

June 28th, 2016 LaFayette Zoning Board of Appeals Meeting Minutes

Minutes of the Meeting held by the LaFayette Zoning Board of Appeals on June 28, 2016 at 7:00 p.m. in the Library Community Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Christine Keenan, Chair
Jerry Marzo, Member
Karl Field, Member
James Nash, Member

Recording Secretary: Jacqueline G. Roorda, Town Clerk

Others Present: John Langey, Town Attorney
Ralph Lamson, Bldg. & Code Officer
James Herron, Applicant

Chair Chris Keenan called the meeting to order at 7:00 PM, welcomed all in attendance and requested those present to introduce themselves. Keenan then congratulated Attorney John Langey for his listing in CNY Magazine on the list of the Best Lawyers in the area. All others in attendance joined in the congratulations.

Chair Keenan asked if the Board Members were able to review the minutes of the May 24, 2016 meeting or have any questions or comments regarding them.

Member Jerry Marzo moved and Karl Field seconded the motion to accept the minutes of the May 24th, 2016 ZBA Minutes. Minutes stand as written by Zoning Board of Appeals Secretary, Jackie Bush Roorda.

Chair Keenan then advised that this is a Public Hearing and Meeting regarding the application by James Herron, who is seeking an area variance of 9 feet in order to allow for an addition to increase their living space. Chair Keenan then Opened the Public Hearing and asked for any questions or comments from those in attendance.

Discussion included review of the Onondaga County Planning Board recommendation for the Dept. of Health to formally accept or approve of the septic system. Code Officer Ralph Lamson commented that this really doesn't apply as they are not increasing the number of bedrooms or bathrooms, therefore shouldn't affect the septic. Mr. Herron brought a survey which the Board reviewed. Attorney Langey advised that the Type II SEQR was done at the May meeting.

Mr. Herron was asked why he is putting this addition on. He replied "because my wife really wants it."

Chair Keenan asked if there were any further questions or discussion. None were voiced. She then closed the Public Hearing regarding this matter. Keenan then ran through the five points of the Area Variance Criteria balancing test, which balance the benefit to applicant with detriment

to health, safety and welfare of the community. Keenan advised that the adjoining properties are the old bowling alley which is now a casket company and the hardware store, no residences.

June 28, 2016

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

**JAMES HERRON (Owner) - Appeal for Approval of a Side
Yard Variance for Construction of a 28' x 24' Addition on
Premises Located at 2957 U.S. Route 11 in an Industrial (I)
District - GRANTED**

Mr. Marzo moved and Mr. Nash seconded the following Resolution:

WHEREAS, James Herron (the “Owner”), as owner of property located at 2957 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 May 24, 2016 to allow for construction of a 28' x 24' addition on the existing single-family home for use as a family room/playroom/etc. without any associated bathroom features, resulting in the request for a 9' variance setback (relief) from the side yard line of the Property in an Industrial 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 side 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 June 28, 2016 and after due notice by publication in the Syracuse Post Standard and due notice to the Owner, 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 June 8, 2016, proposed the following modification:

“The Onondaga County Health Department must formally accept or approve, respectively, any existing or proposed septic system to service this property prior to Town approval of the area variance.”

The Board further offered the following comments:

1. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor’s seal is a violation of Section 7209, Subdivision 2, of the New York State Education Law.
2. More generally, the Board strongly advises the Town to require complete and accurate surveys, renderings, and/or site plans showing the extent of existing and proposed conditions, in order to ensure adequate review of projects is feasible and to improve the quality of local land use decisions”; 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. There is no other method by which to achieve the benefit; such that the benefit to the Owner outweighs any detriment to the surrounding neighborhood since the proposed addition of a 28’ x 24’ room onto the existing single-family residence will not produce an undesirable change even if setback at 16’ as this is a large lot and will not encroach significantly into the setback yard;
2. There is no undesirable change to the neighborhood as the requested side yard variance is otherwise in conformance with the Ordinance and due to the location of the existing well and septic system, this is the most suitable location for the proposed addition;
3. The variance is somewhat substantial; however, given the size of the lot and the location of the surrounding buildings, this is not a significant factor;
4. The Owner has demonstrated that there will be no detriment to health, safety and welfare of the community since construction of the addition at the proposed location does not present any threat to the neighboring community or to the environment;
5. While the hardship is self-created, this fact is not determinative of the application.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby allows and grants the Owner’s request for a side yard variance of 9’ of relief from the required 25’ setback to allow for the placement of a 28’ x 24’ addition as requested in the Owner’s application such that said

structure will have a side yard setback of no closer than 16' from the side boundary of the Property and being more particularly situated as described in the drawings and explanation materials submitted by said Owner; and

IT IS FURTHER RESOLVED, that the Owner shall comply in all other respects with the Ordinance and that construction be in strict conformance with the submitted site 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	Voting	Aye
Mr. Field, Member	Voting	Aye
Mr. Marzo, Member	Voting	Aye
Ms. Keenan, Chair	Voting	Aye

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

Mr. Herron asked if there is a timeframe on the variance as far as getting the addition completed. Attorney Langey answered no, as no time frames were put in.

Member Nash moved and Marzo seconded the motion to adjourn the meeting. All were in favor. 4 – 0.

The meeting was adjourned at 7:14PM

Respectfully submitted,

Jackie Bush Roorda
Town Clerk & ZBA Secretary