

Minutes of the Special Planning Board Meeting held by the LaFayette Planning Board on November 30, 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.

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

Recording Secretary: Mary Jo Kelly, Secretary

Others Present: John Langey, Planning Board Attorney  
John Dunkle, Town Engineer  
Ralph Lamson, CEO  
Mark Fulmer  
Maureen Fulmer  
Marg & Jeff Cohen  
Rick & Paula Haskins  
David Broda  
Tim & Mary Brayman  
MacKenzie Brayman  
Chris Fleet  
Sal Sciugo, Jr.  
Jan & Joe Orso  
David Knapp, Councilman  
Jerry Doolittle, Councilman  
Doris Courgi  
Ed Keplinger  
Joseph Jerry  
Kyle LaTray

Chairman Jim Nakas called the Meeting to order at 7:03 P.M. and welcomed everyone. He asked if there were any corrections or additions to the November 16, 2010 Meeting Minutes. There were none. The Minutes will stand as submitted by the Secretary.

**CASE # 410 - Public Hearing continued 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**

Chairman Nakas thought it might be helpful if Mr. Dunkle could give some of his thoughts now and then anyone can ask questions.

John Dunkle said at the last meeting there was some concern about the existing facilities at the Phase I site and if they are working O.K. He took a look at the site. He gave a presentation of what was on the site prior to the facility being installed. One concern was when it rains there is ponding. One

reason for this is that the asphalt hasn't been put down yet and the puddling will go away when the asphalt is put down. He showed some photographs of the two ponds in place on either side of the stream. The condition of these facilities is exactly what he hoped for. During heavy rainfalls these wet ponds will be flooded. They are not designed to capture the large amount of rainfall but are built to capture the first amount of water. They are functioning exactly as he hoped. There is nothing going into them right now.

Chairman Nakas asked how long these have been in place.

John Dunkle said 4-5 years. There is a forebay which collects the sediment and silt. These will have to be cleaned out in the future. This is the area that gets filled up and must be maintained.

John Langey said he checked his records and in fact in 2006 the Town Board did form a drainage district for the entirety of the subdivision. The maintenance will be an expense to the homeowners of the lots. He would suggest once the lots are developed a budget should be set up for a yearly maintenance of the district. It would not be a General Fund expense but it would be assessed to the owners of the lots. He doesn't know if the Highway Dept. would be able to maintain this or not.

John Dunkle said he went over the area with John Greeley of the Highway Dept. who thought they could handle it.

Paula Haskins asked where the forebays on the property are located.

John Dunkle showed her on the map.

Tim Brayman asked if the new ponds being proposed would be the same size as the ones there now.

John Dunkle said they may be a little smaller as there won't be as much standing water. It's a different type of system with a swale. The final designs of this have not been put together yet by the developer.

Rick Haskins asked on the two lots at the top where the swale goes through the center, are they acceptable building lots?

John Dunkle said he will let Ed Keplinger address this. Another comment that was made at the last meeting was that the people observed that the wet ponds weren't working correctly as there was still a whole bunch of sedimentation coming down into the reservoir. He showed the stream that has the 100 acre drainage area all going into it. This stream is where the two facilities drain into. He feels the facilities are handling what is coming off this site.

John Langey discussed the easements. SHPO's latest letter discusses Lot 13 which no longer exists. We need to be clear on what will happen with the drainage of water through this lot so we agree with SHPO's letter that there can be no disturbance to that area. It's a matter of existing swale that will require maintenance.

Ed Keplinger said it shouldn't require maintenance.

John Dunkle said he did request easements to these sites so the town can get to them in case some minor maintenance is needed.

John Langey asked if the area where it reads "Proposed Conservation Easement" is exactly where Lot 13 was.

Ed Keplinger said that area and the orange area to the west.

Kyle LaTray asked once this proposed additional development is approved if it goes stagnant, who is responsible for the drainage maintenance as there will be no land owners?

Ed Keplinger said the land owner is Jeff Cohen.

Kyle LaTray said he didn't take care of the first one. Who will maintain the water drainage system that is proposed if the development is approved and no one purchases the lots?

John Langey said the owner of the property is ultimately responsible.

Kyle LaTray said his understanding is the current taxes on this property are not paid. If these taxes aren't paid, who is paying for the maintenance of the system?

John Langey said the county actually pays the bill and the county actually gets shorted. After 3 years, the county issues a foreclosure notice and the owner must then pay the amount with interest and penalties or the property goes up for auction.

Jerry Doolittle said the first stage had a road part way around it and then it ended. It was intended to complete its circuit back in Phase II. The proposal now is to stop at that point and put two cul-de-sacs in probably because you can fit more houses on the site by doing it this way. The applicant is asking to waive the regulations for this. The town has a statute that says you can't make it more than 500' and he thinks for the town to overrule this statute for the practice of making more roads is a bad precedent.

Chairman Nakas isn't sure there is a cul-de-sac in the town that meets the 500' requirement which is why he thinks the Town Board has been responsive to people who ask for a waiver of this.

John Langey said the Planning Board has the power under the regulations to grant a waiver. In 2005 these folks asked for a waiver to make it 1,250'. The Board received letters from the fire department, highway and school stating it was OK with them. The original draft Environmental Impact Statement did show a road coming around to connect creating an internal road coming off of that cul-de-sac. It was an internal loop around.

Ed Keplinger said one reason they did this was so a couple of the lots wouldn't have a road all around them. Another reason is that they wouldn't disturb some of the wetlands by making the change.

John Langey asked if there was any safety advantage to the loop around as opposed to what they are proposing now.

Member Bush said he agrees with Jerry Doolittle's thoughts but part of the reason of the one road was DOT's planning. They were bent on the one access onto Route 91. He thinks this is a rule that should be looked at by someone higher up than he is. He went through the town and looked at some existing cul-de-sacs and none of them meet this.

Paula Haskins said it was her understanding when they went through this on Phase I that the extension was granted on Phase I with the understanding that the road in Phase I would connect into the road on Phase II if Phase II was ever developed and that was the basis for the extension.

Ed Keplinger said when they looked at Phase II, they found a better proposal for this and they didn't have to disturb the wetlands.

Tim Brayman asked if the combined cul-de-sac leading into the original road would make it a larger cul-de-sac than what was requested.

Chairman Nakas understands what he is saying about one entrance and one exit but he doesn't know if this qualifies as a cul-de-sac.

John Langey said it's an interpretation that Ralph Lamson would make. Whether it's 50' or 5,000' what's the outcome to the safety of the residents in the development?

Tim Brayman said the regulations state now there's a 500' cul-de-sac limit even though there are not a lot of cul-de-sacs in town that comply with this. He lives on a lot much less than the 1 1/2 acre which is required now. What's the point in having the zoning regulation of 500' on the books if it isn't followed?

Chairman Nakas said that is a good point but the other way of looking at it is why have it on the books at all if there is no problem with the Highway Dept. doing the plowing, the fire district with emergency vehicles or the school district with the buses. Why would that be a criteria to hold up the application if everyone is on board at this time?

Chris Fleet said among the many things he is concerned about, one of them is water. They are all on wells. They are proposing to have 12 houses going up. He has lived in his house for 16 years. He and his neighbors have well problems. When it starts getting dry, they have to be careful. When the water level is dropped in the reservoir every fall, it lowers the water table. When there are 12 more houses and we have people flushing, showering, washing, watering lawns, etc. what impact will that have on him and his neighbors? If he is one of the buyers and is spending a lot of money on a very nice home, doesn't someone have to tell him that the neighbors have water issues?

Chairman Nakas said this Board has always been very sensitive to water issues in the town. The only thing we can do is have the developers do a very expensive water test. The testing does test the wells as it pumps the water out of the test wells continuously. The developer did do this test and there was no impact on the surrounding wells.

Chris Fleet said depending on when they did the test, it might have been O.K. If you come out on one day you may get a good reading but get a different one on a different day.

Chairman Nakas said water is a legitimate concern for anyone who might build a home here.

Ed Keplinger said when they did the hydrology study they drilled 3 wells. Everything was accepted. The yields were very good on the wells.

Kyle LaTray said in the earlier development the county looked at raised beds for all the septic systems. Has that been addressed in this portion of the development?

Ed Keplinger said all the septic systems have been designed and submitted to the County Health Dept.

John Dunkle said he talked to Jeff Till at the Health Dept. this afternoon. He has an email stating they had two raised bed systems and the rest were shallow systems. They discussed the setbacks and there is adequate separation from the water bodies. Their approval of the final septic systems will not affect the layout being proposed.

Kyle LaTray asked if the second cul-de-sac has already been waived.

Chairman Nakas said no.

Joseph Jerry said it was a request.

Ed Keplinger said they sent a request to the Town Board who is referring it to the Planning Board.

Chairman Nakas said it would be a waiver for the length of the cul-de-sac exceeding the 500' maximum.

A resident asked about the plowing on Jamesville Terrace.

Ed Keplinger said this is something that must be discussed with Mr. Cohen regarding easements.

A resident said there's been one there for 20 years.

Ed Keplinger said it's Mr. Cohen's land. It's his choice as part of this development not to have a turn-around on a potential building lot.

Joseph Jerry would like to thank John Langey, John Dunkle and this Board. He's been doing planning work for 30 years. The amount of due-diligence that has been put through for this area is like nothing he has ever seen before. He appreciates all the work John Dunkle has done and the Planning Board has done.

John Langey said another issue he wanted Ed Keplinger to discuss was the endangered species which are the Harts Tongue Fern and the Indiana Brown Bat. The willow trees for the Indiana Bats would have to be preserved on site or they would have to be taken down during a certain period of time. What is their proposal?

Ed Keplinger figured clearing would occur between January and March. He doesn't think the willows are on the site that was mentioned.

John Langey asked if there are any of the willows on the Phase II site.

Ed Keplinger said he isn't sure. He doesn't think the type of trees there now are ones that the Indiana Bat would inhabit.

Tim Brayman said there are a lot of trees that look like the ones mentioned along the shoreline.

Ed Keplinger said they really aren't disturbing anything along the shoreline or in the wetland area.

Paula Haskins asked if the homeowners would be given notice on when they can cut the trees down and when they can't.

It was stated that it was uncertain whether anyone can restrict the homeowner from taking down a tree on his property.

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

**Member's Markoff moved and Bush seconded the motion to close the Public Hearing.**

**Motion passed unanimously.**

Chairman Nakas thanked everyone for coming and giving their comments and concerns.

John Langey said the Public Hearing has been closed. The SEQR process is at a stage where you have asked for and received the long form which was reviewed in detail at the last meeting. Parts 1, 2 &

3 are done. The next step is whether the Board wants the applicant to prepare an Environmental Impact Statement like they did last time. This would force them to go out and conduct more studies on items you have heard and you don't feel have been satisfied to your liking. If you feel you are satisfied with the environmental portion of the application, you can go forward and declare a Negative Declaration. They did receive back the 5 letters sent to the other involved agencies and they signed off on wanting to be Lead Agency and stated the Planning Board could be the Lead Agency so we don't have to wait the 30 days. He reviewed the following Negative Declaration with the Board.

## **NEGATIVE DECLARATION**

### **NOTICE OF DETERMINATION OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT**

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**Jeffrey Cohen, Owner  
Proposed Major Subdivision (Preliminary Plat)  
Town of LaFayette Planning Board  
("Jamesville Grove Estates Subdivision, Phase II")**

#### **TO ALL INTERESTED AGENCIES, GROUPS AND PERSON:**

**In accordance with Article 8 (State Environmental Quality Review) of the Environmental Conservation Law (the "Act"), and the statewide regulations under the Act (6 N.Y.C.R.R. Part 617, et seq.) (the "Regulations"), the Town of LaFayette Planning Board (the "Agency") has received an application from Jeffrey Cohen, as owner, in connection with the proposed Project described below. As a result of a thorough review of the proposed Project and consideration of the potential adverse environmental impacts associated with the Project during its regularly scheduled meeting on November 30, 2010, the Agency has determined: (i) that said proposed Project is a "Type I Action" pursuant to the Regulations; (ii) that the Agency has appropriately engaged in its own environmental review of the Project; (iii) that the Project will result in no major adverse environmental impacts, and, therefore, will not have significant adverse effect on the environment; and (iv) that an environmental impact statement is not required to be prepared with respect to said Project; THIS NOTICE IS A NEGATIVE DECLARATION FOR THE PURPOSES OF THE ACT.**

**1. Agency:**

**The Agency is the Town of LaFayette Planning Board ("Board").**

**2. Person to Contact for Further Information:**

Mr. James Nakas, Chairman, Town of LaFayette Planning Board, 2577 Route 11, P.O. Box 193, LaFayette, NY 13084; Telephone Number: (315) 677-3674.

3. **Project Identification:**

Jeffrey Cohen, as owner, presented an application to the Agency requesting that the Agency approve the proposed subdivision of approximately 21.3 acres of land into twelve (12) individual single-family building lots on property owned by the applicant located on State Route 91, Town of LaFayette, also known as Tax Map Nos. 001.1-01-1.1 and 001.1-01-110.

4. **Project Description:**

The Project entails the potential subdivision of twelve (12) separate, individual building lots on 21.3 acres as more particularly described and depicted on the site plans and construction drawings submitted by the applicant. This is a Phase II development related to a previous application. Drainage stormwater facility and public road improvements are also proposed.

5. **Project Location:**

The Project is located adjacent to State Route 91, Town of LaFayette, New York and is bordered by Jamesville Reservoir and Jamesville Beach County Park.

6. **Reasons for Determination of Non-Significance:**

As proposed, the reasonably anticipated environmental effects of the Project will not be significant or will be unavoidable. This conclusion results from the thorough evaluation of the proposed Project and its potential environmental effects against the criteria provided under the Regulations at 6 N.Y.C.R.R. §617.7(c). See Attachment “A.”

**ATTACHMENT “A”**

**REASONS SUPPORTING THE NEGATIVE DECLARATION IN THE  
MATTER OF THE JAMESVILLE GROVE ESTATES SUBDIVISION, PHASE II  
(JEFFREY COHEN, OWNER), A MAJOR TWELVE (12) LOT SUBDIVISION  
IN THE TOWN OF LAFAYETTE, ONONDAGA COUNTY, NEW YORK**

**(“Jamesville Grove Estates Subdivision, Phase II”)**

**Project Description, History and Background:**

§ **In or around February of 2004, the applicant appeared before the Town of LaFayette Planning Board making application for a preliminary plat approval of a proposed major 21 lot subdivision for lands located on the westside of Route 91 in the Town of LaFayette. Subsequently, an Environmental Impact Statement was prepared by the applicant at the direction of the Town of LaFayette Planning Board (“Lead Agency”). A Findings Statement and approval for a modified project (eight (8) lots) was approved. However, significant portions of the Environmental Impact Statement were relevant to the entire project, including lands and impacts associated with this “Phase II” development. Therefore, to the extent relevant, certain findings from the Phase I development support the current determination of non-significance. Those findings and others are discussed below and are reaffirmed and adopted herein.**

§ **On or about February 2005, the applicant modified its application to request a ten lot subdivision consisting of eight (8) building lots (as Phase I) and two large remainder lots upon which no construction was to take place without further approval (the future Phase II).**

§ **The subject property is zoned Agricultural-Residential (A-R).**

§ **The proposed subdivision is located on lands commonly known as the “Jamesville Grove.”**

§ **The applicant is Jeffrey Cohen.**

§ **The original proposed subdivision included the construction of a roadway and drainage facilities to be dedicated to the Town. The new proposed roadway is configured as a single access cul-de-sac of approximately 1,050 l.f. An original roadway, now constructed in part, was configured as a single access cul-de-sac of approximately 1,250 l.f.**

§ **Pursuant to the Town of LaFayette’s subdivision regulations, generally no cul-de-sac road in the Town may exceed 500 l.f. feet without a waiver of said regulation from the Planning Board.**

§ **The proposed use of the property is for single-family homes on all lots designated as building lots.**

§ **The property is adjacent to Jamesville Beach County Park, which park is located directly to the south of the subject property. Additionally, the property is bounded on the west by Jamesville Reservoir.**

§ **The Developer has proposed to meet all zoning criteria for the Town with regard to lot size, setbacks, etc. As proposed, no variances or other zoning relief is required.**

§ **With regard to the twelve (12) lots for Phase II, the following pertains to them:**

- § Each lot is located in an A-R zoning district.
- § Each lot would be utilized solely for single-family home construction and use.
- § Each subdivision lot would be served by the proposed 1,050 foot long cul-de-sac or the existing constructed roadway.
- § The development will consist of a series of drainage improvements ultimately to be maintained by the Town of LaFayette and upon which an easement would be granted.
- § The project area in question contains U.S. Army Corps of Engineers regulated wetlands.
- § The twelve (12) building lots proposed occupy twenty (20) acres of the project.
- § The following approvals are required for development of Town of LaFayette Planning Board Subdivision approval/SEQR review:
  - § The Onondaga County Health Department review and approval of individual septic disposal systems;
  - § New York State DEC SPDES Permits and approved SWPPP applications;
  - § New York State DOT road access cut permit.
- § Approval of the subdivision will require a waiver of the Town's cul-de-sac regulations.

**Initial SEQR Determinations and Procedures (Phase I and Phase II)**

- § On or about March 16, 2004, the Town of LaFayette Planning Board made the following determinations pursuant to the State Environmental Quality Review Act ("SEQRA"):
  - § That the Town of LaFayette Planning Board would act as lead agency.
  - § That the New York State Department of Environmental Conservation ("DEC"), Department of Transportation ("DOT"), Department of Health ("DOH"), and U.S. Army Corps of Engineers were involved and/or interested agencies in connection with SEQR review. (It is also noted that subsequent to this determination, the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP") was made an involved agency as was the Office of General Services).

§ **That the applicant be directed to submit a long form EAF to provide further information with regard to environmental issue.**

§ **None of the involved or interested agencies identified above objected to the designation of the Town of LaFayette Planning Board as lead agency.**

§ **The applicant duly submitted a completed long form EAF.**

§ **On or about May 18, 2004, the Town of LaFayette Planning Board undertook a coordinated SEQR review of the then-proposed twenty-one (21) lot subdivision.**

§ **Accordingly on May 18, 2004, the Planning Board as lead agency made the following determinations:**

§ **That the action would require a Positive Declaration and the preparation of a Draft Environmental Impact Statement (“DEIS”).**

§ **That a Draft Scoping Document be prepared.**

§ **That notice of these actions be provided to the involved and interested agencies.**

§ **The following environmental analysis with regard to potential environmental impacts were identified in the Scoping Document for the proposed subdivision for Phase I:**

**1. Impact on Well Water Resources in the Surrounding Neighborhood.**

**It was determined by the lead agency that the applicant should provide an analysis certified by a hydrogeologist regarding the potential impacts occasioned by the action to the nearby property owners to the north with regard to well water quality and quantity. The applicant prepared a well water analysis report for the entirety of the site.**

**2. Impact of Drainage on Wetlands and the Jamesville Reservoir.**

**The lead agency determined that the Applicant should provide preliminary drainage data sufficient to determine what mitigative measures should be taken by the applicant to ensure no negative environmental impact on wetlands or on Jamesville Reservoir. The applicant was directed to provide to the Town engineer for his review and consultation with the lead agency, preliminary drainage data including the preliminary sizing of drainage basins and structures, as well as flow data necessary to allow the lead agency to determine any potential significance of storm water drainage and runoff created by the proposed action.**

### **3. Impacts on Archeological Resources.**

**At a subsequent time, the Lead Agency determined that a report from a certified archeologist be prepared to discuss potential impacts on identified archeological resources contained upon the site.**

§ **On or about March 8, 2005, the applicant provided a DEIS for review by the Lead Agency with copies to the Town's consulting engineer, Dunn and Sgromo Engineers, LLC.**

§ **A public hearing on the proposed twenty-one (21) lot subdivision was opened on February 20, 2004.**

§ **At the public hearing, concern was raised by neighbors regarding the potential impact on the local brown bat population and other protected wildlife habitats.**

§ **Other residents expressed concerns with regard to impact on their wells as well as concerns from leaching from septic systems and the overall impact on Jamesville Reservoir.**

§ **On March 15, 2005, the DEIS was accepted by the lead agency and distributed to all involved and interested agencies.**

§ **Due to the modification of the project in February 2005 (21 lots to 10 lots) and the submission of the DEIS, a second public hearing was conducted on both the preliminary plat approval for the subdivision and the DEIS. This public hearing was opened on April 19, 2005.**

§ **The public hearing on the DEIS was continued through the May 18, 2004 meeting.**

§ **On or about June 22, 2005, a re-referral was submitted to SOCPA.**

§ **On the issue of the eight (8) proposed building lots for Phase I, the developer indicated only those eight (8) lots would be developed at that time.**

§ **On or about June 24, 2005, the applicant submitted a Final Environmental Impact Statement ("FEIS").**

§ **On or about August 15, 2005, the Town of LaFayette Planning Board accepted as complete the submitted FEIS.**

§ **The Town of LaFayette Planning Board provided a 20 day review period for the FEIS, closing on September 5, 2005.**

## Phase II

- **On or about November 16, 2010, the Town of LaFayette Planning Board made the following determinations pursuant to the State Environmental Quality Review Act (“SEQRA”) relating to the proposed Phase II of the Jamesville Grove Estates Subdivision:**
  - **That the Town of LaFayette Planning Board will act as lead agency.**
  - **That the New York State Department of Environmental Conservation (“DEC”), Department of Transportation (“DOT”), Onondaga County Health Department (“OCHD”), New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) and the U.S. Army Corps of Engineers were made involved agencies in connection with the SEQRA review.**
  - **The applicant was directed to submit a Long Form EAF to provide further information with regard to environmental issues concerning the proposal.**
  - **Notices were sent on November 19, 2010 advising of the Town of LaFayette Planning Board’s intent to assume lead agency status.**
- **The Town of LaFayette Planning Board has received back signed consent acknowledgements from each of the involved agencies with regard to lead agency status.**
- **The Planning Board has considered the information contained within the Final Environmental Impact Statement for those portions of the project which were analyzed therein along with the previously submitted Archeology Report, Endangered Species analysis and preliminary engineering detail.**

## Cul-de-sac Length Safety (Phase II)

- § **On the issue of availability of fire suppression facilities, the Planning Board had noted for Phase I that the Chief of the Jamesville Fire Department had verbally indicated that sufficient fire suppression is available from usage of waters contained in Jamesville Reservoir itself.**
- § **With regard to the proposed length of the cul-de-sac for Phase I (1,250 l.f.), it was noted that the Fire Chief had indicated that so long as the roads are constructed to Town specifications, fire service and emergency vehicles will have no difficulty navigating the area and the Fire Chief further indicated he had no concerns with regard to fire suppression as it relates to this subdivision or the length of the cul-de-sac proposed.**
- § **The proposed length of the new cul-de-sac is approximately 1,050 l.f. and is less than the distance of the previously approved and constructed cul-de-sac.**

§ **The Fire Chief had testified in 2005 that ambulance access would not be an issue.**

§ **The existing Town of LaFayette subdivision regulations generally limits the linear length of a cul-de-sac to 500 feet.**

§ **NO specific issues or concerns of safety have been otherwise identified.**

### **Environmental Analysis**

§ **The following areas of environmental concern for Phase I were identified through the public hearing process. Similar issues were raised regarding the Phase II proposed development:**

§ **Impact on well water quantity and quality**

§ **Impact on archeological resources**

§ **Impact on drainage on reservoir and wetlands**

§ **Impact on wetlands**

§ **Impact on sanitary leach fields**

§ **Demonstration of land ownership**

§ **Impacts on Indiana Brown Bat**

§ **Impacts on transportation resources**

§ **With respect to the above-referenced areas of environmental concerns, the Planning Board makes the following independent findings with respect to the following issues for Phase II of the development:**

**1. Impact on Well Water Quantity and Quality. (Phase I and Phase II)**

**For Phase I, the applicant engaged the services and received a full hydro geologic assessment completed by EMS and Clark-Byrns related to the adequacy of water supply for the entirety of the proposed development.**

§ **Pursuant to a report dated June 11, 2004, there is a sufficient water supply available at the proposed development to support the proposed homes without adversely impacting existing wells in the area. This conclusion was verified by the analysis of Sterns & Wheler Engineers and Dunn and Sgromo Engineers.**

§ A hydro geologic study was prepared including a “pump down” and flow test performed upon test wells located in the northern end of the subject property. A total of nine wells were monitored off-site. The study was reviewed by the Town’s consulting engineer and deemed acceptable.

§ The Planning Board therefore agrees and reaffirms its findings that there is sufficient proof that an adequate water supply exists to support this development without adversely affecting the existing wells in the area.

## 2. Impact on archeological resources (Phase I and Phase II)

§ A full archeological report was prepared with regard to the proposed buildable lots (the eight (8) lots) for Phase I. In that regard, OPRHP was consulted.

§ A full and updated Phase IA (background with literature review) and Phase 1B archeological field reconnaissance report for the proposed subdivision was prepared and submitted by Nikki A. Waters, M.A. Principal Investigator and Alliance Archeological Services of Fayetteville, New York. The date of the report was January 18, 2005.

§ Additionally, the report was presented orally at the public hearing on the environmental impact statement by Investigator Waters. The report concentrated its review upon the proposed building lots and roadways with setbacks of the subdivision. No substantial review was undertaken of the two “non-buildable” lots.

§ By letter dated February 10, 2005, New York State OPRHP (Nancy Herter, Historic Preservation Program Specialist Archeology) provided correspondence to the lead agency stating that it has reviewed the full Phase 1 report submitted by Alliance Archeological Services as above-referenced. In its correspondence to the lead agency, OPRHP states that it “has no archeological concerns with the proposed house footprints of lots 3-10 or the portion of the access road located within Construction Phase I.”

§ OPRHP further advised with regard to the Phase I Subdivision that it has “no objections to construction taking place in Construction Phase I of the project area with the conditions that:

1. Construction activities are limited to the proposed house footprints of Lots 4-10 and the proposed access road.

2. **Construction activities are limited to the proposed lot 3 house location and leach field since there are portions of this lot have not been previously, significantly disturbed.**
3. **The attached human remains protocol is added as a note to the construction plans. This protocol outlines the steps that must be taken if human remains are discovered during construction. This precaution is routine in project areas where human burials have been identified in the past.**
4. **No construction will occur in the area of Construction Phase II until all OPRHP recommended cultural resource investigations have been reviewed and approved by the OPRHP.”**

§ **It is noted that a further clarification of OPRHP’s February 10, 2005 letter was provided to the Lead Agency on or about August 10, 2005. Pursuant to that clarification, OPRHP advised of its opinion that the entire area of Construction Phase 1 has been extensively disturbed and therefore conditions 1 and 2 of OPRHP’s February 10, 2005 letter were null and void and construction activities could occur throughout Construction Phase I.**

§ **It was a condition of Phase I approval that any use and/or development of the remaining portion of the land (the “residual” lots, now Phase II lands) would be subject to a separate full and complete SEQR review, subdivision approval by the Town of LaFayette and completion of a Phase 1B archeological field reconnaissance field report or any other such report required by OPRHP and approved by them and the Town of LaFayette.**

§ **In the Summer of 2008, the applicant appeared before the Town of LaFayette Planning Board with intentions of developing the previously undeveloped portions of the Grove project as a Phase II. Consistent with the conditions set forth in the approval of Phase I, the Planning Board directed the applicant to prepare and complete a Phase 1B Archeological Field Reconnaissance Report for Phase II. On or about September 12, 2008, the applicant presented to the Planning Board a “Summary of the Phase 1A Archeological Background and Literature Review and Final Phase 1B Archeological Field Reconnaissance Report of the Shovel Testing, Metal Detection and Machine Trenching Evaluations within Section 2 of the Proposed Jamesville Grove Estates Subdivision Project Area in the Town of LaFayette, Onondaga County, New York,” prepared by Alliance Archeological Services, Nikki A. Waters, M.A.**

§ **The Phase 1B Archeological Field Reconnaissance Report prepared by Archeologist Waters was provided to the OPRHP. In response to that review, by letter dated January 27, 2009, the OPRHP determined that no additional archeology was necessary for the Section 2 access road and building envelopes 1, 2, 3, 7, 8, 9, 10, 11 and 12. However, OPRHP did recommend that monitoring during construction by a professional archeologist and an authorized representative of the Onondaga Nation was appropriate for building envelopes 4 and 5, the western portion of building envelope 6 and within building envelope lot 10 in Section 2. The OPRHP further requested that a monitoring plan be submitted for review by them and the Onondaga Nation.**

§ **At a subsequent public meeting and public hearing, the Planning Board was presented with information concerning the potential presence of skeletal remains at the premises. Therefore, OPRHP was requested to comment upon this evidence. By correspondence dated November 15, 2010, OPRHP advised the Planning Board that it had reviewed the information presented to the Planning Board and further clarified its previous recommendations as follows:**

§ **OPRHP recommends mechanical soil stripping and archeological monitoring by a 36 CFR 61 qualified archeologist and a representative of the Onondaga Nation, in building envelopes 4 and 5 and the western portion of building envelope 6, prior to the Town of LaFayette issuing building permits for these lots.**

§ **OPRHP withdrew its recommendation for archeological monitoring of building envelope 10 since that lot had been previously mechanically stripped. Therefore, OPRHP recommends no additional archeological testing of building envelope 10.**

§ **OPRHP recommended utilization of OPRHP guidance for mechanical soil removal and archeological monitoring.**

§ **OPRHP continues to recommend that no additional archeology is necessary for the Section 2 access road and building envelopes 1, 2, 3, 7, 8, 9, 10, 11 and 12.**

§ **OPRHP requested that the OPRHP Human Remains Discovery Protocol is included in all subdivision site plans.**

§ **OPRHP recommends that the lot area formerly identified as Lot 13, if developed, would require a Phase 1B cultural resources investigation.**

§ **OPRHP further recommended consultation with the Onondaga Nation regarding protection measures for setbacks, rights-of-way and green space areas.**

§ **It is therefore found and determined that the proposal to undertake construction within the guidelines outlined by the OPRHP in their correspondence dated January 27, 2009 and November 15, 2010 will serve to mitigate any potential negative impacts on archeological resources to the region for this Phase II development.**

§ **Accordingly, the Town of LaFayette Planning Board therefore makes it a specific condition of any approval of this subdivision that the following OPRHP Human Remains Policy be added as a full notation to the subdivision map and filed on record and provided to any construction crews on the project for Phase II: “In the event that suspected human remains are encountered during construction, the following protocol will be followed:**

§ **Work in the general area of the discovery will stop immediately.**

§ **Human remains or associated artifacts will be left in place and not disturbed further. No skeletal remains or materials associated with the remains will be collected or removed.**

§ **Measures will be taken to protect the remains from further disturbance.**

§ **The county coroner and local law enforcement will be notified first followed by the OPRHP and the involved agency. The coroner and local law enforcement will make the official ruling on the nature of the remains, being either forensic or archeological.**

§ **If the remains are archeological in nature, a biolarchaecologist will be notified and will confirm the identification and assess the condition and integrity of the remains.**

§ **If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. The involved agency will consult OPRHP and contact appropriate Native American groups to determine a plan of action.**

§ If human remains are determined to be Euro-American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Consultation with the ORHP and other appropriate parties will be required to determine a plan of action.@

### **3. Impact on Drainage on Reservoir and Wetlands.**

- For the Phase II development, a preliminary Stormwater Pollution Prevention Plan (“SWPPP”) has been prepared by the applicant. The applicant proposes to engineer and construct water quality treatment facilities in accordance with NYSDEC standards to address stormwater runoff generated by the Phase II development.
- A Stormwater Pollution Prevention Plan dated June 15, 2004, was submitted for the original proposal for the eight-lot subdivision. A Notice of Intent (“NOI”) was filed, and the incomplete Phase I development continues to have SPDES General Permit coverage under GP-0-08-001.
- Upon completion of the SWPPP for the Phase II development, and MS-4 acceptance by the Town of LaFayette, the applicant will submit an NOI to the NYSDEC for SPDES Permit coverage under GP-0-10-001.

The SWPPP will demonstrate compliance with NYSDEC stormwater standards, and will include erosion & sedimentation control plans, hydrologic modeling of pre and post-development runoff, and the design of post-construction stormwater conveyance and treatment facilities.

- Required inspections and reporting of construction activities will be performed by the applicant and the Town of LaFayette to ensure proper installation and maintenance of erosion and sedimentation control practices during construction.
- Upon submission of As-built drawings, and the approval of the Town Engineer, the stormwater management facilities will be dedicated to the Town of LaFayette. A special assessment drainage district has been (will be) established to ensure the necessary long-term maintenance of the stormwater conveyance and treatment facilities by the Town of LaFayette.
- The Town of LaFayette Planning Board reaffirms its original findings that the existing content or character of the reservoir is and has been

**influenced by the 22,000 acres surrounding the watershed which drains to the reservoir. It is also further found that it is unanticipated that any additional negative impact will be created by runoff from the proposed project as designated.**

- **Based upon all of the above, the Town of LaFayette Planning Board finds there will be no potential negative drainage impact on the reservoir and wetlands due to the proposed action and that the proposed drainage improvements will adequately protect the environment.**

**4. Impact on Wetlands. (Phase I and Phase II)**

§ **The Town of LaFayette Planning Board hereby finds that the area under consideration contains U.S. Army Corps of Engineers regulated wetlands. The issue of impacts on wetlands was fully addressed in the 2005 Environmental Impact Statement.**

§ **The Planning Board noted that pursuant to correspondence dated April 18, 2005, Senior Environmental Analyst Kevin R. Bliss of the DEC stated that he reviewed the DEIS and was satisfied that the document generally addressed the DEC's concerns for the proposal.**

§ **As with the Phase I project, a condition will be hereby placed upon the approval of the Phase II subdivision that a notation shall be placed upon the subdivision map indicating that the access to the reservoir over lot 8 shall be a private access easement such that there shall be no general access to the water way for the general public (*i.e.* not a commercial launching point or commercial beach).**

§ **The subdivision approval will be conditioned upon submission and acceptance by the DEC of an acceptable storm water notice of intent.**

§ **The proposal provides for no construction within 100 feet of any delineated wetlands without prior written permission and approval of the New York State DEC or U.S. Army Corps of Engineers as may be required.**

§ **The applicant has now delineated the wetlands upon the subdivision map.**

§ **It is hereby found and determined that there will be no anticipated negative environmental impact on the wetlands.**

**5. Impact on Sanitary Leach Fields.**

§ The applicant has proposed individual sewage disposal systems for each of the proposed building lots. Pursuant to correspondence dated April 20, 2004 from the Onondaga County Health Department, it has been recognized that areas of dense clay soil surround the site. It is noted that individual lots may require alternative sewage disposal systems, or pumping to distant locations, filling with select materials, etc.

§ With regard to septic design, the applicant has performed deep pit testing.

§ As with Phase I, the applicant has proposed that where necessary individual septic design proposals will include potential alternative systems. The Town of LaFayette Planning Board will condition subdivision approval upon final approval by the Department of Health of such individual septic design systems.

§ As with Phase I, the Town of LaFayette Planning Board will direct the applicant on any proposed final plan to include a notation relating to the above-referenced April 20, 2004 correspondence with the Onondaga County Health Department.

§ The applicant has proposed to prepare individual sanitary leach field systems as designed by a professional engineer licensed in the State of New York and to be reviewed by the Onondaga County Health Department. No individual lot building permits shall be issued until approval by the Onondaga County Health Department of such individualized septic systems has been received.

§ It is therefore found and determined that based upon the above, there will be no negative environmental impact caused by properly designed sanitary systems.

**6. Impacts on Indiana Brown Bat and Hart's Tongue Fern.**

§ The applicant has caused to be prepared a rare species habitat assessment study for the Jamesville Grove Estates property. This study was prepared by the Environmental Collaborative and is dated November 15, 2010. The report analyzes the potential impacts of the development on the Indiana Brown Bat and the Hart's Tongue Fern, purported to be the only two (2) species of plant and animal which may be present in the general area.

§ With respect to the Indiana Brown Bat, the report discloses that the

**Indiana Brown Bat has wintered in Onondaga County. The report further states that it is possible that the Indiana Brown Bat could be utilizing the subject property for daytime roosting and nighttime hunting. With specific regard to the subject premises, the report indicates that the most likely trees that the bats would be using are the large black willows on the site.**

§ **The proposed mitigation measures suggested in the report include retaining the large black willow trees on the site to avoid any impacts or, if the trees are to be removed, that in order to protect migration patterns than the tree removal would be limited to November 1<sup>st</sup> through March 31<sup>st</sup> when the bats are hibernating.**

§ **With respect to the Hart's Tongue Fern, the report suggests that the property "does not contain appropriate habitat for "that species'."**

§ **The Town of LaFayette Planning Board hereby finds there will be no negative impact on the Indiana Brown Bat if the suggested mitigations are incorporated into the plan. The Planning Board further finds that due to the absence of the Hart's Tongue Fern, there would be no impacts to this species.**

**7. Impacts on Transportation Resources. (Phase I and Phase II)**

§ **The earlier findings and transportation studies are relevant to Phase II. Those findings included the following:**

§ **The location of the proposed internal road servicing this subdivision has been approved by New York State DOT for road access and sight distance. Pursuant to letter dated May 10, 2004 (Janice M. Gross, Associate Transportation Analyst, New York State Department of Transportation).**

§ **By letter dated April 20, 2004 the New York State DOT limits access from the proposed site to the bordering Route 91 to a single access street.**

§ **The Town of LaFayette Planning Board therefore finds that there will be no potential negative impact on transportation resources.**

Chairman Nakas asked if there was anyone on the Board who feels there is some environmental impact that has not been addressed and would like another Environmental Impact Statement performed.

The Board unanimously agreed another Environmental Impact Statement was not necessary.

Based upon all of the above findings, the Lead Agency determines that the proposed action may proceed without concern for negative impacts upon the environment.

**TOWN OF LAFAYETTE PLANNING BOARD  
SEQRA RESOLUTION AND NEGATIVE DECLARATION**

**DATED November 30, 2010**

**IN THE MATTER OF THE JAMESVILLE GROVE ESTATES  
SUBDIVISION, PHASE II (JEFFREY COHEN, OWNER), A MAJOR  
TWELVE (12) LOT SUBDIVISION IN THE TOWN OF LAFAYETTE,  
ONONDAGA COUNTY, NEW YORK**

**(“Jamesville Grove Estates Subdivision, Phase II”)**

**Councilman Bush moved and Councilman Markoff seconded the following Resolution:**

**WHEREAS, Jeffrey Cohen, as owner and applicant, on August 4, 2010 has applied for preliminary and final plat approval for a twelve (12) lot major subdivision located at his property on State Route 91 in the Town of LaFayette; and**

**WHEREAS, the proposed subdivision is a “Phase II” of the previous subdivision known as “The Grove” which previous subdivision was granted on or about June 20, 2006; and**

**WHEREAS, The Grove Phase I was subject to the preparation of an Environmental Impact Statement for purposes of SEQR; and**

**WHEREAS, the Grove Phase II consists of preliminary and final plat approval for portions of lands which were included and did receive various levels of environmental review as noted in the Final Environmental Impact Statement for the Phase I development; and**

**WHEREAS, certain areas of environmental review, including impacts to cultural and archeological resources, were not fully analyzed for the Phase II portions of the premises in the Final Environmental Impact Statement and therefore an independent environmental review has been undertaken for the Phase II subdivision with respect to its potential impact on such resources, as well as other potential environmental impacts; and**

**WHEREAS, Volume 6 N.Y.C.R.R., Sections 617.3 and 617 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and**

**WHEREAS, on November 16, 2010 the Town of LaFayette Planning Board (the “Board”) declared itself to be lead agency, identified involved agencies for and determined this application to be a Type I action for purposes of SEQR review; and**

**WHEREAS, the Board circulated lead agency notices to all involved agencies on or about November 19, 2010 and no objections or environmental comments were received by**

**the Board, and the Board hereby confirms that it shall act as lead agency for purposes of environmental review of this application; and**

**WHEREAS, the applicant has completed and submitted a Long Form Environmental Assessment Form and the same has been reviewed and considered by the Board (along with relevant portions of the Final Environmental Impact Statement dated August 11, 2005 along with additional materials relating to stormwater facilities, archeological resources and potential endangered species); and**

**WHEREAS, the Board has considered and discussed fully the potential environmental impacts of the proposed action.**

**NOW, THEREFORE, BE IT RESOLVED, that the Town of LaFayette Planning Board hereby determines the proposed action will not have a significant adverse effect on the environment and this resolution hereby adopts the Negative Declaration attached hereto for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617 et seq. for the reasons contained herein and in the appended Attachment "A"; and**

**BE IT FURTHER RESOLVED, that the Town's legal counsel, distribute and publish the attached Negative Declaration pursuant to the requirements of 6 N.Y.C.R.R., Part 617.**

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

|                                    |               |            |
|------------------------------------|---------------|------------|
| <b>Brad Bush, Board Member</b>     | <b>Voting</b> | <b>YES</b> |
| <b>Barbara Lasky, Board Member</b> | <b>Voting</b> | <b>YES</b> |
| <b>Shawn Adam, Board Member</b>    | <b>Voting</b> | <b>YES</b> |
| <b>Dr. Markoff, Board Member</b>   | <b>Voting</b> | <b>YES</b> |
| <b>James Nakas, Chairman</b>       | <b>Voting</b> | <b>YES</b> |

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

John Langey said now the Board needs to decide on the Preliminary Plat Approval. He and John Dunkle agree this is not ready for Final Plat Approval. The Preliminary Plat discusses the road, lot layout, etc. If you grant Preliminary Plat Approval, they cannot draw a Building Permit. In 2005 the Board granted Preliminary Plat Approval and attached about 180 conditions to the approval. He looked at all of these conditions and the Meeting Minutes to determine which conditions would be appropriate for this phase and what conditions would not.

John Dunkle said with 10 different developers involved, they could propose 10 different house layout designs. He would recommend all designs go before him for approval before construction to assure the drainage will work.

Joseph Jerry would like it noted that if the developer is not going to change the drainage of the lot, he can submit a letter stating the same.

John Dunkle was in agreement with this.

John Langey reviewed the conditions with the Board. He asked for any others.

Member Adam said one condition he thinks would be important is the access or turn-around for the folks on Jamesville Terrace.

John Langey said this is a private matter. He thinks at the last meeting it was recommended the folks get together with the developer to resolve this.

Member Adam asked if a recommendation could be made about this.

John Langey said the Jamesville Terrace property owner next to the involved roads can state he is owner of the driveway which could stop the new lot from being built on until the matter is resolved.

Joseph Jerry said they will be ready for Final Plat Approval by December 14.

John Dunkle would ask for the material to be submitted to him at least one week before the next meeting so he has ample time to review it all.

**RESOLUTION OF THE PLANNING BOARD  
OF THE TOWN OF LAFAYETTE  
GRANTING OF PRELIMINARY PLAT APPROVAL**

**NOVEMBER 30, 2010**

**“JAMSEVILLE GROVE ESTATES SUBDIVISION, PHASE II”  
(a/k/a COHEN SUBDIVISION PHASE II)**

**WHEREAS, Jeffrey Cohen, as owner, has made an application for preliminary approval of a proposed major subdivision in the Town of LaFayette known as the Jamesville Grove Estates Subdivision, Phase II (a/k/a Cohen Subdivision Phase II); and**

**WHEREAS, said Subdivision is proposed to consist of twelve (12) building lots with an associated cul-de-sac roadway and drainage facilities; and**

**WHEREAS, a notice of public hearing was published in the manner required by law and proof of said publication has been presented to the Board; and**

**WHEREAS, a public hearing was held on November 15, 2010 and continued on November 30, 2010 for the purpose of considering the approval of the preliminary plan; and**

**WHEREAS, all persons desiring to be heard in connection with such proposed subdivision have been duly heard and the Planning Board has given full consideration to the statements and views submitted at such hearing; and**

**WHEREAS, as part of the original Phase I portion of the project, a Draft Environmental Impact Statement was prepared and filed by the applicant in support of the application and subsequent thereto a Final Environmental Impact Statement was filed by the applicant, all pursuant to NYCRR Part 617 et. seq.; and**

**WHEREAS, the Environmental Impact Statement analyzed numerous potential negative environmental impacts associated with the proposal as a 20± lot subdivision (which Phase I subdivision was subsequently amended to an eight (8) lot subdivision); and**

**WHEREAS, for purposes of the State Environmental Quality Review Act, the present action received a negative declaration on or about November 30, 2010; and**

**WHEREAS, it appears to be in the best interest of the Town, that the said application on the Preliminary Plan be approved; and**

**WHEREAS, the Planning Board has considered the suitability of the subdivision as a possible location for a park and/or recreation facility and has taken into consideration the size of the subdivision as well as pertinent practical factors; and**

**WHEREAS, a park and/or recreation area cannot be properly located in such subdivision; and**

**WHEREAS, by a determination of the Planning Board made on September 20, 2005 the Board adopted a comprehensive Findings Statement with respect to Phase I of the subdivision, which among other things found that:**

§     **Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or**

**minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized by incorporating as conditions to the decision those mitigative measures which were identified as practicable; and**

**WHEREAS, the Town of LaFayette Planning Board by reference hereby incorporates and adopts for purposes of the preliminary plat subdivision approval the SEQR Findings Statement dated September 20, 2005, to the extent that such findings are applicable to those portions of the Phase II development.**

**NOW, THEREFORE, upon a motion of Councilman Bush and seconded by Councilman Markoff, it is**

**RESOLVED, that the Planning Board of the Town of LaFayette hereby grants preliminary plat plan approval of Jamesville Grove Estates Subdivision, Phase II (a/k/a Cohen Subdivision Phase II) based on the Preliminary Plat Plans prepared by Land Lines Surveying, P.C. dated November 29, 2010, as last revised on November 30, 2010 and the Preliminary Plat Plan containing: Title Sheet, Overall Site Plan (L-0), Grading and Drainage Plan - North (L-1), Grading and Drainage Plan - South (L-2), Erosion Control Plan - North (L-3), Erosion Control Plan - South (L-4), Road Profile and Details (L-5) and Storm Profile and Details (L-6) contained therein, prepared by Keplinger Freeman Associates, LLC, dated November 30, 2010; and it is further**

**RESOLVED, that the aforesaid approval of the preliminary plat plan is subject to the following conditions:**

**Pursuant to the Town of LaFayette Subdivision Regulations and Town Law § 277, a**

- 1. Performance Bond or other acceptable security will be required for the construction of all roadways, drainage facilities and other systems supporting the proposed subdivision.**
- 2. Construction inspection of all of the proposed roadways and utilities will be conducted by the Town of LaFayette and its consulting engineer at the sole cost and expense of the Applicant subsequent to Final Subdivision approval. Specific cost estimates shall be determined by the Town and its consulting engineer.**
- 3. Final Onondaga County Health Department review and approval of individual septic disposal systems shall be filed with the Town and reviewed by the town engineer and deemed acceptable to him prior to the issuance of building permits.**
- 4. Filing and receipt of all New York State Department of Environmental Conservation SPDES permits and approved SWPPP applications.**
- 5. Verification of New York State Department of Transportation road access cut permit if not already obtained and resolution of and completion of the work required by the New York State Department of Transportation in its correspondence dated November 26, 2010 (completion of the New York State Department of Transportation Highway Permit).**
- 6. All construction after final subdivision approval will occur and be**

limited between the days of Monday through Friday from dawn to dusk, with occasional construction on Saturdays as needed between the hours of dawn and dusk. More particularly, the construction hours will be specifically limited between the hours of 7:30 a.m. and 7:00 p.m. during the weekdays and the hours of 7:30 a.m. and 6:00 p.m. on Saturdays.

7. No building permits shall be issued for any building lots prior to review and approval by the Town's consulting engineer of individual lot grading plans. Sole cost and expense from such review shall be at the applicant's expense.
8. The following modifications as outlined in the Onondaga County Planning Board's Resolution of September 8, 2010 are hereby made conditions to this approval<sup>1</sup>:
  - § Town approval shall be contingent upon approval of septic systems for all proposed lots by the Onondaga County Health Department.
  - § Town approval shall be contingent upon demonstration of the capability to provide adequately potable water for each proposed lot.
  - § Applicant must obtain a general permit for construction site stormwater runoff control from the New York State Department of Environmental Conservation, in conformance with the New York State SPDES Phase II program.
  - § Applicant must consult with the municipal engineer to ensure the construction plan is in conformance with the municipality's Storm Water Management Plan (SWMP).
  - § Approval must be obtained for the proposed subdivision name and any proposed street names prior to filing the subdivision.
9. The developer will provide to the Town attorney for his review and approval a Covenant to Run with the Land in favor of the Town of LaFayette restricting the development of those portions of land formerly identified as lot 13 from any disturbance. This area will be

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<sup>1</sup> The requirement that "The applicant must provide an engineering study to verify to the New York State Department of Transportation that the proposed development would not create additional stormwater runoff into the state's drainage system. If additional runoff is created, the applicant shall be required to submit a mitigation plan to the New York State Department of Transportation for approval and implement any mitigation required" is waived since the site drains away from the State's drainage system as explained by the Town's consulting engineer.

identified on the Final Subdivision Plat as a no-disturbance area. In addition, lots 4 and 5 will have a 30-foot buffer area for non-building as depicted on the plan and shall also be referenced in the Covenant to Run with the Land.

10. A notation shall be placed upon the subdivision plat plan that access to the reservoir over lot 8 shall be a private access easement such that there should be no general access to the waterway for the general public (*i.e.* the lot 8 easement shall not become a commercial launching point or commercial beach).
11. As with Phase I, all conditions noted in correspondence of New York State Department of Environmental Conservation (Kevin R. Bliss, Senior Environmental Analyst) dated April 18, 2005 shall be observed. More particularly, a silt curtain must be properly installed between the work site and the water=s edge, as necessary, such that all debris and disturbances shall be confined to the worksite. All debris shall be removed to an upland site for disposal, reuse or stabilization. No burning or burial of debris shall be allowed. Exposed soils shall be stabilized with grass seed and mulch immediately upon project completion.
12. As a continuation of the Phase I conditions, pursuant to the recommendation of the Department of Environmental Conservation, the Applicant shall preserve the “small wetland area” located in the area adjoining the washed-out dirt road where Hillside Springs saturates the hillside and the lower area towards the back portions of the lots 1 and 2.
13. Submission and acceptance by the Department of Environmental Conservation of an appropriate stormwater Notice of Intent.
14. A notation shall be placed on the map stating that no construction shall take place within 100 feet of any delineated wetlands without prior written permission and approval of the New York State Department of Environmental Conservation.
15. No construction shall take place in any wetland areas without prior written approval from the New York State Department of Environmental Conservation.
16. The Applicant shall take all necessary measures to provide for dedication of the proposed roads and easements and for all other public improvements as depicted on the subdivision map.
17. The Applicant shall comply with all SPDES Phase II Regulations

**prior to and during construction.**

- 18. The Human Remains Protocol as identified by OPRHP in its correspondence dated February 10, 2005, January 27, 2009 and November 15, 2010 shall be placed as a note upon the preliminary plat and final subdivision maps and a copy of said protocols shall be provided to all construction workers working on the site. Said protocols shall be strictly adhered to by the Applicant and his agents.**
- 19. No portion of any proposed drainage easement shall lie within the existing National Grid Easement.**
- 20. t will comply with all other Town of LaFayette Zoning and Subdivision Regulations.**
- 21. The applicant has proposed that where necessary individual septic design proposals will include potential alternative systems. The Town of LaFayette Planning Board hereby conditions subdivision approval upon final approval by the Department of Health of such individual septic design systems.**
- 22. Where alternative systems may be required, some lot line adjustments may need to occur. No lot line adjustments shall be made which will impact or modify in anyway the proposed residual lots.**
- 23. No additional archeology shall be necessary for Section 2 access road and building envelopes 1, 2, 3, 7, 8, 9, 10, 11 and 12.**
- 24. Monitoring during construction by a professional archeologist and an authorized representative of the Onondaga Nation shall be required for building envelopes 4, 5, the western portion of building envelope 6 in Section 2.**
- 25. A monitoring plan shall be submitted for review by OPRHP and the Onondaga Nation.**
- 26. Mechanical soil stripping and archeological monitoring by a 36 CFR 61 qualified archeologist and a representative of the Onondaga Nation, in building envelopes 4 and 5 and the western portion of building envelope 6 shall be required, prior to the Town of LaFayette issuing building permits for these lots.**
- 27. Utilization of OPRHP guidance for mechanical soil removal and archeological monitoring shall be followed.**
- 28. The OPRHP Human Remains Discovery Protocol shall be included in**

all subdivision site plans.

29. The lot area formerly identified as lot 13, if developed, shall require a Phase 1B cultural resources investigation.
30. The developer shall participate in consultation with the Onondaga Nation regarding protection measures for setbacks, rights-of-way and green space areas as recommended by OPRHP.
31. The Town of LaFayette Planning Board therefore makes it a specific condition of the approval of this subdivision that the following OPRHP Human Remains Policy be added as a full notation to the subdivision map and filed on record and provided to any construction crews on the project for Phase II. “In the event that suspected human remains are encountered during construction, the following protocol will be followed:

§ Work in the general area of the discovery will stop immediately.

§ Human remains or associated artifacts will be left in place and not disturbed further. No skeletal remains or materials associated with the remains will be collected or removed.

§ Measures will be taken to protect the remains from further disturbance.

§ The county coroner and local law enforcement will be notified first followed by the OPRHP and the involved agency. The coroner and local law enforcement will make the official ruling on the nature of the remains, being either forensic or archeological.

§ If the remains are archeological in nature, a biolarchaeologist will be notified and will confirm the identification and assess the condition and integrity of the remains.

§ If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. The involved agency will consult OPRHP and contact appropriate Native American groups to determine a plan of action.

§ If human remains are determined to be Euro-American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be

generated. Consultation with the ORHP and other appropriate parties will be required to determine a plan of action.@

32. Storm water mitigation measures shall include storm water quality basins facilities along the proposed roadways and easements to be dedicated to the Town of LaFayette.
33. The applicant will submit acceptable erosion control and sediment plans for construction related activities as well as post construction development to limit and avoid impacts into the reservoir.
34. The approval of the Phase II subdivision will be conditioned upon the maintenance scheduled provided in the SWPPP as submitted.
35. The developer shall either retain the large black willow trees on the site to avoid any impacts on the Indiana Brown Bat or, if the trees are to be removed, in order to protect migration patterns tree removal will be limited to November 1<sup>st</sup> through March 31<sup>st</sup> when the bats are hibernating.

**RESOLVED**, that except as specifically permitted by the subdivision regulations of the Town of LaFayette, no site work shall be performed and no building permits or certificates of occupancy shall be issued until all of the foregoing conditions have been satisfied nor until final plat approval has been granted, and it is further

**RESOLVED**, that such approval is also conditioned on payment to the Town of LaFayette of the monies in lieu of land for park or recreational purposes as required by the Subdivision Regulations of the Town of LaFayette; and it is further

**RESOLVED**, that while §505 of the Town of LaFayette Subdivision Regulations states that “dead-end roads, designed to be so permanently, shall not be generally approved,” under the circumstances and submissions made, the applicant has demonstrated no potential harm from the proposed length of the cul-de-sac beyond the general limitation of 500 feet such that the within application is an appropriate case for approval of such a waiver of the general rule; and it is further

**RESOLVED**, that pursuant to the Town of LaFayette Subdivision Regulations and Town Law §277 the Town of LaFayette Planning Board hereby waives the limitation on cul-de-sac lengths in excess of 500 linear feet such that the cul-de-sac depicted in said preliminary plat plan is deemed acceptable for the reasons outlined in the attached SEQR Findings document identified as “Cul-de-sac Length Safety,” it being determined that in this case, such requirement of Cul-de-sac Length is not required in the interest of the public health, safety or general welfare as provided; and it is further

**RESOLVED**, that the Zoning Officer is hereby authorized and directed upon payment of any required and/or outstanding fees (including town legal and engineering) to issue such permits and certificates and to take such other action as may be required to effectuate and enforce this Resolution; and it is further

**RESOLVED**, that except as specifically permitted by the Subdivision Regulations of the Town of LaFayette, no site work shall be performed and no building permits or certificates of occupancy shall be issued until all of the foregoing conditions have been satisfied (and final plat approval has been granted); and it is further

**RESOLVED, that this approval is subject to any appropriate agreements being entered into by the applicant and the Town of LaFayette as directed by the Town Attorney and it is noted by the Planning Board that the within approval shall not operate as a precedent for any future approvals.**

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

|                                    |               |            |
|------------------------------------|---------------|------------|
| <b>Brad Bush, Board Member</b>     | <b>Voting</b> | <b>YES</b> |
| <b>Barbara Lasky, Board Member</b> | <b>Voting</b> | <b>YES</b> |
| <b>Shawn Adam, Board Member</b>    | <b>Voting</b> | <b>YES</b> |
| <b>Dr. Markoff, Board Member</b>   | <b>Voting</b> | <b>YES</b> |
| <b>James Nakas, Chairman</b>       | <b>Voting</b> | <b>YES</b> |

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

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

The Planning Board Meeting adjourned at 8:46 p.m.

Respectfully submitted,

Mary Jo Kelly  
Secretary

Adopted 12/21/10