

Minutes of the Zoning Board of Appeals Meeting held by the LaFayette Zoning Board of Appeals on April 8, 2003 in the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette.

Present: Stephen Beggs, Chairman
Albert Miller, Board Member
Daniel Kuhns, Board Member
Jerry Doolittle, Board Member

Absent: Robert Drumm, Board Member

Secretary: Mary Jo Kelly

Others Present: John Langey, Town Attorney
Ralph Lamson, CEO
David Knapp, Councilman
Mr. Dixon, Engineer for AT & T
Marc Romanowski, Attorney for AT & T
William May, Applicant

Chairman Beggs called the meeting to order at 7:35 p.m. He asked if there were any corrections or additions to the March 11th minutes. There were none.

Member’s Miller moved and Kuhns seconded the motion to accept the March 11, 2003 Zoning Board of Appeals Meeting Minutes as submitted by the Secretary. Voting was as follows:

Chairman Beggs	Aye
Member Miller	Aye
Member Kuhns	Aye
Member Doolittle	Abstain

Motion passed.

Chairman Beggs said at the last meeting the Board met with Brian and Sandra Skeval. They are not here tonight as the survey isn’t finished. Their intention is to attend next month’s meeting and requested (if the necessary information is received) the Board consider scheduling them for a public hearing. He acknowledged the Board would entertain this, however, a decision might not be reached if the information is not complete. It was agreed a public hearing would be scheduled for next month’s meeting for this application and the applicant’s understand it may not be completed if they don’t supply the necessary information.

CASE # 550 – Appeal of AT & T Wireless for a specific permit and to modify a previous use variance to add an additional carrier to an existing tower located at 2393 Route 11 approximately 1 mile south of the Route 11 and Route 20 intersection in a Hamlet District.

Mr. Romanowski was present to represent AT & T. They are requesting a use variance and a specific permit. They are covering an area from Albany to Buffalo. They have obtained a license for this which requires them to obtain coverage in this area. The reason they need this site is shown on their Exhibit E. He reviewed a drawing submitted showing where they need to obtain coverage. The existing tower is about 154' high and they are going to be at 145'. They are going to install a circular antenna array. They will need up to 6 antennas that will be mounted in circular fashion around the monopole. At the base of the tower there's a pretty small installation on the ground. It's a 6' x 10' concrete pad upon which they will have two freezer size units (3' x 5') at the site. Initially there will be one but they may eventually have two. Part of the reason they are here is the fact that when the original tower was constructed it was prior to the Telecom Law being enacted. This tower had to get a use variance when it was originally constructed which limited one carrier to the tower. Because that use variance governs that tower, they are subject to it as well. They are also seeking a variance from that original condition to install their antennas. According to the tower Telecom Law, they need a use variance and a specific permit. They attended the last Planning Board Meeting and believe they were going to send a letter to the Zoning Board of Appeals in support of this application.

Chairman Beggs said what is being proposed tonight is for multiple companies but for now will pertain to AT & T Wireless in addition to Cellular One.

Mr. Romanowski said generally they are into structural limits after 3-4 carriers. Height limits also become a concern.

Chairman Beggs asked if they had looked at other properties in the town for a more desirable location.

Mr. Romanowski said this really was one of their primary choices. They have another location south of this in Tully and are discussing use of the tower owned by the Town of LaFayette on Groth Road. They are also proposing one for the Town of DeWitt.

Chairman Beggs asked if the supporting structure for the tower will be within the confines of the fenced area.

Mr. Romanowski said yes. They may have to mount a panel similar to the wooden one currently there now for their meter. Everything else of theirs will be within the fenced area. The biggest structure may be the ice bridge. This is merely a stand about 6' tall. It has a covering over it for the wires to protect them from any ice that might fall from the tower.

Member Miller asked as it stands now if there is bonding in case something happens and the tower has to come down, the Town is safe from expenses?

Mr. Langey believes this Board will be asking for bonding in case the tower does need to come down. There is nothing in the folder regarding any bonding for the initial tower.

Mr. Romanowski will check with the owners of the tower to see if they offered anything at the time they applied for this. He suggested the Board think about the amount they are looking at and make it a condition.

Mr. Langey would recommend their engineer propose an amount.

Chairman Beggs said this Board could refer that amount to the town engineer for his agreement. He asked if AT & T Wireless is an AT & T branch or if they have acquired another carrier and become part of the parent company.

Mr. Romanowski said AT & T Wireless is a separate corporate division. They have not yet bought out other systems.

Chairman Beggs said this Board will need to have information regarding the bonding before it can complete a public hearing.

Mr. Langey would like to see a letter from the Shanahan's stating they are aware of the application and they join in it regarding the use variance. The owner of the land should be part of this.

Mr. Romanowski said if they decide to alter the use variance language, they might wish to state "for any future carriers".

Mr. Langey said he would recommend eliminating particular portions of the language which would allow other users to come in. They would all be subject to the local law now. He will review the language.

Chairman Beggs believes it would be appropriate to have some kind of indication from the land owners that they are O.K. with this.

Mr. Romanowski said they will be on notice anyway. He will check with Spectrasite (the tower owner) to see if they have contacted the landowners yet. He asked how they would like the public hearing handled.

Chairman Beggs said the town takes care of this. He asked if there were any further questions or comments. There were none. He said this Board will wait to see what documentation is supplied before scheduling this for a public hearing. If the documentation is complete, the Board doesn't have a problem scheduling the public hearing for next month.

Mr. Romanowski said they will try to get information to the town within the next couple of days.

Mary Jo will refer this to County Planning tomorrow.

CASE # 551 – Appeal of William May for a variance for his property located on Reservoir Island at Jamesville Reservoir.

Mr. May said he came to get a building permit to place a shed on the island. He is asking for permission to put the shed on the edge of one side of the island. He doesn't know if it's the front or back. The shed would probably be a little bit beyond 100' from the adjoining property line. Directly adjacent to his property is the water between his property and the next property which is approximately 200' of water. The nearest road which is West Shore Manner road is about 400' from the edge of his property.

Member Doolittle asked if he owned the whole island.

Mr. May said he owns ½ of it. There is nothing on his half of the island. On the other half there is a small house and 2 storage buildings.

Member Doolittle asked the size of the part he owns.

Mr. May said approximately 90' wide by 190' long but it tapers to a point.

Mr. Langey asked if it had a tax map number.

Mr. May said he purchased the property in 1991 and has not paid taxes on it since that time.

Mr. Lamson said he received a call that there is a trailer on the island.

Mr. May said he put a camper on it.

Mr. Lamson asked the intended use.

Mr. May said he thinks the grandchildren are going to camp out.

Chairman Beggs asked how wide the island is where he wishes to locate the structure.

Mr. May said about 35'.

Member Doolittle asked where he was going to put the trailer.

Mr. May showed him on the map.

Mr. Langey asked who he purchased the property from in 1991.

Mr. May said the State of New York.

Mr. Langey asked if he got an abstract of title.

Mr. May said yes. It was all blue line property when he bought it.

Mr. Langey would recommend he bring it in. He would recommend the applicant investigate to see why no tax map number was issued on this property.

Mr. Lamson said he knows some of the folks down there have purchased the blue line property.

Member Miller is concerned there might be covenants on the blue line property.

Mr. May said there was never a survey on the island. The survey was initiated by himself and the Steigerwalds.

The Board requested a new survey be completed explaining the various markings i.e. the broken lines, T. Bank, etc.

Mr. May said he contacted the DEC to see if they had any concerns over the proximity of the shed. They advised unless he was putting it in 3' of water, they had no concerns. On March 27th he wrote the DEC a letter requesting this information in writing so he could submit it to the Board but he has not heard back from them.

Mr. Langey said he should bring in the abstract. The Board will be asking why the applicant doesn't want to locate the shed more centralized.

Mr. May said he would like to get it out of the way and there are two trees he's hoping this shed will fit right between to provide a little more privacy from the arena.

Member Miller said in his mind, this would not be a good reason.

Chairman Beggs said they are looking for practical reasons why it needs to be located in this location. He would recommend this be schedule for a continuation of a sketch plan conference for next month.

Mr. Langey said it's necessary for the applicant to distinguish a hardship which requires him to place the shed in the location he wants to.

Member Kuhns said there are 5 criteria for a variance. Do any of these apply?

Mr. Langey said they are in the zoning regulations. You have to prove an unnecessary hardship because of the zoning law.

Mr. May said his only hardship is if the shed is put in the center of the island, someone could get hurt if they are playing a game. If this isn't enough of a hardship, he wants to know now.

Mr. Langey said the Board can't give a decision until a public hearing is held.

Mr. May asked if he should go forward or is he wasting his time?

Chairman Beggs said he is trying to find justification of how he can grant this in line with the regulations.

Mr. Langey said when he writes the resolution, he must give the reasons. He understands Chairman Beggs is saying he will have a hard time coming up with the reasons to substantiate the resolution.

Mr. May asked if it fulfills the need if he says there is no place on the island he can put the shed and still fall within the law. The property is 7' to 10' less than what the survey shows.

Chairman Beggs said an updated survey will be required. This will be scheduled for a sketch plan review at the next meeting. The dotted line and T. Bank must be explained on the updated survey.

Mr. John Harper was present to discuss a sign variance request for the LaFayette Fire Dept. He said they are trying to put a sign up in front of the fire house like the one in front of the Alliance Church. He submitted a picture of a sign like they wish to use. He has been told he needs a variance due to the setback. They are looking to put it 40' off the highway center line.

Chairman Beggs said one of the reasons the setback exists for signs is to make sure they don't block sight lines of traffic.

Mr. Harper said it would be back between the two existing maple trees in front of the building.

Member Miller asked what the setback for New York Tech. Is.

Mr. Harper didn't know. They have a parking lot in front of the building.

Member Miller asked about the daycare.

Mr. Harper believes Donna Cotey's sign is 35' back. He isn't sure as he didn't measure it.

Chairman Beggs asked if the proposed sign would be located far enough back from Route 11 to allow a car coming down the driveway to be positioned to see oncoming traffic.

Mr. Harper said one corner of the sign would be 40' back and the back corner would be 50 ± foot back.

Chairman Beggs just wanted to be sure a car coming out as well as the car behind it could see oncoming traffic. From a safety aspect, he needs to be sure cars approaching Route 11 from the driveway will be able to have clear sight distance.

Mr. Lamson said if it's 40' from the center line, it would be hard pressed to have two cars have sight distance.

Member Miller said he might be in the right-of-way if it's a state road.

Mr. Langey said the DOT will come out and look at it for the applicant.

Mr. Harper said Donna Cotey must have gotten a variance for a sign because her sign is closer than the one he is proposing. This sign would be 40' off the daycare property line on the north side of the Fire Dept. property. It will be nowhere near the current driveway.

Mr. Langey said Mr. Harper could call the DOT and they could give him a letter stating they have no problem with it.

Chairman Beggs said if this Board gets a letter from the NYS DOT, does it have to be referred to County Planning?

Mr. Langey said this variance is not one required to be referred.

Chairman Beggs said if he gets a letter from the DOT, this Board can schedule this for a public hearing next month.

Mr. Langey said an application must be submitted.

Chairman Beggs said the Zoning Board of Appeals would recommend the fees for this application be waived as it's a volunteer organization. He advised the Board would need a survey showing the location of the sign.

Mr. Harper said the sign is 4' x 8' with 8" letters. It is lit from the ground.

Member Miller asked if the lights are external or internal.

Mr. Harper said internal.

Chairman Beggs advised a 35' variance is required.

Member's Miller moved and Kuhns seconded the motion to adjourn. Motion passed unanimously.

The regular Zoning Board of Appeals Meeting adjourned at 9:26 p.m.\\

Respectfully submitted,

Mary Jo Kelly
Secretary