

February 10, 2009 Zoning Board of Appeals Meeting Minutes

Minutes of the February 10, 2009 Zoning Board of Appeals Meeting Minutes held in the Community Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 7:30 p.m.

Present: Jerry Doolittle, Acting Chairman
Daniel Kuhns, Member
Christine Keenan, Member

Absent: Stephen Beggs, Chairman
Robert Drumm, Member

Recording Secretary: Mary Jo Kelly

Others Present: Wendy Reiss, ZBA Attorney
Matthew Walker, Applicant

Acting Chairman Doolittle called the meeting to order at 7:33 p.m. Everyone introduced themselves.

Acting Chairman Doolittle asked for any corrections or additions to the October 14, 2008 Minutes. There were none.

Member's Keenan moved and Kuhns seconded the motion to accept the October 14, 2008 Zoning Board of Appeals Minutes as submitted by the Secretary. Motion carried.

Acting Chairman Doolittle said tonight's meeting is for a Sketch Plan Conference. The purpose of this is to give the Board Members a good overview of what the applicant wants to do and why and also to give the applicant some information on what he might need to bring back at a subsequent meeting. The next meeting could be a public hearing which is when people are invited in to give their views or hear what's being presented. Any further information the Board would like can be brought back at that time.

CASE # 603 - Application by Matthew and Kari Walker for a side-yard variance of their property located at 2474 Route 11A approximately ¼ mile south of the intersection of Field Lane and Route 11A in an Agricultural/Residential District. (Tax Map No. 017.-01-01.2).

Matthew Walker said they have a house with no garage. There's a driveway off Route 11A. He recently bought a new boat and a newer car which just sit out in the weather. On the north side of the house is their septic and there's a slope in the road so it's not feasible for him to have a driveway there so he's stuck with putting a garage on the south side of his house. He is thinking of a two-story two-car garage so he can use the upstairs for storage.

Acting Chairman Doolittle asked if there would be electricity in the garage.

Matthew Walker said there would be some lights inside and outside and a garage door opener. It's next door to the Methodist Church in Cardiff.

Acting Chairman Doolittle asked if the tree line is his actual property line.

Matthew Walker said no, he owns the tree and his property line is on the other side of them. He doesn't plan on touching the trees.

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Acting Chairman Doolittle noted there is a waterline that goes through the property.

Matthew Walker said it's a private line. He would preserve this waterline.

Acting Chairman Doolittle asked if he could swing the garage around and put it behind the house.

Matthew Walker said the waterline T's and comes right into the crawl space at the back of his house. There's a fish pond and flower garden back there on the slope. It would completely cover the waterline if he did this.

Member Kuhns asked if he could go further back from the water line.

Acting Chairman Doolittle showed the applicant on the map where the Board was talking about.

Matthew Walker showed the board where the slopes are and why this couldn't be done.

Acting Chairman Doolittle asked the Attorney about state right-of-ways next to the property.

Wendy Reese said if the state had a right-of-way, it should have been shown on the survey.

Acting Chairman Doolittle clarified not a right-of-way across the property but a right-of-way encroaching on the property.

Wendy Reese said unless it's shown on the map, there shouldn't be one. She can check with John Langey on this.

Matthew Walker said they are a good 100' from the center of the line on the road to his house.

Member Kuhns asked what the source of the water line is.

Matthew Walker said he was told by Charlie Parks that there's a source on the north side of Route 20 on the hill.

Member Kuhns asked since we don't know who else is on this waterline, who technically owns the water supply?

Matthew Walker said he doesn't know. It's not in his deed. He didn't even know about this until he saw it on the taxmap at his closing.

Member Kuhns thinks if there were a legal issue, it would have been in the deed.

Matthew Walker said he is not going to endanger the line but if someone up from him damaged it, there is nothing he can do about it.

Acting Chairman Doolittle said the applicant has indicated he would be 13' from the edge of his property to the edge of his garage. The actual roof would hang over another 6" or so.

Matthew Walker said yes, it could be a foot. The outside lighting he is proposing would probably be dimmer than what is there now. He would just put some lights on the outside of the garage near the doors. There would not be any flood lights or anything like that.

The Board expressed concern about the closeness of the proposed garage to the waterline.

Matthew Walker said his drawing is to scale. He would be within inches of the line.

Member Kuhns said there are no dimensions for the line. His only concern is other folks who may be on the waterline.

Acting Chairman Doolittle said his advice would be that before the applicant starts construction, he finds out exactly where the waterline is.

Matthew Walker said there are ways to get around it. He has access to a metal detector at work.

There were no further questions or comments.

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Acting Chairman Doolittle said he would recommend before the applicant gets too far into the planning, he should look into the waterline. This does not have to be referred to County Planning so a public hearing can be scheduled for the next meeting in March.

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

The Zoning Board of Appeals Meeting adjourned at 8:02 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

Adopted 3/10/09