

The regular Meeting of the Zoning Board of Appeals of the Town of LaFayette was held August 14, 2007 at 7:30 PM in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette

Members Present:	Steve Beggs	Chairperson
	Bob Drumm	Member
	Jerry Doolittle	Member
	Christine Keenan	Member

Absent:	Dan Kuhns	Member
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Recording Secretary: Mary Jo Kelly

Others present:	Nadine Bell, ZBA Attorney
	Mike Amidon

Chairman Beggs called the meeting to order at 7:39 p.m. He welcomed everyone and had everyone introduce themselves.

Chairman Beggs asked if there were any additions or corrections to the June 12, 2007 minutes. There were none.

Member’s Drumm moved and Doolittle seconded the motion to accept the June 12, 2007 Zoning Board of Appeals Meeting Minutes as submitted by the Secretary. Motion passed unanimously.

Chairman Beggs said Mike Amidon is present to discuss some possibilities for the building located at the southeast corner of the Route 20 and Route 11 intersection.

Mike Amidon said when he bought the building he knew there was problems with the septic system. He thought maybe he could turn the building into storage. He could turn the bottom of the building into a garage to generate some income until down the road when we get a sewage system or find a way to handle the sewage. He asked the Health Dept. about putting in a holding tank but was told he couldn’t do this. The only thing he can come up with that he can put in there with minimal bathroom use is storage, car showroom, detail shop, hold a garage sale once in awhile, hold a pig roast once in awhile, etc. Mr. Muraco wants \$100,000 for the vacant lot behind the building which has a septic system which needs \$25,000 to update and maybe pass. At this point he isn’t willing to gamble \$125,000 to have apartments. He has applied for a grant to fix the building up. Maybe the land could be purchased with the grant and with some of his money involved and then down the road he might be able to have the building go into offices or apartments. Right now it brings him back to storage of boats, cars, motorcycles, etc. on the first floor and other storage on the second floor. This is about his only choice right now.

Chairman Beggs said due to the location, there are a lot of key issues. Two issues he has are the septic system and traffic control. Whatever is proposed, we have to get County Planning and D.O.T. approval because it’s right at a major intersection.

Member Drumm asked if the fuel tanks are still there.

Mike said he doesn’t know. The other alternative is to tear the building down.

Member Doolittle asked Mike to update the Board about the water.

Mike said right now there is no electric or water to the building. John Doupe has a well on the border of his property and this property. John said Mike could use this well. He can get the electric in by calling Nationalgrid. He talked to Ralph about putting in a

girls bathroom at his garage across the street from this building. Ralph said he didn't have a problem with that. He is just throwing things out that might be put in the building to generate money to cover the overhead and pay the taxes.

Member Doolittle said there were 3 wells on this property. One is outside the east wall to the rear of the door that goes to the diner.

Mike said this is about 1' away from the building.

Member Doolittle said this wasn't enough to serve the whole building. It might need to be dug deeper which you can't do because it's right next to the building and it's right under a drainage pipe that someone put in. This could be a temporary limited source of water.

Chairman Beggs said if it was a low usage.

Member Drumm asked how much land Muraco owns there.

Member Doolittle said just the one lot.

Member Drumm asked if there would be enough area for a septic system to be 100' from the well if it were on Muraco's property.

Member Doolittle said you couldn't have one big enough to service the building.

Mike said apparently the septic system that is required would cost \$25,000 more to make it possibly acceptable.

Chairman Beggs said this is all up to the Health Dept. The Health Dept. must approve the septic before this Board could approve anything. He asked Counsel if Mike would need a public document stating he had rights to the water.

Nadine Bell said yes.

Member Doolittle asked what he would have to go through if he wished to put storage in the building.

Nadine said that could be determined by the Board. There is hardship of the septic. The Board would have to decide if he qualifies for the hardship criteria when he knew the problem existed when he purchased the building.

Member Doolittle asked if he could go to the Town Board and ask them if they could amend the zoning to include this.

Nadine said it would be better to limit it to a certain area rather than opening a Pandora's box.

Member Drumm asked what the D.O.T. is planning on doing.

Mike said when he attended the meeting at Grimshaw School their plans showed them coming right up to his front door. A lot of the intersection is theirs. That is why anything on state land he is not going to worry about. They might come forward and tell him they need the building. He is thinking about trying to bring the septic under the road to his garage and bringing water from his garage over to the building when the D.O.T. does their work. He is still back to parking. If Route 20 stays so we can park on the side of the road then there is parking up and down the hill. If he has to give some of his parking spots up at the garage to make it work at the building, he can do that. He just needs to put something legally into the building to cover the overhead. The grant is a good idea but if he puts \$200,000 - \$300,000 into the building and you can't go to the bathroom in it, what good is it?

Chairman Beggs said the Board couldn't approve the parking as it must be approved by the D.O.T.

Nadine Bell said if the D.O.T. sent a letter stating there was room for parking, they could grant approval with the condition something is received stating that there is adequate parking.

Chairman Beggs said we can't approve parking on a state right-of-way.

Member Drumm would think if the state right-of-way goes right up to the front door and they decide do so something new by 2010 and if they put another lane in you wouldn't even be able to get into the building.

Mike said he will go for the grant but it's useless to get the grant if we don't know what the D.O.T. is going to do.

Member Drumm asked if it wouldn't be good to go talk to the D.O.T. and tell them his plans and see if they can give him some insight.

Chairman Beggs thinks that is a good place to start. He could find out what concerns they have regarding parking at the intersection.

Member Drumm said to ask them if they are aware that there may be tanks buried there.

Mike said his survey shows he actually owns about 1' on the east side of the building and on the south side about 3' and on the west about 1'.

Member Doolittle said the survey he had showed the right-of-way comes through one of the porches. When the state had their hearing before, they said they were going to do it in 2009 and they were not going to widen the road at all but were just going to add a lane in the existing space.

Mike said this is his building and if he wants to take a couple windows out and put a garage in for personal use, is he stepping on any toes?

Member Doolittle would think if it's his own personal use it would be O.K.

Mary Jo said people can change the appearance of their homes and not require any Board approvals if it's for their own personal use.

Chairman Beggs said this Board's responsibility is to see that the aesthetics of the town are somewhat maintained.

Nadine Bell said if he chose to change the look, it's not up to the Board. If he wants garage doors and it's not for a commercial business, this Board isn't involved.

Mike said the building is painted white now. If they leave it white, he would put a white garage door in. If he decides to paint that part red, he would put a red door in. If he can't do anything with the town, he is probably going to put a garage door in and put his own stuff in there. He might put a couple of cars he needs to work on over there until he can bring them across the road to work on if it's going to snow or something like that..

Nadine said then it becomes not for personal use. Your sons car or your personal vehicles would be O.K. If you store your cars here from another location where you will work on them, it becomes a business usage.

Member Drumm said another idea is if he stored cars in there and there is gasoline in the cars, it might work against him.

Mike said he has already checked with the insurance company to see what it would cost if he stored vehicles in the building. You can have a gas leak in a vehicle at any time. He guesses it would be his responsibility to check on them if he uses the building for storage. There are two storage places that he knows of in the Town of LaFayette that aren't legal. People have businesses here and they aren't legal. There was a guy today advertising in the paper that isn't a legal business. He is trying to be legal. He will go to the D.O.T. and see what they have to say.

Chairman Beggs said when he gets some input from the D.O.T. for what would be allowed there, he can bring this information back to this Board with a proposal of what he wants to do.

Nadine said when he gets some information from the D.O.T., he can use it towards making an application for a use variance, i.e. parking approved, etc. If he can

give the Board some reasons that would support what he wants, it would give the Board some facts to make a determination.

Chairman Beggs said written correspondence from the D.O.T. stating their position would be good.

Mike asked who would have the final say.

Chairman Beggs said this Board but approval must be granted from the County Health Dept., County Planning, etc.

Mike asked if the Board would approve this building being used for storage if he goes through all the footwork. If they aren't going to approve it, he doesn't want to go through all the work..

Nadine said it would be difficult for the Board to say at this time that they would approve this as there is a criteria that must be met for a use variance.

Member Doolittle asked the Board how difficult it would be for Mike to get a use variance.

Member Drumm asked if he would have to go to the Planning Board too.

Nadine said no. In this situation a use variance would be required. She thinks Mike is asking if the Board would be inclined to approve a use variance or not.

Chairman Beggs believes John Langey has advised in the past that a use variance is very difficult to get. The Board must determine what the hardship is and is the hardship self-created. The sad but true part of this is Mike bought the property knowing of these conditions which makes it a self-created hardship. The Board could approve a type of business there but it would be very difficult to grant a use variance.

Nadine said that is accurate. A use variance is the most difficult to get.

Member Drumm thinks the Board needs to find out what the D.O.T. is going to do first. If the D.O.T. is going to take the road right up to the door then this Board can't approve anything.

Mike said even if he proposed to put something in the building that is agreeable in the Hamlet, he can't do it as there's no septic or parking.

Nadine thinks a septic is the biggest hurdle. He can always apply for a variance for parking. If the D.O.T. says there is no plans to change the parking along the road now and he were to propose a use for the building that required minimal parking that could be satisfied by what is on the road, he could seek zoning relief from that requirement.

Mike said that is why he is proposing storage as there would not be any parking requirement. When he bought this property, he knew all the problems over there but if he can't do anything with it then he can't fix the building up. A lot of people in town would like the building fixed up so it looks nice but there's no reason to put any money into it if he can't use it for anything. If this happens, he could do like Muraco and not pay the taxes and we're back to that point again. He is trying to think of something he can put in the building legally to generate some income to cover the overhead.

Nadine said there are a lot of alternatives with septic systems. She asked if he had fully explored the possibilities of what can be done.

Mike advised what he had found out regarding a holding tank. A two bedroom apartment generates 300 gallons a day so it will be filled up in no time.

Nadine said he is picking a use that is rather septic intensive. If he were to look at an office use it might behoove him to see what the difference in septic requirements are.

Mike said they checked and an office worker generates about 15 gallons a day for waste. If he had 5 or 6 offices, he has no parking for everyone. Parking could be solved by paying \$100,000 for Muraco's property which could park 6-8 cars. There is a septic

system on Mr. Muraco's property but it needs \$25,000 put into it to possibly make it work.

Mary Jo asked if he could put parking on the ground level of the building and offices on the upper floors.

Mike said he thought of this too. There is still a septic system concern.

Chairman Beggs would look into some options. There would be a lot less septic use to dispose of.

Mike said the apartments are out at this point unless LaFayette gets a sewage district. Even the system Mr. Muraco has in wouldn't handle all the apartments at the building. If he could get some kind of septic, he thought he could do storage on the ground floor and offices on the 2nd floor and possibly an apartment on the third floor.

Member Doolittle liked the idea of parking on the ground level but Mike must still get approval from the D.O.T.

Mike asked if he put a garage door in the building for his own personal use, is there a problem?

Member Doolittle said no. If he chooses to change the building for his own use, it's not the Board's concern. If you are changing the use and it's your own personal property for your own personal use, this Board is not concerned.

Member Drumm recommended Mike go to the D.O.T. and County Planning for their input.

Chairman Beggs thinks his first stop has to be the D.O.T. to see what they would allow. This Board can't even pass this on to County Planning for their input until he knows what he wants to do.

Nadine said you would have to have an application.

Discussion took place regarding the old fuel tanks.

Chairman Beggs asked if everyone got a copy of the training agenda the county has planned.

Member Drumm said he has signed up for it.

Chairman Beggs said it's mandatory to get 4 credits a year. He gave Member Keenan a copy. He said if she decides she would like to attend, he will go with her if she would like him to supply some guidance or in case she has any questions.

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

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

Adopted 9/11/07