

Minutes of the Planning Board Meeting of the Town of LaFayette held June 15, 2004 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 7:30 p.m.

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

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, Planning Board Attorney
Mike Seeman, 4160 W. Shore Manor
Jim Webb, Applicant
Ann Chase, W. Shore Manor
Jeffrey Cohen, Applicant
Peter Zangari, 1950 Berry Rd.
Pat Zangari, 1950 Berry Rd.
Steve Chase, 4132 W. Shore Manor
Veronica Michelanko, 4174 W. Shore Manor
Edward Michelanko, 4174 W. Shore Manor
Greg Schrineido, 1542 Westmoreland Ave., Syracuse
David Broda, 2043 Jamesville Terrace
Joseph Jerry, 414 University Building
C. Cromley, 3033 Route 11
Derek Hubler, 3580 Eager Rd.
Sandor Magyar, 3724 Eager Rd.
Jane Praetorius, 4155 Rte. 91
Roger Praetorius, 4155 Rte. 91
Karen Brower, 4190 W. Shore Manor
Paula Naselli, 4184 W. Shore Manor
J.C. Brower, 4190 W. Shore Manor
Bonnie Seeman, 4160 W. Shore Manor
Sheila Harrington, 2055 Jamesville Terrace
C. Keenan, 3565 Eager Rd.
Kristin Kim, 4430 W. Shore Manor
Kyle LaTray, 4142 W. Shore Manor
Craig Fox – Applicant CRAM
Ed Keplinger
Tom Sheedy, Applicant
Mr. & Mrs. Morezak, Applicants
Mr. & Mrs. Carter, Applicants

Chairman Nakas called the meeting to order and welcomed everyone. He asked if there were any corrections or additions to the May 18th minutes.

Andy Peebles had following amendments:

Page 3 correct "James Webb said no one would liver there" to "James Webb said no one would live there".

Page 4 change "This Board has done its job and was all set for the approval..." to "This Board has done its job and was all set to move forward..."

Page 11 correct "Ed Keplinger sad..." to "Ed Keplinger said..."

There were no further additions or corrections. Chairman Nakas said the May 18, 2004 Planning Board Meeting Minutes will stand as amended.

CASE # 332 - Public Hearing 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.

Chairman Nakas said this is a public hearing so anyone is welcome to make comments or ask questions.

Ed Keplinger submitted a map dated May 18, 2004 prepared by Keplinger, Freeman Associates. He advised they are proposing to put a model home back by Route 81 about ¼ mile north of the current model home. There will be a gravel driveway and parking for 8 to 9 cars.

Chairman Nakas asked why there was no data for the perc tests.

Ed Keplinger said they need to get that completed. They will get this information on the map and an approved septic design from the County Health Dept.

Chairman Nakas asked for any comments or questions. There were none. He said this is to seek approval for one model home which no one will live in and there will be no additional homes built at this time. There was one comment made from Onondaga County Planning regarding drainage. "The applicant must provide an engineering study to verify to the New York State Department of Transportation that the proposed development would not create additional stormwater runoff into the state's drainage system. If additional runoff is created, the applicant shall be required to submit a mitigation plan to the New York State department of Transportation for approval and implement any mitigation required." This Board would require John Dunkle to be happy with the plan they submit. If he is happy, the Board would be ready to move forward.

John Langey said he got a letter from John Dunkle in which he advised he has reviewed the latest plan, dated May 18th, and has no significant drainage concerns with the proposal.

Ed Keplinger said they will still have to pull a curb permit from the D.O.T. so they will be able to work any concerns out with them.

Member Peebles asked if the signage is all in compliance with the current zoning regulations.

Ed Keplinger said it will be under the 32 square feet.

Jim Webb said the sign will be better than the existing one. If they want to go with a bigger sign on Route 81, they will come back to ask for permission.

John Langey asked about the hours of operation.

Jim Webb said normally they don't do evening hours but they might like to go back to that.

John Langey said they will have to tell the Board what hours of operation they want.

Jim Webb said normally it will be 9:00 a.m. to 5:00 p.m. 7 days a week. After hours will be by appointment.

Chairman Nakas said not to exceed 9:00 or 10:00 p.m.

John Langey said if the Board adds appointments after hours, it opens it up.

Chairman Nakas said that is why he is suggesting not to exceed the point in time this Board determines.

Jim Webb asked what is normal in a commercial zone.

Chairman Nakas said this isn't a typical commercial zone.

Jim Webb would say not past 11:00 p.m.

Chairman Nakas said normal operating hours will be 9:00 a.m. to 5:00 p.m. and any after hour appointments will not exceed 11:00 p.m.

Jim Webb would like hours of operation to be 7 days a week.

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

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

Chairman Nakas noted the Planning Board has already been appointed lead agency.

Member's Markoff moved and Lasky seconded the motion to declare this an unlisted action and a negative declaration in the SEQR process and to grant controlled site approval of the June 8, 2004 plans with the following conditions:

- 1) Perc test data be added to the plans.
- 2) Approval given by the DOT for curb cut.
- 3) Landscaping per the June 8, 2004 site plan.
- 4) Correspondence received from the DOT verifying that the site will not cause any increase of drainage into the state drainage system meaning Route 11.
- 5) Any proposed changes to the June 8, 2004, site plan require the applicant to come back before this Board.
- 6) Payment of any outstanding fees.

Motion passed unanimously.

CASE # 329 - Public Hearing 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.

Chairman Nakas opened the public hearing.

Mr. Sheedy was present to represent the applicant. He presented a map dated May 7, 2004 prepared by R. J. Lighton. To ensure that a future owner of Mrs. Mentz's property wouldn't put a building too close to his property, they are proposing to move the lot line to include about 1/3 acre into his property.

Chairman Nakas asked for any questions or comments. County Planning has taken no position on this application. There were no further questions or comments.

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

Member's Markoff moved and Lasky seconded the motion to appoint the Planning Board as lead agency, this is an unlisted action and a negative declaration in the SEQR process and to grant preliminary and final plat approval of the plan as submitted. Motion passed unanimously.

CASE # 339 - Public Hearing for appeal of Christine Keenan for a 3-lot subdivision of her property located at 3565 Eager Rd. approximately 1.3 miles south of the Coyo Rd. and Eager Rd. intersection in an Agricultural/Residential District.

Chairman Nakas opened the public hearing.

Christine Keenan gave a short summary of her proposal. She has a 70 acre farm. She plans to subdivide this parcel and keep 3 acres right around her home. She is going to sell 2 acres to her neighbor and the other 65 acres will be sold as one parcel. It will continue to be farmed.

Chairman Nakas said this is essentially a 3-lot subdivision. He said the county has 3 recommendations: 1) Any future subdivision of proposed Lot 2 must use a single access and be accompanied by a plan showing full build-out. 2) The residual lot, proposed Lot 2, must be labeled "This parcel has not been reviewed by the County Health Department for residential development." 3) Proposed Lot 3 must be resubdivided with the adjacent parcel owned by J. Masias to create a single lot; a single driveway shall be allowed for this combined lot as per the Onondaga County Department of Transportation.

Christine Keenan asked about the build-out.

Chairman Nakas said she doesn't have to do anything with it. Whoever purchases Lot 2, if they want to do anything with it in the future, will have to show a build-out plan. He asked if there were any other questions or comments.

Christine Keenan asked what she should do next.

John Langey said show the notes from County Planning to the surveyor and he will change the map.

The potential buyer of Lot 2 said in the future he might want to put a single family home on the lot but still let the farming be done on the remainder of the parcel. He would like to have a separate farm driveway.

Chairman Nakas said this would be between him and the D.O.T.

There were no further questions or comments.

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

Member's Markoff moved and Bush seconded the motion to appoint the Planning Board lead agency, this is an unlisted action, a negative declaration in the SEQR process and to approve preliminary and final plat approval with the following conditions:

- 1.) Any future subdivision of proposed Lot 2 must use a single access and be accompanied by a plan showing full build-out.**
- 2.) The residual lot, proposed Lot 2, must be labeled "This parcel has not been reviewed by the County Health Department for residential development."**
- 3.) Proposed Lot 3 must be resubdivided with the adjacent parcel owned by J. Masias to create a single lot; a single driveway shall be allowed for this combined lot as per the Onondaga County Department of Transportation.**

Motion passed unanimously.

CASE # 340 - Public Hearing for appeal Steve & Catherine Morezak for a 2-lot subdivision of their property located on Berry Rd. approximately 1.8 miles south of the Route 20 and Berry Rd. intersection in an Agricultural/Residential District.

Chairman Nakas opened the public hearing and noted County Planning recommended disapproval because the proposed 60' right-of-way does not have adequate sight distance for safe access...He advised he received a letter from the Highway Superintendent, Leon Cook, dated June 8, 2004 stating "Morezak Road has been a Town Road for a long time. The width is 49 1/2' wide and the length is 3/10 of a mile. This road is mentioned in the Town Board Minutes in 1948. Morezak Road is not a dedicated road as it was given to the Town prior to dedications being required..."

John Langey would like the map amended to show Morezak Road after getting the approval from Leon Cook. The Board would still have to overturn County Planning and state why they are doing this.

Chairman Nakas asked for any questions or comments.

A resident said if this Board accepts this road, it will have to be built to specifications using tax payers money for one house. He was also concerned once the road was paved, it would open the area up for future development.

Chairman Nakas advised this Board is not approving the road, the Highway Superintendent has said it is an existing Town Road and has been so for many years. This Board is only reviewing the subdivision application.

Member's Markoff moved and Bush seconded the motion to appoint this Board lead agency, this is an unlisted action and a negative declaration in the SEQR process and to over-rule Onondaga County Planning and approve preliminary and final plat approval with the condition that the surveyor make it clear on the map that Morezak Road is a Town Road

and not a right-of-way and it meets town specifications which is the justification for over-ruling County Planning . Motion passed unanimously.

John Langey noted septic approval must be gotten.

A resident said if this becomes a town road, it must be brought up to town spec's.

Mary Jo Kelly said she thinks Leon Cook is proposing to do some paving on this road.

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

CASE #335 - Continuation on 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.

No one was present to represent this application.

John Langey said the Board only has 62 days to make a decision. The Board could deny the application at this point because of the issues stated last meeting but will grant leave to reopen the matter if the applicant comes back with a letter from the DOT and a map showing the inclusion of the surrounding landowners. The Board also has the option to approve the application with the above stated conditions.

Member Peebles moved and Chairman Nakas seconded the motion to deny this application but grant leave to reopen it within 60 days. Motion passed unanimously.

CASE # 331 - Continuation on 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.

Joseph Jerry advised Mr. Keplinger was passing out the Environmental Impact Study. Because the property in question is adjacent to county land and by virtue of that land being a county park, it put them in a type I category. As a result of the Board's request, the drainage study has been completed. Relative to the second issue of well water availability and quality they did very very substantial drilling. They had 25 gallons a minute. They pumped 25,000 gallons of water. There's enough water there to float the Town of LaFayette and the quality is excellent. This information is all in the report.

Chairman Nakas said the wells were drilled on the northern portion of the property.

Ed Keplinger said they drilled on Lots 14, 13 & 12. Lot 14 yielded greater than 100 gal./minute. Lot 13 yielded approximately 15 gal./minute. Lot 12 yielded greater than 100 gal./minute. They drilled 4 wells on-site and tested 5

wells off-site. The testing had some influence on one well but the influence on most of the wells was minimal. The report explains the process of the study.

Chairman Nakas said there was an impact on one well.

Ed Keplinger said it had a drop.

Chairman Nakas said they probably pumped 3 times what they would use in an average day per average home.

Ed Keplinger said he talked to the health dept. today. They advised the most to expect from these lots would be 9,000 gal./day.

Member Peebles asked if the results would be different at different times of the year. Right now it's rather wet, does that make a difference?

Ed Keplinger isn't sure. If it rains today, it wouldn't necessarily affect the study until tomorrow.

Member Peebles asked where in they cycles did this test occur.

Ed Keplinger said he would have to ask the hydrologist this.

Jeffrey Cohen said he was there during the drilling and the people doing the drilling said there is no problem and there would never be a problem.

Member Peebles said he is not an expert and he wants to be sure at this point in time, when the test were done the results weren't just due to them being done at an ideal time.

Joseph Jerry said they will ask the hydrologist about this.

Member Markoff asked who did the drilling.

Ed Keplinger said Barber and DeLine Drilling.

Member Lasky asked the time-frame that they did the drilling.

Ed Keplinger said it was on June 1 and June 2.

David Broda from Jamesville Terrace said his well went down 4.3'. His well is 100' deep. He got into quite extensive conversations with the hydrologist. He asked him several times to take into consideration any long-time impacts. He doesn't know if he put it into the report. He would like a copy of the report. He thinks it would be good to look into the aspect of a longer period of time and seasonal.

Joseph Jerry read a portion of the study stating the wells would not be overtaxed by this development.

Chairman Nakas asked if they could have the hydrologist provide a letter that would address the concern raised here regarding seasonal fluctuation.

Ed Keplinger said sure.

Chairman Nakas asked if there was bacteria testing done.

Ed Keplinger said yes.

Jeffrey Cohen said it's potable water.

David Broda said the water is very hard.

Ed Keplinger said they did a very comprehensive stormwater pollution prevention plan.

Chairman Nakas asked who did this plan.

Ed Keplinger said he did along with the town's engineer. He advised they have also completed a stormwater management report.

Chairman Nakas asked if the detention basins would be showing up on the site plan as they are in this statement.

Ed Keplinger said yes. It will all be reflected in the final site plan. They have done calculations for all of this now. Their proposal presently decreases runoff seen on the site. They will be providing better water quality after this is implemented than what occurs now.

Discussion took place regarding the DEC regulations and monitoring of developments of this nature.

Chairman Nakas asked how often the DEC checks on the project.

Ed Keplinger said quite often.

John Langey said he spoke with John Dunkle who wants to look at this statement. He advised a letter was received from the DEC regarding this matter.

Joseph Jerry said they are very anxious to go forward.

Chairman Nakas said this Board would be very dependent on John Dunkle's opinion of this statement.

John Langey said if the Board does a special meeting, he would recommend the meeting be at 5:00 p.m. or 6:00 p.m. The object of the meeting would be to formally accept the Environmental Impact Statement as completed. Once the Board gets input from John Dunkle, the Board will be in the position to get public input on the document.

David Broda said he would like a copy of the statement.

John Langey said the only problem with that is the applicant has advised they will be putting more information into it.

David Broda asked if the timeline starts upon the Board's acceptance.

John Langey said yes.

David Broda said the public has 30 days to respond.

John Langey said there will be a copy of the current statement in the Town Clerk's Office for the public to review but he would like them to keep in mind that more information will be added to the statement.

David Broda asked if the Board had any idea when they would hold the special meeting.

Chairman Nakas said this application has been going on for months and the applicant has been very conscientious of doing what the Board has asked. If there were a special meeting, it would just be for the Board to accept the plan.

Ann Chase said the one copy available in the office is not terribly helpful to the residents as they don't quite understand this and would like to have someone review it.

Joseph Jerry said the problem is that it's not a complete statement now. He would just like to wait until the final statement is complete.

It was noted if a special meeting is held, all the people within 300' will be notified and it will be in the paper. This meeting would only be to accept the document.

David Broda asked after the 30-day comment period, what happens?

John Langey said the Board would review all the information received and possibly make its determination. The Board also has the option of holding another public hearing on the information received.

David Broda said it may go into the August meeting.

John Laney said he would think it might. If there were some major issues involving the environmental impact statement, the Board could hold another public hearing.

Chairman Nakas said there will be 2 copies of this information available for the public.

Greg Schrineido advised he is an amateur archeologist. CHIPO said in the mid 60's that Onondaga burials were found dating back to the early 1700's. This indicates that there was Indians on that site. Other people have found artifacts in the area. The advice that he would give to the developer is to have a CRM study done.

Joseph Jerry said their site has been substantially disturbed. It's not like forested areas.

Greg Schrineido said this is just to let the developer know if there are artifacts before they start digging. The Onondaga's know there was a village there.

Member Peebles said the Board held a public hearing and no one came from the Onondaga Nation.

David Broda asked if he had any experience with this particular property.

Greg Schrineido said Ken Papineau owned the property and let him go down there and look around.

Joseph Jerry thanked the Board.

Chairman Nakas said the point we are at is that we may have a special meeting if we hear back from John Dunkle. The document will be available in the office and the applicant will be adding more information to it. He thanked the applicant for their input and the documentation. The Board will rely very heavily on John Dunkle regarding this document.

CASE #337 - Sketch Plan Conference for appeal of John and Sandy Kinsella for a 2-lot subdivision of their property located at 6230 Smokey Hollow Rd. approximately 1 mile east of the Barker Hill Rd. and Smokey Hollow Rd. intersection in a Residential/Multi-Family District.

No one was present to represent the application. A letter will be sent.

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

No one was present to represent the application. A letter will be sent and they will be removed from the agenda.

CASE # 341 - Sketch Plan Conference for appeal of CRAM Communications, LLC for a resubdivision of their

property located approximately 1600' north of the Webb Rd. and Groth Rd. intersection in an Industrial District.

Craig Fox was present to represent this application.

Chairman Nakas said the Planning Board made recommendations with 14 points in it on August 19, 2003. 10 months later the Board got a response. He asked if there was a problem.

Craig Fox said they didn't know, nor did the town know that the DEC would start a new program for stormwater runoff. They had to determine whether they would pursue the project. Once they knew they were on track, they continued and responded to the questions. They just didn't know what they were getting into.

Chairman Nakas said some of the points weren't even responded to.

Craig Fox said the payment option and fire suppression he was advised not to respond to.

Chairman Nakas said point 8 asking if it was necessary to have 6 permanent towers and point 9 asking the Town Board to investigate the ability to require the applicant to substitute any emerging technologies after a reasonable period of usefulness were not even responded to.

Craig Fox said he was going by a list.

John Langey said these were the Board's recommendations of 8/19/03. The question was do we have to have 6 towers and would the Town Board investigate this. He noted the Town Board has said the Planning Board should be lead agency on this application. The Town Board is asking the Planning Board to review this project now that the applicant is back. He recommended the Board review its old resolution. This Board will do its recommendation to the Town Board for controlled site. This Board will address the resubdivision of the 2 lots.

Chairman Nakas asked why the applicant was advised not to report on the fire concerns with the towers.

Craig Fox said Kevin Gilligan told him he didn't have to answer this and so did the Town Board.

John Langey said he will have to check with Kevin Gilligan on this. The concerns were more emergency concerns rather than just fire.

Chairman Nakas brought up the necessity of the 6 towers and if they could be decreased would the applicant agree to this?

Craig Fox said if some day they get rid of the AM band and only 1 tower is needed, sure. The amount of towers are required. It's necessary for AM broadcasting. The signals actually come from the tower transfer. They are required to only transmit their signals in certain directions to protect other stations.

John Langey asked if their tower would have an impact on the town tower.

Craig Fox said no, it's actually the other way around. The town's communication tower may impact theirs. They will put a detuner on the town's tower.

Member Markoff asked if it would affect WHEN, WSYR, etc.

Craig Fox said if you are on the road near their towers, you might have a little problem. If you are ¼ mile away, you shouldn't have any problem.

John Langey said the Board could declare themselves lead agency tonight and direct him to send out lead agency notification to the FAA, Town Board, FCC, etc.

Craig Fox asked why he would be sending notification to the FAA or FCC.

John Langey said it's required under state law that the Board do this. He said the SEQR must be redone to have updated information. The Board could review it and at the next meeting decide if they want to be lead agency.

Member Peebles asked if the temporary tower has been completed.

Craig Fox said yes.

Chairman Nakas asked how much land has been cleared.

Craig Fox said 40 acres.

Member Lasky asked if the brush was going to be cleaned up eventually.

Craig Fox said any brush that is there will be cleaned when they install the towers and they would then seed on their own.

Chairman Nakas asked if he had to get a construction permit from the FCC and FAA.

Craig Fox said this has all been submitted.

John Langey said the Board is looking for an updated long form EAF. He asked if the Board can see the original FCC application.

This application will be continued at the next meeting.

Christine Keenan came back to ask the Planning Board a question about County Planning's requests.

John Langey said the neighboring property owner should also sign the map as a joining in on the subdivision. He should sign the map showing he knows that land is being joined with his.

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

The Planning Board Meeting adjourned at 8:57 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary