

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on February 21, 2006 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
Albert Nurse, Applicant
Carrie & Brian Gano, Applicant
Carol Everingham
Blanch Everingham
Pam Everingham
Fred & Lorraine Emery

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 January 17, 2006 Planning Board Meeting Minutes. There were no corrections or additions. The Minutes will stand as submitted by the Secretary.

CASE # 365 **Public Hearing for application of Albert & Carol Nurse for a 2-lot subdivision of their property located on the east side of Clark Hollow Rd. approximately 700' south of the Clark Hollow and Cascade Rd. intersection in an Agricultural/Residential District. (Tax Map No. 011.-02-05.3)**

Chairman Nakas said the Board will move ahead on the agenda at this time as the applicant is not present.

CASE # 368 **Sketch Plan Conference for application of David Duell to resubdivide property located on the east side of Bella Vista Dr. approximately 2/10 mile north of the Bella Vista Dr. and Mondore Dr. intersection in an Agricultural/Residential District. (Tax Map No.'s 024.-03-10.0 and 024.-03-09.0).**

David Duell came forward to explain his application. He is in the process of buying two ½ acre lots. Mr. Hodson is willing to sell both the lots to him and he wishes to combine them into one lot.

Chairman Nakas asked if this would become a building lot.

David said yes.

Chairman Nakas said the current size required for a building lot in the Town of LaFayette is 60,000 square feet. Since both of these lots were existing lots, he would think they would be grandfathered in. Assuming this, the applicant wouldn't need a variance because this was done before a minimum lot size was in place.

David said he is proposing to combine the two lots to build a house. He is in the process, as soon as the weather breaks, of doing a perk test and doing a septic design. The CEO recommended he come before the Planning Board prior to doing all this.

Chairman Nakas asked if there are current driveway cuts on the lots.

David said no.

Chairman Nakas said he would need driveway cut approval.

David said this is not within 500' of a state or county road.

Chairman Nakas said this wouldn't need to be referred to County Planning then. He would need to get a driveway cut approval from the Town Highway Superintendent as this is a town road.

John Langey said these are previously subdivided lots years ago. The applicant could build a house on either lot right now if he could meet the setback requirements. The size of the lot has been grandfathered. He wants to make the lot bigger by combining them.

Member Peebles asked if as soon as he does something to one of these lots, it would come under zoning regarding the lot size.

John Langey said the applicant will have to show he can meet all the setbacks. The septic design and location of the well are very important. We need to know where the well and septic will be not only for his property but in comparison to the neighboring properties. The applicant will need a letter from the Health Dept. stating they are O.K. with the well and septic location. If the lots the applicant is proposing to combine were legal lots before zoning came in, they grandfather in. The applicant can combine them to make them bigger but cannot make them smaller. The applicant must comply with all the setbacks but has grandfathered in the lot size.

Member Peebles said the applicant needs to show he can meet the setbacks and he needs to provide a map showing the well, the septic and the driveway cut.

John Langey said the applicant will need to get a real subdivision map. The surveyor should show by a dotted line where the old property line was. He might want to show a building envelope for the applicant too. The applicant will need an approval letter from the Health Dept. The Board will need something from the Health Dept. stating they have done a site visit and approve the location of the septic and well in terms of the neighboring properties so he doesn't impact them and they don't impact him.

Chairman Nakas said this can be scheduled for a public hearing at the March meeting if the applicant has all the necessary information in.

Mary Jo said she will wait to hear from David before putting him on the agenda for a public hearing.

The Board returned to Case # 365 as the applicant was present.

CASE # 365 Public Hearing for application of Albert & Carol Nurse for a 2-lot subdivision of their property located on the east side of Clark Hollow Rd. approximately 700' south of the Clark Hollow and Cascade Rd. intersection in an Agricultural/Residential District. (Tax Map No. 011.-02-05.3)

Brian Ganoë submitted a map to the Board dated 1/24/06 and prepared by Christopherson Land Surveying. He said they would like to build a 2,000 square foot residential house on the property. The Health Dept. has been there and approved everything. The paperwork did not arrive in the mail today as he hoped it would. They contacted the DEC because there is a creek that runs through their lot.

Carol Everingham said she doesn't know how this person can talk as he isn't the owner of the property.

Brian said he is the son-in-law. It's his father-in-law that owns the property. Mr. Cook, the Highway Superintendent, has approved the driveway cut. A letter was submitted from Mr. Cook dated February 14, 2006. The house will be about 83' from the creek and about 75' from the road. The DEC has requested they stay 50' away from the creek. The applicant had the DEC check the wetlands to be sure they weren't in them. Everything seemed to be fine.

Chairman Nakas confirmed the land has been perked.

Brian said yes.

Chairman Nakas said they have approval from Leon Cook.

Brian said yes.

Member Peebles asked what is going to happen to Lot 2.

Brian said nothing that he knows of.

Carrie Ganoë said it's used as farm land. There's not enough room to build a house on that lot due to the creek and lay of the land.

Member Peebles confirmed that for Lot 1 or Lot 2 there will not be any disturbance of the creek.

Brian said no.

Carrie said the DEC just came down there and fixed some of that area so they will want to be sure nothing disturbs it.

Chairman Nakas asked if there are any comments from the public on this application either pro or con.

Carol Everingham said she has a map showing the back property line if the Board would like to see it. She doesn't think the creek is more than 100' from the road.

Brian said it's about 200'.

Carol Everingham asked if it's going to be a house.

Brian said yes.

She asked if it was a pre-manufactured house.

Brian said no, it will be constructed.

Carol asked who is building the house.

Brian said he is.

Carol asked how long it will take.

Brian said it might be a year or it might take 5 years.

Carol asked if he wants to live across the road from a manure field.

Brian said it is his choice to live where he chooses.

Pam Everingham said her concern is traffic. Clark Hollow doesn't have any proper shoulders on the road and traffic that flows through there is horrendous and no one ever stops at the Cascade and Clark Hollow intersection anymore. This would be adding more traffic to an already dangerous situation. She is also concerned with electric supply to the house. Will it be underground?

Brian said it will be overhead.

Pam asked if the ground isn't a lot of slate near the creek.

Brian said they are well away from the creek and the ground is fine there.

Carrie said they will be doing a lot of the work themselves so there won't be a lot of trucks going in and out.

Pam Everingham came forward so Brian could show her on the map where they are proposing to put the house, the septic and the driveway cut.

Pam said a lot of their wells are fed off the springs from the hills up above. They have had some difficulty over the past 10 years with low pressure or not enough water. She thinks the well he digs will be fed off these same sources.

Brian said he will leave this up to the well drillers.

Member Peebles asked if Pam had any documentation showing the wells are having difficulty in the area.

Pam said when Bud Nurse was doing some work on the hills, they did lose some water pressure at that time. She doesn't know how much more the springs will produce for them in the coming years.

Carrie said she believes the state came in right behind the house on Bud's land and did some work up there. This is more towards Cascade Road.

Pam asked if there is any way to know how the streams run off the hill.

Carol Everingham said she knows one neighbor (Mrs. Sheremeta) had to drill 90' for her well.

Carrie said there is no way of knowing until they drill their well.

Chairman Nakas said there is just no way of predicting what one well will do and another one will do. There's no way to know the way the veins will run. This Board tries to identify the areas in the town that have historically had low pressure or poor water supply and then we contact some of the experienced well drillers, like the Shutes, and ask their advice.

Carrie said her parents live right down the road and have never had a water problem.

Pam Everingham said she has had Shutes to her house to work on her well.

Carol Everingham said they live next door to Pam and they have sulfur. The rest of the neighbors to Palmer Rd. have major sulfur in the water.

Chairman Nakas said there is a lot of sulfur in the water in the Town of LaFayette.

Carrie said they don't have any sulfur in the water at the barn.

Carol said that is on the other side of the road.

Carrie said you don't know until you drill.

Member Peebles said he doesn't know if sulfur is a health concern. Public hearings are to determine if there are any health concerns with an application. He would like to see a history of records on wells that have gone dry or had problems through the years before he makes this applicant go through any more. With all the cases this Board has heard, he isn't aware of any little subdivisions that have caused water problems.

Chairman Nakas said if this were going to be a 20-lot subdivision, he might ask the developer to do a hydrological study. It's expensive but costs like that could be incurred by the developer. A 2-lot subdivision with the use of one lot being a family residence is really not a reason to make them do this.

Pam Everingham asked about the drainage. How is everything going to tie in?

Brian said after the property is graded, it will be pushed towards the front.

Pam said her other concern is the traffic.

Chairman Nakas said in this case you are talking about two cars.

Carrie said they are down there all the time now.

Carol Everingham said it's a straight-of-way from Route 20 to Berry Rd.

Member Peebles asked Pam Everingham what her concern about the grading is.

Pam said she just didn't now if the drainage would be going onto her property.

Chairman Nakas asked how far it is from Pam's property line to the proposed house.

Brian said about 210' to the septic and about 400' to the house.

Pam would like to see how the other drawings fit into the big picture.

Brian said the surveyor said there were no problems with it but it just didn't come in the mail today.

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

Member's Markoff moved and Bush seconded the motion to make 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 Nurse Subdivision with the following conditions:

- 1) **We receive a revised and acceptable map with the Onondaga Health Department's stamp of approval.**
- 2) **A building envelope on the map in conformance with the DEC's requirements.**
- 3) **A map showing where the well will be located.**

Voting on the above motion was as follows:

Chairman Nakas	Voted	Yes
Member Peebles	Voted	Yes
Member Markoff	Voted	Yes
Member Lasky	Voted	Yes
Member Bush	Voted	Yes

Motion passed unanimously.

Chairman Nakas said he received a phone call from Nancy Herder of SHPO and she was asking him about further archeological determinations or the sensitivity at the site because of additional development beyond the approval. Chairman Nakas advised he

didn't know anything about this and gave her John Langey's phone number but she never called John.

John Langey said they got preliminary plat approval only for part of the land last year with the idea that the rest of it would stay vacant or they would come back with an application for it. They have to come back for the final plat approval. He isn't sure when that will be. The thing they called Jim about he suspects is that they might want to subdivide the upper lot so they will have to have a subdivision done.

Chairman Nakas said he is concerned about segmentation.

John Langey said the position taken by the applicant and the Board agreed, was that they weren't going to do anything with the upper property right now and it's all separate. They also agreed they would undergo an extremely rigorous review of the upper land area when and if they decided to develop it.

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

The Planning Board Meeting adjourned at 7:47 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

Approved 3/21/06 with following corrections:

Page 3 "Brian said no, it will not disturb the creek" in place of "Brian said no."

Page 5 "Herter" in place of "Herder".