

Minutes of the Zoning Board of Appeals Meeting of the Town of LaFayette held September 13, 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: Stephen Beggs, Chairman
Robert Drumm, Member
Daniel Kuhns, Member
Jerry Doolittle, Member

ABSENT: Albert Miller, Member

RECORDING SECRETARY: Mary Jo Kelly

OTHERS PRESENT: John Langey, ZBA Attorney
Lisa Masters, Applicant
Gregory Scammell, Supervisor

Chairman Beggs called the meeting to order at 7:40 p.m. and welcomed everyone. Everyone introduced themselves.

Chairman Beggs asked if there were any corrections or additions to the August 9th Meeting Minutes. Member Doolittle said on page 10, it should read 12' x 24' for Steve Beggs' storage shed. There were no further corrections.

Members Doolittle moved and Drumm seconded the motion to accept the August 9, 2005 Zoning Board of Appeals Meeting Minutes as corrected. Motion passed unanimously.

CASE # 579 – Public Hearing continued 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 at our last meeting the discussion was concerning the lighting plan and the driveway. Those were the two important issues. He has her pictures of the driveway and a letter dated September 13, 2005 from Scott Bates of the State DOT approving the driveway as a commercial driveway. The driveway is approved for her proposed business only.

Lisa Masters said she understands this.

A letter was submitted from the Town Engineer, John Dunkle, approving the lighting.

Chairman Beggs believes the letter clarifies the lighting questions the Board had. He asked the Board if they had any items they wished to address.

Member Doolittle asked about the sign.

Lisa Masters said this was already covered. It's in line with all the other signs so it's O.K.

Chairman Beggs asked if anyone was present in opposition to this application. No one came forward.

Chairman Beggs asked the hours of operation.

Lisa Masters said weekdays it would be from 9:00 a.m. to 6:00 p.m. On weekends it would be 10:00 a.m. to 2:00 p.m. Sunday might be cut out. On holidays like Thanksgiving, Christmas, Valentines Day, etc., she might have to remain open until 8:00 p.m.

John Langey asked if she could be more specific on the holiday hours of operation.

Chairman Beggs recommended stating the week of major holidays, Valentines Day and Mothers Day would be approved from 9:00 a.m. to 9:00 p.m.

John Langey would suggest creating the hours year-round and the applicant can always work less hours.

Member Doolittle recommended the hours be 9:00 a.m. to 9:00 p.m. seven days a week.

Lisa Masters said that would be good. She doesn't have to remain open until 9:00 pm. if she doesn't want to.

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

Supervisor Scammell said he was in support of this application and appreciative that we have a fresh flower shop in town.

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 a Specific Permit to Lisa Masters and Neil J. MacEachen, Jr. for a flower shop/gift shop at their property located at 2448 Route 11 and to operate during the hours of 9:00 a.m. to 9:00 p.m. seven days a week. Motion passed unanimously.

CASE # 581 – Public Hearing 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)

Chairman Beggs said the applicant stated they weren't prepared to appear before us tonight so they will be on hold until the next Zoning Board of Appeals Meeting.

John Langey will notify the attorney to appear at the next meeting. The Public Hearing will be conducted at the next meeting.

Chairman Beggs said the Board received a letter from John Lyons regarding the automobile salvage operation he wishes to have in the Town of LaFayette. There was some question as to whether it would require a use permit or it falls under a junk yard. He has discussed this topic with the Town Attorney and Mr. Lyons. Mr. Lyons advised getting a use variance would be next to impossible. He would rather apply for a Junk Yard Permit and take his chances on what the town would approve.

John Langey said Mr. Lyons advised he was not a junk yard at the last meeting. Referring to the definition of a junk yard he is not convinced it is a junk yard. He leans

more towards their first use as a automobile salvage pool auction facility. The Town Board might wish to amend the Zoning Ordinance to allow a salvage operation in an Industrial District. There may be a place in the town in an Industrial District that this operation might fit. His advice is it will either be a use variance or to approach the Town Board to see if they will take some legislative action addressing this use.

Member Doolittle believes they said in at least one other town, they are listed as a junk yard. He is unclear why we have the zoning we have. Is there any area this fits into?

John Langey said the Zoning Ordinance says if you are in an Industrial District, you can do the following things... A salvage operation is not one of the things listed.

Chairman Beggs noted from the Zoning Ordinance, this Board can entertain the application if it falls under a junk yard definition but the permit would have to be issued by the Town Board. The Zoning Board of Appeals would be responsible for the Specific Permit and the Town Board would issue the license. He asked if the Zoning Board of Appeals could state items such as it must be inspected by the CEO on an annual basis and to name what type of vehicles may deliver the automobiles to the site.

John Langey said the Board could control the first item but he doesn't believe they could control the type of vehicle bringing or removing the vehicles.

Member Drumm said there must be parking space for the auctions he said he would be holding too.

John Langey said if it is determined that legislation is needed by the Town Board, his recommendation would be to put extreme buffering in. There will be drainage issues, noise, diesel fuel odors, etc.

Member Kuhns said he could make an argument for a junk yard.

Member Drumm said if he is going to bring in 600 vehicles and turn them over in 2 weeks, there isn't gong to be a lot of oil, etc. leaking into the soil.

Chairman Beggs said the maximum time before a vehicle would be on the site would be 30 days from the time of the accident.

John Langey asked the Board what they would like him to advise Mr. Lyons' attorney.

Chairman Beggs said under the existing ordinance he believes it fits the junk yard definition. He believes the Zoning Board of Appeals would have to specify the types of things he can do.

John Langey reviewed the definition of a junk yard.

Member Drumm said it will be tough to put it through as a junk yard because on his application it says automobile recovery services.

Chairman Beggs said it's up to the Town Board to decide if they wish to grant this.

The Board reviewed the Junk Yard Ordinance.

The Board felt this was within 500' of a place of public assembly. It would appear this wouldn't be allowed under the Junk Yard Ordinance as it would be located within 500' of the ballfields.

John Langey will call the applicants attorney tomorrow to discuss this matter.

Member's Drumm moved and Kuhns seconded the motion to adjourn.

Motion passed unanimously.

The Zoning Board of Appeals Meeting adjourned at 8:42 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

* Chairman Beggs asked if there were any corrections or additions to the September 13th Meeting Minutes. It was noted at the top of the page the date should be September 13. There were no further corrections or additions. Chairman Beggs said the Minutes will stand ad amended.