

2577 US Route 11
P.O. Box 193
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www.townoflafayette.com



Planning Board Meeting

Date: August 16, 2022

Time: 7:00 pm

Location: LaFayette Town Hall

Meeting called by: LaFayette Planning Board

Chair: Brad Bush, Chairman

Secretary: Sue Marzo

Attendees: **Planning Board members: Chairman Brad Bush, Barb Laskey, Mark Whitney, Rick Markoff**
Jeff Brown, Town Counsel, Ralph Lamson, Codes Officer, Jackie Roorda, Town Clerk, Joseph Nicotra, applicant, Carol Blair, Margo Erickson, Robert Spahn, Architect for Rite Aid, Steven Shelfield, LaFayette Dental Associates owner, Bill McConnell, Town Supervisor, Carole Dwyer, Board Member, Melanie Palmer, Board Member

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- Agenda Items:**
1. Pledge of Allegiance
 2. Approval of July 21, 2022, Planning Board minutes
 3. Case #1-2022-PB
Public Hearing for the application submitted by Joseph S. Nicotra for a Site Plan Approval for retail antique sales, located at 2813 US Route 11, LaFayette (Previously Log Cabin Restaurant) (Tax Map # 020.-03.04.2)
 4. Case #2-2022-PB
Sketch Hearing for the Application by Robert C. Spahn (on Behalf of Rite Aid Corp.) for Site Plan Approval to occupy main floor level of former office building (below LaFayette Dental Associates) at 2521 US Route 11, with pharmacy use (mercantile); existing building footprint to remain as-is, re-use existing paved parking lot.

Discussion:

Chairman Bush welcomed everyone and invited everyone to join in the Pledge of Allegiance followed by Introductions.

Motion was made by Rick Markoff, second by Mark Whitney to approve the minutes of July 21, 2022. All Board members present were in favor.

Case #1 – Chairman Bush stated this is a Public Hearing for Joseph Nicotra for retail antique sales at the old Log Cabin Restaurant. This location was formerly approved by the Board for use as a car dealership along with County Health and State Highway approval. The applicants are seeking the same approvals for retail antique sales. Brad asked the applicant for an update.

Applicant, Joseph Nicotra is currently working on dividing his living space from the antique shop. He is also looking for approval to put up some tents outside the building and do some retail sales outside. He is having contractor issues with getting the inside work done in a timely manner. They are relying on others and progress is held up.

Code Officer, Ralph Lamson asked for the size of the tent and placement. Mr. Nicotra says he has (2) 20x20 tents that are totally enclosed and will be put on the right side of the building where there is asphalt. Ralph Lamson advised they cannot be close to the road. Brad Bush stated that the tents are not part of the application, but the usage and the planning status will be the same. Joseph Nicotra said at the preliminary meeting the tents were discussed but not added to the paperwork. Chairman Bush thought it would not be a problem. Chairman Bush asked Attorney Brown his thoughts. Attorney Brown asked if the tents are on the site plan and shown where they would be. He would like to see this added to the site plan.

Ralph Lamson stated that they must be 50' from the road which means they cannot be out front. Mr. Nicotra said they would be on the side and back with limited hours to get the business going. Chairman Bush asked for hours of operation. Carol Blair said It will likely be mostly weekends. Potential for Tuesday through Saturday as well. Attorney Brown said if the Board is comfortable with it not being on the site plan it should be added to the approval as a condition. Mr. Nicotra said they are only here in Syracuse seasonally so it will just be summer months.

Chairman Bush asked Board members for any questions or comments. Attorney Brown stated that SEQR review is required.

SEQR Short Form Part 2 was completed by the Board as follows led by Attorney Brown.

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. No other agencies are involved. Motion was made by Rick Markoff, second by Mark Whitney. All Board members present were in favor.

Motion was made to open the Public Hearing by Brad Bush, second by Rick Markoff. All Board members present were in favor.

There was no public input and motion was made by Rick Markoff, second by Barb Laskey to close the Public Hearing. All Board members present were in favor.

Conditions of acceptance were defined:

1. The location of the tents must be in an approved setback on side of the building
2. No more than two 20x20 tents

Motion was made by Rick Markoff, second by Barb Laskey to approve the application with the above two conditions. All Board members present were in favor.

Case #2 -Robert Spahn, Architect with RES Architects PLLC, representative for Rite Aid spoke asking for site plan approval on the main floor below the existing dental office. Mr. Spahn explained the overall intent and that this is a fairly new concept that Rite Aid is looking to start. Typical facilities are much larger. They are looking to establish a marketplace in less populated areas than traditional. Parking concerns and signage he is not prepared to discuss. They will be established by the County and the DOT.

Chairman Bush said this appears to be a small operation. He asked Mr. Spahn if there was going to be a vendor area for alcohol and tobacco or mostly first aid. Mr. Spahn said the primary purpose will be that of a working pharmacy. It will have a convenience store setup without large quantities or beer sales. It will be more of a quick pick-up operation. It will be a working pharmacy with traditional prescriptions filled and associated items to go with that. Support items that would go with a pharmacy. Hours of operation would be Mon-Friday 9:00am - 9:00pm and Sunday 9:00am – 7:00pm. They are going to feel it out since this is new for them. Their intent is to be long term, but they are going to have to establish and refine the business as it proceeds. The area is 3700sq ft. including some common areas. Sales area is small. 12,000 sq ft is the range for a typical pharmacy. They'll be persistent, good neighbors but it is certainly a new idea to get it off the ground. Signage intent is to add individual letters on the exterior of the building. That would have to be submitted formally for the meeting on September 20. They have a national account signage company that handles the graphics. Mr. Spahn did make Rite Aid aware they need to provide that.

Chairman Bush asked about number of customers projected. Mr. Spahn said he is not privy to that information. Speaking to the layout of the parking they would not expect to need any more than 14-15 spaces. There are currently 21 spaces in the lot now.

Chairman Bush asked for any questions or comments from the Board and Codes Officer.

Attorney Brown asked if there are any changes proposed to the site plan. Mr. Spahn said no excepting clarification of a handicapped space. There will be protective bollards at front entrance way. Rite Aid will talk to the signage at the next meeting.

Barb Laskey asked if the sign at the Dental practice is lit now. Mr. Shelfield, the owner of the property said there are lights on the building that shine on the parking lot. Attorney Brown stated that we need to discuss the modification recommended from Onondaga County Planning. Per NYS, the existing parking lot is within the State right of way. Ralph Lamson said we shouldn't be concerned about it given that this has been a longstanding issue. Attorney Brown said that a super majority vote would be required to bypass the proposed modification. Ralph Lamson pointed out on the map about the County's concern. The blacktop is over the property line which encroaches in the State's right of way.

Attorney Brown asked of the owner's position. Mr. Shelfield said he is happy not to tear up the parking lot. It's been that way for 40 years. Super majority vote would be required to override that modification. Attorney Brown sees no other issues with this application.

Motion was made by Rick Markoff, second by Mark Whitney to set up a Public Hearing. All Board members present were in favor.

Chairman Bush asked the three Board members present about their interest, in certain circumstances, to attend Planning Board meetings virtually. He would like to see the Town Board adopt that. Town Supervisor, Bill McConnell said that a local law is in process to allow to participate virtually. There are restrictions, however, to only allow once per calendar year. For instance, a Board member cannot go South for several months and participate virtually during that time.

Town Clerk, Jackie Roorda stated she would like to see that changed to twice per year. Her reasoning is the difficulty in getting Board members to participate. If they had more flexibility, it would be easier to attract Board members that may take more than one vacation a year. If someone goes to Florida for two months, they will not apply to be a Board member. It is very difficult to get Board members and the pay is minimal and training is required. We do need a new Zoning Board member. Mike Vilardi is leaving, and we need a full-time member to replace him. Attorney Brown said the Town Board has some discretion in determining what the policy states.

Chairman Bush realizes that a Board member cannot go fully virtual but would like to see some flexibility for certain circumstances.

Motion was made by Rick Markoff, second by Barb Laskey to adjourn, All Board members were in favor.

Meeting adjourned at 7:34 pm

Respectfully submitted,

Susan M. Marzo
Planning Board Secretary

