

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

July 21, 2020

Chairman Clavelli said Connie Ryan is an alternate tonight and will be voting in the first case because Anthony Pauldine will recuse himself.

A motion to approve the minutes of the June 2020 meeting was made by Mark Brunschweiger and seconded by Matthew Brancato; 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: 20-85

IN THE MATTER OF: Keith Williams

WHEREAS, Keith Williams, tenant of property situate in a 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 21st day of July 2020 and the applicant having appeared and no one appearing in opposition.

Keith Williams of 9 Ridgeway Sites was present for the discussion. Anthony Pauldine said Mr. Williams has been a tenant of his for many years so he needs to recuse himself from this case. Mr. Caraccioli said from a technical perspective he shouldn't participate at all in the discussion. He said if he wants to say something he asks that he removes himself from the table and sits in the audience. Mr. Williams said he would like to move his shop from 180 Water Street to 211 West First Street. He said one thing he forgot to put into the paperwork is they do a lot of scar cover-ups. He showed the Board some of the retail items that he has made and would be selling. Chairman Clavelli said he is more than a tattoo shop. Mr. Williams said much more. He said he has a complete wood shop and a complete sheet metal fabrication shop. He said he also does custom fireplaces. He said he has been downtown for 14 years and has brought in approximately \$2.5 million in revenue to downtown. He said he wants to stay downtown and make it bigger and better. He said Harvard and MIT just came out with a bio sensitive ink for athletes and diabetics. He said it will change color if the person is dehydrated or blood sugar is low or high. He said if that hits the market they will be in a whole other world. He said the industry is progressing at a 7.7 annual rate. He said already 46% of Americans are tattooed. He said in 5 years that will put it over 80%. He said it is a large demographic. He said this is where he wants to raise his family. He said he is track proven and asked what is the worst that can happen that hasn't happened in 14 years. Chairman Clavelli said his presentation to the Planning Board was excellent. Jeff McGann said they got one email in support from Jason Rinoldo with Caruso Tax & Accounting. He said Mr. Williams always files and pays his taxes on a timely basis. He said he also donates to and supports local causes. Chairman Clavelli asked if there was anyone for or against this application and no one came forward. Mr. Caraccioli said the Planning Board made a unanimous favorable advisory to the Zoning Board.

RESOLVED, that a Use Variance be granted to allow for professional arts & services – tattoo studio.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Chairman Clavelli

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-87

IN THE MATTER OF: Ronald Gunther

WHEREAS, Ronald Gunther, 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 217 East Eleventh Street, being Tax Map Number: 128.50-02-44, has applied for a Special permit in accordance to Section 280-42(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 21st day of July 2020 and the applicant having appeared and no one appearing in opposition.

Ronald Gunther of 215 East Eleventh Street was present for the discussion. Mr. Gunther said he owns property at 217 East Eleventh Street and would like to put in a new driveway in on 217 adjacent to his. Chairman Clavelli asked if there was anyone for or against this application and no one came forward. Jeff McGann said he had a couple conversations with the next door neighbor, Mike Edwards. He said Mr. Edwards has met with Mr. Gunther and he is happy with his plan and he is in favor of it. Chairman Clavelli said Mr. Gunther is leaving an abundant amount of green space. Jeff McGann said there is about 5 feet of green space between himself and the neighbor. He said that was the neighbor's only concern.

RESOLVED, that a Special Permit be granted to allow front yard parking.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Mark Donabella

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-88

IN THE MATTER OF: Jim Photos

WHEREAS, Jim Photos, owner of property situate in a TN1, Traditional Neighborhood 1 Zoning District in the 1st Ward of the City of Oswego, New York, with address 23 West Fifth Street, being Tax Map Number: 128.37-04-22, has applied for a Side Yard Setback (North) Area Variance in accordance to Section 280-12(C) of the City of Oswego Code, to allow for the construction of a 24'x26' garage and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 21st day of July 2020 and the applicant having appeared and no one appearing in opposition.

Jim Photos of 23 West Fifth Street was present for the discussion. Mr. Photos said he is proposing to build a 24'x26' workshop/garage. Chairman Clavelli said he went in the backyard and saw Mr. Photos' four stakes. He said he is not going to be parking a car there. Jeff McGann said Cases 2-5 are all related to this because he needs two side yard variances, total side yard and rear. Chairman Clavelli asked if there was anyone for or against this application and no one came forward.

RESOLVED, that a Side Yard Setback (North) Area Variance be granted to allow for the construction of a 24'x26' garage.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-89

IN THE MATTER OF: Jim Photos

WHEREAS, Jim Photos, owner of property situate in a TN1, Traditional Neighborhood 1 Zoning District in the 1st Ward of the City of Oswego, New York, with address 23 West Fifth Street, being Tax Map Number: 128.37-04-22, has applied for a Side Yard Setback (South) Area Variance in accordance to Section 280-12(C) of the City of Oswego Code, to allow for the construction of a 24'x26' garage and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 21st day of July 2020 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Side Yard Setback (South) Area Variance be granted to allow for the construction of a 24'x26' garage.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-90

IN THE MATTER OF: Jim Photos

WHEREAS, Jim Photos, owner of property situate in a TN1, Traditional Neighborhood 1 Zoning District in the 1st Ward of the City of Oswego, New York, with address 23 West Fifth Street, being Tax Map Number: 128.37-04-22, has applied for a Total Side Yard Setback Area Variance in accordance to Section 280-12(C) of the City of Oswego Code, to allow for the construction of a 24'x26' garage and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 21st day of July 2020 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Total Side Yard Setback Area Variance be granted to allow for the construction of a 24'x26' garage.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-91

IN THE MATTER OF: Jim Photos

WHEREAS, Jim Photos, owner of property situate in a TN1, Traditional Neighborhood 1 Zoning District in the 1st Ward of the City of Oswego, New York, with address 23 West Fifth Street, being Tax Map Number: 128.37-04-22, has applied for a Rear Yard Setback Area Variance in accordance to Section 280-12(C) of the City of Oswego Code, to allow for the construction of a 24'x26' garage and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 21st day of July 2020 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Rear Yard Setback Area Variance be granted to allow for the construction of a 24'x26' garage.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-92

IN THE MATTER OF: Conrad Dolbear

WHEREAS, Conrad Dolbear, 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 182 East Seneca Street, being Tax Map Number: 128.34-03-01, has applied for a Height Area Variance in accordance to Section 280-78(C) 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 21st day of July 2020 and the applicant having appeared and no one appearing in opposition.

Conrad Dolbear of 182 East Seneca Street was present for the discussion. Mr. Dolbear said he would like to install a 6' fence. Jeff McGann said Mr. Dolbear has already gone before the Common Council for use of public space for the fence. He said he is looking to go from 4' to 6' for his pets and kids. He said even though it is a corner lot the fence is away from the corner and there won't be any issue with traffic. Chairman Clavelli asked if there was anyone for or against this application and no one came forward.

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

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-93

IN THE MATTER OF: Eric Syrell

WHEREAS, Eric Syrell, owner of property situate in a CB, Central Business Zoning District in the 4th Ward of the City of Oswego, New York, with address 139 City Line Road, being Tax Map Number: 129.45-01-05, has applied for a Side Yard Setback Area Variance in accordance to Section 280-18(C) of the City of Oswego Code, to allow for the construction of a 20'x36' garage and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 21st day of July 2020 and the applicant having appeared and no one appearing in opposition.

Eric and Melissa Syrell of 139 City Line Road were present for the discussion. Mr. Syrell said they would like to put an addition on their house on the north side. Chairman Clavelli said it will be a nice improvement to the house. Jeff McGann said he hasn't received any negative calls on this. He said they received the 239 Review from the County which stated it should be decided as a local issue. He said it stated that a zero foot setback may cause conflict in the future if the adjacent property is developed. Chairman Clavelli said the adjacent property is at least 120' wide. Jeff McGann said it is a large vacant piece of property. He said it has been vacant since the 80s. He said if someone were to build on it, it wouldn't be right next to the garage. Chairman Clavelli asked if there was anyone for or against this application and no one came forward.

RESOLVED, that a Side Yard Setback Area Variance be granted to allow for the construction of a 20'x36' garage.

MOTION MADE BY ZONING BOARD MEMBER: Mark Brunschweiger

SECONDED BY ZONING BOARD MEMBER: Chairman Clavelli

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 20-94

IN THE MATTER OF: Jackie Cregg

WHEREAS, Jackie Cregg, 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 90 East Seneca Street, being Tax Map Number: 128.40-03-16, 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 an 8'x12' shed and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 21st day of July 2020 and the applicant not having appeared and no one appearing in opposition.

Jeff McGann said they have already placed the shed. He said she plotted it on the survey in the back of the house but when he went by there it is actually in the front of the house which would require a front yard setback. He said they received a letter from the next door neighbor stating she was opposed to it because there isn't much room between the two houses. He said if ice falls off of the neighbor's house, it is going to go through the roof of the new shed. He said he just found out about this before the meeting tonight. He said he told them that they need a front yard setback and it is not on the agenda. He said they have a ton of room on the other side of the house where they can put the shed. He said he will encourage them to take a day or two to see if they can find a spot on the other side. He said they have already paid the fee for the variance and he told them if they can find a spot on the other side of the house that doesn't require a variance he will make that fee wash with the building permit. Mr. Caraccioli said he recommends a motion to table. Anthony Pauldine said he needs to recuse himself from the vote so Connie Ryan became a voting member for this case.

RESOLVED, that Case #20-94 be tabled.

MOTION MADE BY ZONING BOARD MEMBER: Chairman Clavelli

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato