

April 21, 2009 – Planning Board Meeting Minutes

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on April 21, 2009 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
Brad Bush, Member
Barb Lasky, Member
Shawn Adam, Member

Absent: Richard Markoff, Member

Recording Secretary, Mary Jo Kelly

Others present: John Langey, Planning Board Attorney
Robert Lieberman, Applicant

Chairman Nakas welcomed everyone.

Chairman Nakas asked for any corrections or additions to the January meeting minutes. There were no corrections or additions to the January 20, 2009 Meeting Minutes so they will stand as submitted by the Secretary.

**CASE # 405 - Application for controlled site by L.A.R. Properties of CNY, LLC
for their property located on the west side of Route 11
approximately ½ mile north of the Route 20 and Route 11
intersection in a Business District. (Tax Map No. 020.-02-01.0)**

Robert Lieberman showed the Board a colored site plan of his proposal. They acquired this land of about 16 ± acres. Some of the land can't be used due to wetlands.

Chairman Nakas wondered if the other apartments should be on this site plan.

Robert Lieberman said they are not connected. These properties are two separate entities.

John Langey said the application states he wants to do this in phases. He confirmed the first phase is buildings 1, 2 & 3.

Robert Lieberman said they found out the code requires two parking spaces per apartment. There are 48 apartments so 96 parking spaces would be required and they have allotted 106 parking spaces.

Chairman Nakas asked how many driveways are there?

Robert Lieberman said there is one with access and egress.

John Langey asked if he had been able to approach the D.O.T. for a driveway permit.

Robert Lieberman said he hasn't yet as he thought he should start with this process. Chairman Nakas said the process does start here but the applicant must get a driveway permit from the State D.O.T.

Member Adam said the Board will give the applicant his homework assignment.

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John Langey said this Board will refer one copy of the entire application to the Town Engineer for his review and he will probably zoom in on areas like drainage, lighting, site distance for safe ingress and egress, etc. The other big issue will be water. How many wells does the applicant think he will have to drill?

Robert Lieberman isn't sure on this.

John Langey said certain uses in New York State require you to get a public water system. He doesn't know if this will qualify for that or not. This is not a Board requirement but rather a State requirement. The Board may want to know what the full impact of a full draw-down of water would have on neighboring properties.

Robert Lieberman asked who does this.

John Langey said the applicants engineer can help him with this.

Chairman Nakas said you might need a hydrology test. Initially they pump the heck out of an existing well on the property or might drill one and see the impact drawing one down takes. He said he was surprised on the Environmental Impact Statement to see that no environmental impact was found. Let's be very conservative and say only 100 gallons a day are used per apartment. If you multiply this by 50 apartments it would be 50,000 gallons a day. He doesn't see how this could be determined as not intensifying the use of natural resources.

John Langey said it looks like the architect completed this form. There is a long form that the Board may wish to have the applicant fill out. The long form goes into more detail.

Chairman Nakas believes the engineer should fill this out.

John Langey said this is at the early stages.

Robert Lieberman said this is all preliminary.

Member Adam thinks the layout is great. He thinks the areas of concern will be the wetlands and water usage. It looks like it fits well on the site as long as the wetlands can be accommodated without compromise.

John Langey said it references a porous parking lot. Is this gravel?

Robert Lieberman thought the same thing but was advised it's not gravel.

John Langey said he has learned that the porous drives require maintenance. There are treatments you can do. He said the applicant might want to look at his options for a driveway and parking surfaces. The porous would be nice but there are pros and cons to the use of it. He asked if the Board wanted to see elevations of what the buildings will look like. He asked if they go up 3 stories.

Robert Lieberman said two.

John Langey asked if some of the floors might be subsurface.

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Robert Lieberman said part of them might be. There is a 10' drop in some areas so some of them might be a little underground. Some might be cut into the ground. He isn't sure. His initial thought is to get 24 apartments up.

Chairman Nakas asked if the first 3 buildings would be done in a year or just part of Phase I.

Robert Lieberman said just part of Phase I.

Member Adam thinks he has enough room for the wells. The State D.O.T. is going to be his neighbor on the north boundary so they will be watching anything he does.

John Langey said the next step for the applicant is to develop the plans a little more and perhaps do the long EAF. He needs to look into the well water quantity and quality and getting a driveway permit.

Chairman Nakas said the applicant needs to show how much water will be required and the impact on neighboring properties.

Member Bush believes the other apartments have a big tank underground which is being filled continuously.

Robert Lieberman will look into this.

John Langey said one thing the applicant will have to think about at some point is that our Town Engineer has to give us some technical guidance. We could send this to him now and he might reply with a lot of concerns. In the Town of LaFayette, the applicant bears the burden of the cost of the Town Engineer. You might want to go back to your own engineer first prior to having the Town Engineer review this.

Robert Lieberman said he hasn't talked to an engineer yet.

Chairman Nakas said he will need to.

Member Adam noted Item 6 discusses a community water system.

John Langey said this might be what he was talking about that the State requires.

Chairman Nakas said the applicant has filled out the Controlled Site Application as well as the short EAF and there are a number of grammatical mistakes that need to be tightened up. It looks like less of a document than it actually should be.

John Langey said he hasn't run into a French Drain at this level. He would be interested in seeing how this works. We do have MS4 requirements which will have to be addressed at a future stage of the application. He explained what the MS4 is. He will contact the Town Engineer to see if he can get an estimate from him on the cost to review this project.

Chairman Nakas said on the application, # 9 states "It is also intended to limit regarding of the site, to only that which is absolutely necessary to accommodate the interior roadway and parking..." He thinks there are words missing here but he doesn't know what they are. Is it stating the applicant doesn't want to disturb any more land than necessary?

John Langey thinks so. Any beautification through landscaping should be shown on the site plan.

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Member Adam said the more details on the map, the less questions.

John Langey said he will be required to keep 100' from the wetlands.

Member Adam said the thing that concerns him is the second septic system so close to the creek.

Robert Lieberman said they couldn't find anything that this is a natural creek but rather it's just water flowing from the land. You don't see actual water flowing when you walk the land.

John Langey said it's labeled as a creek on the map.

Robert Lieberman said they couldn't find anything designating this as a creek.

Member Bush said he couldn't find an existing creek when he stopped to look at the property.

John Langey said the applicant might want to start thinking about the color of the siding, roofing material, etc.

Chairman Nakas said he will need the driveway cut and to contact his own engineer and have him contact John Dunkle who is the Town Engineer regarding the areas we have discussed. He would be very careful regarding the buffer zones with the wetlands.

Robert Lieberman will be stopping in to the Town Clerk's Office to pick up the town's Local Law 5-2007 regarding MS4 Stormwater.

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

The Planning Board Meeting adjourned at 7:40 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

Adopted 9/15/09