

August 21, 2003
Zoning Board of Appeals Minutes
Oswego Town Hall

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

Call to Order

Greg Mills 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
Robert Baker, ZBA Member
Brad Livesey, ZBA Member
Shelley Rahn, ZBA Secretary

Those absent were:

Randy Pratt, ZBA Chairman

Approval of July 2003 Minutes

At approximately 7:05 PM, Greg Auleta motioned to accept the minutes, amended as follows:
Attendance section should indicate Greg Mills was present.

Second Order of Business should read "There was no comment as no one was present."

Fourth Order of Business, Sixth Paragraph should read "It is Kevin's opinion that he cannot identify any reason for a Long Form SEQR."

Brad Livesey seconded the motion. All ayes motion carried.

First Order of Business – Public Comment Session

There was no comment. Public Comment Session closed at 7:06PM

Second Order of Business – Public Hearing – Oswego Alliance Church/Chris Choate/Skip Taylor

At 7:07 PM the Public Hearing for the Oswego Alliance Church/Chris Choate/Skip Taylor was opened. Shelley Rahn presented the board with the Public Hearing Notice as published in the August 15, 2003 issue of the Palladium-Times.

Chris Choate and Art Jones stepped forward as representatives for Oswego Alliance Church. Mr. Choate presented the board with the receipts from the certified mailing to the neighbors that bounded the property as proof of notification of the Public Hearing.

Greg Auleta noted that the Town of Oswego Planning Board had granted a conditional approval pending the receipt of:

- Copy of easement from 104 to property
- Satisfactory storm water pollution plan signed by an engineer and approved by DEC
- Septic plan stamped by Oswego County Health Department
- Reaching an agreement with the northernmost property of 69 space parking lot (shrubby, barrier, amendment to suggested parking diagram)

Kevin Caraccioli suggested the ZBA not act on the application until the Oswego County

Planning Board provides recommendations in the event a vote to override that board's decision is needed.

Mr. Choate advised the above listed information would be provided at the Oswego County Planning Board review, with the possible exception of DEC approval of the storm water pollution plan.

According to Mr. Choate, Skip Taylor received 1 phone call that a hedge row not be disturbed. Mr. Taylor felt this would not be an issue. Mr. Choate also stated that their architect advised it would be in the Church's best interest to have a natural barrier. Mr. Choate stated that the SEQR forms had been filled out, but he was uncertain as to whether or not the forms had been submitted for Oswego County Planning Board. Kevin Caraccioli will check with Oswego Town Planning Board Attorney, Steven Greene, Jr.

At approximately 7:40 PM, Public Comment Session was opened. Neighbor Kelly Irwin of 393 Thompson Road in the Town of Oswego addressed the board. Ms. Irwin stated she wasn't aware of the extent of the Church's Plans until she received a phone call from a member of the Planning Board asking her opinion of the parking plan. Ms. Irwin is wondering how long this project has been planned and why the neighbors weren't notified with details of the project. Greg Mills stated that the certified letter Ms. Irwin received was notification of the Public Hearing and the project.

Ms. Irwin stated she would like a combination of fencing and a natural barrier between the properties. Greg Auleta suggested the applicants and Ms. Irwin meet with an architect to reach an agreement with regard to the barrier. Both Ms. Irwin and the applicants agreed to meet to reach an agreement. The applicant was asked to present documentation of the agreement (a written document and site plan) at the next ZBA meeting. At 7:53, the Public Comment Session was closed.

Greg Auleta motioned to table consideration for Oswego Alliance Church and to require the application not to return until satisfactory compliance of the Town of Oswego Planning Board four (4) recommendations has been achieved. In addition, the ZBA requires that the applicant must reach an agreement with neighbor Kelly Irwin and present documentation in the form of a written document signed by all parties along with a site plan that reflects the agreement and a completed Short Form SEQR. The motion was seconded by Brad Livesey. All ayes. Motion carried.

Third Order of Business – Review Process – Scott and Kristin Benjamin

At approximately 8:00 PM the review process for Scott and Kristin Benjamin for property located at 86 Driftwood Shore Road in the Town of Oswego was opened. Kevin Caraccioli advised the board that he had represented the Benjamin's in the purchase of this property but not for its use. ZBA members felt this was not a conflict of interest and it was ok to proceed with the review.

Scott Benjamin advised he and his wife Kristin had purchased the property last year seeking to improve the structure. An engineer recommended starting over and pouring a real foundation. The Benjamin's would like to remove the existing structure and replace it with a smaller modular home and installing a holding tank in lieu of installing a septic system. Preliminary drawings of the holding tank were presented to the ZBA. The applicant is seeking an Area Variance and 2 setback Variances. The applicant amended his original application to reflect the proper side yard setback of 20 feet instead of the 10 feet indicated on the application. The Benjamin's stated that the house can not be moved to a different location due to the location of the existing well, the location of the holding tank and their agreement with a neighbor not to block his line of vision of the lake.

Kevin Caraccioli will route the application to the Oswego County Planning Board for their review. Shelley Rahn will route the application to the Town of Oswego Planning Board for their review. The Benjamin's will mail a notice of the Public Hearing to the neighbors within a 500 foot radius of the center of the property.

At 8:30 Greg Auleta motioned that the application submitted be considered as approved for the Review Process and moved to a Public Hearing at the next ZBA meeting (September 18, 2003). Brad Livesey seconded the motion. All ayes. Motion carried.

Fourth Order of Business – Review Process – Nextel/Kyle Knickerbocker

At approximately 8:31 PM Steven Elsbree Zoning Consultant for Nextel located at 8 Airline Drive, Suite 105 Albany New York approached the board. Nextel entered into a lease agreement with Crown Atlantic to lease tower space on an existing structure off of Thompson Road in the Town of Oswego. Nextel needs to construct an equipment shelter and the additional height on the tower to provide cellular telecommunication service coverage for the West side of Oswego, SUNY Oswego, and the Route 104 corridor of the Town of Oswego. The tower is currently occupied by Verizon and Cingular Wireless. The tower currently stands at 150 feet. The applicant is proposing construction of another 20 feet. The center of the antenna will stand at 167 feet and the top of the antenna will stand at 170 feet.

Mr. Elsbree stated that the application had gone before the Town of Oswego Planning Board and was approved. He also advised a statement had been issued to the FAA with regard to the construction and the tower will not be lit.

Kevin Caraccioli recommended the board approve the application as it has no significant impact with regard to the current Town of Oswego Land Use Ordinance. At approximately 8:50 Greg Auleta motioned the Town of Oswego ZBA affirms the determination of the Town of Oswego Planning Board as no significant zoning ordinance or regulation is involved. Therefore, the application is approved. Brad Livesey seconded the motion. All ayes motion carried.

Fifth Order of Business – Open Board Discussion

Greg Mills advised board members of the upcoming meeting on August 27 at 7:00 PM at the Community Center regarding the proposed Land Use Map. Mr. Mills advised that the Planning Board has issues with the map. After reviewing the map ZBA member were concerned with area of land designated as a Business Zone. Members were specifically concerned with the Area near Fred Haynes Boulevard. Greg Auleta motioned the ZBA express the following regarding the Draft Proposed Land Use Map: The ZBA has serious reservation regarding the designation of Fred Haynes Boulevard as a Business district based on the existing Land Use Ordinance language being overly broad. The ZBA is concerned this will open the corridor to unintended development. Greg Mills seconded the motion. All ayes. It is noted that ZBA member Brad Livesey abstained from this motion. Motion carried.

Adjournment

At approximately 9:05 PM Greg Mills motioned to adjourn the meeting. Robert Baker seconded the motion. All ayes motion carried. The next ZBA meeting is scheduled for September 18, 2003.

Respectfully Submitted,

Shelley Rahn
ZBA Secretary