

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

June 16, 2020

Chairman Clavelli said Connie Ryan will be a voting member tonight.

A motion to approve the minutes of the May 2020 meeting was made by Connie Ryan and seconded by Chairman Clavelli; 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 Brunschweiger, unanimous approval.

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-76

IN THE MATTER OF: Josh Crannell

WHEREAS, Josh Crannell, owner of property situate in a PD, Planned Development Zoning District in the 6th Ward of the City of Oswego, New York, with address 1 Talisman Terrace, being Tax Map Number: 128.68-02-01, has applied for a Side Area Variance in accordance to Section 280-12(C) & 280-22(B) of the City of Oswego Code, to allow for the construction of a 17'x30' garage and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 16th day of June 2020 and the applicant having appeared and no one appearing in opposition.

Josh Crannell of 1 Talisman Terrace was present for the discussion. Mr. Crannell said he would like to add on to his existing garage. He said it would be the same height and it will just come over 17 more feet. Chairman Clavelli asked if there was anyone for or against this application and no one responded. Jeff McGann said they received one phone call from the next door neighbor on the corner of Arcadia and Talisman. He said the rear of her property abuts the southwestern side of Mr. Crannell's property where the addition is going. He said she wanted a little more information on it. He said she has a tree line back there that is pretty deep. He said she had questions and she was satisfied with the answers. Mark Brunschweiger asked if they need a project completed by date. Chairman Clavelli said they would go with the one year that they get for the permit. Jeff McGann said he has filled out the application for the building permit. He said once the building permit is issued he will have one year. Chairman Clavelli said they don't have to put that into the motion because that is a given. Mr. Caraccioli said he agrees. He said New York State Building Code allows for one year from the date of the issuance of the building permit. He said it actually also allows for extensions of that with good cause.

RESOLVED, that a Side Area Variance be granted to allow for the construction of a 17'x30' garage.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-80

IN THE MATTER OF: Jane Furletti

WHEREAS, Jane Furletti, 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 126 East Albany Street, being Tax Map Number: 128.58-09-02, has applied for a Height Area Variance in accordance to Section 280-80(A)(1)(2) of the City of Oswego Code, to allow for the installation 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 16th day of June 2020 and the applicant having appeared and no one appearing in opposition.

Jane Furletti of 126 East Albany Street was present for the discussion. Mr. Caraccioli said Jeff McGann could make the presentation since Ms. Furletti was having trouble getting her audio to work. Jeff McGann said Ms. Furletti is looking for a 2' variance to go from 4' high to 6' high because her property is a unique shaped property. He said her house faces Albany Street. He said it is a Z-shaped property that goes back to Chestnut Street. He said her property along Chestnut Street then becomes a front yard. He said the 58' along Chestnut and the first 25' back are only allowed to be 4' high without a variance. He said for the purpose of keeping a pet and children in the yard she is looking to go 6' high along Chestnut and the first 25' so it'll match the existing fence. He said he is putting Ms. Furletti on speaker phone because her computer isn't working. Chairman Clavelli asked if there was anyone for or against this application and no one responded. Mr. Caraccioli asked if the corner of Chestnut and Albany is an occupied lot or vacant. Jeff McGann said it is an occupied lot on the corner. Mr. Caraccioli said he would think that would be the most immediately affected neighbor. Jeff McGann said they did receive a letter and they didn't hear anything from them so he is assuming there was no issue. Mr. Caraccioli asked what type of fence. Ms. Furletti said a 6' wood fence. Jeff McGann said it would match the existing fence.

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

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-81

IN THE MATTER OF: Michael Loguidice

WHEREAS, Michael Loguidice, owner of property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 2nd Ward of the City of Oswego, New York, with address 30 East 10½ Street, being Tax Map Number: 128.24-05-04, has applied for a Height Area Variance in accordance to Section 280-80(A)(1)(2) of the City of Oswego Code, to allow for the installation 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 16th day of June 2020 and the applicant having appeared and no one appearing in opposition.

Michael Loguidice of 30 East 10½ Street was present for the discussion. Mr. Loguidice said he would like a 2' variance for the front fence and 25' back. He said it'll match the existing fence. Jeff McGann said Mr. Loguidice bought the adjoining property. He said he is looking to do the exact same thing that Ms. Furletti was looking to do. He said along the front of his property he can only go 4' without a variance and he is looking to go 6' high to match the rest of his fence. He said that would be across East 10½. Mr. Loguidice said because the two properties are different tax maps they require two variances to build a deck that crosses the line. He said they aren't able to move the property line until August. Jeff McGann said his intentions are to merge the two properties but because of everything going on it can't be done right now. He said he is looking to put a deck off of the north side of his house. He said the house is almost right on the property line so the deck will actually go onto a separate parcel which will eventually become all one parcel. He said because it is two separate parcels right now it requires a double variance. Mr. Caraccioli asked the timeframe for merging the properties. Mr. Loguidice said the city assessor said it couldn't be done until August. Mr. Caraccioli said the city assessor will merge the two properties into one tax id number. Mr. Loguidice said she said there shouldn't be any problem with that but it couldn't be done right away. Chairman Clavelli asked if there was anyone for or against this application and no one responded.

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

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-82

IN THE MATTER OF: Michael Loguidice

WHEREAS, Michael Loguidice, owner of property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 2nd Ward of the City of Oswego, New York, with address 30 East 10½ Street, being Tax Map Number: 128.24-05-04, has applied for a Side Area Variance in accordance to Section 280-13(C) of the City of Oswego Code, to allow for the construction of an 8'x16' deck and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 16th day of June 2020 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Side Area Variance be granted to allow for the construction of an 8'x16' deck.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-83

IN THE MATTER OF: Michael Loguidice

WHEREAS, Michael Loguidice, owner of property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 2nd Ward of the City of Oswego, New York, with address 30 East 10½ Street, being Tax Map Number: 128.24-05-04, has applied for a Side Area Variance in accordance to Section 280-13(C) of the City of Oswego Code, to allow for the construction of an 8'x16' deck and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 16th day of June 2020 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Side Area Variance be granted to allow for the construction of an 8'x16' deck.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-84

IN THE MATTER OF: Zachary Salvador

WHEREAS, Zachary Salvador, 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 245 East Twelfth Street, being Tax Map Number: 128.50-04-18, has applied for a Height Area Variance in accordance to Section 280-80(A)(1)(2) of the City of Oswego Code, to allow for the installation 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 16th day of June 2020 and the applicant having appeared and no one appearing in opposition.

Zachary Salvador of 245 East Twelfth Street was present for the discussion. Mr. Salvador said he would like a 2' variance for a 6' tall fence along East Utica Street side of his property. Jeff McGann said this is very similar to the other fence situation. He said the house address is 12th Street and Mr. Salvador has another front yard on Utica Street. Chairman Clavelli asked if there was anyone for or against this application and Ed and Cindy Mariano of 185 East Utica Street responded. Mr. Mariano asked how close to the road the fence would be. Jeff McGann said it looks like from the south side of Mr. Salvador's house to the curb is approximately 43'. He said from the survey it looks like he is coming 10'4" from the house so it'll be about 30'. He said the fence doesn't border East 12th Street. He said it comes off of the side of his garage heading north to his property line and then heads back east and goes back across the back property line. He said he is quite some distance from Utica Street. He said the Board would always look at a visual obstruction for traffic. Mr. Mariano said that is what they are concerned with. Jeff McGann said they would be able to stack two or three cars back on 12th Street facing south and still see. He said he is back quite a ways. Mr. Mariano said he can't visualize it. He asked how far away from East Utica Street into the grass are they talking. Mr. Salvador said if they look across the street on East 12th Street there is a fence there and it has to be in line with that fence. Jeff McGann said it is about 30' from the curb back to where the fence will be. Mr. Mariano said he doesn't have an issue with that. Mr. Caraccioli asked what kind of fence it will be. Mr. Salvador said it will be chain link. Mr. Caraccioli said it is see through. Mr. Mariano said that is good to know too. Mr. Caraccioli said the obstruction to traffic is minimal to say the least. Jeff McGann said it is 70' off of 12th Street and then it comes out ten feet and heads east. He said it is way away front the intersection. Mr. Mariano asked if it will be bordering their fence and was told yes. Richard Lafond said on the 2nd page of the application it says that the owner is Larry VanHorn. Mr. Salvador said he closed the first week of June. Jeff McGann said he applied as the contract purchaser because he hadn't closed yet. Mr. Caraccioli said he can verify that he did in fact close.

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

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-79

IN THE MATTER OF: Elim Grace Christian Church

WHEREAS, Elim Grace Christian Church, owner of property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 5th Ward of the City of Oswego, New York, with address 264 West Second Street, being Tax Map Number: 128.71-02-09, has applied for a Special Permit in accordance to Section 280-13(B) of the City of Oswego Code, to allow proposed group residence and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 16th day of June 2020 and the applicant having appeared and no one appearing in opposition.

Jonathan Evans, pastor of Elim Grace Christian Church, was present for the discussion. Jonathan Evans said they would like to use the property to provide a home for up to four women that would be referred to them by their partners which would be Farnham and Harbor Lights. He said each of those women when referred to them would need to be 30 days clean. He said they are not going to be taking anyone in off of the street. He said they are not a treatment facility. He said the name of the home would be Desens House. He said it would exist as a home and a family. He said the objective would be for them to stay with them for 12 to 18 months. He said they believe that is the timeframe necessary for anyone to make some long-term changes in terms of addiction. He said they would be providing a daily strict schedule that would include wake up and bedtimes, basic hygiene, and taking care of themselves, their room, and their belongings. He said they would learn or relearn self-discipline and personal responsibility. He said they would learn to care for others and put others first. He said they would learn to care for the home itself and serve one another. He said they would learn to build interpersonal skills and friendships. He said they would help provide them with employment in the community and mentoring opportunities through Elim Grace Church and other organizations. He said the purpose would be for them to develop life skills and character. He said part of their daily regimen would be physical exercise and nutrition training. He said that would be in partnership with Amnesty Fitness which is right up the street from Elim Grace. He said they would also provide the opportunity for them to grow in their faith. He said they would also have a house mom always on site during the day and also a house mom/staff person present during the night. He said both would be volunteers and members of Elim Grace Church. He said they have onsite parking. He said the Desens House would be funded directly by Elim Grace Church but they are looking to eventually cause it to become its own self-sustaining venture. He said from the Planning Board meeting they have agreed to cameras and door alarms. He said a hot button directly to the police department is also a possibility that they will likely be doing as well. He said they aren't looking to make any changes to the outside.

He said they aren't extending the structure. He said there would be some renovations internally. William King said the only thing on the exterior would be to turn the side entry on the north side of the building into a handicap accessible ramp. He said they have no expansions to the building footprint planned. Chairman Clavelli said this is a great use of this building. He asked if there was anyone for or against this application and no one responded. He said Reverend Evans did a good job explaining what they are going to do.

RESOLVED, that a Special Permit be granted to allow proposed group residence.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-85

IN THE MATTER OF: Keith Williams

WHEREAS, Keith Williams, owner of property situate in a TD, Traditional Downtown Zoning District in the 3rd Ward of the City of Oswego, New York, with address 211 West First Street, being Tax Map Number: 128.55-02-07, has applied for a Use Variance in accordance to Section 280-89(B) of the City of Oswego Code, to allow for professional arts & services – tattoo studio and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 16th day of June 2020 and the applicant having appeared and no one appearing in opposition.

Keith Williams of 9 Ridgeway Sites was present for the discussion. Mr. Williams said he would like to move his shop over to First Street. He said he was not aware of the zoning at first. He said when he was aware of it, he checked the website. He said the website wasn't updated at the time and he should've called. He said he would like to apply for a special use variance to move to 211 W. 1st St. Jeff McGann said our use variance process is a little bit different than anything else. He said it goes to Planning Board and back to Zoning Board should it get that far. He said it calls for a little different terms. He said this is kind of like a starting of the clock. He said it requires Mr. Williams to have paperwork in and for the Zoning Board to present it to the Planning Board for their upcoming meeting in July. Mr. Caraccioli said a use variance is subject to the provisions of the zoning ordinance 280-89(B). He said the criteria for granting a use variance is laid out there. He said a use variance is the most difficult permit to be granted by a municipality because the municipality has made a determination that particular uses are permitted or permitted by special permit within a district and other uses are prohibited. He said the applicant must demonstrate that it is a hardship and that that hardship is unique to the business. He said he would need to prove that the use would not be incompatible with the surrounding neighborhood and uses that are permitted. He said it's a pretty high hurdle to clear and it is designed that way. He said that is not an Oswego law or even a New York State law. He said it is a municipal law that has been in place since the 1940s. He said a use variance is a difficult hurdle to clear but every applicant certainly has an opportunity to present information that is helpful to their cause. He said Mr. Williams has submitted tax information which is important because you have to prove by dollars and cents that you cannot make another reasonable return with any other use that is permitted. Mr. Williams said he forgot to send a copy of his personal filing. He said on one of the papers he said he was out of the shop for 15 weeks. He said he has the difference in his personal taxes that shows the other income that he made while he was gone. Mr. Caraccioli said he can submit that to make it a complete record. Mr. Williams said he is an existing business and he has been in the downtown for going on 14

years. He said the construction on Water Street has been a hard hit. He said he has been trying to move to a more visible location for years but he just couldn't find the right one. He said he realizes the stigma his business has and he is trying to change that. He said this town seems to be very art oriented. He said he is fortunate enough to make a living doing something that he loves. He said he would be fully compliant. He said he wouldn't even put the word tattoo on the building if that is what the city wants. Chairman Clavelli asked if there were any questions from the public and no one responded. He said if this passes it'll send it to the Planning Board and then it comes back to the Zoning Board. Jeff McGann said there needs to be a referral to the Planning Board at least 45 days before the date of the public hearing held in connection with any application for use variance submitted. He said it states the Board of Appeals shall transmit to the Planning Board a copy of the application and shall request the Planning Board submit to the Board of Appeals an advisory opinion and said application. He said the Planning Board shall submit a report of such advisory opinion prior to the date of the public hearing. He said failure of the Planning Board to submit such a report shall be interpreted as a favorable opinion for the granting of the use variance applied for. He said it is his interpretation that it is before them tonight to transmit it to the Planning Board for the public hearing. Jeff McGann said he doesn't know that there is a vote required tonight. Mr. Caraccioli said if any vote is to be taken tonight it is a vote to transmit it to the Planning Board. He said it is in the law that they have to do that. He said this is an introductory application so just a consent motion to transfer this to the Planning Board for its review and an advisory opinion back to the Zoning Board is appropriate at this time. He said he doesn't believe they have the right to deny that. He said Mr. Williams is entitled to present his plan. He said under the city's code of ethics and conflict of interest he doesn't believe Anthony Pauldine should vote on this. He said it is his understanding that Anthony Pauldine is the current landlord of Mr. Williams and he doesn't believe that his participation or vote would be appropriate under these circumstances. Jeff McGann said they have enough for a quorum and Anthony Pauldine brought this up and they talked about it. Mr. Caraccioli said he just wanted it to be clear to everyone that it is his recommendation that Anthony Pauldine recuse himself from this particular application. Mark Brunschweiger asked if when he calls the roll does he mark him as abstaining. Mr. Caraccioli said assuming he recuses himself, and he strongly urges that, it would be a vote of six members present and one being recused. He said an abstention works as a no vote. He said a recusal removes the member from the debate and the vote so only the remaining members are voting. During the vote Richard Lafond said he would like to abstain from the vote because even though he respects the business and his long history and good practices, the location of this type of business wouldn't favor the direction they are headed. Chairman Clavelli said he gets to vote yes or no. Richard Lafond said no. After the vote was taken Mr. Williams said he would like to understand what their concerns are. Mark Brunschweiger said he would like to thank him for investing in their downtown. Mr. Caraccioli said the onus is on him to persuade the members of the Board. He said he would be proactive and not reactive. He said he offered that anyone who wants to call him to give him a call. He said he would reverse that thinking if he were him. Jeff McGann told Mr. Williams if he has any further information that he would like to include for the Planning Board for the public hearing pass it on to their office and he will make sure it becomes part of the packet.

RESOLVED, that this Case #20-85 be sent to the Planning Board for an advisory opinion.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger