

**Zoning Board of Appeals
Meeting Minutes
July 25, 2011**

Present: E. Morano, S. Sutton, J. Heath, K. Campbell, B. Natoli, P. Mennis

Absent: G. Cleveland J. Wright,

Staff: A. Donnison, T. Dreyer, J. Lawrence

Also Present: Ald. T. Bresina

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

Call to Order

The meeting was called to order at 7:01 PM by Vice Chair E. Morano. E. Morano 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. The request before the board tonight is for an Area Variance for the property located at 17 Midland Drive.

Public Hearing: CWS – 17 Midland Drive

The public hearing was opened at 7:03 PM. The following exhibits were entered into evidence:

1. Application from Community Workshop.
2. Community Development report dated July 20, 2011.
3. No correspondence received in support or opposition.
4. No phone calls received in support or opposition of this proposal.
5. Proposed new entrance and client pickup/drop-off
6. Tax map showing all parcels involved in transaction
7. Public hearing notice (mailed to all properties within 500 feet of the applicant).

A. Donnison read the Community Development report. Also noted was that at this time no response has been received from Chenango County 239 Review Committee.

Norm Davies stated that he is the architect for the proposed work and introduced himself to the members. N. Davies stated that CWS is refocusing on where the main entrance for Plant 1 on 17 Midland Drive should be. There are upgrades being planned now for Plant 1 and with that they would like to develop a new entrance and façade. The main reason for this request is to get vehicles that are dropping off and picking up people off the street. The times that CWS buses are dropping off and picking up happens to be at about the exact time the Norwich school busses, teachers and parents are dropping off and picking up. This has made it hazardous at time on Midland Drive since that street is on the narrow side.

The proposed addition would be a waiting area - air locked room so clients would not have to wait for pickup out in bad weather. The existing building is now 32' from the curb and the request is to be allowed to build the waiting area addition onto existing entrance to building and have it 20' from the curb.

P. Mennis asked how many vehicles would fit in the proposed new driveway. N. Davies stated 3 but that is not a parking area. Strictly for drop off and pickups, there are other areas designed for parking. This proposal also calls for rerouting the sidewalk for the purpose of pedestrian safety.

S. Sutton inquired about the space on the "island". N. Davies stated it would be green space. Plantings shall consist of low shrubbery or something similar. S. Sutton asked if they thought rerouting the sidewalk would be a problem for pedestrians. N. Davies didn't think so because there seems to be very minimal foot traffic in the area.

S. Sutton asked which way the door would swing on the addition – inward or outward. N. Davies stated it had to swing out and with the door swinging out they need at least a 22' setback.

K. Campbell inquired as to the length of the grassy area. N. Davies stated 40' and also that the traffic flow in and out of the driveway will be one way only. K. Campbell asked if the driveway was more than one vehicle wide. N. Davies stated no.

B. Natoli noted that it is the decision of the Common Council if the sidewalk can be rerouted and that the zoning board is only hearing the setback request. B. Natoli also stated that he didn't understand why the board could not be told exactly how much setback was needed. N. Davies stated that the setback request is for the airlock area (7' x 7') with a roof and façade upgrade and could not say exactly how much setback was needed as the designs are not finalized and after the zoning tells them how much of a variance they can be granted then the design plans will be finalized.

J. Lawrence stated that an airlock must be a minimum of 7' x 7' to meet minimum code standards. B. Natoli stated he is concerned about the door opening out over the sidewalk.

S. Sutton asked if an interior airlock was considered. N. Davies said yes and because they are already lacking space inside for other functions it was decided to move it outside. P. Mennis asked if this would be a glass enclosed structure. N. Davies stated yes.

Ald. T. Bresina asked what the direction of travel for the busses would be and if there were more busses than would fit in the new driveway would they be lining up on Walnut Street. N. Davies stated the flow of busses would be north and that at this time the number of busses would not require overflow use of Walnut Street but who knows what the future holds.

E. Morano stated that he had no additional questions as all the other members had managed to ask all of the ones already that he had notes on.

Public hearing with no further questions or comments closed at 7:35pm.

I. Findings & Determinations: 17 Midland Drive

1. Request is for an area variance - this building is in an IND zone which has a 30' setback.
2. The proposal is to construct a new entrance – 7' x 7' airlock in front of existing building
3. Proposal includes façade updates
4. Proposal also includes driveway modifications
5. The driveway modifications are intended to get busses off of Midland Drive during peak school bus travel times
6. There was no public comment
7. No 239 Review response received
8. No calls or letters in support nor in opposition to proposal
9. Curb cut requests must go before the Common Council
10. Variance request is for a 20' setback to accommodate door on airlock – so it will not swing out over sidewalk
11. Current building setback is 32'
12. Indoor airlock was considered and was not feasible
13. Island will be green space/landscaped – shrubbery not to exceed 2' in height
14. Drive through traffic will flow from the south to the north
15. 3 existing parking spaces will be relocated to another lot
16. The goal is to make it safer for busses and pedestrians
17. Lot size is approximately 46,000 square feet in size – minimum in an IND is 12,500 sq. ft.
18. Requested proposal will not alter the essential character of the neighborhood.

19. The alleged hardship appears to be unique in that the timing of the busses for school and the busses for CWS are on a similar schedule
20. The alleged hardship was self created
21. Surrounding neighborhood is a mixed use consisting of multi family as well as some businesses and the Norwich High School.
22. Future upgrades to the property are being planned
23. Change is not determined to be injurious to the neighborhood of detrimental to the public welfare.
24. Structure is accessible for fire and police protection.

Discussion:

E. Morano noted that the shelter area will be glass walled and the proposal would also make the street less congested during peak school bus times.

P. Mennis asked to be excused from voting due to his involvement with CWS.

Motion made by S. Sutton to approve the area variance as requested which is a 20' street setback. The sidewalk is to remain open to the public and shall have no obstructions. Seconded by B. Natoli. Ayes all, approved.

Motion Approved: 5 ayes; 0 nays.

Ayes –E. Morano, B. Natoli, K. Campbell, J. Heath, S. Sutton

Nays – None

Abstained – P. Mennis

II. Other Business:

J. Heath moved to approve the minutes of March 28, 2011 with a correction to be made on page 2 – remove the name S. Pelosi and replace with S. Sutton. Seconded by S. Sutton. Ayes all. Carried

A. Donnison asked the members if it would be possible to the meeting in August to be moved up 1 week to August 15, 2011. This request is to try to accommodate J. Dennis who has to be out of his current location by September 1, 2011. He has made an offer on another location but it needs a special permit from

the Zoning Board of Appeals. The extra week would give him a little more time to finish the financial end of his plans if he gets approved. Members present all stated that there was no problem with moving the meeting to August 15, 2011.

III. Adjournment:

There being no further discussion, the meeting was adjourned at 7:55pm on a motion made by B. Natoli, seconded by J. Heath. Ayes All. Carried.