

## ZONING BOARD OF APPEALS MEETING MINUTES OF JUNE 10, 2014

Minutes of the Zoning Board of Appeals Regular Meeting held by the LaFayette Zoning Board of Appeals on June 10<sup>th</sup>, 2014 in the Meeting Room of the LaFayette Commons Office Building at 2577 US Route 11 in the Town of LaFayette at 7:00 p.m.

Present: Stephen Beggs, Chairman  
Christine Keenan, Member  
James Nash, Member  
Karl Fields, Member  
Jerry Marzo, Member

Recording Secretary: Jacqueline Roorda

Others Present: Ralph Lamson, Building and Code Enforcement Officer  
John Langey, Attorney  
Sidney and Debbie Cooper, Applicants  
Robert and Patricia Latocha, Applicants

At 7:01 Chairman Beggs called the meeting to order, welcomed everyone and requested attendees introduce themselves. Beggs asked if there were any additions or corrections to the Zoning Board of Appeals May 13, 2013 meeting minutes. There were none.

**Member Keenan moved and Marzo seconded motion to accept the Minutes of the May 13, 2014 Zoning Board of Appeals meeting Minutes. Motion carried.**

Chairman Beggs opened the Public Hearing regarding the first case on the agenda for Sidney and Deborah Cooper for a property rear yard variance for placement of a 26' x 26' garage at 3092 US Route 11 and asked Mr. Cooper to give a brief summary of their request.

Mr. Cooper advised that basically they wish to tear down their one and a half car, old garage as it needs a lot of repairs and instead rebuild a slightly larger two and a half car garage (26' x 26') using the existing foundation. This means they need a variance for the rear yard to be approved.

Chairman Beggs asked if there were any questions or comments from the public or the Board. None were voiced.

Ms. Keenan moved and Mr. Nash seconded the following Resolution:

**SIDNEY and DEBORAH COOPER (Owners) -- Appeal for approval of a rear yard variance for placement of a 26' x 26' garage on premises located at 3092 US Route 11 North in a Residential District - GRANTED**

**WHEREAS**, Sidney and Deborah Cooper (the "Owners"), as owners of property located at 3092 US Route 11 North, LaFayette, New York in the Town of LaFayette (the "Property"), appealed to the LaFayette Zoning Board of Appeals (the "Board") on April 29, 2014 for a 15'11" easterly (rear yard) variance to allow for placement of a 26' x 26' (2.5 car garage) on an existing 18' x 20' (1.5 car garage) poured concrete foundation at the Property in an Agricultural/Residential District pursuant to Article VI of the 1970 Town of LaFayette Zoning Ordinance, as amended (the "Ordinance"); and

**WHEREAS**, the Board has the power to grant such a rear yard variance upon the findings set forth in said Article VI of the Ordinance; and

**WHEREAS**, a public hearing on the application was held by the Board at its regular meeting on June 10, 2014 and after due notice by publication in the Syracuse Post Standard and due notice to the Petitioner, neighboring landowners and Board members, in accordance with the law and the Ordinance; and

**WHEREAS**, the Board, in accordance with the State Environmental Quality Review Act, as lead agency, has found that the proposed area variance is a Type II action and will not result in any significant adverse environmental impact; and

**WHEREAS**, the applicants' application was considered fully by the Zoning Board of Appeals and upon such consideration the Board found among other things that:

1. The requested rear yard variance is otherwise in conformance with the Ordinance;
2. The applicants have demonstrated that there will be no detriment to health, safety and welfare of the community since construction and erection of the structure at the proposed location does not present any threat to the neighboring community; and
3. The applicants have demonstrated a hardship in that any other location would be impaired by a septic system, existing driveway and buried utilities on other portions of the Property.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board hereby allows and grants the Applicants' request for a rear yard variance of 15'11" to allow for the placement of a 26' x 26' 2.5 car garage as requested in the Applicants' application such that said structure will have a rear yard setback of no closer than 14'1" from the most easterly rear boundary of said premises and being more particularly situated as described in the plan prepared by R.J. Lighton Sr., Land Surveying, dated April 2, 2014, submitted by said Applicants; and

**IT IS FURTHER RESOLVED**, that the applicant shall comply in all other respects with the Ordinance; and

**IT IS FURTHER RESOLVED**, that the Zoning Officer is hereby authorized and directed upon payment of any required fees to issue such permits and certificates and to take such other action as may be required to effectuate and enforce this Resolution; and

**IT IS FURTHER RESOLVED**, that this Resolution shall be effective as of the date of its filing with the Town Clerk.

Upon a canvass of the Board, the votes of its members upon the Resolution were as follows:

<b>Mr. Nash, Member</b>	<b>Voting</b>	<b>Aye</b>
<b>Ms. Keenan, Member</b>	<b>Voting</b>	<b>Aye</b>
<b>Mr. Field, Member</b>	<b>Voting</b>	<b>Aye</b>
<b>Mr. Marzo, Member</b>	<b>Voting</b>	<b>Aye</b>
<b>Mr. Beggs, Chairman</b>	<b>Abstained</b>	<b>-----</b>

The Chairman, Mr. Beggs, then declared the Resolution to be duly adopted.

**STEPHEN BEGGS**, Chairman of the Zoning Board of Appeals of the Town of LaFayette, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Board duly convened and held on June 10, 2014, a quorum being present.

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**STEPHEN BEGGS, CHAIRMAN**  
**Town of LaFayette Zoning Board of Appeals**

Mr. and Mrs. Cooper thanked the Board Members for their assistance in this variance.

Chairman Beggs announced the second matter on the agenda as follows:

Application for by Robert and Patricia Latocha for a Specific Permit to have a camp on their property, next to their garage located at 6475 Ochsner Road, at the north side end of Ochsner Road, Jamesville, NY (300 ft off of Apulia Road) in a Residential District for the purpose of staying there for a short period of time (3 ½ months).

He then asked the Latocha's to state their case. They advised that they reside in Florida and come back to New York for the summer months to help care for Mr. Latocha's 86 year old mother; do her mowing, yard work and home repairs. They placed a 5<sup>th</sup> wheel 38 foot camping trailer next to their garage on their Ochsner Road property which is close to where their mother lives. The camper is hooked to sewer and public water and they only plan on staying there 3 ½ months per year. They did not realize they needed a permit to utilize their camper on their own land until an anonymous caller complaining of their situation contacted Code Enforcement Officer Ralph Lamson. Lamson suggested they apply for a Specific Use Permit when they returned this spring and go before the Zoning Board of Appeals for their approval.

Chairman Beggs advised there is nothing in the Town Ordinances that provides for living in a camper. Code Enforcement Officer Lamson replied that if the ZBA approves the Specific Permit, they will be able to stay in their camper and advised that there was a similar situation in which a camping trailer was placed on the Jamesville Reservoir Island and the Zoning Board of Appeals approved it to be used as a camp.

Questions asked by Board Members and answers: Size of lot? Roughly a half acre. Q- Have you received any complaints from neighbors? A- No, in fact we asked most of the neighbors if they have any concerns with this and no one that we asked objects to us residing there in the summer. Q – What & why did you ever even think to apply for a permit? A – A stalker problem, Sheriffs were called and someone has been contacting Code Enforcement, the Assessor and Supervisor complaining. The Code Enforcer suggested getting a Specific Use Permit to be safe. We are just trying to do the right thing. Q – Where is your water coming from? A – Public Water and sewer. Q – Will you continue to come up here in the summer just as long as your mother is alive? A – We will continue to come after she is gone to visit with family. Q – Do you move it in the winter? A, No, we winterize it and it sits there. Q – Why is this any different from a house trailer? A – Its not considered a manufactured home.

Discussion took place regarding the logistics, such as criteria that needs to be met and looked at by the Zoning Board of Appeals in order to approve this such as Appropriate size of lot; reasonable use; consistent with neighboring properties; neighbor consent. Attorney John Langey advised that no environmental studies need to be performed and he will research possibility of an annual permit to be reviewed on an annual basis; checking into “Family Accessory Unit” similar to “In-law apartments”. He will draft a letter to refer this matter to the Planning Board for their recommendation. He advised the need to hold a Public Hearing next month and if the specific permit is approved, it runs with the land and transfers with new owner and there are options for approving with specific requirements for example; same exact length camper, same location, etc. that can be listed.

**Member Keenan moved and Nash seconded motion to refer this matter to the Planning Board for a meeting next week and schedule a Public Hearing for next month, July 8<sup>th</sup>, 2014. Motion carried.**

Chairman Beggs asked if anyone had any more questions or comments. None were voiced. He advised that the next meeting of the Zoning Board of Appeals will be a Public Hearing on Tuesday, July 8th 7:00 p.m. Secretary Jackie Roorda will post the Legal Notice in the Newspaper and Town Hall.

**Member Keenan moved and Marzo seconded the motion to adjourn the Meeting of the Zoning Board of Appeals. Motion carried.**

Chairman Beggs adjourned the Special Meeting of the LaFayette Zoning Board of Appeals at 7:50 p.m.

Respectfully Submitted,

Jacqueline G. Roorda  
Zoning Board of Appeals Secretary