

ZONING BOARD OF APPEALS MEETING, SEPTEMBER 9th, 2014

Minutes of the Zoning Board of Appeals Meeting held by the LaFayette Zoning Board of Appeals on September 9th, 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: Christine Keenan, Member & Acting Chair
Karl Field, Member
Jerry Marzo, Member

Absent: Stephen Beggs, Chairman
James Nash, Member

Recording Secretary: Jacqueline Roorda

Others Present: John Langey, Attorney
Ralph Lamson, Bldg. & Code Enforcement Officer
Jon Morris, Applicant

At 7:02 Acting Chair Chris Keenan called the meeting to order, welcomed everyone and requested attendees introduce themselves. Keenan asked if there were any additions or corrections to the Zoning Board of Appeals August 12th, 2014 meeting minutes. There were none.

Member Marzo moved and Field seconded motion to accept the Minutes of the August 12th, 2014 Zoning Board of Appeals meeting Minutes. Motion carried.

Chairperson Keenan advised the Applicant, John Morris that she was going to read out loud the items listed for a Specific Permit and began reading the list. Mr. Morris advised that he is fully aware of all the requirements and that as suggested at the last meeting, he returned to his designer and had the original plans for the In-law apartment adjusted to meet the criteria for a family accessory unit.

Discussions regarding square footage of the Family Accessory Unit (1,216 sq.ft) the Library (100 sq.ft) and the existing house (5,223 sq.ft); shared heating space; the connective underground Library structure with windows for natural light; the driveway going over top of the library and a walkway above the library from the existing house to the In-Law guest house; and the outward appearance.

Code Enforcer Ralph Lamson advised that the In-law Guest Home is connected to the main home underground and by heated living space which is shared by both

structures and as far as what does a single family structure looks like can be a matter of opinion.

Attorney Langey advised that if the specific use permit is granted, the permit lasts five years and the In-law guest house may never be rented to a non-family member and the permit needs to be renewed every five years. Although the outward appearance may look like two separate structures, the Board was in agreement that this was going to be a spectacular home; the structure is on a private drive and not visible from Dodge Road; these are times when families are keeping their aging relatives close by and that trend will be increasing.

Chairperson Keenan opened the Public Hearing at 7:30 pm. Keenan asked if anyone present had questions or comments. None were voiced. Keenan then closed that Public Hearing.

Member Field moved and Marzo seconded the motion granting the Specific Use Permit and side yard area variance. Motion carried.

Attorney Langey advised that he will draw up the resolution which is attached to these minute as follows:

**RESOLUTION OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF LAFAYETTE**

JON and CINDY MORRIS (Owners) - Application for Approval of a Specific Permit for a Family Accessory Unit and an Associated Side Yard Area Variance for Premises located at 6293 Dodge Road, Lafayette, New York in an Agricultural/Residential (AR) District - GRANTED

September 9, 2014

Mr. Marzo moved and Mr. Fields seconded the following Resolution:

WHEREAS, Jon and Cindy Morris (the “Owners”), as owners of property located at 6293 Dodge Road, LaFayette, New York in the Town of LaFayette (the “Property”), appealed to the LaFayette Zoning Board of Appeals (the “Board”) on July 27, 2014 for a 1,216± sq. ft. expansion to allow for the creation of a proposed family accessory unit connected to an existing single-family structure on the premises in an Agricultural/Residential District pursuant to Article VI of the 1970 Town of LaFayette Zoning Ordinance, as amended (the “Ordinance”); and

WHEREAS, the Owners of the Property have further appealed to the Board for a 5' side yard setback variance to allow for the construction to occur on said Property as shown on the submitted plans; and

WHEREAS, the Board has the power to grant such a specific permit and variance upon the findings set forth in Articles VI and IX of the Ordinance; and

WHEREAS, a public hearing on the applications were held by the Board at its regular meeting on September 8, 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, 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 Owners' application was considered fully by the Zoning Board of Appeals and upon such consideration the Board found among other things that:

1. The Owners have demonstrated that there will be no detriment to health, safety and welfare of the community since allowance of the family accessory unit does not present any threat to the neighboring community;
2. The family accessory unit contains a kitchen, bathroom and other living areas and is occupied by an identified in-law under the law.
3. The proposed family accessory is less than the maximum square footage allowed and is less than 50% of the proposed main structure - 1,216 sq. ft. of family accessory unit vs. 4,000± sq. ft. of proposed and existing single-family residential space;
4. The proposed family accessory unit will contain no more than two (2) bedrooms maximum;
5. The Owners have proposed the orientation of the family accessory unit in a way to maintain the outward appearance of a single-family dwelling; and

WHEREAS, the Owners' application for the side yard variance was also considered fully by the Zoning Board of Appeals and upon such consideration the Board found among other things that:

1. The requested side yard variance is otherwise in conformance with the Ordinance and is not substantial at 5' from the 25' requirement;
2. The Owners have demonstrated that there will be no detriment to health, safety and welfare of the community as the structure as proposed and in the requested location does not present any threat to the neighboring community; and
3. The Owners have demonstrated a hardship that while self-created, is not determinative of the application such that the benefit to the Owners outweighs any detriment to the health, safety and welfare of the Community.

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 of the family accessory unit;
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 Owners' request for a specific use permit to allow for the creation of a proposed 1,216 sq. ft. family

accessory unit connected to an existing single-family structure at the proposed location all in specific accordance with the submitted site and floor plans (subject to the restrictions of Article IX (Family Accessory Units)); and

IT IS FURTHER RESOLVED, that the Board hereby allows and grants the Owners’ request for a side yard variance of 5’ (as shown on the submitted drawings) to allow for the construction of an addition to the existing single-family structure to occur at the proposed location, all in specific accordance with the submitted plans titled “Additions and Renovations for Jon & Cindy Morris,” prepared by SPACE Architectural Studio, P.C., dated July 10, 2014, as last revised; 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:

Mr. Nash, Member	Excused	-----
Ms. Keenan, Acting Chair	Voting	Aye
Mr. Field, Member	Voting	Aye
Mr. Marzo, Member	Voting	Aye
Mr. Beggs, Chairman	Excused	-----

The Acting Chair, Ms. Keenan, then declared the Resolution to be duly adopted.

CHRISTINE KEENAN, Acting Chair 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 September 9, 2014, a quorum being present.

CHRISTINE KEENAN, ACTING CHAIR
Town of LaFayette Zoning Board of Appeals

JACQUELINE ROORDA, Town Clerk of the Town of LaFayette hereby certifies that the foregoing Resolution was duly filed in her office on September ____, 2014.

JACQUELINE ROORDA, Town Clerk

Jon Morris thanked the Members of the Zoning Board of Appeals, and everyone else involved.

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

Chairman Keenan adjourned the Meeting of the LaFayette Zoning Board of Appeals at 7:45 p.m.

Respectfully Submitted,

Jacqueline G. Roorda
Zoning Board of Appeals Secretary

