

June 16, 2005
Zoning Board of Appeals Minutes
Oswego Town Hall

Chairman: Greg Auleta
Board Members: Robert Baker, Timothy Anderson,
Patty Blackwell, Debra Shoenfelt-Jaskula
Attorney to the Board: Kevin Caraccioli

Call To Order:

At approximately 7:01 PM Greg Mills, Chairman of the Zoning Board of Appeals called the meeting to order.

Attendance:

Those in attendance were:
Greg Mills, Chairman
Greg Auleta, Member
Robert Baker, Member
Brad Livesey, Member
Timothy Anderson, Member
Patty Blackwell, Member
Allison Nelson - Filled in for Kevin Caraccioli, Legal Advisor

Acceptance of Agenda:

Greg Auleta made a motion to accept the Agenda. Tim Anderson seconded the motion. All ayes. Motion carried.

Approval of May 19, 2005 Minutes:

Greg Auleta made a motion that the Minutes of May 19, 2005 be approved. Brad Livesey seconded the motion. All ayes. Motion carried.

Old Business:

Greg Mills stated we had completed the two public hearings last month. The only other old business is the ongoing updating of the Ordinance, which the County Planning Board is working on.

New Business:

Greg Mills referred to the letter that Wayne Newton wrote to John Vashaw, in which he ordered him to stop the operation of any and all business at 7544 State Rte 104. That property is in an R-2 District which does not allow a business. Brad Livesey stated there are no cars there now, so obviously, the matter has been taken care of.

Public Comment:

Greg Mills read a letter from Attorney James Nicholson to Wayne Newton, CEO regarding the property formerly known as Evergreen Hills Golf Course. John Hayes is in the process of purchasing the property, but wants to make sure the property complies with all zoning laws for the intended use by the purchaser. Greg stated it was a golf course for some time, and

wondered if it is grandfathered in, and also how long it has been unoccupied. Greg Auleta quoted from the Ordinance, under Article V - General Information, Section B 4 "Abandonment. A non-conforming use of a structure designed for such use shall be discontinued for any period of forty-eight (48) consecutive months". He then discussed it with Attorney Allison Nelson.

John Hayes attended the meeting. Greg Mills asked him to state his name, address and his purpose for attending the meeting. John stated his name, and that he resides at 60 Driftwood Shores, Town of Oswego. He stated he wants to purchase the golf course on County Route 20. He said it was operated as Easy Par for many years, and in 1995 it was sold to a partnership, Evergreen Enterprises, Inc. That partnership broke up in 1999. It was then operated by one member of that partnership until 2003, when the member defaulted on the mortgage and walked away from it. He would like to close on the purchase within a week. He stated his attorney would like a letter on Town letterhead that there would be no zoning issues.

Greg Mills said he sees no problems, however that our membership is an appeals process, which he explained the formalities to Mr. Hayes. Greg asked John Hayes if he planned to make any changes, and Mr. Hayes said he wants to clean it up and operate as a golf course like it has been for years. After further discussion, John said he would contact Theresa Cooper and Wayne Newton the next day. The secretary asked if it would be Wayne Newton's responsibility to write the letter to Attorney Nicholson, and Greg Mills stated it was. Greg said if Wayne, Theresa or Attorney Nicholson have any questions, they are welcome to call him.

Open Board Discussion:

Greg Mills welcomed our new Board Member, Patty Blackwell. He stated she is here tonight to observe, and the next meeting she will be allowed to vote. He asked her to give a little background of herself. She stated she has resided in the Town for 18 years, and is employed in the Finance Department of the Alcoholic Treatment Center. She is interested in zoning, and being of service to the Town. Greg then had each member give their background and years of service on the Board.

Greg Auleta explained to Patty that our Ordinance is inadequate, and as mentioned earlier in the meeting, that there is a committee working on the revision of the Ordinance. Greg Mills stated the Planning Board has worked on a Comprehensive Plan, and eventually we will have a set of working documents. We should have everything in order in October of this year.

Greg Mills stated this is his last meeting, as he is resigning, and asked for a nomination for a new Chairman. Brad Livesey made a Motion that Greg Auleta be voted as our new Chairman. Tim Anderson seconded the Motion. All ayes. Motion carried.

Greg Mills moved that we nominate Robert Baker as Deputy Chairman. Tim Anderson seconded the Motion. All ayes. Motion carried.

Greg Auleta suggested that at the next meeting we bring crayons or colored markers so we could designate the various zones on our map. He said the black and gray shades are difficult to read.

Adjournment:

At approximately 8:00 PM, Brad Livesey moved for adjournment. Tim Anderson seconded the Motion. All ayes. Motion carried.

Respectfully submitted,

Marjorie Best,
ZBA Secretary