

2577 US Route 11
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Planning Board Meeting

Date: September 15, 2020

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, Jerry Marzo, Barb Laskey, Rick Markoff**
Jeff Brown, Town Counsel, Ralph Lamson, Code Officer, Jackie Roorda, Town Clerk, Tony and Carol Scala, Matt Napierla, Adam Clark, Jim Hagan, Greg Cleghorn, Chris Fischer, Colin Cleghorn, Deborah and Thomas McCaslin

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- Agenda Items:**
1. Pledge of Allegiance
 2. Approval of July 21, 2020 Planning Board minutes
 3. Case #2-2020-PB PUBLIC HEARING
Application of Greg & Colin Cleghorn for a Subdivision of 32.74-acre existing lot into four (4) proposed lots. Each to have a single-family home with a separate water and septic systems. The property is located on the west side of LaFayette Road, approximately 400 ± feet south of Bull Hill Road and the LaFayette Road intersection. Current use is zoned Agricultural/Residential. (Tax Map No. 006.-01-10.0)
 4. Case #4-2020 -PB SKETCH HEARING
Application by Clark Equipment for Site Plan Approval to build a new 15,700 square foot commercial building for equipment rental on US Route 11, approximately 1200 feet north of Sentinel Heights Road intersection on property located between Schuylkill Haven Casket Co. and LaFayette Kennels. The property is zoned Commercial.
(Tax Map # 022.-07-03.2)

Discussion:

Brad Bush welcomed all in attendance and asked for everyone's participation in the Pledge of Allegiance. Motion was made by Rick Markoff and second by Jerry Marzo to approve the Planning Board Minutes of 7/21/2020 as written. All Board Members in attendance were in favor.

Case #2 -2020 – PB - PUBLIC HEARING

Application of Greg & Colin Cleghorn for a Subdivision of 32.74-acre existing lot into four (4) proposed lots. Each to have a single-family home with a separate water and septic systems. The property is located on the west side of LaFayette Road, approximately 400 ± feet south of Bull Hill Road and the LaFayette Road intersection. Current use is zoned Agricultural/Residential. (Tax Map No. 006.-01-10.0)

Sketch Plan has already been reviewed and Matt Napierla refreshed the Board's memory and those in attendance on the scope of the project. The applicant's attorney Chris Fischer updated everyone on the driveway access info from the County DOT. There were a couple of S turns and elevation dips from previous involvement and sight distance was a critical element. The County wanted minor adjustments to the sight distance for lot 4. They moved the driveway a little further to the north. Lot 1 they wanted it slid to the south. So, there are some minor adjustments. Parcels are 8 acres, under 6, 7 and 9 acres. This is for family owned plots. The subdivision will be family owned.

Chairman Bush asked the Board if they had any questions. There were none. Chairman Bush asked Ralph Lamson if he had any red flags. He said no. Attorney Brown asked where the wetlands are on the property. The DEC wetland has a 100' buffer. Matt Napierla stated that the building lots are outside that buffer. They have identified the wetland and 100' buffer. Lot 4 is right up against the buffer. The family is desirous to push foundations back off LaFayette Rd.

SEQR Short Form Part 2 was completed 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. Motion to complete SEQR Part 3 (Determination of Significance) was made by Rick Markoff, second by Jerry Marzo. All other Board Members present were in favor.

Chairman Bush referenced lot 1 which has a 60’ right of way that goes back to an existing lot. Why is it right in the middle of lot 1? Greg Cleghorn said that was a potential easement for the previous owner. He was financing and writing the mortgage. He wanted a legal right to get back there. From the applicant’s standpoint it is no longer needed since Mr. Camperlino is no longer involved in the financing. Barb Laskey asked if there is any other access. The land behind the parcel it is not part of this proposal. Attorney Brown stated that this subdivision is not creating a landlocked situation. Jerry Marzo asked what does the 60’ right of way have to do with the 100’ buffer? That is the right of way through the buffer zone. To create the paper easement, we’re impacting the wetland and they would have to require a permit from the DEC.

Motion was made by Rick Markoff to open the Public Hearing, second by Jerry Marzo. All other Board Members present were in favor.

Andrew Metz who owns the property across the street was unable to attend but sent some concerns which Chairman Bush read to those in attendance. The concerns and associated responses are as follows:

“My apologies to the board, a prior work-related commitment leaves me unable to attend the public hearing. I do, however, have a few observations/questions.

1. When this last appeared before the planning board there were water and wetland features missing from the proposal site plan map. Have these been addressed or is this the same site plan with 4 houses removed?
 2. In the ensuing years since this was last considered, there has been a fair amount of beaver activity in the swamp. This is clearly visible from the public highway. As the water levels rise upstream of the impoundments the wetland boundary moves outward laterally leaving less buildable area. Has this aspect been updated to reflect present day conditions?
 3. The previous applicant, through his agents, displayed a considerable amount of animosity towards the adjacent owners and specifically agricultural operations. Is the current applicant aware that the subject property is largely surrounded by land enrolled in Onondaga County Ag District #4?
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1. The wetland has a flagged wetland line. The DEC wetland includes a 100’ buffer zone. These features are on the plan and are identified. There are 3 acres on that 100’ buffer.
 2. Greg Cleghorn said they put pressure on the former owner to remove the beaver dam. The water level has gone down 6’. The plan is to get rid of the beavers, so they do not continue to raise the water level to a dangerous level.

3. Greg Cleghorn stated he was aware of the former owners' intentions and that is exactly why they are looking at the property. They are interested in small farming and that is a selling factor for purchasing this land.

Tony Scala and Carol Scala of 3678 LaFayette Rd. were first to speak publicly. Several years ago, Bill Camperlino wanted to put 3 houses on this lot because they wanted to put septic in the back of the property and they could not put them in the front. DEC has been there and issued a warning notice to the applicants because they have already impacted the wetlands area and have gone over the creek with a bobcat. The EPA has also gotten involved with Army Corps of Engineers. The laws are not being followed on the property there. Mr. Camperlino had someone shooting the beavers. They must build to the laws of the state. There are 10 people that did not come today because of COVID and they all agree, and they do not need any animosity.

Greg Cleghorn responded that they met with the DEC and that there was a bobcat on the property and the intention was to cut trails to the dam so the dam could be maintained. They have to cut all the trees and do potential concrete work to the dam. Long term is to get a road back to the dam area. They were told they could not drive a piece of equipment through the wetlands but must use hand tools. They are looking to farm and hunt. That is the extent of their intended use and hope to have a good relationship with their neighbors.

3417 Deborah McCaslin was next to speak. She is concerned with high traffic rate. That is a rough area. DOT is to check on it and stated they do not do 55mph through there. She loves the area and the back-lake area. She would hate to see anything destroy it. It is turning into swamp and used to be a nice running creek. The beavers built a nice dam and then there were explosions and shootings of the beavers. The DEC stated you cannot allow the beavers to build the dams but no explosions. She asked how they found the property. It was stated that Bill Camperlino put up a For Sale sign and they called on it. The applicant never intended to build anything in the wetlands. It would be a great nature center. If cleaned up, would the applicants make their land available to the neighbors? Part of the reason the applicants like this land is for duck hunting. The goal is to keep the wetlands. Public usage would probably be a no but to the neighbors perhaps on a case by case basis. Ms. McCaslin asked about the location of the septic systems. Matt Napierla said they vary for each lot; lot 1 is 120 from Rd., for lots 2 and 3 are off to side and for lot 4 is going to be in the front but 30' off of road (Dept of Health says you have to be 10' off the road). Each individual lot will have to get approval. Perk rates showed the slowest one was 15 minutes, so the applicants are well within the required threshold.

Attorney Brown confirmed with Code Officer Ralph Lamson that no building permits will be granted until the septic systems and driveways are approved.

Greg Cleghorn stated that the County is a good resource for data: Average speeds that they recognize, and safe stopping distances based on the rated speed of the road. From each driveway there is to be 610' of site distance. That is two football fields of clear visibility. Lot 4 had to be reconfigured to meet that 610'. These driveway locations are now all deemed good.

Ralph Lamson stated that when the applicants apply for building permits, they will have the DEC mark out the buffer zones. Matt Napierlia stated that federal wetlands line up with the Army Corp of Engineers. NYS DEC is responsible for the wetland if it is greater than 5 acres. A tributary to navigate to waterways is Federal. Ms. McCaslin stated that the Army Corp of Engineers was concerned about the creek and keeping it stable.

After all people wishing to speak spoke, motion was made by Rick Markoff to close the Public Hearing, second by Jerry Marzo. All Board members present were in acceptance.

Chairman Bush asked the Board for any questions or conditions for the project. None were given.

Motion was made by Barb Laskey to accept the subdivisions presented on the map Project No. 20-1912 dated September 15, 2020, second by Jerry Marzo. All Board members present were in agreement. Motion carries.

Case #4-2020 -PB SKETCH HEARING

Application by Clark Equipment for Site Plan Approval to build a new 15,700 square foot commercial building for equipment rental at US Route 11, approximately 1200 feet north of Sentinel Heights Road intersection, on property located between Schuylkill Haven Casket Co. and LaFayette Kennels. The property is zoned commercial.

(Tax Map # 022.-07-03.2)

Jim Hagan Architect, Ed Clark applicant, Matt Napierla engineer representing this project were in attendance.

Mr. Clark, owner said there is more work to do but developing. He has a purchase contract to purchase this parcel of 8.5 acres. The property is an open field with gradual slope north to south. 30' of grade from high point to low point of the site. Very conducive to this type of development. They are relocating Mr. Clark's business from the Town of Geddes. They buy, rent, sell, and fix construction equipment. 20% of sales are based in Onondaga County with the sale of equipment outside of the area and state as well. 30% of business is international. They like the proposed site because of its easy access to 81, visibility and struggle to attract talent. They would like to establish a technical program and work with the school district to teach their employees. 16-17 employees and with new facility 25. They pay middle class wages and up. They would like to receive and return from the community. 1/3 of the proposed building is office and 2/3 is service and sales.

Chairman Bush stated that the Board is very familiar with the property and we have looked at this property previously.

Jim Hagan, architect is to locate the 17,000 square foot building in the center of the site set back from Route 11 235'. 150' off the right of way of Interstate 81. That is pretty much centered on the site. Driveway will be level. Main entrance drive is the same driveway situation as the previous application. Relatively little traffic. Driveway will be paved and loop around the building. There will be a crushed stone area where equipment is selling, renting, or maintaining. There will be a small area with select pieces of equipment on Rt 11. Two distinct areas, office area and shop area. Parking will be adjacent to the office area. Parking in the rear for shop staff. 27 vehicles for parking. Reality is we will have more than enough parking. Drainage from adjacent property will have swale to divert water. Storm water would be collected and diverted to storm water management system. Septic system will be in the rear potentially. Contact has been made with local well driller. Electric and gas from Rt. 11 underground. Floor plan was presented by Mr. Hagan. Service area will be open bays. Rear of the building will be body shop and paint booth.

They are hoping to go through approval to start doing some earth work this fall. Potentially picking back up in the spring and be finished by next summer.

Chairman Bush asked for any thoughts from the Board. Rick Markoff brought up external lighting concerns. Jim Hagan said they will pull together a lighting plan.

Chairman Bush asked Attorney Brown of any questions. Attorney Brown asked when the SWPPP would be ready for review. Matt Napierlia said in two weeks. Attorney Brown said this needs to be provided to the town engineer, Mark Chambers. STATE DOT and SWPPP are critical factors. Change of use and change in vehicles but most approvals were done with the former dental business that was proposed.

Ralph Lamson says they need the stormwater plan sooner the better. Mark Chambers will need that to also review.

Attorney Brown stated and Ralph Lamson confirmed that this has been sent to County Planning already. Chairman Bush stated that once SWPPP is reviewed then we can hold a public hearing.

Matt Napierlia will have Plan ready by October 1 and updated architectural plans.

Motion was made to set public hearing for October 10 by Rick Markoff, second by Jerry Marzo. All Board members present were in favor.

Motion to adjourn was made by Rick Markoff, second by Jerry Marzo. All Board members present were in favor. Meeting adjourned at 7:57pm.

Respectfully submitted,



Susan M. Marzo
Planning Board Secretary

