

CITY OF OSWEGO

PLANNING BOARD

April 2, 2019

MEMBERS PRESENT: Matthew Bacon, Justin Rudgick, Daniel Breitweg, Mike Leszczynski, Noreen Ruttan, and Chairman Freeman.

MEMBERS ABSENT: James Scanlon, Brit Hallenbeck and George Koenig.

Chairman Freeman called the meeting to order at 6:30 p.m., Tuesday April 2, 2019. Roll call was duly noted.

A motion to approve the minutes of the March 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 Matthew Bacon, unanimous approval.

NEW BUSINESS:

1. Review & Approval – Signage for Vape Asylum – 47 West Bridge Street, Case 19-53; Section 280-62.

DISCUSSION: Darryl Hunt was present for the discussion. Mr. Hunt said this is on the corner of Third and Bridge Street. He said this is a vape business and they have an existing logo. He said the building isn't particularly historical so he just incorporated their logo into the sign. Daniel Breitweg asked if the sign in the window will be coming down. Mr. Hunt said yes. Chairman Freeman asked if there were any questions from the public and no one came forward. Matthew Bacon made a motion for approval. Justin Rudgick asked if this is permitted in the new zoning. Jeff McGann said the zoning hasn't passed yet. Justin Rudgick said part of the Planning Board's purview is to look at that knowing that it is going to happen at some point. He said the Holiday Inn is a classic example of that. Mr. Hunt asked if there were plans for the building that he doesn't know about. Justin Rudgick said he is talking about the intent of the building as a vape shop. He said he doesn't know if it fits into the character of the downtown with their new zoning code and design guidelines. He said he doesn't know if there is a definition under head shop. Mike Leszczynski said they have been there for a while. Justin Rudgick said they have been there for a couple of months. He said he wants to make sure it fits into the new zoning code. Jeff McGann said the vape shop has been there, it was inspected and they got the building permit to do the work. He said the new zoning hasn't gone into place. Justin Rudgick said he is talking about the intent and not the building code. Jeff McGann said he doesn't see how they can bring that into play when the new zoning is not in play yet. Mr. Caraccioli said fundamentally that is right. He said if he is reading it correctly this will be an extension of the traditional downtown. Justin Rudgick said for Holiday Inn the zoning map wasn't updated but they knew it was happening so it was ruled in their favor and they were allowed to build there. He said they, as the Planning Board, are aware of the new guidelines and they can look at that as they are making decisions. Mr. Caraccioli said it gets into a question of definition. He said retail sales are permitted in the traditional downtown. He said head shops are not but he doesn't know this constitutes a head shop. Mr. Hunt said it isn't a head shop. Mr. Caraccioli said a tattoo parlor is not but other traditional sale of business goods is permitted. Noreen Ruttan asked why it would be any different than selling cigarettes. Mr. Caraccioli said he doesn't believe they will find a vape shop in the new zoning so they look at the incidental definitions. Justin Rudgick said whether it is permitted or not the sign doesn't fit into the traditional downtown idea. Mr. Hunt said he was kind of locked in because they already had their logo so all he could do is make it more modern art. Justin Rudgick said they can't change the logo but there are other things they can do to make it softer in terms of blending in with the character of their downtown. He said instead of having the bright colors they could make it a stainless steel sign. Mr. Hunt said changing the colors would be fine. He said he loves the stainless steel but then you go from a \$1,000 budget to a \$10,000 budget. Justin Rudgick said he has an issue with the intent of the space but also the sign. Mr. Hunt said he would be more than happy to mute the colors. Noreen Ruttan said she thinks the name itself is offensive. Mr. Caraccioli asked if it is a registered trademark. Mr. Hunt said he doesn't know. Councilor Tesoriero said he agrees that the name is offensive. He said they are trying to

bring back the downtown and bring more respect. He said they shouldn't encourage this type of activity. He said they need to look long and hard if this is something they want to do. Mr. Caraccioli said there is a motion on the floor. Mike Leszczynski asked if they want to table this and move on because they have questions. Mr. Caraccioli said he can't tell if it is a national chain or not and he doesn't know if it matters. Mr. Hunt said they must have a DBA. Mr. Caraccioli said that doesn't necessarily matter. Noreen Ruttan said the state is talking about controlling this industry. She asked if it is viable. Matthew Bacon said they are talking about a sign right now. He said they don't have purview over whether or not to approve a business. Chairman Freeman said it is already there. Justin Rudgick said just because a business has been there doesn't mean that it should be designed to be there. He said if it is there they can influence the design of it in terms of changing the sign. He said he still fundamentally disagrees with the intent of that area for a vape shop. He said he equates it to a head shop but maybe not to the same degree. He said it detracts from the area and the millions of dollars of investment that they are trying to do. He said there are far better and more suitable locations for this outside the downtown. He said he is going to say no because he doesn't agree with the intent of that. Mr. Hunt said his interest is with the sign. He said if this isn't approved he won't hire him and he will put the cardboard in the windows for a sign. Daniel Breitweg said that is why he asked if the sign in the window would come down. He said this will look better than what is in the window now. Mr. Hunt said he will be more than happy to work with them about the color. Mr. Caraccioli said there is no registered trademark for Vape Asylum. He said he doesn't know if that matters. He said Mr. Hunt has taken their logo and placed it into a sign.

DECISION: Matthew Bacon made a motion for signage approval. Motion seconded by Chairman Freeman, vote 4-2 (nay votes from Justin Rudgick and Noreen Ruttan), motion approved.

2. Review & Approval – Signage for Fyzical Therapy & Balance Center – 127 East First Street, Case 19-54; Section 280-62.

DISCUSSION: Darryl Hunt was present for the discussion. Mr. Hunt said this is Adirondack Therapy and they have merged with a chain. He said they wanted to go with a big lit sign. He said he made his case to them of what the city is trying to do. He said they are going to do individual carved letters with gooseneck lighting. Justin Rudgick asked if it was possible to do a profile with background and have it dimensional so it has the historic look to it. Mr. Hunt said the letters are two inches thick and they stand off of the building. Justin Rudgick said he would like a background with it instead of just coming off of the siding. Mr. Hunt said because it is an asymmetrical design he doesn't think he would put a background on it. Justin Rudgick said an ornate background will create that imagery for a historic aspect. He said this isn't necessarily in their traditional downtown either. Mr. Hunt said they had a lot of examples of what they had done in the past and the only time they do that is when it is one solid electric box. He said in the summer they will apply for another one for around the corner. Chairman Freeman asked if there were any questions from the public and no one came forward.

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

3. Revised Off-Street Parking Plan/Modification Review & Approval – 147-157 West First Street, Case 19-41; To allow parking for a 44,000 sf. mixed use building, Section 280-52(A)(2)(b)&(H) – Required, Section 280-52(A)(2)(d) & 280-53 – Requested.

DISCUSSION: Daniel Manning was present for the discussion. Mr. Manning said they have a tenant that is a restaurant tenant and that changes their request. He said their parking count went from 23 to 28 that would need to be waived. Matthew Bacon said they are just adding the five that are in the parking lot. Mr. Manning said correct. He said nothing has changed with the parking or the building. He said the only thing that changed is the map to complete the required parking. Justin Rudgick asked if he has an updated timeline on construction start. Mr. Manning said they have sets going out for bid next week. He expects that to take three weeks. He said some of the materials they were able to preorder through the general contractor but the subcontractor work is being bid next week. He said they anticipate some sort of ground breaking in three weeks and will be commencing shortly after. Austin Wheelock asked if this is a DRI project. Mr. Caraccioli said yes. Austin Wheelock asked if it requires state approval. Mr. Caraccioli said this has gone through the SEQR process. He said one portion of the project changed after approval that required additional parking. Councilor Tesoriero asked if there is any issue with the new problems with the Coffee Connection building and if it will inhibit any of this construction to go forward. Jeff McGann said the engineer was there yesterday and they are already working on it. He said it should be remedied by Monday or the next few days after that.

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

4. Revised Off-Street Parking Plan/Modification Review & Approval – 40 West Oneida Street, Case 19-42; To allow parking for a tourist home, Section 280-52(B) – Required, Section 280-53(A)(2) & 280-53(B) – Requested.

DISCUSSION: Brian and Jennifer Ackley were present for the discussion. Mr. Ackley said they purchased the house in 2012 with the intention of moving here and opening a bed and breakfast. He said it already went through zoning to receive the approval for a tourist home. He said it also had an approved site plan for parking. He said the parking plan is a bit aggressive in terms of what it was trying to accomplish. He said it carves out at least a third of their backyard green space. He said the person that was purchasing the home at that time was intending on opening a five bedroom tourist home. He said they are opening a three bedroom home and don't need as extensive parking. He said they would prefer to not carve out an extensive section of green space when it isn't needed. He said they have parking in existence that they use for their vehicles. He said they willing to give these up for their guests. He said the only complication is during the winter with the overnight parking ban. He said they talked to their neighbors at the Sugar Scanlon Funeral Home and they said they would be happy to let them use their spaces during the parking ban in the winter. He said they would not book more than two guests during the overnight parking ban or at least not book more than two guests that would need parking spaces during the overnight parking ban. He said they would use the two that they have on the Fourth Street side of their house. Jeff McGann said for a tourist home they need three parking spaces plus one for every room that is rented out so they need six parking spaces. He said the previous owner had it reduced from eight to six when he was renting it as a five bedroom house and had a six parking spot drawing done on their own space and not public space. He said the Ackley's are trying to avoid that. He said they currently have two spots of parallel parking. He said the three spots that need to be allotted for the home owner is what he is talking about at the Sugar Scanlon property during the winter months. He said his busy times are obviously going to be in the summertime when he would have plenty of street parking. He said he is asking for a reduction from six to five. Chairman Freeman asked if there were any questions from the public and no one came forward.

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

5. Subdivision Review & Approval – 249A Mitchell Street, Case 19-43; To allow for the subdivision of the Lake Ontario Industrial Park, approximately 56 acres into two separate lots, Section 40-13.

DISCUSSION: Austin Wheelock from Operation Oswego County was present for the discussion. Mr. Wheelock said they have had a tenant in their building for the past 15 years called Northland Filter. He said they are going through a growth phase right now. He said they are proposing to build a 30,000 square foot additional building on the site and they are looking to purchase the building that they currently lease from them. He said they are looking to subdivide the parcel that the building is currently on and have room for them for expansion on the site. He said the subdivision that they are requesting would have room for the building to be built. He said it is currently all one 56 acre parcel now. He said they are looking to carve out a 6.11 acre parcel which would include the building already there and have room for the 30,000 square foot expansion. Justin Rudgick said on one parcel. Mr. Wheelock said yes. He said they may come back for a second subdivision so they can finance the expansion separately. Mr. Caraccioli said he represents the Industrial Development Agency. He said he does not represent this company. He said on the plan it says Parcel 1 & 2. He said the Parcel 1 & 2 is intended for future bank financing. He said it would not be to further subdivide the parcel into two separate lots. He said Parcel 1 is the existing building. He said part of the conveyance between Operation Oswego County and Northland Filter is such that Operation Oswego County will hold the mortgage on the entire six acres. He said in anticipation of future financing and development of the addition, the company has already told Operation Oswego County that they would likely finance that through a bank. He said they are anticipating separating the six acres into two separate mortgageable lots. He said it will all be owned by Northland Filter but Parcel 1 will have a mortgage with Operation Oswego County and Parcel 2 will have a mortgage with a bank. Justin Rudgick asked if the expansion is going to be connected to the other building. Mr. Caraccioli said he believes it will be. Mr. Wheelock said the company currently employs about 25 people. He said they are looking at adding another 20 people and then with the expansion another 20 people so it will probably be above 60 people by the time they are done. Matthew Bacon said the IDA will convey the property and it won't be a lease agreement. Mr. Caraccioli said the IDA owns the land and Operation Oswego County owns the building. He said the solution they came up with is the IDA will transfer to Operation Oswego County and Operation Oswego County will transfer the land and the building to Northland Filter. Matthew Bacon said they will keep the remainder. Mr. Caraccioli said yes. Chairman Freeman asked if there were any questions from the public and no one came forward. Councilor Tesoriero said this is welcome development to the eastside.

DECISION: Matthew Bacon made a favorable motion for subdivision approval. Motion seconded by Mike Leszczynski, unanimous approval.

6. Revised Site Plan Review & Approval – 120 East Bridge Street, Case 19-52; To allow for a convenience store with self-service gasoline, Section 280-34(C).

DISCUSSION: Ryan Rubado, on behalf of Stewart's, was present for the discussion. He said DOT is not budging on allowing access off of Route 104. He said what they have filed with the Board is a plan showing entrance only. He said if they don't allow that he submitted plans that show right in, right out. He said he thinks they are more apt to get the entrance only because they don't want any exits on 104. He said everything else with the site would remain the same. He said the only other option would be if they don't allow any access to Bridge Street. He said he is looking for approval of the three options pending DOT approval. Mike Leszczynski said the original plan was in and out. Mr. Rubado said yes. He said the entrance only would have to have a mountable curb section for their tanker to come in. He said they don't want to send their tanker down the residential side streets. Chairman Freeman asked if the tanker would come in off of 104 and exit onto East Sixth Street. Mr. Rubado said yes. Councilor Tesoriero asked the reason they were given why they couldn't have access to 104. Mr. Rubado said they feel because they have access on East Sixth and East Seventh they don't need it on 104. Councilor Tesoriero said he would think that is more dangerous than pulling out on 104. He said he doesn't agree with their assessment. Mr. Rubado said one of their arguments is that they meet DOT design criteria for entrances but they still hold the right to deny. Chairman Freeman said that is going to be a problem because neither 6th nor 7th have lights. Scott Smith asked which side the trucks will be going in. Mr. Rubado said the trucks will be going in off of East Bridge and move around the canopy and leave out East 6th Street. Mike Leszczynski asked if there is any issue with it being open ended. He said it would be nice to expedite the process so they aren't coming back every single time. Mr. Caraccioli said that is why the company came back with the three options. Jeff McGann said when DOT nixed the first plan they submitted a new plan. He said since then the DOT has dragged their heels. He said that is why they are putting all three proposals in front of the Board so they aren't back here again. He said the original plan had the tractor trailers coming in off of 104 and out West 6th Street. He said the proposal that they feel is going to be approved will not change this. He said the new proposal narrows the entrance from 30 to 16 feet with a mountable curb. Mr. Caraccioli said they are at the mercy of DOT. He said if they approved all three options subject to the option that is chosen by DOT then the company doesn't have to come back. Scott Smith asked if they don't let them use 104 at all would the two entrances on the side remain where they are now. Mr. Rubado said yes.

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

7. Off-Street Parking Plan Review & Approval – 163 Fifth Avenue, Case 19-44; To allow parking for an existing apartment complex, Section 280-52(A)(1)(b).

DISCUSSION: Sal Vasapolli and James Sanco were present for the discussion. Mr. Vasapolli said they have been renovating the Blues. He said they want to upgrade the parking lot from the gravel that is there now to a new parking lot with drainage. Jeff McGann said they are putting a lot of money into these properties. He said he has proposed to pave this so there is no more gravel driveway and no more gravel being pulled out onto Utica Street. He said unfortunately this involves seven variances. He said the variances are all for the same project and the same scope of work. He said Bob Johnson designed the drainage for the property and also came up with the parking plan with a directional flow coming in off of Fifth Ave. and exiting onto Utica Street. He said it will alleviate gravel and stone being pulled out onto both roads. He said there has been a vast improvement on the property and paving it will only make it that much better. Mr. Caraccioli said each of the buildings show up as the same tax id number. Jeff McGann said he didn't catch that on the drawing. He said originally they were all one lot. He said now they are separate. Chairman Freeman asked who will be the principal tenants. Mr. Vasapolli said right now most of the applicants are families and they are gearing more towards families than college students. Chairman Freeman asked if there will be green space for kids to play if there will be families. Mr. Vasapolli said there is a lot of space in the front of the property. Mr. Caraccioli said the field house is right across the street. Justin Rudgick asked where the dumpster would be. Mr. Vasapolli said at the other end of the block they have a dumpster pad already. He said they are going to put them in the corners where they are now. He said they have one behind 173. He said they will have a communal one in between 165 & 169. Justin Rudgick said on the plan behind 173 it shows a new 6' high screen. He asked what that is. Mr. Vasapolli said he isn't sure if it is going to be a fence or some sort of landscaping. Justin Rudgick asked if that is for the benefit of the neighbor. Mr. Vasapolli said yes. Justin Rudgick asked if there will be signage indicating one way. Mr. Vasapolli said yes. He said they will probably paint it on the ground. Justin Rudgick said it looks good. Councilor Tesoriero said this is a welcome change to this corner of the city. Justin Rudgick asked the average apartment size. Mr. Vasapolli said the two bedrooms will be about 950 square feet. Justin Rudgick asked the rent he will charge. Mr. Vasapolli said \$1100 for a two bedroom, \$900 for a one bedroom, and \$1300 for a three bedroom. Justin Rudgick asked if they include utilities. Mr. Vasapolli said they have to pay the electric. Mr. Caraccioli asked the total number of units. Mr. Vasapolli said 48.

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

8. Advisory to the ZBA – Area Variance – Side Yard Setback (North) – 163 Fifth Avenue, Case 19-45; To allow parking for an existing apartment complex, Section 280-55(A).

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

DECISION: Justin Rudgick made a motion for a favorable advisory to the ZBA for a Side Yard Setback variance. Motion seconded by Mike Leszczynski, unanimous approval.

9. Advisory to the ZBA – Area Variance – Rear Yard Setback – 163 Fifth Avenue, Case 19-46;
To allow parking for an existing apartment complex, Section 280-55(A).

DECISION: Matthew Bacon made a motion for a favorable advisory to the ZBA for a Rear Yard Setback variance. Motion seconded by Mike Leszczynski, unanimous approval.

10. Advisory to the ZBA – Area Variance – Side Yard Setback (South) – 163 Fifth Avenue, Case 19-47; To allow parking for an existing apartment complex, Section 280-55(A).

DECISION: Mike Leszczynski made a motion for a favorable advisory to the ZBA for a Side Yard Setback variance. Motion seconded by Chairman Freeman, unanimous approval.

11. Advisory to the ZBA – Area Variance – Side Yard Setback (North) – 165-173 Fifth Avenue, Case 19-48; To allow parking for an existing apartment complex, Section 280-55(A).

DECISION: Justin Rudgick made a motion for a favorable advisory to the ZBA for a Side Yard Setback variance. Motion seconded by Matthew Bacon, unanimous approval.

12. Advisory to the ZBA – Area Variance – Rear Yard Setback – 165-173 Fifth Avenue, Case 19-49; To allow parking for an existing apartment complex, Section 280-55(A).

DECISION: Matthew Bacon made a motion for a favorable advisory to the ZBA for a Rear Yard Setback variance. Motion seconded by Mike Leszczynski, unanimous approval.

13. Advisory to the ZBA – Area Variance – Side Yard Setback (South) – 165-173 Fifth Avenue, Case 19-50; To allow parking for an existing apartment complex, Section 280-55(A).

DECISION: Chairman Freeman made a motion for a favorable advisory to the ZBA for a Side Yard Setback variance. Motion seconded by Mike Leszczynski, unanimous approval.

14. Advisory to the ZBA – Area Variance – Maximum Coverage Paved Area – 165-173 Fifth Avenue, Case 19-51; To allow parking for an existing apartment complex, Section 280-22(A).

DECISION: Chairman Freeman made a motion for a favorable advisory to the ZBA for a Maximum Coverage Paved Area variance. Motion seconded by Matthew Bacon, unanimous approval.

15. Off-Street Parking Plan Review & Approval – 165-173 Fifth Avenue, Case 19-55; To allow parking for an existing apartment complex, Section 280-52(A)(I)(b).

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

Chairman Freeman made a motion to adjourn at 7:41 p.m. Motion seconded by Mike Leszczynski, unanimous approval.

Approved: _____

Richard Freeman

Planning Board Chairperson

Jeff McGann

Planning Board Secretary