

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
September 28, 2020**

Present: C. Burch, Jr., J. Wright, K. Kucinski, R. Genung, B. Natoli, K. Kucinski

Alternates:

Absent:

Staff: A. Donnison

I. Call to Order

Chairwoman J. Wright called the meeting to order at 7:01 PM. Chairwoman J. Wright stated they needed to elect a new chair and made the motion to elect Clyde Burch, Jr as chairman. Seconded by K. Kucinski – Ayes All. Chairman C. Burch 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: a sign variance and a special use permit/area variance request.

II. Public Hearing: Todd Barnes – 115 Birdsall Street.

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

1. Application from Richard Barnes dated 8/1/2020
2. Community Development report dated 9/24/2020
3. Photographs of property
4. Copy of tax map of property – current
5. Plot Plan of the parcel
6. No phone calls received in opposition or support
7. No letters received in opposition or support

8. 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 nor in support to the proposal.

T. Barnes saw a need in the community for handicapped accessible rental units and passed by this property every day and it's an eyesore on a main route into the city. T. Barnes and R. Barnes both own multiple properties so they have experience in managing them. The house has a bad foundation along with other issues since it had been gutted by a previous owner and it wasn't really financially wise to try to rehab it. He has spoken with the neighbors in the area about his proposal and they are all on board and happy to see an improvement made. If approved construction would hopefully start in the spring. There are plans to construct a privacy fence along the northern boundary of the property which the neighbors also were in favor of.

T. Barnes stated that this is one lot at this time and they would like to split it as shown on the plot plan to have one entrance off of Midland Drive and the other entrance off of Birdsall Street. Which would still provide access for emergency vehicles.

K. Kucinski asked what this meant in regard to the area variance portion. A. Donnison stated that open space requirements in a R-2 zone is 3,300 sq ft per dwelling unit which totals 13,200 square feet per building – for both buildings it would need to be 26,400 square feet and this lot is 24,394 square feet meaning if the lots were split each lot would be approximately 1,000 square feet less than required by open space regulations for a multi family.

K. Kucinski suggested that the building that would use the Birdsall Street entrance remain where it is on the plans but to turn the other building that would be using the Midland Drive entrance so that it faces Midland Drive. R. Barnes said they had thought of that also and have no issue turning that building. K. Kucinski stated that it was his thought that by doing so it would be easier to split the lot in half with a straight line and that it would not create an undesirable change in the neighborhood. This change will still allow the parking requirements to be met as well as Street and lot line setbacks.

B. Natoli agrees this will eliminate an eyesore and gives them credit for taking action on their own.

J. Wright noted that it would enhance that corner and appreciates that they have stayed in contact with the neighbors and working with them.

R. Genung agreed that the proposal would fill a need and thinks it's a great idea. J. Wright agreed as she knows many aging adults that have a difficult time finding handicap accessible rentals.

C. Burch agreed with other board members that there is a growing need for handicap accessible units and that the existing building is indeed an eyesore.

Ald. M. Caldwell thanked T. Barnes and R. Barnes for taking these steps to improve the city.

C. Burch noted that for construction of 5 units or less often you may qualify for lower residential interest on a mortgage.

Public hearing closed at 7:42pm

Findings & Determinations:

1. Proposal eliminates an eyesore and provides much needed handicap accessible dwelling units.
2. Neighbors have been in favor of the proposal.
3. Proposal will not change the character of the neighborhood
4. Both buildings will be accessible to fire and police vehicles.
5. Variance requested for splitting the lot is not considered substantial.
6. There was no opposition received for the proposal.

Motion made by J. Wright to approve the split of the parcel and to turn the building closest to Midland Drive so that it is facing Midland Drive so the property line can later be evenly split. Seconded by B. Natoli.

Motion Approved: 5 ayes; 0 nay; 0 abstained

Ayes – C. Burch, Jr., J. Wright, K. Kucinski, B. Natoli, R. Genung
Ayes All

Motion made by K. Kucinski to approve the Special Permit as requested to construct 2 – 4 unit dwellings.

Motion Approved: 5 ayes; 0 nay; 0 abstained

Ayes – C. Burch, Jr., J. Wright, K. Kucinski, B. Natoli, R. Genung
Ayes All

III. Public Hearing: Opportunities for Chenango – 44-48 West Main Street

The public hearing was opened at 7:55 PM. The following exhibits were entered into evidence:

1. Application from Opportunities for Chenango dated 8/15/2020
2. Community Development report dated 9/25/2020
3. Photographs of property
4. Copy of tax map of property - current
5. Sign Ordinance regulations/requirements for ZBA
6. City of Norwich Zoning Use Table
7. No phone calls received in opposition or support
8. No letters received in opposition or support
Photos of the proposed new signage and the location
9. Public Hearing Notice

Chairman C. Burch has recused himself from voting as he is a board member to Opportunities for Chenango.

A. Donnison read the Community Development report and noted that there had been no phone calls or letters received in opposition nor in support to the proposal.

Justin Roberts noted the main question may be “why do we need this sign?”. Opportunities for Chenango serves at this time 2,622 people. Of those 23.6% live below the poverty level. Many live in mobile homes that need replacing and may be eligible for the first time home buyers program or the mobile home replacement program. The proposed signage would be more visible for people who needs services and that may not have the internet. They are also located close to the city hub making access to the assistance easier for those without transportation. There are no other programs like what they offer existing in the City at this time. This seems to be the best way to communicate what they offer and where to get it.

J. Wright asked if this would increase traffic to the property. J. Roberts was not sure as many of their services may not be known in the community and they are trying to reach those who do not know where to go for say weatherization assistance. Currently some people call 211 and are referred to them but if the effort to consolidate some services it would be helpful to all. J. Wright agreed that there needs to be a way to notify the community but does have concerns about increased traffic.

R. Genung stated that the visual signs such as the proposed have proven invaluable at the school and states he likes the idea. Ald. M. Caldwell also stated that they are always looking for ways to better communicate with the community.

Donna Farquar stated that street lights are bright and is concerned this would make the area even brighter at night time. Prefers to see a smaller sign than what is proposed.

Linda Lee, 49 West Main St; stated that she is not in favor of digital signs in a residential neighborhood.

Stacy & Jim Russell, 60 West Main Street; Stated they were happy to hear that the sign is not as big as what they were first thinking it was going to be. Does have a concern that digital signage does make an area look more commercialized.

J. Wright asked if there were any recommendations that would meet the needs of all?

Jim Russell asked how bright would the sign be? J. Roberts stated it would be a low light and they would have specific hours of operation for the sign. This same sign has been installed at their Binghamton location and has been well received.

Eric Olsen stated he felt it would blend in the current LED street lights. Sign can be adjusted for both hours it is on and the lumen brightness. J. Wright noted that to some it would be too bright and others will say not bright enough – hopefully we can reach a happy medium, E. Olsen also stated that this sign can be controlled remotely and please remember not everyone has access to social media.

K. Kicinski asked if Chenango and Broome offices have merged. J. Roberts stated yes. K. Kucinski asked what are the hours of sign operation and brightness of the sign in Binghamton? Are there any other marketing strategies looked at? J. Roberts stated it does emit light but doesn't reflect. B. Natoli asked if the sign would be turned off by 9pm at the latest or even earlier like 7 or 8pm? J. Roberts states yes and that they do not want to create a space where people congregate.

J. Russell appreciates the fact that OFC is open to turning the signage off at an earlier hour. J. Wright also stated that she is pleased that OFC does have concerns about the neighborhood while trying to market their services.

R. Genung noted that it may be unlikely that anyone out at midnight or after may not be the target population.

Public hearing closed at 8:35pm.

Findings & Determinations:

1. Signage will be beneficial in letting the community know what services are offered.
2. Specs are very clear in regard to hours and goals.
3. Signage will help meet the needs of letting the community know of expanding services.
4. Traffic may increase.
5. Hours of signage operation are flexible.
6. It is a 2 part sign – the top portion will not be illuminated.

Motion made by K. Kucinski to approve the sign variance request and that the led changeable copy portion will only be illuminated from 6am to 8pm.

Seconded by J. Wright.

Motion Approved: 4 ayes; 0 nays; 1 abstained
Ayes – J. Wright, K. Kucinski, B. Natoli, R. Genung
Abstained: C. Burch, Jr.

V Adjournment:

There being no additional business before the board K. Kucinski made a motion to adjourn at 8:40 pm. Seconded by R. Genung. Ayes All.

