

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

October 20, 2020

A motion to approve the minutes of the September 2020 meeting was made by Mark Brunschweiger and seconded by Chairman Clavelli; minutes unanimously approved.

Chairman Clavelli said Connie Ryan will be a non-voting alternate tonight.

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 Brunschweiger; unanimous approval.

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-125

IN THE MATTER OF: Michael Dishaw

WHEREAS, Michael Dishaw, owner of property situate in a TN1, Traditional Neighborhood 1 Zoning District in the 4th Ward of the City of Oswego, New York, with address 229 East Ninth Street, being Tax Map Number: 128.57-03-30, has applied for a Height Area Variance in accordance to Section 280-78(A) of the City of Oswego Code, to allow for the construction of a six foot (6') high fence and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 20th day of October 2020 and the applicant having appeared and no one appearing in opposition.

Michael Dishaw of 229 East Ninth Street was present for the discussion. Michael Dishaw said they want to extend the 4' fencing on the street side of their house to 6' to keep their dogs inside the fence. Chairman Clavelli asked if there is anyone in the audience in favor of this and Harlene came forward. She said she owns the dog with Michael and she is the one that usually goes out to stop him from going after the mailman. Chairman Clavelli asked if there was anyone in the audience opposed to this and no one came forward.

RESOLVED, that a Height Area Variance be granted to allow for the construction of a six foot (6') high fence.

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: 20-127

IN THE MATTER OF: Roger Burrow, Jr.

WHEREAS, Roger Burrow, Jr., owner of property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 4th Ward of the City of Oswego, New York, with address 165 East Thirteenth Street, being Tax Map Number: 128.50-04-13, has applied for a Side Yard Setback Area Variance in accordance to Section 280-13(C) of the City of Oswego Code, to allow for the construction of a new 24'x30' garage and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 20th day of October 2020 and the applicant having appeared and no one appearing in opposition.

Roger Burrow, Jr. of 165 East Thirteenth Street was present for the discussion. Mr. Burrow said he would like to replace the pre-existing garage with a more solid and appealing structure. He said the garage he had was beyond repair and would've cost just as much to repair than to just put up a new pole barn. Chairman Clavelli asked if there was anyone for or against this application and no one came forward.

RESOLVED, that a Side Yard Setback Area Variance be granted to allow for the construction of a new 24'x30' garage.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-128

IN THE MATTER OF: Roger Burrow, Jr.

WHEREAS, Roger Burrow, Jr., owner of property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 4th Ward of the City of Oswego, New York, with address 165 East Thirteenth Street, being Tax Map Number: 128.50-04-13, has applied for a Rear Yard Setback Area Variance in accordance to Section 280-13(C) of the City of Oswego Code, to allow for the construction of a new 24'x30' garage and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 20th day of October 2020 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Rear Yard Setback Area Variance be granted to allow for the construction of a new 24'x30' garage.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-129

IN THE MATTER OF: James Chetney

WHEREAS, James Chetney, contract purchaser of property situate in a TN1, Traditional Neighborhood 1 Zoning District in the 4th Ward of the City of Oswego, New York, with address 48 East Albany Street, being Tax Map Number: 128.65-01-03, has applied for a Height Area Variance in accordance to Section 280-78(A) of the City of Oswego Code, to allow for the construction of a six foot (6') high fence and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 20th day of October 2020 and the applicant having appeared and no one appearing in opposition.

James Chetney of 48 East Albany Street was present for the discussion. Mr. Chetney said he would like to replace a fence that fell apart. He said he would like to replace the 4' fence with a 6' fence in the front yard. Chairman Clavelli asked if there was anyone for or against this application and no one came forward.

RESOLVED, that a Height Area Variance be granted to allow for the construction of a six foot (6') high fence.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-122.2

IN THE MATTER OF: Daniel Manning

WHEREAS, Daniel Manning, architect for Oswego County Federal Credit Union, property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 103 Fifth Avenue, being Tax Map Number: 127.75-03-17, has applied for a Minimum Lot Area Variance in accordance to Section 280-13(C) of the City of Oswego Code, to allow for 103 Fifth Avenue to remain a single family dwelling after subdivision of parcel and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 20th day of October 2020 and the applicant having appeared and no one appearing in opposition.

Daniel Manning, architect for Oswego County Federal Credit Union, was present for the discussion. Mr. Manning said he has been retained by the Oswego County Federal Credit Union for the recent purchase of their property at 262 West Seneca Street and 103 Fifth Avenue. He said the existing property at 262 West Seneca Street is a 4,800 square foot; one-story building that has three commercial tenants in it. He said it is the intent of the Oswego County Federal Credit Union to demolish the interior and to create one occupancy for their western branch in Oswego. He said there are currently 48 parking spaces. He said they will leave the existing apron on NYS Route 104 and add two drive-thru lanes on the west side of the property and an access lane to get to the rear side of the property. He said in doing so seven parking spaces would need to be voided to provide room for the access lane. He said they have also purchased 103 Fifth Avenue. He said that property is currently 6,300 square feet. He said it is 30 feet wide and 210 feet long. He said it is located in a Traditional Neighborhood 2 Zoning District. He said 262 West Seneca Street is located in a Traditional Business Zoning District. He said they have been in front of the Common Council to get a positive recommendation for a zone change. He said they've been in front of the Planning Board for preliminary site plan review. He said in order to get the zone change, re-subdivision, and the site plan review approved they are requesting two area variances and one special permit. He said the two area variances would be to take a 94x30 section of 103 Fifth Avenue and deed it into 262 West Seneca Street which would provide 11 parking spaces. He said two of those parking spaces would be given to 103 Fifth Avenue with an access easement to come off of Fourth Avenue. He said the zoning requirement for Traditional Business 2 is 5,000 square feet. He said the parcel will be reduced to 3,480 square feet so they are requesting an area variance for site size of 1,520 square feet. He said the other variance would be for lot coverage. He said maximum lot coverage in a Traditional Business 2 is 30%. He said with the reduction of the square footage they would be proposing 42% lot coverage. He said part of the re-subdivided property would contain parking

spaces for 103 Fifth Avenue. He said the site pretty much stays as is. He said the access off Route 104 stays the same. He said the apron on Fourth Avenue is going to be widened. He said they are going to reduce some of the elevation that is very steep in that back parking area. He said the special permit approval will be for the drive-thru. Anthony Pauldine asked what they are going to do with the house. Mr. Manning said the house is currently being rented and it will still be rented to tenants. Anthony Pauldine asked if the credit union will be the landlords for the property. Mr. Manning said he's not sure if the credit union or Bill Carhart, the CEO, will own the property. He said it would be controlled and maintained as part of this parcel. He said the backyard of the parcel is currently largely undeveloped. He said there is a gravel paved driveway. He said it would all be finished, striped, and illuminated. Chairman Clavelli said those tenants presently park back there now. Mr. Manning said correct, off of Fourth Avenue. He said the apron off of Fourth Avenue would be eliminated and the access for the tenants would be in the credit union's apron off of Fourth Avenue. He said they would park in their two designated parking spaces that are closest to their home. He said they will get maintained parking spaces. Mark Brunschweiger asked if there will be entrance and exit for traffic on Fourth Avenue. Mr. Manning said yes. He said it is proposed that will stay as is. He said it will be moved farther away from the intersection slightly. Chairman Clavelli asked if they will have proper signage on the drive-thru so people know that they can't go that way. Mr. Manning said there will be directional signage both vertical and on the paving as well. Chairman Clavelli asked if there was anyone for or against this application and Kris Jorgensen of 105 Fifth Avenue came forward. Ms. Jorgensen said she and her husband have lived there for 13 years and have completely remodeled it. She said they live there with their children. She said one of the things that appealed to them when they bought this house was it was quiet behind them. She said it is all trees behind them. She said it is owned by the power plant company and it is going to stay that way. Anthony Pauldine said that property is up for sale. Ms. Jorgensen said she would be interested in that. She said they were told that would stay undeveloped. She said Pat Kraft has been a good landlord. She said it has been quiet and he gets responsible college students. She said this obviously is getting her attention because she has pets and young children. She questioned where the new property line would be. She asked if part of the plan would include a tall solid fence. Mr. Manning said the plan is for a vehicular visual block. Ms. Jorgensen asked what that would look like. Mr. Manning said it could be similar to the fence that is already there. Ms. Jorgensen said she would request an 8' solid fence. Mr. Manning said they have proposed a 6' high fence that they plan on continuing all the way around. Ms. Jorgensen said everybody that drives by will be watching what is happening in her yard. Mr. Manning said the traffic isn't going to go against the fence. He said the traffic is going in an access lane that will be between the parking spaces. Ms. Jorgensen said she still requests the fence be higher. Mr. Caraccioli said the maximum fence height is 4 feet, 6 feet with a variance. He said 8 feet is virtually unheard of in the city. He's asked how the prior use as the college bookstore impacted their quality of life. Ms. Jorgensen said all the parking was right in front and it was very rare that someone drove around the building. Matthew Brancato said in the late 90s/early 2000s the bookstore did a tremendous business. He said it was so busy that not only was Kraftees' lot full but they would use his parking lot across the road. He said he can't imagine more traffic than Kraftees used to have. He said being that it is a four-lane highway with semi-tractor trailers driving down the road, he doesn't know how much more traffic they can get than that. Ms.

Jorgensen said that is four houses away. She said it isn't right next to her backyard. Anthony Pauldine said he owns the property at 101 Fifth Avenue and there's a huge elevation difference from where her home is and where they are. He said he doesn't know if a 12 foot high fence would prevent people from seeing over. Chairman Clavelli said she could put up a 6 foot high fence on her property. Richard Lafond said she could plant a line of spruce trees that grow quick. Ms. Jorgensen said she has gardens. Chairman Clavelli said arborvitae trees grow fast. Anthony Pauldine asked if they will replace the fence. Mr. Manning said they will refurbish the existing fence. Anthony Pauldine said there are areas that are deteriorating. Mr. Manning said anything deteriorated will get replaced. Anthony Pauldine asked if there was a way to prohibit the sale of the house separately. He said there is no parking on either side of Fifth Avenue and that house will have no place for a driveway. He said it would be a hardship in that area to sell that house without any parking. Mr. Manning said the parking will be a permanent easement to the property. Mr. Caraccioli said they could make that a condition of approval that they provide the city with proof of the permanent easement. Anthony Pauldine said other than that he thinks it is a great use of the building and the property. Chairman Clavelli said they received the 239 Review from Oswego County Department of Community Development, Tourism and Planning. He said they recommend approval with modifications which include needing area variances for minimum lot area, minimum rear setback, and maximum lot coverage.

RESOLVED, that a Minimum Lot Area Variance be granted to allow for 103 Fifth Avenue to remain a single family dwelling after subdivision of parcel with the condition that the developer provides proof of permanent easement for the rental house adjacent to the new credit union.

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: 20-122.3

IN THE MATTER OF: Daniel Manning

WHEREAS, Daniel Manning, architect for Oswego County Federal Credit Union, property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 103 Fifth Avenue, being Tax Map Number: 127.75-03-17, has applied for a Maximum Lot Coverage Area Variance in accordance to Section 280-13(C) of the City of Oswego Code, to allow for 103 Fifth Avenue to remain a single family dwelling after subdivision of parcel and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 20th day of October 2020 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Maximum Lot Coverage Area Variance be granted to allow for 103 Fifth Avenue to remain a single family dwelling after subdivision of parcel with the condition that the developer provides proof of permanent easement for the rental house adjacent to the new credit union.

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: 20-124

IN THE MATTER OF: Daniel Manning

WHEREAS, Daniel Manning, architect for Oswego County Federal Credit Union, property situate in a TB, Traditional Business Zoning District in the 3rd Ward of the City of Oswego, New York, with address 262 West Seneca Street, being Tax Map Number: 127.75-03-02, has applied for a Special Permit in accordance to Section 280-17(B) of the City of Oswego Code, to allow a drive-thru facility and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 20th day of October 2020 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Special Permit be granted to allow a drive-thru facility.

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: 20-132

IN THE MATTER OF: Wellhouse Ministries, Inc.

WHEREAS, Wellhouse Ministries, representative of owner of property situate in a TN1, Traditional Neighborhood 1 Zoning District in the 1st Ward of the City of Oswego, New York, with address 68 West Sixth Street, being Tax Map Number: 128.53-03-08, has applied for an Advisory to the Planning Board for a Use Variance in accordance to Section 280-90(B) of the City of Oswego Code, to allow for a two-bedroom comfort care facility with staff offices and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 20th day of October 2020 and the applicant having appeared and no one appearing in opposition.

Kateri Spinella, President of Wellhouse Ministries, was present for the discussion. Mr. Caraccioli said it was brought to the attention of the zoning office that Kateri Spinella, president of Wellhouse Ministries, is seeking a use variance for conversion of St. Mary's convent into a comfort care home for hospice patients. He said the reason it is before this board tonight is strictly to send it on to the Planning Board for its advisory opinion and then it will come back to this board in November for a public hearing and further review and consideration. Mark Brunschweiger asked if the Diocese of Syracuse will remain the owners of the property. Ms. Spinella said they are in a signed purchase agreement with the diocese. She said they would like that parcel subdivided from St. Mary's Church. She said they would have some stipulations to share that parking lot so there is no street parking. Mark Brunschweiger asked if part of the parcel would be the garage also. Ms. Spinella said the garage belongs to the church. Chairman Clavelli asked if there was anyone for or against this application and no one came forward.

RESOLVED, that a referral to the Planning Board for a Use Variance be granted.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Chairman Clavelli