

**May 16, 2002**  
**Zoning Board of Appeals Minutes**  
**Southwest Community Center**

**Chairman:** Randy Pratt  
**Board Members:** Greg Auleta, Robert Baker,  
Brad Livesey, Greg Mills

**Call to Order**

The meeting of the Oswego Town Board of Appeals was held on Thursday, May 16, 2002. Randy Pratt, Chairman called the meeting to order at approximately 7:10 PM.

**Attendance**

Those in attendance were:

Randy Pratt, ZBA Chairman  
Greg Auleta, ZBA Member  
Brad Livesey, ZBA Member  
Shelley Rahn, ZBA Secretary  
Marcella Gibson, ZEO

Robert Baker ZBA Member/Absent  
Greg Mills ZBA Member/Absent  
Kevin Caraccioli, Legal Advisor/Absent  
Don Dowd, CEO/Absent

**Acceptance of Minutes**

A motion was made by Greg Auleta to accept the minutes from the May 16, 2002 meeting. Brad Livesey seconded the motion. All ayes. Motion carried.

**First Order of Business**

**Public Comment Session**

There was none as no one was present.

**Second Order of Business**

**Ordinance Committee Update**

Randy Pratt provided members with an update as to the progress made by the Ordinance Review Committee. He reported that the committee had met on April 24, 2002 and was attended by 1 member from the Planning Board, 2 members from the ZBA and 2 members from the Oswego Town Council. Don Dowd is scheduled to make and present a flow chart to committee members that details the responsibilities of the various boards and members of the Town of Oswego government at the next committee meeting. The Planning Board is very receptive to the idea of handling the SEQR forms.

The distribution of the Comprehensive Plan is on hold until the Oswego County Planning ZBA Meeting, May 16, 2002 Board has approved it. Mr. Pratt is requesting that the ZBA Secretary and Legal Advisor attend the committee meetings. Greg Auleta advised he was extremely interested in attending the committee meetings. The ZBA secretary will provide him with a list of committee meeting dates when they become available. Mr. Auleta also suggested the committee for subcommittees to increase productivity. Mr. Pratt will present this idea at the next committee meeting. Mr. Pratt also advised the committee stated it was not the responsibility of the Zoning Enforcement Office to help applicants complete the SEQR forms. The applicant is to complete these forms on their own so that problems with conflict of interest could be avoided. Mr. Pratt also advised members of the public are needed for the committee

and asked ZBA members to encourage people to attend.

### **Third Order of Business**

#### **Open Board Member Discussion**

At approximately 7:35 PM Randy Pratt opened the floor to board member discussion. Mr. Pratt requested board members encourage people to apply for the alternate positions available on the ZBA and that this item be put on the agenda for discussion at the June 20, 2002 meeting.

Greg Auleta made a formal request to the Zoning Enforcement Officer to review the application/permit granted Mr. Spade, as he doesn't believe selling cars is part of his permit. Brad Livesey added that there should be a restriction on the number of vehicles on the property as well as the property owned by Mr. Bush. Randy Pratt asked the board if they wished to use the board as an area to bring complaints to the attention of the ZEO. Board members stated they did not. Mr. Pratt advised these issues should be brought to the attention of the ZEO who should then act upon the complaint. After several minutes of board member discussion regarding this issue, Mr. Auleta stated he wished to create a dialogue with Oswego Town Supervisor, Victoria Mullen to address the issue of the lack of Zoning Enforcement. Mr. Pratt agreed the Town is lax in enforcing the Zoning Law. Marcella Gibson advised she could not legally drive around in her car to "catch" people, a formal complaint must be made and she will then investigate. Anyone who was issued a special permit has to come back in front of the ZBA to answer to any violation charges. Greg Auleta questioned Mrs. Gibson as to why the ZEO can't enforce violations without a formal complaint. Mr. Pratt advised Mrs. Gibson is responsible for enforcing the ZBA and Planning Board rules and restrictions and that it was not the scope of the ZBA to do so. Mr. Pratt then asked board members if they, as members of the public, wished to make a formal complaint to Mrs. Gibson. Mr. Pratt advised that he had spoken with legal advisor, Kevin Caraccioli, regarding the Johnny's Dockside issue. Mr. Pratt stated he advised Mr. Caraccioli he did not wish to address this issue at the ZBA until Mr. DeMent had made a formal appeal.

Greg Auleta stated he wished to, as a member of the public, make a formal complaint to the ZEO regarding the Zoning violations at Johnny's Dockside. Mr. Pratt advised that the rules need to be enforced. Mr. Auleta again stated his desire to meet with Mrs. Mullen in private to discuss these issues. Mr. Pratt stated his desire to have the ZBA Legal Advisor present. Mr. Pratt then asked Mrs. Gibson whether or not the deck at Johnny's Dockside was in violation. Mrs. Gibson stated it was. Mr. Pratt asked if any citations had been issued. Mrs. Gibson stated that she was working with the town attorneys with regard to this issue. Mr. Livesey asked what the last recourse was. Mr. Pratt stated his desire for the ZEO to issue Mr. DeMent a citation. He also asked that the ZEO support the ZBA's decisions.

### **Fourth Order of Business**

#### **Legal Issues**

Randy Pratt stated he had spoken with Kevin Caraccioli, Legal Advisor prior to the ZBA meeting. Mr. Caraccioli advised he was still in the process of developing the Frequently Asked Questions for the Town website along with the initial letter sent to applicants advising them as to when the initial review meeting is scheduled. Mr. Pratt asked the secretary to email Mr. Caraccioli to get an update on the status of these two items.

#### **Adjournment**

A motion was made at approximately 8:20 PM by Greg Auleta to adjourn the May 2002 meeting. Randy Pratt seconded the motion. All ayes. Motion carried.

Respectfully submitted,

Shelley A. Rahn  
Town of Oswego Zoning Board of Appeals Secretary