

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



Zoning Board of Appeals Meeting

Date: July 16, 2024

Time: 6:30 pm

Location: Town Hall

Meeting called by: LaFayette Zoning Board of Appeals

Chair: Christine Keenan

Secretary: Sue Marzo

Attendees: Zoning Board members: Christine Keenan, James Nash, Anita Miner, and Gregg Shinneman
Jeff Brown, Town Counsel; Ralph Lamson, Codes Officer; Paul Swimm, applicant

Agenda Items:

1. Pledge of Allegiance
2. Approval of minutes of June 18, 2024
3. **Case #1-2024-ZBA Public Hearing**
Application for variances (listed below) for Stuart Paul Swimm/PR Power Properties at 6029 US Route 20 West and 6033 US Route 20 West (formerly the Hall Funeral Home):
 - Lot 1 – Road Frontage – 21 feet instead of 60 feet.
 - Lot 2 – Lot Size – 0.35 acres from 1.37 acres
 - *Rear Set Back – 15 feet from 30 feet
 - Road Frontage – 20 feet from 60 feet
 - Lot 3 – Lot size – 0.30 acres from 1.37 acres
 - Side yard 12 ft. instead of 25 ft.
 - *Existing non-conforming set back 14 ft. instead of 25 ft.
 - Lot 4 - Lot Size – 0.66 acres from 1.37 acres
 - Lot 5 – This is an existing non-conforming setback and lot size.
 - *0.19 acres from 1.37 acres
 - *10 ft. side yard from 25 ft.
 - *8 ft. rear yard from 30 ft.

*Indicates existing setbacks

(Tax Map Nos. 019.-02-11.2&019.-02-09.0)

Meeting opened with the Pledge of Allegiance, introductions, and approval of minutes of June 18, 2024. Motion was made to approve the minutes as written by James Nash, second by Anita Minerd. All Board members present were in favor.

Paul Swimm is looking to keep all existing property lines as is and apply for variances as written. Code Officer Lamson stated that there are two homes existing on the same property. The applicant is looking to split them into individual properties, so they get their own house number and tax record. They were never approved historically and are considered non-conforming uses. Variances need to be approved to legalize the existing parcels.

Greg Shinneman asked about garage access on lot 5. Mr. Swimm advised that there is a shared driveway. He also stated that the garages are small and not suitable for a car and are used for storage only.

Chairwoman Keenan asked about the location of wells. All properties have their own wells and are approximately 100’.

SEQR Parts 2 and 3 was led by Attorney Brown as follows:

SEQR Short Form Part 2 and 3 was completed by the Board as follows led by Attorney Brown.

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”

Attorney Brown advised, based on these answers, an appropriate motion is for the Zoning Board to serve as lead agency and determine that this project does not have the potential for any significant negative impacts on the environment.

Motion as set forth was made by James Nash and second by Gregg Shinneman. All Board members present were in favor.

Motion was made to open the public hearing by Gregg Shinneman, second by Christine Keenan. All Board members present were in favor.

There was no one present to speak on behalf of this application.

Motion was made to close the public hearing by Anita Miner, second by Christine Keenan. All Board members present were in favor.

Chairwoman Keenan completed the Zoning criteria for area variances:

- Can the benefit be achieved by other means? No
- Will there be an undesirable change in neighborhood character or nearby properties? No
- Is the request substantial? Yes
- Will it have an adverse physical or environmental effect? No
- Is the alleged difficulty self-created? Yes

Motion was made to approve the variances requested as presented by James Nash, second by Greg Shinneman. All Board members present were in favor.

James Nash inquired about the possibility of completing sketch and public hearings in one meeting. Attorney Brown stated that the Town Board would need to amend the Zoning Code that all seemed to agree with.

Motion to adjourn was made by Greg Shinneman, second by James Nash. All Board members present were in favor.

Meeting adjourned at 6:43 pm.

Respectfully Submitted,

Sue Marzo
Zoning Board Secretary

