

Minutes of the Zoning Board of Appeals Meeting of the Town of LaFayette held July 12, 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
Jerry Doolittle, Member**

ABSENT” Daniel Kuhns, Member

RECORDING SECRETARY: Mary Jo Kelly

**OTHERS PRESENT: Wendy Reese, ZBA Attorney
Lisa Masters, Applicant
Gregory Scammell, Supervisor
Margery Spratt, Applicant
William May, Applicant
Dirk Oudemool, Attorney**

Chairman Beggs called the meeting to order at 7:42 p.m. and welcomed everyone.

Chairman Beggs asked if there were any corrections or additions to the May 10th Meeting Minutes.

Member Doolittle said on page 2 it should read “Member Doolittle asked if the property was last owned by Ted Amidon.” Instead of “Anne Amidon”. On page 3 towards the bottom of the page the word “helpful” should be added to the end of the sentence “Lisa said the town website is very.”

There were no further corrections or additions to the Minutes.

Members Doolittle moved and Miller seconded the motion to accept the May 10, 2005 Zoning Board of Appeals Meeting Minutes as amended. Motion passed unanimously.

CASE # 579 – Public Hearing for application of Neil J. MacEachen, Jr. & 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. (Tax Map No. 018.-02-03.0)

Chairman Beggs said the Board received Lisa Masters site plan, parking plan and layout of the property. This was referred to County Planning who responded as follows:

“Now therefore be it resolved, that the Onondaga County Planning Board recommends the following modifications to the proposed action prior to local board approval of the proposed action:

1. The existing driveway must be realigned and defined so that it does not encroach on the adjacent parcel, and the driveway must meet the requirements of the New York State Department of Transportation for a commercial driveway.”

Chairman Beggs asked if her driveway is one used by the VFW too.

Lisa Masters said no. She has her own driveway.

Member Doolittle believes the end of her driveway goes onto the VFW’s property. It would have to be realigned a little.

Lisa asked how she gets rid of the old section of the driveway.

Member Doolittle said put some dirt on it and plant grass.

Chairman Beggs said to just delineate the driveway. If she could take a picture of the driveway showing it all on her property, it would satisfy the Board. The Board just needs a picture showing the property line and that the driveway is definitely divided from the neighbors driveway.

Lisa said it’s like that now. She can widen the driveway on the other side. How long does she have to do this?

Chairman Beggs said he would get a letter from the D.O.T. stating the driveway meets their requirements. Since the county put this burden on the Zoning Board of Appeals, this Board has to do something about it. If she could get a letter by the August meeting, the Board could act on it then.

Member Doolittle showed her on the map where they would like the driveway corrected.

Chairman Beggs said if this Board had a photo to send to County Planning in response to their resolution and a letter from the D.O.T. stating the driveway meets their requirements before the August meeting, the Board should be able to act.

Chairman Beggs noted County Planning’s second modification was:

- “2. A lighting plan must be developed to ensure that no glare or spillover is allowed onto adjacent properties and the state right-of-way, and the plan must be approved by the Town Engineer.”

This was discussed at the last meeting in detail.

Lisa said if the Board looks at the site plan she submitted, she has noted where all the outside lights are and they are all on motion detectors. They will not bother the street or anyone driving by. Basically they will light up the driveway.

Chairman Beggs said if the Board gets a letter from the Town Engineer approving the lighting, it would address this burden put on the Board. He asked if there were any other questions or comments.

Member Doolittle said the applicant was going to measure to be sure the sign is O.K. where it is.

Lisa said it lines up perfectly with the VFW’s sign and the Vet Clinic sign.

Chairman Beggs asked what is going to be done in the back where the chiropractic office was.

Lisa said they are going to make it a sewing room. The upstairs is being used to dry flowers for her arrangements.

Chairman Beggs said the back building will be used for her own personal work area.

Lisa said correct. No one will go in there to shop or anything. The wiring to light the sign is already there. She will do the lighting from the bottom of the sign like Sunquest does and the VFW. There would be no problem with visibility of traffic entering or exiting the driveway.

Chairman Beggs said this will be primarily a flower shop and gift shop. He confirmed she doesn't plan to live there.

Lisa said that is right.

Chairman Beggs confirmed the back area will be for storage.

Supervisor Scammell asked if the applicant could live there if she wished to.

Lisa believes she could because of the zoning but she doesn't want to.

Supervisor Scammell asked if a commercial driveway permit carries over from the previous owner or must it be renewed?

Chairman Beggs believes it goes with the business. If a different business should purchase the property, the driveway would have to accommodate that business. He asked if anyone wished to speak in support of this application.

Supervisor Scammell said he is the Town Supervisor and he's very glad to have her business in the town and hopes people will use it.

Chairman Beggs agreed and said we need more business in the town.

Lisa Masters said especially a flower shop.

Chairman Beggs asked if there was anyone who wished to speak against this application. No one came forward.

Wendy Reese said because this is an application for a specific permit, the Board might want to refer it to the Planning Board who will meet next week for their comments.

The Board was in favor of this.

The public hearing will be continued at the August 9th meeting.

Lisa will attend next week's Planning Board Meeting.

CASE # 580 – Sketch Plan Conference for application of Margery Spratt for a front-yard variance on her property located at 6269 Reidy Hill Rd. on the north side of Reidy Hill Rd. approximately 1/2 mile east of the Reidy Hill Rd. and LaFayette Rd. intersection in an Agricultural/Residential District. (Tax Map No. 007.-01-11.1)

Margery Spratt was present to represent her application. She would like to put a garage on the front of her property.

Chairman Beggs said she is actually at the end of the cul-de-sac.

Margery said they only have a 30' entrance to their property off of the cul-de-sac. They were going to put the garage on the side of the house but as they got building the house and taking trees down, they saw how steep it is on the side. Where they are proposing to put it, it is nice and flat. There would be trees on 3 sides of it.

Chairman Beggs said because she only has 30' frontage on the cul-de-sac, has she given any thought to talking to her neighbor (Mr. Homer) to see if she could purchase some land from him to even up her property line?

Margery said she asked him if he was interested in selling the property when they first moved here and he wasn't. No matter where they put the garage they will be dealing with the 30' access.

Member Doolittle was at the site the other night.

Chairman Beggs said if she could purchase some land from Mr. Homer, it would square up the survey for him too.

Margery will check with him. She doesn't think he would like to. If Mr. Homer was willing to sell her 30' to give her the 60' access, would he have to subdivide his property?

Chairman Beggs believes he would.

Margery said if they are going to spend money for another strip of land, they could probably spend the money to take the trees down and bring in fill.

Chairman Beggs said if her property line were just in line with the edge of the right-of-way coming back through, it would be better.

Margery said they would have to purchase a 30' strip of land from Mr. Homer.

Chairman Beggs said it would be good because it would give her lot a 60' right-of-way.

Margery will check with him to see if he is interested.

Member Doolittle said he spoke to her husband about this. Because they are at the very end of the cul-de-sac, no one will ever need a right-of-way to go past their house so Mr. Homer could still sell them some land if he chose to. Her husband believes Mr. Homer isn't interested in selling any of the land. The property does drop off. They would have to bring in fill for the area to put the garage anywhere else. By looking at it, it would really not be very aesthetic to put the garage in a different spot.

Chairman Beggs said where they are proposing to put the garage is aesthetically the best place to put it.

Member Doolittle said yes.

Chairman Beggs asked how far back the garage would be from the property line. The house is 63.6' from the property line.

Margery said the proposed garage would be about the same from the south property line, about 65'.

Member Doolittle said on the drawing, it really isn't right then.

Margery showed them on the map where they are proposing to put it. This spot is being proposed because it's farther away so people won't see it and for extra parking.

Member Doolittle said the garage should be back a little on the drawing. It's supposed to be 60'.

Chairman Beggs believes the entrance should be squared with the entrance of the garage.

Margery said the well line goes diagonally which prohibits this.

Chairman Beggs agreed that she would not want to put the garage on top of the well. He would encourage her to ask her neighbor about purchasing some additional land. The applicant would be looking for a 45' front yard variance.

The Board discussed whether this is a front yard or side yard variance.

Chairman Beggs said he would consider the front yard to be the side facing the cul-de-sac and the side yard would be facing Mr. Homer.

Margery said the Code Enforcement Officer told her the front of the property would be the side facing Mr. Homer because if a road continued through, that would be her front yard.

Member Doolittle said Mr. Homer may not wish to sell 30' of his land to the Spratt's as it might interfere with future plans he has because it would limit entry onto his property from the cul-de-sac if he wished to do future development.

Margery will discuss this matter with Mr. Homer. The end of the cul-de-sac is not Mr. Homer's only access to his property.

The Board decided it would be a side yard variance and a 20' side-yard variance would be required.

Margery believes it could be pretty expensive to pay legal fees, etc. for a subdivision of Mr. Homer's property and to purchase the land, etc.

Chairman Beggs asked counsel if it would be advisable to get something in writing from Mr. Homer stating he is not interested in selling Margery any land.

Wendy Reese said that would be advisable.

Chairman Beggs said this would just substantiate the applicants need to place the garage where she is proposing to do it.

Member's Drumm moved and Miller seconded the motion to schedule this for a public hearing at the August 9th Meeting. Motion passed unanimously.

CASE # 581 – Sketch Plan Conference for application of William May for a Specific Permit of his property located on the island in Jamesville Reservoir in an Agricultural/Residential District. (Tax Map No. 003.-03-39.0)

Dirk Oudemool introduced himself as the attorney for the applicant. Bill and his family have been using this land since 1983. He's using it today basically the same way he has always used it with the exception that in January, he was able to put a travel trailer out on the island. Before that, he had always tented on the land. Everything on his portion of the island, as opposed to his neighbor, is removable. He has a swing set, a dock, a picnic table with a tent structure over the top of it, a sandbox, a port-a-john and the travel trailer. Dirk said he spoke to John Langey about this who advised him of the matters of concern. One concern was Onondaga County Health Department's approval of the port-a-john. Mr. May wrote the County Health Dept. a letter on July 12, 2005 explaining the septic situation and they responded in writing on July 12, 2005 stating they had no objection. The second concern was a site plan showing where everything is located. A copy of the survey with the position of everything drawn on it was submitted this evening. He is the third attorney for the applicant in this matter.

Member Drumm asked if they purchased this site from the state.

Dirk said yes. The state maintained ownership of the water line as this waterway feeds the Erie Canal. They supplied several aerial photos of the site as well as some close-ups from the water to the Board this evening.

Chairman Beggs said personally he doesn't have a problem calling this a camp but before this Board could do anything as a Board, they had to get County Health Dept. approval. The Board is in receipt of a copy of a letter from the state advising no structure can be erected on the site. This Board needs a letter that overturns this.

Dirk said he disagrees. The applicant has a deed now. There are no conditions in the deed. He will be sending a letter to the state to see if he can get a response even though he doesn't feel it is necessary. He doesn't believe legally there is an issue with this at all. The only problem the applicant has is with the town. He has no problem with the neighbors or the County Health Dept.

Chairman Beggs said until the applicant supplied the Board with this documentation he was not in receipt of anything. The town can't issue a permit or anything unless there's documentation showing they have clearance to do so.

Dirk said these matters are handled by OGS out of Albany and he knows they will not respond to his letter regarding the conditions the state put on the property.

Chairman Beggs said until all legal requirements are met, this Board nor the CEO can issue a permit.

Dirk said he doesn't necessarily agree with this but they will satisfy the Boards needs.

Member Drumm asked what part of the DEC they are working with.

William has a letter from the DEC which he received when he applied for a shed on the property. One question was if they were concerned with where the shed was to be located. He received a letter back from the DEC stating unless they were building or placing something in the water, the DEC had no concerns.

Chairman Beggs said the Board tries to consider all agencies they must be in line with before they take any actions.

William will redirect this letter to the Board.

Chairman Beggs believes the trailer on the site is a decent sized trailer and he can work with it.

William said his house is 10 minutes away. No one stays in the trailer on the island. He has not spent the night there nor has anyone else. He has extreme allergies and cannot stay there. The trailer is nice for the grandchildren to take naps in if they can get them to fall to sleep, but that is it.

Member Doolittle asked what the trailer is set up as. There's no plumbing. Is there water?

William said there is no water. Before he towed it out to the island he flushed all 3 tanks. He took the toilet out. He has the port-a-john which has worked fine for years. They carry bottled water in 5 gallon jugs to the island just for washing hands, etc.

Member Doolittle asked if they had any electricity in the trailer.

William said no. They have no electricity, no plumbing and no septic. He is home by dark.

Member Doolittle asked if the wheels are still on the trailer.

William said yes.

Dirk asked for this to be referred to SOCPA. Their deadline is the 15th of this month. They would like a public hearing to be held at the next Zoning Board Meeting.

Chairman Beggs asked if this would have to be referred to County Planning.

Wendy said it would have to be referred to the Town Planning Board. This isn't within 500' of a state or county road but because it's on the reservoir she thinks it should be referred to County Planning.

Dirk would recommend sending it to let them review it. He believes they have jurisdiction because of the water boundary.

Chairman Beggs agreed. He would rather be safe than sorry.

Member Drumm asked if there is any permits needed from the state.

Dirk said no.

Chairman Beggs said it would be great if counsel can get the applicant a letter from the state advising they have no conditions on the site.

Member Doolittle asked if this Board can act on this if it is in an ongoing legal situation.

Wendy said this Board can continue to review the application.

Member Doolittle asked suppose we have a public hearing and are ready to vote, can this Board vote when the applicant is already in court?

Dirk said the case in court is due to an alleged violation in zoning. He believes this Board can grant approval and this will not have an impact on the matter in court. The two matters have nothing to do with each other.

Chairman Beggs said he discussed this matter with John Langey who advised the Board could review the application but he would check into the matter further before a public hearing is scheduled.

Dirk said John Langey advised him he would be advising the Board to send this to County Planning and he would be here in August for the public hearing.

Wendy said she discussed this with John before the meeting tonight and they decided this could be moved along and referred to County Planning but a public hearing would not be scheduled for August.

Chairman Beggs agreed that this was his understanding too. They would proceed with the referral to County Planning and to the Town Planning Board but as far as promising we would have a public hearing next month, the Board can't do that at this time.

Dirk said that is not what John Langey said to him.

Chairman Beggs said it was his decision that this Board should not promise a public hearing until this matter is clarified.

Member's Doolittle moved and Drumm seconded the motion to hold a public hearing at the August 9th meeting at the approval of the Zoning Board of Appeals attorney. Motion passed unanimously.

Sketch Plan Conference for Stephen Beggs for a 10' side-yard variance of his property located at 5812 Winacre Dr. (Tax Map No. 023.-04-11.0)

Chairman Beggs advised he will step down from the Board for this application and he will ask Member Miller to act as Chairman.

Steve Beggs passed around photos of his property to the Board. He is requesting a 10' side-yard variance to construct a 12' x 24' garage/storage shed which he will use to store lawn and garden equipment.

Member Drumm confirmed the building would be in the back of the house.

Steve said yes.

Member Drumm confirmed the land isn't flat.

Steve said no. There is an 8' drop.

Member Drumm asked if he will have to cut into the higher level of ground to construct the shed.

Member Doolittle said it will be a shed with a cellar in it.

Steve said the siding will match the color of his house. He is 16 1/2' off the property line. He is going to request a 10' side-yard variance. He doesn't know what he will run into when he starts digging so he is requesting the 10'. He has 4 elevations to his property. He doesn't have a flat area to put the building.

Member Doolittle asked about outside lighting.

Steve said he plans on having lights inside the building. He thought about having outside motion lights for security but has decided not to. There will be no driveway leading to the building. He is not going to drive over his septic tank to get to it.

Members Drumm moved and Doolittle seconded the motion to hold a public hearing at the August 9 meeting. Motion passed unanimously.

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

The Zoning Board of Appeals Meeting adjourned at 9:13 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary