

CITY OF OSWEGO

PLANNING BOARD

March 5, 2019

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

**MEMBERS ABSENT:** None.

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

Mr. Caraccioli stated Noreen Ruttan and George Koenig are alternates and will not be voting members tonight.

A motion to approve the minutes of the February 26, 2019 meeting was made by Matthew Bacon and seconded by Mike Leszczynski; 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 Justin Rudgick, unanimous approval.

## **NEW BUSINESS:**

1. Review & Approval – Signage for Nora’s – 203 West First Street, Case 19-36; Section 280-62.

**DISCUSSION:** Darryl Hunt was present for the discussion. Mr. Hunt said this is the old Man in the Moon building. He said what is on the building now will be coming down. He said the red brick behind it will be pressure washed. He said overall it will be 10x4 and it will be two pieces. He said there will be a satin black 2’x10’ panel and a second circular panel that is 4’ in diameter will be in the center. He said it is not a lit sign. He said they would like to do three gooseneck lights to shine over it. He said there is a second sign on the tall red brick wall that they would like to put over the sidewalk. He said it would be a 2’ diameter hanging sign with the same logo. Justin Rudgick asked if he knew about the business. Mr. Hunt said it will be patterned after Core in Syracuse. Justin Rudgick said he likes the signage. He said it is simple and clean cut. He said the perpendicular hanging sign will add to the architectural element they are looking for in the downtown. Mr. Caraccioli said the use of public space for the hanging sign was recently adopted at the 2/25 meeting. Justin Rudgick asked if they are thinking about doing any awnings. Mr. Hunt said he doesn't think so. He said if he does anything he will be replacing the fabric in the existing awning. Chairman Freeman asked if there were any questions from the public and no one came forward.

**DECISION:** Brit Hallenbeck made a motion for signage approval. Motion seconded by Justin Rudgick, unanimous approval.

2. Lead Agency's Review of Full Environmental Assessment Form and Determination of Significance – 147-157 West First Street, Case 19-24; To allow for the construction of a 44,000 sf. mixed use building.

**DISCUSSION:** Jerred McCormack, on behalf of Edward Alberts, was present for the discussion. Mr. Caraccioli said they took care of the SEQR at the special meeting last week. He said they should make a motion for a negative declaration because they didn't have a case number assigned to it last week.

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

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

**DISCUSSION:** Mr. Caraccioli said the Zoning Board adopted the height variance that was required. He said the Planning Board had recommended favorable treatment of that. Jeff McGann said the lot coverage was also approved. Mr. Caraccioli said the Oswego County Department of Community Development, Tourism and Planning made a recommendation of approval without any modifications. 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 Mike Leszczynski, unanimous approval.

4. 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).

**DISCUSSION:** Brit Hallenbeck asked what the modification is. Mr. Caraccioli said the modification is the parking lot spaces along Cayuga Street are allowed by way of a maintenance agreement that is similar to what they did with Housing Visions. He said there is parking along Second Street and Lake Street for Housing Visions. He said it is technically public property but by agreement with the city and the developer, the developer is agreeing to maintain those spots so they can be used by the project. He said there are three spots in the municipal lot that are being proposed that the developer will contract and pay for. Brit Hallenbeck asked what maintenance involved. Mr. Caraccioli said snow removal and repair but primarily snow removal. Justin Rudgick said the three parking spaces in the municipal lot will be done through a contract. He questioned the 11 parking spaces on Cayuga Street. Jeff McGann said the 11 parking spaces on Cayuga Street will be designated for his tenants. Justin Rudgick asked if the 11 parking spaces would be dedicated for his tenants or are they just to get the zoning variance that is required for off-street parking. He said the parking spaces on West Second Street and Lake Street are not dedicated just for the Housing Visions project. Jeff McGann said he believes the 11 and the 3 will all be under the same agreement. Mr. Caraccioli said the three are in a separate agreement. He said the 11 are being counted to qualify for the number of parking spaces needed but during the day they will be available for shoppers or anyone else there. Mr. Caraccioli said the three parking spaces in the municipal lot will be paid for. He said the others will be made available to comply with parking and the developer will maintain those spots. Chairman Freeman asked if there were any questions from the public and no one came forward.

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

5. Site Plan Review & Approval – 7 Third Avenue, Case 19-20; To allow for the construction of a 5,000 sf. childcare center, Section 280-34(C).

**DISCUSSION:** Darcy Antonucci was present for the discussion. Jeff McGann said there is an authorization form for Darcy to represent Tom Ciappa. Ms. Antonucci said they first proposed the childcare center in September. She said it was originally going to be placed in the C's Farm building. She said they found it would be a little more expensive to rehab a warehouse type building so they started looking into erecting a brand new building. She said the idea also came up to put it in the existing American Foundry building. She said as of right now Tom Ciappa is looking to get approval on both of them. Brit Hallenbeck said the plan is to do one or the other but not both. Ms. Antonucci said yes. Jeff McGann said they already had the approval previously for the C's Farm building. He said they are trying to cover all their bases because when they go to the State for approval the State wants to see that they have approval ahead of time. Ms. Antonucci said Tom Ciappa and his sister, Conlee, own the property. She said the three of them would own the business. Justin Rudgick asked her to tell them about the need for additional childcare. Ms. Antonucci said she started the research about three years ago. She said it was a personal need. She said when she looked for childcare there was a waiting list and she had trouble finding good quality curriculum-based care. She said she proposed this to the City of Fulton and they turned them away due to the location they wanted to put it in. She said she worked with the local Childcare Council and at the end of 2018 there were 102 requests for childcare for children aged 6 weeks to toddler age and they were only able to place 42. Chairman Freeman asked of the three potential sites which would be the one she would choose. Ms. Antonucci said Tom Ciappa would prefer to put it out back. She said she would prefer the Foundry. She said they could offer up to seven classrooms instead of five. She said they could potentially have upwards of 85 slots, there is a full kitchen and a sprinkler system already installed. She said it would take longer because Tom Ciappa would honor all of the bookings there. Mr. Caraccioli asked if the building in the back is the option then the building that is C's Farm would go away. Ms. Antonucci said the business would be gone but they have other ideas for the building. She said they talked about it being an indoor recreation center. Chairman Freeman asked if there were any questions from the public and no one came forward. Justin Rudgick asked if this is a definitive site plan approval or preliminary. Mr. Caraccioli said they can treat it as a final site plan approval. He said the 5,000 square foot new construction is classified as an unlisted action. He said the conversion of the Foundry building is an unlisted action so you have to go through the Part II of the SEQR. He said Oswego County Department of Community Development, Tourism and Planning recommended approval with one modification. He said the modification is that the project developer does an environmental test of the soils to determine there are no contaminants present. Ms. Antonucci asked if there are expiration dates on testing. She said Tom Ciappa had environmental testing done at NBT Bank's request within the past 5-7 years. She said they had to do a Phase I and a Phase II. Mr. Caraccioli said the only thing that would change that is if there was some type of business there that added contaminants. He asked the results of it. Ms. Antonucci said they didn't find anything. Mr. Caraccioli said if they have the Phase II that shows it is clean then they have satisfied the concern of the County Planning Department. Justin Rudgick said if they issue a final site plan review what happens if the State makes changes to the plan. He said he thinks

a preliminary approval conditioned upon State approval would be best. Mr. Caraccioli said he would be reluctant to say preliminary approval based on how the State works. He said he would suggest an approval conditioned upon State approval. He said they have to do the environmental review. He listed the eleven questions.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? The Board said no.
2. Will the proposed action result in a change in the use or intensity of use of land? The Board said no.
3. Will the proposed action impair the character or quality of the existing community? The Board said no.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? The Board said no.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? The Board said no.
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? The Board said no.
7. Will the proposed action impact existing:
  - a. Public/private water supplies?
  - b. Public/private wastewater treatment utilities?The Board said no.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? The Board said no.
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? The Board said no.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? The Board said no. Mr. Caraccioli said this will not disturb more than one acre of land.
11. Will the proposed action create a hazard to environmental resources or human health? The Board said no.

Mr. Caraccioli said based on this he would recommend they issue a negative declaration indicating that this will not result in significant adverse environmental impact. Brit Hallenbeck made a motion to adopt a negative declaration, motion seconded by James Scanlon, unanimous

approval. Justin Rudgick asked how many kids they were aiming for. Ms. Antonucci said approximately 74 slots out back and it will be closer to 90 at the Foundry. Justin Rudgick asked if 5,000 square feet is an adequate size for that facility in terms of spacing. Ms. Antonucci said they had an architect complete a floor plan for the 5,000 square foot building. She said they haven't done one for the Foundry yet. Justin Rudgick asked what the building will look like. Ms. Antonucci said it will sit on a diagonal. She said there will be windows across the front with a small foyer area that will come out for the wind protection. She said there is a tree line that will be around each corner of it with a playground out back. Chairman Freeman asked if it will be similar in appearance to Hillside Commons and the Social Security building. Ms. Antonucci said not material-wise. She said it will be a pole barn structure with steel on the front and a steel roof. She said the bottom portion of the front will be stone. Justin Rudgick said the design guidelines don't apply to that area. He said on the surface the building seemed small. Ms. Antonucci said they need 35 square feet per child with additional sleeping area. She said they also will have a large reception area.

**DECISION:** Brit Hallenbeck made a favorable motion for site plan approval conditioned upon New York State OCFS approval. Motion seconded by Mike Leszczynski, unanimous approval.

6. Off-Street Parking Plan Review & Approval – 7 Third Avenue, Case 19-21; To allow parking for a 5,000 sf. childcare center, Section 280-52(G).

**DISCUSSION:** Justin Rudgick asked if they have adequate parking. Jeff McGann said the required parking for the 5,000 square foot new building is 17 parking spaces. Brit Hallenbeck asked how many they have. Jeff McGann said they have 17 on the north side of the building and handicapped spaces on the other side. He said by C's Farm they have parking for 20-30 cars there.

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

7. Site Plan Review & Approval – 246 West Seneca Street, Case 19-37; To allow for a proposed 8,129 sf. childcare center in an existing commercial building, Section 280-34(C).

**DISCUSSION:** Justin Rudgick asked if there is going to be an alternative Foundry building or is there not the need for the Foundry. Ms. Antonucci said she thinks there would be another Foundry. She said she thinks it might make sense to relocate and potentially downsize a bit. Justin Rudgick said the Foundry building has a couple different elevations. He said he assumes that would be redone as part of the proposed renovation. Ms. Antonucci said they met with contractors. She said there are four levels. She said the main entrance is ground level so they would come up to parking lot level. She said the idea of radiant heating would go well 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 Mike Leszczynski, unanimous approval.

8. Off-Street Parking Plan Review & Approval – 246 West Seneca Street, Case 19-38; To allow parking for a proposed 8,129 sf. childcare center in an existing commercial building, Section 280-52(G).

**DISCUSSION:** Justin Rudgick asked how many parking spaces they need. Jeff McGann said they need 28 parking spaces which they have. Ms. Antonucci said they would change the color and add some windows. She said the entrance would be a fixed enclosure. She said there would be a new steel roof. Chairman Freeman asked if the play areas would be fenced. Ms. Antonucci said yes. She said it is her experience that there is a privacy fence around the outside and then the age appropriate play areas would be separated by a chain link fence on the inside. Chairman Freeman asked if there will be security cameras. Ms. Antonucci said she doesn't know the answer to that. She said yes if the State allows that. Mike Leszczynski said Little Luke's has security cameras. Brit Hallenbeck said Sheldon Hall does as well. Ms. Antonucci asked if they have them in the classrooms. Brit Hallenbeck said everywhere except the bathrooms. Ms. Antonucci said the Foundry already has a sprinkler and alarm system.

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

9. Advisory to the Common Council – Proposed Amendment to Chapter 280 – Zoning, Case 19-39; Section 280-93(C).

**DISCUSSION:** Mr. Caraccioli showed the new versus the old zoning map and discussed the different zones. Brit Hallenbeck asked the difference between TN1 and TN2. Mr. Caraccioli said TN1 is where they are trying to preserve the single family and sometimes historic nature of those neighborhoods. He said they are primarily the ORA zones. He said the whole concept as they got closer to the center of the downtown area is to make it more walkable. He said they created a Maritime district and a Waterfront district. James Scanlon asked why the river was included in the waterfront. Mr. Caraccioli said they recognized some options for waterfront recreation and dockage along the river. He said the Table of Uses is a grid that shows either permitted by right, permitted by special permit or prohibited. He said if it is prohibited and you still want to make the argument that it fits in that district then you would have to go for a use variance. He said they have design standards as relates to business districts. He said they worked closely with Bergmann Associates and this coincides with the downtown revitalization initiative. Justin Rudgick said the challenge of the Planning Board is to look at the overall Comprehensive Plan of the City and determine if the site plan fits in that area. He said previously they had design guidelines that were loose. He said the design standards are minimum thresholds that they are holding people to. He said the 2020 Vision Plan was a good start. He said this allows us to continue to move forward as a Planning Board to say we have more authority in terms of influencing what they want to see in the City. He said now they can say per design standards they need to have stone or brick façade in the downtown. Mr. Caraccioli said he was in Massachusetts and went from Stockbridge to Adams. He said the Dollar General was quite nice and the further they went the Dollar General was not that special. He said this reflects the community zoning. Mike Leszczynski asked if this is available on the website. Justin Rudgick said yes. Matthew Bacon asked if the standards are prohibitive. Mr. Caraccioli said you have to build to the standards. He said he doesn't think they are onerous. He said there are a couple of different options the developer could use. Brit Hallenbeck said Dunkin Donuts would still be allowed but there would be more requirements. Mr. Caraccioli said yes. Matthew Bacon said they wouldn't be getting something before the Board that would violate that standard because the zoning office would stop them. Mr. Caraccioli said typically they do that now. Jeff McGann said there will be more stringent guidelines they can hold people to. George Koenig said the Maritime District is under the supervision or ownership of the Port Authority. Mr. Caraccioli said most of the land is owned by the Port. George Koenig asked if our standards would apply. Mr. Caraccioli said as a State authority they are generally exempt from compliance with zoning. He said if they wanted to put housing there then they would have to comply with our requirements. He said if they wanted to put another silo out there then they will be exempt from zoning. Justin Rudgick said the additional teeth that they would have is updating their LWRP. He said when the Port Authority goes for state permits there is a consistency review that happens. He said they could come back and say the proposed action is not consistent with the LWRP that has been adopted by the City of Oswego. He said that is the one and only plan that they have to follow. He said their LWRP hasn't been updated since the 1980s so it has been pretty loose. He said they are updating it now. Mr. Caraccioli said as part of the approval process zoning regulations require that the Common Council refer

any amendments to the zoning to the Planning Board for an advisory opinion and that is what is on for tonight. George Koenig asked if this is considered an amendment to the zoning regulations. Mr. Caraccioli said yes. He said it is a complete rewrite. He said the public hearing is scheduled for next week.

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

Mike Leszczynski made a motion to adjourn at 7:39 p.m. Motion seconded by James Scanlon, unanimous approval.

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

Richard Freeman

Planning Board Chairperson

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Jeff McGann

Planning Board Secretary