vicinity of where the new building is proposed.

Paul Sheneman said they have mapped out where the drainage structures might be and the new building will not be in the area of concern.

Jim Damiano said there are no easements on his property so why are the drainage concerns becoming his problem or holding up his proposal?

John Langey said if the condition to do the study isn't in the Board's decision, there would be no way to impose it being done.

Jim Damiano said there is no one flooding in the immediate area.

Jessie Mondore of Mondore Drive said when the high school was built, they asked her husband if they could come down through his property with their drainage as they had no place for it. Her husband let them come down through their parking lots and

her lawn. Every time we get a hard rain storm, the water comes down through and it come through with such force it pushes the cover off the structure and she gets 3 foot of water in her basement all the time. She has asked the school to fix the problem and gotten no where with them.

Jim Damiano asked what they put on her pipe that kicks the water back onto his property.

John Dunkle said it's a check valve. He agrees it does blow the manhole cover right up.

Chairman Nakas said maybe by studying the problem now, some of these problems may be alleviated.

Jessie Mondore said the school won't do anything.

John Langey said in order to grant the controlled site, the Board must determine that the flow, control and safety of traffic shall not be adversely affected to an unreasonable degree; there shall be reasonable compatibility on all respects with any structure or use in the neighborhood, actual or permitted, which may be directly and substantial affected; there shall not be any unreasonable detriment to any structure or use, actual or permitted in the neighborhood, and there shall be reasonable provision for open space, yards and recreational areas appropriate to the structure and use.

Paul Sheneman said there is no change in volume of traffic which will result from this project. The Auto Auction traffic circulation will remain clockwise around the buildings. The site is zoned industrial. No change in use or intensity of use is proposed. No impact is evident. The proposed lot coverage remains below 4%. The site provides parking space for 400 auction vehicles and 125 customer/employee vehicles.

Chairman Nakas asked for any further comments or questions. There were none.

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

**Member's Markoff moved and Lasky seconded the motion to appoint this Board as Lead Agent, this is an unlisted action, a negative declaration in the SEQR process, and to grant preliminary and final PLAT approval for this controlled site with the following conditions:**

- 1) **There will be only 2 driveways onto Route 11.**
- 2) **The portion of the map showing access to the dirt road on the north side of the property will be eliminated.**
- 3) **A base line study will be done to try to determine the nature of the drainage problem.**

**Motion passed unanimously.**

John Dunkle would recommend the applicant be sure there is nothing relating to the drainage issues located under the spot of the proposed building.

**CASE # 326 – Sketch Plan Conference continued for N.Y. LaFayette Limited Part. for a 2-lot subdivision of their property located at 2829 Route 11 approximately ½ mile south of the Commane Rd. and Route 11 intersection in a Residential/Multi-Family District.**

Darcy Pease was present to represent the applicant. She submitted a map dated January 5, 2004 prepared by Christopherson surveyors.

Chairman Nakas noted in a letter dated February 17, 2004 from Scott Bates of the D.O.T., the existing driveway is acceptable for a single family residential house. There was concern of whether there would be enough acreage left for septic treatment of the existing building.

Darcy Pease noted they have located the well on the map.

John Dunkle said generally when you look at a site plan, you want to see a reserved area the size of the existing septic system in case the existing septic system fails.

Darcy Pease said the need to find out how large the existing septic system area is.

John Langey asked how many living units are there.

Darcy Pease said 19. They are contacting the owner of the sheds as the map shows they are on the applicants property.

Member Peebles asked when the apartments were approved.

Darcy Pease believes it was in the 1980's.

Member Peebles would recommend looking at the resolution to see if there were any conditions.

John Langey said in 1987 the property was owned by Dick Wallace. He reviewed the resolution with the Board. His concern is the size of the septic system. If they wish to maintain the barns location, they will need a variance from the Zoning Board of Appeals. He would also like John Dunkle to review this.

Chairman Nakas asked for a representative to be present next month for this to be continued.

John Langey asked what they will be doing with the 5 acres.

Darcy Pease said it will probably be used for residential somewhere in the future but not at this time.

**CASE # 329 – Sketch Plan Conference continued 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.**

No one was present to represent the application. No action taken.

**CASE # 332 – Sketch Plan Conference continued 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 Commane Rd. and Route 11 intersection in a Business District.**

**CASE # 333 – Sketch Plan Conference continued for appeal of James Webb for a 7-lot subdivision of his property located on the west side of Route 11 approximately ¼ mile north of the Commane Rd. and Route 11 intersection in a Business District.**

Jim Webb was present.

Ed Keplinger said they are still waiting for a letter from the D.O.T. granting approval. They need to get a letter from the adjoining property owner that he is joining in with their subdivision.

Jim Webb has received a verbal O.K. but he hasn't obtained anything in writing yet. If the neighbor ops not to enter into the deal, they would have to go back to their 5 lot subdivision.

He submitted a map dated April 20, 2004 prepared by Keplinger Freeman Associates. He believes he would like to start the development on Lot # 3. They aren't positive about this yet. They want to develop this slowly and sell each house as they go along.

Chairman Nakas asked if he would sell them in other parts of New York State.

Jim Webb said they sell them all over. They have log homes in 40 of the states and even in Africa. This is a development but a slow moving one.

Chairman Nakas asked if this becomes a 5-lot subdivision, is it a major subdivision?

John Langey said yes. He said they originally discussed this going back to residential zoning. Discussions with some people in town conclude a better approach would be to file covenants with the land. On the map it will be required to note this is a business zoned lot. The applicant can put covenants on the lots stating once the business is completed, no lots in the subdivision can be used for business purposes. The Planning Board would like to see this noted on the map for any prospective buyer.

Jim Webb said that was precisely their plan.

John Langey would recommend he picks the lot he would like the business to be on.

Jim Webb said he hasn't really gotten out onto the land to see what makes the most sense.

John Langey asked about signage. If you go over 32 square feet , you will need a variance. Some landscaping should be addressed.

Jim Webb said lots of green grass.

John Langey said there must be a county referral. Easements must be given to the town for future drainage. He asked if there was any screening proposed by this property owner and the dog kennel.

Jim Webb believes they will have to see how bad the noise is before they propose to do anything. They are going to try to get some plantings along the perimeter of the property.

Chairman Nakas asked if this can be submitted as a controlled site approval and subdivision all at once.

John Langey would recommend this.

This will be scheduled for a public hearing next month and referred to the county.

**CASE # 335 – Sketch Plan Conference for appeal of Mr. DeRollo for a 2-lot Subdivision of his property located at 4131 Route 91 approximately 1 ½ mile south of the Route 91 and Route 173 intersection in an Agricultural/Residential District.**

Chairman Nakas asked if the lots would be 60,000 square feet.

Ron DeRollo believes so.

Chairman Nakas asked how far this is from the Grove.

Ron DeRollo said about ½ mile north of it.

John Langey said he will need to be sure the D.O.T. is O.K. with the separate access.

Member Lasky asked if he will be making this a building lot.

Ron DeRollo said yes.

Chairman Nakas asked if he will need a survey.

John Langey said yes. You need something that can be recorded.

Chairman Nakas said County Planning probably wouldn't accept this map prepared by Cottrell Land Surveyors.

Chairman Nakas advised the applicant of the information he would need to obtain.

Ron DeRollo asked if the Board saw any problems.

John Langey said he just needs to be sure he can meet the 60,000 square feet.

If all the information is received and a revised map submitted in time for this to be referred to County Planning it can be scheduled for a public hearing next month.

**CASE # 336 – Sketch Plan Conference for appeal of Helen Nelson for a 4-lot subdivision of the Estate of Anna Keough for property located on the west side of Route 91 approximately ½ mile south of the Jamesville Dam in an Agricultural/Residential District.**

James Cecile was present to represent the applicant. He is responsible for the estate of Anna Keough. Helen Nelson is the executor. He submitted a map dated January 20, 2004. They are proposing to divide the lots between the heirs. They would like to have the fourth lot go to the neighboring property owner.

John Langey said the neighbor should join in the application and the surveyor should show this being joined to the neighboring property.

James Cecile said they are not asking for the lots to be approved as building lots. If the heirs of the estate wish to build on the lots some day, they will have to meet the requirements of the town. The property is about ½ mile south of the dam.

John Langey asked if there is D.O.T. approval on the potential driveways.

James Cecile said they haven't done anything because they aren't asking for building lot approval.

John Langey believes this might be a condition from County Planning.

James Cecile would recommend submitting it as it is and if the County Planning Board requires it, they can get the driveway permits then.

Chairman Nakas would recommend putting in the referral that they are not seeking building lot approvals and this should be noted on the map as well.

Helen Nelson said there is an access road to Lot # 1.

Member Peebles said the Niagara Mohawk line is located on this property. His concern is their easement and their requirements to service the lines.

This will be scheduled for a public hearing next month and as soon as a revised map is received it will be referred to County Planning.

**CASE # 338 – Appeal by Herbert Naumann for a 2-lot subdivision of his property located on the west side of Cook Farm Road approximately 1,800' from the Cook Farm Road and Jamesville-Apulia Road**

**intersection in an Agricultural/Residential District.**

Herbert Naumann was present and advised he is proposing to split his 33 acre parcel into two pieces. He submitted a map dated April 21, 2004 and prepared by D.W. Hannig L.S.,P.C. He is going to give 20 acres to his daughter and the remaining 13 acres he believes he has a buyer for.

John Langey said if he would like to have a 30' driveway, he will have to receive a variance from the Zoning Board of Appeals as the town requires 60' road frontage.

Chairman Nakas said if he ends up not able to sell the remaining 13 acre parcel and wishes to further subdivide it, he will have to go before the Zoning Board of Appeals for a variance.

This will be referred to the county and scheduled for a public hearing next month.

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

The Planning Board Meeting adjourned at 10:21 p.m.

Respectfully submitted,

Mary Jo Kelly  
Secretary

May 18, 2004 approved with following corrections:

Last sentence on page 2: change gong to going.

21<sup>st</sup> line from bottom on page 3 it should read decibel.