

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on May 15, 2007 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
Barb Lasky, Member
Brad Bush, Member
Shawn Adam, Member

Recording Secretary, Mary Jo Kelly

Others present: John Langey, Planning Board Attorney
John Dunkle, Town Engineer
Jim Dolan, Contractor for Tenn. Gas
Brenda Gaffield
Maurice Nash
Carol Reed
Bill Turner, Alt. Plan. Bd. Member
Joseph Jerry, Att. For Cohen
Jeff Cohen, Applicant
Jody Allen, Engineer for Tennessee Gas
Rob Wooten, Tennessee Gas
Ian Yanagisawa, Tennessee Gas
Paul Curtain, Cohen Application
Larry Martin, Tennessee Gas
Wayne Kolanko
Mark Miller, Tennessee Gas
Matt Grose, Tennessee Gas
Jim Porter, Tennessee Gas
Matt Griswold, Tennessee Gas
Stan Czuba
T. Brayman, JTHOA
Steve Chase
Maureen Perrin, Att. For Schadt

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 April 17, 2007 Planning Board Meeting Minutes. There were none. Chairman Nakas said the minutes will stand as submitted by the Secretary.

The Board decided to hear the following sketch plan application before going into the public hearings which may be lengthy.

**CASE # 387 Sketch Plan Conference for application of Michael R. Schadt
for a 2-lot subdivision of his property located at 6045
Commune Road in an Agricultural/Residential District. (Tax
Map No. 022.-05.11.0).**

Maureen Perrin was present to represent the applicant. She said the applicant owns the land and is applying for a mortgage. The mortgage company only wants to mortgage 5 acres of land. The surveyor marked off the 5 acres and they were ready to close and the underwriters

called and said they need a legal subdivision. This is the only reason they are doing this. It all started because of the mortgage company only wanting to mortgage 5 acres and not 54.

Chairman Nakas asked if there were any wetlands on the property.

Maureen doesn't believe so. She knows there is none on the 5 acre parcel.

Chairman Nakas asked if there is a survey.

Maureen said no.

Chairman Nakas asked if he had a driveway cut.

Maureen said there's one there already.

Chairman Nakas asked what she would like from this Board.

Maureen said approval for a 2-lot subdivision.

John Langey said to be sure the boundary doesn't cut off the septic system. He would also have them locate the well head. The Board can waive the requirement for a full scale map. The Board will want to be sure the side yard and the house meets the setbacks. It appears to be at least 50'. The Board can schedule this for a public hearing next month if the Board wants to.

Chairman Nakas said the Board will have a public hearing for this next month.

Maureen will drop off the subdivision maps prior to the next meeting.

John Langey said this doesn't have to be referred to County Planning as it's not within 500' of a state or county road.

**CASE # 384 Public Hearing for application of Jeffrey Cohen for a resubdivision of Lot 7 and Lot 8 of the Jamesville Grove Estates, Section I subdivision of his property located on the west side of Route 91 approximately 1 ¼ mile south of the Route 91 and Route 173 intersection in an Agricultural/Residential District.
(Tax Map No.'s 001.-05-14.1 & 001.-05-14.2).**

Chairman Nakas said this is a public hearing and anyone from the public can ask questions or make comments and please remember to identify yourselves when you speak. He asked Mr. Cohen to give a short rundown of what he plans on doing.

Paul Curtain was present to represent the applicant. This is a resubdivision of Lots 7 & 8. The new Lot 8 will be used for members of the subdivision for recreational purposes only. They will not be constructing any structures on the property. All access to the reservoir will be through Lot 8. There was an easement shown on the original subdivision which they determined should be larger and to provide green space. This is not to be accessible by the public. When someone buys a lot in the subdivision, they become a member of the Homeowners Association. There will be a budget for the maintenance of this lot which will include insurance, lawn care and seasonal maintenance as required. It will appear as an extension of the lawn for Lot # 7. All the lots approved by this Board are part of the plan.

Chairman Nakas said if each homeowner would pay an annual fee to the Homeowners Association.

Paul Curtain said it would be mandatory to be a member of the Homeowner's Association once you buy a lot.

Member Markoff asked about subsequent owners.

Paul Curtain said a subsequent buyer of a lot would automatically become part of the Association. Everything is recorded in the County Clerk's Office. Once the plan is accepted for filing, he will file a copy with the County Clerk and the Town. Each buyer

must be provided with a copy of the plan at least 48 hours before signing the papers. If you don't pay the Homeowner's Association assessment, the Association has the right to put a lien on your property and foreclose on it.

Chairman Nakas asked what the annual fee would be.

Paul Curtain said it won't exceed \$100 per lot. Besides the insurance, county and property fees, and the certified audit, the maintenance of the property will be minimal. It is full disclosure.

John Langey said as currently drafted, the Homeowner's Association covers the lots for Phase 1. Will this also include the lots for Section II if approved?

Paul Curtain said absolutely. The plan can be expanded on.

John Langey asked if the covenants prepared so far have defined the uses of Lot 8.

Paul Curtain said it's a passive recreational use. They are not planning on placing any structure on the property and if they do choose to do so in the future, they would have to come back before this Board for review.

John Langey asked about docks.

Paul Curtain said there will not be a marina. This is private usage and as a dock can be located here, he would reserve the right to have it. They don't want any special treatment. They are trying to provide a recreational value to those within the subdivision whether they use it or not. The only ones who can use Lot 8 will be owners of record. This is not intended nor can it be opened up for public use. The insurance they have will only cover the members of the Association.

John Langey asked if there is going to be a gravel drive or road on Lot 8.

Paul Curtain said no. It will be green. They will landscape it appropriately.

Chairman Nakas asked if he would entertain any comments or questions from the public.

Paul Curtain said absolutely.

Tim Brayman asked if the possibility is there for Lot 8 to have a boat launch or is it a carry-in?

Paul Curtain said none is shown on this plan. It's not their intention to create a boat launch. Looking at the size of the Reservoir, it's conducive to certain kinds of uses. He knows there is a marina that services the Reservoir and he can't say one of the homeowner's won't have a boat there. He doesn't know if one of the owner's would be able to back up to the Reservoir and launch their boat from Lot # 8.

John Langey said maybe we could get something on record from Mr. Cohen as to what types of boats could be launched from here. Is the applicant open to stating what they can be?

Paul Curtain doesn't think it's fair to impose a higher restriction on these homeowner's than on anyone else living around the Reservoir. There may be an opportunity to have some form of dockage with some sort of approval but it's not contemplated at this time. They are not planning on creating or building a boat launch that will be maintained by the Homeowner's Association.

Tim Brayman said there is an area that has been used as a boat launch before.

Paul said the public has been using this without consent.

Tim Brayman said he is saying that in the future there could be an additional 8-20 people who could utilize the launch if it was there,

Paul Curtain said it would be 17,

Tim Brayman said there is still the potential for 17 additional jet skies.

Paul Curtain said that would be highly unlikely but it could happen. If someone has a recreational vehicle, it will not be able to be stored outside. They are trying to create a community environment that the homeowners will respect as well as the other people on the Reservoir.

Chairman Nakas asked if there are any restrictions on people who own property on the Reservoir such as the size of their watercraft, etc.

Tim Brayman said presently there is not.

Paul Curtain said this would be a town-wide issue or issue specifically for a waterway.

John Langey said under the covenants each individual owner has the right to enforce the covenants against the other owners. If someone were to allow someone to bring a boat in from offsite, the other owners would not be pleased.

Chairman Nakas asked for any other comments or questions from the public or the Board.

Member Markoff confirmed the homeowner covenants would be upheld by subsequent owners.

Paul Curtain said absolutely. The covenants are set up for 30 years. You can't do away with the covenants unless 90% of the homeowners agree which he doesn't believe will happen.

Member Markoff just wants to be sure the covenants don't go away with a new owner.

John Langey asked if this plan captured the blue line areas.

Joe Jerry said the blue line is taken care of by being included on the map.

John Langey said when this map is filed, the blue line issue should be cleaned up.

Paul Curtain believes the deeds have been filed so it's of record and once this map is filed it will be corrected.

John Dunkle asked if the septic has been approved for Lot 7.

Paul Curtain said yes.

John Langey reviewed the modifications that County Planning has made.

- 1) The existing driveway on Route 91 must be closed to meet the requirements of the New York State Department of Transportation, and the final map must be altered to show that the driveway has been closed prior to filing the final plan.

John Langey noted the driveway has been corrected.

- 2) The applicant must provide written documentation to the Town showing the approval has been obtained from national Grid for any proposed development in the 100 foot easement.

Joe Jerry said they have obtained permission from Niagara Mohawk to use this property.

John Langey asked him to send a copy of this letter to him tomorrow.

- 3) 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.

John Dunkle said this issue was reviewed in the prior proposal. There are no wetlands here.

- 4) A deed restriction must be put in place to protect proposed Lot 8 from future development.

Paul Curtain said that is the whole declaration which he will file once they get approval.

- 5) No additional access will be allowed on Route 91 from Lots 9 and 10 as per the New York State Department of Transportation; all access shall be from the proposed local road (Jamesville Grove Lane).

John Langey noted both Lots 9 & 10 have access to Jamesville Grove Lane.

Chairman Nakas asked if there were any further questions or comments. There were none.

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

The board reviewed the EAF Form.

Paul Curtain will provide the town with a draft of the Homeowner's Association with the sections that pertain to Lot 8 highlighted.

John Langey asked what we have on the record that says there will not be any structures on Lot 8.

Paul Curtain said that will be in the paperwork he is preparing. He will get John a copy of the language tomorrow. He said covenants regarding the use and enjoyment of Lot 8 of the Jamesville Grove Subdivision shall be for the sole and exclusive benefit of the homeowners of record and their successors. The property may not be improved with any physical structures without the review and approval of the Town of LaFayette Planning Board. The property is only to be used passively for access to Jamesville Reservoir and for no other purpose whatsoever.

John Dunkle asked if there would be any grading.

Paul Curtain said there would be no grading change from the original plan.

Member's Bush moved and 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 Amended Preliminary and Final Plat approval and waive public hearing on final plat approval on the subdivision known as AThe Grove@ Phase I (a/k/a Cohen Subdivision), based on a map, prepared by Moncrief Land Surveying, P.C., entitled AAmended Final Plat Plan Approval for Jamesville Grove Estates Subdivision, Phase I@, dated April 10, 2006, as last revised April 18, 2007(which amendment is to the Final Plat maps titled AFinal Plat Plan - South@ (Sheet No. C-1) and AFinal Plat Plan - North@ (Sheet No. C-2) dated May 10, 2006, as last revised and filed in the Onondaga County Clerk=s Office as Map #10569) conditioned, however, upon the final amended plat map containing an explanatory note listing the prior recording information and explaining said

amendment and further conditioned upon the applicant offering any revised easements and real estate documentation as deemed necessary and acceptable by the Town=s attorney with the following conditions including all other determinations and conditions of this Board=s June 20, 2006 resolution that are reaffirmed herein and this approval is subject to the following additional conditions:

- 1) The existing driveway on Route 91 must be closed to meet the requirements of the New York State Department of Transportation, and the final map must be altered to show that the driveway has been closed prior to filing the final plan.**
- 2) The applicant must provide written documentation to the Town showing that approval has been obtained from National Grid for any proposed development in the 100 foot easement.**
- 3) 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.**
- 4) A deed restriction must be put in place to protect proposed Lot 8 from future development. The applicant shall prepare and record in the Onondaga County Clerk=s Office deed restrictions in the form of covenants, which covenants shall acknowledge the use of Lot 8 as solely and exclusively benefiting the owners of record of the various lots of the James Grove Subdivision Phase 1 (and any future phases of the subdivision) and no others; that there shall be no commercial marina at said Lot 8, that the use of Lot 8 shall be Apassive recreational@ with maintained lawns and landscaping and no impervious surfaces and no structures (without prior Town of LaFayette Planning Board approval); nor shall there be any storage of watercraft or trailers on said Lot 8. Such restrictions shall be first reviewed and approved to the satisfaction of the Town=s attorney prior to recording.**
- 5) Payment of all outstanding fees associated with the review and approval of the subdivision;**

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

Richard Markoff, Board Member	Voting	YES
Barbara Lasky, Board Member	Voting	YES
Shawn Adam, Board Member	Voting	YES
Brad Bush, Board Member	Voting	YES
James Nakas, Chairman	Voting	YES

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

CASE # 385

Public Hearing continued for application by Tennessee Gas Pipeline Company for Controlled Site Approval for expansion of the use of their property located at 3447 Sentinel Heights Road in an Agricultural/Residential District. (Tax Map No. 025.-02-05.2).

Matt Grose and Matt Griswold were present to represent Tennessee Gas. This is part of a project their company is doing in keeping up with energy needs in the northeast. They are proposing to install two natural gas compressors. They are ready to go. They would like to start construction immediately on approval. They are hoping to have construction completed by November 1st.

Chairman Nakas said at the public hearing last month there was considerable concern by the public regarding the pcb contamination at the site. Are all the soils below threshold limits?

Matt said the new construction is not in the area of the pcb remediation site.

Ian Yanagisawa was involved with the remediation. He showed the Board a drawing that overlays areas where remediation occurred. The new construction is nowhere near the area of remediation.

Brenda Gaffield asked where the wells were that were closed.

Ian said they were monitoring wells. He showed her on the map where they were. The remediation was performed in accordance with the DEC requirements. The area where they are planning on doing work is east of where the remediation took place.

Brenda asked where the monitoring well is.

Chairman Nakas thinks they closed four wells and put in one.

Ian showed them on the map where the monitoring well is.

Brenda asked if the soil has been tested in the watershed below them.

Ian said part of the operations and maintenance is to check the water runoff.

Brenda said anything spilled or contaminating Tennessee Gas land will run down to their property as they are in the watershed.

John Langey asked if their new machines will have any pcb's contained in them.

Ian said no.

John Langey said the new equipment coming in does not contain any pcb's.

Brenda asked about notification if there were contamination.

Ian said it was the compressor oil in the old equipment that contained the pcb's. If there is a reportable amount of pcb's, all notification is made to the state and local authorities.

Brenda said her mother was notified that there could be contamination of her well. She thinks it was 2 years ago.

John Langey asked if any testing of the well was done.

Brenda said no because she couldn't afford it.

John Langey said she could check to see if there is someone that would do the testing at a reduced rate as it could be seen as a hardship.

Brenda asked where the parking lot would be.

Matt said they are not expanding on the parking lot at all. He showed where the temporary construction staging area would be.

Chairman Nakas noted it will be restored to its original state when they are done.

John Langey confirmed there is no pcb's in that area.

Ian said no.

Maurice Nash believes the 4 wells should have been replaced by at least two wells instead of one.

Ian said when the wells were abandoned, the DEC approved it. If they thought there was any chance of further contamination, they would make Tennessee Gas keep the wells open or replace them.

Brenda said one of the neighbors was advised not to use her pond as there could be pcb contamination. Runoff from this property goes right into Hemlock Creek. She is concerned about what her mother could be exposed to as well as the neighbors around her. She feels if there is any finding of contamination, it's Tennessee Gas's responsibility to notify the neighbors.

John Langey said last meeting when the Board heard about the pcb issue, they slowed down. There was a meeting with the DEC, the applicant, the engineer and himself. It was a lengthy meeting. This Board only has control over what is being proposed. The Board has no control over what happened on the old site.

Brenda asked if the pipe coming into this plant is new piping. Her mom received notice that they were going to come through her property and would do eminent domain if she chose not want to let them go through her property to this plant.

Matt said they are not proposing any new pipelines. There will be no extra pipeline put in and they are not using anyone else's property.

Maurice asked what other chemicals will be used on site.

Ian said paint, solvents, etc.

Brenda said they just want to be sure they are not going to be contaminated by being in the watershed.

Ian said there will be an MSD Book on site that anyone can look at. This book tells any chemicals being used.

Chairman Nakas asked if there was any use of dichloromethane.

Ian said yes.

Chairman Nakas asked if it's been disposed of.

Ian said they are almost through with their remediation.

Chairman Nakas said having read through the information provided by the pipeline company, there was one reference to 24,000 pcb's which he believes comes out to 24 mg/gram of soil. That seems very high to him. What is the current concentration of pcb at that hot site?

Ian said 24 parts/million.

Chairman Nakas asked if this has been documented.

Ian said yes if it wasn't, they wouldn't have gotten approval from the DEC.

Member Bush said we need to keep focused here. We can't focus on what's in the past.

Brenda said she is just trying to be sure they are not contaminated any further.

John Langey would recommend she contact the DEC as they have a whole division that deals with this.

Carol Reed asked if the noise level will increase.

Matt said he doesn't have that information with him right now. The noise increase is slight. He believes it was only about 3 dba. They have installed silencers so as not to increase the noise level as much as possible.

Chairman Nakas asked if any of the surrounding owners would hear a constant rumble in the background. Does anyone hear it now?

Carols said yes.

Matt said the increase in noise level they are proposing is so minimal it won't be audible.

John Langey said a letter was received from the DEC dated 5/11/07 where the DEC stated "Based on the drawings submitted with the May 7 letter, the New York State Department of Environmental Conservation, is in agreement that the new construction will not disturb the previously remediated areas..."

Brenda asked if they would be notified of any spills or contaminations.

John Langey doesn't know if they are required to do this.

Maurice said he was notified of trichloromethane being spilled there.

Chairman Nakas said both tri & dichloromethane are used in cleaning products. They have been reduced to acceptable levels.

Maurice said maybe at the top of the hill but no one knows about the bottom of the hill.

Brenda said she is concerned about the people in the area. She is not here for herself. She wants Tennessee Gas to know they want it cleaned up, fixed, or for them to do whatever they have to do to be sure their wells are O.K. and the watershed isn't disturbed.

Chairman Nakas asked for any other questions or comments.

Maurice said he is concerned about maintenance of the plant. How many guys are on maintenance crew?

There are 3 technicians assigned to the plant every day. There is a maintenance crew that serves several plants in the area. They bring in the people necessary to perform the maintenance.

John Langey said the Town Engineer has reviewed the drainage plans for all the disturbed area and is looking over the same information the DEC is looking over which is stormwater impacts.

Brenda asked if there is any chance that their building up there will cause any kind of impact on the hill.

John Dunkle asked in terms of what.

Brenda said erosion and contamination.

John Dunkle said all those things are possible but are being remediated through the plans being proposed. There is a list of things that will be put into place to be sure whatever happens up there stays there or is being treated.

Brenda asked about pipeline.

Matt said their proposal is for additional compressors and a compressor station. They are not proposing any new pipeline.

Chairman Nakas said of the 45 boxes that were checked for deficiencies, 25 have been fixed. Has this plan been modified so the DEC is happy?

Matt said all the issues were addressed.

Jody Allen of Allen Engineering came forward. She was in stormwater training the last week in Syracuse. She showed the board an updated plan which she brought today for John Dunkle to review.

Brenda asked if any trees would be removed at all for this.

Matt said very few.

John Dunkle said before they can precede, all the boxes Chairman Nakas was concerned about have to be cleared up. They are well on their way to doing that. Any approval of the project should be conditional of his and the DEC approval.

Chairman Nakas asked for any other questions or comments.

Carol Reed confirmed Tennessee Gas will help with her privacy issue.

Chairman Nakas asked what she would like.

Carol said she would like some additional trees put up so she doesn't have to see what's going on from her area. Maybe they could put a temporary fence in while the workers are there.

Matt asked if she is talking about long term or temporary screening during the construction activity.

Carol said both. She would like some additional trees planted.

John Langey said there could be a condition relating to this. He was hoping from the last time they were here that this could have been resolved.

John Dunkle said the solution could be incorporated into the landscaping plan.

John Langey said the Board would ask the applicant to provide back to this Board a proposed landscaping plan that would be agreed upon by the neighbor to the south and Tennessee Gas. This wouldn't stop them from starting construction.

John Dunkle said the board should get what the temporary screening would be.

Matt said they would have to determine this. He would like to have this conversation with the landowner.

John Langey said the applicant shall provide a satisfactory resolution with the neighbor to the south of adequate screening. A satisfactory landscaping plan shall be submitted to this Board within 62 days of this meeting. There has to be a good faith effort to resolve this on both sides.

Maurice asked why he should have to pay to have his well tested when it was Tennessee Gas that dumped the chemicals in it.

Brenda asked if Tennessee Gas would be willing to do the appropriate testing to be sure their neighbors wells are save.

A representative of Tennessee Gas reviewed the procedures the DEC does to be sure remediation has occurred.

Ian said the Dec wouldn't be satisfied until you can figure how far downgrade the spill has gone.

Brenda asked about the 25 checkmarks of inefficiencies. Will they be able to start before these are O.K.?

John Dunkle said no. All the areas must be resolved before the DEC issues them a permit allowing them to disturb the land.

Brenda asked if the Dec doesn't say it's their responsibility to come out and test their wells, would Tennessee be responsible to test the wells?

Matt said he isn't here to discuss the past.

Brenda said it's still present. It doesn't deal with the new construction but it's still present in her mother's well and in her land. Tennessee Gas never notified the neighbors. The DEC notified them several years later.

Matt said he doesn't have the authority to give approval to test their wells.

Ian said there were 5 wells tested around the property. Nothing was detected in the wells they tested and her property is located beyond those wells.

Brenda said she is down below so the watershed could carry the pcb's to her soil and well.

Ian said they did an assessment of the whole site.

Larry Martin said they went as far as McClary Rd. They tested 5 water wells around the property.

Maurice asked where the 5 wells were.

Larry said he doesn't have all the names of the folks.

John Langey said the residents have legitimate concerns but this Board is here to do a planning function.

Brenda confirmed the only thing they can do is contact the DEC.

Maurice said it seems no one wants to hear anything about this.

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

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

John Langey said the public has legitimate concerns. As a planning function, the board can only be concerned about the application in front of them. There is an agency out there that can deal with these concerns. The Board has an application in front of them for approval.

John Dunkle said the Board could ask the applicant to certify before closer of the temporary area that they provide a letter to the town stating the land is free of contamination.

Discussion took place regarding the noise level.

Member Adam asked if he had any idea of the current noise level.

Matt said no.

It was advised this information could be found in the F.E.R.C. document.

The Board reviewed the EAF.

John Dunkle noted there are temporary impacts with noise and erosion during construction.

John Langey noted on the SEQR these will cease December 2007.

Matt wanted to clarify the date put in.

John Langey said December 2007.

Member's Bush moved and Markoff seconded the motion to appoint the Planning Board Lead Agency, this is an unlisted action and negative declaration in the SEQR process and to grant Amended Controlled Site Approval to Tennessee Gas with the following conditions:

- 1. Applicant shall use the existing well and septic system for the addition of the compressor building subject to Onondaga County Health Department approval for same;**
- 2. That the proposed use be in strict compliance with all of the plans and specifications previously submitted by the Applicant (as amended) including the following:**
 - SWPPP Plan View dated 3/08/07, as amended 5/01/07 and 5/15/07**
 - SWPPP Details dated 3/08/07, as amended 5/01/07 and 5/15/07**
 - NOI (undated, unsigned)**
 - Project Description (undated)**
 - 1991 Approval Resolution (Town of LaFayette Planning Board)**
 - Survey Map dated 3/08/07, as revised 5/01/07**
 - Plan and Details prepared by Allen Engineering dated 5/01/07 and 5/15/07 (8 sheets)**
 - Waste Management Plan dated 5/01/07**
 - Spill Prevention Control and Countermeasure Plan (undated) (7 pages)**
 - Lighting Conduit Plan (2 pages)**
 - Cianbro Corporation Construction Milestone Plans (1 page) dated 4/29/07**
- 3. The number of employees shall remain as consistent with the 1991 amended Controlled Site Plan Approval as represented by the Applicant;**
- 4. The contractor shall undertake construction work only six days a week, ten hour days (no Sundays) within the hours of 7:00 a.m. to 7:00 p.m.;**

5. **Applicant shall not erect signs which are not in compliance with the Ordinance;**
6. **Applicant shall require additional controlled site approval from the Planning Board if the use of the property changes or expands;**
7. **The Applicant shall provide a satisfactory resolution with the neighbor to the south regarding the requested screening both temporary and permanent (as represented specifically by the Applicant in its request for approval), which shall take the form of a landscaping plan to be subsequently approved by the Planning Board no later than 62 days from the filing of this resolution;**
8. **All new lighting shall be maintained in such a manner as to avoid offsite spillage and glare to surrounding properties and roadways;**
9. **Light installation and review shall be subject to inspection by the Town of LaFayette Town Engineer;**
10. **The Applicant should use all means necessary to avoid the removal of any trees and screening from the site as represented in its application. However, to the extent that any trees are necessarily removed, the Applicant shall provide to the Town Engineer=s satisfaction a landscaping plan designed to restore the equivalent amount of screening lost through the construction process;**
11. **The Applicant shall restore all work areas to pre-construction conditions and contours as near as practicable (in the sole, reasonable judgment of the Town Engineer) and any temporary security lighting used during construction is for safety purposes and will be removed upon completion of construction;**
12. **The sixty parking spaces contemplated are temporary only and will be used by the general contractors during construction and such areas will be restored upon completion of construction;**
13. **The Applicant shall obtain any necessary driveway permits and approval of drainage modifications to county facilities from the Onondaga County Department of Transportation;**
14. **Completion of an approved SWPPP and a resolution of all outstanding drainage issues in accordance with the New York State Department of Environmental Conservation regulations and with the inspection and approval of the Town Engineer and further, the Town Engineer shall be provided with weekly and monthly SWPPP site inspection reports relative to the project’s drainage construction;**

- 15. **The Applicant shall restore all disturbed areas outside of the fenced plan area to pre-construction conditions;**
- 16. **The Applicant shall supply all necessary documentation and mapping to the emergency responders for the Town of LaFayette;**
- 17. **No soil shall be disturbed within the previously remediated areas as noted in the New York State Department of Environmental Conservation=s correspondence of May 11, 2007;**
- 18. **The soil to be excavated will be tested and if found to be safe will be used for backfill and any excess spread at the site pursuant to the Applicant=s plan. In the event that tests reveal contamination and/or contaminated soils, said contaminated soils will be handled in accordance with El Paso=s Waste Management Plan (copy of which is referenced herein and is contained in the Town=s file). Additionally, in the event that any parking gravel is determined to be contaminated, such material will be handled specifically in accordance with the Waste Management Plan and Tennessee=s Spill Prevention Control and Countermeasure Plan (copy of which is referenced herein and is contained in the Town=s file). The Applicant, prior to closure of the temporary construction area, shall certify to the Town (through its consulting engineer) that the crushed rock is free of contamination;**

Upon a canvas of the Board, the votes of its members upon their Resolution are as follows:

Brad Bush, Board Member	Voting	YES
Barbara Lasky, Board Member	Voting	YES
Shawn Adam, Board Member	Voting	YES
Dr. Markoff, Board Member	Voting	YES
James Nakas, Chairman	Voting	YES

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

Member’s Lasky moved and Bush seconded the motion to adjourn. Motion passed unanimously.

The Planning Board Meeting adjourned at 9:02 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

Adopted 6/29/07 with following corrections/additions: on Page 8, second sentence should be “least” in place of “lest” and 16th line down should have “to” added at end. Chairman Nakas said the 21st line from bottom should read “24 parts/million of pcb’s in place of “24,000 pcb’s” and on Page 9 “proceed” should replace “precede”.