

Minutes of the Planning Board of the Town of LaFayette held on December 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  
Bradley Bush, Member

Absent: Barbara Lasky, Member

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, Town Attorney  
Kathy Williams, Applicant  
Charles Gregg, 2208 Rte. 11A  
Carole Marsh, 3 Burns Cove  
Larry Fitts, 3 Burns Cove  
Tim & Cathy Keough, Applicant  
Chris Estey, 2228 Rte. 11A  
Earl Smith, Applicant  
Nancy Gardner, Bailey Dr., Nedrow  
Beverly Rienhardt, Sentinel Hgts. Rd.  
Ann Chase, 4132 W. Shore Manor  
Steve Chase, 4132 W. Shore Manor  
Councilwoman Sandra Smith  
Christine Schoeck, Applicant  
Ken Schoeck, 6159 Weatherburn Circle  
Allen Olmsted, Applicant Rep.

Chairman Nakas called the Meeting to order at 7:00 p.m. He wished everyone a Merry Christmas and Happy Holidays.

Chairman Nakas asked if there were any changes to the November 16, 2004 Meeting Minutes as submitted by the secretary. There were none. The Minutes will stand as written.

**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)**

The applicant called and said they would not be here this evening. This public hearing will be continued at the next meeting.

**CASE #335 - Public Hearing 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. (Tax Map # 001.-05-13.2).**

The applicant is not present.

Larry Fitts said he would state an objection to the subdivision being granted. Carol Marsh and he own the property which sits adjacent to Mr. DeRollo's property and the Jamesville Reservoir. They bought the property because of its privacy. If Mr. DeRollo's subdivision is granted, he will essentially be building a house looking down on their residence and the reservoir. His house sits 500' back from the road. In the spring, summer or fall you can't see the neighbors because of the foliage. They would request the Board stick with the rules that were used when they purchased the property without a variance being granted.

Chairman Nakas asked what the reason for not being able to grant it would be.

John Langey said Mr. DeRollo got a variance for the frontage about 1 month ago. It was granted for a 45' road frontage rather than 60'.

Larry Fitts asked the purpose of this meeting.

John Langey said to split the piece into two.

Larry Fitts asked if it meets the acreage requirement.

John Langey said it's probably designed to fit it right on the nose.

It was determined the application meets the acreage requirement.

Chairman Nakas said there are certain criteria you have to meet to subdivide the land. It would then be submitted to the Onondaga County Planning Board for their input and then a public hearing is held for input from the public. Based on all these inputs, this Board tries to make a decision.

Larry Fitts said they would like to base their opposition on privacy. When they built their house they never thought there would be a house right on top of their property.

Chairman Nakas said you have to understand that if this Board denied someone's application based on this, they would take this Board to court and this Board would lose every time.

Ann Chase asked why it's so easy to get a variance.

Chairman Nakas said it would fall under a town ordinance.

Ann Chase asked why it's so easy to change a regulation.

Chairman Nakas said it's not really. If the applicant can show they need relief from a stringent law for the right reasons, sometimes they will get relief from that particular town ordinance.

Larry Fitts said they were hoping the town would not grant a variance. They were hoping the town wouldn't change the regulations from when they purchased the property.

Chairman Nakas said the Board appreciates him coming in.

John Langey asked if the Board wanted to hold this public hearing open.

Chairman Nakas said the public hearing will be continued at the next meeting.

All neighboring property owners will be notified again.

Carol Marsh said she feels the same as Mr. Fitts does.

**CASE # 347 - Continuation of Sketch Plan 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)**

Chairman Nakas said a public hearing was held on this application last month and we were just waiting to hear back from County Planning. He noted Onondaga County Planning recommended the following modifications: “The applicant must note on the subdivision plan that the Onondaga County Department of Transportation has determined that sight distance for the entire site is limited and would not permit location of a future road, possibly impacting any potential future subdivision of proposed Lots 3A and 3C”.

Earl Smith said he is fine with this.

Member Peebles asked what the meaning of this is.

John Langey said it deals with the volume of cars.

Earl Smith said he talked to a guy from the D.O.T. He said they don’t have a problem with small things going in there but they want to keep LaFayette Rd. as a clear route to the city so they don’t want a lot of traffic dumping out onto LaFayette Rd.

Member Bush said he interprets it that they are approving a driveway/private road but will not approve a public road.

Chairman Nakas asked how big Lots 3A and 3C are.

It was determined 30 acres and 15 acres.

Member Peebles said the county is stating you can’t put an internal road anywhere on this site.

Chairman Nakas asked if the applicant would be willing to add a statement to the map stating “The Onondaga County D.O.T. has determined sight distance will not be permitted for a future road”.

Member Peebles asked if the Board could say one dwelling per lot.

John Langey said the Board could say that.

Earl Smith would like to leave it open as someday he has enough road frontage for one more house which he might want to have for his son. The parcel is almost 30 acres.

Member Peebles said there couldn’t be an internal road.

Earl Smith said he would still have to get the sight distance for a driveway onto LaFayette Rd. This is at least 10 years down the road.

A note will be added to the map stating “Onondaga D.O.T. determines sight distance for the entire site is limited and would not permit location of a future road”.

Member Peebles said he would like to make sure that the language protects from any internal road being developed.

It was confirmed it would.

**Member’s Markoff moved and Bush seconded the motion to appoint this Board Lead Agency, this is an unlisted action, a negative declaration in the SEQR process and to grant preliminary and final plat approval with the restriction as noted by the Onondaga County Planning Board in their resolution dated November 16, 2004 as follows: The applicant must note on the subdivision plan that the**

**Onondaga County Dept. of Transportation has determined that sight distance for the entire site is limited and would not permit location of a future road possibly impacting any potential further subdivision of proposed Lots 3A & 3C. Motion passed unanimously.**

**CASE # 348 - Sketch Plan Conference continued for appeal of Lynn Hutton for a 6-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.'s 021.-02-04.1, 021.-06-03.0, & 021.-06-04.0)**

The applicant called and asked to be removed from tonight's agenda but to continue at the January meeting.

**CASE # 342 - Sketch Plan Conference continued for Kathy Williams application for a 2-lot subdivision of property located on the east side of Route 11A approximately 570' south of the Webster Rd. and Route 11A intersection in an Agricultural/Residential District. (Tax Map No. 015.-03-08.0)**

John Langey said he spoke with the attorney for the applicant and the attorney for the Estey's today. They advised they were going to call the parties involved. The Board received a letter dated November 30, 2004, from the applicants attorney stating they had not been contacted and would like to proceed with the subdivision. Another letter was received dated December 17, 2004, from the Estey's attorney stating a survey is in process. It was agreed the property owners would resolve the property line dispute before this Board acts on the application. He contacted both the attorney's today. There are three surveyor's looking at this. The attorney's told him they have scheduled a meeting for January 7, 2005 to hopefully resolve the boundary issue. He advised the water issue should also be resolved. He told the attorney's he would be advising the Board that this should not be acted on tonight as these issues need to be resolved first. This Board tries to avoid doing subdivisions on land where there is a property line dispute.

Chris Estey said she has pictures of the water line and of where the applicant wants to put her house. She was told you can't put a septic or well within 100' of a gravity fed spring.

John Langey said this is what their attorney's need to resolve.

Chairman Nakas would hope this property line dispute can be resolved before it comes before this Board.

No further action was taken on this application at this time.

**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 3/4 mile from the Ashburn Dr. and Route 20 intersection in an**

**Agricultural/Residential District. (Tax Map # 017.-04-09.1).**

Christine Schoeck was present to represent the application.

Ken Schoeck submitted a map undated and prepared by Ianuzi & Romans, P.C.

Member Markoff asked if Ken Schoeck was going to build the applicant a house.

Ken Schoeck said he will be involved in this. He said there are 7 brothers and sisters who jointly own the property Christine would like to split a lot off from to build a house. The driveway will come in off of Ashburn Dr. It will be before the pond.

John Langey asked if Leon Cook has signed off on using the hammerhead for a driveway.

Ken Schoeck said not yet.

John Langey would suggest they talk to Leon Cook about this.

Member Peebles said the Board would like to see any build-out plans when this development was put in.

Ken Schoeck said there were preliminary plans done. They were not able to complete it because they didn't have adequate percolation to complete the development.

John Langey asked if there were any easements the town took at the time the road was dedicated.

Ken Schoeck said no. There was an issue where the tax assessor was contacted that there was an illegal subdivision done where part of the lot got dropped off. This has been corrected. The larger parcel is tentatively sold pending this subdivision.

Member Peebles asked if the larger lot will be accessed from Route 20.

Ken Schoeck said the person interested in purchasing the property claims they will be building only one home. He doesn't know where they plan on accessing the property.

Member Peebles asked if he would be willing to put a restriction on the map that the larger lot would be limited for one home.

Ken Schoeck said he can do this. All that would mean is if the person who purchases the property wishes to resubdivide, they have to come back to this Board.

Member Peebles said yes. The Board would have concerns about the future use of the large parcel especially if it's accessed off of Ashburn Dr.

Ken Schoeck said the resident's also are concerned about the increase in traffic on Ashburn.

Chairman Nakas said it would be a lot less concern if there was another method of access off of Route 20.

John Langey said if the applicant puts that note on the map, the person may or may not close on this when they see the note.

Ken Schoeck said the person would have the option to come back before this Board.

John Langey said but being that the Board is requesting this be put on the map, the Board might not be willing to grant it. A solution to the problem would be to have an easement to the property from Route 20.

Ken Schoeck asked about an easement across Chris Schoeck's lot from Ashburn.

Chairman Nakas said this would just be lengthening the cul-de-sac.

John Langey said the Board would like to see where the proposed house would be as well as where the driveway would be put. He recommended the applicant meet with Leon Cook about this before the next meeting.

Ken Schoeck said he and Leon have worked together quite a few times.

John Langey said John Dunkle could review this proposal to see if he has any suggestions for what would make this work best for the town.

Ken Schoeck said he knows John Dunkle and will contact him.

John Langey asked the acreage of the larger piece.

Ken Schoeck said they are proposing to take 7 acres out of a 54 acre parcel.

Chairman Nakas confirmed the applicant will meet with Leon Cook and John Dunkle.

John Langey would like to hear back from them before referring this to County Planning or scheduling it for a public hearing.

Member Peebles said the Board would like to know any future plans for future subdivisions.

This will be a continued sketch plan at the next meeting.

**CASE # 350      Sketch Plan Conference for appeal of John Albanese for a resubdivision of his property located at the intersection of Palladino Rd. and Apulia Rd. in an Agricultural/Residential District. (Tax Map No.'s 006.-03-04.0, 006.-03-02.1, 006.-03-06.0, & 006.-03-03.0)**

No one was present to represent the application.

**CASE # 351      Sketch Plan Conference for appeal of Timothy & Deborah Golick, & Terry Myers Scala for a 2-lot subdivision of their property located approximately 1,000' south of the Reidy Hill Rd. and LaFayette Rd. in an Agricultural/Residential District.**

Allen Olmsted was present to represent the applicants. He said it is a 56 ± acre parcel of land that they are proposing to subdivide.

Chairman Nakas asked if this is south of Reidy Hill Rd.

Allen Olmsted said yes, about 1,000'. The intent is to sell it for two building lots for single family dwellings. He has met with the County D.O.T. They have submitted a letter dated 12/7/04 from James Stelter stating it would be O.K. A map was submitted dated November 12, 2004 and prepared by David A. Vredenburgh. Percolation tests have been done on both lots.

Member Peebles asked if Wellner and Crowe were previously cut out of this piece as he would like to research the subdivision.

Allen Olmsted said maybe quite a while ago. The family subdividing this property has owned it for 15-30 years.

Member Peebles said there's probably nothing there then.

John Langey asked who they are transferring the property to.

Allen Olmsted said no one yet. They will be for sale.

This will be referred to County Planning and scheduled for a public hearing next month.

**Sketch Plan Conference for Tim Keough resubdivision modification.**

Tim Keough said there was a subdivision approved on May 18, 2004. He is the beneficiary of Lot # 2. When this was put through, it was put through as a 'not-for-building' lot.

John Langey said he needs an amendment to the Keough Farm Subdivision granted May 18, 2004. The applicant would propose to remove the notation for Lot # 2 of "not an approved building lot". This Board would entertain this request. The applicant should check with the relatives to see if any of them are planning on doing the same thing so the Board doesn't have to go through this 4 times.

Chairman Nakas asked the applicant to find out if anyone else has the same idea.

Tim Keough said at this time they don't.

Chairman Nakas said if they do, it would just save time if they did it now.

Member Peebles asked if this would require a public hearing.

John Langey said yes.

It was noted a subdivision application must be filed. The map must be revised and an application filed prior to referring this to County Planning or scheduling a public hearing.

Chairman Nakas asked Councilwoman Smith if the Town Board had discussed the issue of the cul-de-sac.

Councilwoman Smith said they are gathering information. It has been discussed.

Chairman Nakas said when he spoke to the Town Board he said he would recommend the 1,000' be lifted and to allow the Planning Board to make the determination after checking with the Highway Superintendent and fire department

Councilwoman Smith believes the Town Board has received some input from John Dunkle on this.

John Langey said he received a phone call today from Joseph Jerry re: the Cohen subdivision. They may request being back on the agenda in January.

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

The Planning Board Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Mary Jo Kelly  
Secretary