

January 21, 2010
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

Meeting called to order at 7:00PM by Chairman, Greg Auleta.

Present: Greg Auleta, Tim Anderson, Robert Baker, Robert Dexter, Kevin Caraccioli, Attny.

Absent: Debra Jaskula

Public Present: Todd Streeter

Motion to accept Agenda as presented by Tim Anderson.

2nd – Bob Dexter. Carried

Motion to accept Minutes of the September 17, 2009 meeting by Bob Dexter.

2nd – Tim Anderson

Vote: Greg Auleta – yes

Tim Anderson – yes

Robert Baker – yes

Bob Dexter – yes

Organization

Greg stated he would like to continue as Chairman of the ZBA.

Motion to have Greg Auleta continue as Chairman of the ZBA and Robert Baker as Co-Chairman by Tim Anderson.

2nd – Bob Dexter. All in favor.

Greg stated he appreciated the Boards' commitment and work that was put into the new Zoning regulations. The Committee was allowed to respond to issues that were absent from what was presented.

Bob and Janet Dexter, particularly, effective in making the Board see challenges. He thanks you all very much.

Kevin Cariccioli stated anytime you get input from those who enforce the laws is greatly appreciated. Discussions with the County have been more technical in nature and it will not be long before the work is done.

Greg – United Group brought up the fact that “Apartment Housing” was not incorporated into the new Zoning Regulations. This requires the Town Board to amend the law. They will have to have a Public Hearing concerning this before it can become law.

Was not the intention of omitting “Apartment Houses” in the Town but an oversight. A major source of tax brought into the Town.

Greg – the Zoning Board of Appeal will meet on the Third Thursday of each month at 7:00PM.

Schedule – January 21, 2010

February 18, 2010

March 18, 2010

April 15, 2010

May 20, 2010

June 17, 2010

July 15, 2010

August 19, 2010

September 16, 2010

October 21, 2010

November 18, 2010

December 16, 2010

All in agreement.

No other items.

New Business

Todd Streeter, present, is looking for some direction in obtaining a “Mining Permit.”

Secretary explained that Todd was present at the Planning Board meeting and was told that the simplest way to go about this would be through the County. Because it appears that his property is zoned Industrial he would need a zoning change to Agriculture in order to obtain a permit.

Greg – hesitant for Zoning to take action without a Public Hearing.

Todd – talked to Wayne Newton who thought property looked good and did not see that there would be a problem.

Greg – area looks to be rural transition. Anytime prior to the Zoning changes he would not be culpable. Going forward he would fall under the new Zoning regulations. Limitation on how much can be excavated in an Industrial District.

Todd – permit is required for disturbance over 1 acre. Would like his Geologist set everything up for Site Plan. DEC would become Lead Agency for SEQR.

Bob Baker – under 750 cubic yards he can go ahead?

Kevin – DEC regulations.

Greg- would need Special Permit only if it goes over 750 cubic yards. By implication it is in both Industrial and Agriculture and would be allowed. Does not clearly fall within Agriculture District. In order for it to work it would need to be within both Industrial and Agriculture.

Kevin – CEO must put overlay on map to make interpretation as to what District it is in. If property is in Agriculture it would go to the Planning Board pursuant to Section XIA16 “Excavations for Soil Mining.” Zoning Officer must make determination.

Greg – admittedly, not against “spot zoning” but it does create problems for town, villages, etc.

Kevin – language regarding overlay, changes can be made and/or removed by State law.

Greg – not trying to squelch project. Agriculture District, pages 16, 17 of the Zoning Laws, Article 3cH

Kevin – referencing County Soil and Conservation District or County Planning and Development. Resources at County level.

Todd – if it doesn't get changed, can he proceed as it is under the 750 cubic yard rule?

Greg – yes, it should be ok. Ruling should be made by code enforcement officer. There should be an exception, it is not in residential, etc. area, so there should be no problem. Clearly, must be Agriculture District.

Greg will email Wayne about Boards' discussion.

Old Business – none

Open Board Discussion

Greg – Board should plan on going over new zoning regulations at next meeting. February 18, 2010.

Kevin – possibly, United Group will have applied by next meeting.

Greg – United Group wants to change the footprint of the project to a single large building. "H" design. Does not see any complications.

Kevin – United Group looking for reaffirmation. Created list of environmentally safe improvement. On site sewage treatment.

Motion to adjourn by Tim Anderson.

2nd – Bob Dexter. All in favor.

Meeting adjourned 7:50PM

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Respectfully submitted by
Noreen Ruttan, Secretary