

**Zoning Board of Appeals  
Meeting Minutes  
One Court Plaza  
January 22, 2007**

Present: J. Wright, E. Morano, G. Cleveland, J. Heath, K. Campbell

Alternates: \*

Absent: N. Aubrey, B. Natoli, J. Uhlig

Staff: Todd Dreyer, Amy Donnison, Jason Lawrence

Also Present: Mayor J. Maiurano, Ald. T. Bresina,

\* 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 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: Yusuf Harper – 13 Morse Avenue**

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

1. Application from Yusuf Harper dated December 17, 2006.
2. Community Development report dated January 15, 2007.
3. Copy of tax map of property
4. 239 Review submission form
5. No correspondence received in support or opposition of this proposal
6. No phone calls received in support or opposition of this proposal.
7. 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 no response has been received from the 239 Review Committee.

**Chairperson J. Wright** inquired if there was anyone present to present the application on behalf of the property owner as he is not present. A. Donnison called the phone number on the application requesting to speak to the applicant in case he had forgotten the meeting was this evening and was told by who answered that he was out for the evening. Chairperson J. Wright inquired of the one person present in the audience if he had anything he wished to state in regards to this public hearing request. Mr. Gary Callea stated no, that he was a neighbor, 15 Morse Avenue, and was interested in the request. Chairperson J. Wright stated that since there was no one present to add to the information already in hand that the public hearing is closed at 7:10pm.

**Findings & Determinations for  
Yusuf Harper – 13 Morse Avenue:**

- Applicant wishes to construct a 12' X 12' accessory structure at the rear of his property.
- Applicant wished to locate this structure 5' from both the east property line and the south property line.
- Accessory structures are allowed without a building permit but they must meet setback requirements.
- This property is located in an R-1 zone which has a lot line setback of 10'.
- There appears to be sufficient area in the backyard to accommodate an accessory structure and still meet the required setbacks.
- The surrounding neighborhood appears to be primarily residential.
- No opposition was received for this proposal.
- No support was received for this proposal.
- Drawing of plans indicate a proposed greenhouse, not constructed.
- This parcel does not meet R-1 Open Space requirements.
- Several nearby residential lots in the area are also legal non-conforming lots.
- Lot appears to be fairly level.
- Chenango County 239 Review Committee has made no recommendations.

**Area Variance Considerations:**

1. No undesirable change would be produced in the character of the neighborhood or a detriment to nearby properties would be created by the granting of the area variance.
2. The applicant can achieve the benefit sought by another method.
3. The requested area variance is not considered substantial.
4. The proposed variance would not have an adverse effect or impact on the physical or environmental conditions on the neighborhood or district.
5. The alleged difficulty was self created.

#### Discussion:

Chairperson J. Wright noted that from the plans submitted by the applicant there appears to be sufficient yard space available to meet the required 10' setback. G. Cleveland inquired as to why a building permit was not required for such a structure. J. Lawrence stated that any building 144 square feet or less to be used as an accessory structure does not require a building permit but must meet Zoning Ordinance setback requirements unless granted a variance by the Zoning Board of Appeals. K. Campbell noted that it appears from the submitted plans that the neighbor on the east side has a structure very close to the property line. Also, that the applicant is attempting beautify his property. Chairperson J. Wright inquired as to why there is a 10' setback in the R-1 zone. A. Donnison stated that R-1 is the most restrictive zone in the city and the intent of making it so is to keep it primarily residential and to not have the neighbors as close to one another as is allowed in other zones. E. Morano stated that this setback also aids in allowing emergency vehicles better access in case of a fire. K. Campbell stated that it would appear from the submitted plans that the property owner is requesting this variance in order to accommodate a future greenhouse. E. Morano stated that this may indeed be the case but that the only request before them at this time was for a variance for the accessory structure, it is unknown at this time if a second structure, such as a greenhouse is even allowed.

*Motion made by J. Heath to approve requested area variance as submitted. E. Morano seconded the motion.*

**Motion Denied: 1 ayes; 4 nays.**

*Ayes – K. Campbell. Nays - J. Wright, G. Cleveland, E. Morano, J. Heath*

### **III Approval of minutes:**

The minutes of October 23, 2006 were approved on a motion made by G. Cleveland. Seconded by E. Morano. Ayes All. Carried.

### **IV. ZBA Annual Training:**

T. Dreyer stated that there is a new state law regarding the annual training of Zoning Board of Appeals members and Planning Board members. This is not a mandatory as the Common Council may waive the training requirements or modify them. The Common Council seems to be in favor of some training,

therefore T. Dreyer has drafted a resolution, which was mailed to all members, which states that the City of Norwich wishes to require at least 4 hours of yearly training for each member of the above stated boards. The respective board chair would have considerable latitude in determining acceptable training. Board members would be required to record the training activities and to report such activities to the board chair. Chairperson J. Wright stated that she feels this is a good idea and has requested T. Dreyer to make the members aware of any upcoming workshops and to forward any articles that he feels may benefit them. T. Dreyer stated that the NY Planning Federation has a free tutorial that we can copy. Chenango County may also sponsor a training session such as they did in conjunction with another community that was held last year at the Morrisville College that some members attended. E. Morano request that T. Dreyer also get in touch with Donna Jones at the Chenango County Planning Dept. regarding any arrangement that can be made for shared training that could possibly be held at the Morrisville College extension here in Norwich or elsewhere in the area. Chairperson J. Wright stated that if it is not possible for the training to be held here perhaps there could be some form of electronic feed established for our members to be able to participate with another area having a session.

A. Donnison stated that she is in receipt of a letter submitted to Mayor J. Maiurano from Zoning Board member J. Esposito in which he states that he is sorry to inform him that he must resign from the Zoning Board of Appeals. J. Esposito states that he has become somewhat short on time and does not feel he can give the position the dedication it deserves. Chairperson J. Wright stated that the input from J. Esposito will be sorely missed as he was a valuable member of the Zoning Board.

## **V      Adjournment:**

There being no further discussion, the meeting was adjourned at 7:55pm on a motion made by G. Cleveland. Seconded by E. Morano. Ayes All. Carried.