

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on July 19, 2005 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 7:00 PM.

**Present: James Nakas, Chairman
Richard Markoff, Member
Barbara Lasky, Member
Brad Bush, Member
Shawn Adam, Alt. Member**

**Absent: Andrew Peebles, Member
Recording Secretary, Mary Jo Kelly**

**Others present: John Langey, Planning Board Attorney
John Dunkle, Town Engineer
Joseph Jerry, 120 E. Washington St.
Jeffrey Cohen, Applicant
Ed Keplinger, Developer
Ann Chase, JRPA
Steve Chase, JRPA
Lynn Hutton, Applicant
Herb Brodt, Applicant
Steve Forward, Applicant
Dennis Maher, Applicant
Kyle LaTray, JRPA
David Broda, JRPA
Paula Naselli, JRPA
Liah Race
William May, Liverpool, NY
B. May, Liverpool, NY
Lana Capria, Applicant
Milton Case, Applicant
Mary Helen Myrdek, Summerridge Rd.
Robert & Marian Scott, Amidon Rd.
Greg Scammell, Supervisor
Jane Praetorius, JRPA
Sheila Harrington, JRPA
David Broda, JRPA
Rick Haskins, JRPA
Paul Ellis, Summerridge Rd.
Karen & Jim Brower, JRPA
Amos & Leah Race, Summerridge Rd.**

Chairman Nakas called the meeting to order at 7: 01 P.M. and welcomed everyone. He said Mr. Andrew Peebles will not be here and he will be replaced by Mr. Shawn Adam who is the Alternate Member. He asked if there were any additions or corrections to the June 21, 2005, Minutes.

Member Bush said on the last page he seconded the motion to adjourn and not Member Lasky.

Member Lasky had the following corrections:

Page 2, paragraph 5: “Langey” in place of “Laney”

Page 3, paragraph 9: “detuning” in place of “detunig”

Page 5, paragraph 5: “or” in place of “of”

Page 7, paragraph 13: “conditional” in place of “condition”

Page 8, paragraph 1: “they’re” in place of “their”

Last paragraph: “general” in place of “genera”

Page 10, paragraph 2: “Two” in place of “Tow”

Chairman Nakas asked for any other corrections or additions. There were none. He said the June 21, 2005, Planning Board Meeting Minutes will stand as corrected.

CASE # 354 - Public Hearing for application of Stephen Forward and Dennis Maher for a 4-lot subdivision of their property located on the west side of Naughton Rd. approximately ¼ mile north of the Route 20 and Naughton Rd. intersection in an Agricultural/Residential District. (Tax Map No.'s 20.-07-02 and 20.-07-05.5).

The applicants submitted a map dated July 14, 2005, and prepared by Landline Surveying, P.C.

Steve Forward said they are proposing a 5-lot subdivision. 4 of the lots will be building lots and one will be retained and continued as it is. The lot to be retained is 40+ acres and the other 4 lots are 5 acres each. There is no line on the map for the owners signatures but the other lines have been added. They received a letter from the DOT stating they met the sight distance requirements for the lots. On the original map they had an easement that was listed for telephone lines. They have since learned from Verizon that those lines have been abandoned. They will be getting the owners a release to file. The intent is to have some fairly large lots here for folks.

Chairman Nakas said Onondaga County Planning had 5 modifications which are as follows:

1. Any proposed driveways on Naughton Road from Proposed Lots 1-4 shall be consolidated to meet the requirements of the Onondaga County Department of Transportation.

Chairman Nakas noted the applicant has already received DOT approval.

- 2. The applicant must reserve a 60-foot wide right-of-way on proposed Lot 1 to provide access to proposed Lot 1 and any future subdivision of proposed Lot 1 to meet the requirements of the Onondaga County Department of Transportation; this right-of-way must be shown on the filed map. No access shall be allowed to Route 20 from the residual parcel.**

Steve Forward said they have designated the large parcel as wetlands on the map. They would suggest putting on the map that it can't be subdivided without coming back to the Planning Board. They would like to sell this parcel somewhere down the road. There would only be one dwelling and one driveway for the parcel.

Member Bush asked if a restriction could be put on Lot 1.

John Langey said you could add a note on the map stating it can't be further subdivided without Planning Board approval. Unless the applicant can give the Board something that would make them want to over-rule this condition, it should remain. Member Bush made the suggestion of a deed restriction stating the property could not be further subdivided.

Chairman Nakas asked if it would be on the map too.

John Langey said it would be on the map and a restrictive covenant would be in the deed that the parcel cannot be further subdivided.

- 3. The applicant must reserve a 60-foot right-of-way on the residual parcel and any future subdivision of the residual parcel to meet the requirements of the Onondaga County Department of Transportation; this right-of-way must be shown on the filed map.**

Chairman Nakas said there is already a driveway there so this goes away.

- 4. The residual lot must be labeled "This parcel has not been reviewed by the County Health Department for residential development."**

Chairman Nakas said to have the surveyor put this note right on the residual lot.

- 5. If there is any wetland or 100 foot wetland buffer on site, wetland boundaries and buffers shall be delineated on the plan, and the applicant shall obtain permits from the New York State Department of Environmental Conservation and/or the U.S. Army Corps of Engineers for any proposed development or drainage in the wetlands and/or wetland buffers on site.**

Chairman Nakas said they have already addressed this on the new map presented to the Board tonight.

Chairman Nakas asked if there were any comments for or against this application from the public.

Mrs. Scott asked if this parcel of land runs from Naughton Rd. to Webb Rd.

Steve Forward said yes.

Chairman Nakas asked if there were any other questions or comments from the Board. There were none.

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

Member’s Bush moved and Markoff 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) There will be an amendment to the map adding the words “This parcel has not been reviewed by the County Health Department for residential development” on the residual lot.**
- 2) A deed restriction indicating that Lot 1 cannot be further subdivided.**
- 3) The map be amended by adding a note stating that Lot 1 cannot be further subdivided.**

Voting was as follows:

Chairman Nakas	Voted	Yes
Member Markoff	Voted	Yes
Member Lasky	Voted	Abstained
Member Bush	Voted	Yes
Alt. Member Adam	Voted	Yes

Motion passed.

Chairman Nakas noted Member Lasky abstained as she is an adjacent property owner.

John Langey advised Chairman Nakas to check with him before signing off on the map to be sure he has received the restricted deed.

CASE # 356 - Public Hearing for application of Lynn Hutton for a 9-lot subdivision of his property located at the end of Thunder Road approximately 750’ from the Thunder Rd. and Summerridge Rd. intersection in an

Agricultural/Residential District. (Tax Map No. 021.-02-04.1).

The applicant submitted a map dated July 9, 2005 and prepared by Paul R. Hood.

Lynn Hutton said he now has 4 purchasers for the land. He will still own Lot 25.

John Langey noted there are 4 lot line adjustments and 5 new building lots. He noted the Board waived the cul-de-sac length.

John Dunkle said with the exception that no further development will take place on Lot 22.

Mary Helen Myrdek asked about the traffic flow that will occur. Will there be further development occurring?

Lynn said no further development will take place unless there is access from somewhere else. 4 of the lots are just being added to lots already owned. 2 of the 5 building lots will exit onto Amidon Rd.

Mary Helen Myrdek asked if Lot 22 is being sold with the intention of future subdivisions.

Liah Race is a future owner and said they do not plan on subdividing further. They confirmed no one wants more development.

Mr. Scott asked how many more people will be drilling wells and drawing water.

Lynn doesn't believe water is a problem up there. There would only be 4 new houses being built some day. It's the same number of lots they originally had approved, just different configurations.

John Dunkle would like to work a little with the applicant on the cul-de-sac.

John Langey said the last time the Board approved this there was the condition that letters of approval be received from the Highway Dept., LaFayette Fire Dept. and the School District. He still doesn't have a letter from the School District.

Lynn said that's because he isn't finished yet.

John Langey said he has a letter from Leon Cook stating it will have to meet John Dunkle's specifications and a letter from the LaFayette Fire Dept. from last year. He reviewed the conditions from the Board's last approval.

John Dunkle said with 3 driveways possibly going onto Naomi Rd., he would like a condition that it meets with the Highway Superintendent's approval.

Chairman Nakas asked for any other comments from the public regarding this application. There were none.

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

Member's Markoff moved and Bush seconded the motion to appoint this Board Lead Agency, this is an unlisted action and a

negative declaration in the SEQR process and to grant preliminary and final plat approval with the following conditions:

- 1) The applicant/owner pay all outstanding review fees;**
- 2) The applicant/owner prepare or cause to be prepared all necessary real estate documents for the proposed Naomi Road extension turnaround and detention basin;**
- 3) The applicant maintain strict compliance with the plans as submitted in Phase # 3 - Summerridge dated July 9, 2005, prepared by Paul R. Hood, Land Surveyor;**
- 4) The applicant shall cause the addition of a note to the preliminary and final plans and cause the recording of a restrictive covenant in the deed indicating that there shall be no further subdivision of any portion of the lands of said Phase III of Summerridge unless the applicant has other means of access to the property;**
- 5) The applicant shall present to the Town of LaFayette's legal counsel correspondence from the LaFayette Central School District indicating no objection to the proposed dead-end road as depicted on said subdivision map;**
- 6) The applicant shall present to the Town of LaFayette an accessible snow storage easement for Lot 24 and any other pertinent and necessary modifications as needed by the Highway Department;**
- 7) Review of driveway application off of Naomi Road for Lot 25;**
- 8) Receipt of appropriate septic design approval from the Onondaga County Health Department for each building lot;**
- 9) Satisfactory construction of the proposed turnaround of Naomi Road as approved by the Town Engineer and the Town Highway Superintendent;**

- 10) The applicant post appropriate security and proof of insurance with the Town and comply in all respects with the Town of LaFayette Subdivision Regulations.**

Based on all these, the Planning Board waives the cul-de-sac length under these specific conditions.

Motion passed unanimously.

CASE # 353 - Continuation of application from Herbert Brodt for a 2 lot subdivision of his property located on the west side of Webb Rd. approximately ¼ mile from the Route 20 and Webb Rd. intersection in an Agricultural/Residential District.(Tax Map No.'s 020.-08-06.0 & 020.-08-07.0).

Herbert Brodt submitted a map dated November 17, 2005 and prepared by John Damiano.

Chairman Nakas asked if the county was able to hear this case.

Herb said it was not a total yes but they didn't reject it when he took the paperwork down. They will try to get it on the agenda but there is no guarantee right now. He has a letter dated July 14, 2005, from the Health Dept. stating the only problem they have is that the engineer didn't submit enough copies.

John Dunkle noted part of the curtain drain is on the other parcel.

John Langey said if someone else has ownership, they would be able to dig up part of the drain. He would suggest an easement for a future owner. There would have to be an easement of restriction put in the deed and on the map.

John Dunkle recommended the wording "to preserve the integrity of the drainage system".

John Langey said the lots should be numbered on the map. He said the applicant may also want to grant the ability of the adjoining property owner to fix the drain if needed.

Herb said he received a letter from the DOT date June 28, 2005, approving access for house # 2713.

There were no further questions or comments so the public hearing was closed.

CASE # 331 - Continuation of application for a subdivision by Jeffrey Cohen consisting of 8 lots on 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)

John Langey said the applicant has submitted a new map dated July 2005 along with a revised Final EIS. He gave an update to the Board of what has occurred to date. The last meeting the applicant submitted a Final EIS. The Board, Town Engineer and Planning Board Attorney had a number of questions/comments. Since then the Board has received a letter dated June 27, 2005 from Ed Keplinger regarding John Dunkle's letter dated June 22, 2005.

John Dunkle said if they have done everything in the letter they sent him, he will be happy with it. He hasn't had a chance to review it yet.

John Langey said they sent a letter dated July 18, 2005 in response to John Langey's and the Board's questions/comments. He would like the Board to review that letter.

It was noted the Board hasn't received it yet.

John Langey intends to propose some SEQR findings on the Final EIS for the next meeting. A new FEIS was submitted this evening dated July 2005. The map was amended to address the concerns stated at the last meeting.

John Dunkle noted some of the title sheets are backwards in the new FEIS.

John Langey said the next step for this Board is to review what has been submitted and make a determination whether the FEIS is complete and answers the concerns that were raised. The SEQR will have to be done and a determination made as to whether this will have a significant negative environmental impact.

John Dunkle said he will need about a week to review the FEIS and then he will send a letter to the Board.

Chairman Nakas asked if a letter would be received from the Planning Board Attorney too.

John Langey said he won't be sending one unless he sees a legal concern.

County Planning has this and will be doing a rereview as requested. This Board can't take action until they receive County Plannings response. Any approval of this will require a waiver of the cul-de-sac length. In the event there is approval, he would request the Board jot down any conditions they would like in the approval.

Chairman Nakas asked if there were any questions from the applicant. Mr. Cohen said no.

CASE # 355 - Sketch Plan Conference for application of Milton Case for a 2-lot subdivision of his

property located on the north side of Newell Hill Rd. approximately 1 mile from the Clark Hollow Rd. and Newell Hill Rd. intersection in an Agricultural/Residential District. (Tax Map No. 010.-05-04.).

Milton Case submitted a map dated June 14, 2005, and prepared by Survey System. He is proposing a 2-lot subdivision.

This will be scheduled for a public hearing at the August meeting. It does not have to be referred to County Planning.

Sketch Plan Conference with Lana Capria for expansion of Hair Perfect building at 2603 Route 11 North.

Lana said she wants to increase the size of her building. The contractors she has talked to all agree a new-build would be more economical than to expand on her existing building.

Chairman Nakas asked if she would knock the existing structure down and put up a new one.

Lana said yes. Her problem is close time for her employees and clients. She would like to build the new building just behind the existing structure and then move her business to the new building and take down the old building. This would increase parking for the business too.

Chairman Nakas asked if there would be any changes in hours of operation, lighting, signage, parking, etc.

Lana said she would like to add more lighting to make the parking lot more secure.

Chairman Nakas said she would want to be sure not to have the lighting shine onto the highway or surrounding properties. There is a signage regulation. He asked if the hours of operation would stay the same.

Lana said yes. They are closed Sunday and Monday right now but eventually she might open on Mondays. She recently purchased Sunquest Tanning. Eventually she would like to move the tanning down to her new building. Before she has new sketch plans done, she wanted to discuss this with the Planning Board.

Chairman Nakas asked when she would decide if she would be adding on or doing a new building.

Lana said she would prefer to do a new building but decided to come to the Planning Board and see how they felt about a new building before she went forward with it.

Alt. Member Adam asked how much square footage she is talking about in the new building.

Lana said about 3,000 square feet. They have over 2,000 square feet in the existing building. She thinks they want to keep it two levels.

John Langey said she should discuss this with the Building Inspector as she does her drawings. This Board would encourage anyone doing a new building to incorporate appropriate landscaping on the plan.

The Zoning Board of Appeals referred the application for a specific permit by Neil J. MacEachen, Jr. & Lisa Masters for a flower shop/gift shop on their property located at 2448 Route 11 on the east side of Route 11 approximately 1/8 mile south of the Route 11 and Route 20 intersection in a Hamlet District. (Tax Map No. 018.-02-03.0)

John Langey said any time the Zoning Board of Appeals gets a specific permit application, they are to refer it to the Planning Board for their review and comments. He asked if the Planning Board had any advice or recommendations for this application. He reviewed County Planning's recommendations.

Chairman Nakas asked if this is in the Hamlet.

John Langey said yes it is. This is the kind of business zoning encourages. This referral is just in case the Planning Board sees any issues the Zoning Board of Appeals should address.

Alt. Member Adam asked if it's primarily a gift shop or flower shop.

John Langey believes it's primarily a flower shop and secondary gift shop.

There were no obvious concerns.

John Langey will do a letter stating that the Planning Board has no obvious concerns and they feel less traffic will take place than took place for the old use and it's in compliance with zoning.

The Zoning Board of Appeals referred the application for a specific permit by William May for his property located on the island in Jamesville Reservoir in an Agricultural/Residential District. (Tax Map No. 003.-03-39.0)

John Langey said Mr. May came to the Zoning Board of Appeals to receive approval to maintain a camp on a portion of the island in Jamesville Reservoir. Over 30 or 40 years ago the state owned this land and used to let campers come out here to camp. Mr. May was one of those people. Some years later the state decided they would sell the land to private owners. One half of the island was sold to another party and this half was sold to Mr. May. After it was purchased, there was some confusion and the deed never got filed. One winter when it was frozen, Mr. May moved a recreational trailer onto the island. It has been there since February 2003. The Town didn't know about it. There was a dispute over it and a Justice Court proceeding took place and the decision is being appealed. Mr. May is asking permission to maintain a camp on the property. The Codes Enforcement Officer, Ralph Lamson, believes that is the appropriate thing to ask for. The Zoning Board of Appeals is required to ask this Board what they think of this as a planning issue.

Chairman Nakas asked who pays taxes on this parcel.

John Langey said Mr. May does as of now since he filed a deed.

Chairman Nakas said usually a referral like this is done for a commercial endeavor and not something like this. He asked if there is power to the trailer.

Mr. May said no. There's no power, no septic, and no water. He submitted a letter from the County Health Dept. advising they have no problem with the port-a-john.

Chairman Nakas confirmed the Health Dept. is O.K. with the port-a-john as a sewage facility.

Mr. May explained how the chemicals break down the waste.

Paula Naselli asked what happens to the port-a-john during flooding?

Mr. May said it's completely above the ground out of the flooding. He has never had any kind of spill or odor.

Paula Naselli said they are just concerned as they do live on the Reservoir. She asked about a public hearing on this.

John Langey said one will be held by the Zoning Board of Appeals.

Chairman Nakas asked if this was going to be a permanent residence, wouldn't it be required to meet the requirements of a building lot?

John Langey said yes but everything here is seasonal. All the structures are temporary structures and nothing is permanent. He is looking for any issues or concerns this Board might have for the Zoning Board of Appeals.

Mr. May said they use the trailer for the grandchildren to nap in when possible.

John Langey asked if the applicant gets approval, does he plan to sleep overnight in the trailer?

Mr. May said not personally. His house is only 10 minutes away.

John Langey asked what he will use the trailer for.

Mr. May said he's sure the grandchildren will talk someone into spending the night with them once in awhile.

John Langey asked when the state rented this out, how was the waste taken care of?

Mr. May had no idea.

John Langey asked if there were bathroom facilities out there when the state owned it.

Mr. May said not to his knowledge and he has no idea what his neighbor has.

Paula Naselli asked if his neighbor lives there.

Mr. May said they may stay overnight but they are doing that less and less as they get older.

Member Bush asked if his neighbor has power on that half of the island.

Mr. May said yes. Whether it's on or not he doesn't know.

Paula said the cabin on the other side of the island was sold. She understands there is 1 bedroom, 1 bathroom and a septic system.

John Langey asked if Mr. May stored gasoline on the property.

Mr. May said they carry gasoline to the island to use for the boats but nothing is stored there.

John Langey asked if anyone is doing the setbacks of the various structures.

Mr. May said no.

Chairman Nakas said as long as it's being used as a camp and not as a permanent residence, he doesn't know what else this Board can require. There's sewage facilities, a place to sleep and a little bit of land. There is no power.

Member Bush asked if they get approval of everything the way it is now, what happens if someone else buys the property?

John Langey said the specific permit goes with the land. It can only be used for a camp in the future if it is approved.

Chairman Nakas asked the total area of the island.

Mr. May said it's just about 95' x 50'.

Chairman Nakas asked if it's about an acre.

Mr. May said it's about ¼ acre.

A resident said the other half of the island that was just sold was listed as .23 acres.

John Langey said Mr. May has provided this Board with various information and details about the application. He indicated the structure would not be used for a permanent living facility and only will be used for a camp and claims to have appropriate sewage facilities. He will do a letter up to the Zoning Board of Appeals indicating Mr. May came before the Planning Board and the Board had no other comments and list the above items as things Mr. May stated about the application.

Paula Naselli asked if this is in the courts, isn't it up to the courts to decide whether the trailer is allowed?

John Langey said he is being prosecuted for not applying for a permit to have the trailer so now we can't tell him he can't apply for one. It's in court for an appeal.

Paula said from what she understands, the CEO was asked if the trailer could be put on the island and he said no and then one winter it appeared.

John Langey said Ralph Lamson indicated to his knowledge that the trailer they put on the island qualifies as a camp. She would have to ask the CEO what happened.

Kyle LaTray asked if someone will actually check the port-a-john.

John Langey said the county does and he intends to talk to Mr. March about it and see exactly what he looked at.

Mr. Russo was present to discuss a 3-lot subdivision.

Chairman Nakas said Mr. Russo would like to investigate what it would take to do a 3-lot subdivision of his land on Route 11 just south of the McClary Rd. and Route 11 intersection. It's a 16 acre parcel.

Mr. Russo showed the Board what he would like to do.

Chairman Nakas said he will need to do a survey and lay this all out. He should be sure to give the surveyor a copy of our Subdivision Regulations and be sure he follows them. He will have to get DOT approval for the driveway cuts. He will need a septic design for each lot and can get that approved by the Onondaga County Health Dept.

Mr. Russo said only one lot will be a building lot. If the other one is built on, it probably won't be for 10 years.

Chairman Nakas said he should probably get them done now. This will have to be referred to County Planning. A public hearing will have to be held.

Member Markoff moved and Alt. Member Adam seconded the motion to adjourn. Motion passed unanimously.

The Planning Board Meeting adjourned at 8:42 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary