

**Zoning Board of Appeals
Meeting Minutes
October 1, 2012**

Present: J. Wright, E. Morano, G. Cleveland, B. Natoli, R. Shackelton

Absent: J. Heath, S. Sutton, P. Mennis

Staff: Jason Lawrence, Amy Donnison, Todd Dreyer

Also Present: Mayor Maiurano, CWS Engineer Norm Davies, CWS Sales Manager
Jason Lisicki

* Alternates with voting power are noted in **bold**.

I. Call to Order

The meeting was called to order at 7:05 PM by Chairwoman J. Wright. J. Wright stated that the Board is made up of volunteers to enforce the regulations put in place by the Common Council, and that they have up to 62 days to make a decision on the request before them. The decision that will be made is based solely on the information presented to them during the hearing process. There is 1 request before the board this evening. This hearing is a request for an Area Variance for Chenango County Chapter ARC located at 96-100 East Main Street to allow for an expansion of the storage warehouse which would not meet the required lot line setback of 20'.

II. Public Hearing: Chenango County ARC – 96-100 East Main Street

The public hearing was opened at 7:07 PM. The following exhibits were entered into evidence:

1. Application from Chenango County ARC.
2. Community Development report dated September 10, 2012
3. Photographs of property and neighboring parcels
4. No correspondence received in support or opposition of this proposal.
5. No phone calls received in support or opposition of this proposal.
6. Tax map showing the parcel
7. Public hearing notice (mailed to all properties within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there were no phone calls nor correspondence received in support nor opposition to this proposal. Also noted that no response has been received from the Chenango County 239 Review Committee at this time but to keep in mind that this meeting was not being held at its usual time and that we should hear from the Chenango County 239 Review Committee soon.

Norm Davies stated that he is the Architect of the proposed warehouse expansion project at 96-100 East Main Street. N. Davies stated that he has been the architect for many of their projects in the past as well and that another part of his service is to assist in the layout and design of their buildings with an eye to the future since in the past 10 years they have grown tremendously and hope to keep moving forward with that trend. N. Davies presented enlarged blue prints of the proposed addition which showed how the automated racking system would be laid out and how the flow would work between the existing storage area and the new addition.

J. Wright stated that she drove by the area and noted that there is a fence around the whole rear area and asked if that fence would remain. N. Davies stated that it would be removed during the construction phase and then reinstalled exactly where it is now. J. Wright also noted where the existing curb cut/entrance is for tractor trailers to access the loading dock area and inquired if an additional curb cut would be forthcoming. N. Davies stated no, they would be using the same entrances they currently have. N. Davies also pointed out that not only does the location of the proposed warehouse meet the needs for efficient flow of the existing storage area it also completely separates the truck traffic from the regular parking area for employees which also makes the area for employees and visitors much safer.

G. Cleveland inquired as to what future plans are being considered. N. Davies stated at this time there are no plans in the hopper but that another reason that the location of the proposed layout works is that this leaves an area by the manufacturing portion of the building open for possible expansion. This area is between the existing manufacturing part of the building and the employee parking area so that if in the future there is a need to expand the manufacturing side of the operation no variance requests would be sought. N. Davies also noted that the character of the proposed addition would blend with what is already there. The facade of the addition would be split face block on the bottom portion and steel on the top portion.

J. Wright asked what exactly an automated racking system is. N. Davies stated it is a high bay area designed to make more efficient use of space as warehouse storage. There is preset spacing between the rows to accommodate the automated equipment that would store and retrieve pallets of product. The height and bracing of these racks are of industry standard.

N. Davies noted that the reason they are requesting a 5' variance is that if you look at the steel support columns they are 1' wide at the base but are 2' 9" wide at the top and there are several spaced 25' on center. Due to the width of the top of these beams the racking system will not be as close to the wall at the base of this structure as it will be at the top. The width of the top of these steel beams is what is requiring this building to be wider than many would view as being needed. These steel beams are a requirement due to load transfer for any building like this over 30' in height. The mainframe beam must be the width designated on the plans for a building of this type and height. The proposed building will be 48' in height and the zoning allows for a maximum height of 50'.

E. Morano asked if there were any other types of steel or prefab buildings that would work in place of the proposed structure. N. Davies stated that wood construction would not work for this use and that due to the height and use for this building it is a requirement that 'H' based steel columns be used. N. Davies stated that they also looked at Essex buildings in Cortland and they were not made wide enough for their needs.

B. Natoli asked if any other types of racking systems were considered that would not take up this much space. N. Davies stated that for the most part the automated racking units are pretty standard in dimensions. However, they did check out 4 different manufacturers of these systems and for the purposes of their desired use the one they choose seems best suited to fit their needs.

B. Natoli inquired how this addition would be entered. N. Davies stated it would be accessible from the main existing building where it attaches. There will be limited access points to this area as it is automated and will require little access. There is also a man door planned to be installed on the west side near the loading dock area to the exterior. B. Natoli stated that he was familiar with how warehousing should be set up from his experience with the former Victory markets and did not believe that the proposed location for this addition was ideal and asked again if they had looked at all other possible locations on the lot. G. Cleveland stated that this question has been asked and answered – the requested location leaves an area by the manufacturing portion of the building open for possible future manufacturing expansion. This area is between the existing manufacturing part of the building and the employee parking area so that if in the future there is a need to expand the manufacturing side of the operation no variance requests would be sought.

J. Wright acknowledge that she was glad to hear that the existing fence was going to be reinstalled upon construction completion and that all construction would remain inside the existing "framework" or fence that is there now. E. Morano noted that his concerns are in regards of further encroachment into the setback area based on a precedent being set in this case. Mayor Maiurano stated that each case before the Zoning Board is heard separately and there are no precedents. E.

Morano suggested Mayor Maiurano read case history in NYS Zoning Laws regarding this issue.

J. Lisicki stated that since CWS has purchased this property in 2000 it has grown and with that growth came a re-evaluation of function and flow of the operation. Every step has been looked at repeatedly, from the separation walls that allow them to meet FDA requirements on certain products to machinery that must be able to be moved. The materials that are worked with are not raw which allows them the use of the removable walls. J. Lisicki went on to explain in further detail the type of product they work with and what they are trying to prepare for in the future. J. Wright stated that she was impressed with the diverse product lines she seen there when she took a tour of the facility.

Mayor Maiurano stated that this lot used to be the home of the Norwich Knitting Mill and that he had many in his family that used to work there. Mayor Maiurano also stated that the CWS has been a great community partner and has also been a part in job creation. Mayor Maiurano believes that CWS has done their due diligence on this proposal and that the high bay warehouse is needed to continue their growth.

Chairwoman Wright asked if there were any other questions. There being no further questions or comments, the public hearing was closed at 8:05pm on a motion made by E. Morano, seconded by G. Cleveland. Ayes all, carried.

III. Findings and Determinations: 96-100 East Main Street:

1. Request for an Area Variance due to the setback requirements in an IN zone which is 20'.
2. The proposed addition would have a setback of 15' on the Griffin Street side of the property.
3. No phone calls or letters in opposition to the proposal received.
4. No phone calls or letters in support to the proposal received.
5. Proposed addition would be accessible from the main building.
6. Proposed addition would be accessible for emergency vehicles.
7. There would be no other use besides storage in this addition.
8. Mayor Maiurano present and stated his support for the proposal.
9. Engineer N. Davies made a visual presentation of proposal.
10. Existing fence will be removed during construction phase only and will then be replaced in current location approx 10" to 12" from sidewalk.
11. Tractor trailer traffic and employee parking will be separated by this addition.
12. The location of this addition leaves space for potential manufacturing expansion on the site.

13. The proposed addition would extend 49' from existing building towards Griffin Street, would be approximately 109' wide along Griffin Street and be 48' 8" in height.
14. SEQRA form completed for unlisted actions.
15. Chenango County 239 Review Committee response not yet received.
16. This parcel was formerly the site of the Norwich Knitting Mill.
17. All construction renovation code requirements will be met.
18. Surrounding immediate neighborhood is primarily business in character with residential properties also in the immediate are as well.
19. Area Variance Considerations:
 - a) an undesirable change in the character of the neighborhood would not be created due to this addition; All ZBA members present agree the proposal would not create an undesirable change in character to the neighborhood.
 - b) the benefit sought by the applicant may not be achieved through another method; Majority (4-1) of ZBA members present feel CWS & their architect have worked together to search out feasible alternatives.
 - c) request is not considered substantial due to the setbacks of all the other parcels on this street; All ZBA members agree that the requested variance is not substantial.
 - d) no adverse effect or impact on the neighborhood or district would be created; All ZBA members present agree there would be no adverse impact on the neighborhood.
 - e) the difficulty was not self created; Majority (4-1) of ZBA members present do not feel the alleged difficulty was self created because it is the only way that the project can be run efficiently on this parcel.

E. Morano made a motion to approve the requested setback variance of 15' which is not to exceed 110' along Griffin Street in width. Seconded by G. Cleveland.

Discussion followed regarding alternative locations on this parcel as well as properties owned nearby by CWS but agreed that to locate this facility on a different site would not be efficient. Also discussed was the concern of potential requests for area variances from CWS for this same parcel in the future. It is great that the business is growing but did not want to see additional significant setback encroachments.

Motion Approved: 5 ayes; 0 nays.

Ayes – J. Wright, E. Morano, G. Cleveland, B. Natoli, R. Shackelton

Nays – None

Abstained – None

A motion to approve the minutes of August 27, 2012 was made by G. Cleveland and seconded by B. Natoli. Ayes all.

IV. Adjournment:

There being no further discussion, the meeting was adjourned at 9:00pm on a motion made by E. Morano, seconded by R. Shackelton. Ayes All. Carried.