

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



Zoning Board of Appeals Meeting

Date: June 2, 2020

Time: 7:00 pm

Location: Zoom Meeting 88594071150

Meeting called by: LaFayette Zoning Board of Appeals

Chair: James Nash, Acting Chairman

Secretary: Sue Marzo

Attendees: Zoning board members: James Nash, Acting Chair, Anita Miner, Mike Vilardi, Mike Stiner, Board members

Jeff Brown, Town Counsel, Sue Marzo, Secretary, Ralph Lamson, Codes Officer, Jackie Roorda, Town Clerk, Bruce Donahue, Kristin & Jay Colburn, Bill Pomeroy, Bill McConnell, Town Board Member, Brian Harper, Mark Chambers, Town Engineer, Carol Reed, Ginny Youmell, Stan Czuba, Bob Eggleston, architect, Susan Stacey, Pat Shute, Kathleen Wood, Steve Wilson, Bohler Engineering, Marty Wood, Joseph Mendelsohn, R. Jennings, Georgia Wood

Minutes

- James Nash opened the meeting at 7:05pm
- Meeting minutes from February 25, 2020 were approved as written.

Agenda Items:

Case #10-2019-ZBA PUBLIC HEARING

Nextera Energy Resources Community Solar Facility application review for a Specific Use Permit application for construction & operation of a 5-megawatt alternative current solar & energy storage facility at Apulia Road, approximately .36 miles north of Apulia Rd & Dodge Rd. intersection (Robert Amidon, Jr. property). (Tax Map No. 009.-02-19.1).

Case # 8-2019-ZBA PUBLIC HEARING

Application by Omni Navitas Holdings LLC for a Specific use permit for a solar farm. The proposed project is situated at the rear of an existing agricultural field at 3356 Sentinel Heights Road, LaFayette, NY 13084, east side 1 mile south of Bull Hill Road located in an Ag/Residential District. It includes the construction of a gravel access road, battery storage areas, transformer area, fence, overhead and underground electric lines, utility poles, and the solar panel array. Upon completion, the proposed project will generate approximately 5 MW of renewable power to the existing electrical grid via an interconnection point on Sentinel Heights Road. (Tax Map No. 025.-03-02.2)

Case # 2-2020-ZBA PUBLIC HEARING

Youmell area variance request allowing for more than 2 horses on property located at 2835 LaFayette Road, LaFayette, NY 13084. (Tax Map No. 020-04-01)

Case # 3-2020-ZBA PUBLIC HEARING

Application by McDonald's Corporation for an area variance to increase the height of the existing freestanding sign located adjacent to Route 81 from 34.6 feet to 54 feet height instead of the 35-foot limit. (Tax Map No. 020.-06-01.1)

Case # 1-2020-ZBA PUBLIC HEARING

Application by Ron Rafkis & Desiree Castaldo for specific permit approval for a side yard variance and lot coverage variance for property located at 4238 West Shore Manor Drive, Jamesville, NY to construct a new garage and one story addition to the west end of existing house that will be 5.2' off the south side property line where 25.0' is required. Property is located at 4236/4238 West Shore Manor Road, ½ mile north of the Apulia Road intersection in an Agricultural/Residential Zoned property. (Tax Map: 003.-03-30.1)

Case # 11-2019-ZBA NOTIFICATION OF LAYOUT CHANGE

Lay out change approval from two rows double stacked to four single rows of solar panels

Application for a Specific Permit by Alternate Power Solution of NY for a proposed installation of a 19.5 W Solar Ground Mounted Array at the home of Ross Stefano at 6849 Jamesville Grove Rd. Jamesville, NY (off Jamesville Pompey Rd. in between Jamesville Terrace & Taylor Road). (Tax Map No. #-1.01.-01-07.1)

Discussion:

Case #10-2019-ZBA PUBLIC HEARING

Nextera Energy Resources Community Solar Facility application review for a Specific Use Permit application for construction & operation of a 5-megawatt alternative current solar & energy storage facility at Apulia Road, approximately .36 miles north of Apulia Rd & Dodge Rd. intersection (Robert Amidon, Jr. property). (Tax Map No. 009.-02-19.1).

Jeff Brown, Town Attorney gave update on where applicants continuing work with Onondaga County on payment in lieu of taxes agreement (PILOT). Coordinated SEQR was completed by Planning Board. This application is ready to get comments from the public.

Motion to open the Public Hearing was made by Mike Stiner, second by James Nash. All Board Members present were in favor.

There were no comments or questions from the public.

Motion to close Public Hearing was made by Mike Stiner, second by Anita Minerd. All Board Members present were in favor.

Attorney Brown informed everyone that the Planning Board has issued controlled site plan approval for this project. A summary of the conditions that need to be met were read to ZBA Board Members.

Brian Harper representing Nextera advised residents that the road would be cleared, and upgrades made. Attorney Brown says that Highway Department approval must be done.

Motion was made by Mike Stiner to approve the specific use permit, second by Anita Minerd. All other Board Members present were in favor.

TOWN OF LAFAYETTE PLANNING BOARD and ZONING BOARD OF APPEALS

Resolution for Specific Permit Approval and Controlled Site Plan Approval
of DG New York CS, LLC Community Solar Project

June 2, 2020

WHEREAS, on or about November 1, 2019, DG New York CS, LLC (the “Applicant”) submitted specific permit and controlled site plan applications pursuant to Local Law No. 1 of 2018 of the Town of LaFayette Town Law (“Town Solar Law”) for a 5 megawatt solar and energy storage facility to be developed near the intersection of Apulia Road and Dodge Road in the Town of LaFayette (“Project Site”); and

WHEREAS, pursuant to the Town Solar Law, the proposed facility is classified as large scale solar energy system which is a permitted use on the Project Site subject to specific permit approval from the Town of LaFayette Zoning Board of Appeals (the “ZBA”), controlled site plan approval from the Town of LaFayette Planning Board (the “Planning Board”) and compliance with the approval standards for large scale solar energy systems set forth therein; and

WHEREAS, the documents submitted by the Applicant as part of its specific permit and site plan applications consisted of, among other things, (1) a Site Plan Application; (2) a Specific Permit Application; (3) a proposed site plan; (4) a proposed stormwater management plan; (5) copy of the deed; (6) Part 1 of a Full Environmental Assessment Form (“FEAF”); (7) the requisite filing fees and escrow amount for the Application; and (8) other relevant documents and verbal representations (the “Application”); and

WHEREAS, given that the specific permit and site plan applications are related, the Planning Board conducted a joint environmental coordinated review of the Application, and with the assistance of its technical and legal consultants, engaged in a detailed review of the Application materials and completed Parts 2 and 3 of the FEAF; and

WHEREAS, on June 2, 2020 the Planning Board as the lead agency under the State Environmental Quality Review Act (“SEQRA”) adopted a Negative Declaration on the Application concluding that the proposed specific permit and solar project will not create any potentially significant adverse environmental impacts; and

WHEREAS, in accordance with its obligation under Section 239-m of the NYS General Municipal Law, the Planning Board and ZBA referred the Application to the Onondaga County Department of Planning and Development (“County Planning Department”); and

WHEREAS, the County Planning Department reviewed the Application for countywide and intermunicipal impacts and issued resolutions dated March 18, 2020 (case #s Z-20-88 and Z-20-89) providing three comments about the Application; and

WHEREAS, on June 2, 2020 the Planning Board and ZBA held separate public hearings on the Application as required by the LaFayette Town Solar Law and the NYS Town Law in which all interested persons were given the opportunity to submit oral or written comment. The public hearings were closed the same night; and

WHEREAS, the Planning Board has determined that the solar project will comply with the applicable controlled site plan criteria as set forth in the Town Solar Law; and

WHEREAS, the ZBA has determined that the solar project will comply with the applicable specific permit requirements and design standards as set forth in the Town Solar Law; and

WHEREAS, the Planning Board's and ZBA's determinations outlined above are based upon the Applicant's representations contained in all the Application materials and oral presentations submitted to both boards.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the Town Solar Law, the Planning Board hereby approves the controlled site plan and the ZBA hereby approves the specific permit for the solar project proposed by DG New York CS, LLC dated November 1, 2019, subject to the conditions set forth below; and

BE IT FURTHER RESOLVED, that pursuant to Section 274-a of the New York State Town Law, the Planning Board imposes the following conditions on the approvals granted by this resolution:

1. The Applicant shall comply with all commitments made in the Application.
2. Prior to issuance of a certificate of completion/occupancy/operation, the Applicant and Town shall have fully executed a Payment in Lieu of Taxes Agreement in a form and amount acceptable to the Town Board of the Town of LaFayette, and the Applicant shall commence payments thereunder.
3. Prior to issuance of a permit for construction, the Applicant shall provide the decommissioning bond required under the Town Solar Law. The performance guarantee shall be in a form acceptable to the Town Attorney.
4. Prior to issuance of a permit for construction, the Applicant shall pay in full all consulting fees incurred by the Town.
5. At all times, the Applicant shall comply with this approval resolution. Unless otherwise expressed, any violation of this approval resolution or failure to satisfy the conditions set forth herein is subject to enforcement in accordance with New York Town Law or the Town Solar Law.
6. The access driveways as shown on the site plan must be approved in writing by the Onondaga County Department of Transportation and Town of LaFayette Highway Department.

7. The applicant must coordinate installation and operation of the solar array with local emergency services, to include providing safety notices and safety training to such local emergency services.
8. All panels and associated support structures used for the solar facilities must have anti-glare coating or consist of materials that will not produce offensive glare.
9. Removal of any vegetation on the property other than specifically approved as part of the site plan is permitted without further review and approval of the LaFayette Planning Board.
10. All approvals of the Public Service Commission for this commercial solar facility must be filed with the Town of LaFayette.
11. Access to the commercial solar equipment is limited to the access road as depicted on the site plan, and no other access shall be allowed without further review and approval of the LaFayette Planning Board.
12. All waste materials generated during site construction, including all packaging materials, must be removed from the site within a reasonable time.
13. The security fence shall be made accessible to local emergency personnel.
14. The use of pesticides and/or herbicides shall be limited to the maximum extent possible.
15. The opportunity to become customers of the Project shall be offered first to Town of LaFayette residents.

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the Site Plan; and

BE IT FURTHER RESOLVED, that as required by the NYS Town Law, the Planning Board and ZBA Clerk shall file a copy of this approval resolution in the Town of LaFayette Town Clerk's office within 5 days after this resolution has been adopted and shall also send a copy of this resolution to the Applicant and the Town of LaFayette Code Enforcement Officer; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

The foregoing resolution was voted upon with all members of the Zoning Board of Appeals voting in favor.

Dated: June 2, 2020

Town of LaFayette, New York

Application by Omni Navitas Holdings LLC for a Specific use permit for a solar farm. The proposed project is situated at the rear of an existing agricultural field at 3356 Sentinel Heights Road, LaFayette, NY 13084, east side 1 mile south of Bull Hill Road located in an Ag/Residential District. It includes the construction of a gravel access road, battery storage areas, transformer area, fence, overhead and underground electric lines, utility poles, and the solar panel array. Upon completion, the proposed project will generate approximately 5 MW of renewable power to the existing electrical grid via an interconnection point on Sentinel Heights Road. (Tax Map No. 025.-03-02.2)

Joseph Mendelsohn representing Omni advised that there have been updates to system size reduced to 3.75 mg from 5 mg along with removal of the energy storage system. Initial application with Onondaga County IDA for the PILOT and should have a resolution meeting on June 9 for acceptance. He has talked to Town Assessor, Sherry LaVacher and was directed to coordinate with the IDA and conversations have been had with the LaFayette School District.

Mark Chambers asked about the pads for the energy storage system. Mr. Mendelsohn stated that the three equipment pads are for the transformers and will remain on the site plan.

SEQR long form review Parts II and III were reviewed by Mark Chambers, Town Engineer as follows:

Full Environmental Assessment Form Part 2:



Full Environmental Assessment Form Part 2:

Full Environmental Assessment Form Part 3:



Full Environmental Assessment Form Part 3:

Motion was made to accept the SEQR as presented by Mike Stiner, second by Anita Minerd. All other Board Members present were in favor.

Motion was made by Mike Stiner to open the Public Hearing, second by Anita Minerd. All other Board Members were in favor.

Mr. Pomeroy prefaced his remarks that he thinks these solar projects are fantastic for the Town and electrical customers and in favor of the project. He is just concerned about residing directly west of where this facility is being installed. His concern is about the reflectivity of the panels

and what he sees from his house. He is higher than the facility. He will be able to see all the panels. He was told by Mr. Mendelsohn that panels will track the sun. His concern is glare on his home. Mr. Mendelsohn has agreed to meet with him with an engineer. Mr. Pomeroy was informed that solar grazing to control the vegetation is not their intention. Mr. Mendelsohn stated the area will be fenced. Mr. Pomeroy asked if town residents would benefit in the event of a power outage. Will these solar facilities stop delivering power or continue to feed our houses? Joseph could not answer that question but believes that it is interconnected to National Grid so he believes if there is a National Grid outage it is likely they will still have an outage also. They are connecting to big tension lines that will be connecting to them. They will be connecting to the 3 phase utility lines that run down Sentinel Heights Rd. They will continue to generate power but if National Grid goes down it will probably affect the solar distribution.

Mike Stiner added that if a tree comes down it will not be able to transmit to you.

We still do not have Onondaga County Planning Board comments so this Public Hearing will remain open until they are received.

Motion was made by Mike Stiner to hold the Public Hearing open until County Planning comments are received, second by James Nash. All Board Members present were in favor.

Case # 2-2020-ZBA

PUBLIC HEARING

Youmell area variance request allowing for more than 2 horses on property located at 2785 LaFayette Road, LaFayette, NY 13084. (Tax Map No. 020-04-01)

Ralph Lamson corrected the house number of the property.

Mike Stiner asked the applicant, Ginny Youmell if they are adding to the structure or is the barn already big enough? The barn is already big enough. She is just looking to add additional horses. She has 6 horses and two miniature donkeys. They are rescue animals with the exception of one. Lot size is 8.3 acres. Applicant was asked by James Nash how many acres is the pasture. Applicant advised approximately 7. She has 3 horses that cannot be on grass full time for health reasons. They must be on a dry lot. She has 3 horses that will be on grass full time. James Nash asked for plans for additional manure. She has 3 farmers who are going to take her manure and she has 20 acres for storage. Eventually she wants to compost. The farmer where she gets her hay is taking her manure for his fields. James Nash clarified there are 6 horses and two mini donkeys for a total of 8 animals. Ralph Lamson Codes Officers says the mini donkeys would be considered pets.

Per Attorney Brown there were no comments from County Planning.

SEQR Parts 2 and 3 were completed as follows:

Agency Use Only [If applicable]
 Project: Yowell Area Variances
 Date: 6/2/2020

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a <u>material conflict</u> with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 adverse environmental impacts. Mike Stiner motioned, second by Anita Minerd. All Board members present were in favor.

Agency Use Only (If applicable)

Project: _____
Date: _____

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Town of LaFayette ZBA</u>	<u>6/2/2020</u>
Name of Lead Agency	Date
<u>James Nash</u>	<u>Acting Chairperson</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>James Nash</u>	<u>James Nash</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

Motion was made to open the Public Hearing by Mike Stiner, second by Anita Minerd. All other Board Members present were in favor.

Bruce Donahue was first to speak and clarified that this property has 8.5 acres; 7 pasture. The Town went through a significant process for regulations back in 2009. The new proposed Zoning talks about no more than one animal for every two acres allowed. Current zoning one horse per acre is ok. ZBA should look at the new requirement. Bottom line Mr. Donahue thinks there is significant acreage for this request. Because we spent so much time and effort coming up with rules for private stables they should be following the existing rules.

James Nash had horses growing up and the rule of thumb was an acre per animal was more than sufficient. This applicant is close to that. Ralph Lamson states DEC still recommends that today.

Mike Shute of 2818 LaFayette Rd. just north on opposite side of the road stated they are in complete favor. The applicant has made so many improvements and will do nothing but improve the property values for everyone in the neighborhood. She has also stated that three of the horses will not be in the pasture that much.

Marty Wood speaking for his deceased mom and speaking for sister Suzy. He does not live in LaFayette presently. He has no issues with horses on the property. It is overloading the property with too many horses that he is bothered by. Regarding the donkeys one is full size, and one is mini and there are currently 7 horses on the property. Ginny disagrees and confirms there are 6 and two mini donkeys. No full size donkeys.

Mr. Wood showed a drawing of the lot indicating 6.2 acres. Part of the acreage includes a pond and a creek along the property line. In the spring the area could not be mowed. How could the barn be approved to be located 100' from the property line? He believes there is only 3.5 acres of fenced in pastureland. Non-contiguous land is located over 150' right of way. Barn has 7 stalls. Ralph Lamson states there is no requirement that a barn be 200' off the property line. Ralph Lamson states that requirement is for public stables. Mr. Wood disagrees and states the code is for private stables. Mr. Wood is of the belief that she is boarding other horses. She says she is not boarding horses.

Attorney Brown advised speakers to avoid discussing the location of the barn at this is not the variance being sought. Conversations should be limited to adding more horses.

Suzy Wood stated the fenced area is less than 5 acres and she lives next door. She confirms that there is only one donkey and has photos to prove it. Why is she allowed to bring in animals before approval and they have concern about how many more animals they may add in the future.

Kathleen Wood wishes the new neighbor well but thought she was going to renovate the house and add a few horses. She is appealing that the Board honor its ordinance. She thinks the applicant should have been sure of approval before she added more horses to the property. She is asking for the variance after the fact.

Kristin Colburn stated that she is applying for a variance to the Zoning law governing the number of horses.

Jackie and Rich Roorda live across the street from this property. Jackie knew Shirley Wood all her life and she is in favor of Ginny having 6 horses and 2 donkeys. She commends Ginny for bringing in rescue horses. She was asked to speak on behalf of Pat Keller, who is thrilled to drive by and see the horses. Rich Roorda is also thrilled to see the horses and he is all for approving the variance.

Motion was made to close the Public Hearing by Mike Stiner, second by Anita Minerd. All Board Members present were in favor.

James Nash stated that this there will be ongoing reviews of variances so if they were to add more horses they could be in violation. 6 horses and two donkey pets are what being requested. This application is very clear on what will be allowed moving forward.

The 5 considerations for area variances were reviewed as follows:

- 1. Whether the benefit sought by the applicant can be achieved by some other means? -**
- 2. Whether undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties? -**
- 3. Whether the requested area variance is substantial? -**
- 4. Whether the proposed variance will have an adverse impact on the neighborhood? -**
- 5. Whether the alleged difficulty was self-created? –**

Motion was made by Mike Stiner to approve this variance, second by Anita Minerd. All other Board Members present were in favor.

TOWN OF LAFAYETTE ZONING BOARD OF APPEALS

Notice of Decision

Applicant: Gianny Younell Date of Decision: 6/2/2020

The Town of LaFayette Zoning Board of Appeals hereby find that this application:

conforms does not conform conforms with conditions to the Town of LaFayette zoning law and its intended purposes.

Complete for each type of action considered:

A. INTERPRETATION - Decision rendered in interpreting the zoning law or map (must conform with the intent of the law and master plan):

B. AREA VARIANCE - Decision rendered in granting or denying of an area variance and conditions (e.g., why physical lot restrictions hinder the intended use, size of variance, etc.)

1. State whether an undesirable change in the neighborhood character will be created, and if so why: No, horses have been present in neighborhood for some time
2. State whether there is an alternative method to achieve what the applicant desires other than an area variance, and if so why: No
3. State whether the variance is substantial, and if so why: Yes, increasing # of horses allowed in Town Zoning Code by 300% (2 → 6)
4. State whether the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and if so why: No significant land/pasture area to accommodate horses
5. State whether the alleged difficulty (variance needed) was self-created, and if so why: Yes, applicant should have been aware of 2 horse limit

List conditions, if any, prescribed by the Zoning Board of Appeals in granting this variance:

C. USE VARIANCE - Decision rendered in granting or denying of a use variance (e.g., a use that is not permitted under the law):

1. State why the uses allowed in the district will not allow the applicant a reasonable return:

2. State what unique conditions exist that make the applicant's land difficult to use:

3. Will the proposed use alter the essential character of the neighborhood or be disruptive?

4. Was the alleged hardship self-created? (If so, the variance should not be granted.)

List all conditions prescribed by the Zoning Board of Appeals in granting this variance.

D. SPECIAL USE PERMIT - Decision rendered in granting or denying of a special use permit:

List all conditions prescribed by the Zoning Board of Appeals in granting this special use permit:

Upon review of the above criteria for the respective appeals action, the Town Zoning Board of Appeals

hereby: grants denies this application.



Chair, Zoning Board of Appeals

6/9/20

Date

Case # 3-2020-ZBA

PUBLIC HEARING

Application by McDonald's Corporation for an area variance to increase the height of the existing freestanding sign located adjacent to Route 81 from 34.6 feet to 54 feet height instead of the 35-foot limit. (Tax Map No. 020.-06-01.1)

Current limit for signage in the hamlet is 35 feet. Applicant is looking to raise to 54 feet.

Steve Wilson with Bohler Engineering spoke on behalf of McDonald's. The sign is blocked by the overpass of 81 and it is increasingly blocked going south via vegetation that is matured on land out of their control. At 65-70 mph it is critical for drivers to see the sign to get off the exit. He's trying to overcome the restraints by improving the visibility by 20'.

Mike Stiner is still against the proposal.

Attorney Brown said the Onondaga County Planning Board Resolution states that the short environment assessment form used is an old version and they will need the new version.

Bill McConnell said there were discussions in the past to share the sign with Byrne Dairy.

SEQR parts 2 and 3 were completed as follows:

Agency Use Only [If applicable]

Project: McDonald's Varian
 Date: 6/2/2020

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Attorney Brown asked about lighting. Mr. Wilson stated that the intent was to use the same sign just to increase the height. A new foundation to expand deeper and wider will be required to accommodate the higher pole.

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 adverse environmental impacts. Mike Stiner motioned, second by Anita Minerd. All Board members present were in favor.

Agency Use Only [If applicable]

Project: _____

Date: _____

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
<u>Town of LaFayette ZBA</u> <small>Name of Lead Agency</small>	<u>6/2/2020</u> <small>Date</small>
<u>James Nash</u> <small>Print or Type Name of Responsible Officer in Lead Agency</small>	<u>Acting Chairperson</u> <small>Title of Responsible Officer</small>
<u><i>James Nash</i></u> <small>Signature of Responsible Officer in Lead Agency</small>	<u><i>[Signature]</i></u> <small>Signature of Preparer (if different from Responsible Officer)</small>

PRINT FORM

Motion was made by Mike Stiner to open the Public Hearing, second by Anita Minerd. All other Board Members were in favor.

Bruce Donahue did not think it is necessary to increase the height of the sign. It may be getting a little impaired, but it is a destination type restaurant. It was one of the higher grossing stores in the region. Not sure how much more additional traffic they are looking to draw in. Aesthetically it is not required.

Jackie Roorda voiced her opinion that when she travels, she likes to see the signage that tells her a restaurant is there and you can see it. She does not think that it will make the hamlet look trashy.

Bruce Donahue believes McDonald's has been a great addition to the Town. He is concerned about other businesses wanting to follow and add more signage. He feels it is out of character.

Jackie Roorda pointed out there are only 3 places to eat in the Town. We will not end up like Cortland and have too many signs along the road. People getting off the highway and increased revenue in the town is a good thing.

Motion was made by Mike Stiner to close the Public Hearing, second by Anita Minerd. All Board Members present were in favor.

The 5 considerations for area variances were reviewed as follows:

- 1. Whether the proposed variance will have an adverse impact on the neighborhood? - Yes**
- 2. Whether the benefit sought by the applicant can be achieved by some other means? - No**
- 3. Whether undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties? - Yes**
- 4. Whether the requested area variance is substantial? - Yes**
- 5. Whether the alleged difficulty was self-created? – Yes**

Motion to deny variance request was made by Anita Minerd, second by Mike Stiner. All Board members present agreed. Request is denied.

TOWN OF LAFAYETTE ZONING BOARD OF APPEALS
Notice of Decision

Applicant: McDonald's Corp. Date of Decision: 6/2/2020

The Town of LaFayette Zoning Board of Appeals hereby find that this application:

conforms does not conform conforms with conditions
to the Town of LaFayette zoning law and its intended purposes.

Complete for each type of action considered:

A. INTERPRETATION - Decision rendered in interpreting the zoning law or map (*must conform with the intent of the law and master plan*):

B. AREA VARIANCE - Decision rendered in granting or denying of an area variance and conditions (*e.g., why physical lot restrictions hinder the intended use, size of variance, etc.*)

1. State whether an undesirable change in the neighborhood character will be created, and if so why: Yes, location of proposed sign is in hamlet and would be highly visible due to height
2. State whether there is an alternative method to achieve what the applicant desires other than an area variance, and if so why: Yes, other signage on highway; cut down trees; put location on app
3. State whether the variance is substantial, and if so why: Yes, 54% increase from what is currently allowed (35 → 54 feet)
4. State whether the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and if so why: Yes, out of character with hamlet district
5. State whether the alleged difficulty (variance needed) was self-created, and if so why: Yes, signage requirements should have been known to applicant

List conditions, if any, prescribed by the Zoning Board of Appeals in granting this variance:

C. USE VARIANCE - Decision rendered in granting or denying of a use variance (e.g., a use that is not permitted under the law):

1. State why the uses allowed in the district will not allow the applicant a reasonable return:

2. State what unique conditions exist that make the applicant's land difficult to use:

3. Will the proposed use alter the essential character of the neighborhood or be disruptive?

4. Was the alleged hardship self-created? (If so, the variance should not be granted.)

List all conditions prescribed by the Zoning Board of Appeals in granting this variance.

D. SPECIAL USE PERMIT - Decision rendered in granting or denying of a special use permit:

List all conditions prescribed by the Zoning Board of Appeals in granting this special use permit:

Upon review of the above criteria for the respective appeals action, the Town Zoning Board of Appeals

hereby: ___ grants X denies this application.



Chair, Zoning Board of Appeals

6/29/20

Date

Case # 1-2020-ZBA

PUBLIC HEARING

Application by Ron Rafkis & Desiree Castaldo for specific permit approval for a side yard variance and lot coverage variance for property located at 4238 West Shore Manor Drive, Jamesville, NY to construct a new garage and one story addition to the west end of existing house that will be 5.2' off the south side property line where 25.0' is required. Property is located at 4236/4238 West Shore Manor Road, ½ mile north of the Apulia Road intersection in an Agricultural/Residential Zoned property. (Tax Map: 003.-03-30.1)

Bob Eggleston, architect, representing the applicant. Site plan dated January 27, 2020, Section D addressed a special use permit requirement that was referred to the Planning Board which has no concerns. Aerial photograph was supplied. Attorney Brown and Codes Officer Ralph Lamson are comfortable with the application. They concur with the arguments of the applicant that there is nothing in our zoning code preventing this. Three neighbors north, south and behind have provided affidavits confirming no opposition to the request.

SEQR parts 2 and 3 were completed as follows:

Agency Use Only [If applicable]

Project: Decker-Castello Varine
 Date: 6/2/2020

**Short Environmental Assessment Form
 Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 adverse environmental impacts. Mike Stiner motioned, second by Anita Minerd. All Board members present were in favor.

Agency Use Only (if applicable)

Project: _____
Date: _____

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Town of Lafayette ZBA</u>	<u>6/2/2020</u>
Name of Lead Agency	Date
<u>James Nash</u>	<u>Katrina Chapman</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>[Signature]</u>	<u>[Signature]</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (Different from Responsible Officer)

PRINT FORM

Motion was made to open the Public Hearing by Mike Stiner, second by Anita Minerd. All other Board Members present were in favor.

No comments from the public.

Motion was made to close the Public Hearing by Mike Stiner, second by James Nash. All Board Members present were in favor.

The 5 considerations for area variances were reviewed as follows:

- 1. Whether the benefit sought by the applicant can be achieved by some other means? -**
- 2. Whether undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties? -**
- 3. Whether the requested area variance is substantial? -**
- 4. Whether the proposed variance will have an adverse impact on the neighborhood? -**
- 5. Whether the alleged difficulty was self-created? –**

Motion was made to approve this application by Mike Stiner, second by Anita Minerd. All Board Members present were in favor.

TOWN OF LAFAYETTE ZONING BOARD OF APPEALS

Notice of Decision

Applicant: ^{Ron} Rafkis & Desiree Custaldo Date of Decision: 6/2/2020

The Town of LaFayette Zoning Board of Appeals hereby find that this application:

conforms does not conform conforms with conditions
to the Town of LaFayette zoning law and its intended purposes.

Complete for each type of action considered:

A. INTERPRETATION - Decision rendered in interpreting the zoning law or map (must conform with the intent of the law and masterplan):

B. AREA VARIANCE - Decision rendered in granting or denying of an area variance and conditions (e.g., why physical lot restrictions hinder the intended use, size of variance, etc.)

1. State whether an undesirable change in the neighborhood character will be created, and if so why:
No, area of Town where variance is proposed has many small, compact lots

2. State whether there is an alternative method to achieve what the applicant desires other than an area variance, and if so why:
No.

3. State whether the variance is substantial, and if so why:
No

4. State whether the variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and if so why:
No, other structures are in similarly close proximity in this area

5. State whether the alleged difficulty (variance needed) was self-created, and if so why:
Yes

List conditions, if any, prescribed by the Zoning Board of Appeals in granting this variance:

C. USE VARIANCE - Decision rendered in granting or denying of a use variance (e.g., a use that is not permitted under the law):

1. State why the uses allowed in the district will not allow the applicant a reasonable return:

2. State what unique conditions exist that make the applicant's land difficult to use:

3. Will the proposed use alter the essential character of the neighborhood or be disruptive?

4. Was the alleged hardship self-created? (If so, the variance should not be granted.)

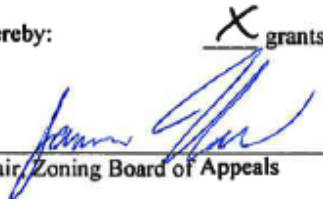
List all conditions prescribed by the Zoning Board of Appeals in granting this variance.

D. SPECIAL USE PERMIT - Decision rendered in granting or denying of a special use permit:

List all conditions prescribed by the Zoning Board of Appeals in granting this special use permit:

Upon review of the above criteria for the respective appeals action, the Town Zoning Board of Appeals

hereby: X grants _____ denies this application.



Chair, Zoning Board of Appeals

 6/9/20
Date

Case # 11-2019-ZBA – Lay out change approval from two rows double stacked to four single rows of solar panels

Application for a Specific Permit by Alternate Power Solution of NY for a proposed installation of a 19.5 W Solar Ground Mounted Array at the home of Ross Stefano at 6849 Jamesville Grove Rd. Jamesville, NY (off Jamesville Pompey Rd. in between Jamesville Terrace & Taylor Road). (Tax Map No. #-1.01.-01-07.1) Case #11 double stack instead of 4 single rows. Only one high instead of two high.

The applicant wants to do single rows instead of double stack. Easier to block with trees. Neighbors should be happy with this change.

Motion was made by Mike Stiner to approve this change, second by Anita Minerd. All Board Members present were in favor.

Motion to close the meeting was made by Mike Stiner, second by Anita Minerd. All Board Members present were in favor.

Meeting adjourned at 9:00 pm

Respectfully Submitted,

Sue Marzo
Zoning Board Secretary

