

November 10, 2009 Zoning Board of Appeals Meeting Minutes

Minutes of the November 10, 2009 Zoning Board of Appeals Meeting Minutes held in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette at 7:00 p.m.

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

Absent: Stephen Beggs, Chairman

Recording Secretary: Mary Jo Kelly, Secretary

Others Present: Bret Ramie, Applicant
Robert & Vicky Lieberman, Applicants
Gerald Curinga
Darron & Brenda Houde

Acting Chairman Doolittle called the meeting to order at 7:37 p.m. He advised he will be chairing the meeting until Mr. Beggs arrives.

Everyone introduced themselves.

Acting Chairman Doolittle asked if there were any corrections or additions to the October 13, 2009 Zoning Board of Appeals Meeting Minutes. There were none.

Member's Kuhns moved and Keenan seconded the motion to adopt the October 13, 2009 Zoning Board of Appeals Meeting Minutes as submitted by the Secretary. Motion passed.

CASE # 605 - Public Hearing for application by Bret & Christine Ramie for a side-yard variance at their property located at 1894 Route 11 south approximately ¼ mile south of the North Rd. and Route 11 intersection in an Agricultural/Residential District. (Tax Map No. 012.-02-13.0.)

Bret Ramie said he has the garage at the end of his driveway and it can't be moved. Because of his leach field.

Acting Chairman Doolittle said the applicant submitted photos and a survey of the property. From the photo's it would look like the building could be moved a little.

Bret Ramie said he can't move it because of his leach field.

Acting Chairman Doolittle asked how close it comes to the leach field now.

Bret Ramie said it's right next to it.

Acting Chairman Doolittle said the Board wanted the slop of the terrain behind and beside the garage which the photo's show. There are bushes which make somewhat of a barrier. He asked for any questions or comments from the public.

Gerald Curinga said he is a neighbor. He has no problem with the building. He just wants to be sure this is for a storage garage and won't be used to fix cars and become a

commercial garage in the future. As far as he's concerned, it's alright with him. It's a very well built building and looks very nice.

Acting Chairman Doolittle asked the dimensions for the building.

Bret Rami said it's 12' x 20'.

Acting Chairman Doolittle asked if the building is anchored.

Bret Rami said no. It's just sitting on stone.

Member Drumm said a neighbor wanted to be sure that this was just going to be used for a garage so he thinks it should be in the resolution.

Gerald Curinga said he just doesn't want it used for a commercial use.

Acting Chairman Doolittle doesn't think it would fall within the Zoning Ordinance if it became commercial.

John Langey said that is correct. A commercial use would be in violation of the Zoning Ordinance for this parcel.

Member Keenan asked if there is electricity in the garage.

Bret Rami said no. He runs an extension cord out there if he needs light.

Member Drumm asked if there will be electricity to it.

Bret Rami said he doesn't know. He hasn't thought that far ahead.

Acting Chairman Doolittle asked for any other questions or comments. There were none. He closed the Public Hearing.

John Langey said this application would be for a 20 x 12 foot structure 5' 2" from the most northeast property line as shown on the survey drawing submitted by the applicant dated 12/16/1996 which was prepared by Lehr Land Surveyors and initialed by the Acting Chairman. This would be a 19' 10" relief for that structure and is needed due to the location of the septic system, location of existing vegetation and slope on both sides of the property making it such that the applicant cannot meet the setback. This is an unlisted action in the SEQOR and a Negative Declaration.

Member's Drumm moved and Keenan seconded the motion to grant the relief requested for a 20' x 12' structure 5'2" from the most northeast property line which would be a 19' 10" side-yard variance as the building is already on the property. Motion passed.

Acting Chairman Doolittle asked if the applicant got a Building Permit for the building.

Bret Rami said no as he was told by the company they didn't need one as long as it was on skids. He will see the Building Inspector and get a Permit.

CASE # 606

Application for a Specific Permit by Robert Lieberman to operate a retail store at 2449 Route 11 south approximately 1/8 mile south of the Route 20 and Route 11 intersection in a Hamlet District. (Tax Map No. 018.-01-14.0).

Robert Lieberman said the store would actually be operated by his wife Vicky. The reason his name is on the application is because they are in contract to buy the building and the contract is in his name. The store will cater to quilters and will offer material, tools, etc. that individuals use. There will be a space allocated to teach quilters how to quilt so there will be some educational classes.

Acting Chairman Doolittle asked if it would be limited to quilting or would they have knitting items too.

Vicky Lieberman said knitting isn't really on the table now as she doesn't know enough about knitting to get started.

Acting Chairman Doolittle said the purpose of this Sketch Plan Meeting is to find out what they want to do and what they need to have for the Public hearing which will be next month. The building is 5400 square feet. Is the applicant planning on renting out the apartments upstairs?

Robert Lieberman said yes. There's only one apartment upstairs right now. He isn't sure if there's room for another bathroom in the back to make another apartment. The downstairs would be 2700 square feet.

Acting Chairman Doolittle asked about the number of parking spaces in the back of the store.

Robert Lieberman said they received a blueprint from the seller that he used when he started his business.

Acting Chairman Doolittle thinks County Planning came out and said there are 26 available parking spots.

Robert Lieberman said that is the number the owner gave him.

Acting Chairman Doolittle asked if there would be any exterior changes.

Robert Lieberman said no.

Acting Chairman Doolittle asked about a sign.

Robert Lieberman said it's already set up for a 4' x 8' sign.

Acting Chairman Doolittle asked the number of employees.

Robert Lieberman said to start it would just be his wife.

Vicky said they would like to hire more but to start out with it will be just her.

Acting Chairman Doolittle said he asked this because of the number of parking spots. The code says you have to have two parking spots per apartment. You have to have 1 spot for every 100 square foot of gross floor area. When you start checking this out, you may not be able to use the whole 2700 square foot for retail. You may find you want to use some of the space for storage.

Robert Lieberman said they assume the main entrance will be in the back because that is where the parking is.

Acting Chairman Doolittle confirmed the main entrance to the building would be from the back. This board pointed out in the past that using the side entrance could cause injury as it opens onto the driveway where traffic would enter or exit from the parking lot. You could use it for an emergency.

Member Drumm asked if they would be holding classes on quilting.

Vicky said yes.

Member Drumm said this might bring up parking problems.

Discussion took place regarding using possible parking spots at the VFW if needed.

Vicky Lieberman said most classes would be 6-10 people.

John Langey said they should probably decide how much they want to dedicate to retail space and how much to their class space and then they could find out the parking needed.

Vicky Lieberman confirmed the classroom probably would not be included in the retail which requires 1 parking spot for 100 square feet.

John Langey thinks it's reasonable to interpret the zoning this way. One parking spot is required for every 300 square feet for other business. He recommended the applicant look at Article 5 Section A of the Zoning Ordinance which pertains to this.

Member Kuhns asked if the hall and office space count as retail.

John Langey doesn't believe a hall getting to the retail space counts as part of the retail he thinks the Board would just look at where the products are as the dedicated retail space. The education space and office space have less requirements for parking than the retail space.

Robert Lieberman confirmed they need to get a total square footage to identify where the products will be displayed and add up the footage. If it's 1800 square foot, it would require 18 spaces. If there's an office of 300 square foot, it would require 1 space for parking and if the educational area is 600 square foot, it would require 2 spaces and the apartment above would require 2 spaces.

Acting Chairman Doolittle confirmed this is correct.

Member Drumm confirmed the driveway would be grandfathered in from the previous business.

John Langey said he believes the Board discussed this before and it was determined it would work as a driveway to the parking. The applicant should get a letter from the existing owner that he is O.K. with this application.

Robert Lieberman said their understanding is that they are looking for a closing during the month of November which might go into the first week of December.

John Langey said he would recommend getting a letter from the owner saying his aware of this application and he is not opposed to it. If they close prior to the Public Hearing, they won't need it but they have it in case the closing hasn't happened.

Robert Lieberman said their goal for tonight was just to get a sense of whether they should anticipate any reasons that they would not be able to do this.

Acting Chairman Doolittle thinks the findings would be the same as the finding for the last application and that it fits into the existing neighborhood. He asked for any other questions or comments. There were none.

This will be scheduled for a Public Hearing at the December 8th Zoning Board of Appeals Meeting.

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

The Zoning Board of Appeals Meeting adjourned at 8:12 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

Adopted 1/12/10