

**October 21, 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 7:07 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

**Acceptance of Agenda:**

Greg Auleta made a Motion to accept the Agenda. Tim Anderson seconded the Motion. All ayes. Motion carried.

**Approval of September 30, 2004 Minutes:**

Greg Auleta moved that the September 30, 2004 Minutes be approved. Bob Baker seconded the Motion. All ayes. Motion carried.

**Old Business:**

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

Greg Mills stated this was an application to construct a deck to be extended off the Western end of the structure. The structure on the Eastern side of the property comes within 5 feet of the adjacent property boundary, and therefore a Special Permit was needed. To refresh everyone's memory, a permit was granted initially due to the fact that our Zoning Ordinance stated that the set back on the "East" side of the property, and should have read "Each" side of the property. Mr. Greene and the Secretary both tried to contact Mr. Bump, but were unsuccessful. Brad Livesey, Richard Greene and Greg Mills went out to the property on Friday, October 1st to look at the property, and the deck was completed with the exception of the railing. The deck is well constructed. Mr. Greene talked about Coastal Erosion, and this is a red line area, which falls within the DEC regulations. The red line on the maps designates the shore line, and the blue line designates the set back. They noticed some steps that are

laying on the shore. Mr. Bump's property also has a retaining wall. Greg does not think the DEC would have a problem because it is well built, and also a retaining wall being there.

Kevin Caraccioli read a letter to the Board Members from Joe Dlugolenski, Division of Environmental Permits. Mr. Dlugolenski explained that the Coastal Erosion Program should be administered in Oswego Town, as it is in the Town of Sterling. The program states that no new construction go within the coastal zone.

Greg Mills said in regard to Application #2004-04, R. Jacob Bump, Driftwood Shores, regarding the building of his deck, there are further considerations, and Mr. Caraccioli will contact the DEC representative, as to how we should proceed. Greg Auleta made a motion to continue to table the final consideration of the Bump matter. Greg Mills seconded the motion. All ayes. Motion carried.

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

Greg Mills stated we have been provided with drawings by the DEC. We have already reviewed them, and have a better understanding of the areas where coastal erosion exists. When we had met with Mr. Greene on Friday, October 1st, he had provided copies of Coastal Erosion in New York, a Permit Profile, and Minimum Conditions. He asked the Secretary to make copies for all members.

An issue Greg Mills brought up is that not only members of the Zoning Board be involved, but make a recommendation to the leaders of the government of the municipality "Do we want to be the enforcement agency of this coastal erosion, or do we want to adopt the position that the Town of Sterling has, which they have become the enforcement agency". We should make a recommendation to the Town Board as to how to handle this.

Greg Auleta commented that if one takes the position that the DEC would be the enforcement officer, and plus the other inadequacies in the Zoning Regulations -- There is not even a frame of record to direct any responsible official in the town to enforce the regulations. If you take a look at this document "Permit Profile" under "Standards for Issuance", there is some rather specific language there. Someone would have to be in a position of interpreting the regulations.

Kevin Caraccioli stated that the Town of Sterling adopted the State Regulations as their own. They define what can and cannot be done in what they call the Structural Hazard Area. For instance, there is a public service distribution line that would have to be located landward to the shoreline structure. There are regulations of non-movable structures, and major additions. One may question "What is a major addition?" A major addition is an addition to a structure resulting in a 25 percent or greater increase in the ground area coverage of the structure other than an erosion protection structure or a pier, dock, or wharf. Tim Anderson asked it if was land use, and Kevin said it is specifically erosion control.

Greg Auleta said if Mr. Bump comes in and makes this application, technically, Mr. Greene would have to contact the DEC, and ask them to come out and do a Site Review. Bob Baker said it appears that the State is the one who is going to make the determination.

Greg Auleta made a motion that we go on record to advise the Oswego Town Board that the Zoning Ordinance does not adequately reflect the DEC regulations relative to Coastal Erosion Areas. We believe this inadequacy needs to be addressed by the Board. Tim Anderson seconded the Motion. All ayes. Motion carried.

Discussion of Letter to John Dickquist from Richard Greene, CEO - Vehicles on Paternoster

Property:

Greg Mills stated we had some discussion on this matter before the meeting started. He said he does not understand a Business Permit. He thought this was issued by the County Clerk's Office. There was also discussion of the grand-fathering of business. Some interpreted it as the same type of business that was started there, being an Inn or Liquor Store. What if someone wanted to put in adult entertainment in that building. Kevin said it is just like "real grandfathers" - they die off, and we should start from scratch with a new business. According to the letter Mr. Greene wrote, if Mr. Dickquist failed to submit the application and other documents needed by October 15th at noon, the cars would have to be removed, and they are still there. Mr. Greene had said at the Planning Board Meeting that Mr. Paternoster and Mr. Dickquist did bring the documentation on the 15th. To settle the confusion on this matter, Greg Mills said he would contact Richard Green on Friday, October 22nd. Greg Auleta moved that we table this matter until Greg Mills contacts Richard Greene, CEO. Bob Baker seconded the motion. All ayes. Motion carried.

**New Business:** No new business

**Public Comment:** No one from the public attended.

**Open Board Discussion:**

Greg Mills said the Oswego County Planning Department has been working with the Planning Board of the Town of Oswego on the Land Use Map. The secretary explained that the Town Board meet immediately after the Planning Board Meeting, and approved the Land Use Map, and there would be a Public Hearing on November 3rd at 7:05 PM.

Kevin Caraccioli stated the coastal erosion areas should be included on the Land Use Map.

Greg Mills stated he is going to call Theresa Cooper tomorrow, Friday, October 22nd, and talk about the Coastal Erosion Areas.

**Adjournment:**

At approximately 8:45 PM, Greg Auleta moved to adjourn the meeting. Bob Baker seconded the Motion. All ayes. Motion carried.

Respectfully Submitted,

Marjorie Best,  
ZBA Secretary