

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

June 18, 2019

A motion to approve the minutes of the May 2019 meeting was made by Chairman Clavelli and seconded by Mark Donabella; 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 Donabella, unanimous approval.

Mr. Caraccioli said there are five members present. He said a majority to carry any matter tonight would need a minimum of four votes in the affirmative.

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-101

IN THE MATTER OF: John Sheldon

WHEREAS, John Sheldon, owner of property situate in a TN1, Traditional Neighborhood 1 Zoning District in the 6th Ward of the City of Oswego, New York, with address 264 East Eighth Street, being Tax Map Number: 128.81-06-07, has applied for a Special Permit in accordance to Section 280-55(B) of the City of Oswego Code, to allow front yard parking and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared and no one appearing in opposition.

John Sheldon of 264 East Eighth Street was present for the discussion. Mr. Sheldon said he would like to expand his driveway. Chairman Clavelli said he put a new shed in and he wants to have access to his shed. Jeff McGann said the voting sheets now have a spot for project completion time. He said the Zoning Office would recommend setting a time limit for it to be paved. He said their suggestion would be October 31st, the end of the paving season. Mr. Caraccioli there was a favorable site plan approval by the Planning Board and a favorable advisory by the Planning Board. Councilor Tesoriero said this will only enhance what he has there now. Chairman Clavelli asked if there was anyone for or against this application and no one came forward.

RESOLVED, that a Special Permit be granted to allow front yard parking with the requirement that it be completed by 10/31/2019.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Mark Donabella

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-95

IN THE MATTER OF: Geoff Snyder

WHEREAS, Geoff Snyder, owner of property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 23 NW Ninth Street, being Tax Map Number: 128.61-01-42, has applied for a Special Permit in accordance to Section 280-54(C)(1) & 280-55(B) of the City of Oswego Code, to allow front yard parking and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared and no one appearing in opposition.

Geoff Snyder of 23 NW Ninth Street was present for the discussion. Mr. Snyder said he wants to asphalt pave the existing driveway and pad in front of 23 NW Ninth Street. Jeff McGann said the Planning Board added in that he should erect a fence on the south side of the property and plant shrubbery at the end of the driveway to protect from anyone driving into the backyard and as a buffer from the headlights. He said he pulled something from the agenda due to a mistake he made at the Planning Board. He said it was a rear yard variance that was pulled. He said the 239 Review that came with this case, the County's comments were based on the fact that he was mistakenly asking for a rear yard variance. He said he actually has another 24' in the back of his property. Mr. Caraccioli asked what was the triggering event to send this to the County. Jeff McGann said it is within 500' of Route 104. Mr. Caraccioli said the Oswego County Department of Community Development, Tourism and Planning determined that there was no significant county impact and it should be decided as a local issue. Jeff McGann said the Zoning Office recommends a time limit of 10/31/2019. Chairman Clavelli asked if there was anyone for or against this application and no one came forward. Matthew Brancato asked if the October 31st timeframe works. Mr. Snyder said yes. He asked if the intent of the shrubbery is to protect the neighbor on Eighth Street or the neighbors adjacent to the property. Jeff McGann said the reason they asked for a fence on the south side is to avoid the diagonal pull-in. He said they generally ask for shrubbery or a fence where you are pulling in because of headlights. He said they also talked about would they be able to pull around back and park back there. He said he thinks they were trying to kill two birds with one stone. Mr. Snyder asked if they wanted him to place shrubbery at the end of the driveway. Jeff McGann said at the very back of the driveway. Mr. Snyder asked if he could do shrubbery or a fence. Jeff McGann said he would think a fence would at least be as substantial. Mr. Snyder said he is asking because they will be plowing in the winter. Chairman Clavelli said he wouldn't have to put it at the very end of the driveway. Jeff McGann said he could leave a buffer so he could pile snow at the end of the driveway. Mr. Snyder said there is no way anyone could park back there. He said he would like the option of putting up a fence at the very rear of the property

line to protect the neighbors in lieu of shrubbery at the end of the driveway. Mr. Caraccioli said his intention at the Planning Board meeting was to preserve the backyard as green space so the tenants could have a place for a cookout. He said the Planning Board's biggest concern was a barrier on the south side. He said he doesn't see a particular need to cut off parking unless there was a concern that it was going to be abused and he doesn't think that has been part of the record at all. Matthew Brancato asked if it was fair to say a 6' high solid wood fence on the back property line. Mr. Snyder said he would prefer to do that. Jeff McGann said the Zoning Office doesn't have an issue with that. Chairman Clavelli said if he does pull cars back there he would have to answer to that. Jeff McGann said there is a gravel driveway that is there and they haven't had an issue with that. Chairman Clavelli said they haven't parked back there yet. He said he can do shrubs or fence on the south line. Mr. Snyder said if shrubbery is an option he thinks it would look better. Mr. Caraccioli said something that would prevent someone cutting through. Chairman Clavelli asked if there was anyone for or against this application and no one came forward.

RESOLVED, that a Special Permit be granted to allow front yard parking with an October 31, 2019 completion date, fence or shrub on the south side of the property, and a fence at the east end of the property.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-96

IN THE MATTER OF: Geoff Snyder

WHEREAS, Geoff Snyder, owner of property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 23 NW Ninth Street, being Tax Map Number: 128.61-01-42, has applied for a Side Yard Setback (North) Area Variance in accordance to Section 280-55(A) of the City of Oswego Code, to allow for proposed new asphalt driveway and front yard pavement for four (4) car parking and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared and no one appearing in opposition.

Mr. Caraccioli said they received a favorable advisory from the Planning Board.

RESOLVED, that a Side Yard Setback (North) Variance be granted to allow for proposed new asphalt driveway and front yard pavement for four (4) car parking with an October 31, 2019 completion date, fence or shrub on the south side of the property, and a fence at the east end of the property.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Phil Cady

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-97

IN THE MATTER OF: Geoff Snyder

WHEREAS, Geoff Snyder, owner of property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 23 NW Ninth Street, being Tax Map Number: 128.61-01-42, has applied for a Side Yard Setback (South) Area Variance in accordance to Section 280-55(A) of the City of Oswego Code, to allow for proposed new asphalt driveway and front yard pavement for four (4) car parking and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Side Yard Setback (North) Variance be granted to allow for proposed new asphalt driveway and front yard pavement for four (4) car parking with an October 31, 2019 completion date, fence or shrub on the south side of the property, and a fence at the east end of the property.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-98

IN THE MATTER OF: Geoff Snyder

WHEREAS, Geoff Snyder, owner of property situate in a TN2, Traditional Neighborhood 2 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 23 NW Ninth Street, being Tax Map Number: 128.61-01-42, has applied for a Maximum Paved Coverage Area Variance in accordance to Section 280-54(B) of the City of Oswego Code, to allow for proposed new asphalt driveway and front yard pavement for four (4) car parking and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Maximum Paved Coverage Variance be granted to allow for proposed new asphalt driveway and front yard pavement for four (4) car parking with an October 31, 2019 completion date, fence or shrub on the south side of the property, and a fence at the east end of the property.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Mark Donabella

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-102

IN THE MATTER OF: George McGrath

WHEREAS, George McGrath, 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 5 East Sixth Street, being Tax Map Number: 128.40-02-53, 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 16'x24' garage and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared and no one appearing in opposition.

George McGrath of 5 East Sixth Street was present for the discussion. Mr. McGrath said he would like to put up a 16x24' garage south of the residence. Jeff McGann said Mr. McGrath filed this for last month's meeting and it got buried in paperwork. He said he was very gracious and polite to wait another month to come. Chairman Clavelli asked if there was anyone for or against this application and no one came forward. Jeff McGann said they would recommend a time limit of 6/30/2020 to complete the project.

RESOLVED, that a Side Yard Setback Variance be granted to allow for the construction of a 16'x24' garage with a completion date of 6/30/2020.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-103

IN THE MATTER OF: George McGrath

WHEREAS, George McGrath, 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 5 East Sixth Street, being Tax Map Number: 128.40-02-53, 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 16'x24' garage and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Rear Yard Setback Variance be granted to allow for the construction of a 16'x24' garage with a completion date of 6/30/2020.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-104

IN THE MATTER OF: George McGrath

WHEREAS, George McGrath, 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 5 East Sixth Street, being Tax Map Number: 128.40-02-53, has applied for a Maximum Lot (Bldg.) Coverage Area Variance in accordance to Section 280-13(C) of the City of Oswego Code, to allow for the construction of a 16'x24' garage and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Maximum Lot (Bldg.) Coverage Variance be granted to allow for the construction of a 16'x24' garage with a completion date of 6/30/2020.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-105

IN THE MATTER OF: Anne Thomas

WHEREAS, Anne Thomas, owner of property situate in a TN1, Traditional Neighborhood 1 Zoning District in the 7th Ward of the City of Oswego, New York, with address 309 West Third Street, being Tax Map Number: 146.23-03-29, has applied for a Side Yard Setback Area Variance in accordance to Section 280-12(C) of the City of Oswego Code, to allow for proposed new 8'x15' shed and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared and no one appearing in opposition.

Anne Thomas of 309 West Third Street was present for the discussion. Ms. Thomas said she is requesting a 3' variance for a shed. Chairman Clavelli asked if there was anyone for or against this application and no one came forward.

RESOLVED, that a Side Yard Setback Variance be granted to allow for proposed new 8'x15' shed.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Phil Cady

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-107

IN THE MATTER OF: Aaron Cass LLC

WHEREAS, Aaron Cass LLC, 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 146 East Sixth Street, being Tax Map Number: 128.56-03-17, has applied for a Side Yard Setback Area Variance in accordance to Section 280-55 of the City of Oswego Code, to allow for proposed new paved driveway with two parking spaces and new paved apron and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared and no one appearing in opposition.

Aaron Cass of 146 East Sixth Street was present for the discussion. Mr. Cass said he would like to put a parking apron on the back side of his house and a driveway to it. Councilor Tesoriero said he is speaking on behalf of Councilor Wilmott who could not be here tonight. He said he is in favor. He said it is going to clean the area up which is gravel and grass now. Phil Cady asked if they will need any shrubbery or fencing. Mr. Cass said there is a 10' grade difference to the neighboring house. Jeff McGann said there is an extreme drop-off to Fifth Street and it is an extremely large backyard. He said the neighbor behind him has a 4' retaining wall with a 6' fence on top of it and he thinks he is still above that. Mr. Cass said if there are any issues in the future they will address them. Chairman Clavelli asked if there was anyone for or against this application and no one came forward. Jeff McGann recommended a completion date of 10/31/2019. Mr. Cass said he is okay with that. He said he has spent \$10,000 cutting trees down in preparation so they are ready to go.

RESOLVED, that a Side Yard Setback Variance be granted to allow for proposed new paved driveway with two parking spaces and new paved apron with a completion date of October 31, 2019.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-76

IN THE MATTER OF: DePaul Properties

WHEREAS, DePaul Properties, owner of property situate in a TB, Traditional Business Zoning District in the 4th Ward of the City of Oswego, New York, with address 220 East First Street, being Tax Map Number: 128.63-04-04.01, has applied for a Special Permit in accordance to Section 280-17(B) of the City of Oswego Code, to allow a multifamily dwelling and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared.

Dan Brock from LaBella Associates was present for the discussion, as well as Joe Gibbons from SWBR Architects, Gillian Conde from DePaul, Brian McKinnon from CSD, and Stacy Alvord, Commissioner of Oswego County Department of Social Services. Mr. Brock said they are requesting a special use permit and five area variances to build Lock 7 Apartments. He said it is going to be an affordable housing apartment for 80 units. He said it will be four stories from street level up with an underground parking garage. He said it will be a limited footprint. He said the parcel is 2.1 acres right now along the river. He said DePaul is looking to subdivide one acre out to do their project. He said the remaining land would be retained by the original owner. He said originally when they started designing this project it was zoned B3. He said all the variances before them tonight are due to the change in zoning. He said it is now TB, Traditional Business. He said the front, rear and side yard setbacks were all zero in a B3. He said for TB the front setback is 25, side is 6, and rear is 25. He said if it were still B3 the maximum height would be 165' and 15 stories. He said with TB they are required to have a variance for anything over 3 stories and 40'. He said there are a couple of the variances that they would like to request minor changes to. Jeff McGann said this is one project that got caught in the zoning change. He said they are still in the stages of figuring out the site work so they don't know exactly the footage they will be at once the final elevations are set. He said they are working with the contractor to come up with a plan to make sure they can work on the elevations of the building safely. Mr. Brock said the site is very unique. He said right now they are looking at four stories from the front. He said they are going to have an underground parking garage and because of the grading of the site you will see the wall of the parking garage so from the rear it will appear to be five stories. He said the site naturally slopes down so the worst case scenario for the maximum height would be 67'10". He said they will have two sides at street level and two sides almost a story below. Chairman Clavelli asked if they own the property yet. Mr. Brock said no. Chairman Clavelli said they will have to make any motions pending the sale because they don't have the owner here. Mr. Caraccioli said the owner co-signed the application. He said the approval is specific to this applicant and this particular project. He said with respect to the height they could consider a not to exceed 68'. Jeff

McGann said should something change they would just bring them back through and clean it up. Chairman Clavelli said they don't have the brownfield results yet. Mr. Brock said remediation is underway. He said they have a copy of the remediation plan. He said they are working to get the remediation plan approved by the DEC. He said they have been doing monitoring and remediation for this site. He said when breaking ground there will need to be an inspector on site. He said when the project is finished any grass area will need to have two foot of clean fill over the top of it. He said the parcel that DePaul is purchasing is being remediated to residential levels which is a much higher standard. He said the remaining parcel will be remediated to commercial standards. He said the current goal for the DEC remediation plan is to be completed by the end of the year. Chairman Clavelli said they wouldn't start any construction until they had that. Mr. Brock said no. He said once the remediation plan is approved it will be closed out. He said once construction starts they will have to maintain certain criteria. He said they will need to have air testing once they start digging into the ground. He said any soil removed has to be tested. Anthony Pauldine asked when they would begin construction. Mr. Brock said probably late next summer. He said it has to go through the funding process. He said they are here tonight to improve their funding chances. He said it would help to have an approval. Anthony Pauldine asked if there was a time limit with the Planning Board approval. Mr. Brock said no. Anthony Pauldine asked what would happen in this case if it is approved and they didn't start until late next summer. Mr. Caraccioli said the time starts ticking when the permit is pulled and then they have a year. He said as soon as they get HCR approval they are ready to go. He said the next round is coming up. Ms. Conde said it is a rolling calendar. She said this is a priority for DePaul so they would be trying to get the application in as soon as they can. Phil Cady asked how many parking spaces are in the garage. Mr. Gibbons said 58. Chairman Clavelli asked how many outside. Mr. Brock said right now they show 17. He said they agreed to reduce the number of exterior parking spaces to a maximum of 12 exterior parking spaces. He said they went with a maximum of 12 in case DePaul only wanted 10 parking spaces. He said except for some visitor parking there isn't a huge need. He said they find with these types of projects the parking lots are usually pretty empty. Jeff McGann said they banked 15 parking spaces in case they need them. He said they found in the past with this type of housing between ½ and .66% of the people have vehicles. Mark Donabella asked why they don't just resize the building so they would have enough spaces. Chairman Clavelli said other landlords need 1.5 per unit. He said for the 80 units that would be 120 parking spaces. Mr. Brock said the parking was reviewed. Matthew Brancato said they aren't here to discuss parking. Mr. Gibbons said they have done many project with DePaul and they have found that you can build all the spaces but half of them will be empty because there isn't a demand for parking. Anthony Pauldine asked about future ownership 20 years down the road. Ms. Conde said they have a minimum of 30-50 year commitment. Chairman Clavelli said they could make the building smaller so it fits the parking they have. Ms. Conde said this is a building that gives preference to seniors and has 20 frail seniors in the building. She said they have a minivan to help people get to appointments and to the stores. Mr. Brock said one of the reasons DePaul picked this location is it is close to amenities that the residents would use. He said this particular lot is limited because of pinch points with the slope, the right of way, the intersection, and existing utilities which is why they are requesting the number they requested. Mr. Caraccioli said this is a good discussion but it is not for this Board. He said 280-53 states the

Planning Board can modify the requirements for parking. He said he doesn't think it is precedent setting. He said it is specific to this particular use, the nature of the housing, the length of the funding, and the dimensional space they are dealing with. Councilor Tesoriero said this is a worthy project. He said in fairness to those who have to abide by the parking requirement, they have to abide by that because they have set that standard. He said they also have to look at the possibility of devaluation of property. He said our landlords that are responsible provide enough parking and he doesn't think they should change that standard. Stacy Alvord, Commissioner of DSS, said this is a great use for this property. She said the city has done a lot to clean up housing. She said many will benefit from this project. She said there will be 20 apartments for the frail elderly. She said their adult services units are always finding elders that can't afford housing. She said there will be no better security in any building in the city. Linda James of 223 East First Street said this project is going to overwhelm their housing. She said there is a lot of traffic and she doesn't see where it will fit in. Scott Smith, Housing Administrator for Oswego County, said he is in support of the project because there are many that are in need of affordable housing. Dick Freeman, Chairman of the Planning Board said he is here to support this project. He asked them to explain to the Board who is going to be in the building. Ms. Conde said DePaul is a not-for-profit and they have been in business for 61 years doing housing for the vulnerable population. She said it was the State that asked if they would start doing housing for people on limited incomes. She said this building will have 80 apartments and the focus is mid-market. She said people won't have to move if they start making more money. She said the whole building will have some design especially for seniors because they will give preference to seniors. She said they will have 20 units set aside for frail elderly and 20 units set aside for people who get mental health support. She said all the people who live in the building have to be independent and sign a lease. She said DePaul does an extraordinary job at vetting their tenants. She said they are there 24 hours a day and they have security on site nights and weekends. She said they now have communities asking them to come to them. She said this housing is for people that already live here. She said this isn't an attempt to bring people in from someplace else. She said the housing specialists will link tenants to services that are already here. She said they will help them make appointments and make sure they get to them. She said they will take a Section 8 voucher but this is not a Section 8 building. She said with a Section 8 building you are working off of a list. She said they work off of their own list. She said people have to come in and apply and they will vet them with an extensive background check. Chairman Clavelli said if someone needs an apartment for a week, they are not going to send them here. Ms. Conde said no. She said these are full apartments for a year. She said they are not temporary or a shelter. Anthony Pauldine asked if it will be similar to the Pontiac Terrace Apartments. Ms. Alvord said no. She said there aren't any wrap-around services there. She said this is a non-profit. She said everything DePaul gets goes back into their buildings. Anthony Pauldine said this is also a tax exempt property. Ms. Conde said they will do a pilot with the community. She said if they have a set standard on how they do it they will follow that standard. Anthony Pauldine said his issue with the parking is they have recently seen nursing homes go out and there would be no parking for the next use. He said that is why it is a concern for him with this building being shoehorned on a tiny property. Ms. Conde said they have been in business for 60 years and they don't plan on getting out anytime soon. She said the funding is for between 40 & 50 years that they have to be operational. She

said they will hire people from the community and they want this to be a part of the community. Chairman Clavelli said he appreciates Mr. Caraccioli's comments that it is not going to be precedent setting but when the next guy comes in it could be precedent setting. Mr. Caraccioli said what he is suggesting is overbuilding this to accommodate a speculative future potential that could be 30-50 years from now. Chairman Clavelli said if he had 60 apartments then they would need 90 parking spaces so they would be more in the realm of 70. He said this will be 80 apartments with 70 spots. He said their numbers may be right that these people won't have cars. Matthew Brancato said what he is hearing is he is saying this is a self-imposed hardship. He said if they put fewer units there they can accommodate the parking requirement. Brian McKinnon said the original basis for this project was all market study driven. He said there was a substantial need in this community. He said they aren't in the business of building things that they can't fill. He said they could build 100 units and fill them all. He said trading parking that won't be used for more units that are in substantial demand is going against the grain of what the community is telling them they need. Anthony Pauldine said he bets they can't get a market study to project what things are going to be like in 20 years. He said he has seen enough changes and when you deal with the downtown congested areas, the need for parking is not diminished. He said they have a standard for a reason. Mr. Brock asked what if they were to bank more than 15 parking spaces. He said they aren't going to get to 120 but what if they could bank more. He said they reduced their exterior parking at the request of the Planning Board because they wanted more green space. He said they could show additional bank parking above the 15 spots. He asked if that would help alleviate concerns. Anthony Pauldine said it might. He said it would also be better for him if they could show more acreage. Mr. Brock said it is very limited. Chairman Clavelli asked what is beyond the white. Mr. Brock said it is just trees that Mr. Broadwell owns. He said their goal is to have adequate parking. He said these projects don't fill the parking spaces. He said he could increase the number of banked spaces and he believes they could do that without lessening the building. He said he doesn't have a number of how many parking spaces that would be off of the top of his head. Mr. Caraccioli said he wants to make sure they aren't basing decisions that are within the authority of this board on matters that are within the purview squarely of the Planning Board. He said that is where you get into concerns of arbitrary decision making. He said one of the attractions of this project for the Barlow administration was the ability to fill that population of underserved residents that are here now. He said this would only scratch the surface of this population in the City of Oswego. Chairman Clavelli said the belief is people are not going to leave present housing to go to this housing. Ms. Conde said there is enough people that live in Oswego that will want to come here. She said there are a lot of people that are in need. Phil Cady said if you have a larger senior population they will rent more than the 20 spots they have earmarked for seniors. Ms. Conde said the 20 frail seniors is how you end up getting service dollars. She said usually they attract more seniors. She said it will be completely ADA so it will attract people that are currently often living with other family members. Mr. McKinnon said everyone in the state is competing for these funding sources. He said if it doesn't end up here there are 30 other communities that are underserved that are saying their project is the most important. Mr. Caraccioli asked about the ADA compliance. Mr. Gibbons said all 80 units would have to be adaptable. He said they do a certain percentage that are accessible. He said in the typical project you will see 5% of the units handicapped

accessible. He said DePaul will have 25% of the units that will be completely handicapped accessible. Chairman Clavelli said the cards they are pitching are good cards. He said it is a positive project and it is cleaning up an area. He said it will bring some tax money in but not as much as he would like to see. He said parking is not on our agenda. He said he wants to be fair to everyone and not just to them. Mr. Gibbons said if this were a market rate apartment project he would say they are probably correct but that is not what this is. He said this is an affordable supportive apartment project and the demand is not there. Mark Donabella said any landlord could come in and say they aren't going to rent to someone that has a car. Matthew Brancato said if they had fewer units there they could build their project. Councilor Tesoriero said this is a wonderful project and there is a need for this. He said they have to be consistent with what they have set up for parking restrictions. He said they will be set up for failure if not. Jeff McGann said he is there to give the zoning laws and facts. He said anyone can come in and ask for a reduction. He said the recent projects downtown have all asked for reductions. Linda James asked how she could get a copy of the soil being tested over there. She said she knows that the soil isn't good because so much stuff has been dumped there. Mr. Caraccioli said that is why it is being remediated. He said he would imagine she would have to go through the DEC. He said the nature of the remediation is they take the soil, turn it, aerate it, and replace it if necessary with clean. He said it is a brownfield. He said they can't build until it is determined clean by the DEC. Ms. James said she doesn't want all this going on. Anthony Pauldine asked if this approval goes with the applicant. Matthew Brancato said it goes with the land historically. Anthony Pauldine said they aren't able to put a time limit of this because of the grant process but are they granting something that goes with the property that they could build this many apartments with this little parking. Mr. Caraccioli said in this case it is specific to this applicant based on the source of funding, based on the presentation and the number of units, and the request for a reduction in parking based specifically on that demographic. He said if this plan doesn't come to fruition he doesn't think another market rate developer could come in and reasonably expect that this plan be adopted without any modifications. He said he thinks it should be stated as a condition of this approval that it is specific to the DePaul group and the presentation that they made. Jeff McGann said they could still set a time limit to it. Anthony Pauldine said he doesn't want to interfere with funding capabilities by putting a time limit on it. Mr. Caraccioli said the better condition would be to tie our approval to HCR approval or whatever the funding source is. Jeff McGann asked if they could put a time limit on it from when the funding is secured such as two years from when it is funded. Mr. Gibbons said that is enough time. Chairman Clavelli said if it isn't they could come back and they would work with them. Mr. McKinnon said it would be fair to George Broadwell, the property owner, also. Mr. Caraccioli questioned the number of stories. Jeff McGann said on the one side the basement parking garage will be exposed. He said it isn't to add another story. Mr. Caraccioli said there will be 4 residential levels and an underground parking garage. Mr. Brock said yes. He said half of the underground parking garage is buried and half is exposed because of the topography of the site. He said for the Side Yard Setback it says they are proposing a 1' but they would like to build on the property line so they are looking at zero for the front and side. Chairman Clavelli said he is not in favor of the parking plan. He said they didn't have a chance to vote on it. Chairman Clavelli made a motion to approve the special permit, Phil Cady seconded the motion. The vote was 3-2 due to abstentions from Matthew Brancato and Mark Donabella. Mr.

Caraccioli said the motion fails. Chairman Clavelli said they needed four yes votes. Mr. Caraccioli said they just brought themselves a lawsuit. He said abstaining is a no vote. Matthew Brancato asked if he can recuse himself. Mr. Caraccioli asked why. He said he needs a reason to recuse. Matthew Brancato said he thought he was doing the right thing by abstaining. Mr. Caraccioli said an abstention is counted as a no vote under the law. He said case law is very clear on that. Mark Donabella said he would vote yes. Matthew Brancato asked if it passes now. Chairman Clavelli said yes. Mr. Caraccioli said the vote is four in favor and one abstention. Matthew Brancato said to put his as a yes. Mr. Caraccioli said he would recommend they take a new vote. Motion passes 5-0.

RESOLVED, that a Special Permit be granted to allow a multifamily dwelling with the following conditions: 68' maximum height, 5 story maximum with 4 story maximum for residential, approval specific to DePaul Properties, and completion within two years of acquiring funding approval.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Phil Cady

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-88

IN THE MATTER OF: DePaul Properties

WHEREAS, DePaul Properties, owner of property situate in a TB, Traditional Business Zoning District in the 4th Ward of the City of Oswego, New York, with address 220 East First Street, being Tax Map Number: 128.63-04-04.01, has applied for a Front Yard Setback Area Variance in accordance to Section 280-17(C) of the City of Oswego Code, to allow for the construction of a 4 story, 80 unit multifamily dwelling and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared.

RESOLVED, that a Front Yard Setback Variance be granted to allow for the construction of a 4 story, 80 unit a multifamily dwelling with the following conditions: 68' maximum height, 5 story maximum with 4 story maximum for residential, approval specific to DePaul Properties, and completion within two years of acquiring funding approval.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-89

IN THE MATTER OF: DePaul Properties

WHEREAS, DePaul Properties, owner of property situate in a TB, Traditional Business Zoning District in the 4th Ward of the City of Oswego, New York, with address 220 East First Street, being Tax Map Number: 128.63-04-04.01, has applied for a Rear Yard Setback Area Variance in accordance to Section 280-17(C) of the City of Oswego Code, to allow for the construction of a 4 story, 80 unit multifamily dwelling and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared.

RESOLVED, that a Rear Yard Setback Variance be granted to allow for the construction of a 4 story, 80 unit a multifamily dwelling with the following conditions: 68' maximum height, 5 story maximum with 4 story maximum for residential, approval specific to DePaul Properties, and completion within two years of acquiring funding approval.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-90

IN THE MATTER OF: DePaul Properties

WHEREAS, DePaul Properties, owner of property situate in a TB, Traditional Business Zoning District in the 4th Ward of the City of Oswego, New York, with address 220 East First Street, being Tax Map Number: 128.63-04-04.01, has applied for a Side Yard Setback (North End) Area Variance in accordance to Section 280-17(C) of the City of Oswego Code, to allow for the construction of a 4 story, 80 unit multifamily dwelling and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared.

RESOLVED, that a Side Yard Setback (North End) Variance be granted to allow for the construction of a 4 story, 80 unit a multifamily dwelling with the following conditions: 68' maximum height, 5 story maximum with 4 story maximum for residential, approval specific to DePaul Properties, and completion within two years of acquiring funding approval.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-91

IN THE MATTER OF: DePaul Properties

WHEREAS, DePaul Properties, owner of property situate in a TB, Traditional Business Zoning District in the 4th Ward of the City of Oswego, New York, with address 220 East First Street, being Tax Map Number: 128.63-04-04.01, has applied for a Maximum Height in Stories Area Variance in accordance to Section 280-17(C) of the City of Oswego Code, to allow for the construction of a 4 story, 80 unit multifamily dwelling and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared.

RESOLVED, that a Maximum Height in Stories Variance be granted to allow for the construction of a 4 story, 80 unit a multifamily dwelling with the following conditions: 68' maximum height, 5 story maximum with 4 story maximum for residential, approval specific to DePaul Properties, and completion within two years of acquiring funding approval.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Phil Cady

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 19-92

IN THE MATTER OF: DePaul Properties

WHEREAS, DePaul Properties, owner of property situate in a TB, Traditional Business Zoning District in the 4th Ward of the City of Oswego, New York, with address 220 East First Street, being Tax Map Number: 128.63-04-04.01, has applied for a Maximum Height in Feet Area Variance in accordance to Section 280-17(C) of the City of Oswego Code, to allow for the construction of a 4 story, 80 unit multifamily dwelling and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 18th day of June 2019 and the applicant having appeared.

RESOLVED, that a Maximum Height in Feet Variance be granted to allow for the construction of a 4 story, 80 unit a multifamily dwelling with the following conditions: 68' maximum height, 5 story maximum with 4 story maximum for residential, approval specific to DePaul Properties, and completion within two years of acquiring funding approval.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine