

CITY OF OSWEGO

PLANNING BOARD

January 7, 2020

MEMBERS PRESENT: Daniel Breitweg, Matthew Bacon, Justin Rudgick, Cory Moshier, Noreen Ruttan, Brit Hallenbeck, James Scanlon, Jeffrey Hinderliter, and Chairman Freeman.

MEMBERS ABSENT: None.

Cory Moshier and Noreen Ruttan are alternate members and will not be voting tonight.

Chairman Freeman called the meeting to order at 6:30 p.m., Tuesday January 7, 2020. Roll call was duly noted.

A motion to approve the minutes of the November 2019 meeting was made by Brit Hallenbeck and seconded by Matthew Bacon; 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.

OLD BUSINESS:

Mr. Caraccioli said this is in relation to the Brittney Hill Planned Development Subdivision Phase II. He said in 1994 the Planning Board approved a subdivision. He said it went through a couple different modifications but was ultimately approved and the subdivision map was filed with the County Clerk. He said then there was a separate modification to the plan. He said it didn't change the dimensions of the subdivision. He said it simply moved lot lines to accommodate additional building spaces. He said the lot lines were adjusted to accommodate three additional lots – B5, B6, and B7. He said that the subdivision map for the modification to the original subdivision plan was never filed in the County Clerk's office. He said someone is looking to sell one of the lots that is a townhouse. He said the lot line goes right through the middle of the two properties. He said he is proposing for this Board to clean it all up by adopting a resolution that adopts this subdivision map for lots B5, 6, & 7 of the Brittney Hills Subdivision Phase II. He said he prepared a resolution. He said this is to clean up something that should have been done 25 years ago. He said he doesn't think it warrants a new application. He said it is an existing subdivision and it is simply cleaning up and establishing that these lots do exist. He said this will be a document record forever so that if anyone else sells there won't be a cloud on the title. Brit Hallenbeck made a motion to adopt this resolution. Motion seconded by James Scanlon, unanimous approval.

NEW BUSINESS:

1. Site Plan Review & Approval – 174½ East Seventh Street, Case 20-04; to allow for proposed single family rental unit, Sections 280-48 thru 280-51.

DISCUSSION: Rebecca Henderson was present for the discussion. Ms. Henderson said she would like to sell her property. She said she doesn't have a rental permit for her apartment that she currently lives in and has lived in for 16 years. She said she has owned the building for 36 and has a barber shop. She said she doesn't have the two parking spaces that are required to get the rental permit for the one bedroom apartment. She said she is proposing a reduction in the parking to one parking space so that when she sells the building the owner can rent the apartment. Matthew Bacon asked if there is currently parking in the front. Ms. Henderson said she has a driveway in the front. Jeff McGann said the parking that is there is public space parking. Matthew Bacon asked if they aren't going to talk about reducing it do they have to approve the front yard parking. Jeff McGann said it is existing so he would say it is grandfathered in. Mr. Caraccioli said as long as there is not a request to expand that spot then it would be an existing condition and would not be reversed. He said because of the telephone pole they will not be able to fit two cars there. He said he doesn't represent Ms. Henderson but he is her neighbor. Daniel Breitweg asked what the new owner's plans are for the house. Ms. Henderson said she doesn't have a new buyer. She said it is just that she wants to sell it. Daniel Breitweg said there is nothing to say that the new owner will do the same good job that she has been doing in that space. Ms. Henderson said the bottom wouldn't have to be a barber shop. Jeff McGann said in a TN1 a home occupation is allowed. He said if the apartment was rented out and the tenant ran the business then it would still be a home occupation. He said if the apartment was rented out and the business wasn't run by the person living in the house then it isn't a home occupation. He said if you look through the uses there is not much you can do in a TN1. He said it is the most restrictive district. Mr. Caraccioli said home occupation and a tourist home are the two residential uses other than a one family dwelling that it could have. He said a two-family dwelling is not permitted. He said you would have to obtain a use variance that would be extremely difficult to get. He said home occupation by the person that is occupying it would qualify. He said having a tenant upstairs and a completely unrelated business downstairs, he isn't seeing it under the current zone. Jeffrey Hinderliter said the Board may modify the parking if the requirements are excessive. He said they have a rental unit above and the potential for two separate businesses below. He said the barber shop has two seats in it now. Ms. Henderson said she is the only one that has been there but it does have two chairs. She said the other side has been empty. She has rented it out in the past to an insurance agent, a nail person, and a beautician that worked with her. Jeffrey Hinderliter said potentially you could have two barbers and two clients and that is four vehicles and then a tenant above. Ms. Henderson said you can park on the street. She said it has never been a problem with parking on the street. Mr. Caraccioli said parking has never been an issue with her business. He said the issue is what do they do with the tenants in relation to the zoning law. Jeffrey Hinderliter said the requirement will be for the Board to find the current requirement of two spots is excessive. He said he is a firm believer in consistency so people know what to expect. Justin Rudgick said they have a traditional neighborhood that has the

most stringent code. He said the idea is to have single family home ownership and to bring back neighborhood revitalization. He said based on that district the home occupation wouldn't be permitted if it was new. He said the challenge is now it becomes not owner occupied. He said the challenge the city has had before is making decisions not uniform in its approach. He said if they are trying to reclaim their neighborhoods it is unfortunate that there is an existing business already there but the nature of the property is changing because now it becomes an additional rental property. He said to go from two to one when that property should have a minimum of two or three becomes a challenge. Ms. Henderson asked why she would ever need three spots. Justin Rudgick said he was just using a random number. He said she is required to have two. Ms. Henderson said there has been an apartment there forever. She said the previous owner rented the apartment out for several years and then she rented it out for 20 years and she has lived in it for 16. Justin Rudgick said she is choosing not to live in it now. Ms. Henderson said she wants to sell the building and retire. She said it is a one bedroom apartment and it is tiny. Jeff McGann said if the house is sold and the business is not run by the occupant of the apartment it is not legal. He asked who is going to enforce that. He asked if the city is going to be responsible to make sure the person living there is the one running the business. Daniel Breitweg said she has done a good job but how do they know the next person is going to be a home occupied business. He asked who is going to be enforcing that. Ms. Henderson asked why it would make a difference. She said she just wants to rent the apartment. She said she is home occupied now but it hasn't been previously. She said she wants to be able to sell it to someone that can just rent the apartment out and rent the downstairs. Jeff McGann said by law you can't do that. He said the zoning law only allows for home occupation. He said it does not allow for a separate business so it wouldn't comply. He said if it was in a TN2 and it went from a home occupation to a rental upstairs and a business downstairs they would have to come in front of the Board with a business plan and parking plan. He said a TN1 doesn't allow for that. He said it allows a home occupation. Brit Hallenbeck asked what the remedy is. Jeff McGann said there are multiple options. He said it could be a single family home or someone who would own the place and the business. He said if she sells the place it can't be with the pretense that they will get a rental permit for the upstairs and then can rent the downstairs to someone different because then it isn't a home occupation. Daniel Breitweg said consistency is an issue. He asked how many landlords will walk in asking for reduced parking as well. Ms. Henderson said she can't sell her building unless someone is going to live upstairs and run a business. Mr. Caraccioli said home occupation actually excludes barbers and beauty shops. He said if she found someone to take over her business it would be grandfathered in. He listed the home occupations that would be permitted by special permit and the excluded uses. Jeff McGann said her situation that exists right now would be grandfathered in unless it sat vacant for a year. Councilor Walker said no one has contacted him about this. He said he would like to see them do what they can for her. Justin Rudgick said he is sympathetic with the situation. He said if they grant an exception for her then they are going down a slippery slope. He said she could apply for a use variance but that is a very stringent process. He said it probably wouldn't happen. He said when she attempts to sell the building she can say it is a home occupation building. Ms. Henderson said it was listed for several months but no one has been interested. She said she can only sell to

someone who is going to be owner occupied. James Scanlon said they could also convert to single family.

DECISION: Brit Hallenbeck made a motion for site plan approval. Motion seconded by Chairman Freeman, vote 2-5 (nay votes from Brit Hallenbeck, Justin Rudgick, Daniel Breitweg, Jeffrey Hinderliter, and Chairman Freeman), motion failed.

2. Off-Street Parking Plan/Modification Review & Approval – 174½ East Seventh Street, Case 20-05; to allow parking for proposed single family rental unit, Section 280-53(A)(2).

DECISION: Brit Hallenbeck made a motion for site plan approval. Motion seconded by James Scanlon, vote 1-6 (nay votes from Brit Hallenbeck, Matthew Bacon, Justin Rudgick, Daniel Breitweg, Jeffrey Hinderliter, and Chairman Freeman), motion failed.

3. Site Plan Review & Approval – 93 West Eighth Street, Case 20-01; to allow proposed driveway expansion for front yard parking, Sections 280-48 thru 280-51.

DISCUSSION: Matthew Bennett was present for the discussion. Mr. Bennett said he would like to extend his current driveway to the lot just north of it and east of the sidewalk. He said it'll be used for second car parking and possible vehicle with a handicap lift. Jeff McGann said there are three cases here. He said he has an existing driveway that he has parked in that is technically front yard parking. He said since he is asking for a variance to widen the driveway, they will clean up the front yard parking with a special permit for front yard parking. Chairman Freeman read an email from Councilor McBrearty stating she is in support. Jeff McGann said between his driveway and his neighbor's driveway there is an area that is gravel. He said that area will be returned to green space. He said it cleans it up. He said the width of the van and the drop down of the ramp requires the extra space for access in and out of the vehicle. Mr. Caraccioli asked where the recaptured green space is. Jeff McGann said it is to the north between the sidewalk and the road. He said it'll make a clear definition of both driveways. Chairman Freeman asked if he will extend the cut so it is two lanes all the way out to the street. Mr. Bennett said it will be one lane into both parking spots. Jeff McGann said it will not be widened from the sidewalk to the road. James Scanlon asked what is next to the neighbor's house. He asked if it is parking as well or green space. Mr. Bennett said it is parking. James Scanlon said it is parking all the way across. Mr. Bennett said yes. Chairman Freeman said there will be a strip of green space between his driveway and the driveway of the house next door. Brit Hallenbeck said between the curb and the sidewalk. Justin Rudgick asked if this is definitely for a handicap van. Mr. Bennett said that is the plan. He said their medical conditions are steadily worsening so they will need a wheel chair before long. Jeffrey Hinderliter said there is a sense this will stabilize this space. He said drainage is a concern and they don't want water being sent to the neighboring property and it needs to be appropriately dealt with. Chairman Freeman asked if there were any questions from the public and no one came forward.

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

4. Advisory to the ZBA – Special Permit – 93 West Eighth Street, Case 20-02; to allow front yard parking, Section 280-55(B).

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

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

5. Advisory to the ZBA – Area Variance – Side Yard – 93 West Eighth Street, Case 20-03; to allow proposed driveway expansion less than three foot (3') from lot line in side yard, Section 280-55(A).

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

6. Site Plan Review & Approval – 148 West Fifth Street, Case 20-06; to allow for a two-family dwelling, Sections 280-48 thru 280-51.

DISCUSSION: Josh Katz was present for the discussion. Mr. Katz said this property used to be a dentist office and an apartment in the back. He said it is a 3,000 square foot house and it is too big for him. He said his plan is to separate it into a two-family home. He said he would live in the front half and rent the back. He said it is a large 100x120 lot. He said he has a long driveway and a two car garage so there is plenty of parking. He said he is not going to change any of the structural details. He said the old dining room will be turned into a kitchen for his side of the house. He said he isn't taking out or putting in any walls. He said he will be sealing a doorway. He said it is a way to be able to stay in the house. Justin Rudgick asked if it is definitely going to be an owner occupied two-family. Mr. Katz said for the foreseeable future. He said he also has a rental business in Oswego so it is a home base for him. He said for him it is owner occupied but he would ask the Board to consider it as not. Jeff McGann said it is in a TN2 and a two-family is allowed with a special permit. He said he would require four parking spaces and there are spots for 8 or 9. Justin Rudgick asked if there is grass in the backyard. Mr. Katz said there is a nice fenced-in backyard. He said it is probably 30x20'. He said both apartments have their own egress already. He said the back apartment will have two and the front apartment will have one. He said when they did the addition he thinks it was designed as separate living quarters. He said there are already two electric heaters. Brit Hallenbeck said it is roughly 30x30 in the back. Jeffrey Hinderliter asked if there is any history that it was used as a two-family. Mr. Katz said it was a dentist office. Councilor Hill said his only concern is that property was reclaimed as a single family. He said they would be converting it back to a two-family. He said the full occupancy could have a significant impact on the neighborhood. Jeff McGann said it could be a maximum of eight unrelated. Councilor Hill asked the name of his company. Mr. Katz said Oswego Pads. Councilor Hill asked where his company is headquartered. Mr. Katz said Oswego. Councilor Hill said it gives an address of Garden Drive. He asked if that is accurate. Mr. Katz said no. Councilor Hill said the reason he is asking is because there is no indication that he is actually headquartered there. He said he sees an expanding rental business. He said once they approve this that property is free to have up to eight people. He said once they reclaim property back to single family they should think very hard about sending it back to a rental. He said they are trying so hard to keep single family properties in their neighborhoods. Mr. Katz said this street has 9 or 10 buildings on the block and only one is a single family. Councilor Hill said he doesn't think it is relevant to losing single family homes. He asked if his other properties are generally rented to families or students. Mr. Katz said they have seven properties in the city and they are all rented to students. He said he has rented to families in the past. Councilor Hill said he isn't saying that students are worse than families but he thinks this needs to be carefully considered for the long-term effects. He said once it goes to a two-family it will probably never come back to a single family. Mr. Katz said part of the city's plan is to add 900-1000 upscale apartments over the next ten years for professionals. He said this is a very beautiful house. He said the type of landlord that will spend \$180,000 on a building will not let it be run down by students running amok. He said he does appreciate his concern. Jeffrey Hinderliter said he is changing the use from a single family to a two-family dwelling. He said building code requires an evaluation to be done. He said it

may not be as straight forward as I'm just going to close this. He said when you have a two-family unit there has to be a fire separation between the units. He said if he were to go forward he would apply for a building permit and it would be at that point that a review would occur. Chairman Freeman said the wall doesn't look like it would meet the fire code. Mr. Katz said that was just one option. He said all the rooms exist so it would just be a matter of which rooms are associated with which apartments. Mr. Caraccioli said the idea would be to maintain the existing bedrooms upstairs and the living space downstairs on each side. Mr. Katz said yes. Mr. Caraccioli said he isn't looking to convert anything downstairs. Mr. Katz said no. He said each would be an up and down. He said there would be no change to bedrooms or bathrooms. He said he hadn't thought of the fire wall. He said he had planned on having two bedrooms in the front and three in the back. He said he thinks the resolution would be to have three in the front and two in the back. Chairman Freeman asked if there were any questions from the public and no one came forward. Justin Rudgick said he appreciates what Councilor Hill was talking about and Jeffrey Hinderliter's comments about the fire separation code. He said he doesn't think it would require too much if he were to go forward with the two-family approach. He asked if he is still prepared to move forward. Mr. Katz said he would still ask for the Board's approval. He said he would go through code and do what he needed to do. Justin Rudgick said if the approval is granted it would be contingent upon him being able to get necessary approval for the building permit. He said he would love for this neighborhood to be a single family neighborhood but it is not going to happen. He said this neighborhood is going to be a rental neighborhood regardless. He said they need to look at the neighborhood to see if it would warrant the exception. He said he thinks in this case it would warrant this to be allowed to be a two-family with the condition that it gets the necessary building permits for the fire separation because of the neighborhood. Mr. Caraccioli said in TN2 a two-family dwelling is permitted by special permit. He said this Board is charged with determining what special conditions may attach to this approval. He said Jeffrey Hinderliter's comments are right on point. He said any other conditions are also fair game. Justin Rudgick said he is in favor of granting the approval knowing that it'll meet the building code. Brit Hallenbeck said everything is always contingent on meeting the building code. Mr. Caraccioli said in this particular case he thinks it needs to be called out specifically.

DECISION: Justin Rudgick made a motion for site plan approval contingent upon approval by code office. Motion seconded by Daniel Breitweg, vote 4-3 (nay votes from James Scanlon, Brit Hallenbeck, and Daniel Breitweg).

7. Off-Street Parking Plan Review & Approval – 148 West Fifth Street, Case 20-07; to allow parking for a two-family dwelling, Section 280-52(A)(1)(a).

DISCUSSION: Mr. Caraccioli said two parking spaces are required for every dwelling unit. Jeff McGann said they need four parking spaces. Matthew Bacon said there is enough for 8 or 9.

DECISION: Matthew Bacon made a motion for off-street parking plan approval. Motion seconded by Brit Hallenbeck, vote 4-3 (nay votes from James Scanlon, Brit Hallenbeck, and Daniel Breitweg).

8. Advisory to the ZBA – Special Permit – 148 West Fifth Street, Case 20-08; to allow for a two-family dwelling, Section 280-13(B).

DECISION: Justin Rudgick made a motion for a favorable advisory to the ZBA. Motion seconded by Brit Hallenbeck, vote 4-3 (nay votes from James Scanlon, Brit Hallenbeck, and Daniel Breitweg).

9. Discussion for Business Plan/Review & Approval of Signage – for Empire CBD – 211 West First Street, Case 20-09; Downtown Oswego Design Standards B.2.4 – Signage (Wall Sign).

DISCUSSION: Yardley Burgess was present for the discussion. Jeff McGann said this is listed as signage. He said it is also up for discussion. He said it is in traditional downtown. He said it is a CBD business which is borderline on where it falls. He said he feels the Board should have a say in not only the signage but the nature of the business as well. Mr. Burgess said at his current location they offer CBD vape. He said there is no nicotine or tobacco. He said at this location they would not carry those. Jeff McGann said it was made clear that there are no vape shops allowed downtown. Chairman Freeman said he will not have any vape products. Mr. Burgess said he will not have any vape products whatsoever. He said everything will be 100% hemp based products. He said all of their products will follow New York State's new guidelines for hemp businesses. He said everything is certified and lab tested. He said they also have an attorney that is part of their company to make sure they follow all New York State guidelines. James Scanlon asked if he will consider franchising this. Mr. Burgess said no. He said he would rather find someone from the local community to run this store and maybe do a profit share. He said they are going to step back from the franchise model. He said he wants to have more control over growing the brand. Matthew Bacon asked if the sign is on the exterior of the building. Mr. Burgess said yes. Daniel Breitweg asked if the sample is the sign. Mr. Burgess said that is their current logo so that would be the sign. He said they could modify it if needed. Daniel Breitweg said he doesn't know about the dot over the i. Mr. Burgess said they could put a regular dot over the i. He said CBD changed his life. He said he has a genetic disorder and he lost his stomach and colon due to this disorder. He said five years ago he was in so much pain that he couldn't walk. He said with CBD it has changed everything for him. He said his kids take the CBD THC3 and their polyps have disappeared. He said there are a lot of places that sell the products but they don't teach the consumer about it. He said if he needs to modify the sign he will. Mr. Caraccioli said in the write up it states he will be selling vape related products. Mr. Burgess said he wrote that before he talked to the city. Mr. Caraccioli asked him to educate them on the flour. Mr. Burgess said the flour is the CBD hemp. He said it grows naturally and is under the .3 THC level. He said flour is an inhalant but it is not vaping. He said inhaling the flour is a direct lung hit so that could end a panic attack for someone. Chairman Freeman asked how they do that. Mr. Burgess said they can do it in a pre-roll that is ready to light and then you would inhale it. Mr. Caraccioli said he sells pre-wraps. Mr. Burgess said pre-rolls. He said he doesn't have to sell those either. He said he can just sell the flour. He said he doesn't have to sell the pre-rolls where they can go out the door and light it. Daniel Breitweg asked if this is 18 and over. Mr. Burgess said it is 18 and over to purchase. He said he just spoke to his son's neurologist and she recommends CBD for a lot of kids. He said some recommend it for epileptic seizures. Daniel Breitweg asked if you need a medical card to purchase it. Mr. Burgess said no. He said if it was marijuana then yes. He said you have to be over 18 to purchase anything in the store and they ID everyone. He said you need to be over 21 to purchase the flour. Daniel Breitweg said there is no other place in the city of Oswego other than directly across from city hall. Mr. Burgess said there probably is. Justin Rudgick asked the prohibitions for businesses in the downtown. Mr. Caraccioli said you could look at this two different ways. He said it is retail

sales. He said the question is does this constitute a head shop under our definitions. He read the definition of a head shop. He said that is subject to some interpretation. He said he wouldn't consider this a marijuana or cannabis dispensary. He said it isn't a controlled substance. Daniel Breitweg said asked about the flour. Mr. Burgess said it goes in a pre-rolled paper. Daniel Breitweg asked if it can go in a bowl. Mr. Burgess said it could but he wouldn't be selling those. He said he doesn't want to be a smoke shop. He said he wants to be a CBD business. Justin Rudgick said the challenge is what do they want their downtown to look and feel like. He said he would have a higher level of comfort if it wasn't right in the downtown. He said while it isn't a direct similarity to a head shop there are some inferences that it is close to some areas. He said there is a lot of misinformation about CBD so the perception creates a wrong image. He said beyond that the sign would have to change based on the downtown design guidelines. He said he would get more support for his business plan if it were a block or two away or inside Canal Commons. He said there are too many similarities to a head shop, smoke shop and vape shop. He said he is uncomfortable with that and if he looked at a different area he would be better received. Brit Hallenbeck said he disagrees. He said he is uncomfortable with empty storefronts. Mr. Burgess said the flour is about 10% of their sales. Justin Rudgick said it is still available. He said you are smoking it in some form. He said the restrictions are pretty clear in terms of vaping and smoke shops. Mr. Burgess said they have flour and pre-rolls being sold a block away already. Councilor Hill said the existing business is grandfathered in. He said the new zoning code was passed recently. He said his concern is with the legal ability to sell CBD for the reasons he has described. He said he can't market them for medical conditions. He said his whole intent to use it to help other people with medical conditions is not legal. He said he thinks it falls into a gray area of a head shop. Mr. Burgess said you can't make a claim but they can do research and they can find out as well. He said you can have guest speakers say what it has done for them. Councilor Hill said the code doesn't mention this type of shop. He said this is going to be a precedent setting decision. Matthew Bacon asked about the sign standards. He asked about if the LED sign on the outside of the building is a nonstarter. Mr. Burgess said he is willing to do a different sign. Jeff McGann said there is a different standard for every type of sign. He read the requirements of a wall sign. It stated they may be internally or externally illuminated. Chairman Freeman asked if there were any questions from the public and no one came forward.

DECISION: Brit Hallenbeck made a motion for signage approval. Motion seconded by Matthew Bacon, vote 2-5 (nay votes from James Scanlon, Justin Rudgick, Daniel Breitweg, Jeffrey Hinderliter, and Chairman Freeman), motion fails.

10. Establishment of SEQRA Lead Agency – 87 East First & 18 East Cayuga Streets, Case 20-10; To allow for the construction of a 75,270 sf. mixed use building; NY-CRR, Title 6, Ch. VI, Part 617 SEQR.

DISCUSSION: Megan Houppert with Home Leasing, Chris (co-developer), and Brian (architect) were present for the discussion. Ms. Houppert said Sutton Development backed out of this project. She said they have changed a few things on this project and they are here to ask them to take the lead on the SEQR. She said their intent is to close on their financing in March and start construction in April. She said they are in the brownfield cleanup program. Jeff McGann said this group has a more aggressive timeline to get the project started. He said their financing is crucial to that. He said their plan is to go to the Zoning Board later this month. He said originally this was in a B3 which didn't have setbacks. He said it is now in Traditional Business that has setbacks so it has changed the scope on them and caused variances that they wouldn't have had previously. He said it will come back to the Planning Board for site plan review, parking plan review and SEQR then their decision will take effect based on the Planning Board's decision. He said they have arranged this schedule to be able to meet the timeline that is needed. He said it sets the project back close to a year if they don't meet the timeline with their financing. Mr. Caraccioli said if it were a brand new project he couldn't recommend taking this aggressive approach. Jeff McGann said there is quite a bit of green space that has been picked up by this project. He said the parking requirements for the residential units are 88 for residential and 10 for commercial. He said the previous owner had an agreement with the city that they were going to give 30 parking spaces to neighboring commercial businesses. He said the city has said that they are happy to work with them because it is a different project and a different group. He said they have 100 parking spaces now with room for another 17 or 18. He said they can show with their other projects that not every tenant has a car. He said it is their belief it would be better to ask for a reduction of residential parking spaces from 88 to 70 rather than make them immediately take the green space and pave over it when it may never be used. He said they can add those spots later if needed. Ms. Houppert said the funding has remained in place even with the change. Justin Rudgick said the Mayor always says there are 11 out of 12 DRI projects that are under construction. He said this is the twelfth project. He said they already made approval on this project when it was a much larger scope. Mr. Caraccioli said it has changed enough that they have to go through the process and SEQR. He said the purpose tonight is to declare the Planning Board lead agency. He said he wants to make sure they have all the involved agencies. He said there is HFA and the County of Oswego. He asked if State DOT is involved. Ms. Houppert said she doesn't think so. Jeff McGann said it is within 500' so they should be notified. Mr. Caraccioli said they would be an interested agency. Jeff McGann said they won't need a DOT work permit. Mr. Caraccioli said the city Zoning Board, DEC, and SHPO are involved agencies. He said he thinks they can exclude the Canal Corp. Justin Rudgick said the Department of State. Mr. Caraccioli asked if Community Renewal is involved at all. Ms. Houppert said that is HFA. She said they sent the contact person to Donna Archer today. Mr. Caraccioli said Empire State Development is an involved agency. Justin Rudgick said the Department of State for the LWRP zone. He asked where the DRI funds came from. Chris said from the ESD. Justin Rudgick said the ESD would need to be added to the list. Chris said there was a small amount of NYSERDA money. Jeffrey Hinderliter said the

County Department of Health for the water. Mr. Caraccioli said they will send one to the environmental division. He said they will attach Part I of the SEQR to the notification and send it out. He said there is a sign off that says they don't oppose the Planning Board taking lead agency. Jeffrey Hinderliter said there are some errors that need to be corrected. Jeff McGann said they can discuss that tomorrow.

DECISION: Brit Hallenbeck made a motion to establish the Planning Board as Lead Agency. Motion seconded by James Scanlon, unanimous approval.

Brit Hallenbeck made a motion to adjourn at 8:10 p.m. Motion seconded by Daniel Breitweg, unanimous approval.

Approved: _____

Richard Freeman

Planning Board Chairperson

Jeff McGann

Planning Board Secretary