

CITY OF OSWEGO

PLANNING BOARD

March 6, 2018

MEMBERS PRESENT: Christina Chamberlain, James Scanlon, Matthew Bacon, Justin Rudgick, and Mike Leszczynski.

MEMBERS ABSENT: Brit Hallenbeck, George Koenig, and Mike Todd.

Chairperson Chamberlain called the meeting to order at 6:30 p.m., Tuesday March 6, 2018. Roll call was duly noted.

A motion to approve the minutes of the February 2018 meeting was made by Justin Rudgick and seconded by James Scanlon; minutes unanimously approved.

Chairperson Chamberlain 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 James Scanlon, unanimous approval.

NEW BUSINESS:

1. Review & Approval – 51-63 West Bridge Street, Case 18-39; Signage for The Sting, Section 280-62 & 280-63.

DISCUSSION: Daryl Hunt was present for the discussion. James Scanlon asked what the background color was. Mr. Hunt said black. Chairperson Chamberlain asked if they have a sign up now. Mr. Hunt said no. Mr. Caraccioli said the only issue might be the sign that protrudes. He said he is guessing that it is in public space so they will need to get the Common Council to approve that public space. He said the Planning Board can give an advisory opinion to the Common Council for the use of that public space. He said he would recommend if the Board is going to grant the sign that it would be conditional upon getting approval for the use of public space from the Common Council. Justin Rudgick said he likes the sign. He said it has the look and feel of the historic downtown. Chairperson Chamberlain asked if there was anyone in the audience that would like to speak for or against this proposal and no one came forward. The Planning Board agreed to grant a favorable recommendation to the Common Council for the use of public space. Justin Rudgick said the favorable recommendation is for the perpendicular sign and for the use of public space. He said the Planning Board grants approval for him to move forward with the fixed front facing sign.

DECISION: James Scanlon made a motion for approval of signage conditioned upon the applicant receiving approval for the use of public space from the Common Council. Motion seconded by Mike Leszczynski, unanimous approval.

2. Final Site Plan Review & Approval – 29 East Cayuga Street, Case 18-40; To allow for the renovation of existing commercial building into a hospital services facility, Section 280-34(C).

DISCUSSION: Jamie Cullinan was present for the discussion. Jim Bell said they sent out the 239 Review and it came back with a recommendation from the county that they have a pedestrian walkway that connects the already existing walkway onto their property or a sidewalk that goes from East Cayuga Street up to the facility. He said they chose to pick a spot in the middle, create a crosswalk and extend and connect to the pedestrian walkway that is already there. He said the reason they are back here is there has to be something on public record that shows they have amended it. Mr. Caraccioli said the triangular piece is owned by the City of Oswego. He said they have requested a permanent easement. He said it is needed in order to complete the drive. He said the placement of the walkway that connects the footpath to the facility lines up right in the middle of that so that makes perfect sense. He said Councilor DeMassi asked why they shouldn't just buy the property. He said now it makes perfect sense to him because this is connecting public access from the walkway to the facility so the permanent easement is the way to go. He said it doesn't negatively impact the project at all. He said it helps keep pedestrian traffic off of that long drive up. Justin Rudgick asked if he was correct that if the county issues a decision on a 239 the Planning Board doesn't have to agree with that. Mr. Caraccioli said if there is any opposition to the recommendation of the county it can be overridden by a supermajority which is a majority plus one vote. Jim Bell said this makes sense. He said it offers safety for the pedestrians. Justin Rudgick said he agrees. Mr. Cullinan said he is aware of the county's recommendation and he says it makes sense. Chairperson Chamberlain asked if there was anyone in the audience that would like to speak for or against this proposal and no one came forward.

DECISION: Mike Leszczynski made a motion for final site plan approval. Motion seconded by Matthew Bacon, unanimous approval.

3. Site Plan Review & Approval – 244 West Fifth Street, Case 18-35; To allow for a two-family dwelling, Section 280-25(C).

DISCUSSION: Chris and Becky Batchelor were present for the discussion, as well as Councilor Gosek. Mr. Batchelor said they currently own a business office at 244 West 5th Street. He said they tried to rent it as a business office last year. He said they have a rental upstairs in that building already. He said they would like to turn the office into a two bedroom apartment. Chairperson Chamberlain asked if it is on the left of the grooming. Mr. Batchelor said yes. He said there is ample parking with a 45' garage attached to it that will be vacant. He said people could park in it. Justin Rudgick asked how many bedrooms. Mr. Batchelor said two. He said there is currently a one bedroom studio upstairs. James Scanlon said it looks like they are taking part of the garage. Mr. Batchelor said that is a tentative third bedroom. James Scanlon asked the square footage. Mr. Batchelor said 1,500. Chairperson Chamberlain asked if there was anyone in the audience that would like to speak for or against this proposal and no one came forward. Councilor Gosek said it will fit in with the neighborhood. He said this is primarily a residential neighborhood. He said he is 100% in support. Mr. Batchelor said the exterior will be painted also. Mr. Caraccioli asked if they are looking at parallel parking on the street. Jim Bell said it was already approved previously. He said he doesn't need any further approval. He said they are asking for conversion from commercial office space to a two bedroom apartment. Mr. Caraccioli said there are two actions that the Board has to consider tonight. He said one is the off-street parking plan and the second is the advisory to the Zoning Board for the change in use. Mr. Caraccioli said it is currently commercial with one apartment. Jim Bell said he is just looking to convert the commercial space into an apartment. Mr. Caraccioli said it is a change of use but it is a use that is allowed by special permit. He said a two-family dwelling is permitted in an R3 by special permit. Chairperson Chamberlain 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 motion for site plan approval. Motion seconded by Mike Leszczynski, unanimous approval.

4. Off-Street Parking Plan Review & Approval – 244 West Fifth Street, Case 18-36; To allow parking for a two-family dwelling, Section 280-52(A)(1)(a).

DISCUSSION: Chairperson Chamberlain asked if there was anyone in the audience that would like to speak for or against this proposal and no one came forward.

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

5. Advisory to the ZBA – Special Permit Use – 244 West Fifth Street, Case 18-37; To allow for a two-family dwelling, Section 280-24(R).

DISCUSSION: Chairperson Chamberlain asked if there was anyone in the audience that would like to speak for or against this proposal and no one came forward.

DECISION: James Scanlon made a motion for a favorable advisory to the ZBA. Motion seconded by Mike Leszczynski, unanimous approval.

6. Site Plan Review & Approval – 93 East Eighth Street, Case 18-26; To allow for the conversion of a single family dwelling to an assisted living facility/home, Section 280-25(C).

DISCUSSION: Jim Bell said the applicant lives in Colorado and she said she was anticipating making the trip but she is not present. Councilor DeMassi said she is opposed to this. Justin Rudgick asked if she called to say she wasn't coming. Jim Bell said not that he knows of. Justin Rudgick made a motion to table this case to the end of the meeting, motion seconded by Mike Leszczynski. At the end of the meeting the applicant still was not present.

DECISION: Justin Rudgick made a motion to table. Motion seconded by Matthew Bacon, unanimous approval.

7. Off-Street Parking Plan Review & Approval – 93 East Eighth Street, Case 18-27; To allow parking for the conversion of a single family dwelling to an assisted living facility/home, Section 280-52(B).

DECISION: Justin Rudgick made a motion to table. Motion seconded by Matthew Bacon, unanimous approval.

8. Advisory to the ZBA – 93 East Eighth Street, Case 18-28; To allow an assisted living facility/home, Section 280-24(E).

DECISION: Justin Rudgick made a motion to table. Motion seconded by Matthew Bacon, unanimous approval.

9. Advisory to the ZBA – Area Variance – Total Side Yard Setback – 93 East Eighth Street, Case 18-29; To allow for the conversion of a single family dwelling to an assisted living facility/home, Section 280-25(A).

DECISION: Justin Rudgick made a motion to table. Motion seconded by Matthew Bacon, unanimous approval.

10. Advisory to the ZBA – Area Variance – Side Yard Setback – 93 East Eighth Street, Case 18-30; To allow for the conversion of a single family dwelling to an assisted living facility/home, Section 280-25(A).

DECISION: Justin Rudgick made a motion to table. Motion seconded by Matthew Bacon, unanimous approval.

11. Advisory to the ZBA – Area Variance – Rear Yard Setback – 93 East Eighth Street, Case 18-31; To allow for the conversion of a single family dwelling to an assisted living facility/home, Section 280-25(A).

DECISION: Justin Rudgick made a motion to table. Motion seconded by Matthew Bacon, unanimous approval.

12. Advisory to the ZBA – Area Variance – Maximum Coverage Paved Area – 93 East Eighth Street, Case 18-32; To allow for the conversion of a single family dwelling to an assisted living facility/home, Section 280-25(A).

DECISION: Justin Rudgick made a motion to table. Motion seconded by Matthew Bacon, unanimous approval.

13. Site Plan Approval with Off-Street Parking – 87 East First Street, Case 18-38; To allow for the construction of an 88,091 square foot mixed use building, Section 280-35(A)(B)(C).

DISCUSSION: Louie Fournier from Sutton Real Estate and Brian Azer were present for the discussion. Mr. Caraccioli said this is an unlisted action. He said the Planning Board will be the lead agency but it is an uncoordinated review. He said that means that any other agency that has an approval role in this would do their own SEQR analysis. He said the Planning Board will go through Part II of the SEQR. Mr. Fournier said they bought Midtown Plaza in 2012 and the garage in 2015. He said their goal was to combine both pieces and turn it into one project. He said the plan shows parking on the upper deck. He said there will be 140 parking spaces total with 97 on the first level with 74 parking spaces under cover. He said there will be 50 parking spaces on top. He said there will be 10,000 square feet of commercial retail space on the first floor. He said the building will be six stories. He said there will be 72 apartments. He said 60 will be one bedroom and 12 will be two bedrooms. He said the rents will be between \$650-1350. He said they manage Stevedore, Seaway, and Cedarwood. He said right now they are pretty full on all of those projects and they think this one will fill up. He said this will be a big plus for the east side. He said they made a deal with the city when they bought the garage that they would make 30 parking spaces available for the businesses on the east side at no charge. He said the commercial spaces would be accessed from 1st Street. He said on the back side of that would be their mechanical and storage. He said they would have apartments facing 1st Street and on the back side they would have apartments, rental office and weight room. Mr. Azer said on the 3rd through 4th floors they would have 16 units on a floor with a mixture of one and two bedrooms. He said on the 5th floor some apartments would have access to balconies. He said on the 6th floor there would be larger balconies off of the two-bedroom apartments. Mr. Fournier said they talked to Green Planet and the Port City Copy and both would like to come back. He said they just have to find a place to put them for two years. He said there would be access to the underground parking through Cayuga Street. He said the surface parking up on top would be accessible from 2nd Street so there is parking by way of 2nd, 1st, and Cayuga. James Scanlon asked if people will be able to use the garage for retail parking. Mr. Fournier said yes. James Scanlon asked if the patio on the one side would be for the first floor tenants. Mr. Fournier said they would like to get a restaurant for that corner. He said that would be great outdoor seating. James Scanlon asked about the other side. Mr. Fournier said that is open space/green space. Mr. Azer said they are taking out retaining walls. He said they want to transition the grade down at a moderate pitch. Mr. Caraccioli asked if it will get them down to street grade level. Mr. Azer said there is a slight pitch to the sidewalk. He said it pitches up so it gets more severe further up. Mr. Caraccioli said they are lowering it enough to remove the guard rails along Bridge Street. Mr. Azer said yes. James Scanlon asked about lighting. Mr. Azer said they haven't explored that yet. He said there will be some sort of lighting. Mr. Fournier said they have to light it because they have the parking lot. He said it isn't their intention to light it up. Justin Rudgick asked if they are going to designate the 30 parking spaces as public. Mr. Fournier said yes. Chairperson Chamberlain said there will be five parking spaces on the 1st Street side. Mr. Caraccioli asked if there is a SWPPP needed for this. Mr. Azer said yes because it is over an acre. Mr. Caraccioli asked if they are incorporating the green space as retention. Mr. Azer said after talking to the city engineer it was not a

requirement. He said they can tie into the municipal system. Jim Bell said there is infrastructure in place on both East 1st and Cayuga Street to control storm water. Mr. Caraccioli asked if they are doing any type of LEED certification. Mr. Azer said no. He said they will be following Enterprise Green Communities. Mr. Fournier said their goal would be to make it as energy efficient because it is a heat pump system and they are providing the heat. Stephanie Benson said they are anticipating some NYSERDA funds and they will require a certain amount of energy efficiency. James Scanlon asked the space between the two buildings. Mr. Azer said they doubled the setback away from the neighboring property from what is required by the ordinance. Justin Rudgick said this is part of the downtown revitalization initiative. He said the site was one of the top rated sites in terms of what the community wanted to see. He said the east side has been neglected for a while and now they are trying to revitalize that area. Councilor DeMassi said the main thing is to make sure the Bridge Street side is awesome because that is our main thoroughfare. She said with the building facing 1st Street her concern is what it is going to look like driving down their main thoroughfare. Mr. Fournier said that is one of the reasons they want to chop the retaining wall to create a better visual from Bridge Street. Councilor DeMassi said she is in favor of this project but she wants to make sure they keep that in mind. Chairperson Chamberlain asked if there was anyone in the audience that would like to speak for or against this proposal and Doren Norfleet came forward. Ms. Norfleet said she owns the building on the corner. She asked if the 30 parking spaces would have a 2 hour limit. Mr. Fournier said that was the agreement he had with the city. Ms. Norfleet said her other concern is their dumpster is right next to the entrance to her building. She asked if they could move it back to where the mechanicals are. She said they have two viable businesses in that building that are producing income for the city so she doesn't think they should be lost in the discussion. Mr. Azer said they can't go beyond that point because of the bridge. Ms. Norfleet said it will be one of the first things you see when you come off Bridge Street. Mr. Azer said they will be enclosed. Ms. Norfleet asked how it will be enclosed. Mr. Azer said it will be a brick enclosure and a gated front. Ms. Norfleet said that doesn't solve the problem that the dumpsters will be right there next to her building. She said there will be odor from the garbage. Mr. Azer said there are no windows or doors on the façade. Ms. Norfleet asked if it will be wide enough so that the trucks will be able to pull in there. Mr. Fournier said they will be able to pull in. James Scanlon asked if the enclosure will have a roof. Jim Bell said it will be three walls with a gated front. He said that is the only zoning requirement they have. He said it needs to be a 6' tall wall enclosure with gates on the front. He said it isn't going to just be pressure treated. He said it is going to be done right. He said they have doubled the minimum requirement from the adjoining property line which would be 5' and they are at 9'8". Mr. Fournier said they will screen it so they won't be able to see it from any part of her building. Ms. Norfleet said they may not be able to see it but they will be able to smell it. Mr. Fournier said he is taking the same risk as she is because he is locating the dumpsters the same distance from his building. James Scanlon asked how often they would pick up. He asked if it would be once or twice a week. Mr. Fournier said yes. James Scanlon said with 72 units that is a lot of trash so he can understand what she is saying if there is trash sitting out there for five days. Mr. Fournier said 2-3 times per week is their typical pickup for apartments. Justin Rudgick said he has never heard of any complaints from Seaway Lofts and Stevedore about the garbage. He said they don't want to have smelly garbage either so he is sure if there was a

problem they would add another day for pickup. Jim Bell said if there is a problem then a neighbor can call. He said they have zoning for that. Justin Rudgick said the developers are taking a risk by having the dumpster there too so they are going to want to be good neighbors and maintain that property. Ms. Norfleet asked if the public parking will be on the upper or lower level or both. Mr. Fournier said they have to look at what is best for the neighborhood. Ms. Norfleet asked if he would guarantee that it won't all be on top. Mr. Fournier said he can't guarantee that but he will guarantee there will be 30 parking spaces. Justin Rudgick asked about the color scheme. He said he would like to see them break up the color scheme because it is a massive building. Mr. Fournier showed a picture and said they added red to the building. Mr. Caraccioli said this is a B3 zone. He said there are a number of permitted uses by right that require site plan approval and this fits within the permitted uses. He said they are looking at the site plan and the off-street parking requirement. He said this is an unlisted action under SEQR. He said it still requires the Board to do a review of the environmental impact. Justin Rudgick said he wanted to remind the Board that they discussed this at the last meeting that they should review this based on the zoning regulation that is allowable. He said a B3 allows for a multi-story apartment building. He said they should compare the impact to what is allowed and not vacant land. Mr. Caraccioli went through the list of eleven questions.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? Mr. Caraccioli said his recommendation is that answer is no because it is consistent with the B3 zone. The Board agreed.
2. Will the proposed action result in a change in the use or intensity of use of land? Mr. Caraccioli said you could argue that this is a change in the intensity of use compared to what it is now but there is a multi-storied hotel across the street. He said from an environmental perspective he would recommend this is a no to small impact. The Board agreed.
3. Will the proposed action impair the character or quality of the existing community? Mr. Caraccioli said it is a B3. 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)? Mr. Caraccioli said it is not a Critical Environmental Area.
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? Mr. Caraccioli said he isn't sure if it is much of any of an impact from what it is now. He said the design shows some improvements to walkability. He asked if they propose any type of Centro bus stop within the facility. Mr. Fournier said it is on the regular line. Mr. Caraccioli asked if there are any current Centro lines that would be disrupted by this. Mr. Fournier said no. Ms. Norfleet said it stops on Bridge Street. Mr. Caraccioli said his recommendation is it is no to small impact. The Board agreed.
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? Mr. Caraccioli said they are going to be consistent with NYSERDA requirements. The Board said no/small.

7. Will the proposed action impact existing:
 - a. Public/private water supplies?
 - b. Public/private wastewater treatment utilities?

The Board said no/small.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? The Board said no/small.
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/small.
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. Justin Rudgick made a motion to adopt a negative declaration, motion seconded by Mike Leszczynski, unanimous approval.

DECISION: James Scanlon made a motion for site plan approval. Motion seconded by Mike Leszczynski, unanimous approval.

Justin Rudgick made a motion to adjourn at 7:34 p.m., seconded by James Scanlon, unanimous approval.

Approved: _____

Christina Chamberlain
Planning Board Chairperson

James R. Bell
Planning Board Secretary