

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on March 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: Kevin Gilligan, Town Attorney
Paul Zumpano, Applicant
Dusan Janak, Applicant
David Powers
Paul Carter
Mike Clemens
Paul Sheneman
Bob Thompson
Paula Thompson
Larry B. Martin
Nannette Martin
Sid Cooper

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 February 21, 2006 Planning Board Meeting Minutes.

Member Peebles said on Page 5 he believes it should read “Brian said no, it will not disturb the creek” in place of “Brian said no.”

Chairman Nakas said on page 5 he believes “Herter” should be in place of “Herder”. There were no other corrections or additions.

Chairman Nakas said the Minutes will stand with the above corrections as submitted by the Secretary.

CASE # 366 Sketch Plan Conference continued for application of Dusan Janak for a 2-lot subdivision of his property located at 3319 LaFayette Rd. approximately ½ mile north of the Commune Rd. and LaFayette Rd. intersection in an Agricultural/Residential District. (Tax Map No. 022.-05-01.0).

The applicant presented a map to the Board dated 2/22/06 and prepared by Christopherson Land Surveying.

Member Peebles noted the application would really be moving a lot line so it would be a resubdivision. He asked if the wording Lot 3A and 3B should be removed.

Kevin Gilligan would leave the 3A for reference so we know nothing we are doing now affects Lot 3A. In terms of following what happened historically, this would probably be the easiest way. It should read “Existing Lot 3A” and the others should be “Lot 3B1” and Lot “3B2” so you can see what they are doing. It has correctly noted this is a resubdivision on the map of the Frost Pucello Tract. The map should also state it is a final Plan.

Mr. Janak will have the surveyor do this.

Kevin Gilligan said the map should be titled Janak Tract Final Plan.

Chairman Nakas asked if a perk test has been done.

Mr. Janak said the person who is going to buy it is not going to do anything for 3-5 years.

Chairman Nakas said right now the applicant wishes to resubdivide it so he can sell it.

Mr. Janak said correct.

Chairman Nakas asked if “Not an approved building lot” should be noted on the map.

Kevin Gilligan said you might have difficulty selling it that way. The applicant might want to do a perk test to have it ready for someone to come in and put a house on it. You could try to get them to do it.

Mr. Janak said that is what he would like to do.

Kevin Gilligan said then the applicant must have it put the note on the map that this is “Not an approved building lot”.

Member Lasky asked what they would have to do to make it a building lot.

Kevin Gilligan said Ralph Lamson would take care of seeing that the septic was an approved plan by the County Health Dept., etc. It would have to come back to the Planning Board for the “Not approved building lot” note to be taken off the map.

Mr. Janak asked what he would have to do.

Chairman Nakas said a perk test and Onondaga County Health Dept.’s approval of the septic design.

Mr. Janak said he really didn’t want to get into that.

Kevin Gilligan said the applicant could probably just do the perk test. As long as he knows a septic system could be put on the lot, it could be left up to the buyer to decide where he wants to put the septic system.

Chairman Nakas said a perk test would have to be done.

Mr. Janak asked how much that would cost.

Member Lasky thinks around \$200.

Mr. Janak said that might take a month or two.

Chairman Nakas believes that might be the best way to do it. Otherwise it would have to be labeled “Not an approved building lot”. The new owner would have to come in before the Planning Board to get this off the map.

Mr. Janak said he guesses he will have to do a perk test then.

Chairman Nakas noted we want to see “Existing Lot 3A”, and “Final Plan” put on the map instead of “Advanced Copy”.

Kevin Gilligan said the perk test results should be written on the map and the revised date in the revision spot. He won’t need a perk test for Lot 3A as that is existing.

Member Peebles asked if there were any structures on the property.

Mr. Janak said no.

Chairman Nakas said as far as the changes are made to the map and the perk test is done, the applicant should submit the map to Mary Jo so she can refer it to the county. If the applicant can get the updated map to Mary Jo in time, this can be scheduled for a public hearing next month.

CASE #364

Public Hearing 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 submitted a map dated 3/18/06 and prepared by Paul James Olszewski.

Chairman Nakas asked the applicant for a brief overview of what he is proposing to do as this is a public hearing.

Paul Zumpano said he is proposing a 5-lot subdivision on his property located on Route 11 across the road from the high school. Two lots have access onto Webb Rd., two lots have access onto Route 11 and one has access onto Orchard Lane. He will be keeping lot 5 for he and his wife as maybe 20 years from now they will build a house there. The lots are going for sale if the approval is granted.

Mike Clemens said he was going to purchase the land and the county wouldn't put a driveway in the southern part of the lot.

Paul Zumpano said the county actually did a study and there's approval based on the speed limit and the visibility under the bridge. He previously submitted a letter from Scott Bates of the NYS DOT dated October 17, 2005 and a letter from James Stelter of the County DOT dated October 20, 2006 regarding driveway cut approvals.

Mike Clemens said he is talking about onto Route 11. They told him no when he was going to purchase the land. They said they would only put his driveway between his house and the auction.

Paul Zumpano said they have a different point of view to date.

Mike Clemens asked how he got all the lots to perk.

Paul Zumpano said they didn't. he is proposing raised beds which have been preliminarily approved by the county.

Jim Damiano said most of the Board is aware that he has a tremendous problem with flooding on his property. He has a real problem with the high school. He has two separate and distinct problems with his property. There is flooding from the high school but the flooding on the southern end of his property has nothing to do with the high school. He would be looking for some plan that guarantees there won't be one drop of water going into the ditch on Route 11 which floods onto his property. His engineer is present to discuss their concerns.

Paul Sheneman submitted a letter dated March 20, 2006 regarding the Stormwater Drainage from the proposed subdivision.

Paul Zumpano said his proposal for a retention pond should alleviate some of the other auctions problems. They will be pulling all the water down and it will drain onto Webb Rd. There will be a drainage district defined.

Chairman Nakas said if you look at the southwest corner of Lot 4, it seems all that drainage is going north towards the auction and the other two lots are going the other way.

Paul Zumpano said he is proposing to pull the water away to dry it all out.

Mike Clemens said he doesn't think there's a way to dry this area out.

Member Peebles said Mr. Damiano should not be affected by one drop of water.

Paul Sheneman said they saw two areas of impact. One was the increase in stormwater flow rates or quantities reaching the NYSDOT right of way along the west side of Rte. 11. The second was there should be no increase in stormwater flow rates or quantities coming off of the Zumpano property, onto the CNY Auto Auction property. He thinks it can be done. They would ask for the opportunity to see the proposed grading plan.

Member Markoff asked if John Dunkle had seen any of this yet.

Chairman Nakas said he spoke with John this afternoon. He has received the engineering study and the Board just received it this evening. John Dunkle is the person upon whom we would rely the most. He is the Town Engineer and will advise this Board on this matter and we would be very interested in what he has to say. He will have a critique written up on the drainage for this entire area for the next meeting.

Jim Damiano said he would like it on record that he doesn't want any more water going into the ditch as it overflows now. If any more stormwater goes into the ditch, his property will flood even more.

Member Peebles asked where the sheet flow comes from .

Member Markoff asked if there are built, will it stop the flow?

Paul Zumpano believes pulling the water down should actually dry the area.

Paul Sheneman said absolutely.

Paul Zumpano said the DEC requires the runoff from this property has to be filtered as it eventually runs into Onondaga Creek. They are trying to address all the properties to get all the water moving out of there without eroding the dirt.

Jim Damiano asked about drainage from the driveways.

Chairman Nakas confirmed they will be creating a pond.

Paul Zumpano said he has a copy of their engineering study if the Board would like to see it.

Chairman Nakas said they just received a copy tonight. How big would the pond be?

Paul Zumpano said he would have to reference the specs.

Chairman Nakas said if these are designated wetlands, it should be shown on the map.

Paul Zumpano said these are not designated wetlands.

Chairman Nakas does want to make the applicant aware that the Planning Board will be very conscious of the drainage issues involved here because of the potential for more water problems immediately to the north.

Mike Clemens said his neighbor put a garage in and it caused his backyard to flood. The ground does not take the water.

Paul Zumpano said he did a drainage study. They do a drainage study as the land is now and another one is done after the design is done. The last study must show it to be equal or less to the initial study.

Jim Damiano asked if the engineers who did the study or plan were aware of the sheet water on his property.

Paul Zumpano said they did the study during the rainy time a little while ago and they saw the problems.

Jim Damiano said if they saw the problem, why would they propose the two driveways.

Paul Zumpano said because what he is proposing should alleviate some of the water. A lot of the water is coming across Robert's driveway into the ditch on Route 11. They are proposing to put a swell in to catch the water and carry it down to the holding pond.

Jim Damiano asked how does he know that the amount of water that will run into the ditch will be less than with two new driveways put in.

Paul Zumpano said that is what his engineer is for. Once the plans are completed, Mr. Damiano's engineer can look at them.

Jim Damiano said he has spent a lot of money to try to solve his drainage problem and is no better off now than before he started.

Paul Zumpano said he will tell his engineering firm about Mr. Damiano's problem.

Mr. Thompson asked how the drainage will work with the ditch.

Paul Zumpano said it will carry and filter the water to the holding pond. It will go into the pond and be handled there.

Mr. Thompson asked if it will be a swale and a pipe with stone in it.

Paul Zumpano showed him the engineering plan.

Mr. Thompson asked if he will just be moving the dirt around.

Paul Zumpano said they use a filter to filter the water as it goes through and you watch for soil erosion. The area is reseeded.

Mr. Thompson asked if there is a pipe at all.

Paul Zumpano said not right now. They felt a swale would work better.

A resident asked if he is saying the water is all runoff water.

Paul Zumpano said yes. His engineers felt simple grading would alleviate some of the problems.

A resident said the water runs through his property.

Jim Damiano said he has water coming up out of the ground on his property.

Nan Martin explained where the water flows through her property.

Chairman Nakas asked if there were any further questions or comments regarding the drainage.

Nan Martin said Paul Zumpano had told her originally that he was planning on taking down all the trees and putting up an embankment.

Paul Zumpano said that is not the plan any more.

Nan Martin asked if that happened, would it change any of the drainage?

Paul Zumpano said the swale system will be part of the drainage plan. IF this should be approved, they are going to get a drainage district approved. He doesn't want to rely on the any one person to maintain the drainage.

Chairman Nakas said he might want to contact John Dunkle before the next meeting to see what he feels about this.

Mr. Thompson believes there is a lot of runoff on this property. Some of it comes from Trexlers. Water comes up out of the ground. We need a geologist to look at this. There is ground water too. It's not all runoff.

Jim Damiano said he has sinkholes on his property. The property he owns across the street is the same way.

Paul Zumpano said that is something he was concerned about. The deep holes on the perk put that issue to rest.

Jim Damiano doesn't believe they know the scope of his property.

Mr. Thompson feels the field can be dried. There were ditches in the land put in by farmers years ago. He thinks if these ditches were repaired it would help. They use to use clay tiles. He thinks if a clay tile ditch was put in, it would help with the runoff as well as the groundwater.

Paul Zumpano confirmed the resident felt having the drainage would help.

Mr. Thompson said yes. A lot of the water comes down the road in front of Trexler's house, across martin's driveway and across his driveway into the ditch.

Jim Damiano said there is a lot more to this story than just the runoff water. There is a lot of water under the ground.

Paul Zumpano said the reason the perks failed is because of the clay. He dug deep and they hit clay. It was a good situation for deep holes on the foundations.

Jim Damiano asked if there would be decomposition in 20-30 years from now.

Paul Zumpano said no.

Jim Damiano asked him who would maintain it.

Paul Zumpano said the town would take care of the drainage district.

Supervisor Scammell said he has heard reference to a drainage district a couple of times and the Town Board has not been approached about this. It should not be assumed that the Town will take this over.

Paul Zumpano apologized. He was advised to get approval of the subdivision first. He can't stare the process of a drainage district unless he gets approval of his subdivision.

Mike Clemens asked about the wells. He knows sometimes once new wells are dug, they impact other wells

Chairman Nakas said you can't stop someone from drilling a well.

Mike Clemens said he knew that.

Chairman Nakas said there are some areas in the town that have historical problems and then this Board relies on the Shute family to advise us. He asked if anyone present tonight has problems with their wells.

Mike Clemens said he does have a problem.

Member Lasky asked once the water goes into the pond, where does it go onto Webb Rd.?

Paul Zumpano said the pond will hold water until it reaches a certain level and then it will drain off. The water would then run into a ditch on Webb Rd and under Route 81.

Onondaga County has actually accommodated for this. They have stipulated the pipe needed.

Member Lasky asked if he would be installing the pipe.

Paul Zumpano said yes.

Member Peebles asked the calculation for determining the size of the holding pond.

Paul Zumpano said he doesn't know. The Town Engineer can review this. He stays out of the engineering part of the proposal.

Nan Martin said it goes onto Webb Rd. and then into the creek.

A resident said his question concerns the drinking water. He lives close to the area described. His name is Herb Mason and he has been living her 20 years. His neighbors have had problems during dry weather with their wells. If you are going to put 4 wells in, he doesn't know how much water people will have. Is there any attempt to make it so there's a variable depth of the wells so they are not all pulling on the same aquifer?

Chairman Nakas asked how deep the wells in the area are.

Herb Mason said about 100'.

Paul Zumpano said his people have told him they will be able to drill wells at about 50'.

Mr. Thompson said his is about 40'.

Nan Martin asked what it will do to their water then.

Paul Zumpano doesn't believe it will be an issue with water because of the amount of water on site.

Herb Mason said there will be a problem because people have had problems already.

Member Lasky asked where he lives.

Herb Mason said he is just south of Orchard Lane.

Paul Zumpano said he is on the other side of the hill.

Herb Mason said he is concerned about his neighbors.

Paul Zumpano can't predict what will happen to his neighbors.

Chairman Nakas said there is no way we can predict what will happen when you drill a well. He thinks you have to rely on your well drillers such as the Shute family who have expertise in this area. They have got the most experience with well drilling in the Town of LaFayette. If everybody were so concerned, you would never sell another house in the Town of LaFayette because we are all on wells.

Mr. Thompson asked where his lot is.

Herb Mason said two houses down from the corner of Orchard Lane.

Mr. Thompson said the applicant has mentioned colonial houses. Are the basements going to be raised? How high are these houses going to be? What is the square footage?

Kevin Gilligan said the house can be anything under 35' in height. That is a building permit issue. The CEO will be sure it doesn't exceed the height limitation.

Mr. Thompson said they have ranches in the area. They are going to be colonial two-story houses. They will be different form what's in the area now.

Chairman Nakas said people can build whatever style home they would like to.

Paul Zumpano said hopefully they will be colonial style homes.

Mr. Thompson said two story homes.

Paul Zumpano said probably about 2,800 square feet.

Nan Martin said that property is zoned agricultural.

Chairman Nakas said Agricultural/Residential.

Nan Martin said the existing building can't be used for business purposes.

Paul Zumpano said that is correct. He is storing his boats in it now.

Nan Martin said she wants to go on record that it's zoned Agricultural as some of her neighbors have done businesses without approval.

Paul Zumpano said he is storing his boats there and that is all.

Nan Martin said he originally discussed having a business there.

Paul Zumpano said he didn't do that.

Chairman Nakas asked for any other questions or comments. There were none.

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

Member Peebles said the applicant may wish to speak to John Dunkle before the next meeting.

Paul Zumpano said any recommendations John Dunkle makes, his engineers will change to what he wants.

Member Lasky said one of the biggest issues he faces is the drainage district.

Paul Zumpano said that process can't be done until this is completed.

Member Peebles said we can make it conditional upon getting the approval.

Paul Zumpano said his engineering firm advised him to get subdivision approval first. You can do the proposal without a drainage district but if the one person on the property doesn't maintain it, there would be problems. The expense to maintain it would be deduced to all the other property owners if a drainage district wasn't formed.

Kevin Gilligan believes if a drainage district isn't formed there and the cost must be passed on to the property owners, some sort of Homeowners Association must be formed.

Chairman Nakas said next month the applicant should be ready to address any of the concerns John Dunkle might have. This Board can probably take action next month as we have heard back from County Planning.

Paul Zumpano said he won't be here next month. Can this be adjourned until May.

The Board was in agreement with this. It will be put on the agenda for May 18.

Chairman Nakas asked about the status of the Grove application. They did not come back and file their final plat within the 3 months. Do we just extend the deadline

Kevin Gilligan said to wait until you get an application for final approval. Most often when that kind of thing happens, it's routinely waived.

Member Markoff moved and Chairman Nakas seconded the motion to adjourn. Motion passed unanimously.

The Planning Board Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

Adopted 4/18/06 with following Amendments:

In attendance add: Gregory Scammell, Shawn Adam, Jim Damiano.

Page 4 change "swell" to "swale" and Page 5 change "stare" to "start".