

Town of Oswego Zoning Board Meeting Minutes

October 15, 2020

Chair: Michael Asmolik

Members: Bob Baker, Robert Dexter, Debra Shoenfelt-Jaskula

Attorney to the Board: Kevin Caraccioli

Secretary: Kathy Delaney

The meeting was called to order by Mike Asmolik at 7:00 PM.

Board attendance:

Bob Baker, Michael Asmolik, Robert Dexter, Debra Shoenfelt-Jaskula,

Others Present:

Attorney Kevin Caraccioli, Greg Herrmann, Mike Batchelor (contractor for Pies Guys)

Last Meeting Minutes:

Debra Shoenfelt-Jaskula made a motion to approve the September 17, 2020 meeting minutes, second by Bob Dexter. All in favor, no opposition. Motion carried.

Public Meeting:

No residents appeared at the meeting. However, the Town of Oswego received 2 letters from residents in favor of the project.

Old Business:

Pies Guys Use/Area Variance (6 Baylis St.)

Oswego County Planning Department recommended a disapproval of the area variance as it is zoned as R-1 and does not permit a commercial use for a restaurant. They recommend declaring the use as non-conforming or grant a use variance.

Debra Shoenfelt-Jaskula made a motion to grant an area and use variance as follows:

- 1) Application converted to include request for an area variance and use variance for a 16' x 20' 6" walk in cooler
- 2) Existing commercial building is declared a non-conforming use in the Town of Oswego R-1 Zoning District
- 3) Use variance granted as follows:
 - a. Property has been occupied for commercial use since 1980.
 - b. Hardship is unique to the property and does not apply to a substantial portion of the neighborhood.
 - c. Use variance will not alter the character of the neighborhood
 - d. Applicant purchased the property as a commercial use and plans to continue operating the business from this location.
- 4) Use Variance granted for the 16' x 20' 6" walk-in cooler space and addresses the unnecessary hardship proven by the applicant, which preserves and protects the character of the neighborhood, as well as the health, safety and welfare of the community.
- 5) Area variance granted as follows:

- a. No undesirable change will occur to the character of the neighborhood or detriment to nearby properties. Property has always been used for commercial.
 - b. No other feasible method to achieve what the applicant is seeking to do but add the walk-in cooler. Physical space of existing structure limits applicant's ability to expand services provided by his business.
 - c. 6' area variance is not substantial
 - d. Variance will not have an adverse impact on the physical or environmental conditions of the neighborhood.
 - e. Difficulty not self-created; the property is configured in a manner that necessitates the need for the minimal area variance.
- 6) Area variance granted is minimum variance necessary and adequate to preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
 - 7) In exercising its authority, the ZBA is mindful of its role as a quasi-judicial body, its lack of legislative power and its obligation to explain its reasons for departing from prior precedent or reaching a different result than that which was provided by the County Planning Department.
 - 8) Applicant is granted an area and use variance for property located at 6 Baylis St, Town of Oswego and directs the CEO to issue a building permit to undertake the project.
 - 9) The recommendation of the County Planning Department is hereby overruled.

This motion was seconded by Michael Asmolik.

Roll call:

Michael Asmolik, Chair	YES
Robert Baker	YES
Robert Dexter	YES
Debra Shoenfelt-Jaskula	YES

Motion carried.

New Business:

none

Discussion:

Attorney Kevin Caraccioli updated the board on the following projects going on in the Town: Thompson Road bridge, sewer district, feed store grand opening and progress on the Summit Solar farm. The Board has also requested seeking a new member, Secretary will speak with Supervisor Kaulfuss.

Adjournment:

Motion to adjourn made by Mike Asmolik, second by Debra Shoenfelt-Jaskula. Meeting adjourned at 7:48 PM.

Next Meeting:

Thursday, November 19, 2019, 7:00 PM.

Respectfully submitted: