Minutes of the April 13, 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 7:30 p.m.

Present:	Stephen Beggs, Chairman Robert Drumm, Member Christine Keenan, Member James Nash, Member
Absent:	Daniel Kuhns, Member
Recording Secretary:	Mary Jo Kelly, Secretary
Others Present:	Wendy Reese, ZBA Attorney Martin Kasik, Applicant Mrs. Kasik, Applicant Mr. Nastasi Mr. Gibson Mr. Skeval Mr. Skardinski Mr. Falcon Mrs. Olrich\ Ms. Lloyd

Chairman Beggs called the meeting to order at 7:35 p.m.

Everyone introduced themselves.

Chairman Beggs asked if there were any corrections or additions to the January 12. 2010 Zoning Board of Appeals Meeting Minutes. There were none. He said the Minutes will stand as submitted by the Secretary.

CASE # 608 **Public Haring 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 Commane Rd. and LaFayette Rd. intersection in an Agricultural/Residential District. (Tax Map No. 022.-05-31.0)**

Mr. Kasik explained what he would like to do.

Mrs. Kasik said they bought the land and would like to build a house on it in the future. They bought a trailer and put some trees in. They would like to plant a garden. They use the trailer for storage. They built a porch on the trailer so her husband could rest there. It became an issue which is why he is here. There is no electricity or running water. They have a house in Syracuse.

Member Drumm asked where they live now.

Mrs. Kasik said in DeWitt.

Mr. Falcon asked the meaning of camp zoning.

Chairman Beggs said the Code Enforcement Officer determined that it could be continued as a storage trailer/camp and get a Building Permit to put an awning on it. There is no water or septic at this point in time.

Mr. Falcon asked what the concern is.

A resident said this is a stepping stone towards them being able to build a house.

Mr. Kasik said it's a little enhanced storage shed.

Member Keenan asked if they sleep there.

Mr. & Mrs. Kasik said no.

Member Keenan confirmed the applicant has trees and there is a place to sit and rest.

Mrs. Kasik said they have picnics and bonfires there.

Mr. Nastasi believes he has seen a car there a few times over night. He submitted pictures of the trailer to the Board. He has nothing personally against the Kasik's but doesn't think this helps the property values around them. They are trying to protect their properties. He could wait 10 years to build a house. The trailer has been here for 1 ½ years already. It could stay like this for 20 years.

Mr. Skeval asked what is going to be determined tonight. Obviously he built a porch onto the trailer. How long can this stay a storage trailer or a camp? Is there a predetermined amount of time? Can it be a permanent camp and stay like this forever? If it's a camp, can they add electricity and add onto it down the road?

Mr. Nastasi said it bothers him that people can just put a trailer up.

Member Drumm confirmed it's a trailer with a porch on it.

Mrs. Kasik said the porch is free standing. It's not attached to the trailer.

Mr. Gibson said he lives two doors down from this property. His main concern is what are we determining is a camp. He doesn't want a camp near his property. All of them pay big taxes for big houses and have to have certain frontage, etc. He is looking at a time-frame for a house to be built.

Mr. Skeval said the trailer has been there for at least 1 ½ years.

Mr. Gibson said we need a time-frame.

Mr. Kasik said he can't build a home right now.

Member Drumm asked if his house is for sale in DeWitt.

Mr. Kasik said no.

Mrs. Kasik said they have bills from the hospital as her husband was sick and their daughter is in college and it's not a good time to sell their home.

Member Drumm said the law is written for everyone. It's either against the law or it's lawful.

Wendy Reese said the property is in an Agricultural/Residential District that says if the applicant comes to the Zoning Board of Appeals requesting a Specific Permit, the Board can allow him to have a storage trailer or camp. There is no definition under our code of what a camp is so the regulation would have to be set for this. The other issue in this instance is that this was a previous subdivision and the notation had to be put on the map stating this is not an approved building lot. This is something that would also have to be addressed.

Chairman Beggs said he talked to John Langey about this earlier today. The applicant would have to go back to the Planning Board to get this lot approved as a building lot. That would have to be a condition.

Mr. Falcon said the applicant is asking to allow this as a camp. If you allow this, it means it can basically stay this way for the next 100 years. Is that correct?

Mr. Gibson said the Board would be setting precedence. If it's an approved building lot and there's a time-frame, he doesn't have a problem with it. To just make it a camp isn't fair to all the other people who have nice homes and pay big taxes for what they have and it brings their property values down.

Mrs. Kasik said she likes gardening and would still need storage. The plan is to build a house but they cannot commit to a time.

Mr. Gibson said before you bring in a trailer and build a porch, etc., you have to have a plan. They would love to have the Kasik's as neighbors but they should have to follow the same rules everyone else has to.

Chairman Beggs reminded the public to address the questions and comments to the Board.

Mr. Gibson said they want the Kasik's to feel welcome but they just don't want a trailer on the property.

Mr. Kasik said they want to meet the requirements.

Mr. Gibson said all the people here want to know a time-frame. LaFayette has rules about keeping the town nice and he would like to keep it that way.

Chairman Beggs thinks the terminology on this is wrong. It should be a storage trailer and not a camp.

Wendy Reese said this is a determination that must be made by the Board. Regardless of which one it is, the requirements for a Specific Permit must be met. The way the map reads, it's not an approved building lot. Regardless of what it's characterized as, it must be referred to the Planning Board to have this wording removed from the map. The Zoning Board of Appeals could proceed to determine whether or not the Specific Permit could be issued contingent upon them going to the Planning Board to have the wording removed as one of the conditions.

Chairman Beggs asked if we can put a specific time-frame on it.

Wendy Reese doesn't see anything in the code that prohibits the Board from putting a time-frame on it and they would have to come back to have it renewed.

Mr. Nastasi said it was only about two weeks after the trailer came onto the site that treated lumber was delivered for the porch. If they had built a shed, none of us would be here tonight.

Mr. Skardinski thinks he might have a bigger problem if this was determined to be a storage trailer rather than a camp. On Gifford St., Shonard St., etc. there are these types of storage trailers all up and down the streets that vagrants, etc. live in and he doesn't want this in his back yard. He moved out of the city to get away from this. When he built his house here 8 years ago, he was told he needed 900 sq. ft. of space, etc.. He thinks everyone should have to follow the same guidelines. No matter what you call this, it's still a brown trailer that is there.

Many of the residents felt if this goes through, they want their taxes reduced.

Mr. Kasik said the property is 22 acres. He can move the trailer farther away so it's not visible from the road.

Member Drumm asked if he had plans for the house he wants to build.

Mr. Kasik said no.

Member Drumm asked why they would build a porch if they have no plans for a house.

Mrs. Kasik said it was her present to her husband when he was sick.

Member Drumm asked if they had a permit for the porch.

Mr. Kasik said yes.

Mr. Nastasi gave the Board a picture of the porch.

Mrs. Falcon said they live 3 houses away from this property. If they move their trailer further into the woods, it might encourage teenagers to break in and destroy their stuff.

Mrs. Kasik said they can plant bigger trees.

Mr. Nastasi said how about yanking the trailer out and building a storage shed for the tools and then you'd be all set.

Chairman Beggs said they received a Building Permit on 8/14/09 for a storage shed.

Mr. Skardinski said he has a garden about 1 ½ the size of this room and there's no tools he needs that wouldn't fit in a small storage shed. Kennedy Hardwoods makes nice sheds. He would like to see a garden on the property. The trees and everything look nice except for the brown trailer. Without a sunset clause, you will see additions put on this trailer.

Mr. Gibson said it's not a storage shed, it's a trailer/camp which is what he is against.

Chairman Beggs asked for any other questions or comments.

Mr. Gibson asked if you don't have to have an approved building lot to have a storage shed on it.

Wendy Reese said it should be but the trailer is already there so that is what we are working with.

Mr. Gibson said he had to do all kinds of things up front before he built his house.

Member Drumm read the Specific Permit requirements.

Wendy Reese said these are the things this Board needs to determine. Are these standards being met?

Member Drumm said do we adjourn this until the applicant goes back to the Planning Board to have the wording removed from the map?

Wendy Reese said you can do this or you can review the standards and determine if you want to deny or approve the Specific Permit based on the list.

Ms. Lloyd thinks the applicants would make great neighbors. Couldn't we find a way to help them get the minimum of what they need to have this not be an eyesore?

Mr. Falcon said no one would object to a garden, a nice storage shed, a house, etc. The neighbors don't like the looks of what is there now for long-term. If the Board approves this, you are blessing what is there now and allowing it to stay. He thinks the only answer is to replace the trailer with a nice shed.

Mr. Skardinski agrees with what was said. A better facility to store the gardening things would be the answer.

Mr. Gibson said if it's a storage facility and not a camp and there is a plan, he is good with it. They all had to do this and feels everyone should have to go by the same rules. He had to get everything approved for and so should everyone else have to. They will welcome the Kasik's to the neighborhood but they have to do it right.

Mr. Kasik is asking for help in finding a solution. He understands to have a house, there must be septic plans, permits, etc.

Mr. Gibson said everyone has to have these things.

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

Chairman Beggs closed the public hearing.

Member Drumm said we could give the applicant 60 days and have them return to the Planning Board for approval or disapproval of it being a building lot.

Chairman Beggs said once it gets to be an approved building lot, the applicant can come back to this Board with a plan and this Board would then approve or deny their request for a Specific Permit.

Mr. Nastasi said it would be a lot easier if they yanked the trailer and put in a storage shed until they are ready to build their house.

Member Keenan said if they plan on building a house down the road, they will need to have this be an approved building lot.

Chairman Beggs said this Board cannot do anything until it's an approved building lot. Nothing can be there unless it's an approved building lot.

Wendy Reese said the Board has 3 options. You can deny the application at which point the applicant would be forced to remove the trailer from the property. You can approve the application with whatever conditions you want to place on it and with the condition that the applicant go to the Planning Board and have the designation on the map removed. Your last option is to adjourn this until after the applicant goes back to the Planning Board and they designate the lot as an approved building lot.

Member Keenan said at least three of the criteria for a Specific Permit are not met. The application is reasonably detrimental to neighboring properties, areas and districts, it is not consistent with an orderly and appropriate development of neighboring properties, areas, and districts, and where adjoined by existing or permitted uses, there is not a suitable transition between neighboring uses and or districts.

Chairman Beggs said the application cannot be approved the way it is.

Member Keenan would recommend denying it tonight and letting the applicant start over.

Member Nash said we can give them some suggestions on how to meet the criteria.

Member Keenan does not believe the neighbors are being unreasonable.

Member's Keenan moved and Drumm seconded the motion that based upon Article IV, Section B for Standards of Specific Permit Approval under our Zoning Ordinance, paragraphs (a) through (d) require that the applicant show that the proposal is (a) Appropriate for the particular lot and location; (b) Not unreasonably detrimental to neighboring properties, areas and districts; (c) Consistent with an orderly and appropriate development of neighboring properties, areas, and districts; (d) Where adjoined by existing or permitted uses, a suitable transition between neighboring uses and or districts; and based upon the findings that these four requirements have not been met by this application, the motion would be to deny the application for a Specific Permit for the structure. Voting was as follows:

Stephen Beggs	**Chairman**	**Voted**	**Yes**
Robert Drumm	**Member**	**Voted**	**Yes**
Christine Keenan	**Member**	**Voted**	**Yes**
James Nash	**Member**	**Voted**	**Yes**

Motion passed.

Chairman Beggs gave the applicants a copy of the Zoning Ordinance and the requirements for obtaining a Specific Permit if they would like to come back requesting to put a storage trailer on the property. Before the applicant can do anything, they must go to the Planning Board to have it be approved as a building lot. He would recommend they go to the Planning Board Meeting next week and just explain to them that they want to get this set up as a buildable lot and see what they have to do get this approved. Once it is an approved building lot, they can come back to this Board to apply for a Specific Permit for a storage shed. It will have to meet the parameters in the Zoning Ordinance.

Adopted 6/8/10

Mrs. Kasik said they will go to the Planning Board and then they can come back here and they need to build a new shed.

Wendy Reese said the Board has determined the way the structure is now, it's not appropriate for the lot. If you want to have it approved by this Board, you will have to come back with plans for a new storage shed that would satisfy paragraphs (a), (b), (c) and (d) as stated above so it would be acceptable to the Board to give you an approval.

Mr. Nastasi asked how long they have to remove the trailer.

Wendy Reese said that will be up to the Code Enforcement Officer.

Mr. Kasik asked what they can do if they don't agree with this.

Wendy Reese said if you disagree with the decision of the Zoning Board of Appeals, it would be an Article 78 proceeding.

Mr. Kasik would like to find a solution. Moving the trailer isn't a solution.

Mr. Nastasi said the easiest solution is to take the trailer out.

Mr. Gibson said he will have to start over and do it the right way.

Member's Drumm moved and Keenan seconded the motion to adjourn. Motion carried.

The Zoning Board of Appeals Meeting adjourned at 8:53 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary