

CITY OF OSWEGO

PLANNING BOARD

February 5, 2019

MEMBERS PRESENT: James Scanlon, Brit Hallenbeck, Matthew Bacon, Justin Rudgick, Daniel Breitweg, Noreen Ruttan, George Koenig, and Chairman Freeman.

MEMBERS ABSENT: Mike Leszczynski.

Chairman Freeman called the meeting to order at 6:30 p.m., Tuesday February 5, 2019. Roll call was duly noted.

Mr. Caraccioli stated Noreen Ruttan is the designated alternate tonight.

A motion to approve the minutes of the January 2019 meeting was made by Matthew Bacon and seconded by Brit Hallenbeck; minutes unanimously approved.

Justin Rudgick 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 Brit Hallenbeck, unanimous approval.

NEW BUSINESS:

1. Advisory to the Common Council – 300 East Albany Street, Case 19-15; To construct a 155 foot monopole “wireless telecommunications facility” on a portion of the property, Section 274-16.

DISCUSSION: Brenda Blask-Lewis was present for the discussion. Ms. Lewis stated AT&T would like to construct a 155 foot monopole tower on property owned by Circle T Motorsports at the Oswego Speedway. She said the leased parcel will be 100’x100’ and the tower will be within a 70’x70’ fenced-in compound. Councilor Tesoriero asked the proximity to City Line Road. Jeff McGann said about 1200’. Mr. Caraccioli said there is a designated fall zone around the tower that doesn’t interfere with anything that is in existence there. A member of the audience asked the purpose of the tower. Mr. Caraccioli said it is a cell tower. Liam Hobbs of AT&T said it will be for all AT&T customers and any carrier that might go on it later. Councilor Tesoriero said he supports this project. Justin Rudgick said they received a determination from Oswego County Department of Community Development, Tourism and Planning stating there would be no significant county impact. Mr. Caraccioli said the role of the Planning Board is advisory and the ultimate decision on this application is with the Common Council. He said that is pursuant to the wireless communication law adopted a number of years ago. He said the County was involved because it borders City Line Road. He said the Town of Scriba is also an interested party.

DECISION: Brit Hallenbeck made a motion for a favorable advisory to the Common Council. Motion seconded by Matthew Bacon, unanimous approval.

2. Site Plan Review & Approval – 54-56 West Third Street, Case 19-16; To allow for the conversion of an office for two (2) apartments, Section 280-25(C).

DISCUSSION: David Dexter was present for the discussion. Dr. Dexter said he has owned 54-56 West Third Street since 1984. He said he renovated it into an office and two one-bedroom apartments upstairs. He said the office overgrew the neighborhood and the neighbors were happy when he moved his office due to the traffic from all his patients. He said he would like to convert it to two one-bedroom apartments on the main floor. He said they don't rent to big families or unrelated people. He said the neighbors have said this will be easier on the traffic. He said he has plenty of parking there. He said he has a couple people interested in renting it as an office but for the benefit of his neighbors he would prefer to convert it to single bedroom apartments. Councilor Tesoriero said Dr. Dexter has done a wonderful job with anything he has touched. He said he thinks this will be good for the neighborhood. Mr. Caraccioli said he has no legal relationship with Dr. Dexter. He said he occupied this structure for a number of years. He said it appears that this was built as a two-family dwelling. He said there are two entrances on Third Street. He asked if it was ever a four family dwelling. Dr. Dexter said it was an apartment building for quite a while after the school district. He said he doesn't know how many. Jeff McGann said they did a lot of research on this property going back into the 60s. He said they were able to pull up a Sanborn map. He said it had on the map single family dwellings, two-family dwellings, and multifamily dwellings. He said in 1962 it was noted as a multifamily dwelling. He said that would indicated it was at least three if not four so it is likely they are bringing it back to what it originally was at some point. George Koenig asked if it is occupied now. Dr. Dexter said there are two single ladies who live upstairs. He said no one ever seems to move out. Mr. Caraccioli listed the permitted uses for this zone. He said there are a number of uses that are allowed by way of special permit. He said none of which include multifamily dwellings. He said there is an allowance for internal conversion of pre-existing non-conforming uses. He said historically this has been listed as a multifamily dwelling. He said that would be at least three apartments but Dr. Dexter has plans that show historically four which makes sense. He said there was a note on the Sanborn map that indicated there was ample parking for a multifamily dwelling in 1964. He said it was identified on the Sanborn map as the Board of Education. He said he knows they are trying to get away from these types of conversions and uses in the City of Oswego. He said he thinks this is one of the oldest standing residential structures in the city. He said in this neighborhood it seems like it fits. Brit Hallenbeck said there is a legal basis to approve this. Mr. Caraccioli said yes. He said their role is advisory in nature. He said ultimately the Zoning Board will weigh in on it and the neighbors will be notified. Justin Rudgick asked if there are three or four meters on the property. Dr. Dexter said he is quite sure there is space for four but there are only three active. Justin Rudgick said they wouldn't remove it so the shell would still be there. He said that is additional evidence to support there were four apartments there at one time. Chairman Freeman asked if there was anyone in the audience that would like to speak for or against this proposal and no one came forward.

DECISION: Brit Hallenbeck made a favorable motion for site plan approval. Motion seconded by George Koenig, unanimous approval.

3. Off-Street Parking Plan Review & Approval – 54-56 West Third Street, Case 19-17; To allow parking for four (4) units, Section 280-52(A)(1)(b).

DISCUSSION: Chairman Freeman said he will have parking for six cars. Dr. Dexter said 16 cars. Brit Hallenbeck asked was it required. Jeff McGann said he needs 5 parking spaces for three dwelling units. He said they are showing six parking spaces within his property and two more on public space that are already allowed. Brit Hallenbeck said he has more than is required. Jeff McGann said yes. Mr. Caraccioli said this will be less of an impact on the neighborhood than a doctor's or lawyer's office. Chairman Freeman asked if there was anyone in the audience that would like to speak for or against this proposal and no one came forward.

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

4. Advisory to the ZBA – Special Permit Use – 54-56 West Third Street, Case 19-18; To allow change to another nonconforming use, Section 280-81(D).

DISCUSSION: George Koenig said the nonconforming use is the multifamily dwelling. Mr. Caraccioli said yes. He said the history of the property coupled with its location and its more recent use, this is less of an impact on the neighborhood than continuing with the existing use. Justin Rudgick said they received a determination from Oswego County Department of Community Development, Tourism and Planning stating there is no significant impact.

DECISION: Matthew Bacon made a motion for a favorable advisory to the Zoning Board. Motion seconded by Justin Rudgick, unanimous approval.

5. Site Plan Review & Approval – 120 St. Paul Street, Case 19-19; To allow for the construction of nine (9) tractor and trailer parking spaces and ten (10) car parking spaces for the existing warehouse building. Also the project will provide an access road around the building, Section 280-40(C).

DISCUSSION: Mike Lasell was present for the discussion. Mr. Lasell stated the intent is to get access from St. Paul's Street for the property. He said the project entails shifting the entrance down to accommodate grading. He said the intent is for full-size trucks to come in and use the nine parking spaces. He said the trucks would have the ability to drive through the building to unload and also the ability to get around the building. He said they are expecting 5-6 employees. He said there might be up to three trailers parking there at a time. He said there would be between 8-10 trucks per day using this entrance. He said there will be no changes to the building and they were able to keep it under the lot coverage. James Scanlon asked how they currently gain access to the building. Mr. Lasell said from the Seneca Street side. Brit Hallenbeck said this will give them a drive through capability that they don't have now. Mr. Lasell said yes. Chairman Freeman asked if tractor trailers will be sitting there idling. Mr. Lasell said no. He said they come in, get loaded up and leave. Councilor Tesoriero asked who the owner of the project is. Mr. Lasell said the company is Connexgen. He said the owner is George Joyce. Councilor Tesoriero said the only issue he would have with that is Mr. Joyce has a facility on East Avenue where he has tractor trailers parked in public space. He asked if that is someplace they may go. Mr. Lasell said he doesn't know the answer to that. Chairman Freeman asked if there was anyone in the audience that would like to speak for or against this proposal and no one came forward. Mr. Lasell asked if they handle the SEQR here. Mr. Caraccioli said this is a Type II action so no further environmental review is needed.

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

6. Lead Agency's Review of Full Environmental Assessment Form and Determination of Significance – 340 State Route 104, Case 19-11; To allow for the construction of a +/- 28,000 sf. automobile dealership.

DISCUSSION: Matt Napierala was present for the discussion. He said the new dealership is a +/- 28,000 sf. building for Chrysler/Jeep dealership. He said they will have an elaborate storm water system and the storm water report has been vetted through the DEC. He said they received very minor comments back from the DEC. He said their access is off of State Route 104. He said they are under negotiation with DOT with regards to site access and they have made comments that will minorly modify this plan. He said they are asking for one point of access instead of two. Chairman Freeman questioned about another building for the Jeep dealership that they talked about on TV. Mr. Napierala said this is the new building and there are two out-buildings for repair and washing and storage. He said the only thing he is aware of is a future phase of an out-building intended to be a retail type of use. Chairman Freeman said it was mentioned on TV that because the Jeep sales have increased so dramatically in the last two years that they were talking about potentially putting in another building just for the Jeep franchise. Jeff McGann said they bought out the Shapiro dealership on First Street. He said they doubled the business in a year and he thinks that's what they were referring to. He said they outgrew that location. He said that is the purpose for this project to locate their brand new Jeep facility on this property. Daniel Breitweg questioned the site access. Mr. Napierala said DOT wanted some access control. He said right now they are showing access across from the Lowe's access and the existing access. He said they have split the difference between the two. He said it has been resubmitted to the DOT and they are agreeable to it. Jeff McGann said that has been the DOT's pattern lately. He said they are trying to significantly reduce the amount of entrances on 104. Mr. Caraccioli asked if they are planning to do the off-loading of new inventory on site or is the plan still to use City Line Road which has inherent risks. He said those are some of the concerns raised. Mr. Napierala said he doesn't know. He said they have more opportunities the way this is laid out than the way it is today especially since it will be a paved surface. Councilor Tesoriero said they are entering into this with things unknown. Mr. Caraccioli said any approval should be conditioned upon the various state approvals, primarily DOT and DEC. He said the SWPPP has been submitted. He said the DOT is dealing with the road entrances. He said those are conditional issues that need to be resolved. He said he would feel comfortable recommending conditional approval be granted subject to any final determination. He said if it changes it drastically then the applicant would have to come back. Mr. Napierala said the DOT process is a three phase process. He said phase one is a concept process. He said DOT doesn't give a planning permit. He said DOT gives a construction permit. He said phase one is just do they agree to what they are proposing. He said phase two gets into maintenance and protection of traffic. Councilor Tesoriero said the last thing they want to do is approve something that might not be approved. He said he is not saying he is against it. Mr. Napierala said everyone is agreeable to the location and a single point of access. Justin Rudgick said he would be in agreement with a conditional approval. He said when you get to phase three of the DOT process one of the requirements is the due diligence of showing local approval. Jeff McGann said a lot of the time the hard part is getting the owner to agree and the Burritt's have agreed to this solution. Mr. Caraccioli said the Oswego County Department of

Community Development, Tourism and Planning completed a 239 Review and made a recommendation for approval with modifications. He said they are all noted and reference the City's zoning regulations. He said the first one is 280-55(A) which states "Open or enclosed parking areas shall not encroach on any required yard or usable open spaces." He said according to the zoning regulations the Board may require changes or additions in relation to yards, driveways, entrances, exits, landscaping, location, height of buildings and enclosures to minimize traffic difficulties and to safeguard adjacent properties. He said that is essentially what he was referencing along City Line Road. He said there is an area along City Line Road which shows parking areas in the front yard setback area. He said they are recommending the Board take a look at that. He said he doesn't know if use of public space was granted years ago for parking cars there. He said it doesn't change their review for environmental purposes but it is something that needs to be looked at. He said the letter goes on to say the front yard area along City Line Road should be landscaped to decrease the size of the open curb and better direct the egress and ingress of vehicles as there isn't a curb or separation between the shoulder of the road and the display area. He said the next point deals with a point in the City Code with respect to the removal of trees that states when trees are removed the developer should meet with the Ward Councilor and the Tree Advisory Board to determine any mitigation for tree removal. He said that mitigation shall consist of replacing the tree with a tree or trees of equal size or total diameter. He said a lot of trees are being removed. George Koenig said that is off of city property and on private property. He said as far as he knows the code is for trees on city property. Councilor Tesoriero said he doesn't think you can tell anyone what they can do on private property as far as trees. Mr. Caraccioli said the last point was before commencing construction activity the owner or operator of construction project that will involve soil disturbance of one or more acres must obtain coverage under the SPDES general permit which they have covered. He said that may not have been clear in the packet that was sent to the County. He said the Board can either accept or reject the County's recommendation. He said if the Board rejects it or disagrees with any portion of what the County Planning Department is saying they can override their recommendation with a majority plus one vote. Justin Rudgick said he wouldn't be in agreement with part two and the trees on private property. He said the SPDES one is already addressed. He said the question comes with number one and the open curb. He asked if the plan calls for curbing the entire area. Mr. Napierala said it is open now and kind of a free flow. He said they are looking at a single point of access. He said they can restrict that and take a look at providing better buffering along that edge. He said the balance here is to get the appropriate car parking display areas or inventory parking on this lot so it is meeting the demand of the dealership. He said the intent is to have the single curb cut further down City Line Road so it isn't close to the intersection and off of the steep part of the hill. Justin Rudgick said on 104 if they are going from a two ingress/egress area to one; they are going to need to do some curbing there anyways. Mr. Napierala said there is a wide right of way and some existing ditches on 104 so there isn't going to be any access point there. Justin Rudgick asked if it will be curbing or just green space from the road. Brit Hallenbeck said there is curbing along 104 now. Justin Rudgick said they will need to say whether they agree or disagree with the modification for new curbing along City Line Road because there is already curbing along 104. He said they can say they reject that modification because they are fine with the curbing on 104 and they will look at a different opportunity

along City Line Road. Mr. Caraccioli said he doesn't know it is suggesting a curb. Jeff McGann said it just wants definition so it isn't all open and available to pull in and out. He said shrubbery would be an option. He said they want a defined entryway. Mr. Caraccioli said it states they recommend the car display area in the front yard along City Line Road and Route 104 be located out of the front yard as this is a corner lot. He said essentially it is a corner lot so there are two front yards. He said that space is 25' and if this is not achievable a 12' side yard would be recommended. He said the plan shows they are parking cars within the open front yard area which our code detracts against. He said they are suggesting that since it has been here for a length of time a modification could be to move it so it is a little off to the road by 12'. Justin Rudgick said they need to say that they are in agreement with that or not and leave it as is. Mr. Napierala said what he is proposing is a hybrid. He said if they follow the 25' they will lose nearly 30 parking spaces. He said he is proposing to come up with a landscaping and buffer mix. He said they don't want a free for all either. Justin Rudgick asked if he knows what the dimension is between the back of the parking to the island. He asked if there is enough for two cars to fit through or just one car. Mr. Napierala said 24'. He said they will need to tweak the layout. James Scanlon said they are showing two entrances on City Line Road. Mr. Caraccioli said they were only concerned with 104. Mr. Napierala said the balance was in order to lose the extra access on 104 was to have two access points on City Line Road to get trucks in and out. James Scanlon said they are already losing some spots. Mr. Napierala said they lost 4 parking spaces. Justin Rudgick said it is a matter of whether they want to approve it or disapprove the recommendation specifically for City Line Road. He said they are going to disapprove the recommendation for 104 because it is already established as a sidewalk. He said they have to do something in order to move forward. He said they have to make an official determination based on the County recommendation. Mr. Caraccioli said maybe it is best to segue into the SEQR. Councilor Tesoriero said they have to be consistent how they deal with public space. Mr. Caraccioli said they will go through the questions. He said if they answer yes they will need to determine if there is a no/small impact that will occur or a moderate/large impact. He said there is a change in SEQR that if a moderate/large impact is identified it will automatically trigger an Environmental Impact Statement. He said based on preliminary review he doesn't see any moderate/large impacts but it will be up to the Board to go through the analysis and reach a conclusion.

1. Impact on Land - Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. Mr. Caraccioli said clearly it will. He said then the issue is what impact on the land there may be.
 - a. The proposed action may involve construction on land where depth to water table is less than 3 feet. The Board said no.
 - b. The proposed action may involve construction on slopes of 15% or greater. The Board said no.
 - c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. The Board said no.

- d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. Mr. Napierala said they are moving a lot of dirt here but they are looking at balancing the site. The Board said the answer would be no.
 - e. The proposed action may involve construction that continues for more than one year or in multiple phases. The Board said no.
 - f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). The Board said no.
 - g. The proposed action is, or may be, located within a Coastal Erosion hazard area. The Board said no.
2. Impact on Geological Features – The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). The Board said no.
3. Impacts on Surface Water – The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). Mr. Caraccioli said there was a wetland identified. Mr. Napierala said it is further in the back area and outside of this phase. Mr. Caraccioli asked if there was anything the DEC told them they have to do by way of mitigation of any impact over there. Mr. Napierala said no. He said nothing other than standard design manual for storm water mitigation and they have applied that. Mr. Caraccioli said the answer to this is no because there is no wetland within the proposed site.
4. Impact on Ground Water – The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. The Board said no.
5. Impact on Flooding – The proposed action may result in development on lands subject to flooding. The Board said no.
6. Impacts on Air – The proposed action may include a state regulated air emission source. Chairman Freeman asked if the paint shed would use non-volatile paints. Mr. Napierala said it'll be totally regulated. He said they might require an air permit with DEC but it will be regulated with appropriate air filters so there won't be any emissions that exceed DEC requirements. The Board said the answer is no.
7. Impact on Plants and Animals – The proposed action may result in a loss of flora or fauna. The Board said no.
8. Impact on Agricultural Resources – The proposed action may impact agricultural resources. The Board said no.

9. Impact on Aesthetic Resources – The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. The Board said no.
10. Impact on Historic and Archeological Resources – The proposed action may occur in or adjacent to a historic or archaeological resource. Mr. Napierala said they sent a letter to SHPO and it came back negative. The Board said the answer is no.
11. Impact on Open Space and Recreation – The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. The Board said no.
12. Impact on Critical Environmental Areas – The proposed action may be located within or adjacent to a critical environmental area (CEA). Mr. Caraccioli said there is only one in Oswego County and that is in Sandy Creek.
13. Impact on Transportation – The proposed action may result in a change to existing transportation systems. The Board said no.
14. Impact on Energy – The proposed action may cause an increase in the use of any form of energy. The Board said no.
15. Impact on Noise, Odor, and Light – The proposed action may result in an increase in noise, odors, or outdoor lighting. Mr. Napierala said it is all dark sky compliant LED with shields. The Board said the answer is no.
16. Impact on Human Health – The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. The Board said no.
17. Consistency with Community Plans – The proposed action is not consistent with adopted land use plans. Mr. Caraccioli said the answer is no.
18. Consistency with Community Character – The proposed project is inconsistent with the existing community character. The Board said no.

Mr. Caraccioli said there is nothing that triggers a mitigation determination on Part III. He said based on the responses he believes it is appropriate to issue a negative declaration which states the project will result in no significant adverse impact on the environment. The Board agreed.

DECISION: Brit Hallenbeck made a motion to adopt a negative declaration. Motion seconded by Justin Rudgick, unanimous approval.

7. Site Plan Review & Approval – 340 State Route 104, Case 19-12; To allow for the construction of a +/- 28,000 sf. automobile dealership, Section 280-31(C).

DISCUSSION: Chairman Freeman asked if there was anyone in the audience that would like to speak for or against this proposal and a member of the audience asked what will happen with the Shapiro dealership. Brit Hallenbeck said that isn't something for the Board to discuss. Justin Rudgick said they need to go back to the County's 239 Review and make that determination. Jeff McGann said there is some confusion on what is green space and public space and what is front yard parking. He said the parking they currently have on City Line Road is front yard parking. He said it is on their property. He said it is different than the resolution that the city passed in October saying no green space parking. He said green space parking is public space parking which is when you are asking for permission to park in public space. He said what they have is on their own property. He said there was something in 1964 that he will have to pull tomorrow from the Clerk's office but it is possible they already have permission for front yard parking for the dealership. He said even if they do not have front yard parking now they can get a special permit for front yard parking. He said it isn't banned. He said there is a 6-8' buffer there now. He said it is the Board's decision whether to go with the 12' or not but it is going to cost them a lot of parking space. He said it is more important that they come up with a solution or a buffer so there is not constant traffic in and out of there. He said something that is more visually pleasing. He said the inventory for two dealerships is going to be crucial. Brit Hallenbeck said he likes their plan the way it is because it is controlled access. He said shrubs would work because they want to see the cars. He said some sort of curbing or grass swale that people aren't going to drive through. He said other than that he doesn't see the need for a setback that the County is looking for. Justin Rudgick said he is in agreement with that. He said he would suggest they reject the County's proposed modification and recommend some sort of buffer. Jeff McGann said it could be a low lying wooden rail. Justin Rudgick said the reasoning for rejecting the County's 239 modification is Part III has already been implemented, Part II is not applicable to private property and Part I they discussed and will cover in their site plan review. Mr. Caraccioli said they will send the Board's determination back to the County as an FYI.

DECISION: Justin Rudgick made a favorable motion for site plan approval with the understanding that there be some sort of low lying buffer along City Line Road. Motion seconded by Brit Hallenbeck, unanimous approval.

8. Off-Street Parking Plan Review & Approval – 340 State Route 104, Case 19-13; To allow for the construction of a +/- 28,000 sf. automobile dealership, Section 280-52(F)&(J).

DISCUSSION: Chairman Freeman asked if there was anyone in the audience that would like to speak for or against this proposal and a member of the audience asked if this will be the second Jeep dealership in Oswego or will there only be one. Chairman Freeman said there will only be one.

DECISION: Brit Hallenbeck made a favorable motion for off-street parking plan approval. Motion seconded by Justin Rudgick, unanimous approval.

9. Advisory to the ZBA – Area Variance – Maximum Paved Area – 340 State Route 104, Case 19-14; To allow for the construction of a +/- 28,000 sf. automobile dealership, Section 280-31(A).

DISCUSSION: Brit Hallenbeck said the water is controlled. Mr. Caraccioli said the size of the buildings and what is being proposed they need additional lot coverage. He said the SWPPP being proposed will carry the water back and away. He said a 14% variance is not that significant. Mr. Napierala said their business is to sell cars. He said having the impervious surface allows the dealership to be more functional. He said DEC wants to see treatment closer to the impervious areas and this plan has eight different pre-treatment areas before it gets into the mitigation basin.

DECISION: Justin Rudgick made a motion for a favorable advisory to the Zoning Board. Motion seconded by Matthew Bacon, unanimous approval.

10. Establishment of SEQRA Lead Agency – 147-157 West First Street, Case 19-23; To allow for the construction of a 44,000 sf. mixed use building.

DISCUSSION: Daniel Manning was present for the discussion, as well as Edward Alberts. Mr. Manning said he has been retained by Mr. Alberts to design a new four story 44,000 square foot mixed use building in the central business district block that is encompassed by Water Street on the east, West First Street on the west, West Cayuga Street on the north, and Market Street on the south. He said the property contains three current parcels that are being acquired by Mr. Alberts. He said one is currently acquired by Mr. Alberts and is his business location. He said 147 West First Street is Harbor Eye Associates and that building will be demolished. He said 151 West First Street is a vacant parcel and 159 West First Street is Mr. Alberts' place of business. He said it is approximately 44,000 square feet and it is two stories. He said the existing building at 161 West First Street is not part of this project. He said Mr. Alberts' building will be completely restored and the two remaining parcels will become the 11,000 square foot new four story mixed use building. He said on West First Street the existing sidewalk will remain the same. He said the intent of the project is to construct into the right of way of West Cayuga Street. He said the idea is they could nicely fit an expanded sidewalk, expanded curbing and 11 perpendicular parking spaces along with constructing six parallel parking spaces on Water Street. He said the proposed project would create 17 parking spaces on the exterior of the building. Jeff McGann said the bump out on the north side and the Water Street adjustment that involves a little tweaking of that new Market Street park has already gone to the Common Council for approval. Mr. Manning said the lowest level is below grade on West First Street and about four feet below grade on Water Street. He said the intent is to create a new underground parking entrance on Water Street. He said there would be 26 parking spaces in the lowest level on the new building creating a total of 43 parking spaces. He said this would be a conditioned space and not an open parking garage. He said on the first floor they will take out about 900 square feet to create a ramp down into the basement parking area. He said the rest of the 3,500 square feet would remain commercial space. He said Mr. Alberts' office would remain on the second floor. He said the exiting would be tied into the new stair towers of the newly constructed building and thereby be able to remove the fire stair that currently exists. He said they are proposing a residential entrance on West First Street, a more major commercial entrance in the center on West First Street, and a new commercial and residential entrance on West Cayuga Street. He said there will be four residential units on Water Street which will be about 6' above the Water Street elevation. He said the existing commercial space is 4,200 square feet on the first floor and Mr. Alberts existing building will be about 3,500 square feet on the first floor. He said the second floor is Mr. Alberts' existing offices and they are proposing approximately ten units per floor for a total of 32 residential units. He said they will all be one and two bedrooms. He said they will have adequate fenestration on all sides of the building, once you get above the second floor roof level there will be fenestration on all four sides of the building. He said they made larger units on the northeast corner of the third and fourth floor. He said the building will have combinations of cut stone, brick, synthetic stucco finishes, and residential style windows. George Koenig asked if they are actual balconies. Mr. Manning said they are European balconies. Noreen Ruttan asked if they will be rentals. Mr. Manning said yes. Chairman Freeman asked what is the

market range they are going for. Mr. Alberts said they are looking for young professionals and are in the \$1,200-\$1,600 range. He said the third and fourth floor corner units will cost a lot because of the nice view. Mr. Caraccioli said the drawing they are showing now is slightly different. He asked if this is the more accurate. Mr. Manning said it is the most current. He said the other was their initial design. He said the color and tones will remain but the design has evolved. Justin Rudgick said this is an important project. He said it is part of the \$10 million Downtown Revitalization Initiative. He said it was one of the 12 projects selected out of 23 priority projects. He said the new Market Street pocket park will be in this area. He said investing in this corridor will bring people to the north side of 104. He said this project compliments that. Mr. Manning said in order to make this project viable they have requested a number of variances. He said they are trying to make these units as large and airy as possible. He said they have created 10' ceiling heights in the upper floors and a 12' ceiling height on the first floor. He said that gets them to 60' on Water Street which puts them above the height requirement. He said they need 63 parking spaces and they are providing 43. He said there is plenty of available parking. He said the special permit as for the residential uses they feel the ones on the first floor being 6' above the first floor will meet the letter of the law. Justin Rudgick asked the timing for developing the project. Mr. Manning said they have been assigned by the end of this month to finish construction drawings so they can start bidding this. Justin Rudgick asked the time frame. Mr. Manning said about a year. Noreen Ruttan asked if there is any planned outdoor space. Mr. Manning said because there is 100% lot development there wouldn't be any outdoor space other than what they are proposing to utilize through the use of the commercial space immediately in the adjacent sidewalks on the side of the building. He said there would be a request for outdoor dining and seating area. Mr. Caraccioli said there is also going to be the new pocket park. He said part of the pocket park design was modified to accommodate some of the build out plans that Mr. Alberts has. He said tonight they are declaring Lead Agency. He said this is a Type I action because of the size and number of units but also because it is part in a historic district and part out of it. He said anywhere else in the city, outside of a historic district, it would be an unlisted action. He said in a city of 150,000 people or less that has sewer and water, you are allowed to build a new residential building of 200 units or less. He said because it is in the historic district the threshold is a quarter of that so they would have up to 25 units they could build and still be an unlisted action. He said they will declare the Planning Board as Lead Agency. He said this will need to go to the Zoning Board and then will come back to the Planning Board for final site plan approval.

DECISION: Brit Hallenbeck made a motion to establish the Planning Board as SEQRA Lead Agency. Motion seconded by James Scanlon, unanimous approval.

11. Preliminary Site Plan Review – 147-157 West First Street, Case 19-25; To allow for the construction of 44,000 sf. mixed use building, Section 280-34(C).

DISCUSSION: Mr. Caraccioli said he would defer on Case 19-25 until they hear from the Zoning Board.

DECISION: Brit Hallenbeck made a motion to table Case #19-25. Motion seconded by James Scanlon, unanimous approval.

12. Preliminary Off-Street Parking Plan/Modification Review – 147-157 West First Street, Case 19-26; To allow parking for a 44,000 sf. mixed use building, Section 280-52(A)(2)(b)&(E) – Required, Section 280-52(A)(2)(D) & 280-53(B) - Requested.

DISCUSSION: Jeff McGann said they need 40 parking spaces for the residential. He said they will have 26 in the parking garage. He said there are 11 parking spaces by the 8' bump out on the north side of the building that are technically public space parking. He said those along with three parking spaces in a parking lot across the street gives him the 40 spots. He said those 11 spots that are public space parking and the three in the parking lot are going to go into an agreement between the City and Mr. Alberts that those would be designated for his tenants. He said he is asking for the commercial space requirements for parking be reduced to zero because there is diagonal parking on both sides of West First Street as well as Water Street and they have created 6 more spots. He said there is ample parking for the commercial space. Brit Hallenbeck said the 14 he is talking about with the city are designated already or are in the process of being approved. Jeff McGann said once this project comes to fruition that will be an agreement with Mr. Alberts and the City. Justin Rudgick asked if it is 40 or 43. Jeff McGann said he was including the parking spaces created on Water Street. He said the city is more inclined to not issue those spots that are parallel parking on Water Street to his tenants. He said they will give him the 11 on the north end of the building and the other three in the parking lot across the street. He said he needs 40 residential and 23 for commercial. Justin Rudgick said he is in agreement with the proposed variance. He said the parking minimum requirement that the Zoning Board looks at is silly in his opinion. He said the developer will know what level of parking is needed to accommodate the proposed development. He said he believes what they are proposing is acceptable. He said the Common Council has already approved some of that public parking. He said the zoning requirement for parking is silly especially in the downtown where they are trying to maximize the density of their downtown. Councilor Tesoriero asked if these spots are going to be charged because we charge our residents to park on the street. Mr. Caraccioli said historically those spots require a fee to be charged. Jeff McGann said his understanding is they will enter into an agreement with a fee. Mr. Alberts asked for which spots. Jeff McGann said the 11 on the north end and the three in the parking lot. Mr. Alberts asked if it would be the 11 on the north end that have been used forever. He said he isn't sure he would make that agreement. Brit Hallenbeck said they have been used forever as general parking and not as designated spots. Jeff McGann said right now those are public parking. He said these spots will be designated for his tenants. He said there will be signs and stickers for the cars. Councilor Tesoriero said they are opening up a can of worms if they are not consistent. Mr. Caraccioli said that is ultimately going to be an action of the Common Council.

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

13. Preliminary Advisory to the ZBA – Special Permit Use – 147-157 West First Street, Case 19-27; To allow a mixed use building, Section 280-33(G) & (H).

DISCUSSION: Justin Rudgick said they are trying to maximize their downtown density so this is appropriate.

DECISION: Justin Rudgick made a motion for a favorable advisory to the Zoning Board. Motion seconded by Brit Hallenbeck, unanimous approval.

14. Preliminary Advisory to the ZBA – Area Variance – 147-157 West First Street, Case 19-28; To allow for the construction of a 44,000 sf. mixed use building, Section 280-34(A).

DISCUSSION: Justin Rudgick said they are trying to maximize their downtown density so this is appropriate. Mr. Caraccioli said the new zoning regulations have allowance for 100% lot coverage in this particular zone so this will not be inconsistent with the future direction of the City.

DECISION: Justin Rudgick made a motion for a favorable advisory to the Zoning Board. Motion seconded by Brit Hallenbeck, unanimous approval.

15. Lead Agency's Review of Short Environmental Assessment Form and Determination of Significance – 189 West First Street, Case 19-32; To allow for the construction of 30,000 sf. mixed use building.

DISCUSSION: Atom Avery was present for the discussion. Mr. Avery said he was in front of this Board about a year ago. He said he is back tonight asking for basically the same plan but he is adding five additional apartments and an additional floor. He said the project is more financially viable to add these apartments. He said he will have parking in the basement and two commercial spaces on the first floor. He said the building will be taken completely down. He said there will be three levels of residential with one and two bedroom apartments. He said the rooftop will be the fifth floor with three apartments and a rooftop bar and grill. He said they will have two open air spaces on the northwest and northeast corner of the building. Justin Rudgick said this is another DRI project. He said the focus is to improve our downtown. He said this will create some density elevation that is appropriate with the downtown. He said he is in support of this project. He said adding another floor will make the appearance look better. James Scanlon asked the type of construction. Mr. Avery said they will have pre-fab walls and will be erected on site. He said because of the commercial space on the fifth floor the framing will be metal for fire purposes but the interior walls can be wood. He said it will be 100% sprinkled. Councilor Tesoriero said Mr. Avery's work is exceptional and he thinks this is a great project. Chairman Freeman asked if there was anyone in the audience that would like to speak for or against this proposal and no one came forward. Mr. Caraccioli said Mr. Avery was before the Board before. He said he has modified it slightly but it is still the same footprint. He said there was a determination that the environmental impact should be revisited to make sure it doesn't trigger any other potential impacts. He said there was a staff review of Part II. He said this is in a historic district but it is still an unlisted action because he is only proposing 23 units. He said the staff didn't identify anything of a moderate to large impact and is recommending a negative declaration. He said the comment in Part III of the SEQR states the building is new construction within the recently designated Oswego Downtown Historic District. The location of the building itself is not designated as historic but is contained in a much larger area of downtown that is eligible for designation. The architectural design and construction of this facility and its mix of uses involving residential apartments and retail space including a restaurant and rooftop bar will add to the character of the historic downtown. The project was identified as one of the anchor projects by the City of Oswego in its successful \$10 million Downtown Revitalization Initiative award and will provide one of the most visible transformative viewsheds within the City of Oswego and its downtown. He said that was the staff review. He said unless there are any questions he thinks it would be appropriate to reaffirm the negative declaration.

DECISION: Brit Hallenbeck made a motion to adopt a negative declaration. Motion seconded by Justin Rudgick, unanimous approval.

16. Revised Site Plan Review & Approval – 189 West First Street, Case 19-29; To allow for the construction of 30,000 sf. mixed use building, Section 280-34(C).

DISCUSSION: Mr. Caraccioli said he recommends this be a conditional approval based on the Zoning Board granting the area variance.

DECISION: Matthew Bacon made a favorable motion for site plan approval conditioned upon the Zoning Board granting the area variance. Motion seconded by Justin Rudgick, unanimous approval.

17. Off-Street Parking Plan/Modification Review & Approval – 189 West First Street, Case 19-30; To allow parking for a 30,000 sf. mixed use building, Section 280-52(A)(2)(b)&(E) – Required, Section 280-52(A)(2)(d) & 280-53(B) - Requested.

DISCUSSION: Jeff McGann said Mr. Avery has a parking garage. He said he is short 17 parking spaces for his residential units. He said the city is prepared to enter into an agreement with Mr. Avery to give him 17 spots along the guardrail just south of where Oneida Street comes down. He said he will have the designated spots he will need for his residents. He said they are asking for his commercial spots be reduced to zero because of the Water Street parking lot and the diagonal parking on West First Street on both sides. Brit Hallenbeck said the city will be charging for those designated spots. Jeff McGann said yes. Justin Rudgick said it was his understanding that those spots allocated for the other owner were only for the wintertime. Jeff McGann said he isn't sure. He said he doesn't know if they were only allocated for that but he thinks he only uses them for that. He said these spots will be year round spots. Brit Hallenbeck asked if those city lots are designated winter parking or do they need to be cleared overnight other than the designated parking. He was told they had to be cleared. Chairman Freeman asked if the additional parking spaces are behind the Pontiac. Jeff McGann said yes. Chairman Freeman asked if any of those spots are designated for the Pontiac people. Jeff McGann said he believes it is all public parking. A member of the audience said he believes the Board is on a slippery slope. He said if you are going to sell parking to a private individual it takes away public parking. Jeff McGann said if you go down behind there in the busy part of the day and look at the spots designated along with all the spots behind the Pontiac, they are generally completely empty.

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

18. Advisory to the ZBA – Area Variance – Height – 189 West First Street, Case 19-31; To allow for the construction of 30,000 sf. mixed use building, Section 280-34(A).

DECISION: James Scanlon made a motion for a favorable advisory to the Zoning Board. Motion seconded by Justin Rudgick, unanimous approval.

Brit Hallenbeck made a motion to adjourn at 8:49 p.m. Motion seconded by George Koenig, unanimous approval.

Approved: _____

Richard Freeman

Planning Board Chairperson

Jeff McGann

Planning Board Secretary