

CITY OF OSWEGO

PLANNING BOARD

September 8, 2021

**MEMBERS PRESENT:** Cory Moshier, James Scanlon, Jeffrey Hinderliter, Daniel Breitweg, Kim McPherson, and Chairman Freeman.

**MEMBERS ABSENT:** Brit Hallenbeck.

Chairman Freeman called the meeting to order at 6:30 p.m., Wednesday September 8, 2021. Roll call was duly noted.

A motion to approve the minutes of the August 2021 meeting was made by Jeffrey Hinderliter and seconded by James Scanlon; 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 Jeffrey Hinderliter, unanimous approval.

## **NEW BUSINESS:**

1. Site Plan Review & Approval – 41 Tallman Street, Case 21-65; to allow for a home occupation, Section 280-35 thru 280-37.

**DISCUSSION:** Marc Grindle was present for the discussion. Mr. Grindle presented a letter explaining his proposal. Jeffrey Hinderliter asked if he is planning any outside markers. Mr. Grindle said no. He said it will be strictly online and no one will be coming to his house at all. Chairman Freeman said the zoning office received a phone call today from Mr. Frank Sayre stating he has no objections to this proposal. Jeff McGann said there were no calls opposing this. He said because it is strictly online there is no parking required beyond his residential parking. Chairman Freeman asked if there were any questions from the public and no one came forward.

**DECISION:** James Scanlon made a motion for site plan approval. Motion seconded by Cory Moshier, unanimous approval.

2. Advisory to the ZBA – Special Permit – 41 Tallman Street, Case 21-66; to allow for a home occupation, Section 280-12(B).

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

3. Site Plan Review & Approval – 240 State Route 104, Case 21-64; to allow for the construction of a proposed 2,200 sf. restaurant, Section 280-35 thru 280-37.

**DISCUSSION:** Paul Halliday with National Structures was present for the discussion. Mr. Halliday said he is here tonight to ask for their approval to build a 2,338 square foot freestanding Popeye's restaurant. He said they are going to be taking a parcel of land that has sat vacant for some time and they are going to be improving and renovating that property. He said they will bring a benefit to the community in the form of a new business, a new product, and tax revenue. Jeffrey Hinderliter said he spoke to Dominick Madia earlier today. He said the DOT during its 2011 widening project acquired the lots that the former Arby's site was on. He said he believes the property was acquired through a state auction. He asked if he has a copy of the latest survey. Mr. Halliday said he does not. He said what he has is what they presented which is the property with all the property boundaries. He said where they show this setback that is the property line. He said there is a right of way and it is showing that the right of way is paved. He said per their licensed engineer it is common and acceptable to pave as long as there are no structures or anything that are going to obstruct the DOT from using this property. He said erroneously the engineer did not show that there is a granite curb that runs around it. He said that is to remain there. He said the access to the property is not going to change. He said people at Oswego Plaza will still be able to enter in the same place. He said there is a shared access with the Sherwin Williams property. Jeffrey Hinderliter said when someone wants to put something on state land they have to have a use permit. Mr. Halliday said it is his understanding that it is part of the parcel and part of the land that the developer owns. He said it is a right of way but not the property of the state. Jeffrey Hinderliter said it is a highway boundary. He said a highway boundary is where the actual state land abuts your property. He said he doesn't think it should be an issue for his project but he said usually that stuff gets caught years later and it can be sticky then. He said they did submit this to the DOT for comments so they will see if they get any back. He said they are not asking for access to 104 which they would not gain any traction there. James Scanlon said he thought they just said they were going to have access from 104. Jeffrey Hinderliter said it's his understanding that they are coming through the signal that is there for the shopping plaza. Chairman Freeman said he also said there would be access from Sherwin Williams. Jeff McGann said it would be Sherwin Williams 104 access. Jeff McGann said that curb exists now and it is staying. He said they received the 239 Review from the County and they came back with five different things that they addressed that should be looked at. He said one is a handicap accessible parking spot with a 5 foot space to unload. He said they talked to Dominick about this earlier and that is an easy fix and they will address that and put that handicap spot in the parking. He said the next thing is, because the curb was omitted from the drawing, their concern was that it was open there and could cause some confusion. He said they cleared it up with their conversation with Dominick that that was missed and the curb is actually staying. He said the next thing was DOT permitting work in any DOT space. He said that is normal. He said they also made a comment about signage and that any signage should meet the Oswego zoning ordinance. He said being that it is in commercial business, unless there was something that required a variance, they would submit that to him for an approval. He said it wouldn't come before the Board for approval. He said the last thing was the stormwater was not addressed on the original site plan.

He said there is a storm drain east of the intersection in the green space and there is also one on the east edge of the entrance on 104 by Sherwin Williams. He said the storm drain access is definitely there. He said it was used previously when Arby's was there. Jeffrey Hinderliter said they will work with his office as permitting goes through to deal with infrastructure issues. He said he will review and approve their drainage, water service, and sewer service. Chairman Freeman said he remembers the access from Sherwin-Williams being higher than where Popeye's is going to be. He asked if they will need to grade that down. Mr. Halliday said there is presently a drive in from the property now and it was used in the past. Jeff McGann said the elevation difference is on the south side by Big Lots. Jeffrey Hinderliter said it is nice to see a business going back into an empty lot. He said usually when a site plan comes before them it is more developed. Mr. Halliday said he is not the person who did the drawing. Jeffrey Hinderliter said as they proceed they will expect a higher quality site plan. Mr. Halliday agreed. Chairman Freeman asked if there were any questions from the public and no one came forward. Jeff McGann said it should be added that they know they need to make site plan changes as far as they have to add the handicap parking spot so they should put that in there. He said they should also put in there that they will work with the engineer's office to address the stormwater. He said it will also need to be contingent on DOT approval. Jeffrey Hinderliter said he would also make note that there are businesses labeled on the Oswego Plaza drawing that do not exist. Mr. Halliday said it was a case of his boss trying to get together all the information as quickly as he could to get on the agenda. Jeffrey Hinderliter said this site plan approval is not for the rest of the Oswego Plaza. He said it is only for the Popeye's restaurant and any other future development in that plaza would need to have approval. Mr. Halliday said the architectural drawings show that it is a 2,338 square foot building.

**DECISION:** Daniel Breitweg made a motion for site plan approval contingent on 1)State DOT approval, 2)site plan only pertains to Popeye's, 3)provide handicap parking, 4)existing curb stays, and 5)working with engineer's office for all connections. Motion seconded by James Scanlon, unanimous approval.

Daniel Breitweg made a motion to adjourn at 6:55 p.m. Motion seconded by Jeffrey Hinderliter, unanimous approval.

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

Richard Freeman

Planning Board Chairperson

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Jeff McGann

Planning Board Secretary