

Minutes of the Zoning Board of Appeals Meeting held by the Town of LaFayette on November 9, 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: Present: Steven Beggs, Chairman
Robert Drumm, Member
Albert Miller, Member
Daniel Kuhns, Member
Jerry Doolittle, Member

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, ZBA Attorney
Vincent Maher, Applicant
Dennis Maher, Applicant
George Earle, Applicant
Ronald DeRollo, Applicant
Arthur Fritz, Smokey Hollow Rd.

Chairman Beggs called the Meeting to order at 7:40 p.m.. Everyone introduced themselves.

Chairman Beggs asked if there were any corrections or additions to the October 12, 2004 Minutes.

Member Kuhns said on page 3, paragraph 2, line 4 it should read “60” in place of “50”.

Member’s Kuhns moved and Drumm seconded the motion to accept the October 12, 2004, Zoning Board of Appeals Meeting Minutes as corrected. Motion passed unanimously.

CASE # 574 – Public Hearing continued 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).

Mr. Fritz said they met with the DOT. The net result of that conversation is that the proposed easement is moved from the southern side back up to the northern end of the property and the dimensions are exactly what the DOT recommended of 60’ x 40’. This would accommodate the parking for 5-6 cars and is completely agreeable to Mr. & Mrs. Earle.

Chairman Beggs noted the easement is 60’ x 40’ at the road and there’s a 10’ connector from the 60’ x 40’ easement back to Lot #3. He asked if this easement will be put in the deed.

Mr. Fritz said yes. They will provide the current deed and survey to Save the County who will work up the final deed with the terminology that the land will never be developed and remain forever natural.

Chairman Beggs said the Board had concerns over the parking and easement and indicated they needed something from the DOT along with a deed stating the easement.

Mr. Fritz said the easement will allow access to Lot # 3.

Chairman Beggs referred to Mr. Stelter's letter: "...We were able to agree on establishing a permanent 60' wide access easement within the highway right-of-way that will access Lot # 2 and continue to Lot # 3, as per enclosure. This access easement will have the proper sight distance for Eager Road while allowing Lot # 3 from becoming land locked. If approved, we will issue an access permit for this easement when applied for..." He asked John Langey if as long as the Board conditions the language in the resolution, the Board can approve this subject to those conditions.

John Langey said the Planning Board will require the easement be on the survey too. One of this Board's conditions will be that the easement be on the deed.

Member Doolittle believes the applicants have done everything asked of them. He asked if Save the County is a private organization.

Mr. Fritz said it's a private not-for-profit organization.

Member Doolittle asked what happens if this organization loses its funding? Where would the land go?

Mr. Fritz said they should have a clause per IRS regulations that all assets would go to a similar organization for the same purpose and for the same tax exempt status. Save the County is part of a national organization that would probably take the land over and give it to a similar organization.

Chairman Beggs asked for any other questions or comments. There were none. He asked if anyone was present to support these applicants. No one came forward. He asked if anyone was present to oppose these applicants. No one came forward. He closed the public hearing.

Chairman Beggs said the applicants have met the 60' frontage. It will still have to be approved by the Planning Board. This was referred to the Zoning Board of Appeals as he was creating a landlocked parcel. He believes the applicant has done everything the Board has asked them to do. The easement will be on the deed and also the deed will spell out that the land shall be forever wild.

Member's Drumm moved and Doolittle seconded the motion to make this Board Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and to grant the variance to allow a landlocked parcel to be considered a lot subject to the following conditions:

- 1) **The easement must be in the deed.**
- 2) **The terminology that the land will be forever wild will be in the deed.**

Chairman Beggs said because the Zoning Ordinance requires 60' of road frontage and the applicants have come up with a 60' easement, it's this Board's opinion that based on the type of property it is and the intended use the variance should be granted.

Member Kuhns asked if this Board would still be Lead Agency if they have met the 60'.

John Langey said an easement only gives you rights to go across land, it's not title interest to it which is why they still need the relief this Board is about to grant.

Member Drumm asked if a car can get off the road at the 60' easement. Is there a ditch or is it flat there?

Mr. Fritz said cars can get off the road. There is a ditch over part of the area but there is enough flat area to get off the road.

The above motion passed unanimously.

CASE # 575 – Public Hearing continued 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).

Chairman Beggs received a letter from Scott Bates of the DOT dated October 18, 2004. “As we have informed you in our phone conversation, we have discussed your proposed residential driveway with the Town of LaFayette. We will require a minimum of 5 feet of grass area separation between the proposed driveway for Lot 1 and your existing driveway and the guide rail. If you include the 5 feet of grass area, this will have 23 feet of frontage to install a residential driveway for Lot 1, which is more than adequate...” He agreed with Scott Bates that 5’ of grass would be better than a wall for safety reasons.

Member Drumm asked if he would continue to fill in the ravine.

Mr. DeRollo said yes.

Chairman Beggs believes the 5’ of grass would meet the 5’ setback that County Planning would want. He asked if anyone was present to speak in support of the applicant. No one came forward. He asked if anyone was present to speak in opposition to the applicant. No one came forward. Chairman Beggs closed the public hearing.

Member’s Drumm moved and Doolittle seconded the motion to make this Board Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and to grant the applicant a 15’ variance on the road frontage language of the Zoning Ordinance with the following condition:

- 1) **There be a 5’ grass area between the two properties to separate the driveways for Lot # 1 and Lot # 2**
- 2) **The language must be added to the deed specifying this 5’ grass area separation to protect any future owners of the property.**

Motion passed unanimously.

For the above reasons, the Board overrules Onondaga County Planning.

CASE # 576 – Public Hearing for appeal of Vincent Maher for a side-yard variance of his property located at 2571 Route 11 North on the west side of Route 11 approximately ¼ mile north of the route 11 and Route 20 intersection in a Hamlet District. (Tax Map # 020.-05-10.1)

Vince Maher was present to discuss this application of LaFayette Commons II. He wishes to put an addition on the northern end of the existing building and will need a side-yard variance to do so.

Chairman Beggs noted County Planning took no position on this application. He asked if anyone was present to speak in support of the applicant. No one came forward.

He asked if anyone was present to speak in opposition to the applicant. No one came forward. Chairman Beggs closed the public hearing.

Member's Miller moved and Doolittle seconded the motion to make this Board Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and to grant the applicant an 11' variance on the north side of his property. Motion passed unanimously.

CASE # 577 - Sketch Plan Conference for appeal of Ryan Smith for a specific permit of his property located at 2383 Route 11 approximately 1 mile south of the Route 11 and Route 20 intersection in a Hamlet District. (Tax Map # 017.-03-15.0)

Ryan Smith advised he spoke with Ralph Lamson and Jack Sutton and he is asking for a specific permit to house his construction company along with leasable space to help pay for the cost of the building. He is putting an addition on the existing building.

Chairman Beggs asked what the intended use of the leasable space would be.

Ryan Smith said professional office space.

Member Doolittle asked if it would just be offices for the construction company.

Ryan Smith said some of small equipment may be stored there along with materials.

Chairman Beggs said this is going to be used as an office complex and not a residence.

Ryan Smith said yes. This was originally a troopers barracks.

Chairman Beggs said the applicant will be housing his business office here and there will possibly be one or two others.

Ryan Smith believes the renovations to the building improve the appeal from the road. All the parking and asphalt will stay there. The addition is off the south side of the building. He submitted a map prepared by Lifespaces and dated October 20, 2004.

It was determined that since the applicant is not going any closer to the road with the addition than the existing building line, this is allowable without a variance. It was noted this lot is grandfathered in as it's less than the required 60,000 square feet in the current Zoning Ordinance but is more than the previous requirement of 40,000 square feet. The survey shows the lot is 1.05 acres.

Member Doolittle would believe the proposed use of the building is conforming with the surrounding properties.

This will be referred to County Planning and scheduled for a public hearing next month.

John Langey advised the applicant to put something in writing if he can't attend the Planning Board Meeting next week as this must be referred to them for their review and input.

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

No one was in attendance to represent the application.

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

The Zoning Board of Appeals Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary