

Village of Caledonia Zoning Board of Appeals

March 7, 2018

Present: William Hughes, Steve McIlwaine, Sarah Santora, Patrick Tully and Robert Middleton.

Steve McIlwaine made a motion to open the meeting at 7 p.m. Board stood for the Pledge of Allegiance.

Applicant:

Mona Samaan, Chief Operating Officer for Airosmith Development, addressed the ZBA on behalf of Blue Sky, the company that is seeking a use variance to construct a cell tower 2943 West Main Street near the present Caledonia water tower. The parcel is zoned R-2. A cell tower is not a conditional use in the R-2 zoning parcel therefore a variance will be required.

The property is owned by the Village of Caledonia. Blue Sky would agree to incur the costs associated with demolishing the water tower that is in disrepair. Blue Sky would then construct a 150 foot tall tower to be used by wireless carriers, in this case T Mobile. Blue Sky produced plans which detailed the company's plans to clear the property, construct a gravel road from the highway back to the location of the proposed tower, which would be secured with fencing.

There was discussion among the ZBA members as to who can actually make an application to the ZBA for a use variance – the property owner, which in this case is the Village of Caledonia, or the tenant, which in this case is Blue Sky/T Mobil.

Mr. McIlwaine indicated to Ms. Samaan that the ZBA requires a letter of denial from Code Enforcement Officer Michael Murphy in order to proceed. Ms. Samaan said that her company had not received a letter of denial from CEO Murphy.

Mr. McIlwaine said he would confer with the village and that someone will be in contact with Ms. Samaan/Airosmith Development soon.

Applicant:

Vitaliy Basisty, owner of property located at 3299 State Street attended the meeting to request a variance from the ZBA to permit his property to be rented out to a tenant as a single family home. The property was formerly occupied by a daycare. It is located in the B-2 zoning parcel. Village Attorney Ed Russell indicated that a single family residence of a property in the B-2 zoning parcel is not a conditional use and would require a variance.

Discussion took place among the ZBA members regarding why the applicant's proposed use is not a conditional use. ZBA members concluded that they will request clarity from Attorney Russell.

Mr. McIlwaine said that he will request additional details and information regarding the applicant's proposed use of the property from Mr. Russell. Mr. Basisty was instructed that someone from the Village of Caledonia will contact him soon.

Mr. McIlwaine received a motion from Mr. Middleton to adjourn the meeting. The motion was seconded by Ms. Sarah Santora and approved by all members. The meeting was adjourned at 8:04 p.m.