

Minutes of the Regular Zoning Board of Appeals Meeting held by the Zoning Board of Appeals of the Town of LaFayette on July 9, 2002, in the Meeting Room of the LaFayette Commons Office Building on Route 11 in the Town of LaFayette.

Present: Stephen Beggs, Chairman
Robert Drumm, Board Member
James Butkus, Board Member
Albert Miller, Board Member
Daniel Kuhns, Board Member

Recording Secretary: Mary Jo Kelly, Secretary

Others Present: John Langey, Town Attorney
Sandra Smith, Town Councilor
Gregory Scammell, Town Supervisor
David Knapp, Town Councilor
Leon Cook, Highway Superintendent
Jim Nakas, Chairman Planning Board
Norman Paul, Town Councilor
Claire Watson, Applicant
Carol Watson Oot, Applicant
Gregory Watson, Applicant
Dean Heberlig, Jr., Attorney Bond, Schoeneck & King
(See attached list for remainder of those in attendance)

Chairman Beggs called the Meeting to order at 7:31 p.m.

Secretary took the roll. All present.

Chairman Beggs asked if everyone had a chance to review the minutes from the last meeting. He asked for any corrections.

Board Member Kuhns had a correction to include Albert Miller as present at the meeting.

Board Members Butkus moved and Miller seconded the motion to accept the June 11, 2002 Zoning Board of Appeals Meeting Minutes as submitted by the Secretary with the correction of adding Albert Miller in attendance. Motion passed unanimously.

Chairman Beggs opened the public hearing for Case #542 – Appeal of Claire Watson for an expansion of a non-conforming use for property located at 2980 Sentinel Heights Road in an Agricultural/Residential District. He noted there are currently two cases where specific permits were approved for this location. Case #302 was approved 7/1/81 and Case # 485 was approved on 6/15/94. He asked the applicant to present her case.

Dean Heberlig, Jr. introduced himself. He is an attorney of Bond, Schoeneck & King and is here on behalf of Claire, Bob, Carol and Greg Watson for the Watson Landscaping. He referred to Article 5, Section D, Subsection 1 of the Zoning Ordinance which allows for a specific permit to increase non-conforming uses as allowed by the

Zoning Ordinance as amended in 1987. They ask for an increase in size of the sales room of permit issued September 19, 2001 and modified October 17, 2001 which is their understanding. They are requesting authorization to operate the business year-round during the hours of 9 a.m. to 7 p.m. Monday through Saturday and 12 p.m. to 5 p.m. on Sunday. They ask to be allowed to sell products during January, February, March and April. The sales during that period are relatively small except for possibly April. For some reason, the specific permit granted in 1994 placed a limit on sales. Claire and Carol were not aware of this. They are also asking that the Board recognize as part of the non-conforming use the right to conduct classes which they have been doing for many many years. There's no reference to this in the earlier permits. They would also like authorization for the greenhouses that are there which are slightly different in size. The Watson's acquired the property in the 1950's and used it generally for agricultural and residential purposes. In 1981 a resolution granted the first greenhouse and allows year-round sales. In the 1994 permit it authorized a sales area in front of the greenhouses and 2 additional greenhouses and for some reason limited sales from May to December. They have filed an application for a specific permit which doesn't involve any significant change to the uses of the property and it meets all the requirements of the Zoning Ordinance. He submitted a lot of material at the last meeting and asked for that meeting to be part of the record along with the following items: Application of 4/1/02, Claire Watson's letter of March 12th and the Building Permit issued 9/19/01 with writing on the back by Claire, information submitted with letter of 6/6/2002, site plan, Dept. of Health's approval of well and septic system, sales records during current months, photograph's of the property, copies of ads confirming the uses over the years. They would like to supplement these items with some additional petitions and letters provided to them and he would also like the Board to incorporate into the record his June 27th letter answering most of the questions the Board had raised. He would like to address some of the bigger issues. Trucks do come to the property. Basically one time a year an 18-wheeler comes in December to make a delivery. Two 18-wheelers come in April to drop off trees and shrubs and one comes later to supplement the sales. Smaller trucks do come to the property to supply them with pots and items sold at the property. They expect no change in the traffic or the operation of the property. This is a county highway. As a county highway, there are no limitations to the use of the highway. There are large trucks on that road all the time, i.e. Tennessee Gas trucks and the wood chipping operation has trucks coming in and out of there all the time. There has been discussion on the neighborhood and that this is primarily a residential neighborhood. They would agree but it's also really a mixed neighborhood. There are multiple houses. The school has land there and a pumping station, there's a garage, commercial, farms, Tennessee Gas, and industrial uses such as the wood chipping operation. Probably one of the oldest uses in the neighborhood is Watson's use. In terms of the Zoning Ordinance, there are certain standards that apply in terms of what they have to meet to be granted a specific permit. The use has to be appropriate for the particular lot and location. He would say their's is and they are not changing it in any real significant way. The use would not be unreasonably detrimental to the neighboring properties. They have been there a long time. It has to be consistent with an orderly and appropriate development of neighboring properties, areas, and districts. This is a mixed use area. A greenhouse is something someone would envision in an AR District. There is a house right out front. It has to be

oriented in the location and upon the site as required in Section C of Article III. They aren't changing anything substantially. The standards that relate to the structures state the flow, control and safety of traffic shall not be adversely affected to an unreasonable degree. It won't change and is not significant to the neighbors. There shall be reasonable compatibility on all respects with any structure or use in the neighborhood, actual or permitted, which may be directly and substantially affected. There are all kinds of uses in the neighborhood. Their's is probably one of the oldest uses. There shall not be any unreasonable detriment to any structure or use, actual or permitted in the neighborhood. He doesn't think they are changing in any substantial way. There shall be reasonable provision for open space, yards and recreational areas appropriate to the structure and use. Most of the area on this parcel is vacant. It's wetlands and will remain that way. The Onondaga County Planning Board made a decision in May of this year. This decision did not seem to conform in their minds with what was before this Board. They called Karen Kitney of the Onondaga County Planning Board and expressed their surprise at the decision. They asked her to come out and look at the property. She did. She basically told them that the decision was based on less than a complete record and their findings were inaccurate. In her mind, there was no major expansion of the non-conforming use. She also observed it was in a multiple use neighborhood. They asked her what to do. She indicated that if the Board was willing to refer it back to them, they would reconsider. In light of the new evidence, he would ask them to resubmit this to County Planning. When you look at the 1981 and the 1994 resolutions from the county, they said this had no implication. In conclusion, he would remind the Board that this operation is the only retirement Claire has other than Social Security. He doesn't think it should be closed. He thinks the Watson's are noted for running a real quality operation and are known for being very generous people and very civic minded. He requests the Board to look favorably on this application.

Chairman Beggs asked for any questions from the Board.

Board Member Miller asked about the 20' distance of one of the buildings from the neighboring property.

Mr. Heberlig said he forgot to mention this. They would need a variance for this or would have to purchase 5' of property from the neighbor. The neighbor expressed an interest in selling this to the Watson's.

Chairman Beggs said they would have to acquire the land or apply for a variance.

Mr. Heberlig said or the Board could address it with this application. If they need to apply for this, they can make that application. If not, they can reapply for an area variance.

Chairman Beggs said he visited the property Sunday and met with Claire and Greg. He made note of the fact that a lot of the parking area seems to be filled with plants, shrubs and things of that nature.

Mr. Heberlig said they have not had any provisions for parking requirements. There is always enough space there. Those can be moved to accommodate parking. He would add to the record that they found an aerial photograph taken in 1996. This will show you that the operation hasn't really changed since 1996. He submitted the photograph.

Board Member Kuhns said in discussing the parking, with the request to hold classes and up to as many as 25 people attending, he would think you would have to

make accommodations for 25 cars. When he visited the site, there were 4 cars parked and he got blocked in. The ordinance requires one spot for 100' of store space. He would be concerned about having 25 cars in a spot that size.

Mr. Heberlig said when they have classes, most people come in two's or three's. If the Board feels that is too many to have in a class, they can limit the number to 15 or 20.

Carol said when it's busy, they make sure they have a parking lot attendant so people park efficiently. When they have a time that it's necessary, they have someone stationed out there so there's an easy flow.

Board Member Kuhns asked what the future plans for the Hospice events are.

Carol said they would like to continue to do it. It's only one weekend a year. She doesn't believe one weekend a year will destroy the neighborhood.

Board Member Kuhns said he went by during this event and there was a lot of parking on the road.

Mr. Heberlig said this is not a sales event. People have parties all the time. This is for a good cause.

Carol said on Sentinel Heights, on the opposite side of the road, there are cars parked there all the time. It's not a road that no one has ever parked a car on

John Langey asked the applicant to address the types of non-grown material that are being sold at the retail part so the Board gets sense of what they are looking for. The Board needs a better definition of products that are being sold

Mr. Heberlig said they basically sell plants, pots and baskets. They submitted a picture of things they sell. They sell smaller things of fertilizer, etc. They are all in the pictures which were submitted on 1/26. What they sell goes with home gardening and things you would put in pots which is what it has always been.

Board Member Drumm didn't think they were suppose to sell anything that wasn't raised on the property.

Mr. Heberlig said that was never a requirement. They could sell horticultural products but they were not limited to anything grown on the property.

Board Member Butkus said that was prior to 1994.

Board Member Drumm said is started out that way in 1981.

Mr. Heberlig said it was changed in 1994.

Board Member Drumm said Mr. Heberlig was changing his story as it did start out that way.

Chairman Beggs encouraged the Board to review the two cases he mentioned previously so they become very familiar with them. He said at this point in time he would open the public hearing up for input from the public. Normally, the Board opens the public hearing and asks for people who are in support of the application to speak. Then he will ask for input from people opposed to the application. He will ask people to raise their hands and be recognized. He will then ask each person to limit his/her speaking to approximately 2 minutes. He is looking for constructive thoughts specifically in favor of or opposed to the application. He will ask each person to come forward, identify themselves and where they are from. They will come forward to address the Board. At this point in time, he opens the public hearing to the public. He asked if anyone in favor of this application wished to speak.

Knowlton Foote of 6010 Cherry Valley Road in the Town of LaFayette came forward. He submitted a letter to the Board. He read the letter as follows: "I write this letter to you in support of the Watson Greenhouse on Sentinel Heights Rd. I have know the Watsons for many years. I wish to offer the following thoughts concerning the character of this family and their contribution to this town. Each Memorial Day, there is a plant/bake sale/crafts sale held at the Columbian Presbyterian Church. The profits of this sale go entirely to LaFayette Outreach to support its many services. I have been associated with this sale for the past 5 years. One of my responsibilities is to collect plants from the area greenhouses for the sale. All of the area greenhouses support this benefit generously – Plumptions, Greenthumb, Harpers, and Natural Selection. The Watson Greenhouse has been particularly generous. For this past Memorial Day sale, Claire Watson gave me 11 trays of plants to sell that completely filled my car. I totaled up the value in order to give her a receipt for their tax purposes. The Watson plants totaled \$240. The total amount raised for Outreach was \$1272. The Watson contribution was 19%. This contribution has been going on for years. Who ever picks up the plants from the Watson Greenouse for this sale has to have a station wagon. This letter would not be complete without a word about Mr. Watson. Bob, as you know, was our Town Supervisor for 10 years. His smiling face and kind demeanor will be remembered around our beautiful hills and valleys for years. If anyone in this town earned the title of Mr. LaFayette, it was Bob Watson. I don't know all the details of this case. But I would like to see the Board of Appeals work out some solution to this problem. I know some of the upset neighbors and they are good people. The Watson Greenhouse is trying to be a good neighbor. They now have complete offstreet parking. Maybe they can add some more trees to please their neighbors. The traffic consists of cars, not trucks, and it is mainly one season. The Watson family has given a great deal to this town including LaFayette Outreach. Now they need our help. We are talking about their livelihood. Let's see if a compromise solution can be reached to the satisfaction of all. From my experience when I was the Compost Director for OCRRA, the Watson Greenhouse was one of the best in Onondaga County. It is an asset to LaFayette in many ways."

Rick Knopp of 2975 Sentinel Heights Road, LaFayette said he has lived there about 18 years. Through that time he has never had any massive traffic coming up or down the road. The Watson's have pretty much kept to themselves as well as all the neighbors. He will support their weekend classes for Hospice 100%. He feels a little safer with a little more traffic going up and down the road.

Jean Suters of Route 20 in LaFayette said she has lots of traffic on her road and she's use to it. Her home is in residential district and her side lot is in a business district. She's lived here around 40 years and knows the Watson's very well. She submitted a letter earlier which she read from "Bob has been a devoted parent, grandparent, teacher, mentor, and inspiration to countless young persons in 'Ag' courses, town supervisor for 10 years, and a force in church and community for his whole life. Claire is a devoted parent, grandparent, early childhood educator, church elder, and business woman. The Sugarbush property, first purchased for family recreation, and later became a pleasant, well-planned development off North Street. The establishment of the Watson Greenhouse 22 years ago and the purchase of the Long farm has been a fine example to the community as we move from an agricultural to a business/residential community. Both establishments have but LaFayette on the map and brought the community prestige

and revenue. The regrettable split in the family, necessitating the re-development of the original site, and the death of Robert Watson, should not effect your decision, but has shaken the family and the community greatly. The signs in the neighborhood are offensive, should be removed, and are only encouraging people to continue their patronage! As you must be aware: The Watson's live and do business in an Agricultural/Residential Zone, the Watson Greenhouse hires 14 people, the Watson Greenhouse brings in prestige and revenue and the Watson's donate generously to LaFayette Outreach and other non-profit organizations. (\$230 for Memorial Day Event). We don't need another failed business or empty building in LaFayette!" She attended the Hospice event and agreed with the gentleman who spoke earlier about supporting the Hospice event 100%.

She believes Watsons have put LaFayette on the map in many ways. Most of the 14 people they hire are within the community.

Kathleen Amidon lives at the end of Markland Road. She said our community continues to loose business. The IGA was a big loss. The greenhouse aesthetics are one of the prettiest businesses we can have. As far as she knows, only one family was located in the area prior to Watson's starting their business. Anyone knows either a business grows or it closes. After letting Watson's business grow larger, now there's a question by some to take away their livelihood. We need clean businesses like this where people give so much back to the community. They donate both in their town activities and donate back to the town. The idea of this not being a useful business is ludicrous. There's not a lot of traffic on the road. Why are Watson's being singled out? One greenhouse business added a house in their residential neighborhood with no comment from the town. Another business has their greenhouse 15' from the line with no attention from the town. Two other people have told her they can get approval for business expansion in two weeks in other towns but they aren't going to try in LaFayette. Let's work to change our image as a community. Supporting Mrs. Watson's application would be an excellent start.

Debbie Kaltenbach lives next door to the Watson's. She thinks it's a very sad state to have neighbors against neighbors. The family of the Watson's are so respectable, honest and conscientious that it just makes her very heartbroken. They are good neighbors. They are good to the community. They are fine people and she just doesn't understand what this is all about. She is here in support of the family. The business goes on day-to-day with no interference to her home or family life. The traffic is no different today than the day they moved in next door.

Brian Brown of LaFayette Road said he's lived in LaFayette most of his life. He rode the late bus for sports and drove up and down Sentinel Heights Rd. and he never even knew Watson's Greenhouse existed until several years ago. You can't even see it from the road without specifically looking for it. It's not aesthetically unpleasing. The building is beautiful. They are good people. There's no negative to this business. There's no reason this shouldn't go forward.

Elizabeth Beebe said she's lived in our town 30 years. She believes we need to support clean business and family run business. She feels the other signs in the neighborhood are extremely offensive. She supports the applicant.

Dana Chapman of 3215 Groth Road said he has lived in LaFayette 50 years. When McDonald's was going to build on Route 20, he was against it terribly. He hated

McDonalds. He said he'd never step foot in there. He thought about this tonight as his wife and he sat there eating so they would have time to get to this meeting. They go there every couple of weeks. It's not that bad. It doesn't look that bad. The foods not that bad. It's grown on him. He doesn't hate it as much any more. In fact, it's an asset. He changed his thinking along the way. McDonalds has employed so many people and done so much good for the community. He thinks if some of the people here would think about Watsons, it's an honorable place. It's a noble place. Bob Watson left something for his family. He wishes he could leave something for his own family. He had Bob Watson in school. He was a very honest and noble man. He thinks something that he left to his family should not be taken away from them. How dare they. If he left something for his family, he would be ashamed if someone tried to take it away from them.

Ann Barry from Navarino said she's been shopping at Watsons for 20 years. It's heartbreaking what's happening here in the lovely hamlet of LaFayette. She wonders if people have permits for the signs that are up at the neighbors. To her, the signs are more offensive than the beautiful greenhouse. She hopes we get this resolved.

Robert Hickers of Ithaca said he has been a friend of Carol's for 2 years. He has spent a long time here at the greenhouses. He's observed how hard-working Carol, Greg and Claire are. They are honest. When you step into the greenhouses, it's like stepping into the Garden of Eden. You don't have to buy something to enjoy the day. Without mentioning names, he thinks there may be a reason for the split. The person has spent a wealth of time trying to undermine the family. He thinks this reflects badly on a community like LaFayette to have someone like this trying to undermine his family like this. He believes the family reflects the best of LaFayette. He believes the community should not only support them but support them enthusiastically.

Andra Leimanis of LaFayette said she has lived here since 1964. Towns need businesses. LaFayette has come to be known as a clean town because of the apple orchards, greenhouses, and landscaping businesses. She thinks we should work to keep this image. Watsons Greenhouse should be supported. It's people oriented. The employees are local people. Two youth who started working for Watsons Greenhouse have used their experience well. One student is pursuing his education in horticulture at Cornell and the other is continuing his studies at ESF. This is the kind thing Watsons instill in the people who work for them. On June 20th she called the County D.O.T. and it turns out that traffic on the road is rather a non-issue. They advised the volume of private and 18-wheelers is not restricted on county roads. Some problems experienced could maybe be resolved if some low impact signs could be put up with directions to the business. She read County Planning's determination. It was alarming to her. They admit that no one visited the site until mid June. She requests the Board to ask the County to revisit their determination. The Chairman of the County Planning Board said it's up to the Zoning Board to do this. She would recommend the Board request them to revisit the process. Watson's are different from other greenhouses in the area. They have a reputation throughout the county and beyond. We should see that they are kept strong.

Alan Kaltenbach who lives next door to Watson's said he has lived in LaFayette since 1956. He has seen the changes happen. There use to be 4-5 houses on the road and now there are more. Just walking down the road Saturday, thinking about this meeting tonight, he walked down about 100 yards and asked himself would you want this next to you. He turned and looked at it and said yeah. He just doesn't get this. There's no

debris. It's a beautiful place. It's beautifully landscaped and they are nice people. He just doesn't get it.

Brian Brown said he also saw the sign at the neighbors. The first time he saw it, there was a beat up van parked next to it and he was wondering if the sign was talking about the van. The van had a for sale sign in the window.

Dave Knapp said he lives at 6544 Route 20. It seems like it's always been something commercial going on there since well before him. In the 50's it was eggs and syrup. In the 60's he went to nursery school there. In the 80's and 90's it was a greenhouse. He thinks there has always been a commercial enterprise there.

Art Friedel from Syracuse would like to add that 4 years ago he asked the Watsons if they needed help watering. He started watering and has not left. He has been working there 4 years. It's one of the best jobs he has ever had. He's had other jobs in other cities in larger corporations. He has never met a family with more integrity and concern for their employees. He is behind them 100%.

Chairman Beggs asked for any further comments in favor of the application. There were none. He said at this point in time, he would open the hearing up to anyone who wishes to speak in opposition to the application.

Robert DeOrdio said he lives across the road from the Watson's. He's the one with the sign up. Some people tried to take it down. He came to the meeting last month. 52% of the people who signed in stated they were in favor of this application. Most of them don't even live in the neighborhood. 12 years ago, a truck ran into his house. Can he be guaranteed this won't happen again? There's truck's over there all the time. There are big trucks, tractor-trailers carting bucket loaders, etc. He's been fighting this thing for 35 years. The first time the permit was granted they had the greenhouse already up. 12 years ago they said they would take the business up to Route 11. Why isn't it there now? There's a lighted sign on the road. It should be back 15' from the road. He's fought this for years too. After this year, shrubs were put up which he fought to get for years. He's only heard 3 people who live in the area and don't object to this. Let them have it in their backyard. Let them have the lights shining in their house. The greenhouse is bigger than 96'. He's still getting effects from his property being damaged.

Jeff Murray said he wants to be heard as a concerned citizen. He grew up in LaFayette and now lives in Nedrow. He owns the corner property on Commane Rd. He will be building a house soon. There are more than 3 people this effects. The back of his house will look at the business. Can he ask some questions?

Chairman Beggs said yes but to direct his questions to the Board.

Jeff said he was under the impression that this business has been planting and growing but has been selling off the Route 11 site. Is that correct? He knows now it's 2 separate business running.

Chairman Beggs said when the permit was approved in 1981, it was for the site located on Sentinel Heights Road. There was also approval in 1982 for a structure to be put on Route 11. When a specific permit was granted in 1994, it was not both locations. They transferred at that point in time, the bulk of the business to the Route 11 property and the Sentinel Heights business sold out of their greenhouses at certain times of the year but it was basically a feeder for the Route 11 property. Some people still prefer to visit the greenhouses at the homestead location. Sometime in the past year, the business fell apart for personal reasons and they have gone their two separate paths. There is still

a business being operated at the Route 11 property and a business is being operated at the Sentinel Heights location. They are asking for relief for the operation of the business at the Sentinel Heights location for the reasons he stated.

Jeff said you say expansion of the business, there's buildings there that have been built that are in violation now. Are they asking for permits to keep what they have because they are larger than what was originally granted?

Chairman Beggs said yes.

Jeff said so the business is not the same as what's been there for 20 years. It isn't the same business that has operated there for 20 years. It's moving there from Route 11. He's been developing his piece of property for 3 years. This spring is the first time ever that there's been a ton of traffic coming up the road looking for the greenhouses. If this town is going to allow them to continue to operate this business, they will have to allow some type of signs. Something has to be done with the speed limit at the upper end of Commane Road where traffic is turning around when they realize they have missed Watsons. If you are going to allow this, you have to allow for signage and speed limits. He doesn't like them to keep saying this business has been there forever, they are going to double what it was. They bought tons of stuff when it was located on Route 11. The business will double what it use to be on Sentinel Heights. He asked the Board to take this under consideration.

Mr. Freund said he lives at 2960 Sentinel Heights Rd. He lives approximately 300' from the Watson's operation. He would like to point out that this meeting is not about good people and bad people. He said it's about a business that is not in an area that it should be. The business that LaFayette needs should be up on Route 11 or in some commercially zoned area and not on a stretch of Sentinel Heights Road that is predominantly residential. He would like to point out in 1981 the Watson's circulated a petition on Sentinel Heights Road. Many of the people who signed the petition opposing the Watson's in March, signed that petition in favor of the greenhouse in 1981. The reason being that the Watson's assured them when they circulated the petition that there would be no expansion of the greenhouse. A lot of people thought why not let them have one little greenhouse because that is what the Watson's promised. A lot of people have made reference to the 7/1/81 Zoning Board of Appeals Meeting. He will quote from the minutes of that meeting "...the Watsons plan no change of the greenhouses...the greenhouse would not be detrimental to the neighborhood and they agreed to plant 96' shrubbery to shield the greenhouse from Sentinel Heights..." If the Watson's had stuck to their agreement in 1981, we wouldn't have to be having this meeting tonight. In 1984, the Watson's put up one or two more greenhouses without permits. In 1984 the Watson's agreed to remove the two additional greenhouses. They are still there. In 1985 they were advised to desist operation at this site. The business stopped when they realized it would be more beneficial for them to be on Route 11. When that fell apart, they came back to Sentinel Heights and started up the business bigger than before. It's a new business. It's not a business like in 1984 or prior to that. In 1994, the Watsons' attorney basically sent a letter to the Board stating they had been in operation for so many years on Sentinel Heights Road that it was now a legal non-conforming use. For whatever the reason, the Board fell for that premise. None of the neighbors were happy about it but they lived with it. Some of them even did business with the greenhouse. The problem is that the truth as stated by the Watson's regarding the greenhouses seems to change as reasons for

change come up. What's the truth for one year is not necessary the truth for the following year. There have been statements about the tractor-trailers. The Watsons' attorney got up at the June meeting and stated flat out that he wanted to put to rest any rumors about tractor-trailers, there would be none coming to the Watson property. The neighbors already knew there were tractor-trailers visiting the property. Where did he get his information from? He's working on information supplied to him by the Watson's. Most of the people have spoken very well of the Watson's. He personally has no problem with the Watson's. What he has a problem with is the oversized business on Sentinel Heights Road being jammed down his throat and because he doesn't like it, he's a bad guy. He's a retired business manager. Some discussion was made about the great charitable contribution the Watson's made to Hospice. This last event, they gave \$1,480 to Hospice. This was quoted in the paper as 10% of what they took in. This left the Watson's with a \$13,000 profit. He's all for charity but would be more for it if he could run an event like this a couple of times a year. He originally said this should go back to what it was in 1981 even though the building was put up without a permit. The Board granted the building with the 96' of shrubbery to be planted. It was planted 21 years later. They also agreed not to put up any more buildings and he doesn't know if there's 4, 5 or 6 buildings there. As far as traffic goes, one time there was so much traffic parked all the way down Sentinel Heights Road that one woman parked her suburban partly in their driveway. When his wife and he asked her to move, she was very irate that they asked her to move her car out of their driveway. A few weeks ago, he and his wife came back from grocery shopping and had to wait for a car turning around in their driveway to find Watson's. The residents on Sentinel Heights Road consist of people who put a lot of work into their homes and for many of them it's their primary investment. That investment is going to be hurt greatly by the Watson operation and it has no business being there. No one is out to hurt the Watson's but neither do they want to be hurt themselves. This business is at the neighbors expense and that is not right.

Bill Moltion of 2965 Sentinel Heights Road said he lives right next to Knopp's. He was on the Board and has known the Watson family for 50 years. Bob taught him in school. He remembers the original business. He didn't mind the greenhouse but he was told by Bob that they would sell the stuff they grew there. It never happened. He told Bob he couldn't go along with him for more greenhouses because Bob didn't go along with what he originally said he would do for the first greenhouse. The traffic has changed. He would believe that the majority of the traffic goes through there at least 50 mph. He's had a cable and telephone wire knocked down by trucks going through there. Finally the cable and phone companies had to come through and raise the wires. He has no personal qualms against the Watsons. They have always been good people. The problem is things haven't been done the way they should have been and according to what they said they were going to do. They have a quiet neighborhood and they use to sit on their front porches and now have to sit on the back porches. He had no problem with the Hospice event. Things use to be pretty tight in the neighborhood. It's tight now with driving on that road. The kids coming around the corner now are going to end up getting killed because of the speed and the traffic. He works for the County Highway Dept. and it's one of those things that it's a county road and they have a right to travel on it but the speed limit has been reduced twice and it's a sad state of affairs when you can't sit out on your porch because the traffic is so heavy. Most greenhouses use chemicals to spray on

their plants. Guess what folks, we don't have public water. If the Town Board is willing to put water in for nothing or at the Watson's expense if their wells become contaminated, he has no problem with it. He feels this is a big problem. He has discussed it with the Board of Health and they said they can't do anything unless something happens. If something happens, you have a neighborhood with no water! Look at Lysander, they couldn't drink their water because someone polluted it. He's not trying to put someone out of business but he thinks this business is too big for a residential neighborhood. A small greenhouse he has no problem with but it just keeps expanding there and they didn't do as they promised. They came to get permits once someone said something. We all have to abide by rules and so should everyone else.

Jim Nakas lives on Route 11A and said he thinks the problem the Board is actually faced with here, and there's no doubt in his mind, that this is a continuing expansion of a non-conforming use. If you approve this, you will set precedent that maybe I want to start a business in my neighborhood and you will say no and I will say why not, you granted it to Watson's. Unless there are severe restraints put on this application, he feels it's a dangerous path.

Mr. Tennant lives at 2991 Sentinel Heights Road. He said during the summer you probably can't tell he lives there because he lets his maple trees grow like shrubs so when he looks out his window, he can't see the Watsons. He would like to be able to trim his trees. They came to LaFayette in September of 1957. He came here to be a school teacher. The first person he met and became friends with was Bob Watson. He taught Industrial Arts and Bob taught Ag. They were in classrooms next to each other. They remained good friends until this business started to grow. He probably would not be here tonight if he hadn't personally witnessed the truck running into Mr. DeOrdio's house. It happened right at school bus time and his granddaughters were outside. This would never have happened if the business was not there. He submitted a letter to the Board and read from it as follows: "This issue has nothing to do with the Watsons. It has nothing to do with greenhouses and garden centers. This issue concerns a commercial retail business that has grown much too large for the agricultural/residential district where it is located. Even the Onondaga County Planning Board recommends disapproval as the use represents an over utilization of the site and is out of scale with and out of character with surrounding uses. We do not approve of Watson's greenhouses being located at 2980 Sentinel Heights Road. Over the years it has grown from a small family one greenhouse business to a large garden center complex with its own computer web site. It now has 3 large greenhouses, 2 of which have been enlarged from their original size, and a large garden center building which is an enlargement of a small office building. All 3 enlargements were done without Zoning Board approval and based on a building permit application which gave very little information. Over the years this business has brought more traffic to the area. This traffic has included cars, pickup trucks, farm trucks, tractors and dump trucks pulling trailers with bulldozers and back hoes on them. These vehicles have made our road less safe than it was. Also it has brought 18 wheel tractor trailer trucks delivering garden center, nursery and horticultural supplies. These trucks are so big they block the road and have used neighboring driveways to maneuver their way into Watson's driveway. During late fall and winter the light pollution has been very disturbing. We ask the Board Members of the Zoning Board of Appeals to consider the facts and respond fairly. Please don't forget the people who live in the neighborhood."

He submitted pictures of how the business has developed from the original greenhouse in 1981. He submitted examples of the Watson's website. He submitted more pictures from the Assessor's Office on the property. This business has increased in size. He submitted information he obtained from records kept in the Town Offices. Greenhouse #1 has been increased by 1084.2'. Greenhouse #2 has been increased by 715.5'. Greenhouse #3 has remained the same size. The Garden Center has been increased by 1201.01'. This has all been done without zoning approval. The information for this came from the Zoning Board of Appeals resolution for Case # 302 of 7/1/81 and resolution for Case # 485 of 6/15/94 as well as the 1994 plot plan of Watson's and their new 2001 survey. He also submitted a copy of the building permit presented to replace an office they say got knocked down. There's very little information on the application. The sketch submitted is not a plan. It's been stated tonight that the Watson's bought the property in 1952 and have operated a greenhouse business there all that time. One thing they didn't tell you is that they doubled the size of the property in 1988. Doubling the property is the only way they could increase the size of their business. It bothers him that this property was bought from Bob Krivaneck who was on the Zoning Board of Appeals. In 1994 when this came before the Zoning Board of Appeals, Bob Krivaneck stood up and spoke in it's favor. Probably not illegal but not very professional.

Mark Chapman said Chairman Beggs said everyone had 2 minutes at the beginning of the meeting. It's been 11 minutes. They might have more material to support their case as well.

Bob Tennant took exception to this. People who are opposed to this have been coming to meetings all along and have not been allowed to speak.

Chairman Beggs said the point is very well taken. If the gentleman was rambling on aimlessly, he would put a stop to it. He's handed out constructive documents and been very composed. This meeting is not to address the character of the Watson's. The Board is here to address the business structure. They are here to deal with the facts. This gentleman has presented himself well and is very well organized. He is presenting factual information that this Board can look at.

Bob said there was no time limit put on the Watson's attorney. He personally feels they should have the same amount of time he did.

Chairman Beggs said as long as he is providing constructive information, he has the time.

Bob submitted a copy of the short Environmental Assessment form. He would like to address # 9 here. This addresses things within 300' of Watson's property. Within that 300' there is no auto repair shop, the nearest one is on Route 11. The natural gas business is 2 miles up the hill, nowhere near Watson's. There's no commercial orchard. The business hasn't been run since 1993. There's no oil truck storage business within 300'. There's no other retail business in the area but there are 7 private homes within the 300' on either side. Watson's business is located between 2 major highways, LaFayette Road and Route 11. There are 4 routes to get to it which cover a 2.5 mile radius. There are 75 homes that could be effected by people going back and forth to this business. He submitted some pictures from inside the garden center, greenhouse #1 and greenhouse #2. He said you can see this is not a small family business. For the people who drive by and don't see the greenhouses, he would assume they are paying attention to the road because you can see them. He submitted pictures of the greenhouses as seen from the road. He

submitted pictures of the trees Watson's planted to shield their pool from the parking lot. If they had planted trees at the correct time, the greenhouses would be shielded from the road by now. He submitted pictures of a tractor trailer making a delivery. He submitted a picture of a tractor trailer who couldn't turn around when it came up to make a delivery and had to back out onto the road. He submitted a picture of a how a tractor trailer must go to the opposite side of the road to turn into Watson's. He submitted a picture of the type of dump truck and trailer they have had to put up with since they started operating the business back in the 1980's. He thanked the Board for their time and for the extra time they allowed him. He hopes the Board realizes the neighbors thinking that this is a terrible burden put upon their community. He also noted Watson's survey shows the driveway going into the garden center as paved. It is not paved. It's a dirt driveway. Cars going in and out of there cause the dust to be terrible.

Chairman Beggs asked for anyone else who wished to speak in opposition.

Holly and Jennifer Samson from 2966 Sentinel Heights Road spoke. Holly said their 4 ½ acres borders the Watson property. They don't even know the Watson's. She doesn't think anyone in this room would want to live next door to a commercial enterprise. The hours, days of the week, traffic are all concerns. You pull into Watson's driveway and the cars face their property. They read something that in 1981 there was suppose to be a fence put up between the two properties. When kids are playing in their yard, there's nothing to stop the cars from driving across the yard from Watson's. She thinks when the Board makes it's decision, they should all think about how they would like to live next to Watson's. They have absolutely no privacy. People come and go. They have workers in the backyard. Her daughter owns property in the city and wouldn't think of bringing it to her back yard. She thinks they are growing by large and shouldn't be there.

Chairman Beggs asked if anyone else would like to speak.

Mr. Tennant said one other thing he forgot to say is that he believes Watson's plan to put up another greenhouse. It's already been removed from the Route 11 site. He think's the frame is laying in a pile in front of greenhouse # 1. Jennifer didn't mention it but the Watson's approached her about buying more property. They have not given up expanding this business.

Mr. DeOrdio said the tractor trailer pulls into his driveway to back into Watson's. He had to have an electrician put a pole in because they kept knocking his wires down.

Chairman Beggs asked if anyone else wished to speak in opposition. No one else came forward.

Chairman Beggs said there has been a lot of input from both points for and against this matter. It's getting late. We have two options. One is to table the public hearing and open it again next month in case there are more issues. If we close the public hearing, we can't take any more information from the public.

John Langey asked what the Board wanted to do about County Planning.

Board Member Miller would like to hear from all the County Planning Board Members and not just one person.

John Langey said it wasn't the Chairman of the Board, it was the Director.

Chairman Beggs said in light of things that may still be out there that the Board wouldn't know about if he closes the public hearing, the Board can't take any further input. If they table the public hearing until the next meeting, they have all kinds of

material to look over before a decision can be made. His own personal feeling is to table the public hearing tonight and reopen it next month in case there is any more valid information in support or in opposition to the application. This Board can then close the public hearing and decide whether to refer it to County Planning or not.

John said County Planning would get an additional 30 days to consider this.

Chairman Beggs said he doesn't believe this Board would refer it without reviewing the reasons.

Board Member Miller asked if it wouldn't expedite this if we asked the County Planning Board if they wish to reconsider this material before resubmitting it. There was a question that a Board Member said she didn't think they had the full picture.

Chairman Beggs said they can ask John to draft a letter asking them if they would like to entertain a resubmission to reverse this matter again.

Board Member Drumm asked was the person Watson's spoke to about this speaking on behalf of themselves or the County Planning Board?

Chairman Beggs would want a letter from that Board as a group rather than just an individual saying they do all or don't all have a problem with it.

John said the Board want's to know from County Planning if they are interested in looking at this again.

Mr. Heberlig would like a request to be made stating the Board has additional information for them to review. A lot of material was submitted tonight. He hasn't had an opportunity to view it. If the Board would adjourn the public hearing, he could review the information and probably have additional information.

Chairman Beggs refuses to make a decision on this tonight.

Mr. Heberlig would like to review the material submitted and possibly respond to it.

Mr. Freund asked the Board if they had any tentative date of when they will make a decision.

Chairman Beggs said there's a lot of material here to dissolve and he refuses to answer that question.

Mr. Freund asked if it would be possible to make a decision at the next meeting.

Chairman Beggs said right now he would say no. The Board has to close the public hearing. They then can refer it to County Planning who has 30 days to report back. He believes the earliest date will probably be September and it might be later. The Board is taking this very seriously. It's a big issue and is of a lot of concern to a lot of people. The Board has a lot of facts they have to review and make the best decision they can.

Bill Moltion said by not closing the hearing, does it mean they will accept more information until it's closed?

Chairman Beggs said that is correct. He got a lot of input here tonight. If someone has some further valid information, they couldn't submit it if the public hearing were closed. He might close the public hearing 20 minutes after it's opened next month. It depends on what information is submitted. A lot of information has been submitted by both sides. Either side may have responses to the information and wouldn't be able to give it if the public hearing were closed. He asked if anyone had any other concerns. No one came forward.

Holly Sanborn said seeing as though it will take awhile for the Board to render

it's decision, what is the situation now?

John said the situation is that while this is pending, the applicant is going to continue operating as they have in the past. If the Code Officer acted to enforce matters, it would go to court. Any judge is going to know they have a pending application and will want to see what the outcome of that is before they rule.

Bob Tennant said what Mr. Nakas said is the most important thing on this issue. There has been a series of code violations by this business and if the Zoning Board of Appeals doesn't put an end to it then other people will use it to start businesses anywhere they want to.

Chairman Beggs tabled this public hearing until the next meeting.

Board Member's Drum moved and Miller seconded the motion to table this matter and continue the public hearing at the next Meeting. Motion passed unanimously.

Chairman Beggs said before the Board tonight is Case # 540 which is the 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. This has been referred to County Planning. We had to wait for feedback from them. He read County Planning's decision as follows: " WHEREAS, the Onondaga County Planning Board, pursuant to the General Municipal Law, Section 239 l & m has reviewed and considered their referral for a variance from the Town of LaFayette Zoning Board of Appeals at the request of the Jack Conlon/Henry Streiff for property at 4205 Coye Road; and WHEREAS, the site is within 500 feet of Coye Road, a county road; and WHEREAS, the applicant is proposing a three-lot subdivision of 8 acres zoned A-R (Agricultural-Residential); and WHEREAS, the subdivision would require two area variances for the road frontages of lots 2 and 3, where 60 feet is required, but 50 feet is proposed; and the variance would permit three driveways instead of the current two driveways that are permitted by the ordinance; and WHEREAS, the Onondaga County 2010 Development Guide encourages access management to protect safety and traffic mobility on county highways; NOW THEREFORE BE IT RESOLVED, that the Onondaga County Planning Board recommends that said application be DISAPPROVED for the following REASON(S): The Onondaga County Planning Board supports the lot frontage requirements of the LaFayette Zoning Ordinance; in this instance, enforcement of the existing ordinance would maintain the number of driveways along this frontage at two, rather than permitting three.+ He said the applicant is here wanting to make two 50' driveways. Chairman Beggs said the two lots to the rear would each have their own dedicated driveway even though they would only use one for today. It's his understanding if the Board votes on this, they have to have a unanimous decision.

John said 4 out of 5.

Board Member Drumm said they can let it go with one driveway as long as these two are getting along and if down the road they need to do make two driveways they can.

Chairman Beggs said it would be wrong for this Board to approve one entrance. This Board must decide whether they want to approve this application with two 50' wide driveways instead of 60' which is the reason the county denied it because it's not within the ordinance and they support the ordinance. This Board has the responsibility of supporting the County Planning Board and denying this application or they can overrule

the County Planning Board in favor of the application but it must be majority plus one.

Mr. Conlon submitted an updated map with the changes the Board requested at the last meeting. He has widened it so the 50' is maintained all the way back. The revised map is dated 7/3/02.

Chairman Beggs likes this concept much better as the Board looks down the road.

John said his understanding is that the D.O.T. has issued driveway permits for the two 50' wide driveways. He assumes these permits are issued after viewing the site and the site distances.

Board Member Drumm asked if the Board can put riders on this that there can be no plantings in the 50' driveway.

John said yes you can. You can state that nothing can be planted to impede or obstruct the visibility from the main road. He asked how far back from the road is it likely to go.

Chairman Beggs said going back 50'.

John said nothing planted or placed 50' from the right-of-way with the intent to deter visibility or increase the degress from the road.

Chairman Beggs said so it doesn't restrict egress and degress safety.

Board Member's Miller moved and Butkus seconded the motion to grant the application with the restriction that nothing be constructed or planted within 35' of the road right-of-way, to make the Board the lead agency and declare the Board is overruling the County Planning Board's decision as the D.O.T. driveway permits have been obtained and this provides access to landlocked areas and it's a hardship and this will be the lesser of all evils. Motion passed unanimously.

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

The Zoning Board of Appeals Meeting adjourned at 10:22 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

The following were in attendance at the July 9, 2002, Zoning Board of Appeals Meeting.

| | |
|-------------------|------------------------------------------|
| Linn C. Beebe | 2850 LaFayette Rd., LaFayette, NY |
| Beth Beebe | 2850 LaFayette Rd., LaFayette, NY |
| Anne Walker | 3480 LaFayette Rd, Jamesville, NY |
| Steve Kuhns | 5781 Norman Dr., LaFayette, NY |
| Tracey Kuhns | 5781 Norman Dr., LaFayette, NY |
| Mark Chapman | 3215 Groth Rd., LaFayette, NY |
| Carrie Pinkerton | 2044 Deer Run Rd., LaFayette, NY |
| Kristen McClary | 1690 Apulia Rd., LaFayette, NY |
| Theresa M. Bush | 3777 Eager Rd., Jamesville, NY |
| Lisa Watson | P.O. Box 326, LaFayette, NY |
| Kristen Lange | 5890 Sugar Bush Dr., Tully, NY |
| Mary Turner | 1865 Rte. 11S, Tully, NY |
| Peggy Bailey | Sky High Rd., LaFayette, NY |
| Connie Chapman | 3216 Groth Rd., LaFayette, NY |
| Dana Chapman | 3216 Groth Rd., LaFayette, NY |
| Diane DeBottis | 117 Merriweather Dr, 13219 |
| Dorothy McConnell | 5822 Winacre Dr., LaFayette, NY |
| Mary Miller | 2918 Sentinel Heights Rd., LaFayette, NY |
| Jennifer Samson | 2966 Sentinel Heights Rd., LaFayette, NY |
| Holly Samson | 5845 Bull Hill Rd., LaFayette, NY |
| Linda DeSaw | 3165 Webb Rd., LaFayette, NY |
| N. Jane Warner | 3069 Webb Rd., LaFayette, NY |
| Frank Warner | 3223 Webb Rd., LaFayette, NY |
| Mary Warner | 3223 Webb Rd., LaFayette, NY |
| Robert Martorella | 5965 Commane Rd., LaFayette, NY |
| Knowlton Foote | 6010 Cherry Valley Rd., LaFayette, NY |
| Jean Suters | 6005 Cherry Valley Rd., LaFayette, NY |
| Kathleen Amidon | 2880 Markland Rd., LaFayette, NY |
| Peggy Stevenson | Douglasville, GA 38130 |
| Adrian Shute | 5681 Route 20, LaFayette, NY |
| Jeff Murray | 118 Pembroke Dr., Syracuse(Commane Rd.) |
| Linda Logan | 5600 Shute Rd., LaFayette, NY |
| Betty H. Knapp | 6577 Route 20 E, LaFayette, NY |
| Kelly Barns | |
| Trish Barbero | |
| Beverly Oliver | Webster Rd., LaFayette, NY |
| Joan Freund | 2960 Sentinel Heights Rd., LaFayette, NY |
| Bruce H. Freund | 2960 Sentinel Heights Rd., LaFayette, NY |
| Barbara Fox | Commane Rd., LaFayette, NY |
| Sue Moltion | Sentinel Heights Rd., LaFayette, NY |
| Bill Moltion | Sentinel Heights Rd., LaFayette, NY |
| Cindy Heckerman | Sentinel Heights Rd., LaFayette, NY |
| Carol Reed | 3417 Sentinel Heights Rd., LaFayette, NY |

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|--------------------|------------------------------------------|
| Michael Reed | 3417 Sentinel Heights Rd., LaFayette, NY |
| Helen Shute | 2814 LaFayette Rd., LaFayette, NY |
| Alice Shute | 5668 Shute Rd., LaFayette, NY |
| Walter Shute | 5668 Shute Rd., LaFayette, NY |
| Michael Shute | 2818 LaFayette Rd., LaFayette, NY |
| Patricia Shute | 2818 LaFayette Rd., LaFayette, NY |
| Richard DeOrdio | Sentinel Heights Rd., LaFayette, NY |
| Janice DeOrdio | Sentinel Heights Rd., LaFayette, NY |
| Art Friedel | Syracuse, NY |
| Dorothy S. Tennant | 2991 Sentinel Heights Rd., LaFayette, NY |
| Bob Tennant | 2991 Sentinel Heights Rd., LaFayette, NY |
| Rita DeOrdio | 2981 Sentinel Heights Rd., LaFayette, NY |
| Robert DeOrdio | 2981 Sentinel Heights Rd., LaFayette, NY |
| Rick Knopp | 2975 Sentinel Heights Rd., LaFayette, NY |
| Patty Knopp | 2975 Sentinel Heights Rd., LaFayette, NY |
| Louis Fekete | 462 Idlewood Blvd, Baldwinsville, NY |
| Joyce Wolff | 2171 Apulia Rd., LaFayette, NY |
| June Erhard | 2171 Apulia Rd., LaFayette, NY |
| Janice Watson | 2777 Rte. 11N., LaFayette, NY |
| Anne Barry | Navarino |
| Karen Miller | 2786 Route 11N, LaFayette, NY |
| James Miller | 2786 Route 11N, LaFayette, NY |
| Brian Brown | 2831 LaFayette Rd., LaFayette, NY |
| Andra Leimanis | 2831 LaFayette Rd., LaFayette, NY |
| Alan Kaltenbach | 2996 Sentinel Heights Rd., LaFayette, NY |
| Debbie Kaltenbach | 2996 Sentinel Heights Rd., LaFayette, NY |
| Robert Hickes | 4169 Garret Rd, Ithaca |
| Linda Pinkerton | 2044 Deer Run Rd., LaFayette, NY |
| Lou Ann Black | 4050 Old Kennedy Rd., Nedrow, NY |
| Ruth Pierce | 2340 Route 11, LaFayette, NY |
| Joan Pierce | 2340 Route 11, LaFayette, NY |
| Tim Bloom | 2626 Route 11A, LaFayette, NY |
| Colleen Bloom | 2626 Route 11A, LaFayette, NY |
| Deb Miller | 6559 Newell Hill Rd., LaFayette, NY |
| Dennis Smith | 2777 Route 11N, LaFayette, NY |
| David Fox | 5887 Commane Rd., LaFayette, NY |
| Stanley Kurgan | 2900 LaFayette Rd., LaFayette, NY |
| Connie Foote | 6010 Cherry Valley Rd., LaFayette, NY |