

2577 US Route 11
P.O. Box 193
LaFayette, NY 13084



Zoning Board of Appeals Meeting

Date: September 27, 2022

Time: 7:00 pm

Location: Town Hall

Meeting called by: LaFayette Zoning Board of Appeals

Chair: Christine Keenan

Secretary: Sue Marzo

Attendees: **Zoning Board members:** Christine Keenan, Anita Miner, James Nash

Jeff Brown, Town Counsel, Ralph Lamson, Codes Officer, Jackie Roorda, Town Clerk, Mark Distler, Deputy Town Supervisor, Applicants Michael Campbell/Jean Campbell, Richard Rowe, and Paul Swimm

Minutes

Case #1-2023-ZBA Public Hearing

Public Hearing for the application submitted by Michael Campbell for 2668 LaFayette Road, LaFayette, NY for a side yard variance to place a 12' x 24' storage shed two feet from the property line. (Tax Map No. 009.-001-30.0)

Mike Campbell presented to the Board his plans to place a shed next to his existing garage 2' from the property line. It is the only flat spot on his property to place it. He has a long narrow lot. Chairwoman Keenan asked the Board if they had any concerns/questions. They had no comment. Mr. Campbell stated that his neighbor, Tom Wallace, came over and looked at the proposed location and had no problem with its location. At this time SEQR Parts 2 and 3 were completed by the Board.

SEQR Short Form Part 2 led by Attorney Brown.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? – "No or small impact"

2. Will the proposed action result in a change in the use or intensity of use of land? – “No or small impact”
3. Will the proposed action impair the character or quality of the existing community? – “No or small impact”
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? – “No or small impact”
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? – “No or small impact”

Before question 6 was responded to, Attorney Brown asked if there would be power in the shed. The response was no.

6. Will the proposed action cause an increase in the use of energy, and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? – “No or small impact”
7. Will the proposed action impact existing:
 - a. Public/private water supplies? -“No or small impact”
 - b. Public/private wastewater treatment utilities? – “No or small impact”
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? – “No or small impact”
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)? – “No or small impact”
10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? – “No or small impact”
11. Will the proposed action create a hazard to environmental resources or human health? – “No or small impact”

Attorney Brown advised, based on these answers, an appropriate motion is for the Zoning Board of Appeals to serve as lead agency and determine that this project does not have the potential for any significant negative impacts on the environment. Motion was made by Christine Keenan, second by Anita Miner. All Board members present were in favor.

Motion was made to open the public hearing by Christine Keenan, second by Anita Miner. All Board members present were in favor.

There were no attendees to speak for or against this project.

Motion was made to close the public hearing by James Nash, second by Anita Miner. All Board members present were in favor.

The 5 criteria questions for area variances were reviewed by the Board:

Can the benefit be achieved by other means? No

Will there be an undesirable change in neighborhood character or nearby properties? No
Is the request substantial? Yes
Will it have an adverse physical or environmental affect? No
Is the alleged difficulty self-created? Yes

Motion was made to accept the proposed application with no conditions by James Nash, second by Anita Minerd. All Board members present were in favor.

Case #2-2022-ZBA Public Hearing

Public Hearing for the application submitted by Tami and Richard Rowe of 3324 US Route 11, LaFayette, NY 13084 for a side yard variance to accommodate a two-car carport attached to the existing one car garage, which would extend 24' leaving 1'5" off the property line. (Tax Map No. 025.-02-09.2)

Mr. Rowe advised the Board on the purpose of his application to add a carport on an existing garage. This is where they park presently but want a structure to match the house. They want to be able to place it at this location because it is level, and they can move from the garage to the car without exposure to inclement weather. James Nash asked if the structure would be made of steel. He stated no it will be constructed with materials to match their house. James Nash also asked about the floor. Mr. Rowe stated it was already blacktopped. The Board reviewed the drawings with Mr. Rowe. SEQR Parts 2 and 3 were completed at this time.

SEQR Short Form Part 2 led by Attorney Brown.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? – “No or small impact”
2. Will the proposed action result in a change in the use or intensity of use of land? – “No or small impact”
3. Will the proposed action impair the character or quality of the existing community? – “No or small impact”
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? – “No or small impact”
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway? – “No or small impact”
6. Will the proposed action cause an increase in the use of energy, and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? – “No or small impact”
7. Will the proposed action impact existing:
 - a. Public/private water supplies? -“No or small impact”
 - b. Public/private wastewater treatment utilities? – “No or small impact”

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources? – “No or small impact”
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)? – “No or small impact”
10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? – “No or small impact”
11. Will the proposed action create a hazard to environmental resources or human health? – “No or small impact”

Attorney Brown advised, based on these answers, an appropriate motion is for the Zoning Board of Appeals to serve as lead agency and determine that this project does not have the potential for any significant negative impacts on the environment. Motion was made by Christine Keenan, second by James Nash. All Board members present were in favor.

Motion was made to open the public hearing by James Nash, second by Anita Miner. All Board members present were in favor.

There were no attendees to speak for or against this project.

Motion was made to close the public hearing by James Nash, second by Anita Miner. All Board members present were in favor.

The 5 criteria questions for area variances were reviewed by the Board:

Can the benefit be achieved by other means? No

Will there be an undesirable change in neighborhood character or nearby properties? No

Is the request substantial? Yes

Will it have an adverse physical or environmental affect? No

Is the alleged difficulty self-created? Yes

Motion was made to accept the proposed application by James Nash, second by Anita Miner. All Board members present were in favor.

Mr. Rowe asked about necessary paperwork. Codes Officer Lamson told him that he can now submit for his building permit.

Case #3-2022-ZBA Sketch Hearing

Sketch Hearing for the application by Stuart P. Swimm of 3282 Webb Road, LaFayette, NY for a variance for 2 lots smaller than the required 60,000 square feet by subdividing the yard and existing driveway to use the barn as a house. (Tax Map # 024.-02-02.1)

Paul Swimm addressed the Board and explained that he is currently renovating a home on this property. It has been vacant for quite a while. There is a barn on the property as well that he would like to make a Barndominium. It was formerly an art studio, so it is set up similar to an apartment. There is a wraparound driveway on the property. Chairwoman Keenan asked his purpose for rehabbing the building. He stated he is initially looking to rent but there is potential to sell as well. He has 40 rentals in the area. He and his wife have flipped over 130 houses. He is well versed in all types of construction. Chairwoman Keenan asked for the size of the property. He said it was roughly 4.5 acres. The requirement is 60,000 square feet. One of the two new lots would be 13,321 square feet which is less than ¼ acre. Chairwoman Keenan stated the reason for the 60,000 square feet requirement is to allow room for septic and well. She asked if the barn was able to be moved. Code Officer Lamson stated that would be a difficult feat due to the stone foundation. Mr. Swimm said he is investing a lot of money in LaFayette. He explains it is not easy to work in the city. Chairwoman Keenan asked if the one lot could be divided to a 50,000 square foot parcel. This is a substantial variance request as requested. Mr. Swimm stated he prefers to keep it divided as shown on the sketch to keep the driveway off Route 11. It currently comes in off Webb Rd. Code Officer Lamson stated most septic, and wells are on ¼ acre, and this property already has a well and septic. Anita MinerD agrees with keeping the driveway egress off Route 11. She asked if the driveway could be moved further up on Webb Rd. He stated he could dig a new driveway. Code Officer Lamson stated that moving it up likely would not be approved due to sightline limitations. Mr. Swimm said he plans to put up a delineation fence between the two properties. He lives close and will assure the two properties are maintained. Anita MinerD stated that developments have postage size lots and operate with a septic. James Nash stated the Board should consider adding wording in the approval that there are already two existing buildings on this property. We need to prevent this with new builds and allowing properties to be built on less than 60,000 square feet.

Attorney Brown has a concern that by creating two brand new lots the setback requirements may no longer be grandfathered in. The triangular shape of this parcel is currently grandfathered in. Creating two lots may alter that. Attorney Brown will research to assure this will not be an issue in approving this request.

Motion was made to hold a public hearing on October 25 by Anita MinerD, second by James Nash. All Board members present were in favor.

Anita MinerD asked how far the barn was from the house. Looking at the survey James Nash stated it was close to 80'.

Motion was made by Anita Minerd, second by Christine Keenan, to adjourn. All Board members present were in favor.

Meeting adjourned at 7:45 pm

Respectfully Submitted,

Sue Marzo
Zoning Board Secretary

