

Minutes of the February 14, 2006 Zoning Board of Appeals Meeting held 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
Albert Miller, Member
Daniel Kuhns, Member
Jerry Doolittle, Member

Absent: Robert Drumm, Member
James Butkus, Alt. Member

Recording Secretary: Mary Jo Kelly

Others Present: Wendy Reese, ZBA Attorney
Robert Latocha, Applicant
Pete Paul

Chairman Beggs called the meeting to order at 7:34 p.m. Everyone introduced themselves.

Chairman Beggs asked if there were any corrections or additions to the January 24, 2006 Special Meeting Minutes. There were none.

Member's Doolittle moved and Miller seconded the motion to accept the January 24, 2006 Zoning Board of Appeals Special Meeting Minutes as submitted by the Secretary. Motion passed unanimously.

Chairman Beggs said the December 13, 2005 Meeting Minutes did not get recorded in the January Minutes. At this point in time are there any corrections or additions to the December 13, 2005 Minutes? There were none.

Member's Miller moved and Doolittle seconded the motion to accept the December 13, 2005 Zoning Board of Appeals Minutes as submitted by the Secretary. Motion passed unanimously.

CASE # 585 – Public Hearing for Robert Latocha for a side-yard variance of property located at 6475 Oschner Road approximately 500' from the Oschner Road and Apulia Road intersection in a Residential/Planned Cluster District. (Tax Map # 002.-03-04.0)

Chairman Beggs said he had the road frontage researched for this property. That lot was an existing building lot at least as far back as 1981.

Mr. Latocha thinks it was formed in the 1950's.

Chairman Beggs said in September of 1987 the Zoning Ordinance was amended to read a 60' road frontage is required. This lot is grandfathered in as the lot was in existence prior to 1987. This lot was formed before that was a requirement. He confirmed this is on public water.

Mr. Latocha said yes.

Chairman Beggs confirmed he is not putting a bathroom in the garage.

Mr. Latocha said no he's not.

Chairman Beggs would like it stated in the resolution that this structure will be used for personal storage only.

Mr. Latocha said it's not going to be used commercially or anything like that.

Chairman Beggs said this will be put in the resolution. This lot is to be used for personal storage only and not to be considered for a residential lot. Due to the size and configuration of the lot, what the applicant is proposing is fine. He thinks it's a good use for this piece of property. He asked if the gravel drive comes off Oschner Road and cuts across his property.

Mr. Latocha said that was the previous owners driveway to the house prior to the Town condemning it. He had the neighboring property researched by the attorney as it has an unknown owner. This piece of property shows that it's included in his property on the tax maps but not on the survey. His lawyer has tried to research this to find out who the owner is and has not been able to do so.

Member Kuhns asked if it has a tax map number.

Mr. Latocha said no.

Chairman Beggs said there is a chance somewhere down the road that the applicant might own a rectangular piece of property rather than a triangular one.

Mr. Latocha said his lawyer can't find out how the 27' became no mans land.

Chairman Beggs said it would be nice if he could own it.

Mr. Latocha said it would because then he could move his building over another 50'.

Chairman Beggs said he wouldn't need a side-yard variance if he could own that piece of property. As it is, this Board will have to grant a 15' variance on his west property border and a 22' variance on his east property border based on the survey dated January 20, 2006 and prepared by Cottrell Land Surveyors, P.C. This is why we require applicants to have surveys and not tax maps.

Mr. Latocha said he is glad he had it surveyed too. Originally the tax map showed the property was 60' across the back and the survey shows it to be 37.08' so when he goes to purchase the property, he can give the exact dimensions.

Member Doolittle said the Board might want to grant a little more of a variance because of the overhang.

Mr. Latocha said there is a 12" overhand on each side.

It was noted a 16' variance would be needed for the westerly side of the property and a 23' variance would be needed for the easterly side of the property.

Chairman Beggs asked if anyone had any more questions or comments. There were none. He asked if there was anyone present to speak in support of this application.

Pete Pauls said he has known Bob Latocha and the work that he has done for a long time. The reason for his request for a variance is that he has a couple of classic cars that are very expensive. He has no reason not to believe what Bob is going to do will be

a real asset to the area. If granted these variances, he is sure Bob will do a good job at whatever he puts up down there.

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

Chairman Beggs closed the public hearing.

Member Doolittle noted the applicant could have a septic system in the future and would not have to come back before this Board for permission as it would require approval from the County Health Dept.

Member Doolittle moved and Member Miller seconded the motion to appoint this Board as Lead Agency, this is an unlisted action and a negative declaration in the SEQR process and to grant a 16' side-yard variance for the westerly boundary of the property and a 23' side-yard variance for the easterly boundary of the property so the applicant can erect a private storage facility. Voting was as follows:

Chairman Beggs	voted	Yes
Member Miller	voted	Yes
Member Kuhns	voted	Yes
Member Doolittle	voted	Yes

Motion passed unanimously.

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

The Zoning Board of Appeals Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

Adopted April 11, 2006