

CITY OF OSWEGO

PLANNING BOARD

April 3, 2018

MEMBERS PRESENT: Christina Chamberlain, James Scanlon, Matthew Bacon, Justin Rudgick, and George Koenig.

MEMBERS ABSENT: Brit Hallenbeck, Mike Leszczynski, and Mike Todd.

Chairperson Chamberlain called the meeting to order at 6:30 p.m., Tuesday April 3, 2018. Roll call was duly noted.

A motion to approve the minutes of the March 2018 meeting was made by James Scanlon and seconded by Justin Rudgick; 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 Justin Rudgick, unanimous approval.

OLD BUSINESS:

- A. 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: Isa Jo was present for the discussion, as well as Councilor DeMassi. Isa Jo said she owns the house at 93 East Eighth Street. She said it is a big house and was originally a three unit house. She said it was reversed to a single family home. She said she tried to sell the house because she lives in Colorado. She said they say it is too big for a single family. She said she would like to use it as assisted living to provide housing for senior residents who are in need of medical care. She said it is like a group home. She said it is very popular in Colorado. She said it is a better use for the community rather than being vacant. She said she is a health care provider and she is confident that she can successfully have this type of housing. Councilor DeMassi asked if she will move back and run this. Isa Jo said she would hire a 24 hour care person who can give medicines and will maintain the house. She said she would like to run it successfully for maybe a year and then look for a good local that could take care of the building and transfer the business. She said right now it is hard to sell, rent, or maintain. She said she would like to make it nicer and then sell it. Councilor DeMassi said she is opposed to this because of where it is located at the top of the hill. She said the road is pretty narrow. She said she thinks it would be dangerous to add more traffic to that area. Isa Jo said in Colorado it is typical in a residential area. She said they would provide housing and medical care and they should be able to live there without any issue. She said they are just normal residents. Councilor DeMassi said it isn't about the people. She said it is about the traffic and the parking lot. She asked what would happen with the rain and drainage. Isa Jo said she would make any necessary changes. She said she would like to make a parking lot and make sure there isn't an issue like that. She said she would like to have all concerns resolved. Councilor DeMassi said she would recommend that they don't have it in that location. She said it would be a tough spot to add that kind of parking and traffic in that neighborhood. Justin Rudgick asked if there is a specific definition for assisted living facility. Mr. Caraccioli said it is a use that is permitted by special use in this district. He said it doesn't have a separate definition of assisted living. Isa Jo said assisted living use was added in 1983. Jim Bell said they don't have a clear definition. Justin Rudgick said for a lot of assisted living facilities they need to be licensed by the state. Mr. Caraccioli said there is a definition under New York State law. He said any assisted living facility requires a license to be issued by New York State. He asked if she has looked into that yet. Isa Jo said yes. She said it takes time. She said she would like to get the zoning approval first. She said then she has to go through Medicaid to get the permit. She said it will take a few months to a year. She said first the special use has to be approved. Mr. Caraccioli said she needs to be able to demonstrate to the State of New York that the local jurisdiction has approved the use in order for her to obtain a certificate of need which would allow her to proceed with Medicaid and approvals. He said New York State does not prohibit a municipality from just outright rejecting a use of this nature. He said it is allowed in this zone but New York State also doesn't turn a blind eye to the bulk requirements that are needed. He said that is the focus of this application. He questioned if this use fits this lot. He said there are four variances that are

needed. He said it is a lot to overcome. He said assisted living facility is a 24 hour care facility. He said there are professionals coming in and out. He said this house would have to be equipped to accommodate staff 24 hours a day, seven days a week. He said he doesn't know how the number of residents she could take on relates to the number of staff she would need and the number parking spaces she would need to accommodate that. He said there would probably be three shifts. He said there is a lot to consider. He asked how many residents she is anticipating. Isa Jo said she thinks the house could accommodate up to ten. She said maybe she could start with six to ten or twelve. Mr. Caraccioli asked if she meant up to 12 residents. Isa Jo said yes. James Scanlon said there are assisted living facilities in Oswego. George Koenig said he lives next to one. James Scanlon asked if they know how many tenants are in those. George Koenig said there are about eight tenants in the one he lives next to and there is 24 hour staff. James Scanlon asked how she will make it handicapped accessible. Isa Jo said she could accept mentally ill that are not so severe but just have mild schizophrenia and need to take scheduled medicines. She said they can be 20 or 40 years old and wouldn't need those ramps. She said if she wants to accept senior residents she would need the ramps. James Scanlon asked if she knows which direction she would be going. Isa Jo said currently she sees a lot of mentally ill residents. She said they are very healthy. She said they just need housing. She said that would be easier for her to start. She said maybe she could accommodate senior care later and do those repairs later. James Scanlon said the property is currently in need of repair work. Isa Jo said the property has been vacant. She said it isn't making any profits. She said if the house is a business then it can be updated and maintained better. James Scanlon asked if she is planning on doing repairs prior to opening. Isa Jo said yes. She said she would like to do the parking lot and update the house. George Koenig asked how the tenants will be financed. He asked if they will be on Medicaid. Isa Jo said yes. She said those mentally ill residents would be financed by Medicaid. She said she needs to be approved as a Medicaid facility. Matthew Bacon asked if she is looking to convert the backyard into a parking lot. Isa Jo said yes. Matthew Bacon asked if that is something that they typically approve. Mr. Caraccioli asked Jim Bell if there is a restriction to converting a backyard into a parking area. Jim Bell said it isn't allowed. He said she doesn't hit the mark for setbacks. He said it is a three foot minimum away from the side property line. Mr. Caraccioli asked if the use itself is allowed if she had space. Jim Bell said that is what the Boards are for. He said essentially she has close to 100% coverage between the house and the asphalt. Justin Rudgick said he sympathizes with the challenges she has in returning the property to productive use. He said he still thinks there is the opportunity to meet with the city and Jim Bell to come up with other alternatives for that property. He said when you look at assisted living it is a defined approach that they really don't have a lot of information on in terms of a business plan or a plan of action. He said it has all been discussed in a hypothetical way. He said a lot of information is missing. He said he would like to see a more definitive plan of action. He said she should come to them with the same plan of action that she would give to the state. He said there are too many questions to move forward. Mr. Caraccioli read from Section 280-55(A). He stated "Open or enclosed parking areas shall not encroach on any required yard or usable open spaces, except that in residential districts open parking areas may be located within three feet of any lot lines in side or rear yards". He said based on the site plan it looks like there is 2-2½ feet of clearance so it doesn't even meet the three foot requirement. He said these are the things that the applicant needs to

get her arms around and come back with a plan that is going to pass the city and state's criteria. Isa Jo said the garage was sold to the neighbor in the 80s. She said that is probably why it is not meeting that requirement. She said she can talk to the neighbor and maybe come up with moving the fence closer to the neighbor. She said she doesn't think they use the lot beyond the garage. Councilor DeMassi said they would have to sell the property to her. She said they couldn't just say she could use it. Jim Bell said if she were to come back he would suggest an action plan that depicts what she would do to protect her neighbors from her proposed action. Isa Jo said she can come up with a business plan and talk to the neighbor to see if they will sell enough lot for her. Mr. Caraccioli asked if she would like to withdraw her application so there is no ruling on the record that may be negative to her. Isa Jo said she would like to come up with a plan and they can decide what to do then. She asked if she would have to withdraw if she came up with a new plan. Mr. Caraccioli said it would be a new plan so that is the problem. Isa Jo said she will have to start all over. She said she would check with the neighbor. Justin Rudgick said it isn't just about the neighbor and the house. He said it is also about the overall plan of action that she is willing to take with the assisted living. He said it would include how many residents she would have and what her staffing would look like. Isa Jo said she is planning to set this up and transfer this business to a local that will be able to maintain the business. Councilor DeMassi asked if she has someone in mind. Isa Jo said no. Councilor DeMassi said when she says transfer to a local she means sell. Isa Jo said yes. She said she doesn't want to run it from Colorado. Mr. Caraccioli said the application will be withdrawn without prejudice.

- B. 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).

DISCUSSION: This case was withdrawn without prejudice.

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

DISCUSSION: This case was withdrawn without prejudice.

- D. 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).

DISCUSSION: This case was withdrawn without prejudice.

- E. 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).

DISCUSSION: This case was withdrawn without prejudice.

- F. 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).

DISCUSSION: This case was withdrawn without prejudice.

- G. 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).

DISCUSSION: This case was withdrawn without prejudice.

NEW BUSINESS:

1. Site Plan Review & Approval – 553 West Fifth Street, Case 18-43; To allow for a home occupation, Section 280-22(C).

DISCUSSION: The applicant was not present.

DECISION: James Scanlon made a motion to table this case. Motion seconded by Matthew Bacon, unanimous approval.

2. Advisory to the ZBA – Special Permit Use – 553 West Fifth Street, Case 18-44; To allow for a home occupation, Section 280-21(A).

DECISION: James Scanlon made a motion to table this case. Motion seconded by Matthew Bacon, unanimous approval.

3. Site Plan Review & Approval – 189 West First Street, Case 18-46; To allow a 27,645 sf. mixed use building, Section 280-34(C).

DISCUSSION: Atom Avery was present for the discussion, as well as Councilor Hill. Mr. Avery said this is part of the DRI proposal. He said the concept is to take the Global Buffet one story building and tear it down to the basement. He said they are still able to use the iron and the basement floor. He said it will be a mixed use building. He said the basement level will be on the Water Street side. He said there will be a garage door with a ramp that goes into the basement. He said that would be resident-only parking on the basement level. He said they are proposing commercial space on the first floor, six two-bedroom apartments on the second and third floor. He said the fourth floor will be four units with a 1,900 square foot rooftop bar deck restaurant. He said he doesn't know if it will be seasonal. He said that will depend on the operator. He said he envisions giant glass doors that you can open in nice weather and then close them if it is cooler. He said he has already had residents approaching him to downsize and two commercial operators reach out to him on restaurant space. He said he wanted to be a part of the downtown transformation. Matthew Bacon asked if there is any anticipated disruption to the neighbors during the construction. Mr. Avery said absolutely. He said hopefully they will be able to do a lot of the offload on Water Street. He said he tried to modularly build the second, third and fourth floors. He said unfortunately it is cost prohibitive because it is not a brand new building from the bottom up. He said it takes a lot more iron to support a modular building. He said they will bring in prefab walls so they won't have to set up scaffolding for too long. Councilor Hill said he supports this fully. He said he has heard nothing negative about this. James Scanlon asked the timeframe. Mr. Avery said there is a proposed timeframe in the packet. He said tear down will be the end of June. Jim Bell said it is a very aggressive schedule. Mr. Avery said he is familiar with the contractor they are using since he has used them several times. George Koenig asked about the buildings next door and if this is going to be in front of their windows. Mr. Avery said if they look directly north their view is blocked by the Children's Museum. He said this will be about the same height or a tad bit higher but their view north is already disrupted by another building. He said looking towards the river or First Street there is a gap there because the Canal Commons is also a first floor. He said they aren't going right against another building. He said because of code he can't put any windows toward them. James Scanlon asked if they would access the bar by the stairs or elevator. Mr. Avery said both. He said they can take the front stairs but that is four flights. He said they can also take the elevator. He said the residents will have control locks on the elevator so people can't just get off on the other floors. He said the elevator will also go right to the basement for the residents. Mr. Caraccioli asked if there will be parking for each resident. Mr. Avery said there are 16 units. He said they have 14 parking spaces laid out right now. He said they are trying to squeeze out a couple more. He said if he has to get a parking permit for a couple extras he will. He said the feedback for the apartments has been young professionals and people who are downsizing. He said they are laid out as two bedroom units but they are really more a one bedroom with an office. 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. Mr. Caraccioli said this is an unlisted action so it is subject to the short Environmental Assessment Form. He 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 it is permitted down there so the answer would be no. 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 say yes. George Koenig said it would affect it positively. Mr. Caraccioli said as far as environmental impact he would say it would be small.
3. Will the proposed action impair the character or quality of the existing community? Mr. Caraccioli said it would enhance it. The Board agreed.
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 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? Mr. Caraccioli said the bus stop is there but it is going to be addressed and if anything it probably enhances the off-street parking and traffic flow.
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. Avery said it is going to be a more efficient building. Mr. Caraccioli said it will be built in accordance with code.
7. Will the proposed action impact existing:
 - a. Public/private water supplies?
 - b. Public/private wastewater treatment utilities?

Mr. Caraccioli said there is nothing special there. He said the hookups are in place. Mr. Avery said they are going to bring brand new services in.
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.
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. Matthew Bacon

made a motion to adopt a negative declaration, motion seconded by George Koenig, unanimous approval.

DECISION: Matthew Bacon made a motion for site plan approval. Motion seconded by Justin Rudgick, unanimous approval.

4. Off-Street Parking Plan Review & Approval – 189 West First Street, Case 18-47; To allow parking for a 27,645 sf. mixed use building, Section 280-52(A)(2)(b).

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

5. Advisory to the ZBA – Special Permit Use – 189 West First Street, Case 18-48; To allow for a 27,645 sf. mixed use building, Section 280-33(G)&(H).

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: Matthew Bacon made a motion for favorable advisory to the ZBA for a special permit. Motion seconded by Justin Rudgick, unanimous approval.

Justin Rudgick made a motion to adjourn at 7:28 p.m., seconded by George Koenig, unanimous approval.

Approved: _____

Christina Chamberlain
Planning Board Chairperson

James R. Bell
Planning Board Secretary