

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
May 29, 2007**

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

Alternates: *

Absent: J. Uhlig, G. Cleveland

Staff: Todd Dreyer, Amy Donnison

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 7:07 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: an Area Variance request.

II. Public Hearing: Chenango County ARC – 16 Clinton Street

The public hearing was opened at 7:08 PM. The following exhibits were entered into evidence:

1. Application from Chenango County ARC/John McHale dated April 26, 2007.
2. Community Development report dated May 18, 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).
8. Petition of support circulated by CCARC to neighboring property owners

9. Drawing for proposed plans and photos of property

A. Donnison read the Community Development report and noted that no response has been received from the 239 Review Committee. A. Donnison also noted that Ald. R. Jeffrey came into the office to state that he was contacted by Mr. McHale and was told what the plans are for the structure, Ald. R. Jeffrey asked her to relay to the Zoning Board Members that he had no opposition to the proposed plan.

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 stated that she had spoken with John McHale just a few days ago to remind him of the hearing date and time and he stated that he or another representative would be present. 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. Ald. T. Bresina stated no. 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 7:16pm.

Findings & Determinations for Chenango County ARC – 16 Clinton Street:

- Applicant wishes to convert one half of a 24.3' X 24.4' garage into professional office space for 2 employees.
- Opposite half of structure would be used as a storage area.
- Existing structure is located approximately 4 feet from the western property line.
- This property is located in a R-2 which has a lot line setback of 5 feet.
- All other structures meet setback requirements.
- Applicant also owns adjacent property known as 14 Clinton Street.
- Petition of support circulated around neighborhood by CCARC has 11 signatures, 6 of which reside on Clinton Street.
- Verbal support from Ald. R. Jeffrey was received, who is the Alderman for the ward the property is located in.
- No opposition was received for this proposal.
- There are no toilet/bathroom facilities on the submitted plans.
- Both 14 & 16 Clinton Street are two family homes
- 14 & 16 Clinton Street have a shared blacktopped driveway.
- Lot size requirements are met.
- This is a mixed use neighborhood.
- The bulk of available parking is located on 14 Clinton Street.
- 4 Parking spaces would be required for the combined use of a two family home and a professional office with 2 employees on same lot.

- No representatives from CCARC were present to answer additional questions.
 - Photos provided by CCARC appear to show a propane tank being stored there
 - Not sufficient parking on the property known as 16 Clinton Street.
 - Several nearby residential lots in the area are also legal non-conforming lots.
 - Chenango County 239 Review Committee has made no recommendations.
- Special Permit Considerations:

The Board of Appeals may not grant such permit unless it finds:

- (1) that the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this ordinance. In determining its findings, the Board shall take into account the character of the neighborhood and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings or upon such land, and traffic conditions in the vicinity.
- (2) that all structures, equipment and materials shall be reasonably accessible for fire and police protection.

In granting any special permit, the Board shall prescribe any condition which it deems to be necessary or desirable for the public interest.

Discussion:

E. Morano asked if it was known exactly what type of office work was being performed? A. Donnison stated no, and that the question was not asked. K. Campbell inquired if they would be able to expand into the other half of the structure with office space in the future? T. Dreyer stated that the request is for one half, not the whole structure and they would have to come back before the Zoning Board for additional changes. E. Morano inquired if they could increase the number of employees in the office without making it larger? Again, the request is for 2 employees and there is no suggestion on the application that it may increase. Chairperson J. Wright inquired if it possible to have the 2 parcels combined, which would then eliminate the parking issues since there is adequate off street parking behind 14 Clinton Street. E. Morano stated that he really wished a representative from CCARC was present to clarify some issues. Such as why request this permit when the available parking they wish to utilize is on 14 Clinton Street not 16 Clinton Street. This sentiment was echoed by all members. J. Heath was concerned over the lack of no bathroom facilities located in the structure. T. Dreyer noted that a condition can be imposed requiring bathroom facilities. S. Sutton asked if parcels 14 & 16 are combined could it then be sold and separated? A. Donnison stated that yes, it could be sold but that a condition could also be imposed that if the

parcel is ever sold or even if it is not sold, if they are separated into two parcels again in the future the special permit could be revoked. E. Morano asked if it is known what the average dimensional requirements are for a parking space. A. Donnison stated no. T. Dreyer stated that if the board did not feel it had enough information to come to make a decision it could be postponed and another public hearing could be arranged at a later date. No request was made by the applicant for a delayed date. E. Morano stated that he has to abstain from voting on this matter due to a prior relationship with this organization. Chairperson J. Wright polled the remaining voting members if they felt they could make a decision based on what was before them this evening or if another public hearing should be scheduled. Members stated that they would have liked to have had more detailed answers to questions but felt that there was indeed sufficient info available in which to render a decision on the matter.

Motion made by B. Natoli to approve requested Special Permit with the following conditions: The parcels known as 14 Clinton Street and 16 Clinton Street are to be combined to create one (1) tax parcel. If these two parcels are ever split in the future the Special Permit shall be revoked. The maximum number of on-site employees in the office structure is not to exceed two (2). A toilet and lavatory facility shall be installed and connected to the City water and sewer system. The storage side of the structure shall not house liquid flammables (ex: propane, gasoline, etc.) or other hazardous chemicals. K. Campbell seconded the motion. Ayes all. Carried.

Motion Approved: 5 ayes; 0 nays; 1 abstained.

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

Nays - none

Abstained - E. Morano

III Approval of minutes:

The minutes of January 22, 2007 were approved on a motion made by J. Heath. Seconded by E. Morano. Ayes All. Carried.

IV Adjournment:

There being no further discussion, the meeting was adjourned at 8:27pm on a motion made by E. Morano. Seconded by K. Campbell. Ayes All. Carried.