

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



# Planning Board Meeting

Date: June 21, 2022

Time: 7:00 pm

Location: LaFayette Town Hall

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**Meeting called by:** LaFayette Planning Board

**Chair:** Brad Bush, Chairman

**Secretary:** Sue Marzo

**Attendees:** **Planning Board members: Chairman Brad Bush, Heath Kotula, Barb Lasky, Rick Markoff**  
**Jeff Brown, Town Counsel, Ralph Lamson, Codes Officer, Jackie Roorda, Town Clerk, Joseph Nicotra, applicant, Carol Blair, Salvatore Nicotra, Priscilla Nicotra, Melanie Palmer, Town Council, Doug Anderson, Mary Helen Myrdeck, Dale and Greg Shinneman**

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**Agenda Items:**

1. Pledge of Allegiance
2. Approval of January 18, 2022, Planning Board minutes
3. Case #5-2021-PB

Public Hearing for the Application submitted by Joseph S. Nicotra for a Site Plan Approval for a small retail used car lot with an office, located at 2813 US Route 11, LaFayette (previously Log Cabin Restaurant) (Tax Map # 020.-03-04.2)

## Discussion:

Chairman Bush welcomed all in attendance and asked everyone to stand and join in the Pledge of Allegiance. Secondly, Chairman Bush asked for a motion to approve the minutes of January 18, 2022. A motion was made by Rick Markoff, second by Heath Kotula to approve. All Board Members present approved the minutes as written.

Applicant Joseph Nicotra was asked to give an overview of the project by Chairman Bush. He advised that he is putting together an office for the purpose of operating a small used car lot while maintaining his dealer license. He had a business on Erie Boulevard that he discontinued and has a few cars left in storage to sell. After they are sold, he will scale down the number of cars to just a few. This will be a daytime business with no lighting in Spring, Summer and Fall only. No repairs will be done at the site. Initially he plans on 15-17 cars. He will scale down to 5-8 in time. Brad Bush asked if they would be road worthy cars or if there would be any dismantling or junking of tires going on. Mr. Nicotra replied that

they would be road worthy and no tires because there would be no automotive repairs at this location. Mr. Nicotra stated that he will do what he is allowed to do by the Planning Board. Chairman Bush asked about the remainder of the building, what are you going to do? The applicant stated that it will be residential. They plan on living there and hopefully with further approvals operate a small antique store. Mr. Nicotra is taking it step by step to bring the building up to code and go from there. He hopes that with further approvals for antique sales, he could run a few outdoor tent sales and get some exposure going in the summer months. Chairman Bush reminded everyone that we were just reviewing the used car lot this evening.

Attorney Brown stated that at the last meeting the Board talked about signage. He asked the applicant to update the Board on that subject. Mr. Nicotra stated that his registered repair shop sign is already hung on the building, and he has plans to hang a small sign identifying himself that he has had since 1975 right next to the repair sign.

Attorney Brown advised that this is an unlisted action SEQR that applicant has filled out part 1 and the Board now needs to go through parts 2 and 3.

**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”

Part 3 - Attorney Brown advised that 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 was made by Barb Lasky, second by Heath Kotula. All Board members present were in favor.

Chairman Bush advised that this application has been to County Planning. Also, The DOT has signed off on this project. Existing restaurant sign was removed, and applicant has met the suggestions of the DOT.

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

Resident Dale Shinneman noticed that the building looked chuck full of stuff. Mr. Nicotra says he can't do anything with the contents until the second part of the application, antique store is approved. If he gets approval, he will advertise the antiques. It will probably just be an a-frame sign. It is just a hobby for he and his wife (Carol Blair), something that they enjoy. Carol Blair stated that they will be living in the building. It will be residential and commercial, and they will not be renting out space. Ms. Shinneman asked if zoning laws were specific enough that this will not end up being an eyesore. Ms. Blair states that the property will need to be kept up and she assures it will be. Chairman Bush again states at this time this is a single family residence with a car lot.

Resident Doug Anderson asked for confirmation on the number of cars. Applicant responded that once he sells his inventory from a former business, he expects to have ½ dozen cars. He buys and sells in Florida as well. This is a free time adventure for him.

There were no further comments from the public. Motion was made by Rick Markoff, second by Barb Lasky to close the Public Hearing. All Board Members present were in favor.

Barb Lasky stated that as presented this seems to be a very low-key business. All other Board Members stated their agreement.

Attorney Brown stated that there are options for putting conditions on the approval. The following conditions were suggested:

- All vehicles must be road worthy
- Limit the number of vehicles – larger to smaller

Code Officer Ralph Lamson asked to view the drawing when asked about number of cars to limit. He stated that 17-19 would be excessive. Chairman Bush asked if we capped at 15 would that be ok. It was decided to limit to 15 vehicles in 2022 and limit to 10 vehicles in 2023 and beyond.

- Prohibit any auto mechanic work on the site

Motion was made by Rick Markoff, second by Barb Lasky to approve the application with above stated conditions. All Board Members present were in favor.

Motion was made by Rick Markoff, second by Heath Kotula to adjourn. All Board Members present were in favor.

Meeting adjourned at 7:21 pm.

Respectfully submitted,

Susan M. Marzo  
Planning Board Secretary

