

Minutes of the Zoning Board of Appeals Meeting held by the Town of LaFayette on December 14, 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  
Steven Smith, Applicant's father  
Margaret Hurd, 2358 Rte. 11  
Sandra Smith, Councilwoman

Chairman Beggs called the meeting to order at 7:39 p.m. Everyone introduced themselves.

Chairman Beggs asked if there were any corrections or additions to the November 9<sup>th</sup> Minutes. There were none.

**Member's Miller moved and Kuhns seconded the motion to accept the November 9, 2004, Zoning Board of Appeals Meeting Minutes as submitted by the secretary. Motion passed unanimously.**

**CASE # 577 - Public Hearing 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)**

**Chairman Beggs opened the public hearing.**

Steve Smith advised he is the applicant's father and is present to represent him tonight. He advised the applicant isn't changing the driveway at all with his addition.

Chairman Beggs read one of the concerns of the Onondaga Planning Board which was as follows: "The existing southern driveway on Route 11 must be closed and the existing northern driveway must be narrowed and controlled using curbing and/or landscaping to meet the requirements of the New York State Department of Transportation".

Member Miller said Onondaga Planning didn't give any reason for this modification.

Chairman Beggs said right now it's a circular driveway. It appears County Planning would like to get it down to one driveway.

Steve Smith said this would create a hardship for his son. The curbing, etc. was not included in his loan request to the bank.

Member Doolittle said his understanding is that if you are building something today, you couldn't have parking all along the front by the road. As this exists and there is no change to what already exists, he doesn't know why they would recommend this. He doesn't see a reason for this or for wanting to narrow the other driveway.

Member Drumm wonders what would happen if the applicant puts a sign on the southerly driveway saying "entrance only".

Member Kuhns said some of the space is going to be rented for office space. Is there going to be heavy equipment going in and out of the site?

Steve Smith said his son is a small contractor. Occasionally a truck or something might go behind the building. He has one party interested in renting space which consists of two gentlemen who both drive station wagons.

Member Kuhns said we can't be sure there won't be a lot of traffic in the future.

Chairman Beggs said he agrees that there needs to be something better than the submitted map showing parking lot usage, driveway, etc.

Steve Smith believes there is more than ample space for many, many cars.

Chairman Beggs said the other modification the county came back with is: "The applicant must provide an engineering study to verify to the New York State Department of Transportation that the proposed development would not create additional stormwater runoff into the state's drainage system. If additional runoff is created, the applicant shall be required to submit a mitigation plan to the New York State Department of Transportation for approval and implement any mitigation required."

Steve Smith said his son is not increasing any of the paving on the site. Nothing will be changed that would increase runoff.

Chairman Beggs said the square footage of paved area will not change.

Steve Smith said it won't change a bit and the land slopes away from the states drainage area. He noted Shanahan Tractor runs behind this property.

Member Doolittle said Route 81 is above this property. The water would have to run back up hill to get onto Route 81.

Steve Smith said there is no increase in paved area. The additions would not shed the runoff to Route 81 or Route 11.

Chairman Beggs asked John Langey if it would be O.K. if the applicant just showed some way he would handle the roof runoff.

John Langey thinks the question is will there be additional impervious surfaces created by the addition? He thinks Chairman Beggs recommendation to show how the runoff from the roof would be handled and where it would run off to would cover this.

The Board couldn't see where runoff would be an issue.

John Langey said the proposal would not create any increased impervious conditions that don't already exist.

Member Doolittle noted it says "if" there should be additional runoff...

Steve Smith believes there will be a lot less people traffic in there now than there was with the State Troopers Station there.

Member Kuhns asked where the new office space would get their facilities from.

Chairman Beggs said the only entrance to the new leasable office space is through the front door. If the leasable office space is separate, they will have to have their own separate bathrooms. He believes the leasable space is two-story. He reviewed the concerns of the Planning Board as stated in their letter dated November 18, 2004.

- 1) Determine with the applicant what the proposed hours of operation will be.

Steve Smith said 8:00 a.m. to 5:00 p.m. Monday through Saturday. Saturday would be the exception.

- 2) Determine from the applicant what items may be stored on site, pursuant to the use of the business, i.e., construction equipment; hazardous materials; construction materials; etc.

Steve Smith said primarily it would be construction material that would be going in the cold storage area. There might be some construction equipment. He doesn't have any hazardous material. The building provides a very nice screen for anything that might be stored behind it.

Chairman Beggs said the cold storage is basically going to be storage of surplus material from a job that could get used on a future job.

Member Drumm asked if the material would all be stored inside or would some of it be outside?

Steve Smith said there are some cinder blocks that he would probably keep outside. His son would not want the property to look messy either.

Member Doolittle believes at one time there was a gas pump at the site.

Steve Smith said it's not there now. He isn't aware of any underground storage tanks there. When his son bought the property, he believes this would have to have been disclosed.

- 3) Has the applicant proposed a lighting plan different than what currently exists?

Steve Smith believes there must be some existing lights in the back of the building. His son could add floodlights if needed. He asked if there is concern by the Board and would they rather not have any more lighting on the site?

Member Drumm believes there is concern about having lights on all night long out back for the equipment.

Chairman Beggs said if lights were proposed for out back, they could be motion sensor lights. This way you wouldn't have a light flooding the area at all times.

Steve Smith feels this is a very reasonable request and his son would have no problem with it. At this time they have not proposed any new lighting but would agree to motion sensor lighting in the back if it is needed.

4) Does sufficient parking exist for the proposed use?

Steve Smith said yes. There is more than enough.

Chairman Beggs said the Board would like the applicant to submit an updated site plan showing parking, etc.

Steve Smith said right now there are two other people who will be leasing space and his son Ryan. At the most he thinks there would be two or three people besides the applicant

John Langey said the parking regulations require 1 parking spot for every 300 square feet of gross floor area.

Steve Smith said this would mean they need about 11 spaces.

Member Doolittle wouldn't think they need parking spots for the cold storage area.

John Langey said the applicant would just have to show it.

Chairman Beggs said this Board would like a drawing showing utilization of the parking area. They would like to see a plan so as this application develops, the Board can see that parking is as planned.

5) Has the applicant indicated when and where deliveries will occur, i.e. access off of Route 11?

Steve Smith said his son might occasionally get something dropped off there. He doesn't have regular deliveries. It would just be his sons truck coming back to the office and at times going around back where the cold storage is.

Chairman Beggs said the Board would prefer to see the building material stored inside.

Steve Smith said all the lumber, etc. you would want stored out of the weather.

6) Does the applicant anticipate tractor trailer traffic for deliveries?

Steve Smith said no. He doesn't believe so. That would be a rare thing.

Chairman Beggs believes the applicant can't say it will never happen. It would be recommended that the tractor trailer would have enough room to be able to drive into and drive out of the site.

Steve Smith said there is room for this.

Member Drumm asked if there needs to be two means of ingress and egress into the addition. Does there need to be two ways into the structure?

John Langey said you would have to check with Ralph Lamson who is the Building Inspector about this and whether it complies with New York State Building Code.

Steve Smith said the architect who drew this knows the code and when Ralph Lamson issues the permit he will know the NYS Building Code standards.

Member Doolittle believes it used to be that if you were less than 8' from the ground, a window could be used for an exit.

- 7) The Planning Board is concerned that the applicant may have already commenced the proposed use prior to receiving the requested relief. If so, the applicant should address this issue.

Steve Smith said his son is just doing some preliminary grading of the site knowing that he is running out of time.

The Board asked if the tenant is in the building now.

Steve Smith said yes.

John Langey said the code provides that the applicant should have come in for approval before renting out the space. The Troopers Barracks was a different use than what is there now and as a certain time period has elapsed, he should have come in for a permit.

Steve Smith said the tenant didn't come in when he purchased the building. They just came in recently.

Chairman Beggs said as long as Ryan is proceeding in gaining this approval, this Board isn't about to shut him down. This Board wants to see him grow and flourish in the community. The Board just wants him to know he needs to get the approval.

Steve Smith said his son wants to do whatever he needs to do. At this point they need to get the Board a site plan and Ralph Lamson must confirm it complies with NYS Building Code.

- 8) Will any construction or fabrications occur on site and if so, will this create excessive noise for surrounding neighbors?

Steve Smith said his son could have a shop with a tablesaw in it but he is not manufacturing component parts for buildings.

This would not be a manufacturing facility.

Steve Smith asked if with the weather and all, this would have to be held up for another month before his son could get his permit.

Chairman Beggs doesn't think the Board has enough answers tonight to approve or disapprove this. He asked if there were any other questions or comments regarding this application.

The Board will leave the public hearing open and hope to make a determination next month.

Steve Smith confirmed his son won't be able to get his approval for another month. He feels there is more than enough space in the parking lot. They can provide this information this week. Compliance

with the NYS Building Code could be confirmed by a phone call. He is just concerned because of the time of the year and the hardship this causes.

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

Pat Hurd said she has some questions. One concern is the lighting. She knows he's leased out the office space. Is he leasing it to doctors, lawyers, etc., or someone that will have a high volume of traffic? Is this going to be a leasing where there would be constant traffic?

Steve Smith said the two in there are a father/son business. They don't have people coming there. They deal with plans and go out to job sites.

Pat Hurd asked if there would be any signs.

Steve Smith said he doesn't think his son planned on any.

Pat Hurd asked if the expansion would continue to get larger and larger.

Steve Smith said no.

Pat Hurd said what the Board O.K.'s here could determine what happens to the old Mason property. She said a lot of people in her area weren't concerned with this as the notice read approximately 1 mile south of the Route 11 and Route 20 intersection and it is really approximately ½ mile.

Mary Jo said the notice also gave the exact address of the site.

Member Kuhns said his biggest concern at this point is the septic system. Will the addition need another bathroom or will it tie into the existing facility?

Chairman Beggs asked if there were any further questions or concerns. There were none.

Steve Smith said even though his son might be able to answer these questions in a couple of days, there's nothing further he can do until next month.

Chairman Beggs said the Board might be able to hold a special meeting in a couple of weeks.

Steve Smith said if Ryan met with Ralph Lamson and got the answers to his satisfaction, would that be O.K.?

Chairman Beggs said Ralph Lamson can't make the decision for this Board. This Board must grant the permit. This Board is charged with that responsibility.

Member Drumm thinks County Planning was concerned with the driveway because it shows the entrance into the front of the building so they might be afraid people will pull in there and park.

Chairman Beggs asked if the Board would be in favor of calling a special meeting for this application when the applicant gets the answers to the Board's questions.

Member Kuhns asked if there are building code questions, are they this Board's responsibility?

John Langey said the only time they would fall into this Board's jurisdiction is if they would somehow involve zoning regulations. In this case you must find that the following things occur:

- a) Appropriate for the particular lot and location.
- b) Not unreasonably detrimental to neighboring properties, areas and districts.
- c) Consistent with an orderly and appropriate development of neighboring properties, areas, and districts.
- d) Where adjoined by existing or permitted uses, a suitable transition between neighboring uses and or districts.
- e) Oriented in the location and upon the site as required in Section C of Article III of the Zoning Ordinance.
- f) An appropriate evolution of the comprehensive plan for the Town of LaFayette.

John Langey said if you don't see any issues in there relating to this, it will be Ralph Lamson's determination. He won't issue a building permit unless the application meets NYS Building Code.

Chairman Beggs said in his opinion, the only thing this Board needs is a site plan showing parking.

Steve Smith said we are down to the parking issue and his son would agree

to put up signage to what this Board deems appropriate, would that be O.K.?

Member Kuhns said does this Board have to have a drawing or can we mandate the number of parking spots?

John Langey said you have to determine whether he has met the conditions for parking. If you are comfortable with what he has submitted, that is O.K. If you are not comfortable and want more information, that is O.K. too.

Member Doolittle said in his mind he is comfortable because he knows there is an ample number of spots there.

Chairman Beggs isn't saying there isn't enough there, in his opinion, a plan must be submitted.

Member Kuhns said the only things at this point are the criteria John Langey talked about and the parking lot. Didn't the applicant answer the criteria questions at the last meeting?

John Langey submitted a letter dated November 16, 2004 to the Planning from the applicant which addressed the above mentioned criteria.

Chairman Beggs reviewed the answers to the criteria.

- a) Yes, commercial area with similar neighboring property uses in Hamlet District.
- b) Not at all detrimental to neighboring properties, areas and districts. Building improvements will add to "curb appeal" and potentially increase area property values.
- c) Yes, it is consistent with the development of other commercial properties in the Hamlet.

- d) Yes. Vacant land to the south, Shanahan Tractor to the north and west, LaFayette Physical Therapy and LaFayette District Offices to the east.
- e) Yes. Proposed addition meets all setback requirements and lot coverage limits.
- f) Yes. This will be a good addition to the development of the Town of LaFayette.

John Langey said if the Board decides to overrule County Planning, there must be 4 members in attendance that vote to do so.

Member Doolittle said he believes we should have a map spelling out what is needed regarding the parking.

Chairman Beggs agrees that a site use plan is required.

Steve Smith knows his son can produce this.

**Member's Doolittle moved and Kuhns seconded the motion for the Board to hold a Special Meeting on Friday December 17, 2004 at 3:00 p.m. and to continue the public hearing on this application at that time. Motion passed unanimously.**

**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 this application. A letter will be sent advising them they will be removed from the agenda if they don't contact the secretary by January 4, 2005.

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

The Zoning Board of Appeals Meeting adjourned at 9:01 p.m.

Respectfully submitted,

Mary Jo Kelly  
Secretary