

COMMON COUNCIL

Special Meeting

June 5, 2012

Ald. Terry Bresina presided at a special meeting of the Common Council held on June 5, 2012, in the Common Council Chambers at One Court Plaza.

Present:

Ald. Robert Carey
Ald. Terry Bresina
Ald. Walter Schermerhorn
Ald. Thomas LoPiccolo

Also:

Director of Finance/City Clerk William Roberts
Deputy City Clerk Brian Drake
Community Development Specialist Todd Dreyer
Shawn Magrath, Media Representative

Absent:

Mayor Joseph Maiurano
Ald. John Deierlein
Ald. Paul Laughlin
Supervisor James McNeil
Supervisor Robert Jeffrey

Call to Order

The meeting of the Common Council was called to order by Ald. Bresina at 7:05 p.m.

Presentation

Sue Kimmel and Pete Wilson of 2 Plus 4 Construction and Barry Cummings of Chenango ARC presented their plans regarding the Norwich Family Housing Development. Ms. Kimmel reviewed plans for acquiring properties on State Street, demolition of buildings currently on those properties, and construction of a two-storey building for housing, a one-storey building for senior residents, a community building, and new row houses. There will be 34 units in total. Ms. Kimmel stressed that this project will provide affordable housing, not low-income housing, to working residents and retirees. She noted that a similar project in Auburn provided affordable housing for teaching assistants, nursing assistants, and police officers. The project team will apply for State grants; the State is conducting a "lightning round" in December, and if its application is successful, the project could begin demolition as early as April 2013. Ald. Carey and Ald. Schermerhorn stated that the project is good for the neighborhood and good for the City. Ms. Kimmel noted that this will be a deed-restricted property, so even if the management company sells the property at a future date, the restrictions of use on the property will continue. The Council thanked the visitors for their presentation.

Motions

Receive Proposed Ordinance No. (C) of 2012 Amending Zoning Ordinance and Set Public Hearing

Ald. Schermerhorn **moved** to receive Proposed Ordinance No. (C) of 2012 Amending the Zoning Ordinance and set a public hearing for 7:00 p.m. on June 19, 2012. Seconded by Ald. Carey and duly adopted ayes all.

PROPOSED ORDINANCE NO. (C) OF 2012

AN ORDINANCE TO AMEND ATTACHMENT 2 OF THE ZONING ORDINANCE OF THE CITY OF NORWICH

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that Attachment 2, "Open Space Requirements," of Chapter 575 of the Code of the City of Norwich be amended by the addition of the following note after the Open Space Requirements Table:

NOTE: Street setbacks, lot line setbacks, and maximum % lot cover does not apply to harmless encroachments such as eaves, overhangs, handicapped ramps, and open patios.

New material is underlined.

Receive Proposed Ordinance No. (D) of 2012 Amending Zoning Map and Set Public Hearing

Ald. LoPiccolo **moved** to receive Proposed Ordinance No. (D) of 2012 Amending the Zoning Map and set a public hearing for 7:00 p.m. on June 19, 2012. Seconded by Ald. Schermerhorn and duly adopted ayes all.

PROPOSED ORDINANCE NO. (D)
OF 2012

AN ORDINANCE TO AMEND THE ZONING ORDINANCE MAP
OF THE CITY OF NORWICH

BE IT ORDAINED by the Common Council of the City of Norwich, New York, as follows:

Section 1. The City of Norwich Zoning Ordinance Map is hereby amended to reclassify the following properties known as 19 Mitchell Street (Tax Map # 136.41-1-22), 21-23 Mitchell Street (Tax Map # 136.41-1-21), 25 Mitchell Street (Tax Map # 136.41-1-20), 27 Mitchell Street (Tax Map # 136.41-1-19), 29 Mitchell Street (Tax Map # 136.41-1-18), 31 Mitchell Street (Tax Map # 136.41-1-17), 33 Mitchell Street (Tax Map # 136.41-1-16), 1 State Street (Tax Map # 136.41-1-15), 1A State Street (Tax Map # 136.41-1-14), 3 State Street (Tax Map # 136.41-1-13), 5 State Street (Tax Map # 136.41-1-12), 5A State Street (Tax Map # 136.41-1-11), 7 State Street (Tax Map # 136.41-1-10), 7A State Street (Tax Map # 136.41-1-9), 9 State Street (Tax Map # 136.41-1-8), 11-15 State Street (Tax Map # 136.41-1-7) from IND to R-2 zone.

Section 2. This ordinance shall take effect immediately.

Resolutions

RESOLUTION #41-2012

**AUTHORIZING SEQRA CIRCULATION CONCERNING PROPOSED
REZONING OF PORTIONS OF MITCHELL AND STATE STREETS
FROM IN TO R-2**

Ald. Carey introduced the following and **moved** its adoption:

WHEREAS, the City of Norwich Common Council desires to rezone portions of Mitchell and State Streets from IN (Industrial) to R-2 (Single-Family to Multi-Residential) and to revise the Zoning Map accordingly; and

WHEREAS, the proposed rezoning is expected to better address the existing residential character of the neighborhood and provide for desirable residential development in the future; and

WHEREAS, the area to be rezoned is approximately 4.18 acres and is not adjacent to or substantially contiguous to properties listed on the national and/or state registers of historic places; and

WHEREAS, the proposed action is considered subject to the regulations of 6NYCRR Part 617, the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the proposed action is preliminarily classified as an Unlisted action, as it involves the rezoning of less than twenty-five acres; and

WHEREAS, the rezoning proposal involves a referral to the Chenango County Planning Board in accordance with Section 239-m of the General Municipal Law; and

WHEREAS, by letter dated June 1, 2012, potentially involved agencies (Chenango County Planning Board) were contacted concerning the Common Council's anticipated desire to serve as the lead agency for the environmental review of the rezoning proposal; now, therefore be it

RESOLVED, that the City of Norwich Common Council hereby determines that the above-described action is subject to the regulations of the State Environmental Quality Review Act (SEQRA); and further be it

RESOLVED, that the Common Council hereby expresses its desire to serve as the lead agency for the environmental review of the above-described action; and, further be it

RESOLVED, a coordinated review of the proposed action will be conducted with other potentially involved agencies (the Chenango County Planning Board); and, further be it

RESOLVED, that the Common Council hereby authorizes the circulation of the Short Form (EAF) and other related documents to other potentially involved agencies (the Chenango County Planning Board) to allow their comment and opportunity to consent or object to the Common Council's designation as lead agency.

Seconded by Ald. Schermerhorn and duly adopted ayes all.

RESOLUTION #42-2012

AUTHORIZING SEQRA CIRCULATION CONCERNING NORWICH FAMILY HOUSING PROJECT

Ald. Carey introduced the following and **moved** its adoption:

WHEREAS, the City of Norwich has received a proposal from Chenango County ARC requesting to enter into a purchase option for the acquisition of City-owned properties at 5, 5A, and 7 State Street; and

WHEREAS, Chenango County ARC is participating with Lakewood Development, LLC and other entities in preparing a proposal and related applications for a multi-family residential development project, known as Norwich Family Housing, to be located at 5, 5A, 7, 7A, and 11-15 State Street and 19 Mitchell Street; and

WHEREAS, the City of Norwich Common Council is currently considering the rezoning of portions of Mitchell and State Streets from IN (Industrial) to R-2 (Single-Family to Multi-Residential), which include the above-referenced project properties; and

WHEREAS, the proposed action is expected to involve permitting and funding from other state and local government agencies; and

WHEREAS, the area of the proposed residential development site, measuring approximately 2.20 acres, is not adjacent to or substantially contiguous to properties listed on the national and/or state registers of historic places; and

WHEREAS, the proposed action is considered subject to the regulations of 6NYCRR Part 617, the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the proposed action is preliminarily classified as an Unlisted action, as it does not exceed any threshold for a Type 1 action but will involve the sale of City-owned land; and

WHEREAS, by letter dated June 4, 2012, potentially involved agencies (Chenango County Planning Board, City of Norwich Code Enforcement Officer, City of Norwich ZBA, Empire State Development Corp., and NYS Homes and Community Renewal) were contacted concerning the Common Council's anticipated desire to serve as the lead agency for the environmental review of the proposed action; now, therefore be it

RESOLVED, that the City of Norwich Common Council hereby determines that the above-described action is subject to the regulations of the State Environmental Quality Review Act (SEQRA); and further be it

RESOLVED, that the Common Council hereby expresses its desire to serve as the lead agency for the environmental review of the above-described action; and further be it

RESOLVED, a coordinated review of the proposed action will be conducted with other potentially involved agencies; and further be it

RESOLVED, that the Common Council hereby authorizes the circulation of the Short Form (EAF) and other related documents to other potentially involved agencies to allow their comment and opportunity to consent or object to the Common Council's designation as lead agency.

Seconded by Ald. Schermerhorn and duly adopted ayes all.

RESOLUTION #43-2012

AUTHORIZING SEQRA CIRCULATION CONCERNING CFA AND SOUTHERN TIER REGION COMMUNITY REVITALIZATION PROGRAM FUNDING FOR DOWNTOWN REHABILITATION PROJECTS AT 42, 44-46 NORTH BROAD STREET

Ald. Carey introduced the following and **moved** its adoption:

WHEREAS, the City of Norwich intends to apply for funding assistance through the current rounds of the Consolidated Funding Application (CFA) process and the Southern Tier Region Community Revitalization Program to assist with the rehabilitation of buildings in the city's downtown, some portion of which is planned for the rehabilitation of the buildings at 42, 44-46 North Broad Street; and

WHEREAS, the City of Norwich is participating with downtown property owners whose properties are in need of repair or rehabilitation and may be eligible for funding assistance through the above-mentioned funding sources; and

WHEREAS, the proposed action is subject to the regulations of 6NYCRR Part 617, the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the proposed action is expected to involve permitting and funding from other state and local government agencies; and

WHEREAS, the project area is coterminous with the BID District, which contains properties within the Broad Street – Main Street Historic District (aka Chenango County Courthouse District) including the property at 42, 44-46 North Broad Street; and

WHEREAS, the proposed action is preliminarily classified as a Type 1 action because of the involvement of the above-mentioned historic district listed in the national and state historic registries; and

WHEREAS, by letter dated June 4, 2012, potentially involved agencies (Chenango County Planning Board, City of Norwich Code Enforcement Officer, Empire State Development Corp., and NYS Homes and Community Renewal, NYS Historic Preservation Office) were contacted concerning the Common Council's anticipated desire to serve as the lead agency for the environmental review of the proposed action; now, therefore be it

RESOLVED, that the City of Norwich Common Council hereby determines that the above-described action is subject to the regulations of the State Environmental Quality Review Act (SEQRA); and further be it

RESOLVED, that the Common Council hereby expresses its desire to serve as the lead agency for the environmental review of the above-described action; and further be it

RESOLVED, a coordinated review of the proposed action will be conducted with other potentially involved agencies; and further be it

RESOLVED, that the Common Council hereby authorizes the circulation of the Long Form (EAF) and other related documents to other potentially involved agencies to allow their comment and opportunity to consent or object to the Common Council's designation as lead agency.

Seconded by Ald. LoPiccolo and duly adopted ayes all.

Executive Session

Ald. Carey **moved** to enter executive session at 7:20 p.m. to discuss the sale of property where price may be affected. Seconded by Ald. LoPiccolo, approved ayes all.

Ald. Carey **moved** to exit executive session at 7:41 p.m. Seconded by Ald. Schermerhorn, approved ayes all.

Resolutions

RESOLUTION #44-2012

DESIGNATING "PREFERRED PURCHASER" OF CITY-OWNED PROPERTY AT 163 EAST MAIN STREET AND 22 BARNES STREET

Ald. Carey introduced the following and **moved** its adoption:

WHEREAS, the City of Norwich acquired ownership of the real property at 163 East Main Street and 22 Barnes Street through a tax foreclosure; and

WHEREAS, the City of Norwich Common Council desires to see the subject property rehabilitated and put to a beneficial residential use; and

WHEREAS, the Common Council hereby determines that the subject property is surplus and has no benefit in continued City ownership; and

WHEREAS, the City conducted a Request for Proposals (RFP) process seeking proposals for the purchase and rehabilitation of the subject property; and

WHEREAS, one or more proposals were received and considered by the Common Council; and

WHEREAS, the Common Council believes that the proposal submitted by Allen Lindenthaler, residing at 416 Inman Road, Norwich, NY, is preferred, based on the purchase amount offered and the proposed use of the building; and

WHEREAS, the disposition of the subject property to a private party is appropriately classified as an Unlisted action according to the requirements of the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, an uncoordinated environmental review was conducted, and a Determination of Non-Significance (Negative Declaration) was issued; now, therefore be it

RESOLVED, that the Common Council hereby designates Allen Lindenthaler as the “preferred purchaser” of the City-owned property at 163 East Main Street and 22 Barnes Street for the purpose of reestablishing residential use of the subject property; and be it further

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to negotiate and enter into a contract for the sale of the City-owned property at 163 East Main Street and 22 Barnes Street to Allen Lindenthaler for its residential redevelopment.

Seconded by Ald. Schermerhorn and duly adopted, 4-0, on a roll call vote.

RESOLUTION #45-2012 **DESIGNATING “PREFERRED PURCHASER” OF CITY-OWNED PROPERTY AT 108 NORTH BROAD STREET**

Ald. LoPiccolo introduced the following and **moved** its adoption:

WHEREAS, the City of Norwich acquired ownership of the real property at 108 North Broad Street through a tax foreclosure; and

WHEREAS, the City of Norwich Common Council desires to see the subject property rehabilitated and put to a beneficial residential use; and

WHEREAS, the Common Council hereby determines that the subject property is surplus and has no benefit in continued City ownership; and

WHEREAS, the City conducted a Request for Proposals (RFP) process seeking proposals for the purchase and rehabilitation of the subject property; and

WHEREAS, one or more proposals were received and considered by the Common Council; and

WHEREAS, the Common Council believes that the proposal submitted by Sharon Pelosi and Scott Sutton, residing at 141 North Broad Street, is preferred, based on the purchase amount offered and the proposed use of the building; and

WHEREAS, the disposition of the subject property to a private party is appropriately classified as an Unlisted action according to the requirements of the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, an uncoordinated environmental review was conducted, and a Determination of Non-Significance (Negative Declaration) was issued; now, therefore be it

RESOLVED, that the Common Council hereby designates Sharon Pelosi and Scott Sutton as the “preferred purchaser” of the City-owned property at 108 North Broad Street for the purpose of reestablishing residential use of the subject property; and be it further

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to negotiate and enter into a contract for the sale of the City-owned property at 108 North Broad Street to Sharon Pelosi and Scott Sutton for its residential redevelopment.

Seconded by Ald. Schermerhorn and duly adopted, 4-0, on a roll call vote.

Motion

Ald. Carey **moved** to reject all proposals received for 17.5 King Street. Seconded by Ald. Schermerhorn, approved ayes all.

Adjournment

Ald. LoPiccolo **moved** to adjourn at 7:45 p.m. Seconded by Ald. Carey, accepted ayes all.