

CITY OF OSWEGO

PLANNING BOARD

March 2, 2021

MEMBERS PRESENT: Cory Moshier, Jeffrey Hinderliter, James Scanlon, Daniel Breitweg, and Chairman Freeman.

MEMBERS ABSENT: Brit Hallenbeck and Kim McPherson.

Chairman Freeman called the meeting to order at 6:30 p.m., Tuesday March 2, 2021. Roll call was duly noted.

A motion to approve the minutes of the February 2021 meeting was made by Jeffrey Hinderliter and seconded by James Scanlon; minutes unanimously approved.

Chairman Freeman made a motion that all actions taken tonight are excluded, exempt or Type II actions for the purpose of the State Environmental Quality Review Law unless otherwise stated. Motion seconded by Jeffrey Hinderliter, unanimous approval.

NEW BUSINESS:

1. Lead Agency's Review of Full Environmental Assessment Form and Determination of Significance – 300 & 400 Kocher Road & 1050 Rear East Seneca Street, Case 20-131; to allow for construction of a ground mounted solar facility.

DISCUSSION: Mr. Caraccioli said the Board has already declared itself the lead agency and notices have gone out to the various involved agencies. He said they heard back from the DEC on at least two occasions. He said tonight they are prepared to review Part II of the Environmental Assessment Form and possibly Part III. John Switzer from Summit was present for the discussion. He said lead agency was declared in September or October of 2020. He said in early January they had a public hearing and there were no comments from the community. He said they are here to talk about storm water management practices. He said anything over 10 degree slope, they will be grading. He said it will be about 9 1/2 acres of grading and clearing. He said anything between five and 10 degree slope, they will be creating diversion ditches of stone. He said they still have the DEC jurisdictional determination. He said at the January meeting it was determined that they would condition the site plan approval on the ultimate determination. He said they are still in agreement with that. He said they got another note from the DEC regarding this. He said they requested them to go to the US Army Corps of Engineers. He said he did respond immediately to say they are not going to be going over any wetlands at all here so there won't be a need for a permit. He said he is waiting for an email from them confirming that. Jeffrey Hinderliter said the DEC had provided guidance in the state of Maryland dealing with storm water. He said when you have a panel, it increases runoff and increases the velocity of the runoff. He said even though the lay of the land may still be considered grass, the rain hitting that panel comes off and can speed up. He said they recommend any grades between five and 10% have these rock veins that are installed along the slope and are meant to be parallel with the contours. He said the idea is that as water is running across the ground it forces it to slow down and gives it a chance to infiltrate. He said at his request and to their credit they went back and reviewed the site plan and identified all areas where that was occurring and also revised their drawings to include the detail showing that. He said that alleviates for him the runoff concerns. He said in light of the Environmental Assessment Form, some of the items that are pertinent to note are the impacts on flooding. He said there's a portion of this that has been developed in a 100 year floodplain. He said the floodplain doesn't have a designed base flood elevation. He said it has been identified but it hasn't been analyzed. He said anecdotally the actual flooding that would occur there would be minor and the actual part of the structure that would be in the floodplain is small. He said he thinks the impact to the floodplain would be minor. He said they will be required to get a floodplain permit and go through that process if they should get Planning Board approval. He said the other item would be the impact on agricultural plan. He said it should be noted that 25 acres is being removed from being agricultural. He said it still leaves 40-some acres that could be agricultural. He said these panels are removable and could be restored to agricultural use in the future. Mr. Caraccioli said this company is a contract occupant of the land by way of a lease. He said Mr. Krul was at the meeting and did not oppose this and has signed off on the application. Mr. Switzer said pursuant to their insurance requirements they have to build two

to three feet above base flood elevation. He said he would imagine that would be included in the floodplain permit as well. Mr. Caraccioli said they have done a staff review of Part II of the full Environmental Assessment Form. He said there were some impacts noted. He said there was an impact on land because this will involve construction on a proposed site. He said it is questionable whether it is a physical alteration because of the nature of the solar arrays. He said they weren't able to identify anything that was beyond a no or small impact. He said an impact on surface water is noted but nothing that would trigger a moderate to large impact. He said based on Jeffrey Hinderliter's comments it would be a small impact that can be overcome and noted in the floodplain permit. He said there was an impact on agricultural resources. He said based on the removable nature of the structures this could be returned to agricultural land if the landowner desired. He said other than that there weren't any other impacts noted by staff with respect to this property. He said unless there is a question on any of these impacts it would be his recommendation that they move on to Part III and the determination of significance. Jeffrey Hinderliter said he concurs. Mr. Caraccioli said on the first page of Part III you have to determine reasons supporting the determination you make. He said the staff is recommending that a negative declaration be issued. He said the reasons for that are that comments were considered by the New York State Parks and Historic Preservation, DEC, and the County of Oswego concerning the siting of a 5 MW ground mounted solar facility located near adjacent wetlands. He said data supports that the solar arrays are to be constructed outside the wetland delineation as verified by the DEC. He said no energy storage system is to be constructed or allowed by the site plan. He said a County highway permit will be required if there is going to be access off of County Route 63 and he believes that is what the plan does show. He said the County 239 Review comments are to be incorporated into the final site plan and he believes have been incorporated within the plan itself. He said yesterday they got a follow-up letter from the DEC concluding they need to have a jurisdictional determination with respect to wetlands. He said that can't happen until the snow melts. He said they like to see it in the wet season and right now it is the frozen season. He said a decommissioning plan will be required through the use of a surety bond or other acceptable collateral. He said those were the reasons for a determination of a negative declaration. He said unless there are questions about that, there is a need for a motion to be offered declaring this project would not have a negative impact on the environment and therefore a negative declaration be issued.

DECISION: James Scanlon made a motion for a negative declaration. Motion seconded by Daniel Breitweg, unanimous approval.

2. Site Plan Review & Approval – 300 & 400 Kocher Road & 1050 Rear East Seneca Street, Case 20-126; to allow for construction of a ground mounted solar facility.

DISCUSSION: Mr. Caraccioli said on January 5th the action largely taken by this Board was no energy storage system would be allowed, decommissioning plan, DEC comments being addressed, the 239 Review requirements incorporated into the final approval, and highway permit. Mr. Switzer said he thinks the resolution should speak to site plan approval and special permit. He said the bylaws speak of a special permit. Jeff McGann said it doesn't require a special permit.

DECISION: Chairman Freeman made a motion for site plan approval. Motion seconded by Cory Moshier, unanimous approval.

3. Site Plan Review & Approval – 33 East Ninth Street, Case 21-17; to allow for a group residence, Section 280-35 thru 280-37.

DISCUSSION: Wade Smith was present for the discussion. He said Bridge to Hope is a DBA under Grace and Glory. He said Grace and Glory is a not for profit that exists outside of the city. He said he was a pastor at the Oswego Alliance Church for 15 years and resigned from that position two years ago. He said the reason he resigned from that position is he began to see the need in the community. He said there are a number of different things that lead to that. He said he has seen poverty in other nations and volunteered at the Syracuse Rescue Mission for a period of time and he began seeing the need in our own community. He said as he saw that need he began to ask how he can be a part of the answer. He said about six years ago Bridge to Hope purchased its first house on Seventh Street right across from the emergency room. He said the mission for Bridge to Hope is to provide hope to the individuals in Oswego County by providing safe, transitional housing for homeless and housing vulnerable individuals and families and equip them with the tools needed to maintain a healthy lifestyle. He said their goals are to provide housing for individuals and families in order to break the cycle of poverty. He said housing will be from 6 months up to a year to accomplish these goals. Second, assist individuals and families in partnering with existing organizations such as Victory Transformation, Arise, DSS, etc. Assist individuals and families to find jobs and receive training in life skills in order to become independent and off of social assistance. Assist individuals and families to transition into permanent housing that will allow them to sustain a healthy lifestyle. Address the physical, mental, and spiritual needs of the individuals and families through counseling and mentoring. He said right now they have three houses and the men that are in those houses are struggling with addictions or are homeless. He said many come from prison or such places. He said they provide oversight and mentoring. He said they provide oversight in terms of someone staying in the house that oversees that particular house. He said he is in and out of those houses if not on a daily basis at least every other day to help these men continue to set goals and move forward to become a healthy part of society. He said they named it Bridge to Hope for a very specific purpose. He said it is to provide them hope. He said they have burned bridges with a lot of different people and family members. He said the spiritual side is a part of it in providing them hope not only for here but for eternity as well. He said this is giving them a second chance. He said they pay rent through DSS, SSI, or SSDI. He said as soon as they get working they start to pay rent and they help them transition to whatever the next step is to help them become a better part to influence not only themselves but also society. He said they are not a rehab or detox but they are there to help individuals that want to get their lives back on track. Chairman Freeman said there are currently 12 men in the program. He asked how many men will be in the houses on East 9th Street. Mr. Smith said they have two men in one and three in another. He said on 7th Street they have four men in there. He said there is one other home that they rent from someone else with three men in that. Jeffrey Hinderliter said the first house was purchased five years ago and he came to the City to ask what needed to happen. He said he was told he didn't need a special permit. He said they are voting on homes that have been operating under the premise that they didn't need a special permit. He said these homes are occupied and operating. He said the City's position has altered so they have been asked to come in to acquire these permits. James

Scanlon asked if they are functioning as a rental home. Jeffrey Hinderliter said yes. He said the previous zoning officer stated they are renting the rooms so acquire the rental permit. He said he knows Mr. Smith and they are friends. He said what they are doing is commendable. He said the Mayor and the Hometown Heroes group selected Mr. Smith as one of their inaugural members to acknowledge the work that Bridge to Hope is doing in the community. He said he has had these men to his home to do yardwork. He said he can vouch that they are men who are damaged and have some challenges that they need to overcome. He said this is something they have acknowledged as a City that they need. He said they don't offer these services as a City so this is a way they partner with organizations to help these people to better our community. He said the alternative is these people are homeless. He said these are twelve men who are not living under a bridge, in a park, sleeping in sheds, or back porches. Mr. Caraccioli said they appreciate the services and they are vital and needed in our community. He asked how many men have been through the program and what the typical stay is. Mr. Smith said they set strict guidelines for these men. He said if they use alcohol or drugs at all they are dismissed from the program. He said if there is any type of physical altercation they are dismissed from the program. He said they have chores to do. He said some as they relapse into old patterns are dismissed from the program. He said there have been 30-35 men that have been there over the last five years. He said some have gotten a job and moved on. He said others have relapsed and been asked to leave the program so it varies on how long they have been there. Mr. Caraccioli said there was some question and concern about parking and automobiles. He asked what these men bring by way of personal property with them and if there is a need for a vehicle. Mr. Smith said it is anything from a black plastic bag to a number of suitcases. He said most of these men do not have jobs when they come into the program so they cannot afford to have a vehicle. He said in partnership with Victory Transformation they are doing Cars for Change. He said cars are donated to them and they fix them up and sell them to the men at a discounted rate. He said they have to have a job for a good period of time for this. He said most of these men do not have cars and probably will not have cars as part of their program. He said they recognize cars open doors for better jobs so their goal is to get them there but very few of them have vehicles. He said out of the twelve men that are part of the program now three have vehicles and that is a very high number compared to what they usually have. Chairman Freeman asked if they have had any problems in the last five years that the police had to be called. Mr. Smith said yes. He said as the program has developed he is learning a lot as to what personalities go together. He said there are individuals that relapse and police need to get involved. He said he thinks over the last six months they haven't had any police. He said a year or a year and a half ago they had someone who was paranoid so he would call the police himself. He said over the last five years it has become less and less frequent. He said their screening process has become better. Mr. Caraccioli said this is a unique situation. He said with Kristina's House of Hope it was a new and unproven concept and location within the city so they were almost starting from scratch and speculating. He said here they have five years of groundwork done. He asked what he has learned in five years in terms of impact on the neighborhood and what plans does he have to improve on what he has learned. Mr. Smith said having stricter guidelines for the men from what they once were to what they are now has been important. He said also just coaching them on what it means to be a part of the community. He said they tell them they need to be mindful of the neighbors on

each side of them. He said he has learned to identify success differently than he did in the beginning. He said it doesn't necessarily have to do with sobriety but it has to do with them continuing to progress to be a healthy part of the community. He said sobriety is part of that but it is a much bigger picture than that. He said they coach them on how to not just exist in the community but be an assistance within the community. He said they ask for volunteer hours. He said if guys aren't working then they need to volunteer a certain number of hours a week and find opportunities within the community to give back. He said he started a separate company, landscaping and snow removal, to employ some of these guys to keep them busy. Mr. Caraccioli asked how the homes are used by the occupants. He asked if it is strictly for living or is there any type of services provided to them. Mr. Smith said the homes are strictly for living. He said they each have their own bedroom and then they share a kitchen, living room and bathroom space. He said they aren't allowed any visitors. He said at times their counselors or social workers come visit them there. Cory Moshier asked if there is a caretaker or supervisor in each one of these homes 24/7. Mr. Smith said they do their best. He said there are times when there are lapses but they do their best. He said as guys raise up through the program they put one of them in terms of oversight. He said they are responsible for reporting to him if there are needs in the house. He said they are also his eyes and ears when he is not there. Chairman Freeman asked if there were any questions from the public and John Burrridge, 2nd Ward Counselor, came forward. Councilor Burrridge said once the letter came out he started getting phone calls. He said most people didn't realize they were already there. He said he has never had a problem with them. He said now some people are saying they want to move. He asked what happens when there is a problem. He asked how they get them to leave. Mr. Smith said with the Covid laws if they are endangering someone in the house or endangering themselves they can still be evicted. He said they try to give them other options and other places to go. He said there have been individuals that have said they don't want to leave but over a week or two weeks they are able to transition them. He said it is a challenge with Covid. Councilor Burrridge said it could take months to get them out. Mr. Smith said it could but he has not faced that yet. He said within these homes there can be a positive peer pressure too. Councilor Burrridge said Mr. Smith is doing a great job for the community. He said he has to look out for his constituents. He said there is a bar on the corner and the owners are saying it doesn't make sense to have this that close. He said he is dealing with adult molly at a place down the street. He said Mr. Smith's house is so quiet and he has never heard them. He said he can't go back and tell his constituents that there isn't going to be a problem because there could be a problem. Mr. Smith said the challenge is if an individual wants alcohol or drugs then they are going to get it. He said they probably wouldn't go to a bar in the area because they know they would be more likely to get caught and kicked out of the program. Councilor Burrridge asked what kind of crimes these men have committed. Mr. Smith said the crimes vary. He said theft is a common one because they have to support their habit somehow. He said this is not just another rental in the middle of a neighborhood. He said there is oversight. He said he is involved in these houses. He said they meet once a week at his house for bible study. He said there is an ongoing relationship with these guys to get involved in their lives. James Scanlon asked how they make it to his facility. Mr. Smith said they work closely with Victory Transformation and Dawn Whittaker. He said they are temporary housing and she will make recommendations for the guys she thinks would fit best in his program. He said they

get phone calls from DSS, the police, OCO. James Scanlon asked if the people are local, Oswego County residents. Mr. Smith said yes. He said often family members will contact him. He said they don't take everyone. He said they weed through and question if this individual is at a place in their lives where they are really ready to take that next step. Mr. Caraccioli asked if any of the tenants are registered sex offenders. Mr. Smith said right now no. He said they have in the past. He said they are careful where they put them. He said there are not many places where registered sex offenders can stay because they can't be in certain areas with children. He said they are very careful with that. He said they just went through this with their insurance agent because there are a lot of insurance companies that won't even look at you if you do take them. He said DSS called him the other day to ask if they would take someone but they weren't able to at that point. He said it also depends on the mixture of the house. Mr. Caraccioli asked if he shuffles the guys around if there is a better fit. Mr. Smith said yes. He said if there is tension in a house and he feels there is a bad mixture in the house he has moved them to another house. Councilor Burr ridge asked how he would feel about these people living next door to him. Mr. Smith said as a city we want somewhere for them to live but not in my neighborhood. He said that is the challenge. He said if he understood the program that is being run he would be okay with it. He said he has these guys into his house on a regular basis. He said these are guys he has grown to trust and build a relationship with. Councilor Burr ridge said the problem is they are not his neighbors. He said he is asking people who have never met him to trust him. Daniel Breitweg asked if the person that wants to move is because of the neighborhood or because of this house. Councilor Burr ridge said she didn't even know the house was already there. Jeffrey Hinderliter said this is to the credit of Bridge to Hope that they have operated in these neighborhoods without that kind of attention. Councilor Burr ridge said the 2nd ward has a lot of issues. He said they deal with is quite a bit in the 2nd ward and he doesn't think they are looking for more. Jeff McGann said they have three different cases tonight. He said he received some calls from councilors with some issues with the houses. He said the TN1 and the TN2 are the most restricted and protected neighborhoods. He said they have to look at what Councilor Burr ridge is saying and weigh that into their decision. He said as they look at these cases they have a parking plan and parking reduction. He said a group residence requires three parking spaces plus one for every room to be rented. He said they would be giving a pretty drastic parking reduction to these houses. He reminded them that they need to be consistent. He said they have had other cases like this and they have questioned whether someone is there 24/7, what is the security, cameras. He said they put stipulations on some of them. He encouraged them to look at all of these factors when making a decision. He said they have received calls in opposition and they also received a letter from a councilor that will be read into the record. Councilor Burr ridge said if this was for a family he would be behind them 100%. He said the people he works for are saying they are afraid of this even though they didn't know anything about this. Mr. Smith said they have been operating as a rental and everything has been okay. He said they are being asked to become a group home. He said if this wasn't brought forward they would be still operating as a rental and people wouldn't be aware that it wasn't just a normal rental. He said there is more oversight to these houses than many other rentals in our city. He said you could say these guys are higher risk and there is some truth to that but he said he doesn't know what goes on in other rentals. Mr. Caraccioli said he accessed the New York State Sex Offender Registry and in the 13126 zip code

there are approximately 100 unique individuals. Angela Livingston of East 10th Street said it has gotten better here because of these homes. She said the people across the street aren't in a program and she knows they are selling drugs and there is nothing the police can do about it. She said with these facilities she feels safer to walk down the street. She said these men are being watched. She said at least she knows when these gentlemen are walking someplace, they are going to work. She said when you have a job you have something to lose. She said as a 2nd ward resident she says to support this. She said they didn't know they were there to begin with. She said if they go back on alcohol or drugs they will be kicked out of the neighborhood. She said they are already working, they have jobs, she feels safer, and she is not going to sell her house. Vic Beaumont, pastor of the New Covenant Church, said he supports this. He said he has hired these men to clean his church. He said he meets with Mr. Smith a lot and he is always getting phone calls and checking on people. He said they are doing a fantastic service for the City of Oswego. He said if you take these houses away it seems these guys will pose a greater risk than they are now. Dawn Whittaker said she and Mr. Smith have a significant relationship in all of this. She said the gentleman that was sitting next to her, Mark, was from one of these houses. She said he came through her program. She said he wasn't a criminal. She said he had a situation at home that he had to leave. She said these people are actually better behaved individuals because they have an opportunity to change their lives. She said they are getting drug tested. She said they work to screen people. She said if they have someone coming through their program and they are employable and want a job or want to go to school and get on their feet, only then will she and Mr. Smith talk about it. She said then Mr. Smith will interview them. She said Mark is going to be one of the Cars for Change recipients and he just got his Class E license and he is going to be driving. She was asked if she lives next to one. Ms. Whittaker said she doesn't live in the city. She said if they are not in these houses then they are on our streets. She said they are in your neighborhood anyway. She said they are just sleeping with the addict down the street. She said if there is someone that Mr. Smith has trouble getting out then they transition them back into the Victory House. She said they can do this because they have different goals because it is a shelter. She said they've had to do that a couple times but that prevents them from staying in the neighborhood if there's any kind of an issue. She says these guys have been to her house to do work also. She said they've also done work at Victory. She said some have gotten jobs because of the work they have done for them. She said then they are productive members of society. She said this program is great. She said she knows people are afraid but they are afraid of phantoms because this program has existed in the community for years and no one has been aware of that. She said if these people are not in the program they are still in the community and that is usually not a good thing. Chairman Freeman asked what the history has been with Kristina's House of Hope. Jeff McGann said they have had a couple violations of stuff outside. He said to his knowledge no police have been called. Daniel Breitweg asked how long it takes them to get a person out of the house if they leave this program. Mr. Smith said it all depends. He said sometimes he gives them up to 48 hours but it depends on the situation. He said even if someone does not want to leave he can work with Victory or other agencies and find them somewhere else to go usually within a week to 10 days. Jeff McGann said Kristina's House of Hope also has someone there around the clock. Chairman Freeman asked Mr. Smith if he has someone there. Mr. Smith said they have guys that have gone up through the program. Daniel Breitweg said there is a difference there.

He said with Kristina's House of Hope the people have never been in a program. Cory Moshier said Kristina's House of Hope has a staff member and the Board made them have some sort of security system. He said Kristina's House of Hope had to have these things in order to be approved by the Board. Chairman Freeman asked if they asked him to put some kind of security system in would he be willing to do that. Mr. Smith said absolutely. Chairman Freeman said a camera for the backyard and maybe for the front and some kind of an emergency call system for the police. He said they set a precedent with some of the other houses. Mr. Smith said if that would be helpful and calm some of the concerns and fears he would have no hesitation at all in doing that. He said in the almost 6 years that they have been in existence three times they moved an individual into a different house. He said it's a rare occasion when they do that. Chairman Freeman read a letter from Councilor Hill expressing his concerns for parking and police responses for the house on West 7th Street. Chairman Freeman asked Mr. Smith what he has planned for West 7th Street. Mr. Smith said there is room for two cars and there have been two cars parked there. He said they have four individuals that live there and the chances of them having more than two cars there are very slim. He said most of these individuals do not have vehicles. Jeff McGann said that house would require seven parking spaces so they would be asking for a reduction of five. Chairman Freeman asked if he has considered talking to Oswego Hospital to negotiate a couple of spaces in their available parking. Mr. Smith said he hasn't considered that because they haven't needed any more parking for the past five years. Chairman Freeman said this house has been used for a group home for the past five years also. Mr. Smith said this was the first house that they purchased. Mr. Caraccioli said these properties are owned by Grace and Glory. He questioned if Grace and Glory is formed under the religious corporation law. Mr. Smith said he isn't sure whether it is education or religion. The next to come forward was Justin White of 148 West 7th Street. Mr. White said he purchased his house 15 years ago and it is the highest value property on the street. He said his property is adjacent to the one in question. He said his property goes to their foundation. He said he owns 54 x 100 and they own 33 x 100. He said their house takes up the majority of their property. He said they have a small backyard that is filled with junk. He said Grace and Glory purchased the house in November 2015 and nine months later there was an attempted break-in into his house in the middle of the night. He said one of their alleged residents, a convict released from jail, attempted to break into his house and damaged his storm door. He said he felt like he was going to be attacked in his own home. He said he called 911 and the police arrived but before they arrived the man said he was going to attack him if he didn't let him into his house. He said it turns out he was in violation of probation and he was under the influence of either drugs or alcohol. He said the man was using his mailing address after this account. He said he couldn't get him to stop using his address. He said there was another incident at the house when the window facing his house was shattered. He said all the broken glass was in his side yard. He said the window was covered with cardboard cut from a TV box. He said he isn't sure that is up to code. He said there were several other police incidents. He said the people housed there were smoking on the sidewalks and throwing their cigarette butts in his yard and in the street and along the curb. He said when they were smoking, he and pedestrians were exposed to secondhand smoke. He said it was very difficult to work outside in his yard because of that. He said when they were siding the house they left all the empty boxes and debris in his yard. He said they throw wrappers and other litter in his yard that he has to clean up. He said his house

is eligible for the National Register of Historic Places. He said with this neighborhood situation it doesn't seem the right time to put an effort into that. He said the value of his property will surely decline with this kind of usage and abuse. He said when he purchased his house 15 years ago it was all single-family homes. He said this house was purchased for \$8,000 and it doesn't look any better than it did when they acquired it. He said it would be nice to have law-abiding citizens instead of being terrified. He said the street is directly across from the Oswego Hospital. He said there is limited parking and no parking on the street from 9 AM to 5 PM. He said the road is very congested all day long. He said there is always speeding on their street. He said he would suggest Mr. Smith buys the house next to him to see how he likes it. He said he is opposed to this completely. He said don't give a sympathy card to him. Jeffrey Hinderliter said at the moment there are no outstanding complaints on this property. He asked if Mr. Smith would be willing to invite codes to inspect the properties for any violations. Mr. Smith said absolutely. Cory Moshier asked if he has heard about any of these problems. Mr. Smith said he knew about the break-in. He said he knew about the glass and he cleaned up the glass. He said he also knew about the concern of the cigarettes so he asked the guys to smoke on the porch and not off the porch. He said there's been a disagreement between them as to where the property line is. He said Mr. White says it goes right up to the foundation of his house but the mark on the sidewalk and the stake in there says it is about halfway in between. He said they've done the best they can in order to maintain a healthy relationship. Jeff McGann said there is a discrepancy of the property line but they have a site plan here that shows the property lines. Jeffrey Hinderliter said the site plan is based on tax maps. He said tax maps by law are not property maps. He said tax maps are not actual land surveys. He said he drew these plans and they are based on tax maps. He said he is not a surveyor so he can't establish where legally a property line is. Mr. White said he would be happy to give him a copy of his survey. Jeffrey Hinderliter said it is irrelevant. He said the house is obviously on a narrow lot. He said the property relationship issues they obviously want to see those worked on. He said those are valid concerns. He said from the site plan perspective what is drawn is representative of what a tax maps says and not a land survey. Mr. White asked if their plan is to encroach on his property. Jeffrey Hinderliter said no. He said they have not submitted a plan to encroach on his property. He said legally they can't encroach on his property. He said the site plan is regulating what they are putting on the property that the Planning Board has to be aware of. He said to the point here, they are not building anything or changing the nature of the property as it has been established. Mr. White said they purchased the property with the knowledge of all of that so now they are coming back to change the rules. He said he was using this property before he even had the permit. Jeffrey Hinderliter said he came to the City to use this property for this and the City gave him direction based on its interpretation of the regulations. He said he was told he was permitted to use it as a rental. He said he has complied with that interpretation since the day of the purchase. He said now the City has changed its interpretation and is bringing it in for a special permit. He said this is a special use permit that a property owner can apply for and the Zoning Board and Planning Board takes action upon it. Mr. White said the neighbors have no say. Jeffrey Hinderliter said Mr. White is getting his say right now. Mr. White asked if he wanted this next to his house. Jeffrey Hinderliter said he welcomes Mr. Smith to purchase a home next to him to put these men in. Mr. Caraccioli said the record is clear that there is very minimal amount of vehicle use by the tenants. He said these homes are owned

exclusively by Grace and Glory and been utilized for the last five years for the Bridge to Hope program. He asked how many parking spaces there are available at 148 West 7th Street currently. Jeff McGann said to be considered a parking spot it should actually be on your property and not in public space so he would say there is one parking spot on site. He said in that case he would require a six spot reduction. Mr. Caraccioli said with respect to 33 and 35 East 9th Street, it looks like there is a very long driveway. Jeff McGann said he would say there's five spots shared between the two houses. He said they have to go by the amount of rooms they have available to rent and not by how many people are currently in there. He asked how many bedrooms are there. Mr. Smith said there are five bedrooms. Jeff McGann said between the two houses they would need 11 spots and they have five available so they would be asking for a six spot reduction. Mr. Caraccioli said they are looking at a reduction of six at the Seventh Street property and a reduction of six in the combined East 9th Street property. Jeff McGann said he would combine that property. Mr. Caraccioli said between the three properties there are six available spots. Mr. Smith said they have two parking spaces on Seventh Street. Mr. Caraccioli said practically speaking even though one of the spots is in public space there is enough room to park two vehicles. He said the bulk of that parking space is in public space. He said there are 12 men in the program and right now maybe one is possibly getting a vehicle. He said over the five year program maybe three or so have vehicles. Mr. Smith said there are 12 men over four properties. Jeff McGann said every case they do parking by what is actually in the survey. He said for example the house at 148, if that house was purchased tomorrow by someone and didn't have rental permits and they wanted to turn it into a rental, it would be denied in today's zoning law because it only has one parking spot within the surveyed property. Mr. Smith said even though this was okayed five years ago now the rules are changing. Jeff McGann said he is saying if someone were to buy it now. He said if he were to sell it tomorrow with current rental permits on it, it would be transferable to the new owner and grandfathered in. He said if he stopped his rental permits then it would lose its status after a year. Mr. Caraccioli asked if there have been rental permits on these properties for the last five years. Mr. Smith said for the two on Ninth Street it has been for two years that they've had those up and running. He said the one on West 7th Street has been for five years. Mr. Caraccioli said of the three houses they are talking about tonight there are nine occupants. He asked if there is room for more. Mr. Smith said yes. He said the one on Seventh Street has another three bedrooms but they were told only four different people with different last names so that is what they have stuck with for the last five years. Mr. Caraccioli asked if they could fit more in the two on East 9th Street. Mr. Smith said no. Mr. Caraccioli said they have a total of nine men occupying those three properties and six current available parking spots. He said he appreciates the fact that he has maintained four unrelated occupants in one rental unit because that is exactly how the law was written and supposed to be adhered to. A motion was made for site plan approval by Jeffrey Hinderliter and seconded by James Scanlon. Daniel Breitweg asked if they were going to add any stipulations to the motion would they do that now. Mr. Caraccioli said if there are conditions to be assigned to the consideration of approval then that should be part of the motion. Daniel Breitweg said he would like to add video cameras and code enforcement exterior and interior inspections. He said as long as it is being used as a program he has no problem with the parking. He said if down the road it sells or he decides to rent to regular renters then there would be too many people in the house for the parking. Mr.

Caraccioli read the definition of a group residence. He said a supervisory program doesn't necessarily mean onsite but it has to be under a supervised program. He said he thinks the record is pretty clear that is the case here. He said the very nature of the approval is for a group residence so if it converts or they change their business model and make it a rental property it would lose its group residence status. He said he likes the condition because it provides the city the protection they are looking for. Jeffrey Hinderliter made a motion to revise the motion to include the conditions, Daniel Breitweg seconded the motion.

DECISION: Jeffrey Hinderliter made a motion for site plan approval with the conditions they add video cameras, code enforcement conducts exterior and interior inspections, and parking reduction is only allowed for group residence. Motion seconded by Daniel Breitweg, unanimous approval.

4. Off-Street Parking Plan/Modification Review & Approval – 33 East Ninth Street, Case 21-18; to allow parking for a group residence, Section 280-39(B) & 280-40(A)(2).

DECISION: Jeffrey Hinderliter made a motion for off-street parking plan approval. Motion seconded by Cory Moshier, unanimous approval.

5. Advisory to the ZBA – Special Permit Use – 33 East Ninth Street, Case 21-19; to allow for a group residence, Section 280-13(B).

DECISION: Cory Moshier made a motion for a favorable advisory to the ZBA for a special permit. Motion seconded by James Scanlon, unanimous approval.

6. Site Plan Review & Approval – 35 East Ninth Street, Case 21-20; to allow for a group residence, Section 280-35 thru 280-37.

DECISION: Jeffrey Hinderliter made a motion for site plan approval with the conditions they add video cameras, code enforcement conducts exterior and interior inspections, and parking reduction is only allowed for group residence. Motion seconded by Cory Moshier, unanimous approval.

7. Off-Street Parking Plan/Modification Review & Approval – 35 East Ninth Street, Case 21-21; to allow parking for a group residence, Section 280-39(B) & 280-40(A)(2).

DECISION: Jeffrey Hinderliter made a motion for off-street parking plan approval. Motion seconded by Daniel Breitweg, unanimous approval.

8. Advisory to the ZBA – Special Permit Use – 35 East Ninth Street, Case 21-22; to allow for a group residence, Section 280-13(B).

DECISION: Cory Moshier made a motion for a favorable advisory to the ZBA for a special permit. Motion seconded by Daniel Breitweg, unanimous approval.

9. Site Plan Review & Approval – 148 West Seventh Street, Case 21-23; to allow for a group residence, Section 280-35 thru 280-37.

DISCUSSION: Daniel Breitweg said he would suggest if the survey seems to be the bone of contention a licensed land surveyor be brought onboard to establish the property line once and for all. Mr. Smith said he is fine with that.

DECISION: Jeffrey Hinderliter made a motion for site plan approval with the conditions they add video cameras, code enforcement conducts exterior and interior inspections, parking reduction is only allowed for group residence, and a licensed land surveyor be brought onboard to establish the property line. Motion seconded by Cory Moshier, unanimous approval.

10. Off-Street Parking Plan/Modification Review & Approval – 148 West Seventh Street, Case 21-24; to allow parking for a group residence, Section 280-39(B) & 280-40(A)(2).

DECISION: Jeffrey Hinderliter made a motion for off-street parking plan approval. Motion seconded by Cory Moshier, unanimous approval.

11. Advisory to the ZBA – Special Permit Use – 148 West Seventh Street, Case 21-25; to allow for a group residence, Section 280-13(B).

DECISION: Cory Moshier made a motion for a favorable advisory to the ZBA for a special permit. Motion seconded by Daniel Breitweg, unanimous approval.

Jeffrey Hinderliter made a motion to adjourn at 8:18 p.m. Motion seconded by Cory Moshier, unanimous approval.

Approved: _____

Richard Freeman

Planning Board Chairperson

Jeff McGann

Planning Board Secretary