

**September 18, 2003**  
**Zoning Board of Appeals Minutes**  
**Southwest Community Center**

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

**Call to Order**

Randy Pratt called the meeting to order at approximately 7:18 pm.

**Attendance**

Those in attendance were:  
Randy Pratt, ZBA Chairman  
Greg Auleta, ZBA Member  
Robert Baker, ZBA Member  
Greg Mills, ZBA Member  
Shelley Rahn, ZBA Secretary

Those absent were:  
Brad Livesey, ZBA Member  
Kevin Caraccioli, Legal Advisor

**Approval of August 2003 Minutes**

At approximately 7:19 pm Greg Auleta motioned to accept the minutes from the August 21, 2003. Robert Baker seconded the motion. All ayes. Motion carried

**First Order of Business**

**Public Comment Session**

There was no comment from the Public.

**Second Order of Business**

**Public Hearing – Oswego Alliance Church/Chris Choate/Skip Taylor**

**Tax Map # 145.07-01-12**

At approximately 7:21 pm, Randy Pratt called the Public Hearing for Oswego Alliance Church to Order. Chris Choate of the Oswego Alliance Church Building Committee stepped forward as representative for the application. Randy Pratt explained the ZBA policy regarding repeated tabling of Public Hearings to the applicant. Mr. Choate expressed his understanding of the policy.

Mr. Choate stated Oswego Alliance Church is seeking to construct a 17,097 square foot church, sanctuary, office and rooms on a 12 acre parcel. The Church is hoping for fall construction; however they recognize that construction may have to be postponed until spring 2004. Mr. Choate updated the Board on the stipulations set forth at the previous ZBA meeting.

- Drainage Plan – The applicant has hired a professional engineer to develop the plan.
- Septic Plan – The plan was submitted to the Oswego County Health Department for review and was rejected. Currently, C&S Engineers is re-engineering the plan.
- Easement – The copy is in the Official ZBA file.
- Resolution with neighbor Kelly Irwin – The applicant has not yet been able to work out an agreement. While they are still in talks with Ms. Irwin, they are awaiting resolution of property line issues.

Mr. Choate stated he understood that if the criteria had not been met, then no action could be taken.

Randy Pratt advised the applicant, that if a satisfactory arrangement can not be met between the two parties, the Oswego Town Planning Board can make stipulations on what should be used as a buffer/barrier.

At approximately 7:34 pm, Randy Pratt opened the Hearing for Public Comment. Matt Spagnola addressed the board on behalf of neighbor Kelly Irwin. Mr. Spagnola advised the board that Ms. Irwin was recently made aware of a 25 foot discrepancy of the property line, although she does not know where the discrepancy is. Mr. Spagnola stated once Ms. Irwin is aware of the actual property lines, she will enter into a final agreement with Oswego Alliance Church with regard to a buffer. Randy Pratt asked Mr. Spagnola to advise Ms. Irwin to send a letter authorizing him to act as her representative in the event she is unable to attend any future meetings.

Earle Engle spoke in support of a buffer between the property lines.

At approximately 7:41 Public Comment was closed.

Randy Pratt asked Mr. Choate what type of buffer is being sought. Mr. Choate advised that they are looking into fencing in conjunction with evergreens and spacing. Greg Mills asked if green space was being used as part of the buffer. Mr. Choate stated it was not.

Greg Auleta urged both parties (Mr. Choate and Ms. Irwin) to become proactive in reaching an agreement. He requested they meet and discuss contingency plans and present broad blueprints to the board at the next meeting. Randy Pratt advised that The Planning Board should take action on the buffer at their next meeting. The ZBA Secretary will draft a letter to Planning requesting their input and direction on what type of buffer should be utilized. Greg Auleta stated that ZBA should be able to act upon the application at the next ZBA meeting if the contingencies are met.

At approximately 7:55, Greg Auleta motioned to table the Public Hearing for Oswego Alliance Church application until October 16, 2003 at 7:05 pm. The applicant should return with satisfactory compliance of the contingencies set forth by the Town of Oswego Planning Board as well as an agreement with Kelly Irwin regarding the property buffer. Robert Baker seconded the motion. All ayes. Motion carried.

### **Third Order of Business**

#### **Public Hearing – Scott and Kristin Benjamin**

##### **Tax Map # 163.06-01-10-00**

At approximately 7:56 Randy Pratt opened the Public Hearing for Scott and Kristin Benjamin. Scott Benjamin stepped forward to address the board. Mr. Benjamin stated that he had purchased the property at 86 Driftwood Shores in the Town of Oswego. Mr. Benjamin would like to replace the dilapidated building currently on the property with a modular unit. He is seeking a Special Permit and Area Variances for a front and side yard setback as the property does not meet the zoning guidelines. Mr. Benjamin further stated that the Oswego Town and the Oswego County Planning Boards have reviewed his application and determined that there is no need for their review. Mr. Benjamin put into record Oswego County Health Department approved septic/sewage plans.

Randy Pratt verified that notification of the Public Hearing was issued in the Palladium Times on September 12, 2003.

At approximately 8:05 Randy Pratt opened the Hearing for Public Comment. Those members of the public present to comment were as follows:

- Earle Engle – Happy with site plan.
- John Cage – Lives at 60 Driftwood Shores, approximately 500 feet to the east near Camp

Hollis. Mr. Cage is happy to have someone doing something positive with the property.

- George Kosek – Lives at 68 Driftwood Shores, approximately 300 feet from the property. He is concerned that the heavy equipment traveling up and down the road will cause the hole in the road in front of his property to grow. He is also concerned about where the trucks will turn around.
- Janice Crane – Welcomes the Benjamin's to the community.
- Barbara Wicoff – Wanted to know if the application was tabled until the next meeting, would the public have an opportunity to speak at that meeting as well.
- Garrett Wicoff – Is concerned about the equipment being able to make the turn.

The contractor for the project advised that he will set a staging area to accommodate the heavy equipment. He further advised that he will honor any damages created by the equipment. Greg Auleta asked Mr. Benjamin if he would remediate any damage caused to the roadway. Mr. Benjamin stated he would. At approximately 8:20 Public Comment was closed.

At approximately 8:23 Greg Auleta motioned for final approval for the variances necessary to proceed with the project with the stipulation that the applicant agrees to remediate any damage to the roadway and neighboring properties. Greg Mills seconded the motion. All ayes. Motion carried.

#### **Fourth Order of Business**

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

Greg Auleta stressed that the construction currently occurring in the Town is indicative of the need for the Town to develop a revised governance/zoning ordinance to reflect modern, contemporary issues.

Randy Pratt advised members that ZBA is no longer handling Special Permits. The Special Permits are now handled by the Oswego Town Planning Board. Mr. Pratt has spoken with Supervisor Mullen to stress the issues with the ordinance. Mr. Pratt further advised that the ZBA budget for 2004 is being decreased from \$1700 to \$1000. Mr. Pratt is sending a letter to Town Officials requesting reconsideration of the decrease as it is a real possibility of ZBA overspending its budget dependent upon the number of applications it reviews in 2004.

Shelley Rahn submitted her resignation to the ZBA. Her resignation is effective December 31, 2003. She has agreed to train the person taking her position.

ZBA members discussed the letter received from Building Inspector Mike Dopko. ZBA requests Legal Advisor, Kevin Caraccioli, review the letter, research the issue of septic installation approval and present his findings at the next ZBA meeting.

At 8:40 Greg Auleta motioned to adjourn the meeting. Randy Pratt seconded the motion. All ayes. Motion carried.

Respectfully Submitted,

Shelley Rahn