

September 27, 2016 LaFayette Zoning Board of Appeals Meeting Minutes

Minutes of the Meeting held by the LaFayette Zoning Board of Appeals on September 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: John Langey, Town Attorney
Ralph Lamson, Bldg. & Code Officer
Kelsey Moody & Danique Wortel,
Ichor Therapeutics, Inc.
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 August 23rd, 2016 meeting minutes as presented by Jackie Bush Roorda, ZBA Secretary. Minutes accepted as written.

Case 1) PUBLIC HEARING / VARIANCE APPLICATION

Kelsey Moody and Associates, LLC is seeking approval for a Variance to place their sign in between their two (2) parking lots located at their property at 2521 US Route 11, approximately 1/8 of a mile north of the intersection with Route 20, to place the sign in this location and to meet the road offset requirements they would need to remove the Robert Maher Memorial Tree, if

granted the tree could remain in its current location. This property is in the Hamlet Zone.

Tax Map #: 019.-01-06.2

After reading the above application, Chair Keenan opened the Public Hearing and asked if there were any questions or comments in favor of the Variance Application of Kelsey Moody and Associates for the placement of their monument sign.

Danique Wortel commented that she feels the sign looks great and Secretary Roorda agreed and held up a print of the sign for those in attendance to see.

Keenan asked if there were any questions or comments against the Variance Application of Kelsey Moody and Associates for the placement of their monument sign. None were voiced.

Member Marzo moved and Nash seconded the motion to close the Public Hearing. Motion carried and the Public Hearing was closed. It was declared a Type 2 SEQR. The following resolution was made in favor of the Applicant.

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

**KELSEY MOODY & ASSOCIATES, LLC (Owner) and
ICHOR THERAPEUTICS, INC. (Applicant) - Appeal for
Approval for a Front Yard Variance to Allow for the Location
and Erection of an Unlighted 8' x 6.5' Free-Standing
Monument Sign at 2521 U.S. Route 11 in a Hamlet District -
GRANTED**

September 27, 2016

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

WHEREAS, Kelsey Moody & Associates, LLC (the "Owner") and Ichor Therapeutics, Inc. (the "Applicant"), of property located at 2521 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 22, 2016 for a front yard setback variance to allow for the location and erection of an unlighted 8' x 6.5' free-standing monument sign 25' 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 September 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 September 21, 2016, determined that there would be no significant adverse inter-community or county-wide implications; and

WHEREAS, the Owner and 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 requested sign 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 and Applicant have demonstrated that there will be no detriment to health, safety and welfare of the community since the sign location does not present any threat to the neighboring community;
3. The Owner and Applicant have demonstrated that the benefits requested cannot be achieved by other means feasible to them as the placement within the required setback would cause the loss of the Rob Maher Memorial Tree;
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 and Applicant's request for a front yard setback of 25' for the placement and erection of an unlighted 8' x 6.5' free-standing monument sign at the proposed location, all in specific accordance with the submitted simulated photo and drawings initialed by the Board's secretary on September 27, 2016, conditioned, however, upon the following:

1. The sign will be 8' x 6.5' and as depicted on the submitted photographs;
2. The sign will remain unlighted unless further Board approval is obtained; and

IT IS FURTHER RESOLVED, that the Owner and Applicant 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 has existing office space and 2 apartments and he is putting an addition on and wishes to add another apartment. He also wants to make sure that everything is done in line with the Town Code and ordinances. Chair Keenan advised that a survey, septic design and letter or statement that the well is adequate to accommodate his plans. She also advised that this matter needs to go to the Onondaga County Planning Board for their recommendation. Roorda advised that when Mr. Smith gets those things to her she will forward them to the County Planning Board and that she will need those things before October 21st for the County's November 10th meeting. This will also go before the Town Planning Board and as well on November 15th, 2016.

Case 3) AREA VARIANCE

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

Dr. Damiano explained he would like to build a freestanding 14' x 20 garage near his house at 2539 Route 11A. He has a ranch home with a walk out basement that is built on a slope. The location of the well and the location of the septic tank limit where he would be able to put a garage. Also, the back yard is so wet that there are cattails throughout the yard behind his home. The way his property is landscaped there is no other location for him to put up a garage except where he is asking for the area variance. With the survey he explained where he wants to place the garage. He advised that he found where the septic tank is but is not sure where the leach fields are. Someone suggested that he may be able to see the leach fields by the color of the grass being much greener.

Attorney Langey explained that the front property lines are tricky with the traffic. He suggested that Dr. Damiano mark out the location where he desires to place the garage and location of the leach fields, if he can find them. Code Enforcer Ralph Lamson commented that the survey needs to be corrected as it says Route 11 instead of Route 11A.

Chair Keenan asked that the Zoning Board Members to drive to the property to evaluate the situation. Each member replied that they will call Dr. Damiano to

advise when they will be able to go to his property to check it out. Keenan further explained to the applicant that there are certain criteria the Board has to meet in order to grant an area variance. Dr. Damiano thanked the Board for their assistance.

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

The Zoning Board of Appeals Meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Jacqueline G. Roorda
Town Clerk &
ZBA Secretary