

Minutes of the Planning Board Meeting held by the LaFayette Planning Board on November 16, 2010 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 7:00 P.M.

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| Present: | Jim Nakas | Chairman |
| | Brad Bush | Member |
| | Shawn Adam | Member |
| | Barb Lasky | Member |

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| Absent: | Rick Markoff | Member |
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Recording Secretary: Mary Jo Kelly, Secretary

Others Present: Kevin Gilligan, Planning Board Attorney
John Dunkle, Town Engineer
Mark Fulmer
Tom Kowalski
Marg & Jeff Cohen
Ann Chase
Frank & Helen Nelson
Bob & Barbara Houghton
Paula Haskins
David Broda
Marty Blake
Sal Sciuga, Jr.
Tim & Mary Brayman
Joseph Orso
Doris Habateb Courai
John & Nancy Roth
Ed Keplinger
Joe Jerry

Chairman Jim Nakas called the Meeting to order at 7:02 P.M. and welcomed everyone. He asked if there were any corrections or additions to the October 19, 2010 Meeting Minutes. There were none. The Minutes will stand as submitted by the Secretary.

CASE # 410 - Public Hearing for Application of Jeffrey Cohen for a 12 lot subdivision of his property located west of Route 91 on the northern corner of the Jamesville Grove Lane and Route 91 intersection in an Agricultural/Residential District. Tax Map No.'s 001.1-01-1.1, 001.1-01-11.0

Ed Keplinger gave a short presentation on what the applicant is proposing. Mr. Cohen is looking to subdivide Lot 9 into two lots and to subdivide Lot 10 into 10 lots. They are looking at a total of 12 lots. There will be a new cul-de-sac. All the drainage from the lots and the road

will be directed into the drainage facility which is already constructed. They have submitted septic designs for all the lots. They are very comfortable with the plans and they should have approval from the County Health Dept. in the next week or so. They have a few things to work out on the drainage yet. They will be contacting an archeologist. They will need a waiver on the road length. He thinks either the Town Board or the Planning Board can grant this.

Chairman Nakas thinks this has been turned over to the Planning Board to handle on a case by case basis.

Kevin Gilligan asked the total length.

Ed Keplinger said around 600'.

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

John Roth asked what the few things to work out on the drainage are.

Ed Keplinger said there are drainage easements that need to be worked out and some lot grading.

Paula Haskins asked the size of the lots.

Ed Keplinger said the smallest is 1.24 acres and they go all the way up to 3 acres.

John Roth asked about the drainage.

Ed Keplinger said the drainage doesn't go right into the lake. It will be treated by New York State Department of Environmental Quality standards.

Ann Chase asked if they will have to redo the SEQR because those drains are flooding. They are inadequate.

Ed Keplinger said he hasn't looked at them but he doesn't think that is why they have to redo the SEQR.

Ann Chase asked if it has to be redone because the drainage isn't good enough.

Ed Keplinger said they are expanding the existing facilities for the new development.

Ann Chase said he should really go look at it. There's about 2 foot of mud near the drains.

Ed Keplinger will take a look at it.

Ann Chase said it's by the existing retention ponds. You can see the mud come down through the Reservoir from that area.

Paula Haskins said the area near the existing road is existing drainage.

Ed Keplinger said there is existing drainage and proposed new drainage.

Paula Haskins said the area looks like a wetland with cattails, etc.

Ed Keplinger said this is an area that would be maintained periodically by the Town of LaFayette.

Ann Chase asked what they are going to do about the drainage. It's terrible. The mud just pours in there.

Ed Keplinger said all the storm water from the existing site goes into the storm water facility which takes care of the sediment, etc. They also have drainage coming down through the center of the site which is possibly where some of the storm water issues are coming from.

Ann Chase asked if they are going to fix this.

Ed Keplinger said it will have to be looked at.

Member Bush asked John Dunkle what his opinion is of the existing water retention basin.

John Dunkle said he needs to see the area Ann Chase is speaking of to make a determination of how it relates to the storm water management system. There is a lot of drainage that passes through this site. The development for Phase I is relatively stabilized. He really

can't comment on whether something is not functioning until he takes a look at it. A few months ago it looked like everything was O.K. Everything was designed according to the requirements. He isn't sure where the problem is right now if there is one. He would hold off on a comment on this until he looks at it.

Mark Fulmer said it washed out once already and they had to repair it.

Ed Keplinger wasn't aware of this.

Jeff Cohen said it hasn't washed out. Over the past 2-3 years there may have been some times we got a ton of rain. Route 91 was closed due to the excess water. Maybe they are talking about a very heavy downpour that is not the norm. The systems are designed to work on what's normal. He has never seen anything flow into the reservoir.

A resident said he has seen it happen and it has washed out and been repaired again. On the two retention pools they have, the bottom end of it washed away.

Jeff Cohen asked when this happened.

A resident said after they first built it.

Tim Brayman asked if a new SEQR will be required for Phase II or did the one for Phase I cover everything for both phases.

Chairman Nakas said to the best of his knowledge there will be another SEQR done for Phase II. A lot of the same things that came up for Phase I will be addressed for Phase II.

Joseph Jerry said he is an attorney and represents the developer. He said originally this was supposed to be an entire development. Due to the archeological study requirement, rather than have the approval held up, the developer decided to split the 38 acres into Phase I and Phase II. A terrific amount of the SEQR considerations were addressed initially as they related to the entire parcel. The developer agreed that Phase II would be treated as a new subdivision. There was a letter received from SHPO that was basically signing off upon a couple of conditions. The Town Engineer has given an extremely thorough study of what needs to happen in regard to Phase II. The developer's engineer has been working closely with the Town Engineer. This evening they are looking for Preliminary Plat approval.

Mark Fulmer said we haven't even seen the first phase built yet and we are going on to Phase II. Why are we approving a second phase when nothing is even there on Phase I yet? We don't know how Phase I will work yet.

Chairman Nakas asked if there is any idea when construction will start on Phase I.

Joseph Jerry said one of the purposes of them being here tonight in regard to Phase II is that they now for the first time have interest from the builders which is primarily in regard to Phase II.

Mark Fulmer asked why go ahead with Phase II when they haven't done anything with Phase I? How do we know all their planning for the drainage has worked?

Joseph Jerry said the process is such that they have to do everything that the Town Engineer requires them to do.

Mark Fulmer said none of the houses are up in Phase I and nothing is there so we don't know how drainage for Phase I will work before we approve Phase II. He is asking why Phase I isn't being built.

Joseph Jerry said they build whatever needs to be built to satisfy the Town Engineer.

Chairman Nakas said there isn't any law that says you have to do this in a certain way.

Mark Fulmer said he knows this but you haven't even done Phase I so we don't know how that drainage will work and now you will put another 12 houses on this site and we don't know if the drainage with houses on Phase I will work.

Chairman Nakas said it doesn't work that way.

Joseph Jerry said to have a little faith in the Town Engineer.

John Roth said when he looks at both developments, how does that not pollute the lake with runoff of chemicals from homes, driveways, etc.

Chairman Nakas thinks the chemicals on lawns were addressed in the past. He thinks one issue was how do we address chemicals on new properties when we don't address them on existing properties.

John Roth said if you are going to have twelve more subdivisions, you will have that much more pollution.

Member Bush said there has never been any storm water protection on this property in the past. This is the only spot on the reservoir that now has a state approved drainage system.

Mark Fulmer said their right-of-way is to the north of the property. They put a burm in there which they spent money on. The dump trucks come in breaking up the end of the road. They now have no place to plow snow and the drifts are twice as high as they use to be. They have no say on any of this. That is their only way in and out to get to their homes.

Chairman Nakas suggested he put the question to Mr. Cohen and maybe they can reach an agreement.

Mark Fulmer said if Mr. Cohen had spoken to some of them before he started this process, he probably wouldn't have the problems he has now.

Joseph Jerry said there has been in the past an intermittent maintaining of the turnaround. Maintenance has lapsed from time to time.

Ed Keplinger said this is not where Mr. Fulmer is talking about. He showed him on the map the area where the concern is.

Joseph Jerry said part of the road is on their property.

Mark Fulmer said they paid to have this road fixed so they could get in and out of their homes. It's a right-of-way.

Joseph Jerry said it's on his client's property.

Mark Fulmer said this has been like this for 30 years.

Ed Keplinger said they are extending the access easement so he has this road for accessing his property in the back.

Mark Fulmer confirmed if they plow snow it won't cause a problem for them.

Jeff Cohen asked if they couldn't plow the snow onto the other side.

Mark Fulmer said then it's on someone else's property.

Joseph Jerry said Mr. Keplinger just said they will be giving him the easement.

Ed Keplinger said this road would be for folks on that road. None of the people in the development will have access to this road.

Mark Fulmer said the burm creates a huge drift.

Joseph Jerry said that portion of the road that is on his clients' property will be given to the association as an easement and they can do whatever they want to do with it.

Tim Brayman said his deed does give him a 15' right-of-way across the Grove property. He believes it's in everyone's deed on Jamesville Terrace. The road has always been there.

Ed Keplinger said they are not stopping this. They are giving it to them.

Tim Brayman said Mr. Jerry is saying we don't have an easement across that parcel and he wants the record to show that they do.

Joseph Jerry said they are going to dedicate it to the association.

Tim Brayman said being a homeowner it would have been great to have some contact with the developer beforehand. There was a lot of dump truck traffic going in and out on the road that the residents who live on it have spent a lot of money on.

David Broda asked if we can get back to the archeological work they were discussing earlier.

Ed Keplinger showed him where the lots in question were located on the map.

David Broda said lots 4 & 5 are quite heavily wooded. How much of the woods is going to be removed to conduct whatever archeological work is needed?

Ed Keplinger said it will be contained to the building portion of the lots. They will have to coordinate this with SHPO. They will not be clearcutting the whole lot.

David Broda said several years ago they did drawdown tests on those wells. Will that testing have to be done again? After the test wells were put in the amount of iron in his well shot through the roof and it's been a problem since that time. The drilling of those wells changed the hydrology which may have created this problem. He just wants to know if the test wells drilled previously will remain as the wells for those particular lots or will new wells be drilled?

Chairman Nakas asked how far his well is from the test wells that were drilled.

David Broda said 200-300'.

Chairman Nakas said it's a difficult thing to predict in LaFayette.

David Broda said he just wants to know if it's the same wells they are using for these lots or if new ones will be drilled.

Ed Keplinger said 2 of the 3 wells will remain the same.

John Roth asked what exactly the water treatment facility is.

Ed Keplinger said the water is held for a certain amount of time and the solids settle out. This allows the sediment to settle out.

Tim Brayman understands how the existing retention ponds function. Maintenance is required on these periodically. It's been 3 years and there hasn't been any maintenance done. He wondered how the retention basins for Lots 4 & 5 will be maintained. How will access be obtained?

Ed Keplinger said this is something the town would have to work out.

Member Bush said John Dunkle wrote a letter that states "In our opinion, the latest version of the submitted plans for stormwater management, infrastructure and lot grading are progressed sufficiently to present at a subdivision public hearing..." This is why we hire the Town Engineer.

John Dunkle said the way the storm water details are made is that a concentrated area is all that needs to be maintained. Probably before any new construction begins, they should be cleaned out. The facilities are not operating at their full potential here because there is no development yet. As soon as additional soils are exposed, they will need to be cleaned out and made ready to function. There will be the same concentrated maintenance area for the Phase II facilities. They still have to work out acceptable access points to those facilities. This is definitely something yet to be resolved but it will be done before final approval is considered.

Chairman Nakas said one of the things he notices is that no approval shall be granted unless all septic designs have been accepted and approved by the Onondaga County Health Dept. Does the applicant have any idea when that will occur?

Ed Keplinger said he thinks they should get approval within the week. He got an email stating they didn't see any problem at this point.

Tim Brayman said at the Sketch Plan held last month, a question came up about the road at the end of the Jamesville Terrace. Their plower uses that loop which falls in the back of Lot 4. There are two homes down there that need to use this road for access.

Joseph Jerry said they are willing to work something out for this. They will find a way to make this work. We are talking about a turn-around on private land which he is saying they can work something out on.

Frank Nelson said when Phase I was first discussed there was a question of fire protection. If there was a fire, where would the water be drawn from? At first they said the reservoir but that was shot down due to the depth of the water and that it needs to be dredged. The fire department said they weren't putting a \$40,000 pump into the mud to put a fire out. How does Phase II enter into this?

Jeff Cohen asked who advised they would not put a pump in the water.

Frank Nelson believes it was Bob Hopkins.

Jeff Cohen said they will talk to him.

Mary Jo read a letter from the Jamesville Fire Dept. dated 11/1/10.

Tim Brayman said the letter refers to the cul-de-sac and recommends a dry hydrant.

John Dunkle explained what a dry hydrant is.

Ed Keplinger said there are other dry hydrants in the area. It may not be practical to have one at this site.

A resident said there is 3' of mud in front of all of them down at that end.

John Roth asked if the fire dept. recommended a dry hydrant, is the applicant saying they don't need one?

Ed Keplinger said the fire dept. is requesting one and he is looking into whether it's feasible or not.

Member Bush said if this was any other place in town, this wouldn't be an option. Because they are near the reservoir, they are trying to use this as an option. It doesn't sound like there is an adequate spot to place a dry hydrant for this development.

Mary Brayman asked if Lots 4 & 5 can be built behind the swale.

Ed Keplinger said sure.

Marty Blake said on Lots 4 & 5 someone could take out all the trees and put their house behind the swale.

Ed Keplinger said that potential exists.

Chairman Nakas said in the letter from Mr. Heath it states since nothing has been found in the archeological studies that have been done, the odds go up that you will find something as the study goes forward.

Ed Keplinger reviewed the archeological studies that have been done to date.

Joseph Jerry said they will do whatever SHPO says they have to do. He doesn't believe Mr. Heath and the Nation are the determiners. It doesn't hold up their development if they do the study the way SHPO is telling them which is at the time of the Building Permit.

Kevin Gilligan said Mr. Heath thinks it should be done now.

Paula Haskins asked if the applicant had heard from the Parade of Homes and if this is the site they are looking at.

Chairman Nakas said the Board hasn't heard from the Parade of Homes as it's none of our business.

Joseph Jerry said they had told the Parade of Homes they would have an answer on the Preliminary Plans this evening. He got a call from John Langey yesterday saying that a Lead

Agency designation by this Board had not happened yet. They were amazed that this designation hadn't been made yet. They had promised the Parade of Homes they would have this approval. They came here tonight hoping they could find a way to get this plan approved. Unfortunately the protocol requires this Board must declare themselves Lead Agency and then they must have the option for other involved agencies to say they don't want to be a Lead Agency. They are prepared to go forward and John Langey said he would put a signoff at the end of the notice to the other involved agencies that they could sign off if they weren't interested and then it wouldn't be a 30 day waiting period. They are prepared to get these signoffs. He would ask with the help of counsel and this Board a way could be found to rectify this error that has been made by not designating this Board as Lead Agency.

Chairman Nakas asked Kevin Gilligan about this.

Kevin Gilligan said we have not made any SEQR determination on this application. The last time they came before this Board it was a Sketch Plan. Tonight we should be making the initial SEQR determination. We would put a legend at the bottom of the notices to involved agencies that if they are willing to signoff, they can just sign this. They will also be asking for any environmental comments they might have. This must be done.

Chairman Nakas said we would not close the Public Hearing.

Kevin Gilligan said keep the Public Hearing open and get the SEQR process going.

Chairman Nakas asked if we can start this now.

Kevin Gilligan said the involved agencies would be: Onondaga County Dept. of Health, Onondaga County Planning Board, DEC, SHPO, NYS DOT, and the Army Corp. of Engineers.

Joseph Jerry said he spoke with Mr. Keplinger earlier today in regard to what agencies were proper agencies in regard to Phase I and what ones might not be proper for Phase II. He believes the only involved agencies would be the Dept. of Health and the DEC. There is no wetland for the Army Corp. of Engineers and the Onondaga County Planning Board has given its recommendation with conditions. The only remaining agencies are the County Health Dept. and the DEC.

Chairman Nakas believes you still need SHPO in there.

Tim Brayman thought that when Phase I was given its approval, Phase II was going to be independent and would have to go through all the stuff that was required for Phase I. He doesn't feel we should rush through everything or skip over a number of steps. He believes the exact same procedure must be followed as was followed for Phase I.

Chairman Nakas said an extensive archeological study has already been done and a new one would not be required. He thinks the criteria overall will be the same for both phases.

Ann Chase would like to agree with Kevin Gilligan that there are too many unanswered questions.

Kevin Gilligan said that is not what he said.

Ann Chase said she knows that. She is making a statement. It's her opinion that there are too many loose ends to vote on this tonight.

Chairman Nakas said that is why we will be extending this Public Hearing until the next meeting.

Member's Lasky moved and Bush seconded the motion to make the following agencies involved agencies: Onondaga County Health Dept., NYS DEC, SHPO, NYS DOT and the Army Corp. of Engineers and that this Planning Board would act as Lead Agency for purposes of the SEQR review and they would instruct counsel to send the Lead Agency notification to the other involved agencies and if they wish to sign off in advance of the 30

days, they would appreciate this and this is a Type I Action for purposes of SEQR. Motion passed.

Joseph Jerry said they would object to this being a Type I Action. Both the issues were addressed when they did an Environmental Impact Statement that dealt with those issues.

Kevin Gilligan asked if it involves more than 10 acres.

Ed Keplinger said it's more than 10 acres.

Kevin Gilligan said if it's 10 acres or more, it's a Type I Action. It could be a negative declaration but he believes it's a Type I Action. He said John Dunkle reviewed the EAF and came up with some issues to address.

The Board reviewed the EAF.

Kevin Gilligan said when the updated EAF comes in and John Dunkle says it's O.K., they will do the Lead Agency notices. Parking for the Parade of Homes has not been discussed. We don't need all the details now like for a Mass Gathering Permit but we need to know where the parking will be and what grading will need to be done to accommodate the parking.

Joseph Jerry asked if this is part of the subdivision.

Kevin Gilligan asked if their subdivision accommodates the parking or will they have to grade an area to accommodate the parking.

Ed Keplinger said they will have a subsequent application for that action.

Kevin Gilligan said as you are going to be changing the grading from what John Dunkle has reviewed and the Board is reviewing, it might be easier to do it now.

John Dunkle said as he thought about this some more, we don't know what the Parade of Homes will be like. He would suggest reviewing this subdivision as it stands without the Parade of Homes but require they come back before this Board for a site plan review if they have the Parade of Homes.

Joseph Jerry said they would concur with this recommendation.

John Dunkle said the driving force behind this subdivision is the Parade of Homes.

Kevin Gilligan said this can be done as a condition. He asked if there is a proposal for a Homeowners Association.

Jeff Cohen said yes.

Kevin Gilligan asked if we could get a copy of it for the records. He asked which map SHPO reviewed for its more recent decision.

Ed Keplinger said the map essentially hasn't changed over the past 5 years.

Kevin Gilligan thinks at the last meeting they said the turn-around for Section 1 was changing.

Ed Keplinger said yes.

Kevin Gilligan said this must be straightened out. He would recommend they review County Plannings recommendations and follow them. He thinks we need to follow-up with SHPO. They refer to Lot 13 which SHPO shows as being within their building envelope now.

Ed Keplinger said they can define this and not allow any development there.

Kevin Gilligan said we will need additional copies of the revised EAF.

The Board reviewed the SEQR.

Joseph Jerry asked if the Board would have a special meeting in two weeks. They are under a timeframe for this.

Chairman Nakas said there is a request for this Board to hold a Special Meeting in two weeks on November 30th.

Kevin Gilligan doesn't know what John Langey's schedule is.

The Board would be in support of this.

Kevin Gilligan said we will check on availability of this room and John Langey and let everyone know.

Member's Bush moved and Adam seconded the motion to keep the Public Hearing open and continue it at a Special Meeting to be held at 7:00 p.m. on November 30, 2010. Motion passed.

David Broda said the applicant has had since 2004 to come up with this plan and why now does it become such a matter of urgency. For the Board they elected to consider this request is frankly very disappointing to him.

Member Bush said they are not elected officials.

The residents noted they will be at the next meeting.

Member Bush moved and Chairman Nakas seconded the motion to adjourn. Motion carried.

The Planning Board Meeting adjourned at 9:16 p.m.

Respectfully submitted,

Mary Jo Kelly
Planning Board Secretary

Adopted 11/30/10