

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on November 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  
Brad Bush, Member  
Shawn Adam, Alt. Member

Absent: Barbara Lasky, Member

Recording Secretary, Mary Jo Kelly

Others present: Kevin Gilligan, Planning Board Attorney  
Joyce McManus, Applicant  
Mr. & Mrs. Albanese, Applicants  
Mr. & Mrs. Spratt, Applicant  
Kurt Watson, Applicant  
Ron DeRollo, Applicant

Chairman Nakas called the meeting to order at 7: 00 P.M. and welcomed everyone.

Chairman Nakas asked if there were any additions or corrections to the October 17, 2006 Planning Board Meeting Minutes. There were none. He said the Minutes will stand as submitted by the Secretary.

Chairman Nakas said before moving on to the agenda items, Mr. DeRollo is present to talk to the Board about a previously approved application of which he is seeking an extension.

Member Peebles said the regulations allow this Board to grant up to two 90-day extensions. Mr. DeRollo has advised the Board of a lien on his property and he is requesting an extension.

**Member Peebles moved and Member Markoff seconded the motion to grant Mr. DeRollo a 90-day extension for this application. Motion passed unanimously.**

Kevin Gilligan said if the applicant requires more time, he will have to come back and request an additional 90-day extension before this one runs out.

**CASE # 375 - Public Hearing for the application of the Aungier Estate for a 2-lot subdivision of the property located at the northwest corner of Naughton Road and Route 20 in an Agricultural Residential District. (Tax Map No. 020.-07-04.0).**

Joyce McManus was present to represent the application. She said the family would like to have 10 acres of land go with the house and barns and the other would be about a 36 acre lot. The house is currently up for sale. Any of the people who have been interested in the property are interested in having horses. Originally they had 3 acres with the house and barns but they have changed it to 10 acres to allow for someone to have some horses. A map dated 10/30/06 and prepared by Christopherson Land Surveyors was submitted.

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

Chairman Nakas asked if there were any comments or questions from the Board.

Member Peebles asked what the intent for Lot 2 is.

Joyce McManus said to be sold as a single plot.

Chairman Nakas noted County Planning has responded to this application. They suggest the applicant reserve two 60-foot rights-of-way on proposed Lot 2 to provide access to Naughton Road. This is a little confusing to him as they also state any future subdivision of proposed Lot 2 shall be accompanied by a plan showing a full build-out and right-of-ways must be shown on the map.

Kevin Gilligan said if the Board chooses to over-rule County Planning on all or any of their recommendations, the Board will need a majority plus one to do so and to state the reason they are over-ruling the recommendation or recommendations.

Member Peebles said what about the thought of not putting the actual 60' areas on the map but put a note on the map indicating any future access of Lot 2 must be done through a 60' right of way.

Kevin Gilligan said the Board could also say if and when there is a future application to subdivide the balance of the property on Naughton Road, the Board can look at the accesses to the lot when there is an actual point of development.

Chairman Nakas asked why County keeps making this recommendation.

Kevin said it sounds like it's a standard paragraph.

Member Bush said it really doesn't make sense at this point as they are asking for a right-of-way to the parcel which has road frontage.

Kevin would recommend putting County Planning's second recommendation in as a condition. He noted their third recommendation has been met regarding labeling Lot 2 as not being reviewed by the County Health Dept. for an approved building lot.

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

**Member Bush moved and Member Peebles seconded the motion to close the public hearing. Motion passed.**

**Member Bush moved and Member Peebles seconded the motion to appoint this Board Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and to grant preliminary and final plat approval on the subdivision known as the Aungier Estate Subdivision based on the map dated 10/30/06 and prepared by Christopherson Land Surveyors located in an Agricultural/Residential District with the following conditions:**

- 1) No additional access shall be permitted to Route 20 for either proposed lot as per the New York State Department of Transportation.**
- 2) Any future subdivision of proposed Lot 2 shall be accompanied by a plan showing full build-out and the Board will review the access for Naughton Road at that time.**

**and to over-rule County Planning on their recommendation for two 60' rights-of-way to be shown on the map for Lot 2 for the reason that the Board can look at the access issue when a future subdivision is proposed. Voting was as follows:**

<b>Chairman Nakas</b>	<b>Voted</b>	<b>Yes</b>
<b>Member Peebles</b>	<b>Voted</b>	<b>Yes</b>
<b>Member Markoff</b>	<b>Voted</b>	<b>Abstained</b>
<b>Member Bush</b>	<b>Voted</b>	<b>Yes</b>
<b>Alt. Member Adam</b>	<b>Voted</b>	<b>Yes</b>

**Motion passed.**

**CASE # 376 Public Hearing for application by John Albanese for a 2-lot subdivision of his property located at 3537 Apulia Rd. on the west side of Apulia Rd. across from the Palladino Rd. and**

**Apulia Rd. intersection in an Agricultural/Residential District.  
(Tax Map No. 006.-02-13.0).**

Mr. and Mrs. Albanese were present to represent the application. They submitted a map dated 9/12/06, Final: 10/9/06 and prepared by A. Scott Whittaker, P.C. They are requesting a 2-lot subdivision of their property.

Chairman Nakas asked for any questions or comments from the public. There were none.

Chairman Nakas asked for any questions or comments from the Board. He noted County Planning said proposed Lot 2 must be resubdivided with the adjacent Sirota parcel to create a single lot, to avoid the creation of a landlocked parcel.

Kevin Gilligan said the owners of the Sirota property must sign a letter stating they are entering into the application with the Albanese.

Chairman Nakas said the Board needs a letter from them stating they know what's going on, they agree with it and are fine with it.

Kevin said they need to say enough in it so it's clear they are authorizing what is going on.

Alt. Member Adam confirmed they don't need a full survey of the Sirota property.

Kevin said it won't be a field survey. They condense the property down on the map. Between the Sirota parcel and the lot the applicants are creating there will be a dotted line showing this parcel is going to join with Sirota's parcel.

Mrs. Albanese asked when the new map must be submitted by to be on the agenda for the next meeting.

Chairman Nakas said they can just bring the revised map with them to the December meeting.

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

**Member Markoff moved and Alt. Member Adam seconded the motion to close the public hearing. Motion passed unanimously.**

**CASE # 379 Public hearing for the application by MaryLou and Kurt Watson for a 2-lot subdivision of their property located on the east side of Route 11 approximately 11 ½ mile north of the Route 11 and Route 20 intersection in an Agricultural/Residential District. (Tax Map No.'s 022.-01.0 and 022.-06-11.1)**

Kurt Watson was present to represent the application. He submitted a letter from Mary Lou Watson stating he could act on her behalf dated November 21, 2006. He submitted a map dated October 10, 2006 and prepared by Christopherson Land Surveying. He advised he is taking some land off from Lot B and putting it on Lot A to make it bigger. He is taking what was 3 parcels and making them into two.

Kevin Gilligan asked if Lot 1 and Lot 2 currently exist.

Kurt said yes, they were approved by this Board. They haven't done the deeds yet. They were approved but the Board was just waiting for the county septic design approval.

Chairman Nakas noted the previous subdivision map was never filed with the county.

Kevin asked if Lot 4 is an existing parcel.

Kurt said yes. That is where their house is.

Chairman Nakas noted County Planning said the applicant must reserve a 60-foot right-of-way on proposed Lot B to provide access to Route 11 for the landlocked parcel and any future subdivision of proposed Lot B; this right-of-way must be shown on the filed map. Any further subdivision of proposed Lot B must be accompanied by a plan showing full build-out. They also recommended a single access shall be allowed on Route 11 for proposed Lot A, which also shall provide all access to any future subdivision of proposed Lot A. It was agreed that the map submitted this evening shows the right-of-way.

Kevin Gilligan noted both recommendations from County have been satisfied.

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

Chairman Nakas asked if there were any other questions or comments from the Board.

Member Peebles asked if we are affecting anything this Board decided in past subdivisions of this property regarding the 60' right-of-way.

Kevin said Lot 1 and Lot 2 have their own frontage. You want to minimize cuts onto Route 11.

Member Peebles said something was done a couple of years ago with the 60' right-of-way servicing Lots 1 and 2. He asked who owns Lots 1 and 2.

Kurt Watson said he does.

Kevin Gilligan said right now there isn't a problem because the applicant owns all the lots. The only problem would be if he sold Lot 1 or 2 and shut off access to those parcels.

Member Peebles said that is a concern of his.

Kevin said you can make this a condition of the approval.

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

**Member Markoff moved and Chairman Nakas seconded the motion to close the public hearing. Motion passed unanimously.**

**Member Markoff moved and Member Bush seconded the motion to appoint this Board Lead Agency with the Town Board as an involved agency and the Planning Board will continue on an uncoordinated basis and this is an unlisted action and a negative declaration in the SEQR process and to grant preliminary and final plat approval on the subdivision known as the Kurt Watson Subdivision based on the map dated October 10, 2006 and prepared by Christopherson Land Surveyors located in an Agricultural/Residential District with the following condition:**

**1) The 60' right-of-way will serve Lots 1, 2, 4 and B and that Lots 1 and 2 will never be refused use of the right-of-way. Motion passed unanimously.**

Mr. and Mrs. Spratt were present to discuss a possible future subdivision with the Board.

Mrs. Spratt showed the Board a map of what she would like to do.

Chairman Nakas asked how many parcels they would be creating.

Mr. Spratt said 3.

Chairman Nakas noted there would be 3 new lots so it would be a 4-lot subdivision. He asked if there were any wetlands on the parcel.

Mrs. Spratt said there is a stream by the barns.

Mr. Spratt said there are no designated wetlands.

Chairman Nakas asked how big the lots would be.

Mr. Spratt said each parcel would be 4 – 4 ½ acres.

Chairman Nakas noted that would leave them with about 88 acres. He said they need to fill out the subdivision application.

Mr. Spratt said the lots would have access to Sentinel Hgts. Rd. through a private driveway.

Chairman Nakas said to be sure the driveway is road size. He said this Board frowns on shared driveways.

Mr. Spratt asked if they would have to actually build a road for access.

Member Peebles said yes.

Chairman Nakas asked if they could build a large driveway/road.

Kevin Gilligan said it would have to be built to town specs.

It was recommended they contact Leon Cook the Town Highway Superintendent about this.

Member Peebles said if they have an internal road, the lots would be serviced off that road.

Kevin said the County D.O.T. can advise them of their requirements.

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

The Planning Board Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Mary Jo Kelly  
Secretary

**Approved and amended 12/19/06. Amended Kurt Watson Case # to be Route “11” and “1 ½” mile.**