

Minutes of the Planning Board of the Town of LaFayette held on November 16, 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, Town Attorney  
Mary Earle, Applicant  
Craig Fox, Applicant  
Earl Smith, Applicant  
Walt & Jan Christoffel, LaFayette Rd.  
Ed Christoffel, 3997 LaFayette Rd.  
Paula Naselli, 4184 W. Shore Manor  
Ann Chase, 4132 W. Shore Manor  
Arthur Fritz, 6335 Smokey Hollow Rd.  
Merrily Heyer, 4104 LaFayette Rd.  
Gary Heyer, 4104 LaFayette Rd.  
Anne Mosher, 227 Strong Ave., Syracuse  
Karen Brower, 4190 W. Shore Manor  
Amos & Leah Mace, 313 E. Willow St., Syracuse  
Lynn Hutton, Applicant  
Eugene J. Franchini, 120 Freeman Ave., Solvay  
J. C. Brower, W. Shore Manor

Chairman Nakas called the Meeting to order at 7:05 p.m. and welcomed everyone.

Chairman Nakas asked if there were any changes to the October 19 meeting minutes. He had one correction as follows: Page 4, Line 24 should read "...if they stated a study should be done." in place of "...if they state a study should be done." There were no other changes. The Minutes will stand as corrected.

Chairman Nakas advised the Kinsella application has been take off the agenda.

**CASE # 341 - Public Hearing continued 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)**

Craig Fox was present.

Chairman Nakas asked him if there was anything new to report. He asked if there was any word from the NYS Historical Association.

Craig Fox said they sent him some paperwork to fill out. They do not expect there to be any problems at the site. Approximately 50% of the Town of LaFayette is considered to be archeological sensitive.

John Langey asked him to show the Board the map he has showing the archeological sensitive areas and to locate his property on the map for the Board.

Craig Fox said they want to look at the land but don't expect to find anything special there.

John Langey asked if they will be sending a field representative out to look at the land.

Craig Fox said they might.

John Langey said the DEC sent a letter to the Board suggesting this is a Type I Action which means it's more likely there will be a negative environmental impact. Type II means there won't be any environmental impact.

An unlisted action means it could go either way. He called the DEC about this because he felt it was an unlisted action. They said it was due to the height of the towers. As there is a law on the books for the Town of LaFayette about the tower heights, he feels this is an unlisted action.

Chairman Nakas asked what our ordinance says.

John Langey said it's the Tower Law which is why the applicant must go before the Town Board for permission to have the towers.

Craig Fox said the FCC laws pre-empt the towers from environmental review.

John Langey said the DEC takes a different position on this. One question they had was whether these towers are in a migratory path for the birds.

Chairman Nakas asked what set off the DEC to response to the town and claim this might be a sensitive site.

John Langey said the Board authorized him to send out notification that this Board was lead agency. One of the notices went to the DEC as it should.

The DEC in its review said it might be a sensitive area and that the Board should check with SHPO. We are waiting now to hear back from SHPO and once the Board hears back from them, they can proceed. The Board can't complete the environmental review until they hear back. Clough Harbor has found someone to review the material and they are reviewing it now.

Craig Fox asked if there is any reason why the subdivision part of the application can't be done.

John Langey said the subdivision and the recommendation to the Town Board is a package deal. This Board doesn't want to separate it and segment the reviews.

Craig Fox said there are two separate applications.

John Langey said they are both for use of the property. New York State Law says you can't take a project and look at it separately. You must look at the whole project. Because this Board knows there are going to be towers on the site, he wants to avoid any claim that this Board has segmented any part of the review. If the Board had heard back from all the involved agencies, the Board probably

could have completed the public hearing and review tonight.

Chairman Nakas said we will continue to hold the public hearing open until the next meeting.

Member Peebles confirmed the FCC and FAA said it was O.K.

Onondaga County Planning said it was O.K. The DEC has said to check with SHPO.

John Langey said if SHPO says they think there is some significant findings there, the Board may have to ask for further studies to be done. This Board is only approving the subdivision of the property. However, the Town Board has asked the Planning Board to review this and make a recommendation to them.

Craig Fox said they haven't been able to find anyone who is willing to do an indefinite bond regarding taking down the towers.

John Langey advised him to check with Mary Jo to see who the tenants on the town's tower obtained their bonds from or to contact him and he will see if he can get any information on this.

**CASE # 345 – Public Hearing continued 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).**

Chairman Nakas advised this application has received a variance from the Zoning Board of Appeals because Lot # 3 is landlocked. Now there is a dedicated right-of-way with a 60' x 40' cut onto Eager Rd. and once you get away from the parking area, it becomes a 10' right-of-way to Lot # 3. he asked how many cars could park there.

Mary Earle said 4 to 5.

Chairman Nakas said originally the two objections were the unavailability of parking and the 60' cut onto Eager Rd. which have both been taken care of. He believes the Board would be in a position to vote on the application.

Mary Earle submitted a map revised 11/11/04 prepared by David A. Vredenburgh,

Chairman Nakas said there is a little note on the map about an iron pipe found.

Mary Earle said it's an old survey marker. There are pipes that run under Eager Rd. There are 2 or 3 of them along the road because there is so much water.

Member Peebles said it ought to be noted on the map that Lot # 3 cannot be used as a building lot.

**Member's Markoff moved and Bush seconded the motion to close the public hearing, make this Board Lead Agency, this is an unlisted action, a negative declaration in the SEQR process and to grant preliminary and final subdivision plat approval with the following stipulation:**

- 1) Lot # 3 be noted on the survey map as a nonbuildable lot.

**Motion passed unanimously.**

**CASE # 347 - Public Hearing for appeal of Earl Smith for a 3-lot subdivision of his property located approximately 2/10 mile north of the Coye Rd. and LaFayette Rd. intersection on the east side of Coye Rd. in an Agricultural/Residential District. (Tax Map No. 001.-03-01.3)**

Earl Smith submitted a map revised 10/28/04 and prepared by David A. Vredenburgh.

Chairman Nakas asked if there is a problem with the sight distance.

John Langey said there is a letter from the James E. Stelter of the DOT dated 9/20/04 which states the property meets their requirements for sight distance. He isn't sure what map they were looking at. We received a telephone call from County Planning indicating some concerns about sight distance.

Chairman Nakas believes they were more concerned about Lot 3A and 3C.

John Langey believes they were stating the applicant couldn't use this access as a future road.

Earl Smith said he has no problem with that.

John Langey would like to see the County Planning Board's written comments before this Board approves the application. They met today but did not have anything written up on it yet. There will probably have to be a notation on the map that the owner agrees to never make the driveway a town road.

Earl Smith said he would agree to that right now. He would agree to put it in the deed that the driveway will never become a road. If he agrees that his driveway will not become a road accessing LaFayette Road, could the Board vote on this tonight?

Member Peebles said he is not clear on what Onondaga County Planning is saying.

Earl Smith asked if the Board could get the public hearing out of the way tonight.

Chairman Nakas said yes. He asked if there were any comments or questions from the public.

Ed Christoffel said he subdivided his lot to give a lot to his daughter. He lost a month's time as he had to get permission from the city to do the subdivision.

John Langey said this could happen here too.

Discussion took place from the public regarding the driveways.

Mrs. Heyer said their concern is the water. They brought this concern up 5 years ago. They have already seen a drop in their well.

Earl Smith said he didn't expect this concern as due to the amount of land, someone could have come in and wanted to build 30 houses. He thought the 3-lot subdivision would be acceptable. As far as wells go, he submitted a letter earlier from LaFayette Well Drilling who came and looked at the property and didn't see where his proposal would have an impact.

Mrs. Heyer said they have had to drill two wells. People all around them are extremely concerned with even one more house going up.

Earl Smith said this won't make a difference now but he did want to petition to see about bringing public water up there.

Mrs. Heyer asked if he knew how much this would cost them.

Earl Smith said his understanding was that it would be \$10,000 which would be added to their mortgage over 30 years.

Mrs. Heyer said half the people living in that area are retired and can't afford this.

Earl Smith said if they are drilling new wells, it would seem that this would be more to their advantage.

Member Peebles asked how deep her well is.

Mrs. Heyer said their first one was 180' and 8 years ago they had to drill a new one at about 350'. When the kids come to visit, they have to be careful with showers, etc.

Earl Smith said Shute's just drilled the Evan's well next door to his property and didn't think there would be a problem.

Mrs. Heyer said they might not be using this well yet.

Ed Christoffel said Quartier's on Barker Hill Rd. had to go down 500'. He started out with his first well at 50'. He has since had to go down to 250' and then had to go 25' deeper. Since he lives alone now, it's not a problem. He thinks Evans were lucky and only had to go down 200'.

Earl Smith said when he looked into this and found out someone had tried to get the neighbors to petition for water at \$10,000 over the next 30 years, he thought this would have been a good idea.

Vera Burgess said there were a lot of people at the time that weren't having a problem and didn't want to get involved.

Chairman Nakas said this Board is aware of the water problem in that part of LaFayette. We can only rely on people who have an expertise in this area like the Shute family who has been drilling wells in the Town of LaFayette for years. He asked if there were other areas of concern besides the water.

Ed Christoffel said the driveways are a concern. No one goes 55 mph around the curve.

Chairman Nakas said the County DOT has requirements that you must meet to get driveway approval. We can't control how people drive.

Earl Smith said he will be bringing in more fill. He has had some fill brought in already to lessen the incline.

Mr. Christoffel asked if there would be another driveway going towards Coye Rd.

Earl Smith said there will be a total of three driveways.

Vera Burgess asked if each of the driveways would be private driveways.

Earl Smith said yes.

Mr. Heyer said they have dealt with Shute's a number of years. If they said no way could you put more wells in this area, they would be cutting their own business throats.

Walter Christoffel said as far as the water table goes, it doesn't matter how much expertise you have.

Chairman Nakas asked for any other comments.

Vera Burgess asked about septic tanks.

Chairman Nakas said the septic designs would have to be approved by the County Health Dept. according to the house he is proposing to build. They come out and inspect the systems when they are completed.

Vera Burgess asked about perk tests.

Chairman Nakas said they would be done long before the septic designs.

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

Chairman Nakas said this Board is going to wait until they get written comments from the Onondaga County Planning Board and then it will be able to make a decision on this application. He apologized for the delay.

**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 an Agricultural/Residential District. (Tax Map No. 001.-03-23.1)**

This application will be removed from the agenda until further notice.

**CASE # 348 - Sketch Plan Conference continued for appeal of Lynn Hutton for a 4-Lot subdivision of his property located approximately 1,000' from the Summerridge & Amidon Rd. intersection on Summerridge Rd. in an Agricultural/Residential District. (Tax Map No. 021.-02-04.1)**

Lynn Hutton submitted a map dated October 13, 2004 and prepared by Paul R. Hood.

Chairman Nakas asked if the map has changed from the plan he had last time.

Lynn Hutton said he doesn't think so. He showed where the cul-de-sac would be.

Chairman Nakas noted there is a 375' cul-de-sac. He asked how far the cul-de-sac is from Summerridge Road.

Lynn Hutton said it's more than 500'. It's about 1,000'.

Member Peebles said there is a 60' right-of-way to access Lot # 22.

Eugene Franchini said originally he and his wife were interested in the upper acreage. He and a couple of his friends discussed building two houses up there. To bring a road all the way up there didn't seem to make a lot of sense. They abandoned that idea. They saw Lot # 23 and they discussed this lot with Lynn Hutton. Lynn advised he really wanted to sell the upper parcel. He asked if he and a couple of his friends could buy Lot # 22 to use for recreational activities, could he and his wife buy Lot # 23 for a single family home.

Chairman Nakas asked if Lot # 22 would be further developed in the future.

Eugene Franchini said it's not their intention. One of his friends discussed possibly putting a house up there.

Member Peebles asked if he would be willing to limit the building up there to one structure. This Board sees the potential for an applicant to come in and develop a very sizeable piece using a 60' right-of-way onto a cul-de-sac for access. This would be one way this Board could limit this from happening.

Eugene Franchini said he personally would have no objection to this. He can't speak for the other two gentlemen.

Member Peebles said he would really need to check on this.

Eugene Franchini would have no intentions of further subdividing this property and would assume the other gentlemen wouldn't either. They would not want a thoroughfare coming through here either as they will be building their home there.

Lynn Hutton said he always assumed this big parcel would be undeveloped. It would require another access.

Eugene Franchini can get an answer on this by tomorrow. He would just have to make two phone calls.

There was discussion about whether the map would be altered to be a 6-lot subdivision rather than a 4-lot subdivision.

John Langey doesn't see where there would be a difference in this. There will be a preliminary plan and a final plan. John Dunkle will have to look at this to see the drainage impact. You have to get a waiver on the cul-de-sac length too.

Discussion took place regarding waiving the cul-de-sac requirements if the two parcels are limited to one dwelling on each parcel. This would have to be put in a covenant.

Lynn Hutton asked if it would be possible that they limit it to one dwelling unless the road were completed to Webb Road.

John Langey said the covenant could be amended if the town is made a partner of the covenant.

Lynn Hutton said they are changing the name of Naomi Road off of Summerridge Rd.

Member Peebles asked if the applicant accesses Lot # 23 from the bottom, is it acceptable to the highway superintendent.

Eugene Franchini said the only driveway that would be accessible to him would be off of the cul-de-sac.

Chairman Nakas asked Eugene Franchini to speak to the co-owners of the larger parcel. He would like to get some input from the Town Board regarding the cul-de-sac length.

John Langey said the town engineer needs to review the drainage issue.

Chairman Nakas asked Lynn Hutton to show the town engineer the map and have him write a letter stating his findings. If this can all be done within a month, this can be scheduled for a public hearing at the December meeting.

John Langey said you are creating 4 new building lots and you are changing two old building lots into different new building lots. This would cost the applicant an additional \$100 application fee as it is a 6-lot resubdivision.

**CASE # 349 - Sketch Plan Conference for appeal of Christine Schoeck for a 2-lot subdivision of her property located at the west end of Ashburn Drive approximately ¾ mile from the Ashburn Dr. and Route 20 intersection in an Agricultural/Residential District. (Tax Map # 017.-04-09.1).**

Applicant called and does not have completed survey so wished to be removed from tonight's agenda.

John Langey said Ryan Smith has come before the Zoning Board of Appeals requesting a Specific Permit in the Hamlet. According to the Zoning Ordinance, it must also be referred to the Planning Board for their input.

It was recommended the Board know the materials be stored on site. We would want to know hours of operation, the lighting, type of equipment being stored on site.

Chairman Nakas asked if he had enough parking.

John Langey said the Zoning Board of Appeals thought it did.

Member Peebles asked about deliveries and tractor trailer traffic. He believes this is a good site for the applicant.

Chairman Nakas thinks the question has to be asked if he is working out of the building now and if so, why?

John Langey said he can do a letter to the Zoning Board of Appeals stating the Planning Board's concerns. He would include the following in the letter:

- 1) What are the hours of operation?
- 2) Identify any items to be stored in regards to equipment and material, i.e. hazardous material, etc.
- 3) Lighting plan.
- 4) Confirm parking is sufficient.
- 5) Determine when and where deliveries will occur.
- 6) Will there be excessive noise?
- 7) Is the applicant working out of the site now?

He will note in this letter that the Board said this appears to be an appropriate site for the use.

Edna Albanese discussed what they want to do with two of their lots. The Board advised her she would have to fill out a 3-lot resubdivision application.

Some resident's asked for an update on the Cohen application.

John Langey said all he knows is they have hired a new archeologist.

Chairman Nakas believes they are called Alliance Archeological Services.

John Langey said the Onondaga Nation has been informed of this.

Ann Chase said their big concern is still the runoff.

Mr. Brower asked what the town is using for wetland determinations regarding the Cohen application.

Chairman Nakas said we rely on our town engineer of Dunn and Sgromo who is our expert on drainage and runoff issues.

Mr. Brower asked when it comes to designing the septic plans, are they all subject to county approval?

Chairman Nakas said each septic design must be approved by the County Health Dept. depending on the type of house you are building, etc. They come out to the structure once it's built and inspect it on site to be sure what they originally approved is what was built and put in the ground.

Mr. Brower asked if wells have to be approved.

John Langey said they have to be at least 100' from the septic.

Paula Naselli asked if the Board had found out an answer from SHPO about who would determine whether Mr. Cohen would have to go on to the next phase of the archeological study.

John Langey believes since they are doing this study, the results will be sent to SHPO and they will make their recommendation to the Board as will the town engineer. He is doing Phase 1A now.

Ann Chase said her understanding is that the archeologist has started digging.

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

The Planning Board Meeting adjourned at 8:36 p.m.

Respectfully submitted,

Mary Jo Kelly  
Secretary