

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
July 22, 2013**

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

Alternates: *

Absent: B. Natoli, P. Mennis

Staff: Todd Dreyer, Jason Lawrence

Also Present:

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

I. Call to Order

Chairperson J. Wright called the meeting to order at 7:04 PM. Chairperson 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 record and information presented to them during the hearing process. There is 1 case before the Zoning Board this evening: a Use Variance request.

II. Public Hearing: Parkview of Ticonderoga – 58-62 Hale Street

The public hearing was opened at 7:05 PM. The following exhibits were entered into evidence:

1. Application from Parkview of Ticonderoga, LLC dated June 20, 2013.
2. Community Development report dated July 15, 2013.
3. Photographs of property
4. Copy of tax map of property
5. No correspondence received in support or opposition
6. No Phone calls received in support or opposition
7. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

J. Lawrence read the Community Development report and noted that this proposal did not require a response from the 238 Review Committee due to its location which is in excess of 500' from a municipal boundary and/or state highway.

Sandy Zelka, CFO for Parkview of Ticonderoga, LLC is here to speak on the behalf of the applicant and the Zoning Board has received written notification from Parkview of Ticonderoga authorizing Sandy Zelka to speak on their behalf by Jay S. Curtis. S. Zelka stated that they have been looking for a buyer for this parcel for 2 years. It had been sold previously but that owner ended up going bankrupt. The Sovereign Grace Fellowship Church has been the first offer received in 2 years. This offer is \$30,000 less than the assessed value of the property but they are willing to accept it since all other efforts have not amounted to anything and yet they are still paying taxes, utilities and maintaining the property for this whole time. S. Zelka stated their belief as to why they have not been able to find a tenant nor buyer for this property is simply the result of a weak economy. S. Zelka stated that they came into ownership of this property due to a foreclosure by them as they had sold it previously.

J. Wright asked if Parkview owned any residential properties in the City of Norwich. S. Zelka stated yes, they own the 2 residential homes located on Hale Street between Curtis lumber store and this parcel at 58-62 Hale Street.

M. Cornelius asked if this property is approved to be used as a church would it then be taken off the tax rolls. S. Zelka stated yes, she believed it would.

G. Cleveland asked if the church is relocating from another area or is this a new church. S. Zelka stated yes, it is a relocation. E. Morano asked where it is currently located. M. Fazio of 53 Canasawacta Street, stated that they currently lease space at the Council of the Arts and that there is usually approximately 70 people in attendance. M. Fazio went on to describe additional activities that may occur at this site.

J. Wright inquired about traffic. M. Fazio stated that it would be mainly Sunday and Wednesday evenings when there was something going on there that would cause an increase in traffic.

E. Morano inquired about parking – is there enough land with this parcel to accommodate the attendees and is there room for expansion. M. Fazio stated that the current parking area will be expanded to accommodate the attendees they have now and have room for more. S. Zelka stated that Curtis will provide additional land for parking. M. Cornelius asked if the land to be used for parking will be improved or just used as it stands. M. Fazio stated that yes; the property to be used for parking would be improved. This additional land for parking would increase the lot size to about 1.5 acres total. M. Fazio estimated they would need 70 parking spaces.

E. Morano asked if the church, since M. Fazio is present representing the church, plans to be the purchaser. M. Fazio stated yes. M. Cornelius asked if the church is prepared to meet all the expenses that go with property ownership. M. Fazio stated yes.

J. Wright stated to M. Fazio that if the church is approved and they go through with the purchase that the City of Norwich also has a Sign Ordinance which dictates the square footage and location of any signage they wish to have put up.

S. Sutton asked about the property taxes – how much would be lost in revenue each year if this property is removed from the tax rolls. S. Zelka stated that all taxes combined annually were approximately \$13,000.

S. Sutton asked if the church tried to find other locations where a religious institution is allowed by right in the area. M. Fazio stated yes and that the only other location that may have worked was located on East River Road. It was also stated that there are no plans to use the additional building on the lot at this time. This additional building is open and was designed and/or used for garaging vehicles or lumber and materials.

E. Morano asked what the total square footage is of the space they currently lease and is that amount of square footage sufficient. M. Fazio stated that it wasn't really a matter of square footage for Sunday services it was more for the purposes of expansion as well as having room for more activities.

M. Fazio distributed a presentation paper to the board showing proposed community outreach programs such as ministry for kids after school, youth programs, skill development, crisis pregnancy counseling and perhaps a soup kitchen in the future. S. Sutton inquired if they were doing counseling presently. M. Fazio stated yes but that it is limited.

S. Sutton asked what the occupancy of this building is. This has been addressed with Lou Ford and is estimated at this time to be approximately 90.

M. Fazio stated having their own place at this type of location would provide better access to the pastor by anyone who wants it.

Chairwoman Wright inquired if there was anyone in the audience who would like to speak.

Rich Winton, 4324 Rt 23, Norwich, NY stated he is a member of this church. Mr. Winton also stated that this church has helped him and is supporting this proposal. Mr. Winton also believes that this location is perfect for trying to reach more of our local youth.

Chairman J. Wright asked if anyone present had any further questions or comments. There were none and the public hearing was closed at 7:47 pm.

**Findings & Determinations for
Parkview of Ticonderoga re: 58 – 62 Hale Street**

Applicant wishes to use the property as a church which is not allowed in a B-2 zone by right.

This parcel has had a commercial use since its conception.

Applicant states the use will generate traffic on Wednesdays and Sundays but it probably would not be as much as a successful business located there would generate.

The primary building will be used for church functions and events.

The additional building in the rear will not be utilized at this time, perhaps storage in the future.

Applicant is aware of sign ordinance requirements.

Lot size will be approximately 1.5 acres.

Parking requirements will be exceeded

Attendee Mr. Winton Spoke in support of the proposal.

No opposition received for the proposal.

Improvements will be made to the building to make it meet code and to be more user friendly for the intended use. A budget has been developed for this purpose.

This property would be removed from the tax rolls.

Current location of church allows the use of it only on Sundays.

Overgrowth and debris will be removed.

The surrounding neighborhood is primarily commercial with some residential nearby.

This parcel exceeds all Open Space Requirements.

Applicant states noise level will be low and will only be during regular business hours.

On street parking is not needed.

Applicants purchase proposal is pending the results of this evenings hearing.

No Chenango County 239 Review Committee review required due to the distance of this property from the municipal boundary.

The applicant cannot realize a reasonable return.

The alleged hardship relating to the property is unique.

The requested use variance will not alter the essential character of the neighborhood.

The alleged hardship has not been self created.

Discussion:

S. Sutton believes this proposal will improve the character of the neighborhood, J. Wright agrees and can see more advantages to the neighborhood by approving this request that outweigh the property taxes.

Motion made by M. Cornelius to approve the requested use variance request as proposed. G. Cleveland seconded the motion.

Motion Approved: 6 ayes; 0 nays. Ayes All.
*Ayes – J. Wright, E. Morano, G. Cleveland, R. Shackelton,
S. Sutton, M. Cornelius*

III Approval of minutes:

The minutes of June 24, 2013 were approved on a motion made by E. Morano. Seconded by R. Shackelton. Ayes All. Carried.

V Adjournment:

There being no further discussion, the meeting was adjourned at 8:15pm on a motion made by G. Cleveland. Seconded by M. Cornelius. Ayes All. Carried.