

August 23rd, 2016 LaFayette Zoning Board of Appeals Meeting Minutes

Minutes of the Meeting held by the LaFayette Zoning Board of Appeals on August 23, 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

Absent: James Nash, Member
Jerry Marzo, Member

Recording Secretary: Jacqueline G. Roorda, Town Clerk

Others Present: John Langey, Town Attorney
Ralph Lamson, Bldg. & Code Officer
Craig & Dale Shute, Webb Hollow Dev.
Kelsey Moody and Jennifer DeRosa,
Ichor Therapeutics, Inc.
Mr. & Mrs. Richard Carriere, Residents.

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 July 26, 2016 and if there were any comments regarding same. None were voiced.

Member Field moved and Keenan seconded the motion to accept the Zoning Board of Appeals July 26, 2016 meeting minutes as presented by Jackie Bush Roorda, ZBA Secretary. Minutes accepted as written.

Chair Keenan advised that in July a sketch plan meeting regarding an application by Webb Hollow Development for a Specific Permit was held. She also advised that the matter was sent to the LaFayette Planning Board and they replied with a letter of positive recommendation in favor of the Application for the Specific Use Permit. A Public Hearing is scheduled for tonight as they are seeking the approval for a four (4) unit apartment building in the Hamlet Zone located at 2390 US Route 11 South on the eastside, approximately ½ mile south of US Route

20. The proposed action is to convert former LaFayette Physical Therapy Office to a 4 unit apartment building. Tax Map Number: 017.-04-06.1

Craig Shute gave a stamped approval letter from Onondaga County Department of Health for the septic (sewage disposal) design along with a well water report and advised that there is more than adequate more parking for the four apartments. Keenan asked the ZBA Board if they have any questions or concerns regarding this and none were voiced.

Chair Keenan Opened the **Public Hearing.**

Q: Will these apartments be subsidized?

A: No

Q: Will the owner be responsible and living there.

A: No, however Craig Shute lives right in Town, close by and will be making sure everything is acceptable.

Q: Will there be dumpsters? Pets?

A: Yes, to dumpsters, no to pets.

Concerns voiced: Increased traffic, property values decreasing, and too many apartments already in LaFayette, no yard for kids to play, no sidewalks, etc.

Response: Traffic probably less than when it was a medical center, exterior of building not changing, plenty of yard area for any children that may live there.

Kelsey Moody of Ichor Therapeutics, Inc. spoke in favor of the application for apartments stating that his business in LaFayette is growing rapidly and he is finding it difficult to find housing for his employees. He feels it will be an asset to the Town.

Member Minerd advised that while on the committee for the LaFayette Comprehensive Plan, one of the goals of the plan is to get more housing in the Town.

Residents questioned apartments in the old police barracks and stated the Code Enforcer needs to check it out. Ralph Lamson, Code Enforcer said that building is approved for office space and he will contact the owner to investigate. He also commented that on the map presented, there is an error as the Butkus property is listed as vacant.

Chair Keenan commented that the Onondaga County Planning Board/DOT is advising that no additional access to Route 11 will be permitted. Craig Shute

replied that there is no need for one as the current entrance from Route 11 is plenty large enough as it accommodated a physical therapy practice and medical center before that.

Chair Keenan asked if there are any other comments, none were voiced. Keenan then closed the Public Hearing.

Attorney Langey advised that Part I of SEQR was completed at the July meeting and Part 2 needs to be done now. It was determined that there will be no environmental effects with this application for a Special Permit.

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

**WEBB HOLLOW DEVELOPMENT, INC. (Owner/Applicant) - Application
for Approval of a Specific Use Permit to Allow for a 4-Unit Apartment
Building in an Existing Structure Located at 2390 U.S. Route 11 South,
LaFayette, New York in the Hamlet District - GRANTED WITH
CONDITIONS**

August 23, 2016

Anita Minerd moved and Karl Field seconded the following Resolution:

WHEREAS, Webb Hollow Development, Inc., as Owner/Applicant of the property located at 2390 U.S. Route 11 South, LaFayette, New York in the Town of LaFayette (the “Property”), appealed to the LaFayette Zoning Board of Appeals (the “Board”) on or about June 30, 2016 for a specific use permit to allow for the occupancy and use of an existing structure for a 4-unit apartment building in the Hamlet District pursuant to Article IV of the 1970 Town of LaFayette Zoning Ordinance, as amended (the “Ordinance”); and

WHEREAS, the Board has the power to grant such a specific use permit upon the findings set forth in said Article IV of the Ordinance; and

WHEREAS, a public hearing on the application was held by the Board at its regular meeting on August 23, 2016 and after due notice by publication in the Syracuse Post Standard and due notice to the Applicant, 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 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 proposed use is a 4-unit apartment building consisting of three (3) 2-bedroom apartments and one (1) 1-bedroom apartment in an existing building;
2. The proposed use of the building as a multi-unit apartment complex is consistent with its historic uses and uses in the Hamlet District;
3. The Applicant has provided to the Board’s satisfaction proof of appropriate septic design;
4. The site demonstrates parking accommodations for approximately 16 cars; 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 August 10, 2016, recommended the following modification:

“Per the New York State Department of Transportation, no additional access to U.S. Route 11 will be permitted, and the applicant must contact the Department regarding the existing access on Route 11, to confirm it meets Department requirements”; and

WHEREAS, the Town of LaFayette Planning Board, on August 16, 2016, issued a positive recommendation to the Zoning Board of Appeals on the application; and

WHEREAS, the Applicant’s application for a specific use 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 uses are appropriate for the particular lot location, as the apartment building will merely convert an existing use on the site and no additional external construction will be required;

2. The proposed use will not be unreasonably detrimental to the health, safety and welfare of the neighboring properties, areas and districts since the apartment use is contained within the existing building and will not have any outside implications;
3. The proposed use is consistent with the orderly and appropriate development of the neighboring properties, areas and districts since the uses will occur within the Hamlet District, which encourages residential type uses;
4. The proposed use is a suitable transition between neighboring uses and districts;
5. The proposed use is properly oriented in location and upon the site as required by Section C of Article III as an existing structure;
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;
2. 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 Applicant’s request for a specific use permit to allow for the conversion of the existing structure to a multi-unit apartment building at the proposed location all in specific accordance with the submitted site

and floor plans and other materials conditioned, however, that per the Per the New York State Department of Transportation, no additional access to U.S. Route 11 will be permitted, and the applicant must contact the Department regarding the existing access on Route 11, to confirm it meets Department requirements; and

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 use 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 Owners 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. Marzo, Member	Excused	-----
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.

Chair Keenan then read the second matter on the agenda below:

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. 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

Keenan then asked the applicant to give a brief summary. Kelsey explained that he would like to place a sign to identify his laboratory on the property and the only spot available with a 50' offset would be located where a tree sits. He discovered the tree has a plaque designating it as a Robert Maher Memorial Tree and he would never want to take that tree down. He also explained that there is no other location on the property that the sign can be located wherein it will be visible. Discussion regarding the design of the sign matching the building, the size being within Town Code Regulations, needing Onondaga County Planning Board referral, setting a Public Hearing for the September meeting for the Variance application, placing the sign in the proposed position on a temporary basis and seeing if there are any comments from the public took place. A Public Hearing is scheduled for September 27, 2016 at 7:00pm.

Member Minerd moved and Field seconded the motion to adjourn the meeting. All were in favor. 3 – 0.

The meeting was adjourned at 7:40 PM

Respectfully submitted,

Jackie Bush Roorda
Town Clerk & ZBA Secretary