

**February 19, 2009**  
**Zoning Board of Appeals Minutes**  
**Oswego Town Hall**

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

Called to order by Chairman, Greg Auleta at 7:00PM

**Attendance:** Robert Baker, Timothy Anderson, Deb Jaskula, Robert Dexter, Kevin Caraccioli

**Public Attendance:** Jason Shi, Janet Dexter

**Approved Agenda of 2/19/09 meeting**

Motion to accept minutes of the January 15, 2009 meeting by Bob Baker.  
2nd – Tim Anderson. Carried

Copy of letter from Oswego County 239 reviewed

**Public Hearing**

Called to order by Chairman, Greg Auleta at 7:10PM

Application of Yuan He and Jason Shi to request a Use Variance to open a Chinese Restaurant and Delivery at 68 County Route 89, formerly Johnny's Dockside.

Jason Shi told the Board that this space has been a restaurant since the 1930's and has been closed for 4 years.

Greg told the Board that the CEO noted property has been closed for 4 years so use as a restaurant is not valid. It is in an R-2 District. In need of a variance to open.

Greg read a letter from Marty Weiss (Oswego County Planning) that was received 2/19/09 questioning parking in front and side of building.

Bob Baker asked if the property is now owned by Mr. Shi.

Jason said he would be closing on the property the next day with a private mortgage.

Discussion by entire Board recorded. The Board did question the parking and Kevin said that the PBA did not address the parking issue but it is a PBA issue. The PBA did approve the Site Plan conditionally with regard to the septic system being in working order.

Deb Jaskula asked about winter hours. Jason said they would be opened 4:00PM – 3:00AM.

Janet Dexter spoke in favor of the new business. She and her husband own a business at 61-67 County Route 89. Explained the history of the property and they feel it should be zoned as commercial no R-2. She suggested to the applicant that he have the septic system tested. She feels he needs a parking plan because of conflicts with other businesses in area. She also questioned the hours of operation. Their hours of operation require "quiet time" after

11:00PM.

Jason stated that his summer hours of operation would be 4:00PM – 11:00PM.

Janet Dexter also brought up the issue of trash.

Jason stated that the Oswego County Health Dept. was addressing the issue of trash.

Kevin Caraccioli stated that trash would come under the State Sanitary Code. Administered by the County and it is a Public Health issue.

Jason stated he would talk to the Livesey's about putting his trash adjacent to theirs.

Greg stated that the PBA did not address the trash issue. He would like to see Jason open his business but the issue of trash is a significant issue and legitimate questions have been raised and not addressed by the PBA.

Kevin stated that the PBA did not have the benefit of the letter from the County and he feels that they would have addressed these issues had they had the letter. ZBA has identified the issues to refer back to the PBA.

Motion by Deb Jaskula to approve the Use Variance contingent on referral to the Town Planning Board to address parking and trash removal pursuant to 239 review.

2nd – Tim Anderson. Carried.

Greg explained the motion to the applicant.

Deb suggested that no one but the Dexter's attended the Public Hearing as part of the public record.

Public Hearing Closed

### **Open Board Discussion**

Greg summarized the public forum on the zoning regulations. Going forward, under advise of Counsel, have a SECR approval with the Town Board being the lead agency under the law. We will present the revised draft to be returned to the Town Board for another Public Hearing subsequent to approval. The only major issue is Fred Haynes Blvd. being shifted to Commercial and Business.

Board discussion continued.

Motion by Greg Auleta to adjourn. All approved. Carried.

Respectfully submitted by:

Noreen Ruttan, Secretary  
Oswego Town Zoning Board of Appeals