

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



Date: January 21, 2020

Time: 7:00 pm

Location: LaFayette Town Offices

## Planning Board Meeting

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**Meeting called by:** LaFayette Planning Board

**Chair:** Brad Bush, Chairman

**Secretary:** Sue Marzo

**Attendees:** **Planning Board members: Brad Bush, Chairman, Barb Laskey, Rick Markoff, Mike LaCava and Jerry Marzo Board Members, Sue Marzo, Secretary, Jeff Brown, Town Counsel, Ralph Lamson, Codes Officer, Todd Shute, applicant, Gary Brothers, Chris Oliver, Adam Ryan, Abigail Dewey, Madison Kittelberger, Christian Hill, Napierala Consulting, Brian Harper, Nextera Energy, Sean Evans, Amy Papelino, Stephen Sheffield, applicant, Melanie Palmer, Town Board Member**

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- Agenda Items:**
1. Pledge of Allegiance
  2. Approval of December 17, 2019 Planning Board minutes
  3. Case #9-2019-PB PUBLIC HEARING - Application for Controlled Site Approval by Todd J. Shute to operate his excavation/dumpster business at US Route 11A, approximately 200 yards south of Field Lane in a Business/Commercial zoned property (Tax Map #021.-03—07.2)
  4. Case #9-2019-PB – SKETCH HEARING – Nextera Energy Resources Community Solar Facility application review for Controlled Site Approval application for construction & operation of a 5 megawatt alternative current solar & energy storage facility at Apulia Road approximately .36 miles north of Apulia Rd. & Dodge Rd. intersection (Robert Amidon, Jr. property). (Tax Map No. 009.-02-19.1).
  5. Case # 7 -2019-PB – SKETCH HEARING for the Application by LaFayette Dental Associates (contact Stephen Sheffield) for Controlled Site Approval to build a new commercial 4,000 square foot dentist office at 2509 US Route 11, approximately 1200 feet north of Route 11 & Sentinel Heights Road intersection. The property is zoned for business use. (Tax Map # 0-22.-07-03.2).

## Discussion:

The meeting opened at 7:00 pm and began with the Pledge of Allegiance. Brad Bush welcomed all in attendance. After a minor name correction, the December 17, 2019 Planning Board Meeting Minutes were approved. Rick Markoff motioned to approve, second by Jerry Marzo. All Board Members were in approval with exception of Mike LaCava who abstained.

- **Case #9-2019-PB PUBLIC HEARING** - Application for Controlled Site Approval by Todd J. Shute to operate his excavation/dumpster business at US Route 11A, approximately 200 yards south of Field Lane in a Business/Commercial zoned property (Tax Map #021.-03—07.2)

Todd Shute addressed the board and presented a modified plan from that last presented. New York State came back and would only approve one driveway cut and requires it be paved with asphalt. The new plan also had lighting requirements added. The site distances have been met. Mr. Shute has the permit for the driveway from residential to commercial. The Health Department is requiring perk tests for the septic system. Mr. Shute advised this will be done before they erect the proposed building on the property. This must be done before a building permit will be issued. The State advised the applicant that due to festival sites the landscape must be maintained satisfactorily. Mr. Shute advised that 100% of his business is reflected by how he keeps his premises. There will be no trash and mowing will be kept up to remain presentable. This must be done due to local tourism, festival site and commercial businesses nearby.

Attorney Brown went through SEQR short form Parts II and III as follows:

SEQR Environmental 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 or small impact”
3. Will the proposed action impair the character or quality of the existing community? – “No or small impact”
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? – “No or small impact”
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 or small impact”
7. Will the proposed action impact existing:
  - a. Public/private water supplies? -“No or small impact”
  - b. Public/private wastewater treatment utilities? – “No or small impact”
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? – “No or small impact”
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? – “No or small impact”
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? – “No or small impact”

11. Will the proposed action create a hazard to environmental resources or human health? – “No or small impact”

Attorney Brown advised based on these answers an appropriate motion is for the Planning Board to serve as lead agency and determine that this project does not have the potential for any significant negative impacts on the environment. Rick Markoff motioned, second by Mike LaCava. All Board members present were in favor. SEQR review was signed by Chairman Brad Bush.

A motion was made to open the Public Hearing by Rick Markoff, second by Jerry Marzo. All Board members present were in favor.

Resident Gary Brothers spoke and inquired about soil testing. He stated that there is an aquifer on the parcel. His concern is dumpsters leaking in the water table. He asked if the Onondaga Reservation was informed or consulted about this project. He stated that previous attempts to use this parcel were unsuccessful and politicians became involved to stop the development of an auto resale business. He said it will be difficult to mow due to the aquifer on the land. Mr. Shute advised that the wells are artisan. Mr. Brothers says he owns 47 acres in close proximity. Chairman Bush stated that there is no testing required on this parcel. He stated some of his concerns are addressed on the site plan.

Attorney Brown asked Mr. Shute if he had any response to Mr. Brothers concerns. Mr. Shute stated that to his knowledge no testing is required, and that the property is only wet near the well. It is mowed and drainage is in place for a dry site. It is not a swamp or wetland. Per Ralph Lamson, Codes Officer it is not a DEC wetland and he does not see any concerns.

Abigail Dewey resident spoke and asked to see the plans. She reviewed the plans with Mr. Shute. She is concerned because her view right now is a cluster of trees. She doesn't want to look at dumpsters and construction equipment. Mr. Shute said there will be a building to house construction vehicles. The trees will stay. The advertisement will be off the Route 20 corridor. She also asked about lighting. Mr. Shute stated it was standard street lighting. Any lighting on the building will have to be approved through the building permit. It is downed lighting and not shining into anyone's windows.

Attorney Brown confirmed with the applicant that he is disturbing less than an acre of land. Storm water management plan is not required if less than an acre.

Christopher Oliver asked about hours of operation. Mr. Shute advised weekly hours are 7:00 am – 5:00 pm. Some Saturdays 10:00 am – 2:00 pm and rarely a Sunday.

Motion was made by Jerry Marzo to close the public hearing, second by Mike LaCava. All other Board members were in favor.

Chairman Bush said the Town received a reply from County Planning highlighting the previous items regarding driveways, lighting and septic approval. Jerry Marzo asked the applicant if there would be normal debris in the dumpsters. Mr. Shute said very few times would there be full dumpsters on the premises. No benefit to storing full dumpsters and would be costly. During the summer months the dumpsters are pretty much out at job sites. There will not be a large number of dumpsters at any given time. It will be more trucks and trailers than dumpsters. Jerry Marzo asked about the possibility of chemicals in the dumpsters. Mr. Shute advised they are not allowed to accept chemicals and they do not haul them. The applicant has 30 dumpsters of which 5 or 6 are usually available.

Attorney Brown advised the Board that conditions could be placed on the application restricting full dumpsters on the property if the Board desired.

Chairman Bush asked for a motion to approve the application as presented contingent on satisfactory septic perk test. Mike LaCava motioned, second by Jerry Marzo. All Board members present were in favor.

- **Case #9-2019-PB – SKETCH HEARING** – Nextera Energy Resources Community Solar Facility application review for Controlled Site Approval application for construction & operation of a 5 megawatt alternative current solar & energy storage facility at Apulia Road approximately .36 miles north of Apulia Rd. & Dodge Rd. intersection (Robert Amidon, Jr. property). (Tax Map No. 009.-02-19.1).

Brian Harper representing Nextera, the parent company of the applicant Community Solar presented. The farm will encompass 15 acres of a 145-acre site. Mr. Bush asked about the quantity of panels. It was calculated that it would be approximately 10,000 400-watt panels. The interconnect will be right on the proposed property. The access road is off Weller and they have to do some upgrades to that road for fire code. The solar array will be surrounded by a 7' fence with 20' gate with transformers on concrete pads. There will be 5 new utility poles. Planting will be done to grow shade tolerant grass. The battery storage facility is much like a shipping container. Brad Bush asked about site work. Brian advised that the area is flat and not much grading is required. A storm water prevention plan will be done. The benefits to the community are citizens can sign up for 10% off their electric bill.

Mr. Marzo asked if the applicant had any plans to expand the project. The response from Mr. Harper was no.

Attorney Brown recommended the Board require four actions to the applicant before a public hearing can be scheduled.

- Completion of coordinated SEQR review. The Town Engineer is taking the lead.
- Submission and sign off by the Town Engineer of a storm water plan.
- Submission of a pilot agreement to the Town Assessor and tentative agreement of its terms. Mr. Harper's understanding of the law is that this does not need to be done first. Attorney Brown agreed but having in place will prevent any delays in the process. Mr. Harper advised that they are going forward with the pilot.
- The Town Engineer needs to sign off that everything is in place and ready to go. The Board needs to hear from the Town Engineer that he believes the project is ready to go to public hearing.

The Board agreed with these requirements. The board will start the process adopting a motion for coordinating SEQR review at the next meeting when it determines who will be lead agency. SEQR coordination is a 30-day process. The next meeting is the 3rd Tuesday in February.

- **Case # 7 -2019-PB – SKETCH HEARING** for the Application by LaFayette Dental Associates (contact Stephen Sheffield) for Controlled Site Approval to build a new commercial 4,000 square foot dentist office at 2509 US Route 11, approximately 1200 feet north of Route 11 & Sentinel Heights Road intersection. The property is zoned for business use. (Tax Map # 0-22.-07-03.2).

Christian Hill of Napierlia Consulting presented on the project. There were changes made to the parking adding more spaces. The building is 4,000 sq. ft. off route 11 backing up to Route 81. Previous discussions mentioned the possibility of a walk out basement and possible second business. That has been tabled and is not part of this proposal but will be designed to add as a future option. It is being designed in a way to add a 2nd parking lot in the future. They reached out to the DOT about a drainage easement and were not able to get further information but feel they are showing it accurately. They submitted to the DOT stage 2 of the application with minor feedback. They had to revise the lighting plan slightly. The light pole had to be moved off Route 11. They are expecting approval with them on their next submission. The septic system is not designed yet and there is only a location at this point.

They understand they will need percolation tests before a building permit will be issued. Design of the septic system will be done after the ground dries out.

Attorney Brown asked about the Storm Water Pollution Prevention Plan (SWPPP) and if it had been submitted. Ralph Lamson confirmed the Town is in receipt. Christian Hill advised that storm water management is based on future plans of a 2nd parking lot out back and sized appropriately for that expansion. Ralph has no questions on this project.

Attorney Brown said this is ready for County Planning submittal. We will need something back from Mark Chambers before the next meeting approving the SWPPP. Motion was made for a Public Hearing by Rick Markoff, second by Mike LaCava. All Board members present were in favor.

Motion was made by Jerry Marzo to close the meeting, second by Rick Markoff. All Board members present were in approval.

Meeting adjourned at 7:40 pm.

Respectfully submitted,

Sue Marzo  
Planning Board Secretary

