

Minutes of the Regular Zoning Board of Appeals Meeting held by the Zoning Board of Appeals of the Town of LaFayette on June 11, 2002 in the Meeting Room of the LaFayette Commons Office Building on Route 11 in the Town of LaFayette.

Present: Stephen Beggs, Chairperson
Robert Drumm, Board Member
James Butkus, Board Member
Daniel Kuhns, Board Member

Others Present: John Langey, Town Attorney
Sandra Smith, Town Councilor
Ralph Lamson, Code Enforcement Officer
Thomas Bailey, Town Councilor
(See attached list for remainder of those in attendance)

Board Member's Butkus moved and Drumm seconded the motion to approve the May 13, 2002, Zoning Board of Appeals Meeting Minutes as submitted by the Secretary. Motion passed unanimously.

CASE #542 – Appeal of Claire Watson for an expansion of a nonconforming use.

Chairperson Beggs said the Watson application is not scheduled as a public hearing this evening. He knows a lot of people have come to the meeting tonight regarding this application.

John Langey said this was never noticed as a public hearing. He has advised the Board they are not free to take testimony or comments from the public tonight. There will be a public hearing on this. There is a sign-in sheet being passed around which you can put your full name and address on. There has been a request by the Watson's for you to put whether you are opposed or for this application but the Board will not entertain any input from the public on this application tonight.

Chairperson Beggs said at the last meeting the applicant attended he gave them a list of things this Board would require of them to submit. He has received some documentation in the mail. He reviewed it last night. He has some questions himself on this. He is opening this application first as there are so many people here regarding this matter. If we move this out of the way first, they may wish to go home when it is through. The survey was completed. He questioned the road.

Mr. Dean Heberlig, Jr. (attorney for the Watson's) advised it's a gravel road and it's been a gravel road forever. He thought the Board wanted to see where it was set.

Chairperson Beggs said they will need to see a plan for parking. This Board needs to look at the plan and see that there's adequate parking provided for the plan requested. Regarding the first greenhouse, he doesn't see a measurement of how far it is off the northeast corner. It would be good to have this clarified. He asked for any input from the Board.

Board Member Butkus said he doesn't believe the property owners noted on the survey are correct.

Mr. Heberlig, Jr. said they will check this against the tax records.

Board Member Butkus asked if there is an approved layout for the septic system.

Mr. Heberlig, Jr. said they have submitted the approval from the Department of Health approving this and approval of the well too.

Chairperson Beggs remembered seeing this letter. He asked for anything else any member is looking for so when the applicant comes for the public hearing the necessary information is obtained to evaluate the case. He wants to be sure all the information is received prior to the public hearing.

Mr. Heberlig, Jr. asked if there is a date for the public hearing.

John Langey said the Board may set one tonight.

Mr. Heberlig, Jr. apologized for any confusion they caused for the public to all come out tonight. He asked them to indicate on the sign-in sheet whether they are in favor of the application or not.

John Langey asked in regards to the June 6th letter from Mr. Heberlig, under Item 2D on the 2nd page, do we have a date on when the original building received a building permit?

Mr. Heberlig, Jr. said that is the building permit for the new building.

John Langey said there was a building permit issued for the original building, was this located?

Mr. Heberlig, Jr. said they have not been able to locate it but they received a building permit for the new building.

John Langey asked if on October 17, 2001, when the letter states Mr. Watson received verbal permission to construct a 20' x 54' x 32' greenhouse, was this by phone?

Mr. Heberlig, Jr. said they went before the Zoning Officer at the Town Offices. They submitted a diagram that was given to the Zoning Officer at the time. The building was inspected and no one said there was any problem. He submitted the building permit originally given on the 19th.

Chairperson Beggs asked the Zoning Officer to supply this Board with any communications he has had with the applicant.

Mr. Heberlig, Jr. said they went back and tried to clarify this with the Zoning Officer and he wasn't sure about it.

John Langey said there was something on one of the previous approvals indicating they needed a commercial driveway permit.

Mr. Heberlig, Jr. said they went to get one and were told by the DOT that they didn't give them out.

John Langey asked if they could get a letter from the D.O.T. stating this.

Mr. Heberlig, Jr. said it was a request from way back. He doesn't know how far back their records go.

John Langey said in the 1994 resolution it said the applicant should try to obtain this. It might be helpful if the D.O.T. would write a letter stating they still don't give these out.

Mr. Heberlig, Jr. said he thinks this is asking for the impossible.

Chairperson Beggs asked John Langey to make a phone call about this and see if they have record of what happened with this case. He asked the Zoning Officer, Ralph Lamson, for any correspondence regarding this case at this address. It will be isolated for strictly this address. He asked for copies of any building permits or anything issued on the original structure as it existed. At the last Meeting, this Board requested certain data

to be supplied. Tonight we are in receipt of this information. We will be seeing what else they have to offer with the idea being we don't end up at a public hearing needing more information. The purpose of the planning sessions is to make sure when we advertise a public hearing, we have adequate data to pass judgment on the application.

Mr. Heberlig, Jr. asked if there was any idea when the public hearing would be.

Chairperson Beggs would say at this point in time, based on the packet of information he received, he would schedule a public hearing for the 2nd Tuesday in July at 7:30 p.m. This would be July 9th.

Mr. Heberlig, Jr. submitted the following information to add to the record:

- 1) A letter of March 12, 2002 from Claire Watson to Members of the Planning Board and Zoning Board of Appeals.
- 2) A copy of the building permit and initial application and notes by Clarie showing plan.

He would also like to add that there is an allegation that this is a residential neighborhood. They have put together a colored map and listing of what the neighborhood is. He submitted this listing, a map and some pictures for the record. He thinks this shows a mixed neighborhood. Tennessee Gas is there, there's a wood chipping business, the school owns property, etc. They have included some pictures showing this information too. He has marked some of these areas in yellow on the map. He also would like to submit some additional letters they received today in support of the application. He apologized to the Board for the confusion tonight.

Board Member Kuhns had a question regarding the septic system and the letter from Onondaga County Health Department. They say this satisfies the minimum requirements for a 220 GPD design sanitary waste flow maximum. How many people work at the facility? Is this just for the building?

Mr. Heberlig, Jr. said it's just for the building.

Carol Watson said it depends on the time of the year.

Chairperson Beggs said this would be information to be included. He has heard some of this land is in a wetland. He doesn't know if this is a fact. If some of this surveyed property is wetland, could it be indicated?

Mr. Heberlig, Jr. said no. They would have to have someone come in to do the survey. They have been turned in twice and the DEC has come out and said there is no problem.

Chairperson Beggs asked for a letter to this effect from the DEC.

Mr. Heberlig, Jr. said the DEC doesn't generally give out these kind of letters.

Carol Watson said there are two posts in the ground and they have been asked not to go beyond them when planting, etc., and they haven't. She asked the Board to come up and see for themselves.

Chairperson Beggs said they are just looking for facts as that is all they can deal with. He asked for any further questions from Counsel or Board Members. He asked Ralph Lamson for any comments. There were none.

CASE # 540 – Appeal of Henry Streiff for a road front variance of 10 feet on the west side of 4205 Coye Road approximately ¼ mile south of Gordon Cooper Drive in an agricultural-residential district.

Chairperson Beggs opened the public hearing for this appeal.

Mr. Streiff submitted their subdivision map dated May 17, 2002, titled Henry Streiff Farm Subd. and prepared by Jack Cottrell for the Board to review.

Chairperson Beggs asked if there was a reason the structure couldn't be moved forward 5'.

Mr. Conlon said the septic system is designed to be put in where it will work the best which doesn't allow them to move the structure.

Board Member Kuhns asked if this is approved, will it be good forever?

Chairperson Beggs said it's his understanding if this Board grants a 10' variance for a lot width for the driveway, it goes with the land as long as those lots exist.

John Langey said that is correct.

Chairperson Beggs said this Board is requested to grant a 10' variance for each lot for road frontage.

Board Member Butkus asked if they are just granting the entrance for the driveway or the whole thing.

John Langey said just for the frontage.

Chairperson Beggs said he understands their concern to have the house located properly for the septic system.

Board Member Miller doesn't think this can be acted upon tonight as nothing has come back from County Planning yet.

John Langey said the County Planning Board has this and he thinks they will act next Tuesday on this application along with the one submitted by the Planning Board.

Chairperson Beggs asked if before the Planning board approves the subdivision, will they require a motion from this Board?

John Langey said they will make it a condition in their approval that their approval won't take effect unless the Zoning Board of Appeals approves this application.

Chairperson Beggs said he would prefer it if the driveway could maintain the 50' all the way through.

Mr. Streiff said they are putting 2 culverts in but won't be using them both right now.

Chairperson Beggs asked if anyone was present in opposition or in favor of this application.

No one came forward.

Chairperson Beggs closed the public hearing and the application will be voted upon at the next Meeting.

CASE # 541 – Public Hearing of Jack Sanborn for a 15' side-yard variance to allow construction of a 6' walk-around deck at 2035 Jamesville Terrace in an agricultural-residential district.

Chairperson Beggs opened the public hearing for this application.

Jim Grubb, the contractor, was present to represent Mr. Sanborn.

The Board reviewed the Site Improvements Map for the Retreat of Dr. Jack Sanborn prepared by Klepper, Hahn & Hyatt dated February 15, 2002.

Chairperson Beggs asked for anyone present in opposition to this application.

No one came forward.

Chairperson Beggs asked for anyone in favor of this application.

No one came forward.

Chairperson Beggs closed the public hearing. He asked Ralph Lamson if this should be specified as a deck.

Ralph Lamson said yes.

Board Member Drumm asked if it should be included in the resolution that it would not be covered.

John Langey said it would be an open-air deck requiring a variance of 15' on the northerly lot line.

Chairperson Beggs closed the public hearing.

Chairperson Beggs asked for a motion that this is an unlisted action and the Zoning Board of Appeals is the lead agency making a negative declaration for an open-air deck requiring a 15' variance off the northerly lot line as it is not expected to be a detriment to the neighborhood.

Mr. Grubb asked what fees come out of the Developer Deposit.

John Langey said fees for the resolution.

Mr. Grubb requested a copy of the resolution be sent to him too.

Board Member's Miller moved and Drumm seconded the motion that the Zoning Board of Appeals declare themselves lead agency for the SEQR process and that they declare this is a negative declaration and grant a 15' variance on the northerly lot line for an open-air deck around the structure. Motion passed unanimously.

Louis, Larry and Karen D'orazio were present to ask questions regarding a subdivision of Larry D'orazio's lot at 4101 Route 91 in Jamesville which is 1.7 acres. The Board gave them some ideas. They will come back to the Board with their findings in the future.

Board Member's Miller moved and Drumm seconded the motion to adjourn. Motion passed unanimously.

The Zoning Board of Appeals Meeting adjourned at 9:19 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

**SIGN-IN SHEET FOR JUNE 11, 2002
ZONING BOARD OF APPEALS MEETING**

NAME	FOR/OPOSED	ADDRESS
Knowlton Foote	In Favor	6010 Cherry Valley Rd., LaFayette
Connie Foote		6010 Cherry Valley Rd., LaFayette
Hollis Liddiard		5803 Stillmeadow Rd., LaFayette
W. Liddiard		5803 Stillmeadow Rd., LaFayette
Bruce Freund		P.O. Box 121, LaFayette, NY
Robert DeOrdio		2281 Sentinel Hgts. Rd., LaFayette
Lisa Watons	In Favor	P.O. Box 326, LaFayette
Teresa Burk	In Favor	P.O. Box 365, LaFayette
Kristin Lange	In Favor	5890 Sugar Bush Dr., Tully
Carrie Pinkerton	In Favor	2044 Deer Run, LaFayette
John DePalma		3142 Sentinel Hgts. Rd., LaFayette
JoAnn MacDaniel		Deer Run Rd., LaFayette
Linda Pinkerton		Deer Run Rd. LaFayette
Margaret Bailey	In Favor	1747 Sky High Rd., LaFayette
Mary Turner	In Favor	1865 Route 11, Tully
Bettye Knapp		P.O. box 146, LaFayette
Kathy McKenney		5801 Still Meadow Rd., LaFayette
Dorothy Harth		4451 LaFayette Rd., Jamesville
Sue Moltion		2965 Sentinel Hgts. Rd., LaFayette
Bill Moltion		2965 Sentinel Hgts. Rd., LaFayette
Doug Drumm		5940 Commane Rd., LaFayette
Tom Bailey, Councilman		LaFayette Rd., LaFayette
Linda & Phil DeSaw	In Favor	3165 Webb Rd., LaFayette
Christina & Adrian Shute	In Favor	5681 Rte. 20, LaFayette
Lori Groth	In Favor	6671 Rte. 20, LaFayette
Fred Groth	In Favor	6671 Rte. 20, LaFayette
Eleanor Burt	In Favor	2196 Rte. 11A, Tully
Dorothy McConnell		5822 Winacre Dr., LaFayette
Diane DeBottis		117 Merriweather Dr. Syracuse
LouAnn Black	In Favor	4050 Old Kennedy Rd., Nedrow
Carol Reed	In Favor	3417 Sentinel Hgts. Rd., LaFayette
Tim Bloom	In Favor	Rte. 11A, LaFayette
Jeremy Bloom	In Favor	Rte. 11A, LaFayette
Andra Leimanis	In Favor	2831 LaFayette Rd, LaFayette
Brian Brown	In Favor	2831 LaFayette Rd., LaFayette
Linn Beebe	In Favor	2850 LaFayette Rd., LaFayette
Elizabeth Beebe	In Favor	2850 LaFayette Rd., LaFayette
Anne Walker	In Favor	3480 LaFayette Rd., Jamesville
Debbie Kaltenback	In Favor	2996 Sentinel Hgts. Rd., LaFayette

Alan Kaltenback	In Favor	2996 Sentinel Hgts. Rd., LaFayette
Suzanne McAuliffe		3289 Ransom Rd., Jamesville
Pat Coon		Apulia Rd., LaFayette
Ralph Kackson		Apulia Rd., LaFayette
Mary Bush		2868 Apulia Rd., LaFayette
Patty & Rick Knopp	In Favor	2975 Sentinel Hgts. Rd., LaFayette
Lou Maureen Fekete	In Favor	North Rd., LaFayette
		(Mailing Address: 462 Idlewood Blvd. Baldwinsville, NY 13027
Joyce Wolff	In Favor	2171 Apulia Rd., LaFayette
Jane Erhard	In Favor	2171 Apulia Rd., LaFayette
Jane Warner		3069 Webb Rd., LaFayette
Mary Warner	In Favor	3223 Webb Rd., LaFayette
Frank Warner	In Favor	3223 Webb Rd., LaFayette
Jean Suters	In Favor	6005 Rte. 20, LaFayette
Ruth Pierce	In Favor	2340 Rte. 11, LaFayette
Helen Shute	In Favor	2814 LaFayette Rd., LaFayette
Dale Shute	In Favor	3185 Bella Vista Dr., LaFayette
Craig Shute	In Favor	3185 Bella Vista Dr., LaFayette
Dan Maines		3318 Rte. 11, LaFayette
Kathleen Amidon	In Favor	2280 Markland Rd., LaFayette
Mary Darrow	In Favor	2752 Rte 11A, LaFayette
Walter Shute	In Favor	Shute Rd., LaFayette
Alice Shute	In Favor	5668 Shute Rd., LaFayette
Sandra Wiley	In Favor	1784 Sky High Rd., LaFayette
Newton Wiley	In Favor	1784 Sky High Rd., LaFayette
Jeanmarie Harrington	In Favor	2308 Markland Rd., LaFayette
Gwyn Weaver	In Favor	3544 Sentinel Hgts. Rd., LaFayette
Everett Wood	In Favor	2042 Rte. 11, LaFayette
Linda Logan	In Favor	5600 Shute Rd., LaFayette
Dennis Smith	In Favor	2777 Rte. 11, LaFayette
Janice Watson	In Favor	2777 Rte. 11, LaFayette
Mr. Homer	For	2181 Rte. 20, LaFayette
Robert Ashford	In Favor	2895 Sugar Bush, Tully
Michele Courtez	In Favor	2895 Sugar Bush, Tully
Carol Oot	In Favor	2782 Rte. 11, LaFayette
Claire Watson	Favor	2980 Sentinel Hgts. Rd., LaFayette
Greg Watson	Favor	59 State St., Tully