

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
March 27, 2023**

Present: A. Coates, J. Wright, K. Kucinski, M. Hepfer

Absent: D. DuFour,

Staff: A. Donnison, S. Hanrahan, Chief J. Papelino

Also Present: Ald. D. Zieno, Ald. R. Jeffrey

I. Call to Order

Chairperson A. Coates 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. The application for 9 Cortland St has been withdrawn by the applicant.

II. Public Hearing: Artie Piccininni – 33-35 Plymouth St.

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

1. Application from House of Hope & Love dated March 3, 2023.
2. Community Development report dated March 21, 2023
3. Photographs of property
4. Copy of tax map of property
5. Correspondence received in opposition of proposal
6. Correspondence received in support of proposal
7. Email from an offended resident
8. Letter from the applicant about proposal.
9. Copies of Zoning Use Table, Parking Requirements & Open Space Requirements.
10. Notices of a neighborhood meeting
11. 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 this proposal did not require a response from the 239 Review Committee due to its location which is in excess of 500' from a municipal boundary and/or state highway.

A. Piccininni wished to thank all service members for their service. AP stated he has spent 12 years raising and saving money for vets which has helped keep 200 vets off the streets in Harlem and Queens. AP stated he worked for IBEW for the past 32 years as an electrician. He is trying to help vets because it is a shame to see someone with a purple heart that fought for our country struggling to survive. AP noted that he lives in Norwich at this address and will continue to do so or his son will. The vets will be screened, there will not be any drug addicts residing here. AP noted he reached out to a codes employee prior to starting this project and there seemed to have been a misunderstanding when he stated he wanted to renovate the home to be a home for vets, the codes person thought it meant buying and upgrading a home and then giving or selling it cheap whereas what was actually meant was just what the application that has brought everyone here tonight – a home of rooms for a vet so they have some place to call a home.

A. Piccininni stated he reached out to J. Coe with the local veterans' organization and was asked if he could house one from Binghamton and AP stated yes if approved. The guidelines followed for the renovation were VA standards. It is a not a home for 12 veterans – it is a home for 6 veterans. This home could be converted to a two-family residence where more than 6 occupants could reside. AP stated when he went back to see J. Coe, he was rude and disrespectful, put his hand up when he was speaking to him and received no further assistance from Mr. Coe so he then contacted the Syracuse VA office to get additional information he needed from them. AP noted he has even built a motorcycle dedicated to vets.

Pastor Dan Porter wished to address concerns about the potential occupants to alleviate some of the concerns he was hearing about. The occupants would all be screened and are likely currently living in a shelter in other regions of the state since Chenango County does not have a shelter of any kind. There will be strict house rules and a family member will be residing there to make sure the property is maintained and house rules are followed.

K. Kucinski stated that the ZBA hears appeal requests such as a slaughter house to be located in a residential zone which is not an allowed by right use. There are 4 tests that must be answered to approve or deny. K. Kucinski read each test question and asked AP to answer. 1. Can the applicant realize a reasonable return using any other allowed by right use. Pastor D. Porter stated that the house was purchased for \$100,000 and an additional \$70,000 has been invested in it for conversion. The rooms will rent for market value allowed by the Federal Government for vet housing. Pastor D. Porter stated the rents would help them break even on the already spent monies.

K. Kucinski said question 2 asks if the alleged hardship relating to the property is unique. AP stated that the vets would all stay together and would have much in common, the stability this type of housing provides is very important. K. Kucinski noted at this time that a variance stays with a property even after it changes ownership. K. Kucinski inquired if a 2 family dwelling would be able to be used in the manner he desired. AP stated if that's all he can have then he would have to deal with that decision but was not ideal for his plans. A. Donnison noted that the ZBA can put conditions on an approval where the variance would expire at the time of sale. A. Donnison also noted that should AP have purchased a property 2 houses north of what he purchased he would have been able to perform what he is trying to do now with only special permit approval rather than a variance. AP stated there would be no signage on the property indicating its use. AP noted again that there was miscommunication with the codes department, hence part of his hardship is due to the miscommunication. A. Donnison clarified the miscommunication as is stated above.

M. Hepfer asked if there was any funding available the type of project being proposed. Pastor D. Porter stated that they will have fund raising events if needed. AP stated that there is no funding available until the proposal is approved for us. A. Coates asked if they were affiliated with the VA or if they could provide a letter from the VA? Pastor D. Porter stated yes, they could indeed get a letter from the VA indicating their compliance with VA rules. A. Coates asked about background checks. Pastor D. Porter stated there is an application process. A. Coates asked if rooms would be made available to local vets? AP states yes. J. Coe stated that there are no homeless vets in Chenango County. A. Donnison stated that last summer the codes department had a lot of interaction with area homeless and there were definitely at least a couple that were veterans. AP wanted to clarify that this was not just for homeless vets but also for those that are struggling and may be on the edge of losing their home and being homeless. This isn't meant to be permanent lifelong housing as many once they have been given a hand up, they would likely move on to other housing. Counselors will be at the house weekly to speak to any of the vets residing there. AP will be donating a vehicle and time for the transporting of vets to any appointments they may have as most will not have cars, if they did, they would likely be sleeping in them.

M. Hepfer asked why Norwich? AP stated that Norwich seemed like the best place for vets – it is tranquil and a beautiful small city. He has worked with vets for 16 years and has done this same thing in Harlem and Queens with business partners, not on his own such as this endeavor.

Chairwoman A. Coates inquired if there was anyone in the audience who would like to speak.

Ald. R. Jeffrey wished to thank the board for their due diligence at each hearing. It is not easy being a public servant and not many want to do this job.

Ald. D. Zieno read a letter from Ald. F. Gee for the record: This letter is a part of the official record and is attached to the minutes.

Greg Knethel, 34 Plymouth Street, stated that he is retired Navy and read a letter he prepared in opposition of the proposal. Mr. Knethel feels there are other properties zoned for this use and those are the parcels AP should seek out. This letter is a part of the official record and is attached to the minutes.

Seth Darrah, this proposal should be looked at like a business or a multi-family. All veterans are brothers and military personnel are used to living in tight spaces. Military service members come from all over the country and bond. The occupants of this proposed structure would do the same thing and it would give them a chance to become a part of a community. Vets need a place to call home, not just a cot in a gym.

Mark Parker, 32 Plymouth St., R-1 zoned properties are intended for low density occupancies. This proposal if approved will change the character of the neighborhood as well as the assessed values. Grant a use variance is equal to spot zoning. A. Donnison noted that this statement was not accurate, however if it was only his opinion then an explanation of spot zoning is not necessary.

Ed VanBeers, noted that R-1 zones are primarily for single and 2 family residences and asked if this proposal is passed couldn't there be conditions attached to make some in the neighborhood more accepting of the plan to assist vets? A. Coates said yes. E. VanBeers asked if a sunset restriction could be placed on the property if granted? A. Donnison stated yes. E. VanBeers asked if it could be made temporary to see how it worked out? A. Coates stated no.

S. Darrah stated that since parking seems to be one of the concerns there is public parking nearby – Kurt Beyer Park. Can a time limit be imposed say like 2 years and see how the program is going, if the neighbors still don't want vets there or not.

James Lentini, the statement by AP that an employee of the codes department gave him inaccurate information and this can't be verified as that employee is not present should be disregarded at this time. J. Lentini stated we know nothing about these people, are they of good faith? Do they have drug or alcohol addictions? J. Lentini suggested this meeting be canceled until D. Smith can be present.

Chris Sprague stated that Kurt Beyer Park is closed from dusk to dawn therefore the parking there could not be used. S. Darrah responded that he has seen many vehicles as well as tractor trailers parked there overnight and has never heard of one being ticketed for parking there overnight.

R. Hargrave, 27 Plymouth St., read a letter that she prepared in opposition of the proposal. This letter is a part of the official record and is attached to the minutes. Upon receipt of the letter A. Donnison noted that there are several incorrect statements: Proposal is not a 10-unit structure, it is a 6. There is parking available on the property that is not viewable from the street. Open space requirements do not require each unit to be 3,300 square feet – you will be hard pressed to find hardly any apartments that size in the area. With 10 people occupying the space what happens when something goes wrong? No indication as to what may go wrong specifically and how it compared to any other multi family or rooming house. It is also in the letter that park goers will be impacted – no statement as to how or why.

Tom Seary, 72 Pleasant St., corner of Canasawacta and Pleasant Street and has lived there for approximately 50 years and is opposed to the proposal. The decision was made to buy the house he is in to live in a residential neighborhood not in a business district. There have already been several homes converted to apartments as well as businesses in the area.

Dave Laughlin noted that these vets fought for our country and deserve a room that is bigger than 70 square feet.

I. Ortiz, owner of 21 Plymouth St., read a prepared letter and stated that he feels all veterans should receive proper medical care and housing from the government they served. I. Ortiz is opposed to the proposal. This letter shall be included in the official record of the minutes.

Lynn Parker read a prepared letter and stated that she is not opposed to veterans living in the neighborhood but does believe that this proposal would adversely affect assessed values and does oppose this proposal. A. Donnison stated she contacted the city assessor and laid out the proposal and the assessor stated no, the assessed values on properties in the neighborhood would not change due to this proposal. A. Donnison noted that in the letter it states there will be 8 to 10 occupants, there will be 6. This letter shall be a part of the official record and be attached to the minutes.

A. Coates asked those present to please be orderly and civil. If they wished to take their conversations outside so that others could hear what is being said as well as board members so they could make an informed decision then please do so.

J. Coe stated that many vets do suffer from depression, PTSD are sex offenders etc. He has worked to bring 3M into the community for vets. J. Coe stated that he can count on one hand the number of homeless vets in the area. Chenango County has approximately 3,600 vets residing in it now. J. Coe commends AP for his plan and desire to help but believes in this case the cart may have gotten before the horse which is why there is this hearing today.

Sally Follet, 93 Canasawacta St., stated Ald. F. Gee told her about a week ago of the proposal and feels property owner may not have been given accurate information. Is opposed to the proposal before the board this evening.

Kim Small stated she is opposed to the proposal.

K. Kucinski asked if there was a way to have the VA more involved with the applicants that would reside there? S. Darrah noted that since there is a couple dozen opposed to the proposal why don't they all chip in and buy a property that is properly zoned – such as the one two doors up from this house which would still be in the neighborhood.

Alison Wiede-Brown, 1 Hillview Drive, supports the proposal, stated the average citizen likely doesn't understand how hard it is for a vet to ask for help. Stated she is the widow of a service veteran and believes the applicant picked the area because it is pretty and would be a relaxing area for the to reside.

Chairman A. Coates asked if anyone present had any further questions or comments. There were none and the public hearing was closed at 8:55 pm.

Findings & Determinations for House of Hope & Love – 32-34 Plymouth St.

- Applicant wishes to use the property as a rooming house which is not allowed in a R-1 zone by right.
- This proposal has received both opposition and support.
- Applicant states the occupants will be screened – something that is not always done if this structure was to be used a regular 2 family home.
- This proposal is for 6 rooms – not 8 or 10.
- Improvements have been made to the building to make it meet the room size requirements for a single occupant.
- This property would not be removed from the tax rolls.
- This proposal would not affect neighborhood tax assessments.
- Surrounding neighborhood is primarily residential with exception of the building 2 doors north of this address which would allow a rooming house by right.
- Applicant never had plans to use the house as a single-family residence.
- Applicant has stated he spoke with a codes employee that is not present this evening and that he thought he was ok to move forward and then only later finds out there was a miscommunication.
- Multiple letters received in opposition.
- Copy of a neighborhood meeting where Ald. F. Gee was guest speaker about the proposal.
- Letter of support and verbal support received.

- Not adequate off-street parking available for multiple units.
- There is adequate parking for 2 units.
- A property manager would live on site to perform maintenance and oversee day to day operations.
- This is not strictly for homeless veterans but also for those struggling to hang onto their homes.
- No exterior modifications will be made to the structure.
- The owner did perform work at the residence without a permit.
- The owner did use licensed contractors where applicable.
- All letters and emails received in support and opposition are an official part of this record.
- No Chenango County 239 Review Committee review required due to the distance of this property from the municipal boundary.
- The applicant states he cannot realize a reasonable return due to the investment already made. No other avenues allowed by right have yet been investigated and no financial documents were provided.
- The alleged hardship relating to the property is not unique. Other homes in the area are smaller and have sold at a higher price.
- The requested use variance will alter the essential character of the neighborhood.
- The alleged hardship has been self-created.

Discussion:

M. Hepfer wished to note that even if the physical sight of the house is unchanged the lifestyle in the neighborhood would be changed. People tend to purchase homes in a R-1 zone for its smaller residential status.

K. Kucinski states codes are very clear and does not believe owner was given incorrect information nor was there a miscommunication. Also reminds fellow members that all 4 tests must be met to approve. K. Kucinski noted that he is obligated to vote no based on the findings for this proposal.

J. Wright states that the requirements for approval clearly are not met. A. Coates said there would be hardly any greenspace left of the back yard if used for parking. K. Kucinski noted that sunset is not a time restriction.

A. Coates said the idea is a very good one but the location and the criteria to be met for this location is simply not met. K. Kucinski said that this case illustrates the importance of working closely with code department. A. Coates stated the applicant may reapply but cautioned that the same 4 tests must still be applied and met.

Motion made by K. Kucinski to approve the requested use variance request as proposed. J. Wright seconded the motion.

Motion for approval denied: 1 ayes; 3 nays.

Nayes – A. Coates, K. Kucinski, M. Hepfer

Ayes – J. Wright

Motion made by K. Kucinski to approve the use as no more than a 2 family dwelling. J. Wright seconded the motion.

Motion for approval: 4 ayes; 0 nays.

Ayes – A. Coates, K. Kucinski, M. Hepfer. J. Wright

V Adjournment:

There being no further discussion, the meeting was adjourned at 9:20pm on a motion made by M. Hepfer. Seconded by K. Kucinski. Ayes All. Carried.