

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



**Date:** June 26, 2018

**Time:** 7:00 pm

**Location:** LaFayette Town Offices

## Zoning Board Meeting

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**Meeting called by:** LaFayette Zoning Board

**Facilitator:** Christine Keenan

**Note taker:** Sue Marzo

**Attendees:** Zoning board members: Karl Field, Christine Keenan, James Nash, Anita Miner, Mike Stirner

Wendy Lougnot, Town Counsel, Sue Marzo, Secretary, Melanie Vilardi, Michael Vilardi, Larry Smith, Diane Bonn, applicants

### *Minutes*

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- Christine Keenan opened the meeting by congratulating Karl Field on his recent achievement of 50 years with the LaFayette Fire Department.
- Introductions were made by all in attendance.
- Minutes from the November 2017 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:**

Diane Bonn has asked for permission for a specific permit for an RV that has been on her property for 5 years. She has mostly used it for storage, but she would like permission to stay there when not working. She likes being down there and gardening. She wants a

specific use permit, so she can keep the RV on the property and be allowed to stay in it. She explained that it floods and that she was above the mud slide area. She wants to put money into it to make it more presentable and appear like a cottage. Christine Keenan asked for a survey or a sketch to scale. She asked that either be acquired as the board needs it to make a decision. Christine Keenan asked about septic on the property and where sewage would go. She assumes there is septic on the property as there was once two houses on the property that have since been burned down. She has a composting toilet. Christine Keenan asked Ms. Bonn for a letter from the Department of Health Department approving the septic situation because there are wetlands and public health concerns. Christine read aloud the criteria for a special permit as found on the Town of LaFayette webpage, Article 4, Section C; link follows.

[https://www.townoflafayette.com/uploads/2/5/1/4/25140650/2014\\_november\\_10.pdf](https://www.townoflafayette.com/uploads/2/5/1/4/25140650/2014_november_10.pdf)

#### SECTION C. REQUIREMENTS AND REGULATIONS:

1. The Controlled Site structures and uses designated in this. Ordinance shall conform to all the regulations of the districts in which they are located and to any regulations which apply to them under other provisions of this Ordinance. In addition, they shall be oriented in their location upon the site as to layout, coverage, screening, signs, means of access, landscaping and architecture so that:
  - a) The flow, control and safety of traffic shall not be adversely affected to an unreasonable degree;
  - b) There shall be reasonable compatibility on all respects with any structure or use in the neighborhood, actual or permitted, which may be directly and substantially affected.
  - c) There shall not be any unreasonable detriment to any structure or use, actual or permitted in the neighborhood and
  - d) There shall be reasonable provision for open space, yards and recreational areas appropriate to the structure and use.

e) A Storm water Pollution Prevention Plan (“SWPPP”) consistent with the requirements of Local Law No. 5 of 2007 shall be required for Controlled Site Uses for all land development activities, as that term is defined in Local Law No. 5 of 2007. The SWPPP shall meet the performance and design criteria and standards in Local Law No. 5 of 2007. The approved Controlled Site Use shall be consistent with the provisions of Local Law No. 5 of 2007. (Adopted 9/24/2007)

Ms. Keenan asked Ms. Bonn to provide a survey or sketch to scale along with approval by the Health Department for septic arrangements prior to next month’s meeting so the Board can review them before the Public Hearing on this subject on Tuesday, July 24.

Karl Field asked if the RV was a trailer or self-propelled. Ms. Bonn advised it was not self-propelled.

**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:**

Michael Vilardi is seeking an area variance for a garage addition. Christine Keenan asked the applicant for a survey. Applicant did not have one available and was asked to provide a survey or sketch to scale. We must be able to see the property. Without this, the board cannot envision. The structure will be 17’ from the line on the side yard. This is a type 2 SEQR. Application was changed a few weeks ago but the copy the board has stated 4’ when in fact they want 8’. Christine Keenan advised the applicant that a public hearing must be held to notify neighbors. Christine Keenan read aloud the criteria for an area variance.

James Nash asked for specifics on what they are building. The board would like to know the size of the structure and more detailed specifics. There was a sketch submitted but it was not included in the package but was also not to scale.

**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:**

Larry Smith is looking to build a storage shed on his property once owned by Clarice Shephard. Larry Smith, the current owner provided an abstract that was provided

through the closing 3 months ago. A tax map was also provided. Larry Smith conferred with the board and explained where the shed would be and explained that this was the only flat spot to put the structure. The shed will be 22' off the edge of the road down a slight embankment. Larry has conferred with neighbors and none have expressed opposition to it. The topographical map shows the property drops down steeply to Sentinel Heights Road. Mr. Smith was going to use the backyard but the high school woods behind it also has a steep slope. He is purchasing the shed and setting it down. There are thick large trees and land slopes on the property and he explained that is why the town never continued the road through there 60 years ago. The town does not use the property that they own on the road. Mr. Smith has made an offer to purchase the property and explained that residents have been maintaining that property for 60 years. Mr. Smith is not planning to have access to the shed from the road. Mr. Nash asked about the purpose of the shed. Mr. Smith explained it would be for tool storage and lawn equipment. This will be a front yard variance 22' off the road, setback 50'. If I go 50' off the road it is a 30-degree slope. This is the only flat spot except for the front yard. He will have no foundation, only runner crush. Wendy Lougnot expressed concern for the 3 separate tax parcels. The property does not look like it was combined into one parcel. The code reads that you can have one lot, but it is defined as the same lot as the principal structure. If it is on its own separate lot, this would be a concern. The properties should be combined into one tax lot. Larry Smith was advised to speak to Ralph Lamson regarding this concern. If it was purchased as one lot, it should be combined. Mr. Smith asked if he bought 3 acres of land and there is nothing on it, could he put a storage shed on it. Wendy Lougnot advised that you need a use variance to do so. This is the way the code reads. She advised you can erase those lines, but you need to speak to an attorney or speak to Ralph Lamson and/or Shaun Adam, tax assessor to see if it can be done administratively. There will be a public hearing on this subject July 24, 2018.

James Nash moved to adjourn the meeting. All board members were in favor. Meeting adjourned at 7:30 pm.

Respectfully submitted,

Sue Marzo

Zoning Board Secretary

