

Minutes of the Regular Meeting held by the Town Board of the Town of LaFayette on March 8, 2004 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Gregory Scammell, Supervisor
Sandra Smith, Councilwoman
David Knapp, Councilman
Thomas Bailey, Councilman
William McConnell, Councilman

Recording Secretary: Mary Jo Kelly, Town Clerk

Others Present: Leon Cook, Highway Superintendent
Ralph Lamson, CEO
Sue Snavlin, Dep. DCO
Kevin Gilligan, Town Attorney
Derek Hubler, Eager Rd.
Geary Miller, Tully Farms Rd.
Terry Merron Esce, Route 11
Heidi Smith, Dodge Rd.
Tom Chartrand, Bookkeeper

1. Supervisor Scammell called the Regular Meeting to order at 7:50 p.m.
2. Roll call & welcome. Done at public hearings.
3. Pledge to the U. S. Flag. Completed at public hearings.
4. Motion to accept prior meeting minutes.
 - Completed at public hearings.

5. **COMMUNICATIONS:**

A. **Residents.**

B. **NYS ORPS: Residential Assessment Ratio, '02 - '03.**

“Notice is hereby given that the Board of Real Property Services has determined the Residential Assessment Ratio for the assessing unit indicated below. This ratio has been calculated using the applicable residential sales occurring between the latest final assessment roll and the preceding final assessment roll as reported pursuant to Section 574 of the Real Property Tax Law...The ratios in the list were calculated by simply dividing the total assessed value by the total selling price of each sale...”

Supervisor Scammell noted the Town of LaFayette is at 92.39.

Marshall Taylor said this is only one piece. The equalization rate will still be at 100. They are pretty sure we are at 97 and if you are within 3%, it goes to 100.

C. Onondaga County Legislature: 3.1.04 agenda.

Supervisor Scammell said the only thing of interest to the Town is the
Local Law Providing for the Disposition of Funds in an Amount Equal to Ten Percent of the Room Occupancy Tax Revenues Collected in any City, Town, or Village in Onondaga County.

D. CNY Works: 2004 Summer Work.

“...It helps to empower our 14-21 year old participants with the knowledge, skills and opportunities necessary for life-long learning and success in the workplace...”

Supervisor Scammell believes the problem with this in the past has been that it requires a supervisor to be with the youth and there are some liability concerns.

E. Onondaga County: Surplus Vehicles and Equipment Auction, 5.22.04.

Supervisor Scammell noted this is scheduled for May 22nd.
Councilman Knapp asked Leon Cook if he had anything for this.
Leon Cook said no.

F. Onondaga County Volunteer Fireman’s Association: Donation request.

“Several months ago, the Onondaga County Volunteer Firemen’s Association asked for your support of a tax deductible donation of utilizing an ad in our annual journal. 100% of all monies received go directly to O.C.V.F.A...The O.C.V.F.A. represents the 57 volunteer fire departments and ambulance corps of Onondaga County. It is our goal to promote fire safety and education to our members and the public we serve. In 2002 over 50,000 people viewed presentations utilizing our “Public Education Trailer”, held seminars and fire-fighting training courses for our members and other organizations, sponsored scholarships, poster contests, coordinating all of this with other local, regional and statewide organizations with similar goals...”

Supervisor Scammell doesn’t believe we were contacted a couple of months ago about this.

Councilman Knapp agreed.

Supervisor Scammell asked the Town Board if they wished to make a donation.

Kevin Gilligan believes this is a prohibited donation under the New York State Constitution.

G. NYS DEC: MS4 Annual Permit Report.

“On May 10, 2003, the above referenced entity applied for

authorization to discharge stormwater from their storm sewer system and obtained coverage under the above referenced SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s)...In order for the Department to monitor your progress towards achieving the identified measurable goals, you are required to conduct an annual evaluation of your program and submit the results in the form of an Annual Report. Among other things, this Annual Report must describe the activities completed during the annual reporting period ending on March 10th of each year, evaluate your progress in achieving the measurable goals identified in your initial SWMP (Notice of Intent) for each of the selected management practices, and summarize new goals planned for the next year (including an implementation schedule). In addition, you must hold a public meeting with your community to describe the contents of the report and make the report available for public comment on the completed and proposed activities...You are also required to submit a Municipal Compliance Certification (MCC) on an annual basis...”

Supervisor Scammell has an email from John Dunkle about this.

Councilman Knapp asked if John Dunkle would be the one to prepare this documentation.

Supervisor Scammell said yes.

Leon Cook said he asked John Dunkle to send Supervisor Scammell the email. One thing that has to happen is that we have to get our print done. He's working with John Dunkle on this. We are required to do some kind of training for the residents. If you put a little program in the quarterly paper, it would cover this.

Supervisor Scammell said if John Dunkle can get this in by March 12th, that is the deadline for the next issue.

Leon Cook will talk to John Dunkle tomorrow to see if he can get something done by then,

Councilman Knapp asked what kind of stuff he would be educating the residents on.

Leon Cook said run-off from their leachfields, septic tanks and if they have a compost pile, etc. This program is going to be kind of strict on the farmers spreading their manure.

Terry Merron Esce asked if there isn't a regulation on how much manure you can spread in an area.

Councilman Knapp thinks some of the big factory type farms are supposed to be going by an equation but the enforcement is very thin unless a complaint is received.

H. Bluegrass Festival Mass Gathering permit request.

Supervisor Scammell asked for any comments or questions regarding this application.

Councilman Knapp doesn't believe we have ever had a complaint about this.

Geary Miller asked when the Apple Festival group became public. They tried to have a fundraiser for the mudslide and the people who ran the Apple Festival didn't allow it.

Mary Jo Kelly said the Blue Grass Festival is applying under the Apple Festival for this permit.

Councilwoman Smith moved and Councilman McConnell seconded the motion to grant the public assembly permit for the Blue Grass Festival. Motion passed unanimously.

I. Other.

Marshall Taylor said someone needs to be sure to write a note to Residents that refunds for trash don't happen until they have paid their taxes. If there's any delay in posting the records, the resident's will have to wait until their payment has been posted.

Councilman Knapp said if the resident made a copy of their stamped tax bill, the refund can be given back.

Marshall Taylor said he will tell the people to send a copy of their stamped tax bill when requesting the refund.

6. SPECIAL REPORT: None.

7. REPORTS.

A. DEPARTMENTAL (4th Monday).

1) Building & Zoning Code Enforcement: Ralph Lamson & Jack Sutton.

- **Junk vehicle status**

- a) **Route 11 North (near McClary Road on east side).**

- Ralph Lamson said he has been talking with Mr. Russo about a

dismantled vehicle. Mr. Russo said he is going to put some fencing up so the vehicle is not visible.

b) **Jamesville Apulia (numerous violations just south of Jamesville Beach Park).**

Ralph Lamson said there are court dates set for Palladino's.

c) **Route 91.**

Ralph Lamson advised he hasn't been to this location yet.

d) **LaFayette Road, 1/2mile North of Route 20. Abandoned autos.**

Ralph Lamson said he doesn't know of any on LaFayette Rd. right

now.

e) **Route 20 & Tully Farms Road.**

Ralph Lamson has driven by there a couple of times and hasn't seen

anything going on. This can be removed from the agenda.

- **Other violations.**

- a) **Apulia Road: Other trailer.**

Ralph Lamson said there are two trailers that he hasn't found out

who the property owner is yet.

- b) **5630 Amidon Road (Daniels) - living in tent, letter sent.**

Ralph Lamson said Mr. Daniels has advised he will have everything

cleared out of there by April 15th.

Terry Merron Esce asked if it is illegal to live in a tent.

Ralph Lamson said you must have septic, electricity, etc

- c) **Route 20 & Tully Farms Road - lumber & auto sales?**

- d) **Weisbrodt property on Route 11 South.**

Ralph Lamson said the owner advised he would call Ralph when he

got back in town. Ralph hasn't heard from him but will send another letter if he doesn't hear from him shortly.

2) **Dog Control: Jon Rogers, Sue Snavlin & Madeline Despres.**

- **Onondaga County Winter Dog Quarantine - 1.1 -> 4.30, every year.**

- **Feral dogs.**

Supervisor Scammell said there have been several reports of the feral

dogs up on Amidon Rd.

Sue Snavlin said Myredeck's have rabbits and there were some dogs that did damage on their property.

Supervisor Scammell said he did see 3 dogs between Naughton and Webb Road.

Councilman McConnell said generally you see 3 to 6 dogs. Behind his house you can see tracks from dogs and coyotes.

Sue Snavlin said last week Mr. Millamaci's geese flew into a person's truck driving down Route 11A. The driver had a brand new truck and the side mirror was snapped off and there was damage to the grill. There were a couple of geese that were killed. The Town Board might want to contact Mr. Millamaci to tell him he must do something to contain the geese.

Supervisor Scammell doesn't believe we have any regulations on geese.

Councilman McConnell asked if they can bait a trap for the wild dogs.

Sue Snavlin said they have one trap but where should it be put?

Councilman McConnell said he will show her a good spot. If she would like to come up to his house Friday, he will show her where to put the cage and he will monitor it while he's home.

Sue Snavlin will get the cage and meet him to set it.

- **Billing query.**

- **Plastic airline crate for Jon Rogers (per DCO inspection).**

Supervisor Scammell asked if Jon got a cage yet.

Sue Snavlin said he was going to go get one but she doesn't know if he did yet or not.

- **New Dog Regulations .**

3) **Highway Superintendent: Leon Cook.**

- **SPDES/MS4 Stormwater Phase II** (see J. Dunkle list). Time & expense log.

- **Weller Road (200' paving) grant** – Forms from NYS Assemblyman Brown workup.

Supervisor Scammell advised the forms have been completed, signed and submitted.

4) **Justice: Malcolm Knapp & Maureen Perrin.**

- **Credit card – implementation.**

5) **Library Director: Scott Kushner.**

6) **Recreation Director:** Regina Reinschmidt.

- 2.23.04 report.

7) **Town Clerk:** Mary Jo Kelly.

8) **Town Supervisor:** Greg Scammell.

- **Intermunicipal Cooperation & Consolidation.**

Supervisor Scammell advised he attended Thursday's Roundtable where they discussed Metro government. There are no towns or villages but rather metro cities.

Councilman Knapp asked if they still have their own town governments.

Supervisor Scammell said yes. You still pay county taxes. Part of that would be the cities charges.

- **Audit 2003 books.**

This will be done later in the meeting.

B. **COMMITTEE** (2nd Monday).

1) **Communications & Technology .**

- a) **Website** (Home grown, Digital Towpath, PAETEC, other) alternatives and email (AOL, PAETEC, other) alternatives.
Need costs.

Supervisor Scammell advised we did lose some data which has now been replaced.

2) **Emergency Response.**

- **AEDs** (Defibrillators).
- **Local alerts notification to public.**

Councilman Bailey said this can be removed from the agenda.

3) **Employee Policies & Benefits.**

4) **Environmental & Conservation Advisory Board.**

5) **Highway.**

6) **Physical Plant.**

- **Leaking over library circulation desk.**
- **LaFayette Commons: SW walls, scheduled for Spring, 2004.**
- **LaFayette Commons: Heat tape to be installed in valley over library entrance.**

- **LaFayette Commons: Resheet rock repaired area over Library circulation desk area, Spring 2004.**
- **LaFayette Community Center: Insulate or heat tape over the kitchen area to prevent ice buildup.**

7) **Recreation & Youth.**

- a) **Bailey Park.**
- b) **LaFayette Beach.**
 - **New septic system completed**
 - **Plumbing to start in Spring, 2004.**
 - **Survey/transfer LaFayette Beach from LCC to town.**
- c) **Stafford Park.**

8) **Safety.**

Leon Cook said they have a meeting scheduled for tomorrow night.

9) **Senior Transportation & Housing .**

10) **Service Awards.**

- **Qualifying member affidavit.**
John Harper submitted a letter verifying names were posted for 30

days.

Councilmen Knapp moved and Bailey seconded the motion to authorize the Supervisor to sign the Authorization to Use Data For 2003 Service Award Program Administration upon receipt of affidavit from John Harper. Motion passed unanimously.

11) **SOTS & OCCRA Liaison.**

- **Amendment to Volunteer Firefighter Service Award Program** (deferred until 2003 bill jackets are available for review).

12) **Water.**

- **U.S. Army Corps of Engineers/Jamesville Reservoir – Preliminary Restoration Plan.**

Supervisor Scammell said unless the town can come up with a nonfederal sponsor who has 6 million dollars to put towards this, we cannot go forward.

13) **Zoning Review.**

- a) **Private/Public horse stables – Under Review.**
 - **PB/ZBA/CEO/CCF input.**
 - **Not regulated: 1 or 2 w.1acre each.**

- **Fencing: 2 open acres + 1/5th acre per horse minimum..**
- **Manure management plan.**

Supervisor Scammell wondered about the manure management plan and the weekly or monthly removal.

Kevin Gilligan doesn't know how you would force them into a manure management plan because you aren't granting them any permit.

Councilman Knapp asked if you could have them show a plan that they will follow to remove the manure every two weeks.

Kevin Gilligan said you can add something to the ordinance putting a cap on the manure.

Supervisor Scammell said one article he saw said a horse could produce 50 # of manure a day. A weeks worth for two horses could be 700#.

Terry Merron Esce doesn't believe there's 50# a day.

Supervisor Scammell asked what a reasonable number would be.

Terry Merron Esce said there might be 4 piles a day. She believes there would be less than 20# total per horse.

Supervisor Scammell said a more appropriate number then would be about 40# a day for 2 horses and a weeks worth would be about 300#.

Marshall Taylor would recommend ½ ton not to exceed for accumulation.

Terry Merron Esce would agree with a ½ ton pile. She thinks 1 ton would be too much.

Ralph Lamson would make the cut over ½ ton.

Terry Merron Esce would recommend making it ¾ ton.

Councilman McConnell asked how you are going to weigh it. How can you enforce something that is judgment? He would recommend measuring cubic yards.

Leon Cook said a cubic yard would be 1 ½ ton if it's wet. If it's dry it isn't going to weigh that much.

Councilman McConnell asked if there are any other towns in the area that have anything for manure management.

Kevin Gilligan said all the people he knows who have regulated it have mandated there be no accumulation.

Supervisor Scammell said we could say no more than a couple of yards can be accumulated in one spot.

Kevin Gilligan said if someone is in violation of it, what does Ralph Lamson do?

Councilman McConnell asked if this would be year-round or seasonal.

Supervisor Scammell would recommend 1 cubic yard for May through October.

Marshall Taylor said all winter long they will have the manure accumulate.

Supervisor Scammell said they would be allowed to have two cubic yards accumulate over the winter.

Geary Miller believes the DEC requires the manure be covered on farms so there is no flies.

Terry Merron Esce said you can still have flies.

Supervisor Scammell asked with the addition of “no more than 1 cubic yard can accumulate between may and October”, what needs to be done next?

Kevin Gilligan said he needs to revise this and it can be acted on at the next meeting. No further public hearing is needed as it’s a minor change.

b) Simple/small subdivision Guidelines – Under Review.

- **PB/ZBA/CEO/CCF input.**
- **TB review.**
- **Fee schedule.**
- **NYS Comptroller’s opinion.**

Supervisor Scammell has gotten information on this. He has copies of the guidelines themselves. The Board is talking about trying to make the process clearer to people.

Kevin Gilligan advised John Langey is working on this. He is waiting for a Committee Meeting date.

c) Nonconforming Uses – Under Review.

- **PB/ZBA/CEO/CCF input.**
- **Building replacement ok after fires.**
- **Lapsing options (12 months, renewable up to a year (insurance delays)).**

Councilman McConnell said one of the things that disappoints him about this is that in the Hamlet area and the surrounding areas, we do have nonconforming uses. People do need these nonconforming uses and if one of them is eliminated he doesn’t believe it’s for the good of the town.

Kevin Gilligan said only in the one district. A new person coming to town would go to an appropriate district for whatever he was proposing to do.

Councilman McConnell asked which is where.

Supervisor Scammell said north of the Hamlet. The Board also has the authority to amend an area for whatever the nonconforming use might be.

Councilman McConnell asked if it would cost the applicant anything to come before the Board for this.

Kevin Gilligan said it would be the cost for the application and the cost of the review process.

Councilman McConnell asked if the application was denied, would the applicant be refunded his money.

Kevin Gilligan said no. It costs a certain amount of money to go through the process.

Councilman McConnell asked if the money was for the Board to do the review or for the attorney.

Kevin Gilligan said for legal and engineering fees. This would not apply to a request for a zone change. There is no developer deposit for zone change requests. This would only apply to a variance.

Marshall Taylor believes the Hamlet came to be when there were about 400 people sitting in this room saying they wanted the Town Board to do something about the Nice 'N Easy proposing to locate in the Hamlet.

Terry Merron Esce asked if someone could sell their nonconforming use.

Kevin Gilligan said yes and it could keep operating until it is abandoned.

Ralph Lamson said if you have a nonconforming use that everyone wants, everyone will be using it all the time so it will never be abandoned. A nonconforming use that people want to use will stay as a viable business.

Kevin Gilligan said the county has not responded and the time has expired so the Board can proceed.

Councilman Knapp asked if the Board needed input from the Zoning Board of Appeals or the Planning Board.

Kevin Gilligan said not really.

d) Ad hoc committee for review of developer deposit process.

e) Evaluate adding commercial crematoriums to A-R districts.

Supervisor Scammell advised he would like to visit a site prior to going forward with this.

Councilman McConnell thinks they should visit the one in Skaneateles. He thinks the Board needs to look at the one in Watertown which uses the same equipment Mr. Meier is proposing to use.

Supervisor Scammell will contact Mr. Meier and advise him the Town Board would like to see the one exactly like the one he is going to build and that they will also be visiting the one in Skaneateles.

Councilman McConnell would like to visit the one in Groton that Sue Snavlin talked about. He would recommend looking at some of the surrounding town's regulations on this too.

Ralph Lamson asked if the Town Board had looked at this guys property at all. He isn't sure if there's lot frontage or if this guy has a right-of-way across someone else's property.

Supervisor Scammell said the question is whether he has lot frontage or not.

f) **Corridor Plan.**

g) **Digitized zoning map.**

8. LITIGATION & OTHER LEGAL MATTERS.

A. People v. Claire Watson.

- NYS Ag & Markets response.

This will be discussed in Executive Session.

B. LaFayette Hotel/Mr. Muraco's project at the four corners & DEC septic approval (progress continues).

Supervisor Scammell is going to call about the status of this.

C. PILOT agreement at Festival Gardens.

- Current taxes compared to PILOT.

Kevin Gilligan reviewed his response to Mr. Smith's letter.

Marshall Taylor is not in favor of this.

Terry Merron Esce agreed. This guy seems to be getting a break upon break upon break.

Kevin Gilligan said he usually pays about 30 days late.

Councilman Knapp said he does provide a service to the community offering low-income housing.

D. Noise/nuisance ordinance.

- Public nuisance laws. NYS Penal Law, Section 240.20.
- Open burning/noxious odors.
 - NYS Penal Law (TB).
 - CCE materials (GS).

E. Lynn Hutton/SummerRidge - awaiting deed & dedication.

This has been completed and can be removed from the agenda.

F. Dog Regulations draft.

Councilman McConnell said if we change the wording on this, we can't act

on it tonight.

Councilman Knapp asked if we want to change the 15 minute time span.

Councilman McConnell would recommend changing it to a total of 30 minutes within an hour.

Councilman Knapp would recommend making it 15 consecutive minutes or a total of 30 minutes within a 60 minute period.

Councilman Bailey asked about changing the language and having it be able to be upheld in court.

Kevin Gilligan said the only thing we know is that the proposed language has been upheld. If the Board changes it, he doesn't know.

Councilman McConnell asked how often this would happen in the Town of LaFayette.

Ralph Lamson asked if you are going to go 30 minutes within an hour, why not leave out the 15 consecutive minutes?

Supervisor Scammell believes 15 minutes is a long time.

Councilman McConnell would agree.

Kevin Gilligan said most people, if their dog is barking, will go out to see what is wrong with the dog.

Terry Merron Esce said usually her dogs bark for a reason.

It was decided to still use the proposed language of 15 minutes.

TOWN OF LAFAYETTE

RESOLUTION TOWN BOARD MEETING

The following resolution was offered by David Knapp, who moved its adoption, seconded by William McConnell, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, a proposed local law entitled "AA Local Law Amending Local Law No. 1 of the Year 1981 Pertaining to Howling or Barking Dogs in the Town of LaFayette", was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on February 23, 2004; and

WHEREAS, the SEQR review for this action was completed at this Board=s February 23, 2004 meeting the Board having determined this to be a Type II action; and

WHEREAS, a public hearing was held on such proposed local law on this 8th day of March, 2004 by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the

possession of the members of the Town Board of the Town of LaFayette in its final form in the manner required by Section 20 of the Municipal Home Rule of the State of New York; and

WHEREAS, it is in the public interest to enact said Proposed Local Law No. 2 of 2004.

NOW, THEREFORE, it is

RESOLVED, that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby enact Proposed Local Law No. 2 of 2004 as Local Law No. 2 of 2004 as follows:

**TOWN OF LAFAYETTE
LOCAL LAW NO. 2-2004**

**A Local Law Amending Local Law No. 1 of the Year 1981
Pertaining to Howling or Barking Dogs in the Town of LaFayette**

Be it enacted by the Town Board of the Town of LaFayette, as follows:

Section 1. Amendment

Town of LaFayette Local Law No. 1 of the year 1981 entitled AA Local Law to Impose Restrictions Upon the Keeping of Dogs Within the Town of LaFayette@, as amended, is hereby further amended so that Section 4(a) shall read, in its entirety, as follows:

- aa. bark, whine or make other noise for a period of at least fifteen (15) minutes within any one-hour period, which barking, whining or other noise can be heard from a location outside of the owner=s premises and would disturb a reasonable person of normal sensitivities.@

Section 2. Effective Date

This local law shall take effect immediately upon its filing with the New York Secretary of State.

The question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

Gregory Scammell	Supervisor	Voted	Yes
Sandra Smith	Councilwoman	Voted	Yes
David Knapp	Councilman	Voted	Yes
Thomas Bailey	Councilman	Voted	Yes
William McConnell	Councilman	Voted	
Yes			

The foregoing Resolution was thereupon declared duly adopted.

9. UNFINISHED BUSINESS & ACTIVE PROJECTS.

A. Resolution for Nonconforming Uses.

TOWN OF LAFAYETTE

RESOLUTION TOWN BOARD MEETING

March 8, 2004

The following resolution was offered by Councilman Bailey who moved its adoption, seconded by Councilwoman Smith, to wit:

WHEREAS, pursuant to the provisions of the Town Law, a proposed ordinance was presented and introduced at a regular meeting of the Town Board of the Town of LaFayette held on February 9, 2004 which would amend the 1970 Zoning Ordinance of the Town, as previously amended, with respect to nonconforming uses, structures and lots; and

WHEREAS, a public hearing was held on such proposed ordinance on this date by the Town Board of the Town of LaFayette and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed ordinance having been heard, and said proposed ordinance having been in the possession of the members of the Town Board of the Town of LaFayette in the manner required by law; and

WHEREAS, at its February 9, 2004 meeting, this Board determined that the proposed ordinance amendment, as herein described, was an unlisted action for purposes of environmental review under SEQR.

NOW, THEREFORE, it is

RESOLVED AND DETERMINED, that this Board has reviewed the short form ear submitted in support of this proposed text amendment change,, has reviewed the criteria set forth in 6 NYCRR Section 617 and the eaf part II, has considered the potential environmental impacts associated with the proposed action, and has determined that there are no identifiable adverse environmental impacts that are likely to emanate from adopting these new regulations and that the Board hereby renders a negative declaration for purposes of SEQR; and it is further

RESOLVED AND DETERMINED, that the reasons supporting this negative declaration are as follows:

- A. Nonconforming uses by their nature are not compatible with surrounding uses, but are**

allowed to continue as an accommodation to their owners.

- B. At the same time, such uses should not expand or grow so that they have more of an adverse impact on their neighbors.
- C. Prior regulations were too open-ended, allowing one nonconforming use to be replaced by another with minimal review required.
- D. The purpose of the proposed amendment is to restrict and regulate the growth and potential impacts of changing nonconforming uses, while protecting the investment of nonconforming use owners;

and it is further

RESOLVED AND DETERMINED, that the Town Board of the Town of LaFayette, Onondaga County, New York, does hereby adopt the proposed Ordinance amendment, as follows:

**AMENDMENT TO THE 1970 ZONING ORDINANCE;
AS PREVIOUSLY AMENDED, AS IT RELATES TO
NONCONFORMING USES OF THE TOWN OF LAFAYETTE**

BE IT ORDAINED, by the town of LaFayette, acting through its duly constituted Town Board and pursuant to the authority conferred by Section 265 of the Town Law, that the 1970 Zoning Ordinance of the Town of LaFayette, as previously amended, is hereby further amended as follows:

1. Article VIII - DEFINITION, Section "B", entitled "PARTICULAR DEFINITION" is amended so as to remove all paragraph numbers and letters.

2. Article VIII - DEFINITION, Section "B", entitled "PARTICULAR DEFINITION" is amended so that a definition for "NONCONFORMING STRUCTURE OR LOT" is added, as follows:
"NONCONFORMING STRUCTURE OR LOT - - A structure or lot that does not conform to a dimensional regulation prescribed by this ordinance for the district in which it is located or to regulations for signs, off-street parking, loading or accessory buildings, but which structure or lot was in existence at the effective date of this Ordinance and was lawful at the time it was established."

3. Article VIII - DEFINITION, Section "B", entitled "PARTICULAR DEFINITION" is amended so that the definition of "NONCONFORMING USE" shall read, in its entirety, as follows:
"NONCONFORMING USE - - A use of a building or lot that does not conform to use regulation prescribed by this Ordinance for

the district in which it is located, but which was in existence at the effective date of this Ordinance and was lawful at the time it was established..”

4. Article V – PARKING, SIGNS, AND SUPPLEMENTAL REGULATIONS, Section “D”, entitled ‘NONCONFORMING USES’ is amended so that it shall read, in its entirety, as follows:

“SECTION D. NON-CONFORMING LOTS, STRUCTURES AND USES

- 1. Within the districts established by this Ordinance, there exist lots, structures, and uses of land which were lawful before this Ordinance was originally passed or amended but which would be prohibited, regulated or restricted under the terms of this Ordinance of further amendment. It is the intent of this section to permit these nonconformities to continue until they are removed or abandoned; but not to encourage their survival. It is further the intent of the Town that nonconforming uses shall not be enlarged upon, expanded, extended nor that they be used as grounds for adding other structures or uses prohibited elsewhere in the same district.**
- 2. Except as otherwise provided herein, legal nonconforming uses and structures may continue to exist and may be maintained and repaired. A nonconforming structure that is declared unsafe by a proper official of the Town, may be strengthened or restored to a safe condition.**
- 3. Nonconforming uses are hereby declared to be incompatible with permitted uses in the districts involved. A nonconforming use may be expanded into any portion of a building that existed as of the date of provision of this Zoning Ordinance, which would otherwise prohibit such use. In all other cases, a nonconforming use of a structure or land shall not be extended or enlarged nor shall the existence of a legal nonconforming use serve as grounds for adding structures or uses otherwise prohibited in the same zoning district.**
- 4. A nonconforming structure or building may not be extended or enlarged unless the owner thereof shall first apply to the Zoning Board of Appeals and receive a Specific Use Permit authorizing such extension or enlargement. In granting such a Permit, the Board of Appeals must find that such proposed extension or enlargement will not be detrimental to the neighborhood.**
- 5. A nonconforming lot shall not be further reduced in size.**
- 6. No nonconforming use, or part thereof, if wholly or partially changed to a conforming use shall thereafter be changed back to a nonconforming use.**
- 7. In any district, whenever a nonconforming use of land or structure on any part or portion thereof has been**

discontinued for a period of one (1) year, such nonconforming use shall not thereafter be reestablished, and all future uses shall be in conformity with the provisions of this Ordinance as it may be amended. Such discontinuance of the active and continuous operation of such nonconforming use or part of portion thereof for such period of one (1) year is hereby construed and considered to be an abandonment of such nonconforming use, regardless of any reservation of an intent not to abandon same or of an intent to resume active operation. If abandonment in fact is physically demonstrated by the removal of buildings, structures, machinery, equipment and other evidence of such nonconforming use of the land and premises, the abandonment shall be construed and considered to be completed and all rights to reestablish or continue such nonconforming use shall thereupon terminate, regardless of the period of time.

- 8. Nonconforming structures or buildings or any structure or building containing a nonconforming use may be repaired and/or restored to their former condition after damage by casualty loss or deterioration due to the elements. Such repair and/or restoration must be completed within (1) year of the date the damage was sustained. Failure to do so shall be considered abandonment pursuant to the foregoing paragraph (7). This period may be extended for up to one (1) additional year upon application to the Town Zoning Board of Appeals for good cause shown.

2. Effective DATE: This Amendment to the 1970 Zoning Ordinance of the Town of LaFayette, as amended, shall take effect as provided in Section 265 of the Town Law.

The question of the foregoing Resolution was duly put to a vote and, upon roll call, the vote was as follows:

Supervisor Scammell	Aye	
Councilwoman Smith	Aye	
Councilman Knapp		Aye
Councilman Bailey		Aye
Councilman McConnell	Aye	

The foregoing Resolution was thereupon duly adopted.

- B. Resolution for Horse Regulation.
- C. Time-Warner Cable TV franchise renewal .
 - Franchise fees.

D. ZBA Alternate member appointment.

E. Dell Bush stream naming.

F. Speed limit reduction request:

- Keough Tract.

G. Cram Communications, WVOA-AM towers.

- Engineering study performed by Cram to be reviewed by independent consultant, pertaining to impact on Groth Road Communications Tower.

F. Groth Road Communications Tower Inspection. Bolt replacement.

H. Welcome Signs.

Councilman Knapp submitted some pictures for the Town Board's review. The cost for a 54" x 48" sign would be about \$1,100 each.

10. NEW BUSINESS.

A. Dave Baker employee status.

Tom Chartrand said he currently does the maintenance on the fields.

The Board has been paying him on voucher and Community Council would like to put him on payroll similar to the lifeguards. He doesn't know if they have budgeted enough for this. He thinks the Town paid him about \$600 last year and Community Council paid him some too.

Councilman Knapp thinks they paid him about the same amount.

Tom Chartrand said if he goes on the payroll, the Town will be picking up Social Security and Retirement benefits, etc.

Leon Cook said he comes to all the Safety Meetings too.

Councilman McConnell said he does a great job.

Leon Cook said last week a DEC investigator came to the Town Offices. There was a run-off drainage problem at the landfill. Leon went over to the landfill with the investigator. Since CRAM widened the road to get through, they plugged the pipe. Once he explained the situation, the investigator said she will be sure CRAM takes care of it. She called him on the phone last Friday and verified she hasn't gotten in touch with anyone from CRAM yet but she is working on it. This has nothing to do with us.

B. Followup to Maplewood Cemetery's request for donation for Grimshaw family plot.

Discussion took place regarding the upkeep of the Grimshaw family plot.

Supervisor Scammell will find out exactly what the donation they are requesting would go towards.

Councilman McConnell would recommend waiting to see the scope of the work to be done.

C. Other.

Geary Miller said he lived on Tully Farms Rd. and a bunch of them lost their houses from the mudslide. They turned to the county, town and state, etc. for help. The state early on offered them a buy-out but the town wouldn't go along with it. He spent about a year lobbying in Washington trying to change the constitution and work through this nightmare. He is looking to subdivide his property but can't afford the developer deposit and application fees. He is asking the Town Board to waive the fees involved.

Supervisor Scammell asked if there is any provision for waiving the developer deposit.

Kevin Gilligan said no. The Town Board has the authority but there are no provisions for this.

Councilman McConnell asked how the town didn't help him the way he thought they should have.

Geary Miller said the state offered a buy-out. The state constitution forbids the state from helping anyone with their homes or property. He went through every branch of the government looking for help.

Councilman McConnell asked if he expected the town to buy his property.

Geary Miller said the state offered a buy-out through the town.

Supervisor Scammell said the town could not do it because we cannot purchase things like this legally.

Kevin Gilligan said this is not a charge the Town can put in the Town Budget.

Supervisor Scammell advised the Town couldn't do what Mr. Miller wanted them to do legally.

Geary Miller asked if the Town Board could change the regulations to add hardship regulations.

Councilwoman Smith said if a deposit is put down and everything is in order, the applicant will probably get some of the deposit back.

Kevin Gilligan said that is correct. Depending on the quality of what is turned in, the cost could be very little. If a lot of work is required, the deposit might not be enough.

Geary Miller believes his experiences with the Board have been negative.

Councilman Bailey takes offense to that statement. He wasn't on the Board in 1993.

Geary Miller said the only guy he knows here is Supervisor Scammell. It seems the board is trying to do a good job but his experiences in the past have been really negative.

Terry Merron Esce believes it's the higher places that have caused the problems, not the local level of government.

Councilwoman Smith advised there were fundraisers at the time.

Geary Miller said they didn't get any of that money.

Mary Jo Kelly advised Pam Ferguson and Beverly Oliver should be advised of this as they headed up the fundraisers.

Ralph Lamson said Geary Miller has sat here so many times and badmouthed the Town Board and now he is asking them for money. He asked why he can't be polite when he comes in to talk to the Board.

Councilman Bailey advised the Dept. of Social Services of Onondaga County will take care of his short-term necessities.

Geary Miller said he is not eligible as his wife makes over \$30,000.

Terry Merron Esce doesn't understand why he can't get SSI if he is disabled.

Geary Miller said you have to work 5 out of the past 10 years to be eligible.

Councilman Bailey said last April the Town was hit by an ice storm. Some folks were without power for several days. Some of these resident's lost the food, etc. that was in their freezer's and refrigerator's. They couldn't come to the Town Board asking the Town to replace their food.

Councilman McConnell asked if Geary Miller's wife is working, why can't they afford to go forward with this subdivision? He asked Geary why he said he was going to be a good member of the Town if he doesn't live in the Town anymore.

Geary Miller said he still has 32 acres of nothing in this Town. He asked the Board if there is anything they can do. This is an issue that the Town Board should be glad to help him with.

Terry Merron Esce said he wants monetary help and the Town Board can't give him that but might be able to give him suggestions on how to obtain help.

Geary Miller would like access to some of the grant money that was spent on a water supply for some of his neighbors.

Tom Chartrand said the Town received a reimbursement from

FEMA for work the Highway Dept. did down at the mudslide site which is being held in a Community Development Fund.

Geary Miller said it was some kind of grant for water supply for about \$50,000.

Supervisor Scammell said he is incorrect about this.

Councilman Bailey said Past Supervisor Smith did some testing for water in that area.

Tom Chartrand said instead of reimbursing the Highway Fund for work the Highway Dept. did, they put the money in a Community Development Fund hoping in the future they would be able to come up with a water system for that area. They used most of the money when they were trying to develop a water system from Bear Mt.

Councilman Bailey asked if there was any drilling that took place.

Tom Chartrand said there was insufficient flow and the cost to bring it to the homes was too high. The price has to be under \$500 per household and the cost was going to be more than \$5,000 per household. There is money left in that Fund and it's this Town Board's decision how to spend it.

Supervisor Scammell said it was not grant money given to the Town for a water supply.

Geary Miller asked if it was earmarked for a water supply.

Supervisor Scammell said it's money that the Town expended in the past. When you say the Town didn't give you anything, that is incorrect.

Councilwoman Smith moved and Councilman Knapp seconded the motion for the Board to go into Executive Session to discuss a matter of litigation and to include the Code Enforcement Officer and Town Attorney. Motion passed unanimously.

The Town Board went into Executive Session at 10:30 p.m. and Supervisor Scammell called the Regular Town Board Meeting back to order at 11:55 p.m.

Councilman Knapp moved and councilwoman Smith seconded the motion to donate \$100 to the Jamesville-DeWitt High School After Prom Party. Motion passed unanimously.

Councilmen Knapp moved and McConnell seconded the motion to audit and pay the following bills:

GENERAL FUND	# 732 TO 789
HIGHWAY FUND	#720 TO 731
SPECIAL DISTRICT FUND	# 719

Motion passed unanimously.

Councilmen Knapp moved and McConnell seconded the motion to credit \$300 to Geary Miller towards a Developer Deposit as well as

to other homeowners whose houses were displaced by the 1993 mudslide. Motion passed unanimously.

Councilmen Knapp moved and Bailey seconded the motion that the Supervisor's books were audited and approved. Motion passed unanimously.

There were no suggestions for improvement or positive contributions.

Councilmen Knapp moved and McConnell seconded the motion to adjourn. Motion passed unanimously.

The Regular Town Board Meeting adjourned at 11:56 p.m.

Respectfully submitted,

Mary Jo Kelly
Town Clerk

Hi Folks,

Attached please find a corrected page 17 for your March 8, 2004 Town Board Meeting Minutes. The last sentence in Paragraph 8 was omitted in error.

Thank you,

Mary Jo