

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



Zoning Board of Appeals Meeting

Date: January 28, 2020

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, Chair, Anita Minernd, James Nash, Mike Stiner**

Jeff Brown, Town Counsel, Sue Marzo, Secretary, Ralph Lamson, Codes Officer, Jackie Roorda, Town Clerk, Melanie Palmer, Town Board, Mark Dottolo, Alternate Power Solutions, Ross Stefano, Applicant, Sue Lamanna, Doug Unger applicants, Rosemary and Herb Brodt, applicants, Residents: John Devoe, Chip and Karen Furgal, Barbara Rymarchk, Flora and John Pond

Minutes

- Christine Keenan opened the meeting with the Pledge of Allegiance at 7:00 pm.
- Christine Keenan asked the Board members present if they are in acceptance of the November 26, 2019 meeting minutes. Motion was made by Mike Stiner and second by Anita Minernd, all other Board members present were in approval of the minutes as written.

Agenda item: "Case #9-2019-ZBA"

PUBLIC HEARING

Application of Susan LaManna for a variance to have a lot without the 60 foot of road frontage requirement in order to use an existing driveway to access a parcel being subdivided at a property located at 6301 Reidy Hill Road, LaFayette, north side, approximately ½ mile east of LaFayette Road in an Ag/Res Zone. (Tax Map No. 07.-01.11.1).

Discussion:

Susan LaManna is asking for a variance to use an existing driveway to access land that they would like to subdivide into two parcels to build a house in the future.

SEQR Environmental Review Assessment Short Form Part 2 was completed as follows by the Board :

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? – “No or small 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”

Motion was made by Mike Stiner and second by James Nash to establish the Zoning Board as lead agency and determining that this proposal will not have any significant adverse environmental impact. All other Board members in attendance were in favor.

SEQR review was signed by Chairman Christine Keenan upon completion.

Motion was made by Anita Minernd and second by Mike Stiner to open the public hearing. All other Board members present were in favor.

John Devoe of 6769 Reidy Hill Rd. was first to speak. He is on the north side of the parcel that is being considered. He'd like to know if the applicant owns the property that they want to subdivide and what they are planning to build. Ms. Lamanna stated that they had plans of building a house on this land that she owns. They have the area already cleared. He wanted to know more about the size of the planned structure. The applicant has not got that far and could not answer this question. Mr. Devoe stated that there is an existing foot path that went from the Spicer property and crosses his property and extends to the Kena's property on the North side. He asked what the impact was to that walking path. They confirmed their plans would not impact the walking trail. Christine Keenan asked who owned the trail. Mr. Devoe stated that it partially crosses his property and that it is privately owned and not a public walking trail. He uses it to access the lower part of his property and he does keep it clear when he can from dead falls.

Chairman Keenan shared a letter from Mr. Leonard, a resident unable to attend with his concerns.

Steven Leonard who lives on Eager Road chose his home because of location. It was his understanding that development in the area was over. He is concerned about another house and the noise it might generate due to the nature of the hillside and how sound travels. It goes against the nature of this area and he objects to this plan. Ms. LaManna showed a large sketch of the plan explaining that the house is not going where Mr. Leonard believes it is going and that his concerns should be inconsequential.

Flora Pond stated that the barn is almost touching her property at 6279 Reidy Hill Rd. She has no complaints about the project.

Motion was made by Mike Stiner, second by Anita Minernd to close the public hearing. All Board members present were in favor.

County Planning comments were received by the Board. The County discourages parcels that do not meet minimum lot requirements. They suggest early approval with DOT on driveway requirements. The parcel is lacking the required road frontage and they need a 100% variance.

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

Motion was made by Mike Stiner to approve the variance, second by Anita Miner. All Board members present were in favor.

Agenda item: “Case # 11-2019-ZBA” PUBLIC HEARING

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. #-001.-01-07.1)

Discussion:

Mark Dottolo from Alternate Power Solutions spoke about the proposal for a residential solar array to provide power to Ross Stefano’s property. There will be two small arrays shielded by trees so neighbors will not see them. They will be trenched into the home and reside on less than 1/10th of the property. The parcel is 4.8 acres and the array will be 40’ x 46’. They are seeking a special use permit.

SEQR Environmental Assessment Short Form Part 2 was completed as follows by the Board:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? – “No or small 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:
 - b. 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”

Christine Keenan asked if there were any wetlands that might be affected by the trench. The response was no.

Motion was made by Mike Stiner and second by Anita Minernd to establish the Zoning Board as lead agency and determined there are no projected significant adverse environmental impacts. All other Board members present were in favor.

SEQR review was signed by Chairman Christine Keenan upon completion.

Motion was made by Mike Stiner, second by James Nash to open the public hearing. All other Board members present were in favor.

There were no residents present to speak on behalf of this project.

A motion was made by Mike Stiner, second by Anita Minernd to close the public hearing. All other Board members present were in favor.

Ralph Lamson stated he will confirm that all requirements have been met with Town’s solar ordinance before issuing the building permit. Attorney Brown stated that safety equipment needs to be in place and confirmed with National Grid.

Motion was made to approve the project as presented by James Nash, second by Mike Stiner. All other Board members present were in favor.

Agenda item:

“Case # 12-2019-ZBA”

PUBLIC HEARING

Application for a 13’9” side-yard variance for Herbert Brodt on southeast corner of shop due to the slope for driveway at property located at 2701 Webb Rd. approximately ¼ miles north of Route 20, in an Ag/Res zoned property. (Tax Map No. 020.-08.06.1)

Discussion:

SEQR Environmental Assessment Short Form Part 2 was completed as follows by the Board :

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? – “No or small 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:
 - c. 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”

Motion was made by Mike Stiner and second by Anita Minernd to establish the Zoning Board as lead agency and determining that the project will have no significant environmental impacts.

SEQR review was signed by Chairman Christine Keenan upon completion.

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? No**
2. **Whether undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties? No**
3. **Whether the requested area variance is substantial? Yes**
4. **Whether the proposed variance will have an adverse impact on the neighborhood? - No**
5. **Whether the alleged difficulty was self-created? - Yes**

Motion was made by Mike Stiner, second by Anita Minernd to open the public hearing. All other Board members present were in favor.

There was no one present to speak on this project.

Motion was made to close the public hearing by Mike Stiner, second by Anita Minerd. All other Board members present were in favor.

Motion was made by Mike Stiner, second by Anita Minerd to approve the application as presented. All other Board members present were in favor.

Attorney Brown advised the Board that energy applications for Omni are presently on hold, but the Zoning Board will become SEQR lead agency for this project. He also informed the Board that the Nextera application will be led by the Planning Board for SEQR and will be on hold for at least one month.

Motion was made to adjourn by Anita Minerd, second by Mike Stiner. All other Board members present were in favor.

The meeting adjourned at 7:42pm.

Respectfully Submitted,

Sue Marzo
Zoning Board Secretary

