

Minutes of the Zoning Board of Appeals Meeting of the Town of LaFayette held September 14, 2004, at 7:30 p.m. in the Community Room at the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Steven Beggs, Chairman
Albert Miller, Member
Robert Drumm, Member
Jerry Doolittle, Member
Daniel Kuhns, Member

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, ZBA Attorney
Linn Beebe, Applicant
Mary Earle, Applicant
Ron DeRollo, Applicant
Steven Meier, Applicant
Sandra Smith, Councilwoman
Heidi Smith, Dodge Rd.

Chairman Beggs opened the meeting and welcomed everyone. Everyone introduced themselves.

Chairman Beggs asked if everyone had an opportunity to review the Minutes of the last meeting. He asked for any corrections or additions.

Member Drumm said at the last meeting he had stated that if the fire department got called to go on the Onondaga Nation they had to receive permission from the Chiefs before going onto it. He has since talked to some of the active firemen who advised at one time this was true but it's not true any more. He would like the second paragraph on page 12 to be amended stating this.

There were no other amendments or corrections.

Member's Doolittle moved and Drumm seconded the motion to accept the August 3, 2004, Zoning Board of Appeals Meeting Minutes as amended. Motion passed unanimously.

CASE # 573 – Public Hearing for appeal of Linn Beebe for a front yard variance of his property located at 2850 LaFayette Road approximately 1 2/10 mile north of the Route 20 and LaFayette Road intersection on the east side of LaFayette Road in an Agricultural/Residential District. (Tax Map # 008.-02-05.0)

Chairman Beggs opened the public hearing. He asked Linn Beebe to present his case.

Linn Beebe said essentially what he would like to do is to add a 10' x 10' mudroom on the front of his house. He has a west facing exposure. You basically walk right into the kitchen and it's pretty hard in the wintertime.

Chairman Beggs said he and Member's Drumm and Miller were up there this week to look at the property. They observed what the applicant is stating. The existing set-back now is 71.6' from the highway centerline to the existing front of the house.

Linn Beebe said this doesn't meet the current zoning.

Chairman Beggs said the applicant is seeking a 10' variance which would put him 61.6' from the centerline of the road. He asked if the addition were put on the south end of the house, would it work?

Linn Beebe said he has a dining room there. It's not really a viable side of the house to put it on. He would like to continue using the front of the house as the primary entrance. There is a ground floor walk-out in the back.

Member Drumm said there are two picture windows at the end of the house which are for the dining room.

Linn Beebe said that is correct.

Chairman Beggs believes he observed a chimney up at that end of the house also.

Linn Beebe said that is correct.

Chairman Beggs received notification back from Onondaga County Planning stating as long as it meets with the approval of the D.O.T. they don't have a problem with it. They said it's a local town matter. The addition would not be in the highway right-of-way which would be 32' from the centerline of the road.

Linn Beebe showed the Board a couple of pictures of his house.

Member Kuhns asked if he will be dormering the addition in.

Linn Beebe said yes.

Member Kuhns asked if it would be more like a porch.

Linn Beebe said it will be closed in.

Member Kuhns asked if there would be an airlock using 2 doors.

Linn Beebe said yes. He has no entry foyer to the house.

Member Drumm confirmed the roof will go north and south.

Linn Beebe said yes. The door will face the driveway.

Chairman Beggs asked if there was anyone present in opposition to this application.

No one came forward.

Chairman Beggs asked if there was anyone present in support of this application.

No one came forward.

Linn Beebe said he has spoken to 3 or 4 of his neighbors. They came over to talk to him when they got the notice of the public hearing. He didn't hear any negative comments from them when he explained what he was proposing to do.

Chairman Beggs noted the applicant said he was going to change the siding.

Linn Beebe said yes. He has a lot of weather sensitive stuff going on now and is pushing to get it done before the bad weather.

Chairman Beggs asked if anyone had any other questions or comments.

Member Doolittle said he didn't have a problem with this.

Chairman Beggs closed the public hearing.

Member's Drumm moved and Doolittle seconded the motion to make this Board lead agency, it is an unlisted action, a negative declaration in the SEQR process and to grant Linn Beebe a 13.6' front-yard variance of the standard 75' set-back to build a 10' x 10' mudroom per his drawings. Motion passed unanimously.

CASE # 571 – Continued Sketch Plan Conference for appeal of Steven Meier for a Specific Permit/side-yard variance for an animal crematorium on 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).

Chairman Beggs advised he and Member's Drumm and Miller went to this site Monday. They walked the property and looked it over. They had a conversation with the applicant and gave him some suggestions.

Steve Meier said basically he changed the location of the crematory so that the variance required would only be 60' as opposed to the original 440'. He submitted a revised map dated June 22, 2004 and prepared by Ianuzi & Romans, P.C. He will have it updated showing the location of the building by the next meeting.

Chairman Beggs said we don't actually know what the footage will be from the monument side.

Steve Meier said that's correct but you can get an approximate distance of about 425'.

Chairman Beggs said this Board will need to know the exact number. For this Board to change the ordinance from 500' to 60' would be a 90% change which we can't do. When they

discussed this with Steve Meier, they all agreed this would be a good location for the building. It may not meet the exact dimensions but it looks like it will come very close to meeting the setback from the Bucktooth property. On the updated survey the applicant will bring to the public hearing, it will have the exact dimensions on it.

Steve Meier said the other thing he submitted was a copy of the original deed given to him when they bought the property from Eipps in July of 2000. He has supplied the original deed and the corrected deed which includes the right-of-way shown on the map. The only question he has is if the Board needs a copy of the actual deed recorded September 1993.

Chairman Beggs asked John Langey if what was submitted would meet the requirements.

John Langey said it is fine.

Chairman Beggs would say if the applicant can get exact dimensions on the map, it's a much improved location compared to where he was proposing to put it before.

Member Drumm asked if there is a bi-product of this left that has to be disposed of.

Steve Meier said yes, there are ashes and bones which will be bagged up and taken to the landfill.

Chairman Beggs would suspect this is all controlled by the DEC.

Steve Meier said the waste is considered solid waste which is controlled by the DEC in terms of the way it has to be disposed of. There is no specific requirements for it to have to go to a special waste facility. It can go to any of the transfer stations.

Chairman Beggs said he likes a process like this much like he does the incinerator on Rock Cut Road that takes our solid waste and reduces it to the smallest amount and doesn't tie up a lot of land with a landfill.

Steve Meier said ideally the original spot would be better but overall, after talking with everyone, he can't see where the proposed site will be a problem for anyone.

Chairman Beggs believes the applicant has made an honest effort here and that this site will be a good location for the venture he is trying to pursue.

Steve Meier asked if the next meeting will be a public hearing.

Chairman Beggs said yes.

Steve Meier said he will have the data then.

This will be scheduled for a public hearing next month and referred to the county. The current map is O.K. to send to the county.

CASE # 574 – Sketch Plan Conference for appeal of George and Mary Earle for a variance on their property located on the east side of Eager Rd. approximately 1,000' north of the Apulia and Eager Rd. intersection in an Agricultural/Residential District. (Tax Map #'s 008.-03-24.0, 008.-03-19.1 & 007.-02-01.0).

Mary Earle submitted a map dated 9/13/2004 prepared by David A. Vredenburg. She said they are donating everything from the stream back which would be Lot # 3 to Save the County. The center line of the gulf would be the edge of that property. The access, which has to be 6', is at the far right of the map. This 6' access is required by Save the County. This will be the only public ingress or egress.

Chairman Beggs said he and Members Miller and Drumm were down at the site the other day and looked it over. He asked where the residence is.

Mary Earle said it's on Lot # 1. There is a rental house too. She submitted some brochures to the Board about Save the County. It only has to do with Onondaga County.

John Langey said the reason they need the variance is because if Lot # 3 is created, it would be a totally landlocked lot. The back lot will have access to the easement and would only be used for environmental purposes to preserve the land and to be sure we have open spaces to enjoy. The other two lots have access. This is currently before the Planning Board who can't grant a landlocked parcel so they sent the applicant's to the Zoning Board of Appeals for a variance. The applicant's are splitting their land into 3 lots and will be giving Lot # 3 away.

Mary Earle said the nice thing about Save the County is that you don't have to allow public access. There has to be access in and out but Save the County has what they call a Minder

who is someone who takes care of the property. The Earle's will do this until they no longer can and then someone else will be designated to do so by Save the County.

Member Drumm asked if it's open to the public.

Mary Earle said it's open to the public upon permission from the Minders which will be the Earle's until they can no longer do so.

Member Drumm said after the applicants can no longer do this, the property will belong to Save the County. They will appoint Minders. Can they then say no one can go on the property?

Mary Earle said she doesn't know about that. It's in the brochure what they can and cannot do. There's one area that has endangered species. It isn't exactly that no one can go in there but it's very limited in that area. The applicant's would like badly to save this property and not have it built on. There is a house on the ridge now and where there is one house, someday there could be more.

Member Drumm asked how many acres they would be donating.

Mary Earle said 90 ±. The easement is below Lot # 1.

Member Kuhns asked why that particular location was chosen for the access.

Mary Earle said because there's already a road there which is big enough for a tractor or jeep. That is the way they get in to mow. They maintain this access now although they don't mow up to the road because they don't want people driving in there.

Member Kuhns asked if they are jeopardizing the value of that lot later on.

Mary Earle said since she owns it she's willing to do this.

Member Kuhns said if he should want to buy this lot someday he could find out he could have strangers walking across his back yard.

Mary Earle said she wouldn't sell it without telling the buyers about this access.

Member Drumm said his understanding is that this property would come off the tax roll.

Mary Earle said it would.

John Langey doesn't think it will be a big loss because the bulk of the value would be the lots the houses are on.

Chairman Beggs said if you look at the terrain down there, as far as real value or building lots, it is very questionable.

Member Doolittle asked if Lot # 1 where their house is and the one where the A-frame is are separate deeds and taxed separately.

Mary Earle said yes.

Chairman Beggs asked if there were any further questions.

Member Drumm asked if the Board was to grant this, can they grant it with the condition that this would never be accessible by motor vehicles but that it would be open to anyone who wanted to walk in there?

John Langey didn't believe the Board could do this.

Mary Earle said they can put this condition in their agreement when they donate the land to Save the County. They could state no motor vehicles except for maintenance allowed.

Member Drumm said Save the County will run it the way they want to once the Earle's can't maintain it any longer. He thinks something should be set on what will be allowed in the future. He asked if they can allow one group to come on the property but not another one.

Mary Earle didn't think so. Save the County makes the rules.

John Langey didn't believe this Board could condition a variance upon public access. He appreciates the Board's concern but doesn't believe they have the power to do it.

Mary Earle said right now she has to scare people off the land, especially hunters. The applicants have posted the property and now Save the County will post it for them and one sign will say "No Off-Road Vehicles".

John Langey said this will have to be referred to County Planning. 60' of road frontage is required for a lot. Since the property is located on a county road, it must be referred to County Planning for their input. If it were just for a side-yard variance, it wouldn't have to be referred.

Chairman Beggs believes it is important that we specify to County Planning that there will be an easement to the property. This is a 3-lot subdivision to create a 90 acre Lot # 3 which will be transferred to Save the County. The applicants will retain Lots 1 & 2.

Member Drumm asked if the one 90 acre parcel is all on one deed.

John Langey said it will be when the property is transferred.

Member Doolittle said because this is an easement, it doesn't count as a driveway so the D.O.T. doesn't have anything to say about the line of vision.

John Langey said that is correct. From a planning perspective, the Board will want to know if there is sufficient parking for people to park their cars who want to walk on the property.

Mary Earle said they would have to park up from their house.

Member Drumm asked if it would be open to the public.

Mary Earle said not without permission. If they have permission, she will let them park there. It's on an old tennis court.

Member Kuhns asked where the tennis court is.

Mary Earle said just to the south of the Brandt property.

Member Drumm asked how far it would be from the tennis court to the easement where the right-of-way is.

Chairman Beggs said it appears to be about 400'.

Member Kuhns said the only things that bother him are where the parking is and where the easement is. 30-40 years from now where will people park if someone else owns Lot # 1 and they don't want anyone to park there?

John Langey said the Board isn't approving a use, they are only approving whether to allow zero frontage.

Member Miller asked if down the road someone purchases Lot # 1, where will people park?

Mary Earle believes this would be Save the County's problem at that point.

John Langey said there is no parking allowed along Eager Rd.

Member Drumm said right now people can park on the turn-around if they have permission. They have to get permission to walk into the place.

Mary Earle said she can call Save the County to see what their feelings are on this.

John Langey asked if the other properties owned by Save the County have parking. He knows Baltimore Woods does.

Mary Earle said Baltimore Woods is open to the public but not all the properties are. Each property is different. She doesn't think every property has to have parking. She thinks each property is unique.

Member Doolittle said if she were to take a section of Lot # 2 and grant an easement for parking, you couldn't do much about getting into Lot # 3 because it's too steep.

Chairman Beggs said the only places that he observed where you could make an access is where the easement is and maybe somewhere in the north corner of Lot # 1.

Mary Earle said you can't unless you want to wade across the stream. The other access which she is extremely reluctant to do is at the far north end. She is reluctant because it devalues that property.

Chairman Beggs asked if it would be feasible or possible that if the tennis courts are where the parking is, if the easement went due east from the gulf creek and then the people could walk down along gulf creek and cross it at the same location.

Mary Earle said it would be too difficult. There are too many falls and too many rocks.

Councilman Knapp said anything at the north end would devalue the 23 acre lot.

Mary Earle said that lot is a saleable building lot. It's a lot more saleable than the little lot with the house on it. They have people stop by and ask to buy the big parcel. She will call Save the County and find out what the parking situation is and if it has to be provided or what.

Member Miller asked if any of the other properties owned by Save the County have shuttle bus transportation to them.

Mary Earle doesn't think they provide anything.

John Langey asked if there would be signage in front of the property.

Mary Earle said there doesn't have to be.

Member Kuhns asked if there was anything that states people must ask for permission.

Mary Earle said no. She doesn't know how it's handled.

Member Doolittle asked if Save the County ever purchases property.

Mary Earle didn't know.

John Langey said they can purchase it if they have the money. Typically a group of people would get together and purchase the property and donate it to them or an individual would donate the property such as the Earle's are doing.

Mary Earle will ask about the situation of parking and about signs. Some of their properties they openly encourage people to come on. Other properties they do not. Each location is different and unique.

Chairman Beggs would hope that from the east side of the lot marked Earle that the walkway be identified on the map.

Mary Earle said they are donating the land and Save the County will do whatever they want to do.

Councilwoman Smith said she knows the property on Woodchuck Hill that is owned by Save the County does not have any signs on it. The people donated it because they wanted it to be left natural.

Member Miller said Tracey Lake in Tully is the same way. It's not marked.

Mary Earle said other than posting she doesn't think they do.

Chairman Beggs said this will be scheduled for a public hearing next month.

Member Miller asked if people walk the land by invitation only.

Mary Earle said she isn't sure. She knows Save the County would like to take bird watchers there so they could call her and say when they are coming. Certainly she would allow them there and would not object to it. They told her they would notify her of anyone asking to walk on the property. It's a 5013C organization. This has nothing to do with the county. It's a private not-for-profit organization.

Member Doolittle confirmed the easement is all surveyed and written in and is all legal for someone in the future.

Mary Earle said yes it is.

There were no further questions or comments.

CASE # 575 – Sketch Plan Conference for appeal of Ronald DeRollo for a variance of his property located at 4131 Route 91 approximately 1 ½ miles south of the Route 91 and Route 173 intersection in an Agricultural/Residential District. (Tax Map # 001.-05-13.2).

Ronald DeRollo said he is splitting his lot in two. To have 60' of road frontage for the new lot in back of his house it would cut his existing driveway in half. He wants to apply for a variance to have that boundary just skirt along the edge of his driveway which would decrease the road frontage to 44'.

Chairman Beggs said he and Members Drumm and Miller stopped there on Monday.

Member Miller asked how he was going to get the 60'.

Ron DeRollo asked if the 60' has to be level.

Member Drumm said there are guardrails on the road too which only leaves the applicant about 12'.

Chairman Beggs said to be an approved lot, technically in the Town of LaFayette it has to have 60' of road frontage. To gain access to the road, this Board would want the driveway to be within the 60'. They paced off from the edge of the building to the edge of the embankment and it appeared to be 42'. The north boundary of Lot # 1 is in the gorge somewhere.

Ron DeRollo submitted a map updated 9/10/2004 and prepared by Cottrell Land Surveyors, P.C.

Chairman Beggs said the county advised him no more u-shaped driveway.

Ron said he got a variance for a u-shaped driveway years ago.

Chairman Beggs said County Planning said in developing the back lot they recommended one of the accesses from the u-shaped driveway be to the back lot.

Member Kuhns said there are two issues. The side-yard setback and the driveway.

Chairman Beggs asked how far it is from the existing building to the property line.

Member Miller said the applicant has to have a minimum of 25'.

Ron DeRollo said to his understanding the original plan was approved by the D.O.T. He felt it would be extremely expensive and maybe impossible for the second driveway to be moved over. He has a letter from the D.O.T. dated July 1, 2004 from Scott R. Bates stating that the u-shaped driveway is fine and the additional driveway would be fine.

John Langey said Ron DeRollo came before the Planning Board for this subdivision approval. Onondaga County Planning responded 5/11/2004 with the following conditions: “1) The northern existing driveway on Route 91 from proposed Lot 2 shall be closed; a single driveway shall be allowed from each proposed lot to meet the requirements of the New York State Department of Transportation. 2) Town approval shall be contingent upon approval of septic systems for both proposed lots by the Onondaga County Health Dept.”. In July Ron DeRollo came in with a letter from the DOT which said “...As we have informed you at our meeting, we will allow you to keep the two existing driveways to your current residence (Lot 2), and will allow an additional residential driveway to be constructed for Lot 2 with the following understanding. The current survey, revision dated 6/14/04, shows the existing northern driveway crossing over the property line, which is unacceptable to our Department policy. In order for us to issue a Highway Work Permit for the proposed residential driveway, we will require a survey to be submitted showing both the existing driveway completely on Lot 2 and the proposed driveway completely on Lot 1. In addition, we will require some sort of separation means to make the existing northern driveway and the proposed residential driveway distinct from one another...” This is what he is trying to do. The other issues being raised are separate and apart from this. The D.O.T. gave him a Work Permit for the driveway to be granted for Lot # 2.

Ron DeRollo asked for the legal definition of a driveway. He is sure there is plenty of room for a 15’ – 20’ driveway for Lot # 1.

John Langey said he should contact the Highway Superintendent to see.

Ron DeRollo said they are putting fill in all along the border of the entrance to Lot # 1.

John Langey said to refer this to County Planning along with the D.O.T. letter and revised map. He would recommend the applicant go to the D.O.T. and advise them of what he is proposing on the new map and have them comment on it.

Chairman Beggs said this Board has to have dedicated driveways.

Member Doolittle asked if the applicant couldn’t curve the u-shaped driveway about 10’ more.

John Langey said some of the Board Members were concerned regarding how the survey looks and how far the building is from the proposed property line. Would the applicant object to meeting a couple of the Board Members and pacing off the corner of the building to the proposed property line?

Ron DeRollo said that would be fine. He would love the Members to come view the property.

Chairman Beggs said after the applicant gets the revised survey in showing what he has, a letter from the D.O.T. regarding the driveway permit based on the revised survey and dimensions shown from the corner of the building Lot # 2 to the edge of Lot # 1, this can be scheduled for a public hearing next month.

Member Drumm asked if the applicant is planning to run the driveway right along the property line.

Chairman Beggs said it would be allowable. The applicant said he would erect a low profile stone wall there as a divider.

Ron DeRollo asked if it could be boulders.

Chairman Beggs said yes as long as it’s not something that would be obstructing the view. 3’ or under would be fine as something to delineate the property line.

This will be referred to the county and schedule for a public hearing at the next meeting.

**Sketch Plan Conference for Michael McLoughlin for
roof alteration at McDonalds. (Tax Map # 020.-06-01.1)**

No one was present to represent the application.

John Langey said the applicant came before the Planning Board who realized that now this property is located within the Hamlet District and should be coming before the Zoning Board

of Appeals for approval. He believes this Board has the discretion to say they want to hold a public hearing or whether the applicant can go ahead and change the color and material of the roof as he is proposing.

Chairman Beggs will contact the applicant and see if he has the capability to show what the building would look like with the revised roof. He will ask the applicant to bring in two presentations. One will show the existing building and one will show the building with the revised roof color, scheme and profile. Computer programs have the ability to generate this kind of stuff.

Member Doolittle said he understands why this request must come before this Board because of the Hamlet District and because of the resolution the Planning Board made at its time of approval. Anything else in the Hamlet would not necessarily fall under this. If someone else in the hamlet District wanted to change something, this wouldn't necessarily apply to them.

John Langey said it depends on what the use is. This particular matter is a restaurant which this Board has control over. If the change to a Hamlet District hadn't been made, this would still have to go before the Planning Board.

Member Doolittle asked what kind of changes to a building would have to come before this Board.

John Langey said the items listed in the Zoning Ordinance under the Hamlet District.

This will not be scheduled for a public hearing until Chairman Begg's speaks to the applicant.

Chairman Beggs said a letter has been received from Ag. & Markets regarding the Watson matter. This letter is being reviewed.

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

The Zoning Board of Appeals Meeting adjourned at 9:40 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary