

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

March 20, 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 David Buske, unanimous approval.

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 18-33

IN THE MATTER OF: Kyle & Kayla Eppley

WHEREAS, Kyle & Kayla Eppley, owners of property situate in a Residential, R3 Zoning District in the 6th Ward of the City of Oswego, New York, with address 335 East Ninth Street, being Tax Map Number: 128.78-04-12, has applied for a Front Yard Setback Variance in accordance to Section 280-25(A) of the City of Oswego Code, to allow for the construction of a fence and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 20th day of March 2018 and the applicant having appeared and no one appearing in opposition.

Kyle & Kayla Eppley were present for the discussion, as well as Councilor Tesoriero. Mr. Eppley said they would like to put up a 6' privacy fence. He said they want to do a 6' fence because they have big dogs and a 4' fence isn't enough. Councilor Tesoriero said he hasn't received any correspondence one way or the other. Anthony Pauldine said the fence will be immediately adjacent to the sidewalk and he dislikes that. He said it wouldn't be good for children riding a bike on the sidewalk. He said he would rather see it back a few feet. Chairperson Sweet said she agrees. Councilor Tesoriero said they were trying to keep the tree inside the fence. He said they would be willing to move it so the tree would be outside the fence line. Anthony Pauldine asked if they would be willing to keep the fence back three feet. Mr. Eppley said yes. Frank Clavelli, Jr. said if they need more than three feet in order to avoid the tree that would be okay. Mr. Caraccioli said they can go into their property more. Matthew Brancato asked if coming in the extra three feet would take away what they wanted to do. Mr. Eppley said no. Mr. Caraccioli asked what kind of fence it is. Mr. Eppley said it would be a wood privacy fence. He said it would be solid. Mr. Caraccioli said they should move to amend the variance request from 25' to 22'. He said the motion to amend can be made at the same time as the motion to approve the variance. Chairperson Sweet asked if there was anyone in favor of this application and no one came forward. She then asked if there was anyone opposed to this application and again no one came forward. She said the Board has to consider in granting an area variance the following: 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance – the Board said no, 2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance – the Board said no, 3) whether the requested area variance is substantial – Frank Clavelli, Jr. said it is but necessary and then they reduced it, 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in

the neighborhood or district – the Board said no, and 5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance – the Board said no. Mr. Caraccioli said this is New York State General City Law Section 81-b(4).

RESOLVED, that a Front Yard Setback Variance be granted to allow for the construction of a fence with the amendment to the variance from 25' to 22'.

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: 18-34

IN THE MATTER OF: Kyle & Kayla Eppley

WHEREAS, Kyle & Kayla Eppley, owners of property situate in a Residential, R3 Zoning District in the 6th Ward of the City of Oswego, New York, with address 335 East Ninth Street, being Tax Map Number: 128.78-04-12, has applied for a Fence Height Variance in accordance to Section 280-25(A) of the City of Oswego Code, to allow for the construction of a 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 March 2018 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Fence Height Variance be granted to allow for the construction of a 6' high fence.

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

SECONDED BY ZONING BOARD MEMBER: David Buske

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 18-37

IN THE MATTER OF: Chris Batchelor

WHEREAS, Chris Batchelor, owner of property situate in a Residential, R3 Zoning District in the 5th Ward of the City of Oswego, New York, with address 244 West Fifth Street, being Tax Map Number: 128.78-03-01, has applied for a Special Permit in accordance to Section 280-24(R) of the City of Oswego Code, to allow for a two-family dwelling and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 20th day of March 2018 and the applicant having appeared and no one appearing in opposition.

Chris and Becky Batchelor of 244 West Fifth Street were present for the discussion. Mr. Batchelor said they have a special use permit for a business office in the bottom and an apartment upstairs. He said they are looking to change the business office into a two bedroom apartment because they no longer need the business office. He said it will be multifamily use. Chairperson Sweet said this is in an R3 district. She asked about the existing kitchen. Mr. Batchelor said he purchased the house 15-16 years ago. He said it was C&G Video. He said it had a kitchenette, conference room in back and a couple small offices in the front. He said they have kept that as is for the past 15 years. He said the conference room will become the two bedrooms. He said everything else stays the same. Chairperson Sweet questioned the kitchen in the office space. Mr. Batchelor said they used it as a breakroom. He said the big conference room will be split into two bedrooms. He said the garage is vacant but would fit up to four cars. He said there is no green space in front of the place. Chairperson Sweet said there is already an existing kitchen. Mr. Caraccioli said this would fall under zoning law 280-24(R) Internal conversion of pre-existing non-conforming use for additional living space (bedrooms, kitchen, family room or bathroom). He said it goes on to say "A kitchen shall not be installed unless it is replacing an existing kitchen". He said there is going to be an expansion but their law doesn't get that detailed. He said they can have a larger kitchen than what was previously there. He said the Planning Board made an advisory opinion approving this. Chairperson Sweet said there is no one in the audience. Frank Clavelli, Jr. read a letter from Councilor Gosek stating he was in support.

RESOLVED, that a Special Permit be granted to allow for a two-family dwelling.

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

SECONDED BY ZONING BOARD MEMBER: David Buske