

CITY OF OSWEGO

PLANNING BOARD

May 5, 2020

MEMBERS PRESENT: Cory Moshier, Jeffrey Hinderliter, Brit Hallenbeck, Daniel Breitweg, Kim McPherson, and Chairman Freeman.

MEMBERS ABSENT: Matthew Bacon and James Scanlon.

Chairman Freeman called the meeting to order at 6:30 p.m., Tuesday May 5, 2020. Roll call was duly noted.

A motion to approve the minutes of the April 2020 meeting was made by Brit Hallenbeck and seconded by Jeffrey Hinderliter; 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 Brit Hallenbeck, unanimous approval.

Mr. Caraccioli said Kim McPherson is a voting member tonight.

NEW BUSINESS:

1. Revised Site Plan Review & Approval – 220 East First Street, Case 20-53; to allow for the construction of a 20,300 square foot four (4) story, 80 unit multifamily dwelling, Sections 280-48 thru 280-51.

DISCUSSION: Dan Brocht, with LaBella Associates, was present for the discussion on behalf of DePaul Properties. Mr. Brocht said they were here in June 2019 where they received off-street parking approval. He said originally they had submitted for 57 underground parking spaces and 17 above ground. He said after further discussion it was requested by the Board that they limit their external above ground parking to a maximum of 12. At the time that was acceptable for the building design and they had no problem with that. He said the original project was submitted to a funding agency for a 4% bond. As they moved along with the design the state funding agency recommended that they apply for a different funding source which is a 9% tax credit. He said under the 4% bond it was a less stringent building design. He said when they switched to the 9% they had to do everything buy an HCR design handbook which was more stringent. He said it had a lot more stringent restrictions on the size of the rooms and the common areas so their building got smaller. He said it didn't reduce or increase the number of units. He said that remains at 80. He said it made the building 10 foot shorter. He said because of this they are limited with their underground parking. He said they are requesting to move four of the spots that were originally approved as underground parking to the above ground level. He said they will still maintain the 69 parking spaces but in this case they are going to have 16 on the exterior and 53 underground. He said to help mitigate this DePaul Properties is planning on purchasing the entire property. He said originally they were only going to purchase 1 acre. He said now they are purchasing the entire 2.1 acres. He said this puts DePaul in control of the entire site which allows them to add more green space. He said they will be able to put in landscaping and screening and make the site more accommodating to what the City might be looking for. Jeffrey Hinderliter said he reviewed the previous minutes and the parking was pretty contentious before. He said it seems that through hard negotiations they came out with this. He said it's a tough situation when a project goes through and then they keep coming back with changes. He said it makes him hesitant when he looks at the parking to open that can of worms again. He said the stricter design standards shrunk the building 10 feet and that eliminated four spots from the inside. He said a typical parking spot is 9 feet so he could understand two spots if the building shifted but where did the four come from. Mr. Brocht said when the building shifted 10 feet they had to shift the structural design work and that is where they lost the other two parking spaces. He said he understands the hesitancy. He said they are not asking for a reduction. He said they are purchasing the remainder of the property so that when they push the parking out 18 feet they can show more green space and actually improve the area. He said they didn't have control of that property to the south of them after the original approvals. He said they didn't know what was going to go there. He said now DePaul has control to add green space there to make sure the remainder of the site is properly landscaped. He said all the landscaping and site design will need to be reviewed by the City. He said it gives them much greater flexibility because the site was so constrained and they were building out to the limits of their property. He said purchasing the whole thing will make the

final product a much better feature for the City and for the project. Jeff McGann asked Mr. Brocht to go over where they're at with the DOT. He said they have had problems in the past with projects coming back to the Planning Board two and three times for changes because they didn't have final approval from DOT. Mr. Brocht said they initiated discussions with DOT and the first comments came back to them in February of this year. He said all the comments that came back were in labeling and common items in nature. He said the DOT put their process as an expedited review meaning that once they go through the second round of comments their drawing should be good enough to get their permit. He said they did not comment on the location or the availability. He said the site has an existing ingress/egress curb cut. He said they are taking that ingress/egress and moving it approximately 90 feet to the south away from the intersection of East Utica Street and East First Street which would allow for better stacking and better crowd control as you get closer to the intersection. Jeff McGann said they are working with DOT but they don't have a final approval on that entry. Mr. Brocht said that is correct. He said when they received the comments back from State DOT they updated all of their plans. He said they wanted to get through this meeting tonight before they did their resubmission. He said in their comments there were no flags. He said they already have an existing curb cut and all they are doing is improving that curb cut. He said after this meeting they will submit their final drawing to the DOT. Mr. Caraccioli asked with respect to the DOT permits and the egress and ingress to the site, how does that match up with what they just talked about with respect to parking. He asked if there are design modifications that need to be made to match up the parking entrance/exit to what DOT is suggesting. Mr. Brocht said there are no design changes that affect the entrance. He said the parking would simply be pushing it further down inside their property to the south. He said the entrance location remains the same, design grade remains the same, and all the criteria stay the same. He said they are not increasing the overall amount of parking past the original permit. He said everything the DOT has originally approved, that permit application will not be modified in anyway by this change. Jeffrey Hinderliter said because this has come back again he would prefer that they wait until they have the DOT stuff in line. He said if they make a motion it'll have the contingency of approval by the DOT.

Mr. Brocht said the entrance won't be relocated at all. He said all the revisions to the plan are done on the property and not in the right of way. He said what the DOT has been reviewing up until this point has remained unchanged. He said he understands their concern. He said when dealing with funding agencies they are on a strict schedule to be able to make approvals to keep things moving on their end. He said one of the checkboxes is the permit process. He said they would like to keep that going and in order to keep that going they need to make sure that their site plan approval is in place. He said he understands the concern but he would respectfully request that they could make this resolution based on a contingency. He said with the DOT being an expedited review it will get a faster turnaround but in this new era of people working from home he has a little bit of angst against pushing off the approval for that. Daniel Breitweg said he agrees with Jeffrey Hinderliter that this case should be tabled for now. Jeffrey Hinderliter asked how tight the deadlines are for the financing. John Penna, attorney for the developer, stated one of the problems is that they need to submit for a building permit and they can't do that without having final approvals in place. He said they also have an application pending before the IDA and the IDA wants to make sure before they act that the approvals for

the project are also in place. He said a delay in the Planning Board process ultimately trickles down and delays a number of other approvals that follow. He said if they delay this another month it could push the other approvals back by at least the same amount of time if not more than that. He said that pushes them back into a corner in terms of their closing schedule. Mr. Caraccioli said he is the counsel to the IDA. He said the next IDA meeting is scheduled for June 8th at 9 AM. He said the next Planning Board meeting is June 2nd. He said that wouldn't necessarily jam up a decision by the IDA board if this board waited to get the information from DOT. He said if DOT continues to delay then that will start stacking up and jamming up the application. Jeffrey Hinderliter said in their statements about parking they repeatedly said they don't need all of the spots that they have. He said they have an approval already that is done and they are coming back for a re-approval. He said he understands they lost four spots inside the building. He said the City was pretty strong in its position that they wanted to limit surface lot. He said having the reserve space on the property for additional parking is always a great option. He said since they already have planning approval and they are coming back for a re-approval for parking, is that enough for them to function on the other levels. Mr. Penna said he views this modification as fairly small. He said he respects the Board wanting to give a careful consideration. He said the IDA is not willing to act on their application until after this application has been approved. He said this minor modification to the site plan is causing other boards not to act and that impacts their financing. He said the lenders tend to be a little persnickety about counting parking spaces and things like that. He said if there is some variance between the number of parking spaces that are referred to and the approval, it will more likely than not get flagged and questioned. He said ideally this is something they could get wrapped up on a conditional basis. He said it sounds like there's a fairly good chance here that the DOT won't make any modification whatsoever to the curb cut which is already in existence. He said this application doesn't change the location or design of that curb cut. Mr. Brocht said he knows the City wants to reduce all off-street parking. He said they want to have more green space and less asphalt. He said by controlling the entire 2.1 parcel they are able to control the entire property to the south which means there will be no further development there. He said it will be controlled by DePaul and left green. He said if the owner, per their original design, were to retain that 1.2 acres his original intention was to develop on that corner. He said by doing this DePaul is saying they are not going to develop on that corner and they will leave it as green space. He said they will improve it in a way that is applicable to city standards. He said they will not be paving any further past what is shown on this application. Cory Moshier said he is not necessarily in favor of the changes. He said the City has already made concessions with parking in the past which makes it hard to move forward. He said he would be in favor of tabling this until the DOT decision comes through. Mr. Caraccioli said it is an option that the Board can exercise. He said their choices are to approve, approve with modifications, or deny. He said if you deny you would have to state your reasons for that denial. He said if there isn't a comfort level in granting an approval or even a conditional approval, it would probably be best to consider a table. He said a motion to table is without debate so he would caution them to shut it down immediately without a full record being developed here. He said we've had dealings with the DOT particularly along 104 where it went back-and-forth over several months. He said he isn't suggesting that is going to be the case here. He said the rather large commercial development that was new to the City of Oswego got bounced back-and-forth multiple times.

He said three or four different versions of the plan were submitted and it all had to do with egress and ingress. He said they got through it and the project is a good project today. He said this is a big project and a permanent fixture within the city's landscape for decades to come so they certainly want to make sure it is done right. He said he thinks the plans as submitted mitigate the vehicle stacking that Mr. Brocht referenced. He said without the final say from the DOT it does cause some difficulty. He said if the IDA knows that there is approval there is history or precedent that they will grant their approval as well. He said it may delay a closing. He said his experience in dealing with projects in the City of Oswego is the IDA is ready to go and they are generally waiting for lenders and other funding sources. He said he doesn't see the IDA being a roadblock with respect to the project. He said if there is a motion to table there is no debate on that. He said you just go straight to the motion. Jeffrey Hinderliter said he worked for the DOT for 11 years. He said he is a little surprised they are letting them put the entrance in a gore because a left hand turn is going to have to cross two double yellow solids which is a barrier. He said he is surprised they haven't asked them to move even further south to get out of the gore area because it does make left-hand turns difficult. He said if they do come back and say they want to move it 100 feet south then that changes the Board's perspective. He said he understands that they believe it should be fine but if it should be fine then it should be fine in three or four weeks as well. Mr. Brocht said the apprehension is for the DOT approval and not as much as moving the parking from the underground garage to the above ground. He said it isn't the moving of the parking but to make sure they don't have to come back again if the DOT decides they want to move the entrance. Jeffrey Hinderliter said his perspective, and he's not speaking for the whole Board, the problem is if there is a chance of something changing and parking moving and they are approving a site plan and then the DOT comes back and they have to come back again because parking has shifted. He said he doesn't know if they have designed this for their ladder fire truck to get in there. He said if they get an impact that is now changing the site plan that is different from what they approved are they going to be back again in order to approve another site plan. He said he would rather have those design decisions settled so they know what they are getting. He said the parking to him is ancillary to that. Anthony Pauldine said several months ago there was an emphasis on getting approval because they were getting grants and they were on a timeline. He said they talked about 4% funding and then they talked about 9%. He asked is this great delay over 5% of funding and if so is this a self-imposed hardship. Mr. Penna said it is a completely different funding agency. He said the 9% versus the 4% has nothing to do with the funding amount. He said they are two separate agencies that have authority to provide two different types of funding sources. Anthony Pauldine asked if they were approved for those initial funding sources that they were seeking last time they were before the Board. Mr. Penna said they were not approved. He said they applied and HFA instructed them to apply for funding through New York State Division of Housing and Community Renewal. He said it was not something they voluntarily did. He said they were told to pursue this other source of funding so they did. Gillian Conde said they applied to the 4% which was what was originally discussed. She said it was New York State that came back and said that pot of money is limited this year. She said they said this is an important project and they want to get it funded so they wanted them to use the other pot instead. She said once that happened there is a design handbook that they have to follow and that is what made that building shorter. Chairman Freeman said he agrees that they should

wait until they get DOT approval. He asked where they are going to put the four parking spaces. Mr. Brocht said originally they were going to put some parallel parking in there and one additional space to the south. He said with them purchasing the entire parcel they are trying to mitigate how far south they can go but they will be going farther than they originally were to the south. Jeffrey Hinderliter said the site plan they have from them isn't the final site plan and they are going to be making another revision to go further south. Mr. Brocht said no. He said it should be what they have and he believes the parallel parking is showing on that plan. Chairman Freeman said the drawing submitted shows 12 parallel parking spaces and not 16. Jeffrey Hinderliter said there are four to the west were you would have to parallel park into those spots. Mr. Brocht said they are trying to not expand their footprint. He said this was the way they found to mitigate the expansion of the four spaces to the exterior. Mr. Caraccioli asked if the change from HFA to HCR affects the tenant population or demographics that they are pursuing. He said last time they said their tenants generally don't own vehicles so their need for parking is minimized. He asked if there will be a change in demographics such that they anticipate more tenants with vehicles. Gillian Conde said there's no change whatsoever to anything else. Mr. Brocht said he understands the Board's concern. He asked if there is anyway if they can get an approval with a contingency. He said he doesn't know if that is a way to appease some of the concerns. He said he is trying to think of a way that they can keep the process moving on their end but still give the Board a comfort level as to their dealings in the past with DOT. He said their initial application was deemed acceptable for expedited review and from his experience the only thing they have to do is make sure they have all the checkboxes. He said he doesn't want to diminish the Board's apprehensions in anyway but he is just trying to figure out if there's any way they can keep this moving in a positive direction. Mr. Penna said he assumes the prior approval was also contingent on DOT approval. Mr. Brocht said he doesn't believe it was contingent. He said it is just that the DOT permit has to be in place before the city will issue a building permit. Jeff McGann said that is correct. Mr. Brocht said they can't proceed with construction without DOT approval but they were trying to proceed with the design work, the funding, and the review by the city with this approval by the Board. Jeff McGann said before he can issue a building permit they need the DOT approval. He said what he is hearing as some of the Board's concern is if the DOT comes back with an alteration to the entranceway that would change the parking structure then they are back to square one in approving yet another site plan. He said their biggest concern is that coming back multiple times and approving multiple site plans sets a bad precedent as opposed to tabling it and having everything and giving one final decision. Cory Moshier and Chairman Freeman said they agree.

DECISION: Jeffrey Hinderliter made a motion to table Case #20-53. Motion seconded by Daniel Breitweg, unanimous approval.

2. Revised Off-Street Parking Plan Review & Approval – 220 East First Street, Case 20-54; to allow parking for a 20,300 square foot four (4) story, 80 unit multifamily dwelling, Section 280-52(A)(1)(b) & 280-52(K).

DECISION: Jeffrey Hinderliter made a motion to table Case #20-54. Motion seconded by Daniel Breitweg, unanimous approval.

3. Exterior Renovations Review & Approval – 198 West First Street, Case 20-69; to allow exterior renovations to existing commercial property, Section 280-16(E).

DISCUSSION: Michelle King was present for the discussion. Ms. King said this project is part of the DRI funds they were awarded for exterior façade renovations and for converting the second floor of the building into two residential spaces. Jeff McGann said Ms. King already went in front of the Common Council and Committee for approval for her use of public space for the new awning design that she is looking to use on the building. He said she has already gotten approval for that and this is the next step for her. He said she will then go to the Zoning Board. He said she is here for them to approve both the new façade look and the upgrade on the building which she has spent a lot of time and money to plan and she has worked with a DRI folks. He said she is also working with the architect on the interior layout. He said she has also secured parking with the City of Oswego in the parking lot down behind the Pontiac. He said she has secured the four spots that she needs. Jeffrey Hinderliter said he doesn't see the actual façade in their packet. He asked Ms. King to describe it for them. Ms. King said it is the building between Heagerty's and Wayne's. She said the current façade has the original stucco on the top of the building, windows at the top of the building and the cornice. She said the lower portion where the storefront is has the window frontage and it is kind of boxed in with some type of plywood exterior that has been painted. She said in working with the State they wanted to maintain as much of the historical integrity of the building as they possibly could. She said their original design was to remove the old stucco and make the building look a little more cohesive from top to bottom but they denied that. She said the stucco on top of the building is going to stay. She said the architectural cornice on the top of the building will stay. She said all the windows on the upper floor will be replaced. She said they are going to make the lower portion appear to be an old brick building, add an awning, update signage and lighting to make it look more like a downtown store front. Chairman Freeman asked Jeff McGann if he could get those drawings to them this week. Jeff McGann said yes. Ms. King said she could email it to everyone right now. Jeffrey Hinderliter said it has been reviewed by economic development for the city. He said there will be a review by Jeff McGann and the State is obviously reviewing it so there are a lot of reviews. He said as long as the façade can be made part of the record so we can show that we know what we are approving then he is okay with that. He said he just wants to make sure it finds its way into the record. Chairman Freeman asked if there were any questions from the public and no one responded.

DECISION: Brit Hallenbeck made a motion for exterior renovations approval to allow exterior renovations to existing commercial property. Motion seconded by Cory Moshier, unanimous approval.

4. Site & Off-Street Parking plan Review & Approval – 198 West First Street, Case 20-70; to allow for a mixed use building, Section 280-48 thru 280-51 & 280-52(A)(1)(a).

DISCUSSION: Chairman Freeman said the committee has granted her permission to use parking spaces behind Pontiac. Jeff McGann said yes. He said she has already been in touch with the DPW and secured the parking spots for that. Ms. King said it was four spaces that they were granted. Jeffrey Hinderliter asked if they have something in writing that can be made part of the record. Jeff McGann said they can acquire that from the DPW. He said he doesn't think as a rule of thumb they generally do that but they can do that to make it part of the record. Jeffrey Hinderliter said if that isn't normal business and she said she secured it then that should be sufficient.

DECISION: Jeffrey Hinderliter made a motion for site & off-street parking plan approval to allow for a mixed use building. Motion seconded by Chairman Freeman, unanimous approval.

5. Advisory to the ZBA – 198 West First Street, Case 20-71; to allow for a mixed use building, Section 280-16(B).

DISCUSSION: Chairman Freeman said he received an email from Kevin Hill stating his support for the project.

DECISION: Brit Hallenbeck made a motion for a favorable advisory to the ZBA to allow for a mixed use building. Motion seconded by Daniel Breitweg, unanimous approval.

6. Site Plan Review & Approval – 364 Walnut Street, Case 20-67; to allow for the installation of an eight foot (8') high fence, Section 280-48 thru 280-51.

DISCUSSION: Stan Felice was present on behalf of National Grid. Mr. Felice said they are requesting a fence variance from 6 feet to 8 feet for public safety. He said National Grid has adopted in support of the New York State Public Service Commission where they recommend that they increase their fence height to 8 feet especially in high snow zone areas. He said the National Grid standard has increased to 8 feet to allow for snow load in the area and still support public safety. He said they are requesting an 8 foot fence versus a 6 foot high fence in the residential area for public safety. Jeffrey Hinderliter said he is in support of this. He said the presence of a gas substation like this is uncommon in a neighborhood. He said as they have learned over the years these become soft spots for risk and anything National Grid can do to make the site more secure, he is in favor of. He said the fence being taller is a minor detail. He said from the City's perspective National Grid has been cooperative as they work through public space needs, drainage needs, and other things. He said the 8 foot fence makes sense in these types of places for these types of facilities. Jeff McGann said he has also been working with Stan Felice from National Grid and he has done a great job cooperating and going back to National Grid with concerns they have for drainage as well as the fencing. He said he has made this process smoother than sometimes things go with National Grid. He said he deserves a gold star for this one. Mr. Felice said he's been in this business for just short of 50 years so he has seen it all and done it all and he knows what they need to do to protect the public. He said this will clean up the site and regrade it. He said they will replace every inch of fence that is on there within inches of the existing fence. He said there will be no expansion in the front part and in the back they are going out a little bit more but it will be negligible from the residents.

DECISION: Jeffrey Hinderliter made a motion for site plan approval to allow for the installation of an eight foot (8') high fence. Motion seconded by Brit Hallenbeck, unanimous approval.

7. Advisory to the ZBA – Area Variance – Height – 364 Walnut Street, Case 20-68; to allow for the installation of an eight foot (8') high fence, Section 280-80(A)(1)(2).

DECISION: Jeffrey Hinderliter made a motion for a favorable advisory to the ZBA to allow for the installation of an eight foot (8') high fence. Motion seconded by Chairman Freeman, unanimous approval.

8. Site Plan Review & Approval – 197 Erie Street, Case 20-72; to allow for the conversion of a garage to living space, Sections 280-48 thru 280-51.

DISCUSSION: Jackoby Crouch was present for the discussion. Mr. Crouch said the garage was used for two businesses in the 90s. He said one was a smokehouse and one was a tanning salon. He said the upstairs of the garage is currently finished. He said he is looking to remove everything that is inside and convert the upstairs into three bedrooms and one bathroom with easement on the north side and the east side of the building. He said there is an existing entrance there. He said he would like to add a staircase from the lower level to the upper level. He said he will re-side the garage and freshen up the property in general. He said it's been an eyesore for at least 25 years. He said he is looking at one more bedroom and another bathroom in the lower section and the kitchen and living space in the lower section as well. Jeffrey Hinderliter asked if they have an actual site plan with property lines and setbacks. Jeff McGann said they do. Jeffrey Hinderliter said they just have floorplans in their packets. Jeff McGann said it is a pretty good size piece of property there now. He said he will need to pave the driveway and he is aware of that. He said there is no curb there so there is no curb cut. Jeffrey Hinderliter said they show the upper level with two modes of egress. He asked if they are at grade or are there stairways. Mr. Crouch said there are two stairways outside of either door. He said they are approximately 2 1/2 feet above grade. Jeffrey Hinderliter asked his current utility connections. Mr. Crouch said the only utility connection the building has is electric. Jeffrey Hinderliter said he will end up working with his office should everything go through for his sewer connection. Jeff McGann said he will have to bring those connections in and work with the office on that. Jeffrey Hinderliter said it looks like a pretty dilapidated structure. He said it will be nice to see that area cleaned up. Jeff McGann said the property is about 50x100. He said it has definitely seen better days and turning it into an apartment and cleaning it up will be a drastic improvement to what is currently there. Jeffrey Hinderliter said the intention would be for this to be either a student rental or a family rental. Mr. Crouch said as a four bedroom it could be either/or. He said being within proximity to the college, he would be leaning probably towards students. Jeffrey Hinderliter said it was great to see something get turned into something else. He said it puts it on the tax roll as a residence. Kim McPherson asked if it goes with the house to the right of it. Mr. Crouch said 195 Erie Street is his home. Jeff McGann said that is a separate property though. He said it is two separate parcels. Mr. Crouch said they were separated long before he owned it. Jeffrey Hinderliter said it's nice having a landlord living next-door. Mr. Crouch said it's been an eyesore for a long time and he is just looking for a creative way to use it.

DECISION: Chairman Freeman made a motion for site plan approval to allow for the conversion of a garage to living space. Motion seconded by Brit Hallenbeck, unanimous approval.

9. Off-Street Parking Plan Review & Approval – 197 Erie Street, Case 20-73; to allow parking for the conversion of a garage to living space, Sections 280-52(A)(1)(a).

DISCUSSION: Jeffrey Hinderliter said he had a question on the parking. He asked if it being a student rental versus a single family rental affects the parking. Jeff McGann said our zoning does not address any difference between student and single family. He said it goes by unit and this would be considered one unit. He said a one unit is allowed to have up to four. He said the parking requirement for one unit is two. He said when he blacktops that he will likely have 4+ spots there. Mr. Crouch said the driveway is roughly 28x35’.

DECISION: Jeffrey Hinderliter made a motion for off-street parking plan approval to allow parking for the conversion of a garage to living space. Motion seconded by Brit Hallenbeck, unanimous approval.

10. Advisory to the ZBA – 197 Erie Street, Case 20-74; to allow for the conversion of a garage to living space, Sections 280-13(B).

DECISION: Chairman Freeman made a motion for a favorable advisory to the ZBA to allow for the conversion of a garage to living space. Motion seconded by Cory Moshier, unanimous approval.

Brit Hallenbeck made a motion to adjourn at 7:55 p.m. Motion seconded by Chairman Freeman, unanimous approval.

Approved: _____

Richard Freeman
Planning Board Chairperson

Jeff McGann
Planning Board Secretary