

September 30, 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 7:05 PM, Greg Mills, Chairman of the Zoning Board of Appeals called the meeting to order.

Attendance

Those in attendance were:

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

Absent was:

Greg Auleta, ZBA Member

Acceptance of Agenda:

Brad Livesey made a motion to accept the Agenda, and Tim Anderson seconded the motion. There was discussion as to the change in the Agenda. The Agenda itself has not been changed, however, the meeting date had been changed from September 16th to September 30th, because of circumstances beyond our control. With the amendment to the Agenda, Greg Mills moved the motion to a vote. All ayes. Motion carried.

Approval of August 19, 2004 Minutes:

Bob Baker made a motion that the August 19, 2004 Minutes be approved. Tim Anderson seconded the Motion. All ayes. Motion carried.

Old Business:

Application #2004-04 - R. Jacob Bump:

At approximately 7:10 PM, Greg Mills opened the matter of Application #2004-04, R. Jacob Bump regarding the building of a deck on his property at Driftwood Shores. Richard Greene, CEO was present to discuss the issues of the matter. Mr. Bump was not in attendance, as he lives in New York City. Mr. Greene tried initiating a conference call by phone so that Mr. Bump could express his concerns, but was unable to reach him. At the previous meeting, Kevin Caraccioli and Richard Greene had hoped to resolve the issues, because of an error in the Land Use and Control Ordinance, whereby it stated on Page 6, No. 2, Building Location - it stated "East" Side Yard, whereby it should have stated "Each" Side Yard, which has since been corrected.

Greg Mills questioned whether the "Appeal to the Oswego Town ZBA" was the only document submitted. Mr. Greene said we have the application itself, along with the survey map. He

explained that at the time he reviewed the application, he was new to this area, and accepted this as a matter of practice. He said from now on, he only accepts a survey map. A tax map could be accepted, if a survey is not readily available. Mr. Greene also requires a Site or Plot Plan. He needs exact measurements, which would be on a survey map. He does not accept just a rough drawing.

In addition, Mr. Greene requested Mr. Bump to obtain a drawing of the deck, listing the materials, such as one printed up from a reputable construction company. He did look at the property on which he started building the deck. He had not gone there again to see if it was completed.

Another example Mr. Greene used, is someone who wants to build a shed. Sometimes an applicant applies for a permit to build a shed, and it turns out to be a garage, or a permit for a pole barn could turn out to be a habitable building.

Kevin Caraccioli and Richard Greene agreed that we didn't want to set a precedent. If we approved Mr. Bump's application, then others would want to be approved without all the criteria. Mr. Greene believes Mr. Bump will work with us, and is certain he would come to a hearing if necessary. Greg Mills suggested that one or more Board Members go the Bump property, along with Mr. Greene, to see what has been completed, and what should be required to bring this matter to an amicable solution.

Mr. Greene stated he is now in the office on Wednesdays and Fridays to accommodate the issues of Zoning and Planning. He is in the process of negotiating with the Supervisor and Town Clerk to be in the Town Hall more hours, perhaps two 8 hour days. He also said if there were any problems, they are welcome to give him a call, and he would make a trip to solve the matter. He also gave an 800 number, which is 800-852-1741. Mr. Greene also stated he would come at night if necessary. He said he came down Tuesday night on a matter regarding Empire Fresh Cuts.

Kevin Caraccioli also brought up the issue of Driftwood Shores facing problems with coastal erosion, which could bring problems in the future, in which DEC could become involved. There is also an access and egress road in that area. Mr. Greene showed the members a Flood Plain Map. He states when he issues a building permit in a Flood Plain, or coastal erosion area, it is necessary to contact the state. Driftwood Shores is on the red line of that map. Mr. Greene said in a Flood Plain, you can not build a house. Kevin said in this type of case, a Special Permit would be required. Kevin and Richard have the name of a gentleman with the DEC, by the name of Joseph Dlugolenski, who they have both had dealings with.

Kevin Caraccioli stated we should table the matter for the next meeting, and from there, set up a Public Hearing for a later date, perhaps in November. Greg Mills made the Motion to table the Bump application until the next meeting, October 21, 2004. Bob Baker seconded the Motion. Mr. Greene stated he would meet Greg Mills and Brad Livesey at the Town Hall, and go out to the Bump property on Friday, October 1st. The Motion was voted upon. All ayes, Motion carried.

New Business:

Application #2004-05 - William G. Greene, Jr.

At approximately 7:25 PM, Greg Mills brought the application of William G. Greene, Jr. to the floor. He asked Mr. Greene to state his name, address and the purpose of his application. William Greene stated his name, and his address as 279 Thompson Road, Oswego, New York, and the purpose of the application is a permit to build a detached garage.

Greg Mills stated we have all the documents in order, including the signed form from the neighbors showing no objection, as well as the Public Hearing Notice which was published in the Palladium Times. He asked the members if there were any comments regarding the neighbors, or the structure of the building. Greg asked Mr. Greene if there was any reason he could not go to the South. Mr. Greene said he built a pool, and because of the water line easement, that space is the only place he could build the garage. He said his house and pool are on the North side of the house. Richard Greene, CEO questioned the 5 feet, and asked William Greene if there were woods over there (pointing to the survey). He also asked who the neighbor was to the West, and Bill Greene stated he owns the property to the West, so there are only neighbors to the East, South and North.

Greg Mills asked if there were any other questions regarding William Greene's application. Bob Baker asked if there was going to be a second floor in the building, and Bill stated there would be a loft. Kevin Caraccioli stated this is in an R-4 District, and the side setback requirement is 30 feet. It is 5 feet from the line, so it would be a 25 foot Variance.

Since there was no further discussion, Greg moved for a Motion to approve the application. Brad Livesey made the Motion, and Tim Anderson seconded it. All ayes. Motion carried.

Public Comment: None

Open Board Discussion:

Richard Greene, CEO stayed during the duration of the meeting, both on Mr. Bump's and William Greene's applications. He shared with the Board Members his guidelines and rules for the applicants, as to what they need to produce, so that everything would run smooth.

Greg Mills told Mr. Greene he appreciated his presence, and how he believes he will help us run a right ship. He said we had not been clear on our relationship with the various CEO's in the past. He said now that he feels he can sit through a meeting, and have the correct information to proceed. It has been embarrassing the way we have progressed in the past, and it had not been the applicant's fault. The applicants have gone by the direction that they somehow received, and were very fortunate to make decisions without any repercussions.

Although Greg Auleta was excused from the meeting, he wrote a long e-mail expressing his views on the Bump matter. He said we need more comprehensive and realistic regulations. Richard Greene again stated what his plans are for every application, to be filled out completely, with a survey, and provisions regarding the structure to be built.

In his e-mail, Greg Auleta also questioned used cars parked at the old Country Inn. Mr. Greene said he had already addressed the issue. A man by the name of Dickquist, whose cars are there, put them there with the idea that if he had a dealer's permit, he could put them anywhere he wanted to. Mr. Dickquist said he entered a verbal agreement with the owner, and plans on purchasing the property. He could put the cars there for 90 days, and if the property is not purchased within 90 days, the cars would be out of there. Mr. Dickquist told Mr. Greene he was in the process of condemning the building. Mr. Greene told him if he planned on purchasing the property, to come to him with a plan. Greg Mills said he has known Mr. Dickquist for a number of years, and at one point, he put cars on property for sale without the landowner's consent.

Greg Mills again thanked Richard Greene for his expertise in these matters, and hopes he plans on continuing as our CEO, as we have had so many different ones over the past few years.

Adjournment:

At approximately 8:45 PM, Brad Livesey made a Motion to adjourn the meeting. Bob Baker seconded the Motion. All ayes. Motion carried.

Respectfully submitted,

Marjorie Best
ZBA Secretary