

2577 US Route 11  
P.O. Box 193  
LaFayette, NY 13084  
[www.townoflafayette.com](http://www.townoflafayette.com)



Date: August 20, 2019

Time: 7:00 pm

Location: LaFayette Town Offices

## Planning Board Meeting

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**Meeting called by:** LaFayette Planning Board

**Chair:** Jim Nakas, Chairman

**Secretary:** Sue Marzo

**Attendees:** Planning Board members: Jim Nakas, Chairman, Brad Bush, and Rick Markoff, and Barb Laskey Board Members, Sue Marzo, Secretary, Jeff Brown, Town Counsel, Fran Williams, Jamie Williams, and Stephen Sheffield, applicants.

## Minutes

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- Agenda Items:**
1. Approval of July 16, 2019 minutes
  2. SEQR and Public Hearing –Case # 2 - 2019 – Application by Scott Daley for a minor subdivision “Sky Ridge Acres” off Route 20 in a Residential/Agricultural District (Tax map (010.-02-13.0)).
  3. Case #3-2019 – Sketch hearing for controlled site approval for home occupation for a hair salon at 2256 US Route 11A, approximately ½ mile south from Ortloff Road in an Ag/Residential District. (Tax map #015.-03-08.2).
  4. Case #4-2019 – Sketch hearing for application by Stephen and Julie Sheffield and Todd & Katie Stady for controlled site approval at 5940 Feather Drive (at end of road, ¼ mile west of Route 11) for use as an educational institution at property zoned for religious use in an area that is Ag/Residential district. (Tax map #014.-02-23.0).

### Discussion:

Jim Nakas, chairman opened the meeting at 7:00 pm and welcomed all in attendance. He asked the Board members if they were in approval of the July 16, 2019 Planning Board minutes. Mr. Nakas asked

for an addition to the 2nd page of minutes, 2nd paragraph from top on how many acres and how many solar panels there would be. It was previously reported that that number is 18,000 panels. This amendment has been added to the July 16, 2019 minutes.

Rick Markoff motioned to accept the minutes as amended, second by Brad Bush. All other Board members present were in favor.

Mr. Nakas announced his resignation as Chairman of the Planning Board. He was originally appointed by Sumner Palmer, former Town Supervisor and has been on the Planning Board for 33 years. He asked that members of the Planning Board get together and recommend the future chairperson. That recommendation should be taken to the Town Board for approval. October 1st is his official resignation date.

Agenda item regarding the Pledge of Allegiance being said at the opening of all meetings was discussed. Brad Bush motioned to approve, Rick Markoff second. All Board members present were in favor.

**Case #3-2019 – Sketch hearing for controlled site approval for home occupation for a hair salon at 2256 US Route 11A, approximately ½ mile south from Ortloff Road in an Ag/Residential District. (Tax map #015.-03-08.2).**

Frances Williams of 2256 US Route 11A has asked for approval to work out of her detached garage as a part time hairstylist. Jim Nakas asked about parking accommodations. Ms. Williams informed the Board that her driveway is 200 feet long, so parking is not a problem. Rick Markoff asked about signage and lighting. He asked if lighting would bother neighbors. Signage will be small and there will be no significant lighting added. Applicant provided letters from neighbors who have no opposition to her request. Jim Nakas asked about hours of operation. Ms. Williams advised that she will be open from 4:00 – 8:00 pm after school a few days per week. Brad Bush asked if she was a single operator and she replied yes.

Mr. Nakas noted that the garage is detached from the house and the salon would reside in the garage. Zoning laws stipulate that home occupation must be physically located in the home. He advised the Planning Board does not have the authority to issue a variance to the letter of the law. Jim Nakas asked Attorney Brown if this could be referred to the Zoning Board for variance. Attorney Brown advised that yes, they would need a variance approval from the ZBA. Attorney Brown read from the Zoning Law regarding the stipulation of home businesses being in the home. Ms. Williams inquired about building a breezeway between the house and the garage in order to run water lines. Attorney Brown advised the applicant that they will need to get County Planning Board review as well so this may take some time. Ms. Williams was advised by Attorney Brown that she neglected to sign the SEQR and needed to do so. If she receives Zoning Board variance approval, applicant must return to the Planning Board for site plan approval. Brad Bush asked Attorney Brown if there was anything else the applicants needed to do. Attorney Brown said that they will need to provide a site plan sketch. Applicant had a sketch on hand and reviewed it with the Board. The sketch showed that the area for the salon would be located in the back half of a two-car garage. It will also still be used as a garage. Attorney Brown suggested that a rendering of the signage proposed also be provided. Applicants stated they were putting a small one on the garage. Applicants were informed that signage was restricted to 4' x 8'. The sign will need to be approved by the Board. Jim Nakas thanked the applicant for coming in and asked if there were any questions to reach out to the Board.

**Case #4-2019 – Sketch hearing for application by Stephen and Julie Sheffield and Todd & Katie Stady for controlled site approval at 5940 Feather Drive (at end of road, ¼ mile west of Route 11) for use as**

**an educational institution at property zoned for religious use in an area that is Ag/Residential district. (Tax map #014.-02-23.0).**

Steve Sheffield approached the board for controlled site approval for the former Big Picture school location. They are proposing a small private school in a building that is currently owned by The Church of Jesus Christ of Latter-Day Saints. The school will run during the regular school year. They are hoping to start in September after Labor Day. Jim Nakas asked if the purpose of the school was religious. Mr. Sheffield advised that it was a non-public school and not religiously affiliated. Jim Nakas advised that there is no zoning for religious use and that the property is zoned ag/residential and can be used as an educational institution. Jim Nakas asked the applicant what they need to do with the New York State Board of Education. He stated that they were awaiting approval of their charter. Jim Nakas asked how many teachers there would be. Mr. Sheffield stated two are currently proposed. He also advised there are projected to be 12 students, two from LaFayette, one from Tully, three from Fabius Pompey, three from Chittenango and two from Fayetteville Manlius. Jeff Brown asked what grades they would be teaching. Mr. Sheffield advised 1st through 9th and then eventually through high school. Jeff Brown asked is there is a site plan. Mr. Sheffield stated that he did not have one. Jim Nakas advised that there may be a survey on file in the Town Offices from previous applications. The applicant stated that they were not making modifications to the building. Barb Laskey asked if the kids will be bussed in. Applicant stated that most parents would be driving. Only students living within 15 miles of the school are provided transportation by law. Brad Bush asked about change of use to Code Enforcement Officer Ralph Lamson. Mr. Lamson advised that building code would not change. He also stated that controlled site use is straightforward and has been used in the past for the Big Picture School. Jeff Brown asked Ralph Lamson about site requirements for a school, setbacks or amount of play area. Ralph Lamson stated that is controlled by New York State. Jim Nakas stated applicant, at a minimum, needs a survey to show the buildings and where setbacks are now. The Board needs to know things like where is the septic, playground, etc. The applicant stated the State asked for a layout of the interior of the building. Brad Bush asked applicant to provide that document so they can work with that drawing to show the outside layout of the property. Will there be signage, how many parking spaces. Jim Nakas said we could get by with a sketch but whoever owns the property should be able to provide a survey that they can hand draw in where things will be. Jeff Brown suggested the applicant work with the Code Enforcement Officer on site plan and instructions required.

Jim Nakas stated that the property is not within 500' of a state road so no County Planning approval is required. A public hearing will be required. Whatever they provided as part of the state application could be shared with the Board. Mr. Brown advised the applicant that it is important to note that they cannot open the school without Site Plan review and approval.

Rick Markoff motioned to hold a Public Hearing on the application at the next Planning Board meeting on September 17, 2019, Brad Bush second. All Board members present were in favor.

**SEQR and Public Hearing –Case # 2 - 2019 – Application by Scott Daley for a minor subdivision “Sky Ridge Acres” off Route 20 in a Residential/Agricultural District (Tax map (010.-02-13.0).**

Mr. Daley gave a short review of the application. He has a 11.68-acre property that he would like to subdivide into 3 lots of 2 acres each and one larger lot. He has an interested party who would like to buy the parcel and they are proposing 3 lots. The 4<sup>th</sup> lot would be developed later. Jim Nakas asked if Mr. Chambers, Town Engineer was involved with drainage issues that were raised on a previous application. Mr. Daley advised that an engineer did perform a soil test and the County had looked at it and it meets all requirements. Jim Nakas advised that the Board received a referral back from County Planning with a comment about the driveways and could they be compressed or combined. Attorney Brown advised it was just a comment and no super majority vote would be required. Mr. Daley advised that one

neighbor who owns a trucking business may want to buy one of the lots adjacent to his property. New York State advised that the biggest lot needs to be brought forward as much as possible. Rick Markoff said he had some worry about the driveway comment. The Board chose to use the driveway plan as proposed.

SEQR Part II Review was completed as follows :

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? – “No or small impact”
2. Will the proposed action result in a change in the use or intensity of use of land? – “No”
3. Will the proposed action impair the character or quality of the existing community? – “No”
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? – “No”
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? – “No or small impact”
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? – “No”
7. Will the proposed action impact existing:
  - a. Public/private water supplies? -“No”
  - b. Public/private wastewater treatment utilities? – “No”
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? – “No”
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? – “No”
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? – “No”
11. Will the proposed action create a hazard to environmental resources or human health? – “No”

Motion was made to declare the Board as lead agency and make a negative declaration by Jim Nakas, second by Rick Markoff. All Board members present were in favor. Motion is carried.

Motion was made by Brad Bush and second by Rick Markoff with all Board members present in favor, to open the public hearing. There was no one present to speak on behalf of this application.

Rick Markoff motioned, Brad Bush, second with all Board members present in favor to close the public hearing.

Brad Bush supports approving the application as presented. Rick Markoff motioned, Jim Nakas second. All other Board members present in favor.

Rick Markoff motioned, Brad Bush second to adjourn the meeting with all Board members present in favor. Meeting adjourned at 7:50 pm.

Respectfully submitted,

Sue Marzo  
Planning Board Secretary

