

August 19, 2004
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 7:02 PM, Greg Mills, Chairman of the Zoning Board of Appeals called the meeting to order.

Attendance

Those in attendance were:

Greg Mills, ZBA Chairman
Robert Baker, ZBA Member
Brad Livesey, ZBA Member
Timothy Anderson, ZBA Member
Kevin Caraccioli, Legal Advisor
Marjorie Best, Secretary

Absent was:

Greg Auleta, ZBA Member

Acceptance of Agenda:

Tim Anderson stated the Agenda should be accepted. All members were in agreement.

Approval of July 15, 2004 Minutes:

Brad Livesey made a motion that the July 15, 2004 Minutes be approved. Bob Baker seconded the motion. All Ayes. Motion carried.

Old Business: None

New Business:

A letter was received from William Donovan, of North Carolina, regarding his neighbor to property he owns in Oswego Town. The neighbor, Mr. Bivens has been dumping gravel and fill onto his property, and spilling onto Mr. Donovan's property, causing water drainage. Tim Anderson said he could not get involved in this issue as Mr. Bivens is his brother-in-law. Greg Mills stated he could get into the discussion, but could not vote. Kevin Caraccioli questioned whether a permit had been issued, that it sounds more like a civil matter. The Secretary stated she found the Donovan letter in her box, and nothing else was there, regarding permits, or anything from the Code Enforcement Officer. Greg Mills said we do not have enough information to do anything, until we get in touch with Richard Greene, the CEO. Kevin stated this is in an R-4 Zone, but we don't know whether a permit had been issued, that we are kind of blind here as to what Mr. Donovan is looking for. Kevin quoted the set back for an R-4 District "Building shall be so located as to allow the following minimum sizes of yards in feet, measured from such building to the nearest abutting lot line, or nearest highway right of way". So this would be a 30 foot side yard. This is not material within the building. We have dirt crossing Mr. Donovan's line, and flooding his property. Greg Mills asked the Secretary to check with the Town Hall, as to when Richard Greene would be back, as we understand he is

in Alaska, and also check to see when Doug Speck would be available, as we understand, he is also out of state. He also asked her to check to see what days of the week they are in the office, and when she gets an answer, she will contact Greg immediately. Greg said we cannot take any action, until we see what permits or documents the CEO has in his file.

The next order of New Business were e-mails between Kevin Caraccioli and the Secretary regarding a building permit issued to a gentleman to build a deck on Driftwood Shores. Richard Greene issued a permit, then discovered an error in the Ordinance, which read "east" side, and should have read "each" side. Richard Greene called the Secretary, and stated he had to rescind the permit, and the gentleman would have to apply for a Variance. The Secretary referred the matter to Kevin, being the Legal Advisor. Kevin did talk to Richard Greene, and stated perhaps we could resolve the matter without going to Public Hearing. The Secretary was asked if she received an Application, and she stated she had not, and in fact, doesn't even know the applicant's name. So again, nothing can be done until Mr. Greene is back in the office. Kevin said Mr. Greene admitted he screwed up by misinterpreting the Zoning Ordinance, and is hoping to spare the gentleman a public hearing. If he had made application, and the neighbors had no complaints, there should not be a problem.

Public Comment - No one present.

Open Board Discussion - None.

Adjournment:

At approximately 7:45 PM, Brad Livesey made a Motion to adjourn the meeting. Tim

Anderson seconded the Motion. All ayes. Motion carried.

Respectfully submitted,

Marjorie Best
ZBA Secretary