

April 27, 2006
Zoning Board of Appeals Minutes
Oswego Town Hall

Chairman: Greg Auleta
Board Members: Robert Baker, Timothy Anderson,
Debra Jaskula, Robert Dexter
Attorney to the Board: Kevin Caraccioli
Secretary: Marjorie Best

Call To Order:

At approximately 7:00 PM, Greg Auleta, Chairman of the Zoning Board of Appeals called the meeting to order.

Greg welcomed our new member, Bob Dexter. Because there were a number of people from the public present, Greg introduced all the members of the Board.

Attendance:

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

Acceptance of Agenda:

Greg asked if there were any comments regarding the Agenda. There were none, so the Agenda was accepted.

Approval of March 16, 2006 Minutes:

There were no questions or comments on the March 16, 2006 Minutes, so Deb Jaskula made a motion that we approve the Minutes. Tim Anderson seconded the motion. All ayes. Motion carried.

Bob Baker asked that the record reflect why the meeting was changed from the 20th to the 27th of April. Kevin Caraccioli stated that we normally meet the third Thursday of each month. However, due to schedules with vacations, two members were unable to attend on the 20th, and since there were 2 public hearings scheduled, we needed a quorum to vote on the applications.

New Business:

Application #2006-02 - Robert Natoli - Area Variance - 7:05 PM

Greg asked if all the public present signed the "Sign In Sheet". He also stated that anyone who would like to make comments, to please step forward, give their name and address, and then give their concerns. He asked Mr. Galvin, who is representing Robert Natoli to please step forward, give his name and address, and state the purpose of the application.

James Galvin stated his name, and that he works for MJP Contractors, and that he is representing Robert Natoli. He is applying for a variance to build a watch tower. The code allows a 40 foot high building, and the one Mr. Natoli proposes to build is 51 feet high. He stated he found an architect, and a plan to go by. When he applied for the building permit, the CEO denied the application, as it didn't meet the code. He said they were already too far into the planning to back out, so therefore the appeal to the Zoning Board. Greg asked what makes it too far into it. Jim stated they paid a considerable amount of money for the prints and plans.

Greg asked in terms of the building and height limitations, and what will be taking place in the building. Mr. Galvin said Mr. Natoli requested the tower to use the interior stairs for physical training. Greg noted the plans show a deck on top of the tower. Tim Anderson asked what the dimensions of the building are, and Jim said 20 feet by 20 feet.

Greg asked about the letters to the neighbors, and their signatures on the Distribution Form, announcing there would be a public hearing - Did he explain any details of the proposed building - Did he present plans showing the height - Was there discussion where it would be situated? Mr. Galvin said he got in touch with most of the people, with the exception of a few he sent Certified Mail. He said he brought a small map of the structure, and did explain briefly. He explained the code allowed 40 feet high, so need a variance to go 50 feet high. It was not a long discussion, just a doorstep discussion.

Greg asked Mr. Galvin if he was aware of the criteria, if an Area Variance were granted. He said the Board must determine - (1) Will this be detrimental to health, safety, and general welfare? (2) Whether benefit can be achieved by other means feasible to applicant? (3) Undesirable change in neighborhood character or to nearby properties? (4) Whether request is substantial? (5) Whether request will have adverse physical or environmental effect? And (6) Whether alleged difficulty is self created? The Board must be satisfied that all criteria has been met.

Greg asked if there were any questions from the Board. Kevin Caraccioli asked how large the building is on top. Jim said it is 10 feet by 10 feet. Kevin also asked about the deck, and Jim said it is 16 feet by 16 feet. Jim said people would be able to get up to the little building on top; and then exit onto the deck. Kevin also asked about the stairs going up to the deck. Jim said there are stairs leading to each of the four levels, and the stairs are steep. Kevin asked what is going to be on the outside of the building, and Jim said siding. He also asked about the topography of the land where the tower will sit. Jim said it is on the highest spot of Natoli's land.

Greg said as he looked at the plans, and the building on top - is there any structural reason why this couldn't be dropped down from the top. Jim said no, but possibly from the bottom. Greg said self-inflicted difficulties are not necessarily the responsibility of the Board to solve.

Kevin asked what type of equipment would be there to build the tower, and Jim said a bobcat, and a small crane - nothing gigantic.

Tim Anderson asked if he had thought about putting the tower anywhere else on the property. Jim told him no, that he wanted it at the highest point on his property.

Greg asked the members of the Board if they any more questions, and then called on the public to speak. The following people expressed their questions and concerns:

Sandra Watts:

She questioned if it is not an observation tower, what is the purpose of it? Greg said Jim Galvin told that it is for physical training.

Peter Wiltsie, 1055 County Rte 20:

He stated he would like to know about the topography of the tower. Will it go up over the tops of the trees? If in the future, he plans on building a new home on the back of his property, he would not want someone looking down on his property.

Kevin asked how high the trees are up there. Jim said he isn't familiar with the spot where the tower is going.

Doug Malone, 169 Demass Road:

Doug said he lives two doors North of Mr. Natoli, and would like more information on the tower. He wondered why Bob Natoli didn't come to the meeting, as he would like to talk to him. We have a lot of wind. Is it going to blow into his yard? What is it - a watch tower, a light house - Is there going to be power, which Jim said there would be power. Deb Jaskula questioned the lighting of the building. Other questions Doug Malone asked -

Is the building going to be enclosed? What kind of roof will it have? Jim said the roof would be asphalt. Doug also asked - What if the tower caught fire? How would the fireman get to it? He said he would like to see the Board table the matter, as we need more information. He said he would like to make sure the building is safe and no one gets hurt. Is the building going to have a peak roof, or a flat roof?

John Fultz, County Rte 20:

He said if he lived next door to Mr. Natoli, he would probably be ballistic. He said a variance could eventually allow Natoli to have a tower built directly across the road from where he lives. If the Board gives him the 50 feet, and if in a couple of years he wants more in the back corner for 70 feet, he would be able to see down into his house, and he won't be a happy man, because he feels the tower is to observe. He doesn't feel that anyone in the neighborhood should be observed by anybody else. If the building is being used for exercise, why is the deck sitting on top of it?

Daniel Rupert, 96 Demass Road:

He said Mr. Natoli claims this building is for exercise purposes. Why is he building an observation deck on top of it? He feels he is building an observation tower, not an exercise building. He put a 12 foot fence around his house so no one can look in there. Yet he is going to put a 50 foot tower up there, and is going to be able to stand up there and look over the whole neighborhood. Maybe some of the neighbors can't see it now, but tomorrow he could cut the trees down. Dan said he doesn't buy it being an exercise thing.

Tim Somers, 20 Barker Road:

Tim claims that part of Mr. Natoli's fence is on his property. He complained about the 50 foot tower, as he could look right down at his property, as well as the other neighbors. He could also have a video camera or telescope up there.

Marla Berlin, West Lake Road:

She stated that she and all the surrounding neighbors have a right to privacy on their own land. She was concerned about property values. People like moving out that way, as they like living in the country for privacy. It won't be very private with him up there in that tower

watching everyone.

After the public wads through with their comments, Greg said it is his understanding that a form should be filled out called a SEQR, which stands for State Environmental Quality Review. Kevin explained that the State becomes involved in this as to the environmental impact of the surrounding area. Mr. Natoli filled out the front page of the short form

SEQR, and it is up to the lead agency, the Zoning Board of Appeals to fill in the second page. There is also a long form SEQR. Under the circumstances, it was appropriate to have Mr. Natoli fill in the short form, and he quoted some of the statements on page 2: Existing air quality, surface or groundwater quality, noise levels, existing traffic patterns, solid waster production or disposal. Another section refers to Aesthetic agricultural, archeological, historic or other natural or cultural resources, or community or neighborhood character. Kevin also explained the front page of the SEQR which Mr. Natoli filled out as a positive impact. Greg stated to the Board that if we grant the variance, we would have to vote in the affirmative, with the 6 conditions of the variance which were quoted previously in the minutes. The next option would be to turn it down. There is the matter of the SEQR. We can table or postpone the matter, as we need further information, one being some sort of topographical statement. Tim Anderson made a motion to complete the short SEQR form, and it was determined if a full SEQR is needed. Deb Jaskula seconded the motion. All Ayes. Motion carried. Greg stated because of this motion, we would not be in a position to consider this application tonight. We need to entertain a motion to table the matter until adequate documentation has been provided. Deb Jaskula entertained the motion, and Tim Anderson seconded it. All ayes. Motion carried.

Application #2006-03 - Danny Dunsmoor/Joseph Albano - Area Variance - 7:20 PM.

Joseph Albano, as Tenant appeared at the hearing. He was asked to state his name and address, and the purpose of the application. He stated his name and that he lives at 7763 Route 104, in the Town of Oswego. He stated his purpose is to put a 12 x 24 foot addition on his trailer, but he is within 8 feet of the line, so needs an Area Variance. Tim Anderson showed Joe the map and asked which line, and Joe said it would be the side lot line. Greg said it looks like he needs a 22 foot variance. Joe was asked where the entrance is, and he showed him, so the variance will be on the side yard.

Greg stated for the record that this application was submitted to the Oswego County Planning Board. According to a letter from the County Planning Board dated April 18th, no significant county impact is involved, therefore, this should be decided as a local issue. Greg also noted that the neighbors were notified, and signed a Distribution Form. No public showed up with comments, and all criteria has been met. Deb Jaskula made a motion that we approve Application #2006-03, Danny Dunsmoor/Joseph Albano for a 22 foot side yard variance. Box Dexter seconded the motion. All ayes. Motion carried.

Old Business:

John Dickquist:

It shows on the Agenda that there is no old business, however, Mr. Dickquist has requested an opportunity to make a statement to the Board.

Mr. Dickquist said as the Board knows, he had filed an application for a Business Permit last year, paid his fee for a Public Hearing, and the meeting was cancelled. He claimed he had done everything required of him, including having the neighbors sign the Distribution Form. He claims that 62 days had gone by. He said he was here before the Board to see if his application could be approved, and doesn't want any legal hassles. He claimed he has

cleaned up the property, the DEC has approved it, and made the property presentable.

Greg Auleta stated to Mr. Dickquist when he appeared before the Board before, there were problems with the paper work. There were also problems with the validity of the paper work from Mr. Newton. He also pointed out that we need to start all over again, as some of the original papers disappeared, and it was found that he had paid his fee for a public hearing, and therefore would not have to pay it again. Mr. Dickquist said it was not his fault that the Town lost the paper work. He said he has all the documentation, but Greg said we need originals. After much discussion back and forth, Greg and the Board stood their ground that we would have to start over, as we need original documents, signed and dated. We have been in touch with Mr. Dickquist's Attorney, Spencer Ludington, as well as Mr. Shanley's Attorney, Ed Mervine. Kevin stated if Mr. Dickquist wanted to start a legal proceeding, he could attempt to, if an application was denied, but the time limit is gone on that also. We must go by the rules of the Board, and the Zoning Laws, and must have original documents from beginning to end. Greg suggested to Mr. Dickquist that he consult with his legal advisor.

Public Comment:

Matt Mosher stepped forward. He lives at 37 Glen Cove. He said his neighbor had a building permit to complete a home. He was supposed to have it built in a year. The year had expired, and now no building permit renewed. He doesn't see how the person can be living in the home with no Certificate of Occupancy. Deb Jaskula asked when he had the Building Permit, and Matt said 2 years ago. He asked where we go from here. He wondered if Zoning could look into it. Greg explained the Zoning Board's responsibility is the Appeals process. He said the Town Board and Wayne Newton should be notified. Kevin said we don't have jurisdiction over that it would be the Code Enforcement Officer's responsibility.

Open Board Discussion:

None

Adjournment:

At approximately 9:15 PM, Bob Baker made a motion to adjourn the meeting. Tim Anderson seconded the motion. All ayes. Motion carried.

Respectfully submitted,

Marjorie Best
ZBA Secretary