

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on February 15, 2005 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 7:00 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
Tim & Cathy Keough, Applicants
Christine Schoeck, Applicant
Ken Schoeck, 6159 Weatherburn Circle
Allen Olmsted, Applicant Rep.
Robert Keough, Rte. 91
Keith Terrell, 2742 Summer Ridge Rd.
Bruce & Mary Helen Myrdek, 2740 Summer Ridge Rd.
Mary & Tom Zielinski, 2356 Ashburn Dr.
Paula Naselli, 4184 West Shore Manor
Russ & Mary Ellen Saladin, 2738 Summer Ridge Rd.
David Broda, 2043 Jamesville Terrace
Amos & Leah Race, 313 Willow St., Syracuse, NY
Kyle LaTray, West Shore Manor
Tony Gonyea, Onondaga Nation
Steve Robson, 3209 Bella Vista Dr.
Craig Fox, Applicant
Resident, 4130 West Shore Manor
Anne Mosher, 227 Strong Ave, Syracuse
Roger Praetorius, 4155 Rte. 91
Joseph Jerry, 120 E. Washington St.
Eugene Franchini,, 120 Freeman Ave.
Jeffrey Cohen, Applicant
Mark Cohen, 5201 Hoag Ln. Fayetteville
Bryan Cohen, 5201 Hoag Ln. Fayetteville
Bonnie Seemann, 4160 West Shore Manor
Sheila Harrington, 2055 Jamesville Terrace

Chairman Nakas called the meeting to order at 7:00 p.m. and welcomed everyone.

Chairman Nakas asked if there were any changes to the January 18, 2005, Planning Board 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)

Craig Fox was present. He said there are 2 outstanding issues. One is with the NYS Office of Parks, Recreation & Historic Preservation (SHPO) to determine if there is any archeological impact and the other is how his system might interact with the towns system. He spoke to Nancy Herter of SHPO today. He provide them with a lot of details about 1 week ago. Her initial impression is that they are not requesting a Phase I study. She requested for a local archeological firm to be hired to do a letter report. When she heard that the actual construction of the towers just involved digging small pits in various places and doesn't really involve any type of regrading, she said she believes it won't be a major concern to them.

Chairman Nakas said there probably wouldn't be a request for soil cores to be taken.

Craig Fox said it will just be shovel digs.

Member Peebles asked if he told them how he had cleared the land.

Craig Fox said yes. When SHPO heard he had dealt with the DEC regarding the runoff and that they would be just digging in a few places and putting in concrete piers, it didn't seem like it would be a big concern to them. Nancy Herter gave him a few firms he can contact to do the shovel samples and the letter report. Regarding the town tower, Mr. Langey sent him a copy of a letter that the Rochester engineering firm wrote. There is a lot of fluff in it. It's a lot more complicated than what is needed. When he spoke to Mr. Langey, he advised there are other national firms that can do this quickly. He brought some of the names with him.

Chairman Nakas asked if John Langey thought he would be able to contact some of them.

John Langey said he and John Dunkle can look the names over and maybe contact some of them.

Chairman Nakas said the town attorney will investigate whether we might want to go with another consulting firm that might be able to do this in a timely fashion. One concern he has is the fact that the land was cleared. He is concerned about erosion. Will there be measures taken to try to mitigate this?

Craig Fox said they hired a landscape architect who developed a whole water management plan that the DEC approved. There are hay bales, etc.

Chairman Nakas asked if these are in place now.

Craig Fox said yes. The DEC comes out and looks at the site once a month to be sure everything is fine.

John Dunkle asked if they are disturbing more than an acre.

Craig Fox said they cleared about 40 acres but by the end of summer a lot of it had grown back.

John Dunkle asked if the applicant is under a SPDES Permit.

Craig Fox said yes.

John Dunkle said the DEC will monitor this and if he is in violation he can be fined up to \$25,000 a day.

Chairman Nakas asked for any questions or comments from the public.

Member Peebles asked if they mow the property.

Craig Fox said yes, under the towers.

Keith Terrell asked about the plans for the land and when did this all transpire? Were there meetings to discuss this?

Chairman Nakas said there have been many meetings to discuss this.

Craig Fox said it's been going on for about 5 years. They originally proposed to put towers on Sentinel Hgts. Rd. Because of the way it's zoned, they would need a variance and they wouldn't meet the threshold for one. He was told towers are allowed on Industrial zoned property. They found this Industrial property. The Town Board oversees broadcasting towers as opposed to cell towers, etc. the way the law is written. As they are permitted, the applicant just has to show a complete site plan and other things required to get approval. They put up a temporary tower last summer to do testing. They cleared the land right before that. No one was aware of the DEC's concern about the water runoff. They needed a water runoff plan which the applicant did. The Town Board then said they wanted the Planning Board's input. The Planning Board elected to try to act as the Lead Agency and notified the county, state and federal government advising this was their intention. The only comment back was from the DEC stating SHPO should be contacted in case there were archeological concerns. They are trying to be sure there is no interaction between the town tower and his proposal.

Keith Terrell asked what the towers would be used for.

Craig Fox said radio broadcasting.

Keith Terrell said there has probably been a study on the radio waves coming off the towers.

Craig Fox said an intense study has been done regarding how close you can be to the towers depending on the frequencies. They will comply with all the regulations.

Chairman Nakas asked for any other questions or comments. There were none. He said he hates to make this go on longer but until this Board sees something back stating there would be no interference with this proposal and the town tower, a determination can't be made.

Craig Fox said no one will tell you that there won't be any interference. They will say most likely there won't be any interference. They contacted the carriers on the town tower before this started and they signed agreements that they had no problem with what he is proposing. If they don't have a problem, why try to make a gigantic case about this?

Chairman Nakas said they won't have a problem with it until they do have a problem and then they will come back to the town asking how we could let this happen.

Craig Fox said when they did their test tower, there were no instances.

This will have to be a continued public hearing until a letter is received from SHPO and a report from either the expert at the Rochester firm or one of the names supplied.

CASE # 348 - Public Hearing 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)

Lynn Hutton and Eugene Franchini were present.

Chairman Nakas said Onondaga County Planning has taken no position on this application. Mr. Dunkle has stated that there shall be no drainage problem with the application as it currently is proposed. He asked if there were any questions from the public.

Russ Saladin asked Lynn Hutton to explain what will happen up there.

Eugene Franchini said originally Lot # 22 was listed for sale. Lot # 23 wasn't listed. He asked Lynn Hutton if he would be willing to sell Lot # 23 to him to build a residential single family home and to sell Lot # 22 to himself and two other individuals for recreations purposes.

Russ Saladin asked where he would put his house.

Eugene Franchini said at the northeast end of the cul-de-sac.

Mary Helen Myrdek asked if it would be sold as two parcels.

Lynn Hutton said yes.

Eugene Franchini said he and his wife would be buying Lot # 23 to build a house on. Lot # 22 would be bought by him and two friends to use for recreational purposes.

Mary Helen Myrdek said when they moved here, they wanted to be in the country. They are concerned right now that people say they are buying it for one thing and down the road might want to subdivide it. Lynn Hutton told them he would always be the owner and he would never subdivide it and it would be for recreational use unless he built a house up there for himself.

Lynn Hutton said this was always proposed to be houses.

Mary Helen Myrdek said he has changed the configuration of the property behind them once already. She is concerned if the lot is subdivided there is no plans to put another road in so the traffic would come down onto Summer Ridge. This road had to be repaired several times already She doesn't think it could handle 30 more houses. They have had a lot of power problems up there. They are at the end of the substation on Ortloff Rd. A couple of years ago they had so much fluctuation it burned up all their appliances. When power was hooked up to the new house up the road, they had items burn up once again. If you put another development up there, she has concerns.

Russ Saladin said this plan doesn't look bad but can there be an agreement that it won't be developed further?

Chairman Nakas said it would be hard for this board to dictate that the owner of a large parcel of land can't develop it further.

Eugene Franchini said he can understand where they are coming from. The purpose to buy Lot # 22 is for recreational purposes. He is not a developer and has no interest in developing. His grandfather was a farmer. He grew up in the city.

Member Peebles said they discussed the possibility of this development coming out on the cul-de-sac. They are aware of it. We discussed putting a note on the map stating this wouldn't be subdivided further.

Eugene Franchini said he has reconsidered. To put a covenant that runs with the land makes the property unmarketable. His goal is never to develop it. Who can say what will happen 20 years from now if he is in a financial pinch?

Lynn Hutton said anything that happens must go through the Planning Board for approval. Who knows if somewhere down the road there couldn't be access from this property onto Webb Rd.?

Chairman Nakas asked for any other comments.

Anne Mosher said she is one of the owners of Lot # 16 on what is now Thunder Road. She would like to know what might happen to the rest of Lot # 23.

Eugene Franchini said there is no plans to do anything with it other than to buy it and build a house there. His plans are not to do anything with it. He wants to have a neighborly relationship with the neighbors. He doesn't know what will happen in 20 years. It's not his goal to subdivide further but he doesn't know what the future holds.

Lynn Hutton said the plan was to finish this. If this subdivision doesn't go through, he will be finishing the road and subdividing the land into lots. None of us know what will happen in the future. If this goes through, he is done.

The owner of the lot adjacent to Lot # 16 asked if it would be possible or legal to put a restrictive covenant for a number of years.

Eugene Franchini said you can do whatever you are willing to do. To him, the property has to be marketable. He would not be willing to do this. He doesn't mean any disrespect to anyone by saying this.

Lynn Hutton said Eugene is an attorney. The plan was that there would be houses all down through there.

Chairman Nakas said he thinks people have to understand that the function of the Planning Board is to try to look at someone's plans and try to offer suggestions that might improve them, deal with traffic flow, address emergency vehicle concerns, etc. We don't want to get into the business of requiring people to put covenants on their land.

Mary Helen Myrdek said they were told at the start that there might be a total of 30 houses up there.

Chairman Nakas said that is between the buyer and seller. This Board can't do anything about that.

Mary Helen Myrdek said she just wanted the Board to know their concerns. They don't know where else to go. If there are a lot of houses being proposed up there, there are power issues.

Chairman Nakas said of course. He asked for any other comments.

John Langey said the Town Board is taking into consideration the length of cul-de-sac's in the subdivision regulations. It wasn't changed Monday night at their meeting.

Chairman Nakas said his feeling is that they are going to act imminently on this matter. It's been before the Town Board for an extended period of time. He is expecting a decision within a month. He may attend the next Town Board Meeting.

John Langey said if the Board closes the public hearing tonight, he would request Lynn Hutton waive the 60 day requirement to make a determination.

Lynn Hutton said he would waive it. They will just wait to build a house.

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

Eugene Franchini said he noticed on one of the maps that at the end of the road there is a drainage easement. He would presume this would become permanent.

Member Peebles said there is a concern about the build-out of the 130 acre parcel. He would like to see a build-out plan or a note on the map that this Board is suggesting one if it's to be developed further in the future.

Eugene Franchini said he doesn't have any build-out plan. He doesn't see anything happening up there.

Member Peebles said but that doesn't carry water. This Board needs to understand where this could go.

Eugene Franchini said he can't give the Board a build-out plan because he doesn't have one. If he comes back here 10 years from now and says he wants to put in 30 houses, the Board could address their concerns.

Lynn Hutton said they are here in front of witnesses saying they don't have any future build-out plans.

Eugene Franchini said one of the people he is buying Lot # 22 with is his best friend. He would like to build a house up there if he can convince his wife. As far as anything else, none of them have a build-out plan.

Chairman Nakas said this Board has closed the public hearing and hopefully we will hear back from the Town Board shortly and should be able to take action on this next month.

CASE # 349 - Public Hearing 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).

Christine and Ken Schoeck were present.

Christine submitted a map prepared by Ianuzi & Romans P.C. dated 2/15/2005.

Ken Schoeck noted the lot areas have been put on the map.

Chairman Nakas said SOCPA had requested they show the lot area on each lot.

Ken Schoeck said the map shows this now.

Chairman Nakas asked if there were plans to subdivide this further in the future.

Ken Schoeck said right now Christine will be building on Lot 423 and that's it.

Chairman Nakas asked where the driveway will be.

Ken Schoeck said it will come onto the end of Ashburn Dr. Leon Cook is happy with the situation.

Chairman Nakas asked about Lot 424.

Ken Schoeck said Lot 424 is being sold as 47 acres. He brought a sketch plan in a number of years ago.

Chairman Nakas said it would really be the buyer that would have to present a build-out plan if they wanted a future subdivision. He asked if there were any comments from the public.

Mary Zielinski said she just wasn't sure where they are talking about.

Ken Schoeck explained what they are proposing.

Tom Zielinski asked where they will be providing drainage for the new house.

Ken Schoeck explained. Most of the drainage from this area comes gradually down and out behind the LaFayette Health Center.

Member Peebles asked where the hammerhead will be.

Ken Schoeck said it's already there and has been for years.

John Langey said at the last meeting there was discussion about an easement being put in.

Ken Schoeck said it was left that if anyone were interested in extending Ashburn Dr., it would have to be connected all the way through. At that point the new owner would have to approach Christine about it.

Chairman Nakas said John Dunkle commented that any future subdivision of Lots 423 and 424 should have access to Route 20. He recommended a note be placed on the map stating this.

Ken Schoeck said Lot 424 already has access.

John Dunkle said the language would be that the connection be made to Ashburn Dr.

Chairman Nakas asked if this could be put on the map.

Member Peebles said it can be connected to Ashburn or have an internal road.

John Dunkle believes it might be cumbersome if the easement isn't on Lot 423 for a future right-of-way. If Christine Schoeck sells the land to someone else and they say they won't grant the easement, it will block it.

John Langey said that is why the Board would like the easement shown on the map with a note.

Ken Schoeck asked if the easement is given to the town.

John Langey said yes.

Ken Schoeck thought at the end of the last meeting it would just be left up to the owner.

John Dunkle said the other comment he had for Lots 423 and 424 is if Lot 424 is going to be a single family lot that might be subdivided in the future, the placement of house, septic and well must be placed so they will not interfere with where a road would go.

Ken Schoeck said Lot 423 already has County Health Dept. approval for the septic system. Lot 424 has no current design.

John Langey said he would like to see an easement on the map with a description. He will send the description to the Town Board for their acceptance. If there is future development of Lots 423 or 424, there will either be a connection of Ashburn Dr. to Route 20 or an internal road from Route 20.

Chairman Nakas asked if there were any other questions or comments from the public regarding this application. There were none.

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

Member’s Markoff moved and Lasky seconded the motion to appoint this Board Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and to grant preliminary and final plat approval with the following conditions:

- 1) **A note be placed on the map that if any further development of Lots 423 or 424 occurs there will be a town approved road connecting Ashburn Dr. to Route 20 or a town approved internal road servicing the lots off from Route 20.**
- 2) **The easement on Lot 423 be placed on the map.**
- 3) **Any further subdivision of either proposed Lots 423 or 424 should be accompanied by a plan showing full build-out.**

Voting was as follows:

Chairman Nakas	Aye
Member Peebles	Aye
Member Markoff	Aye
Member Lasky	Aye
Member Bush	Abstain

Motion passed.

Member Bush abstained as he is an adjoining property owner.

CASE # 352 Public Hearing for Tim and Cathy Keough resubdivision modification of existing Keough Farm Subdivision to allow Lot # 2 to be an approved building lot of property located on the west side of Route 91 approximately ½ mile south of the Jamesville Dam in an Agricultural/Residential District. (Tax Map No. 001.-05-10.7)

Tim and Cathy Keough were present.

Tim Keough submitted a letter dated 1/25/2005 from Scott Bates of the DOT regarding the stormwater runoff. They have their septic design approved by

the County Health Dept. One of the comments from County Planning was regarding the driveways to be clumped together.

Chairman Nakas said they used the word cluster.

Tim Keough said the DOT had no problem and also approved his driveway permit before this application was even referred to County Planning. He submitted a letter from the DOT dated 5/1/2004 granting the driveway permit.

Chairman Nakas asked for any comments from the public regarding this application.

Roger Praetorius owns Lot # 4 and is in support of this application.

Chairman Nakas asked what the problem with sight distance for Lot 3 is.

Tim Keough said the DOT would want the driveway for Lot 3 as close to the northern property line as possible.

Robert Keough said he is the owner of Lot 3 and is in favor of this application.

Tim Keough submitted an amended map dated 1/24/2005 and prepared by Jay D. Holbrook. The map was amended with note on Lot 2 reading “The purpose of this amended map is to make Lot 2 an approvable building lot by the removal of the ‘not an approved building lot’ note”.

Chairman Nakas asked for any further comments.

Kyle LaTray asked if there is any easements for access.

Tim Keough said they will just build their house. There is no easement for public access. It’s personal access only.

Chairman Nakas said John Dunkle mentioned the potential for a buffer zone at the shoreline.

John Dunkle said the whole idea was to suggest that any undeveloped lots along the shoreline tend to preserve the shoreline. Preserving natural vegetation helps to purify any runoff from lawns, etc. He didn’t mean it to be too restrictive. It was just a suggestion to keep some of the trees along the shoreline.

Tim Keough said 80% of the vegetation there is grapevines. They would like to clean it up so that they have a view of the lake and access to the water. The shoreline is actually stone.

John Langey asked if they would be open to the condition to take measures to preserve as many trees as possible and as many shrubs as possible.

Tim Keough said he can entertain that. They have to get in there to see what condition the trees are in first. They are planning on leaving trees along the shoreline.

John Langey said the language could be to take reasonable measures to preserve the natural vegetation along the shoreline.

Chairman Nakas said John Dunkle also discussed the archeological concerns.

John Dunkle said the east side of the lake is certainly a hot spot. For everyone’s protection he thinks they should get clearance before a foundation is dug, etc. The Keough property on the other side of Route 91 was specifically mentioned.

Tim Keough said his family has been very willing to disclose anything on the property. His family has been very open about disclosing what's been found there. There hasn't been anything found on his site.

Chairman Nakas asked if he would be agreeable to getting a letter from the NYS Office of Parks, Recreation & Historic Preservation Office stating they have no concerns about this particular site.

Tim Keough said the concern he has is that they are really on a tight time-frame. Mr. DeRollo is on the east side of the reservoir and this Board approved his subdivision and this wasn't an issue for him.

John Langey said the DeRollo subdivision wasn't referred to John Dunkle. There's another application before the Board tonight that received a letter from SHPO stating things to be done re: construction on the reservoir. He reviewed these guidelines. He would recommend Tim Keough contact Nancy Herter from SHPO and ask for a letter stating the same protocols.

John Dunkle said the Board could make a condition in the approval that before the applicants disturb any of the lot, they have obtained this letter from SHPO.

Tim Keough said he spoke to Nancy Herter earlier in this process. She said in most instances a single family home is not referred to SHPO.

John Langey recommends if the Board approves this tonight that they put a condition in stating before the applicant gets a Building Permit from Ralph Lamson, he has a letter from SHPO stating the guidelines. Is that reasonable?

Member Peebles said this isn't reasonable to him. It seems we should get something from the NYS Office of Parks, Recreation & Historic Preservation Office on this.

Allen Olmsted said they are doing a very large subdivision in Cazenovia. Nancy Herter told them if it's in the zone, what they are going to look at is some digging in the area that the footprints will be. Having the applicant do the testing before he gets his permit makes sense with what Nancy told him about their proposal.

Tim Keough said this is an existing subdivision.

John Langey said the applicant has come in to get an amendment to the subdivision plan. This requires the Board to do an environmental review. The Board is trying to help the applicants right now and trying to find a way to approve this.

Tim Keough said delays in this are going to cause him a lot of changes.

John Langey said the Board did not cause the delay.

Tim Keough said he sees some thing as inconsistent.

John Langey said the applicant mentioned Mr. DeRollo's application which was not referred to the town engineer. The reason the Keough application was referred is because we received a letter which raised archeological concerns.

Tim Keough said he will try to get a letter from Nancy Herter.

Member Peebles said normally the Board is presented with a letter from the agency investigating this stuff stating they approve it.

Tim Keough wishes this concern had been brought up when they first came in about this.

Robert Keough asked if there is a way to approve this with Tim Keough’s agreement to furnish the letter from SHPO.

John Langey said the Board must make that determination.

Robert Keough said the family has owned that land for approximately 100 years. They found Indian relics on the 72 acres across the road. They have picked stone off this land and found nothing. Tim Keough has taken off from school to get the requested information and is renting a place at this time. He is proposing the Planning Board come up with a way to grant approval with the responsibility up to Tim Keough to come up with the appropriate documentation.

Tim Keough asked if they could get approval stating to get a Building Permit a letter must be received from SHPO advising they are O.K. with the plans. This would make it so they don’t have to come back here again and can go straight to the Building Inspector.

Member Peebles said the Board can do this but he would oppose doing it.

Robert Keough said this is a 1-lot subdivision.

John Langey said this is an amendment to a 4-lot subdivision.

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

Member’s Markoff moved and Bush seconded the motion to close the public hearing, to appoint this Board as Lead Agency, it is an unlisted action and a negative declaration in the SEQR process and to grant preliminary and final plat approval with the following conditions:

- 1) **The approval is conditional upon the applicant presenting the letter from the NYS Office of Parks, Recreation & Historic Preservation Office indicating that they are not concerned about the footprint where the applicant will build and will waive the requirement for any further testing to the site for archeological sensitivity. The letter from SHPO must indicate their acceptance of a protocol in terms of the building on that lot so it can go forward.**
- 2) **Reasonable measures to protect the shoreline.**

Voting was as follows:

Chairman Nakas	Aye
Member Peebles	Nay
Member Markoff	Aye
Member Lasky	Aye
Member Bush	Aye

Motion passed.

CASE # 351 - Continuation of 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. intersection on the east side of LaFayette Rd. in an Agricultural/Residential District. (Tax Map # 008.-01-08.2)

Allen Olmsted was present to represent the applicants.

Chairman Nakas said the Board has heard back from County Planning proposing a couple of modifications.

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

- 1) Each proposed lot shall be allowed a single driveway on LaFayette Road as per the Onondaga County Department of Transportation, which must meet the requirements of the Onondaga County Department of Transportation.**
- 2) Any future subdivision of either proposed lot must be accompanied by a plan showing full build-out.**

Motion passed unanimously.

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)

This will be removed from the agenda until contacted by the applicant that she is ready to move forward.

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. (Tax Map No.'s 001.-05-14.1 & 001.-05-14.2)

Joseph Jerry said for the record he would like the agenda to be changed to be application rather than an appeal. Basically they haven't been here for a long time because when they were at the end of their application and presented their environmental study, someone in the audience stood up and said the applicant should be mindful that they are building on a burial ground. The applicant hired an archeological firm to do the necessary Phase I study and sent the study to SHPO. Subsequently they hired another archeological firm to follow-up with Phase IB. They submitted Supplement 1 to the Draft Environmental Impact Statement dated February 2005 and prepared by Keplinger, Freeman Associates. When they initially filed their subdivision application they indicated it would probably be developed in two phases. Now the driving force in terms of how they plan to develop this subdivision of Sections I & II is based on the archeological study and what portion of the land SHPO has said they can develop at this point. Phase I of the proposed subdivision will allow them to develop 8 lots. These 8 lots have been thoroughly investigated and SHPO has given their blessing on them.

They have done an incredible amount of due diligence. After the Board reviews the Impact Statement and the required period of time has occurred, they would like preliminary approval of the entire subdivision but only final approval of that which SHPO has said they can go forward with.

Chairman Nakas said this would be the 8 lots.

Joseph Jerry said down the road they are hoping they will be able to give SHPO a comfort factor with the remaining lots. The entrance is where it was when they first submitted this proposal.

Chairman Nakas asked if it would be O.K. if copies of the Environmental Study were put in the Town Offices and in the Library so they are available to the public for review.

Joseph Jerry said yes.

Kyle LaTray said it's his understanding that the Board cannot accept the SEQR on half of a project. He has contacted his attorney and was advised this wouldn't be legal.

John Langey said he still sees the SEQR is for the entire project. They are stating instead of wanting all 21 lots, they only want 8 for now.

Kyle LaTray said in the SEQR it was asked for SHPO to review the subdivision. The subdivision is for the entire project and not just 8 lots.

John Langey said there is a problem with the balance of the land. They won't get any Building Permits for any of those other lots.

Kyle LaTray said this must now go back and be looked at regarding the drainage and roads for the entire application. If the rest of it doesn't get approval, how will the roads, etc. be viewed? Any of the agencies that have reviewed this project have only looked at it as a whole project.

John Langey said this could have been approved as an 8-lot subdivision. Let's say we approve all 21 lots and have an agreement with the developer for security to complete the road, if the market were terrible and they decided they didn't want to continue with the other lots the road would still be finished. If there is a problem with Section 1, this Board will let the developer know.

Member Peebles asked if there is money set aside to finish the road and the developer can't find means to finish it or SHPO says the area can't be developed, how can we finish a road in an area SHPO doesn't approve?

Joseph Jerry said they are not proposing this. They are only proposing 8 lots. They are not looking forward to future lots. That is why they are only asking for preliminary approval for the whole subdivision and final approval for the 8 lots.

Member Peebles said he doesn't know how this Board can approve Section 1 as it's an illegal cul-de-sac.

John Langey said if the Town Board approves the cul-de-sac length, this issue will go away.

Ed Keplinger said the road can be constructed in the green area on the map.

John Langey said the gentleman in the back had the critique on whether this is an improper segmentation of the subdivision.

John Dunkle believes the SEQR would be for the entire project. One of the items in SEQR is phasing. He would recommend the overall impact of the entire project be discussed and the overall impact of just Phase 1.

John Langey said that would take away any claim of segmentation.

Kyle LaTray said the whole process we are sitting here going through is to allow comments on a project. Now you are stating what if, what if, what if. You are now not allowing the public to comment on the project as the project keeps changing.

John Langey said there will be a comment period for the public.

Kyle LaTray said the applicant is asking the Board to accept the SEQR as submitted and he doesn't know how the Board can accept something that hasn't been submitted for this Phase yet.

John Langey said the Board has to review a lot of information. If the Board thinks the Environmental Impact Statement addresses all the concerns, the document will be put in the Town Offices and Library for the public to review. Tonight the Board will receive the Impact Statement but will not approve it and will ask the consultant to provide discussion about what phasing does to this application.

John Dunkle said there might be a language issue.

Joseph Jerry is asking the Board to accept the document. This doesn't mean they accept the project. This means they accept that the document is complete.

Kyle LaTray said this is what they want to be sure the Board doesn't do.

Chairman Nakas said the Board is receiving the document and is agreeing to look at it but will not accept it yet.

Mr. Sheedy asked since there are multiple options on the Board, will drawings be required for each option?

Chairman Nakas said if the Phase 1 plan is going to be it, the Board will require a new plan as none of the other things will enter into it anymore.

John Dunkle would suggest this issue be addressed in the document.

Mr. Sheedy asked if this particular proposal has all been tested by SHPO, checked for water drainage, etc.

Joseph Jerry said everything has been approved by SHPO as property examined.

John Langey would encourage all the Board Members to look through the Statement. If they have any questions, he would recommend they call John Dunkle or himself.

John Dunkle said in fairness to the applicant we will be taking 30 days to look at it and for comment. The most we can do at the next meeting is give them comments back which they will have to address.

John Langey said if John Dunkle has comments for the Board, he would suggest he copy the applicant so he is aware of them.

John Dunkle is wondering if a work session should be scheduled with the Board.

Joseph Jerry said he was just going to suggest that.

It was decided a work session would be scheduled for Tuesday, March 1 at 7:00 p.m. This will be published and posted.

Chairman Nakas said this will be a public meeting.

Member Peebles asked what the issues were on the green area of the map so this Board can make an assessment of the likelihood of the green area being developed further.

Joseph Jerry said some of the green area is disturbed area so they can utilize it for the purpose of looping and a road but not for building yet.

Nikki Waters of Alliance Archaeological Services was present. Back in the 1960's some gravel mining was done and some burials were found. The records were lost so it's not known exactly where they were found. It's thought they were found adjacent to the access road. They are able to document that the disturbance of the gravel mining moved about 10' of the surface which would have destroyed any burials that might have been found. They did shovel testing and excavation about every 50' along the proposed access road.

Member Peebles asked if Lot 11 isn't where they thought the burials were.

Nikki Waters said supposedly. There is no documentation. She reviewed her study findings to date. Native American burials from this time period were usually within graves in sandy soil that was easy to dig into. This type of soil follows the purple line on the map.

John Langey asked if there is a difference between spot burials and burial grounds where there are numerous burials.

Nikki Waters said at this point they would be dealing with cemeteries. The Keough property is located just to the north. That was an established cemetery site. She wasn't able to come up with any documentation showing Butternut Creek.

A resident asked if they were looking for burials or artifacts.

Nikki Waters said they looked for both. They did shovel testing and machine strip testing along the access road. They found no sign of burials or artifacts.

Ed Keplinger said they have photo's including 9 aerial photographs of the site from 1938 to today showing the different condition of the site over the last 60-70 years which include large buildings being constructed and demolished, large parking lots being constructed and demolished, etc. The disturbance has been significant over time.

A resident asked at this point in time if they plan on testing further in the green areas.

Nikki Waters said it would be up to the applicant/developer.

Jeffrey Cohen said this was all done under the supervision of Tony Gonyea from the Onondaga Nation. When they are talking about machine excavation, they are talking about digging holes by hand by the scoopful and nothing showed up. For an archeologist to find something, it would be like they found gold. He feels confident there is nothing there. There was a huge amount of work and effort in doing this.

A resident asked if that is the case, why don't they proceed with testing of the rest of the site and proceed with the rest of the development?

Ed Keplinger said they ran out of time.

Chairman Nakas thinks the Board has a lot to read through. There will be a work session two weeks from tonight at 7:00 p.m. That meeting will not be a public hearing. Can the public make comments?

John Langey said it's up to the Board. The public will have a chance to comment on the document the full period of time.

John Dunkle said right now it's an obligation of the Board to review the document and get to a point where they are comfortable. The accepted document will be made available to the public. The document submitted tonight is available to the Board only.

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

The Planning Board Meeting adjourned at 9:20 p.m

Respectfully submitted,

Mary Jo Kelly
Secretary