

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
May 27, 2014**

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

Alternates: ***F. Vanaltuise**

Absent: E. Morano, S. Sutton

Staff: Amy Donnison, Jason Lawrence

Also Present: Mayor J. Maiurano

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

I. Call to Order

Chairperson J. Wright called the meeting to order at 7:02 PM. Chairperson J. Wright stated that the Zoning Board of Appeals is made up of volunteer members. In order to approve a request, 4 yes votes are required. (If the County 239 committee denies the request, the ZBA must have a majority plus 1, or 5 votes in order to approve.) The ZBA has up to 62 days to make a decision. All evidence must be presented during the hearing, don't assume the board knows anything. The ZBA does not write nor can it change the Zoning Ordinance. The Common Council has the authority to change the Zoning Ordinance. In the granting or denying of variances and special permits, the ZBA must substantiate the reasons for such granting or denial. A decision by the ZBA may be appealed to the court by filing an Article 78 appeal. There is 1 case before the Zoning Board this evening: Special Permit request.

II. Public Hearing: Sandra & James Price – 67 – 69 South Broad Street

The public hearing was opened at 7:04 PM. The following exhibits were entered into evidence:

1. Application from Sandra & James Price dated April 17, 2014.
2. Community Development report dated May 22, 2014.
3. Property drawings showing proposed renovations.
4. Copy of tax map of property
5. 239 Review Submission
6. No correspondence received in support or opposition.
7. Received an inquiry about the request by a neighbor but they did not state support or opposition.

8. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been an inquiry about the request by a neighbor but they did not state support or opposition. No correspondence received regarding the proposal.

Sandra & James Price, residing at 34 Eric Street, Norwich, NY stated that they are interested in purchasing 67 – 69 South Broad Street but only if this Special Permit is granted. Mrs. Price stated she has had a substantial number of her previous customers request that she re-open another B & B. Mrs. Price also stated that when they sold the house at 75 South Broad Street the purchasers, Reverend & Mrs. Kenneth Lewis, stated they planned to use the property as a ministers retreat. Mrs. Price stated that she does believe there is still a need for a B & B in Norwich and that the area can support it. There are no changes planned for this home as it was already set up as a B & B several years ago and even though it has changed hands several times and is currently being used as a single family home, no structural changes were made from the previous B & B setup. There is adequate parking as well as a turnaround area. If additional parking is required there is a large lawn area that can be used as well as an existing garage on the property. The house is already set up perfectly for use as a B & B and had been one years ago – hence the reason it is setup to easily handle the conversion back to that use.

Chairperson J. Wright asked J. Lawrence if indeed there was adequate off street parking and he said he will go and measure the area if approved to verify it for certain. B. Natoli asked if the ground floor would be open to guests, how many rooms are for rent and how many bathrooms are currently in the house. S. Price stated yes that guests will be able to use the 1st floor and that there are 5 rooms for rent and 7 bathrooms. S. Price also noted that the 3rd floor will not be used. R. Shackelton noted that there doesn't seem to be a traffic issue with this use. B. Natoli stated that he thought they had done a great job with their previous B & B on South Broad Street. J. Lawrence noted that there is some screening already on the property and for any lot with more than 6 parking spaces screening of some type (fencing or hedges) at a height of 6 feet will need to be installed.

Susan Cummings, current owner of 67 – 69 South Broad Street inquired that if this request is approved and something happens where the sale does not go through will this have any impact on her property taxes or anything else related to the property. A. Donnison stated no but that the applicants would only have one year from the date on Notice of Action, if approved or else they will have to start this process over again.

Thomas Seary, 71 South Broad Street stated that this a residential area even though it is close to downtown. There is already a B & B and other businesses nearby and would like to see this area kept as primarily residential. He has

children who are always playing in the back yard and does not believe there is adequate off street parking on this plot.

Rev. Dr. & Mrs. Kenneth Lewis purchased 75 South Broad Street from the Price's back in 2013 as a residence and a B & B as well as to use as a ministers retreat. Rev. Lewis stated that they have made many improvements to the property since they have purchased it. This parcel was purchased with furnishings and they also signed a "no compete" clause. Chairperson J. Wright noted that the no compete clause is not relevant to the ZBA decision. If it is approved then it will be an issue for them to settle. Rev. Lewis stated that 108 North Broad Street owner had tried to rent the rooms out as executive apartments and that he heard that had not gone well either so that opening another B & B would indeed hurt their business that they have been working to build up. Rev. Lewis noted that there is a long list of poor lodgings in the area.

Chairman J. Wright asked if anyone present had any further questions or comments. There were none. The public hearing was closed at 7:30 pm.

III. Findings & Determinations for

James & Sandra Price; 67 – 69 South Broad Street

- ☐ Applicant wishes to obtain approval for a B & B at 67-69 South Broad Street which is located in an R-2 zone, prior to purchasing the house.
- ☐ This property would be owner occupied.
- ☐ Mr. & Mrs. Price owned and operated a B & B at 75 South Broad Street since 2002 before selling it to Rev. Lewis in 2013.
- ☐ Robert & Susan Cummings, current owners of 67-69 South Broad Street, purchased this home in 2008 as a single family home.
- ☐ Approval was made and modifications made in 1991 to 67-69 South Broad Street to be used as a B & B under the ownership of Mr. & Mrs. Gregory.
- ☐ Parcel was sold in 1995 and additional renovations were made to convert it back to single family use.
- ☐ Applicant indicates adequate off street parking but will provide more if needed.
- ☐ A rooming house is permitted in an R-2 zone with Zoning Board approval.
- ☐ The structure is accessible for fire and police protection.
- ☐ The lot more than exceeds the Zoning Ordinance Open Space Requirements
- ☐ Occupant T. Seary of 71 South Broad Street voiced his opposition to the proposal.
- ☐ The 3rd floor will not be utilized as a sprinkler system would need to be installed if used as a business.

- ☐ Owners of 75 South Broad Street stated they felt more competition could hurt their B & B business.
- ☐ T. Seary, Rev & Mrs. Lewis opposed to the proposal.
- ☐ S. Cummings in support of the proposal.
- ☐ There are multiple businesses in the general area – mixed use.
- ☐ Additional parking screening may be required.
- ☐ Jason Lawrence will be checking the dimensions of the available parking to verify parking compliance and if it does not comply it will be enlarged to meet all parking requirements.
- ☐ It would not create an undesirable change in the character of the neighborhood or a detriment to nearby properties.
- ☐ The requested variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.

Motion made by B. Natoli to grant the Special Permit requested to locate a B & B at 67 – 69 South Broad Street pending the verification by J. Lawrence of adequate off street parking. Seconded by R. Shackelton. Ayes all. Approved.

Motion Approved: 5 ayes; 0 nay.

Ayes – J. Wright, R. Shackelton, B. Natoli, G. Cleveland, F. Vanaltuise

IV. Approval of minutes:

The minutes of December 23, 2013 were approved on a motion made by R. Shackelton. Seconded by G. Cleveland. Ayes All. Carried.

V. Adjournment:

There being no further discussion, the meeting was adjourned at 8:00pm on a motion made by G. Cleveland. Seconded by J. Wright. Ayes All. Carried.