

**Town of Oswego
Zoning Board Minutes
July 21, 2011**

Chairman: Gregory Auleta

Zoning Board Members: Robert Baker, Debra Jaskula, Tim Anderson, Robert Dexter

Attorney to the Board: Kevin Caraccioli

Secretary: Noreen Ruttan

Meeting called to order by Chair Greg Auleta at 7:00pm.

Members present: Timothy Anderson, Greg Auleta, Robert Baker, Debra Shoenfelt-Jaskula

Others present: Wayne Newton, Fred Knopp (Fred's Auto Yard)

Members excused: Robert Dexter

Acceptance of Agenda as presented – Approved.

Public Hearing: No Items Submitted

Open Discussion:

1. The owner of Fred's Used Auto Parts, Fred Knopp, requested and was granted an opportunity to discuss informally with the ZBA his plans to expand by extension a storage barn on the yard's property. As it will mean requesting an Area/Set-Back Variance, he wanted to be sure he was following procedures as well as to learn of any special impediments. Discussion did not reveal any unique problems to the plan at this time. It was noted by the Chair that it will be important to meet the "neighbor notification" requirement in order to ensure a full and open understanding of any concerns outside of the site compliance/set-back requirements. It was understood that these items would be in place by the August meeting date.

2. Wayne Newton raised a question regarding the adequacy of the Zoning Regulations to fairly treat property being used to store business equipment but is not being used to actually conduct business. The concern arose from his involvement with a piece of property off of County Rt. 20 where a resident was storing a truck and other related equipment for a tree cutting business. After considerable discussion and a review of the current regulations, it was determined that there was indeed ambiguity to the existing language and regulations dealing with the "definition of business" and to the language "prohibiting" or "limiting" such use of property in our non-business zones. It was decided that Greg Auleta would explore clarifying language with both Wayne Newton and Donna Scanlon of Oswego County Planning to see how this ambiguity can be clarified.

3. Wayne Newton raised the question of the exact measuring point to determine compliance with "setbacks" from public roads: Is it the center of the road or the individual property line? This item will be discussed with Donna Scanlon.

4. Greg Auleta raised the question of how to determine when someone is regularly engaging in side of the road "retail" business under the guise of the allowed right to offer periodically personal items for sale to the public.

5. Wayne Newton raised his concerns about the inadequacy of the "junk yard" regulations and wondered if this area also needed further review.

6. Wayne Newton pointed out problems with the language in the "Temporary Signs" section of the Regulations. In particular, Article X, Section D-2 where there appeared to be unnecessary and inappropriate language in the regulation, as well as ambiguity in the applicability of the phrase, "Except as noted below." Greg Auleta noted that he believed the problem was merely editorial and that the phrase should not be a separate sentence, which would suggest the exception applied to the entire section, but rather a new clause which should be separated by a semi-colon and therefore apply only to the immediately preceding clause. He indicated he would review the section in question, develop some

alternative language, punctuation, and qualifications to present to the ZBA and eventually to the Town Board for action.

Motion made by T. Anderson to adjourn meeting; seconded by R. Baker. Carried.

Meeting adjourned at 8:35pm.

Respectfully submitted by:

Noreen Ruttan, Secretary
Teresa M. Botting, Interim Secretary