

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

October 16, 2018

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: 18-101

IN THE MATTER OF: Bill Falcetti

WHEREAS, Bill Falcetti, contract purchaser of property situate in a Residential, R3 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 138 Liberty Street, being Tax Map Number: 127.76-01-05, has applied for a Rear Yard Setback Variance in accordance to Section 280-25(A) of the City of Oswego Code, to allow for the construction of a new 16'x20' storage building and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 16th day of October 2018 and the applicant having appeared and no one appearing in opposition.

Bill Falcetti of 138 Liberty Street was present for the discussion, as well as Councilor Hill. Chairperson Sweet asked if he is the contract purchaser. Mr. Falcetti said it is a verbal contract with his brother-in-law and sister-in-law. He said if he gets the variance he is going to purchase the property. Chairperson Sweet asked if the owner is here. Mr. Falcetti said no. Chairperson Sweet said they need the owner here. Mr. Falcetti said no one ever told him that. Matthew Brancato asked if they could do it contingent on the purchase. Mr. Falcetti said he believes that was the way they discussed it. Chairperson Sweet asked how they would know if there was a purchase. Mr. Caraccioli said they could do a conditional review that requires them to receive specific authorization from the owner saying they consent to the construction and the contract purchase. He said they always require a property owner to consent to an application. Matthew Brancato said they would have had to sign the application. Chairperson Sweet said Mr. Falcetti signed the application. Mr. Falcetti said he signed it and had to pay the fee. Chairperson Sweet said in the past this Board has always required that the owner be present. Anthony Pauldine said he has gone before the Board in the past as a contract purchaser but he always had a signed contract and no a verbal. Mr. Caraccioli said there has to be something that indicates the actual owner is aware of and consents to the application being presented. He said the owner needs to co-sign the application or submit a letter saying that Mr. Falcetti is the contract purchaser of the property and they have no objection to him proceeding. He said it needs to be something that connects the property owner to the application. He said he doesn't see any harm in doing this conditionally as long as there has been notice and the neighbors have a chance to be heard. He said an approval could not be considered final until there is a signed application or letter from the property owner. Chairperson Sweet requested in the future applications with a contract purchaser have permission from the owner in some form of a letter or in person. She said they prefer in person. The Board agreed to go forward with the hearing. Mr. Falcetti said he wants to build a combination storage shed and hobby workshop.

Chairperson Sweet asked if it would be for personal use. Mr. Falcetti said yes. Don Belcastro asked if it would be one or two stories. Mr. Falcetti said one story. Don Belcastro asked if it would have electricity. Mr. Falcetti said yes. Frank Clavelli, Jr. asked if there would be plumbing. Mr. Falcetti said no. Chairperson Sweet asked if he spoke to his neighbors. Mr. Falcetti said he has a letter of support from one neighbor. He said the other neighbor knows about it but hasn't mentioned anything about it. Frank Clavelli, Jr. read the letter of support from Ann Thomas of 136 Liberty Street into the record. 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. Councilor Hill said he has heard nothing on this request. Mr. Caraccioli said the backyard neighbor appears to be the school district. Mr. Falcetti said it is the hill that the kids slide down.

RESOLVED, that a Rear Yard Setback Variance be granted for the construction of a new 16'x20' storage building conditioned upon the owner coming in to sign the application.

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: 18-102

IN THE MATTER OF: Bill Falcetti

WHEREAS, Bill Falcetti, contract purchaser of property situate in a Residential, R3 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 138 Liberty Street, being Tax Map Number: 127.76-01-05, has applied for a Maximum Lot Coverage Variance in accordance to Section 280-25(A) of the City of Oswego Code, to allow for the construction of a new 16'x20' storage building and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 16th day of October 2018 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Maximum Lot Coverage Variance be granted for the construction of a new 16'x20' storage building conditioned upon the owner coming in to sign the application.

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: 18-103

IN THE MATTER OF: John & Ruth Ayres

WHEREAS, John & Ruth Ayres, owner of property situate in a Residential, R2 Zoning District in the 7th Ward of the City of Oswego, New York, with address 2 Pond Path, being Tax Map Number: 146.33-01-04, has applied for a Front Yard Setback Variance in accordance to Section 280-22(A) of the City of Oswego Code, to allow for the construction of a new 26'x26' garage and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 16th day of October 2018 and the applicant having appeared and no one appearing in opposition.

Ruth Ayres of 2 Pond Path was present for the discussion. Ms. Ayres said this is a townhouse. She said they have a shared driveway. She said her neighbor has approved this and they want to put up a two car garage. Chairperson Sweet asked if the fence will come down. Ms. Ayres said the fence will move toward Rt. 48 where the shed is. Chairperson Sweet asked if it will be sided the same as the house. Ms. Ayres said it will be vinyl siding. She said Arrow Fence will move the fence and Langdon will do the garage. Frank Clavelli, Jr. asked if it will be one story. Ms. Ayres said yes. Frank Clavelli, Jr. asked if there will be plumbing. Ms. Ayres said no. She said there will be electric. Frank Clavelli, Jr. read a letter from Oswego County Department of Community Development, Tourism and Planning that stated this should be decided as a local issue. Mr. Caraccioli said the property is located within 500' of a state road so that triggers this review. He said this is a Type II action under SEQR because they are just seeking a variance. He asked if they are accessing the garage from Burden Drive. Ms. Ayres said yes. She said part of the garage will be on the grass. She said she doesn't want to pave it and she wants to leave it grass. She said the garage will be storage for their summer car so it won't be heavily used. Mr. Caraccioli asked if she is concerned with rutting. Ms. Ayres said no. She said they can still park in the driveway in the summertime. Councilor Tesoriero said Councilor Corradino had to run to another meeting. He said Councilor Corradino had no problems with this and has had no complaints. Frank Clavelli, Jr. said this application isn't signed. They had the owner sign the application. 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.

RESOLVED, that a Rear Yard Setback Variance be granted to allow for the construction of a new 26'x26' garage.

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: 18-108

IN THE MATTER OF: Katie Isbell

WHEREAS, Katie Isbell, owner of property situate in a Residential, R3 Zoning District in the 5th Ward of the City of Oswego, New York, with address 289 West Third Street, being Tax Map Number: 128.79-02-21, has applied for a Maximum Lot Coverage Variance in accordance to Section 280-25(A) of the City of Oswego Code, to allow for the construction of a new 8'x12' addition and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 16th day of October 2018 and the applicant not having appeared.

The contractor for Katie Isbell said she is not present. He said he was told he could come in her place. Mr. Caraccioli said they don't have the owner or a signed application. Chairperson Sweet said they prefer the owner at these meetings. She made a motion to table the case. Don Belcastro asked the difference between this one and the other one. Chairperson Sweet said she didn't sign it and no one is here. Mark Donabella asked if they could do another condition that she signs it. Frank Clavelli, Jr. said they have a vote on the table. The motion to table passes 4-3. Chairperson Sweet said in the past they have always preferred that the owner comes to these meetings. She said when they pass this it goes with the property so it is important that the owners be here or give them notice that someone has the right to answer these questions.

RESOLVED, that Case #18-108 be tabled.

MOTION MADE BY ZONING BOARD MEMBER: Chairperson Sweet

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 18-109

IN THE MATTER OF: Katie Isbell

WHEREAS, Katie Isbell, owner of property situate in a Residential, R3 Zoning District in the 5th Ward of the City of Oswego, New York, with address 289 West Third Street, being Tax Map Number: 128.79-02-21, has applied for a Minimum Total Side Yard Variance in accordance to Section 280-25(A) of the City of Oswego Code, to allow for the construction of a new 8'x12' addition and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 16th day of October 2018 and the applicant not having appeared.

RESOLVED, that Case #18-109 be tabled.

MOTION MADE BY ZONING BOARD MEMBER: Chairperson Sweet

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 18-106

IN THE MATTER OF: Stewart's Shops

WHEREAS, Stewart's Shops, owner of property situate in a Central Business, B2 Zoning District in the 2nd Ward of the City of Oswego, New York, with address 114, 116, 120, 122-126 East Bridge Street, 79-81 East Sixth Street, 82 East Seventh Street, being Tax Map Numbers: 128.48-03-12, 128.48-03-13, 128.48-03-28, 128.48-03-29, 128.48-03-30, 128.48-03-31, and 128.48-03-32, has applied for a Special Permit in accordance to Section 280-33(A) of the City of Oswego Code, to allow for a convenience store with self-service gasoline and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 16th day of October 2018 and the applicant having appeared.

Tyler Fronte with Stewart's Shops was present for the discussion. Don Belcastro asked how they normalize all of this. He said they had two different cases tonight with very different outcomes. Mr. Caraccioli said there were two distinctions in the second case. He said the application wasn't signed and there was no one here on behalf of the owner to cure that defect. He said in the other case the property owner was here to sign the application. Don Belcastro questioned the first case of the night. Mr. Caraccioli said the application was signed by the applicant but not by the property owner indicating they were giving their consent to the project so the Board determined they could conditionally approve it conditioned upon the property owner signing it. Don Belcastro said now he doesn't know who this person is. Mr. Caraccioli said he is a representative of Stewart's Shops. Don Belcastro asked if he needs something that documents that he has the right to speak on behalf of Stewart's Shops. Mr. Caraccioli said he is a representative of the company. He said if they want to be that hyper-technical then they could. Don Belcastro said he is confused about the continuity. Mr. Caraccioli said in the prior example the property owner wasn't here, they had an unsigned application and they had a contractor who had no authority. He said if the contractor had a letter from the owner then that would clear at least a portion of the problem. He said it wouldn't solve the application signing but they could have proceeded and have the owner come in and sign it like they did with the first case. Chairperson Sweet said this is a problem that they will deal with later with the zoning office. Mr. Caraccioli said it is somewhat unprecedented that they had three applications tonight that were all wrong. Anthony Pauldine said another difference with the first case was the applicant was the one that was buying the property and he was present. He said the authorization doesn't go to the contractor but to someone else's property. Chairperson Sweet said since what they approve stays with the property they have to be cautious. Mr. Caraccioli said Mr. Fronte signed the application on behalf of Stewart's. Anthony Pauldine said he will be abstaining from voting because he does

work for Stewart's. He said his silence is not to be construed as in favor or against the project. He said he has not spoken about this proposal to anyone on the Board. Mr. Caraccioli said he should recuse himself and not abstain. He said the law states that he shouldn't be sitting at the table. Anthony Pauldine left the meeting. Frank Clavelli, Jr. read a letter from Oswego County Department of Community Development, Tourism and Planning that recommended approval. Mr. Fronte said they are proposing building a 3,696 square foot convenience store with self-service gasoline. Chairperson Sweet asked which way the store will be facing. Mr. Fronte said East 6th Street. He said the Comprehensive Plan shows that they want the building up against the road so that is why they designed it that way. He said the building is at the corner of East 7th Street and East Bridge Street facing East 6th Street. Chairperson Sweet asked where the pumps will be. Mr. Fronte said they bought all of the parcels and combined them into one tax parcel. He said the four pumps will on parallel to East 6th Street. Chairperson Sweet asked why the pumps are facing the side street instead of Bridge Street. Mr. Fronte said the building position. Chairperson Sweet said that is a residential side. She asked why it was designed so the pumps were not on Bridge Street. Mr. Fronte said when he read the Comprehensive Plan it looked like they wanted the buildings up against the street. Chairperson Sweet said that must be Planning and not this Board. Mr. Fronte said if you look down the streetscape now all the buildings are up against the road. Chairperson Sweet said she doesn't understand who he is saying wanted the building there. Mr. Caraccioli said if you look at the current Stewart's the pumps are on Utica Street and the building is behind it. He said in this situation the building would be backing up against the residences. Chairperson Sweet said the back of the building is going to face 7th Street. Mr. Caraccioli said yes. Chairperson Sweet said the Byrne Dairy on the west side has the building in the back with the pumps on Bridge Street. She said at Fastrac the pumps are on Bridge Street. Frank Clavelli, Jr. said for Byrne Dairy and Stewart's the property is deeper than this is. He said this property is wider than deeper. He said they are using the width in their favor. Mr. Fronte said this site would be too tight to design it that way. Don Belcastro said the back of this building will face East 7th Street. He asked if all four sides of this building are going to look neat and orderly. Mr. Fronte said yes. Frank Clavelli, Jr. said they will have siding and not a cement wall. Mr. Fronte said yes. Frank Clavelli, Jr. said they don't want the low version of Stewart's. Mr. Fronte said they don't deliver that. Chairperson Sweet said when the tanker comes in to fill it will have to go in on the 6th Street entrance. Mr. Fronte said they would have multiple access points. He said they could come through East 7th Street or East Bridge Street also. Chairperson Sweet asked about landscaping and barriers. Mr. Fronte said along the rear they are going to put vinyl fencing. He said they will also put some trees. Chairperson Sweet asked about the 7th and 6th Street sides. Mr. Fronte said they could plant some trees there. He said one problem is it is a safety issue. He said if you put massive trees out there when you are trying to exit it can cause a safety problem. He said they will do everything they can to landscape it and keep it nice and neat looking. Chairperson Sweet said they are butting up against an R3 residential district in this design. Don Belcastro asked about signage. Mr. Fronte said they have a sign on the front of the shop. He said they also have an illuminated sign that is going to be at the corner of East Bridge Street and East 6th Street. Don Belcastro asked if there will be any signage on the back. Mr. Fronte said no. He said there will be one facing East Bridge Street and one facing East 6th Street. Chairperson Sweet asked if they did a traffic study. Mr. Fronte said no. Chairperson Sweet said she is assuming that a lot of the

traffic is going to be coming in off of East Bridge Street and exiting off of the side streets. Frank Clavelli, Jr. said people coming from Utica Street could come down 6th and go out Bridge Street. Councilor Tesoriero said at one time there were three gas stations within three blocks there and they only had one access in and one access out. He said he doesn't think the traffic flow is going to change any more than it did back in the day. Mr. Fronte said they pull cars off of the road and put them back on. He said they don't generate traffic. Chairperson Sweet asked if there was anyone in favor of this application and Councilor Tesoriero came forward. He said he is speaking as an east side councilor. He said this is needed and they are trying to bring more business to the east side. He said he is in support of this project. He said the west side Stewart's has a good reputation for being a good neighbor. Chairperson Sweet then asked if there was anyone opposed to this application and Bruce Turner of 80 East 6th Street came forward. Mr. Turner said he is not opposed to Stewart's but he would like to see it designed a little better. He said he would like to see the building moved so everything isn't on 6th Street. He said he would like to see the building centered with the pumps on each side. Chairperson Sweet asked if he would be directly across from the pumps. Mr. Turner said yes. He said the landscaping part is great. He said he would like to see it redesigned because it seems like everything is towards 6th Street. The next to come forward was Scott Smith of 81 East 7th Street. He said he is concerned with the location of the building. He said he is concerned that it will block the view of cars heading north on East 7th Street and want to cross East Bridge Street. He asked how far from the curb on East Bridge Street will the side of the building be. Mr. Fronte said he will get that information to him. He said DOT has to approve this so they would look into that. Mr. Smith asked if there are still fuel tanks in the ground. Mr. Fronte said no. Mr. Smith asked about lighting on the back of the building. Mr. Fronte said the lighting plan shows at the property line it is pretty much dark. He said the lighting is dark night friendly. He said it shines down. The next to come forward was Larry Spizman owner of 112 East Bridge Street. He said he is in favor of anything that will help him sell his building in the future. He said his main concern is parking and the amount of spaces on East 6th Street that will be lost. He said right now there is a cut out on East 6th Street that is public parking that will be eliminated. He said there are also the spaces in front of the houses that will be lost. He said he wants to know how many spots there will be when they are done with this. Chairperson Sweet said that is traffic advisory. She said they are removing three houses and there will be new curbing and green space. Councilor Tesoriero said he doesn't think they are going to lose any parking other than the entrance in and out. Mr. Spizman questioned the area that is public parking. Frank Clavelli, Jr. said maybe Stewart's could not put a sign to not park unless you were going into Stewart's on spot 19-22. Mr. Spizman said his concern is on East Sixth Street from the corner of Bridge up until the entrance. He said that is going to be a curb. He asked if it will be parallel parking to the curb. Frank Clavelli, Jr. said yes. Mr. Spizman asked if people will be allowed to park there and how many will fit. Chairperson Sweet said if it is public space Stewart's has no access to it. She said only the city can change that. Jim Bell said his best guess is somewhere around 60'. Frank Clavelli, Jr. said about 3 parking spaces. Mr. Spizman said he is in favor of the build but doesn't want to lose parking. Chairperson Sweet said only the Common Council can revoke that. Councilor Tesoriero said no public space is going to go away unless the Common Council says it will. Jim Bell said he would have to go through this process to ask to change the space back to green. He said maybe it would be logical to make it parallel because

currently they block the sidewalk when they park that way. He said all of that happens in public space. He said Stewart's has been very accommodating through this process. Mr. Spizman asked if they normally put signs up that state no parking except for customers. Mr. Fronte said it is case by case. Mr. Caraccioli said this is not a 24 hour operation. Mr. Fronte said it is 5 a.m. to 12 a.m. Chairperson Sweet asked how far back from sidewalk are the pumps on East 6th Street. Mr. Fronte said 40'. Chairperson Sweet asked how far between pumps and store. Mr. Fronte said 70'. Frank Clavelli, Jr. said that is because they have the driveway coming in. Councilor Tesoriero said something that goes into the design of this is turning radius. He said he is sure this is designed to the newest codes. Chairperson Sweet said she is all for business but she is also looking at these people that are now going to be looking at pumps. She said if the pumps were in the front it would be so much easier. She said she is trying to strike a happy medium. Councilor Tesoriero said Stewart's has to abide by limits that tell them how much room they have to have. He said they are trying to fit a footprint and bring business to the City of Oswego. Chairperson Sweet said in her opinion it is a poor design to fit with the residential area they have. She asked how far it is from the corner on Bridge Street up to the last house they are taking down. Mr. Fronte said 135' off of Bridge Street. Mr. Turner said their driveway would be across from 84. Mr. Smith said asked how far from the fence is the egress. Mr. Fronte said 40'. Mr. Smith said they will have a lot of people exiting and wanting to turn right. He said there is parking allowed on both sides of the street. He said people coming out of there with large cars, trailers and boats and others backing out of Canalot will cause a few fender benders. Don Belcastro asked if the architect only came up with one plan. Mr. Fronte said no. He said he turned the building all ways and this was the only way. He said they need to do everything DOT requires and everything code requires. Don Belcastro asked if this is the best plan based on DOT, codes, and community. Mr. Fronte said this was the design that worked. He said DOT has such strict regulations so they put the final stamp on everything. He said at the end of the day they have to do what DOT wants. Mr. Caraccioli said in terms of location of the building placing this anywhere else would likely trigger an area variance. Jim Bell said it would trigger multiple variances. He said it is in a B2 so the restrictions are minimal because B2 encourages exactly what this is. Mr. Caraccioli said it abuts residential so you have to be mindful of that. Jim Bell said there are requirements that go along with it. Chairperson Sweet questioned about landscaping and screening. Mr. Fronte said if you put big trees on the edge it will be a safety issue. Jim Bell said DOT will make them take them down. Mr. Fronte said they have very strict regulations. Chairperson Sweet asked if they could eliminate parking spaces and move screening further up. Mr. Fronte said they are proposing 22 and 18 are required. Jim Bell asked what they are going to do with all the snow. He said he has to have a way to deal with that. Chairperson Sweet said currently this is the best design they can get.

RESOLVED, that a Special Permit be granted for a convenience store with self-service gasoline with the recommendation that Stewart's does what they can to put some kind of screening on the west side of their property.

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

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger