

July 11, 2010 Zoning Board of Appeals Meeting Minutes

Minutes of the July 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 7:00 p.m.

Present: Daniel Kuhns, Acting Chair.
Christine Keenan, Member
James Nash, Member
Robert Drumm, Member

Absent: Stephen Beggs, Chairman

Secretary: Mary Jo Kelly

Others Present: John Langey, Town Attorney
Maureen Perrin, Attorney for Herbert Brodt
Daniel & Lori Ramin
Mrs. Salladin

Acting Chair. Kuhns opened the Meeting at 7:34 p.m. and everyone introduced themselves.

Acting Chair. Kuhns asked if there were any corrections or additions to the June 8th or April 15th Zoning Board of Appeals Meeting Minutes. There were none. **Member's Keenan moved and Nash seconded the motion to approve the April 15, 2010 and June 8, 2010 Zoning Board of Appeals Meeting Minutes as submitted. Motion carried.**

CASE #609 – Public Hearing for the application of Herbert Brodt for a side yard variance and modification of existing use variance for his property located at 2713 Webb Rd. approximately ¼ mile from the Route 20 and Webb Rd. intersection in an Agricultural/Residential District. (Tax Map No. 020.-08-07.0).

Attorney Maureen Perrin was present to represent Mr. Brodt. A revised 2-lot subdivision map dated June 23, 2010 prepared by John S. Damiano was submitted. She thinks it is completely revised from the last proposed map. The applicant has terminated the Use Variance under this modification so the only thing left is the Side Yard Variance of 5 feet between the shop and the applicants' old home. She thinks everything is on the map that the Board requested.

John Langey said the Planning Board and Zoning Board of Appeals wanted the location of all wells and septic systems which they have a reputed estimate of the septic systems shown. They look far enough from the property lines. He said if the curtain drain is properly located, it defines the furthest edge of the field. Will they be removing the fence?

Maureen Perrin said the property is still owned by Herbert Brodt. IF they want it removed, they can request this. They have voluntarily terminated the Use Variance upon the granting of the Side-Yard Variance.

Member Drumm asked if the location of the septic system would make a difference.

John Langey said perhaps it is shown at the correct location. Hopefully they will have something in the closing regarding this.

Acting Chair. Kuhns asked if the shop has running water.

Maureen Perrin said yes.

John Langey said this water is shared with parcel one for one year. After one year, the water usage agreement will be terminated.

Maureen Perrin said the machinery is still in the shop and the applicant is trying to sell it. Hopefully the purchaser of Lot 2 will be able to buy the shop in the future.

Member Drumm asked if the people buying the lot are aware that the applicant wants a variance to be within 19' instead of 25'.

Maureen Perrin believes their attorney has seen this. She knows she told him they had to go before the Zoning Board of Appeals before they could sell the property.

Member Drumm said the only question he would have is if they are aware of the variance being requested.

Maureen Perrin believes they have seen the revised map.

Acting Chair. Kuhns asked for any other questions or comments from the Board. There were none. He opened the public hearing.

Mrs. Salladin asked if these are building lots for residential use. She came up and looked at the map. John Langey explained what the applicant is proposing.

Member Drumm asked if the applicant could sell the parcel with the shop on it as a commercial parcel.

John Langey said no. the one-story frame house the applicant will live in has two accessory buildings. The shop will lose its status tonight if this is approved and the other building is a shed. If the couple next door wants to buy the shop, they will have to go back before the Planning Board to add some land to Lot 2.

Acting Chair. Kuhns asked if there was anyone from the public that is in support of this application..

Daniel Ramin said he and his wife are in favor of it. For someone trying to sell a house in these economic times, as a community it's the right thing to do.

Member Keenan asked where they live.

Daniel Ramin said they live in the house just south of this property.

Acting Chair. Kuhns asked if there was anyone present in opposition to this application. No one came forward. He closed the public hearing.

Member Drumm asked if this has been before the Planning Board yet.

John Langey said this Board must take action on this before the Planning Board can take any action.

Member's Nash moved and Keenan seconded the motion to appoint this Board as Lead Agency, this is Unlisted Action and a Negative Declaration in the SEQR Process and to grant a Side Yard Variance for Mr. Brodt's property with the following conditions:

- 1. The Use Variance granted by way of resolution dated December 19, 1979 and reaffirmed on February 20, 1980 be extinguished and hereby is revoked due to the proposed change to the parcel and circumstances;**
- 2. The granting of subdivision approval by the Town of LaFayette Planning Board and the subsequent filing of the subdivision map pursuant to the Town of LaFayette Subdivision Regulations;**

Motion carried 4-0.

John Langey said he will report this to the Planning Board next Tuesday.

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Member's Nash moved and Keenan seconded the motion to adjourn. Motion carried 4-0.

The Zoning Board of Appeals Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary

Adopted 3/8/2011