

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

Absent: Andrew Peebles, Member

Recording Secretary, Mary Jo Kelly

Others present: John Langey, Town Attorney  
Ralph Lamson, CEO  
John Dunkle, Town Engineer  
Paula Naselli, JRPA  
Daniel Oot, Applicant  
Brendan Oot  
Bonnie Seemann  
Ann Chase  
Craig Fox, Applicant  
Sheila Applegate, Applicant  
Jeffrey Cohen, Applicant  
Ron DeRollo, Applicant  
Tim Brayman  
Jane Praetorius, JRPA  
Roger Praetorius, JRPA  
Phyllis & Chuck Olmsted, Applicants  
Jim & Karen Brower  
Joseph Jerry, Applicant's Attorney  
Ed Keplinger, Applicant's Design Engineer

Chairman Nakas called the meeting to order at 7: 04 P.M. and welcomed everyone. He said if anyone is present for Case 370 which is Mr. Williams, he will not be here this evening. He is still gathering material and wishes to be put on the agenda for the July meeting. He asked if there were any corrections or additions to the May 16<sup>th</sup> Meeting Minutes. Member Lasky said "Member's" should be "Members" throughout the Minutes.

**Members Markoff moved and Lasky seconded the motion to accept the May 16, 2006 planning Board Meeting Minutes as amended. Motion passed unanimously.**

**CASE # 369                      Public Hearing 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).**

Mr. Olmsted said they have sufficient acreage and they would like to subdivide their property to sell the existing house and build a smaller house for them to live in.

Chairman Nakas asked for any questions from the public. There were none. He said there was one item from the May meeting regarding square footage of Lot 2 and the map shows it's over 6500 square feet so they have sufficient footage.

The Olmsted's submitted a new survey map prepared by James J. Denkenberger on 3/31/06 and revised 5/26/06. The map shows square footage of 65,340 for Lot 2 so they have sufficient footage.

Mrs. Olmsted said they are over 500' from Eager or LaFayette Road so this doesn't have to be referred to County Planning.

Chairman Nakas asked where the well is located.

Mrs. Olmsted showed him.

Chairman Nakas noted their septic will be over 100' from the well. He asked if there were any other questions or comments from the public or the Board. There were none.

**Members Markoff moved and Bush seconded the motion to close the public hearing. Motion passed unanimously.**

**Members Markoff moved and Bush 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 2-lot subdivision of the Olmsted's property. Motion passed unanimously.**

**Sketch Plan Conference with Dan Oot regarding his property in LaFayette and some options he is considering.**

Dan Oot was present. He said this property is the old Mondore property. He showed the Board on a map what he would like to do. This property is right next to the Auto Auction.

Chairman Nakas noted it's on the north side.

Dan Oot said it goes between Webb Road and Route 11. He thinks it's about 8 acres. Part of it is zoned Industrial and part is zoned Agricultural/Residential. In 1986 they were thinking about putting some houses on the property. What he would like to do is put some storage units there. They would be like Jerry Doolittle's storage buildings.

Member Markoff asked if it would be inside or outside storage.

Dan Oot said outside.

Chairman Nakas asked if the buildings would be on stone or concrete.

Dan Oot said reinforced slabs. As far as fencing, one side is already fenced. Another side is natural drainage and the other side has a big ditch along it. They are planning on putting a gate on one side. He isn't sure which way they will come onto the property yet. He will have pictures of all of this at the time he files his application.

Chairman Nakas asked if he had a defined number of units he would like to construct.

Dan Oot said he would put up one unit and see how it rents out and go from there.

Member Bush asked where he would enter the property from.

Dan Oot said he can enter from Webb Rd. or Route 11. They will probably have access control. He isn't sure which side he will enter from yet. He will shut off one of the entry ways. There will be minimal lighting. There will be no septic or wells required.

Chairman Nakas asked if there are any issues with drainage.

Dan Oot said no. He did a perk on the area when he was thinking of building on it and it perked in about 14 minutes.

Chairman Nakas asked if he would have to take steps to handle any additional runoff from the construction.

Dan Oot showed him where the ditches are. Everything is swale. He doesn't think there will be any additional runoff from his construction.

John Langey said we just dealt with some issues of drainage on the property on the other side of the Auto Auction.

John Dunkle looked at the map.

John Langey said Ralph Lamson should look at what is being proposed to see what the application should be for.

Ralph Lamson said he would consider this a warehouse.

John Langey said that would mean the applicant would come before this Board with an application for Controlled Site Approval. He should have a site plan showing all boundaries, neighboring property owners, topography, an application, any utilities, proposed landscaping, curbing, etc.

Dan Oot asked how you look at the density.

John Langey said there should be setback criteria and overall lot coverage.

John Dunkle said since the applicant will be stripping over 1 acre he will have to fill out a stormwater report and follow stormwater regulations.

Ralph Lamson said maximum coverage of the lot is 20%.

John Langey reviewed the setbacks. The next issue is drainage.

John Dunkle asked if there would be any septic system or water.

Dan Oot said no.

John Langey asked if there would be an office there.

Dan Oot said no.

John Dunkle said some of the other issues might be security, lighting and its impact on neighboring properties, etc. Since this will be on a state road, it will require driveway approval from the State D.O.T.

Dan Oot said he could come in off of Webb Rd.

John Langey said if he does that, he will have to cross the property zoned Agricultural/Residential and he doesn't know if that is acceptable. His next step is to have his surveyor put together a plan. He should propose a lighting and drainage plan and supply the road cut permit. When he comes to the next meeting he should have a full set of plans for the Board so that they will be comfortable putting him on the agenda for a public hearing. The preparation will save the applicant a lot of time.

**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 we have a lot of documentation from the applicant.

John Dunkle said for the last month, the applicant has been submitting information. As of today, he was reviewing the fourth set of plans and documents addressing his and John Langey's concerns. At this point, most of his concerns have been addressed. He had recommended approval of the SWPPP from the N.Y.S.D.E.C. be received prior to any final approval. He received a faxed copy of a letter dated June 20, 2006, from the Ellen Hahn of the N.Y.S.D.E.C. today. They reviewed the material and determined that the SWPPP meets the minimum requirements of the SPDES General Permit for Stormwater Discharges from Construction Activity. The applicant's request for approval to disturb greater than 5 acres of soil at any one time was granted with the following condition: "Supplemental erosion and sediment controls employed to mitigate impacts to the environment, including but not limited to topsoil, seed and mulch areas of soil disturbance, including stockpiles, no later than seven (7) days following grading activities".

John Dunkle said he saw the septic plans for the first time about 1:00 p.m. this afternoon. He has not really had time to look them over. He is concerned the septic plan may have implications to the site and drainage plans. He called the Health Dept. to see what they felt about this. He received a faxed copy of a letter from Mr. Till today. Mr. Till said he sent a letter stating he is giving a lukewarm endorsement of the plan. There is no lot at the site that can support a conventional septic system. All the 8 lots have uniquely designed septic systems. Jeff Till said he will not sign the subdivision final plat approval until he actually sees the system on each lot.

John Langey asked the date of the letter.

John Dunkle said June 20, 2006. The letter states "While the plans as submitted meet conceptual requirements of this office, an integral step in the procedure for securing plan approval is pending. Because of the location of the existing structures and parking areas over proposed mound areas, and the assumption that these areas are currently unsuitable, the buildings must be razed and appropriate fill be placed in accordance with your preliminary grading plan prior to plan approval. This will allow for the basis of design for the mound systems proposed. In accordance with your instructions, this fill must not be placed until proper site conditions exist, i.e. a dry weather period..."

John Langey asked how long it would take for Jeff Till to be satisfied.

John Dunkle said he can't do this now as 3 or 4 of the lots must have fill brought in and allowed to settle.

John Langey asked how long this would take.

John Dunkle said the issue is whether the soil is compacted enough. It has to have a season to settle. The preferred way is to let it settle over the winter. If you can't achieve this, you have to layer it in and go over it with rollers, etc. If this is done, it could be tested in a month or two by the Health Dept.

John Langey asked if he had a recommendation for the Planning Board on whether to go forward with this or not at this time.

John Dunkle said waiting another month isn't going to solve this issue. The applicant needs to go in and demolish the existing buildings and start bringing in the soil, etc.

Ralph Lamson said they can't build houses until they get approval for the Health Dept. anyway.

John Langey asked John Dunkle if final plat approval is granted tonight with a bunch of conditions is there any conditions he would like made?

John Dunkle said he would like one more chance to kind of look at all the things together. He doesn't care if this is before the final approval.

John Langey said he could do a final comment letter.

John Dunkle said yes and the chairman wouldn't be able to sign off on the map until this is received.

John Langey said the major issue is going to be poor soil conditions for normal septic designs.

John Dunkle said yes as well as the Health Dept. having some reservations about how the proposed designs will work.

Joseph Jerry said quite frankly, they are very happy to be here today because they are here in anticipation of an approval of their final subdivision. This comment comes as a total surprise. Having been an attorney for a Planning Board for the Town of DeWitt for 25 years, the Town of DeWitt has always relied on the County Health Dept. for approval of the septic system. It usually is up to the developer to decide if he wants to take the risk of going forward. At this point the developer has every confidence in the design engineer and the design engineer has had communication with the Health Dept. and they felt approval of the septic systems could be a condition of the final approval. They would like final approval with normal conditions. If the Board would like the condition that approval is subject to final approval of the Health Dept., that would be fine.

Chairman Nakas asked if that is one of the stipulations John Langey has prepared in his proposed resolution.

John Langey said that is one of the conditions. He does have a draft resolution with him tonight based upon review of various information received. It is really the developer's risk. If this is approved tonight and for some reason the applicant can't put any kind of feasible septic system in, they would have to come back to this Board with a new plan.

John Dunkle said his primary concern is that he wants to look at location of the septic systems and how they propose their curtain drains. He wants to be sure all the plans work together.

Chairman Nakas asked how long he needs.

John Langey said a condition could be included in the resolution that a final comment letter from the engineer is required.

John Dunkle said his letter could be limited to the final plat and how it works with the proposed drainage system. Jeff Till said he was giving a very cautious conceptual approval. He did not give full endorsement of the septic design.

John Langey reviewed his draft resolution with the Board. He advised he received a phone call from a neighbor who asked several important questions. One question was about the blue line. The applicant had said they purchased the blue line property. He asked the applicant if they acquired the blue line land within the plan.

Joseph Jerry said the State of New York went out of its way to deed every interest they may own between their north and south boundary line to the applicant.

**RESOLUTION OF THE PLANNING BOARD  
OF THE TOWN OF LAFAYETTE  
WAIVING PUBLIC HEARING ON THE FINAL PLAT  
AND GRANTING OF FINAL PLAT APPROVAL**

**JUNE 20, 2006**

**“THE GROVE” SUBDIVISION PHASE I (a/k/a COHEN SUBDIVISION)**

**WHEREAS, Jeffrey Cohen, as owner, had made an application for preliminary plat approval of a proposed major subdivision in the Town of LaFayette known as “The Grove” Subdivision Phase I (a/k/a Cohen Subdivision); and**

**WHEREAS, said Subdivision consists of 10 lots including 8 building lots and 2 large residual lots (allowing no disturbance or construction upon same) with associated roadways and drainage facilities; and**

**WHEREAS, the Planning Board had called and held a public hearing to consider the preliminary plat plan, which hearing was held on February 20, 2004 and continued to April 19, 2004 for the purpose of considering the approval of the preliminary plan and the submitted Draft Environmental Impact Statement prepared for the project; and**

**WHEREAS, the notice of public hearing was published in the manner required by law and proof of said publication had been presented to the Board; and**

**WHEREAS, the requirements of 6 NYCRR Part 617 have heretofore been previously satisfied by a Resolution in which the Board determined that the proposed preliminary plat approval of “The Grove” Subdivision Phase I would not have a significant effect on the environment; and**

**WHEREAS, on September 20, 2005, this Planning Board gave preliminary plat approval for the proposed subdivision subject to numerous conditions; and**

**WHEREAS, the applicant has demonstrated its compliance with those conditions which can be met prior to the approval of a final plat approval; and**

**WHEREAS, the applicant has now come before the Board requesting final plat approval subject to appropriate conditions with regard to “The Grove” Subdivision Phase I; and**

**WHEREAS, the Planning Board has considered the suitability of the subdivision as a possible location for a park and/or recreation facility and has taken into consideration the size of the subdivision as well as pertinent practical factors; and**

**WHEREAS, a park and/or recreation area cannot be properly located in such subdivision; and**

**WHEREAS, the applicant has presented to this Board a final plat plan for lots located in said subdivision to be known as “The Grove” Subdivision Phase I (a/k/a Cohen Subdivision); and**

**WHEREAS, this Board has determined that the final plat plan as submitted**

is in substantial compliance with the preliminary plat plan and is hereby and herewith approved by this Board subject to conditions and that pursuant to Section 276 of the Town Law and the Subdivision Regulations of the Town of LaFayette, the requirement for a public hearing on the final plat plan application is hereby waived.

NOW, THEREFORE, upon motion of Brad Bush, seconded by Barbara Lasky, it is

**RESOLVED**, that pursuant to Section 276 of the Town Law and the Subdivision Regulations of the Town of LaFayette, the requirement for a public hearing on the final plat plan is hereby waived; and it is further

**RESOLVED**, that the Planning Board of the Town of LaFayette hereby grants final plat plan approval on the subdivision known as “The Grove” Subdivision Phase I (a/k/a Cohen Subdivision) conditioned upon the following list of specific conditions and based upon the following documents:

- a. Title Sheet, last revised on June 20, 2006 by Keplinger Freeman Associates, LLC;
- b. Site Plan - East (Sheet No. L-1), dated April 5, 2006, as last revised on June 20, 2006;
- c. Site Plan - West (Sheet No. L-2), dated April 5, 2006, as last revised on June 20, 2006;
- d. Erosion Sediment Control Plan - East (Sheet No. L-3), dated April 5, 2006, as last revised on June 20, 2006;
- e. Erosion Sediment Control Plan - West (Sheet No. L-4), dated April 5, 2006, as last revised on June 20, 2006;
- f. Road Profiles (Sheet No. L-5), dated April 5, 2006, as last revised on June 20, 2006;
- g. Site Details (Sheet No. L-6), dated April 5, 2006, as last revised on June 20, 2006;
- h. Maintenance and Protection of Traffic Plan (Sheet No. L-7), dated April 5, 2006, as last revised on June 20, 2006;
- i. Final Plat Plan - South (Sheet No. C-1), last revised on May 10, 2006 and prepared by R. Stephen Moncrief, Jr., PLS, Moncrief Land Surveying, P.C.;
- j. Final Plat Plan - North (Sheet No. C-2), last revised on May 10, 2006 and prepared by R. Stephen Moncrief, Jr., PLS, Moncrief Land Surveying, P.C.;

- k. Site Septic Plan, last revised on June 5, 2006 by RZ Engineering (3 sheets);**
- l. Correspondence dated June 20, 2006 from Onondaga County Health Department;**
- m. Correspondence dated June 20, 2006 from New York State DEC;**

**and it is further**

**RESOLVED, that such approval is conditioned upon satisfaction of the following conditions and the Chairman of the Planning Board is hereby directed to withhold signature of the subdivision plat plan until satisfaction of those conditions, which are not ongoing or continuous throughout construction:**

- n. Pursuant to the Town of LaFayette Subdivision Regulations and Town Law § 277, a Performance Bond shall be deposited with the Town Clerk in an amount to be determined by the Town of LaFayette town engineer for security for the construction of all roadways, drainage facilities and other systems supporting the proposed subdivision.**
- o. Construction inspection of all of the proposed roadways and utilities shall be conducted by the Town of LaFayette and its consulting engineer at the sole cost and expense of the applicant. Specific cost estimates shall be determined by the Town and its consulting engineer.**
- p. 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 prior to any construction.**
- q. Filing of New York State Department of Transportation road access cut permits with the Town.**
- r. 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.**
- s. 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.**

- t. The applicant must provide written documentation to the Town demonstrating approval being obtained from the Niagara Mohawk Power Corporation or its successor for any proposed development within the 100 foot easement.**
- u. Preparation and recording of a Covenant to Run with the Land to the satisfaction of the Town Attorney 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.**
- v. 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.**
- w. 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 regrading of the two residual lots.**

- x. **All existing buildings and other structures shall be removed and the debris from same properly treated and disposed.**
- y. **No construction shall take place in any wetland areas without prior written approval from the New York State Department of Environmental Conservation.**
- z. **The applicant shall take steps necessary to cause the formation of a drainage district serving the subdivision. It is a specific condition of this final plat approval that the formation of a drainage district and the provision for easements to the Town be first obtained by the developer prior to commencement of any construction.**
- aa. **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.**
- bb. **The applicant shall comply with all SPDES Phase II Regulations prior to and during construction.**
- cc. **The Human Remains Protocol as identified by OPHRP 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.**
- dd. **No portion of any proposed drainage easement shall lie within the existing Niagara Mohawk Easement.**
- ee. **The applicant will comply with all other Town of LaFayette Zoning and Subdivision Regulations or its successor.**
- ff. **A notation shall be placed upon all lot deeds, subdivision covenants and the final 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.**
- gg. **Final plat approval is conditioned upon payment to the Town of LaFayette of monies in lieu of land for park or recreational purposes as required by the Subdivision Regulations and the Town Law of New York State, and payment of all fees associated with the review and**

**approval of the application.**

- hh. This approval is also subject to any appropriate agreements being entered into by the applicant and the Town of LaFayette as directed by the Town Attorney.**
- ii. The applicant shall provide proof of insurance with the Town and comply in all aspects with the Town of LaFayette Subdivision Regulations;**

**and it is further**

**RESOLVED, that for purposes of the State Environmental Quality Review Act, the Planning Board hereby reincorporates and reaffirms the Negative Declaration approved by this reviewing Board on September 20, 2005, a copy of which is attached for reference and is fully incorporated herein; and it is further**

**RESOLVED, that the Planning Board hereby authorizes the Chairman of the Planning Board to sign the Final Plat upon certification that all requirements and conditions set forth herein have been satisfactorily met; and it is further**

**RESOLVED, that pursuant to the Land Subdivision Regulations of the Town of LaFayette and New York State Town Law, the conditions herein shall be met pursuant to said Laws and the final map shall be recorded in the Onondaga County Clerk’s Office; and it is further**

**RESOLVED, that the Planning Board hereby reaffirms the waiver granted on September 20, 2005 of the Town of LaFayette Subdivision Regulations relating to the requirement for a maximum length of dead-end roads as depicted on the final plat map; 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 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 a roll call vote, which resulted as follows:**

<b>James Nakas, Chairman</b>	<b>Voting</b>	<b>Yes</b>
<b>Andrew Peebles, Member</b>	<b>Voting</b>	<b>Yes</b>
<b>Richard Markoff, Member</b>	<b>Voting</b>	<b>Yes</b>
<b>Barbara Lasky, Member</b>	<b>Voting</b>	<b>Yes</b>
<b>Brad Bush, Member</b>	<b>Voting</b>	<b>Yes</b>

**The Chairperson, Mr. Nakas, then declared the Resolution to be duly adopted.**

John Langey reminded the applicant that he has a lot of work to do and he has a time-frame of 180 days to do it in.

Chairman Nakas said under Section II in the Jamesville Grove Estates Phase 1 Stormwater Pollution Prevention Plan it states. ..."it can be anticipated that the development will create a decrease in stormwater runoff from all watersheds to the Jamesville Reservoir..." Can this statement that after the project is completed there will be less runoff than there is now stand true?

John Dunkle said that is because there is more hard pavement and hard surfaces there now than there will be in the future.

Mr. Cohen said it will have less of an impact.

Mr. Keplinger said rain water will permeate into lawns and vegetation areas.

John Dunkle said this is true other than during the construction stages.

Joseph Jerry thanked the Chairman and the Board for all their hard work and patience. He especially thanked John Langey and John Dunkle for their hard work.

Chairman Nakas thanked everyone for their patience and hard work through this lengthy process.

**CASE # 366                      Continuation of application of Dusan Janak for a 2-lot resubdivision of his property located at 3319 LaFayette Rd. approximately ½ mile north of the Commene Rd. and LaFayette Rd. intersection in an Agricultural/Residential District. (Tax Map No. 022.-05-01.0). (Bringing letter regarding wetlands)**

Chairman Nakas said it seems the only hangup was the possibility of wetlands.

Dusan Janak submitted a map dated 2/22/06 with revisions. He also submitted a letter from Christopherson Land Surveying dated June 5, 2006 stating "After review of the New York State Freshwater Wetland Map for Onondaga County (Map No. 15 of 21) also known as the Jamesville Quadrangle – Second Edition of 1973, it does not appear that your property is shown as being encumbered by this designation."

**Chairman Nakas moved and Member Markoff 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 2-lot subdivision of the Dusan Janak's property. Motion passed unanimously.**

**CASE # 371                      Application of Sheila Applegate for Controlled Site approval for her property located at 2966 Route 11 approximately 1 mile north of the Route11 and Route 20 intersection in an Agricultural/Residential District. (Tax Map No. 022.-08-11.1).**

Sheila Applegate said she would like to have a home office. She does private consulting. She submitted a parking plan, copy of her property survey, floor plan layout of her home, and map showing her driveway for parking space. She would like to run some meditation classes which might require 10 parking spots. She would see 10 people at the most a week on an individual basis.

John Langey read the definition of a home occupation. This will have to be referred to County Planning.

This will be scheduled for a public hearing in July.

Chairman Nakas said it might be a good idea for her to talk to her neighbors about what she is proposing.

Member Bush will recuse himself from this application as he is a neighboring property owner.

**CASE # 372                      Application of Ronald DeRollo for a 2-lot subdivision of his property at 4131 Route 91 on the west side of Route 91 approximately 1 ½ miles south of the Route 91 and Route 173 intersection in an Agricultural/Residential District. (Tax Map No. 001.-05-13.2).**

John Langey said this case is back before the Board as the applicant didn't file his map within the time-frame allowed.

It was confirmed nothing has changed from the original application.

**Members Markoff moved and Bush seconded the motion to waive the public hearing and approve the final plat for the 2-lot DeRollo Subdivision. Motion passed unanimously.**

**CASE # 341                      Sketch Plan Conference for appeal of CRAM Communications, LLC for a resubdivision of their property located approximately 1600' north of the Webb Rd. and Groth Rd. intersection in an Industrial District.**

Craig Fox said when he was here last, it was for the SEQR review and recommendation to the Town Board for his project.

Chairman Nakas asked if the archeological issue was part of this.

Craig Fox said there was no requirement at that time. The Onondaga Nation sent a letter to the DEC and SHPO. SHPO rescinded their letter. They met with the Onondaga Nation and talked about doing an archeological study. The Onondaga Nation preferred he used Nikki Waters. She was very busy and it took her a few months to get to his project. She came up with no artifacts. She came up with some inconsistencies in the historical description of where the Onondaga Nation boundary is but she was able to work this out. The Onondaga Nation was very happy with her report. SHPO reissued a letter of no effect but requested that a condition be stated that the applicant follow the Human Remains Discovery Protocol regarding construction. He is asking the Board to redo what it did a year ago as this all happened after the Board's conclusion.

John Langey said he is here because SHPO reopened the SEQR process. This Board was supposed to act as lead agency and make a recommendation to the Town Board. This Board can reaffirm and reacknowledge the negative declaration the Board found on this application. In Joseph Heath's letter of June 13, 2006 he thanked the applicant for ..."providing a copy of the Phase 1A Archeological Background and Literature Review and Phase 1B Field Reconnaissance Report of Six Proposed Radio Tower Locations, with Associated Transmitter building, in the Town of LaFayette...For your convenience, I have attached a copy of the Haudenosaunee Statement on Human Remains...We view the consultation relationship as an ongoing one, and would be grateful if you would keep Mr. Gonyea and this office informed of the construction

schedule for the project as it moves forward...” In SHPO’s opinion, the project will have no effect on historic properties.

**TOWN OF LAFAYETTE PLANNING BOARD**

**Application for Site Plan Approval by CRAM COMMUNICATIONS, LLC for Location of Six Permanent Radio Towers Along with Appurtenances on Vacant Land at the North-end of Groth Road, Adjacent to Route 81, Town of LaFayette**

**AMENDED REPORT AND RECOMMENDATION TO THE  
TOWN OF LAFAYETTE TOWN BOARD AND  
AMENDED AND REAFFIRMED SEQR DETERMINATION**

**DATED: JUNE 20, 2006**

Chairman James Nakas moved and Brad Bush seconded the following Resolution, which carried as follows:

WHEREAS, Cram Communications, LLC has applied for site plan approval to allow for the location of six permanent guy wired AM radio towers ranging from 190-feet to 326-feet as a directional antennae transmitting array for radio station WVOA, along with appurtenant 20 x 20 equipment building and a 60-foot receiving tower, all on property known as Tax Map 025-05-12.2 and 025-05-14 (Groth Road - adjacent to Route 81, Town of LaFayette, New York, in an industrial zoning district); and

WHEREAS, pursuant to the Town’s zoning ordinance and Town of LaFayette Local Law No. 1 of 1997, such commercial radio towers or facilities are an allowed use subject to site plan approval as approved by the Town Board; and

WHEREAS, the Town of LaFayette Town Board previously made a referral of said application to the Town Planning Board for its recommendation, on said application; and

WHEREAS, on or about June 21, 2005, this Planning Board did provide a Report and Recommendation to the Town Board, a copy of which is attached hereto for the Town Board’s reference; and

WHEREAS, on or about August 19, 2003, this Planning Board did provide an initial Report and Recommendation to the Town of LaFayette Town Board, a copy of which is also attached hereto for the Town Board’s reference; and

WHEREAS, on June 21, 2005, the Town of LaFayette Planning Board as lead agency determined this unlisted action to have no significant adverse environmental impact, such that a negative declaration pursuant to the State Environmental Quality Review Act (“SEQRA”) was issued (a copy of which is attached hereto); and

WHEREAS, on or about July 25, 2005 the Town of LaFayette received a copy of correspondence dated July 25, 2005 from the New York State Office of Parks, Recreation, Historic Preservation (“SHPO”) withdrawing its prior “no effect” determination such that the Town Board directed this reviewing Board to

undertake a re-review and recommendation with regard to SHPO’s concerns raised in said correspondence; and

WHEREAS, the applicant has retained a certified archeologist to prepare a Phase I-A Archeological Background and Literature Review, and Phase I-B Field Reconnaissance Report of the six (6) proposed radio tower locations with associated transmitter building, which Report has been received and reviewed by the Town, SHPO and the Onondaga Nation; and

WHEREAS, on June 14, 2006, SHPO issued a new “no-effect” determination with relation to the potential environmental impact of this use upon archeological resources and remains with conditions, a copy of which is also attached hereto for the Board’s reference; and

WHEREAS, the Planning Board now desires to alter and amend its report and recommendation to the Town Board of the Town of LaFayette, originally dated June 21, 2005, to include additional recommendations and to reaffirm and re-ratify the original negative declaration consistent with the conclusions and recommendations noted in SHPO’s June 14, 2006 correspondence.

NOW, THEREFORE, it is hereby resolved as follows:

2. The Planning Board hereby reaffirms and re-ratifies the original determination of no environmental significance previously issued by the Planning Board dated June 21, 2005. It is specifically noted that the Planning Board’s re-ratification of the original negative declaration is in recognition that the applicant shall abide and comply with the directive that the SHPO Human Remains Discovery Protocol be added to all construction plans and SHPO should be consulted if there are any changes to the project, as outlined in SHPO’s correspondence dated June 14, 2006.

3. The Planning Board hereby amends and reaffirms the original Report and Recommendation of the Town of LaFayette Town Board dated June 21, 2005 in its totality with the additional recommendation as follows:

§ The Planning Board hereby recommends that any and all development and use of the property be in strict compliance with the human remains protocol identified in SHPO’s correspondence of June 14, 2006. It is further hereby recommended that the developer be required to provide copies of SHPO’s human remains protocol to all contractors working on the site.

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

James Nakas, Chairman	Voting	Yes
Andrew Peebles, Member	Voting	Yes
Richard Markoff, Member	Voting	Yes

**Barbara Lasky, Member**

**Voting**

**Yes**

**Brad Bush, Member**

**Voting**

**Yes**

**The Chairperson, Mr. Nakas, then declared the Resolution to be duly adopted.**

**Chairman Nakas moved to adjourn. Motion passed unanimously.**

The Planning Board Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Mary Jo Kelly  
Secretary

Member Lasky on page 2, the first paragraph says "...the map shows it's over 6,500 square feet..." Should this read 60,000 square feet? It was decided to amend it to read "...the map is over 60,000 square feet so they have sufficient footage."

Member Lasky said on page 13, the second sentence "Member Bush will recuse himself..." Should this be "excuse himself".

Wendy Reese said recuse is a legal term used if a Member is excusing himself from voting on an application. It was decided "recuse" was O.K.

Chairman Nakas said on page 12 paragraph one, the last sentence should read "Can this statement be proven that after the project is completed there will be less runoff than there is now.?"

The June 20, 2006 Planning Board Meeting Minutes will stand as submitted with the above corrections.