

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on May 16, 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

Absent: Brad Bush, Member

Recording Secretary, Mary Jo Kelly

Others present: John Langey, Town Attorney  
Jeff & Kelly Keeler, Applicant  
Paul Zumpano, Applicant  
JoAnn Moore  
James T. Moore  
Chris Estey  
Jamie Williams, Applicant  
Doug Falcon  
Charles Gregg  
Charles & Phyllis Olmsted  
Kathy Williams  
John Dunkle, Town Engineer

Chairman Nakas called the meeting to order at 7:03 P.M. and welcomed everyone. He asked if there were any corrections or additions to the April 18<sup>th</sup> Meeting Minutes. There were none.

**Member's Peebles moved and Lasky seconded the motion to accept the April 18, 2006 Planning Board Meeting Minutes as submitted by the secretary. Motion passed unanimously.**

**CASE # 366                      Public Hearing for application of Dusan Janak for a 2-lot resubdivision of his property located at 3319 LaFayette Rd. approximately 1/2 mile north of the Commune Rd. and LaFayette Rd. intersection in an Agricultural/Residential District. (Tax Map No. 022.-05-01.0).**

Dusan Janak came forward. He advised he is trying to subdivide about 47 acres of his property into 2 lots. He is trying to keep one as part of his house and sell two properties to one buyer who is going to build one single family house in the middle of it. He is going to have a total of about 27 acres.

Member Peebles asked if he wanted to keep his house and sell 2 lots.

Dusan Janak said yes. He showed Member Peebles on the map dated 2/22/2006 and prepared by Christopherson Land Surveying what he is planning to do. He is changing one lot line. He didn't mean he was going to sell two pieces of property. He would be selling one.

Member Peebles confirmed it was a 2-lot subdivision.

Dusan Janak said yes.

Jim Moore said he lives across the street from the applicant and they are good friends. He has a concern about the back of the property because he knows it's a DEC watershed.

Chairman Nakas asked if he thinks this is a DEC designated wetland.

Jim Moore said he believes so. His daughter sold the property to Mr. Janak.

Chairman Nakas asked Dusan Janak if he knew anything about this.

Dusan Janak said no.

Jim Moore believes it's at the back of the property.

John Langey said the subdivision regulations state the surveyor must show any designated wetlands. The applicant may want to amend this map.

Member Peebles said that is why we hold public hearings so things like this are brought out.

John Langey said Lot 3B-2 might want to have a building envelope shown.

Chairman Nakas asked Dusan Janak to contact the surveyor who should know about this. The buyer would only be able to build his house so many feet from the wetland.

Dusan Janak said he is only selling the land. He is not selling it as a building lot. He is just separating his property.

Chairman Nakas said the person who is going to buy this lot should know if there's a designated wetland and where they can build their house and what the setback distance would be. We want to preserve this for whoever is buying it in the future.

Dusan Janak said he spoke to the surveyor and discussed the septic. The surveyor said because it's such a large parcel, there shouldn't be a problem.

Chairman Nakas believes this could be a potentially serious concern. If there is a wetland involved, it should be shown on the map.

Dusan Janak asked if Chairman Nakas wanted to talk to the surveyor directly.

Chairman Nakas said no. He asked if there were any other questions. There were none.

**Member's Markoff moved and Lasky seconded the motion to close the public hearing.**

Chairman Nakas said we will hold this application open until we find out more about the designated wetland.

Member Peebles said a couple of meetings ago the Board wanted the map to show it was a final plan hasn't been done. We had indicated that one lot should read "Not an Approved Building Lot" which the map doesn't show at this time. The county has asked for this too. The surveyor should put this on the map

Dusan Janak asked which lot that would be.

John Langey said Lot 3B-2.

Chairman Nakas said Onondaga County had two stipulations.

- 1) Any future subdivision of either proposed lot must use a single access on LaFayette Road to meet the requirements of the Onondaga County Department of Transportation and be accompanied by a plan showing full build-out.
- 2) Proposed Lot 3B-2 must be labeled "This parcel has not been reviewed by the County Health Department for residential development."

He asked the applicant if he had any other questions for the Planning Board.

Dusan Janak asked who he should contact when the survey is amended.

Chairman Nakas said Mary Jo and she will put him on the agenda for the next meeting.

**CASE # 367**

**Public Hearing for application of Jeff Keeler for a 3-lot subdivision of his property at 6303 Smokey Hollow Rd. located approximately 800' from the Coye Rd. and Smokey Hollow intersection in a Residential/Planned Cluster District. (Tax Map No. 001.-07-04.0).**

Jeff and Kelly Keeler were present. Jeff said they are looking for a 3-lot subdivision of their property. They would like to build a house on each of the two lots over time to sell.

Chairman Nakas asked if there were any questions regarding this matter from the public or the Board. There were none.

Chairman Nakas said he has one concern. This land borders the Town of DeWitt. We need some documentation from the Town of DeWitt's attorney stating that they are O.K. with this application and they have no concerns as they equally have some jurisdiction.

Jeff Keeler said he went to the Town of DeWitt and they said it was such a small piece of property, they were happy with what the Town of LaFayette decided.

John Langey said he is looking for a piece of paper that could be put in the file stating this.

Jeff Keeler said the Board would just like a note stating the Town of DeWitt is happy with whatever the Town of LaFayette decides.

Chairman Nakas said that would be good. He asked if there was anything else. There were no further questions or comments. He asked the applicant if he had any questions for the Planning Board.

Jeff Keeler asked what he needs to do next.

Chairman Nakas said as soon as the Planning Board has correspondence from the DeWitt attorney, he believes this could go forward. We did hear back from Onondaga County. Their only concern is that the applicant must obtain any necessary approvals from the Town of DeWitt and the Village of East Syracuse.

Jeff Keeler showed them on the map dated 3/31/06 and amended 4/3/06 and prepared by Cottrell Land Surveyors where the area is that must be preserved as well as a 200' radius around it. There will be no septic, etc. within that area. He talked to the Mayor of East Syracuse who has said they can remove this from the map once the whole water issue is resolved.

Chairman Nakas asked if we could get a note from the Village of East Syracuse stating they have no concerns so the application would comply with Onondaga County Planning.

Jeff Keeler will get it.

John Langey said they should reference that they looked at this specific map.

There were no further questions.

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

Chairman Nakas said if the applicant can obtain the two communications from the Town of DeWitt and the Village of East Syracuse and show them to him, he is sure we can move this forward.

John Langey said this application can be approved subject to those two pieces of communication.

**Member's Markoff moved and Lasky seconded the motion to appoint the Planning Board as Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and to grant preliminary and waive final plat approval for the 3-lot subdivision of Jeff Keeler's property with the stipulation that this Board receives communication from the Village of East Syracuse and Town of DeWitt stating they have no concerns with this application. Motion passed unanimously.**

Chairman Nakas said as soon as the applicant gets this information, he can call Chairman Nakas and set up a time to meet with him so he can sign-off on the map.

**CASE # 369**

**Sketch Plan Conference for application of Charles & Phyllis Olmsted for a 2-lot subdivision of their property located at 6268 Reidy Hill Rd. on the southeast corner of the Reidy Hill Rd. and Persse Rd. intersection in an Agricultural/Residential District. (Tax Map No. 008.-01-04.0).**

Charles and Phyllis Olmsted were present.

Mr. Olmsted said he would like to take their present property and subdivide it so they can build a smaller home. They have a little more home and lawn to take care of than they need right now. They submitted a survey dated 3/31/06 and prepared by Denkenberger & Greene.

Chairman Nakas noted parcel 2 is 1.5 acres so they will have to be a little careful there. They are right on the nickel here so they need to be sure there are in fact 60,000 square feet here. He asked if the land has been perked.

Phyllis Olmsted said not yet.

Chairman Nakas said to be sure that the well is at least 100' from the septic. He asked where they would like to build their house.

Phyllis Olmsted said they have to clear some area first. The driveway would be on Persse Rd.

Member Peebles asked the setback for a septic system.

John Langey said there's not one. You must be sure it doesn't encroach on the neighbors land. Leon Cook will have to approve a driveway cut for this.

Chairman Nakas said the surveyor should be able to do the perk test. He asked if the applicant needed topographic lines on the map.

Phyllis Olmsted said the land is really flat.

John Langey said this could be waived if the Board wanted to.

Member Peebles would like the surveyor to certify the square footage. He asked if there are any natural streams.

The Olmsteds said no.

Chairman Nakas asked about wetlands.

The Olmsteds said there aren't any.

Chairman Nakas asked about surrounding property owners. All adjacent property owners need to be indicated on the map.

Member Peebles said there needs to be a sign-off box to. He showed them an example of a good survey map.

Chairman Nakas said the surveyor will do this.

Member Peebles asked how close they are to LaFayette Rd. Are they more than 500'?

Charles Olmsted said yes.

Member Peebles asked if they are closer than 500' to Eager Rd.

Phyllis Olmsted said she doesn't think so.

Member Peebles said if any property line is within 500' of a state or county road, this has to be referred to the county.

Chairman Nakas said to have the surveyor do the perk test, see how far they are from any state or county roads, prepare an actual survey map, show the adjacent property owners names on the map, certify the square footage and have the sign-off boxes.

**CASE # 370**

**Sketch Plan Conference for application of Jamie Williams for a 2-lot subdivision of his property located at 2250 Route 11A approximately 800' south of the Webster Rd. and Route 11A intersection in an Agricultural/Residential District. (Tax Map No. 015.-03-08.0).**

Jamie Williams was present. He submitted a copy of the existing survey. His intent is to subdivide his lot into 2 lots.

Chairman Nakas said he recalls there was originally a property issue with the Estey family to the south. Has this been resolved?

Jamie Williams said it's in the process of being resolved.

Chris Estey came forward. She said they received a letter in August of last year from his second lawyer. Her lawyer responded that they wish to resolve this and they haven't heard a

word back. The spring line runs down the end of the property and cuts into the house. Any splitting of the property will be on the spring line.

Jamie Williams said they are proposing the subdivision be to the north of the spring line. He showed on the map where the new house is being proposed so it won't interfere with the spring.

Chairman Nakas confirmed the house to be built will be on the north side and the spring issue is on the south side of the property.

John Langey asked about the well for the proposed new modular home.

Jamie Williams said he is going to run new lines from the existing well to the new house.

John Langey said one of the issues the Board had with this last time was that they refused to move forward with this until the boundary line dispute was resolved. The Planning Board would have to sign-off on a subdivision with lot lines that are still in dispute with the Estey's. By doing the subdivision, the Board would be reblessing the line that is in dispute.

Chris Estey said they had a full and proper survey done. The next day the applicants surveyor came in and moved their markers.

Jamie Williams said his survey was done compared to the deed.

John Langey said Ms. Estey's surveyor doesn't necessarily agree this is a hard and fast line. He is very hesitant to have the Planning Board approve a subdivision when there is a clear property dispute.

Jamie Williams is hoping to ease the process by moving everything to the other side of the property. This doesn't mean the other property line is not in dispute.

Member Peebles said this Board doesn't approve a 3 line subdivision.

Jamie Williams said they were in agreement to have a third surveyor and that survey would be binding.

John Langey thinks he has spoken to both attorneys at one time. He can't think of a reason why his legal advice would change from the last time this was before the Board when this Board deals with 4 corners of the box and not 3. His recommendation would be to be extremely careful of this application. He would recommend waiting to hear from the attorneys as to what the lot line is.

Chris Estey said they don't have a problem with the spring.

Jamie Williams said he will contact his attorney tomorrow.

John Langey would recommend they contact their attorneys tomorrow and the Planning Board can keep this on the agenda until they are ready to move forward.

Chairman Nakas said we are happy to keep this as an active application and will put them on the agenda for next month but the Board is reluctant to move forward without the property line cleared up. He would ask them to be careful about the water line and to get a perk test.

Jamie Williams is sure they can resolve this issue.

John Langey asked if the Board would like the proposed lot squared up a little more.

Jamie Williams said he is submitting this drawing to his surveyor as a general idea.

John Langey said there is an existing pole barn which would be in front of the proposed single family dwelling. He said Ralph Lamson should review this.

Member Peebles said they won't allow two driveways on a lot.

Jamie Williams said he will talk to the CEO about the pole barn.

John Langey said just to ask if he is allowed to have the accessory use in front of the proposed single family dwelling or if a variance will be needed.

Jamie Williams asked if he talks to the D.O.T. about the driveways.

John Langey said he would need to get a letter from the D.O.T. stating it's O.K.

Chairman Nakas said the State D.O.T. will try to help him out.

John Langey said to have his surveyor read the Town Subdivision Regulations and design the lot to make more sense.

Jamie Williams said he would leave it up to the surveyor.

Chairman Nakas said once the property line is resolved, this Board will be happy to move forward.

**CASE #364                      Application continued for Paul Zumpano applying 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)**

Chairman Nakas said John Dunkle has reviewed the drainage issues regarding this application and he has composed a letter dated May 16th.

John Dunkle said as he was walking through this, he understood a large concern was with the Auto Auction and the existing drainage issues they have. The applicant is going to try to reduce the drainage onto that property.

Paul Zumpano submitted a new map dated 5/11/06 and prepared by Paul James Olszewski.

John Dunkle asked Paul Zumpano's engineer to see what he could do to reduce the amount of area that flows to the Auto Auction parcel. What he proposed doing is within the 20' drainage easement which will intercept more of the runoff from the site and send it in a different direction. He has reduced the area of runoff. Their grading plan reflects that and they show in their drainage report a net decrease in runoff to the Auto Auction property.

Chairman Nakas asked if they can see how much.

John Dunkle said they have presented a table. The table compares the existing runoff to the Auto Auction property to what the runoff will be after the site is developed.

Chairman Nakas noted it's reduced by more than half. That is quite a reduction.

John Dunkle said this report was sent to the Auto Auction's engineer who has advised he is satisfied with what they have done.

Chairman Nakas asked John Dunkle if he agrees with the report.

John Dunkle said he agrees with it.

Chairman Nakas asked why they didn't do this in the past.

John Dunkle said they didn't own the property.

Chairman Nakas said they could have made an arrangement with the owners.

John Langey asked if there is going to be any basins or will it all be swale?

John Dunkle said there will be basins too. The remaining issues of this project are more technical in nature. Because of the new DEC stormwater discharge requirements there will be a retention pond located on the site. The drainage will go onto Webb Rd.

Chairman Nakas asked if Webb Rd. can handle the runoff.

John Dunkle said yes. It's like we are creating a bathtub with a small drain. The new requirements say we have to treat the stormwater runoff for pollutants. The pond will treat the quality and quantity of water.

John Langey asked if they are proposing to have the town maintain the drainage system.

John Dunkle would recommend a drainage district be formed for this property. We want to have control over it to be sure it's maintained and is doing what it should be doing. We don't want to charge all the taxpayers this cost.

Chairman Nakas said the 5 landowners will bear the cost of the maintenance once it's deeded over to the town.

John Dunkle said the developer is going to pay to construct it. The Highway Superintendent will keep track of how many hours and the cost to maintain this for one year.

John Langey said they are proposing to form a small drainage district which will set the 5 property owners up to bear the cost. John Dunkle will inspect the drainage district to be sure the whole thing works correctly before it is turned over to the town. They will give us drainage easements.

John Dunkle said he has reviewed the design of the drainage and he is comfortable with it.

John Langey said John Dunkle will oversee the drainage district. There will be some further fees involved for this. Typically he has the developer sign an agreement with the town stating he agrees to build what he says he is going to build and to post a small security. That would be a contract entered into with the Town Board if the Planning Board approves this. Any approval would be subject to an agreement being entered into. He asked if there are erosion control issues involved.

John Dunkle said yes. The applicant will need to go to the Town Board for those issues after this. Another condition of the approval would be that the applicant obtain the driveway permits needed. The plan must have some changes made to it. One recommendation is that 20' drainage easements should be placed along lot lines 3-5 and 1-2 and along the natural drainageway across Lot 2. The natural drainageway across Lot 2 should be preserved.

John Langey would recommend that Chairman Nakas not sign the map until he hears from John Dunkle.

John Dunkle said that would be fine. He will prepare another letter stating he has completed review of his concerns in his letter of May 16. He would recommend putting a drainage easement on the east side of Lot 1.

Paul Zumpano asked if he could still put a fence up.

John Dunkle said yes. Just make the easement 25'.

John Langey said nothing can interfere with the town being able to travel over the easement.

John Dunkle said before any construction begins, the town should have a copy of the GP-02-01 permit coverage from the DEC on file.

John Langey said he will put in his resolution that they will have a final construction review with John Dunkle.

Chairman Nakas said John Dunkle is recommending a conditional approval but not signing off on the map until all these conditions have been met.

John Langey said the conditional approval will mean the applicant doesn't have to come back before this Board. The applicant just can't begin construction until the conditions in John Dunkle's letter of May 16<sup>th</sup> have been met.

John Dunkle said he can't turn over any dirt until the DEC issues the permit.

John Langey reminded the applicant he has to form the district.

John Dunkle will review this with John Langey and it will be put on the Town Board Agenda for approval.

John Dunkle said at least 3 out of the 4 septic systems here must be raised beds.

Chairman Nakas said the Onondaga County Health Dept. will approve these.

John Dunkle said the documentation of approval from the County Health Dept. is also a condition.

Chairman Nakas said the Board could move forward with a conditional approval.

**Member's Markoff moved and Lasky seconded the motion to appoint the Planning Board Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and to grant preliminary and waive final plat approval for Mr. Zumpano's 5-lot subdivision with the following conditions:**

- 1) **Driveway location and right-of-way drainage approvals are needed from New York State DOT and Onondaga County DOT for the four driveways.**
- 2) **20-foot drainage easements should be provided along lot lines 3-5, and 1-2, and along the natural drainageway across Lot 2.**
- 3) **The natural drainageway across Lot 2 should be preserved.**
- 4) **Additional drainage easements will be necessary on future Lot 1.**
- 5) **The driveway grades for Lots 2 and 3 exceed 12%. Details of grading and drainage management in this area should be provided.**
- 6) **Erosion protection of the steep banks, and drainage swales for Lot 2 and 3 driveways should be specified.**
- 7) **Provide rip-rap on the pond spillway.**
- 8) **Silt fencing should be shown and installed parallel to the contours.**
- 9) **This project will require GP-02-01 permit coverage from NYSDEC. A copy of the NOI and SWPPP should be provided to the Town prior to construction.**
- 10) **The construction sequence should include swale construction and temporary use of the detention pond as a sediment trap during lot development.**
- 11) **A Town Drainage District should be formed for this property to recover future Town maintenance costs associated with the proposed drainage facilities.**
- 12) **Approval of the Onondaga County Health Dept. is obtained for the raised bed waste water treatment that will be on each lot.**
- 13) **The applicant entering into an agreement with the Town Board to construct the drainage facilities in accordance with the town engineers requirements.**

**Motion passed unanimously.**

John Langey said Chairman Nakas will not sign-off on the map until he hears or receives a letter from John Dunkle that everything is O.K.

Mr. DeRollo was present. He wanted to know where he is at with his subdivision. The last thing he has is the resolution. The next step he was supposed to do was to get a

septic design. This goes back to a little over a year ago. He hasn't done anything since then.

John Langey said the legal answer is that you have 180 days to get your final map signed. If he had come in within the 180 day time-frame to request an extension, two 90-day extensions could have been granted. Technically, he is supposed to come get it redone.

Member Peebles asked what the Planning Boards needs to do.

John Langey said Mr. DeRollo will have to reapply. That is what NYS Law says.

Chairman Nakas asked if he has to go through a public hearing again.

John Langey said yes.

Chairman Nakas asked if there were any changes to the existing survey.

Mr. DeRollo said no.

Chairman Nakas asked if he has to pay another fee.

John Langey said if they want it publicized in the paper and a resolution, etc., yes.

This will be scheduled for a public hearing at the next Planning Board Meeting.

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

The Planning Board adjourned at 8:20 pm.

Respectfully submitted,

Mary Jo Kelly  
Secretary

Adopted 6/20/06 with following amendment. "Member's" should be "Members" throughout the Minutes.