

CITY OF OSWEGO

PLANNING BOARD

February 2, 2021

**MEMBERS PRESENT:** Cory Moshier, Brit Hallenbeck, Kim McPherson, Jeffrey Hinderliter, James Scanlon, Daniel Breitweg, and Chairman Freeman.

**MEMBERS ABSENT:** None.

Chairman Freeman called the meeting to order at 6:30 p.m., Tuesday February 2, 2021. Roll call was duly noted.

A motion to approve the minutes of the January 2021 meeting was made by Jeffrey Hinderliter and seconded by James Scanlon; 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 Jeffrey Hinderliter, unanimous approval.

## NEW BUSINESS:

1. Site Plan Review & Approval – 218 Syracuse Avenue, Case 21-09; to allow for a professional office on first floor of property, Section 280-35 thru 280-37.

**DISCUSSION:** Nicole Reed was present for the discussion. Nicole Reed said she has owned the property for a number of years and it was a salon for years. She said there is already a special use permit on the property for the salon with authorization for up to 17 on-street parking spots. She said she is asking to get a special use permit to use it instead as a professional office. She said at most there would probably be four on-street parking spots. She said it is just for the downstairs which is approximately 725 square feet. She said the upstairs is an apartment and there are two off street parking spots for the apartment. Jeff McGann said they are going to hear three cases pertaining to this. He said one is for the site plan, one is for a parking plan asking for a reduction, and one asking for a favorable advisory to the ZBA for the special permit. He said in 2006 the previous owner went before the Board for a salon. He said the minutes were very vague as to the number of parking spaces. He said there was a little discussion of street parking but it was never really addressed and there was no reduction given that he could find in anything. He said the special permit is transferable from owner to owner for the same exact thing. He said it can't be taken over by Nicole for her law office so that is why she is here. He said if they grant her one for the law office it will take the place of the one that is existing. He said the previous owner was looking to have booth rentals for two beauticians, a nail person and someone else. He said there were four different employees so if they each had a client and one waiting to come in he said you could have up to 12 cars on the street. He said there are two parking spots there which is the requirement for the rental unit that exists. He said Nicole is asking for a parking reduction. He said by zoning law the business would require five parking spaces so the next case would be asking to go from 5 to 0. He said if the special permit that is in place was used there is the potential for more cars. He said that was also approved by a different Board at a different time so their decision tonight should be based on what she is putting in front of them and not with what exists. He said if this does pass it will then take the place of the old special permit. He said they have received some calls about the parking issues there and they have an email from one of the neighbors that Chairman Freeman can read. He said from what he's heard people are concerned with parking but not knowing there is already a special permit in place that could potentially have more cars. Ms. Reed said there is a lot of parking there. Chairman Freeman said the last time he drove by there was a truck parked there and a trailer. Ms. Reed said the truck is the tenant's and her husband has his trailer parked there. Chairman Freeman said those spots on the side of the building are for her tenants. Ms. Reed said yes. She said there is only one tenant living upstairs and he only has one vehicle so she will probably be parking in the other spot. Jeffrey Hinderliter said if someone were to move there those spots are reserved for the rental. Ms. Reed said he has been a tenant for several years but if necessary the parking spaces would be for the rental. Jeffrey Hinderliter asked if she had any other intentions for the site. Ms. Reed said she just wants to run it as a law office. She said she just recently graduated and passed the bar. Jeffrey Hinderliter asked if the backyard is for the tenant's use. Ms. Reed said yes. James Scanlon asked if it would be daytime hours. Ms. Reed said yes. Chairman Freeman said he would read Mr.

Fetterly's letter. Ms. Reed asked who Mr. Fetterly is. Jeff McGann said he is a neighbor but he didn't list his address. Ms. Reed said they don't know how far away he is from the property. Chairman Freeman read the letter from Mr. Fetterly which stated he was opposed. Jeff McGann said he reached out to Mr. Fetterly as soon as he got the email and left a message for him but he has not heard back from him. He said he mentioned rezoning but that is not what they are doing here. He said there has also been no discussion of furthering the parking on the property. Jeffrey Hinderliter said he mentioned a chiropractor's office. Ms. Reed said it is a block down from the property. Mr. Caraccioli said it appears Mr. Fetterly is the owner of 214 Syracuse Avenue which is two properties away. He said it appears his property value has increased in the last 10 years from \$70,000 to \$79,000. He said that was another one of Mr. Fetterly's concerns. Jeffrey Hinderliter said he thinks the parking issue will actually be less with this special permit compared to the existing permit. Brit Hallenbeck said historically this was the main drag so that is why there are some businesses there. He said it isn't just a regular neighborhood. James Scanlon said they've done a great job marking the roads. He said he drives a bus for school and it's an easy road to go down. Mr. Caraccioli said there is no question that professional offices are permitted in the TN2 so there is clearly no rezoning going on. Kim McPherson asked if she is planning on doing anything aesthetically to the building. Ms. Reed said it needs to be remodeled because it was set up as a salon. Kim McPherson said maybe it would help if he knew she was going to do something to improve it. Ms. Reed said by the nature of a law office it brings a little bit more niceness to the neighborhood. She said she isn't putting in a tattoo parlor, she's putting in a law office. Kim McPherson said his feelings might be a little different when he knows what it is. She said they have concerns about traffic everywhere and on all streets. She said she drives up and down this street every day and she doesn't think it'll be any different with her business there. Counselor Plunkett said he has had some calls and concerns about parking, congestion, and snow removal. Harold Thorpe said he has lived there for 33 years and his property is next-door. He said he thinks what has been stated about the previous business was a little overstated. He said for the vast majority since the mid-70s the area that eventually became a salon was vacant and used for storage. He said it wasn't much larger than a large closet. He said it was a one family home with a barber chair in front until about 1975. He said when the previous owner came in and started working on the salon, he doesn't think she was open for more than a year and there were traffic issues and parking issues. He said there are still parking issues on the street. He said he has a difficult time just getting out of his driveway when there are cars parked in front of their building and his house at the same time. He said there is also an intersection directly across from him. He said he has to literally go into the road to see what is coming from either direction because he cannot see beyond what is there. He said he understands Mr. Fetterly's confusion because the letter they received was rather vague and was sent to them just a couple of days ago. He said Dr. Tesoriero is five doors down. He said during the day when Dr. Tesoriero's office has a busy day he will have cars sometimes past both of their buildings. He said both sides of the roads can be quite full and it varies by the day. He said he doesn't know what kind of traffic they expect to bring in. He said those are his primary concerns. He said he doesn't particularly have a concern with a walk-in office next-door to him but if he can't get out of his driveway without crashing into people then that is a bit of an issue. Chairman Freeman asked if she will be the only lawyer there. Ms. Reed said yes. Chairman Freeman said it would just be her and a secretary. Ms. Reed said a secretary

or a paralegal. Chairman Freeman said in addition one or two clients at a time. Ms. Reed said yes. Chairman Freeman said at the most there would be four cars. Ms. Reed said yes. She said it will be a small Practice. Chairman Freeman said it will be better for parking because she will have a maximum of four cars versus the salon which could have had quite a few cars. Mr. Thorpe said the salon was active for maybe a year and it has not been in existence for nine or 10 years and there is still a parking issue on the street. Jeff McGann said he wasn't trying to say that there were 12 to 15 cars there for the salon but with the approval that is there in place there would be the potential for that many. He said there is the possibility that if she does not put a law office in there she could utilize that as the beauty salon with four chairs which would give the potential of 10 to 12 cars. Ms. Reed said they purchased the property knowing she was going to law school and it has been vacant. She said her intention is to put in a law office. She said if she can't use it for her benefit she will sell it to someone who can use it as a salon or rent it to a salon owner. Mr. Thorpe said he thinks it is also important to recognize that the majority of houses directly across the street do not have driveways so for many of them their only parking is in the street. He said it can vary by day but his experience is it is congested more often than not. Ms. Reed said her experience is the opposite. Jeffrey Hinderliter said he is using Google Earth and stripe to stripe it is about 18 feet. He said the standard parking spot is 9 feet so the road itself is narrow for two cars to pass. He said most of the time people won't have difficulty navigating that. Chairman Freeman said since the city paved and striped the parking spaces, it is a lot better than what it was two or three years ago.

**DECISION:** Brit Hallenbeck made a motion for site plan approval. Motion seconded by James Scanlon, unanimous approval.

2. Off-Street Parking Plan/Modification Review & Approval – 218 Syracuse Avenue, Case 21-10; to allow parking for proposed professional office, Section 280-39(A)(1)(a) & 280-39(A)(1)(c).

**DISCUSSION:** Mr. Caraccioli said there is no plan to use the backyard for any part of her parking plan. Ms. Reed said no. She said you would have to drive through the existing parking for the tenant. She said she doesn't even think there would be enough clearance between her house and the neighbors. Jeff McGann said in a TN2 with the new paving restrictions, she wouldn't be allowed to do that.

**DECISION:** James Scanlon made a motion for off-street parking plan approval. Motion seconded by Brit Hallenbeck, unanimous approval.

3. Advisory to the ZBA – Special Permit Use – 218 Syracuse Avenue, Case 21-11; to allow for a professional office, Section 280-13(B).

**DECISION:** Jeffrey Hinderliter made a motion for a favorable advisory to the ZBA for a special permit. Motion seconded by Brit Hallenbeck, unanimous approval.

4. Site Plan Review & Approval – 147 East Seventh Street, Case 21-12; to allow for a home occupation, Section 280-35 thru 280-37.

**DISCUSSION:** Bridget McCabe was present for the discussion. Ms. McCabe said she is an acupuncturist and a chiropractor. She said she would like to move her office into her house. Jeffrey Hinderliter asked if she will be the only one practicing. Ms. McCabe said yes. She said her patients are in there for 45 minutes to an hour because she is primarily an acupuncturist. Jeffrey Hinderliter said she was asking for a two spot reduction. He said he sees two spots on East Seventh and two spots on the side street. He asked how many spots she occupies with her own vehicle. Ms. McCabe said she has one vehicle. She said it's a corner house so she has two driveways. Mr. Caraccioli asked her which corner she is on. Ms. McCabe said it is the corner of East Seventh and Utica Street. James Scanlon asked if it is a single-family home. Ms. McCabe said there are tenants upstairs. She said by the time she moves her office, they are moving out. She said her apartment will be upstairs and the business will be downstairs. Chairman Freeman asked if there would be a receptionist. Ms. McCabe said it would be just her. Brit Hallenbeck said it sounds like there is going to be less cars there than there would be currently. Miss McCabe said there may be one more because she sees one patient an hour and there might be an overlap. Jeff McGann said there are two driveways with at least four parking spaces. He said zoning law requires six parking spaces so she is requesting a reduction. James Scanlon said the business is going to be on the Seventh Street side so most of her customers would park on the Seventh Street side. Ms. McCabe said she would use the Utica Street side. Jeffrey Hinderliter asked if she is planning on any signage. Ms. McCabe said yes. Jeffrey Hinderliter asked if there are any rules for signage. Ms. McCabe said she was thinking of a white wooden sign like you would see at a law office. Mr. Caraccioli said it would be a yard sign. Ms. McCabe said yes. Jeff McGann said when it comes time to do a sign she will have to do a sign permit. He said she won't have to come back before the Board.

**DECISION:** James Scanlon made a motion for site plan approval. Motion seconded by Brit Hallenbeck, unanimous approval.

5. Off-Street Parking Plan/Modification Review & Approval – 147 East Seventh Street, Case 21-13; to allow parking for a home occupation, Section 280-39(A)(1)(a), 280-39(E) & 280-39(J).

**DECISION:** Chairman Freeman made a motion for off-street parking plan approval. Motion seconded by Jeffrey Hinderliter, unanimous approval.

6. Advisory to the ZBA – Special Permit Use – 147 East Seventh Street, Case 21-14; to allow for a home occupation, Section 280-12(B) & 280-70(F).

**DECISION:** Brit Hallenbeck made a motion for a favorable advisory to the ZBA for a special permit. Motion seconded by Chairman Freeman, unanimous approval.

7. Off-Street Parking Plan/Modification Review & Approval – 132 Ellen Street, Case 21-15; to allow parking for an assisted living facility, Section 280-39(B) & 280-40(A)(2).

**DISCUSSION:** Jeff McGann said this came about when there was some refinancing on the project at the nursing home. He said it required a questionnaire to come to the city about whether they were in zoning compliance . He said everything is within zoning compliance at this building. He said there was a parking situation. He said a 106 bed facility requires 109 parking spaces. He said it looks like they originally had 76 to 79 parking spots and they asked for a reduction. He said they were still going to be required to add 21 more parking spots. He said that was the original agreement. He said they never added those 21 spots that was part of the original agreement. He said if you look at the flyover views or if you have ever been by there their parking lot is never even at 50% capacity. He said they are putting it in front of them today to clean it up legally. He said he counts 82 parking spaces there. He said they are looking to clean it up and say they are good with the 82 parking spots and they aren't going to require them to add more parking spots and take up green space when they don't use half of what they have. He said he is asking them to approve the 82 existing spots and waive adding anymore because they don't appear to be necessary. Mr. Caraccioli said if this was a new project and it came out that 109 spaces were needed and they provided some reasonable justification for a reduction with the reservation to bank additional spaces if they needed it to preserve the green space then that is a reasonable request and has been done. He said it's kind of that situation but after the fact. He said there is space there if they ever needed it but they don't use the space now so why are they going through it.

**DECISION:** Daniel Breitweg made a motion for off-street parking plan approval. Motion seconded by Brit Hallenbeck, unanimous approval.

Jeffrey Hinderliter made a motion to adjourn. Motion seconded by James Scanlon, unanimous approval.

Approved: \_\_\_\_\_

Richard Freeman

Planning Board Chairperson

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Jeff McGann

Planning Board Secretary