

March 18, 2004
Zoning Board of Appeals Minutes
Oswego Town Hall

Chairman: Greg Mills
Board Members: Greg Auleta, Timothy Anderson,
Robert Baker, Brad Livesey
Attorney to the Board: Kevin Caraccioli

Call to Order:

Greg Mills, Chairman called the meeting to order at approximately 7:07 PM on March 18, 2004.

Attendance:

Those in attendance were:
Greg Mills ZBA Chairman
Robert Baker ZBA Member
Greg Auleta ZBA Member
Brad Livesey ZBA Member
Kevin Caraccioli Legal Advisor
Marjorie Best ZBA Secretary

Those absent were:

Timothy Anderson ZBA Member (Excused)

Greg Mills stated he would like to make a change in the order of the agenda. He would like to have the approval of the minutes as the next order of business under Old Business, after attendance. Robert Baker made a motion that we approve the Minutes of February 12, 2004. Greg Auleta seconded the Motion. All ayes. Motion carried.

Old Business:

There was no old business.

New Business:

Application #2004-01:

Greg Mills called the Public Hearing at approximately 7:15 PM on Application #2004-01, Richard Yule being the applicant. Greg asked Mr. Yule to state his name, residence address, the address on the application, and the reason for his presence.

Mr. Yule stated he is Richard L. Yule, Jr., and resides at 59 Regan Drive, Oswego, New York. He stated he didn't have an address for the lot, but it is Lot 17 on Route 104 West. His purpose is to get an Area Variance, and eventually a Building Permit to put a pole barn up to store his trucks, trailers, and lawn mowing equipment.

Greg Mills stated for the record there is enclosed, a Legal Notice stating the intentions of the applicant, the notice being dated March 11, 2004, which was published in the Palladium Times. There is also a letter addressed to the neighbors of the adjoining property addressing the request. He asked Mr. Yule if he walked the letter to the neighbors, which Mr. Yule stated he did. The neighbors all signed and dated the Distribution Form on March 2, 2004.

Greg Mills opened discussion relative to the Variance. The Town Zoning requires 200 feet frontage for a non-resident building to be constructed within the Town of Oswego. There is 150 foot frontage, and there is a map enclosed detailing the layout of the property and how

the building will rest on the property. He stated the side set backs are not within zoning, and thinks it is 60 feet.

Kevin Caraccioli quoted for the record, that since the property is in an R-4 District, based on the Land Use Control and District Regulations Ordinance, Article III, Section A, Sub Section 2, that the building shall be so located as to allow the following minimum sizes of yards in feet, measured from such building to the nearest abutting lot line or nearest highway right of way, in an R-4 Residential District. For a Non-Residential Use, the front yard shows a 50 feet requirement, each side yard is 50 feet, and the rear 50 feet. Kevin was concerned if the Ordinance he had in hand, was the one the Zoning Board still operates under. Greg Mills was under the assumption that the Code Enforcment Officer is working from the most recent document.

Richard Yule stated the copy of the Ordinance he has was updated August 11, 2003. Kevin said the document he has, under Local Law 19 was updated November, 1981.

Greg Auleta questioned Mr. Yule regarding the driveway, and turn around, and the size of his equipment. Mr. Yule stated the apron is going to be 24 feet. His plan is also to fill in the ditch by the road. Kevin Caraccioli pointed out that the denial of the application is based on the road frontage issue.

Greg Mills closed the public session and asked for a Motion to approve the application.

Greg Auleta entertained a Motion at approximately 7:40 PM that we approve Application #2004-01 of Richard Yule for an Area Variance. He moved that the frontage requirement of 200 feet, that we accept the Variance of 150 feet. In addition, we approve a variance on both sides of the building - the projected map shows 51.23 feet on both sides, and it is short by 8.77 feet, the Variance is for both sides of the set back. Brad Livesey seconded the motion.

Greg Mills asked if there was any discussion. He asked Mr. Yule about height restrictions of the building. Mr. Yule explained the pitch was 4-12 for the peak. It will have 14 goot ceilings, so the trusses should be about 6 feet tall. The building will be 18 feet high.

Kevin Caraccioli modified the Motion, stating that there is a 50 foot road frontage, and 8.77 feet side yard set back for each side. In the event the Town Zoning Ordinance currently in effect conflicts with the old Land Use Control and District Regulations Ordinance effective February 15, 1974, and updated November 12, 1981.

Greg Auleta moved for the modified version of the motion. It had already been seconded by Brad Livesay. All ayes. Motion carried.

Public Comment:

Richard Yule asked if he could do some site prep work without the Building Permit in hand. Keven told Mr. Yule he could do prep work, but not actually starting a foundation or building.

No other public comment.

Open Board Discussion:

Greg Mills had a couple of concerns about the Zoning Board and Planning Board, as well as the Town Board, coming to an agreement that would help us all resolve issues. We should all have the most recent updated Zoning Law, and Land Use Control and District Regulations Ordinance.

Kevin Caraccioli stated he plans to get together with the Attorney for the Town Board, Steve Greene, Sr.; and the Planning Board Attorney, Steve Greene, Jr. to determine which laws are in effect. We should also meet with Theresa Cooper, who is the official keeper of records.

Brad Livesey stated he would like to get a couple of projects going, but there is so much confusion with maps and zoning, that he really hasn't pursued anything to date.

Greg Mills said he is interested in foreseeing everything getting straightened out, as we want to be positive about people coming here to do business in a businesslike fashion.

Greg Mills brought up the subject as to scheduling public hearings. Kevin Caraccioli suggested if we have several public hearings, that we schedule them at 10 minute intervals, and not schedule them 20 minutes to half an hour apart, because if one of the applicants doesn't show, we'd be sitting around waiting for the next group to come in.

No other discussion or comments.

Adjournment:

At approximately 8:25 PM, Greg Auleta made a motion to adjourn the meeting. Bob Baker seconded the motion. All ayes. Motion carried.

Respectfully Submitted,

Marjorie Best,
ZBA Secretary