

City of Norwich
Planning Commission
Meeting Minutes
Norwich City Court

January 19, 2015
7:00 PM

Present: R. Mirabito, D. DeForest, K. Campbell, H. Graves

Absent: M. Stewart, J. Miller, S. Prentice, L. Bunce

Staff: T. Dreyer, A. Donnison

I. Call to Order:

Chairman R. Mirabito called the meeting to order at 7:01 PM.

II. Draft Vacant Building Registry Ordinance:

Todd Dreyer stated the Mayor has tasked the Planning Commission to review and recommend to the Common Council a plan to address long standing vacant properties throughout the city. The Planning Office often is asked what can be done about them, which is what has spurred this draft before the commission this evening. T. Dreyer distributed copies of a draft as well as a list of other communities in New York that also have an ordinance such as this in place as well as a list of potential pros and cons to draft ordinance.

T. Dreyer stated that he has been around the city trying to determine how many vacant buildings and this includes what would be considered commercial as well as residential and came up with approximately 30. It is presumed that the larger the community the more vacant buildings there are. D. DeForest asked if T. Dreyer had been in contact with any of them to see how it was working for them and what if any problems they have had with it. T. Dreyer said no, that he had not reached out to any of them yet but is aware that the City of Syracuse has a case pending against them currently. T. Dreyer also noted that he as a list of questions that he plans to ask these other communities should this draft move forward such as; how many properties are vacant, how much time does staff spend on this registry, how are the fees collected if property owner chooses not to pay it, etc. T. Dreyer noted that some property owners wish to have a vacant property and that is their choice but there will be a cost.

D. DeForest asked what would happen if an elderly person had to go to a nursing home for an extended period of time for rehab but planned to return to the home. This would qualify it as vacant and does the city really want to penalize someone who has lived in the city all their life due to an ordinance saying your house is vacant so pay up? T. Dreyer stated that as it's currently written this scenario would indeed put this house on a vacant property list. A provision or exception could be added to this draft to accommodate this situation. D. DeForest used another example and asked if this also would qualify the home as vacant and be fined. If she were to take off for over a year to tour the world yet made arrangements for her home and property to be taken care of in her absence such as snow clearing, grass cutting and so on would this also be classed as vacant and fined accordingly? T. Dreyer stated again, as written, yes.

D. DeForest inquired if there were any other avenues available such as through other code enforcement tools already in place that the city could use to address most of the concerns that arise with the vacant properties? D. DeForest believes that many will be like herself in that this is my personal property, it is maintained, taxes are paid and does not want more government rules telling her what she can and can't do. T. Dreyer agreed stating it goes to the old adage "you home is your castle" and we may not really want to regulate everything. T. Dreyer noted that there is always a carrot and a stick method and this draft is definitely the stick.

K. Campbell stated that as a rental property owner she is aware that many such as herself would rather let a place sit empty than to rent out to a tenant that is less than desirable. It is getting harder each year to find reliable desirable tenants so it's a real fact that a building could remain empty for an extended period rather than rent to someone who would trash it and cause other problems.

R. Mirabito inquired if it would be possible to eliminate the residential segment and target only commercial properties. T. Dreyer stated probably and could look into it.

H. Graves stated that he is opposed to any ordinance having "exceptions". If there is a law then it should be clearly written to address any concerns and also noted that he personally knows of several cases where it often takes more than a year to sell a house. H. Graves also objected to a property owner being fined for trying to sell his or her property because they have taken a job perhaps in another area and that something like this should also be addressed and not listed as an exception. T. Dreyer noted that the former Rite Aid building and the East Main Street former school building are also for sale as well as stating he is aware that the Common Council could receive significant backlash from this ordinance.

K. Campbell stated that this ordinance would also make realtors unhappy in that it could imply they are not working hard enough to sell properties they have been hired to sell. K. Campbell also noted that there has to be a better proactive way to deal with these few properties rather than create an entire ordinance to address the few. She has no suggestions on what the best approach would be but believes that if the commission members put their heads together they may be able to come up with a few suggestions. D. DeForest agreed that this seemed like a large net to be cast for a few issues.

T. Dreyer noted that the larger commercial vacant buildings usually are obvious such as the South Broad Street former school building, East Main Street former school building, North Broad Street former Rite Aid building and a couple of others. The residential properties do not stick out as sharply unless you are a neighbor. The property on 9 Merrill Street is one as well as 21 Plymouth Street and also one on Newton Avenue. All have different reasons for being empty but the most common one for residential is due to bank foreclosure. Most banks are very, very slow in filing the required paperwork showing they are the current owners and it is even more difficult to find a contact within any of these financial institutions making it possible for a property to be vacant for several years before it is finally sold and occupied. In the meantime the city must hire a private contractor to mow the grass, clear the snow as well as perform any other property safety work that may need to be done such as boarding up broken windows and doors. It is often the case where a bank wishes to keep a property showing as an asset on the books rather than dispose of it quickly or write it off. The maintenance items listed above is partially recoverable in that it is allowable by law to add these fees to the property tax bill so that eventually the costs can be recovered. The same cannot be done with the vacant building registry fees since at this time there is no law permitting these fees to be added to property tax bill.

D. DeForest inquired what methods and tools would be used to determine if a house was vacant and how long it had been vacant. T. Dreyer noted that the water department would be one way – if there was no usage or if services were turned off. NYSEG may also be another source. H. Graves stated that since NYSEG is not a public entity and was not certain how much info could be obtained from them. H. Graves also noted that he did not agree that the City of Norwich compared in size to the other communities that have a similar plan in place such as Oneonta or Cortland that have good sized colleges in their towns.

T. Dreyer noted again that this is only a draft, an introduction to the idea and that it can be stopped in its tracks right here and now if the Planning Commission chose to do so since it is apparent it is not a well-received plan. R. Mirabito suggests that perhaps this ordinance draft could be reworked so that it geared toward commercial use properties only.

H. Graves stated that the City of Norwich leaders are constantly being heard complaining about unfunded mandates and this seems to be one that would be brought upon themselves as there is no indication of how the few fees, if paid, would ever cover the cost of the labor and materials to enforce this type of ordinance. H. Graves expressed concern that this simply isn't the right thing to do. D. DeForest inquired about how the enforcement and collection of fees would be handled. T. Dreyer stated that the city would issue court appearance tickets if necessary to have a judge force the payment. There was some chuckling among those present and a comment was made that much more serious law breakers have lesser penalties imposed than those expected by this ordinance.

H. Graves made a motion to eliminate the proposal as written and have it reworked to be commercial property oriented – no private residences to be included at all, if this is indeed supported by the Common Council. D. DeForest seconded the motion. Ayes All.

Discussion ensued: K. Campbell stated this proposal would send a negative message to the community which has been hit hard with the economic downturns of past several years. D. DeForest asked that other communities be contacted to see how it is working and what pitfalls they have encountered. Also, since this wasn't a recommendation from the Common Council or committee would the Common Council even accept it? Suggestions made to have it reviewed by the appropriate committee so that many hours were not spent on this if it is not something that is truly desired by the Common Council.

III. Other:

T. Dreyer distributed sheets that members can use to log in training hours. H. graves stated that he did a session and that it was very informative. T. Dreyer noted that a couple of members actually attempted to be part of a NYS hosted webinar but the state had a mess up on their site and could not be apart as planned but appreciates the effort that members are making to meet state required training hours.

IV Adjournment:

The meeting was adjourned by motion by K. Campbell at 8:13 pm seconded by D. Deforest. Ayes all.