

January 12, 2010 Zoning Board of Appeals Meeting Minutes

Minutes of the January 12, 2010 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: Stephen Beggs, Chairman
Daniel Kuhns, Member
Christine Keenan, Member

Absent: Robert Drumm, Member

Recording Secretary: Mary Jo Kelly, Secretary

Others Present: Wendy Reese, ZBA Attorney
Ralph Lamson, CEO
James Nash, Applicant
Martin Kasik, Applicant
Mrs. Kasik

Chairman Beggs called the meeting to order at 7:44 p.m.

Everyone introduced themselves.

Chairman Beggs asked if there were any corrections or additions to the November 10, 2009 Zoning Board of Appeals Meeting Minutes. There were none. He said the Minutes will stand as submitted by the Secretary.

CASE # 607

Public Hearing for application by James & Joy Nash for a Special Permit for an in-law apartment at their residence at 5910 Sugarbush Dr. approximately 945 feet south of the Route 11 and Sugarbush Dr. intersection in an Agricultural/Residential District. (Tax Map No. 012.-03-04.0)

James Nash was present.

Chairman Beggs asked if he had a floor plan.

James Nash said he didn't bring one with him.

Ralph Lamson left to get a copy of the ones submitted when James Nash applied for a Building Permit.

Chairman Beggs advised the Ordinance says you must have a floor plan for the addition. He asked approximately how many square feet it is.

James Nash said about 950.

Member Kuhns asked how many square feet the primary house is.

James Nash thinks it's just under 2,000.

Member Keenan asked if the existing septic system and well will tolerate the extra usage.

James Nash said he had a plumber look at it and he said it would be O.K. One of his children is gone to college so this kind of evens the usage out.

Ralph Lamson provided copies of the floor plan to the Board.

Chairman Beggs said partition-wise, it looks like it's all set up for separate living.

James Nash said it is but it's all attached to the existing house.

Member Kuhns asked how this is located on the house.

James Nash said it's on the southwest corner of the house. He showed the Board where it is attached to the house.

Chairman Beggs said it appears there is a second floor to the addition.

James Nash said they are currently using it for storage. His basement has always been a little damp so it will be nice to get things out of there.

Member Keene noted there is a washer. Is there a dryer?

James Nash said it's a stacker.

Chairman Beggs confirmed there is no garage.

James Nash said no.

Wendy Reese said the Board needs to determine the exact square footage of what the property was prior to the addition and the square footage of the new addition. The Board needs to be sure the numbers in the code are complied with. The addition can't exceed half of the footage of the primary structure.

Member Kuhns asked if the garage counts as living space.

Ralph Lamson said no.

Chairman Beggs said not as long as it's not inhabitable.

The Board determined 2,225 feet is what the primary structure was before the addition was built. The addition can't be more than 1,100 feet.

Chairman Beggs said he interprets the in-law space to be about 32 square foot which is a little over 900 feet which is less than half the main structure.

Wendy Reese said it's approximately 950 feet.

Chairman Beggs confirmed it meets all the qualifications of the Zoning Ordinance. He asked Ralph Lamson at what point in time did it come to someones attention that this required a permit.

Ralph Lamson said late in the process. Originally he didn't know it was meant to be an in-law apartment.

Member Kuhns confirmed the applicant is aware this permit must be renewed in 5 years. If the in-laws move out, it must go back to a single family residence.

James Nash said he is aware of this.

Member Keenan confirmed it meets the setback requirements.

James Nash said yes.

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

Chairman Beggs asked for any other questions or comments. There were none.

Member's Kuhns moved and Keenan 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 Specific Permit for an in-law apartment for the property located at 5910 Sugar Bush Dr. to be reviewed by the Code Enforcement Officer and renewed in 5 years and the in-law apartment shall become part of the primary residence in the event the in-laws should leave. Motion passed.

CASE # 608

Sketch Plan Conference for application of Martin Kasik for a Specific Permit for a camp at his property located at 3323 LaFayette Rd. approximately ¾ mile north of the Commune Rd. and LaFayette Rd. intersection in an Agricultural/Residential District. (Tax Map No. 022.-05-31.0)

Mr. & Mrs. Kasik were present.

Chairman Beggs said he was looking for a house on Lot 3B-2 and didn't see one.

Martin Kasik said there is no house there. There is a temporary storage trailer there with a small porch on it.

Chairman Beggs confirmed on the property he owns, there is no house.

Martin Kasik said no.

Chairman Beggs asked what the storage trailer is used for at this time.

Martin Kasik said for tools. It's a construction trailer.

Ralph Lamson said it's a small trailer like those used for offices on construction sites. He doesn't even know if it's 35' long.

Martin Kasik said it was cheaper than buying a storage shed.

Member Kuhns asked if there is any running water, electricity or septic.

Martin Kasik said no.

Ralph Lamson said he had no problem with it being a storage shed but when the porch was added onto the back, it made it bigger than a storage shed. He felt it would fit under the heading of a camp.

Chairman Beggs confirmed as far as any living accommodations, there is nothing there.

Ralph Lamson said no.

Member Kuhns asked what would happen if they pulled the trailer away from the porch.

Mrs. Kasik said it's a free standing structure.

Wendy Reese said this is under the A/R District where it says "upon Specific Permit approval camps, storage trailers, etc. are permitted". Actually they would have needed a Specific Permit even for a storage trailer. This was part of a prior subdivision which indicates that this is not an approved building lot.

Ralph Lamson said in the Resolution it says it's because the lot doesn't have septic approval which they don't need in this case. Hopefully when they go to build a house, they will have to get septic approval and go back to the Planning Board to have this removed from the map. This really isn't considered a residential house.

Chairman Beggs asked for any other questions. This is a unique case.

Member Keenan asked if the trailer meets setback requirements.

Member Kuhns confirmed it does.

Mary Jo asked how this should be advertised for a public hearing. Should it be advertised for a camp or storage trailer or both?

Member Kuhns asked what the requirement for a free-standing deck is.

Ralph Lamson said it requires a regular Building Permit.

Member Kuhns said this porch is independent of the trailer.

Ralph Lamson said as far as the Building Permit is concerned, it wouldn't be looked at any differently.

Chairman Beggs said in a situation like this, it would require at least a port-a-john on the property if they are going to hang out there. People have to have some place to relieve themselves. He is trying to make this as easy as possible on the applicant. You don't have to have electricity. You don't have to have running water. He asked Ralph Lamson if an outhouse would be allowed.

Ralph Lamson said he thinks in certain cases the Health Dept. allows them. These people have been here for 2-3 years now. Do the neighbors really want to see a port-a-john in the field?

Chairman Beggs said if an outhouse is legal, that would be the way to go.

Member Kuhns asked if the Town had received any complaints.

Ralph Lamson said one neighbor asked if the trailer was legal.

Chairman Beggs said he doesn't have a problem with the trailer being used for the storage of tools. If the trailer were a living quarters, that would be different. For family and friends to be able to hang out on the deck, he sees the need for some type of restroom. If an outhouse is acceptable then it might be something that can be researched. He suggested the applicant get with Ralph Lamson and come up with a plan and this can be scheduled for a public hearing next month. This Board isn't trying to make things impossible for the applicant but rather to bring them into what is allowed under the Zoning Ordinance.

Mrs. Kasik said they have a portable toilet like what could be used on a boat, etc.

Member Kuhns said that might be more acceptable as it would be within the storage trailer rather than something outside.

Chairman Beggs requested the applicant to work with Ralph Lamson on this.

Member Kuhns noted there are two separate structures, the storage trailer and the deck.

It was determined this will be published for public hearing as camp/storage trailer.

Chairman Beggs said he will specify at the public hearing that the storage trailer shall not become a residential type structure.

Martin Kasik said eventually they do want to build a house. They have a house about 15 minutes from here and do not need to stay in the trailer.

Chairman Beggs asked for any other questions, comments or advice from counsel. There was nothing.

This will be scheduled for a public hearing next month providing all information is completed and since it has to be referred to County Planning, we must hear back from them first.

Ralph Lamson said he will give the Health Dept. a call to see if they have an opinion on this.

Chairman Beggs said that would be a good idea.

Ralph Lamson said he will see what they require for a camp.

Chairman Beggs said for him to advise Mary Jo and if they have everything in order, we can hold a public hearing next month.

Mrs. Kasik asked what the Board means by a public hearing.

Chairman Beggs said we have an official meeting and the neighbors can come and support your application or oppose it. The public hearing is also advertised in the paper so we need to be sure you have all your documentation for the public hearing as it is an expense to advertise it in the paper.

Discussion took place regarding the fact that there is no definition in the Zoning Ordinance for a camp.

Mary Jo will get some Zoning Ordinances from neighboring towns to see how they define camps.

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Chairman Beggs said the Zoning Board of Appeals could make a suggestion to the Town Board for an amendment to the Ordinance.

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

The Zoning Board of Appeals Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Mary Jo Kelley
Secretary

Adopted 6/8/10