

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
January 27, 2020**

Present: C. Burch, Jr. J. Wright, K. Kucinski, L. Natoli

Alternates:

Absent: B. Natoli, R. Genung

Staff: Amy Donnison

I. Call to Order

- II. Vice Chair C. Burch, Jr. called the meeting to order at 7:04 PM. Vice Chair C. Burch, Jr. stated that the Zoning Board of Appeals is made up of volunteer members. In order to approve a request, 4 yes votes are required. The ZBA has up to 62 days to make a decision. All evidence must be presented during the hearing, don't assume the board knows anything. The ZBA does not write nor can it change the Zoning or Sign Ordinance requirements. The Common Council has the authority to change the Zoning and Sign Ordinance requirements. In the granting or denying of variances and special permits, the ZBA must substantiate the reasons for such granting or denial. A decision by the ZBA may be appealed to the court by filing an Article 78 appeal. There are 2 cases before the Zoning Board this evening: 2 Special Permit requests and 1 Use variance request.

III. Public Hearing: Jeffrey Todd & Patricia Warski – 85 So. Broad Street

The public hearing was opened at 7:04 PM. The following exhibits were entered into evidence:

1. Application from Jeffrey Todd & Patricia Warski dated 11/26/2019
2. Community Development report dated 01/20/2020
3. Photographs of property
4. Drawings of proposed future use
5. Copy of tax map of property – current
6. No phone calls received in opposition or support.
7. No letters received in opposition
8. Letter received in support
9. 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 there had been no phone calls or letters received in opposition, 1 letter received in support to the proposal. The letter in support was from Ald. R. Jeffrey and was read into the minutes per his request.

Kevin Walsh, 9 Ridgeland Rd; stated he was present to act on behalf of the current property owners/applicants. K. Walsh noted that the property has been for sale for over 3 years with no sale at this time. The listing price had been lowered to \$129,000 again recently to \$99,000. There have been 17 potential purchasers that were looking to convert the building into a multi family. The offer currently received is to locate a higher end retail space on the 1st floor where the Drs offices previously were located. It is already handicap accessible. The reason they vacated the spot and use it as a Drs office is that there is less and less need for independent Drs offices. The purchase proposal received from J. Gallagher is contingent upon gaining ZBA approval for his proposed use.

James Gallagher stated he has spent 40 years as an antiquarian and believes it will be an asset that can be put to commercial use in a private antiques shop. The proposed use would not change the character of the neighborhood. J. Gallagher states that he currently resides at 5 Eaton Ave, Norwich. He would also like to create a nice garden for shop visitors. The current floor plan would not need to be changed, and all the small exam rooms and cubbies will work perfectly for his display of various antiques from different time periods.

L. Natoli and how many customers did he expect to have in a day? J. Gallagher stated if he got 15 power day then that would be a busy day. J. Wright if the garden would be draw to the business? J. Gallagher stated yes – please stop by my home and see my backyard and all my garden structures. L. Natoli asked if there would be retail items in the backyard> J. Gallagher stated no but people could order similar items to be made – this is for longer term , not right away.

K. Kucinski noted that on the test answers provided the proposed use would not change the character of the neighborhood- how did he come to that conclusion? J. Gallagher stated that the neighborhood currently has vacant multi family home next door, it is not a bad neighborhood and he will have security on the building.

Robert Jeffrey, 17 York St; thank you to the ZBA members for volunteering your time. R. Jeffrey is in support of the proposal and believes it will enhance the character of the neighborhood. A lot of people pass through enroute to Hamilton and Syracuse and this may make some stop in the city of Norwich. New owners live locally and will not be absentee owners.

Patricia Scott, 87 South Broad Street; stated that she has many changes at 85 So Broad Street over the years since she has occupied a neighboring house since 196. Concerned that in 10 years a different business would go in and hopes that any different use would once again have to come before the ZBA on a case by case

basis. A. Donnison stated that this is a use variance request and conditions can be applied that it is for this specific use only. It was also noted that there is a discontinuance clause in the zoning ordinance of 2 years.

Vice Chair C. Burch, Jr. asked if anyone present had any further questions or comments. There were none. The public hearing was closed at 7:55 pm.

III. Findings & Determinations for Jeffrey Todd & Patricia Warski: 85 South Broad Street

- House has been for sale for over 3 years with regular reductions in price
- No interior renovations would be needed to accommodate the use as a retail space
- Parking requirements will be met
- Parcel is located in a R-2 zone
- There has been support for the proposal
- There has been no opposition received for the proposal.
- Due to the length of time the parcel has been for sale the owner has been unable to realize a reasonable return using allowed by right uses.
- The alleged hardship is unique as the rooms on the 1st floor are small exam rooms from being used for several years as a Drs office.
- The proposed use will not alter the character of the neighborhood. Surrounding neighborhood is both business and residential -it is close to downtown.
- The alleged hardship is not self created
- The building is already handicap accessible.

Motion made by K. Kucinski to accept the proposal to locate an antique retail store on the 1st floor only. This use is only for antique retail and is not transferable as another retail business use. Seconded by L. Natoli.

Motion Approved: 4 ayes; 0 nay.
Ayes – C. Burch, Jr., J. Wright, K. Kucinski, L Natoli

IV. Public Hearing: Karen Mallozzi, 8 Maple Street.

The public hearing was opened at 8:10 PM. The following exhibits were entered into evidence:

1. Application from Louis Visser dated 12/9/2019

2. Community Development report dated 1/20/2020
3. Photographs of property
4. Copy of tax map of property - current
5. No phone calls received in opposition or support.
6. No letters received in opposition or support.
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 there had been no phone calls received in opposition nor in support to the proposal. A. Donnison read a letter that was received in opposition from James & Mary Jane Smith, 72 West Main Street; the letter stated that they would be unable to attend this meeting as they were out of town. The letter had some misinformation in it such as it implies the proposed use is for a multi family structure and they feel it should be used as a single family home only.

L. Visser stated that the current owner, dale Grey, stopped working in the building due to costs of maintaining it. It had been used as an accounting office and storage. L. Visser stated he owns several other rental properties in the city of Norwich – most needed significant repairs, all required permits were obtained and the units are inspected regularly as required with no issues or complaints. L. Visser stated that he ahs already removed the upper balcony and replaced the blacktop sidewalks. Repairs have ceased at this time due to funding.

Deb Sylstra, 15 Canasawacta Street; stated she purchased her home 2 years ago. Walks her dog regularly and sees the property has not been maintained. Vandalism has been seen on other properties in the area and a campfire can be seen by homeless across the river. Cops are called but the same people keep returning.

The property has been under the same owner for many years, has been vacant and for sale for several years and this sale is contingent upon obtaining a special permit.

Vice Chair C. Burch, Jr. asked if anyone present had any further questions or comments. There were none. The public hearing was closed at 8:35 pm.

Findings & Determinations for Louis Visser: 72 West Main Street

- Property is in a R-2 zone
- No support nor opposition received for the proposal
- Proposed use would not change the character of the neighborhood
- Property is a corner lot, therefore easily accessed by fire and police equipment
- There would be no increase in traffic by switching from an accountant's office to a 2 family dwelling.

- Neighborhood is a mix of uses – the Chenango Valley Home and Adult Day Care is nearby
- Parking requirements would be exceeded

Motion made by K. Kucinski to accept the proposal as submitted to use 72 West Main Street as a 2 family dwelling structure. Seconded by L. Natoli.

Motion Approved: 4 ayes; 0 nay.

Ayes – C. Burch, Jr., J. Wright, K. Kucinski, L Natoli

V Adjournment:

There being no further discussion, the meeting was adjourned at 7:50pm on a motion made by K. Kucinski. Seconded by L. Natoli. Ayes All. Carried.