

Controversial Schroepfel zone change lands in court

by Carol Thompson

The Schroepfel Town board must once again defend its action in an Oswego County court, the latest case resulting from a zone change made to property owned by local Republican Committee Chairman John Capenos.

In court papers filed last week, Charles and Sarah Beiling claim that the town board granted a zone change May 7 to Capeno's Co. Rte. 10 property without sufficiently considering the impact of the rezoning. They view the parcel's change to commercial as "spot zoning" in an otherwise residential area.

Only one member of the board, Joanne Sivers, objected to changing the approximate two acre parcel from Residential R-3 to Neighborhood Commercial C-2.

The rezoning had been surrounded by controversy since it was first introduced to the board March 19 in a letter from Capenos' attorney.

A public hearing on the matter was held April 16 and was opposed by all who addressed the board.

Following passage of the resolution at the May 7 meeting, Councilman Emilio Tassone commended Supervisor Robert Dalton for his effort in bringing the zone change to fruition. "I applaud you, Bob, tremendously for going through the efforts of doing this correctly so that Article 78's can't shoot down the work that we try to do to bring some development into this town," he told Dalton.

The Beilings' attorney, E. Scott Brown of Baldwinsville, apparently felt differently. Court papers refer to the zone change as spot zoning, an argument Ms. Sivers made several times throughout discussions regarding the issue.

The property is located near the historic

Schroepfel mansion and a convenience store. The remainder of the area is residential. Capenos, a member of both the town and county planning boards, and chairman of the Schroepfel Republican committee, lives around the corner from the area on the Oneida River Road. Opponents of the zone change addressed concerns regarding traffic, environmental and archeological impacts, and overall aesthetics of the neighborhood.

Proponents of the zone change, principally board members, have expressed a desire for more development in the town. Councilwoman Judy Brandt stated at the May 7 meeting that when she ran for office in the last election, she campaigned on the issue of need for change in the town. "We need to get some commercial businesses into this town to help all of us with our taxes," she said.

When casting her lone distending vote against the commercial zone, Ms. Sivers stated that she was not against development, but she felt that it required careful planning and that quick decisions should be avoided.

"Development should be carefully thought out and planned to balance with a community," Ms. Sivers said in an interview following the zone-change vote. "We as a board completed a SEQR review just hours after receiving it and I don't feel that was acting responsibly to the people. I felt very uncomfortable acting on something of that significance without having the opportunity to look at it."

The property in question has been listed for sale by Gallinger Real Estate. Capenos had not revealed what the type of commercial development may occupy the land, but did state in an earlier interview that he had a possible buyer for his property.

This is not the first time the Beilings have been to court over the parcel of land.

A court decision Jan. 22, 1992 overturned a use variance granted to Capenos by the town's zoning board of appeals.

For the town, the Beilings case is the fourth lawsuit in a year. Following the passage of the comprehensive plan June 5, 1996, the town faced three lawsuits. Two of those cases were won by the plaintiffs and Oswego County Supreme Court Judge Robert Hurlbutt ruled the plan null and

void. That plan had Capenos' property zoned commercial.

With the plan nullified by the court, the existing 1974 plan remains in effect. That plan lists the property as residential. The Beilings argue that the county requires an explanation as to why the current land-use plan was not followed and that one was not given.

Arguments in the case are scheduled to be heard by Judge Hurlbutt July 18.

Schroepfel taxpayers foot bill for zone-change legal fees

by Carol Thompson

The recent zone change granted on behalf of prominent local Republican John Capenos has earned a price tag for Schroepfel taxpayers.

Planning board attorney Kevin Gilligan billed the town \$650 for the work he performed in conjunction with the rezoning, which changed two acres of the Co. Rte. 10 property from Residential R-3 to Neighborhood Commercial C-2.

Gilligan's bill included professional services for preparing the State Quality Environmental Review (SEQR), reviewing the town's comprehensive plan, and telephone conferences with the accessor/code-enforcement officer. The \$650 voucher was approved to be paid by the board, with the exception of Councilwoman Joanne Sivers, at the June 18 board meeting.

Prior to the vote, Ms. Sivers requested clarification for a budget transfer that moved the money from the contingency fund. "Is this money being transferred to pay for

the Capenos zone change?" she asked. Supervisor Robert Dalton said that it was.

"I just wanted the budget transfer clarified and on the record," Ms. Sivers stated after the meeting. She declined to comment on her reason for wanting the matter entered into the records.

"I think it is wrong to have the taxpayers foot the bill for anyone's zone change," Ms. Sivers responded when asked why she voted against paying the vouchers. "This is the first time I can recall that the taxpayers have been asked to pay for a private citizen's zone change and I just don't think it is right."

When asked why he had not performed the preparations for the zone change, Town Counsel David Hawthorne stated that he was not asked to do so.

Capenos, who is a member of both the town and county planning boards, and the chairman of the Schroepfel Republican committee, received the zone change May 7. It is now being challenged by an Article 78 proceeding filed by attorney E. Scott Brown on behalf of Charles and Sarah Beiling. (see related story).



Debra Lupien-Robillard

Local woman steps closer to dream of becoming a writer

by Meg Wickman

With the recent publication of her article in the national magazine *Guideposts*, Debra Lupien-Robillard of Scriba said she is finally beginning to feel like a writer. She was one of the magazine's writing contest winners for her story entitled, "No Chance to Say Goodbye," published in the June 1997 issue. As a child, she recalled, "My mom and dad were always telling me I was going to write a book."

It was a far different childhood experience that inspired Ms. Lupien-Robillard to write the story for *Guideposts*, a publication founded by Dr. Norman Vincent Peale that features first-person accounts of life-changing experiences. Her story chronicles the pain she felt when her younger brother, Billy, was killed in an accident, and the comfort she received when "a man's gentle voice" told her not to worry.

"God speaking to me always was on my mind," she said about her decision to write about the experience.

She finds time to write between answering the phone for her husband's Roto-Rooter service and spending time with her son, Devon, and stepchildren, Courtney and Tyler.

Only a few years ago, she noted, "(I) found myself writing in my head but never putting it on paper." It wasn't until she took a correspondence course on writing that she began to take her writing more seriously.

"If something comes to me I try to have a pen and paper close by," she said. When an interesting observation or idea occurs to her, she jots it down and later categorizes it into file folders.

Ms. Lupien-Robillard learned many more writing tips at a seminar for contest winners held in Rye attended by many writers and editors associated with *Guideposts*. She said the contest winners supported each other and also benefitted from the expertise of the magazine's staff.

Ms. Lupien-Robillard is already at work writing another piece for the publication and is planning others. She also hopes to hone her editing skills and learn enough about the publishing business to advise other aspiring writers.

Long interested in writing for children, she said her dream is to write "something that will really teach kids, but be fun for them to read too - that's the challenge."

She said she expects that her writing, like "No Chance to Say Goodbye," will always have some sort of inspirational aspect. "It's so real to me," she stated.

On the Political Front

Clyde Osborne seeks re-election to legislature

Clyde Osborne has announced that he is a candidate for re-election to the office of County Legislator for District 11 in the Town of Volney, which encompasses Election Districts 1, 2 and 3.

"I have enjoyed the hard work involved in being a County Legislator. Over the past two years, working with my constituents has been rewarding. The Legislature has made several decisions to improve the local situation, and I want to see those decisions and plans carried out. I also want to make certain that future revenue is used to not increase real property tax," Osborne was quoted as saying.

While serving in the Legislature, Osborne has served on several committees: Human Services, Health and Emergency Management and 911. Osborne is a life resident of the Town of Volney. He is employed by the Highway Department for the town. He and his wife, Kathy, reside on the Kings Road. They have three children and four grandchildren also living in Volney.



Clyde Osborne
County legislator

Richmond to run in Oswego First Ward

Oswego First Ward resident and Democrat, Christopher Richmond, has announced that he will run for the First Ward seat on the Oswego Common Council. "The First Ward needs to be a place of neighborhoods again," Richmond said. "Absentee building owners, uncaring landlords and transient tenants need to be held to a higher level of responsibility. We need to take back our streets."

Richmond spoke of the need to remember the good things of the past and to work to get them back. He said, "We need to remember the rich history of this Ward and to recapture the beauty it once had."

Richmond has organized a committee for his election bid and has the support of the Democratic Party of Oswego.

Richmond is an attorney with Whyland and Richmond, LLP and is a graduate of Oswego Campus School and the Oswego High School. He was graduated from the University of South Carolina and Duquesne University School of Law. While in high school, Richmond was a Section Three All-Star Soccer player and later received an athletic scholarship to attend col-

lege. Presently, Richmond sits on the City Zoning Board of Appeals, deciding zoning issues for the City of Oswego. Richmond is married and he and his wife, Rosh, have four boys: David, Brian, Stephen, and Grant. They live at 50 West Fifth Street.

Republicans to meet

Wednesday, July 2, the Oswego County Young Republicans Club will be holding a special meeting at 7 p.m. at Jim Hays' residence. The club is looking for new members as well as volunteers. Anyone seeking directions or more information may contact Jim Hayes, 695-4793.

Council workshop set

A Fulton Common Council workshop will be held Monday, June 30, at 3 p.m. in the Mayor's conference room of the Municipal Building, to discuss code-enforcement services with the Town of Granby.

