

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

January 15, 2019

Chairperson Sweet 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 Frank Clavelli, Jr., unanimous approval.

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-03

IN THE MATTER OF: Creative Development of Oswego Inc.

WHEREAS, Creative Development of Oswego Inc., owner of property situate in a Central Business, B2 Zoning District in the 3<sup>rd</sup> Ward of the City of Oswego, New York, with address 91 West Bridge Street, being Tax Map Number: 128.54-07-14, has applied for a Maximum Lot Coverage Variance in accordance to Section 280-34(A) of the City of Oswego Code, to allow for new 36'x32' asphalt parking with new 15'x20' driveway extension adjoining 95 West Bridge Street owned by Creative Development of Oswego Inc. and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 15<sup>th</sup> day of January 2019 and the applicant having appeared and no one appearing in opposition.

Warren Shaw of 888 County Route 25 was present for the discussion. Mr. Shaw said these properties are across from Byrne Dairy and across from the hospital parking lot. He said he bought 95 West Bridge Street a while back and cleaned up the property. He said he painted it and took an old garage down. He said while he was doing that 91 became available and he bought that. He said the people at 91 have been backing out of their driveway onto Bridge Street. He said he isn't really adding parking. He said he can stack park eight vehicles there now. He said he is trying to create parking in the back to create a drive-thru so people at 91 can drive through out onto 7<sup>th</sup> Street and not back out onto Bridge Street. Chairperson Sweet asked if he is going to blacktop it. Mr. Shaw said yes. He said that 95 is on the corner and they would be adding one parking space. Chairperson Sweet asked if the apron to the driveway on 7<sup>th</sup> Street adjoins with the house to the north. Mr. Shaw said yes. Chairperson Sweet asked if it would be going straight back and then wrapping around. Mr. Shaw said yes. He presented a letter from a neighbor that is in full support of the project. Frank Clavelli, Jr. read the record into the record. Chairperson Sweet said she received a phone call from Bob Janey who lives on 6<sup>th</sup> Street and owns the house directly behind this. Mr. Shaw said the majority of the parking will be behind his garage and Mr. Janey's garage. Chairperson Sweet said Mr. Janey is in full support but he would like it if Mr. Shaw would consider a white vinyl fence like the one that is there to have some privacy from the headlights. She asked how tall that fence is. Jeff McGann said it is 6 foot. He said with the 91 property the driveway that exists on the east side of the property is very narrow and the meters on Wahrendorf's building make it even narrower. He said he is planning on turning this driveway back into green space. Mr. Shaw said this driveway goes to his garage but it is too narrow and it still means going in and out on Bridge Street. Chairperson Sweet asked if he would consider a barrier fence. Mr. Shaw said that would be no problem. Frank Clavelli, Jr. said he spoke to the neighbor to the east, Miles Becker, and he said

he is doing a great job with the property. Anthony Pauldine asked if there is any problem with means of egress for property line since these are two separate parcels. Mr. Caraccioli asked if the existing blacktop drive that faces Bridge Street will be eliminated. Mr. Shaw said no. Mr. Caraccioli said there will be two points of ingress and egress but he is just reducing the instances for his tenants to back out onto Bridge Street. Mr. Shaw said correct. He said it would allow them to pull into 91 off Bridge Street but you wouldn't have to back out. Mr. Caraccioli said the intention for 95 would be to pull out onto Bridge Street. Mr. Shaw said yes. He said it would allow them to drive out onto Bridge Street. Anthony Pauldine said he figures the parking spaces are between 7.5' and 7¾' wide and the average car is 6.6'. He said that would leave you about 3" on each side of a car to open the door. He said he would have enough room for three cars. Mr. Shaw said he originally put in for three. He said engineering drew it up as four. Jeff McGann said he has 32' there so that would be four 8' spots. Anthony Pauldine said it actually scales for slightly less. He said he just wants him aware that it is really tight. Mr. Shaw said he doesn't want to take any more green space. He said if it ends up being three cars then it ends up being three cars. Mr. Caraccioli asked if he said he now has enough space to stack eight vehicles. Mr. Shaw said he can put four at 95 and four at 91. Mr. Caraccioli said this is actually a reduction in parking. Mr. Shaw said it creates a safer environment. Chairperson Sweet asked if there was anyone in favor of this application and no one came forward. She then asked if there was anyone opposed to this application and again no one came forward. She said they received a letter from Oswego County Department of Community Development, Tourism and Planning stating there is no significant county impact and should be decided as a local issue.

RESOLVED, that a Maximum Lot Coverage Variance be granted with the recommendation that a white vinyl fence be installed where requested.

MOTION MADE BY ZONING BOARD MEMBER: Frank Clavelli, Jr.

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-06

IN THE MATTER OF: Creative Development of Oswego Inc.

WHEREAS, Creative Development of Oswego Inc., owner of property situate in a Central Business, B2 Zoning District in the 3<sup>rd</sup> Ward of the City of Oswego, New York, with address 95 West Bridge Street, being Tax Map Number: 128.54-07-13, has applied for a Maximum Lot Coverage Variance in accordance to Section 280-34(A) of the City of Oswego Code, to allow for new 13'x26' asphalt parking pad as well as 1.5'x18' asphalt pad, together with a new 13.2'x21' asphalt driveway extension adjoining 91 West Bridge Street owned by Creative Development of Oswego Inc. and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 15<sup>th</sup> day of January 2019 and the applicant having appeared and no one appearing in opposition.

Chairperson Sweet asked if he will be doing this in the spring. Mr. Shaw said yes. Chairperson Sweet asked if he will do the fence at the same time. Mr. Shaw said it will be done all at once. Anthony Pauldine asked where the fence is. Mr. Shaw said it is on 91. Mr. Caraccioli said the Planning Board made a favorable advisory opinion for each of these. Chairperson Sweet said they received a letter from Oswego County Department of Community Development, Tourism and Planning stating there is no significant county impact and should be decided as a local issue. She asked if there was anyone in favor of this application and no one came forward. She then asked if there was anyone opposed to this application and again no one came forward.

RESOLVED, that a Maximum Lot Coverage Variance be granted.

MOTION MADE BY ZONING BOARD MEMBER: Frank Clavelli, Jr.

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-08

IN THE MATTER OF: Mary Elizabeth Docos

WHEREAS, Mary Elizabeth Docos, owner of property situate in a Residential, R3 Zoning District in the 1<sup>st</sup> Ward of the City of Oswego, New York, with address 68 West Fifth Street, being Tax Map Number: 128.45-03-11, has applied for a Side Yard Setback Variance in accordance to Section 280-55(A) of the City of Oswego Code, to allow for a new 17'x36' three (3) car paved parking area together with new 17'x17' paved driveway and apron and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 15<sup>th</sup> day of January 2019 and the applicant having appeared.

Mary Beth Docos of 59 West Fifth Street was present for the discussion. Anthony Pauldine recused himself since he is involved with this project. Ms. Docos said she would like to put a new driveway in that cleans up the area and creates two more parking spaces for tenants. Chairperson Sweet said it will be on the side and go up to the alcove. Ms. Docos said yes. Chairperson Sweet asked if she would be eliminating the side porch that is there. Ms. Docos said it stays as does the fire escape. Chairperson Sweet asked if the apron will be widened. Greg Mills of 308 West Fifth Street said Anthony Pauldine did an estimate. He said it will be a concrete pad. He said what you currently see there now is a surface that has been disrupted and some dirt towards the house. He said that area will now be concrete. He said there would be two cars in the front and one to the side in the back. He said the cars would be stopped parking at the front of the house so there would be no interruption to the front yard at all. Chairperson Sweet said because of the placement it is called front yard parking. He said they are stopping at the sidewalk. He said where you see the steps it would stop in front of those. Frank Clavelli, Jr. asked if cars park there now. Ms. Docos said right now there is only one car parking there. Frank Clavelli, Jr. said she isn't making it any wider or narrower. Ms. Docos said she is just trying to clean it up. Frank Clavelli, Jr. said he would recommend a bollard of some sort to protect the two pipes on the neighbor's house. Jeff McGann said he agrees. He said usually you take a steel pipe four feet into the ground and fill with concrete. Councilor McBrearty said she has no permissions to park in that area now. Jeff McGann said there is public space parking which is from your property line forward. He said what she is asking for is actually on her property. He said it is called front yard parking because the first 25' is considered front yard parking. Chairperson Sweet said there is an apron there now so at some point she was granted the ability to cut the apron. Sue Spilberg of 45 West 6<sup>th</sup> Street said she understands the driveway on the south side. She said her concern is the back of the house. She asked if she is talking about paving behind the house and getting rid of the green space. They showed her a copy of the drawing. Fred Holbrook of 74 West 5<sup>th</sup> Street stated he has

nothing against the proposal except for controlling water. He said in the past a lot of water has come down that driveway and he has watched a lot of debris come across the street and overpower the sewer system. He said he thinks there should be a linear drain at the end of the driveway because it is going to be even worse now that it is paved. Jeff McGann said the debris that is washing down is probably the stone and dirt because it isn't currently paved. He said paving it will eliminate that. He said as far as the water runoff you get that with any driveway. He said you won't see a driveway in the city that has a linear drain across the bottom of it. Matthew Brancato said paving it will help. Frank Clavelli, Jr. said if it does become a problem then the DPW will get involved. Sue Spielberg said it is all slanting downward. Councilor Tesoriero said that is a whole separate DPW issue. Mr. Holbrook said he will vote against it if it is a whole separate issue. He said he is not in favor then. Councilor Tesoriero said you may have to have a storm basin installed to take that water. He asked if he has talked to anyone about the runoff. Mr. Holbrook said no but the whole neighborhood knows about it. Councilor Tesoriero said they need to speak up and say what they want. Mr. Holbrook said they haven't had a request for a driveway before. Councilor Tesoriero said he said the water has been running off of there for years. Mr. Holbrook said only on big storms. Councilor Tesoriero said he doesn't think it is going to change much. Chairperson Sweet told Mr. Holbrook he could talk to Councilor McBrearty after about his concerns. Mr. Mills said if you don't do it what would there be. Frank Clavelli, Jr. said still water and debris. Tom Farrell of 2 Dominic Street stated he is in support. He said making her put in a drain would be way beyond what any other property owner would have to do. Mr. Caraccioli said there was a favorable advisory opinion from the Planning Board. He said one of the comments in the Planning Board advisory is there would be no parking within the public space. He said front yard parking is completely on the owner's property. He said there is currently a gravel drive that is in public space but that would only be used for driving to the private property to park the vehicles. He said there would be no parking in that public space. Chairperson Sweet asked if there is a reason why. Mr. Caraccioli said it isn't allowed. He said Ms. Docos acknowledged there was no plan to park there. Frank Clavelli, Jr. read two letters from neighbors into the record stating they are against the permit. Jeff McGann said the property the letter references asking for parking never filed an application. He said they were asking for space from the sidewalk to the front porch which is public space parking. He said that is a completely different thing. He said this parking is on the south side of the house and not in front of the house. Councilor McBrearty said she thinks what the letter is speaking to is when they granted permission in 2004 to put the driveway in they were specifically told that it would not become wider than a standard driveway. Chairperson Sweet asked if that driveway currently goes back further. Ms. Docos said no one parks there. Chairperson Sweet said this is a ten unit apartment house and this is the only parking provided. Ms. Docos said right now there is only one and she is asking for three. She said the letter spoke about the value of the properties. She said their concern is this is going to look like a big parking lot. She said she has put thousands of dollars into the building. She said she has increased the property value tremendously. She said she has painted it and increased the landscaping. She said she bought this because it is in her neighborhood and she didn't want it turning into an animal house that she didn't have control over. She said she wanted to take a space that looks awful and clean it up and increase the value of that property as well as the properties around it. Mr. Caraccioli said there is a significant difference between public green

space and private green space. He said in October the City of Oswego made a public policy decision to eliminate parking within the public green space. He said there is no prohibition, other than maximum lot coverage issues, for someone to use their own private green space for parking and that is what Ms. Docos is doing here. Chairperson Sweet said this is standard parking throughout the city and nothing unusual for an apartment house of that size. Mr. Holbrook said Ms. Docos is a good landlord. He said she has done a lot for the property but he doesn't think this is being done properly. Chairperson Sweet said that is not for this Board. She said the Planning Board reviewed what she is going to do. She said what the neighbors are doing should not impact Ms. Docos. She said they are here to listen to her application now. She said if the neighbors come with an application then the Board has to hear their application also.

RESOLVED, that a Side Yard Setback Variance be granted with the recommendation to install a bollard on the sound side of the property near the pipes coming out of the house.

MOTION MADE BY ZONING BOARD MEMBER: Frank Clavelli, Jr.

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-09

IN THE MATTER OF: Mary Elizabeth Docos

WHEREAS, Mary Elizabeth Docos, owner of property situate in a Residential, R3 Zoning District in the 1<sup>st</sup> Ward of the City of Oswego, New York, with address 68 West Fifth Street, being Tax Map Number: 128.45-03-11, has applied for a Special Permit in accordance to Section 280-55(B) of the City of Oswego Code, to allow front yard parking for two (2) vehicles and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 15<sup>th</sup> day of January 2019 and the applicant having appeared.

RESOLVED, that a Special Permit be granted for front yard parking.

MOTION MADE BY ZONING BOARD MEMBER: Frank Clavelli, Jr.

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato