

**July 19, 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, Chairman Greg Auleta of the Zoning Board of Appeals called the meeting to order.

**Attendance:**

Those in attendance were:

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

**Acceptance of Agenda:**

Greg asked if there were any questions regarding the Agenda. There being none, Greg stated the Agenda should be accepted

**Approval of June 21, 2007 Minutes:**

There being no comments or corrections, Deb Jaskula made a Motion that the June 21, 2007 Minutes be approved. Bob Baker seconded the Motion. All ayes. Motion carried.

Greg said by way of public announcement, the next meeting of the Zoning Board of Appeals will be Thursday, August 23rd, at 7:00 PM, not August 16th as our monthly schedule announced. We will post it in the Town Hall, and notify any other venues that are necessary.

**New Business:**

Application #2007-07 - Derek & Jodie Osmun - Area Variance - Public Hearing -  
7:10 PM:

This hearing was scheduled at 7:10 PM. It is important that we follow that announced time schedule, therefore, we will have to wait until 7:10 PM.

7:10 PM - Derek and Jodie Osmun are requesting an area variance. Greg asked them to step forward and state what they are proposing. The Osmun's introduced themselves. Derek explained they are requesting a variance to build a 30 foot by 30 foot attached garage. They need a variance for County Route 20, and on Sabin Road. Greg said they don't meet the set-back requirements. Greg said he was not able to determine the exact square footage that was

required based on the materials submitted. Not by the Osmun's, but by our offices. Counselor, could you clarify that? Kevin said it would be a front yard variance of 8'3", and a North side yard variance of 26'9". In the R-4 District, the front yard is a 50 foot set back, and the side yard is 30 foot. Our ordinance doesn't specify when there is a corner lot, which this one is. Greg asked if we are considering the Sabin Road to be the front yard. Derek said County Route 20 is the front yard. Greg asked for questions from the Board. Deb asked just how far from the road is this garage? Jody thinks there is about 12 feet. Derek said it was a lot more than that. Deb asked if the right of way is the center of the road, or the edge of the road, and Jodie said it is the center of the road. Derek said they have it lined off where the edge of the garage is going to be. Deb said, so the front you obviously have 41 feet. Derek said he believes the issue is on the side. Greg asked who measured, and Jodie said the Code Enforcement Officer. Tim said he is coming 25 feet from the center of the road probably. Bob asked who wrote the 26'9", and Jodie said Wayne Newton. Bob said that means it is 4 foot from the property line? Deb said that is exactly what she is seeing. Kevin said the right-of-way extends into your property, and he thinks that is where Wayne is coming up with that. Bob Baker said he doesn't think the CEO filled out the paperwork right. Greg said we need the change the format in the Zoning Regulations. Greg said he suggests that the Board consider the measurement to be the first 25 feet from the center line of Sabin Rd., what appears to be the edge of the property on the Sabin Road side. He said he doesn't see how it could be 26'9". Deb said we don't know as we don't have that measurement - that is the problem. Greg said he hates to put the Osmun's through this, but could they go back and measure the property lines. It is no fault of the Osmun's, it is the fault of the CEO. He expressed his appreciation to the Osmun's for going back home to measure.

The next item on the Agenda:

Application #2007-02 - United Group - Oswego College Suites - Area Variance:

Greg said he has a couple of announcements to report. On June 29th, the Oswego Town Planning Board, in a letter addressed to Mr. Boyer, the Chair, from Barton & Loguidice. They sent a 5 page letter outlining a number of items Barton & Loguidice feel, the Town of Oswego Planning Board, and by implication the Town Zoning Board ought to be in a position to have specific information for the SEQR application. There are a series of items under Wetlands; Historic and cultural Resources; Threatened and Endangered Species; Traffic; Erosion and Sediment Control; Stormwater Management; and Visual Assessment.

Greg said he believes Kevin has a letter from Mr. Boyer to the United Group. It is a cover letter written July 18 to Mr. Condino's letter to Mr. Boyer. Mr. Condino is the Project Manager for this particular project. Barton & Loguidice has been retained by the Town to represent its interests with respect to the environmental issues. There were some gaps that require additional input. He asked the developer to review and address those issues that are still outstanding. After the SEQR is deemed complete, there still has to be a determination as to whether there is a negative declaration or positive declaration. Based on that determination, then the application and all the materials will be submitted to the County Planning Board for a 239 Review Process. The Zoning Board and Planning Board will have to wait for a determination by the County Planning Board before final determination can be made on this. So we are still a ways away from a final determination. Greg said for the record, regarding this particular application, the Board is in receipt of a letter from Jeffrey and Theresa Botting, who wrote to give their positive opinion. They said they have visited the Albany area developed by the United Group, and have toured four different times, with the conclusion it is the safest and most respectable housing option for students and neighbors alike. Greg said we continue to collect information and information from various people in favor of the project. Here is another letter from Dr. Douglas Jones, who is highly supportive of the application submitted by United Group. He refers to a complex like this next to Towson University in Baltimore where his son went to school. Dr. Jones quotes that the project could be very similar. Greg said to get back

to the point he was making before Debra called this letter to our attention, we are not cutting off the influx of any kind of information and expressions of opinion, or concerns by the residents of the Town. We have listened considerably to non-residents of the Town. Greg asked if there are any other items under the circumstances that the Board would like to express. Bob Dexter asked if we got any clarification from Wayne as to height? Kevin said he sent a letter to Wayne in June asking that very same question, and he has not heard from him. Greg said we would seek clarification. Greg explained as to public comment, we will do that as soon as the Osmun's come back so we can conclude their matter.

The Osmun's returned with the correct measurements, and asked them to give them to Kevin. Derek said from the edge of the garage to the edge of the road is 41 feet. Then there is another 11 feet to the center of the road. So the measurement would be actually 52 feet to the center of the road. Kevin said we have a front yard and a side yard variance. Bob said 26'9" is apparently what was measured for the side of the garage to the property line. Greg asked if there were any more questions of the applicant. Kevin asked where they would access from the garage. Jodie said it would be from County Rte. 20.

Greg said at this point for the record, we are in receipt of a letter from Martin Weiss, Associate Planner for the County Department of Community Development, Tourism and Planning dated July 11 to Marjorie Best, the Secretary of the Zoning Board, and quotes "The Oswego County Department of Planning staff have reviewed the submittal and the Director of Community Development, Tourism and Planning based on information submitted with this referral has determined that no significant county impact is involved; therefore, this should be decided as a local issue". We are also in receipt of a distribution form with 38 signatures who have been notified of the public hearing. He asked if anyone from the audience wishes to raise concerns regarding this application, No one from the public has come forward regarding this. We are at this point ready to receive a motion regarding this application. Bob Baker made a motion on Application #2007-07, we wish to grant a variance of the side lot of 3 feet 3 inches, and the front lot of 8 feet 3 inches. For the record, Greg asked the Board to consider the 6 questions related to area variances- Will this be detrimental to health, safety an general welfare? - Whether benefit can be achieved by other means feasible to applicant? Undesirable change in neighborhood character or to nearby properties? Whether request is substantial? Whether request will have adverse physical or environmental effects? And Whether alleged difficulty is self-created. The CEO indicated No to all of these. Deb Jaskula seconded the motion. All ayes. Motion carried.

**Public Comment:**

Robert Vaughn:

He asked if the traffic study been done on United Group's project? Kevin said the traffic study was completed in June. There is a need to firm up that traffic study. Bob's concern was that the study was done while college was not in session. Kevin said that is a valid point, and the Town has recognized that. Bob then asked about the Ontario Heights Sewer System, which was basically designed for about 100 families. This will be about triple the volume. Kevin said as he understands, the developers are in negotiations with the City of Oswego on the capacity. Kevin said they may go down Washington Blvd.

Aaron Reiss:

He once again stated he opposes the project.

Michael Fox:

Michael said he doesn't understand all that is going on, as he hasn't been at all the meetings.

He thinks \$800,000 for a fire truck is ridiculous. We are talking about sewers - well the college will take it over in 6 years. He said he worked at the college for many years, and it has been very good to the community. The place where they want to build this project doesn't make any sense. If they wanted to build a small unit, that would be different. There is a ton of property around the college where they could build. We are all concerned about the traffic. The traffic is horrendous around Baylis, Swift, Franklin and New Streets. He said he has seen car accidents where there have been 17 cars piled up on that corner. There are a lot of other places we could put this project.

**Open Board Discussion:**

Greg wanted to remind the Board again that August's meeting will be the 23rd, not the 16th at the regularly scheduled time.

**Adjournment:**

Tim Anderson made a motion that the meeting be adjourned at 8:00 PM. Deb Jaskula seconded the Motion. All ayes. Motion carried.

Respectfully submitted,

Marjorie Best,  
ZBA Secretary