

February 24th, 2016 LaFayette Zoning Board of Appeals Meeting Minutes

Minutes of the Meeting held by the LaFayette Zoning Board of Appeals on February 24, 2016 at 7:00 p.m. in the Library Community Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Christine Keenan, Councilor
James Nash, Member
Karl Field, Member
Jerry Marzo, Member

Absent: Kelly Green, Member

Recording Secretary: Jacqueline G. Roorda, Town Clerk

Others Present: John Langey, Town Attorney
Fred & Gail Walker, Applicants
Kelsey Moody, Applicant
David Reed, Attorney for the Applicant
Maureen Perrin, resident

1. Chair Chris Keenan called the meeting to order at 7:00 PM, welcomed all in attendance and requested all present to introduce themselves.
2. Zoning Board of Appeals Minutes of January 26th, 2016 Meeting.

Member Jerry Marzo moved and Nash seconded the motion to accept the minutes of January 26th, 2016 meeting as submitted. Motion carried 4 – 0.

3. Chair Keenan advised that January was a Sketch Plan and asked the Walkers to restate their case. Mr. Walker advised that they desire to put up a 41 ft x 25 ft, pole barn/garage on the corner of the existing tennis court nearest to Eager Road and are asking for approval of a front yard variance of 28' and the structure will have a front yard setback of no closer than 22' from the boundary of the property.
4. Chair Keenan open the Public Hearing and asked if there was anyone who wanted to speak in favor of the Walkers Application. No responses were made. Keenan then asked if there was anyone who wanted to speak against the Walkers request. No responses were made. Chair Keenan closed the Public Hearing.

The Board then reviewed the Use Variance Criteria. The Board Members agreed that the Walkers request best suits their needs and that will not alter the character of the neighborhood. Attorney Langey advised that SEQR was completed at the January meeting and determined there would not be any negative impact on the environment.

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

FREDERICK AND GAIL WALKER (Owners) - Appeal for approval of a front yard variance for placement of a 25' x 41' shed on premises located at 2886 Eager Road in an Agricultural/Residential (AR) District - GRANTED

February 24, 2016

Mr. Marzo moved and Mr. Nash seconded the following Resolution:

WHEREAS, Frederick and Gail Walker (the "Owners"), as owners of property located at 2886 Eager Road, LaFayette, New York in the Town of LaFayette (the "Property"), appealed to the LaFayette Zoning Board of Appeals (the "Board") on November 25, 2015 for a 28' variance setback to allow for placement of a 25' x 41' shed 22' from the front yard line of the Property in an Agricultural/Residential District 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 rear 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 February 24, 2016 and after due notice by publication in the Syracuse Post Standard and due notice to the Owners, 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 Owners' application was considered fully by the Zoning Board of Appeals and upon such consideration the Board found among other things that:

1. There is no other method by which to achieve the benefit; such that the benefit to the Owners outweigh any detriment to the surrounding neighborhood;

2. There is no undesirable change to the neighborhood as the requested front yard variance is otherwise in conformance with the Ordinance;
3. The variance is somewhat substantial but the garage itself is located in the most advantageous position of the yard and will merely occupy a portion of an existing tennis court surface;
4. The Owners have demonstrated that there will be no detriment to health, safety and welfare of the community since construction and erection of the structure at the proposed location does not present any threat to the neighboring community or to the environment;
5. While the hardship is self-created, this fact is not determinative of the application.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby allows and grants the Owners' request for a front yard variance of 28' to allow for the placement of a 25' x 41' shed as requested in the Owners' application such that said structure will have a front yard setback of no closer than 22' from the front boundary of the Property and being more particularly situated as described in the drawings and explanation materials submitted by said Owners; and

IT IS FURTHER RESOLVED, that the Owners shall comply in all other respects with the Ordinance and that construction be in strict conformance with the submitted site 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:

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

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

The Walkers thanked the Zoning Board of Appeals and exited the meeting.

5. Chair Keenan asked Kelsey Moody to restate his case. Mr. Moody advised that after a year and a half since they started their first Laboratory they are in desperate need to expand. They will be operating the exact same Scientific Research Laboratory in the new location as they have been and were already approved for by the Zoning Board of Appeals, the LaFayette Planning Board and LaFayette Town Board. Attorney David Reed advised that he attended the Onondaga County Planning Board meeting earlier in the day, wherein they requested Onondaga Health Department review the adequacy of the septic system prior to the Town approving the special permit. Reed advised that they have already done so and have produced the proof of same.

6. Chair Keenan open the Public Hearing and asked if there was anyone who wanted to speak in favor of Specific Use Permit Application. No responses were made. Keenan then asked if there was anyone who wanted to speak against Kelsey Moody Application for Specific Use Permit request. No responses were made. Chair Keenan closed the Public Hearing.

Attorney John Langey advised that SEQR was completed during the January Zoning Meeting and a letter with a positive recommendation was received from the LaFayette Planning Board.

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

**KELSEY MOODY & ASSOCIATES, LLC (Applicant) and RAN
PROPERTIES LLC (Owner) - Application for Approval of a Specific
Use Permit to Allow for the Operation of a Scientific Research
Laboratory in an Existing Structure Located at 2521 U.S. Route 11,**

**LaFayette, New York (Tax Map No. 019.-01-06.2) in the Hamlet District
- GRANTED WITH CONDITIONS**

February 24, 2016

Mr. Nash moved and Mr. Marzo seconded the following Resolution:

WHEREAS, Kelsey Moody & Associates, LLC (“Applicant”) and RAN Properties LLC (“Owner”), as Applicant of the property located at 2521 U.S. Route 11, LaFayette, New York (Tax Map No. 019.-01-06.2) in the Town of LaFayette (the “Property”), appealed to the LaFayette Zoning Board of Appeals (the “Board”) on or about December 29, 2015 for a specific use permit to allow for the occupancy and use of an existing structure for a scientific research laboratory 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 February 24, 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, pursuant to 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), a previous negative declaration was adopted on January 26, 2016; and

WHEREAS, the Board, in accordance with the State Environmental Quality Review Act, as lead agency, has found that the proposed action is not likely to result in any significant adverse environmental impacts; 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 a request to operate a scientific research laboratory to conduct research which could lead to the development of products that are health related, including cellular research for treatment of various

disorders;

2. The proposed use as a scientific research laboratory would not involve the storing or use of harmful chemicals or explosives;
3. The propose use of the property as a scientific research laboratory would involve as many as fifteen (15) to thirty (30) employees occupying the site at one time to culture materials and then introduce them through surgical procedures into mice, along with related office and administrative uses associated with the scientific research;
4. The Applicant has provided to the Board's satisfaction a method to address biological waste through the use of an autoclave and a contract with an appropriate waste management hauler;
5. The Applicant deals with Biosafety Level 2 and lower materials and will not conduct any experimentation with Biosafety Level 3 or higher materials;
6. The Applicant has represented that the proposed hours of operation for the scientific research laboratory are 7:00 a.m. to 9:00 p.m. for employees;
7. There may be minor delivers of packages (UPS, FedEx, USPS) to the site;
8. The site demonstrates parking accommodations for approximately thirty-two (32) cars; 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 February 24, 2016, recommended the following modifications:

1. Per the New York State Department of Transportation, the survey must be modified to reflect all existing access to U.S. Route 11.
2. The applicant must contact the Onondaga County Health Department to review the adequacy of any existing or proposed septic system to service this property, prior the Town approving this special permit request.

The OCPB also offered the following comment:

"The survey should also accurately reflect any existing or proposed easements for access and utilities;" and

WHEREAS, the Onondaga County Health Department, by Notice of Review/Proposal to Modify Existing Property dated February 24, 2016, issued the following conditions:

1. 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. Please note that the septic system serving this property was approved for 450 GPD maximum;

2. Any plumbing modifications must be completed under a plumbing permit issued by the Plumbing Control Section of the Department of Water Environment Protection; and

WHEREAS, the Town of LaFayette Planning Board, on February 16, 2016, issued a positive recommendation, with the following potential conditions for consideration by the Zoning Board of Appeals:

1. The applicant must utilize an appropriate-sized autoclave system prior to and in conjunction with conducting its research activities on site;
2. The applicant shall maintain a contract with an appropriate waste management disposal company (*i.e.* Stericycle) for the continuous off-site disposal of such materials;
3. The applicant's research be limited to matters relating to "Biosafety Level 2" and lower. Should the applicant desire to conduct research involving matters classified "Biosafety Level 3" or higher, the applicant must return before the ZBA for additional approvals; and

WHEREAS, the Applicants' 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 scientific laboratory will be contained onsite within an existing area and no additional construction will be required;
2. The proposed uses will not be unreasonably detrimental to the health, safety and welfare of the neighboring properties, areas and districts since the proposed scientific laboratory 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 use will occur within the Hamlet District, which encourages low-impact businesses;
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 site disturbances, a Stormwater Pollution Prevention Plan (“SWPPP”) is not required for this application.

NOW THEREFORE, BE IT RESOLVED that the Board hereby allows and grants the Applicants’ request for a specific use permit to allow for a scientific research laboratory at the proposed location all in specific accordance with the submitted site and floor plans and other materials conditioned, however, upon the following:

1. The applicant must procure an appropriate-sized autoclave system and utilize same prior to and in conjunction with conducting its research activities on site.
2. The applicant shall maintain a contract with an appropriate waste management disposal company (*i.e.* Stericycle) for the continuous off-site disposal of such materials.
3. The applicant’s research be limited to matters relating to “Biosafety Level 2” and lower. Should the applicant desire to conduct research involving matters classified “Biosafety Level 3” or higher, the applicant must return before the ZBA for additional approvals;
4. The proposed hours of operation shall be from 7:00 a.m. to 9:00 p.m. for employees;
5. Per the New York State Department of Transportation, the survey must be modified to reflect all existing access to U.S. Route 11;
6. Pursuant to the Onondaga County Health Department Notice of Review/Proposal to Modify Existing Property dated February 24, 2016, issued the following conditions:
 - a. 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. Please note that the septic system serving this property was approved for 450 GPD maximum;
 - b. Any 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 Owners 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:

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

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

Member Marzo moved and Nash seconded the motion to adjourn the meeting. Motion carried 4 - 0. Meeting adjourned at 7:28 PM.

Respectfully submitted,

Jacqueline G. Roorda
Town Clerk