

Minutes of the LaFayette Zoning Board of Appeals Meeting held in the Meeting Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette on May 13, 2003 at 7:30 p.m.

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

Secretary: Mary Jo Kelly

Others Present: John Langey, ZBA Attorney
Sandra Smith, Councilwoman
David Knapp, Councilman
Anne Smith, Eager Rd.
Clay Smith, Eager Rd.
Mike Donegan, Applicant
William Keefer, Attorney for AT&T Wireless
Brian and Sandra Skeval, Applicants
John Harper, LFD – Applicant

Chairman Beggs called the meeting to order at 7:35 p.m. Everyone introduced themselves.

Chairman Beggs asked if the Board had any corrections or additions to the April 8, 2003 Zoning Board of Appeals Minutes. There were none.

Member's Miller moved and Doolittle seconded the motion to accept the April 8, 2003 Zoning Board of Appeals Minutes as submitted by the Secretary. Motion passed unanimously.

PUBLIC HEARING CASE # 552 – Appeal of Brian and Sandra Skeval for a side-variance of their property located at 5982 Route 20 approximately 100 yards west of the Route 20 and Route 11 intersection in a Hamlet District.

Chairman Beggs opened the public hearing.

The Skevals have submitted a map prepared by Land Lines dated April 14, 2003.

Sandra Skeval said the moving of the property line between the two parcels allows 15' so they need a 10' side-yard variance.

Chairman Beggs asked if they know how far the 2-story house is from the property line.

Brian Skeval said that structure is within the parameters of the zoning.

Sandra Skeval said by moving the property line, it's well over 25'.

Chairman Beggs asked where the leach field is located.

Brian Skeval showed on the map that it goes straight back.

Member Doolittle asked what the proposed addition will be from the property line.

Sandra Skeval said 15'. That is why they need a variance.

Member Drumm said they will end up with 30 + feet between the two buildings.

Sandra Skeval said even more than that realistically.

Member Drumm asked if they are going to be incorporating both parcels into one deed in the future.

Brian Skeval said no.

Chairman Beggs said if either parcel is sold, it will stand alone. He asked the Board if they had any further questions.

John Langey said the Board would need to grant a side-yard variance of 10' from the western property line of 5982 Route 20.

Chairman Beggs asked for any further comments from the Board. There were none.

Chairman Beggs asked if anyone was present to speak in support of the applicant.

David Knapp said obviously from the information they have put together they respect our zoning laws. As their previous endeavors have shown in the past, this will be an asset to the town.

Clay Smith said he believes they have acted in a very responsible way in the community and not with just their own interests. He believes their request is reasonable and would recommend it be approved.

Chairman Beggs asked if there was anyone present in opposition of this application. No one came forward.

Member's Doolittle moved and Drumm seconded the motion to close the public hearing. Motion passed unanimously.

The Board has not heard back from County Planning on this application yet so it will be on the agenda for the next meeting.

PUBLIC HEARING 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.

Chairman Beggs opened the public hearing.

William Keefer was present to represent AT&T Wireless. He said they wish to co-locate up to 6 antennas on the Spectrasite tower on Route 11 at 145'. They have submitted their application which includes their SEQR, frequency maps, construction drawings, etc. There was concern at the last meeting regarding bonding. The town engineer feels there should be a \$5,000 bond which they have no problem with. They have provided a very clear path of the authority of Spectrasite to enter into this sublease as there was concern about the owners approval of this application. Cellular One asked the land owners to consent to the sublease. He reviewed the agreement of the leasing and subleasing.

Chairman Beggs said he was reading the maps showing coverage with the LaFayette tower and without the LaFayette tower. He noted tower #2047 is the town tower, #2038 is the tower we are discussing tonight and #2402 must be in the Town of Onondaga. He asked about the colors on the map. Is blue the strongest signal area?

Mr. Keefer said “The colors in Exhibit E represent three levels of coverage, which are related to the anticipated use by AT&T Wireless subscribers. The Blue color depicts areas where the predicted signal strength would be generally sufficient to support usage within buildings. The Green color depicts areas where the predicted signal strength would be generally sufficient to support usage within vehicles. The Gray areas are areas of minimal coverage. The Proposed Site is one of two (2) proposed locations for AT&T Wireless facilities in the Town. The other proposed location is identified on Exhibit E as ALBANY2047. Once a target area is identified, sites within and adjacent to the target area are evaluated for placement of antennas. First, existing monopoles and structures are evaluated for possible collocation. As part of the siting process for the Proposed Site, existing structures within the target area were evaluated for suitability. Figure 2 of Exhibit E, shows the predicted coverage from the Proposed Site at a centerline height of 145 feet above ground level. As can be seen from the plot, AT&T’s service requirements and handoffs with other proposed sites in and around the Town are satisfied. The Proposed Site was thus, chosen as a viable collocation candidate, which meets AT&T’s radio frequency system requirements, as well as the Town’s preference for use of existing structures...”

Member Doolittle said there are two proposals here tonight. Both proposals use the same maps. One proposal is for the Groth Rd. application and the other is for the Shanahan property.

Mr. Keefer said they have found out the Groth Rd. tower is a town tower and is being handled by the Town Board so they are not dealing with that application tonight.

Member Doolittle asked if they are adding antennas to that tower too.

Mr. Keefer said yes.

Chairman Beggs said the information received totally confused this Board. The application was totally confusing to this Board. The information this Board requested at the last meeting was not provided in a clear manner as requested.

Mr. Keefer said he thought the concerns were about bonding and permission from the landowners.

Chairman Beggs said the idea of Groth Rd. was not even brought to this Board and AT&T Wireless confused this Board by combining it with the Spectrasite tower application.

Mr. Keefer asked what they can do to make it clearer.

Chairman Beggs said his first thought is to table this until the next meeting. He doesn’t believe AT&T Wireless came through in a clear and orderly fashion in submitting the information to this Board.

Mr. Keefer said he had to be in another court at this Board’s last meeting. They sent another attorney who he thought addressed the concerns he could

and Mr. Keefer felt he followed up on the remaining concerns of the Board. The Groth Rd. tower is a totally different application. They are withdrawing that application. Every part of the application states which tower it is for. Some of the information is for both applications.

Chairman Beggs believes AT&T's presentation to this Board has been poor. This Board is a volunteer group who take the time to be prepared for these meetings and they are very confused on this application. This Board is expected to do a good job in the best interest of the Town and an application like this leaves them frustrated.

Mr. Keefer said he is here tonight to answer any questions they might have. The information they provided is what the law requires.

Chairman Beggs said they had another presentation recently to put two towers up in the Town and that application was very well organized and presented. With the information he has been presented tonight, he is not impressed.

Mr. Keefer apologized. He assured the Board the application for this site is as professional as any he's seen. They have provided an easy to follow format in accordance with the town law.

Chairman Beggs said the last application for towers before this Board used the same attorney from beginning to end. When questions were asked, the attorney came back with the answers very organized and clear.

Mr. Keefer asked what they would like him to explain that they can't follow from the application.

Chairman Beggs asked what reception areas they have problems with. In the past when this Board asked these questions, they were given exact answers. This Board was not confused with past applications at all. The information they have been provided in this application is totally confusing to him and other Members of the Board. They should have been able to read this application from a layman's standpoint and not have been so confused.

Mr. Keefer said they followed the requirements of the Town. He is here to answer any questions the Board might have. The bottom line is he is here to try to answer their questions on the application. He has supplied the owners consent to the lease/application which was a concern and the information regarding the bonding.

John Langey thinks what's happened here is when the Board sat down to review this application, they had a number of handouts they received. The Groth Rd. information did confuse things. When you get to the application and it says Groth Rd., it does confuse this Board. This, he believes, is what the Chairman feels is a frustrating piece of the application. There is information regarding the Route 11 site, too. He knows a letter was received from the town engineer stating a \$5,000 bond should be requested.

Chairman Beggs agreed.

John Langey has asked John Dunkle to do a letter on this.

Chairman Beggs said in the past, they have said to put the terms in today's dollars.

Member Miller asked John Langey if at one time this tower was approved for one carrier.

John Langey said yes, in 1994 which was prior to the adoption of the tower ordinance that takes care of towers. At that time it was approved with a condition that the applicant, which was Cellular One, be the only one on the tower. Since that time it has been determined that co-location on towers is the way to go. He would recommend the wording “it can only be for the one provider” on the previous approval be eliminated.

Chairman Beggs said at the last meeting this Board discussed the co-location issue, a letter of approval from the lessee, a cost of demolition, and whether demolition costs were in the previous approval. This Board got confused with all the additional information.

John Langey said all the information regarding the Groth Rd. application has been given back to the applicant as they are going before the Town Board for that application.

Chairman Beggs said he recalls asking for some information showing the signal without the tower and then with it. The applicant has provided this.

Mr. Keefer said he totally understands the Board’s confusion. He shouldn’t have submitted the other application and information to this Board.

Chairman Beggs said it just gets frustrating sometimes covering all the information they need to cover.

John Langey said the determination from the Onondaga County Planning Board has been received. Regarding the Specific Permit, they determined “that said referral will have no significant adverse inter-community or county-wide implications and may consequently be acted on solely by the referring Board”. Regarding the Use Variance, they determined “that said referral will have no significant adverse inter-community or county-wide implications”. They did offer the following comments regarding the Use Variance: “Because the Town allowed the tower to be constructed in this district, the Board does not find that this action will increase the variance already in place”.

Chairman Beggs asked the Board if they had any further comments or questions regarding this application. There were none.

Chairman Beggs asked if there was anyone present to speak in favor of this application. There was no one.

Chairman Beggs asked if there was anyone present to speak in opposition to this application. There was no one.

Member Doolittle said the idea of more than one company on a tower certainly makes sense otherwise every company coming along could request to build its own tower.

Chairman Beggs said absolutely. By supporting co-location you limit the number of towers around.

Member Drumm said at the last meeting the Board discussed whether the tower was strong enough to handle the additional antennas.

Mr. Keefer said yes. There’s documentation supporting the analysis that the tower can handle the additional weight.

Chairman Beggs closed the public hearing.

John Langey reviewed the conditions he would recommend if the Board approves this application.

Member's Miller moved and Kuhns seconded the motion to declare this Board lead agency, this is an unlisted action, a negative declaration pertaining to the SEQR and to grant the Specific Permit and modification of the Use Variance previously given to Cellular One to include multiple carriers with the following conditions:

- **All remaining engineering and legal fees associated with the review of the application be paid prior to construction and issuance of building permit.**
- **Construction and operation shall be in strict accordance with the plans prepared by the applicant engineers.**
- **The applicant shall keep on file with the Town Clerk a copy of the FCC license for the wireless telephone provider with the Town of LaFayette.**
- **The applicant shall post a bond in the amount of \$5,000 for reclamation purposes and shall renew said bond for a period for as long as the facility is in use and exists on the site. Said bond shall be filed with the Town Hall. It is specifically conditioned that a review shall take place by the Town every three year's to determine whether the bond amount is sufficient to cover the cost for reclamation and the applicant will take necessary measures to keep the bond in place.**
- **The applicant agrees to provide its tower for co-location of other similar facilities at a reasonable expense and that the applicant has represented to the Board that it desires to allow its facility for co-location purposes.**

Motion passed unanimously.

PUBLIC HEARING CASE #553 - Appeal of the LaFayette Fire Department for a front yard variance for a sign on their property located at 2444 Route 11 approximately ½ mile south of the Route 20 and Route 11 intersection in a Hamlet District.

Chairman Beggs opened the public hearing.

John Harper was present to represent the LaFayette Fire Dept. (L.F.D.). He showed the Board where the sign will be located. He said it is a 2-sided sign. The light is in the middle.

Chairman Beggs noted the sign will be perpendicular to the road and should not block any vision entering or exiting the property.

Member Doolittle noted the driveway to the L.F.D. does go uphill a little and if the sign is 6' high, some vehicles will even be able to see over it.

John Harper said there is room between the sign and the stop sign at the end of their driveway for vehicles to view traffic in either direction before pulling out onto Route 11.

Chairman Beggs asked if there was anyone present to speak in support of this application.

Clay Smith said he is a member of the Oddfellow's Lodge which is across the road from the L.F.D. and he believes the sign would be advantageous from a safety standpoint. He thinks this sign will add to the safety of the area and allow people to identify where the L.F.D. is.

Chairman Beggs asked if there was anyone present to speak in opposition to the application. No one came forward.

Chairman Beggs closed the public hearing.

John Langey said their variance would have to be 35' from the highway center line as our Zoning Ordinance requires 75' and 10' from the front property line as our Zoning Ordinance requires 50'.

Member Kuhns asked where the front property line begins.

John Langey said it's according to the survey.

Member Doolittle asked what the highway right-of-way is.

Chairman Beggs noted there is a letter from the Dept. of Transportation dated April 29, 2003, stating the sign is well outside NYS right-of-way and they have no problem with this application.

Member's Doolittle moved and Drumm seconded the motion to declare this Board lead agency, this is an unlisted action and a negative declaration regarding SEQR and to grant a front-yard variance for the LaFayette Fire Dept. to erect a sign 40' back from the highway center line which would be a 35' variance from the highway center line and a 10' variance from the front property line. Motion passed unanimously.

CASE # 551 – Continuation of Sketch Plan Conference for appeal of William May for a variance for his property located on Reservoir Island at Jamesville Reservoir.

Chairman Beggs said Mr. William Mays has withdrawn his application and does not wish to proceed with this any further at this time. If he wishes to persue this in the future, he must reapply.

CASE # 554 – Sketch Plan Conference for appeal of James Donegan for a sign at property located west of Route 11 and east of Route 81 approximately ¼ mile north of the Route 11 and Route 20 intersection in a Business District.

Michael Donegan was present to represent the applicant.

Member Doolittle noted the sign requested is 80' x 20'.

Mr. Donegan said the height is 60'. It will be facing Route 81. They might do a sign shaped like a "V" to catch the north and south bound traffic.

Member Drumm asked if they would be requesting a lit sign.

Mr. Donegan said no.

Member Doolittle asked what the sign would be advertising.

Mr. Donegan said they haven't found a customer yet.

Member Drumm asked if the applicant uses the “V” style sign, wouldn’t it be 2 signs?

John Langey said the Board would need to interpret that.

Chairman Beggs said he would call it 2 signs.

Member Miller agreed.

John Langey asked the Board where a sign this size is allowed in the Zoning Ordinance. Where does the Ordinance allow billboard signs? He doesn’t know if there is anything of this nature in the Town of LaFayette.

Chairman Beggs asked if the applicant owns the property.

Mr. Donegan said his uncle does.

Chairman Beggs asked if the sign would be advertising the business on that property.

Mr. Donegan said it would be advertising something that is located on some other property.

John Langey asked if the property has designated wetlands on it.

Mr. Donegan is not aware of any.

Member Doolittle said it does.

The Board reviewed the wetland maps.

John Langey said there is an issue with the zoning. As it appears on the wetland map, there could be designated wetlands on this property so the applicant will need to get permission from the DEC.

Member Doolittle said he will need to get a permit.

John Langey said there is also a zoning issue. This is a huge variance from what is allowed.

Mr. Donegan said for Route 81, the DOT would like the sign 600’ from the center line of the highway. Theoretically, Route 81 is pretty wide.

John Langey said this Board has not allowed advertising off premises in the past.

It was decided this should go to Ralph Lamson for his interpretation first. The applicant will contact Mary Jo if he wishes to return before this Board. This will be removed from the agenda until further notice.

Member’s Miller moved and Drumm seconded the motion for the Zoning Board of Appeals to go into Executive Session to discuss pending litigation and to include the Zoning Board of Appeals Attorney and Councilwoman Smith. Motion passed unanimously.

The Zoning Board of Appeals went into Executive Session at 9:03 p.m. and Chairman Beggs called the regular meeting back to order at 9:30 p.m.

Member’s Kuhns moved and Doolittle seconded the motion to adjourn. Motion passed unanimously.

The Zoning Board of Appeals Meeting adjourned at 9:31 p.m.

Respectfully submitted,

Mary Jo Kelly
Secretary