

Minutes of the Zoning Board of Appeals Meeting of the Town of LaFayette held August 3, 2004 at 7:30 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Stephen Beggs, Chairman
Albert Miller, Member
Robert Drumm, Member
Jerry Doolittle, Member

Absent: Daniel Kuhns, Member

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, ZBA Attorney
Jeffrey & Kathleen Peterson, Applicants
Peter & Stacy Swisher, Applicants
Paul Swisher, Applicant
Paul Palladino, 6725 Palladino Rd.
Diane Klossner, 6680 Palladino Rd.
Steve Meier, Applicant

Chairman Beggs called the meeting to order at 7:40 p.m. He welcomed everyone. He asked if the Board had reviewed the June Meeting Minutes and asked if there were any corrections or additions. There were none.

Member's Miller moved and Drumm seconded the motion to accept the June 8, 2004 Zoning Board of Appeals Meeting Minutes as submitted by the Secretary. Motion passed unanimously.

Chairman Beggs said the Zoning Board of Appeals did not hold a meeting in July due to a death in his family. He apologized.

CASE # 570 – Public hearing for Appeal of Jeffrey and Kathleen Peterson for a front-yard variance for their property located at 6742 Palladino Road approximately 1 mile east of the Apulia Rd. and Palladino Rd. intersection in an Agricultural/Residential District. (Tax Map # 006.-04-05.0)

Jeffrey Peterson said they would like to bring the building closer to the road. The reason they want to bring it closer is because of where they propose to put their house and the several existing ponds and a spring. The area they propose to put the building is a little higher. The house will be back approximately 450'. They really don't have any room to go anywhere other than here with it. If they go back further, they would have to put in about a 600' driveway which would be very expensive. If they put it in the proposed spot, it would be 46' from the center line of the road. There would be no backing into the road. They own 700' east and there's probably 800' visibility to the east. They are looking to have the barn parallel to the road and the door would be perpendicular.

Member Drumm asked if he is looking for a 7' variance.

Jeffrey Peterson said it would be a little more than that. It would be about 15-20'.

Chairman Beggs said he visited the site today.

Member's Drumm and Miller said they also visited the site.

Chairman Beggs said he saw an area that was marked out.

Jeffrey Peterson said that is where they are looking to put the barn.

Chairman Beggs said he saw a sizeable tree stump.

Jeffrey Peterson said south of the stakes. That is where they have a problem with the runoff.

Chairman Beggs said it appeared to him that all that area had been filled.

Jeffrey Peterson said that was to try to build it up. He had some topo maps of the property for the Board to see.

Chairman Beggs said the area looks like it's all fill other than where they propose to put the house which looks like it will be on virgin soil.

Member Drumm asked why not build it back further by where the house will be.

Jeffrey Peterson said there's really not enough room in that area. They would have to go back further than the house if they can't put it in this spot.

Member Miller said the neighbor has a pond that just pitches their way.

Jeffrey Peterson said the pond is probably not 20' from the property line.

Chairman Beggs asked if the ditch where the excavator is working is on his property.

Jeffrey Peterson said that is the neighbor's property.

Kathleen Peterson showed the Board pictures of the pond and the property. The area they want to build the house on is the only natural high ground. They can't go further back on the property because there is another pond that runs off onto this property.

Chairman Beggs said he saw what looked like a higher ground open area. He asked if that is where they propose to put the house.

Jeffrey Peterson said that is correct. They have a pile of brush on it now.

Chairman Beggs said that when he was down there, there was a little dampness on the top of the ground but it was all fill so he couldn't tell how far down it went.

Jeffrey Peterson said he had someone in there yesterday to doze it all off.

Chairman Beggs said they are fairly close to the east property line.

Jeffrey Peterson said the proposed driveway is right on their east property line.

Chairman Beggs said he saw where one of the neighbors on the other side of the road up near Apulia Rd. has a similar positioned garage. He asked if they knew how far back that was from the road.

Jeffrey Peterson said he didn't know but he thinks it's the Chappell's property. He believes it's less than 50' from the road.

Chairman Beggs said he is looking for other structures in the area aesthetic-wise that would come close to this proposal. He was looking for similar structures.

Member Miller said the applicant is proposing to put a berm in.

Jeffrey Peterson said they are looking into putting a tree-line there. It would be a row of pine trees.

Chairman Beggs said if they are going to put a tree-line in, he would recommend having it one car length from the pavement so when they are pulling out they can have clear visibility.

Member Drumm asked if with all the fill they have brought in, they can't find another spot to put this building.

Jeffrey Peterson said not really.

Member Drumm asked how many acres they own.

Jeffrey Peterson said 35 but there's not much high land there.

Member Drumm said the building will be right there for Paul Palladino who lives across the road to see every time he looks out his front window.

Jeffrey Peterson said there is a hedgerow on the side and they will be putting a hedgerow in too. He doesn't think that will be a problem.

Member Drumm said on a 35 acre parcel, he doesn't know why there's not another spot to put this building.

Paul Palladino came forward and asked to look at the plans. He said he has lived there his whole life. There did used to be a stream that ran through where the barn was. The run-off is from John's property and he is putting up a mud wall so the ponds don't continue to overflow. The question he has is that the area is flat now but it's taken over 2 years of backfilling. There used to be a foundation there. The problem he has is the trucks that have been dumping there at 2:00 and 3:00 a.m.

Jeffrey Peterson said he spoke with them and this will stop. He spoke to the highway superintendent and he gave them the go ahead.

Paul Palladino said he spoke to Mr. Palladino and Mr. Cook and neither of them said he had the go ahead. That is why the road is posted again with the weight limit. He just has a problem with the dumping at night.

Jeffrey Peterson said he has spoken to them and they will not be dumping after dark again. He said he wished Paul Palladino had said something to him sooner.

Chairman Beggs asked who is putting the fill in there.

Jeffrey Peterson said the city, the Town of Pompey and the county.

Paul Palladino asked what the out-of-state trucks were.

Jeffrey Peterson said one truck came which had done some work for the company he works at and they had some left over stone.

Paul Palladino said there has been probably over 1,000 loads brought in over the last 2 years. He asked why they didn't do this a little further back on the property.

Kathleen Peterson said the spot they will build their house on is the only level spot.

Paul Palladino said 2,000' back it's very level.

Kathleen Peterson said the problem is they couldn't get there from the road because of the run-off. This is the uphill side.

Paul Palladino said you used to step down to get to the structure that was there. He just wants to know why it has to be that close to the road.

Jeffrey Peterson said there isn't another location that is cost effective.

Kathleen Peterson said to be useful, it needs to be closer to the front of the property.

Paul Palladino asked why they didn't just backfill a little further back.

Jeffrey Peterson said the runoff from the neighbor's property won't stop and there are overflow pipes in 3 spots on his property.

Chairman Beggs said when he looked at it today, he thought if they brought the fill from the stump back towards where they propose to build the house, they would be able to put it further back.

Jeffrey Peterson said there's probably only 30' between that area and the pond that is there now. They have ditched out an area to catch the run-off from the pond.

Kathleen Peterson said to catch the water from John's run-off, they had to put a pipe in. To keep filling in the area towards the back, it would never end.

Paul Palladino asked the size of the proposed building.

Jeffrey Peterson said 30' x 48'. It will be used for storage.

Chairman Beggs confirmed that the house will have an attached garage to it and this building will be just for storage.

Jeffrey Peterson said yes.

Paul Palladino asked when they propose to build the house. A couple of years ago they were going to do the house first.

Jeffrey Peterson said probably the following year they hope to break ground.

Kathleen Peterson said probably a couple of years.

Member Doolittle said he went up to the property a while ago. He feels the building could go back further even if they put pipe in for the run-off.

Kathleen Peterson said in the back it's marshy and wet.

Member Doolittle said if they put some drain pipes in there and a raised pad of fill, they would be up higher.

Jeffrey Peterson said they would have to have at least a 600' driveway.

Member Doolittle said if it's a storage building, you don't need a driveway as you wouldn't have to get to it every day.

Jeffrey Peterson said it must be useable space. He doesn't want it 800' off the road where in the wintertime he can't get to it. He can assure Paul Palladino that the visual will not disappoint him.

Paul Palladino said he just doesn't see why the pole barn has to be so close to the road. The time and effort they have spent over the past 2 years on this area could have been spend filling in the area further back by about 25'.

Jeffrey Peterson asked south, east, west, where?

Paul Palladino said south.

Jeffrey Peterson said that is where the run-off pipes are.

Paul Palladino said they would have to draw some gravel in and put piping in there.

Jeffrey Peterson said he put a 12" piece of drainage pipe in there.

Paul Palladino said another person the Board should talk to about this is John who is out of town tonight.

Jeffrey Peterson said he spoke to him and he said he's in the Town of Pompey and has no concerns about this.

Paul Palladino said he speaks to John 3 to 4 times a day and the Board is more than welcome to call him any time.

Jeffrey Peterson said he doesn't want to get John in trouble as he shouldn't have any of this run-off going onto their property.

Member Drumm asked where the water would go.

Jeffrey Peterson said John created the ponds and he draws water from an artesian well.

Paul Palladino said the ponds feed each other.

Member Drumm asked John's last name.

Paul Palladino said it's John Trevors.

Chairman Beggs asked if there was anyone present who wished to speak in support of this application. No one came forward. He asked if there was anyone present who wished to speak in opposition to this application.

A neighbor came forward to see just what is going on. She lives at 6680 Palladino Rd. She's across the creek from the property. She said she just wanted to see what is exactly going on. She asked to see a picture of the barn. Her question is, who monitors what is in the fill that was dumped there? They are all on private wells.

Member Drumm asked the applicant if he had to go through an agency for this.

Jeffrey Peterson said he spoke with Leon Cook and the DEC, etc. and they all advised him it was O.K.

Chairman Beggs said this neighbor is asking what the source of the fill going in there was.

Jeffrey Peterson said the county put some concrete in.

The neighbor said when they moved in 13-14 years ago, they had a terrible time with people dumping things like shingles, etc. in the creek. They did a lot of work and phone calling and it's relatively clean now. Her concern is the creek and that they are all on private wells.

Jeffrey Peterson said there is nothing to be concerned with.

The neighbor said the proposed building will not look like it's part of the house. The Board mentioned the Chappell's garage which is part of their house. The siding is cedar and is similar to the house siding. This doesn't look anything like the proposed house.

Chairman Beggs said structure-wise it wouldn't look any different than the Chappell residence.

Kathleen Peterson said the area they are proposing to build their house is not very big. There is not room for this building to be put on the same spot. It will be difficult to have the house, well and septic on the proposed spot.

Member Drumm asked if they have had it perked yet.

Jeffrey Peterson said he spoke to someone but they haven't made it out there yet.

Member Drumm asked where they will get their water from.

Jeffrey Peterson said they will have a well. He spoke to the neighbors in the area to see how the water was, etc. before deciding to build.

Member Drumm asked when they will be doing the perk test.

Jeffrey Peterson said he is waiting to hear back from them. One guy that came did a preliminary test and said he thought they would be O.K.

Member Drumm asked if this could be postponed until the next meeting until the applicant sees if it perk's O.K.

John Langey said they will have to postpone it anyway as this property borders the Town of Pompey and it is a front-yard variance and will have to be referred to the county.

Jeffrey Peterson asked if that meeting would take place here.

John Langey said they hold it at the Civic Center. They have a board that reviews it to determine if there would be any county impacts.

Jeffrey Peterson asked if they would have to go to a public hearing.

John Langey said it's a public meeting but not a public hearing.

Jeffrey Peterson said it's too bad they didn't now this before.

John Langey said actually they had a public hearing before the sketch plan so they are still ahead of the game.

Kathleen Peterson said the main reason they wanted to put the house in the proposed spot is that it was the only natural high ground.

Chairman Beggs said the Board could postpone this until they hear back from the county. He would appreciate it if the applicant's could look at locating the building just to the south side of the stump. He could arrange to meet them at the property to discuss this.

Jeffrey Peterson said that would be fine.

Member Drumm said he would go with Chairman Beggs.

Chairman Beggs said if they were 75' from the highway center line and 50' from the front property line they wouldn't even have to come back before this Board. That is always an option. If they decided to do this, they could get their Building Permit and go forward.

Jeffrey Peterson said they will have to look really closely at the property.

Chairman Beggs said as Member Doolittle pointed out, they can always make a natural drain so it will run around the building. Since they are bringing in fill, they can control the profile of the land. They really aren't under a hardship due to the zoning.

Jeffrey Peterson said when the county looks at this, they could feel the same way this Board does. He has a friend on the County Planning Board who he will call to see what their criteria is.

Chairman Beggs said this Board has to determine where there is a hardship caused by zoning that there is no way around. You can control the profile of this land so you wouldn't have to put the building where you are proposing to put it. As long as you are bringing fill in, can you structure the profile of the fill so that you can build the building in compliance with the zoning? Can the applicant control the course of the run-off? He asked if they were familiar with the millings from the road profilers.

Jeffrey Peterson said yes. A lot of them recycle that now.

Chairman Beggs listed a few companies that have it. It's good fill when needing to have structure.

Jeffrey Peterson said a lot of asphalt plants are reusing it now. He has made some calls to try to get some of this for his driveway.

Chairman Beggs said if the applicants see where they can process the building to meet the parameters of zoning they won't have to come back before this Board.

Member's Drumm moved and Miller seconded the motion to continue the public hearing on this application at the September 14th Zoning Board of Appeals Meeting. Motion passed unanimously.

CASE # 569 – Sketch Plan Conference for appeal of Stephen Swisher for a use variance for the Blanche Rainbow property located at 1900 Route 11A approximately ¼ mile north of the Route 11A and Otisco Rd. intersection in an Agricultural/Residential District. (Tax Map # 013.-03-11.0)

Member Drumm removed himself from the Board for this application as he is a contiguous landowner.

Peter Swisher, Stacy Swisher and Paul Swisher introduced themselves.

Chairman Beggs asked who owns the property.

Peter Swisher said Blanche Rainbow does.

Chairman Beggs asked if they can act on her behalf.

John Langey said by the time the Board takes action, they should get a letter signed by Blanche Rainbow authorizing these people to act on her behalf.

Peter Swisher said they are here to petition the Board to renovate and replace a manufactured home. The existing home is owned by his mother and is grandfathered. The new structure will be to improve her lifestyle and improve the aesthetics of the property. She is 73 years old and they want to be sure she is safe. Most of the kids are living in other cities.

Chairman Beggs asked where Paul Swisher lives.

Paul Swisher said on the property.

Chairman Beggs asked if he lives in the trailer with his mother.

Paul Swisher said no. He lives in the other trailer on the property.

Chairman Beggs said he saw 3 buildings on the property. The largest structure is parallel to the road. There is a structure on the south of the property towards Cardiff which is about the same setback as the trailer.

Paul Swisher said that is a shed.

Chairman Beggs said there is another structure up by the hedgerow.

Paul Swisher said it's a lean-to to hold wood.

Chairman Beggs asked where he lives.

Paul Swisher said it's on the other side of the creek. He said this trailer is owned by his mother too.

Chairman Beggs asked if that is the one he is living in.

Paul Swisher said yes. Both trailers are owned by his mother.

Peter Swisher said they would like to get the trailer out of the cluster of trees it's in.

Chairman Beggs said this trailer is 108' from the road.

Peter Swisher said they are proposing to put the new structure 210' from the road behind the trees.

Chairman Beggs said they mentioned the fact that this is grandfathered in. He was on the Board back when Fred Rainbow was granted a life use variance for this trailer. This trailer was supposed to go when he left. The trailer did not exist prior to about 1974. Somewhere between 1974 and 1976 it appeared. There were inventories done in LaFayette of all the existing trailers. This trailer showed up on the 1976 inventory but was not on the 1974 one. If it was grandfathered in, it would have to have been there prior to 1970. He can't find any records showing it existed prior to 1970. He just wanted to clarify that this is a non-conforming use and it does not grandfather in unless they can show documentation that it existed prior to 1970. January 19, 1983 is when the variance was granted.

Mary Jo Kelly said she sent a copy of this variance to Steve Swisher.

Chairman Beggs said Fred and Hazel were given life use. When they ceased to live there, the trailer was supposed to go and it didn't so it's been a non-conforming use since then.

Peter Swisher said they are not talking about the trailer that Paul is living in.

Member Miller said yes he did. They granted it for lifetime use for Fred and Hazel Rainbow and Fred is the one that applied for it.

Peter Swisher said that would be right, it was when he was about 15. They would like to have a similar situation for his mother and he doesn't believe there would be anyone taking up residence in it after her.

Chairman Beggs said he chatted with legal counsel prior to this meeting about this. This application would require a use variance. This is very difficult to get. The state standards for a use variance are extremely difficult to comply with. His own personal recommendation would be to put a modular home in there which would comply with zoning. They are a lot cheaper than a new home. That would save someone a lot of headaches.

Stacy Swisher said it's a situation of financial hardship. She can't afford to do it herself.

Peter Swisher said they have looked into modular homes. The cheapest price is about \$30,000 just for the house. He really doesn't want to take out a mortgage for this. They were hoping for a less permanent structure.

John Langey said the use variance structure falls under New York State Law. The two big standards you have to address are the so-called self-created hardship. You may have a problem with this. The other big one is whether you can get a reasonable return on the property for one of the uses that are actually allowed. You are supposed to prove with dollars and cents that there can't be a reasonable return on the property. One might argue that you can't have a residence on the property because the state condemned it, etc. He believes the applicants will have a hard time with this as it can be used for a residence. Typically in most towns you will see one or two use variances granted every 10 years. He doesn't know if this Board has granted one since he's been here. You must address those standards first and then you must address the negative impact on the character of the neighborhood and the environment. The law has changed so the use variance runs with the land forever. This is a non-conforming use and it's an illegal non-conforming use as compared to a legal non-conforming use. These are just the facts.

Peter Swisher said he is sure his mom was living here to take care of her parents.

John Langey said unfortunately this variance didn't address that. It didn't state when Fred and Hazel Rainbow passed away that she could reside here.

Paul Swisher said it was discussed before this Board.

Chairman Beggs said it wasn't ever discussed before this Board.

Paul Swisher said it was discussed before someone.

Chairman Beggs believes the Zoning Officer cited them and he doesn't know where it went from there. Since granting the variance in 1983, this case has not been back before this Board.

Stacy Swisher asked if they would be allowed to renovate the interior of the trailer.

John Langey said he believes they would have to go to the Building Inspector/Code Enforcement Officer first who would probably send them back to this Board.

Stacy Swisher asked if there isn't a statute of limitations.

John Langey said no.

Stacy Swisher said it can't be modified then.

John Langey said if it were a legal non-conforming use it would be different. Technically it isn't supposed to be there. This is New York State Law, not this Board's.

Chairman Beggs said once he got the application, he went to the town offices to find out when this structure came into place. He got the inventory taken of trailers in 1970 and it wasn't there. It wasn't there in the inventory taken in 1974 but it was there in 1976.

Peter Swisher said there was a farmhand there in 1970 in a different trailer.

Chairman Beggs said a farmhand was allowed to live in a trailer. Someone other than a farmhand was not allowed. He asked if the trailer Paul Swisher lives in now was the one the farmhand lived in.

Paul Swisher said yes. His mother stays there sometimes too.

Chairman Beggs asked if there is a farm there today.

Paul Swisher said it's still considered a farm. They rent out the land for farming. It's not zoned differently.

Chairman Beggs said it's zoned Agricultural/Residential.

Paul Swisher said they would like to open up more land for farming.

Stacy Swisher said at this point they would have to appeal to someone at the state level.

John Langey said the state establishes the legal standards that apply to this Board. You must comply with these standards.

Peter Swisher doesn't see why they fall under a self-created hardship.

John Langey said if by the time you show up before this Board you already know how the property is zoned, there's a self-created hardship. The zoning hasn't changed. You knew about it because of the 1983 variance that was received. This Board isn't given the power to grant use variances where there is a self-created hardship. This will be very difficult.

Chairman Beggs said he is sorry but he wanted to get things clear and let them know what he knew. Based on the application, he did some research and found the old variance and inventories of trailers through various years. If the applicants feel it's grandfathered, the Board would have to see documentation to prove it.

Peter Swisher said there was a trailer and barn that were torn down and this trailer replaced them in 1983.

Chairman Beggs said that would agree with the time of the variance being granted.

The Board will wait to hear from the applicant's before putting them on the September agenda. They could be put on for a sketch plan conference if they are ready to go forward.

CASE # 571 – Sketch Plan Conference for appeal of Steven Meier for a Specific Permit for an animal crematorium at his property at 2892 Everingham Rd. approximately ¼ mile north of the Route 20 and Everingham Rd. intersection in an Agricultural/Residential District. (Tax Map # 021.-01-22.4 and 021.-01-22.1).

Member Drumm returned to the Board.

Steven Meier presented a picture of the property. He is requesting to start an animal crematory business. The Town Board has approved this. The main reason he is here is because he borders the Onondaga Nation. He wants to locate the building approximately 60' off the center line. The nearest residence is a mobile home that sits on the west side of the driveway about 25' off of Indian Road on the Nation. This does not meet the requirements that the Town Board set with respect to 500' from the nearest residence. There is no zoning on the Nation. There is no practical use of the property for anything other than the gravel bed. He proposed this site for a number of reasons. It's a working farm. They have approximately 15 acres in hay production. Because of the cost of trying to get a road back in there and power, he would like it on this spot.

Chairman Beggs believed the Town Board approved 500' from the property line.

Steven Meier said from the residential property line. The Nation has no zoning and technically there is no residence until the trailer.

Chairman Beggs said it may not be located closer than 500' from the nearest residential property line.

Steven Meier believes the Town Board was going to make the recommendation that this Board approve this because there is no other practical use for the gravel bed. He has worked closely with Councilmen McConnell and Knapp on this.

Chairman Beggs said he would have to talk with Supervisor Scammell about this.

Member Doolittle said this Board would be overriding the Ordinance.

Steven Meier said there is no zoning on the Nation.

Member Doolittle said but potentially they could build anywhere they want.

Member Drumm asked how far the building is from the residence.

Steven Meier said 225' from the nearest corner of the building to the back corner of the garage.

Member Doolittle said when he went down there, he asked the applicant about placing the building back 500' and the applicant advised he would have to extend the electricity but it would be more difficult for the Agway truck, etc. to supply service.

Steven Meier said it would be very difficult to maintain the drive because of the grade.

Theoretically he could put it in a hayfield closer but it would be closer to the other neighbors property too. He is proposing to put it in a place where it would be least visible to neighboring property owners. He explained what the building would be. It would be 15' tall max.

Member Drumm asked what it's fired by.

Steven Meier said propane. There would be a propane tank located at the back of the building. It would only be visible to the people on Route 11A in the winter when the leaves were off the trees. The main question was the language of the 500'.

Chairman Beggs will talk to Supervisor Scammell about this. He asked what it takes to run this.

Steven Meier believes it's a regular 110. He could put a ground transformer somewhere and then run the power lines under ground. The DEC has total control over the operation. There are several of these units operating throughout the state now. They are built as smoke-free and odor-free units.

Member Drumm asked the capacity of it.

Steven Meier said 75# per hour burn rate with 300# maximum. There is a limit in the ordinance.

Member Miller asked what happens to the residue.

Steven Meier said there's bone and ashes. The DEC requires him to take them to the landfill. He knows some operations bury their's on the property. The Town Board has included language in respect to this.

John Langey said the applicant must submit a written plan for ash and residue disposal and a detailed plan for storage of animal remains on a routine basis and in case of system failure so as to minimize odors, vermin and other potential environmental impacts.

Member Drumm asked if the animals must be refrigerated.

Steven Meier said he will have two freezers.

John Langey said the ordinance says he must submit a back-up power source.

Chairman Beggs said this Board would require a stand-by generator.

Steven Meier said he already has one.

Chairman Beggs said it just makes good sense.

Member Doolittle asked what happens if next year the Nation has concerns about this.

Steven Meier would guess this causes a problem for the town. His understanding is if the town notified the neighbors and they wait a year after the fact it's after the fact.

Chairman Beggs asked Mary Jo if the Nation had been notified.

Mary Jo said she had sent a letter to Sid Hill when the public hearing was held for the Zoning Ordinance Amendment.

Steven Meier said he has spoken to his neighboring property owners about this. There will be no increased traffic as he will be dealing directly with the veterinarians and there will be two exterior lights.

Member Doolittle asked the distance from the trailer to the building.

Steven Meier said 500'.

Chairman Beggs said the thing he likes about an animal crematorium is it destroys any pathogens. If everything falls into place, this Board can hold a public hearing on this application next month.

Steven Meier asked John Langey if he saw any potential problems since the Nation doesn't have any zoning.

John Langey said the Ordinance doesn't mention zoning, it mentions residential property line. This Board must determine what the Town Board meant when they stated this. It doesn't say residential zoned lot. He would recommend Chairman Beggs check with the Supervisor to see what the probable

intent was. He asked Steven Meier when he brought this before the Town Board if he showed them where he was proposing to put the building.

Steven Meiers said yes. He is proposing 60' from the property line.

Member Drumm said if the fire dept. gets called down there, they can't go on the Nation land until they receive permission from the Chef's. If you are within 500' of the Nation, he would try to entertain building it farther away from the property line.

Steven Meier said it's a cost factor. Niagara Mohawk is telling him since it's a commercial structure, it will be \$15/foot.

Chairman Beggs said if the applicant can put the line underground himself, it would be a lot cheaper than what Niagara Mohawk would charge.

Steven Meier said it would depend on where he can locate the building.

Member Doolittle said the only problem he has is the future with the Nation.

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

The Zoning Board of Appeals Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary