

Minutes of the Zoning Board of Appeals Meeting of the Town of LaFayette held May 10, 2005 in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 7:30 p.m.

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

RECORDING SECRETARY: Mary Jo Kelly

OTHERS PRESENT: John Langey, ZBA Attorney
Lisa Masters, Applicant
Mr. & Mrs. Hemmer, 2137 Route 11

Chairman Beggs welcomed everyone. Everyone introduced themselves.

Member's Doolittle moved and Kuhns seconded the motion to accept the March 8, 2005 Zoning Board of Appeals Meeting Minutes as submitted by the Secretary. Motion passed unanimously.

CASE # 579 - Sketch Plan Conference for application of Neil J. MacEachen, Jr., and Lisa Masters for a Specific Permit for a flower shop/gift shop on their property located at 2448 Route 11 on the east side of Route 11 approximately 1/8 mile south of the Route 11 and Route 20 intersection in a Hamlet District.

Chairman Beggs asked Lisa Masters to present her case.

Lisa Masters said it's already zoned business so she doesn't think that will be a problem. There is sufficient parking. She would like to put in a flower shop and a gift shop showing local resident's merchandise.

Chairman Beggs asked if she had a survey of the property.

Lisa said her partner has it and she can get it.

Member Drumm asked if they bought the property.

Lisa said yes.

Chairman Beggs said she should have a deed.

Lisa said they just closed on the property.

Chairman Beggs said they will need a copy of the survey for the next meeting which will be a public hearing. They will also need a plan showing parking. He asked if she planned on having any signs.

Lisa said there is a frame left from the sign that used to be there for Peanuts Daycare. She is pretty sure it complies with the laws as they are written. It's definitely smaller than the surrounding signs and is further away from the road.

Chairman Beggs said signs are supposed to be 75' from the highway center line and 50' from the front property line. He realizes in the Hamlet this isn't always true

but they need to know this. Signage is a separate issue and should be presented with her case. He asked how long it has been since the Peanuts Daycare sign has been used.

Lisa said probably about 4 years ago.

Chairman Beggs said to show how far the sign will be back from the road. This Board needs to be sure signs don't inhibit vision for cars going in and out of the parking area. That is this Board's primary concern.

Lisa said if she measures it out and finds the sign isn't 50' from the front property line, can she propose to put it in a different spot?

Member Miller said as there are other signs on the neighboring properties that might be closer to the property line, as long as her sign isn't closer to the front property line than her neighbors, she might not need a variance.

Chairman Beggs said if you are the same distance from the property line as your neighbors, no variance would be required. This is known as the building line.

Lisa said her sign is in line with the VWF sign only theirs is bigger.

Member Doolittle asked if this property was last owned by Anne Amidon.

Lisa said yes.

Member Doolittle said Donna Cotey was given permission for a sign and he thinks Lisa will be O.K. He asked if she was putting the gift shop/flower shop in the house or in the building behind the house.

Lisa said in the house. The upstairs will be just for storage. When Neil comes up from Virginia, he might spend the night up there. It will not be used by either of them as a private residence.

Chairman Beggs said if it was used as a residence, it would be used by one of the owners.

Lisa said correct. They are not looking to rent it out.

Chairman Beggs said if they should decide to rent out any part of the house, she would have to come back before this Board.

Member Miller asked what the hours of operation would be.

Lisa said she would like to be open from 8:00 a.m. to 6:00 or 7:00 p.m.

Member Drumm asked if it would be 6 or 7 days a week.

Lisa said she would like to be open Saturday and right now she would like to have Sunday's off but starting a new business, she might have to work occasionally.

Chairman Beggs said she will have to put the hours of operation in her formal request along with a parking plan, a survey of the property, and what the lighting plans are (if any).

Lisa said any kind of lighting would only be to highlight the flower shop sign. There would be nothing too bright. Maybe there would be a lighted sign in the window like they have at Sunquest Tanning.

Member Doolittle asked about lighting in the parking lot.

Lisa said in the back building there is a nice size light which she thinks would be sufficient along with motion detectors. She might have to add another outside light.

Member Drumm asked if she shares the parking lot with anyone.

Lisa said no. The VFW has said she could use their parking lot if she needed to.

Chairman Beggs said in general, the Board looks for the applicant to have indirect lighting.

Member Drumm asked if the light on the sign would be on 24 hours a day Lisa said she would probably shut it off at night. She doesn't want people stopping in when she isn't there or when she's not open.

Chairman Beggs said it would be good if she could show the square footage of the business. If she had a floor plan of the building, then she could just show a sketch plan of how she is utilizing the facility. These businesses are allowed in the Hamlet District with approval from the Zoning Board of Appeals which is this Board. This Board just wants to make sure the business that you are in will be of a proper nature.

Lisa thinks this will be good for the town.

Member Drumm asked if they will be knocking any walls down.

Lisa said no. They are going to have portable work stations and shelving. There are two possible places she might put a door in. They might put a half wall in to separate the kitchen.

Chairman Beggs said this Board just likes to get an idea of how the business will be structurally run in the building. Any renovations will be reviewed by the Building Inspector. This Board's concern is if this business is a good business for the Hamlet District and it's our responsibility to oversee the structure. He asked John Langey if that is correct.

John Langey said yes.

This will be scheduled for a public hearing at next month's meeting and referred to the County.

Lisa asked if she was O.K. with any gardening she might want to do.

John Langey said he isn't aware of any conditions on gardening.

Chairman Beggs said if she was planning on growing things to sell, that would be a different matter and would have to be reviewed by this Board.

Lisa said the town website has been very.

Mr. & Mrs. Hemmer were present requesting information from the Board.

Chairman Beggs said he asked these people to come in. They tried to explain what they want to do so he recommended they come and explain what they want to do to the Board and to counsel. We need to determine if what they want to do is even possible. Rather than just bounce it off him, he thought it would be better for them to come before the Board.

Mrs. Hemmer understands Member Miller came by their residence the other day and spoke to her husband. They own a little over 7 acres. On the property, there is a tennis court and they don't play tennis. She is getting to the point where she would like to retire and start a small business. They thought about a storage facility for motorcycles, boats, snowmobiles, etc. She showed the Board a survey of their property. Right now they are zoned Agricultural/Residential.

Chairman Beggs asked if this property is located right next to John Harper's property.

Mrs. Hemmer said yes. She said the tennis court is so far back from the road you can't see it. They thought of putting up a pole barn there for storage. It wouldn't cause any impact on the environment.

Chairman Beggs asked if there would be any active business conducted from the facility.

Member Miller said for example customers walking in and out of there every day.

Mrs. Hemmer said no.

Chairman Beggs said you are looking for a closed storage building.

Mrs. Hemmer said yes.

Member Drumm asked if they would have cubicles.

Mrs. Hemmer said no. It would all be open.

John Langey said a use variance would be required because you are proposing a commercial operation and are located in an Agricultural/Residential District. This Board has jurisdiction over use variances. You will have to go through legal standards for a use variance. You may get tripped up on the self-created hardship. This is part of the New York State Law. His legal advice would be that this is a self-created hardship. For example, if he buys his house in a residential district and then decides to start a commercial use and the law says you can't have a commercial operation in a residential district, this is a self-created hardship. You would have to show you can't use the property for anything else. This Board would have to weigh the evidence under the law that they are required to use.

Mr. Hemmer asked what about extending the zoning to Harper's as a business area?

John Langey said they could go to the Town Board and petition for a zone change. Usually you see a zone change happen when you have a number of applicants sign a petition requesting a zone change for a particular area.

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

The Zoning Board of Appeals Meeting adjourned at 8:19 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary