

Minutes of the Planning Board Meeting held by the Town of LaFayette on September 21, 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, Member

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, P.B. Attorney
Bob Asanoma, Save the County
Richard Stiratar, Save the County
Shawn Adam, Alt, P.B. Member
Chris Estey, 2228 Route 11A
Charles Gregg, 2208 Route 11A
John R. Storrier, Jr., Applicant
Mary Earle, Applicant
Earl Smith, Applicant
Tony Marshall, Att.
Karen Brower, JRPA
J. C. Brower, JRPA
Sandra Smith, Councilwoman
Lynn Hutton, Applicant
James McElhanon, Applicant
Sandy & John Kinsella, Applicant's
Steve Barclay, Applicant
Eugene Franchini, 120 Freeman Ave., Solvay
Tracy Franchini, 120 Freeman Ave., Solvay
Harry Armani, 214 E. Main St., Elbridge
Gary White, 4090 Mercan Drive
Craig Fox, Applicant
Wesley Hall, Applicant
David Muraco, Applicant

Chairman Nakas called the meeting to order and welcomed everyone. He asked if there were any changes, additions or deletions to the August 17, 2004, Meeting Minutes. There were none. He advised the August 17, 2004, Planning Board Meeting Minutes will stand as submitted by the Secretary.

CASE # 343 - Public Hearing on appeal of John Storrier, Jr.'s application for a 2-lot subdivision of his property located on the west side of LaFayette Rd. approximately 1/2 mile north of the Commune Rd. and LaFayette Rd. intersection in an Agricultural/Residential District. (Tax Map No. 022.-05-07.4)

Chairman Nakas opened the public hearing. He advised this is a public hearing and members of the public are encouraged to ask any questions or make any comments.

John Storrier said he has an existing building lot which he plans to subdivide 4 acres from so his daughter can build a home.

Chairman Nakas asked if there is a well on the proposed lot.

John Storrier said no but it has been surveyed and the county has approved the septic design.

Chairman Nakas said Onondaga County Planning is O.K. with the entire project. They had 2 requirements: 1) A 60' right-of-way must be provided on one of the proposed parcels to provide access to

both proposed lots, including any future subdivision of proposed Lot 3A-2. 2) The residual lot must be labeled “This parcel has not been reviewed by the County Health Department for residential development.”

John Storrier believes the right-of-way has plenty of room.

Chairman Nakas said all they are concerned about is that you have the 60’ right-of-way on one of the parcels to provide access to both lots.

John Storrier doesn’t understand it because there’s plenty of road frontage. He submitted a map dated August 11, 2004, and prepared by Christopherson Land Surveying. A letter was submitted from the D.O.T. approving the proposed driveway.

John Langey believes what County Planning is saying is that they want an easement of some sort stating where the proposed road would go in if the applicant was going to develop Lot # 2 further some day. In the future we should request the D.O.T. reference the map they are looking at.

Member Peebles asked if it is possible they were talking about Lot 3B in the upper corner of the map. He wonders if they were confused.

John Langey said in their response they noted only 2 lots.

Chairman Nakas asked how about if the applicant was to contact the highway dept. again to be sure they are O.K. with it.

John Langey said if the Board is going to vote on this tonight, they will have to overrule County Planning.

The Board didn’t feel the applicant needed County Planning’s stipulation regarding the 60’ right-of-way.

Chairman Nakas asked if there were any comments from the public. There were none. The public hearing was closed.

Member’s Markoff moved and Bush seconded the motion to make this Board lead agency, this is an unlisted action and a negative declaration in the SEQR process and this Board grants preliminary and final plat approval and they wish to eliminate the first condition suggested by Onondaga County Planning for the 60’ right-of-way on the map and with the following condition:

- 1) **The residual lot must be labeled “This parcel has not been reviewed by the County Health Department for residential development.”**

Motion passed unanimously.

Chairman Nakas said when they get the revised map to contact him and he will sign it.

CASE # 344 - Public Hearing for Robert & Jacquelin Onderdonk’s application for a 2-lot subdivision of their property located on the west side of Persse Rd. approximately 350’ south of the Reidy Hill Rd. and Persse Rd. intersection in an Agricultural/Residential District. (Tax Map No. 008.-01-05)

Chairman Nakas opened the public hearing. He advised this is a public hearing and anyone from the public is encouraged to comment on this application.

Steve Barclay was present to represent the applicant. He said Bob & Jackie Onderdonk wish to transfer the ownership of the lot and house on it to the Barclay’s so they want to subdivide the 12 acres from the 42 acre parcel to allow them to do this.

Chairman Nakas asked for any questions or comments from the public regarding this matter. There were none.

Chairman Nakas said the only suggestion from the County Planning was that all access to the property be from Persse Rd.

Steve Barclay said their existing driveway is off of Persse Rd.

Chairman Nakas asked if there were any questions from the Board.

Steve Barclay submitted a map dated August 3, 2004 and prepared by James J. Denkenberger.

Chairman Nakas said there would have to be a spot for county Health Dept. to sign the map.

Steve Barclay said he looked at a map in the Town Offices and it appears the County Health Dept. is using a stamp now.

Member Peebles believes the map should show the stand-alone lot shown on the map separate from the actual subdivision. The applicant needs to darken the line separating it. Lot’s 1 & 2 need to be labeled.

Member's Markoff moved and Lasky seconded the motion to make this Board lead agency, this is an unlisted action and a negative declaration in the SEQR process and this Board grant preliminary and final plat approval with the following condition:

- 1) **All access shall be from Persse Road as per Onondaga County Department of Transportation requirements.**

Motion passed unanimously.

CASE # 337 - Continuation of Sketch Plan Conference for appeal of John & 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 Agricultural/Residential District. (Tax Map No. 001.-03-23.1)

Tony Marshall was present to represent the applicants John & Sandy Kinsella who were also present. He submitted a map dated September 21, 2004 and prepared by EDR. He said it's approximately a 350 acre parcel. The subject building that is raising the issue is the garage facility they built intending it serve as a garage to their home. The garage was inspected by the CEO and he was concerned under the code that it could be considered a second family dwelling and requested the applicant's file a subdivision application in order for him to lift the Stop Work Order he had issued. They filed the application and he lifted the Stop Work Order. Lot # 2 would incorporate the garage building and go down to Smokey Hollow Rd. He showed the Board the existing driveway and another gravel driveway that is located on the property.

Chairman Nakas asked how many structures are on the 2 parcels now.

Tony Marshall said at the pond there is a structure.

Chairman Nakas asked if it's a house.

Tony Marshall said it's a house-type facility/pool room. There's another building by the tennis court. He doesn't have personal knowledge of it other than they use it as an accessory use to the tennis court.

Chairman Nakas asked if it is a house.

Tony Marshall said it's not occupied. There are bathroom facilities. Could someone live there? He supposes so. It's not intended to be a dwelling.

Chairman Nakas asked if building permits were obtained for any of the structures.

Tony Marshall said Kinsella's gave him what they could find. There were Health Dept. approvals. They need to rely on the Town files for what was obtained. They were built around 1990 and one was built in 1993. The pond building was erected in the early 1990's.

Mrs. Kinsella said in the early 1980's.

Chairman Nakas said what actually triggered them coming before this Board is the newest structure.

Tony Marshall said yes. They pulled a Building Permit for a garage and he guesses they went a little further than what the Code Enforcement Officer felt they should have. He treated it as a second home. There's one family that utilizes the property. From their standpoint if it were to be used as a dwelling, it would be as a guest house when the family comes to visit. It's not for lease.

Chairman Nakas asked if the latest structure is complete.

Mr. Kinsella said it is.

Chairman Nakas said he believes where a mistake can be made is if you apply for a subdivision, it doesn't mean one will be granted or approved as there can be problems with drainage, septic, well water, etc. That is why this Board has people come before them first to help them through the process and accomplish the plans they have in mind. What we have here is kind of a reversal of this. It's not the way this Board likes to do this.

Tony Marshall said it certainly was not the intent. It wasn't with malice or forethought. The applicant's did not, in their minds, feel they were taking on the building of a second home. The irony of the whole thing is they are willing to go through the process of subdividing their home and move on but they are very concerned that the property will become subdivided because it's important property to them and to the family and they want to do everything they can post-subdivision to put the two back together so there could never come a circumstance where the two lots could be sold separate of each other.

Chairman Nakas noted Lot # 2 is about 14 acres.

John Langey asked if the proposal is to provide access to the main building from the gravel driveway.

Tony Marshall showed them the main access on the map.

John Langey asked if the Board would like to check on Building Permits for the other structures.

Mrs. Kinsella said Sadler was the builder.

John Langey said if no Building Permits were pulled, the Code Enforcement Officer will have to check the structures to be sure they are up to code. He asked the Board what their preference is to access the main building on Lot # 1.

Tony Marshall showed the one drive that serves the house and always has.

Mr. Kinsella said the purpose of this new structure was actually for them to be able to put their vehicles in it. They put a place for the kids to stay above the garage when they come to visit. He really doesn't feel the subdivision is necessary. It's against his whole inside gut feeling and allows for the kids some day to end up selling it in pieces.

John Langey said the reason the Board is requiring this is because the Code Enforcement Officer looked at this and determined it could be a primary structure and that is why it was referred to this Board. He asked the Board for their comments on this. There was a question about the number of dwellings on this parcel.

Chairman Nakas asked if the Board felt the Code Enforcement Officer should go out and review the structures.

It was decided this will be tabled and Tony Marshall will contact the Code Enforcement Officer and have him issue a letter to the Planning Board reporting all his findings regarding Building Permit status and if he will inspect the buildings to be sure they are all up to code and whether he finds the additional structures to be primary structures.

CASE # 341 - Continuation of 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. (Tax Map No.'s 025-05-12.2 & 025-05-14)

This was discussed at the end of the meeting as the representative hadn't arrived yet.

CASE # 345 – Continuation of Sketch Plan Conference for appeal of George and Mary Earle for a Subdivision of their property located on the east side of Eager Rd. approximately 1,000' north of the Apulia and Eager Rd. intersection in an Agricultural/Residential District. (Tax Map #'s 008.-03-24.0, 008.-03-19.1 & 007.-02-01.0).

Jim Nakas noted two representatives from Save the County are present. He asked if someone donates land to Save the County, does that land then come off the tax rolls so no one is paying taxes to the Town however; the owners have access to the land and can restrict who comes on the land.?

A representative from Save the County said if the Earle's donate their land to Save the County, they would ask the Town the following year for a reduction in taxes. They are a 5013C status. They have tax relief on almost all their property.

Chairman Nakas confirmed all the land they are overseeing they pay no taxes on.

The representative said some utility districts they still pay. About 95% of the property gets reduced taxes.

Chairman Nakas asked for any other questions or comments.

There were none.

Chairman Nakas said they have been before the Zoning Board of Appeals for a sketch plan. They are being scheduled for a public hearing. This Board needs a better map.

Mary Earle submitted a map dated 9/13/2004 prepared by David A. Vredenburg. She explained the part they are proposing to donate which would be Lot # 3. She showed where the right-of-way goes through. Save the County only needs 6' and the right-of-way is wider than that.

Chairman Nakas asked who would have access to the property in the future. Would the Town people have use of it?

A Save the County representative said the whole property would be posted and the uses would be public usage through the right-of-way.

Chairman Nakas asked if the owner could decide who could come on there and who couldn't?

The Save the County representative said they can't discriminate.

John Langey thought the caretakers would have the ultimate authority.

The representative said if there was a party that wished to come on the property, Save the County would call ahead to let the Earle's know about it.

John Langey said one of the discussions the Zoning Board of Appeals had was provisions for parking. Where would they park to access the property?

The representative said right now they would have to park along the edge of the road. Right now there is no parking. They probably won't encourage a great number of groups coming onto the property. This property wouldn't be advertised heavily.

Chairman Nakas asked if it wouldn't be easier to have the right-of-way on Lot # 2.

Mary Earle said no because the path is already there. Lot # 2 is saleable.

Member Peebles said we take this off the tax rolls and this allows the public to have use of the property. Does this cause a liability issue for the Town?

The representative said no. Save the County carries their own liability coverage for their protection. They are a 5013C land trust. They have a blanket coverage on all their property. There are land trusts all over the U.S. There are thousands of them. They are the oldest in the Central New York area.

The Board would like to see heavier lines delineating the 3 lots.

Chairman Nakas said the line between Lots 2 & 3 and 1 & 3 should be heavier lines.

Councilwoman Smith asked the representative from Save the County if they have the authority to sell any of the parcels they obtain.

The representative said they have never done this in the 25 years they have been operating.

This will be scheduled for a public hearing to be held next month.

Continued Sketch Plan Conference for Subdivision of property owned by Lynn Hutton.

Eugene Franchini was present with Lynn Hutton to discuss this proposal.

Lynn Hutton said originally when he came before the Board, he did not have this parcel up for sale. He has been trying to sell the large upper parcel in back which was never planned to be developed anyway. Eugene and a couple of his friends want to buy the large parcel up there. Eugene decided he would like to also buy the other property Lynn Hutton has at the end of the road. That is why he came in last month.

Chairman Nakas confirmed he wants to build a house on the smaller parcel.

Eugene Franchini believes the larger parcel is about 45 acres. Originally he and his wife were driving and saw the back acreage and were contemplating that parcel but a purchase offer wasn't made. To access that parcel you would require a long driveway. They just happened to walk around and saw the other acreage and that is when he asked Lynn Hutton if he was interested in selling that parcel. He introduced his cousin, Tracy Franchini, who would like to purchase the acreage in back.

Chairman Nakas said if Eugene purchases the acreage down below, it would preclude finishing this road.

Lynn Hutton said at the last meeting the Board asked him to get in touch with the Highway Superintendent and the LaFayette Fire Department.

Chairman Nakas has a letter from the Highway Superintendent and the LaFayette Fire Dept. who both agree they would need to see a bigger and better turn-around.

Lynn Hutton said he spoke with the town engineer to see what he would require. He said the biggest thing would be the turn-around area. Lynn asked if he meets what the Highway Superintendent and town engineer need, would it make it favorable for Eugene Franchini to purchase the property. In talking with the town engineer, it didn't seem like there would be a problem.

Chairman Nakas said the Town does have a law on the books that a cul-de-sac will not be longer than 800'.

Lynn Hutton said this came up at the last meeting. Is there a way that Eugene Franchini and his friends can purchase the parcels? Can they do something that will make it acceptable?

Chairman Nakas said the town engineer felt by having a cul-de-sac or having a dead-end it would not impact the drainage.

Lynn Hutton said that is right.

Chairman Nakas said this Board will need a letter from the town engineer confirming this.

Lynn Hutton said before they go any further they would like to know if the Planning Board will allow them to do this. The people the Board wanted him to contact didn't seem to think there would be any problem that couldn't be dealt with.

Chairman Nakas said this is a change from the original plans. Original plans can change for a variety of reasons. The Board is in receipt of letters from the LaFayette Fire Dept. and Highway Superintendent. He thinks the problem here would be the length of the cul-de-sac. He would probably say to move ahead with the process and see where the chips fall and if there's a problem, he thinks it will be with this one criteria.

Lynn Hutton asked where the objection would come from.

Member Peebles said it would be from him. The density up there is a concern. He would try to convince the other Board Members to be against this due to safety reasons. He doesn't think anyone on the Planning Board should think to move to approve this the way it sits right now.

Lynn Hutton said if this will be before the Planning Board, there's no point in them going forward.

Chairman Nakas said he can't say how everyone will vote but at least they know what the stumbling block would be. He still thinks it's worthwhile to submit this to Onondaga County Planning for their input. This doesn't cost anything.

John Langey said he would have to file an application and prepare a survey map before this could be done.

Lynn Hutton said if the Planning Board isn't going to approve this, he doesn't want to go any further forward. They can address what the Highway Superintendent, LaFayette Fire Dept. and town engineer want which he believes could be worked out.

Chairman Nakas asked if the Planning Board approved the cul-de-sac for Jamesville Grove.

Member Peebles said they changed their plans to meet the town requirements.

Lynn Hutton said the thing most of the people bought land up there for was because it's isolated. That is one reason Eugene wants to purchase the land.

Chairman Nakas asked how long the cul-de-sac would be from the McConnell property.

Lynn Hutton said about 1,000 feet. He doesn't know why that would cause a particular problem. He knows it would be nice if the road went through but if the turn-around was there and the Highway Superintendent and town engineer don't have a problem with it he doesn't see why it couldn't be approved.

Member Peebles said the density greatly increased with the development of Summerridge. The number of lots is substantial now compared to what was on Amidon Rd. prior to this development. The reason this requirement is on the books is for safety. The density has been increased significantly.

Lynn Hutton doesn't see how this would become that unsafe. It's an excellent road and he doesn't know what would happen that would cause a problem that would cause a safety issue. The access to it is fine.

Member Bush asked if he was to continue on with the original plan, how many more homes would come in there?

Lynn Hutton said probably 10 more. Some of them would not be particularly desirable because they would lay in the lower section which slopes down.

Chairman Nakas said it might be worthwhile to pursue this and to get some input back from County Planning. He can't say if it will be approved or rejected but it might be worthwhile to pursue it if this is something he wants.

Eugene Franchini said it's definitely something they are interested in. The predicament Lynn Hutton is in is if he has to go out and contract a surveyor and file a subdivision map, it will probably be a fair amount of money to do. He doesn't think a map will really illustrate much of anything. What he's hearing is the main issue is the road will end in a cul-de-sac and there's an ordinance which doesn't allow the length of it.

Lynn Hutton said he hates going out and getting a survey and filing a map if the Board knows it will be turning him down in the first place. He would like to sell this piece of land.

Tracy Franchini asked Member Peebles about the density. The large parcel they want to buy and use as hunting land and Eugene Franchini is trying to purchase the smaller parcel for a house. If the parcels were purchased with the condition they would remain as such, would that matter?

Member Peebles said this was originally submitted as a development that would start out with a road going up through there and in the future would lap around and conform to the town requirements. Now that main plan has changed and doesn't conform to the zoning any more.

Tracy Franchini asked if there is a practical reason for wanting that road continued.

Member Peebles said he is here to enforce the zoning which states no longer than 800'. It's limited for safety reasons. One of the developers who was here only a few months ago brought in a plan for 20 lots. They paid all the fees and did all the plans 3 to 4 times and they changed them to conform to the 800'. Why this Board should treat this one any differently is beyond him.

Chairman Nakas asked if the Board wanted to continue the sketch plan conference at the next meeting.

Lynn Hutton said basically it would be a matter of the Board talking about it when they aren't here. If the Board says there's no way this can be done, he will not go forward. He would ask the Board to discuss this and if there's enough consensus on the Board that he can do this, he will go forward with the map, etc.

Chairman Nakas recommended putting him on the agenda for the next meeting for a continued sketch plan conference.

Lynn Hutton asked if the Board could discuss this after the meeting tonight.

John Langey said the Board cannot discuss an application as a group. If they do discuss it, it must be in groups of two and not a majority.

Eugene Franchini said up until talking to Lynn Hutton about how the road would end, he looked at it essentially as a dead-end road.

Chairman Nakas said it's always been a dead-end road.

Eugene Franchini said even if you bring the road all the way down it will still be a dead-end and would be denser if all the lots were sold.

Lynn Hutton said it's just as dangerous if you live at the top of North Road.

Member Peebles said he lives at the top of North Rd. and doesn't see it that way.

Lynn Hutton said the road is built to town specs. Other than to be sure the turn-around access is adequate, none of the folks the Board asked him to contact had a problem with this. He would ask the Board to let him know prior to the next meeting whether they will approve this or not.

CASE # 346 – Sketch Plan Conference for appeal of Bud Hall for subdivision of his property located at 2512 Route 11 on the east side of Route 11 approximately ¼ mile north of the Route 11 and Route 20 intersection in a Hamlet District. (Tax Map No.'s 19.-01-18, 19.-02-11.1, 19.-01-20.1)

Mr. Hall and the contract buyer Mr. Muraco were present. Mr. Muraco submitted a survey of the property dated September 16, 2004 and prepared by David A. Vredenburgh. This is a subdivision of two lots to the east also owned by Bud Hall which is part of the purchase agreement. He would need the additional land because of the existing septic system that is there now. It's a 1,000 gallon tank which pumps to a drainage field that is not included in this sale. He would need to bring this leach field down closer to the building.

Bud Hall said currently it's pumped up to a spot behind his red barn.

Dave Muraco said the original piece of property was just over one acre. The total site he would be purchasing is 1.56 acres. It would be taking a portion of two other parcels. This squares the lot off.

Bud Hall said it's basically all right in back of the old store.

Chairman Nakas said it's a total of 1.56 acres. Will there be a commercial use in the building?

David Muraco said yes.

Chairman Nakas asked if this is a 3-lot subdivision.

John Langey said it's a resubdivision of the lands of Hall. It's a 3-lot resubdivision.

Chairman Nakas asked what the building will be used for.

David Muraco said right now he has no uses. It's speculation right now.

John Langey said at some point he will have to come before the appropriate Board for approval of the business. He confirmed the septic won't interfere with any of the existing wells in the area.

David Muraco said they made sure there are no wells within 100' of the leach field. That is how they determined how much additional land he needed to purchase. They are making sure this won't interfere with any of the existing wells. He asked if he received a letter from his engineer that his septic is 100' away from any existing wells it would be O.K.

John Langey believes County Planning will want something on the map stating this.

David Muraco said the building is 8,000 square feet. This system was designed to be able to support a 13,000 to 14,000 square foot structure. The holding tank would be expanded from a 1,000 gallon tank to a 3,000 gallon tank. He is on a timeframe from Mr. Hall so he would like to have this referred to the County.

This will be scheduled for a public hearing to be held at next months meeting and will be referred to the County.

Earl Smith – Sketch Plan Conference – Subdivision on LaFayette Road.

Earl Smith submitted a letter from the D.O.T. dated 9/20/2004 and signed by James E. Stelter stating the site meets their approval for access. He reviewed his proposal with the Board. He submitted a letter from Shutes LaFayette Well Drilling L.L.C., stating 3 wells would not have a negative impact on the area at all.

Member Peebles asked if there are any creeks on the property.

Earl Smith said there's one that runs behind the property. There are a couple of springs.

Member Peebles asked if there's any spring run-off.

Earl Smith said no. He will be submitting his application shortly.

Residents were present to ask the status of the Cohen application for the old Jamesville Grove.

Chairman Nakas said there's been some correspondence between the Planning Board attorney and the attorney for the Onondaga Nation. Nothing has been submitted about the archeological study. Right now they are trying to determine who will be doing the study.

A resident said someone had a pole on West Shore Manor and they measured the reservoir level which went up 3 ½' during the recent storm. It dropped the same amount over a period of the next day or two.

Chairman Nakas believes this was a very unusual event. You would expect to see that kind of change with that much rain.

Mr. Brower said the point is that the lake level can fluctuate significantly.

A resident said it usually impacts the reservoir the other way where the water drops dramatically.

Cram Communication application.

Craig Fox arrived and apologized for being late. He said he was asked to come to this Meeting to answer any final questions. He submitted a map prepared by D.W. Hanning, L.S., P.I. dated 10/31/2003.

The Planning Board returned on the agenda to the Cram Communication application.

An updated EAF form was submitted.

Craig Fox said there is very little that is different in it.

John Langey said the Board can go over all the information tonight and go through the long form EAF, make themselves lead agency and identify other involved agencies. Cram is asking to put up towers next to the town property the cell tower is on and they are also combining properties. Approval of the combining of the properties will be determined by the Planning Board. However, the Town Board has asked the Planning Board for their input regarding the towers. There's a letter dated 8/9/2004 which responds to the original concerns this Board had in their resolution of August 19, 2003.

The Board reviewed the long EAF Part I.

John Langey said the Town will be hiring an engineer to help in this review. One of the recommendations the Board made last year was to combine the two lots. One of the big fears regarding the towers was how the towers would interact with the town tower. The total acreage of the site will be 72.88 acres. He asked the applicant if there is only 4 acres to be developed, why are they losing the forest land acreage.

Craig Fox said there's a ground wire that is buried. They need to clear the land to put the ground wires in. Once they are in, it will go back the way it was.

Member Peebles confirmed the clearing is required to set the groundwires into the ground.

Chairman Nakas asked if the town engineer had been to the site.

John Langey said no. He knows about this application but he needs to go there. He recommends if this Board makes themselves lead agency, they name the Town Board, D.E.C., F.A.A. and F.C.C. as involved agencies.

Chairman Nakas asked how visible these towers will be to the Town of LaFayette residents.

Craig Fox said no one seemed to say anything about the test tower that was put up. This will not be anything like the huge tower put up in the Town of Onondaga. The WSYR towers on Valley Drive are about the same height the proposed towers will be.

John Langey said the Board had a resolution stating their concerns dated August 19, 2003. Mr. Fox prepared a letter dated 8/9/2004 in response to these concerns.

The Board reviewed the concerns the Planning Board had and the response to them in Mr. Fox's letter.

John Langey noted the applicant says if there is interference to radio, TV, etc. he will pay to correct the interference. Cram will supply and install the devices to correct the interference with phones, etc. upon request. He noted one of the things the Town is concerned about is its mobile phone tower because it leases space on it to people and they expect service. Cram has said if there is a problem, they will take care of the detuning so everyone still gets all their cell phone service.

Craig Fox said if they don't detune the town tower, it will have no impact on that cell tower but will have an impact on their tower.

John Langey asked if the applicant would agree to detune any future tenants on the town tower too.

Craig Fox said the detuning they put on the tower will make it invisible to them. If they don't detune it, it will reflect their signal back to them. It would be good if a new tenant was added to let them know so they can check to be sure it's O.K. Hundreds of towers have these detuning devices on them. All the green power poles have a detuning skirt on them to keep them from interfering with the broadcasting of radio stations.

John Langey said the applicant has offered to pay for the detuning and the Town is interested in taking them up on this. He believes this should be included in the Planning Board's recommendation back to the Town Board. He will be obtaining an experts advice on this application.

Craig Fox asked if it would be a local expert.

John Langey said he is trying to contact someone at Clough Harbor.

Maintenance of the towers was discussed. John Langey would recommend having the expert advise the proper maintenance of the towers.

Chairman Nakas noted one concern of the Board was if these towers become antiquated, would the applicant be responsible for removing them?

Craig Fox said sure but there are no plans by the FCC to change or do away with AM broadcasting. There's no proposal on the table to eliminate the AM band.

Chairman Nakas said he just wants Cram to take these towers down if they become no longer of use.

Craig Fox said if someone put a silo up, would the Board request them to take it down if it were no longer being used?

John Langey said the Town doesn't grant approvals for silo's.

Chairman Nakas said believes at some point this should be written in so this will not be a burden on the Town.

John Langey said with a tower everyone would agree, there is an impact on aesthetics. He believes the Chairman is trying to say why leave a huge eyesore up if it is of no value to the public at all. When they are no longer useable, why keep them up? Why not post a bond to make sure they are removed when they can no longer be used?

Craig Fox believes a bond would cost quite a bit of money.

John Langey said the Board could request the applicant to research the cost of a bond. This is requested for all cell towers. He doesn't believe it's that much money.

Craig Fox said there will be 3 fences around the anchor lines for the towers and one around the base of the towers.

John Langey would recommend the applicant get the LaFayette Fire Dept. a set of the revised plans to review. He would suggest the fire department send a letter to the Planning Board stating any concerns or comments they might have on the proposal.

Chairman Nakas moved and Member Bush seconded the motion to make this Board lead agency for the purpose of the SEQR review for this project and for the proposed subdivision and to name the LaFayette Town Board, the New York State Department of Conservation, the Federal Communications Commission, and the Federal Aviation Administration, as other involved agencies and to authorize the Planning Board attorney to prepare public notices for these involved agencies. Motion passed unanimously.

John Langey said he has to give the involved agencies 30 days to respond. In the meantime he will be talking to the town engineer and the engineer from Clough Harbor.

Craig Fox said a few months back when the Board was reviewing stuff, the Board was going to schedule a public hearing but something had expired so it needed to be renewed.

Member Peebles said one concern he has is that this borders the Onondaga Nation. How does that come into play?

John Langey said they would have to be notified of the public hearing. He asked the applicant about being cited by the DEC.

Craig Fox said they didn't know anything about the Stormwater Management Plan and started clearing off the land. Whatever the DEC wanted the applicant to do, they did and the DEC is happy now.

John Langey asked if they have a letter from the DEC stating this.

Craig Fox said he included it in the last packet of information.

The subdivision proposal will be scheduled for a public hearing to be held next month.

Craig Fox said he believes a public hearing by the Planning Board is not required for the towers.

John Langey said that is correct. He doesn't know about this at the Town Board level.

Councilwoman Smith asked if there will be any more clearing done in this area.

Craig Fox said no.

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

The Planning Board Meeting adjourned at 9:33 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary