

**May 18, 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 7:10 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  
Debra Jaskula, Member  
Robert Dexter, Member  
Kevin Caraccioli, Legal Advisor  
Marjorie Best, Secretary

Absent was:

Robert Baker, Member

**Acceptance of Agenda:**

Tim Anderson made a motion that the May Agenda be accepted. Deb Jaskula seconded the motion. All ayes. Motion carried.

**Approval of April 27, 2006 Minutes:**

Greg asked the members if they read the minutes thoroughly, as there were several people from the public who made comments on the Natoli application for a watch tower. Kevin stated the only change is on Page 5, 2nd paragraph, 3rd line from the bottom of that paragraph, it should read "Tim Anderson made a motion to complete the short SEQR form, and it was determined (instead of will be determined) if a full SEQR is needed. Greg asked for a motion to approve the minutes with the one correction. Tim Anderson made the motion, and Deb Jaskula seconded it. All ayes. Motion carried.

**Old Business:**

Application #2006-02 - Robert Natoli - Area Variance:

Greg said since the application was tabled until this meeting, he opened the meeting for discussion of the matter. Three people attended from the public, namely: Doug Malone, Barry Pritchard, and Randy Pritchard. Greg asked Kevin to make reference to a letter he wrote to Wayne Newton, which Kevin quoted:

May 9, 2006

Wayne Newton,  
Code Enforcement Officer  
Town of Oswego  
2320 County Route 7  
Oswego, NY 13126

RE: ROBERT NATOLI - TOWER APPLICATION

Dear Wayne:

I have been informed by Mr. Natoli's representative, James Galvin of MJT Contractors, Inc., that Mr. Natoli has now decided to construct a tower forty (40) feet in height. Such a structure would seem to meet the height requirements established in the Town of Oswego, however, I defer to your professional judgment in this regard.

By way of observation, if the tower is permitted in accordance with Article IV, Section D, then it would be categorized as an accessory use or building, provided such use is incidental to the principal use of the property. Since the principal use of the property is residential in nature, the height limit appears to be thirty-five (35) feet,

Should you have any questions related to this matter, please do not hesitate to contact me.

Sincerely,  
Kevin C. Caraccioli

KCC/ALG  
Cc: Gregory Auleta, Chairman, ZBA  
Victoria Mullen, Town Supervisor"

Kevin asked the secretary if she had heard from Wayne, which she said she had not. He then quoted Accessory Use from Page 2 of the Land Use Control and District Regulations

Ordinance:

"A use or building customarily incident to and located on the same lot with another use or building"

He then went to Article IV, Section D. c on Page 9, since the proposed tower is in an R-4 District:

"Other accessory uses and buildings, provided such uses are incidental to the principal use".

He then went to Page 6, Height of principal buildings, including those used pursuant to a Special Permit - R-4 - top of Page 7"

"Height of building not to exceed 35 feet".

Kevin said he had not communicated with anyone, but did have a conversation with Mr. Galvin, and he stated they would go with the 40 feet. Greg said we should go by the 35 foot rule, then Mr. Galvin would have to apply for a Use Variance. Greg said the height should include the deck on top. Kevin asked Marge if Wayne issued a Building Permit. Marge states she has the folder, and if he had issued it, he would have contacted her, so obviously, it has not been issued.

Greg said in the absence of Mr. Natoli or his representative, we need a motion to table Application #2006-02. Tim Anderson made a motion that we table this application until we hear from Mr. Natoli on his future plans for height requirement, and direct the counselor to address a letter specifically to Mr. Natoli for clarification of his intent. Deb Jaskula seconded the motion. All ayes. Motion carried.

Kevin said when he drafts the letter to Mr. Natoli, he would include a copy of the letter he wrote to Wayne Newton on May 9th.

#### **New Business:**

Judy Watson of the Planning Board had asked the secretary if she would bring the Comprehensive Map to the Zoning Board Meeting, and discussing the Zones - which zones would relate to the Comprehensive Map. Marge spread the large Comprehensive Plan Map for the members to go over. Greg was concerned that there are so many wide open spaces on the map. He stated that Judy Watson, Brian Frazier and himself had several meetings revising the zoning revisions and definitions. Kevin said we could do an overlay for the zoning to go over the top of the Comprehensive Plan Map.

Barry Pritchard, a Planning Board Member, was present at the meeting because of the Natoli issue. He did help us out with the plans for zoning. He explained we have a long ways to go. The Comprehensive Plan is for future use, but we need zones to go along with the Comprehensive Plan, and then definitions. Greg asked if we are inadvertently creating a problem if we say go ahead with this general principle of the map, or should we make the regulations to begin with. Kevin said he liked the idea Greg came up with of expanding the zones, and could do an overlay to show the zones more clearly. Tim Anderson said the concept was great.

Deb Jaskula said the people who originally made the maps in color, then copies get made, and they get into black and white, and liable to run into the same problem. Greg said he is sure the County Planning Board has a color copier, and could make enough colored maps.

Barry Pritchard mentioned that all of Route 104 could be commercial, as there are businesses all along there.

Greg Auleta made a motion that we endorse the Town of Oswego Comprehensive Plan proposed land use - that the residential districts R-1 through R-4 be considered by the Zoning Board and hopefully the Planning Board. Tim Anderson seconded the motion. All ayes. Motion carried.

Greg said we will continue to work with the Planning Board and the County Planning Board to get all the definitions and regulations correct.

Greg brought up another items under New Business. He brought up the proposed language for some of the revisions. He urged all the members to go over these. One in particular is the difference between a building and a structure. This needs to be clarified.

He said also, that we must fit Erosion Control into the zoning regulations. Greg thanked Barry Pritchard of the Planning Board for his input regarding the Comprehensive Plan and Zoning revisions.

#### **Adjournment:**

At approximately 8:00 Pm, Deb Jaskula made a motion to adjourn the meeting. Tim Anderson

seconded the motion. All ayes. Motion carried.

Respectfully submitted,

Marjorie Best  
ZBA Secretary