

CITY OF PORT JERVIS, NEW YORK

ZONING BOARD



Oct. 3, 2017
7:00pm
Minutes

Public Hearing(s): 1.) 92 Front Street, Soloway, SBL: 13-13-17

Applicant submitted the Notice for Public Hearing to the TH-Record, completed mailings and provided receipts & copies.

John Soloway, owner & John Fuller, project architect request a use variance for 2nd floor space previously approved to be office/break room space by approved as a 2nd apartment at 92 Front St.

Millie's Pooch Parlor is located on the 1st floor in the retail space (originally intended to be a pawn shop on the 1st floor with the upstairs area being referenced as the office/break space used as owner/tenant apartment).

The Pawn Shop idea was scraped & rented to Millie's and the 2nd floor apartment that was approved has been rented. The leftover space is now not being utilized and would now be best served for rent as an apartment.

The 2nd floor is approx. 1800 sq. ft. split between the 2 spaces. Checking with the preexisting history the property owner would like to explore financial options for the empty space. With it empty the financial hardship continues into the 3rd year, 2 ½ of which the building stood empty suffering loses. With approval of the 2nd area being an apartment, it would be rented (as there is already a list of potential tenants) lessening the burden.

The questions to be answered to allow the use variance are: 1. A reasonable return on the property cannot be realized. 2. Must show hardship. 3. Requests for use will not have a negative impact on the neighborhood. 4. Must show the 4 Steps of Proof to Obtain the Variance.

1. The owner produced tax returns for the past 2 years showing zero income with a loss of \$50,000.
2. Expenses for the month run as: P&L \$950, \$200 gas, \$200 insurance, landscape & snow removal \$450, mortgage \$1,200, rent for parking, repair and maintenance on sprinkler system, 2 lines to be linked to ISP provider for sprinkler connection, city, county, school taxes, water & sewer bills have pushed the monthly expenses to a negative \$1,500
3. Hardship-the whole neighborhood is commercial (on both sides of the building). No negative effects would alter the neighborhood and has enhanced the neighborhood with the upgrades to the physical & structural building and would not change. The building shares a wall w/ neighboring building. Parking will be across the street next to Fort Knox. The building is unique & much more like the CBD (only a short distance away) rather than renting to a business on the 2nd floor.
4. Alleged hardship-former business partner & business plan for pawn shop didn't work out and had to switch to an alternate plan.

Sole purpose is to request variance for the office/break space to be a 2nd apartment.

Mr. Fink asked if the owner can realize there is no other practical use of the space, it can't be rented to a business effectively. The property is also listed with and has been listed with several agents (Melois, OW, & on loopnet") with zero return or even inquires. Repeated that there is a list of 4-5 potential renters for living space. Donn Copa commented that the noise from the animal groomers can be very noisy during business hours and potentially disruptive to an upstairs business tenant with the same hours. Tim Simmons questioned that a residence would provide a return on the property? Dan Aumick also stated that one side (the rear) is directly next to a residence. The 2 apartments are 1-900 sq ft and the 2-700 sq ft. and very similar in layout. Lisa Randazzo also commented that the building looks great from the front and also the back that butts up to a residential property. Owner also stated 2nd story business areas at this time are at a surplus all around town. He also added that having renters upstairs nights and weekends will lower the vandalism and destruction to the area as the tenants also keep and added watch on things. Already having one person in has made a significant difference to the property and immediately near it.

Motion to close Public Hearing:D. Copa

Mr. Fink interjected and stated the board should like to hear more on #4.

Motion to hold the NPH over to next meeting: H.Barth, 2nd: D.Aumick, approved. Public hearing shall remain open for review at Special ZBA Meeting on Tuesday, 10/17 at 6:00pm.

2.) 12 North Maple Ave., J.Seperac SBL: 20-1-1.2

Area Variance to convert a 2 family dwelling to a 4 family dwelling.

The building is 12,320 sq ft. Owner hopes to relocate 2 current long time tenants from condemned building next door to 2 of the newer smaller apartments if approved. 2 of the present dining rooms would be converted to kitchens splitting 2 apts. (1,800 sq ft now) to 4 apts of equal size(approx 900 sq ft each).

Must show the 4 Steps of Proof to Obtain the Variance.

1. Is it undesirable to the neighborhood? No change will come of the existing footprint. It is presently a multi-family dwelling and will remain a multi family dwelling.
2. 2011 until now the owner has been waiting for the Tri State Bridge project to commence, has had maps drawn and checks written. No other property is available. Easement is for 2 years but would get back approx. 90% of the eminent property once the project is final and complete.
3. Environmental impact- None a dumpster will be added and less people will actually be living in the building.
4. Self-Created-No. Due to the bridge project and losing his 2nd property, the owner risks losing 2 very good and long term tenants. These tenants are also fully aware of all the construction that will be taking place and will tolerate the site during construction of the bridge.

It was suggested that the owner compare other multi family dwellings, maps and sizes.

Public Comment: S.Siegel read a letter from G&J DuBois, in opposition of going from 2 to 4 unit building.

Major concerns were parking and yard for children to play.

Motion to hold the NPH over to next meeting: D.Aumick, 2nd: H.Barth, approved. Public hearing shall remain open for review at Special ZBA Meeting on Tuesday, 10/17 at 6:00pm.

I. Call Meeting to Order: 8:05 pm, Time Simmons, ZBA Chair

Present: Mike Roberts, Donn Copa, Hermann Barth, Dan Aumick, Tom Sexton, Robert Fink, Esq., Dave Rivera-Building Official, Tom Vicchiariello, PB Chair, Absent: Earl Miller

II. Approval of Sept. 5, 2017 minutes: Motion: H.Barth; 2nd: D.Copa, Abstain: M.Roberts, T.Sexton; Approved

III. Public Comment (3 minute limit): None

IV. Discussion of Public Hearing(s):

V. Pre Submission(s):

VI. Old Business: None

VII. New Business: None

VIII. Planning Board Report: Applications approved for KJB-Dr. Little, Send letter to Rock Solid to revoke conditional use & remove bin behind PJ/Muller's Diner, pre-submissions for Flourish B&S at 26 Front St. & public hearing on 10/17, Hope Yoga at 21 Front St. public hearing approved on 10/3 (special meeting), 4 Bros. 50 Fowler St. public hearing on 10/17.

Public hearing fees--application fees to be raised \$100 at code committee meeting tomorrow night at 7 pm. Also add accessors fees of \$25 to be included.

IX. Code Enforcement Report: DR reported: 15 Seward Ave is done and has been backfilled, seeds and air tested to be found of lower (better than) than what is the standard. Glass St abatement is now complete. 24-32 Front is now in the weekly inspection phase. Fox & Hare received their conditional % and in compliance and continues to move forward.

A part-time building dept. Worker has begun and a 2nd will beginning shortly. They will be helping in many aspects and the Dept has also been seeking judicial support and backing to help enforcements.

All #'s are way up. BonSecours is waiting to start working with the engineers actively and have been showing a positive climate.

X. Council Liaison Report: LR projected--the Tri State Bridge project is not going out to bid. This delay is due to a NYS holdup. O&R is working on gas lines and sidewalks. The Code Commission will meet Wed. 10/4 at 7pm. Fees are on the agenda along with parking tickets, & habitual offenders.

Amend motion to hold Special ZBA meeting on 10/17 from 6:30 to 6:00 and invited both N.Maple Ave./Seperac & 92 Front St/Soloway: H.Barth, 2nd: D.Copa, approved.

XI. Adjournment: 8:35pm Motion: T.Sexton; 2nd: M.Roberts; Approved

The next meeting is SPECIALLY scheduled for 7:00 pm on Oct. 17, 2017

Respectfully submitted by: J.Schiolds