

April 18, 2002
Zoning Board of Appeals Minutes
Southwest Community Center

Chairman: Randy Pratt
Board Members: Greg Auleta, Robert Baker,
Brad Livesey, Greg Mills

Call to Order

The meeting of the Oswego Town Board of Appeals was held on Thursday, April 18, 2002. Greg Mills, Acting Chairman called the meeting to order at approximately 7:00 PM.

Attendance

Those in attendance were:

Greg Mills, Acting ZBA Chairman
Kevin Caraccioli, Legal Advisor
Greg Auleta, ZBA Member
Brad Livesey, ZBA Member
Margaret Mahaney, Town Council Member
Shelley Rahn - ZBA Secretary

Randy Pratt, ZBA Chair/Absent
Robert Baker, ZBA Member/Absent
Marcella Gibson, ZEO /Absent
Don Dowd, CEO/Absent

Acceptance of Minutes

A motion was made by Greg Auleta to accept the minutes from the February 21, 2002 meeting. Brad Livesey seconded the motion. All ayes. Motion carried.

First Order of Business

Public Comment Session

There was none as no one was present. The Public Comment Session was closed at approximately 7:05, however if a member of the public was to show board members agreed to reopen the session.

Second Order of Business

Margaret Mahaney, Oswego Town Board Liaison

Council person Mahaney reported Randy Pratt has been re-appointed to the chairman position on the ZBA. She will have a copy of the letter sent to Mr. Pratt sent to all members of the ZBA along with copies of the minutes from the March Oswego Town Board meeting.

Council person Mahaney reported that a copy of the Oswego Town Comprehensive Plan was available, however because of the size of the document, the Oswego Town Board is waiting for the Oswego County Planning Boards' final approval before distributing the document. She will distribute copies of the plan at that time.

An organizational meeting for the Ordinance Revision Committee is scheduled for Wednesday, April 24, 2002 at 7:00 PM at Oswego Town Hall. Greg Mills and Randy Pratt had expressed their interest at being on the committee at the last ZBA meeting. They are asked to attend the organizational meeting. The Oswego Town Planning Board has requested two (2) members of the public also join the committee. Council person will provide members of the committee with the new maps. It is hoped that the topics discussed at the committee will be

brought back to each of the boards for discussion and input and vice versa.

Council person Mahaney presented the Planning Boards' concern with the flow of the application process in the town. They wish to address how an application goes from building permit approval/denial to the Planning Board and the ZBA. They wish to address this issue at the committee also.

Council person Mahaney advised that part of the outcome of the formation of the committee may result in changes to the meeting schedule for the board. She advised members to be prepared for such a change. Douglas Malone, member of the public, interjected his opinion that the town needs more rules. He pointed out that he waited 11-12 months for a building permit and felt it was wrong for him to have to do so. Greg Mills advised the ZBA, in general, concurred with his opinion however there are currently rules in place and the rules are not being consistently enforced.

Third Order of Business

Review ZBA Forms

At approximately 7:35 the board began their review of the revised ZBA forms. Kevin Caraccioli will provide, at a later date, a revised initial review notification letter. The Review Process checklist was the first form to be reviewed. Kevin Caraccioli suggested a "Date of Review" area was put on the top of the form along with an area for the signature of the chairman. The next form to be reviewed was letter advising the applicant of additional information needed by the ZBA and the date of the Public Hearing for their application. No additional changes were needed. The next form was the Public Hearing Checklist. Board members agreed to eliminate the secretary reading the newspaper notification verbatim at the Public Hearing, as indicated in step #3. The Secretary will, instead, be asked to confirm the ad was placed in the official town newspaper. Greg Auleta suggested step #4 be changed to read: "Is all required paperwork completed that was asked for as a result of the review process. If no, action to be determined by the board." Greg Auleta suggested the board secure a copy of the City of Oswego's standard decision form to use as a guideline for developing something similar for use by the Town of Oswego ZBA. Kevin Caraccioli suggested changing step #12 to read "Summarize and enter appropriate data for the record".

Kevin Caraccioli suggested step #14 be changed to read "Vote (state reasons for decision)". Board members felt the reasons for denial/approval should be part of the motion and that more opportunity for interpretation was created. Greg Auleta again stated his desire for a decision form. Kevin Caraccioli stated that all proposals should be stated in the affirmative (i.e. the motion to approve the application as submitted). Greg Auleta challenged that statement in that during his tenure on the City of Oswego board, motions were made with the inclusion of the reasons for approval/denial. Mr. Auleta felt that voting for the motion was acting in the affirmative. Mr. Caraccioli stated that the record needs to adequately reflect the consensus of the board on the decision. Greg Mills felt it was better for the board to vote on a motion and let the motion speak for the acts of the board.

The board also decided to change step #18 to read the permit is issued by the Building CEO within 10 days. Greg Auleta felt that the issuance of a permit should not depend on the availability of someone else. Kevin Caraccioli will research whether the Building Inspector is the only authorized permit issuing agent.

Fourth Order of Business

Kevin Caraccioli Issues/Comments

At approximately 8:30 PM, Kevin Caraccioli advised he felt a letter addressed to Vicky Mullen regarding the need for revisions to the Land Use Ordinance was no longer needed due to the formation of the Ordinance Revision Committee.

The next issue addressed was Frequently Asked Questions for the town website. Kevin stated he wished to present user friendly information such as: What is Zoning? What is a special permit? What is a variance? What do I need to get started building in the town? Kevin was not prepared with this information, however he will work on it for future meetings.

Fifth Ordinance of Business

Training

There was no training slated. There was no discussion.

Sixth Order of Business

Open Board Member Discussion

Kevin Caraccioli was asked to look into the DeMent application (application # 2002-15) by Ms. Mullen to see what, if anything, could be done in response to a letter sent by CEO Don Dowd to the applicant. Kevin Caraccioli was of the opinion that the authority to grant or deny the permit rests with the ZBA. After lengthy board member discussion it was decided to table this issue until the May 16, 2002 ZBA meeting at which time all members of the ZBA should be present to discuss the issue.

Seventh Order of Business

Old Business

Greg Mills presented the board with an opportunity to subscribe to "The Zoning Bulletin". Board members felt this was not a worthwhile expense and decided not to subscribe. Greg Mills advised the board Tom Irwin had applied for the alternate position on the ZBA.

Adjournment

A motion was made at approximately 9:05 PM by Greg Auleta to adjourn the April 18, 2002 meeting. Greg Mills seconded the motion. All ayes. Motion carried.

Respectfully submitted,

Shelley A. Rahn
Town of Oswego Zoning Board of Appeals Secretary