

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 17-71

IN THE MATTER OF: Matt Dawson

WHEREAS, Matt Dawson, owner of property situate in a Neighborhood Business, B1 Zoning District in the 5th Ward of the City of Oswego, New York, with address 64 SW Ninth Street, being Tax Map Number: 128.77-03-08.02, has applied for a Special Permit in accordance to Section 280-30(H) of the City of Oswego Code, to allow for an apartment above existing commercial property and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 19th day of September 2017 and the applicant having appeared and no one appearing in opposition.

Matt Dawson of 64 SW Ninth Street was present for the discussion, as well as Councilor Gosek. Mr. Dawson said there is a blank room with a bathroom and he would like to turn it into an apartment. Chairperson Sweet asked what is below it. Mr. Dawson said his business selling computer accessories. Chairperson Sweet said there would be no hazardous material. Mr. Dawson said no. Councilor Gosek said he is in support. Chairperson Sweet asked if there was any concern from the neighbors. Councilor Gosek said no. Chairperson Sweet asked if there is adequate parking. Mr. Dawson said yes. 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 Special Permit be granted to allow for an apartment above existing commercial property.

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: 17-99

IN THE MATTER OF: Luke Nadzadi

WHEREAS, Luke Nadzadi, owner of property situate in a Residential, R3 Zoning District in the 3rd Ward of the City of Oswego, New York, with address 188 West Seventh Street, being Tax Map Number: 128-70-02-07, has applied for a Side Yard Setback Variance in accordance to Section 280-55(A) of the City of Oswego Code, to allow for an open parking area to be located less than three feet (3') of side lot line and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 19th day of August 2017 and the applicant having appeared.

Luke Nadzadi of 91 Mariposa Drive was present for the discussion, as well as Councilor Emmons. Chairperson Sweet asked if this is a rental. Mr. Nadzadi said yes. Chairperson Sweet asked if it is a single family rental. Mr. Nadzadi said yes. Chairperson Sweet asked if it is rented to a family. Mr. Nadzadi said it is rented to students at the current time. Chairperson Sweet asked how long the driveway is that he has now. Mr. Nadzadi said he doesn't know the exact. He said he would say it is around 20-24 feet. He said he would like to extend it 14 additional feet. He said the house next door has what he would like to match. He said it is almost like a Tetris. He said one side has three and the other side has two and he would just like to make it three on both sides. Chairperson Sweet asked how many students he has in there. Mr. Nadzadi said it is a four bedroom apartment. Chairperson Sweet asked if he plans on stacked parking in there. Mr. Nadzadi said it is stacked parking and he believes if he adds the extra spot it will allow for four cars to be in there. Frank Clavelli, Jr. asked if he would go beyond the side entrance. Mr. Nadzadi said he put in the stairs going out the back of that to eliminate anyone running into the driveway. He said he would not go back in there. He said he would put in gravel sidewalk paver because it is an entrance. Chairperson Sweet asked if there is more yard in the back. Mr. Nadzadi said yes. He said he eliminated a portion of the deck because of some rot so that will become green space. Chairperson Sweet asked if it is 20' now and the average car is 17' long, how he will manage to get four cars in there. Mr. Nadzadi said he doesn't want to go past that. Chairperson Sweet said there is no way he will be able to get four cars in there. Mr. Nadzadi said he thinks they will be able to. He said not every car is 17'. Don Belcastro asked how long he is proposing it to be. Mr. Nadzadi said the new addition will be 14'. He said in some areas it will be 7' wide and other areas 11' wide. Don Belcastro asked how long in total. Mr. Nadzadi said he believes now they are able to get 2½ cars in there. He said if they go an extra 14' he believes they can get another 1½ cars in there. He said the aerial photo will show two cars next door. He said he eliminated the fence so three cars will easily get in there and he believes an extra one can go in. He said he would love to put in more but he knows it is

not realistic eliminating that much green space. Chairperson Sweet said the problem they have with students in general is if there is a backyard they will just keep driving. She said they will just keep parking on the lawn. Mr. Nadzadi said he would be happy to put shrubbery or something in there. Chairperson Sweet said that would be good. She said the problem they have with cars going far back is headlights going into the back windows of the neighbors. She said the more you lengthen a driveway you have to be concerned with headlights. Mr. Nadzadi said the backyard does have a solid fence and the neighbor's tree is overgrown. He said there is no way headlights are going to get through there. Chairperson Sweet said if this is granted she would like to see a barrier so that is as far as they go because then they get into backyard parking. Mr. Nadzadi said this is on 7th Street which is a hospital access. He said there are constantly Centro buses driving down as well as the ambulances and emergency vehicles. He said it is alternating parking. He said getting cars off of the street is also important because there are times that one neighbor parks on the left and one neighbor parks on the right and the bus can't go through. He said there are problems with parking on the street as well. He said having additional off-street parking is important too. Catharine Early asked if it will be concrete or asphalt. Mr. Nadzadi said he would like to put concrete in. He said it is currently concrete. He said he thinks it looks nicer but he also got a quote that was pretty expensive. Frank Clavelli, Jr. said the worst case scenario would be asphalt. Mr. Nadzadi said yes. Frank Clavelli, Jr. said it won't be gravel. Mr. Nadzadi said no. He said if he does go asphalt he thinks he would pave the entire parking lot. He said there are currently five and he would pave six to make it uniform. Councilor Emmons said he has some concerns that generate from the neighbors. He said the concern they have is this creates a large parking lot between these two properties. He said Mr. Nadzadi owns both of these properties. He said it doesn't fit within the character of the neighborhood. He said the piece of grass creates that barrier between the two properties. He said while he understands the need to have additional parking he shares their concern about the number of cars that are now going to be pulled in there. He said you can imagine that it is not just cars on this one side for this one property but cars on the other side for 190 and his guess is they will interchange between the two. He said this was a single family home and it is now a rental. He said the neighbors' fundamental question is why the neighborhood should be impacted in terms of now four cars being pulled into this property and for the neighborhood to have to conform to that when some of these people have lived there all their lives. He said he shares their concerns and he is here to represent them. He said they are also expressing concerns that there are multiple cars pulling in and out of these properties quite a bit. He said they have had some issues with the properties over the past year with noise and parties. He said their concern is that by expanding this parking lot that raises the potential to have even more disruption to the neighborhood. Chairperson Sweet said she didn't realize that he owned the property right next door. She said there is a concern if he is actually creating a parking lot. She said it would appear that with both of those parking areas butting up against each other that is essentially what is being created with no green space in between. Mr. Nadzadi said the house was vacant for ten years. He said the roof had holes in it. He said it was borderline ready to become a huge eyesore to the neighborhood. He said the neighbors have been using 188 parking lot for their own personal use and they have told his tenants that they don't have the right to park there. Chairperson Sweet asked if there is a property dispute. Mr. Nadzadi said no because he now owns 188 but at the time he told them to not park there. He

said there have been constant issues with the lot at 188. Chairperson Sweet said Councilor Emmons said there have been issues with the students. Mr. Nadzadi said the students have only lived there since June and only two have lived there. He said they have been very good students. He said they do good background checks on their students before they have them move in. He said if they want to get into the characters of the students he would be happy to bring in their resumes and have them see that these are good students. He said this year there are four students on one side and four on the other that are friends. He said next year they are not going to be the same students. He said he'd be happy to bring in regular families that would like to live there. He said there are other families that live on the street in rentals. He said they would simply like to allow for a cleaner street and have more cars off the street. He said if they would like him to put a barrier down the middle he would be willing to consider some of those options. Chairperson Sweet said when you decide to rent to four individuals and they each have cars then you have to make concessions. She said it is a self-imposed hardship when you buy property and you don't have adequate parking. She said now he is here asking for that parking and they will take into consideration how the neighbors feel. Mr. Nadzadi said there are times that the neighbors park on the sidewalk. He said even though they don't want them to have parking they at times need parking as well. Chairperson Sweet said that is their home. Mr. Nadzadi said it is the sidewalk. Councilor Emmons said they are getting off track. He said the concern for him is creating a giant parking lot and that is the concern of the neighbors too. Chairperson Sweet said they are granting an area variance and there are things the Board has to take into consideration. She said he is asking for something exceptional to the rule so they have to consider all aspects. She said they have guidelines that they have to follow. Anthony Pauldine asked if he means a parallel barrier between the two properties when he talks about a barrier. Mr. Nadzadi said the current driveways do butt up against each other so he doesn't know to the extent of what he could put in. Anthony Pauldine asked if all the tenants go end to end currently. Mr. Nadzadi said yes. Anthony Pauldine asked if they cross property lines to go around other cars. Mr. Nadzadi said they wouldn't need to. He said they are currently friends so they know they can go ask a student to move to help them get in and out. Anthony Pauldine said he takes into consideration both properties and the amount of concrete. He said it is apparent to him that someone could do parallel parking and pull in on one side and have rows diagonal against one of the houses. Mr. Nadzadi said he doesn't think you would be able to do that. Anthony Pauldine said the measurements say that you could. Mr. Nadzadi said it is tight. Catharine Early asked how many cars are usually stacking at 190. Mr. Nadzadi said four. Chairperson Sweet asked if there was anyone in favor of this application. She asked Mr. Nadzadi to step out of the room while they heard from the audience. The first to come forward was Tim Richards of 188 West 7th Street. He said he is a student that rents 188. He said he is in favor of the landlord extending the driveway so he can safely put his vehicle in the driveway. He said winter is approaching and they have to find off-street parking. Chairperson Sweet asked if this is his first year at the house. Mr. Richards said yes. The next to come forward was Alexander Soring of 188 West 7th Street. Chairperson Sweet asked if it was his first year and he said yes. He said he is in favor of extending the right lot to meet the next lot. He said he knows they could control the people from going in the green space. He said he understands once they move out future students could take advantage of that. He said if there is just a block there isn't enough room to get back into the yard. The next to come forward was

Ross Lobber of 190 West 7th Street. He said he is in favor of extending the parking because it makes more room for all of them. He said the parking on 188, if they didn't push it back, they could just destroy the grass. Chairperson Sweet said they can't park on the grass. Mr. Lobber said he isn't parking there but he said it is a tight squeeze. The next to come forward was Chris Paglia of 190 West 7th Street. He said this is his second year living in the house. He said he is in favor of extending the driveway to alleviate some of the stress in parking in the street. He said he drives a sport coupe car so when people are driving by in the winter a lot of salt gets on his car so it deteriorates the value of his car. He said he is the first one to park in the driveway so he pulls up to the very limit and he is the last one to leave so no one is pulling up further. He said he doesn't want to drive on the grass because it is going to ruin the car. He said right now it is very tight and they are all parked on top of each other. He said getting in and out of the car is difficult. He said it makes the whole ordeal stressful. The next to come forward was Paige Wass and Doug Burton of 191 West 7th Street. Mr. Burton said they are in support. Ms. Wass said the letter they got was confusing. She said it stated parking lot as the motion. She asked the owner to see the diagram of where he planned to extend. She said they are ok with him extending the existing driveway. She said the way it was presented to them was that he was going to pave the entire yard. She said if it is just extending the driveway then it would be beneficial. Mr. Burton said they have two cars and one of them has to be parked on the street. He said sometimes he has to walk upwards of a block. He said getting some of these cars off of the street allows him to be able to park in front of his house. He said the driveways are almost touching as is. Ms. Wass said during the winter their car was parked in front of their house and the college student's car was parked in front of their neighbor's house. She said when the plow went by then they had five feet of snow out in the road that they had to shovel in between the bumpers of the two cars. She said it never used to be like that because there are very few people that need to park on the street. Chairperson Sweet asked about when they have friends over. She said they must see parking just from visitors. Ms. Wass said sometimes. Mr. Burton said if they eliminate two or three cars from the street it allows him to get in closer. He said it eliminates a problem for him which is more important to him than the 20' of grass. Chairperson Sweet asked if there was anyone opposed to this application and Dave and Kathy Davis of 192 West 7th Street came forward. Mr. Davis said he lives directly next door to one of the houses. He said it is two properties joined now with 8 college kids. He said a rule of thumb is probably a car per tenant and probably two or three for visitors. He said they are talking 11 parking spaces. He said he can't see 11 parking spaces in that area. He said in the winter they have to be off the road. He said just like the student said, they are tight. He said it is going to affect the character of the neighborhood. He said they have been there for 40 years and it isn't going to increase their value at all. He said in the first house he had some good boys. He said he has had to speak to this last group about noise, language, and Saturday night parties. He said he thought zoning was for the whole neighborhood. He said someone comes in and buys property and they want the neighbors to accommodate them. He said he bought it knowing the parking wasn't there. Mrs. Davis said they were family houses and now there are 8 guys and 8 cars. Mr. Davis said now it is basically going to be a door to door parking lot. He said it has gone from a single family residence to basically an apartment building with a big parking lot in the middle. Anthony Pauldine said they have a quandary because they can't dictate how many students. He said there are laws for that. Mr. Davis said he doesn't care how many

people live there. He said he is talking the parking spaces. He said you have to have a car for each tenant plus visitors. Anthony Pauldine said it doesn't work that way. Mr. Davis asked where the visitors are going to park in the winter. Anthony Pauldine said according to the code you have to have so many parking spaces for a house but not each bedroom. He said you could have a husband, wife and two teenagers with four cars but you don't have to have six parking spaces for that house. He said the question is you have two houses with four students and possibly 8 cars, do you want to see them park on their property or in the street. He said he doesn't think that if it gets shot down he is going to say he is going to make it a single family home and rent to only a husband and wife. Mr. Davis said he is saying that it is their problem now. He said they have lived in this neighborhood all their lives and now they have to accommodate someone that wants to change the law. Chairperson Sweet said code is being rewritten as they speak. She said they are addressing a lot of these issues but that is not going to help them now. She said it is a problem that they have a lot of rentals. She said what she is hearing Mr. Davis say is he purchased a house and did not have adequate parking and now he is asking for additional parking. She said they know rentals take up parking on the streets. She said she doesn't know where winter parking is at right now. Matthew Brancato said it is staying the same. He said the cars have to be off the road. Chairperson Sweet said when people purchase houses and they don't have enough parking they are going to have to look at their tenants and say you have to find a place to park. Mr. Davis said it was a four car driveway and he wants to put 8 cars in there. Anthony Pauldine said they can't change it back to a single family home. Matthew Brancato said it is already a single family home. He said the neighbor is saying if they have parking for 2 or 3 cars they will rent to 2 or 3 students because every student has a car. He said if you put in parking for 4 students then you will have 4 cars. Anthony Pauldine said they also said for the last two years they have had 4 people in each house. Mr. Davis said last year only the house next to him was rented and then he bought the other house and hadn't renovated it yet. He said it was basically a four car driveway. He said the 4 students were using that and then there was a fifth car on the lawn. Chairperson Sweet said call the police when that happens. She said they can't park on the lawn. Mr. Davis said it didn't bother him that much but he started wondering where the next 4 people were going to park. Catharine Early said they are not providing a parking space per person. Anthony Pauldine said it is 1½ per house. Chairperson Sweet said he has that. She said he is looking to extend this for convenience for his tenants. Mr. Davis said he objects to it being turned into a parking lot. The next to come forward was Fr. John Smegelsky of 187½ West 7th Street and Karen Smith of 193 West 7th Street, both located across the street. Fr. Smegelsky said his house has been in the family name since 1920. Ms. Smith said she is opposed to this. She said the students are noisy and disrespectful. She said they had a quiet neighborhood until all the students moved in. She said they have taken up all these parking spaces. She said she knows they want more parking spaces for the kids but sometimes there are 8-12 cars there. She said on Friday night they woke her up with their noise. She said it is degrading the neighborhood. Chairperson Sweet asked how many cars they pulled in across the street. She asked if they are all over the yard. They said sometimes they are. Fr. Smegelsky said they park horizontal to the house on the lawn also. Chairperson Sweet said that isn't legal. Father Smegelsky said they have the zombie house on the corner also. He said the neighborhood will go downhill and their property values will decrease. Ms. Smith said they oppose the bigger parking space. Fr. Smegelsky said

some of the neighbors couldn't be here. He said they just want it a nice neighborhood like it was. Councilor Emmons said he doesn't envy the Board's position. He said these are tough issues. He said the challenge for him is the properties are right next door to each other and what does that create. He said he sees both sides. The next to come forward was Becky Nadzadi. She said she owns the properties with her husband. She said the oppositions that she heard don't make a lot of sense to her. She said they have probably driven the property values up in the neighborhood since they purchased a house that had been vacant for 8 years. She said they renovated both houses including windows and roofs. She said they have worked both interiorly and exteriorly bringing them up to code. She said they have brought them up to beautiful spaces that students can live in because she believes students have the right to live in safe, healthy houses. She said she and her husband got into rental properties as a business venture to provide some extra funding for their daughters for college. She said from the beginning they said they were going to make sure that these were houses that they would live in themselves. She said there are landlords in this town that are not accessible. She said she and her husband both work at the college. She said she is the Assistant Dean of Students. She said she receives every police report associated with the students. She said she knows that they have never had the police called on any of their properties with their students. She said the students that rent from them are incredibly good kids. She said they are respectful of the community and they know her expectations. She said they would not bother someone on purpose. She said if they have done something most of the neighbors have their contact information. She said her husband is at the house a minimum of once a week caring for the property. She said they have the opportunity to speak to them and no one has done so. She said this is a hospital street so emergency vehicles come down the street. She said it is already alternate street parking. She said giving them the opportunity to expand this driveway to aesthetically match the property next door is going to allow more cars to park there. She said they have 4 tenants in each property. She said today all students have cars. She said giving them the opportunity to park in the driveway rather than on the street eliminates the cause for neighbors to be upset if they don't have a parking space themselves. She said a lot of these houses don't have parking for the amount of cars that they have. She said the neighbor across the street has three vehicles and at least one of those vehicles used to park at the property they purchased at 188. She said he doesn't have a place to park anymore. Chairperson Sweet said the testimony is they are parking in the yard and on the grass. Mrs. Nadzadi said they had one girlfriend who did that a couple of times. She said it certainly isn't something that they see and they are around often. She said if they saw it and had a concern with it she would have asked them to talk to her and her husband or the students about it. Chairperson Sweet said it is illegal and they can't do it. Mrs. Nadzadi said if they had the other parking it would eliminate part of that issue. Chairperson Sweet said if this is not granted they still cannot be parking there. She said she would read the criteria that they have to take into consideration. She said in making a determination the Zoning Board shall take into consideration the benefits to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant and consider: 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 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 3) whether the requested area variance is substantial 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district 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. She said the Board in granting an area variance shall grant the minimum variance that it deems necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community. She said if even one of these is out of order the Board has a responsibility to these. Catharine Early said they should talk about a hardship being self-created. She said they had a doctor last year that was renting an apartment on the eastside to nurses and they didn't like stacked parking because they were on shift work. She said they found that to be a self-created hardship because the tenants knew when they moved in that it was stacked parking and the landlord had the opportunity to tell the tenants that there was limited parking. She said here they bought the house with the parking as is. She said they have chosen to have 4 bedroom apartments. She said they don't necessarily have to have tenants that each have a car. She said the tenants do not have to select a place to live that doesn't have adequate parking. She said she thinks this is tough but that is the one thing that jumps out at her every time they have someone that needs more parking for tenants. Don Belcastro asked if it doesn't start with the landlord making a decision to buy this property. Catharine Early said yes. She said he bought it with the parking that it had. Karen Fitzsimmons said he chose to rent it to 4 people. Don Belcastro asked if their choice tonight is to vote yes or no or table it. Chairperson Sweet said they can table anything but it would have to be for additional information. Don Belcastro asked if there is any additional information that they could request that might help the situation. Chairperson Sweet said he is asking for parking. She said this is pretty straight forward. Anthony Pauldine said he struggles with the fact that he is asking to go with the driveway that is equal in length to the house next door. Frank Clavelli, Jr. said if they could impose actual parking spots so they park inside the spots and there would be no question of trying to put more in there than they are supposed to. He said he agreed with Anthony Pauldine. He said the property right next door has an extra space. Chairperson Sweet said she doesn't think they can use that because the neighbors are saying that with the extension it will give the look of a parking lot and therefore they feel it does have a negative impact. Matthew Brancato said it meets the code. He said he has 1½ parking spaces for his single family unit. Anthony Pauldine said this driveway goes right between two houses that he owns. He said he has a hard time saying that the back part of this house is going to affect the neighborhood and that it is going to look like a parking lot. Catharine Early said she agrees with that. She said if these properties were not owned by the same person and someone asked to extend it they would be hard-pressed to say they couldn't do it because it would look like a parking lot. She said it would be inconsequential that they were next to each other. Anthony Pauldine said parking is tough. He said there is definitely value in getting a car off of the street. He asked how much of a hardship this is. He said what he heard from the neighbors that were most against this is it really had to do more with that it was student housing with four students living there and not that it was taking up the green space. He said he would also like to commend the four guys that dressed up and came to this meeting. Catharine Early said they run up against this so many times when someone enterprising buys a house and then comes in and wants to

put in more parking because they increase the density inside the house. Matthew Brancato said the neighborhood's concern is the density. He said if these are two one-bedrooms then you are going to have less density. He said if they are two two-bedrooms you are going to have less density. He said two four-bedrooms and four sets of guests is what their concern was. Chairperson Sweet said landlords run mini-businesses in residential areas. She said they need to look at that differently because it is income property. She said it is not owner occupied. She said when they grant these they are granting a supplement to a business. She said they have to take that into consideration. She said they have had residents that have live there 40+ years. She said when they grant the additional space it does have an impact because it is putting a different transient type of living into this home. She said the neighbors are coming in and saying it is a detriment. She said they are living that. She said it is self-imposed when you buy a property and renovate and plan out to rent and you don't have adequate parking. She said this is what they are looking at – was it self-created and will it have an adverse effect on the physical or environmental conditions in the neighborhood. Frank Clavelli, Jr. said they have to look at what they consider the effect. He asked if getting a car off the road a positive. He asked if putting another car in a spot is a positive. He said they are both negative and positive. He said there is no right answer here. Chairperson Sweet said it is like dirty dishes. She said you take off one car there is another car in there. She said there is always going to be a car on the street. Matthew Brancato said he thinks students are fantastic tenants. He said the guys who came in tonight seem like great guys so nothing against them. He said he would rather have college students than certain families any day. He said he thinks this is self-created too. Anthony Pauldine said he also has several college rentals that he has renovated from head to toe that only have one parking space. He said he would disagree that every student has a car. He said that is absolutely not true. He said there are a lot of students that don't have cars. He said if you are close enough to the bus routes and this one is very close then it is not a huge issue. He said he doesn't think that granting this spot or not granting this spot is going to change the house use from four students in any way. He said next year there might be three students with a car and one without. He said he doesn't see that not granting this is going to turn it into a newlywed house. Don Belcastro asked if they are allowed to take an unofficial poll. Chairperson Sweet said no. Jim Bell said the permission they are asking for is to pave up to within three feet of the property line. He said there is nothing holding them back from paving three feet away from their line other than the 30% lot coverage that they have room in the lot coverage to do so. He said they could pave the space with a building permit and leave the three foot of grass in between the paved area and the proposed paved area. He said what they are granting is the ability to cover that three feet they are supposed to be away from the property line. He said that is the variance. He said they need to make the decision if it makes a difference if they pave all but three foot or if they pave over to the line. Catharine Early said they had four home owners come in today. Jim Bell said there were others that said they couldn't make it. He said he had some phone calls today from neighbors asking what it was and he told them they should come down today. Chairperson Sweet said neighbors have said they have been parking all over the yard. Jim Bell said he has not gotten that call. Matthew Brancato said if they pave 3' from the line they have a 5' width. He said you can't put a car on a 5' width so now they will be on the grass which they legally cannot do. Mr. Reynolds asked what is to the north. He said it looks like there is space. Jim Bell questioned where Mr.

Reynolds meant. Mr. Reynolds said it looks like the house ends and the pavement could go 3' that way. Jim Bell said he believes it is already paved there. He said it is sidewalk there. Anthony Pauldine asked if they would have to leave the 3' grass. Jim Bell said if the Board doesn't give them approval then absolutely. He said it'll be mud. Frank Clavelli, Jr. said they could utilize the sidewalk that is there and pave 5' beyond that. Anthony Pauldine said he could continue that 5' swath and go deep into the backyard. Jim Bell said as long as he didn't cover 30%. Anthony Pauldine said he has plenty of ground in the back so he could continue to the rear. He said this guy has two houses and it is concrete on both sides. He said the question then becomes do you want to impose that he leaves 3' of grass in between the concrete. He said that completely changes it for him. He said he would feel ridiculous. Chairperson Sweet said for the audience's sake they are asking for a 3' variance. She said that is all they are coming for. She said it would not prevent them from paving the rest of it. She said the question is whether they leave 3' between the properties and pave otherwise or they are granted the 3' so there is not mud in between. Frank Clavelli, Jr. said if they turn it down he can pave 5' right up to his house. He said it may be more than 5' counting that sidewalk they saw in the picture. Anthony Pauldine said the sidewalk wouldn't have to be sidewalk at that point because it would be paved. Mr. Davis said he is still concerned with the congestion. Anthony Pauldine said he has the right to pave it. He said he doesn't even have to come before the Board except that he would like to do 3' from the property line. He said now the question is do they want him to leave a 3' little piece of grass between but only for the 14'. Mr. Davis said yes. He said he hates to see any green space lost. Anthony Pauldine asked if he really looks down between the houses 50-60'. Mr. Davis said he would rather see green space than cars door to door. Matthew Brancato said he is still going to park there because he has a sidewalk from the house out plus 5 feet. Mr. Davis asked if it is legal to have that much congestion in one area. Chairperson Sweet said yes because it is two separate properties. Matthew Brancato said the Board is sympathetic to how he feels. Chairperson Sweet said they don't have any control over him putting in a driveway. Anthony Pauldine said if it were him and he owned both houses he would go right down to the city and combine them and they wouldn't have an issue. Jim Bell said he can't do it. Mr. Davis said he guesses they are all landlords. Matthew Brancato said he rents to students. Mr. Davis said Anthony Pauldine owns rentals. Frank Clavelli, Jr. said they are being fair. He said it isn't an easy vote. Mr. Davis said he is just looking out for his own property and the character of the neighborhood. He said the owner has called them a liar. He said the noise is there. He said maybe they are good kids but he did have to say something twice about the music and the language. He said he is here to tell the truth and not to cause trouble. Frank Clavelli, Jr. said he would recommend they call the police with any problems they have. Mr. Davis said he is just asking for their support. Chairperson Sweet said there is still 3' in question. She said the criteria still stands even if it is 3'. Catharine Early asked how many cars he said would fit in the space. Chairperson Sweet said four. Catharine Early asked if he said that would be tight and they would at least get the third car in. Anthony Pauldine said he would be able to get one more in. Frank Clavelli, Jr. said he would like to add a condition that it be completed in one year. Anthony Pauldine said he would like to add a condition that there would be a barrier at the end of the driveway. Mr. Reynolds said they could also add a condition that they are not going to extend it any further so he won't keep coming back asking for more. Jim Bell said they just asked what the barrier would be and he told them it would be

some sort of curb. Frank Clavelli, Jr. said a curb or a bollard or shrubbery. Jim Bell said a bollard is tough for plowing purposes. He said he didn't know if the Board had something specific. Frank Clavelli, Jr. said no. He said something so they can't go any further. Matthew Brancato said he could put a temporary 8x8 pressure treated block there and take it out in the winter so they could plow there.

RESOLVED, that a Side Yard Setback Variance be granted allow for an open parking area to be located less than three feet (3') of side lot line with the conditions that there be a barrier at the end of the driveway, done within a year, and the driveway will not be extended any further with future requests.

MOTION MADE BY ZONING BOARD MEMBER: Anthony Pauldine

SECONDED BY ZONING BOARD MEMBER: David Buske

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 17-76

IN THE MATTER OF: Rebecca Burch

WHEREAS, Rebecca Burch, owner of property situate in a Residential, R3 Zoning District in the 4th Ward of the City of Oswego, New York, with address 83 East Mohawk Street, being Tax Map Number: 128.57-01-27, has applied for a Special Permit in accordance to Section 280-55(A) 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 19th day of September 2017 and the applicant having appeared and no one appearing in opposition.

Rebecca Burch of 83 East Mohawk Street was present for the discussion. Chairperson Sweet asked if she parks there now. Ms. Burch said yes. She said she purchased the house in January and there is gravel there now. Chairperson Sweet said she is looking for a 3' variance. Frank Clavelli, Jr. said she is only going up to the fence. Ms. Burch said she won't even be going up to the fence. She said there are trees there and she doesn't want to mess with them. Jim Bell said this is single family, owner occupied. He said that makes a bit of a difference. He said she needs a driveway in order to park. Catharine Early asked if she is going to use concrete. Ms. Burch said she is planning this with her neighbor, John Fitzgibbons. She said he would prefer concrete because he snow blows her driveway. Jim Bell said John Fitzgibbons is in support. 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 Special Permit be granted to allow front yard parking.

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

SECONDED BY ZONING BOARD MEMBER: Catharine Early

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 17-77

IN THE MATTER OF: Rebecca Burch

WHEREAS, Rebecca Burch, owner of property situate in a Residential, R3 Zoning District in the 4th Ward of the City of Oswego, New York, with address 83 East Mohawk Street, being Tax Map Number: 128.57-01-27, has applied for a Side Yard Setback Variance in accordance to Section 280-55(A) of the City of Oswego Code, to allow for an open parking area to be located less than three feet (3') of side lot line and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 19th day of September 2017 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Side Yard Setback Variance be granted to allow for an open parking area to be located less than three feet (3') of side lot line.

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: 17-78

IN THE MATTER OF: John Constanza

WHEREAS, John Constanza, owner of property situate in a Residential, R3 Zoning District in the 2nd Ward of the City of Oswego, New York, with address 87 East Fourth Street, being Tax Map Number: 128.56-01-17, 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 19th day of September 2017 and the applicant having appeared and no one appearing in opposition.

John and Denise Constanza of 266 East 11th Street were present for the discussion, as well as Councilor McLaughlin. Chairperson Sweet said there isn't much on the application other than owner of property for 20 years. Mr. Constanza asked if there was a picture. Chairperson Sweet said no. Jim Bell said he would look to see what he could find. Chairperson Sweet said the property to the south was just purchased by Victory Transformation. She asked if they share the platform. Mr. Constanza said no. He said for years he was able to park on the platform until the previous owners put up a stone wall and filled the grade up. He said he has been here before trying to get parking and not been allowed. Chairperson Sweet asked who owns the platform. Mr. Constanza said he does. He said the platform is good for nothing because of decay from non-use. He said he would like to remove the platform and make another platform that is wide enough for two cars. Chairperson Sweet asked what he plans on doing with the platform. Mr. Constanza said he would like to remove it, make it wider and then put it back up. Chairperson Sweet asked if his plan tonight is to do a platform. Mr. Constanza said yes. Chairperson Sweet said it will be a raised platform. Mr. Constanza said yes. He said he would love it to not be a raised platform because it would be a lot cheaper but there is no way he can figure out to do the water after you pave it except for running it into the house. Chairperson Sweet said the curb cut is there. Mr. Constanza said they are going to keep the apron the way it is. Chairperson Sweet asked if this property is up for sale. Mr. Constanza said yes. Mrs. Constanza said this came up before the house was for sale. Chairperson Sweet said right now it is a property without any off-street parking. Mr. Constanza said yes. He said last year they were able to park on the lawn which is a pain because it is wet and dirty. He said he is trying to accommodate his tenants who have been there forever and get them off of the road. He said there is a lot of traffic during the day there with Human Concerns next door. Chairperson Sweet asked Jim Bell if this proposal is okay technically. Jim Bell said it meets the criteria of the parking spaces that he would need legally to fit in the space. He said it is a house that doesn't have a driveway. He said the only thing he would say is if they take a tree down

then maybe put a tree back. 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 Special Permit be granted to allow front yard parking with the condition that if they need to take the tree down they will put another one up to the north in the public space area.

MOTION MADE BY ZONING BOARD MEMBER: David Buske

SECONDED BY ZONING BOARD MEMBER: Anthony Pauldine

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 17-79

IN THE MATTER OF: John Constanza

WHEREAS, John Constanza, owner of property situate in a Residential, R3 Zoning District in the 1st Ward of the City of Oswego, New York, with address 26 West Second Street, being Tax Map Number: 128.46-03-07, 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 19th day of September 2017 and the applicant having appeared and no one appearing in opposition.

John and Denise Constanza of 266 East 11th Street were present for the discussion. Chairperson Sweet said her concern is she doesn't like the double side by side driveway. She said she would prefer a single driveway with stacked parking. She asked if they are looking at a single family home. Mr. Constanza said yes. Chairperson Sweet said she doesn't like the double side by side because it is in the front yard. Catharine Early said it looks like you would do away with all of the front yard. Mr. Constanza said it comes up to the sidewalk. He said it would leave the half lawn. He said it is a four bedroom. He said he has had college in it for years. He said they have been parking across the street and it hasn't been an issue. Chairperson Sweet asked if it is still city parking over there. Jim Bell said they took it away and they have just put it back. Frank Clavelli, Jr. asked if it would be feasible to move the 17' to the other side of the property and gain more green space. Mr. Constanza said there is a tree there. Frank Clavelli, Jr. said the whole lot is 36' and he is using 17' so that leaves 19' for green space. Chairperson Sweet asked if he is looking at a separate apron from Matt's property next door and green space between. Mr. Constanza said yes. Matthew Brancato said John has been a good neighbor to him. He said he has never had any issues with his tenants. He said he keeps his place clean. Mr. Reynolds said this might be better aesthetically. Chairperson Sweet asked if he will leave green space between the driveway and house. Mr. Constanza said he doesn't need to go to the house. Mr. Reynolds said it is 31' deep from the edge of the sidewalk and maybe 10' from the west side of the foundation. He said he could see four cars parking there if it is too wide rather than stacking them. Jim Bell said the depth is based on his property line. He said he can't ask for permission for front yard parking on the city's property so that is why Bob designed that and started it at his property line. 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 Special Permit be granted to allow front yard parking.

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

SECONDED BY ZONING BOARD MEMBER: Matthew Brancato

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 17-80

IN THE MATTER OF: Kelly Jordal

WHEREAS, Kelly Jordal, owner of property situate in a Residential, R3 Zoning District in the 4th Ward of the City of Oswego, New York, with address 170 East Thirteenth Street, being Tax Map Number: 128.50-03-09, 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 19th day of September 2017 and the applicant having appeared and no one appearing in opposition.

Kelly Jordal of 170 East 13th Street and Thomas Kurilovitch of 166 East 13th Street were present for the discussion. Ms. Jordal said she would like to have a driveway on the other side of her house. She said where her driveway currently is now is part of what used to be a paper street which was at one time an extension of Utica Street. She said she has had a number of problems with traffic running the intersection. She said she would like a small one car driveway put on the other side of her house so she could have the driveway that currently exists blocked off. Jim Bell asked her how many times her property has been hit. Ms. Jordal said she is on her third shed, her car has been totaled and sideswiped, and her roommate's car was totaled. Mr. Kurilovitch said he doesn't have a problem with it being on the line. Chairperson Sweet asked if there was anyone in favor of this application and she said Mr. Kurilovitch has already stated his support. She then asked if there was anyone opposed to this application and no one came forward.

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

MOTION MADE BY ZONING BOARD MEMBER: David Buske

SECONDED BY ZONING BOARD MEMBER: Frank Clavelli, Jr.

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

RESOLUTION

CASE NO: 17-81

IN THE MATTER OF: Kelly Jordal

WHEREAS, Kelly Jordal, owner of property situate in a Residential, R3 Zoning District in the 4th Ward of the City of Oswego, New York, with address 170 East Thirteenth Street, being Tax Map Number: 128.50-03-09, has applied for a Side Yard Setback Variance in accordance to Section 280-55(A) of the City of Oswego Code, to allow for an open parking area to be located less than three feet (3') of side lot line and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 19th day of September 2017 and the applicant having appeared and no one appearing in opposition.

RESOLVED, that a Side Yard Setback Variance be granted to allow for an open parking area to be located less than three feet (3') of side lot line.

MOTION MADE BY ZONING BOARD MEMBER: David Buske

SECONDED BY ZONING BOARD MEMBER: Frank Clavelli, Jr.