

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

January 22, 2020

A motion to approve the minutes of the November 2019 meeting was made by Chairman Clavelli and seconded by Mark Donabella; minutes unanimously approved.

Chairman Clavelli 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 Mark Donabella, unanimous approval.

Chairman Clavelli welcomed Richard Lafond to the Zoning Board.

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-02

IN THE MATTER OF: Matthew Bennett

WHEREAS, Matthew Bennett, owner of property situate in a TN1, Traditional Neighborhood 1 Zoning District in the 1<sup>st</sup> Ward of the City of Oswego, New York, with address 93 West Eighth Street, being Tax Map Number: 128.53-02-34, has applied for a Special Permit in accordance to Section 280-55(B) of the City of Oswego Code, to allow front yard parking and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 22<sup>nd</sup> day of January 2020 and the applicant having appeared and no one appearing in opposition.

Matthew Bennett of 93 West Eighth Street was present for the discussion. Mr. Bennett said he would like to extend his current driveway northward. He said he needs a special permit and a 3' variance to go right up to his neighbor's line. Jeff McGann said they received an email from Councilor McBrearty stating she was in support. Mr. Bennett said he spoke to his neighbor and he has no issue with the variance. Jeff McGann said between his driveway and the neighbor's there is an area of gravel. He said part of the agreement is that area will be turned back into green space between the two driveways between the sidewalk and the road. Chairman Clavelli asked if there was anyone for or against this application and no one came forward. Anthony Pauldine asked how wide it will be. Jeff McGann said the shaded area shows 6' and then it'll be 3' to the property line so it will be 9x25'.

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

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Mark Donabella

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-03

IN THE MATTER OF: Matthew Bennett

WHEREAS, Matthew Bennett, owner of property situate in a TN1, Traditional Neighborhood 1 Zoning District in the 1<sup>st</sup> Ward of the City of Oswego, New York, with address 93 West Eighth Street, being Tax Map Number: 128.53-02-34, has applied for a Side Yard Setback Area Variance in accordance to Section 280-55(A) of the City of Oswego Code, to allow proposed driveway expansion less than three foot (3') from lot line in the side yard and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 22<sup>nd</sup> day of January 2020 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Side Yard Setback Variance be granted to allow proposed driveway expansion less than three foot (3') from lot line in the side yard.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Chairman Clavelli

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-08

IN THE MATTER OF: Josh Katz

WHEREAS, Josh Katz, owner of property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 3<sup>rd</sup> Ward of the City of Oswego, New York, with address 148 West Fifth Street, being Tax Map Number: 128.62-02-04, has applied for a Special Permit in accordance to Section 280-18(B) of the City of Oswego Code, to allow proposed two-family dwelling and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 22<sup>nd</sup> day of January 2020 and the applicant having appeared and no one appearing in opposition.

Josh Katz of 148 West Fifth Street was present for the discussion. He said he has lived here for about five years. He said his original plan was to either make it a student rental or bed and breakfast. He said they realized after they closed it was too nice to do as a student rental. He said the block wasn't well suited for a bed and breakfast so he and his mother decided to live there. He said they have recently decided it is too expensive for them to maintain by themselves. He said he was having a conversation with the Mayor who mentioned the need for higher scale accommodations for professionals. He said they would like to turn it into a two-family dwelling. He said it was originally built as two separate living quarters so he doesn't need to do anything structural. He said the bedrooms and bathrooms are all there. He said it won't be cutting up the house type of job. He said he will need to build a second kitchen. Chairman Clavelli asked if there was anyone for or against this application and no one came forward. Anthony Pauldine said he isn't cutting it up but he is cutting it up. He said he is putting another kitchen in and he will need a fire dividing wall. Mr. Katz said he still needs to coordinate with the building department about what the code requirements are to make it a two family. He said there are two doorways that will need to be sheet rocked over. He said he is not adding or removing any walls. Anthony Pauldine asked if he is alluding this was a two-family before. Mr. Katz said in the past it was a two-family and then more recently it was a doctor's office and residence. He said there is separate electric and utilities. Anthony Pauldine asked if there are two separate stairwells. Mr. Katz said yes. He said there are three entrances. He said there are five bedrooms. He said his current plan is he will stay in the two bedroom and then someone else in the three bedroom. Mr. Caraccioli said this was reviewed by the Planning Board. He said his question was the plan for the house does not include moving around the bedrooms. He said they are all on the second floor and the other living space is down below. Mr. Katz said they will all be up/down apartments. He said when it was built it was built with the servant quarters in the back and the main house in the front. Richard Lafond asked if the inside of the house has changed a lot. Mr. Katz said it is all original moulding. He said there has been painting and new windows but for the most part it is the same house it

was. Anthony Pauldine asked the city's stance on making a two-family out of single family homes. Chairman Clavelli said there is no moratorium. Mr. Caraccioli said Councilor Hill is not a fan of this approach but there is nothing that prohibits the conversion of a single family into a two-family in this neighborhood. He said it is a permitted use. He said the concern of the Planning Board is that it be done in accordance with the building code. He said that is why there was the condition that there be adherence to the building code and the fire protection in particular. Chairman Clavelli asked if he has a timeframe. Mr. Katz said he has a building permit for the kitchen already. He said he decided he wanted to move the kitchen either way. He said the last work will be the fire protection, general safety, and egress. He said he will make sure all of that is in place before requesting the rental permit. Michael Nicholson asked how often this is allowed. Mr. Caraccioli said it is rare but there is no prohibition against it. He said it has to make sense for that particular house and neighborhood and be compliant with building code and fire protection. Chairman Clavelli said in his opinion they should take into account that this is a five bedroom house and how many people are purchasing five bedroom houses. He said he is going to be owner occupied so that adds to a better situation. Mark Donabella asked if there is enough parking. Jeff McGann said it requires 4 parking spaces and there are 8 or 9 there. Mr. Katz said the block they are on has the Elk's Club, a doctor office, two or three multifamilies, a mixed use, and one single family home who is in support. He said they would struggle to find a buyer for a single family home. Chairman Clavelli said he is glad he is not selling it to the Oswego Hospital so they can tear it down and turn it into a parking lot even though he is in support of Oswego Hospital. Anthony Pauldine said he is not particularly against the proposal. He said he just needs to wrap his head around what is different with this proposal and everyone else that comes forward. Chairman Clavelli said each case has its own merit. Jeff McGann said the first thing you have to look at is the zone it is in and is a two-family allowed. He said the next requirement is do they have the parking. He said then they need to look at how it is going to be separated – are they changing the whole entire house or is it a matter of closing off a couple doorways and bringing it up to fire code. He said if this was in a TN1 zone it would not be allowed. Anthony Pauldine asked if support of this could be contingent on a certain time frame so it doesn't get approved if conversion doesn't happen. Mr. Caraccioli said he thinks that is a reasonable condition they can place on this. Jeff McGann said generally a special permit will go to the next owner so if he doesn't follow through and do a two-family the special condition would be that it wouldn't carry on to a new owner. Anthony Pauldine asked what a reasonable timeframe is. Mr. Katz said he hasn't had a conversation yet about the fire safety so he asked if they could make it two years as long as he is the owner during that time period. Anthony Pauldine said he doesn't have an issue with that. Mr. Caraccioli said he has two conditions so far. He said the conversion is specific to applicant to be completed within 24 months and it needs to be compliant with New York State building and fire code. Mr. Katz said assuming that is done the special permit would carry with the house. Chairman Clavelli said yes.

RESOLVED, that a Special Permit be granted to allow proposed two-family dwelling with the conditions that the conversion is specific to applicant to be completed within 24 months and it needs to be compliant with New York State building and fire code. Special permit is transferrable after conversion is complete.

MOTION MADE BY ZONING BOARD MEMBER:

Anthony Pauldine

SECONDED BY ZONING BOARD MEMBER:

Mark Brunschweiger

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-14

IN THE MATTER OF: East Lake Commons, LLC

WHEREAS, East Lake Commons, LLC, owner of property situate in a TB, Traditional Business Zoning District in the 2<sup>nd</sup> Ward of the City of Oswego, New York, with address 87 East First Street & 18 East Cayuga Street, being Tax Map Number: 128.47-02-05 & 128.47-02-04, has applied for a Special Permit in accordance to Section 280-17(B) of the City of Oswego Code, to allow for a mixed use building and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 22<sup>nd</sup> day of January 2020 and the applicant having appeared and no one appearing in opposition.

Megan Houppert of 180 Clinton Square, Rochester, with Home Leasing was present for the discussion along with Brian Hanson of 614 James Street, Syracuse, and Chris Rollin of 277 Alexander Street, Rochester. Ms. Houppert said Home Leasing got involved recently to continue moving this project forward. She said the former developer stepped away and they stepped in. Mr. Hanson said this property is bounded by Bridge Street to the south, East First Street to the west, Cayuga Street to the north, and Second Street to the east. He said the proposal is to demolish the existing Midtown Plaza building and the remnants of the parking deck. He said the property on the corner is not in this deal. He said the end result will be to construct a 70 unit multifamily housing project and about 3,000 square feet of commercial space in the north end of the building. He said the apartments would consist of one and two bedroom units. He said they are providing for 100 parking spaces to the east of the building and screened from the street. He said they are introducing a lot of green space to the property. He said they are trying to build this building right up to the westernmost property line so they would like to use some of the right of way for landscaping. He said they would retain the existing sidewalk along East First Street with the exception of the areas where there are curb cuts. He said they would raise those curbs and replace the sidewalk around those areas. He said on the Cayuga Street side they would have additional sidewalk they would need to replace after the demolition is done. He said they have six one-bedroom dwelling units on the lower floor with patios. He said they will all have doors to the outside. He said there will be about 3,000 square feet of commercial space. He said there will also be a community room, fitness center, offices and laundry. He said there will be four upper floors of residential. He said several of the units will have balconies. Mark Brunschweiger asked what they envision the commercial space will be used for. Ms. Houppert said they are talking with two commercial tenants right now. She said it may be a restaurant or some kind of grocery store. Mark Donabella asked how they are going to deal with the elevation. Mr. Hanson said they will have a sloped landscaped area. Chairman Clavelli asked where the entrance will be. Mr. Hanson

said off of Cayuga Street. Ms. Houppert said there is an existing retaining wall that they will be burying and landscaping on top of it. Mr. Hanson said they are going to cut off two feet of the wall and bury the rest. Mark Donabella asked if there will be a railing there. Ms. Houppert said there is a railing at the top. Mr. Hanson said on the building there will be a brick base and then, from the first floor up, a fiber cement panel. Mr. Caraccioli questioned about a trash receptacle. Mr. Hanson said there is a trash room in the building. Mr. Caraccioli said he knows that was a concern of the property owner last time. Mr. Hanson said they have been very respectful with the landscaping and it is their intent to be a good neighbor. Richard Lafond said it will definitely improve the appearance as you drive down Bridge Street. Mr. Caraccioli said they just received a letter from DOT. He said they are noting that construction and demolition site access will not be allowed directly from 104. Jeff McGann said they say in the letter that it has to be closed off but it actually already is. Mr. Caraccioli said their plan addresses the concerns of DOT. Anthony Pauldine questioned where it mentioned replacing the sidewalk. Mr. Hanson said their plan is to raise the curb cuts and replace the sidewalk along that area. He said they also recognize the demolition will cause problems with the Cayuga Street sidewalk. Mr. Caraccioli said they are not touching the 104 side. Mr. Hanson said no. Anthony Pauldine said he assumed they were talking about 104. Jeff McGann said he believes they were suggesting it would be a good time to fix the sidewalks on Bridge Street. Mr. Hanson said he would hope it wouldn't be the burden of the project to address all of those areas. He said it is a significant amount of sidewalk. Anthony Pauldine said since it is in the letter he wanted to be clear what the intention is and what the State is suggesting. Jeff McGann said it says the Planning Board would consider requiring sidewalk repairs for the entire city block. It states several sections are in disrepair and would be happy to coordinate with the developer for repairs to the sidewalk along Route 104. Anthony Pauldine said it sounds like they are asking the developer to do it. Richard Lafond said he thinks they want to work with them to get it done. Jeff McGann said he thinks they were looking for a coordination on that. He said the sidewalk on the Second Street side will be on private property. Anthony Pauldine said he was hoping they would widen that road. Mr. Hanson said widening that road or at least leaving it as is would make it a very severe slope. Anthony Pauldine said now on that street they will just have curb and no walkway. He said he always heard that they were going to be building along Route 104, continuing the downtown streetscape, and commercial on the first floor and residents up above. He said now he sees it is all on First Street, they don't have the downtown building vibe and a pittance of commercial in the heart of downtown. He said this is almost purely residential in the downtown. He said it isn't anything like he heard. Ms. Houppert said the project that was presented before was not financially feasible which is why the previous developer ended up stepping away. She said one of the solutions they had to come to in order to make it financially viable was to add more units. She said adding units on the first floor was a way to make the project feasible. She said part of the reason they structured it with the walkout is so you don't lose all of the activation on the street that you get from commercial. Mr. Caraccioli said the plan that was approved was substantially similar to what is being proposed tonight with respect to the layout of the building. He said it is being scaled down but it was always positioned to go along West First Street. He said some of the original ideas they had were to populate Bridge Street with nice apartments and shops and bring back that downtown neighborhood vibe but even the previous developer couldn't make that work. He



said one improvement is all access is going to be off of Cayuga Street. He said previously there was going to be a small entrance between the building and Ms. Norfleet's building. He said he doesn't think it was desirable for that to occur. He said that has been eliminated and replaced with green space. He said those are the differences from what was approved nearly two years ago. Chairman Clavelli asked if there were any questions from the audience and Chris Gagas came forward. Mr. Gagas said he was the youngest member of the Planning Board when the original mess was approved. He said there was quite a bit of controversy. He said the Planning Board in those days had no effect other than recommendation and they were overruled. He said it was approved and it was a lousy plan. He asked this Board not to make the same mistakes. He said make sure the quality, construction, design, material, and application are something they are going to be proud of 50 years from now. The next to come forward was Doren Norfleet. Ms. Norfleet said this is the first she has heard Sutton isn't involved anymore. She asked if they now own the property. Ms. Houppert said there is a contract in place. Ms. Norfleet said she finds it strange that as the adjoining property owner no one has been near her with any of these plans. She said if they would like to buy it it is for sale. She said her concern is with the parking. She said she lost the tenants she had in her building because of parking and Sutton wouldn't allow her tenants to park in the parking lot. She asked if the agreement that is currently in place with Sutton and the city for 30 public parking spaces is transferring to this purchase. Ms. Houppert said it is her understanding that agreement isn't an obligation. Mr. Caraccioli said the city is committed to providing parking spaces there and working with the developer to have public municipally available parking. He said it will probably be in the scale of 20 parking spaces instead of 30. He said it is still being worked out. He said much of that is driven by the design. He said previously there were going to be two tiers accessed off of First Street and potentially underground parking off of Second and First Street. He said the top tier is going to be removed and not accessible off of Second Street so the total parking spaces have been reduced. He said they don't know that they could have 30 parking spaces reserved. He said part of what the developers are looking for is a reduction in the mandatory parking for their tenants. He said there is additional space should the need arise for additional parking demand that can be converted into parking. He said they don't want to make the mistake that Mr. Gagas is referring to of blacktopping over property for the sake of parking if it isn't going to be absolutely necessary. He said they would like to see more green space. Ms. Norfleet said there is no public parking on the east side of the city other than a few spaces on East First Street. She said to decrease the amount of public parking isn't doing a service to anyone. She said her building is two units. She said there will be people working there and customers coming in. She said there will be customers coming into the new commercial space. She said she likes the green space idea but they need the parking as well. She said she would hope there will be some parking agreement put in place before this plan is approved. She said they are being asked to approve this tonight contingent on an advisory opinion from the Planning Board that hasn't met yet to even look at this plan. Mr. Caraccioli said they have met. Ms. Norfleet said they do not have an advisory opinion from them yet. Mr. Caraccioli said the Planning Board has reviewed the initial plans and established themselves as the Lead Agency for SEQR purposes. He said the matter has now been referred to the Zoning Board for the variance request. He said it ultimately has to go back to the Planning Board for any type of final approval. Ms. Norfleet said this says it is subject to the advisory opinion of the Planning Board

before the special permit can be issued here. Mr. Caraccioli said the Planning Board has the ability to make an advisory opinion. He said they have sent this on to the Zoning Board. He said the Zoning Board is going to do its exercise and then ultimately a final site plan approval would be undertaken by the Planning Board. He said you don't get to the final site plan unless the variances are approved. Ms. Norfleet asked if there is a requirement that the Planning Board notify people within 100' of any application. Mr. Caraccioli said there is. Ms. Norfleet said she was not notified that this would be discussed at the Planning Board. Jeff McGann said the reason is because that was the Lead Agency meeting. Ms. Norfleet said that was to determine the Planning Board as the Lead Agency. Jeff McGann said yes. Ms. Norfleet said she assumes nothing will go forward until they get the approval from the DEC as to the test borings they have been doing there. Mr. Caraccioli said the DEC, DOT, and IDA are involved. He said there is a list of involved agencies that have been notified. Ms. Norfleet said she assumes they haven't heard anything from the DEC yet. Mr. Caraccioli said he hasn't. Ms. Norfleet said she has been in touch with the DEC and they have not completed their evaluation so they don't know what if any remediation needs to take place. She asked if the applicant has received any determination as to the test boring results. Ms. Houppert said they have been working with Labella and they have been in constant communication with the DEC. She said they are waiting for the final reports from the DEC but they have indication of what those reports are going to say. She said the determination from the DEC is a requirement for their funding. Ms. Norfleet asked if they know what the environmental concerns are over there. Ms. Houppert said they have done a Phase I and a Phase II. She said they have had an asbestos survey inside of the existing building. She said they have done an extensive geo-tech report. Ms. Norfleet asked if they will need to do any further remediation of that site. Ms. Houppert said there will be wells that are monitored during and after construction. She said they have a remediation plan. Mr. Rollin said they have an interim site management plan they have to follow during construction which lays out what they can and can't do with soil. He said early indications are the final remedy will be site cover. Ms. Norfleet asked their timetable. Mr. Rollin said they are hoping to be shovels in the ground in early April and construction will take about 18 months. Ms. Norfleet said there will be no parking at all for 18 months at least. She said she would ask the Zoning Board and Planning Board to make sure there is adequate public parking in this plan due to the fact that you are affecting other people in this community. She said she would be happy to hear from them as construction goes on so that she knows what she can and can't do with her building in terms of trying to rent it. Ms. Houppert said before they start construction they will do a meeting where they introduce the construction team and give her phone numbers. She said they will also send her construction newsletters. She said they try to communicate often with their neighbors but she hasn't done that well up to this point so she apologizes. Chairman Clavelli asked if there is an egress from that parking lot to Ms. Norfleet's building. Mr. Hanson said they are showing a sidewalk. He said they recognize that there is egress from the back side of the building. He said they will address it. He said right now they are showing a sidewalk and trying to preserve it. He said at the same time they are trying to preserve their property. He said they recognize it is going to be fenced off in some way so they need to still resolve that. Anthony Pauldine asked what kind of fence will be on the main corridor of Bridge Street. Mr. Hanson said what is there now. Anthony Pauldine asked if it will stay the same on Second Street. Mr. Hanson said that will all be new. Anthony Pauldine asked if there are

proposed parking changes on Second Street. Mr. Hanson said that is outside of their property. Anthony Pauldine said he didn't know if they had an agreement. Jeff McGann said the curb line is staying up towards 104. Chairman Clavelli said the Sutton Company had a plan for a building on 104 but that didn't work. Mr. Caraccioli said no. He said there were conceptual drawings but it never came to fruition. Chairman Clavelli asked where the potential for extra parking is. Ms. Houppert showed where the banked parking for future development was located. Anthony Pauldine asked if they meant future development for parking or building. Ms. Houppert said parking. Chairman Clavelli said if Ms. Norfleet can't get a tenant because there is no parking they are going to ask them to be a good neighbor. He said his suggestion is be a good neighbor and buy that building and get it out of their way. Ms. Houppert said that is not viable for them. Councilor Tesoriero said he thinks this is a wonderful idea. He said they have developers that want to come in and spend money and make part of the eastside back to what it used to be. He said they don't get a lot of development on the eastside. He said they have lost a lot and they have an opportunity to get some of that back. He said he feels for Ms. Norfleet and her situation but he feels that can be worked out. He said he thinks this is a good project and it needs to be done. He said he has full confidence in our city, code and zoning that when this is done it will be topnotch and a project they will be proud of. Mr. Gagas asked how this is being financed. He asked if it is going to be subsidized financing and who is going to be the management company running the operation. He asked if they run a nice place or not so nice. Ms. Houppert said Home Leasing is a development, leasing and management company so they manage their own communities. She said when they do these projects they sign 30 year regulatory agreements with the state so when they start in a community they are around for a long time. She said it is very much in their interest to be a good neighbor. She said they can't always do what their neighbors want but they are always willing to try to figure it out. Mr. Gagas asked if the City of Oswego seen other projects they have done. He said they said they were going to have balconies. He asked if someone will hang a swimsuit over the balcony. Ms. Houppert said they might. Mr. Gagas said that is a problem. Ms. Houppert said the problem is how you handle it. Mr. Gagas said it is so important for the City of Oswego to have rules and regulations as to what is allowed and not allowed. He said Hamilton Homes was always controlled. He said he knew of a couple people that were asked to leave because they didn't keep up the property. He said that is something you need to focus on. He said this project is going to be there another 50 years. He said the City of Oswego has the obligation to be sure the project is maintained. He said this is right downtown. He said they need it written in stone how they are going to run the place. He said the City of Oswego needs to have control over this. Chairman Clavelli asked where a few of their other projects are located. Ms. Houppert said they have a number in Rochester, Owego, Albany, Schenectady, Pennsylvania and Maryland, Syracuse and Buffalo. Chairman Clavelli asked if they will have a manager on site that will live there. Ms. Houppert said they probably won't live on site but they will have a fulltime manager, fulltime maintenance superintendent, regional manager, director of facilities. She said they have interior bike rooms. Chairman Clavelli asked if there are rules that you can't hang laundry on the railings. Ms. Houppert said they have rules on what you can do on the patios. She said their management company is their reputation. She said if they want to keep developing they have to be a good management company. Richard Lafond asked if the city gets involved in those types of things. Jeff McGann said the city's code would apply the same way it

would anywhere in the city. He said they have to enforce the code evenly throughout the city. He said the code department and the enforcement of it is way beyond what it was 20-30 years ago. He said they certainly can't set a separate covenant for this building. Ms. Houppert said their lease has a pet policy, breed restrictions, number of pets you can have, smoke-free building, and no illicit drug activity. She said breaking these rules are all grounds for eviction. She said you have to be a good neighbor and there are noise rules. She said it is in their best interest to have quality tenants but they also want their residents to feel like this is their home. She said if people want to put a bunch of flower pots on their patio then they want them to do that. She said if they are doing things that are dangerous or sloppy then they will talk to their residents about it. She said having onsite management is key to their success. She said they light things well and there are cameras everywhere. Chairman Clavelli asked if there are lights in the parking lot. Ms. Houppert said yes. Chairman Clavelli asked about handicapped apartments. Ms. Houppert said there are four fully accessible apartments and all are adaptable. She said they also have hearing and visually impaired apartments. Anthony Pauldine said he has spent over 30 years working with the Chamber of Commerce and buying and developing properties in the downtown area. He said he has heard complaining from property owners on the eastside for years that they are part of downtown. He said Midtown was a terrible decision. He said the idea of this building is not bad if it were somewhere else. He said this building is going to be there for fifty years and it is going to be residential. He said it will be right on First Street in an area that could be commercial. He said it could be a five story building with a lot of commercial and residential up above. He said he appreciates green space but this is the heart of downtown on First Street. He said when he looks at this he is thinking he hopes this isn't a mistake that gets passed. He said artist renditions look their best when they are on paper. He said he has seen countless buildings that don't look as good as an artist rendition and he is not impressed with what he sees on their artist rendition. He said it will be a lack of commercial space on that large parcel for our lifetime. He said he is having a hard time with that. Chairman Clavelli said he is concerned with the parking. He said he doesn't want the corner building to be shut out. He said he would want to see something done so that building would have parking and access to that parking. Mr. Caraccioli said the plan is for the developer to reserve to the city sufficient parking to address those needs. He said there is a design element that makes it accessible for anyone using that space. Mr. Hanson said he has already talked about how they are recreating the curb and the sidewalk because it is currently a curb cut that no longer serves its purpose. He said there are five indent parking spaces currently. He said rather than recreating all of the sidewalk and curb area he suggested they could extend the indent parking further down. Chairman Clavelli said that could be an option but the Zoning Board doesn't have the authority to answer that. Anthony Pauldine asked if they are asking the city to do that. Mr. Hanson said that would bring parking very close to the Norfleet building. Anthony Pauldine asked if DOT would need to be involved with that due to the proximity to 104. Mr. Caraccioli said possibly. He said technically that is an extension of 481. Anthony Pauldine asked how many parking spaces they are providing. Mr. Hanson said 100. Anthony Pauldine asked how many are required. Mr. Hanson said 98. Anthony Pauldine asked how many they are potentially giving the city. Mr. Hanson said he guesses that still needs to be worked out. Jeff McGann said they are required 88 parking spaces for residential and 10 for commercial for a total of 98. He said they have 100. He said

the original agreement was 30 parking spaces. He said the city has considered changing that because of the change down to 20 parking spaces. He said they have another 10-14 parking spaces possibly in that green area. He said they can force the green space to go away and take those spots now. He said the other option is to ask for a reduction to the overall parking of 18 parking spaces to allow for the residential, commercial, and another 20 designated to the public parking with the option that those other spots can be created if necessary. He said the numbers that they show is 55 to 70% ratio of people that are residents that have vehicles. He said it can all be blacktopped now or they can bank those spots and if there is no issue with parking it could stay green space. Ms. Houppert said they will do it either way. Anthony Pauldine said the city won't benefit from the green space. He said with the incline there won't be any visual benefit. Mr. Hanson said the benefit is with a multifamily development the green space is always cherished by families. Anthony Pauldine asked if the apartments are low income or market rate. Ms. Houppert said they are mixed income. Anthony Pauldine asked how many are low income. He was told more than half would be low income. Chairman Clavelli asked what that rent would be. Mr. Rollin said for 60% units one bedroom apartments would be \$690 and two bedrooms would be \$830. He said 50% units would be \$630 and \$740. Ms. Houppert said the rents would include all utilities. Chairman Clavelli said it isn't that low. Ms. Houppert said it isn't Section 8 and it isn't public housing. She said it isn't meant to serve the extremely low income. Chairman Clavelli said he doesn't want to see them in 20 years lower the rent to \$350 just to get them rented. Ms. Houppert said they can't change their rent plan without getting permission from like 100 people. She said there are a lot of funding partners here which means they are highly regulated. She said they can't raise or lower the rent without asking permission. Mr. Caraccioli said one of the other involved agencies is the New York Finance Housing Authority. Chairman Clavelli asked if they believe there is a need for 70 units. Ms. Houppert said they have a fantastic market study. She said there is a strong need. Chairman Clavelli said he doesn't know where they are coming from. Anthony Pauldine said they will have no problem at that rate. He asked if that is the demographics that you want downtown. He said these are not market rate influential people. Richard Lafond said that is a good point for long-term sustainability. He said you want to have good clientele because if they are not the type of people that they want there it is going to decline quickly. Anthony Pauldine said there is a place for this. He said there is no doubt there is a need but he is choking on the location. Ms. Houppert said they do credit and background checks and landlord references. She said you have to make 1½ times the rent a month. She said they have to be able to prove that the people living here income qualify but also have income source to pay the rent. She said it is in their best interest to be a good manager. She said they find that people with moderate incomes are actually fantastic community members. Chairman Clavelli asked if there is anyone knocking on the door to build other things here. Mr. Caraccioli said he hasn't seen anything in the four years he has been here. He said this is a part of the City of Oswego's DRI application. He said it was always contemplated for mixed use. He said he would prefer to see market rate as well and 10,000 square feet of commercial space but that is not economically feasible with this plan. He said he is not aware of another developer that is seeking this site to do something like that. Chairman Clavelli asked if they are a non-profit group. Ms. Houppert said they are for profit. Chairman Clavelli said they will pay taxes. Ms. Houppert said they have a pilot agreement through the IDA. Anthony Pauldine said they are not local landlords and the

money will be going out of town. Chairman Clavelli asked if there was anything else from the audience. Ms. Norfleet said this site has been sewed up by Sutton for four or more years. She said no one else has given any thought to the possibility that they could go in and make an offer. She said she doesn't think they thought it was a viable option. Mark Brunschweiger reviewed what they were voting on. Michael Nicholson asked if it wasn't originally a five story. Mr. Caraccioli said it was a six story. Jeff McGann said when this project came through two years ago it was before the zone change so it was a B3 district. He said there were less restrictions. He said this is a case where the change in plan got caught with the change of zoning. He said the zone now has setbacks and height requirements. He said had this same project come in two years ago the only thing they would be voting on would be the special permit. Anthony Pauldine asked if they will be voting on the reduction in parking. Jeff McGann said the Planning Board will make a determination on that. Chairman Clavelli said they will not have to come back to the Zoning Board. Jeff McGann said this is the Zoning Board's final action. Chairman Clavelli said he would like to put an amendment in there that they are the new neighbor and they need to respect and work with the neighbor that is there. Ms. Houppert said they tried to be respectful with the design and giving them more space and trees. Mark Brunschweiger said the city is trying to bring in housing. He said you bring the housing in then you bring the people in and from there the commercial property will come. Ms. Houppert said density helps commercial. Mr. Caraccioli read Section 280-27 – Requirements for special permit from the city code. He said those are the general special permit requirements that should inform their decision making tonight. Chairman Clavelli asked if there is any way they can put more commercial space on the bottom. Ms. Houppert said no. Mr. Rollin said it wasn't for a lack of trying. He said they had 72 units to make the project financially feasible. He said they had to figure out a way to save some money so losing a floor and dropping some units was the only way. He said they tried to find a combination of number of units and commercial space that they could support. He said cutting the commercial space down was the only way to keep it financially feasible. Mark Brunschweiger said they make more money with residential units than they would with commercial space. Ms. Houppert said the problem is they had to support a certain size mortgage so they needed more rental income to do that. She said the commercial space is a feature and a wonderful part of the community but it doesn't contribute to supporting the mortgage. Chairman Clavelli asked if they can put the commercial space on the south side so it is closer to downtown. Mr. Hanson said the location has to do with the proximity to the hotels. Ms. Houppert said from a commercial tenant perspective the visibility would be better. She said it is a more desirable corner. Mr. Caraccioli said the special permit from a zoning perspective pre-supposes that the use is permitted but with special condition and justification of the use. He said the city has made the determination that this particular type of use is permitted in the Traditional Business zoning district. He said they can attach special conditions to that permit. He said they have to take into consideration all the criteria he just read. He said if they don't believe that this project meets the special permit requirements then it would be incumbent upon them for the record to reflect why they don't as basis of denial. He said this is a project that the Barlow administration supports and was an anchor project and location for the \$10,000,000 DRI project. He said this represents the last site that has not been developed out of the 12 projects that were funded by the State of New York. Chairman Clavelli said he is asking on record for the applicant to work with Ms. Norfleet. Richard Lafond also

asked them to work with Ms. Norfleet and to make this something that Oswego will be proud of in 50 years. Anthony Pauldine said he doesn't like the project but he doesn't see where it fails to meet the requirements so he will vote in favor of it.

RESOLVED, that a Special Permit be granted to allow for a mixed use building.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Mark Donabella

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-15

IN THE MATTER OF: East Lake Commons, LLC

WHEREAS, East Lake Commons, LLC, owner of property situate in a TB, Traditional Business Zoning District in the 2<sup>nd</sup> Ward of the City of Oswego, New York, with address 87 East First Street & 18 East Cayuga Street, being Tax Map Number: 128.47-02-05 & 128.47-02-04, has applied for an Area Variance – Height – in accordance to Section 280-17(C) of the City of Oswego Code, to allow for the construction of a 5 story, 75,270 sf. mixed use building and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 22<sup>nd</sup> day of January 2020 and the applicant having appeared and no one appearing in opposition.

Mr. Hanson said the when making the motion they stated the variance requested was 23.7' but it should be 28.7'. Mr. Caraccioli said the record should show the applicant is seeking a 28.7' variance.

RESOLVED, that a Height area variance be granted to allow for the construction of a 5 story, 75,270 sf. mixed use building.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Mark Donabella



CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-16

IN THE MATTER OF: East Lake Commons, LLC

WHEREAS, East Lake Commons, LLC, owner of property situate in a TB, Traditional Business Zoning District in the 2<sup>nd</sup> Ward of the City of Oswego, New York, with address 87 East First Street & 18 East Cayuga Street, being Tax Map Number: 128.47-02-05 & 128.47-02-04, has applied for an Area Variance – Front Yard Setback – in accordance to Section 280-17(C) of the City of Oswego Code, to allow for the construction of a 5 story, 75,270 sf. mixed use building and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 22<sup>nd</sup> day of January 2020 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Front Yard Setback area variance be granted to allow for the construction of a 5 story, 75,270 sf. mixed use building.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Mark Donabella

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-17

IN THE MATTER OF: East Lake Commons, LLC

WHEREAS, East Lake Commons, LLC, owner of property situate in a TB, Traditional Business Zoning District in the 2<sup>nd</sup> Ward of the City of Oswego, New York, with address 87 East First Street & 18 East Cayuga Street, being Tax Map Number: 128.47-02-05 & 128.47-02-04, has applied for an Area Variance – Maximum Paved Area – in accordance to Section 280-17(C) of the City of Oswego Code, to allow for the construction of a 5 story, 75,270 sf. mixed use building and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 22<sup>nd</sup> day of January 2020 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Maximum Paved Area variance be granted to allow for the construction of a 5 story, 75,270 sf. mixed use building.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Mark Donabella