

CITY OF OSWEGO

PLANNING BOARD

January 3, 2019

MEMBERS PRESENT: James Scanlon, Matthew Bacon, Justin Rudgick, Noreen Ruttan, George Koenig, and Chairman Freeman.

MEMBERS ABSENT: Brit Hallenbeck and Mike Leszczynski.

Chairman Freeman called the meeting to order at 6:30 p.m., Thursday January 3, 2019. Roll call was duly noted.

A motion to approve the minutes of the November 2018 meeting was made by James Scanlon and seconded by Noreen Ruttan; minutes unanimously approved.

Justin Rudgick 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 George Koenig, unanimous approval.

NEW BUSINESS:

1. Site Plan Review & Approval – 91 West Bridge Street, Case 19-01; To allow for new 36'x32' asphalt parking with new 15'x20' driveway extension adjoining 95 West Bridge Street owned by Creative Development of Oswego Inc., Section 280-50.

DISCUSSION: Warren Shaw was present for the discussion. Mr. Shaw said he is looking to modify the parking on the corner for the safety of his tenants so they do not have to back out onto Bridge Street. He said the goal was to create an opportunity to park some cars to the rear so there is an actual drive thru so people can drive through and pull out onto 7th Street rather than back out onto Bridge Street. He said he purchased the building and cleaned the property up. He said he tore down an old garage. He said he also bought the property next door. He said the house has been painted. Justin Rudgick said he owns both 91 and 95 West Bridge Street. Mr. Shaw said yes. Justin Rudgick said he is looking to adjust parking in between both properties. Mr. Shaw said yes. Justin Rudgick asked about the properties. Mr. Shaw said 91 West Bridge Street has four one-bedroom apartments. He said they are typically long-term apartments. He said the other unit is a four bedroom Victorian that typically rents to college students. He said it is very upscale so the college students he gets in there are typically very respectful. Matthew Bacon asked if he currently uses behind 91 for parking. Mr. Shaw said no. He said he uses it to get to the garage. He said right now on the east side of 91 there is a driveway that goes all the way back to that garage. He said it is very narrow and gravel. He said when the Wahrendorf's had the chiropractic office next door they put their utilities on the side of the building and put posts up to protect it so it has made it too narrow to use it as a driveway. He said in doing this his objective was to create access to the garage in the back so he can utilize the garage and return what was the gravel driveway to green space. Matthew Bacon said the application says he is not gaining any parking with the proposal. He said it appears 91 has three parking spaces now. Mr. Shaw said four. Matthew Bacon said they are going to increase it to six. Mr. Shaw said 91 has room for five if he stack parks. He said there is room for four at 95. James Scanlon asked if that is on the existing blacktop. Mr. Shaw said yes. He said he is not gaining space as much as he is creating a more professional look. He said he can eliminate some of the stack parking and create something safer for people to get in and out of the area. He read a letter from the adjacent residential neighbor stating they were in support. Chairman Freeman asked if there will be a fence behind this and where he would put the snow. Mr. Shaw said there is a fence that separates the properties from the next door neighbor's property on 7th Street. He said the parking area would be 3'+ away from the fence and he would landscape along his side of the fence. He said the snow would go in front of the garage. Noreen Ruttan asked if the main egress would be on 7th Street. Mr. Shaw said yes. James Scanlon asked if parking spot #1 is new. Mr. Shaw said there is one new parking space being added and it is the one next to 95. James Scanlon asked if it would be used by the people at 95. Mr. Shaw said yes. James Scanlon asked if there will be green space in front of that. Mr. Shaw said the whole front and side of that yard will be green space. James Scanlon said the property has cleaned up quite a bit. Chairman Freeman asked if there was anyone in the audience that would like to speak for or against this proposal and no one came forward. Mr. Caraccioli said there are three separate matters here that relate to 91 West Bridge Street. He

said there is the site plan, the off-street parking proposal, and the advisory opinion because of the area variance based on maximum lot coverage. Jeff McGann said 75 is the requirement and he is asking for 82. Mr. Caraccioli said from a legal perspective a 7% overage is pretty minimal. Justin Rudgick said he agrees that a 7% variance is minimal. Mr. Caraccioli said he is recapturing green space. Mr. Shaw said yes. He said they will take the gravel driveway out of there and return it to green space. He said there was also the concrete pad from the garage that was torn down. He said that will be blacktop but it really wasn't green space to begin with. Mr. Caraccioli said you have an advisory opinion related to the area variance for the lot coverage and you have a site plan. He said the dilemma is how you can approve a site plan without knowing if the variance is approved. He said the solution he would propose is a conditional approval of the site plan conditioned upon the favorable adoption of an area variance by the ZBA.

DECISION: James Scanlon made a favorable motion for site plan approval conditioned upon the favorable adoption of an area variance by the ZBA. Motion seconded by George Koenig, unanimous approval.

2. Off-Street Parking Plan Review & Approval – 91 West Bridge Street, Case 19-02; To allow for new 36'x32' asphalt parking with new 15'x20' driveway extension adjoining 95 West Bridge Street owned by Creative Development of Oswego Inc., Section 280-52(A)(2)(b).

DECISION: Matthew Bacon made a favorable motion for off-street parking plan approval conditioned upon the favorable adoption of an area variance by the ZBA. Motion seconded by James Scanlon, unanimous approval.

3. Advisory to the ZBA – Area Variance – Maximum Lot Coverage – 91 West Bridge Street, Case 19-03; To allow for new 36'x32' asphalt parking with new 15'x20' driveway extension adjoining 95 West Bridge Street owned by Creative Development of Oswego Inc., Section 280-34(A).

DECISION: Justin Rudgick made a motion for a favorable advisory to the Zoning Board. Motion seconded by James Scanlon, unanimous approval.

4. Site Plan Review & Approval – 95 West Bridge Street, Case 19-04; To allow for a new 13'x26' asphalt parking pad as well as 1.5'x18' asphalt pad, together with a new 13.2'x21' asphalt driveway extension adjoining 91 West Bridge Street owned by Creative Development of Oswego Inc., Section 280-50.

DISCUSSION: Mr. Shaw said he is changing almost nothing at 95. James Scanlon asked about parking spot #1. Mr. Shaw said they are adding that parking spot and that is basically the only thing they are changing for 95. Chairman Freeman asked what is there right now. Mr. Shaw said a grass, gravelly area. He said the house has an L shape and this is behind the front door off to the left. He said the goal is to create a parking space there and a parking space over on the other L shape on 91 and that leaves the driveway completely open. He said the whole purpose is get away from anyone backing out on Bridge Street.

DECISION: James Scanlon made a favorable motion for site plan approval conditioned upon the favorable adoption of an area variance by the ZBA. Motion seconded by Justin Rudgick, unanimous approval.

5. Off-Street Parking Plan Review & Approval – 95 West Bridge Street, Case 19-05; To allow for a new 13'x26' asphalt parking pad as well as 1.5'x18' asphalt pad, together with a new 13.2'x21' asphalt driveway extension adjoining 91 West Bridge Street owned by Creative Development of Oswego Inc., Section 280-50.

DECISION: Matthew Bacon made a favorable motion for off-street parking plan approval conditioned upon the favorable adoption of an area variance by the ZBA. Motion seconded by George Koenig, unanimous approval.

6. Advisory to the ZBA – Area Variance – Maximum Lot Coverage – 95 West Bridge Street, Case 19-06; To allow for a new 13'x26' asphalt parking pad as well as 1.5'x18' asphalt pad, together with a new 13.2'x21' asphalt driveway extension adjoining 91 West Bridge Street owned by Creative Development of Oswego Inc., Section 280-34(A).

DECISION: Justin Rudgick made a motion for a favorable advisory to the Zoning Board. Motion seconded by James Scanlon, unanimous approval.

7. Site Plan Review & Approval – 68 West Fifth Street, Case 19-07; To allow for a new 17'x36' three (3) car paved parking area together with new 17'x17' paved driveway and apron, Section 280-25(C).

DISCUSSION: Mary Beth Docos was present for the discussion. Ms. Docos said she owns the building at 68 West Fifth Street. She said she would like to be able to park three cars there. She said it is a ten unit apartment building. James Scanlon said he needs to abstain from this project because he works for Ms. Docos. Mr. Caraccioli said it would knock him out for both debate and voting on this application. Noreen Ruttan asked if this is additional parking. Ms. Docos said there is a car that parks there now. Justin Rudgick asked where the other cars park. Ms. Docos said some of the tenants don't drive. She said for the ones that do drive St. Mary's Church allows them to park there during the winter ban. George Koenig said it isn't paved at present. Ms. Docos said there is a parking pad in there but it is all crumbled up. She said it would be redone and it would look much better. Justin Rudgick asked if it would be first come, first serve as to who would park there and who would park at St. Mary's. Ms. Docos said the one tenant that parks there now pays a little more in rent because they can park there. She said she would probably offer it to the tenants that have been there the longest and give them the option with the idea that their rent might go up a little. Justin Rudgick said he thinks the enhancement to the existing pad to repair it is a benefit. Mr. Caraccioli said he has an email from Councilor McBrearty. The email stated she spoke to three of the neighboring property owners all within 100' notification area. She said they all are in support to replace the existing apron, gravel driveway and parking pad with a continuous concrete driveway. She said all are opposed to the special permit to allow paving of public green space to expand the parking pad. The email referenced a local law that was passed in October 2018 that bans public green space paving to increase parking. Jeff McGann said the resolution was to prevent green space public space parking between the sidewalk and the curb. He said what Ms. Docos is going for is on her own property. He said it is not in public space. He said it is called front yard parking because it is in the first 25' of her property. Mr. Caraccioli said that is an important distinction. He said the green space in question is wholly on the owner's property and not public green space. Jeff McGann said she is not in violation of what that resolution states. He said the reason she needs a special permit is because the first 25' is considered front yard parking. Mr. Caraccioli said the Planning Board's jurisdiction is an advisory opinion on the special permit. He said the Zoning Board has the final say. He said Councilor McBrearty isn't here to be able to ask her questions but he believes she will be at the Zoning Board meeting. He said he explained to Councilor McBrearty that the actual notice to the property owners within 100' is the Zoning Board process and not the Planning Board process. He said the neighbors will be notified of the Zoning Board meeting. Justin Rudgick said that specific resolution doesn't have any bearing on this request. He said he is in favor of this. He said it is a ten unit building that needs more parking to make it economically viable and she is doing it in a responsible manner on her property. Mr. Caraccioli said a foot of the concrete porch is in the public right of way. He said the rest of the house including the proposed parking is clearly on the owner's property. Chairman Freeman said on the site plan she shows three cars but she is going to have a driveway extending from the back of the three cars out to West Fifth street. He asked if there will be people parking in that apron between the back of those two cars and the sidewalk. Ms.

Docos said that is not part of her plan. Mr. Caraccioli asked if the site plan was approved for the three cars only she wouldn't have an issue with that. Ms. Docos said no. She said it is two more than she has now. Mr. Caraccioli said he would suggest if the Board wants to adopt a motion for site plan approval tonight it be conditional upon Zoning Board review and approval of the off-street parking plan and variance. Ms. Docos said with this property she has done everything to improve it. She said it has been repainted and landscaped. She said she consulted with all of the neighbors and they have chosen a lot of the colors. She said this is going to be high quality and will look good. She said it will improve the value of her property and all the properties around it. She said she doesn't know if the people that opposed it have the information of what she is planning to do. Justin Rudgick said he has seen the improvement to the property. He said he would recommend she reaches out to Councilor McBrearty and explain some of what was talked about tonight. He said that way she can get ahead of it so she doesn't have a lot of people coming to the Zoning Board meeting that are misinformed. Chairman Freeman asked if there was anyone in the audience that would like to speak for or against this proposal and no one came forward.

DECISION: Justin Rudgick made a favorable motion for site plan approval conditioned upon Zoning Board review and approval. Motion seconded by George Koenig, unanimous approval (James Scanlon recused himself).

8. Advisory to the ZBA – Area Variance – Side Yard Setback – 68 West Fifth Street, Case 19-08; To allow for a new 17'x36' three (3) car paved parking area together with new 17'x17' paved driveway and apron, Section 280-55(A).

DECISION: Justin Rudgick made a motion for a favorable advisory to the Zoning Board. Motion seconded by Matthew Bacon, unanimous approval (James Scanlon recused himself).

9. Advisory to the ZBA – Special Permit – 68 West Fifth Street, Case 19-09; To allow front yard parking for two (2) vehicles, Section 280-55(B).

DECISION: George Koenig made a motion for a favorable advisory to the Zoning Board for a special permit. Motion seconded by Justin Rudgick, unanimous approval (James Scanlon recused himself).

10. Establishment of SEQRA Lead Agency – 320-340 State Route 104, Case 19-10; to allow for the construction of a +/- 28,000 sf. automobile dealership.

DISCUSSION: Neal Zinsmeyer of Napierala Consulting and Rich Burritt were present for the discussion. Mr. Caraccioli said this is a Type I action under SEQR which triggers a series of steps. He said the first step is to identify the type of environmental review and then to declare lead agency status. Mr. Zinsmeyer said Rich Burritt owns the existing Chevy dealership and his goal is to build a Chrysler, Dodge, Jeep and Ram dealership immediately adjacent to the Chevy dealership. He said the existing parcel is about 14 acres. He said Mr. Burritt owns six parcels and the goal is to consolidate everything into one. He said they have all municipal services at the road. He said the big issue is the parking because of the service the Burritt's provide. He said between the two dealerships they are providing about 700 parking spaces. He said it is a big project and they know they are going to need a variance for the parking lot cover. He said the building will be a brand new, state of the art building with full showroom, mechanic shop, repair shop, detail facility, and car wash. He said they submitted all plans to express their seriousness of the project and the investment they are going to make in the community. Jeff McGann said he has twelve full sets of prints in his office. Justin Rudgick asked them to describe the storm water runoff. Mr. Zinsmeyer said they have runoff reduction and bio retention basins. He said that is a requirement of the DEC. He said it is sized to meet everything going that way. He said the basins combine in the detention basin. He said the detention basin mitigates the high storm volumes. He said the bio retention basins that are planted are just the low storm volumes but then it gets mitigated in the big basin. He said the runoff from the proposed project is less than the existing runoff. He said they submitted their storm water report to the DEC. He said they haven't heard back yet. He said the storm water management system meets all current regulations set forth by the DEC. He said the storm water will eventually go to Wine Creek. Chairman Freeman asked if there will be any problems with the doctor's office. Mr. Zinsmeyer said no. He said the doctor's office has their own system that he thinks they directly discharge to Wine Creek. He said their goal is to keep as much on their own land as possible. James Scanlon asked if the back corner of the property actually has Wine Creek going through it. Mr. Zinsmeyer said it is a couple hundred feet away. Councilor Tesoriero said they just increased Wine Creek's capacity so they have the ability to take more runoff. Mr. Caraccioli said the application listed a couple other permits that are required. He said one is the DOT. Mr. Zinsmeyer said they haven't heard from them yet. He said he assumes they will want a traffic study. Mr. Burritt said they had an initial conversation when they were going to put a car wash in. He said they were going to put it directly across from Lowe's and get rid of three residential cuts that are currently in there. He said this plan includes getting rid of the curbing and put up new curbing where appropriate. He said they also wanted some turn lanes put in. Mr. Caraccioli said his goal is to identify interested or involved agencies. He said an involved agency is any agency that has permitting jurisdiction, approval or funding. He said an interested agency would be a state or local organization that has some interest in this. He said the interested agency would be the town of Scriba because it borders City Line Road. He said they don't have any permitting approval but they have a right to be heard. He said in terms of involved agencies there would be the DOT, the DEC, County of Oswego because it is within 500' so 239 is triggered, ZBA, and the IDA. He said the IDA has their

own separate SEQR review process. He said usually the IDA will just adopt the determination of the Lead Agency. He said the only historic marker is the grave site that was part of the Lowe's Plaza. He said he thinks that is too far. He said he thinks they are comfortable knocking SHPO out of interested agencies. Justin Rudgick said the city supports this project because it will create jobs. Mr. Burritt said he is required to put up a new facility within a certain period of time to maintain a favorable relationship. He said they are also growing and have increased revenues. He said they have increased their employees from 25 to 54 employees at the Chevy store. He said at the Chrysler store they have gone from 17 to 25 employees and it could grow to 50 if they had the space. He said their five year plan predicts another increase of 50 to 57 fulltime employees. Mr. Zinsmeyer asked the Board to walk them through the approval process. Mr. Caraccioli said it would be his recommendation that there be a motion tonight declaring the Planning Board as the Lead Agency and identify involved and interested agencies. He said they then put together a notification packet to all of those agencies and send it out asking them to comment. He said there is a lot coverage variance. Jeff McGann said there is a site plan review, parking plan review and then it will go to the Zoning Board for the lot coverage variance. He said they are merging all six parcels into one. Mr. Caraccioli said the Zoning Board will probably have something in front of them at the next meeting. Jeff McGann said they will come back to the Planning Board in March. Mr. Caraccioli said that will be for final approval. Mr. Burritt asked when the March meeting will be. Jeff McGann said the Planning Board meeting will be Tuesday, March 5th. Mr. Zinsmeyer asked when the Zoning Board meeting will be. Jeff McGann said it will be on Wednesday, February 20th and the Planning Board meeting is on Tuesday, February 5th. Mr. Caraccioli said they will do a staff review of Part II. Justin Rudgick said Part II will be done in February and site plan approval at the March meeting. Mr. Caraccioli asked if they can think of any moderate to large impacts. Mr. Zinsmeyer said it depends. He said some could say there would be a moderate impact to traffic. Mr. Caraccioli said because this is on 104 the DOT will be involved and they can wait to see what they are going to say. Mr. Zinsmeyer said they try to mitigate all impacts. Mr. Caraccioli said the SEQR laws changed January 1st and he believes if moderate to large impacts are identified it automatically requires a more heightened study which is called an Environmental Impact Study. Justin Rudgick said they are going to have to abide by DOT and DEC requirements.

DECISION: James Scanlon made a motion to establish the Planning Board as Lead Agency. Motion seconded by Justin Rudgick, unanimous approval.

James Scanlon made a motion to adjourn at 7:39 p.m. Motion seconded by Justin Rudgick, unanimous approval.

Approved: _____

Richard Freeman

Planning Board Chairperson

Jeff McGann

Planning Board Secretary