

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

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

Call to Order:

At approximately 7:06 PM Greg Mills, Chairman of the Zoning Board of Appeals called the meeting to order.

Attendance:

Those in attendance were:

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

Absent was:

Brad Livesey

Greg Auleta made a Motion to accept the Agenda. Bob Baker seconded the Motion. All ayes. Motion carried.

Approval of October 21, 2004 Minutes:

Greg Auleta moved that the October 21, 2004 Minutes be approved. Tim Anderson seconded the Motion. All ayes. Motion carried.

Old Business:

Application #2004-04 - R. Jacob Bump - Deck:

Greg Mills stated that we all received the e-mail from Joe Dlugolenski that he contacted Kevin Delaney on the matter of Mr. Bump's deck. Kevin Caraccioli stated according to the e-mail, based on the construction and the retaining wall, it is highly unlikely that any action would be taking regarding removed of the deck. There is no loss of valuable coastal erosion or risk of increasing erosion from the project. They have looked at it, and they said we do not take any issue with this particular structure, but a project like this should come before us for review of coastal erosion.

Greg Mills said he is comfortable with Mr. Dlugolenski's response. Greg Auleta asked what the motion before us is. Greg Mills told Greg Auleta, he made a motion at the last meeting to table the final consideration. We wanted to get some response from DEC which was done. Greg Auleta asked about approving the application, and Greg Mills said it had been approved by the Building Inspector. In this particular case, there was confusion because of the typo in the

Land Use Ordinance, as to the setback on the West side of the property. He asked what should be put on the record. Kevin said the application had been approved, but there was a potential violation. However, this was an administrative error.

Greg Auleta said he does think it is important that we go on record as to the circumstances of this application of Mr. Bump, and affirming the approval. Greg Mills asked Greg Auleta to entertain a motion. Greg Auleta moved that the Zoning Board of Appeals, regarding Application #2004-04, R. Jacob Bump affirms the decision by the Code Enforcement Officer to grant Mr. Bump a permit to construct the deck. We have given full consideration of the advice of the DEC. Greg Mills seconded the motion. All Ayes. Motion carried.

Coastal Erosion Hazard Areas - Maps - Local Law, Sterling, NY:

Kevin Carriccoili stated regarding the Coastal Erosion Program, we want to rely on the DEC according to the Regulations of ECL, Article 34. More specifically, it can adopt a Local Law with the same terms as the State Law Regulations, and the Town becomes the enforcement agency. It would have to be a determination by the Town. Greg Auleta asked if a letter had been written to the Town Board. Greg Mills stated he was supposed to do that, but neglected to do it unintentionally. Greg Auleta stated we should advise the Town Board that the Ordinance does not adequately consider the DEC Regulations. This needs to be addressed. Greg Mills asked if he should sit down with Vickie. Greg Auleta stated he made a motion at the last meeting to advise the Town Board that the Zoning Ordinance does not adequately reflect the DEC Regulations relative to the Coastal Erosion Areas. Greg Mills stated according to our map, there should be a recommendation that the Zoning Ordinance be up dated. Greg said he would contact Vickie and address these issues, especially including the DEC Regulations as to Coastal Erosion. Kevin said it should indicate in the Ordinance, the Regulations of DEC, Article 34.

Greg Mills instructed the secretary to ask Theresa if the two pages of the Land Use Ordinance have been corrected. If so, none of us received the revised pages.

John Dickquist/James Paternoster Property - Vehicles on Property:

Greg Mills stated that as of October 15th, the cars were to be removed if all the documentation for permits were not in order. The cars are still there. Greg Auleta said some brush has been cut down, and wondered if that was to make room for more cars. We presently do not have a permanent Code Enforcement Officer. The secretary stated we have a CEO coming Friday. She said she would see what happened on the Dickquist matter. Greg Mills stated that a CEO would have to be addressed to submit a violation by higher authority, perhaps the Town Board. Kevin said he believes the CEO has some authority to step in as an enforcement body.

New Business:

Greg Mills asked what happened at the Public Hearing on the Comprehensive Map. The Secretary stated it has been passed. (At this point - the Board Members looked at the map, and the definitions, and questioned why so many white areas, and said the definitions were vague). Kevin discussed how important the #239 Process is with the County Planning Board. Non-compliance could lead to an Article 78 Proceeding. The 239 Process is designed to protect certain property owners. Greg Mills said it looks as if a lot more applications would be submitted because of the changes in the maps and definitions in the future.

Public Comment:

No members of the public were present.

Open Board Discussion:

Greg Mills said we already had open board discussion under New Business. He said he, as well as the secretary have some homework to do, and we will do our best to get this accomplished and get back to the members.

Adjournment:

At approximately 8:00 PM, Greg Auleta made a motion to adjourn the meeting. Tim Anderson seconded the motion. All ayes. Motion carried.

Respectfully Submitted,

Marjorie Best,
ZBA Secretary