

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



## Zoning Board of Appeals Meeting

Date: October 25, 2022

Time: 7:00 pm

Location: Town Hall

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**Meeting called by:** LaFayette Zoning Board of Appeals

**Chair:** Christine Keenan

**Secretary:** Sue Marzo

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

Jeff Brown, Town Counsel, Ralph Lamson, Codes Officer, Paul Swimm, applicant

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### *Minutes*

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#### **Case #3-2022-ZBA Public Hearing**

**Public 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)**

Chairman Christine Keenan welcomed everyone with introductions and the Pledge of Allegiance.

Motion was made by Mike Stiner, second by Anita Miner to accept the minutes of September 27, 2022, as written. All Board members present were in favor.

Paul Swimm, applicant addressed the Board and refreshed their memory on the project to subdivide a lot with two structures into two separate lots. The barn on the property will be renovated and become a residential home. It currently is an unoccupied art studio. The

subdivision will require digging a separate well and septic field. The applicant has worked on the floor plan with Ralph Lamson, Codes Officer.

Chairwoman Keenan asked Attorney Brown about his concern about the minimal setbacks and if they would be grandfathered in. Attorney Brown said he could not find anything in our Zoning Code or case law that would invalidate the grandfathered setbacks. Codes Officer, Ralph Lamson stated that he will need to be in compliance with the new property line, however. Mike Stiner asked about the condition of the existing septic on the property. Mr. Swimm stated that he sees no problems with the current septic system but if repairs are required, he is capable. Mike Stiner asked about water in the barn. Paul Swimm stated there is no water in there presently. Mike Stiner asked for confirmation that the existing house will be on 1/3 of an acre. Paul Swimm confirmed that to be accurate. Chairwoman Keenan expressed concern and there was discussion on the room required for a leach field. Paul Swimm showed the proposed location of the leach field. Christine Keenan asked about the approval for the septic. Ralph Lamson stated that a building permit will not be granted until the septic is approved.

Chairwoman Keenan said that she is happy that the properties are being rehabbed. Ralph Lamson stated that we are not setting a precedent if we approve a lot of this size. Paul Swimm said it will be done by Spring. Mike Stiner advised the applicant that they did a great job clearing the lot of overgrowth. Paul Swimm said he is good at problem solving and he wants to get these abandoned homes spruced up. He has several other properties he is working on. Anita Miner asked how far the well is from the leach field. Ralph Lamson stated that he will have to meet Onondaga County requirements. Attorney Brown asked who calculated the acreage size. Mr. Swimm does not have a subdivision map. Mr. Swimm used an app on his phone that uses GPS to calculate square footage that he is able to print out. He was able to get it down to within a 2% error. Ralph Lamson stated that if a variance is granted this will be a simple subdivision. Attorney Brown said, if approved, a condition could be included requiring the final subdivision map to meet a lot size of at least 13,321 square feet or .305 acres.

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? – “Moderate to large 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 residents present to speak for or against the project.

Motion was made to close the public hearing by Mike Stiner, 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 given location of existing structures**

Will there be an undesirable change in neighborhood character or nearby properties? **No, structures already exist**

Is the request substantial? **Yes, lot size will be substantially smaller than allowed**

Will it have an adverse physical or environmental affect? **No**

Is the alleged difficulty self-created? **Yes, applicant has chosen to pursue subdivision**

Christine Keenan stated that the improvement putting the house back in service outweighs the negative.

Motion was made to approve the project by James Nash, second by Mike Stiner with condition that the new lot size will be at least 13,321 square feet or .305 acres. All Board members present were in favor.

Ralph Lamson informed the applicant that a surveyor must draw up a subdivision map.

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

Meeting adjourned at 7:25 pm

Respectfully Submitted,

Sue Marzo  
Zoning Board Secretary

