

**November 17, 2005**  
**Zoning Board of Appeals Minutes**  
**Oswego Town Hall**

**Chairman:** Greg Auleta  
**Board Members:** Robert Baker, Timothy Anderson,  
Patty Blackwell, Debra Jaskula  
**Attorney to the Board:** Kevin Caraccioli

**Call To Order:**

At approximately 7:02 PM, 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

Absent was:  
Patty Blackwell, Member

**Acceptance of Agenda:**

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

**Approval of October 20, 2005 Minutes:**

Tim Anderson made a motion that we approve the October 20, 2005 Zoning Board Minutes. Debra Jaskula seconded the motion. All ayes. Motion carried.

**New Business:**

Application #2005-09 - Trygve Stout - Area Variance - 7:10 PM

Greg Auleta suggested that on the Agenda from now on, not to have a 10 minute gap between the approval of the minutes, and the starting of a public hearing. We cannot start the public hearing until 7:10 PM, as listed on the Agenda.

At approximately 7:10 PM, Greg Auleta asked Mr. Stout to step forward, and give his name and his purpose of the application. Mr. Stout stated his name, and the purpose is he would like to erect a sign for his business at 7824 State 104 West.

Greg stated because the property is on a State Highway, that the application must be submitted to the Oswego County Planning Board. He asked Kevin to explain the letter of the law regarding submitting to the County Planning Board. Kevin explained that under the General Municipal Law, Section 239 (l&m), there are requirements that any project would require County Planning Review, if the project is within 500 feet of a landmark. In this case,

the property is on a State Highway, namely, Route 104. The County Planning Board would send a letter of recommendation. The Zoning Board of Appeals could override the decision. It does not prohibit the Board from hearing the application at this time. However, the Board cannot make a determination until the County Planning Board reviews the application and makes a recommendation. The 239 Referral Form should be with the County Planning Board in plenty of time, so they can make a recommendation within 5 business days.

Greg said he would like to pursue some of the information on the application. For the record, a letter was handed to the neighbors, and a Distribution Form was signed. He asked the secretary to read the names of the neighbors who signed. They are: Richard Yule, Merton Cronkite, William Clemente, Katherine Zagame, Jim Allbee, and Jean Truax. Jim and Sally Gray did not sign as they are in Florida for the winter. Mr. Stout had made 10 attempts to deliver the neighboring letter to David Zappala, but said he would continue to try to reach him.

Greg stated the secretary delivered some of the material to the Oswego County Planning Board, but they were not in a position to act as there was missing information; a site plan showing where the sign is to be erected, and the measurements of the sign.

Greg referred to the letter from Wayne Newton, CEO denying the applications as it does not meet the requirements for a sign in Article IV, Section C, 1 i. Kevin stated that section is for an R-3 District, and this property is in an R-4 District. He quoted the section that Wayne Newton referred to. If you go to the next section - D - under Principal Uses - it does say any R-4 District use, principal or conditional except business. He thinks Wayne went back to see what is permitted in R-3, and got around what is permitted in R-4.

Deb Jaskula said there are no people here to make comments, and asked Mr. Stout if he heard any comments from the neighbors. Mr. Stout said when he went to the neighbors, he showed the photo of the sign, and they were all pleased about the business in the area, and no negative comments.

Greg asked Mr. Stout if he was aware of the zoning regulations limiting the sign size to 2 feet. He said he was aware of the regulations, and knew that he would be denied, and would have to make application to the Zoning Board of Appeals. Greg also wants the record to show that a Legal Notice was published in the Palladium Times on November 10th.

Tim Anderson made a motion that we close the Public Hearing, and postpone the application until the next meeting, December 15, 2005. Debra Jaskula seconded the motion. All ayes. Motion carried.

Application #2005-10 - Kenneth & Suzanne Eastwood - Area Variance:

Greg Auleta opened the Public Hearing at approximately 7:30 PM. He asked the representative to step forward, give his name, and the purpose of the application. Thomas Reynolds stated his name, and that he is the attorney representing Kenneth and Suzanne Eastwood. The purpose of the application is to leave the swimming pool where it is, so the property can be sold. Tom explained there was supposed to be a permit for the pool back in 1994, but the Town could not find it.

Greg wanted the record to show that a Legal Notice for a Public Hearing was published in the Palladium Times on November 10, 2005.

Greg stated he understands there are some complications as to where the lines are on the property as to the pool. Mr. Reynolds said there were problems with the lines in the subdivision. He stated the pool extended over onto Mr. Cowell's property, but Mr. Cowell sold a little piece so the pool would be completely on Mr. Eastwood's property. There was also

discussion of a 20 foot draining easement going across the property and under the pool. Greg asked Kevin if he had any comments. Kevin said he had not examined the subdivision so he could not comment specifically.

Greg wanted the record to show that certified letters were sent to the neighbors, and 14 return receipts are in our possession. There are also notarized letters from Mr. & Mrs. David Cowell, and Mr. and Mrs. Arthur Taylor, who have no objection to the pool remaining where it is.

Kevin referred to Article III, Section B, Exceptions and Modifications - Locations which are accessory uses located one half the distance of the set back requirements. It is zoned 20 feet set back, and half of that is 10 feet for an accessory use. Greg said basically, Mr. Eastwood is looking for a variance of 1.4 feet from the North side, and 3.6 feet on the West side.

Greg said if this applications is going to be passed, we need the 6 criteria. He asked the members to look at the application, and read the 6 criteria. Bob Baker referred to No 1, as it should read "pool properly installed", not "property installed" Greg asked if there were any more questions from the Board. He then asked the public if they had any comments.

Earl Engle stepped forward, stated his name, and that he owns the muck which borders the Eastwood property on the West. Mr. Engle said he does not object to the pool. He objected to the drainage easement. He said a tile goes onto his property. He asked if the prospective purchaser is here, which Mr. David Granoff was in attendance. Mr. Engle told Mr. Granoff that he is going to remove the tile hanging onto his property.

Debra Jaskula entertained a motion that we approve an Area Variance for 1.4 feet on the North side, and 3.6 feet on the West side, in recognition of the 6 criteria required for an Area Variance, and if the pool is ever moved or replaced, it would be required to adhere to the then set back requirements. Tim Anderson seconded the motion. All ayes. Motion carried.

**Old Business:**

Revision of Zoning Regulations will be under Open Board Discussion, once the meeting is adjourned.

**Public Comment:**

No other public was present.

**Open Board Discussion:**

Revisions of Zoning Regulations after adjournment.

**Adjournment:**

At approximately 8:15 PM, Robert Baker made a motion to adjourn the meeting. Tim Anderson seconded the motion. All ayes. Motion carried.

Respectfully submitted,

Marjorie Best  
ZBA Secretary