

CITY OF OSWEGO

PLANNING BOARD

October 1, 2019

MEMBERS PRESENT: Daniel Breitweg, Matthew Bacon, Cory Moshier, George Koenig, and Chairman Freeman.

MEMBERS ABSENT: Noreen Ruttan, Brit Hallenbeck, Justin Rudgick and James Scanlon.

Chairman Freeman called the meeting to order at 6:30 p.m., Tuesday October 1, 2019. Roll call was duly noted.

A motion to approve the minutes of the August 2019 meeting was made by Matthew Bacon and seconded by Chairman Freeman; minutes unanimously approved.

Chairman Freeman made a motion that all actions taken tonight are excluded, exempt or Type II actions for the purpose of the State Environmental Quality Review Law unless otherwise stated. Motion seconded by Matthew Bacon, unanimous approval.

NEW BUSINESS:

1. Review & Approval – Signage for Taqueria – 201 West First Street, Case 19-137; Downtown Oswego Design Standards B.2.4 - Signage.

DISCUSSION: Daryl Hunt was present for the discussion. Mr. Hunt said this connects to Bistro 197. He said they have had a banner up for a year. He said he is proposing a 4x12 single faced sign mounted on the wall. He said it will be large enough to cover up the shadow of the sign that was there before. He said it is a standard Cape Cod with historical kind of flavor. He said he tried to talk him into a carving but it isn't going to work out for him cost wise. He said this will be computer cut vinyl on aluminum. He said it will be almost identical to Nora's next door. Chairman Freeman asked if it will be lighted. Mr. Hunt said he did not talk to him about lighting. He said he doesn't think he has thought about it. He said there is a lot of ambient light in that area. He said from late spring to fall he doesn't think you will be able to see the sign from the road because of the tree in front of it. George Koenig said the word cuisine is misspelled. Mr. Hunt said that is easily fixed. Chairman Freeman asked if there were any questions from the public and no one came forward.

DECISION: George Koenig made a motion for signage approval. Motion seconded by Matthew Bacon, unanimous approval.

2. Review & Approval – Signage for Avery Rental – 26 West Cayuga Street, Case 19-138; Downtown Oswego Design Standards B.2.4 – Signage (Wall Sign).

DISCUSSION: Daryl Hunt was present for the discussion. Mr. Hunt said this is computer cut vinyl on aluminum. He said the sign is large but it is proportionate to the building. He said this is going to be his main headquarters. He said there are no plans for lights. Chairman Freeman asked if there were any questions from the public and no one came forward.

DECISION: Matthew Bacon made a motion for signage approval. Motion seconded by Daniel Breitweg, unanimous approval.

3. Review & Approval – Signage for Freight House – 29 East First Street, Case 19-139;
Section 280-61 – Post Signs.

DISCUSSION: Daryl Hunt was present for the discussion. Mr. Hunt said this is an existing structure. He said they are proposing to block in the posts with reclaimed wood. He said the signs that will go on it will be smaller than the ones that are on there now. He said the face of the sign seen from the road will be 4x8'. He said it will be identified as The Old Freight House and under that it will list the businesses in the complex. He said on the other side will be a shorter wall because you are standing on a deck. He said they haven't finalized the text and photos yet but it will give the history of the building. Chairman Freeman said the intention is to replace the entire sign. Mr. Hunt said the existing sign panels will come down and the post structure will stay and they will box it in with an appropriate material. He said the signs will go on top of the box material. Chairman Freeman asked if they will be rotating, electronic photos. Mr. Hunt said it will be a static collage and next to it will have the history of the building. Mr. Caraccioli said the idea is a person could walk up and read it because they will be on the deck. Mr. Hunt said yes. Matthew Bacon said the footprint will be the same. Mr. Hunt said actually a little smaller. Mr. Caraccioli said the signage on the front will only be on the front. He said right now it is double sided. Mr. Hunt said it is useless to have it double sided because you are leaving. Chairman Freeman asked if there were any questions from the public and no one came forward.

DECISION: George Koenig made a motion for signage approval. Motion seconded by Matthew Bacon, unanimous approval.

4. Site Plan Review & Approval – 180 East Albany Street, Case 19-140; to allow proposed new driveway, Section 280-48 thru 280-51.

DISCUSSION: Michael Wood was present for the discussion. Mr. Wood said they recently purchased this house and renovated it. He said it has a traditional concrete driveway. He said he is proposing to extend the driveway widthwise. He said they want to go out 12' on the side and it is going to be 29' long at the longest point but it won't be a rectangle. He said the main reason they are requesting this is they don't have a basement because they get a lot of flooding and the soil doesn't allow for a basement. He said they have a lot of moisture that accumulates right next to their driveway. He said in the winter it freezes. He said if he can extend the driveway he can snow blow it each time and his wife can move the car over. He said it will be more aesthetically pleasing and it is for accessibility for his family. Chairman Freeman asked if he has that much ponding there is there a concern if he puts a concrete driveway in. Mr. Wood said he has to put asphalt in for that reason. He said he was told the concrete would crack because there is so much moisture there. He said they are going to put a base and then put the asphalt over it. He said part of the driveway will be concrete and the other will have to be asphalt. Chairman Freeman asked if the contractor is going to slope it so it runs away from the house. Mr. Wood said it will be sloped toward the neighbor but since it is going uphill it is not going to flood her area. Chairman Freeman asked if the neighbor is okay with that. Mr. Wood said yes. He said he has talked to her about it. He said she actually suggested they extend the driveway. Councilor Hill asked if the driveway will be taking away public green space. Mr. Wood said no. He said that is because it is sloped that way. He said if it was actually 29' long then it would affect the zoning. Councilor Hill said the curb cut won't be affected. Mr. Wood said exactly. Mr. Caraccioli said it is gravel now. Mr. Wood said when he bought the house there was a family that had a boat there and they put gravel down there.

DECISION: Matthew Bacon made a favorable motion for site plan approval. Motion seconded by Chairman Freeman, unanimous approval.

5. Advisory to the ZBA – Special Permit – 180 East Albany Street, Case 19-141; to allow front yard parking, Section 280-55(B).

DISCUSSION: Matthew Bacon said the advisory to the ZBA is just on the triangle. Mr. Wood said it is a special permit that allows for the tapering. Mr. Caraccioli said the amount of front space that is impacted is negligible and it looks like it is all squarely on their property. He said there is quite a distance between the sidewalk and where that angle will start. He said he would guess it is 30+ feet. Mr. Wood said they were told it was specifically designed like that so that you couldn't get a full-size automobile in that space to show you couldn't park in that area.

DECISION: George Koenig made a favorable advisory to the ZBA for a Special Permit. Motion seconded by Chairman Freeman, unanimous approval.

6. Site Plan Review & Approval – 163 East Twelfth Street, Case 19-142; to allow the widening of existing driveway, Section 280-48 thru 280-51.

DISCUSSION: Kenneth Murphy was present for the discussion. Mr. Murphy said he would like to put one more width wide driveway. He said the only difference is his would need a curb cut. He said he has a company vehicle, personal vehicle and a girlfriend's vehicle. He said he lives on a side street so he almost has to swing onto the grass to pull in. Daniel Breitweg said he has dealt with Mr. Murphy before with his backyard and he did a good job with it. Councilor Hill asked if this needs to go to Council if he is going to encroach on public space. Mr. Caraccioli said it is unclear if it does encroach on public space. He said in talking with Jeff McGann he didn't get the impression that it was in public space but it needed approval for special permit for front yard parking. He said he can look into it to confirm. He said there is no sidewalk there. Councilor Hill said they normally see them before so he would think that if it needed Council approval it would have been sent to them. Mr. Caraccioli said it leads him to believe it is not a public space issue but he will follow up with Jeff McGann when he gets back. Chairman Freeman asked if there were any questions from the public and no one came forward.

DECISION: Matthew Bacon made a favorable motion for site plan approval. Motion seconded by Daniel Breitweg, unanimous approval.

7. Advisory to the ZBA – Special Permit – 163 East Twelfth Street, Case 19-143; to allow front yard parking, Section 280-55(B).

DECISION: Chairman Freeman made a favorable advisory to the ZBA for a Special Permit. Motion seconded by Matthew Bacon, unanimous approval.

8. Site Plan Review & Approval – 47 Singleton Street, Case 19-144; to allow for a home occupation, Section 280-48 thru 280-51.

DISCUSSION: Lucie Manzinni was present for the discussion. Ms. Manzinni said her mother is thinking about being a snowbird. She said she lives in Florida and she would come and live with her during hurricane season. She said she has a colon hydrotherapy business that she would like to do here part-time. She said she would like to make some space for her in her finished basement. Chairman Freeman asked if there were any questions from the public and no one came forward. Mr. Caraccioli asked if she will be the only employee. Ms. Manzinni said yes. Mr. Caraccioli asked where the business will be confined to. Ms. Manzinni said a section in her basement. Mr. Caraccioli asked if this is a New York State license. Ms. Manzinni said it is an international license. Mr. Caraccioli asked if it is one on one. Ms. Manzinni said yes. Mr. Caraccioli said he only asked that because you can't have groups of more than three in a home occupation business. Daniel Breitweg asked about parking. Ms. Manzinni said she has a four car driveway. Daniel Breitweg asked if she does this in Florida too. Ms. Manzinni said she has a very successful business in Florida. Chairman Freeman asked if she has talked to the code office about egress. Ms. Manzinni said some work will need to be done to the house in order to make this work. Matthew Bacon said it is two parking spaces for one residential dwelling unit and because they are they are adding the home business they have to add two parking spaces. Mr. Caraccioli said yes. Chairman Freeman asked if there were any questions from the public and no one came forward.

DECISION: Matthew Bacon made a favorable motion for site plan approval. Motion seconded by Chairman Freeman, unanimous approval.

9. Off-Street Parking Plan Review & Approval – 47 Singleton Street, Case 19-145; to allow parking for a home occupation, Section 280-52(A)(1)(a) & 280-52(J).

DISCUSSION: Chairman Freeman asked if there were any questions from the public and no one came forward.

DECISION: Chairman Freeman made a favorable motion for off-street parking plan approval. Motion seconded by Matthew Bacon, unanimous approval.

10. Advisory to the ZBA – Special Permit – 47 Singleton Street, Case 19-146; to allow for a home occupation, Section 280-13(B).

DECISION: Matthew Bacon made a favorable advisory to the ZBA for a Special Permit. Motion seconded by George Koenig, unanimous approval.

11. Site Plan Review & Approval – 51 West Bridge Street, Case 19-148; to allow proposed entertainment area (fire pits, patio, second floor deck, tiki bar, band stage, fence and retaining wall), Sections 280-48 thru 280-51.

DISCUSSION: Eric Dawson was present for the discussion. Mr. Dawson said he is here regarding the expansion of the Sting. He said it has been an eyesore for a long time. He said they are trying to expand, re-brand it and fix the eyesore. Mr. Caraccioli said the Oswego County Department of Community Development, Tourism and Planning reviewed the plans and made comments. He said they are recommending approval with modifications. He said the comments of the County are consistent with some of the comments from the neighbors that couldn't attend tonight. He said the comments the County made were related to the number and size of fire pits proposed and the concern for public safety and potential public nuisance due to smoke. He said they are recommending the sketch plan of proposed design should be submitted to the City for review prior to approval of fire pits consistent with New York State Fire Code. He said also the fire chief should be consulted on whether the fire pits are a safety concern. Mr. Dawson said he was hemming and hawing on installing the fire pits but when he talked to Jeff McGann he said to put them in in case they wanted to do it. He said he is not opposed to getting rid of them. He said he has the same concerns. He said there are other places in Oswego that have similar fire pits but they also make a glass surround that goes around the fire. Mr. Caraccioli asked if the fire pit is propane. Mr. Dawson said natural gas. He said it isn't a pit but a table. Mr. Caraccioli said the concern for smoke is non-existent. He said as far as safety concern, they aren't saying not to do it but to consult with the fire chief. He said the next bulleted point is for the fence variance. He said that variance is not before this Board but they are entitled to give an advisory to the ZBA. He said the County is suggesting the fence appears necessary to screen the assembly area from nearby properties but the County makes no determination on whether the applicant has met the legal test to approve an area variance. He said the next point is related to the soundproofing. He said it states soundproofing of the rear, abutting the property line, should be required in order to lessen the impact on the neighborhood. He asked if he has given thought to that. Mr. Dawson said part of the 6' high wall is going to act as a buffer. He said prior to that there was a 6' fence there. He said he knows it is called a stage but the back part is not necessarily a stage. He said it will be an enclosed gazebo. He said he isn't saying they won't play music there. He said his intention is not to if he doesn't have to. He said it will be somewhat enclosed and there will be some sort of soundproofing in there. He said they own the lot in between the house and the end of the retaining wall so they will be putting shrubs in there. Mr. Caraccioli said when you are playing music the concern is the noise bouncing off of the current building and ricocheting back into the neighborhood. He asked if there is any thought of deadening the sound. Mr. Dawson said he is working on two different variables. He said one of them is him putting insulation and then davit over the insulation. He said it will have a little bit of sound deadening. He said if he has a band playing 90' away and there is music coming off of the wall then he is saying they are playing too loud. He said his plan is to cater more towards an early venue. He said ideally he would like to have music from 6-9:00. He said they have already been approved for music to 11:00 on weekdays and 12:00 on weekends. He said he will work with neighbors. He said he will take feedback on what he can do to soundproof. Mr. Caraccioli said the next point that the

County makes is the city should specify permissible hours-of-operation for the outdoor patio area and for outdoor music. He said they reminded them of the city's noise ordinance of 65 dBs threshold. He said this was also a concern of some of the neighbors. He said one of the neighbors said to limit it to 9-10:00 at night and they would be happy. Mr. Dawson said he is willing to work with the neighbors if it is too loud. He said he doesn't think they will be utilizing the back area too much. He said his intention is to not have a jam packed area back there. He said that is why they have lots of furniture. He said they also have large games. He said he wants a relaxing environment where you can grab a bite to eat. Mr. Caraccioli said the last comment the County made was consideration of a gate being installed on West Bridge Street so that minors may not freely enter the bar area. Mr. Dawson said if they put a restaurant in there it'll be a little different. He said they would not be using the gates unless they were manned with staff. Mr. Caraccioli asked if it will be gated. Mr. Dawson said yes. He said it will be dependent on fire code. Mr. Caraccioli said they received a letter from Vaishali Willis of 115 West Fourth Street. He said her concern is the proposed entertainment area will negatively affect the people living in the Franklin Square neighborhood and that it will open up an opportunity for more noise, chaos and disruption. She said they can hear everything currently that is happening at the Sting and it is partially blocked by the building. She stated with a two story patio area, they fear that the sound of people and music will carry and disrupt the historic area they have been working to preserve. She stated they would be in favor under two conditions – The Sting creates a noise cancelling barrier that completely protects and blocks the residents of West Fourth Street from hearing conversations, music and noise late at night and the music is kept at a volume that is reasonable and ends at a reasonable hour. She suggested 10:00 pm would be reasonable any night of the week. Mr. Dawson said they have laws that say they can play the music to a certain time. He said he plans to have music from 6-9:00 but he has to draw people in for that. Matthew Bacon said part of the site plan is the proposed stage in the back. He said he was looking through permitted uses and he didn't see any mention of outdoor concert venue. Mr. Caraccioli said this is an extension of the current business which is a bar. He said in the Traditional Downtown a bar is permitted by right subject to a site plan. He said this is an extension of the bar/lounge. He said it is permitted activity by way of site plan approval. He said the Zoning Board will have to look at the area variance for the high fence but it seems it will be beneficial to one of the concerns. Mr. Dawson said the word stage is in there but he doesn't know why. He said previously he booked music three nights a week but now he is only doing it one night a week on probably Friday or Saturday. He said it isn't going to be a stage but a seating occupancy with the ability to put music there if need be. He said 90% of it will be covered with seating area and games. George Koenig asked what they are voting on. He asked if fire pits are still in there. Mr. Caraccioli said it can be but with the caveat that final approval will be conditioned on meeting fire safety code standards. Mr. Dawson said he hasn't talked to his insurance company yet so that could be a game stopper. Daniel Breitweg said the plan he has is great. He asked if he contacted DOT yet about the fence. Mr. Caraccioli said the County did a 239 Review. He said the DOT right of way doesn't come into play here. Daniel Breitweg asked if there is something they can say to make the neighbors happy like nothing after 9:00. Mr. Caraccioli said that is a possibility but they haven't heard from all the neighbors yet. A neighbor in the audience said she is glad he is willing to work with the neighbors and she would like to have his phone number because their experience with the Sting in the past is they

have not worked with the neighbors. She said they are not against the improvements. She said she would like to see a sound barrier be a primary issue rather than a secondary issue. She said she is pro music but she is also pro neighbors being able to go to sleep at a reasonable hour. Anthony Pauldine said he owns the house across the street. He said his tenants had some awful experiences with noise from the Sting. He said if the stage is to the west facing Third Street it may or may not affect the people on Fourth Street. He said there is a large open area between the parking area and the house to the north so the sound is going to travel. He said changing the business from a bar to an outdoor venue is a drastic strategic change that ought to be looked at very carefully. He said once legal permission is granted some of these well-meaning intentions may or may not go by the wayside. He said his concerns are about the soundproofing and lighting. He said the hours also need to be decided. Mr. Dawson said there is going to be lighting on the inside. He said every year they have to go and get approval for music. He said at this time they won't be able to play music out there until next year. He said he is not a professional when it comes to sound deadening but he has no problem with that. He said he wants to make the neighborhood happy. He said there is a decibel level that they can't go above. He said if they do the police department will get involved. Anthony Pauldine said sometimes it is the music and sometimes it is the hooting and hollering. He asked if he sent his plan to the liquor authority. Mr. Dawson said they sent a tentative plan. He said they wanted to see if it would be approved through zoning. He said they don't anticipate any concerns at this point. Councilor Hill said the variance he gets each year is heavily dependent on the politics at that time. He said if the makeup of the Council changes in the future the variance could be much more lenient. He said to address the sound issue now and make it a condition is essential. He said some sort of sound deadening equipment needs to be part of the plan. Daniel Breitweg said the fire department hasn't been there yet to look at anything. He said he would like to see them come back to this and have Mr. Dawson state how he is going to address the concerns. He said he will need to address the sound barrier, the time the music will stop, fire department concerns, and county concerns. He said they need to get more substance. Mr. Dawson said his concern is if he comes back with a time of 11:00 and the neighbors say no then they will have to cancel the meeting and come back again. He asked what a reasonable request is. Mr. Caraccioli said in the same household one said 9-10:00 and the other said 10:00. He said he doesn't know if that is reasonable or not. He said if this Board established 10:00 and Mr. Dawson wanted to vary from that he would have to go to the Common Council to demonstrate why that would be appropriate. He said this is right next door to the Franklin Historic District. He said there is some impact on that with respect to the way zoning is handled in the City and across the State. He said it doesn't trigger a heightened environmental review because none of the other thresholds are triggered. He asked if a short Environmental Assessment Form was prepared. Mr. Dawson said he asked Jeff McGann what he needed and he said, for the fire pits and all, once the permit was approved they would deal with the fire engineer and zoning. Mr. Caraccioli said Jeff McGann has this listed as a Type II. He said he is not going to challenge that tonight because he is not here. He said it is boiled down to a handful of concerns – noise, fire safety and hours of operation. He said if that can be furthered developed then they have something to talk about. He said this is a permitted use by way of site plan approval. He said they also have the variance. He said he thinks having a higher fence will help with some of the sound issues. He said some of the conditions he is

hearing is he would have to show approval by the State Liquor Authority, compliance with New York State fire code, sound deadening design, and limiting the hours of operation to a certain time period. Chairman Freeman said lighting also. Cory Moshier asked his plan for lighting. Mr. Dawson discussed the lighting including internal lights, lighting under the deck area, and Bistro lights on the wall. Mr. Caraccioli said the idea is for the lighting to stay on the property. Daniel Breitweg said he would like to see where the Bistro lights will be going. Mr. Dawson said that was on the previous permit for the wall that was already built. He said they would be on the concrete pillars. Daniel Breitweg asked about the lighting inside. Mr. Dawson said there would be lighting on the inside of the pillars. Cory Moshier asked what time he would normally play until up front. Mr. Dawson said 12:00 on weekends and 11:00 on weekdays. He said for Harborfest they give special permits for until 2:00. Cory Moshier said whether he has music in the front or the back there is going to be noise. He said he isn't going to make everyone happy. Daniel Breitweg asked if there would be tables out there to serve food. Mr. Dawson said yes. He said they need more details. He said they will need to know the hours of operation for the restaurant and what days of the week he is thinking of having music. Mr. Caraccioli said he would recommend they table it. He said he doesn't know that it impacts their discussion on the area variance for the fence height. He said they could still go forward with that. Mr. Dawson said he will need to work with the fire engineer for the fire pits, have some sort of sound barrier, description of lights and current layout of the courtyard. Daniel Breitweg said also hours of operation.

DECISION: Daniel Breitweg made a motion to table Case 19-148. Motion seconded by George Koenig, unanimous approval.

12. Advisory to the ZBA – Area Variance – Height – 51 West Bridge Street, Case 19-149; to allow a six foot (6') high fence, Section 280-80(A).

DECISION: Matthew Bacon made a favorable advisory to the ZBA for a Height Variance. Motion seconded by Daniel Breitweg, unanimous approval.

Matthew Bacon made a motion to adjourn at 7:45 p.m. Motion seconded by Daniel Breitweg, unanimous approval.

Approved: _____

Richard Freeman

Planning Board Chairperson

Jeff McGann

Planning Board Secretary