

ZONING BOARD OF APPEALS MEETING, November 12th, 2014

Minutes of the Zoning Board of Appeals Meeting held by the LaFayette Zoning Board of Appeals on November 12th, 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 Field, Member

Absent: Jerry Marzo, Member

Recording Secretary: Jacqueline Roorda

Others Present: John Langey, Attorney  
Ralph Lamson, Bldg. & Code Enforcement Officer  
Kelsey Moody, Applicant  
Ronda Akl, Attorney for Applicant  
David Reed, Attorney for Applicant  
Richard Dausman, Applicant

At 7:00 PM Acting Chairman Beggs called the meeting to order, welcomed everyone and requested attendees introduce themselves. Beggs then asked if there were any additions or corrections to the Zoning Board of Appeals October 14th, 2014 meeting minutes. There were none.

**Member Keenan moved and Nash seconded motion to accept the Minutes of the October 14th, 2014 Zoning Board of Appeals meeting minutes. Motion carried 4-0.**

Chairman Beggs then read aloud the Application for Specific Permit for 2603 Route 11 North, LaFayette, NY prior to the applicant stating their case.

Kelsey Moody & Associates, LLC of 217 Bryant Avenue, Syracuse, NY is seeking a specific permit for a scientific laboratory in Hamlet/Mixed use zoning. The subject property is improved with a two story structure. Applicant is seeking a Specific Permit to allow the use of the upper level as a scientific laboratory. At property located at 2603 US Route 11, ¼ mile north of 1-81, Exit 15 in a Hamlet/Mixed Use zoned district. Tax Map: 020.-5-09.0.

Attorney Akl then advised the Zoning Board of Appeals Members that her client, Kelsey Moody has already attended the Onondaga County Planning Board Meeting and Town of LaFayette Planning Board Meetings for their approval.

Attorney Langey read the letter executed by Jim Nakas, LaFayette Planning Board Chairman to the Zoning Board of Appeals in approval of Mr. Kelsey's application. He then read the Onondaga County Planning Boards approval letter wherein there were two recommendations; 1) "no parking is permitted in the State right-of-way"; 2) to have the Onondaga County Health Department approve the water supply and septic system and encourage the use of landscaping and curbed islands to facilitate better parking access and appearance.

Ralph Lamson, Bldg. & Code Enforcement Officer commented that it is standard practice to for the Health Dept. to make sure the water and septic are adequate. Attorney Reed advised that they have already contacted the County Health Department and will follow up with them again. He also advised Mr. Moody plans on putting planters in the parking lot in the spring. Chairman Beggs advised that when they receive the approval letter from the Department of Health, one will be necessary for the file.

A short discussion regarding the biosafety level 2 wherein the applicant explained the levels; Level 1) is similar to High School stuff done in a petri dish; Level 2) is low risk, anything that contains human cells (example: common cold infectious cells) Level 3) Higher risk factors, he has never worked with or plans to work with and Level 4) Tightly controlled, so tightly controlled that there are approximately a dozen in the Country.

Attorney Akl reported that they would like to move forward with the Real Estate purchase and are prepared to do so if this is approved. Discussions regarding using bleach and an autoclave for killing any residual bacteria; re-striping the existing parking lot, waiting till spring; etc., took place.

Chairman Beggs asked if there were any more questions or concerns from the Board Members. Member Field questioned if there is any follow-up once this is approved? Lamson advised that if they do not comply he will bring back to the Zoning Board of Appeals and the permit would be rescinded. No more concerns were voiced.

Chairman Beggs asked if anyone wanted to speak against the applicant. No one did. Then Beggs asked if any wanted to speak for the applicant. No one

responded. Chairman Beggs then closed the Public Hearing. Attorney Langey proceeded with the Environmental Review, there is no negative environmental impact and the SEQR was completed with his and Chairman Beggs signatures.

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

**WHEREAS**, Kelsey Moody & Associates, LLC (the “Applicant”) and Syracuse Cooperative Federal Credit Union (the “Owner”) (jointly the “Applicants”), as Applicant/Owner of the property located at 2603 U.S. Route 11 North, LaFayette, New York in the Town of LaFayette (the “Property”), appealed to the LaFayette Zoning Board of Appeals (the “Board”) on or about September 26, 2014 for a specific use permit to allow for the occupancy and use of an existing structure for a downstairs apartment and an upstairs scientific laboratory, as a mixed use in the Hamlet District pursuant to Article IV of the 1970 Town of LaFayette Zoning Ordinance, as amended (the “Ordinance”); and

**WHEREAS**, the Board has the power to grant such a specific use permit upon the findings set forth in said Article IV of the Ordinance; and

**WHEREAS**, a public hearing on the application was held by the Board at its regular meeting on November 12, 2014 and after due notice by publication in the Syracuse Post Standard and due notice to the Applicants, neighboring landowners and Board Members, in accordance with the law and the Ordinance; and

**WHEREAS**, Volume 6 N.Y.C.R.R. Part 617 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (“SEQRA”), requires that as early as possible and within (20) days of a complete application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; 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 proposed use is a mixed use requesting occupancy of the downstairs as an apartment and occupancy of the upstairs as a scientific laboratory to conduct research which could lead to the development of products that are health related, including cellular research for treatment of various

disorders;

2. The proposed use as a scientific laboratory would not involve the storing or use of harmful chemicals or explosives;
3. The proposed use of the downstairs as an apartment is consistent with its historic uses;
4. The propose use of the upstairs as a scientific laboratory would involve as many as ten (10) employees occupying the site at one time to culture materials and then introduce them through surgical procedures into mice;
5. The Applicant has provided to the Board's satisfaction a method to address biological waste through the use of an autoclave and a contract with an appropriate waste management hauler;
6. The Applicant deals with Biosafety Level 2 and lower materials and will not conduct any experimentation with Biosafety Level 3 or higher materials;
7. The Applicant has represented that the proposed hours of operation for the scientific laboratory are 9:00 a.m. to 9:00 p.m. for employees;
8. There may be minor delivers of packages (UPS, FedEx, USPS) to the site;
9. The site demonstrates parking accommodations for approximately 20 cars;
10. The Applicant has agreed to restripe the parking lot for a better parking flow and arrangement; and

**WHEREAS**, the matter was submitted to the Onondaga County Planning Board ("OCPB") for its review and comment pursuant to the General Municipal Law; and

**WHEREAS**, the OCPB, by resolution dated October 29, 2014, recommended the following modifications:

1. Per the New York State Department of Transportation, no parking is permitted in the State right-of-way.
2. The applicant must contact the Onondaga County Health Department for acceptance or approval, respectively, of any existing or proposed water supply and septic system to service this property.

The OCPB also offered the following comment:

"Per the New York State Department of Transportation, the Town and applicant are encouraged to better delineate access to this site. The Board further encourages the use of landscaping and curbed islands to facilitate better delineated access, as well as to improve the appearance of the parking lot;" and

**WHEREAS**, the Town of LaFayette Planning Board, on October 21, 2014, issued a

positive recommendation, with the following potential conditions for consideration by the Zoning Board of Appeals:

1. The applicant must procure an appropriate-sized autoclave system and utilize same prior to and in conjunction with conducting its research activities on site.
2. The applicant shall maintain a contract with an appropriate waste management disposal company (*i.e.* Stericycle) for the continuous off-site disposal of such materials.
3. The applicant's research be limited to matters relating to "Biosafety Level 2" and lower. Should the applicant desire to conduct research involving matters classified "Biosafety Level 3" or higher, the applicant must return before the ZBA for additional approvals; and

**WHEREAS**, the Applicants' application for a specific use permit was also considered fully by the Zoning Board of Appeals and upon such consideration, the Board found among other things that:

1. The proposed uses are appropriate for the particular lot location, as the scientific laboratory will be contained upstairs within an existing area and no additional construction will be required;
2. The proposed uses will not be unreasonably detrimental to the health, safety and welfare of the neighboring properties, areas and districts since both the apartment use and the proposed scientific laboratory are contained within the existing building and will not have any outside implications;
3. The proposed uses are consistent with the orderly and appropriate development of the neighboring properties, areas and districts since the uses will occur within the Hamlet District, which encourages low-impact businesses;
4. The proposed uses are a suitable transition between neighboring uses and districts;
5. The proposed uses are properly oriented in location and upon the site as required by Section C of Article III as an existing structure;
6. The proposed uses are an appropriate evolution of the Comprehensive Plan for the Town of LaFayette; and
7. Because there will be no sight disturbances, a Stormwater Pollution Prevention Plan ("SWPPP") is not required for this application.

**NOW THEREFORE, BE IT RESOLVED**, that the Zoning Board of Appeals of the Town of LaFayette hereby determines that the proposed action is an Unlisted Action, that the action does not involve any federal agency and the proposed action does not involved more than one agency; and it is further

**RESOLVED**, that the Zoning Board of Appeals of the Town of LaFayette hereby notices all agencies involved, if any, that it shall be lead agency for this project; and it is further

**RESOLVED**, that this Board hereby determines that the proposed action will not have a significant adverse effect on the environment, and this resolution shall constitute a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617, for the following reasons:

1. There are no identified unusual or unique land forms or environmentally sensitive areas at the proposed location;
2. No other areas of concern have been identified by the public or the Board; and

**IT IS FURTHER RESOLVED**, that the Board hereby allows and grants the Applicants' request for a specific use permit to allow for the mixed use of a downstairs apartment and an upstairs scientific laboratory at the proposed location all in specific accordance with the submitted site and floor plans and other materials conditioned, however, upon the following:

1. The applicant must procure an appropriate-sized autoclave system and utilize same prior to and in conjunction with conducting its research activities on site.
2. The applicant shall maintain a contract with an appropriate waste management disposal company (*i.e.* Stericycle) for the continuous off-site disposal of such materials.
3. The applicant's research be limited to matters relating to "Biosafety Level 2" and lower. Should the applicant desire to conduct research involving matters classified "Biosafety Level 3" or higher, the applicant must return before the ZBA for additional approvals;
3. Per the New York State Department of Transportation, no parking is permitted in the State right-of-way;
4. The applicant must contact the Onondaga County Health Department for acceptance or approval, respectively, of any existing or proposed water supply and septic system to service this property;

5. The proposed hours of operation shall be from 9:00 a.m. to 9:00 p.m. for employees;
6. The Applicant will work with the appropriate New York State Department of Transportation officials to establish an acceptable demarcated ingress and egress area for the site, which along with the restriping of the parking lot, will be accomplished no later than May 31, 2015; and

**IT IS FURTHER RESOLVED**, that should the Applicant become in violation of the above-referenced approvals and conditions, the Zoning Board of Appeals hereby retains jurisdiction to review and potentially revoke the specific use permit; and

**IT IS FURTHER RESOLVED**, that the Zoning Officer is hereby authorized to inspect and enforce the above-referenced conditions in all respects; and

**IT IS FURTHER RESOLVED**, that the Owners 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>Excused</b>	<b>----</b>
<b>Mr. Beggs, Chairman</b>	<b>Voting</b>	<b>Aye</b>

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

Kelsey Moody thanked the Zoning Board of Appeals, Attorney John Langey, Code Enforcer Ralph Lamson and Secretary of the ZBA Jackie Roorda for their assistance.

Case 2) Chairman Beggs read the Application of Richard E. Dausman for Area

Variance to place a 12' x 16' shed 6' off rear property line at 6025 Meeker Hill Road, LaFayette, NY in an Ag/Residential zoned area. Tax Map 014.-03-34.0

Chairman Beggs asked the Applicant had to present his case. Mr. Dausman advised that he would like to put up a storage shed in his back yard in a location that is not visible to others. He explained that he has a creek that runs through his property and if he has to stay 25' from the property line that limits the location for the shed.

Questions asked by the Board and answered by the Applicant...

Q: What is on the other side of the property?

A: My neighbor who has a shed approximately 10 feet from the property line.

Q: Would the water run off the roof onto your neighbors land if this variance is granted?

A: No, there would be a roof ridge.

Q: What is at the point where the lands meet?

A: Pine Trees.

Q: What is behind your property?

A: 60 acres.

Q: Is it lawn or open field?

A: No, it's agricultural open field.

Mr. Dausman added that he is not going to order the shed until next year due to winter weather, the shed will be very nice looking to match his house, and he wants it back away from his house where no one can see it.

Langey then asked where his septic system is. Dausman stated in the back and the well is in the front. Attorney Langey advised that a Public Hearing needs to be held, no SEQR determination needs to be done and no need to go to the County. A Public Hearing was scheduled for December 9<sup>th</sup>, 2014 at 7:00 PM.

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

Chairman Beggs adjourned the Meeting of the LaFayette Zoning Board of Appeals at 8:00 p.m.

Respectfully Submitted,

Jacqueline G. Roorda

Zoning Board of Appeals Secretary