

**Town of Oswego
Zoning Board Minutes
July 15, 2010**

Chairman: Gregory Auleta

Zoning Board Members: Robert Baker, Debra Jaskula, Tim Anderson, Robert Dexter

Attorney to the Board: Kevin Caraccioli

Secretary: Noreen Ruttan

Meeting called to order by Chairman, Greg Auleta at 7:02PM

Present – Greg Auleta, Deb Jaskula, Tim Anderson, Bob Dexter, Kevin Caraccioli

Absent – Bob Baker

Public Present – CEO Wayne Newton

Greg presented the Agenda.

With no comments or changes the minutes of the previous meeting of April 15, 2010 were approved and accepted as written.

Old Business – none

New Business – Amber Gilbo Application – Day Spa 20 Cemetery Road (Cherrywood) Use Variance

Wayne Newton explained that since this property is in an R-4 Residential District a new business is not allowed under the present Zoning Regulations. He thought it would be helpful to her to come before the ZBA before she goes forward with financing, etc. Grandfathering does not apply.

Ms. Gilbo explained her intention of turning the property into a Day Spa – Integrative Healing Health Spa, looking to purchase the above property to relocate her existing business expanding into massage therapy, exercise classes, nails, facials, gatherings for small parties, etc. Long term plans include building small structures, i.e. Bed and Breakfast facility, for overnight stays to provide a full resort experience.

Greg explained to her that any future expansion would have to go before the Planning Board. Potentially a banquet facility, housing, etc, goes beyond what he thought they would be looking at. Perhaps would involve some Zoning regulations.

Tim Anderson asked if she planned to live there.

Amber – no.

Kevin stated that he had been concentrating on the day spa, massage therapy aspect of it. The property lends itself to all of her plans; Bed & Breakfast is an allowed use, needing a Special Permit Site Plan approval; out buildings might be ok; retail questionable, permitted in a Business District but not in R-4.

Greg questioned 'retail.'

Kevin – retail use is not defined, just a common use definition.

Amber – retail would only be for clients, products would be used along with her business.

Greg – what would be the variance that she would be applying for in this particular case? This variance would only include the massage part of her business, her long range plans, i.e. Bed & Breakfast would still have to come before the Planning Board

Kevin – Correct. Even with the Day Spa concept it still subject to the Use Variance.

Greg explained to her that if the variance is approved, it is still necessary to go before Planning.

Kevin – the use that is being applied for is the Day Spa concept, the Bed & Breakfast, etc. experience would be covered under the Special Permit. Considering a variance of this use is for the retail business or service not otherwise specifically mentioned. If she decides, down the road, to add the Bed & Breakfast concept that is a use permitted in the R-4 District.

Kevin then explained the occupancy rule.

Greg – how specific do you need to be in the language?

Kevin – would come with our conditions, if this variance is approved, with retail or services, not specifically mentioned but limited to day spa, retail sale, consistent with the business.

Greg – when she comes to us for a Use Variance, she have a use statement outlining her intentions for the property.

Kevin – she should ask for what she wants, then we can scale it back.

Tim – we would have a vision of what you want and what it would look like. This would also be for the Planning Board as well.

Greg- to ask for a Bed & Breakfast would require you to return to the Planning Board with a specific application.

Kevin – laid out in statement but not specifically laid out in a Site Plan,.

Greg – basic footprint will remain the same. Granting of the Use Variance is only for the Day Spa and Health Spa. Cemetery Road is not built for business.

Wayne – yes, this is what was originally applied for.

Kevin – Use Variance would cover Phase I and Phase II, Phase II being the public gatherings, so those being retail service not specifically mentioned, those events would be catered; Phase III would be a separate concept for Planning

Debbie – what is the difference between doing individual services versus exercise classes involving more people. Is that a different use?

Kevin – from his perspective it's only managing the volume of people. That again would be a Planning issue. Use, itself, termination of impact (five criteria), for uses being contemplated.

Amber – plan to have 5 treatment rooms.

Greg – the granting of the Use Variance cannot change the character of the neighborhood.

Debbie – there will be more traffic, more people; neighborhood is rural. It's going to change the character of the neighborhood. Involving six days a week.

Wayne – neighbors would be notified as the expansions take place.

Debbie – saying it is going to be massage therapy, then i.e. tai chi, then that expands the business.

Secretary will send out a letter explaining to the neighbors her long range plans.

Greg – according to the information presented that there would be no reason to not approve the upcoming Use Variance proceedings.

Wayne stated he talked to Marty Weiss (County Planning), he is recommending a full size Site Plan drawing.

Greg recommends including ingress, egress, parking, size of building, signage, etc. Also explained to

the applicant that she will also need a variance for a sign. Signage is not permitted in an R-4.

Kevin – this was only informational. Signage can be a supplement to the Site Plan review. Whether it will be lighted size, etc.

Open Board Discussion – none

Motion to adjourn meeting by Deb Jaskula at 8:03PM

2nd – Tim Anderson. Carried

Respectfully submitted by:

Noreen Ruttan, Secretary