

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on July 18, 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
Barbara Lasky, Member
Brad Bush, Member
Shawn Adam, Alt. Member

Absent: Richard Markoff, Member

Recording Secretary, Mary Jo Kelly

Others present: Wendy Reese, Town Attorney
Sheila Applegate, Applicant
James E. Stirner, Jr., Applicant
Mr. Easterly
Bob DeMore, Attorney for applicants

Chairman Nakas called the meeting to order at 7:00 p.m. and welcomed everyone. He asked if there were any corrections or additions to the June 20th Meeting Minutes.

Member Lasky said 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 "Is this statement true 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.

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

Sheila Applegate said she is a clinical social worker and she would like to do counseling out of her home. She has a backroom for the entrance. She has enough parking space. She is talking about 10 people a week.

Chairman Nakas confirmed the business would be conducted completely inside her home.

Sheila Applegate said yes.

Chairman Nakas said the parking is adequate. He asked about lighting or signage.

Sheila Applegate said she doesn't need them. The counseling is basically one-on-one. If she put any sign up, it would say Sheila Applegate.

Chairman Nakas said the town does have a certain signage size that you are not allowed to exceed.

Sheila said she doesn't think she will be putting anything up.

Chairman Nakas asked about having a yearly event.

Sheila said she decided not to do that.

Member Peebles said if she would be open year-long.

Sheila said yes but basically will do the counseling when the kids are in school.

Member Peebles asked about conducting her business at night.

Sheila said she couldn't go past 8:00 p.m. because that is when her kids go to bed. She is talking primarily during the day and maybe into the evening.

Member Peebles asked about weekends.

Sheila said possibly.

Chairman Nakas asked what the most amount of people inside at one time would be.

Sheila said it could be 15 but that would be rare. For the most part, it would be one at a time.

Chairman Nakas confirmed there would be no on-street parking.

Sheila said there wouldn't be any.

Mr. Easterly was present to represent Havenlines which is right across the street from the Applegate property. This past weekend people attending a function at Sheila's residence parked at their site. He is just addressing this because of liability. They weren't asked if it was O.K. to park on their property. He just wants this addressed.

Sheila said this was a social gathering she had at her house. She has a side lot they can park in. She apologized for her guests parking on his property.

Chairman Nakas asked if in the future she wishes to have some of her guests park across the street, she will contact Mr. Easterly for his permission.

Mr. Easterly said it's just the issue of liability. Down the road if she needs to use their parking lot, just come across the road and talk to them about it. The other questions he had have been answered.

Member Peebles would like to determine if a sign will be needed.

Sheila said no.

Member Peebles said the Board will be approving this without a sign being put up.

Chairman Nakas said whatever the Board agrees on tonight is what she will be bound by.

Sheila said she doesn't feel like she needs any signs but if the Board is saying she should be prepared in case in the future she would like one, she can include this.

Chairman Nakas asked if she would want one 2' x 2'.

Sheila said that would be O.K. She is willing to be within whatever restrictions the town has.

Member Bush said if she puts a sign up on her mailbox with just her name on it, it falls under different regulations than if she wishes to put up a sign for her business. Since he will be recused, he would speak as a neighbor about this application. He sees no problem with it.

Mr. Easterly said he doesn't have a problem with it either.

Member Peebles said the things he has heard are that hours of operation will be no later than 8:00 p.m. and possibly on the weekends by appointment, there is ample parking for up to 10 vehicles and no signs are requested.

Chairman Nakas said and she will not be holding an annual event.

Sheila said that is correct.

Chairman Nakas said if there is any parking to be done on the neighbors property, she will contact them first to request permission.

There were no further questions or comments from the Board or the public.

Chairman Nakas moved and Member Peebles seconded the motion to appoint this Board as Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and to grant approval for Controlled Site to Sheila Applegate for her property at 2966 Route 11 with the following conditions:

- 1) **Hours of operation will not go later than 8:00 p.m. with possible weekend appointments.**
- 2) **No signage is required.**
- 3) **There is ample parking for up to 10 vehicles.**
- 4) **There will be no annual event held.**
- 5) **Any parking on neighbors property will be requested prior to it happening.**

Voting on the above motion was as follows:

Chairman Nakas	Voted	Yes
Member Peebles	Voted	Yes
Member Lasky	Voted	Yes
Member Bush	Recused	
Alt. Member Adam	Voted	Yes

Motion carried.

CASE # 373 Sketch Plan Conference for application by James Stirner, Jr. for Controlled Site approval at his business located at 2605 Route 11 approximately 1/2 mile north of the Route 20 and Route 11 intersection in a Business District. (Tax Map No. 020.-04-08..1).

Jim Stirner said he would like to try to sell some cars, a camper, etc from his current business location. There would be a maximum of 3-4 vehicles there at one time. In the winter he would like to sell SUV's and 4-wheel drive vehicles. In the summer he would like to sell campers, cars, etc.

Chairman Nakas asked if it would be in the back of the location.

Jim said yes.

Chairman Nakas asked if someone can have more than one commercial site on one property. Is there a limitation as to what you can have at one site?

Wendy Reese said on one single lot the code says you can have one or more uses of which are united in interest. No unity exists between a restaurant and a used car dealership. You can only have uses united in interest

Chairman Nakas said their legal determination is that this cannot go on at this point.

Wendy said they would recommend the applicant talk to Ralph Lamson about this.

Jim Stirner said the house and bar are on one property. The cars would actually be in front of the pole barn and would not have anything to do with the bar.

Chairman Nakas asked if he could have it on a separate parcel of land with a separate tax map number.

Jim said no. If he did that, they would want him to be zoned residential and then he couldn't do anything with it.

Discussion took place about this property grandfathering in.

Wendy Reese said you are grandfathered in for only so long as you are at that point. You cannot make changes to what you already have. You must comply with code to go forward.

Chairman Nakas asked what this Board's advice should be at this point. He doesn't want to see the applicant waste any more time if it can't be done. Should we get Ralph Lamson involved?

Wendy Reese said it was John Langey's suggestion to get Ralph Lamson involved and see if there is a way to proceed.

Jim Stirner said he talked to Ralph about the application.

Member Bush said he talked to Ralph about this at the last meeting. The property next door to Mr. Stirner is a pizza shop and apartments. Down the road is a residence with an RV repair shop behind it. He thinks Ralph thought this was just a formality. There is a building on Route 11 south with a garage and body shop behind a diner. We have several of these entities in town.

Wendy Reese said if the Board defines common interest as being met by the businesses all being owned by the same person, perhaps you could go forward with this.

Jim Stirner said the only thing he would have to do is put a red sign up from DMV.

Alt. Member Adam said he thinks we already have these situations in the town. In his mind the common interest is met by all the businesses at the site being owned by one owner.

Chairman Nakas asked the Board if they are in favor of moving forward with this application.

Member Bush said yes.

Member Peebles said he is not comfortable overstepping what the town attorney said. He would like the town attorney to review some of the businesses in town and some recent applications that have gone through and provide us with a little more guidance.

Member Lasky doesn't have a problem with moving ahead as the size of the business he is looking to do is smaller than the one he currently has.

Chairman Nakas thinks the Planning Board does not want to hold up Mr. Stirner but would like to simultaneously receive more input from our legal counsel. He recommended Jim Stirner proceed with the application and maybe firm up a little the information on the hours of operation, signs, employees, etc.

Member Bush said Mary Jo will refer this to the county. This can be scheduled for a public hearing at the next meeting if we have heard back from County Planning.

Jim Stirner said he is going to be using Signature Auto's license.

Chairman Nakas asked who Signature Auto is and where it is located.

Jim said they have two shops. One is on Erie Blvd. and the other is on Geddes St.. This is just until he sees how this will work out here. If it works, he will apply for his own DMV registration.

Member Peebles said when we have a public hearing, there may be a lot of questions asked by the public. The public could raise additional concerns.

Chairman Nakas said the Board will ask him to get up and explain what he is planning to do at the public hearing.

Member Bush said it might be helpful if he talked to his neighbors one-on-one about what he is proposing prior to the public hearing.

CASE # 374

Sketch Plan Conference for application of Richard Hill for a 4-lot subdivision of his properties located at the southeast corner of the Route 20 and Clark Hollow Rd. intersection and on the west side of Clark Hollow Rd. approximately 160' south of the Rte. 20 and Clark Hollow intersection in an Agricultural/Residential District. (Tax Map No.'s 010.-05-12.0 & 010.-04-01.0).

Bob DeMore was present to represent the applicant. He advised this is really a 2-lot subdivision. There was talk regarding the road going through and thus creating two lots with two separate tax map numbers making this a 4 lot subdivision.

Chairman Nakas asked if there is a designated wetland.

Bob DeMore said there could be but they are not doing anything with the land.

Member Peebles asked if there are any driveway cuts being proposed.

Bob DeMore said no.

Chairman Nakas said there will be a new map.

Bob said they are not ready to schedule a public hearing at this point.

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

Bob DeMore will check on the subdivision of properties divided by a road.

Sketch Plan Conference for Jamesville Terrace resubdivision. Resubdivision approved August 1991 but map never filed. Maureen Perrin is representing applicants.

Bob DeMore is representing this application. There was a map presented

readjusting the boundaries due to errors. This never got completed. All the owners didn't sign it. They are getting a new map. They would like a public hearing scheduled. They are not creating any new lots.

Member Peebles said the last Jamesville approval the Board did had a dispute regarding the blue line.

Bob DeMore said that isn't shown on this map. He will find out about the blue line.

Mary Jo asked if this had to be referred to the County again.

Bob DeMore will find out if it is within 500' of a state or county road. He asked if they can use their old filing fee towards this application.

Member Peebles said we have been faced with this type of situation before.

Wendy Reese said when an old application expires, it must start over from scratch.

Bob DeMore will see if lots A, B & C have anything to do with the number of lots.

Wendy Reese said the prior resolution states a 1-13 lot subdivision.

Bob DeMore said they are not modifying lots 1-13.

Wendy said the prior resolution refers to lots 1 through 13. There is no A through D.

Chairman Nakas said we will need more information on this.

Bob DeMore asked if this can be scheduled for a public hearing at the next meeting.

Chairman Nakas said if the applicant can get everything lined up on this, it could be.

Member Bush moved and Alt. Member Adam seconded the motion to adjourn. Motion passed unanimously.

The Planning Board Meeting adjourned at 7:54 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

Adopted 9/19/2006