

**April 28, 2005**  
**Zoning Board of Appeals Minutes**  
**Oswego Town Hall**

**Chairman:** Greg Mills  
**Board Members:** Greg Auleta, Robert Baker,  
Brad Livesey, Timothy Anderson  
**Attorney to the Board:** Kevin Caraccioli

**Call To Order**

At approximately 7:03 PM Greg Mills, Chairman of the Zoning Board of Appeals called the meeting to order.

**Attendance**

Those in attendance were:  
Greg Mills, Chairman  
Robert Baker, Member  
Timothy Anderson, Member  
Greg Auleta, Member  
Kevin Caraccioli, Legal Advisor  
Marjorie Best, Secretary

Those absent were:  
Brad Livesey, Member

**Acceptance of Agenda:**

Greg Auleta made a motion to accept the Agenda. Bob Baker seconded the Motion. All ayes. Motion carried.

**Approval of January 20, 2005 Minutes:**

Tim Anderson made a motion that the January 20, 2005 Minutes be approved. Bob Baker seconded the Motion. All ayes. Motion carried.

**Old Business:**

Because the first Public Hearing was not to start until 7:10 PM, Greg Mills shared with the members that he; Theresa Cooper, Oswego Town Clerk; Judy Watson of the Planning Board; Brian Frazier of the Oswego County Planning Board; and Marjorie Best, Secretary for the Zoning and Planning Boards, met to discuss the revamping of the Zoning Ordinance on March 24, 2005 at 4:00 PM. There were many issues discussed that must be clarified and worded in conjunction with the Ordinances in other towns. Brian said he would work on the changes and get back to us within a reasonable time.

**New Business:**

Application #2005-03 - James E. LeFlore - Area Variance:

At approximately 7:15 PM, Greg Mills opened the Public Hearing on Application #2005-03, James E. LeFlore. Greg asked Mr. LeFlore to state his name, address and the purpose of the application.

James LeFlore stated his name, and that he resides at 7385 State Rte 104, Oswego, New

York. He stated his purpose for the application was an Area Variance to build an addition to his existing garage. The addition is to be 20 feet by 20 feet. The Zoning regulations require a side yard set back of 20 feet, and he stated he is 6 feet short.

Greg Mills pointed out the Summary Appraisal by Pathfinder Bank on February 16, 2001, and questioned where the addition would be placed. Again, James LeFlore stated it is a 20 feet by 20 feet addition added to his existing garage. He stated he thought he could get away with putting a slab in, but found out he needs to put footers in to make a strong foundation. He also mentioned a tarvia drive, and Kevin Caraccolli said tarvia drive means blacktop or asphalt.

Greg Mills asked where the nearest neighbor's property is. Mr. LeFlore explained that he shares a 10 foot driveway in common with the neighbor to the West. They also share the plowing bills for the driveway. He stated there is a document whereby they shared ingress and egress to the driveway. Kevin Caraccioli asked that the document be provided to the Zoning Board.

Bob Baker questioned various measurements on the plot plan: 56.3 feet, a 29.1 feet difference, and a set back of 10.9 feet. He suggested giving an 11 foot Variance, rather than 10.9 feet. Kevin Caraccioli agreed.

Greg Mills asked the members if there were any more questions regarding the Variance. Greg Auleta made a motion that Application #2005-03, James LeFlore, requesting a side yard Variance of 11 feet be approved, and that Mr. LeFlore provide the Zoning Board with the document verifying the legality of the use of the driveway. Tim Anderson seconded the motion. All ayes. Motion carried.

Application #2005-04 - Donald J. Smith - Use Variance And New Business Permit:

At approximately 7:45 PM, Greg Mills opened the Public Hearing on Application

#2005-04, Donald J. Smith. Greg asked Mr. Smith to state his name, address and purpose of his application.

Donald J. Smith stated his name and that he lives at 7185 State Rte 104. His purpose for the application is to run a car repair shop in his existing garage.

Bob Baker asked if it would be a private business, and what regulations he would have to go through. Mr. Smith stated that it is private, but would have to get a New York State license to repair cars. He said he will have no signs. He plans to retire from Niagara Mohawk, where he repairs vehicles, and would like a small business in his garage. He said there would not be any more than 2 or 3 cars. Bob Baker asked him what his premises would look like - would there be several vehicles lined up? Mr. Smith said it would look just like it does now. He wants to keep his property neat, and no junk would be around.

Bob Baker asked about oil from vehicles and the environment, and would DEC be involved. Mr. Smith said he could bring oil to a place to be recycled or to the landfill. Bob asked how far off the road his property extends, and Mr. Smith said 601.32 feet.

Greg Auleta was concerned that if we permitted a business in an R-2 zone, it could create a problem with other applicants wanting to start a business in an R-2 zone. Kevin Caraccioli quoted from the Ordinance, the conditional uses in an R-2, such as Church, public park, public library, public or private school, custom home occupation, and apartment house, but there is nothing mentioned about a car repair shop. Again Don Smith stated there will be no signs, and he will have no employees. It will be a one man operation.

Greg Auleta stated that perhaps this matter should be tabled until the next meeting. Brad Livesey is absent tonight, and hopefully he will be at May's meeting, and we would have his input. He said we must carefully deal with this matter.

Kevin Caraccioli stated we have to abide by Town Law with what we have to work with. He said a Use Variance is the most difficult to work around. He quoted from the Ordinance, that Variances, whereby such strict applications would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or buildings involved. If we granted the Variance for one person, it would open up to granting it to others.

Don Smith said he wants to do what is right, and register with the State of New York. He was asked about liability, and Mr. Smith said there would be a liability issue on automotive, the same as for beer, or any other business.

Greg Mills stated we could do one of two things (1) Either approve or deny the application, or (2) Table the matter until next month when hopefully we will have the full Board in attendance.

Tim Anderson agreed that we should table the application until the May meeting. Greg Auleta made a motion that Application #2005-04, Donald Smith for a Use Variance and New Business Permit be tabled until next month. Bob Baker seconded the motion. All ayes. Motion carried.

Greg Mills stated we had already gone over Old Business before the first Public Hearing.

**Public Comment:**

No public present.

**Open Board Discussion:**

Bob Baker had a question as to set backs on property lines. Would the set backs have to be along zig zag property lines, or more or less go along with the straight lines? It was determined that set back would be along straight lines.

**Adjournment:**

At approximately 8:45 PM, Greg Auleta moved to adjourn the meeting. Tim Anderson seconded the Motion. All ayes. Motion carried

Respectfully submitted,

Marjorie Best,  
ZBA Secretary