

March 16, 2006
Zoning Board of Appeals Minutes
Oswego Town Hall

Chairman: Greg Auleta
Board Members: Robert Baker, Timothy Anderson,
Debra Jaskula
Attorney to the Board: Kevin Caraccioli
Secretary: Marjorie Best

Call To Order:

At approximately 7:01, Greg Auleta, Chairman 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
Kevin Caraccioli, Legal Advisor
Marjorie Best, Secretary

Acceptance of Agenda:

Greg asked if there were any comments on the Agenda. Tim Anderson made a motion that we accept the Agenda. Deb Jaskula seconded the motion. All ayes. Motion carried.

Approval of February 16, 2006 Minutes:

Deb Jaskula questioned the first paragraph under Old Business, regarding an interpretation of the Zoning Law regarding an attached garage. Greg stated if the members recall, Wayne Newton asked for an interpretation, as to whether an attached garage falls into the accessory building? Deb did say she remembers now. Deb Jaskula made a motion that we approve the February 16, 2005 Minutes. Tim Anderson seconded the motion. All ayes. Motion carried.

New Business:

Robert Dexter, and his wife Janet, who live in Oswego Town attended the meeting. Robert wanted to observe the meeting, as he may be interested in becoming a member of the Zoning Board. Robert was invited to join us at the conference table.

Application #2005-01 - John Dickquist - Business Permit - Legal Opinion

Since Jason Livesey wasn't present at 7:05, Greg went to the next item on the Agenda, John Dickquist. John was present at the meeting. Greg explained that in the file was a hand written note, unsigned, that the application was denied. We needed a denial on a Town of Oswego denial form. Wayne Newton, CEO signed a Town denial form yesterday, March 16th, 2006. Greg said the date he signed it should be indicated on the form. John Dickquist showed the members a denial form that was completed last year on a Town form. The members wondered why it disappeared from the original file. Greg said since the application was denied, he must go to Town Hall and file an Appeals form, and pay \$150.00 to the Town

Clerk. Mr. Dickquist said he had also done that. When other procedures were discussed, one being the letters to the neighbors within 1,500 feet, Mr. Dickquist said that was also completed, that he sat right in the secretary's kitchen and went over it. The secretary did recall going over the distribution form with him. Since the property is located on Route 104, a State Highway, it was necessary for the County Planning Board to review the file. Since there was no site plan, just a sketch as to where the cars would be. The secretary was waiting for a site plan, and it seems this is where the paper trail stopped. By this time, the August meeting was cancelled as there was no business on the Agenda. The secretary turned the file back to the CEO. Now Mr. Dickquist has copies of everything in his file, but where did all the originals go, as they should be in the main file. Greg asked for copies of the documents he had, and Mr. Dickquist said he would rather discuss it with his attorney, and let him turn over the documents. Mr. Dickquist complained that this has gone on over a year, and would like to get the matter settled. Greg apologized, but said we must have the official paper trail in order to bring it on for a public hearing.

Application #2006-01 - Julie & Jason Livesey - Area Variance:

At approximately 7:30, Greg called the Public Hearing for Julie and Jason Livesey. Greg asked Jason to please state his name, address and the purpose of the application. Jason stated his name, his address being 6 Crestwood Drive, Town of Oswego, New York. His plans are to build an addition to his home, as well as a 3 car garage. Jason said he is asking for an Area Variance because the front yard setback requirement is 50 feet, and he has 24.4 feet.

Greg stated a #239 form was submitted to the County Planning Board, as the property is within 500 feet of Route 104. The secretary received a letter from Donna Scanlon, of the County Planning Board, which stated it was determined that no significant county impact is involved, therefore it should be decided as a local issue.

Greg also noted that letters went to the neighbors within 1,500 feet, and most of them signed the Distribution Form, with the exception of a couple of houses that were vacant, and a couple who went South for the winter. Jason said he is friends with all the neighbors, and is sure no one would have objected. One letter was sent Certified Mail to Massachusetts, and we did in fact receive a return receipt. No one from the public was at the meeting to make comments or object.

After some discussion, Greg asked for a motion to grant the application. Deb Jaskula made a motion that we grant Application #2006-01, Jason and Julie Livesey for an Area Variance of 24.6 feet front setback. Tim Anderson seconded the motion. All ayes. Motion carried.

Public Comment:

No one from the public was present.

Open Board Discussion:

At last month's meeting Greg stated we should have Kevin draw up an opinion as to our position in the Dickquist matter. Kevin did render an opinion that since we have nothing from the CEO stating Dickquist's application was denied. He assumes the application will be denied, then Mr. Dickquist has the right to file an appeal to the ZBA.

Mr. Dickquist was present earlier at the meeting, claiming he had done the paper work asked of him. However, he would not turn over anything to Greg without first consulting with his attorney.

Tim Anderson made a motion that we recommend that Robert Dexter be appointed to the

Zoning Board of Appeals. Deb Jaskula seconded the motion. All ayes. Motion carried.

Adjournment:

At approximately 7:45, Tim Anderson made a motion to adjourn the meeting. Bob Baker seconded the motion. All ayes. Motion carried.

Respectfully submitted,

Marjorie Best
ZBA Secretary