

Minutes of the August 8, 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  
Jerry Doolittle, Member  
Robert Drumm, Member

Absent: Daniel Kuhns, Member

Recording Secretary: Mary Jo Kelly

Others Present: Wendy Reese, ZBA Attorney  
Mike McLaughlin, Applicant  
Davie Muraco, Applicant  
Jean Suters  
Bud Hall  
Ms. Palladino  
Kathleen Ready  
Dave Knapp, Councilman  
Adrian Shute, Councilman

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

Chairman Beggs asked if there were any corrections or additions to the April 11, 2006 Special Meeting Minutes. There were none.

**Member's Doolittle moved and Miller seconded the motion to accept the June 13, 2006 Zoning Board of Appeals Special Meeting Minutes as submitted by the Secretary. Motion passed unanimously.**

**CASE # 591 - Public Hearing for application by Mike McLaughlin for an amendment to his Specific Permit for the McDonalds property. He wishes to amend request from a copper metal roof to a painted maroon roof. (Tax Map # 020.-06-01.1)**

Chairman Beggs noted the Board has received pictures of the proposed roof. He asked Mike McLaughlin if he had anything further to say.

Mike McLaughlin said no.

Chairman Beggs confirmed he wishes to paint the asphalt shingles that are on the building now.

Mike McLaughlin said yes.

Chairman Beggs asked what the lifetime of the paint is.

Mike McLaughlin said he isn't sure. This is a McDonalds approved paint.

Chairman Beggs said he was surprised at the last meeting when the applicant advised they have the ability to paint asphalt shingles. Apparently McDonalds has found a company to develop a product that will do this.

Member Drumm said at the last meeting Mike McLaughlin said they were looking to renew their contract in 2010. There is a maximum of 3 ½ years left before the lease will be renewed and this may be addressed again then.

Member Doolittle thinks the applicant advised at the last meeting that he didn't think the paint would last up to his expectations which was much more than 4 years.

Mike McLaughlin said when the lease begins to be negotiated, McDonalds will tell him what needs to be replaced or redone.

Member Drumm confirmed the Colonial Red Roof is the one the applicant prefers.

Mike McLaughlin said yes.

Chairman Beggs asked if there was any input from the public in favor of this proposed change. No one came forward.

Chairman Beggs asked if there is anyone present who wishes to speak in opposition to the proposed change. No one came forward.

**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 approval for the amended change to allow the applicant to paint the asphalt shingles at his McDonalds restaurant Colonial Red.**

Chairman Beggs said he did receive notice from Onondaga County Planning regarding this application and they had no input. They advised it should solely be handled by the local board.

**Above motion passed unanimously.**

**CASE # 590 - Public Hearing for Specific Permit application by New Plan East, LLC c/o David Muraco for his property located at 2512 Route 11 approximately 500' from the Route 11 and Route 20 intersection in a Hamlet District for a Dollar General. (Tax Map No. 019.-02-18.1).**

David Muraco was present to for his application. He represents New Plan East, LLC. He presented a site plan dated 9/21/04 and prepared by Napierala Consulting. He presented drawings of the approved septic design. The signage has been run by the Code Enforcement Officer.

Mary Jo said they have spoken to Ralph Lamson and he has approved what they proposed at this time.

Chairman Beggs noted the Board had heard back from the County Planning Board. They had the following modifications:

- 1) The southerly driveway on Route 11 must be closed to meet the requirements of the New York State Department of Transportation.
- 2) The applicant must submit a landscaping plan to the Town for approval.
- 3) The northerly driveway must be controlled with curbing and/or landscaping to meet the requirements of the New York State Department of Transportation.

David Muraco said there are steep inclines to the parking lot. He would prefer to leave the driveways as they are. If the state D.O.T. is looking to close one of the driveways, he would prefer not to.

Member Doolittle said they just received the County Planning recommendations tonight and he questioned this too.

David Muraco said the parking from the Community Center uses his lot quite often and he doesn't have a problem with it. As far as landscaping, he has no problem with getting a final plan back to the Board showing some landscaping along Route 11 as long as it's not in the state right-of-way. There is existing landscaping at the front of the building which will remain. The rest is a needed parking lot. Dollar General is not really an intense use. They have 2-3 employees. The most he has ever seen in one of their parking lots is 20-25 cars. He plans on resurfacing the entire parking lot.

Member Drumm asked counsel about County Planning's recommendation to close the south driveway. Can this Board over-ride them?

Chairman Beggs asked counsel what her recommendation would be.

Wendy Reese said typically you can overrule the County with a super majority vote. She would have to look into the state D.O.T.'s requirements.

Chairman Beggs said he would need some guidance or directive from the D.O.T. to state what the requirement is that the existing driveways don't meet.

David Muraco said he has been through this before. When you refer an application to the County, they treat it like it is a new application. On existing buildings, it has been the local board that over-rides something they don't agree with.

Chairman Beggs said he thinks the Board would need a letter from the State D.O.T. as they specifically state it doesn't meet with their standards.

Member Miller thinks since this is existing, it should be grandfathered. He doesn't even think they look at the site.

Chairman Beggs thinks this Board needs to have it clarified.

Wendy Reese said it would be good if the Board can just get the requirements of what is or isn't needed.

David Knapp said on the driveway issue, Mr. Hall and Mr. Muraco have been very generous with sharing their parking lot with the Community Center. He thinks if the south driveway is closed, it might create a little bit of a hazardous situation for the driveway at the Community Center with multiple cars trying to get in and out. Personally, if there is any way to over-ride this, he would support it.

Member Drumm would think the best thing would be for no exiting allowed from the south driveway.

Chairman Beggs said this Board cannot rule on the application until it knows the facts.

Member Doolittle asked if Dollar General would be responsible for snowplowing, etc.

David Muraco said no. He will maintain the property and they will reimburse him. This will take some time with the state. He has a contract to have the store done before October 1. Would it be safe for him to proceed with construction on this assuming the Board will get feedback from the state D.O.T. and the plan will stay the same as proposed tonight or will there be changes? He thinks they may want this down to one road cut. By the time he gets done, it could take 1-2 months. They will want the curbing

and landscaping done. It has taken him over a year to make this deal. If they come in and propose one road cut, it will be a problem with him and with the town property next-door. He is hoping the Zoning Board will overrule County Planning's comments.

Chairman Beggs said his personal feeling is that this Board can't take a position on the driveway issue until we know some facts. We don't know what the violation is or what the standards are.

Member Drumm asked if the Board couldn't send a letter back to the State D.O.T. advising this is an existing property and see if it shouldn't be grandfathered in and if not, why? He would think this shouldn't take a month.

Chairman Beggs asked Wendy Reese to contact the D.O.T. and find out what their position is on this and note the fact that it was an existing structure and existing business. Quite frankly, he sees more problems with the north driveway than the south driveway.

Member Doolittle noted the gas station has two entrances.

Chairman Beggs said it's not the only property with two entrances.

Member Drumm thinks it would be safer with two entrances rather than one.

Bud Hall asked if this wouldn't grandfather in as the building was built in 1971.

Chairman Beggs said since this was brought to our attention from the county, we must address it.

Dave Muraco asked if he would have to attend another meeting. He can get a landscape plan done very easily.

Chairman Beggs asked Wendy Reese what she would recommend.

Wendy Reese said assuming we can get in touch with the D.O.T. and get an answer from them, it would be up to the Board whether they want to close the public hearing prior to getting a response from the D.O.T. The Board could call a special meeting for the purpose of this application in a couple of weeks to finalize everything at that time.

Member Doolittle would think we could discuss all the aspects of this application tonight and then we could hold a special meeting to resolve the one issue.

Wendy Reese said you could leave the public hearing open until the special meeting and then close it and make your determination. If there are any additional concerns after a determination is made on the driveways, you could address it at that time.

Chairman Beggs would recommend continuing the public hearing tonight to get any input from the public and to have Wendy Reese contact the D.O.T. As soon as she can get a response from them, we will hold a special meeting and continue the public hearing. We can close the public hearing at the special meeting and make a determination. He asked if there was anyone from the public who wished to speak in support of this application.

Jean Suters said her property is on Route 20 and backs up to the former IGA. She thinks any decent use is better than an empty building. For years on the Planning Board, they went on this assumption and it worked out well. She said there is a small strip of land just south of the retaining wall that hasn't been kept up. It looks very bad. It goes right up to her property. It would be nice if that area could be mowed.

Dave Muraco said once the tenant occupies the building, he is obligated to maintain the property.

Jean Suters asked him just to remember that little strip.

Chairman Beggs asked if there is anyone else here tonight in support of this application.

Jean Suters said she can't believe they would want to close the south driveway because any truck that would come in to unload would want to use the south entrance to come in.

Bud Hall asked if it isn't a safety factor if a truck has to pull in at the northern section to try to back around the building. It seems like it would be a safety factor.

Adrian Shute asked if it doesn't appear that the D.O.T. doesn't have a problem with this but rather someone at County Planning thinks they might.

Chairman Beggs thinks they have some set specifications and they have taken that specification and applied it to this application and didn't bother to tell us what specifications it doesn't meet.

Dave Knapp thinks it's obvious they are looking at this on paper and haven't been out to see the site.

Chairman Beggs said this doesn't make any sense to him but he doesn't have the facts in front of him. He doesn't believe this Board can over-ride the county without the facts in front of them.

Adrian Shute said the D.O.T. has their regulations, in the meantime, Dave Muraco is stating he must have this ready by October 1<sup>st</sup>. He doesn't see why the D.O.T. requirements will impact whether or not the building is going to be developed.

Chairman Beggs said if an applicant goes forward and the application gets denied, he risks the cost involved before the application is approved.

Wendy Reese said what this Board is deciding is whether or not the business can be run and what provisions are needed. If the applicant starts renovations, this Board cannot tell him not to, but he runs the risk of the application getting denied.

Chairman Beggs asked if anyone is present to speak in opposition of this application.

Kathleen Ready said she lives at the intersection. Why is this only being brought before the public now? There's a Dollar General in the Valley area and in Tully. It's just not LaFayette.

Jean Suters said we are not going to get a grocery store.

Bud Hall said we have tried everything to get a grocery store or a drug store. Unless you want to put up a couple hundred thousand dollars, you won't get a grocery store here. It's been tried. Dave Muraco has tried too.

Dave Muraco said he tried to get Kinney Drugs and he put plans together for a drive-through and exhausted all efforts. The property has been sitting idle for 6 years. Since he leases property to Dollar General in other areas, they agreed to come here.

Kathleen Ready said a Dollar General is just not LaFayette.

Dave Muraco said with the landscaping and the existing building he doesn't think it will look bad. The grocery business is gone.

Jean Suters said there are people without transportation who walk and go to the Nice N' Easy to buy goods like butter, etc. She feels sorry for these people and would like them to have a few more choices.

Member Doolittle said one of the main things the public wanted was a grocery store. You can't have a grocery store because no one wants to try one here. This is better than an empty building.

Member Drumm said this Board can approve the application for the store with the condition that the D.O.T. issue gets resolved.

Dave Muraco said if there is only one driveway, he thinks it could impact whether or not he goes forward with this application.

Chairman Beggs said this Board can't approve this plan without some contact with the D.O.T.

Member Doolittle asked if Wendy Reese had any idea how long this might take.

Wendy Reese will try to contact the D.O.T. tomorrow.

Chairman Beggs asked her to let him know of her findings.

Member Doolittle asked how much time must be given for the notice for a public hearing.

Mary Jo said 5 days.

It was decided the public hearing will remain open.

**Member's Miller moved and Doolittle seconded the motion to table this application until the next meeting. Motion passed unanimously.**

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

The Regular Zoning Board of Appeals Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Mary Jo Kelly  
Secretary

No action was taken on the following cases

**Pending Cases:**

**CASE # 588 – Public Hearing for application of Randy Taylor for a side-yard variance on his property located at 2398 Route 11A approximately 268' south of the Ortloff Road and Route 11A intersection in an Agricultural/Residential District. (Tax Map # 017.-02-09.0)**

(Will be scheduled when documentation received)

(Called and left message. As of 7/6/06 – no documentation received.)

(Called again 7/31/06 and left message. Still no documentation received or return of phone calls.)

**Possibly a Sketch Plan conference for Sheila Kelley for Use Variance.**

No one was present for this.

Adopted 9/5/06