

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on May 20, 2008 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  
Richard Page, Applicant  
Art Zac, Applicant  
Greg Watson, Applicant  
Stan Choromanski, Applicant  
Michael Cook, Applicant  
Bruce Polloch, Applicant  
Bill Anastas  
Christine Cromley  
Jim Cromley  
Valerie Doupe  
Donald Doupe  
Nancy Chapman  
Ross Chapman  
Robert Lieberman  
Tim Brayman  
Wayne Curtis

Chairman Nakas welcomed everyone and called the meeting to order at 7:00 p.m. He advised there are 3 public hearings and two sketch plan conferences. The public hearings will be held first. Before the Board does this, are there any changes to the April 15<sup>th</sup> Meeting Minutes?

Chairman Nakas had one at the bottom of page 1 he believes it should read "OPEC countries" in place of "OPEC companies". There were no other changes or additions.

Chairman Nakas said the Planning Board Minutes of April 15, 2008, will stand as submitted by the Secretary with the above correction.

**CASE # 398 - Continuation of Application of Richard Page for Controlled Site approval of his property at 2939 LaFayette Road for a windmill in excess of 50' in height in an Agricultural/Residential District. Tax Map No. 022.-06-21.4.**

Chairman Nakas said the public hearing was actually closed during the April 15<sup>th</sup> meeting.

John Langey said the applicant made an application for a windmill and someone asked if he was going to put something else on it and the applicant said he wanted to throw on some antennas. The application is only for a windmill.

Member Adam said the applicant has a number of antennas on his property now and advised one of them might come down if he put the antennas on the tower.

Chairman Nakas doesn't think we can include this all on one application. He would be concerned about the impact the antennas would have on the tower.

Member Adam said Ralph Lamson advised the applicant would have to go through the details when he applied for a Building permit.

Richard Page arrived.

Chairman Nakas said we don't know very much about the affect the antennas would have on neighbor's T.V.'s, the integrity of the tower, etc. We would need a separate application for the antennas.

John Langey asked if there is an exact location the windmill will be placed on the property. If the Board approves this, it will be for a particular location.

Chairman Nakas said the applicant advised it would be 300' back from the road.

Richard Page said it's exactly 300' from his house which is 160' from the road. It will be right in the center of the property. The property is 320' wide and he proposes putting it right in the center of it so the fall zone is there.

John Langey said the tower is 129' tall so the Board might want something put on the map where the tower should be so when a Building Permit is issued, it is in the correct spot.

Chairman Nakas said the applicant will have to indicate the location of the tower on the map.

John Langey said it's one of the biggest structures in the town so the Board would look for some detail.

Chairman Nakas asked if the surveyor could place this on the map and where the guyed wires will be.

John Langey said when the Board goes through the EAF, it's trying to determine where it's visual from. To do this, the Board will have to know where it is. His recommendation is that the 129' structure be located on some sort of map so when the Board goes to approve it, they know exactly what they are approving. The approval will be for a structure of a 120' tower supporting the blade which adds an additional 9' for a total of 129'. The tower should be located in such a way that if it falls, it won't hit the neighbors property or any structure on the applicants property.

Chairman Nakas said the Board would like to see the guyed wires, base and any precautions the applicant can take.

John Langey asked if there are any sheds or other structures on the property.

Richard Page said no.

John Langey asked if there are any overhead power lines or anything.

Richard Page said no.

John Langey said he will need to show the tower base, guyed wires and show the setbacks on the map.

Member Markoff asked if he didn't talk about putting the neighbors or other peoples antennas on it.

Richard Page said no. He was planning on taking the portable antenna down by his house and putting it on the tower. It's just a small antenna that fastens to the tower. There are 8 of them. They probably wouldn't even be visible as they would be mounted so close to the tower and he could run his HAM radio off of that.

John Langey reviewed the long EAF with the Board.

Member Markoff asked if the tower is put in with concrete.

Richard Page said yes. It will be installed by a commercial tower company.

Member Markoff asked if the lines will be buried in the ground.

Richard Page said they will be buried in a 4' trench. They use a PVC pipe.

John Langey asked if the applicant was advised he needs approval for the height limitation variance. He asked the applicant to talk to Ralph Lamson to see if a height variance is needed. If one is needed, he will have to go before the Zoning Board of Review.

Richard Page was under the impression that is what he is here for.

John Langey said this is a Planning Board which approves of the use, the location, etc. As far as height and setbacks, it's the Zoning Board of Appeals.

Richard Page feels the application is applying for approval for a support structure which is higher than 50'.

Mary Jo called Ralph Lamson. Ralph advised the applicant is applying for Controlled Site approval for a support structure/tower over 50' in height.

The Board was O.K. that there would not be an impact on the land, water, air, plants or animals, ag. land resources, aesthetic resources, archeological resources, open space and recreation, transportation and will be a positive impact on energy.

Chairman Nakas would like to be absolutely sure the surrounding property owners will not hear this.

Richard Page said that is absolutely true. His nearest neighbor is about 800' away.

The Board was not concerned about an impact on noise or odor. There was no concern about impact on public health or growth and character of the neighborhood.

The Board did the Visual EAF.

Chairman Nakas asked if it would be visible from the park behind True Value.

Richard Page doesn't believe so.

Chairman Nakas confirmed it does not need to be lit.

Richard Page said no.

John Langey said anything under 200' doesn't require a light. He advised the Board can make a resolution regarding the SEQR tonight or they can do everything at the next meeting once the tower is placed on the map.

**Chairman Nakas moved and Member Markoff seconded the motion to appoint the Planning Board as Lead Agency, this is an unlisted action in the SEQR process and the Board makes a negative declaration after reviewing the full SEQR form. Motion passed unanimously.**

Member Bush would like to see the line where it goes from the tower to the house on the map too.

**CASE # 397 – Public Hearing for Application of B & C Storage  
for Controlled site approval to erect 6 self storage buildings  
on property located on the west side of Route 11 North  
approximately 1/8 mile north of the Route 11 and  
Commene Rd. intersection in a Business District. Tax Map  
No. 022.-07-03.**

Bruce Polloch was present to represent the application. He reviewed their proposal. They are proposing to build 6 storage buildings. There's about 8 acres of land. There's a retention pond. The facility will be gated and have cameras so it will be a secure facility. The colors will be beige with green trim. He doesn't have a landscape plan with him but has some pictures of some of their other facilities which he showed to the Board.

Chairman Nakas asked how large each unit will be.

Bruce Polloch said they range from 5' x 10' to 10' x 30'. The first building will be climate controlled.

Chairman Nakas asked if a person rented a unit, would they have some kind of card to get in.

Bruce Polloch said they have a keypad and for the climate controlled building there is an additional keypad.

John Langey noted John Dunkle said there should be a landscape plan.

Bruce Polloch said he didn't have time to prepare one for this meeting.

Chairman Nakas asked for any questions from the public.

James Cromley said they live next-door to this property. They looked at the map after the last meeting. He asked what the setbacks say on the map.

Chairman Nakas believes any structure has to be set back 25' from the side yard.

James Cromley noted the map shows a 15' setback.

Member Bush said it shows a 15' setback but there is nothing near that 15'. If you bring it out to 25', there is still nothing on the map.

Chairman Nakas said the line probably shouldn't even be there.

James Cromley just wants to be sure that the construction is at least 25' from the property line.

John Langey noted the map should be changed to 25'.

Chairman Nakas would recommend just removing the line as there will be no structure or fence within the 25'.

Wayne Curtis asked how close to 81 this goes. He owns land near where the water will run.

John Langey said the retention pond would have to be approved by the Town Engineer before this application is ever approved.

James Cromley asked where the entrance would be.

John Langey said they will have to get D.O.T. approval.

Bruce Polloch thinks the entrance will end up directly across from the apartment entrance.

Wayne Curtis asked if they are going to subdivide the property.

Bruce Polloch said down the road they might.

Chairman Nakas noted that each point raised by John Dunkle who is the Town Engineer must be responded to.

Bruce Polloch said yes.

Chairman Nakas asked how much land is being disturbed and does it trigger a SPDES.

Bruce Polloch said they have already submitted an application as they are disturbing more than 1 acre of land.

Ross Chapman said they are the next house up from the kennels. Their primary concern would be the lighting. They lived through the ending days of the driving range.

Chairman Nakas said the Board would make very sure this would not be an issue.

Bruce Polloch said they use lighting that is all pointed down and the light can't be seen and you only see the affect of the lights. They will have a guarantee that no lighting leaves the property and no lighting will be directed up the hill.

John Langey said this is one of the conditions from County Planning. They advise "The applicant must submit a lighting plan to ensure that no glare or spillover is allowed onto adjacent properties and rights-of-way, and the plan must be approved by the Town Engineer". County Planning also recommended landscaping.

Chairman Nakas noted the LaFayette Fire Dept. would have to be sure they can get through here.

Bruce Polloch said they can have the L.F.D. approve their plans.

Robert Liebermann said he is the new owner of the Doolittle Sylvan Storage property. He has a couple of questions. How many units is the applicant proposing and how many of the units will be climate controlled. Will there be onsite management?

Bruce Polloch said they are proposing around 20 climate controlled units and the total number of units would depend on the demand. For a facility this size he would guess the total number of units could be 150.

Robert Lieberman asked if there will be onsite management.

Bruce Polloch said no.

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

It was decided to keep the public hearing open until additional information is received and John Dunkle's concerns are addressed.

John Langey said the applicant is willing to work with the Board so the Board can ask for anything they need to assure this is aesthetically pleasing.

Member Bush said the end of the building is by the road and you are not going to have a lot of exposure.

Bruce Polloch said they want their facilities to look nice too.

Chairman Nakas said the public hearing will be extended until next month when the Board can see the applicants responses to Mr. Dunkle's concerns and the public can ask further questions at that time regarding the answers.

James Cromley asked when they plan on starting construction.

Bruce Polloch said if they get approval in the next month or two, they might try to start in the fall. If it should drag out through July or August, they would probably wait until spring.

**CASE # 399 - Public Hearing for application of Nicholas Gazotis, Artur Zak, and Stan Choromanski for Controlled Site approval to operate weekend auto flea market where people bring automobiles, etc. and try to sell them at 2843 Route 11 North on the west side of Route 11 approximately 1 ½ mile north of the Route 20 and Route 11 intersection in an Industrial District. (Tax Map No. 020.-03-02.0).**

Artur Zak and Stan Choromanski were present to represent the application.

Artur Zak said the idea is to provide a place to allow individuals to conduct free trade and a kind of market place for automobile and automobile equipment. Mr. Gazotis has a large industrial space and there is pavement that would provide protection. They might provide more activity on Route 11. The activity takes place about 350' from Route 11. They would provide parking for the public which would be 200' from Route 11.

Chairman Nakas asked how many parking spaces there would be.

Artur Zak said about 13,500 square foot of active area for the trading space. The public parking would be about 26,000 square feet. The area is so large that they propose to only use a fragment of the property.

Chairman Nakas asked of the 17 acres how much would be occupied by the flea market.

Stan Choromanski said about 1 ½ acres. The trading parking would be 13,000' – 14,000' which is about 1/5 of an acre.

Artur Zak said 180' x 70' is the hard paved area. This would be an active part of the trading. The public parking is mainly gravel.

Chairman Nakas said he has a couple of problems. Once the flea market is over with, how long before everything gets off-site before it happens again the following weekend? He would hate to see things left there for a whole week. Is it going to be cleaned up Sunday?

Stan Choromanski said yes. Some things may be left overnight from Saturday to Sunday. The whole activity will be done by sunset on Sunday.

Chairman Nakas confirmed all the cars and parts get removed by sunset on Sunday.

Stan Choromanski said yes.

Chairman Nakas said the second thing that bothers him is when Mr. Gazotis came before the Planning Board a few years ago there were all kinds of plans to clean up the site, build new buildings and remediate the property.

Stan Choromanski said they are not building any new structure.

Chairman Nakas asked about cleaning up the area.

Stan Choromanski said there is nothing on the acres they will be using.

Chairman Nakas said Mr. Gazotis's name is on the application and he didn't do what he was supposed to do 12 years ago.

Stan Choromanski said they can't respond to this.

Chairman Nakas said someone has to respond to it. He would hate to see the site get any worse.

Artur Zak said their activities take place between Saturday and Sunday. They occupy the space which is actually empty. He is unprepared to answer any questions about the former state of the property.

Chairman Nakas said the track record here is not very good. He would like to see some commitment to make things better than they currently are.

Stan Choromanski asked if they are talking about the whole area.

Chairman Nakas said let's try to improve it a little bit.

Member Adam said last meeting he commented that Mr. Gazotis's lot is somewhat of an eyesore and Mr. Gazotis advised it was construction equipment and was worth about \$750,000. Mr. Gazotis didn't mention any plans to fix the site up. He asked Ralph Lamson if there were any concerns and Ralph advised there is one vehicle that still must be removed.

Artur Zak said they are looking to attract some activity in the area. It should be seen as a family event. Everybody is welcome.

Chairman Nakas said if it's going to be a social event, you need to make it attractive so people would like to go there.

Tim Brayman asked what the zoning regulations allow on an industrial site.

John Langey reviewed the allowed uses in an Industrial Zone.

Mary Jo believes Ralph Lamson sent this to the Planning Board as a retail sales.

John Langey said this is different as there is no structure.

Artur Zak said automobile parts would be limited to one space for one vehicle and the part must be attached or within the vehicle or put on another vehicle.

Chairman Nakas confirmed there would be a list of rules.

Stan Choromanski said primarily it would be a car fair.

Ross Chapman said it sounds like the idea is to have several hundred people during the weekend. Will there be sanitary facilities? Is there water?

Member Markoff said they advised at the last meeting there would be port-a-potties.

Chairman Nakas said if food were going to be sold, it would require Health Dept. approval.

Stan Choromanski said there is no water on the site. They may like to extend their activities and allow some vendors to supply some food.

Artur Zak showed the Board a map. There would be one active entrance.

Member Markoff confirmed the port-a-johns would be removed every weekend and brought back for the next weekend. They would not be left there.

Artur Zak said the provider of the service proposes to drop them off for the weekend.

Nancy Chapman said she is confused. The Board said the items sold would be taken away and then later it sounded like items would only be on a vehicle. They would come in on a vehicle and go out on a vehicle.

Chairman Nakas thinks the applicant is offering that whatever is brought to the flea market would be confined to the space of the vehicle.

Nancy Chapman said her other concern is once everyone is leaving, it will cause the traffic on Route 11 to magnify. This is where she is concerned about traffic flow.

Artur Zak thinks the whole event dictates its own schedule. The time someone leaves might depend on the time the transaction takes place. It's not like the movies that end at a certain time. He doesn't see a very high jam on Route 11. It starts up and ends on its own time.

Member Bush asked how many visitors and participants they anticipate being there on a Saturday and Sunday or both.

Artur Zak said it's hard to say. A large part of the event is advertisement. They would like to put a large sign on Mr. Gazotis's barn facing Route 81. They plan on internet advertising and advertising in the Pennysaver. It will possibly start very slow and will possibly grow. They provide space for 60-70 vehicles for trade which means 60-70 participants and they have to talk about the public too. The winter is probably a dead season and they probably won't go beyond the middle of October.

Donald Doupe said they are the neighbors to the south. A lot of their concerns go back to the things mentioned and the previous agreement where not one thing Mr. Gazotis promised to do was done. Right now there are drums, vehicles and junk he can see on that property. He would like to see Mr. Gazotis do what he promised to do previously.

Member Lasky asked if Mr. Gazotis is still on the application or just the property owner at this point.

Artur Zak said Mr. Gazotis has reserved the right to take part in this in the future. At the present time, he is not prepared to discuss Mr. Gazotis's involvement. For now it is he and Stan.

Stan Choromanski said he is not dedicated to this business.

Member Bush confirmed he is still the property owner.

Stan Choromanski said yes. The situation at this moment is that they would like to take half of this area. If Mr. Gazotis likes this, he may commit more space. Mr. Gazotis may change his mind.

Valerie Doupe said this is right next to the park and she assumes the flea market will be on the property that abuts the park.

Artur Zak said no. He showed her on the map where the activity will occur.

Member Bush said he just doesn't understand what we are going to end up with when we are done. There may be 60-70 participants and this could be doubled for the public. What are they selling? Do they sell to each other?

Artur Zak said they provide the space. There is an entrance charge which is different for the public than the trader. The public is an inactive member of the activity. They collect an entrance fee.

Member Bush asked what they provide the space to sell?

Artur Zak said cars.

Stan Choromanski said vehicles and if someone brings some parts on the truck bed, it would be O.K.

Member Markoff said this is basically for cars. He believes at the last meeting they advised this was basically to sell used cars. If he had a used car and wanted to sell it, he could bring it here and hope someone would want to buy it.

Artur Zak said if a person brings some automobile materials and they are in the vehicle they should be able to sell them.

Member Markoff asked if there would be a vehicle and then a spot with tires and then a spot with transmissions, etc.

Stan Choromanski said it's primarily vehicles. If someone had parts on the truck bed, they would be allowed.

John Langey said once you say primarily selling cars, you need to know what else is going to be considered being sold.

Artur Zak would rather not define it as vehicles. He would include boats, RVs, cars, etc. Everyone is welcome who proposes some automotive activity.

John Langey said it sounds like the applicant will be the gate keeper for someone to come sell a vehicle or vehicle parts. 60 individual businesses who sell cars could bring 2-3 cars each and maybe they have some radios or whatever in the back seat and they could sell that stuff too. There is no real site plan in front of the Board.

Member Bush thinks the Board needs to hear back from the county and get some clarification from Ralph Lamson.

John Langey said the Board also has concerns about the abuse of the property and promises in the past that the applicant didn't go forward with. Unless there is something in writing, the Board doesn't know exactly what they are approving.

Artur Zak thinks the beauty of the thing is you exercise the originality and uniqueness of this. They are the providers of space for an event. The financial aspect is so unpredictable. He doesn't know if there is anything like this in New York State.

Chairman Nakas thinks the Board is at a point where they would like to see a more detailed plan. They would like to see measurements, parking spaces, where will the concession be if there is one, and where are the port-a-johns going to be? Who will contact the Health Department if there is going to be food? What do you mean by etc. in your application when you are talking about automobiles, etc. If you get approval, it's to do something very specific. Depending on how you submit the plan is what you get approval for.

Stan Choromanski said his understanding is that they are having a car fair and if there are car parts, they would be on a flatbed. They are not prepared at this time to discuss food.

Chairman Nakas said let's not bring food into the application at this time.

Stan Choromanski said they are talking about automobiles or parts that might be on a truck.

Member Markoff said at the last meeting they discussed cars that could be driven on and driven off the site.

Chairman Nakas said one of the stipulations might be that every vehicle must be able to be driven in and off the site.

Stan Choromanski said they also included boats and the car would tow the boat.

Chairman Nakas asked if they would have boats for sale too.

Stan Choromanski said yes.

Chairman Nakas said it's not a vehicle. At this point they might want to limit it to you drive it in and drive it out.

Stan Choromanski asked if a boat in tow could be acceptable.

Member Bush said the vehicle should be legal.

Member Markoff said a dealer might bring a vehicle in on a truck.

John Langey asked if there are noise issues if 60 people want to hear the cars start up.

Member Lasky asked if Ralph Lamson would be the police on this.

Tim Brayman asked if there is a temporary permit that could be issued on a trial basis.

Chairman Nakas doesn't believe there is anything like that.

John Langey isn't sure how this is a retail store. Our code is silent on sale of used vehicles.

Mike Cook asked if it's a flea market or a used car lot.

Tim Brayman said it seems like this is like a yard sale. You rent a space.

Chairman Nakas said it reminds him of going to the market but in this case it's all cars.

Member Bush is not comfortable going forward until we hear back from the county.

Chairman Nakas said this Board can't vote or make a decision until we hear from County Planning.

Valerie Doupe said if she comes in with a pickup truck filled with bumpers and other parts and someone wants to look at them, can she unload the truck for them to look at everything? She would just like a definition.

Stan Choromanski said this is a car fair. There are similar places in the U.S. closer to the larger cities.

Chairman Nakas thinks a car fair would be more appealing and they might draw a cliental that would be looking to buy a car rather than a hubcap.

Stan Choromanski said it's just private people going to buy or sell a car.

Chairman Nakas said the public hearing will be continued next month when we have heard back from County Planning.

Artur Zak asked if they could also apply for someone to leave merchandise on the site overnight from Saturday to Sunday.

Chairman Nakas thinks they should see specific details of what the applicant wants. There may be specific points the Board agrees with or doesn't agree with. The Board can make stipulations if they approve the application. These are all points of discussion.

John Langey said they will need a letter from Mr. Gazotis stating he authorizes them to act for him.

**Sketch Plan Conference for Modification of Controlled Site approval for Michael Cook to sell merchandise from his tattoo parlor at 2613 Route 11 approximately ½ mile north of the route 11 and route 20 intersection in a Business District. (Tax Map No. 020.-05-07.0)**

Mike Cook would like a modification to add retail to subsidize the tattooing. He showed the Board a T-shirt. He would also like to get into selling jewelry. He would like to sell jewelry and clothing.

Chairman Nakas would advise him to be as specific as he can be on what he wants to sell in conjunction with the current ongoing operation.

John Langey said he will have to submit an application requesting his amendment.

Mike Cook asked if he had to pay the \$250 Developer Deposit.

John Langey said he would have to go to the Town Board to request this waiver.

Mike Cook asked if he needs a permit in addition to approval from this Board.

Chairman Nakas said he just needs approval of this Board.

Mike Cook said about 60% of his clients ask for piercing. Does he need another amendment for this?

John Langey said to add this to the modification he is requesting. Does he require anything from the state or county for piercing?

Mike Cook said no. The person just has to go through the training to do this.

Chairman Nakas asked if a public hearing is needed.

John Langey said yes.

Chairman Nakas said he will have to see the Town board to see about waiving the fee.

Member Bush said Stan Czuba must be part of this as he is the property owner. It was noted Stan Czuba should actually sign the application.

**Sketch Plan Conference for Greg Watson for Modification of Controlled Site Approval for his property located at 2872 Route 11 North approximately 1 ½ mile north of the Route 11 and Route 20 intersection in a Business District to operate nursery/landscaping business and storage building. (Tax Map No.'s 022.-06-01.2)**

Greg Watson was present. He advised the Planning Board granted Controlled Site Approval to operate a nursery/landscaping business at this location in 2007. He is looking for a modification to the previous Controlled Site approval as follows:

Under the existing Condition 1, Petitioner shall not sell nursery products from the property. The applicant is hereby requesting a modification that will allow him to sell nursery products from the property.

Under the current Condition 4, the applicant is allowed to operate the business between the hours of 7 A.M. and 5 P.M. on Monday through Friday, and between 8 A.M. and 12 P.M. on Saturdays. The applicant is requesting a modification that will allow him to operate the business between the hours of 7 A.M. and 6 P.M. on Monday through Friday, 8 A.M. and 4 P.M. on Saturdays and 10 A.M. and 2 P.M. on Sundays.

Under existing Condition 6, the applicant shall install only one outside light for security purposes. The applicant hereby requests a modification that will allow him to install three outside lights; one at the south side of the building above the overhead doors, one on the east side of the building above the office entrance and one to illuminate a business sign to be installed at a later date.

Under Condition 7, the applicant shall store only peat moss and mulch outside the building. The applicant hereby requests a modification that will allow him to store any and all inventory necessary for the operation of a nursery/landscaping outside the building.

Chairman Nakas asked what the rationale was for only being able to store peat moss and mulch.

Member Bush thinks they were discussing running a landscaping office which might have mulch, etc. but he didn't interpret this to mean that's all they could have.

Chairman Nakas confirmed the Town Board approved the zone change for this parcel from Agricultural/Residential to Business.

Greg Watson said yes.

Member Adam thinks when Kurt Watson originally applied for the Controlled Site he was referring back to the original stipulation on his business, however, Kurt is selling nursery products from his property.

John Langey asked Mary Jo to pull the minutes from the previous meeting.

Member Bush thinks maybe the 9 things listed were for the old building before everything changed. He thinks the original stipulation got carried over from the original building.

John Langey said the Board can grant the modifications the applicant is requesting. If the Board feels like they can grant this, you don't really have to research this. A formal application should be submitted and a public hearing could be scheduled for the next meeting.

Member Bush would recommend reading the minutes to be sure someone from the public didn't request any of the conditions.

Greg Watson said the original approval said there would only be one outside light. The building was constructed with two outside lights. He would like another outside light when he puts a sign up.

Chairman Nakas asked if the light would bother traffic or the neighbors.

John Langey said the Board can make a condition that the light be shielded.

Member Bush asked what the applicant would be applying for.

John Langey said an amendment to the previous approval. This must be referred to the county.

This item will be scheduled for a public hearing in June.

Bill Anastas said he is here representing Mr. Coye because he lives on the farm. There was supposed to be a permit for the trailer that is on the property. He didn't know about this until Mr. Coye got a letter. He talked to Ralph Lamson and he advised him that he should come here and plead his case. He does have animals on the farm. He redid the trailer last year. He is here to see if the trailer can stay.

Member Bush read the section of the Zoning Ordinance regarding Controlled Site Approval for a hired hand.

Bill Anastas said he rents from Mr. Coye and leases the land for his animals.

Chairman Nakas asked how long he has lived there.

Bill Anastas said 6 years. He said he never knew anything about this until Mr. Coye came to him with the letter from the town. He bought the trailer from Mr. Coye in 2001.

John Langey asked Mary Jo to see if this is in an Ag. District. The way the Ordinance is written 50% of his income must come from the farm. There is also multiple dwellings under separate ownership on one parcel. He reviewed the history of this

property with the Board. He responded to this matter in 2000 and the response still applies. Mr. Anastas can go to the Board to see if they will consider a legislative change for this.

Chairman Nakas said the problem is no one told these people that they were in violation and they purchased the trailer. He asked if there is something for a hardship.

John Langey said this might be a case for that. They would have to go to the Zoning Board of Appeals. They are still faced with an issue of not being a hired hand.

Chairman Nakas said it seems to him that these two people got involved in this unknowingly and he doesn't think it would be the towns position to force them out of their dwelling.

John Langey said that is out of the Planning Board's hands. The proper way is to go to the Town Board to see if they are willing to address this situation and possibly change the code which is asking a lot. The issues are it must be a hired hand, 50% of his income and the wages must be paid by Mr. Coye.

Bill Anastas said Ralph Lamson told him to come to the Planning Board. He talked to Ralph last year about fixing the trailer up and Ralph never said anything to him about this.

Mary Jo said things like this usually come to light if someone complains. There have been complaints through the years and Ralph reviewed the original Resolution regarding this property.

Bill Anastas said he went to Ralph Lamson and he knew exactly where the trailer was and that he owned it. Why wasn't something said then? He would never have put the money into it if Ralph had told him about this then. Maybe it's just that someone complained.

Chairman Nakas asked him to let the Board look into this. He will be put on the agenda for next month's meeting.

Member Bush is hearing from John Langey that there isn't much this Board can do.

Chairman Nakas doesn't think it would hurt for the board to have some conversation with people on the Town Board to see what their feelings are. He hopes everything works out.

Mr. Anastas said they will go to the Town Board.

Member Bush recommended they do a chronological list of what has happened.

Tim Brayman asked what's going on with the Grove.

John Langey said they just got done with an archeological study for Phase II. There are all kinds of protocol SHPO would like them to consider. They were going to do some landscaping on Route 91. He thinks they were going to put some trees in. While they are working on Phase I, they can't disturb the Phase II property. As far as planting trees or putting a berm up, he referred them to Ralph. He heard whoever was going to purchase the property, the deal fell through. He hasn't heard a word from Mr. Curtain who was supposed to supply some homeowners information. He thinks they may be able to draw a Building Permit as of today.

Member Adam said the lots are assessed for \$87,000.

Tim Brayman said about a week ago they were dumping fill. Jamesville Terrace is a private road and they were using that road as an access point. This is a private road that the residents own. They were concerned about the trucks going over the road. They called Roselli who said they would stop but they didn't. In order for them to be doing

this work, they are about 80' into Phase II. He was under the impression there is 0 touching of Phase II.

John Langey said he can call Ralph Lamson on this.

Tim Brayman believes 80' from Route 91 into Phase II is being disturbed.

John Langey said the trees and berm subject to talking with Ralph Lamson doesn't require approval. If you see something going on that violates one of the original subdivision conditions, you should contact Ralph Lamson.

Tim Brayman asked if there is anything for site distance from Route 91 or his property.

John Langey said D.O.T. would determine whether it is causing a site distance problem. You don't want them creating a hazard.

Tim Brayman asked if the archeological study was done.

John Langey asked him to call his office tomorrow and he will fax him the letter he received.

Tim Brayman asked what happens with Jamesville Terrace. In their deeds they have a 16' right-of-way granted to the owner of the Grove. What would the Board recommend he do about future owners of the subdivided lots being able to access Jamesville Terrace.

John Langey would recommend he review the restrictions of the original subdivision and maybe his attorney could send a letter stating his client doesn't intend to allow access of Jamesville Terrace to the new subdivision property owners.

Tim Brayman asked if Jeff Cohen is still the owner.

John Langey said yes, as of a month ago.

Robert Lieberman said he just wanted to introduce himself to the Board as he is new in town.

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

Meeting adjourned at 9:55 p.m.

Respectfully submitted,

Mary Jo Kelly  
Secretary

**Pending Cases:**

CASE # 388 Public Hearing for Scott Daley for a 4 lot subdivision of his property located on the north side of Route 20 approximately 930' west of the Route 20 and Apulia Rd. intersection in an Agricultural/Residential District. (Tax Map No. 010.-02-13.0)  
(Applicant called when letter sent and advised just waiting for survey)

Minutes adopted 6/17/08