

**Zoning Board of Appeals
Meeting Minutes
July 9, 2012**

Present: J. Wright, E. Morano, G. Cleveland, J. Heath, S. Sutton, R. Shackelton

Absent: B. Natoli

Staff: Amy Donnison, Todd Dreyer, Jason Lawrence

Also Present: Ald. Bresina, Ald. Laughlin

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

I. Call to Order

The meeting was called to order at 7:00 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 are 2 requests before the board this evening. The first hearing is a request for a Special Permit for a multi family development which will encompass several parcels located on State Street. The second is also a Special permit request to convert a property that currently has a professional office and 2 living units in it to a multi family which will house 3 dwelling units and the professional office at 60 Mitchell Street.

II. Public Hearing: Sue Kimmel – State Street Development

The public hearing was opened at 7:02 PM. The following exhibits were entered into evidence:

1. Application from Lakewood Development, LLC requesting a Special Permit.
2. Community Development report dated June 26, 2012
3. Photographs of property
4. Site plans of the proposal
5. Letters confirming permission for Lakewood Development to pursue a Special Permit prior to obtaining ownership of involved parcels.
6. No correspondence received in support or opposition of this proposal.
7. No phone calls received in support or opposition of this proposal

8. Tax map showing the parcel
9. 239 Review Committee courtesy request to respond
10. Public hearing notice (mailed to all properties within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there was one phone call in support of the proposal from Paul Kennedy, owner of 17 State Street. Mayor Maiurano also supports the proposal as well as Jack Weinman as indicated in the letter of consent to pursue special permit. There have been no phone calls or correspondence in opposition to the proposal at this time. Also noted that correspondence was received from the Chenango County 239 Review Committee stating the following: The Committee has approved the project with the following concerns or recommendation: No Concerns.

Sue Kimmel, president of Lakewood Development, LLC introduced Pete Wilson who is the designer of the project and Barry Cummings from Chenango County ARC who is partnering with Lakewood Development on this project. S. Kimmel stated that this is a 2 part grant application process. The first application is due in early August and the second part is due in December which will complete the funding for the project. If both go through and are approved the project will start in the spring as soon as weather permits. S. Kimmel stated that they had a market study done to see if the area could support 34 units of affordable housing and the study came back stating 72 units are needed. This project originally started with 11 – 15 State Street and then grew to encompass additional parcels after reviewing the neighborhood then meeting with Chenango County ARC and the City of Norwich.

As the site plans indicate the main building will be 2 story and house 20 two bedroom units and 8 three bedroom units. Next to that there will be a single story building which will house 2 one bedroom units and will be targeted for seniors. One the primary parcel there will also be a community building which will house the managers office, Laundromat and a community room which can be used for anything from birthday parties to Boy Scout meetings. The community center building is a requirement of the state. There will also be a playground on the primary site nearby the community building. The plans also show 4 townhouses which will be two bedrooms each. The townhouses shall sit on what is currently known as 5, 5A, 7 & 7A State Street if Lakewood Development is able to secure a purchase option on 7A State Street. They are currently negotiating with the owners to do so but it has not been finalized at this time. The storm water and perk tests have been completed and the results came back as good. All parking will be on the primary site and shall be paved.

S. Kimmel stated that she is aware that she is an unknown in the community so naturally people are hesitant to accept that she will be involved and will be held accountable throughout the entire project and into its completion as she will still

be the owner. S. Kimmel is the owner of Lakewood Development and well as the owner and president of the construction company that will be building the units and will retain ownership after construction and will be the property manager. S. Kimmel asked that anyone who wished to check on her previous projects to please call any and all of the communities where she has done this same thing and ask for their take on how the project went and how the properties are currently doing under her management. S. Kimmel stated that she has 84 properties across New York State that consists of approximately 2,400 units.

These units are considered affordable housing for families 60% below the median income. An example of that dollar amount is for a family of 4 the minimum income is \$15,625 and the maximum is \$30,780. The expected rents for these units will be on a sliding scale based on income. The two bedroom units will likely be \$550 to \$580 per month and the three bedroom units will likely be \$625 to \$675 per month. Fair market value for these same units is \$707 per month for the two bedroom units and \$891 per month for the 3 bedroom units. The reason they can keep these rents so low is that the State of New York will only be charging them 1% interest on their part of the loan. S. Kimmel stated that the design team for the building will make it fit in with the area as they want to be an asset to the neighborhood.

S. Kimmel reported that Phase 1 of the environmental study has been completed. The report shows no history of tanks on the property and there are no concerns at this time.

J. Wright asked if any portion of the units will be reserved for ARC client use since they are a partner in this proposal. S. Kimmel stated that 11 out of the 34 units will be reserved for ARC clients.

J. Wright asked if the community building and area will be accessible to the general public. S. Kimmel stated yes.

S. Sutton expressed concern regarding the success of this project as he recalls the Children's Center which is located right behind the City Court building also had its fees setup on a sliding scale and unfortunately that business is no longer around. S. Kimmel stated this will definitely work and that NYS will not fund us if it is not proven to be financially feasible. Sixty percent of the project is federal tax credits which they sell so it will be debt free. \$2.4M is 1% interest only. S. Sutton asked to clarify who will be managing the property upon completion. S. Kimmel stated that she will be the regional managing company and will have site managers and maintenance that will be available 24/7. The site manager will be there every day and a maintenance person will be on call 24/7. They will not have a person live on the property because it has been their experience that good managers burn out quickly if they live on site as someone is knocking on their door constantly.

E. Morano asked what the process was to verify income. S. Kimmel stated an outside source would be performing the income verification but before that an application would need to be completed and they would then sit through an interview. E. Morano asked if people that are unemployed and on public assistance qualified. S. Kimmel stated that under IRS Section 42 code rules public assistance is considered income. However, in low income housing they are given first priority where here it is a first come first serve basis. The interview process they use is very stringent and if a person receives Section 8 benefits they can lose the benefits for life if rules are not followed. The application process includes a background check, credit check and criminal checks. As an example if a person had a DWI 15 years ago but has had nothing since that person is not eligible to live there because it is too difficult to say one person's arrest record isn't as bad as the next one so they just refuse any that fail the background check. This includes not just the applicant but anyone who will be residing in the unit. S. Kimmel stated they very clearly set the tone from day 1. She told of a unit in Auburn that they rented to 2 girls that they inspected for cleanliness every day for quiet a while till it was clear that they would not tolerate tenants keeping the units in a filthy condition. The plan is for these units to be available for good hard working folks that just can't afford decent housing.

E. Morano asked if they had the right to refuse an applicant. S. Kimmel stated they have to have a valid reason. E. Morano stated that he has spoken to many apartment building owners here in Norwich and has heard over and over again how many of the tenants totally trash an apartment as they have no respect for property. S. Kimmel stated she can only point to the other communities where they have units and ask them about their projects.

E. Morano asked where the parking would be for the townhouse units. S. Kimmel stated that parking for all would be in the parking lot on the main parcel and they would then have to walk down the street. Barry Cumming then distributed photos of the area on State Street where the townhouses are proposed to be built and noted the condition of the existing buildings. They have no conceptual drawings yet of the proposed townhouses because they were still working on acquiring the purchase option on a final piece on State Street and did not want to go through the time and expense until they had the purchase option.

J. Lawrence stated the 9 State Street, which is not part of the plans, is a single family home which has undergone renovation in the recent past.

Chairwoman Wright asked if there were any questions from the public.

Darlene Smith, 6 State Street, Norwich read from the following prepared statement:

In regards to the taxes assessed on neighboring properties A. Donnison suggested D. Smith speak to the City Assessor as no one present really had any idea about tax assessment procedures. S. Kimmel agreed and followed up to say that this project will not be tax exempt. They hope to be on a PILOT program where you pay tax on the land as it is today. The length of the PILOT is 15 years and the assessor reviews their income annually. S. Kimmel noted that this project also falls under the Real Property 581A law which means money goes into a reserve account every month for the purpose of maintenance on the property. They must then ask permission from the state to use it for repairs that come up over the years such a roof repairs, etc. This program was setup to aid in keeping projects such as this in good sound condition for many years.

S. Kimmel wanted to clarify for D. Smith that there is zero tolerance on the residents in regards to convictions – even if it was 20 years ago. It was also noted that there was a traffic study performed as well and that there will be less than a 2% increase in traffic. This report was performed by GTS Consulting and a copy is available for review. E. Morano asked if there would be more than one point of entrance and exits for vehicles in this development and will it be a gated community. S. Kimmel stated there will be only one entrance and exit and it will be off from State Street and that this is not a gated community.

S. Kimmel went on to address the concern of TCE in the area by D. Smith stating again that Phase 1 has been completed and no contaminants were found. The perk tests on the property have been completed and came back excellent. There will be no basements in these structures therefore the ground disturbance will be minimal as construction will be slab on grade and excavation will only be to the depth for footers. S. Kimmel stated she understood that change is difficult and that no one in the community knows her so the skepticism is understandable and wanted to let everyone know that they are very stringent in their applicant reviews. They even check prior landlords – not just the one they are renting from at the time they apply for a unit because that landlord may be anxious to get rid of them and will give them a glowing review, so they go back several landlords and get their responses as well. Part of the background check also involves the sex offender data base and this is on all members of the household not just the applicant.

E. Morano asked if they rented by the month or if it was a lease. S. Kimmel stated it is a one year lease. S. Kimmel stated that as an example of their zero tolerance rules they had an issue at one of their other units where wind socks were getting out of control so the rule is only 1 windsock per unit and it is enforced just as all the rules are enforced. The on property managers will be on site when the school bus comes to pick up kids as well as when they are dropped off because they have seen that this is the time when there are often the most problems that involve school age kids. The site manager and maintenance person will be a local

person. S. Kimmel anticipates a long waiting list and also expects a high turn over of tenants in the first year as people are weeded out.

D. Smith asked why the occupants of 9 State Street were told they have to vacate the premises when this project starts. Frank Adamo, owner of 9 State Street stated that he has not told his tenants at 9 State Street that they needed to leave for this project and has no idea where this came from.

Linda Kays Biviano, 42 Mitchell Street, Norwich noted that she has a 2 family home and expressed concern that this project would fill the neighborhood with welfare people and was opposed to the proposal as she felt it would increase the need for additional police presence. L. Biviano suggested several other options for a location. S. Kimmel appreciated the other location suggestions then stated that they had reviewed several and for their purposes this one appeared to be the best suited for their needs.

Judy Wingate-Wade, Norwich Housing Authority and the Norwich Housing Council representative asked if the rents were gross or net? S. Kimmel stated that they would include heat and hot water. J. Wade also inquired if the income limits are 60% maximum and S. Kimmel stated yes. J. Wade asked about the rental market study that was done. S. Kimmel said the company that performed the study actually came to Norwich, contacted several local rental places and discovered there were many waiting lists. J. Wade agreed with that and stated that they also have a waiting list.

Frank Adamo inquired on the time frame for demoing the State Street row houses. S. Kimmel stated that if everything goes as planned the whole project will be started at one time. F. Adamo inquired about storm water management as he has a basement in his house. S. Kimmel stated that the DEC regulates runoff and that there will likely be less runoff upon completion of the project than there is now. J. Lawrence agreed with this statement and added that the same was true for Byrne Dairy who had storm water drainage under their entire parking lot.

Sal Grippaldi, 110 Birdsall Street, Norwich, the owner of the brick building on the corner of Mitchell and State stated that he has also made renovations to his property and is in the process of making even more improvements and sees this proposal as a good thing for the neighborhood and will be glad to see the blighted buildings between his property and 9 State Street removed.

J. Wright asked the speakers from the general public if they were in support or opposition of the proposed project for the record. D. Smith, opposed, F. Adamo, support, L. Biviano, opposed. J. Wingate-Wade, neither was only asking questions for the boards she represents. S. Grippaldi, supports.

There being no further questions or comments, the public hearing was closed at 8:00pm on a motion made by S. Sutton, seconded by E. Morano.

III. Public Hearing: Robert Wrieden – 60 Mitchell Street

The public hearing was opened at 8:04 PM. The following exhibits were entered into evidence:

1. Application from Robert Wrieden requesting a Special Permit.
2. Community Development report dated June 28, 2012
3. Photographs of property
4. Site plans of the proposal
5. Letters confirming permission for Lakewood Development to pursue a Special Permit prior to obtaining ownership of involved parcels.
6. No correspondence received in support or opposition of this proposal.
7. No phone calls received in support or opposition of this proposal
8. Tax map showing the parcel
9. Public hearing notice (mailed to all properties within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there was no phone calls or correspondence received in support of nor in opposition to the proposal at this time. Also noted that this proposal did not require 239 Committee review since it is more than 500' from a state highway and municipal boundaries.

Sherman French, 106 Birdsall Street, Norwich stated he is here as the representative for Dr. Robert Wrieden because he is in Wilmington, DE and comes back on weekends to do nerve testing. During the week there are a few massage therapy clients and they are attended to on an appointment basis and that the massage therapist lives across the street so just walks over to meet clients as needed. S. French stated that the apartment over the garage is a 2 bedroom unit and that Dr. Wrieden's parents live there on a season basis. They are probably there about 4 months a year. Dr. Wrieden's daughter lives in the primary structure at this time and plans to remain there. The request is to make an efficiency apartment on the first floor which is where his daughter will reside, and have a 2 bedroom unit on the second floor.

Myrna Wessels, 62 Mitchell Street, Norwich stated that she is opposed to the proposal due to parking problems currently on the street. A. Donnison stated that when the professional office was permitted to be located there in 2004 paved

parking and screening was a requirement of the Zoning Board and those requirements were met. M. Wessels agreed but stated that clients still often park on the street. J. Wright suggested she contact the traffic commission because since on street parking is permitted in that area there is no way to force someone to park in a designated parking lot but also suggested that perhaps if there was signage to indicate the available parking for his clients on the premises it may help. M. Wessels also stated that her car has been hit several times since his professional office was permitted to be located at his residence.

Linda Kays Biviano, 42 Mitchell Street, Norwich stated that she is in support of this proposal.

Sal Grippaldi, 110 Birdsall Street, Norwich and owner of property at 3 State Street and 33 Mitchell Street is in support of this proposal. S. Grippaldi stated he has performed work at this property and can attest that the owners are meticulous in their upkeep of the property and that the interior of the house is flawless as well.

S. Sutton stated for the record that he purchased the chiropractic portion of Dr. Wriedens practice and therefore will abstain from voting on this proposal.

J. Wright summarized who was in support and opposition of this proposal in the general audience: S. French, in support. Myrna Wessels, in opposition, L. Biviano, in support, S. Grippaldi, in support.

There being no further questions or comments, the public hearing was closed at 8:18pm on a motion made by S. Sutton, seconded by E. Morano.

IV. Findings and Determinations: State Street Development:

1. This property is in an R-2 zone.
2. There will be 28 units in the primary structure-20 -2 bedroom, 8 – 3 bedroom.
3. There will 2 units 1 bedroom each in the single story structure designated for seniors.
4. There will 4 townhouses with 2 bedrooms each on State Street.
5. All units will utilize the parking lot on State Street.
6. DEC storm water management requirements will be followed.
7. Market study indicated Norwich could support 72 units of this type.
8. Norwich Housing Authority representative confirmed waiting lists for units.
9. There are 5 in support of the proposal, 2 in opposition.
10. Property will be police and fire accessible.
11. Proposal received a “No Concern” comment from the 239 Committee.

12. Parking requirements will be exceeded by nearly 40 spaces to allow adequate parking for visitors.
13. Handicap parking spaces will be available.
14. Surrounding neighborhood is a mixed use of business, residential and vacant lot properties nearby.
15. Property exceeds all open space requirements
16. Traffic survey indicates a less than 2% increase in traffic.
17. A rigorous application process is in place.
18. The units are on a yearly lease.
19. There are 11 units that will be set aside for ARC client use.
20. The community building is available for public use and functions.
21. Applicant has a track record of success on these projects across NYS.
22. There will be only one entrance and exit point for this development and it will be on State Street.
23. This is not a gated community/development.
24. There will be an onsite local property manager
25. There will be a maintenance person available 24/7.
26. Character of the neighborhood is a mixed use.
27. Change is not determined to be injurious to the neighborhood of detrimental to the public welfare.

Motion made by E. Morano to approve the Special Permit request. Seconded by J. Heath. Ayes all, approved.

Motion Approved: 6 ayes; 0 nays.

Ayes – J. Wright, E. Morano, S. Sutton, J. Heath, G. Cleveland. R. Shackelton

Nays – None

Abstained – None

V. Findings and Determinations: 60 Mitchell Street:

1. This property is in an R-2 zone.
2. There is one in opposition to proposal
3. There are three in support of proposal.
4. Sherman French spoke on behalf of property owner
5. Off Street parking is provided.

6. Neighbor stated the clients of this office park on the street even with the off street parking that is provided.
7. This property proposal places 1 professional office and 2 dwelling units in the primary structure, 1 – 2 bedroom unit over the garage.
8. Neighborhood has a mixed use.
9. Property is police and fire accessible.
10. Proposal did not require a comment from the 239 Committee.
11. Board member S. Sutton will be abstaining from the vote.

Discussion ensued regarding how best to assist the neighborhood regarding the on street parking. Suggestions from contacting the traffic commission to request no parking along one side to trying to get the clients to use the available off street parking. It was noted that there are often many cars all along Mitchell Street and there is little doubt that more than 1 or 2 could be at 60 Mitchell Street. This street just seems to have a lot of on street parking from its regular occupants.

Motion made by R. Shackelton to approve the Special Permit request making the primary structure into a two family dwelling with a professional office and the entire parcel would be a 3 family with a professional office with the following requirement: Install a “Parking in Rear” sign near the entrance of the property but must meet City of Norwich Sign Ordinance for directional sign dimension and placement. Seconded by G. Cleveland. Ayes all, approved.

Motion Approved: 5 ayes; 0 nays; 1 abstained.

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

Nays – None

Abstained – S. Sutton

VI. Old Business:

S. Sutton made a motion to accept the minutes of March 26, 2012. Seconded by E. Morano. Ayes all.

VII. Adjournment:

There being no further discussion, the meeting was adjourned at 8:45pm on a motion made by E. Morano, seconded by S. Sutton. Ayes All. Carried.