

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



Date: July 25, 2018

Time: 7:00 pm

Location: LaFayette Town Offices

Zoning Board Meeting

Meeting called by: LaFayette Zoning Board

Facilitator: Christine Keenan

Note taker: Sue Marzo

Attendees: Zoning board members: Karl Field, Christine Keenan, Anita Miner, Mike Stiner, absent James Nash

John Langey, Town Counsel, Sue Marzo, Secretary, Melanie Vilardi, Michael Vilardi, Larry Smith, Diane Bonn, applicants; Bob Carroll and Paul Carroll residents

Minutes

- Christine Keenan opened the meeting with introductions by all at 7:00 pm
- Minutes from the June 26, 2018 Zoning Board were approved as written.

Agenda item: Case #1-2018 - Diane Bonn – ZBA application for a specific permit for a seasonal camp at 2375 Tully Farms Rd. approximately ¼ mile south of Route 20, west side.

Discussion:

Dianne Bonn explained the purpose of her request: I have a piece of property with a travel trailer to use as a seasonal camp for my family. Eventually I want to build something in possibly another year. As far as building goes, I must wait to decide because of potential flooding. Right now, I want to keep going as I am. It has been there

for 5 years. Christine Keenan advised the DEC advises to consult with the Army Corp of Engineers as an option if deciding to build.

Christine Keenan opened the public hearing and asked if anyone wished to speak for or against the proposal.

Ralph Lamson reported that Barbara Neilson next door neighbor is completely in favor and advised that Diane is a great neighbor She called Ralph to speak on her behalf because she is in Florida. Christine Keenan asked how this came about. Ralph Lamson reported that a couple of years ago he noticed the camper while driving by.

There were no more comments by those in attendance. Christine Keenan closed the public hearing at 7:07pm. She stated that criteria is appropriate for the lot and location. Karl Field stated that it was quite unusual for the carrying away of the waste. Christine Keenan read the document from the County Health Dept. stated that the use of the dry toilet is permitted and should be taken to a waste facility for disposal. We have received the approval document relative to the proposal. We have no objection to this proposal. Proper septic must be added should they build on the site.

Ralph Lamson stated it should be allowed and the proposal follows the New York State building code in LaFayette. The Health Department is ok and LaFayette code permits this. No neighbors have complained. The only concern raised by Mike Stiner is the potential for flooding. Mike asked Ralph to look up the elevation and advise if the trailer should be moved up to that elevation. Karl Field stated that the water does cross the road at times. Ralph Lamson said if the creek is cleaned out it is usually not a problem. Christine Keenan asked how close the property was to the mudslide. Dianne Bonn advised ¼ mile.

Section B Article IV - Christine read the criteria and board responded with their approval for each clause.

The only issue raised was the potential for flooding. It is appropriate to wait and see. It has been there for 5 years with no problems. Christine Keenan stated if it floods you pull it out and move away. John Langey suggested that seasonal camp should be defined. Diane Bonn replied with most of the year it would be occupied. It does have heat. I'm just there to enjoy. Christine Keenan asked if there was a caretaker for when she was not there. Dianne stated that her brother would oversee it during periods of absence. John Langey advised that we need to nail down the time periods. John Langey will note all but January and February in the resolution. Ralph Lamson was asked if there were other seasonal camps. He replied that there are several near the reservoir and on

Jamesville Apulia Rd. and there are some hunting camps. Christine Keenan asked if there were any problems with these camps. Ralph Lamson is not aware of any. John Langey asked for acreage of the property. Diane Bonn stated approximately an acre and half. Mike Stiner asked if her brother would be staying there at all. Diane said no. The brother, caretaker lives in Syracuse and would not be using the camper.

John Langey asked if they did an environmental review. John Langey said it would not hurt to go through the questions for any impact. All questions were replied with no.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?
2. Will the proposed action result in a change in the use or intensity of use of land?
3. Will the proposed action impair the character or quality of the existing community?
4. Will the proposed action have an impact on the environmental characterizes that caused the establishment of a Critical Environmental Area (CEA)?
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?
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?
7. Will the proposed action impact existing:
 - a. Public/private water supplies
 - b. Public/private wastewater treatment utilities?
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?
9. Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality flora and fauna)?
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?
11. Will the proposed action create a hazard to environmental resources or human health?

John Langey to incorporate the above assessment into the resolution. Christine Keenan brought up the disposal of waste and bringing in of potable water. These clauses will be incorporated in the resolution and the building permit application.

Motion to approve was made by all board members – Resolution is carried and follows.

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

**DIANE BONN (Owner/Applicant) - Application for Approval
of a Specific Permit to Allow for the Use of a Recreational
Camper/Travel Trailer as a Seasonal Camp on Premises
Located at 2735 Tully Farms Road, LaFayette, New York in the
Agricultural/Residential (AR) District - GRANTED WITH
CONDITIONS**

July 24, 2018

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

WHEREAS, Diane Bonn, as Owner/Applicant of the property located at 2375 Tully Farms Road, LaFayette, New York in the Town of LaFayette (the "Property"), appealed to the LaFayette Zoning Board of Appeals (the "Board") on June 1, 2018 for the use of a recreational camper/travel trailer as a seasonal camp on the premises 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 specific permit upon the findings set forth in Articles VI of the Ordinance; and

WHEREAS, a public hearing on the applications were held by the Board at its regular meeting on July 24, 2018 and after due notice by publication in the Syracuse Post Standard and due notice to the Petitioner, 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 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 Owner has demonstrated that there will be no detriment to health, safety and welfare of the community since allowance of the recreational camper/travel trailer as a seasonal camp does not present any threat to the neighboring community;
2. The recreational camper/travel trailer would be Owner occupied only, up to 10 months a year (with no occupancy in January or February);
3. The Owner has noted that there is existing vegetation and proposed vegetation to screen the recreational camper/travel trailer and lessen its visual impact on the area; 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 July 25, 2018, recommended the following modification(s):

- “1. The applicant must contact the Onondaga County Department of Transportation to provide additional information regarding any existing or proposed driveways on Tully Farms Road. Any mitigation as may be determined by the Department must be reflected on the project plans prior to municipal approval and may be subject to highway access and/or work permits.
2. The Onondaga County Health Department’s Bureau of Public Health Engineering must formally accept or approve, respectively, any existing or proposed sewage disposal plans for this property prior to approving the special permit request”; and

the Board also offered the following comment(s):

“The municipality is encouraged to minimize exposure to damage from natural hazards and uphold local flood ordinance requirements, as required for good standing in the National Flood Insurance Program, by ensuring that any proposed development would not negatively affect drainage patterns in or near the floodplain”; and

WHEREAS, the Owner’s application for a Specific 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 use is appropriate for the particular lot location, as the recreational camper/travel trailer has been in use on the site for over 5-years with no issue;
2. The proposed use will not be unreasonably detrimental to the health, safety and welfare of the neighboring properties, areas and districts since a seasonal camp is a permissible use under certain circumstances and, again, the recreational camper/travel trailer has been in use on the site for over 5-years with no issue. Further, the applicant has presented correspondence from the Onondaga County Department of Health indicating no objections to the use of the proposed chemical toilet;
3. The proposed use is consistent with the orderly and appropriate development of the neighboring properties, areas and districts;
4. The proposed use is a suitable transition between neighboring uses and districts, particularly in this area known as the “Tully Farms area” where development has been inconsistent due to a prior mudslide in that area;
5. The proposed use is properly oriented in location and upon the site as required by Section C of Article III and the structure can be relocated in the event of extreme conditions;

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:

1. There are no identified unusual or unique land forms or environmentally sensitive areas at the proposed location of the recreational camper/travel trailer;
2. The applicant has presented correspondence from the New York State Department of Environmental Conservation and the Onondaga County Department of Health regarding the application;
3. 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 Owner's request for a Specific Permit to allow for the use of a recreational camper/travel trailer as a seasonal camp at the proposed location, all in specific accordance with the submitted materials, conditioned upon the following:

1. Owner will carry-in potable water for drinking, washing and cooking;
2. Owner will carry-out waste per the submitted plans;
3. Owner will utilize a Laveo dry flush toilet, as permitted by the Onondaga County Health Department, per its review letter of July 23, 2018;
4. Occupancy shall be limited to March 1st through December 31st;
5. Applicant will utilize a caretaker to oversee the site in her absence;

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 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

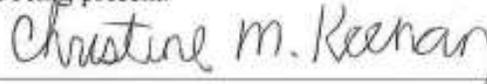
IT IS FURTHER RESOLVED, that this Resolution shall be effective as of the date of its filing with the Town Clerk.

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

Mr. Nash, Member	Excused	----
Mr. Stiner, Member	Voting	Aye
Ms. Minerd, Member	Voting	Aye
Mr. Field, Member	Voting	Aye
Ms. Keenan, Chair	Voting	Aye

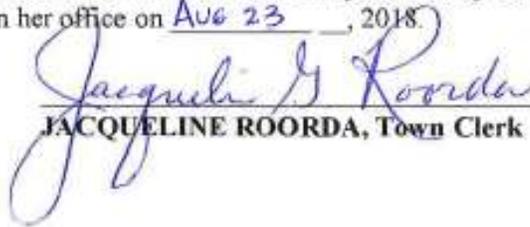
The Chair, Ms. Keenan, then declared the Resolution to be duly adopted.

CHRISTINE KEENAN, Chair of the Zoning Board of Appeals of the Town of LaFayette, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Board duly convened and held on July __, 2018, a quorum being present.



CHRISTINE KEENAN, CHAIR
Town of LaFayette Zoning Board of Appeals

JACQUELINE ROORDA, Town Clerk of the Town of LaFayette hereby certifies that the foregoing Resolution was duly filed in her office on Aug 23, 2018.



JACQUELINE ROORDA, Town Clerk

Agenda item: Case #2-2018 - ZBA Application for a side yard variance of 4' at 2215 US Route 11, LaFayette approximately 1 mile south of Route 20 & Route 11 intersection, west side

Discussion:

Mike Villiard advised that he was looking to add a one-story garage to the side of the house 26' by 21'. It will be used for extra storage and car storage in the winter – Mike Stiner asked about the roofline and if it would match the house. Applicant advise that yes it would. They are requesting a variance of 8' in the side yard; 17' from the side yard. There is a leach field and well on one side so therefore they need to have a variance on the other side of the house. Can't put it anywhere else. Pete Carol advised that a french drain needs to be added to stop the flow of water into his septic area. Resident advised that they are going to put a French drain in along the side of the garage to stop the water from running into adjacent property. Jim Langey asked for the location of the French drain. The south side of the property line is where the french drain will be installed per applicant.

Jim Langey advised Ralph Lamson will have to look at it and approve to his satisfaction. Bill Stiner asked where the runoff will drain – Bob Carroll advised underneath route 11 there is a culvert there for 100 years.

Christine Keenan opened the public hearing. She asked for anyone who was in favor or opposed to the application. Paul Carroll of 2195 Route 11 S. and Bob Carroll of 2584 Rt. 11 were present and advised of their approval with no opposition to the proposal. Bob Carroll asked where the end of the garage was. Applicant needs 8' of relief from our code requirement; 17' from his property line. Ralph Lamson will need to inspect the location of where it is supposed to be before too deep into construction.

Motion was made to approve the resolution – All were in favor and resolution follows:

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- the benefit to the applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is DENIED.
- the Benefit to the applicant DOES outweigh the Detriment to the Neighborhood or Community and therefore the variance request is APPROVED.

Reasons: The relief requested of 8' is insubstantial and the installation of the French drain will assure no negative impacts on the neighboring properties.

The ZBA further finds that variances from Article II §A(2)(e) of the Zoning Ordinance for 8' of relief on the side of the property for a 26' x 21' attached garage addition is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety, and welfare of the community because: of site issues including the existence of a leach field and well.

STANDARD CONDITIONS (If Approval is Granted):

- 1. That the construction be completed in strict compliance with the submitted plans and application materials.

ADDITIONAL CONDITIONS (If Approval is Granted): The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

- 1. Installation of a French drain system in front of the proposed 26' x 21' attached garage addition, which drain will empty towards and into the U.S. Route 11 ditch;
- 2. Inspection and approval of said French drain system by the Town's Code Enforcement Officer.

The Board by motion made by Mr. Stiner and seconded by Ms. MinerD adopted the above Resolution.

Christine M. Keenan

Christine Keenan
Chair, Zoning Board of Appeals

23 Aug 18
Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY	EXCUSED
Chair	CHRISTINE KEENAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	KARL FIELD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	ANITA MINERD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	MICHAEL STINER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	JAMES NASH	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Agenda item: Case #3-2018 – ZBA Application of a variance to place a shed 22’ from the road/front property at 5857 Winacre Drive, LaFayette

Discussion:

Applicant is looking for a shed placement on the side of his property. He owns 3 or 4 lots recently purchased and will erase to have one lot. Ralph Lamson stated that you can have an accessory structure on a lot without combining the parcels. Larry Smith is going to join them all into one lot regardless. John Langey advised that there is a tax benefit to combining them. He said it is an easy procedure to combine the tax parcels to get it filed in the county.

Christine Keenan stated the structure would be 22’ off the side of the road, Ralph Lamson conferred with Larry Smith and examined the map. It was determined that it would be 50’ setback and would need 28’ of relief for a shed 10 x 24 give or take a foot or so. Hardship is the steep location and there is a valley behind the house. He would have to bring in 30’ of fill to place it in his yard. This is a SEQR type 2. Christine Keenan reviewed the criteria and board members commented. Larry confirmed that all neighbors are ok with the placement of the shed.

Jim Langey stated that we would need a resolution for a 12 x24 storage shed 22’ from edge of road 28’ of relief in the front yard reasoning steep slopes, valley in back side and no proof of detriment to the neighbors.

Christine opened and closed the public hearing as there were no others in attendance.

All board members were in favor of approving the application and resolution follows.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- the benefit to the applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is DENIED.
- the Benefit to the applicant DOES outweigh the Detriment to the Neighborhood or Community and therefore the variance request is APPROVED.

Reasons: The relief requested of 28' is substantial under the circumstances as noted above.

The ZBA further finds that variances from Article II §A(2)(e) of the Zoning Ordinance for 28' of relief on the front yard setback of the property for a 12' x 24' storage shed is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety, and welfare of the community because: of site issues including the existence of steep hills on the sides, a valley-like backyard and the need for significant fill to be brought-in for any other location on the site.

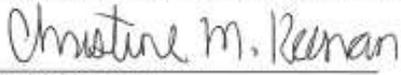
STANDARD CONDITIONS (If Approval is Granted):

- 1. That the construction be completed in strict compliance with the submitted plans and application materials.

ADDITIONAL CONDITIONS (If Approval is Granted): The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

- 1. Applicants must take the necessary measures to remove the interior lot lines of the various parcels and combine them into one large parcel.

The Board by motion made by Ms. MinerD and seconded by Mr. Stiner adopted the above Resolution.


 Christine Keenan
 Chair, Zoning Board of Appeals


 Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY	EXCUSED
Chair	CHRISTINE KEENAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	KARL FIELD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	ANITA MINERD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	MICHAEL STINER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	JAMES NASH	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Motion to adjourn was made a 7:40pm.

Respectfully submitted,

Sue Marzo
Zoning Board Secretary

