

Minutes of the Special Zoning Board of Appeals Meeting held by the Town of LaFayette on December 17, 2004 at 3:00 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

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

Absent: Robert Drumm, Member

Recording Secretary: Mary Jo Kelly

Others Present: Kevin Gilligan, ZBA Attorney
Ryan Smith, Applicant

Chairman Beggs called the special meeting to order at 7:16 p.m. Everyone introduced themselves.

CASE # 577 - Continuation of 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. He said this application is for a specific permit in the Hamlet District. There were some questions brought up at the last meeting that don't apply to the specific permit. He reviewed the items the Board needs to be concerned with as follows:

1. The Specific Permit structures uses designated in this Ordinance shall conform to all the regulations of the district in which they are located and to any particular regulations which apply to them under other provisions of the Ordinance. The Board of Appeals may impose as conditions to its Specific Permit approval such further regulations and safeguards as would permit the Board to find that the proposed structure and use is:
 - 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; and

- f) An appropriate evolution of the comprehensive plan for the Town of LaFayette.
2. An application for Board of Appeals approved under this Article shall be immediately referred by the Secretary of the Board of Appeals to the Planning Board which may submit such report and recommendations as it deems proper for the consideration of the Board of Appeals in its determination of the findings specified in paragraph 1 of this Section B. Chairman Beggs said this is where we got into the letter from the Planning Board.

The Board reviewed the letter dated 11/18/2004 received from the Planning Board.

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

Ryan Smith said 7:00 a.m. to 5:00 p.m.
Chairman Beggs asked if it would be 5 days a week.
Ryan Smith said there would be some minimal operation on Saturday.
Chairman Beggs said the Board could say 7:00 a.m. - 5:00 p.m. six days a week and that would cover everything.
Member Kuhns asked if that would be for his construction operation only.
Ryan Smith said that would cover the one tenant he has secured and the nature of the type of tenant he is looking for.
Chairman Beggs said if he had a tenant that couldn't meet these parameters, they would have to come back before this Board to apply for extended hours or to change the hours of operation.
Ryan Smith said that would be fine. If this came up, he would talk to the Board about what the tenant wanted to do.

- 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.

Ryan Smith said most of the stuff they will try to keep in cold storage. There might be a nicely stacked pallet of shingles outside. Depending on the job, there might be a pack of siding there. He has a forklift that he would like to try to park inside but during the summer it might be out for a week or so. The way the building is in an L-shape, there is an area in the back section that is out of sight. He would take efforts to put the stuff in a logical spot and not just have it sitting out in the parking lot. For the most part, there would be the potential for some construction equipment and some building material but it would be limited.

Chairman Beggs asked if this site would be a holding area for excess material for jobs or a main delivery point for stuff that comes from a supplier dropped there before it goes to the job site.

Ryan Smith said most of the material he has delivered directly to the job site. His has one driver that delivers directly to the office.

Chairman Beggs said the plan is for most of the stuff to be kept inside the cold storage building.

Chairman Beggs said the plan is for most of the stuff to be kept inside the cold storage building.

Ryan Smith said yes. They would not have any clutter. He is concerned about this too.

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

Ryan Smith said right now the existing lighting on the building is a light on each corner. The troopers used to have a timer that turned the lights on at night. He has changed this. The new entrance has an overhang which might have a recess light that shines down with a 75 watt bulb. The only other exterior lighting concern that he has is that he has two flagpoles. He will probably not take the flags down every night. To meet the federal regulations, he might put a light on the flags.

Chairman Beggs didn't know if he would have the back lot lit or not which is why he suggested motion detectors on the lights if the applicant chooses to have them.

Ryan Smith said he sees the advantage to this for security reasons or if he were coming in late from a job. A motion detector would be acceptable. They would have a switch to over-ride it if they didn't want it to kick on.

Chairman Beggs said this Board realizes businesses need something for security.

Ryan Smith said he would prefer this. Shanahan's have two high power lights that are on through the night and he would agree if there were any additional lighting at the rear of the building, it would be controlled by a motion detector and the only additional lighting to the front of the building would be over the entranceway and lights for the flags.

Member Doolittle asked about a sign.

Ryan Smith said he would like to get approval for a sign in the future. He would meet the requirements in the Zoning Ordinance. He showed the board a picture of the sign he would be proposing. The sign would be on the structure. He presented some pictures of the neighboring property owners signs.

Chairman Beggs said normally this Board has said signs must meet the requirements set forth in the Zoning Ordinance. Sometimes there are safety issues that might change this. The signs can't be in the state right-of-way or blocking visibility of the road. The Board considers these requests on a case-by-case basis. If the applicant is looking to put a sign up, he would recommend he come back before this Board for guidance.

Member Miller said you can have a sign of 32 square feet without having to get a variance.

Member Kuhns said that would be for the building and not for each business in the building.

Ryan Smith asked if he had to come back for a permit for the signage, would it probably be a simple process?

The Board said it would.

4) Does sufficient parking exist for the proposed use?

Ryan Smith submitted a plan showing the parking. The map showed 18 spaces. The building is 20' shorter than the original drawing of 2, 832 square feet. The new drawing shows it at 1,900 square feet.

Member Doolittle said the spaces required would be less as the parking required wouldn't apply to the cold storage area.

Chairman Beggs said County Planning wanted to close one driveway and narrow the other one.

Ryan Smith said this would create a hardship for him as it would be an increased expense. He borrowed money for this project and didn't include this.

Chairman Beggs believes there's an advantage to having the turn-around for deliveries. The Board would suggest no parking in the front of the building unless it were for handicapped parking, UPS deliveries, etc.

Ryan Smith said the Board had suggested putting a sign on the one driveway. He could also post a handicapped parking sign in the turn-around. He's going to meet with Ralph Lamson on Monday about this proposal.

Discussion took place re: the parking lot.

Member Kuhns would recommend landscaping or something to designate the parking lot.

Chairman Beggs asked about tractor trailer deliveries.

Ryan Smith said his delivery guy has a big truck. It's not a tractor trailer but it is a larger truck. The man that delivers his beams might make deliveries too once in awhile.

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

Ryan Smith said deliveries would occur at the entrance to the northern part of the property during regular business hours.

Kevin Gilligan asked if the driveway around the cul-de-sac in front would go north to south or south to north.

Chairman Beggs said north to south. He asked if the applicant planned on separating the driveway around the cul-de-sac from the other driveway.

Ryan Smith said no. He thinks it would make it more confusing.

- 6) Does the applicant anticipate tractor trailer traffic for deliveries?
This was addressed earlier.

- 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.

Ryan Smith said he purchased the building and initially started using it just for storage. As they put phone lines in, etc., they started using the building. He didn't realize there was such a thing as a specific permit. He didn't know about the specific permit until he was looking into getting a building permit.

Chairman Beggs said the applicant is in the process now of obtaining what is required.

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

Ryan Smith said he would be inclined to nail something together. There would be some things done inside the building but it wouldn't create any new sense of noise level. It would be done during normal business hours.

Chairman Beggs confirmed the applicant said the work would take place inside the cold storage building.

Ryan Smith said yes. In the summer they might want to have the overhead doors open. It would not be noticeable to the neighbors.

Member Kuhns said as long as this would only occur during regular business hours.

Chairman Beggs said this covers the Planning Board's concerns. The other concern of County Planning 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 run-off 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".

Ryan Smith said from records showing the topography of the lands of this area, they show this property slopes to the west. What he is doing will not change it. He will not be creating any change in the amount of water going into the D.O.T.'s drainage system. Only runoff from the roof will be dealt with.

Chairman Beggs said basically as far as impervious surface, there will be no change. The only change there would be is the 4,000' increase of roof area. He asked the applicant what he plans to do with the runoff from the additional 4,000' of roof.

Ryan Smith said he will direct it into a gutter system and direct it to where the existing gutter pipe goes onto the back of the property.

Chairman Beggs said that land goes down hill for a ways and then goes uphill to Route 81.

Ryan Smith said there is a gentle swale that goes through his property in the southwest corner and continues to Shanahan's. Even in the heaviest rain, he has never seen standing water. He can professionally say his project will not change this.

Kevin Gilligan asked if the addition he is putting on will be on the asphalt.

Ryan Smith said almost none of it is on asphalt.

Kevin Gilligan said the addition is going to the south.

Ryan Smith said yes. There's about 2' of pavement involved. There would be roof runoff but it would be controlled. The roof pitches back towards the lower parking area and to the south.

Chairman Beggs said there would be nothing going onto the N.Y.S. D.O.T.'s property.

Ryan Smith said no.

Member Miller believes the applicant has answered all his concerns.

Discussion took place re: the facilities of the addition, etc.

Ryan Smith said he has left room for flexibility depending on how the space is filled.

Chairman Beggs asked Kevin Gilligan if the Board approves this with certain conditions, does it have to make a separate motion to over-rule County Planning or can one motion be made including it all?

Kevin Gilligan said the Board will need to state their reason for over-ruling County Planning on the 2 modifications they requested but it can all be done at once.

Chairman Beggs asked if there were any other questions for the applicant. There were none.

Chairman Beggs closed the public hearing.

Chairman Beggs said the applicant has applied for a specific permit approval to operate a business in the Hamlet District. He thinks the application is appropriate for the site and a good business to run in the Hamlet area as the applicant has proposed. If the applicant is going to put a sign up, he will come back to this Board at a later date. Addressing the County's concerns regarding the southern driveway, he thinks it's wise for the Zoning Board of Appeals to overrule the county on this and have landscaped parking in the front of the building and signage stating "exit only" for the southern driveway. UPS drop-off could also be made here. The northern driveway will be narrowed to provide parking. That will meet the county's recommendations to narrow the northern driveway.

The Board has looked at the drainage and the land all slopes away from the road so drainage from the property onto D.O.T. land is not a problem. The natural lay of the land will take the water away from it. The only change in the drainage of the property is the 4000' increase in the roof area.

Member Miller said which will be controlled and piped with the existing system.

Chairman Beggs said this is the Zoning Board of Appeals position regarding the County's concerns. The Board had addressed all the issues put forth by the Planning Board and he suggested the Board address the lighting. If lights are added, they will be connected to motion detectors and will not be on all the time. Hours of operation will be 7:00 a.m. to 5:00 p.m. Monday through Saturday.

Kevin Gilligan said the Board might also mention the down lighting and the flag pole lighting. Because you have traffic up and down Route 11, you must be sure the light directs upward.

Chairman Beggs said the lighting for the entrance up front will be recessed lighting directed downward. The lighting for the flagpoles out front will be directed upwards to illuminate the flags and not be horizontal in any fashion

Member Kuhns said approval of the parking plan should also be included.

Chairman Beggs said in accordance with the parking plan submitted prepared by Lifespaces and revised 12/15/2004.

Kevin Gilligan said the Board might want to add any outside storage will be behind the building and not visible from the road.

Chairman Beggs said storage, if any, shall be in back of the building where it's sheltered from the neighboring property owners.

Ryan Smith asked if the wording could be added "for extended periods of time".

Kevin Gilligan said it should define the time. It's easier to regulate if it's defined.

Chairman Beggs said it could be 72 hours.

The Board agreed with this.

Kevin Gilligan asked if the Board wanted to do anything about marking the southern driveway.

Chairman Beggs said the southern driveway would be marked as an exit only. There will be a sign marking the entrance on the northern driveway.

Ryan Smith asked if they felt this would be necessary as it's so obvious that it's an entrance.

Kevin Gilligan said the Board may not want to mark the northern driveway as an "entrance only" as some delivery vehicles might want to back in and drive out of the property this way.

Member Miller recommended putting a one-way sign on the cul-de-sac.

Member Doolittle believes this might confuse people. He believes the exit sign will be adequate.

Kevin Gilligan said the Board might want to include that signage is not being approved at this time.

Chairman Beggs said the applicant agreed that signage would be addressed at a future date when the building is developed.

Kevin Gilligan said there was one resident who was present at the last meeting who had concerns about the noise. The Board might want to condition the work being done inside the building.

Member Doolittle isn't sure he wants to restrict the applicant like this.

Ryan Smith said he would agree that if a complaint is made, he will try to restrict his work to inside. He doesn't want to limit himself if on a nice day they want to open the doors.

Member Doolittle thinks she was more concerned about this being a manufacturing site which it isn't going to be.

Chairman Beggs believes she was more concerned that this might be a manufacturing site for prefab homes, etc. He asked if there were any other issues to be included. There were none.

Member Doolittle moved and Member Miller seconded the motion that this Board be Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and to grant a specific permit to Ryan Smith to operate his business in the Hamlet District for the following reasons:

- 1) The application is appropriate for the site and a good business to run in the Hamlet District.**
- 2) If the applicant is going to put up a sign, he will come back to this Board at a later date.**
- 3) The Board is overruling County Planning's modification that the existing southern driveway on Route 11 must be closed and the northern driveway must be narrowed and controlled using curbing and/or landscaping to meet the requirements of the N.Y.S. D.O.T. as the applicant will have landscaped parking in the front of the building for UPS drop-off, handicapped**

parking, etc. and signage stating “exit only” for the southern driveway. The northern driveway will be narrowed to provide parking. That will meet the county’s recommendations to narrow the northern driveway.

- 4) The Board is over-ruling County Planning’s modification “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” as the land all slopes away from the road so drainage from the property onto D.O.T. land is not a problem. The natural lay of the land will take the water away from it. The only change in the drainage of the property is the 4000’ increase in the roof area which will be controlled and piped with the existing system.**
- 5) If lights are added in back, they will be connected to motion detectors and will not be on all the time. Hours of operation will be 7:00 a.m. to 5:00 p.m. Monday through Saturday.**
- 6) The lighting for the entrance up front will be recessed lighting directed downward. The lighting for the flagpoles out front will be directed upwards to illuminate the flags and not be horizontal in any fashion.**
- 7) Parking shall be in accordance with the parking plan submitted prepared by Lifespaces and revised 12/15/2004.**
- 8) Storage, if any, shall be in back of the building where it’s sheltered from the neighboring property owners and not for longer than 72 hours.**

Motion passed unanimously.

**Member’s Kuhns moved and Doolittle seconded the motion to adjourn.
Motion passed unanimously.**

The Special Zoning Board of Appeals Meeting adjourned at 4:30 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

