

December 27, 2016 LaFayette Zoning Board of Appeals Meeting Minutes

Minutes of the Meeting held by the LaFayette Zoning Board of Appeals on December 27, 2016 at 7:00 p.m. in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Christine Keenan, Councilor
Karl Field, Member
Anita Miner, Member
Jerry Marzo, Member

Absent: James Nash, Member

Recording Secretary: Jacqueline G. Roorda, Town Clerk

Others Present: Wendy Reese, Town Attorney
Ryan Smith, Applicant
Michael J. Damiano, Applicant

Chair Chris Keenan called the meeting to order at 7:00 PM welcomed all in attendance and requested all present to introduce themselves.

Keenan asked if Members were able to review the minutes of the November 27th, 2016 and if there were any comments regarding same. None were voiced.

Member Miner moved and Marzo seconded the motion to accept the Zoning Board of Appeals November 22, 2016 meeting minutes as presented by Jackie Bush Roorda, ZBA Secretary. Minutes accepted as written.

Case 1) AREA VARIANCE

Michael Damiano of 2539 Route 11A, LaFayette is seeking approval of an Area Variance to build a free standing 14' x 20' garage on his property within 22 ' of his property line on the corner of Route 11A and Field Lane in an Ag/Res Zone. Tax Map #: 021.-03-06.0.

Dr. Damiano briefly explained his desire and to build a freestanding 14' x 20' garage near his house at 2539 Route 11A and the dilemma is due to the terrain of the property, the location of the well and septic tank, and the wet back yard. He further advised that there is no other location to put a garage than where he is requesting his variance for. He presented the Board with an updated survey with the correction of Route 11A, marked thereon and email verification from New York State Dept. of Transportation that they are not requiring any further work regarding a driveway permit.

Keenan explained to those in attendance that the Board Members have reviewed the property and are in agreement that there is no other location suitable to place the garage, then asked if the Board had any further questions or comments. None were

voiced.

Chair Keenan Opened the Public Hearing and asked if anyone in attendance had anything to say in favor or against the applicants request for a variance in order to put up a garage. There were no responses in favor or against the variance in question. Chair Keenan Closed the Public Hearing.

**RESOLUTION OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF LAFAYETTE**

**MICHAEL DAMIANO (Owner/Applicant) - Appeal for
Approval for a Front Yard Variance to Allow for the
Placement of a Free-standing 14' x 20' Garage Structure at
2539 Route 11A in an Agricultural/Residential District -
GRANTED**

December 27, 2016

A. Minerd moved and J. Marzo seconded the following Resolution:

WHEREAS, Michael Damiano (the “Owner” and “Applicant”), as owner of property located at 2539 Route 11A, LaFayette, New York in the Town of LaFayette (the “Property”), appealed to the LaFayette Zoning Board of Appeals (the “Board”) on or about September 23, 2016 for a front yard setback variance on a 1.7-acre parcel to allow for the placement of a free-standing 14’ x 20’ garage structure northwest of the existing two-story house and 22’ from the Owner’s property line (versus the 50’ required by the Ordinance), all pursuant to Article VI of the 1970 Town of LaFayette Zoning Ordinance, as amended (the “Ordinance”); and

WHEREAS, the Board has the power to grant such a front yard variance upon the findings set forth in said Article VI of the Ordinance; and

WHEREAS, a public hearing on the application was held by the Board at its regular meeting on December 27, 2016 and after due notice by publication in the Syracuse Post Standard and due notice to the Owner/Applicant, neighboring landowners and Board Members, in accordance with the law and the Ordinance; and

WHEREAS, the Board, in accordance with the State Environmental Quality Review Act, as lead agency, has found that the proposed area variance is a Type II action and will not result in any significant adverse environmental impact; and

WHEREAS, the matter was submitted to the Onondaga County Planning Board for its review and comment pursuant to the General Municipal Law; and

WHEREAS, the Onondaga County Planning Board, by resolution dated November 22, 2016, recommended the following modification(s) to the proposed action, to wit:

“The applicant must coordinate any proposed access changes and obtain permits from the New York State Department of Transportation for driveway access, prior to Town approval of the proposed variance, to ensure safe and appropriate access on a state roadway.”

The Board also offered the following comment:

“The Board reiterates its comment from prior referrals regarding the important of scaled, detailed site plan showing the entirety of the lot and information about the extent of the proposed changes to the site, and Agricultural Data Statements as required per state law;” and

WHEREAS, the Owner’s application was considered fully by the Zoning Board of Appeals and upon such consideration the Board found among other things that:

1. The requested variance seeks to allow an insubstantial variance from the required front yard setback regulations under the Ordinance and is otherwise in conformance with the Ordinance;
2. The Owner has demonstrated that there will be no detriment to health, safety and welfare of the community since the location does not present any threat to the neighboring community;
3. The Owner has demonstrated that the benefits requested cannot be achieved by other means feasible to them as the placement within the required setback would impact steep slopes and an existing septic system;
4. The proposed erection will create no hazard to traffic or ingress and egress from the site;
5. The adjoining neighbors have expressed no objection to the proposed application.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby allows and grants the Owner’s request for a front yard setback of 22’ for the placement of a free-standing 14’ x 20’ garage structure at the proposed location, all in specific accordance with the submitted drawings and plans initialed by the Board’s secretary on December 27, 2016; and

IT IS FURTHER RESOLVED, that the Owner shall comply in all other respects with the Ordinance and that placement and erection be in strict conformance with the submitted plans; and

IT IS FURTHER RESOLVED, that the Zoning Officer is hereby authorized and directed upon payment of any required fees to issue such permits and certificates and to take such other action as may be required to effectuate and enforce this Resolution; and

IT IS FURTHER RESOLVED, that this Resolution shall be effective as of the date of its filing with the Town Clerk.

Upon a canvass of the Board, the votes of its members upon the Resolution were as follows:

Mr. Nash, Member	Excused	-----
Mr. Marzo, Member	Voting	Aye
Ms. Miner, Member	Voting	Aye
Mr. Field, Member	Voting	Aye
Ms. Keenan, Chair	Voting	Aye

The Chair, Ms. Keenan, then declared the Resolution to be duly adopted.

Case 2)

SPECIFIC PERMIT – Chair Keenan read the application of Ryan Smith of 2383 US Route 11, LaFayette, is requesting approval for a Specific Permit for Three (3) apartments in addition to existing office space in the Hamlet Zone located at 2383 US Route 11 south on the west side, approximately 1/2 miles south of US Route 20. Tax Map # 017.03-15.0 and asked Mr. Smith to give a brief summary of his request.

Mr. Smith explained that he is seeking the Planning Board's approval of a specific permit for office space, 2 apartments in the existing building and wishes to add another apartment. Chair Keenan advised that the survey, septic design and the well have already been proved to be acceptable and that Onondaga County Planning Board has no concerns with the current driveway and parking. She further stated that SEQR has been completed with a negative declaration.

Chair Keenan then opened the Public Hearing asking if anyone in attendance had anything in favor or opposed to the application of Mr. Smith. Concerns voiced included already existing apartments, building permits, room for emergency vehicles to get in and out of the parking lot, and lot size vs. building size. All concerns were addressed and

satisfied by Mr. Smith and the Board. Keenan asked if there were any more questions or comments. None were voiced. She then closed the Public Hearing.

TOWN OF LAFAYETTE ZONING BOARD OF APPEALS

RESOLUTION OF THE ZONING BOARD OF APPEALS OF THE TOWN OF LAFAYETTE

RYAN SMITH (Owner/Applicant) - Application for Approval of a Specific Use Permit to Allow for an Office Space and 3-Unit Apartment Building in an Existing Structure Located at 2383 U.S. Route 11, LaFayette, New York in the Hamlet District - GRANTED WITH CONDITIONS

December 27, 2016

J. Marzo moved and A. Minerd seconded the following Resolution:

WHEREAS, Ryan Smith, as Owner/Applicant of the property located at 2383 U.S. Route 11, LaFayette, New York in the Town of LaFayette (the “Property”), appealed to the LaFayette Zoning Board of Appeals (the “Board”) on or about August 29, 2016 for a specific use permit to allow for the occupancy and use of an existing structure for an office space and 3-unit apartment building in the Hamlet District pursuant to Article IV of the 1970 Town of LaFayette Zoning Ordinance, as amended (the “Ordinance”); and

WHEREAS, the Board has the power to grant such a specific use permit upon the findings set forth in said Article IV of the Ordinance; and

WHEREAS, a public hearing on the application was held by the Board at its regular meeting on November 22, 2016 and after due notice by publication in the Syracuse Post Standard and due notice to the Applicant, neighboring landowners and Board Members, in accordance with the law and the Ordinance; and

WHEREAS, Volume 6 N.Y.C.R.R. Part 617 of the Regulations relating to Article 8 of the Environmental Conservation Law of New York (“SEQRA”), requires that as early as possible and within (20) days of a complete application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, the Applicant’s application was considered fully by the Zoning Board of

Appeals and upon such consideration the Board found among other things that:

1. The proposed use is an office space and 3-unit apartment building consisting of three (3) 1-bedroom apartments in an existing building;
2. The proposed use of the building as a multi-unit apartment complex is consistent with its historic uses and uses in the Hamlet District;
3. The Applicant has provided to the Board's satisfaction proof of appropriate septic design;
4. The site demonstrates parking accommodations for up to four (4) cars, including handicap spaces; and

WHEREAS, the matter was submitted to the Onondaga County Planning Board ("OCPB") for its review and comment pursuant to the General Municipal Law; and

WHEREAS, the OCPB, by resolution dated November 22, 2016, recommended the following modification:

"The applicant and Town must coordinate with the New York State Department of Transportation regarding narrowing of driveway access to the site, and must obtain a highway work permit for any work within the state right-of-way"; and

WHEREAS, the Applicant's application for a specific use permit was also considered fully by the Zoning Board of Appeals and upon such consideration, the Board found among other things that:

1. The proposed uses are appropriate for the particular lot location, as the apartment building will merely convert an existing use on the site and no additional major external construction will be required;
2. The proposed use will not be unreasonably detrimental to the health, safety and welfare of the neighboring properties, areas and districts since the apartment use is contained within the existing building and will not have any outside implications;
3. The proposed use is consistent with the orderly and appropriate development of the neighboring properties, areas and districts since the uses will occur within the Hamlet District, which encourages residential and mixed type uses;
4. The proposed use is a suitable transition between neighboring uses and districts;
5. The proposed use is properly oriented in location and upon the site as required by Section C of Article III as an existing structure;
6. The proposed use is an appropriate evolution of the Comprehensive Plan for the Town of LaFayette; and

7. Because there will be no sight disturbances, a Stormwater Pollution Prevention Plan (“SWPPP”) is not required for this application.

NOW THEREFORE, BE IT RESOLVED, that the Zoning Board of Appeals of the Town of LaFayette hereby determines that the proposed action is an Unlisted Action, that the action does not involve any federal agency and the proposed action does not involved more than one agency; and it is further

RESOLVED, that the Zoning Board of Appeals of the Town of LaFayette hereby notices all agencies involved, if any, that it shall be lead agency for this project; and it is further

RESOLVED, that this Board hereby determines that the proposed action will not have a significant adverse effect on the environment, and this resolution shall constitute a Negative Declaration for purposes of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617, for the following reasons:

6. There are no identified unusual or unique land forms or environmentally sensitive areas at the proposed location;
7. No other areas of concern have been identified by the public or the Board; and

IT IS FURTHER RESOLVED, that the Board hereby allows and grants the Applicant’s request for a specific use permit to allow for the occupancy and use of an existing structure for an office space and 3-unit apartment building at the proposed location all in specific accordance with the submitted site and floor plans and other materials conditioned, however, that per the Onondaga County Health Department “Notice of Review” dated October 21, 2016:

1. Onondaga County Health Department must be contacted to inspect the addition to the leachfield;
2. The sewage disposal facilities must be maintained in a sanitary condition at all times. In the event that the system is found to be inadequate, it must be modified under inspection and approval of the Onondaga County Health Department;
3. Any inside plumbing modifications must be completed under a plumbing permit issued by the Plumbing Control Section of the Department of Water Environment Protection; and

IT IS FURTHER RESOLVED, that should the Applicant become in violation of the above-referenced approvals and conditions, the Zoning Board of Appeals hereby retains

jurisdiction to review and potentially revoke the specific use permit; and

IT IS FURTHER RESOLVED, that the Zoning Officer is hereby authorized to inspect and enforce the above-referenced conditions in all respects; and

IT IS FURTHER RESOLVED, that the Applicant shall comply in all other respects with the Ordinance; and

IT IS FURTHER RESOLVED, that the Zoning Officer is hereby authorized and directed upon payment of any required fees to issue such permits and certificates and to take such other action as may be required to effectuate and enforce this Resolution; and

IT IS FURTHER RESOLVED, that this Resolution shall be effective as of the date of its filing with the Town Clerk.

Upon a canvass of the Board, the votes of its members upon the Resolution were as follows:

Mr. Nash, Member	Excused	-----
Mr. Marzo, Member	Voting	Aye
Ms. Miner, Member	Voting	Aye
Mr. Field, Member	Voting	Aye
Ms. Keenan, Chair	Voting	Aye

The Chair, Ms. Keenan, then declared the Resolution to be duly adopted.

Member Miner moved and Field seconded the motion to adjourn the meeting. Motion carried.

The Zoning Board of Appeals Meeting was adjourned at 7:38 p.m.

Respectfully submitted,

Jacqueline G. Roorda
Town Clerk &
ZBA Secretary