

**February 21, 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, February 21, 2002. Randy Pratt, Chairman called the meeting to order at approximately 7:12 PM.

**Attendance**

Those in attendance were:

Randy Pratt - ZBA Chairman  
Greg Auleta - ZBA Member  
Robert Baker - ZBA Member  
Greg Mills - ZBA Member  
Kevin Caraccioli - Legal Advisor  
Shelley Rahn - ZBA Secretary

Don Dowd - CEO/Absent  
Marcella Gibson - ZEO/Absent  
Brad Livesey - ZBA Member/Absent

**Acceptance of Minutes**

A motion was made by Greg Mills to accept the minutes from the January 17, 2002 meeting. The motion was seconded by Greg Auleta. All ayes. Motion carried.

**First Order of Business**

**Deadline for Application Submission**

Board members discussed a proposed policy from last year that designated the 10th of any given month as a cut off date for application submission. Should the 10th of the month fall on a Sunday, then the cut off date would be the 11th of the month. Any applications received after that date would be put on the agenda for the following month. An application is considered received once the \$150 application fee is paid to the Oswego Town Clerk. The ZBA secretary will locate this policy so that board members can vote on this at the March 21, 2002 meeting.

**Second Order of Business**

**Review 2002 Calendar**

Board Members reviewed and discussed the 2002 Calendar for meeting dates for the Zoning Board. This calendar will be distributed to the Oswego Town Clerk with a notation near the December meeting date advising the December meeting would not be held in the absence of any applications being received. A notation would also be made on the bottom of the calendar advising of the deadline for application submission.

**Third Order of Business**

**Oswego Town Comprehensive Plan**

The board requested a letter be drafted to Oswego Town Supervisor, Victoria Mullen, requesting a current copy of the Oswego Town Comprehensive Plan be distributed to all members of ZBA including the ZBA secretary and legal advisor.

**Fourth Order of Business****ZBA Authority vs. Planning Board Authority**

Mr. Caraccioli pointed out to ZBA members contradictions in Article 5 of the Oswego Town Land Use Control Ordinance. He noted Section C, subsection 2B gives the Zoning Board of Appeals the authority to grant or deny applications for special permits authorizing any of the uses for which this ordinance requires obtaining a special permit. It was then noted that subparagraph I indicates that if the Board of Appeals shall determine that the conditional uses provided in the ordinance shall conform to the general character of the neighborhood, then they are entitled to issue a special permit. However, in Section F, subsection 1B gives the Planning Board the authority to review and approve/disapprove of modifications of certain uses: any use permitted upon compliance with conditions specified in this ordinance such as but not limited to conditional uses subject to special permit. This ordinance gives both the Planning Board and the Zoning Board the authority to issue special permits. The Town Law actually gives the Planning Board the authority to issue special permits unless the town adopts a local law (Section 274B of Town Law). Randy Pratt requested legal advisor, Kevin Caraccioli draft a letter to the Oswego Town Board to clarify ZBA authority and Planning Board Authority and amend the Land Use Ordinance.

**Fifth Ordinance of Business****Ordinance Committee/Review**

It was agreed that a committee needs to be formed that includes members of the ZBA, Planning Board and Oswego Town Board to reform the Land Use Ordinance. A letter would be drafted to Supervisor Mullen and the Oswego Town Board to request such a committee be formed. This letter would also request the Oswego Town Board appoint a chairman for the ZBA in accordance with Article 5 of the Land Use Ordinance.

**Sixth Order of Business****Upcoming Training**

On April 11, 2002 the annual Local Government Conference by the Tug Hill Commission is being held at Jefferson Community College. All ZBA members were encouraged to attend. Members need to advise the secretary of their desire to attend so a request can be made to the Town Board for approval.

**Seventh Order of Business****Old Business**

There was none.

**Adjournment**

A motion was made at approximately 8:40 PM by Greg Mills to adjourn the February 2002 ZBA meeting. The motion was seconded by Greg Auleta. All ayes. Motion carried.

Respectfully submitted,

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