

Minute of the Town of LaFayette Zoning Board of Appeals Meeting held in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette on October 14, 2003 at 7:30 p.m.

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

Absent: Jerry Doolittle, Member

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, ZBA Attorney
Sandra Smith, Councilwoman
Neil Shute, Applicant
Scott Shute, Applicant
Melody Roy, Applicant

Chairman Beggs called the Meeting to order at 7:36 p.m.
Everyone introduced themselves.

Chairman Beggs asked if there were any corrections or additions to the September 9, 2003 Zoning Board of Appeals Minutes.

Member Drumm said on page two it should read Member Drumm in place of Chairman Drumm.

Member Kuhns said “s” should be added to his name throughout minutes.

Member’s Drumm moved and Kuhns seconded the motion to accept the September 9, 2003 Zoning Board of Appeals Meeting Minutes as submitted by the secretary with the above corrections. Motion passed unanimously.

CASE # 561 – Sketch Plan Conference for appeal of Melody Roy for a side-yard variance for her property located at 2880 Route 11 approximately 600' south of the Sentinel Heights and Route 11 intersection on the east side of Route 11 in an Agricultural/ Residential District.

Melody Roy said she currently has a garage. Because of severe water damage, the floor has pulled up and is rotting. She has a young adult with a terminal disease and it’s getting more and more difficult for him to take care of himself. Her home doesn’t accommodate him. Her intention is to build a 2-story garage and by next summer, to have him living upstairs over the garage. It wouldn’t be an apartment. It would have a small kitchenette area, shower, and large livingroom. Currently the garage doesn’t go to her backdoor. She was hoping to bring it up to the door. She wants to extend the garage back to the end of her house.

Chairman Beggs asked if it would basically be the same footprint as the existing garage.

Melody Roy said it will go right even with the porch.

Chairman Beggs said the garage will be 32' long front to back.

Melody Roy said right.

Chairman Beggs said therefore it will extend the existing garage 10'.

Due to the fact that the property line is not parallel to the garage, it will be closer than the current 7'8". He asked her how close it will be.

Melody Roy said she has no knowledge of this. The person that drew the plans for her just told her to present them.

Chairman Beggs said as a point, which is the reason for a sketch plan review to make sure you have all the documentation you need when we have a public hearing, one thing this Board will require is to note the distance between the corner of the new garage from the property line as it will be longer than the existing one. The new one will be extending back 10' more. Someone must establish what the new setback for the garage will be from the property line. It will be closer than the existing 7'8" as the property line is not straight.

Member Drumm said the build-back is 25' from the side property line.

Melody Roy said she doesn't have enough property to do that. Where the existing garage is now, it's 7'8".

Chairman Beggs asked how long the existing garage has been there.

Melody Roy said she just purchased the property last year.

Chairman Beggs said there has been zoning since at least 1970 with the 25' set-back requirement.

Member Miller noted it's a substandard lot.

Member Drumm asked if she is going to tear the existing garage down.

Melody Roy said right now the roof is off. They haven't torn it completely down yet because she was concerned about getting the variance.

Member Drumm said if she goes back 32', she will not have 7' from the side property line.

Melody Roy asked how far she could go back.

Chairman Beggs said if she could replace the existing garage in the same footprint, a variance could be granted.

Melody Roy said then that is what she will do. The extension was strictly for her son's convenience.

Member Miller asked if she would need a variance if she is replacing the existing building with the same footprints.

Chairman Beggs believes the applicant should get one so the record is straight as this structure will be erected in 2003. He doesn't believe this Board would have a problem with that.

John Langey said Ralph Lamson has first say on this.

Melody Roy said even putting up the new garage, they will have to close the walkway in between the house and garage or bring the garage up next to the house as she has water problems due to the walkway. Ideally the walkway will be gone.

Member Drumm said if they moved the garage right next to the house, it would give them another 4'.

Melody Roy said the 32' back was strictly to provide the extra room and

comfort to her son. By moving the garage close to the house, she believes he will have whatever comfort he needs and she will be able to take better care of him.

Chairman Beggs said if she goes right up next to the house and 10' back, it will give her room for the door. She could put a walk-through door in the front of the garage.

Melody Roy said she won't go any further back than the existing garage is now and she will gain 4' by putting it up next to the house.

Chairman Beggs said this garage according to code, is too close to the side property line. If the applicant builds the garage by the exact footprints of the existing garage, this Board doesn't have a problem with it.

John Langey said Ralph Lamson needs to be advised this is how the Zoning Board of Appeals feels. As long as she stays within the footprints and puts the garage next to the house, it's O.K.

Chairman Beggs said if she wanted to extend the garage back further to gain room for her son, then she would have to move the garage so it was not any closer to the property line.

Melody Roy said she is not going to do that. After listening to the Board tonight, she is going to put the garage next to the house and keep it within the footprints of the existing garage. She asked if she would need a variance to build a deck on the garage.

Member Drumm said it would all depend on how big the deck would be. If she built the deck right out to the end of the building, it would be closer to the property line again.

Member Miller asked where the septic is.

Melody Roy showed them on the map that the septic system is under the patio. She advised she will use the exact footprints of the existing garage but will bring the garage up next to the house and put the door in the side.

Chairman Beggs said just to be sure she doesn't get any closer to the side property line than the 7'8" she is now. He believes a public hearing can be held next month for this application to create a record. Tonight the Board is questioning when the building was constructed and what right the applicant has for having a structure closer than the 25' to the side property line, etc. as there is no record. When a variance is granted, if that property should come up for sale, etc., the owner has the piece of paper to show that it was authorized by the Town. Our opening questions were how old is the structure? When was it erected? Why does it not comply with zoning? If she is going to erect a new structure in that area, he believes it would be good business to state it was approved.

Member Drumm noted it's a .21 acre parcel.

Chairman Beggs asked if there was a house on the Titus lot next-door.

Melody Roy said to her right is the Knickerbocker residence and to the left is the Titus property which is vacant land. She asked if she had to come back for another meeting.

Chairman Beggs said she will have to come to the public hearing next month and the Board will need an accurate drawing of the location of the proposed garage and buildings with the accurate set-back from the property line.

The Board recommended the garage be no closer than the current 7'8".

CASE # 562 – Sketch Plan Conference for appeal of Shute’s Water Systems to move an existing 16’ x 5’ sign to approximately 20’ from the road edge at 5684 Route 20 approximately 1 ½ miles west of the Route 11 and Route 20 intersection in an Agricultural/Residential District.

Neil Shute said they purchased the former DOOW Lumber building. It had an existing sign approximately 16’ x 5’. They changed the sign lettering for their business. They would like to move the sign closer to the road so it can be seen better.

Chairman Beggs said the maximum sign size without a special permit in the Town of LaFayette is 32 square feet which is 4’ x 8’. That is one challenge. The other challenge is the setback. The 20’ from the road edge might put them within the state right-of-way. This Board would need a letter from the DOT allowing clearance.

Scott Shute asked what the state road right-of-way is.

John Langey said the state establishes their own set-back from the center of the state road. He believes the applicant might be in it.

Scott Shute said they would move the sign as close as they could without getting into the state right-of-way.

Member Miller asked if there isn’t a cement post marking the state right-of-way.

Scott Shute nor Neil Shute have seen anything there. It could be there but they just haven’t seen it.

John Langey said they could call the NYS D.O.T. and they will send them a letter stating their interest is within so many feet from the highway center.

Scott Shute said they just want to bring the sign out in front of the building rather than behind it.

Chairman Beggs asked how long the sign has been there.

Scott Shute said it’s been there a long time. It was there before DOOW Lumber went in.

Member Miller believes Mulhouser’s put the sign in when they were in the building.

Member Drumm asked how far their property line is from the east end of the building.

Neil Shute said probably about 80 – 100 feet. It’s fenced in too.

Chairman Beggs asked if they have a survey of the property showing the location of the structure and then they could locate the sign on the survey. Normally that is one of the requirements for a variance. The Board must have a survey of the property showing the location of all structures on the property.

Neil Shute said they have one. There is only one structure on the property. To draw the sign on that survey would probably not be a problem.

Member Drumm asked about how far the sign is from the edge of the road.

Scott Shute said it’s even with the building. It’s flush with the front of the building.

Member Kuhns said you can see it going west on Route 20 but not going east.

Member Drumm said if you are going up the hill, east on Route 20, you don't see the sign until you have gone passed it. If you are going west on Route 20, down the hill, you look right over the top of the sign. He can see why they want to bring it forward.

Member Kuhns asked if they plan to light the sign.

Neil Shute said no. He advised the existing sign is bigger than the zoning law.

Member Miller thinks the sign was put in back in the 1960's and there was no sign ordinance until the 1970's.

Chairman Beggs asked the applicant if the 32 square foot would work for them.

Scott Shute said no. The new sign is already painted. He can't cut it in half.

Member Kuhns asked if it didn't grandfather in.

John Langey said if they put it in prior to zoning, it would. He believes reasonably the Board could conclude the grandfathering in if the applicant moves it. He asked if it would cause a hazard for people pulling in or exiting the driveway.

Member Miller said no.

Chairman Beggs said the Board would like to see a sketch of the sign including the height,, size, etc. The Board will have to determine if it meets the safety issues.

Neil Shute said they would like to move it up about 20'.

Member Drumm asked if they could get away with moving it forward 10'.

Scott Shute said it would be nice to go at least the length of the sign forward.

Chairman Beggs said to have the back of the sign at least equal to the front of the building.

Member Miller recommended the Board take a look at the sign to see what they are talking about. He can appreciate what they are asking.

Neil Shute said the Board would like to see the sign located on the survey.

Chairman Beggs said yes. They can pencil it in or whatever. He would like to see the sign height, width and clearance underneath. That would give this Board a chance to review the facts before them to make a good decision.

John Langey said a good idea might be to have them take the drawings with them to the D.O.T. so the D.O.T. can sign off on them ahead of time.

Chairman Beggs said that is an excellent idea. When they get the information together, they can show the D.O.T. what they want to do and see if it's O.K.

John Langey said to be sure the D.O.T. gives them a letter stating it's O.K.

Neil Shute doesn't think they will be anywhere near the right-of-way.

John Langey said that would be good and the D.O.T. can give them a letter stating this.

Chairman Beggs is in favor of having the sign in front of the building as long as it's not in anyone's right-of-way or a hazard.

Member Drumm said the sign is probably 10' off the ground.

Scott Shute said you would have at least a car length or more between the sign and the road.

A public hearing will be held on this application next month as long as all the documentation is in.

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

The Zoning Board of Appeals Meeting adjourned at 8:29 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary