

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



Zoning Board of Appeals Meeting

Date: August 27, 2019

Time: 7:00 pm

Location: LaFayette Town Offices

Meeting called by: LaFayette Zoning Board of Appeals

Chair: Christine Keenan

Secretary: Sue Marzo

Attendees: Zoning board members: Christine Keenan, chairperson, Anita Miner, Mike Stiner, Karl Field, absent James Nash
Jeff Brown, Town Counsel, Sue Marzo, Secretary, Ralph Lamson, Codes Officer, Frances and Jamie Williams, applicants, Steve Wilson of Bohler Engineering representing McDonald's Corp.

Minutes

- Christine Keenan opened the meeting with introductions by all at 7:00 pm
- Pledge of Allegiance

Agenda item: **Case #6-2019** – Sketch hearing for the application by Frances Williams for a variance approval for a small hair salon in her garage (instead of garage being attached to the house and not needing a variance it is separated by 5' where the sewer line and electrical lines will run underground) at 2256 US Route 11A, approximately ½ mile south from Ortloff Road in an Ag/Residential District. (Tax Map # 015.003-08.2)

Discussion:

Ms. Williams briefly reviewed the project. She is looking to convert the back of a 3-bay garage to a hair salon. She is a teacher and will run the business after school hours part time. She is requesting a use variance. There is discussion on the type of variance (area or use) between the chair and the code officer. Ms. Keenan does not believe this request fits either an area or use variance. The four criteria must be met for an allowed use on the property. Attorney Brown asked the applicants if there was any way they could do this in their house. Mr. Williams advised that they would have to do in their basement and would require senior clients to go down steep stairs causing an unsafe situation. The garage is on driveway level and a much safer approach. Ms. Keenan read the 4 criteria for a use variance. Attorney Brown advised that there is potential to solve this by approaching the Town Board. The Town Board could amend the ordinance to include detached structures as appropriate for in home businesses. It is another option. Mr. Williams asked if they could make the garage part of the dwelling by building a breezeway. He was informed that the garage is not considered part of the dwelling. A dwelling is the customary place where you do everyday living activities. Steve Wilson in attendance weighed in and asked if connecting the two structures with a trellis or similar structure would change the decision. Ralph Lamson, code officer said it would have to be physically attached and it would need a roof and walls. Christine Keenan asked about SEQR. SEQR would be done by both the Zoning Board of Appeals and the Planning Board.

Mike Stiner motioned for a resolution for a public hearing on September 24, Anita Minerd second, all other Board members present were in favor. Resolution is carried.

Agenda item: **Case #5-2019** – Completion of application by McDonald’s Corporation for a variance for number of signs, two (2) signs maximum are allowed in the Hamlet district, six (6) signs are proposed. A variance is requested for the height of the sign near the highway, 25’ maximum height is allowed and 60’ is proposed. Additional variances are requested for setback from the property line, 50’ is required and both proposed free standing signs are approximately 10’ from the property line.

Discussion:

Mr. Wilson of Bohler Engineering representing McDonald’s Corp. approached the board. He explained that at last discussion a variance was approved for wall signage, the increase in height of the 81 sign was denied and the additional free-standing sign along Route 20 was tabled until a rendering of the sign was received.

He described the sizeable investment being made by McDonald’s in modernizing the exterior and interior, bathrooms, dining rooms, kiosks along with some exterior improvements to meet accessibility guidelines. He explained how a minimum of customers are 50% impulse buyers and the current signage is not easily seen from the highway until it is too late. Speed limits average 70+ miles per hour on Interstate 81 and customers will miss the signage and travel to the next exit. There is a tiny window on this site to capture that impulse buyer. Mr. Wilson reviewed the renderings of the different views with the Board. The free-standing sign is to the left of the store. The simulations show the sign at a 45-degree angle, so it is pointing in both directions. Ms. Keenan asked about the height of the sign. Mr. Wilson advised it was 25’. Mr. Stiner assumed the sign was much smaller and is not in agreement with the size of the sign. He stated that 95% of those traveling on Route 20 know the McDonald’s is there. Ms. Keenan also reminded the applicant of the request to have the signage turned off when the restaurant is closed. Mr. Wilson said it was a possibility. Mr. Stiner would like it to be conditional on that fact.

Attorney Brown said the original plan does contemplate the Route 20 sign being larger than the sign that is currently on Highway 81 (81 sq.’ vs. 100 sq.’). Mr. Wilson said the proposed sign is 89 sq. ‘ in excess of 32 square feet acceptable by the code. The signage on 81 will not be touched. The resolution will be for 5 wall signs. 10’ off the property line is the variance. Ms. Keenan said we will need a special permit for sign, area variance, and resolution for 5 signs instead of 2. Jeff Brown asked whether the applicant had investigated the possibility of having the trees/brush along Rt. 81 cut down to see the sign better. Mr. Wilson said they would need to approach the State to do so.

Anita Minerd motioned for a resolution for 5 signs instead of two allowed, second by Mike Stiner. All other Board members present were in favor. Resolution is carried.

Attorney Brown asked if a Route 20 monument sign is feasible. Mr. Wilson said it would not add much value and won't have the visibility that this is trying to achieve. The sign proposed is 89 sq. '. There would need to be a variance for the size of the sign and a variance for the setback. Mike Stiner is opposed due to the size of the sign. Anything in excess of 32' needs a specific permit. You are more than double of what is in the code. Mr. Wilson stated the size is being driven by the Interstate. Karl Field agrees that they should stay within the guideline of 32 sq.'. Attorney Brown asked for the exact dimensions of the sign. Mr. Wilson sated 10' wide by 9' high. Mr. Wilson asked if they could split the difference. Karl Field stated he would like to stick to the code.

Motion was made by Anita Minerd for a 32 sq.', 25' high sign with 40' relief on the setback to be 10' from front property line contingent on lighting being off when not in operation. Second by Mike Stiner who voted against the proposal.

Vote:

Anita Minerd – yes

Mike Stiner – no

Karl Field – no

Christine Keenan - yes

The vote was tied at 2 yes and 2 no, therefore request is denied.

Motion to adjourn was made by Karl Field, second by Mike Stiner. All other Board members present were in favor. Meeting adjourned at 7:44 pm.

Respectfully Submitted

Sue Marzo
Zoning Board Secretary

