

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on August 16, 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
Andrew Peebles, Member
Barbara Lasky, Member
Shawn Adam, Alt. Member**

**Absent: Richard Markoff, Member
Brad Bush, Member**

Recording Secretary, Mary Jo Kelly

**Others present: Kevin Gilligan, Planning Board Attorney
Joseph Jerry, 120 E. Washington St.
Jeffrey Cohen, Applicant
Ed Keplinger, Developer
Mike Lynch, Rep. For Myers application
Paula Naselli, JRPA
Rick Haskins, JRPA
John Beardslee, Applicant
John Harper, Applicant
Sheila Harrington, JRPA
Kyle LaTray, JRPA
Sue & Gary Scott, Applicants
Jim & Karen Brower, JRPA
Milton Case, Applicant
Jim Keefe, 6585 Newell Hill Rd.
Deb Miller, 6559 Newell Hill Rd.
Timothy Brayman, JTHOA
David Broda, JRPA
Bonnie Seemann, JRPA
Herb Brodt, Applicant
Greg Scammell, Supervisor**

Chairman Nakas called the meeting to order at 7: 05 P.M. and welcomed everyone. He asked if there were any additions or corrections to the July 19, 2005, Minutes. There were none. He said the July 19, 2005, Planning Board Meeting Minutes will stand as submitted by the Secretary.

CASE # 353 - Public Hearing for 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).

Chairman Nakas advised this is a public hearing. He understands County Planning did not meet today.

Mary Jo said they did not have a quorum and they will be holding a special meeting on Monday.

Herb Brodt submitted a revised map dated February 25, 2005 and prepared by John Damiano. This is a 2-lot subdivision.

Chairman Nakas asked if there were any questions or comments on this application. There were none.

Chairman Nakas said the Board cannot vote on this until we hear back from County Planning.

Herb Brodt said he has been coming here for 3 months. He would like to get his Building Permit tomorrow so he can get started Thursday morning. He is sort of running out of time. If the County meets Monday, can this Board hold a special meeting?

Chairman Nakas asked for Herb Brodt to contact him Tuesday after we hear back from the County and he will try to get a quorum together to vote on this.

Kevin Gilligan asked if Herb Brodt has the easement yet.

Herb Brodt said Maureen Perrin and John Langey have talked about this and they told the surveyor to put "Proposed Parcel 1 to convey easement to proposed Parcel 2 for access to maintain curtain drains, swale, etc. and non-interference clause" on the map and it will be in the deed.

Members Peebles moved and Lasky seconded the motion to close the public hearing. Motion passed unanimously.

CASE # 355 -Public Hearing 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 11 District. (Tax Map No. 010.-05-04.).

Milt Case submitted a map dated June 14, 2005 and prepared by Survey Systems.

Member Peebles asked if there was any springs or anything like that on the property.

Milt Case said no. He said it's been farmed for years and years.

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

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

Member's Lasky moved and Peebles 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 for the Case Subdivision. Motion passed unanimously.

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).

Ed Keplinger submitted a Final EIS to the Board dated August 11, 2005. They have added updates to the site plans too. They received the wetland delineation back and have a map now showing the wetland area. They added notes to the plan that John Langey mentioned in his letter of July 29, 2005. They added some other notes that County Planning recommended in their Resolution of July 26, 2005. They have communication between themselves and Nancy Herter of SHPO. They have included correspondence from Dunn & Sgromo with their engineering comments.

Chairman Nakas reviewed the modifications from County Planning with the applicant.

- The subdivision plan and any promotional materials must state that direct access to Jamesville Reservoir from proposed Lots 4-8 and 10 must be purchased from the New York State OGS.

Chairman Nakas asked where does this stand? Is the applicant going to purchase this land or will he expect each individual landowner to purchase the land if they so choose?

Jeff Cohen said they might not market the properties as access to the Reservoir. He is not going to buy it.

Chairman Nakas asked if he knows what the average price would be.

Jeff Cohen said he has heard anywhere from \$800 to \$1,500.

Chairman Nakas is surprised as it looks to be a very small piece of land.

Jeff Cohen doesn't believe this is an issue.

A resident said it makes a difference of waterfront or water view property.

Chairman Nakas would presume people would purchase the property believing they have access to the water which they probably would but they wouldn't own it. The county is stating that the plan must indicate that the land must be purchased from OGS.

Member Peebles said they have a note on the map stating blue line land owned by OGS.

Ed Keplinger said when each individual lot deed is written up and purchased, it will be written up as shown on the map.

- The applicant shall obtain a permit from the New York State Department of Environmental Conservation for any proposed development or drainage in the wetland and/or wetland buffer on site.

Ed Keplinger said they have a letter from Kevin Bliss which indicates they need a permit and that he would write one.

Chairman Nakas asked if they have it yet.

Ed Keplinger said no. They wouldn't get it yet.

- The applicant must provide written documentation to the Town showing that approval has been obtained from the Niagara Mohawk Power Corporation for any proposed development in the 100 foot easement.

Ed Keplinger said they can do this.

- Lots 9 and 10 must each be labeled "This parcel has not been reviewed by the County health Department for residential development".

Ed Keplinger said they have done this.

- Town approval shall be contingent upon demonstration of the capability to provide adequately potable water for each proposed lot.

Chairman Nakas isn't sure why this is mentioned by County Planning as this Board would never approve anything that didn't have potable water.

- Town approval shall be contingent upon approval of septic systems for all proposed lots by the Onondaga County Health Department.

Chairman Nakas said he doesn't know why they recommended this either as this Board wouldn't approve an application without septic system approval from the County Health Department.

- The existing driveway on route 91 must be closed to meet the requirements of the New York State Department of Transportation.

Ed Keplinger said they have a note stating the existing driveway will be closed upon completion of the new road.

Member's Lasky moved and Peebles seconded the motion to accept the FEIS and to circulate this document to the involved agencies. Motion passed unanimously.

Chairman Nakas noted the period for comment for the involved agencies has to be at least 10 days but not more than 30. John Langey suggested 20 days. By September 20th we should hear from these involved agencies. A copy of this will be available for public viewing in the Town Offices and the Library.

Joseph Jerry said they were really hoping that after the 10 day period they could ask the Board for a special meeting because time has really put them in a bind.

Chairman Nakas said he will leave this up to John Langey to decide.

Kevin Gilligan said John Langey will need some time to organize any comments that come in before this Board takes action.

Chairman Nakas would presume this Board could take action at the next meeting. We would like to give these agencies time to respond and John Langey time to put it all together.

Jeff Cohen said it was his understanding that John Langey was O.K. to schedule a special meeting.

Chairman Nakas said written communication can be submitted and sent to Mary Jo.

Discussion took place on how many documents were needed. It was noted the DEC, DOT, County Planning, Town Attorney, Town Engineer, Town Offices, Library, Corp. of Engineers, and any other listed involved agencies.

Mary Jo said Joe Heath's Office.

Joseph Jerry asked if Joe Heath needed a copy of this. If so, he would object to it.

Kevin Gilligan said his objection is noted but we will still be sending it to Mr. Heath.

Chairman Nakas asked if the Onondaga Nation is an involved agency.

Kevin Gilligan said they are represented by Mr. Heath and they have stated they are an interested party.

Joseph Jerry said they have no objection if they have the same access as everyone else. He believes they shouldn't have special access.

CASE # 357 - Application of Gary Scott for Controlled Site approval of property located at 5883 Sugarbush Dr. on the west side of Sugarbush Dr. approximately 225' south of the Maple Grove Dr. & Sugarbush Dr. intersection in an Agricultural/Residential District. (Tax Map No. 012.-02-33.0).

Chairman Nakas asked if they would be charging a fee for the retreat.

Gary Scott said yes.

Chairman Nakas said he is trying to decide if this would qualify as a home occupation.

Susan Reynolds said just the two of them.

Chairman Nakas asked where the parking would be.

Gary Scott said right on their own property.

Chairman Nakas asked if there would be any spot lights, etc.

Gary Scott said no.

Susan Reynolds said the idea is for people to have a place they can come and spend a peaceful weekend.

Chairman Nakas asked about signage.

Gary Scott said there wouldn't be any.

Member Lasky asked how many would be attending at one time.

Gary Scott said 8 to 10.

Member Peebles asked about the hours of operation.

Gary Scott said they would be indoors the majority of the time. Most activity would take place during the day and after dark they would be inside.

Susan Reynolds said they might have a small campfire at night.

Chairman Nakas asked if this would be 3-4 times a year.

Gary Scott said yes.

It was noted this wouldn't have to be referred to County Planning as it's not within 500' of a state or county road.

Kevin Gilligan asked if there were any changes at all to the property.

Susan Reynolds said no.

Kevin Gilligan said the main issue would be parking and noise.

Member Peebles said this Board tries to ask all these questions. The neighbors will probably be asking them at the public hearing.

Chairman Naka said this will be scheduled for a public hearing at the September 20th meeting.

Susan Reynolds said she has been in contact with the County health Dept. regarding permits and they sent her here.

Chairman Nakas asked what permits they might need.

Susan Reynolds said septic, cooking, fire exits, etc. Can they continue to work towards getting the necessary permits with the understanding that they know this hasn't been approved yet?

Chairman Nakas said sure. Everyone within 300' of their property lines will be notified about the public hearing.

CASE # 360 – Sketch Plan Conference for John Beardslee for a 4-lot subdivision of his property located on the west side of Commane Rd. approximately 300' north of the Sentinel Heights and Commane Rd. intersection in an Agricultural/Residential District. (Tax Map No. 022.-05-12.1)

John Beardslee said he is proposing a 4-lot subdivision.

Chairman Nakas asked the acreage of each lot.

John Beardslee said 2.6 acres, 2.6 acres, and 3.4 acres with the remaining parcel being 34 ½ acres. They are waiting for a visit from the County Health Dept. and the reassembly of the abstract.

Chairman Nakas asked if the wells have been drilled.

John Beardslee said no.

Chairman Nakas asked if he will be doing perk tests.

John Beardslee said yes.

Chairman Nakas asked if there were any wetlands that need to be marked on the map.

John Beardslee showed where the drainage is. There is discharge from under Commane Rd. that drains onto the property.

Member Peebles asked if there were any power or gas lines.

John Beardslee said there is an easement for the telephone lines but that's it.

Chairman Nakas noted there must be a box on the map for the Health Dept. to sign-off.

John Beardslee said he would like to reappear next month for the final approval.

Chairman Nakas said if the applicant can get all the information to Mary Jo in time to refer it to County Planning so this Board can hear back from them before the next meeting, this can be scheduled for a public hearing.

CASE # 358 -Application of Thomas and Susan Myers for a

resubdivision of their property located at 6285 Persse Rd. approximately 1 ½ miles from the Persse Rd. and Reidy Hill Rd. intersection in an Agricultural/Residential District. (Tax Map No.'s 008.-02-12.1 and 008.-02-12.2).

Mike Lynch was present to represent the applicants. The house is on one property and the well is on the other. They are proposing to move a lot line to include the well on the parcel with the house.

Chairman Nakas asked where Myers live.

Mike Lynch said Mrs. Myers lives on the site and Mr. Myers lives in Florida.

Chairman Nakas asked if the simple subdivision proposal has been passed by the Town Board yet.

Kevin Gilligan said no. The first draft was rejected by the state and county.

Chairman Nakas said if they can get everything together in time, this can be scheduled for a public hearing at the next meeting. He asked if this property was within 500' of a state or county road.

Mike Lynch didn't think so but will confirm this.

CASE # 359 – Sketch Plan Conference of John Harper for Controlled

Sturgen Dr. Site Approval of his property located at 5973 approximately 500' west of the Route 11 and Sturgen Dr. intersection in an Agricultural/Residential District.

John Harper said he is proposing to add another greenhouse.

Kevin Gilligan asked if the property line is within 500' of Route 81.

John Harper said yes.

Kevin Gilligan said this will have to be referred to the county. He will need a map.

John Harper said he has used the submitted map in the past when he applied for his other greenhouses.

Chairman Nakas said the surveyor could drop the greenhouses on the map easily. He thinks it would be better to do this to be sure it's accepted rather than losing time if county Planning sends it back.

John Harper said the other 2 greenhouses were hand-drawn just like this and there wasn't a problem. The last one was submitted in 1998.

Kevin Gilligan said it is illegal to draw on a survey.

Chairman Nakas asked the applicant if he wanted to take a chance to see if County Planning will accept this. He could call the surveyor to see if he can add these buildings to the survey. An applicants map was just rejected and he lost a whole month.

John Harper will talk to his surveyor.

Chairman Nakas said he will leave it up to the applicant.

John Harper will talk to his surveyor tomorrow and try to get the amended map to Mary Jo.

Chairman Nakas said then this Board will schedule a public hearing next month.

Member Peebles asked if there would be an increase in traffic.

John Harper said no. Most of his business is done at the Market.

Member Peebles asked if a tractor-trailer would have to go to the site.

John Harper said no. If that ever did happen though, there would be no problem. He closes October 31st and doesn't reopen until Easter.

Tim Brayman advised he is speaking as a resident of the Town of LaFayette. The map that was used by Mr. Cohen and submitted to OGS obviously has something wrong with it. One letter from OGS refers to the 1974 map which is the original map of the Reservoir. The map approved by Mr. Bennett of OGS does not show the boundaries of the 1874 map. Something is wrong. The contours on the map submitted by the applicant to OGS are not correct. Even the contours on the tax maps show 3 acres of blue line that are not shown on the map the applicant submitted to OGS.

Chairman Nakas said the involved agency is OGS. They are the caretaker of the blue line property. As this Board is the Lead Agency in this matter, the only recourse is to rely on OGS to tell this Board what to do about this application. He has a letter from OGS telling him that they cared so little about it that they don't even wish to be an involved agency.

Tim Brayman said that is because they are referencing the 2005 map submitted by the applicant.

Chairman Nakas said he doesn't know that. He would suggest they get a letter from OGS stating otherwise.

Tim Brayman said if this Board would look at the original document of 1874 and the one from 20 years ago showing the blue line, the blue lines do not change.

Kyle LaTray asked if it isn't necessary for the Town of LaFayette to write OGS referencing these 3 conflicting letters.

Kevin Gilligan said the board cannot accept the third correspondence received at this time.

Member Peebles said they clearly have 2 correspondences submitted from OGS referencing two separate maps.

Ann Chase said she discussed this with Mr. Bennett at OGS who advised the residents must prove there's been fill added there. They would have to take core samples.

Kyle LaTray said they also said to hire a surveyor. As residents they are not allowed to go on that property to do this. He believes OGS went by a grid system and not monument system in their recent letter.

Ann Chase said they probably don't care because they have a lot of bigger things to deal with. To the residents here, it's a big thing.

Kyle LaTray said at this time a moratorium is on anyone being allowed to purchase blue line property. You can file an application but cannot purchase it until a pending lawsuit is settled.

Chairman Nakas noted County Planning stated you must purchase the blue line property.

Kyle LaTray said at this time you can't. This will turn into a bigger disaster down the road if it isn't clarified.

Chairman Nakas asked why you can't purchase the blue line property.

Kyle LaTray said there is a pending lawsuit and they are not going to sell any further blue line property until it's resolved. This is very frustrating to them. He asked what the residents should do.

Chairman Nakas said he will ask John Langey to contact OGS to see about getting this resolved. He will have John try to get a definition letter from OGS. He asked for either Kevin Gilligan or John Langey to contact OGS to get a definition letter.

Kevin Gilligan said he will send a copy of the map to OGS, one to Joe Jerry and one is needed for his file. He would like a total of 6 copies of the 1874 map.

The residents will get him the copies he needs.

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

The Planning Board Meeting adjourned at 9:35 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary