

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on December 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: Kevin Gilligan, Planning Board Attorney
Steven Middleton, Applicant
Ralph Lamson, CEO
Brian and Carrie Ganoe
Albert Nurse, Applicant
Paul Zumpano, Applicant

Chairman Nakas called the meeting to order at 7: 00 P.M. and welcomed everyone. He asked if there were any additions or corrections to the October 18, 2005 Planning Board Meeting Minutes. There were no corrections or additions. The Minutes will stand as submitted by the Secretary.

CASE # 363 - Public Hearing for application of Kathy Tily for a resubdivision of her property located at 4153 Apulia Road approximately ½ mile south of the Coye Rd. and Apulia Road intersection on the west side of Apulia Road in an Agricultural/Residential District. (Tax Map No. 003.-01-09.1).

Steve Middleton was present to represent Kathy Tily. He said basically years ago in the Ferro track there were 3 parcels. Mrs. Tily purchased two of them and he purchased the other one. Since that time she made her two properties into one. He approached her to buy a portion of her lot so he can do something to the spring and alleviate some of his water problem

Chairman Nakas said he wants to move the property line 36’.

Steve Middleton said he would like to move his south border 36’ south.

Chairman Nakas said these lots are now and will still be very much undersized lots. Because they have been here several years, they are exempt.

Kevin Gilligan said they are non-conforming lots now and would continue to be non-conforming. In order to adjust any lot that is undersized, he would need a variance from the Zoning Board of Appeals.

Chairman Nakas asked if the area is going to be undersized after this and was undersized before this, what would the Zoning Board of Appeals have to do with it?

Kevin Gilligan said because you are adjusting a non-conforming use, a variance is needed.

Member Peebles asked if the current large lot is undersized too.

Chairman Nakas said yes.

Ralph Lamson said they would both continue to be undersized. You are talking about half acre parcels.

Kevin Gilligan said the overall boundary would not change. The lot lines will change. Because you are changing two non-conforming lots, the applicant will need an area variance from the Zoning Board of Appeals. They have to baptize the flip. The Board can't act on this tonight anyway as they haven't heard back from County Planning. The applicant could fill out the paperwork and get the Zoning Board of Appeals application going. They should be able to schedule a public hearing for it rather quickly. Under the law, the variance must be granted prior to this Board granting the subdivision. We just need to be sure from a legal standpoint we go through the right steps.

Chairman Nakas asked if there were any other questions or comments. He asked if there is a way to waive hearing back from County Planning prior to making a decision.

Kevin Gilligan said no.

Member Peebles said for most applications this map isn't what we would look for but for this application he thinks it would be fine. He can't think of anything else he would ask of the applicant.

Member Lasky said as long as there are no utilities in the area.

Steve Middleton said there are none. He advised they are on East Syracuse Water so there are no wells.

Chairman Nakas noted these sites have been in existence for 80 years.

Kevin Gilligan said the Board could do the SEQR tonight if they would like to.

The Board reviewed the SEQR.

Chairman Nakas moved to make this Board Lead Agency, this is an unlisted action, the Zoning Board of Appeals is an involved agency and this Board will proceed on an uncoordinated basis and render a negative declaration in the SEQR process. Member Lasky seconded the motion. Motion passed unanimously.

CASE # 364

Sketch Plan Conference for application of Paul Zumpano for a 5-lot subdivision of his property located between Route 11 North, Orchard Lane and Webb Road in an Agricultural/Residential District. (Tax Map No. 022.-03-06.1)

Paul Zumpano said he wants to have 4 separate lots. The county had given him a recommendation that one additional lot would be agricultural as far as they are concerned and it wouldn't be developed.

Chairman Nakas said it would be less hassle with a minor subdivision.

It was noted there would be a total of 5 lots.

Paul Zumpano asked if there are other requirements if he does a major subdivision rather than a minor one. He has letters of approval from the state and county providing the Town of LaFayette approves the subdivision.

Chairman Nakas said he will need approval from the D.O.T. for the driveway cuts and approval from the County Health Dept. for the septic designs.

Paul Zumpano found out he is in the Onondaga County Watershed so the DEC has required him to do a Pollution Control Plan. The waterflow from his property eventually flows into Onondaga Creek. He was following up with the SPDES Permit when he found this out.

Member Bush confirmed he had spoken to the DOT about the driveway cuts.

Paul Zumpano said yes. They have approved the cuts. He just wanted to get a general feel from the Board before he gets a completed survey with the septic and elevation. He is hiring someone to do the Stormwater Pollution Plan.

Chairman Nakas asked if this was triggered because of the disturbing more than an acre of land.

Paul Zumpano said not really because he is under 5 acres but more because he was in the Onondaga County Watershed.

Kevin Gilligan said if someone is disturbing over one acre, it's triggered. If not, it's just a drainage issue for the town to look at.

Chairman Nakas said this seems to suggest that even if you are not disturbing over one acre, if you are in the watershed, it triggers it.

Kevin Gilligan said it could.

Member Peebles asked if the Board would ignore the previous approval of the Piazza Subdivision as they never filed the map with the county or went forward with it.

Kevin Gilligan said yes because if someone doesn't file with the county within 90 or 120 days, it is considered void. He asked on Lot # 1, what is the setback line.

Chairman Nakas asked on Lot # 1, how far is it from the lot line to the barn?

Paul Zumpano said he purchased the land with the barn in that location.

Ralph Lamson said the barn has been there a long time.

Chairman Nakas said the applicant will need to have a survey done, septic designs, DOT approvals for the driveway cuts, and the SPDES Plan.

Paul Zumpano asked if he could come back in February rather than in January.

Chairman Nakas said whenever he would like to get back on the Agenda, just let Mary Jo know. If the applicant can get Mary Jo all the information in time for it to be referred to the County, this can be scheduled for a public hearing in February.

CASE # 365

Sketch Plan Conference for application of Albert & Carol Nurse for a 2-lot subdivision of their property located on the north side of Cascade Rd. approximately ¼ mile from the Apulia Rd. and Cascade Road intersection in an Agricultural/Residential District. (Tax Map No. 011.-01-02.0)

Albert Nurse said there is a residence on one of the lots.

Chairman Nakas asked the total acreage.

Albert Nurse said a little over 3 acres.

Chairman Nakas said there will be a little over 1 ½ acres on each lot.

Albert Nurse said yes.

Chairman Nakas asked what the existing structures are.

Albert Nurse said a house and a small horsebarn on one and nothing on the other lot.

Chairman Nakas asked if there are any streams or wetlands.

Albert Nurse said no.

Chairman Nakas asked about the road frontage.

Albert Nurse said there's about 600'.

Chairman Nakas said they would have to get a septic design. He asked if a perk had been done.

Albert Nurse said not yet.

Chairman Nakas said the best thing to do is contact a surveyor who can lay everything out.

Member Peebles said the Board would want to see where the structures are.

Chairman Nakas asked if there is a slope to the land.

Albert Nurse said no.

Member Peebles said the Board will just want to see that the structures are more than 25' from the property lines.

Chairman Nakas said if the applicant can get the map to Mary Jo as soon as possible, this can be scheduled for a public hearing in January. It was noted this is not within 500' of a county or state road so it does not have to be referred to County Planning. The applicant will need to contact Leon Cook and get something in writing stating he is O.K. with the driveway cut.

Kevin Gilligan said when they talk to the surveyor, tell him they want a subdivision plan.

Chairman Nakas said to be sure the surveyor follows the Subdivision Regulations that are stated in the subdivision packet. He asked if there were any other questions or comments. There were none.

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

The Planning Board Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

Adopted 1/17/06