

**Zoning Board of Appeals
Meeting Minutes
October 24, 2011**

Present: J. Wright, E. Morano, S. Sutton, G. Cleveland, K. Campbell, P. Mennis

Absent: J. Heath, B. Natoli

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

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

Call to Order

The meeting was called to order at 7:00 PM by Chairperson J. Wright. 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 a Use Variance for property located at 112 – 114 South Broad Street. Motion made by E. Morano to bring P. Mennis in as a full voting member for tonight's meeting. Seconded by K. Campbell.

Public Hearing: William Tammaro – 112-114 South Broad Street

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

1. Application from William Tammaro.
2. Community Development report dated October 21, 2011.
3. No correspondence received in support or opposition.
4. No phone calls received in support or opposition of this proposal.
5. Letter of permission from property owner
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. The Chenango County 239 Review Committee has approved the project with the following recommendations: Comply with any NYSDOT recommendations. There have

been ten (10) inquiries from citizens about the specific plans for the building but none left comments in support or opposition of the project.

William Tammaro distributed folders to all the members which included a site plan as well as several color photos of the current interior and exterior of the building. Mr. Tammaro stated that the public entrance for the lot will be off of North Broad Street and will exit onto Beebe Avenue. The proposed plans are to have 6 units in the building – 3 on each floor. The entrance on the Beebe Avenue side of the building is at ground level and the plans are to have 2 handicap parking spaces and a ramp which will lead to an elevator on the inside. The proposed units are to be high end units not intended for low income housing. The front apartments will be 1 bedroom units and the rear apartments shall be 2 bedroom units. Each unit shall have its own heating unit. Each unit shall also have its own electric panel box. All the units shall be wheelchair accessible. There will be 2 bathrooms in each of the 2 bedroom units. There are no plans for any age restrictions on the occupants. The basement shall be used for storage purposes only. There is a space for an elevator to go in but right now it is just an open empty space.

P. Mennis asked what the planned rents will be. Mr. Tammaro stated that he is expecting them to be \$850.00 to \$1,200.00 per month and has yet to determine if that will include utilities. Mr. Tammaro stated he wished to start work on this project if approved as soon as possible as there is no heat in the building and the sheetrock is deteriorating.

K. Campbell inquired of the plans for snow removal. There is a contract in place for Mr. Ashton to be the person to remove snow from the sidewalks and driveway. There seems to be ample space at this time for snow to be plowed and placed along the fence at the rear of the property, however if there is a quantity that needs to be removed then that is what will happen.

J. Wright asked about plans for exterior changes. Mr. Tammaro stated he plans to keep the exterior pretty much as it is and only make changes that are required, wants to keep the old schoolhouse look.

E. Morano asked why he provided so many interior photos. Mr. Tammaro stated he wanted the board members to see everything possible and have as much information on the building as possible. Mr. Tammaro also stated that the building has had all asbestos removed and has the contract showing that. E. Morano inquired of lead paint. Mr. Tammaro stated that is unknown at this time but through the proposed renovations any lead paint that may be there will be removed. Mr. Tammaro noted that he is certain between Lou Ford and Jason Lawrence this building will be code compliant.

S. Sutton asked if the plans included keeping the existing windows that are in place and what his timeframe for construction is if approved. Mr. Tammaro stated yes

the windows would remain and his hopes are for just under a year till the building can be occupied.

E. Morano expressed concerns about his ability to rent units in this area for such a high price. Mr. Tammaro stated that his research has indicated a need for these types of units for NBT and P & G employees.

J. Wright opened the meeting up for public comment.

Douglas Coggins, 108 South Broad Street stated that he also owns 110 South Broad Street. He purchased his neighboring property because he didn't like seeing what was happening to some other properties in the area and figured the only way he could control it was to purchase it. However, he stated he cannot afford to keep buying up neighboring properties. He stated that so far he likes what he sees on the plans for this building. Mr. Coggins asked what the plans were for the fence that is currently in place on the property. Mr. Tammaro stated he plans to keep it in place as it is for the time being until he can replace it with a nicer one as the current one does not invite the type of clients he wants there. Mr. Coggins stated he was happy to hear that because it will keep people from driving onto his property from the parking area. Mr. Tammaro stated that his plans for parking exceeds the required parking in the zoning ordinance which is 10. He plans to have 16 parking spaces; two of those shall be for handicap parking.

Mayor Maiurano stated he is in support of the proposed plans. Mayor Maiurano stated that he has worked with Mr. Tammaro through BOCES and is very reputable and also agrees there is a need for better rental units in the City. This building has been empty for a long time and it is located on the main entrance into the city and does not want another multi family building in the city with an irresponsible landlord.

Ald. R. Carey also acknowledges a need for these types of units and also supports the proposed plans.

J. Wright asked if there were any additional questions or comments from the public. There being none the public hearing was closed at 7:38pm.

I. Findings & Determinations: 112-114 South Broad Street

1. Request is for a Use Variance for a multi-family dwelling in a R-1 zone
2. First floor would have 3 dwelling units-front unit would be a 1 bedroom 1 bath unit, the other 2 would both be 2 bedroom 2 bath units.
3. Second floor would have 3 dwelling units-front unit would be a 1 bedroom 1 bath unit, the other 2 would both be 2 bedroom 2 bath units.
4. Proposed units would be higher end rentals – not low income

5. Fence along the property line would remain until a newer one could be installed.
6. Ten inquires received prior to the meeting, one inquiry made at the meeting by a neighbor.
7. No opposition received.
8. Two statements of support received.
9. Snow removal plans are in place.
10. Structure has been empty since the Board of Education offices vacated the property in 2004.
11. There have been minor renovations done since 2004 – mostly demolition of interior as seen in photos.
12. There was a previous request before the board for a zoning use variance in 2009 for the building to be used for office space – which was approved but the applicant never followed through on the purchase of the building.
13. The purchase offer made on the building by Mr. Tammaro is contingent upon approval of the use variance request.
14. The chances of this structure ever being used as a single family or two family home are pretty slim.
15. Total square footage of this building is approximately 10,075 square feet
16. This property exceeds all open space requirements.
17. The current parking area is blacktopped.
18. Appears there is adequate parking to be provided.
19. Plans are for high end units but that does not mean subsidized housing is not ever going to be there and there is nothing to prevent this from happening.
20. Current property owner has given her permission in writing to move forward with the application to the ZBA
21. This hearing is not to change the property zone
22. Structure is accessible for fire and police protection.

Discussion:

S. Sutton stated that it seems that just the act of purchasing a property implies you have created your own hardship and to make this building into a single family home would be a hardship in itself. J. Wright agreed and stated that he has made a commitment to purchase the property. J. Wright also noted that Hillside House Apartments and Park House Apartments lean towards being high end units and they both have waiting lists for tenants. E. Morano stated that quality of life and the character of the neighborhood is important and is struggling with the chances of this property becoming a subsidized housing unit. S. Sutton stated that sometimes when you hear “Subsidized Housing” there is a prejudice that goes along with it. G. Cleveland agreed and also reminded members that we cannot predict the future use of this property only what is being proposed now. K. Campbell reminded him that his decision should be based only on what is presented tonight. Based on the criteria set forth for the board to review in the case of a use variance it is felt that there was insufficient evidence provided to

determine if the applicant could realize a reasonable return on the building if a compliant use was utilized. It was agreed by all members that the hardship relating to this property is unique in the sense that it is a very large building and does not seem to lend itself to a single or two family use in the R-1 zone it's located in. It is also agreed that if the use variance is granted there would be a change to the character of the neighborhood since there will be an increase in traffic.

Additional discussion followed regarding the amount of onsite parking spaces proposed and the chances of some of those spaces being lost due to snow being piled there in the winter. G. Cleveland noted that when the school board offices were located in the building the employees and visitors to the building parked all over and that the traffic was much worse than it would be with a 6 unit dwelling here. K. Campbell stated that she owns rental property in the area as well as resides in the area and was concerned if she should excuse herself from voting. A. Donnison stated no that it was not necessary for her to do that because board members reside all around the city and if each one excused him/herself from voting because they either lived or owned property in a neighborhood before the zoning board we would have a hard time ever getting a quorum.

P. Mennis made a motion to grant the use variance request as applied for. Seconded by S. Sutton.

E. Morano stated he was going to abstain from voting because he felt there were potential parking problems that have not been addressed to his satisfaction. G. Cleveland again reminded him of how much worse it was when the school board offices were located at this site.

Motion Denied: 0 ayes; 5 nays.

Nays – J. Wright, S. Sutton, K. Campbell, G. Cleveland, P. Mennis

Abstained – E. Morano

J. Wright suggested that E. Morano make the motion so that he feels more comfortable with the parking concerns that he has.

E. Morano made a motion to approve the proposed use variance request for a 6 unit dwelling provided that the on site parking requirements are to be compliant with the city code. K. Campbell seconded the motion.

Motion Approved: 6 ayes; 0 nays.

Ayes – J. Wright, S. Sutton, K. Campbell, G. Cleveland, P. Mennis, E. Morano

Abstained – None

II. Other Business:

G. Cleveland moved to approve the minutes of August 15, 2011. Seconded by E. Morano. Ayes all. Carried

III. Adjournment:

There being no further discussion, the meeting was adjourned at 8:15pm on a motion made by K. Campbell, seconded by P. Mennis. Ayes All. Carried.