

June 15, 2006
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 present were:

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

Acceptance of Agenda:

Tim Anderson made a motion that the June 2006 Agenda be accepted. Bob Baker seconded the motion. All ayes. Motion carried.

Approval of May 18, 2006 Minutes:

Greg said he was concerned that under New Business, Page 4 - 4th paragraph, regarding the motion to endorse the Town of Oswego Comprehensive Plan proposed language. He modified the language that we endorse the Comprehensive Plan with the proviso that the residential districts R-1 through R-4 be still up for discussion by the ZBA and hopefully the Planning Board. Tim Anderson made a motion that the May 18, 2006 Minutes be approved with the correction. Deb Jaskula seconded the motion. All ayes. Motion carried.

Greg said since our first Public Hearing isn't until 7:20 PM, he suggested we go to "Open Board Discussion" regarding the revision of the Zoning Regulations until it is time for the Hearings. He asked the secretary why she set the hearings so late. Marge explained she thought the Natoli matter would be on the Agenda, and had already put the legal notices in the paper.

Greg said he is meeting with Judy Watson, the County Planning Board, as well as Theresa and Vicky on the 22nd. He said he has some suggestions under Article VII "Supplemental Regulations", letter F - Keeping of horses. He said we should address other animals. Kevin said in the Town of Schroepfel, someone was going to raise alpacas. They were asking for an agricultural zone change. The section under horses shows limited acreage. Most of the residential areas do not have a minimum of 2 acres, so it would require a definition for a variance. Greg also brought up spot zoning, which would be difficult. He said some people

would want to start a hobby, and it could go into commercial.

Kevin explained the article sent in the packet to everyone regarding Permit Needed for Construction Activities sent by the DEC. It explains the Stormwater Pollution Prevention Plan and Permit Coverage Outline. It is just pushing dirt around. Marge explained that her neighbor just went through a situation, whereby another neighbor cleared his land, but pushed all the dirt onto her property, as well as in a ditch, and now water is backing up into her yard.

Greg called the attention to Article VII - Supplemental Regulations - No K - Fences and hedges. He would like to eliminate "No fence more than three feet in height shall be erected and no hedge more than three feet in height shall be maintained, or plants in front of the setback line as herein provided". He was also concerned on the issue of parking - ingress and egress. He said he is going to push for revisions when he meets with the Planning Board and the County Planning Board.

New Business:

Application #2006-05 - John Shannon - Area Variance:

Greg asked Mr. Shannon to step forward, and state his name, address and the purpose of the variance. John stated his name, and the address of the property is 662 County Route 20. The purpose is to put a 10 feet by 40 feet addition to his garage. Greg asked what the distance is between the edge of the proposed structure and the edge of the property line, and John answered 10 feet. Greg asked if he could put it on the other side. John said the septic system is there, and if he put it anywhere else on the property, he would have to drive over the septic system, and there are other things back there in the way. Bob Baker asked where the leach field is, and Mr. Shannon stated it is on the opposite side. Deb Jaskula stated we received a letter from Helen Puppato with concerns about getting into her garage. John stated he has spoken with Helen, and there are no problems. He said he has helped her out by putting gravel in her driveway.

Greg stated for the record, that the Oswego County Planning Board reviewed the application under General Municipal Law, Section 239 (l&m), and they determined that the proposal did not involve any impact on Oswego County, and therefore should be reviewed as a local issue.

Greg said since this comes under Article III, Section A-2, in an R-4 Zone, the building constitutes an accessory building and therefore the side yard set back is permitted to be one-half the stated distance, according to Section (B(1) of the Ordinance. The set back is 50 feet for non-residential use. Half of that would be 25 feet. Since the addition will be 10 feet from the boundary line, a 15 foot variance is requested. Deb Jaskula moved that Application #2006-05, John Shannon for a 15 foot side yard variance which meets the 6 criteria be granted. Tim Anderson seconded the motion. All ayes. Motion carried.

Application #2006-06 - Richard Pelc - Area Variance:

Greg opened the Public Hearing for Richard Pelc. He asked Mr. Pelc to come forward, give his name and address and the purpose of the variance. Richard stated his name, his address as 2354 County Route 7, Oswego Town. He stated his purpose is to build a garage which will be 30 feet by 22 feet. The 22 feet puts him 1 foot from his brother-in-law's property line. He stated his in-laws have no problem with the garage being so close to their line. He would have liked to put it on the other side of the house, but the leach field is there, and the property is so low. The garage will match the house as far as color of the siding. Kevin said since this is an accessory building, the rule applies as it did for Mr. Shannon. The set back would be one-half the distance of 20 feet. Since he will be one foot from the boundary line, a 9 foot variance is needed.

Greg stated for the record, that the Oswego County Planning Board reviewed the application pursuant to its jurisdiction under General Municipal Law, Section 239 (l&m), and it was determined that the proposal did not involve any impact on Oswego County, and therefore should be reviewed as a local issue by the Town of Oswego.

Bob Baker had a question as to the roof hanging over the property line. Kevin stated the foundation would be the issue. Mr. Pelc said he doubts the roof would hang over the boundary, but again, his in-laws have expressed no concern with building the garage so close to their property.

Deb Jaskula made a motion that Application #2006-06, Richard Pelc for an Area Variance of 9 feet set back be granted, as it meets the criteria. Tim Anderson seconded the motion. All ayes. Motion carried.

Old Business:

None

Public Comment:

No one from the public present.

Open Board Discussion:

Greg asked the members to please go over the proposed regulations of the Zoning Board.

There was some discussion as to why the Natoli matter was not on the Agenda. Mr. Natoli agreed to build the tower 40 feet, rather than 51 feet, which is within the code, and Wayne Newton, CEO granted the Building Permit. Mr. Natoli also decided not to put the deck on top of the tower.

Adjournment:

At approximately 8:00 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