

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on September 20, 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
Richard Markoff, Member
Barbara Lasky, Member
Brad Bush, Member

Recording Secretary, Mary Jo Kelly

Others present: John Langey, Planning Board Attorney
Joseph Jerry, 120 E. Washington St.
Jeffrey Cohen, Applicant
Ed Keplinger, Developer
Mike Lynch, Rep. For Myers application
Susan Myers, Applicant
Paula Naselli, JRPA
John P Cotsonas, LaFayette
John & Merikay Harper, Applicants
Ed Keplinger, Developer for Applicant
Keith Smith, Applicant
Gregory Scammell, Supervisor
Frank Gordnier, 5881 Sugar Bush
William McConnell, Councilor
Roger Proetorius, 4155 Rte. 91
Sheila Harrington, JRPA
Mark Cohen, Fayetteville
Ryan Cohen, Fayetteville
Ann Chase, JRPA
Ron Scofield, Applicant
Kyle LaTray, JRPA
Karen Brower, JRPA
J C Brower, JRPA
Sue & Gary Scott, Applicants
Timothy Brayman, JTHOA
Jim McKeever, Post Standard
David Broda, JRPA
Bonnie Seemann, JRPA

Chairman Nakas called the meeting to order at 7: 01 P.M. and welcomed everyone. He advised there are a couple of changes to the agenda. Mr. Beardslee will not be here this evening. Mr. Harper will be moved to the top of the agenda as he has a couple of other meetings to be at for the LaFayette Fire Dept. They would like to move the Jamesville Grove application to the end as it might take some time and they don't want to delay others who might be here for different applications. He asked if there were any additions or corrections to the August 16, 2005 Planning Board Meeting Minutes and the Special Planning Board Meeting Minutes of August 25, 2005. There were none. He said the Minutes will stand as submitted by the Secretary.

CASE # 359 - Public Hearing for the application of John Harper for Controlled Site approval of his property located at 5973 Sturgen Dr. approximately 500' west of the Route 11 and Sturgen Dr. intersection in an Agricultural/Residential District. (Tax Map No. 014.-02-16.0).

John Harper said the 16' x 25' greenhouse they have now which is next to the garage is basically in the shade 85% of the day because the trees have gotten so big. They want to make this into a cold storage house for the wintertime. They are proposing a new 24' x 72' greenhouse just west of the two that they have now. This would give them an opportunity to expand a little bit. They are not going to add more product. They just want to space out what they have.

Chairman Nakas asked the size of the new greenhouse.

John Harper said 24' x 72'.

Chairman Nakas said this Board did hear back from County Planning. They did have two comments on this application.

- 1) The applicant shall obtain the approval of New York State Department of Transportation for a grading and drainage plan, to ensure that storm water drainage into the I-81 right of way does not exceed existing drainage, during or post construction.

Chairman Nakas noted Mr. Harper did submit a letter dated September 17, 2005 from Mr. Church of the State DOT advising they see no reason why the proposed development would negatively impact the drainage system within the 81 right-of-way.

- 2) The Board also makes the following comment: as noted on the submitted survey, 'It is a violation of Article 145 of the NYS Education Law to alter any item on this map without the consent of the undersigned surveyor or his successor'.

Chairman Nakas asked the applicant if he were in favor of submitting the same map he submitted to the County or was he planning on submitting a new survey. If any future development should occur, a new map should be prepared. He asked the applicant if he would be filing the one the County Planning Board didn't like or would he prepare a new one.

John Harper said he is just going to file the one he submitted to County Planning. If he should do anything in the future, he would prepare a new map.

The Board was O.K. with him filing the map originally submitted to County Planning.

John Langey said if the CEO has to do any enforcement, he won't be able to help as it's not definitive where the greenhouse will be on the map.

Chairman Nakas asked if there were any comments from the public on 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 Controlled Site Approval for John Harper to erect an additional 24' x 72' greenhouse (in addition to the existing structure presently depicted on the submitted survey dated April 10, 1978 entitled "Map of Part of Farm Lot 74") on his property located at 5973 Sturgen Drive in an Agricultural/Residential District with the following modifications as recommended by the Onondaga County Planning Board:

- 1) **The applicant shall obtain the approval of the New York State Department of Transportation for a grading and drainage plan, to ensure that storm water drainage into the I-81 right of way does not exceed existing drainage, during or post construction.**

- 2) **The Board also makes the following comment: as noted on the submitted survey, “It is a violation of Article 145 of the NYS Education Law to alter any item on this map without the consent of the undersigned surveyor or his successor.”**

Upon canvass of the Board, the votes of its Members were as follows:

James Nakas, Chairman	Voted	Yes
Andrew Peebles, Board Member	Voted	Yes
Richard Markoff, Board Member	Voted	Yes
Barbara Lasky, Board Member	Voted	Yes
Bradley Bush, Board Member	Voted	Yes

Motion passed unanimously.

CASE # 358 - Public Hearing for the 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 Myers own two separate tax map parcels. The house is on one tax map parcel and the well is on the second parcel. They are proposing to move the property line to include the well.

Chairman Nakas said the applicant is really moving a lot line.

Mike Lynch submitted a map dated August 29, 2005 and prepared by Christopherson Land Surveyor.

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

Chairman Nakas noted this application did not have to be referred to County Planning as it is not within 500’ of a state or county road.

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

Member’s Markoff moved and Lasky seconded the motion appoint this Board Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and to grand preliminary and final plat approval on the subdivision known as the “Myers Subdivision” based on the map dated August 29, 2005, and prepared by Christopherson Land Surveyors located in an Agricultural/Residential District .

Upon canvass of the Board, the votes of its Members were as follows:

James Nakas, Chairman	Voted	Yes
Andrew Peebles, Board Member	Voted	Yes
Richard Markoff, Board Member	Voted	Yes
Barbara Lasky, Board Member	Voted	Yes
Bradley Bush, Board Member	Voted	Yes

Motion passed unanimously.

CASE # 357 - Public Hearing for the application of Gary Scott and Susan Reynolds for Controlled Site approval of his 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).

Susan Reynolds said they would like to invite 8-10 people to their home a few times a year for a spiritual retreat.

Chairman Nakas asked if there would be restroom facilities provided.

Gary Scott said yes.

Chairman Nakas was curious if Department of Health approval is needed.

Susan Reynolds said most of the weekend is indoors. There's a sweatbox that would take about an hour for people to be in. They are working with the County Health Dept. on permits now.

Member Markoff asked how far they are from their nearest neighbor.

Susan Reynolds said they have $\frac{3}{4}$ of an acre.

Member Markoff asked if this would interfere with their neighbors.

Gary Scott said he doesn't see there being a problem.

Susan Reynolds said she doesn't even think the neighbors would be aware of them.

Gary Scott said the only difference would be a campfire in their backyard.

John Cotsonas said he lives across the street and wouldn't see it from his house.

Chairman Nakas asked for any other comments.

John Langey asked what type of permits they would be getting from the County Health Dept.

Susan Reynolds said because of the overnight stay, they are like a bed and breakfast but since they are only serving 3 meals over the weekend, they don't really qualify as one. The Dept. of Health is trying to figure out what permits they need.

John Langey asked if the Health Dept. looked at the septic system.

Susan Reynolds said yes. They looked at the water and septic. They are looking at a temporary residence permit.

Gary Scott said there is also criteria of a religious retreat which they stayed away from.

Chairman Nakas doesn't believe this Board can take action until it hears back from the Health Dept.

Susan Reynolds said actually the Health Dept. asked for the Board's approval first before they go forward.

Chairman Nakas thinks it would be best to get the public hearing over this evening and to act at the next meeting once the Health Dept. has reviewed this.

Gary Scott asked if they could have a gentleman's agreement that the Board is aware of this and will take action once they come back with the necessary approvals.

Susan Reynolds said the only problem is that they would like to have a retreat in October.

Member Peebles asked about the parking for the 8-10 people that would be attending.

Susan Reynolds said they have plenty of parking on their property.

Member Peebles asked the hours of operation.

Susan Reynolds said from noon Saturday to noon Sunday.

Chairman Nakas asked about overnight hours.

Gary Scott said everything would be wrapped up by 10:00 p.m.

Member Peebles asked what months of the year they would be doing this.

Gary Scott said he would like to try it 4 months a year.

Member Peebles said they wouldn't be doing this every month then.

Susan Reynolds said one time a month during the summer.

Member Peebles said stating once a month gives the community an idea of what kind of activity will take place.

Susan Reynolds said one weekend a month at the most.

Gary Scott asked for the Board to take action tonight as this is what the County Health Dept. has asked them to get.

Susan Reynolds said it seems like the only problem with the Dept. of Health is which permits they will need. They County Health Dept. has talked to the State Health Dept. as they are confused which permits to grant so they didn't want to go further without knowing if the Board would approve this.

Member Peebles asked if there would be any structures.

Susan Reynolds said nothing permanent. The lodge would not be permanent, it can be taken down.

Member Peebles asked about lighting.

Gary Scott said they would have to have exit lights.

Member Peebles said the Board is concerned about lighting spilling over onto the neighbors property.

Gary Scott said there would be none. There would be very little noise, no alcoholic beverages, etc.

Frank Gordnier said he knows the area they are referring to. It's visible but not right out in the open. His property is probably the only one that would view it.

Chairman Nakas asked if he is O.K. with this.

Frank Gordnier said yes. They have had gatherings there before and it hasn't bothered him at all.

Susan Reynolds said it's possible they might have people driving in from out of state who might want to arrive Friday evening just to sleep.

Chairman Nakas asked for any further comments or questions from the public or the Board. There were none.

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

Member's Peebles moved and Bush seconded the motion to appoint this Board Lead Agency, this is an unlisted action and a negative declaration in the SEQR and to grant Controlled Site Approval to Gary Scott and Susan Reynolds for the operation of a Spiritual Retreat on the property owned by the Applicants located at 5883 Sugarbush Drive in an Agricultural/Residential District subject, however, to the following conditions:

- 1) **All operations and construction shall be in strict compliance with the site plans prepared by and submitted by the Applicants as last revised, including all submitted materials and all representations made by the Applicant.**
- 2) **Hours of operation of the use shall be constrained to weekends only, 6:00 p.m. Friday to 2:00 p.m. Sunday for one weekend per calendar month.**
- 3) **The Applicant must first demonstrate all necessary wastewater disposal approvals and food service approvals from the appropriate State and/or County agencies.**
- 4) **No more than ten individuals shall participate in the retreat per weekend.**

- 5) **No lighting shall be allowed to spill onto neighboring properties or roadways.**
- 6) **Campfires shall be controlled and located centrally in the rear yard; and**
- 7) **There shall be no on-street parking.**
- 8) **There shall be no permanent structures.**
- 9) **There shall be no signs.**

Upon canvass of the Board, the votes of its Members were as follows:

James Nakas, Chairman	Voted	Yes
Andrew Peebles, Board Member	Voted	Yes
Richard Markoff, Board Member	Voted	Yes
Barbara Lasky, Board Member	Voted	Yes
Bradley Bush, Board Member	Voted	Yes

Motion passed unanimously.

CASE # 360 - Continuation of application by John Beardslee for a 4-lot subdivision of his property located on the west side of Commane Rd. approximately 3000’ north of the Sentinel Hgts. Rd. and Commane Rd. intersection in an Agricultural/Residential District. (Tax Map. No. 022.-05-12.1).

Chairman Nakas noted Mr. Beardslee will be on the agenda for a public hearing at the next Board Meeting.

CASE # 361 - Application of Keith Smith for a 2-lot subdivision of his property located on the north side of Chase Rd. approximately ½ mile north of the Chase Rd. and Collins Rd. intersection in an Agricultural/Residential District. (Tax Map No. 011.-03-02.2).

Keith Smith was present. He said he wishes to subdivide off one corner of the 48 acre parcel for his son to build a house. He presented a map dated 1989 and updated in 1991 prepared by Christopherson Land Surveyor. His father was originally going to subdivide lots off for the kids. This map is just so the Board can see what he is proposing to do. He is having a new survey prepared by Christopherson Land Surveyor.

Chairman Nakas noted the names of the neighboring property owners must be shown on the map. He asked if the land has been perked yet.

Kevin Smith said yes.

Chairman Nakas asked if Christopherson will be doing the septic design.

Kevin Smith said yes. It’s all in the works.

Member Peebles asked if there is any seasonal streams on the property.

Kevin Smith said there are no streams but he has a pond.

Chairman Nakas said the Board would want to see this on the map. He said this can be scheduled for a public hearing next month if the updated survey is received in time to send it to County Planning.

CASE # 362 - Application of Ron & Margo Scofield for a 2-lot subdivision of their property located at 1701 Route 11 south approximately 200' before Tully Town Line on the west side Rte. 11 in an Agricultural/District (Tax Map No. 012.-01-12.1).

Ron Scofield was present. He showed the Board a map dated January 31, 1996 prepared by Christopherson Land Surveyor so they could see what he is proposing to do.

It was noted part of the land is in the Town of Tully.

Ron Scofield said he called the Town of Tully today and is waiting to hear back from them..

John Langey asked him to have whoever he talks to contact John also so this can be coordinated with the Town of Tully.

Chairman Nakas said if he can get the new survey to Mary Jo in time, this can be scheduled for a public hearing next month.

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).

Chairman Nakas said this is a 10-lot subdivision with 8 lots as actual building lots..

Joseph Jerry said they are extremely glad to have arrived at this particular point in their application this evening. This has been a very very long and rocky road. They thank the board for their indulgence with all that has happened. He believes they are at a point now where the Board can approve their application as they have done everything conceivable to address every concern. There was one issue that they thought was not an issue and that was a question of ownership of all the lands on the application. They have corresponded with OGS regarding the blue line. In June they received a letter from the General Services stating they didn't want to be an involved agency as they had no interest. As a result of a letter written on behalf of this Board to OGS, the letter which came back unequivocal. They had a conference call with OGS, their client, the land surveyor and John Langey. This was resolved by a letter from the attorney at OGS to the effect that in the event there were issues related to the blue line, they would be happy to sell whatever they own along the shoreline of the subdivision to his client and there is a procedure that the applicant would be looking to apply for a quick claim deed. They agreed to do this and sent a letter to OGS the next day stating they are in agreement to do this. If there was an issue related to the blue line there is now no issue. They asked the Board to look at all their valiant efforts to overturn all issues but they are very positive relative to the 8 developable lots that they are going to have for the town. They think they will have a positive impact on what they develop there. They think this town, other Boards the town and the residents will be very pleased. They request the Board look at their application favorably this evening so they can go forward.

Chairman Nakas asked for any comments from the Planning Board.

Member Peebles would like to know what a quick claim letter patent to the owner is.

John Langey said the state is offering in their letter of September 15, 2005, to sell by quick claim letter patent to Mr. Cohen whatever interest they may have on the lands that fall within the subdivision map they received. A quick claim letter patent means the state will not warrant or stand behind what they sell them. It doesn't include anything not shown on the subdivision map. Someone else could come forward and say they own the property. They are saying whatever interest they do have, they will sell to the applicant.

Member Peebles said it must be within the map boundaries which are all the way up to the reservoir.

John Langey said the subdivision land is the land within the outward boundaries of the subdivision map. He explained how the conference call came to be. Each side felt they owned the lands in question. Finally, the attorney for the state said they would do a quick claim. The lands will be appraised by the state and the applicant has agreed to negotiate the price and purchase it. If the applicant should decide they will not purchase the land, the subdivision will not take place. This would be a condition of the approval of the subdivision.

Member Peebles confirmed the state will sell whatever land they own to the applicant.

John Langey said correct.

Member Markoff asked about the letter that came from the JRPA stating there might be some monuments that are not uncovered and should be to have an accurate survey.

John Langey said if the state agrees they will sell whatever land is within the subdivision map, that is all that can be asked for. He believes the land was in dispute until the state agreed to sell the land. It doesn't matter where the monuments are located as long as the applicant purchases the land within the subdivision.

Member Markoff asked if Moncrei Survey could be inaccurate. Whose survey is right?

John Langey said they never determined whose survey was right and whose was wrong but the state agreed to sell the land.

Member Markoff just wonders which survey is correct.

John Langey said the JRPA is stating Mr. Moncrei's survey failed to take in the monuments.

Joseph Jerry said there is only one survey. The state hasn't done a survey.

A resident asked if the state would be doing a survey.

John Langey said they sent him a colored map. The bottom line was John Langey said he wasn't going to direct this Board to approve a subdivision unless the state sends a letter stating they are going to sell the land and the applicant sends a letter stating they will purchase the land in question. As far as he was concerned, the state is the only one who had a claim to the property. The Board has been wrestling with all the environmental issues associated with this property. The applicant's attorney has sent a letter stating the board has had long enough to make a determination. Tonight the Board will either approve, disapprove or approve with modifications or conditions. The applicant has stated they want a decision tonight. The Board is at the point now where they need to review the SEQR and make their findings.

The Board reviewed the SEQR.

John Langey asked the applicant if construction of the 8 building lots would take place over the next one to three years.

Jeff Cohen said yes.

Impact on well quality and quantity was discussed.

Member Bush said the water studies showed there was no problems with the water supply.

Member Markoff said there was more than enough evidence that there is enough water.

Member Peebles was happy with the evidence. He thought the results showed a more than adequate test.

The Planning Board agrees there is sufficient proof that an adequate water supply exists to support this development without adversely affecting the existing wells in the area.

Impact on archeological resources was discussed.

Chairman Nakas doesn't think there is anything more this Board can ask of the applicant. The state has made a recommendation. The state has already decided this is not an archeological sensitive area at this time. He doesn't think it would be the correct position for the town to take to overrule the states decision. They have done all the studies. He doesn't know what else this Board could ask them to do.

John Langey said the only other option the Board has is to ask them to do the study on the remaining lots.

Chairman Nakas believes that could be done if a further subdivision were to take place.

Member Peebles said we are basically stating there would not be any archeological disturbances on lots 1 through 8.

John Langey said you must also state there is no archeological impact on the two larger pieces. The applicant is stating they are not planning on doing anything to the larger parcels at this time. He would recommend for any subdivision approval given, that the applicant comes back to this Board again for future subdivisions and that a SEQR approval, etc. be done. He said the applicant is on record stating they agree if and when they come in to do the two larger pieces, they will not dispute the necessity for the archeological study which is in Nancy Herter's letter.

Joseph Jerry said they are on record for this.

Member Lasky said if this were done in future stages, no matter how small, they would have to go through the complete process.

John Langey said yes. Even if they want to put in one house, they would have to come back before this Board and do a full review.

Chairman Nakas asked if the Town Board hasn't done anything like rescind the authority of the Planning Board to act on applications of 3 lots or less.

John Langey said not at this time.

Chairman Nakas asked if it is still under discussion.

Supervisor Scammell said yes.

Chairman Nakas believes there is some discussion on 2-lot subdivisions and that they would not have to come before the Planning Board.

John Langey said it will be noted on the map that no matter how few lots might be proposed in the future, they will have to come back before this Board. He will have the applicant draft a covenant for the benefit of the town. This will be a condition of the approval. The applicant would have to apply for an amended subdivision or full subdivision approval and a full SEQR and archeological study must be done.

Member Peebles would like the roadways indicated as on the plan.

It was determined that the proposal limits disturbance to only those lots 1 through 8, plus roadways as indicated on the plan and will have no negative impact on archeological resources to the region.

Impact on drainage on Reservoir and wetlands was discussed.

Ann Chase said their engineer from Sterns and Wheeler has said the Best Management Practices as proposed by the applicant's engineer are not acceptable.

Chairman Nakas said this Board will stand behind the Town Engineers recommendation.

John Langey said the Town Engineer will follow this closely and be sure any changes or modifications are made that would be required.

Ed Keplinger said his office has worked closely with the Town Engineer through this process.

A resident asked if the stormwater prevention material would have to be approved by the state.

Ed Keplinger said you apply for the permit and the permit certifies that you have complied with the regulations.

Chairman Nakas believes the potential for nutrient loads into the lake has been satisfactorily addressed by the applicant. He said regarding the condition that the map and deeds to all properties shall include a restriction to home owners limiting each individuals building lot to one lawn fertilizer, herbicide and pesticide application per year per household, he is not really in favor of this. It states how a couple of property owners should take care of their property but doesn't require how any residents on the rest of the reservoir take care of theirs. He doesn't think we want to get into this. It's not enforceable.

The Board agreed with Chairman Nakas on this.

John Langey said the approval of the subdivision would be conditioned upon the maintenance schedule provided in the SWPPP which only encompasses the 8 lots. The purpose of forming the drainage district is to collect the costs involved.

The Board agreed that there will be no potential negative drainage impact on the reservoir and wetlands due to the proposed action and that the proposed drainage improvements will adequately protect the environment.

Member Bush believes they have overcome this.

Chairman Nakas said they have done what any construction company could do to mitigate any flow of water onto the wetlands or Reservoir. He supports the Town Engineer's determination.

Impact on the wetlands was discussed.

John Langey said only people within the 8 lot subdivision could use the private access easement to the water. This would not be open to the public.

It was noted the applicant has agreed to not market the lake access property to individuals outside the subdivision.

Chairman Nakas asked what this meant.

John Langey said it will not be used for a public launching spot.

Member Bush said you really can't launch anything from here.

Impact on Sanitary leach fields was discussed.

It was noted Onondaga County DOH has indicated on or about April 14, 2005, that due to the conditions of the presence of clay in the area, alternative septic systems may be required.

John Langey asked the applicant if he knew yet whether or not he would need to adjust his lot lines.

Ed Keplinger said they are pretty sure they are close to where the lines are. They think they can make it work.

Member Peebles asked if it should be a condition that none of the lot lines touching the larger parcel should be changed.

Ed Keplinger said they believe they can work within the lines now. They are talking about a possible 10' shift.

John Langey said the Board's concern is if they have to change one lot line on a small lot, it could have a domino affect.

Chairman Nakas asked if they did have to change lot lines to causing a lot to be less than 60,000 square feet, would they have to go to the Zoning Board of Appeals for a variance?

John Langey said yes but they would also have to come back before this Board for a amended plat approval and would also have to do SEQR.

It was agreed that no boundaries of the larger parcel shall be moved.

Demonstration of Ownership was discussed.

Chairman Nakas senses the state took a position, reversed this decision and took another position and then took a third position. It now seems a solution has been made between the state and the applicant. Now, for lands involved, the state is willing to sell the land involved and the applicant is willing to buy it.

John Langey said the final subdivision will not be filed until we know the applicant has acquired the quitclaim by letters of patent from the state.

Chairman Nakas said there would only be a problem if Mr. Cohen would refuse to purchase the land.

Member Peebles said if he refuses to purchase the land, this whole subdivision is gone.

Member Markoff asked if the applicant would have deed to the land if he gets the quitclaim letter of patent.

John Langey said the state will be saying they don't own it any more. Anyone can come forward to say they own the land.

Member Markoff asked if John Langey is O.K. with this as the Town Attorney.

John Langey said he is satisfied that the sale is O.K. With the record he has in front of him today, he is O.K. with this.

Member Markoff asked if someday down the road, someone could come forward and say they own the property.

John Langey said the state claims they own this land. Based on the facts in front of him today, he is O.K. with this.

A resident said everyone on the Reservoir has a deed for their blue line but they can't do anything with it. They have always been told they can't disturb it or change the blue line property.

Member Peebles said this proposal doesn't do that either.

Ann Chase asked if they can request the blue line be determined by digging for the monuments.

John Langey said as long as the state is going to give the applicant the land within the subdivision, it makes the blue line not an issue.

Ann Chase said it does make a difference because it could be 3 acres.

John Langey said they are quitclaiming everything within the subdivision map that the state thinks they own.

Ann Chase asked if the price isn't determined by the size of the parcel.

John Langey said this Board can't determine the price of the land.

The Board was in agreement they are O.K. with this.

Impacts on Indiana Brown Bat were discussed.

The Board was in agreement that there will be no negative environmental impact caused by the proposed action upon the environmental resource of the Indiana Brown Bat.

Impacts on transportation resources were discussed.

The Board was in agreement that there will be no potential negative impact on transportation resources.

Segmentation was discussed.

It was noted all vehicles and construction machines will be kept off the two residual lots.

Chairman Nakas would recommend a condition state no breaking of ground will be done on the larger parcel.

John Langey suggested no soil disturbance. If this Board is not going to make the applicant do an archeological study on this parcel, it has to determine what can be done on it.

It was decided nothing would be allowed on the larger parcel that in any such way would disturb the soils. All construction activities or vehicle necessary relating to the construction will be kept off the lots not approved as building lots.

Chairman Nakas asked who would determine if this is segmentation.

John Langey said a court of law.

Member Bush said he is comfortable that this is a stand-alone subdivision

Chairman Nakas said the whole issue of segmentation was really brought about by the fact that there was no archeological study of the two undeveloped lots.

John Langey said that is correct. Everything this Board looked at up to the archeological study was done on the entire site. If there are archeological issues, it makes future development of the larger parcels very difficult.

Member Bush thinks when Nikki Waters was here she didn't feel it was a big issue.

John Langey said the courts have ruled in some cases segmentation is illegal and other times it's O.K. based on the facts.

Member Peebles is happy with the way it sits right now. Environmentally the parcels has been treated as a whole. The aspect related to segmentation with what we are

on as far as looking at the second parcel is a condition upon development no different then getting a Health Department to approve your septic prior to developing. He doesn't see this as a segmented application. He sees it as an application put together as a process.

The Board agreed the proposed 8 building lots with 2 residual lots may be considered separate and apart from the potentially speculative request for a Phase 2 of the project at this time.

Member Peebles was curious about the stormwater prevention and SPDES, does it cover the remediation of the building there now?

Ed Keplinger said it's in effect when there's 1 acre or more of ground disturbance. Taking down a building doesn't create a disturbance. Even if all the buildings were combined, it wouldn't be an acre.

Member Peebles would like to hear from the applicant what measures are being taken regarding the buildings being removed that are there now.

Ed Keplinger said some of the material is being removed and put in dumpsters and some is being recycled.

Member Peebles said nothing that would be ground up will end up in the Reservoir.

Ed Keplinger said no.

John Langey asked about the old septic system.

Ed Keplinger said no. The septic system has not been in use for greater than 2 years and the DEC would determine it to have taken care of itself.

John Langey asked about the old tank.

Ed Keplinger said it will either be removed or you can punch a whole in it and fill it with stone.

John Langey said the existing content would be pumped.

Ed Keplinger said yes.

Chairman Nakas said there were 9 issues here and he can't think of anything that was left out. It doesn't appear that this Board has any problem approving the recommendations discussed.

Member Peebles said from the environmental aspect, he is comfortable with this application. He feels the applicant has very adequately met all the requirements.

Ann Chase said it's her understanding that the Planning Board does not have the right to grant a variance for the cul-de-sac and that it has to go before the Zoning Board of Appeals.

John Langey said it's not a variance, it's a waiver. Subdivision Regulations have different criteria. A waiver process is found in the Town of LaFayette's Subdivision Regulations.

Ann Chase asked why they have regulations if they are going to waive them.

A resident said on the Onondaga County Planning Board's resolution, it stated the road would be a temporary roadway and the hammerhead would be temporary.

John Langey said if this Board were to approve this subdivision, it would be doing it subject to the entire list of conditions that County Planning Board mentioned.

Member Peebles noted they only reference that the current driveway on Route 91 must be closed.

Chairman Nakas moved and Member Bush seconded the motion to accept and adopt the SEQR Findings as reviewed by the Planning Board this evening. Motion passed unanimously.

Member Bush moved and Chairman Nakas seconded the motion after lengthy discussion to grant preliminary plat plan approval for the Grove Subdivision based on the Preliminary Plat Plans prepared by Keplinger Freeman Associates,, LLC dated August 11, 2005 and the Preliminary Site Plan (L-2) Road Profile (L-3), Stormwater Pollution Prevention Plan (L-4) and Site Details (L-5) contained therein; and it is further

RESOLVED, that the aforesaid approval of the preliminary plat plan is subject to the following conditions:

- 1. Pursuant to the Town of LaFayette Subdivision Regulations and Town Law Section 277, a Performance Bond will be required for security for the construction of all roadways, drainage facilities and other systems supporting the proposed subdivision.**
- 2. Construction inspection of all the proposed roadways and utilities will be conducted by the Town of LaFayette and its consulting engineer at the sole cost and expense of the Applicant subsequent to Final Subdivision approval. Specific cost estimates shall be determined by the Town and its consulting engineer.**
- 3. Final Onondaga county Health Department review and approval of individual septic disposal systems shall be filed with the Town and reviewed by the town engineer and deemed acceptable to him.**
- 4. filing and receipt of all New York State Department of Environmental Conservation SPDES permits and approved SWPPP applications.**
- 5. Verification of New York State Department of Transportation road access cut permit.**
- 6. All construction after final subdivision approval will occur and be limited between the days of Monday through Friday from dawn to dusk, with occasional construction on Saturdays as needed between the hours of dawn and dusk. More particularly the construction hours will be specifically limited between the hours of 7:30 a.m. and 7:00 p.m. during the weekdays and the hours of 7:30 a.m. and 6:00 p.m. on Saturdays.**
- 7. The following modifications as outlined in the Onondaga County Planning Board's Resolution of July 26, 2005 are hereby made conditions to this approval:**

- **The existing driveway on Route 91 must be closed to meet the requirements of the New York State Department of Transportation.**
 - **Town approval shall be contingent upon approval of septic systems for all proposed lots by the Onondaga County Health Department.**
 - **Town approval shall be contingent upon demonstration of the capability to provide adequately potable water for each proposed lot.**
 - **Lots 9 and 10 must each be labeled “This parcel has not been reviewed by the County Health Department for residential development.”**
 - **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.**
 - **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.**
 - **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.**
- 8. The developer will provide to the Town Attorney for his review and approval a Covenant to Run with the Land in favor of the Town of LaFayette restricting the development of the remaining portions of land (the residual lots) to the following prerequisites:**
- **Review and approval by the Town of LaFayette Planning Board of a full application for subdivision or amended subdivision approval of the residual lots.**
 - **Full SEQR Environmental Review of the residual lots including, but not limited to, the submission of a full and complete Phase IB Archeological Field Reconnaissance Field Report deemed acceptable to the New York State OPHRP.**
- 9. A notation shall be placed upon the subdivision plat plan that access to the reservoir over lot 8 shall be a private access easement such that**

there should be no general access to the waterway for the general public (i.e. the lot 8 easement shall not become a commercial launching point or commercial beach).

- 10. All conditions noted in correspondence of New York State Department of Environmental Conservation (Kevin R. Bliss, Senior Environmental Analyst) dated April 18, 2005 shall be observed. More particularly, the Applicant shall obtain a Freshwater Wetland Permit to allow for demolition and removal of existing structures currently within the 100 foot Department of Environmental Conservation regulated wetland adjacent area. A silt curtain must be properly installed between the work site and the water's edge such that all debris and disturbances shall be confined to the worksite. All debris shall be removed to an upland site for disposal, reuse or stabilization. No burning or burial of debris shall be allowed. Exposed soils shall be stabilized with grass seed and mulch immediately upon project completion.**
 - Pursuant to the recommendation of the Department of Environmental Conservation, the Applicant shall preserve the "small wetland area" located in the area adjoining the washed-out dirt road where Hillside Springs saturates the hillside and the lower area towards the back portions of the lots 1 and 2.**
- 11. Submission and acceptance by the Department of Environmental Conservation of an appropriate stormwater Notice of Intent.**
- 12. A notation shall be placed on the map stating that no construction shall take place within 100 feet of any delineated wetlands without prior written permission and approval of the New York State Department of Environmental Conservation.**
- 13. The Applicant shall acquire ownership of and title to those lands which may have been held by the State of New York pursuant to its claim noted in the letter of the Office of General Services dated September 15, 2005. The Applicant must demonstrate the acquisition of ownership and title prior to the granting of any final subdivision plat approval with relation to the subdivision.**
- 14. There shall be no construction upon the labeled "residual lots" and there shall be no parking of vehicles or construction equipment or other related machinery upon same. The Applicant will ensure that there shall be no soil disturbance or regarding of the two residual lots.**
- 15. All existing buildings and other structures shall be removed and the debris from same properly treated and disposed.**

16. **No construction shall take place in any wetland areas without prior written approval from the New York State Department of Environmental Conservation.**
17. **The Applicant shall take steps necessary to cause the formation of a drainage district serving the subdivision. It is a specific condition of subdivision approval that the formation of a drainage district and the provision for easements to the Town be first obtained by the developer prior to any construction.**
18. **The Applicant shall take all necessary measures to provide for dedication of the proposed roads and easements and for all other public improvements as depicted on the subdivision map**
19. **The Applicant shall provide correspondence from the School District indicating that the proposed bus turnaround is adequate for school buses.**
20. **The Application shall comply with all SPDES Phase II Regulations prior to and during construction.**
21. **The Human Remains Protocol as identified by OPRHP in its correspondence dated February 10, 2005 shall be placed as a note upon the preliminary plat and final subdivision maps and a copy of said protocols shall be provided to all construction workers working on the site. Said protocols shall be strictly adhered to by the Applicant and his agents.**
22. **No portion of any proposed drainage easement shall be within the existing Niagara Mohawk Easement.**
23. **The Applicant will comply with all other Town of LaFayette Zoning and Subdivision Regulations.**
24. **It is specifically understood that this approval is strictly conditioned upon the developer's consent that the preliminary plat approval is for a 10 lot subdivision, 8 of which lots will be deemed building lots, 2 of which lots (the residual lots – lots 9 and 10) shall have no construction during any phase of construction of the 8 lots or creation of the roadways and drainage improvements for the subdivision. It is further understood that the Town of LaFayette's Subdivision Regulations and the New York State SEQR process shall be observed and undertaken with regard to any future or potential use of the 2 residual lots and a note on the subdivision map shall be added to advise all owners of this restriction. The developer agrees to perform**

a full archeological study deemed to be acceptable to the Town of LaFayette Planning Board and the OPRHP prior to any potential approval of the use of other said undeveloped lots. Absolutely no building permits shall be issued for the 2 undeveloped lots under any circumstances without the above referenced conditions having been met in full and all other Town of LaFayette Zoning and Subdivision Regulations having been first complied with or any other applicable local or state regulations.

25. A notation shall be placed upon all lot deeds, subdivision covenants and the preliminary plat plan for lots 4 and 8 regarding the requirement for the need to obtain an original DEC permit for the disturbance proposed by property owner that is not part of the original development permit as noted in the correspondence of Dunn and Sgromo Engineers dated June 20, 2005.
26. 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.
27. With respect to DEC controlled wetlands, the applicant has
28. mapped the aforesaid wetlands and a notation will be placed upon the map that there should be no construction within 100 feet of the wetlands without the prior written consent of the New York State DEC and any other controlling agency.
29. The applicant has proposed that where necessary individual septic design proposals will include potential alternative systems. The Town of LaFayette Planning Board hereby conditions subdivision approval upon final approval by the Department of Health of such individual septic design systems.
30. Where alternative systems may be required some lot line adjustments may need to occur. No lot line adjustments shall be made which will impact or modify in any way the proposed residual lots (lots 9 and 10).

RESOLVED, that except as specifically permitted by the subdivision regulations of the Town of LaFayette, no site work shall be performed and no building permits or certificates of occupancy shall be issued until all of the foregoing conditions have been satisfied nor until final plat approval has been granted, and it is further

RESOLVED, that such approval is also conditioned on payment to the Town of LaFayette of the monies in lieu of land for park or recreational purposes as required by the Subdivision Regulations of the Town of LaFayette; and it is further

RESOLVED, that while Section 505 of the Town of LaFayette Subdivision Regulations states that “dead-end roads, designed to be so permanently, shall not be

generally approved”, under the circumstances and submissions made, the Applicant has demonstrated no potential harm from the proposed length of the cul-de-sac beyond the general limitation of 500 feet such that within the application is an appropriate case for approval of such a waiver of the general rule; and it is further

RESOLVED, that pursuant to the Town of LaFayette Subdivision Regulations and the Town Law Section 277 the Town of LaFayette Planning Board hereby waives the limitations on cul-de-sac lengths in excess of 500 linear feet such that the cul-de-sac depicted in said preliminary plat plan is deemed acceptable for the reasons outlined in the attached SEQR Findings document identified as “Cul-de-sac Length Safety”, it being determined that in this case, such requirement of Cul-de-sac Length is not require in the interest of the public health, safety or general welfare as provided; and it is further

RESOLVED, that the Zoning Officer is hereby authorized and directed upon payment of any required and/or outstanding fees to issue such permits and certificates and to take such other action as may be required to effectuate and enforce this Resolution; and it is further

RESOLVED, that except as specifically permitted by the Subdivision Regulations of the Town of LaFayette, no site work shall be performed and no building permits or certificates of occupancy shall be issued until all of the foregoing conditions have been satisfied (and final plat approval has been granted); and it is further

RESOLVED, that this approval is subject to any appropriate agreements being entered into by the Applicant and the Town of LaFayette as directed by the Town Attorney and it is noted by the Planning Board that the within approval shall not operate as a precedent for any future approvals.

The question of the adoption of the foregoing Resolution was duly put to roll call vote, which resulted as follows:

James Nakas, Chairman	Voting	Yes
Andrew Peebles, Board Member	Voting	Yes
Richard Markoff, Board Member	Voting	Yes
Barbara Lasky, Board Member	Voting	Yes
Bradley Bush, Board Member	Voting	Yes

Motion passed unanimously.

Member Peebles does not like waiving the cul-de-sac requirements. On this application,, he agrees with this because of the natural boundary created by the Reservoir. As a Planning Board Member, he thinks approval of this waiver should be granted. There’s no potential road out of the backside of this property. It would go into the water.

Joseph Jerry said he appears before Planning Board’s all over the state and believes this Board and Counsel have done the most diligent job that he has ever seen and have really let the public become part of the process.

Member’s Lasky moved and Chairman Nakas seconded the motion to adjourn. Motion passes unanimously.

The Planning Board Meeting adjourned at 9:55 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

10/18/05 Chairman Nakas called the meeting to order at 7: 01 P.M. and welcomed everyone. He asked if there were any additions or corrections to the September 20, 2005 Planning Board Meeting Minutes. Member Bush said on page 6 it should read Keith Smith in place of Kevin Smith where applicable. There were no other corrections. The Minutes will stand as corrected