

Minutes of the Planning Board Special Meeting held by the Town of LaFayette Planning Board on August 25, 2005 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 6:00 PM.

**Present: James Nakas, Chairman
Andrew Peebles, Member
Richard Markoff, Member
Brad Bush, Member**

Absent: Barbara Lasky, Member

Recording Secretary, Mary Jo Kelly

Others Present: Herbert Brodt, Applicant

Chairman Nakas called the Meeting to order at 6:05 p.m.

Herbert Brodt presented his proposal to the Board. The reason he is doing what he is doing is to plan for the future.

Chairman Nakas noted you must go a long way in to access future building lots for Lot # 1 from Amidon Rd rather than from Webb Rd.

Herbert Brodt believes the sight distance is much better from Webb Rd. than from Amidon Rd.

Member Peebles doesn't see an argument to overturn the County. He can see why the county would want access onto a dead-end road rather than a northbound road.

Herbert Brodt said there are laws regarding a certain amount of road frontage. If you follow those requirements and have the road frontage and sight requirements, why should there be a problem?

Member Peebles said it's just good planning to keep the traffic off the main drag. This Board has seen this several times.

Chairman Nakas said yes, Amidon Rd. is a dead-end road but he believes there is a legitimate point that Webb Rd. will probably never be a main access northbound to Syracuse.

Member Markoff said he has never really noticed a lot of traffic on Webb Rd. other than the folks who live there. He never found it a real hardship.

Chairman Nakas believes it's a long way in off of Amidon Rd. whereas from Webb it's not.

Member Markoff never really found Webb Rd. to be that crowded of a road. He has been to the neighbors property several times and never found it to be a problem to turn in or out of their driveway.

Member Peebles noted there needs to be notes on the map regarding the maintenance of the drainage system.

Herbert Brodt said the note has been added.

Member Peebles confirmed there is an easement.

Herbert Brodt said yes.

Chairman Nakas said he just wishes he knew why County Planning put the modification in there. He said this is a Special Meeting the Board has called to accommodate Mr. Brodt. This was once referred to Onondaga County Planning. They didn't like the map. They called the application incomplete and returned it. The applicant then submitted a better map to them. They then reviewed the material and came back with one modification stating any future subdivision of Lot # 1 must access Amidon Rd. Mr. Brodt feels he would not like to be restricted for access to Lot # 1. He might want to have access to a couple of lots onto Webb Rd. Chairman Nakas visited the site yesterday. He believes the applicant has some legitimate points. He believes access from Amidon Rd. is a long way in whereas access to Webb is shorter. He noted Member Peebles brought up the point that County Planning has stated this before on northbound roads. They don't want a number of driveways on what could become major thoroughfares in and out of Syracuse. He doesn't see this happening on Webb Rd. With that as background, he asked the applicant to make a short presentation.

Herbert Brodt thanked the Board for taking the time out of their evening to accommodate him. He is not happy as he wishes he could be digging right now. He is asking the Town Planning Board to overturn the County Planning Board's decision of August 27, 2005 – Case # OCBS-05-88. It's a fact that at times he uses his neighbors gravel driveway. This has been done since the building was erected. He uses this driveway when he uses his boat. He used it one time last year and twice this year. The new gravel driveway has been approved by the DOT. A copy of this letter is in the Board's possession. What is identified on the subdivision map as Lot#1 is 16.484 acres. Lot # 2 is 2.4 acres. Road frontage starts at Bowers driveway. It's 331.81'. The next 196.19' are Lot # 2 then there are 743.46' remaining on Lot # 1 to Amidon Road. It's clear to him that in order to future subdivide he must comply with the towns regulations, the county's sight regulations as well as the county septic regulations. This is where the regulations ought to stop. He has no plans to subdivide further at this time. The reason he is doing this subdivision is to build a home for his retirement. They need things on one floor. Lot # 1 will be sold. Selling property without being able to access it off of Webb Rd. is unacceptable. The only reason the county or town could refuse an application is if the application is outside of the law. If and when he decides to subdivide further, he will comply with the regulations. The worst driveways regarding sight distance on his property are the two tarvia driveways at his current residence. They are still some of the safest on Webb Rd. or in the county. He showed some pictures of his property to give examples of the sight distance. He also showed the Board pictures of the open field. It's a flat piece of property. Amidon Rd. has less sight distance than Webb Rd. for his

property. If he put a driveway on the 743' stretch, he would have better sight to the north than Amidon Rd. has. It would have better sight to the south than the driveway the County DOT approved for Lot # 2. At this time, if there's any doubt in the Board's mind, he would like to invite all of them to take a look with their own eyes at the property. The property is located at the corner of Webb and Amidon Roads. He has two daughters. One lives in Texas and the other one lives in Florida. One of them has shown interest in returning to LaFayette. Maybe he would like to give her a lot. The county is refusing him to be able to do this. He doesn't think so. How would he make three 750' driveways off Amidon Road. Where would he put them? Who would want to buy them? This doesn't make sense.

Member Peebles said it does. You would put an internal road in or something like that.

Herbert Brodt asked how he would do that? The town doesn't want to have shared driveways.

Member Peebles said you would have to put a cul-de-sac or something like that in and turn it over to the town.

Herbert Brodt said he doesn't want the county to tie his hands.

Member Peebles said the county put a restriction in for planning. The sight distance isn't an issue. It's not for his economic interest. It's for good planning in the future.

Herbert Brodt said the last thing he wants to do is deface his community. It's his belief that 743' would qualify for at least 3-4 lots on Webb Rd. 548' on Amidon would qualify him for 3 lots. He would also like to give a potential buyer the latitude to determine his lot size. County Planning is out of line. He asks the Town Planning Board to over-rule their recommendation. He showed the Board some possibilities for future subdivision of his property. One proposal consists of 5 lots. He showed another option that would make 6 building lots. The proposals could qualify for building lots under the regulations. He doesn't have any plans to sell any lots right now. If his kids come home and want to build, he wants to be able to give them a lot. If anybody would like to go over and look at the property, it's 2 minutes away.

The Board Members were all aware of the property.

Member Bush said if he did decide to subdivide further, it would have to go back to County Planning. With that theory, he wouldn't have a problem overriding the County. It could be different in 10 years. They may prefer driveways on Webb Road at that point.

Herbert Brodt said if he lets this go, County Planning could come back and say he signed off on their modification. It is not his intention to sell lots at this time. He just doesn't want to have the county put the restrictions on him.

Member Peebles said he is not comfortable with overturning this issue. Our attorney called and they were firm on this modification.

Chairman Nakas asked Mary Jo what John Langey and conveyed to her.

Mary Jo said John advised he had spoken with County Planning today and they said they are firm on this modification. The gentleman from the DOT who could clarify why this modification was put in is on vacation until Wednesday. He advised the modification listed would not interfere with the applicants 2-lot proposal before the Board. If the applicant wished to subdivide further in the future, he would have to come back before this Board and the matter could be reviewed at that time.

Herbert Brodt would like to get moving on this project.

Member Peebles said he is not for overturning County Planning.

Member Bush leans towards the homeowner against the county on this.

Chairman Nakas confirmed he wouldn't mind over-ruling County Planning on this.

Member Markoff agreed that he wouldn't have a problem over-ruling them on this either.

Member Bush said if the applicant came in for a future subdivision, it would come before this Board again.

Chairman Nakas said even if 3 of the Board Members are in agreement to overturn County Planning, without Member Peebles being in favor of this, they can't over-rule the county's decision.

Chairman Nakas asked what the applicant would like this Board to do. Would he like to wait until the Board is all in attendance or would he like the Board to decide now.

Herbert Brodt asked to be put on the docket for one more meeting to override the county. It takes 4 out of 5 of the Members to over-rule the county. From the conversation he had with Member Lasky, she would be in favor of over-ruling County Planning. Could he get his building permit now so he could proceed with the project until the Board meets again?

Chairman Nakas said no. He would recommend he get approval of his 2-lot subdivision now and if he comes in for future subdivisions, the modification can be looked at then. This cannot be overturned tonight as there are not 4 votes to do so.

Herbert Brodt was in favor of getting this approved for now so he can get started.

Member's Markoff moved and Bush seconded the motion to appoint this Board Lead Agency, this is an unlisted action and negative declaration in the SEQR process and to grant preliminary and final plat approval of the application from Herbert Brodt for a 2-lot subdivision with the following modification:

- 1) Any future subdivision of proposed Parcel 1 shall access Amidon Road to meet the requirements of the Onondaga County Department of Transportation.

Motion passed unanimously.

Herbert Brodt said he can't understand Member Peebles' opposition. If he were in Herb's position, what would he do?

Member Peebles said County Planning's modification is for good planning. Our Town Attorney followed up on this. That is good enough for him.

Herbert Brodt certainly wouldn't want to insult anybody but when he came to town in 1969, he went to Eleanor Newman's house and paid \$15-\$20 for a building permit. The town worked well. All the sudden, whatever turn you make there is an obstacle in the road and he doesn't think that is right.

Chairman Nakas said his opposition is duly noted.

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

The Special Planning Board Meeting adjourned at 6:50 p.m.

Respectfully submitted,

**Mary Jo Kelly
Secretary**