

The regular meeting of the Zoning Board was called to order by Chairperson Stephen Beggs, September 25, 2001 at 7:35 PM. This meeting was held on this date because the September 11, 2001 meeting was cancelled.

Members present:	CHAIRPERSON	Stephen Beggs
	BOARD MEMBER	Al Miller
	BOARD MEMBER	Jim Butkus
	BOARD MEMBER	Bob Drumm
Others present:	TOWN ATTORNEY	John Langey

Motion by Al Miller to accept the minutes as written, seconded by Bob Drumm, passed unanimously.

CONTINUATION OF CASE #533- -Appeal of Crown Atlantic for a use variance to allow a cellular tower on Route 11 and on Newell Hill Road. The balloon was put up at site 2 and 3 at the Newell site

Site 1 150' pole the closest neighbor to the south is Mr. Kellish.

Site 2 Morezak more visible from the east. There is a stretch along berry Road where it is visible.

Site 3 most visible of the three sites.

A letter submitted from Crickett read by Attorney Burgdorff on file in the Town Clerk's office.

Mr .Kellish, Berry Road stated that the number of feet is not guaranteed in the future. He suggested that whatever the ultimate height is approved that this cannot be changed. Mr . Kellish stated that he was offered \$58,000 to purchase a parcel from Mr. Kellish. The board had suggested that the land be leased and not purchased which was not offered.

Mr .Kellish stated that the paperwork when presented was different than when offered.

Mr .Kellish asked if any of the board members had seen the balloon when it was sent up. The board members had not. The weather was bad, it was very overcast. This is not representative because of the weather. The applicant was late in putting up the balloon and it was up for about 20 minutes. Mr .Kellish would like the balloon to be up longer . People had come and left because they thought that the test would not be done.

Mr .Kellish stated that he is concerned about the health risks. If it were determined that a health risk exists in the future that the tower should be taken down.

Attorney Burgdorff responded to Mr .Kellish. The height is the maximum that Crown can build to. Other firms would be required to come to the Planning Board if they wanted to increase the height. Mr. Kellish was unwilling to accept the term and conditions for site 3.

Sylvia Shoebridge read a letter from Tom & Mary McNeill in opposition to the tower, which is on file in the Town Clerk's Office, and also submitted a letter in opposition also on file in the Town Clerk's Office.

Attorney Langey reported that the Board had not received a report from SOCP A

concerning the new proposed site #2 therefore could not take any action tonight. He suggested that the board review the file and possibly make a determination next month. Public hearing was brought to a close.

CASE #536- Appeal of Drs Ojubelli for a specific permit to allow a physician's office on the south side of Route 20 next to Ron Bush Oil approximately 1/4 mile east of the intersection of Route 20 and 11 in the hamlet district.

Dr. Diane Ojubelli is a family practice doctor and Dr. Ife Ojubelli is an internist. Office hours would be 8Am -6:00 PM Monday - Friday and Saturday 8:00 AM -2:00 PM and an occasional emergency.

Signs to be in compliance with the Zoning Regulations Plans were submitted for building and parking.

Bruce Donohue and Sandy Smith spoke in favor of the applicant.

Medical waste to be removed by Company that removes waste. There would be no one living on the premises.

Motion by Jim Butkus that the board declare themselves lead agency, unlisted action, a negative declaration and to approve specific permit with the following conditions

1. No signage except that which is allowed by the Zoning Regulations
2. Hours 8:00 Am -6:00 PM Monday -Friday and Saturday 8:00 AM -2:00 PM and possibly an occasional emergency.
3. no on street parking
4. obtain DOT work permit
5. retain as many trees as possible
6. obtain property by lease or purchase
7. must be operating in accordance with plans submitted
8. not to be used as a residence.

seconded by Al Miller, passed unanimously.

STEVEN SPRING: Would like a use variance to allow a sawmill business on the corner of south side of Tully Farms Extension and the east side of Route 20. There are many businesses in the area. Kart Lounge, riding stable Apple Festival. The lot is about 2 acres. Mr. Spring was advised to go to the Town Board for a zone change.

SKETCH PLAN CONFERENCE: Chris Gray for a side yard variance to allow construction of a single family dwelling at 6094 Commane Road.

Mr. & Mrs. Gray were present. They were misrepresented when they purchased the property. They purchased 4.37 acres and with a deed research they had 3.95 acres. The proposed house will be 2600 sq feet, 2-story structure. Mr .Gray had foundation for house done and when had deed revised found that the basement was too close to the property line. Mr. Gray was advised to talk to neighboring property owner to see if it could be worked out, to have survey showing the location of neighboring house, to .show difficulties in relocating the garage to the other end of the house, show location of septic and proposed well and fill out SEQR form.

Public hearing to be next month.

Jack & Denise Charno asked to speak concerning Gray application. They are opposed to this variance.

At this time their house protected from view by trees..but soon will loose their leaves. Stated that Mr .Gray has cut trees, which belonged to them. Most houses in this area are 300 feet apart. Showed pictures of property line.

JOHN ALBANESE: Asking for a variance so lot could be sold as a building lot. Lot does not have 60,000 sq. feet. Mr. Albanese was advised to go to the Planning for a revised subdivision changing lot lines so lot would be in compliance with the zoning.

Motion by Jim Butkus for adjournment, seconded by Bob Drurnrn, passed unanimously.

Respectfully submitted,
Peggy Sutton, Secretary