

October 16, 2012 Planning Board Meeting Minutes

Minutes of the Planning Board Meeting held by the Town of LaFayette Planning Board on October 16, 2012 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 7:00 PM.

Present: James Nakas, Chairman

Richard Markoff, Member

Brad Bush, Member

Barb Lasky, Member

Shawn Adam, Member

Recording Secretary: Jacqueline Roorda

Others present: Kevin Gilligan, Planning Board Attorney

Joseph W. Jerry, Esq.

Jeff and Marla Cohen

Tom Bragman

Chairman Nakas opened the Meeting at 7:04 p.m. He welcomed everyone. He asked if there were any corrections to the September 20, 2011 Meeting Minutes. There were none. The Minutes will stand as submitted by the Secretary.

CASE # 410

Re-approval of LaFayette Planning Board for the Resubmission of Jamesville Grove Estates Phase II, Final Plat Plan and Site Plan and associated site plans.

Previous approval at Board Meeting, January 4, 2011.

Re-approval at September 20, 2011 Planning Board Meeting.

Approved plans were not filed at the Office of the Clerk

Of Onondaga County within 60 days of the Final Plat

Approval as required Under Section 360 – Final Plat of

The Town of LaFayette Subdivision Regulations

Chairman Nakas asked Mr. & Mrs. Jeff Cohen to give a brief explanation to what has transpired since September 2011 meeting with regarding the Re-Approval of Jamesville Grove Estate Phase II.

Mr. Cohen explained that by the time this was re-approved there was not enough time to get confirmation or commitment from eight builders for the Parade of Homes to take place in 2012. He therefore did not file the maps at the County due to the potential tax increase per map and wanted to be sure he had the necessary commitments from Builders and he feels very confident that the Parade of Homes will be held at Jamesville Grove in 2013. He further advised that he has spoken with builders and they are in the process of selecting their sites.

Member Shawn Adams asked if they are going with Phase I or Phase II.

Cohen advised the plan is to use Phase II as the lots are less expensive and they may be

able to recuperate some of their losses with trying to get this up and running. He advised that the builders he has met with are very excited anticipating this actually going forward as planned.

Chairman Nakas asked Town Attorney Kevin Gilligan to advise if any legal concerns.

Gilligan explained that since Phase I is already done and in place, the Cohen's have paid all outstanding fees and deposits have been made for attorney fees and engineering costs; the Town Engineer has advised that he is in agreement and there are no changes to Phase II Plans; the Board may reapprove and Re-Pass the same exact Resolution as done in September of 2011.

Member Bush moved and Markoff seconded motion for Re-Approval of the Resubmission of Jamesville Grove Estates Phase II, Final Plat Plan, and Site Plan and associated site plans, so long as the conditions of the Resolution are satisfied. All voted Aye.

Member Adam moved and Lasky seconded motion to adjourn the meeting. All voted Aye. Meeting adjourned at 7:10 p.m.

Respectfully submitted,

Jacqueline Roorda
Planning Board Secretary

**RESOLUTION OF THE PLANNING BOARD
OF THE TOWN OF LAFAYETTE
WAIVING PUBLIC HEARING ON THE FINAL PLAT
AND GRANTING FINAL PLAT RE-APPROVAL
(2ND RE-APPROVAL)**

OCTOBER 16, 2012

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

WHEREAS, Jeffrey Cohen, as owner, made an application for final plat 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 consists 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 was presented to this 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, the requirements of 6 NYCRR Part 617 have heretofore (on November 30, 2010) been satisfied by a Resolution in which this Board determined that the proposed approval of “The Grove” Subdivision Phase II would not have a significant effect on the environment; and

WHEREAS, on November 30, 2010, this Planning Board gave preliminary plat approval for the proposed subdivision subject to numerous conditions; and

WHEREAS, the applicant has demonstrated its compliance with those conditions which can be met prior to the approval of a final plat; 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 within such subdivision; and

WHEREAS, the applicant presented to this Board a final plat plan for lots located in said subdivision to be known as “The Jamesville Grove Estates” Subdivision Phase II (a/k/a Cohen Subdivision, Phase II); and

WHEREAS, this Board determined that the final plat plan as submitted was in substantial compliance with the preliminary plat plan and it was approved by this Board on January 4, 2011 (the “original final plat approval”) subject to conditions and that pursuant to Section 276 of the Town Law and the Subdivision Regulations of the Town of LaFayette, the requirement for a public hearing on the final plat plan application was waived; and

WHEREAS, the owner failed to file the approved Final Plan in the Office of the Onondaga County Clerk and in the Office of the LaFayette Town Clerk within the time specified by New York State and Town regulations, such that the January 4, 2011 original final plat approval had expired; and

WHEREAS, there had been no changes to the plan or this project since the original final plat approval of January 4, 2011; and

WHEREAS, on September 19, 2011, the Town of LaFayette Planning Board granted a re-approval of the original final plat approval, which re-approval was subject to various conditions and a reaffirmation of the original SEQR determination; and

WHEREAS, the applicant has again failed to file the re-approved final plat plan within the time specified by New York State and Town regulations such that the September 19, 2011 re-approval of the final plat plan has expired; and

WHEREAS, there have been no changes to the plan or this project since the previous re-approval of September 19, 2011; and

WHEREAS, the applicant has come before the Planning Board to request a second re-approval of the final plat plan.

NOW, THEREFORE, upon a motion of Mr. Bush and seconded by Dr. Markoff, it is

RESOLVED, that pursuant to Section 276 of the Town Law and the Subdivision Regulations of the Town of LaFayette, the requirement for a public hearing on the final plat plan is hereby waived; and it is further

RESOLVED, that for purposes of the State Environmental Quality Review Act, the Planning Board hereby **incorporates and reaffirms** the Negative Declaration approved by this reviewing Board on November 30, 2010 (and reaffirmed on September 19, 2011), a copy of which is attached for reference and is fully incorporated herein; and it is further

RESOLVED, that the Planning Board of the Town of LaFayette hereby re-approves and grants final plat plan approval of Jamesville Grove Estates Subdivision, Phase II (a/k/a Cohen Subdivision Phase II) based on the Final Plat Plans prepared by Land Lines Surveying, P.C. dated December 13, 2010 and the Final 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 December 21, 2010 and the Stormwater Pollution Prevention Plan prepared by RZ Engineering, dated December 14, 2010; and it is further

RESOLVED, that such re-approval is conditioned upon satisfaction of the following conditions and the Chairman of the Planning Board is hereby directed to withhold signature of the subdivision plat plan until satisfaction of those conditions, which are not ongoing or continuous throughout construction:

1. Pursuant to the Town of LaFayette Subdivision Regulations and Town Law § 277, acceptable security will be required for the construction of all roadways, drainage facilities and other systems supporting the proposed subdivision. To be submitted to the Town with the Developer Agreement.
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. Specific cost estimates shall be determined by the Town and its consulting engineer. This is an ongoing and continuous obligation.
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. A Notice of Intent must be submitted and accepted by NYDEC for SPDES GP-0-10-001 storm water permit coverage prior to any land disturbance. Permit coverage requirements must be maintained for the duration of the project together with performing the necessary weekly site inspections and reports prepared by the applicant, with copies provided to the Town. All storm water pollution prevention plan (SWPPP) components shall be observed and complied with at all times.
5. All construction 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.

6. 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 of such review shall be at the applicant's expense.
7. The following modifications as outlined in the Onondaga County Planning Board's Resolution of September 8, 2010 are hereby made conditions to this approval¹:
 - § 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.
8. Prior to the sale of any lots and prior to the Planning Board Chairman's signature on the Final Plan, 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 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.
9. A notation shall be placed upon the final 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).

¹ 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.

10. 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. This is an ongoing and continuous obligation.
11. 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. This is an ongoing and continuous obligation.
12. A notation shall be placed on the final 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.
13. No construction shall take place in any wetland areas without prior written approval from the New York State Department of Environmental Conservation and/or the U.S. Army Corps. of Engineers. This is an ongoing and continuous obligation.
14. Prior to site construction, 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.
15. 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 final subdivision map 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 at all times during construction and development activity.
16. No portion of any proposed drainage easement shall lie within the existing National Grid Easement.
17. The Applicant will comply with all other Town of LaFayette Zoning and Subdivision Regulations. This is an ongoing and continuous obligation.
18. 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.

19. Where alternative systems may be required, some lot line adjustments may need to occur. No lot line or septic system adjustments shall be made without the prior approval of the County Health Department and the Town Planning Board.
20. No additional archeology shall be necessary for Section 2 access road and building envelopes 1, 2, 3, 7, 8, 9, 10, 11 and 12.
21. 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.
22. Utilization of OPRHP guidance for mechanical soil removal and archeological monitoring shall be followed.
23. The OPRHP Human Remains Discovery Protocol shall be included in all subdivision site plans.
24. The lot area formerly identified as lot 13, if disturbed, shall require a Phase 1B cultural resources investigation.
25. 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.
26. Accordingly, 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 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 OPRHP and other appropriate parties will be required to determine a plan of action.”
27. All storm water collection, conveyance and treatment facilities, with their associated easements shall be dedicated and conveyed to the Town upon completion, to the satisfaction of the Town Engineer.
 28. 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 1st through March 31st when the bats are hibernating.
 29. The applicant shall obtain all necessary site plan permits and other State and local approvals (including a mass gathering permit) as may be necessary for the premises to host the “Parade of Homes” as proposed by the applicant.
 30. This re-approval is expressly contingent upon the prompt payment of any deficiency in the owner’s developer fee account and reimbursement to the Town of LaFayette in such amount.
 31. This re-approval is expressly contingent upon the prompt submission of an additional \$3,000 deposit against future legal costs by the owner.

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 the Final Plan has been filed, the Developer Agreement has been signed by the owner and the Town and all necessary pre-development documents and procedures have been submitted and processed; 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 as set by the Town Board; and it is further

RESOLVED, that the Planning Board hereby authorizes the Chairman of the Planning Board to sign the Final Plat upon certification that all requirements and conditions which are not ongoing or continuous as set forth herein have been satisfactorily met; and it is further

RESOLVED, that pursuant to the Land Subdivision Regulations of the Town of LaFayette and New York State Town Law, the final map shall be recorded in the Onondaga County Clerk's Office and the Office of the Town Clerk; and it is further

RESOLVED, that the Planning Board hereby reaffirms the waiver granted on November 30, 2010 of the Town of LaFayette Subdivision Regulations relating to the requirement for a maximum length of dead-end roads as depicted on the final plat map; and it is further

RESOLVED, that the Zoning Officer is hereby authorized and directed upon compliance with this resolution and 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 which are not ongoing or continuous have been satisfied; 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:

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

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

JAMES NAKAS, Chairperson of the Planning Board of the Town of LaFayette, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Board duly convened and held on October 16, 2012, a quorum being present.

JAMES NAKAS, CHAIRPERSON
Town of LaFayette Planning Board

JACKIE ROORDA, Town Clerk of the Town of LaFayette, hereby certifies that the foregoing Resolution was duly filed in her office on October __, 2012.

JACKIE ROORDA, Town Clerk

ATTACHMENT

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT

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."

DATED: November 30, 2010

TOWN OF LAFAYETTE PLANNING BOARD

By: /s/ James Nakas
James Nakas, Chairman

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:

2. 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.

3. 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.

4. 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:

5. 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 & Wheeler 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.

6. 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 bioarchaeologist 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 1st through March 31st 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.

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.