

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

February 26, 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: 19-34

IN THE MATTER OF: Cathy Izyk

WHEREAS, Cathy Izyk, owner of property situate in a Residential, R3 Zoning District in the 7th Ward of the City of Oswego, New York, with address 34 Gerritt Street, being Tax Map Number: 146.31-03-02, has applied for a Side Yard Setback Variance in accordance to Section 280-25(A) of the City of Oswego Code, to allow for the construction of a 16'x10' shed and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 26th day of February 2019 and the applicant's representative having appeared and no one appearing in opposition.

Patrick Falter of 34 Gerritt Street was present for the discussion. Chairperson Sweet said they have an authorization form for Patrick Falter to act as a representative for Cathy Izyk. Mr. Falter said they would like a 16'x10' storage shed for a lawn mower. Chairperson Sweet asked what material would be used. Mr. Falter said it will be architectural shingles, T-111 siding painted the same side of the house. Chairperson Sweet said it is being built. Mr. Falter said yes. Chairperson Sweet asked if there is a fence. Mr. Falter said at the back of the building. Jeff McGann said the Rear Yard Setback is 25' and they are asking for 16'. He said they are asking for 3' on the side. Don Belcastro asked if it is one story. Mr. Falter said yes. Don Belcastro asked if there will be any power or electricity. Mr. Falter said no. Chairperson Sweet asked if they have spoken to their neighbors. Mr. Falter said the neighbors have no problems with it. 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 Side Yard Setback 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: 19-35

IN THE MATTER OF: Cathy Izyk

WHEREAS, Cathy Izyk, owner of property situate in a Residential, R3 Zoning District in the 7th Ward of the City of Oswego, New York, with address 34 Gerritt Street, being Tax Map Number: 146.31-03-02, 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 16'x10' shed and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 26th day of February 2019 and the applicant's representative having appeared and no one appearing in opposition.

RESOLVED, that a Rear Yard Setback 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: 19-18

IN THE MATTER OF: David Dexter

WHEREAS, David Dexter, owner of property situate in a Residential, R3 Zoning District in the 1st Ward of the City of Oswego, New York, with address 54-56 West Third Street, being Tax Map Number: 128.46-02-15, has applied for a Special Permit in accordance to Section 280-81(D) of the City of Oswego Code, to allow for change to another nonconforming use and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 26th day of February 2019 and the applicant having appeared and no one appearing in opposition.

David Dexter of 56 Lakeview Drive was present for the discussion. Dr. Dexter said this building was originally built as a multifamily dwelling. He said it has been the Board of Education building, a fraternity, a legal office and a medical office. He said the amount of traffic his medical office created caused a hardship for his neighbors. He said he has closed the medical office down and he is requesting to put in two single bedroom apartments like he has upstairs. He said this will reduce the traffic from 30-40 cars per hour to four all day. Mr. Caraccioli said the city is looking to reduce the number of multifamily dwellings in our neighborhoods. He said he was an occupant of this building but doesn't have any interest in it now. He said it was his law office for a number of years. He said they pulled the Sanborn maps for the city. He said the latest edition is 1964, before that it was 1911 and there was even one that went back into the 1800s. He said the 1964 and 1911 Sanborn maps showed multifamily dwelling for this property. He said there was some notation that said ample parking for 6 vehicles or more. He said there is historic proof that this property has been used as a multifamily dwelling which means more than two families. He said from a nonconforming use perspective there is evidence that this property was used as a multifamily. He said the traffic volume and impact on the neighborhood are relevant to this discussion. Chairperson Sweet said he wants to convert his office to two apartments. Dr. Dexter said yes. Chairperson Sweet said he has ample parking. She asked if he has had any conversation with any of his neighbors. Dr. Dexter said he knows most of his neighbors and any he has talked to think this is great. Don Belcastro asked why one apartment has two bedrooms. Dr. Dexter said that is more of a sitting room and will join into the living area. He said it also has a handicapped lift that he isn't sure will stay there. Mr. Caraccioli said there are two entrances on Third Street to the house. He said there is entry in the back to the upper apartments. Frank Clavelli, Jr. 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. Councilor Tesoriero said this is a wonderful transformation of a neighborhood. He said what Dr. Dexter is

trying to do is a great thing. Tom Restuccio said Dr. Dexter has made a lot of improvements in the neighborhood. He said he is in support. He said when it was a law office and a medical office there was a lot of traffic. He said this will greatly reduce the traffic in the neighborhood. Chairperson Sweet said she has seen the apartments upstairs and they are beautiful. She read the criteria for granting a special permit. She said the criteria for a special permit are A) Be appropriately located with respect to transportation, water supply, waste disposal, fire and police protection and other public facilities. B) Be in accordance with the City Master Plan and provide any appropriate conditions and safeguards in harmony with the general purpose of this chapter. C) Cause no undue traffic congestion or create an unnecessary traffic hazard. D) Include traffic access, interior circulation and parking and loading spaces, adequate in location and design. E) Not have a substantially adverse effect upon the character of or property values in the area. F) Incorporate adequate safeguards, screening fences and landscaping to protect and maintain the harmony of the surrounding area. G) Not otherwise impair the public health, safety and general welfare. She said she thinks all of these have been addressed in a positive manner. Mr. Caraccioli said this is asking for a change to another nonconforming use. He read the criteria for looking at the nonconforming use. He said it states "In making its decision, the Zoning Board of Appeals shall consider the following criteria: (a) Whether the owner can establish the original constructed use of the building or structure to justify reinstatement of the nonconforming use. (b) Whether the owner has adequate parking on the property available to meet the requirements of Chapter 280-52 of the Zoning Ordinance. (c) Whether the proposed use of the building, structure or lot is in harmony with the neighborhood and will not adversely increase the population and vehicular density of the neighborhood. (d) Whether the proposed use of the building, structure or lot is the most economically viable alternative to reestablish the original use of the property. (e) Whether it is necessary that the special permit be granted with conditions."

RESOLVED, that a Special Permit 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: 19-14

IN THE MATTER OF: R M Burritt Motors, Inc.

WHEREAS, R M Burritt Motors, Inc., owner of property situate in a Neighborhood Business, B1 Zoning District in the 4th Ward of the City of Oswego, New York, with address 340 State Route 104, being Tax Map Number: 129.37-02-05, has applied for a Maximum Paved Area Variance in accordance to Section 280-31(A) of the City of Oswego Code, to allow for the construction of a +/- 28,000 sf. automobile dealership and inventory and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 26th day of February 2019 and the applicant having appeared and no one appearing in opposition.

Neal Zinsmeyer from Napierala Consulting was present for the discussion. Mr. Zinsmeyer said they are the site engineers on behalf of Mr. Burritt. He said he is proposing a 28,000 square foot Dodge, Chevy, Ram, Jeep dealership next to his existing Chevy dealership. He said he owns all of the parcels and he is going to consolidate all the parcels he has into one parcel. He said his inventory is the driving force to his business which is why they are seeking the variance. He said he needs space for inventory. Jeff McGann said originally there were six parcels and they have been merged into one. He said it maintains the Chevy dealership's address. Frank Clavelli, Jr. said he doesn't need any other variances. Jeff McGann said no. Frank Clavelli, Jr. said he isn't encroaching on any of the neighbors. Jeff McGann said no. Councilor Tesoriero said he is in support. He said his only concern is the storm runoff. He asked if it has been addressed. Mr. Zinsmeyer said they submitted full engineering plans including the SWPPP to the city and the DEC. He said the DEC has to approve it because of the size of the project. He said they have three different storm water management systems. He said they have the bio retention basins which are a pretreatment basin and overflow to the detention basin. He said the detention basin manages the peak flow and then releases those storm events similar to existing conditions. He said the goal when they do a big project is they look at the pre-existing conditions. He said there is grass and trees there and they are paving all of that so it increases the runoff. He said they manage it in these three separate systems to replicate the existing conditions. Councilor Tesoriero asked if the city has gotten back to him to say they can handle that. Mr. Zinsmeyer said no. He said he has not specifically asked that question either. He said he has not heard otherwise. Councilor Tesoriero said he is in support of this project but he is worried because they have had issues with the runoff. Mr. Zinsmeyer said this all drains to Wine Creek and he recalls someone said in the Planning Board that has been improved. Councilor Tesoriero said they increased the size of some of it but not all of it. Mr. Zinsmeyer said it is part of the plan to replicate or reduce the amount of the runoff. Mr.

Caraccioli asked if there was a separate drainage report submitted to the DOT. Mr. Zinsmeyer said their storm water reports are combined with a drainage report and that was also sent to the DOT. Mr. Caraccioli said there is a letter from the DOT that they requested, received and approved the drainage report. Mr. Zinsmeyer said there are long-term agreements that they will have to follow for maintenance of the storm water system. Frank Clavelli, Jr. said if there are any issues with the neighbors Mr. Burritt will still be responsible. Mr. Zinsmeyer said there is annual maintenance for the system. Jeff McGann said the plan was sent to Bob Johnson who reviewed this and to his knowledge he doesn't have any concerns. Mr. Zinsmeyer said they received some minor comments back from the DEC. He said they asked them to double up on the standard requirements. Jeff McGann said the DOT only wanted one entrance off of 104. He said they decided to go to one entrance, move the location, drew up a new plan, submitted it to the DOT and the DOT approved it. He said it was immediately addressed. Don Belcastro asked about the lighting. Mr. Zinsmeyer said there are requirements from the corporate dealerships. He said it is a 24 hour advertisement. He said you always want those cars to be visible and the area safe. He said it meets the requirements of Dodge Chrysler Jeep. He said they are dark sky compliant and only shine down and they are LED lights. He said they lowered some of the poles along 104. Chairperson Sweet read a letter from DOT that addressed the lighting plan. She said they received a letter from Oswego County Department of Community Development, Tourism and Planning. She said they recommended approval with modifications. She said it stated the front yard area along City Line Road should be landscaped. She asked if they are addressing landscaping. Mr. Zinsmeyer said yes. He said they submitted a full landscaping plan. He said City Line Road is a wide open free-for-all. He said they are going to dedicate two access points rather than the free-for-all. Chairperson Sweet said this Board likes to see landscaping especially with something this large. She said she would like to be assured there will be proper landscaping. She said the letter goes on to address the trees that will be removed. Mr. Caraccioli said the Planning Board looked at each of these. He said the Planning Board suggested that they reject the proposed modifications and recommended some sort of buffer. Jeff McGann said the County recommended a 12' setback from City Line Road. He said that would have wiped out a whole line of vehicle parking for display. He said the biggest concern was that it wasn't wide open on City Line Road as it is right now. He said they are going to limit it down to two drives and come up with some form of landscaping to define the two driveways. He said the Planning Board decided to reject the 12' setback because it would have eliminated 32 parking spaces. Mr. Zinsmeyer said they will put a guardrail or wooden fence there to prevent people from driving through there. Mr. Caraccioli said it will need to be low-lying enough to expose the vehicles for customers to see them but an obstacle enough that it prevents someone from entering there. He said the second provision relating to the trees may have been a misread of our zoning ordinance because that deals with public property and not private property. Mr. Zinsmeyer said the DEC does require large landscaped areas in the bio-retention basins. He said they didn't want trees in the front because they block inventory. Mr. Caraccioli said the third recommendation regarding the SPDES permit and the SWPPP is being addressed. Chairperson Sweet asked if there was anyone in the audience that would like to address this and Michael Herron of 153 City Line Road came forward. Mr. Herron asked if they are trying to get approval for paving. Mr. Caraccioli said lot coverage for the proposed business. Mr. Herron asked if the stone parking will be paved. Mr. Zinsmeyer said yes. Mr.

Herron asked if there is any consideration to keeping some of the natural barrier that is there. Mr. Zinsmeyer showed Mr. Herron the area that will be maintained. He said they will need to regrade a lot of it for storm water management so they will try to reestablish the tree line. Mr. Herron questioned the grade. Mr. Zinsmeyer said everything will drain south and then west. He said all drainage will go behind Dr. Ram's. Chairperson Sweet asked where his property is. Mr. Herron said he is directly south. He asked how he gets information on what the plans are. Jeff McGann said he can email them to him. Frank Clavelli, Jr. said it is on record that if there is a problem they are going to have to take care of it. Mr. Zinsmeyer said it happens for every property. Frank Clavelli, Jr. said they aren't going to say it is the city's fault. Mr. Zinsmeyer said it isn't on city property. Frank Clavelli, Jr. said they aren't going to say it is the neighbor's fault. Mr. Zinsmeyer said he doesn't play the blame game. He said he would accept it even if it wasn't his responsibility. Mr. Caraccioli said SEQR is a function of the Planning Board. He said they made a determination of no significance. Councilor Tesoriero said he is confident the Burritt family will do anything they need to do to remedy any situation.

RESOLVED, that a Maximum Paved Area 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: 19-27

IN THE MATTER OF: Edward Alberts

WHEREAS, Edward Alberts, owner and contract purchaser of property situate in a Central Business, B2 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 147-157 West First Street, being Tax Map Number: 128.55-02-01, 02-25 & 02-26, has applied for a Special Permit in accordance to Section 280-33(G)&(H) of the City of Oswego Code, to allow a mixed use building and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 26th day of February 2019 and the applicant having appeared and no one appearing in opposition.

Daniel Manning was present for the discussion. Mr. Manning said he has been retained by Mr. Alberts. He said Mr. Alberts is constructing a new 44,000 square foot mixed use building on West First Street. He said the existing property consists of Mr. Alberts' existing two story masonry building which is all commercial. He said it is being retained and restored. He said adjacent is a vacant parcel and on the corner is Harbor Optics which will be torn down. He said all three parcels will be combined into one parcel. He said the site slopes from West First Street down to Water Street approximately 6 feet which creates the need for the height variance. He said there will be an underground parking garage that will be accessed by Water Street. He said there will be 26 parking spaces in the garage. He said the first floor level will be 4,200 square feet of retail space and Mr. Alberts' existing 4,400 square feet of commercial space. He said there will be four apartments on the first floor with a total of 32 apartments. He said there will be a combination of one and two bedroom apartments. He said the apartments on Water Street are approximately 6' above the street level. He said the second floor to the fourth floor would all be apartments. He said the Buckhout-Jones building has a height on Water Street of over 60'. He said the size of this building given the gradient is proportionate to the surrounding area. He said the mixed use only enhances the fabric of the downtown. He said they have created an exterior architectural appearance that emulates the historic fabric of the City of Oswego. He said they will be removing the fire stairs and those tenants will be afforded interior access to the elevator and stairway. Mark Brunschweiger said it is good to see the vacant lot put to use. Frank Clavelli, Jr. asked if the building that Mr. Alberts owns will be adjoined. Mr. Manning said it will be adjoined and part of the overall parcel of the building they are naming Riverwalk. Jeff McGann said the entrance to the parking garage will be under the existing building. Chairperson Sweet asked about the façade. Mr. Manning said it will be a combination of cut stone, brick veneer and synthetic stucco. Frank Clavelli, Jr. asked if these are going to be rentals. Mr. Manning said yes. Anthony Pauldine asked how high up the stone work will go.

Mr. Manning said it will go up to the first floor cornice entablature. Anthony Pauldine asked if it is actually stone work. Mr. Manning said it is cut stone. Chairperson Sweet said they are looking at a special permit for mixed use. She said 280-33 G & H state "Other commercial uses upon the finding that such use is compatible with those permitted and which will not be detrimental to other uses within the district or to adjoining land use" and "Multiple-family dwellings". She said that is what the special permit would consist of. She said they also have a maximum coverage variance and a request for the height due to the layout of the land. She asked if there were any questions or comments from the audience and no one came forward. Frank Clavelli, Jr. said he has a letter from Oswego County Department of Community Development, Tourism and Planning which recommends approval. Mr. Manning said they also received a favorable advisory from the Planning Board as well. Mr. Caraccioli said there is a resolution for the use of public space that the Common Council adopted recently. He said the Planning Board adopted a negative declaration on the Environmental Assessment Form. He said they were declared the lead agency because of the final site plan approval. He said this is listed on the staff review as a Type I action but it is actually an unlisted action. He said it would be a Type I action if it is a residential new construction, in a community with a population of 150,000 or less and it has 200 residential units or more which it does not. He said because part of this is in the historic district it can become a Type I action if the project exceeds 25% of those thresholds. He said 25% of the 200 units would be 50. He said previously he mistakenly said 25 units. He said as a result it is not a Type I action but it is an unlisted action and based on that the Planning Board completed a short environmental assessment review and issued a negative declaration.

RESOLVED, that a Special Permit be granted.

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

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-28

IN THE MATTER OF: Edward Alberts

WHEREAS, Edward Alberts, owner and contract purchaser of property situate in a Central Business, B2 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 147-157 West First Street, being Tax Map Number: 128.55-02-01, 02-25 & 02-26, has applied for a Maximum Coverage Variance in accordance to Section 280-34(A) of the City of Oswego Code, to allow for the construction of a 44,000 sf. mixed use building and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 26th day of February 2019 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Maximum Coverage Variance be granted.

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

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-33

IN THE MATTER OF: Edward Alberts

WHEREAS, Edward Alberts, owner and contract purchaser of property situate in a Central Business, B2 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 147-157 West First Street, being Tax Map Number: 128.55-02-01, 02-25 & 02-26, has applied for a Height Variance in accordance to Section 280-34(A) of the City of Oswego Code, to allow for the construction of a 44,000 sf. mixed use building and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 26th day of February 2019 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Height Variance be granted.

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

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-31

IN THE MATTER OF: Atom Avery

WHEREAS, Atom Avery, contract purchaser of property situate in a Central Business, B2 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 189 West First Street, being Tax Map Number: 128.55-02-14.02, has applied for a Height Variance in accordance to Section 280-34(A) of the City of Oswego Code, to allow for the construction of a 30,000 sf. mixed use building and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 26th day of February 2019 and the applicant having appeared and no one appearing in opposition.

Atom Avery was present for the discussion. Mr. Avery said he was here a year ago. He said he received other variances that he needed. He said his project stays the same as he presented as far as commercial space, parking in the basement, residential space, and mixed use on the top floor of apartments and a bar and grill. He said he has added a residential floor based on financials. He said that put him over the 50' height requirement. Chairperson Sweet said he is adding a top floor. Mr. Avery said he is actually adding a middle floor. Frank Clavelli, Jr. said the top floor is exactly as he presented it. Mr. Avery said they are down an apartment on the top floor because the kitchen needed to be a little larger. He said it is three units on the top floor instead of the four that was presented before. He said it will be 21 residential one and two bedroom apartments with three commercial spaces. Mr. Caraccioli said the Planning Board and the County weighed in on the site plan. He said they redid the SEQR and because of the height requirements there was a variance needed. He said the County recommended approval without comments. He said the Planning Board gave a favorable advisory opinion on the area variance request and they have approved the site plan conditioned upon the approval of the variance. Chairperson Sweet asked about the comparison to the buildings around this. Mr. Avery said the building across the street is about 60'. Mr. Manning said there is a four story section of Canal Commons from Water Street that is about 64' and the Brown Davis building is 72' high on Water Street. Frank Clavelli, Jr. asked how tall this will be. Mr. Manning said 63'6". He said this is a flagship corner. He said he thinks the size is commensurate with the block. He said this is a gateway into the city and the one story that is currently there grossly underserves the aesthetics of the entrance of the City. Anthony Pauldine said he is a neighbor but he is not selling this property and he doesn't have anything to gain financially. He said he is not a part of this project but he does support it. Chairperson Sweet asked about the façade. Mr. Manning said it will be cut stone, intermediate entablature, a secondary larger cornice entablature and a high entablature at the rooftop level. He said there will be vertical fluting on pilasters. He said

the entire finish above the first floor will be synthetic stucco. He said there will be very large windows, full height glass storefront on the street level, prominent entrance on Bridge Street as well as a major entrance on West First Street and a pedestrian access from Water Street. Councilor Tesoriero said Mr. Avery's work is amazing and he is in support. Chairperson Sweet asked if there was any questions or comments from the audience and no one came forward.

RESOLVED, that a Height Variance be granted.

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

SECONDED BY ZONING BOARD MEMBER: Mark Donabella