

Planning Board Meeting

Date: March 26, 2024

Time: 6:00 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, Heath Kotula, Mark Whitney, Rick Markoff, Barb Lasky, Mike LaCava**
Jeff Brown, Town Counsel; Ralph Lamson, Codes Officer; Dorothy Danyew, applicant; Janet and Mike Oppedisano, applicant; Jan Lighton, representative for applicant, David Crompt
Residents: Gabrielle Danyew, Laurie & Zen Werbowsky, John & Beth Lytle, Josh Shute, Tim and Laurie McCarthy

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- Agenda Items:**
1. Pledge of Allegiance
 2. Approval of February 20, 2024, Planning Board minutes
 3. **Case #1 2024-PB Public Hearing**
Continuation of Public Hearing for the application submitted by David Crompt for subdivision on Apulia Rd. – Farm Lot 2 – Keough Farm Subdivision Herbert M. Namann Living Trust. Tax Map (001.-04-28
 4. **Case #3-2023-PB Public Hearing**
Public Hearing for the application submitted by Dorothy Danyew, for Site Plan (PB) approval for the purpose of establishing a venue to hold wellness activities and small wedding gatherings located within her 20' x 40' barn. The property is located at 6021 Commune Road and is zoned as Agricultural (Tax Map # 022-05-12.2)
 5. **Case #2-2024PB Public Hearing**
Public Hearing for the application submitted by Janet & Thomas Oppedisano for Site Plan approval located at 1955 Meeker Hill Road (Tax Map # 012.-05.29.1) to construct a commercial greenhouse and roadside stand.

Case #1 2024-PB Public Hearing

The meeting opened with the Pledge of Allegiance followed by approval of minutes from February 20, 2024, with a requested update. Chairman Bush asked for one change on page two from a simple four-lot subdivision to a three-lot subdivision. Motion was made to approve the minutes with said modification by Rick Markoff, second by Barb Lasky. All Board members were in favor of the amended minutes.

This is a continuation of Public Hearing for the David Crompt property. Jan Lighton representing the applicant updated the Board addressing the new map provided with 2' contours, proposed driveways and table for sight distance. Also displayed are the proposed home locations and sizes and addition of a stone wall in the rear of the property. She advised there will be a small spring present on lots 1 and 4. The applicant was issued a letter from the County DOT giving tentative approval of the driveway locations and permission to apply for standard driveway permits. They have retained a landscape architect for water drain management. RC Engineering is retained for design of the septic systems. They are still waiting for abandonment of the water easement from the Village of East Syracuse which has asked for an appraisal on the water right of way. They still believe this will not be an issue. Disclaimer on previous map from Town of LaFayette was mentioned.

Code Officer, Ralph Lamson advised that the document the applicant is referring to from December 2002 was referring to a notation on the map that it would be ok to drive over the easement if East Syracuse was notified as to what you were going to do.

SEQR Short Form Part 2 and 3 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.

Motion as set forth was made by Mike LaCava and second by Heath Kotula. All Board members were in favor.

Vern Klein of 6402 Hedgerow Lane addressed the Board. He has been on the phone with the U.S. Fish and Wildlife Service and the DEC. He was advised that a 200' visual line of sight is required when you put the driveway in entering into Apulia Rd. He advised that behind his home his property is completely drenched with water from the boglands above. How will they divert that? Fish and Wildlife informed him that they can only plant trees at certain times due to the habitat of the Northern Long Eared Bat and Indiana Bat who bore themselves into the trees. Fish and Wildlife wants an environmental impact study done from federal, state and local Governments. With that said if this continues, he is prepared to hire an environmental attorney. He does not want this project to proceed because there is so much wildlife on this property that will be impacted. Previously they wouldn't let driveways go down to Apulia Rd. and the applicant wants four driveways on this application. Why are they now allowing these driveways?

Chairman Bush advised that currently there is preliminary clearance for the line of sight, but every driveway would need to be individually approved by the DOT.

Zen Werbowsky asked why is the approval for 3 lots? Chairman Bush advised that one lot is already approved, and they are making four lots requiring approval for an additional 3 lots. There will still be four lots and four homes if approved.

John Lytle lives adjacent to the property and will be impacted tremendously. One of the proposed driveways is going to come right up to a heavily wooded area and cause a problem with drainage. He has installed two french drains and there is a natural ditch on his property currently to handle it. All the water coming down is trying to get to the reservoir. He counted 10 white tail deer going through the trail on his property last evening. He has put in an extra sump pump because of the ground water. He is very worried about this development and the impact on his property. The visual natural beauty they see out their back door will now be a house. They will be impacted on three sides. Environmental and drainage are real concerns for him. He is concerned about how many trees would be cleared in putting in the driveway. Without those trees, that is going to increase the drainage problem as well as the aesthetics. Mr. Lytle asked if anyone could answer how wide the driveway would be. Jan Lighton advised it would be a typical driveway with basic width. Beginning of it is shown on the bottom right of the map provided. That is where it is pre-approved. Ms. Lighton pointed out on the map where the driveway would be.

Chairman Bush asked Code Officer Lamson about drainage concerns. His guess is that all the properties will have to get a Storm Water Management Plan because they are going to disturb more than an acre of land. Town engineers will have to review and sign off on it.

Mr. Lytle says it is a beautiful area in the northern part of Town and he would like to see it maintained and have the least amount of disturbance to wildlife and natural beauty. He is asking the Board to assure to protect the natural beauty and resources by development of this land.

Zen Werbowsky asked if they could move homes closer to the road to preserve the back of the properties from impact. Brad Bush said they can put them anywhere they want if they comply with zoning setbacks. Mr. Werbowsky asked what the setback from the road is. Code Officer Lamson advised it is 50'. He also stated that they only have to be 25' off the back property line. It's up to the landowner where they want their house placed on the property as long as it is confined with the required setbacks.

Mr. Werbowsky asked for a moratorium to adjust those setbacks. Code Officer stated then it would have to be done for the whole town.

Laurie Werbowsky also is concerned about drainage concerns. Chairman Bush advised again that these properties would have to go through a Storm Water Protection Plan by the Town Engineers. It will be a temporary approval until the engineering studies are done.

Motion was made by Rick Markoff, second by Barb Lasky to close the Public hearing. All Board members were in favor.

This application would be conditional on storm water review. Ralph Lamson agrees this is a good suggestion to approve with that condition and regarding the bats he noted a similar application at Jamesville Grove where the trees could not be removed during mating or breeding season. This should also be a condition. The Town Code requires certification of the application by the Town Engineer and/or a Certified Engineer. Also need approvals for septic and driveways.

Motion was made by Mike LaCava second by Heath Kotula to approve a Storm Water Prevention Plan required for each lot prior to building; application certified by Town Engineer or certified engineer; Dept of Health approval of septic; drive cut approval by DOT; and any species detected or monitored by a regulatory agency has to be studied for protection prior to building. If the applicant is not ok with conditions, they can decide not to build out the lots. All Board members were in favor.

Chairman Bush thanked everyone for their compassion, but the Planning Board is limited as to what they can do.

Follow up would be when they file a request to start construction. This is the only requirement. No site plan approval is required for single family homes.

Case #3 – 2024PB

Dorothy Danyew has no further updates to report on the project.

SEQR Short Form Part 2 and 3 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? – “Moderate 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? – “Moderate 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 for Planning Board as stated was made by Rick Markoff, second by Heath Kotula . All Board members present were in favor.

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

Chairman Bush read a letter of opposition submitted by Robert Dedell of Commane Road. His concerns are noise, parking, and impact this will have on his property.

Josh Shute was next to speak. He owns the vacant lot next to the proposed event barn. He agrees with the sentiment of the letter read and asked about events outside of the barn such as outdoor yoga or wellness classes. He wants to assure that the attendee limitations not to exceed 50 are for both inside and outside events. The venue cannot compare to the Apulia Rd. facility. The type of traffic on Commane and Apulia Rd. is not the same.

Chairman Bush asked the applicant if she can limit participation to apply to both in and out of the facility. Ms. Danyew advised that 50 is her number. She also advised to not compare her venue to Apulia Rd. venue as they are quite different. She is looking for a quaint quiet venue. Her house is on a curve and there is no possibility of road parking nor would there likely be speeding due to the curve. Chairman Bush asked if we could limit all activities inside or out to 50 or under with parking for 20 cars. Ms. Danyew does not want to do anything with more than 50 people or later than 10:00 pm.

Motion to close the Public hearing was made by Rick Markoff and second by Mike LaCava. All Board members present were in favor.

Jeff Brown advised of the proposed conditions as follows: 8:00 am – 10:00 pm Monday through Sunday; parking not allowed on the street; Occupancy by no more than 50 attendees at any time; outdoor lighting must be night sky compliant. Barb Lasky asked about the number of events monthly or will it be every weekend? Per Gabrielle Danyew regular operation will be mostly 5-10 people. Applicants were advised that they must comply with the Town’s noise ordinance that can be found online.

Motion to approve the application with the aforementioned conditions was made by Mike LaCava and second by Heath Kotula. All Board members present were in favor.

Case #2-2024PB Public Hearing

Janet and Mike Oppedisano are asking for site plan approval for a commercial site for a roadside stand. Chairman Bush asked the applicant if there were any changes. The Board and Code Officer were fine with proposed application as presented.

SEQR Short Form Part 2 and 3 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.

Motion for the Planning Board as stated was made by Mike LaCava second by Barb Lasky . All Board members present were in favor.

Tim and Laurie McCarthy live next door and had a few questions. Tim McCarthy asked about the setback for the proposed building. Code Officer Lamson stated there is a required setback for the outbuilding but not for the parking lot. This is an allowed use in an agricultural district. Mr. McCarthy said yes but this is a retail operation in a residential neighborhood. Laurie McCarthy is concerned about the proximity of their driveway to the proposed area. They have a small lot adjacent to this 10-acre property. She is concerned about more than minimal traffic increases. She is also concerned about the materials and aesthetics of the parking area which will be close to their property line. She is not opposed to the business but of the parking location. Tim McCarthy would like to see some pine trees planted as a buffer. Ms. Oppedisano stated there is an electric pole in the driveway and they propose removing a tree that is falling down. She is trying to increase biodiversity by removing much of the grass and putting in trees, shrubs and native planting. She is working with NRCS to rewild the property. Ms. McCarthy asked if the native shrubs would be uprooted for sale. Ms. Oppedisano stated that her goal is to separate the production area from the native plants. Tim McCarthy wanted the pine trees to eliminate the visual of the parking lot. Ms. Oppedisano said the parking lot will be planted with native plants, grasses and shrubbery for a better visual than pine trees to handle their concern.

Motion was made to close the Public hearing by Barb Lasky, Second by Mike LaCava . All Board members present were in favor.

Motion to approve the application was made by Mike LaCava, second by Mark Whitney. All Board members present were in favor.

Motion to adjourn was made by Rick Markoff, second by Mike LaCava. All Board members present were in favor.

Meeting adjourned at 7:05 pm.

Respectfully submitted,

Susan M. Marzo
Planning Board Secretary

