

January 25, 2007
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.

Attendance:

Those in attendance were:

Greg Auleta, Chairman
Timothy Anderson, Member
Debra Jaskula, Member
Robert Dexter, Member
Kevin Caraccioli, Legal Advisor
Marjorie Best, Secretary

Absent was:

Robert Baker, Member

Acceptance of Agenda:

Tim Anderson made a motion that the January 25, 2007 Agenda be accepted. Debra Jaskula seconded the motion. All ayes. Motion carried.

Approval of November 16, 2006 Minutes:

Tim Anderson made a motion that the November 16, 2006 be approved. Bob Dexter seconded the motion. All ayes. Motion carried.

New Business:

Application #2007-01 - Lori Cloonan/Dale Cook - Ue Variance:

Greg opened the Public Hearing on Application #2007-01 - Lori Cloonan and Dale Cook for a Use Variance. Greg asked the parties to step forward and state their names and the purpose for the Variance. Greg read the letter from CEO, Wayne Newton wrote to Lori Cloonan denying the request to build a single family home in an Industrial District. Since it as denied, that brought about the Appeal for a Use Variance.

Dale stated that he wants to purchase the property from Lori Cloonan. He aid before the purchase goes through, he wanted to make sure the Use Variance is approved. The contingency is the Variance be granted, and then be able to obtain a Building Permit to build the single family home.

The members all received a small map, but there was also a survey map that Dale brought Marge, but since her copier only makes 8" by 11", it would take forever to make copies for all the members. It would have taken 4 sheets for each survey. She spread the survey on the table for all to view. The survey was drawn by Russell Getman on December 13, 2001. Dale pointed out on both the map and survey where the property lines are. Lori Cloonan explained that her dad used to own all the property in that area, but sold off parcels in the 1980's. She said at the time there wasn't all the confusion regarding residential and industrial She assumed it was all residential.

Dale said he received Certified Mail Receipts from all but one, and that he received 5 phone calls with questions regarding the proposed purchase.

Greg quoted from the Land Use Control and District Regulations Ordinance of the Town of Oswego, New York - Article 1C - Uses of Buildings or Premises. Section F - Industrial "I" District, 1 and 2.

Greg said since this is labeled Industrial, and Dale wants to build, and then a conflict arises where someone would want to build an industrial facility there. Dale said he understands what could happen. He said he didn't want to discourage Dale from building there. Kevin brought up the criteria for a Use Variance, and quoted Article V, General Information, Sec. C - Variances. He said the variance should be granted for the Cloonan's, but would be passed on to the Cook's when the sale is completed. Dale said he would like something in writing that he could bring to the bank if the variance is approved. Kevin explained that would be in the form of a Resolution.

Since there were no further questions from the Board, Shawn and Ruth Clary appeared at the hearing. Greg asked them to state their names and any comments they would like to make. Shawn said they wish to give their support for the application for the variance. He said they live directly across the road from the proposed property. He said many of the homes around there, even though it is zoned industrial, are newer homes. Since there were no more comments. Greg asked for a motion to allow the applicants to be granted a variance to build a single family home. The motion should include reference to Sec C-1, and the understanding from the applicant that it is in an industrial zone.

Tim Anderson entertained a motion that Application #2007-01 be granted a Use Variance to Lori Cloonan, who now owns the property to be sold to Dale Cook for the purpose of building a single family home. This should include the criteria mentioned in Sec. C - Strict application of the Zoning Regulations would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. The granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, particularly in light of the fact that there are a number of single family dwellings in and around the subject premises, many of which are within or adjacent to the Industrial Zone. Moreover, the variance granted is the minimum requested. Deb Jaskula seconded the motion. All ayes. Motion carried.

Organization for Year 2007:

Greg explained that the organization of the member's terms on the Board are already set by Supervisor, Vicky Mullen. He also stated that Bob Baker will still be Vice-Chairman.

The list of dates for the meetings was also agreed by the members, being the 3rd Thursday of each month.

Kevin brought up that according to the letter written by New York Planning Federation, stating that in the summer of 2006, the New York Legislature approved a bill establishing minimum training requirement for municipal planning and zoning officials of four hours annually. Marge explained that Judy wrote a letter to David Turner. Kevin told her he was aware of that, and that as far as he knows, Dave is coordinating sessions including the various towns.

Old Business:

None

Public Comment:

No one, other than Shawn & Ruth Clary in support of the application for the cooks.

Open Board Discussion:

Discussed under Organization

Adjournment:

At approximately 7:50 PM, Bob Dexter made a motion to adjourn the meeting. Tim Anderson seconded the motion. All ayes. Motion carried.

Respectfully submitted,

Marjorie Best,
ZBA Secretary