

November 22, 2016 LaFayette Zoning Board of Appeals Meeting Minutes

Minutes of the Meeting held by the LaFayette Zoning Board of Appeals on November 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
James Nash, Member
Anita Miner, Member
Jerry Marzo, Member

Absent: Karl Field, 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 September 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 September 27, 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 explained he wants to build a freestanding 14' x 20 garage near his house at 2539 Route 11A. His ranch home is built on a slope and because of the terrain of the property, the location of the well and septic tank, and wet back yard, there is no other location to put a garage than where he is requesting his variance for. He also provided a Septic Dye Test Report which included photos of the property which were helpful in the visualization of his need for the variance.

Chair Keenan asked if the Zoning Board Members were able to drive to the property to evaluate the situation. Each member replied that they were able to check it out the property. Keenan read the Onondaga County Planning Board Resolution. Attorney Reese advised that as far as the Department of Transportation recommendation, since the applicant is not making any access changes with the driveway there isn't anything

additional to do. She also clarified that this is a SEQR Type II Action and that the variance that Dr. Damiano is seeking is a 45' front yard variance.

Chair Keenan discussed having any updated survey with the correction of Route 11 to Route 11A and reviewed the criteria that the ZBA must review prior to granting a variance. Dr. Damiano advised that he has met the neighbors and has discussed his plans for the garage and none have had any objections. Keenan asked if the Board had any further questions or comments. None were voiced. A Public Hearing will be scheduled for December 27th, 2016. Dr. Damiano thanked the Board once again for their help in his endeavor.

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 has existing office space and 2 apartments and wishes to add another apartment. Chair Keenan advised that the survey, septic design and statement regarding the well/water flow test prove to be adequate to accommodate Mr. Smith plans. As far as Onondaga County Planning Board's recommendation regarding the Department of Transportation, Attorney Reese suggested that Mr. Smith contact them requesting a letter of verification that they are not opposed to the current driveway. Reese advised that Part 1 SEQR was already done and read through SEQR Part 2, which had a negative response to each question.

Member Marzo moved and Nash seconded the motion of a Negative Declaration for SEQR Part II for the application of Ryan Smith's property located at 2383 US Route 11, LaFayette, NY Tax Map # 017.—03-15.0. Chair Keenan asked if there are any more questions or concerns of the Board. None were voiced. Keenan then read the ZBA criteria for approval of the Specific Permit and it was decided that there are no storm water concerns. This matter will be scheduled for a Public Hearing on December 27th, 2016. The following resolution resulted.

**TOWN OF LAFAYETTE ZONING BOARD OF APPEALS
SEQRA RESOLUTION AND NEGATIVE DECLARATION**

DATED: November 22, 2016

**RYAN SMITH SPECIFIC USE PERMIT TO ALLOW FOR AN OFFICE SPACE
AND 3-UNIT APARTMENT BUILDING IN AN EXISTING STRUCTURE
(2383 U.S. Route 11)**

Mr. Marzo moved and Ms. Minerd seconded the following Resolution:

WHEREAS, Ryan Smith (“Owner” and “Applicant”) has made an application to allow for an office space and 3-unit apartment building in an existing structure at the Owner’s property located at 2383 U.S. Route 11 in the Town of LaFayette, bearing Tax Map No. 017.-03-15.0; and

WHEREAS, the proposed action consists of Applicant operating an office space and 3-unit apartment building at Owner’s premises, all more particularly described in the application materials submitted by the Applicant; and

WHEREAS, Volume 6 N.Y.C.R.R., Sections 617.3 and 617 of the Regulations relating to Article 8 of the New York Environmental Conservation Law of New York (SEQRA), requires that as early as possible after submission of a completed application, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on November 22, 2016, the Town of LaFayette Zoning Board of Appeals (the “Board”) declared itself to be lead agency and determined this application to be an unlisted action for purposes of SEQR review; and

WHEREAS, the Applicant has completed and submitted a Short Environmental Assessment Form and the same has been reviewed and considered by the Board; and

WHEREAS, the Board has reviewed and considered all of the submissions by the applicant and the Board has considered and discussed fully the potential environmental impact of the proposed action.

NOW, THEREFORE, BE IT RESOLVED that the Town of LaFayette Zoning Board of Appeals hereby determines the proposed action will not have a significant adverse effect on the environment and this resolution hereby adopts the Negative Declaration attached hereto for purpose of Article 8 of the Environmental Conservation Law, Volume 6 of the N.Y.C.R.R. Part 617 et seq. for the following reasons:

1. The proposed use shall be contained entirely within the existing structure and there will be no exterior changes to the building;
2. There will be no changes to the existing drainage patterns;

3. Existing parking is sufficient for the use;
4. The Applicant is proposing appropriate waste management disposal for all waste; and

BE IT FURTHER RESOLVED that the Town's legal counsel, distribute the attached Negative Declaration pursuant to the requirements of 6 N.Y.C.R.R., Part 617.

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

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

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

Mr. Smith thanked the Board.

Member Nash moved and Marzo seconded the motion to adjourn the meeting. Motion carried.

The Zoning Board of Appeals Meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Jacqueline G. Roorda
Town Clerk &
ZBA Secretary