

A motion was made by Kelly Sweet with the condition that if the first floor is used for more than one employee as a check-in service the application would be null and void. The applicant would have to come back for a new off-street parking waiver since it would greatly alter the parking situation.

Charlotte Hardy questioned if they had decided on the number of parking spaces that the waiver will be for.

Darryl Bloom responded he was under the impression that seven (7) spaces would be specified. He continued to explain they would make the finding that there is adequate public off-street parking facilities available within 400 ft. of the lot for the proposed use. He also explained the fact they had provided evidence satisfactory for off-street arrangements and it had been adequately documented and that they would then stipulate to seven (7) parking spaces. He noted that Kelly's condition on the use will align with Mr. Peterson's request for seven (7) parking spaces and would be a perfect way to tailor that number seven (7).

A motion was made by Darryl Bloom finding that there is adequate parking facilities available within 400 ft. of the lot containing the proposed use and the evidence has been satisfactorily produced that there has been off-street arrangements as outlined by Mr. Peterson.

Chairman Lefebber questioned if they want to use the term "off-street" or "on-street".

Darryl Bloom responded that City Attorney Jack Hart called it an off-street arrangement and wants to go by specifically how he advised them. He noted either way he does not think that "on-street" or "off-street" and agreed with Chairman Lefebber that is the purpose.

A motion was made by Darryl Bloom to grant the relief with all the conditions that they can put on.

Chairman Lefebber noted that should include Kelly's condition concerning the use of the ground floor.

Chairman Lefebber requested a second motion. Kelly responded that she would like to second the motion. Ayes: Darryl, Arnim,

Arnim Alexander questioned if they were getting conditional parking or public parking.

Chairman Lefebber responded that it was for public parking and the condition on it about Mr. Peterson's use of his first floor. He stated that if he increases the number of employees that would need to be reconsidered since it was part of the formula for seven (7) spaces. Darryl noted that the concern was that the bottom floor was for a bar/restaurant and it would tremendously change the application of seven (7) spots required for staying at the hotel.

Chairman Lefebber questioned if Arnim understood what is being proposed. Arnim responded that he understood.

Ayes: Arnim Alexander

Ayes: Kelly Sweet

Nays: Charlotte Hardy, Charlotte stated that she would like Mr. Peterson to look into purchasing the abandoned building next to his property at the auction and put his spaces there.

Ayes: Chairman Lefebber

A motion was made by Darryl Bloom, seconded by Otto Tertinek to grant the off-street parking waiver with the following conditions (1) that if the first floor is redeveloped beyond a check-in counter for guests that the owner can come back to the Zoning Board for a new waiver. Voice vote, ayes: Jerry Lefebber, Darryl Bloom, Otto Tertinek, Arnim Alexander and Kelly Sweet. Nays: Charlotte Hardy Motion carried.

4. Public Hearing

Amber Rafi (Area Variance # ZBA-2021-02) 800 Wayne Street

Chairman Lefebber read the application for an Area Variance from the applicant, Amber Rafi, to allow construction of eight by thirty-four ft. side deck on the North Seventh Street side. Applicant is requesting to be 2'4" from the sidewalk. If granted it will vary from the requirements of: Chapter 28, Article 6, Section 6.1 of the Zoning Law.

Chairman Lefebber questioned if any Board member has comments or questions. Charlotte Hardy requested clarification of where the deck is going to be. She noted she has been inside the restaurant before and understands where food is prepared and where the outside dining is. She questioned how far from Wayne Street the deck will be and also if the view would be obstructed for vehicles.

Samantha Corson, (speaking for Rafi's Platter application) explained it is not going to be where they are preparing the food. It will be where the patio is on the corner of Wayne and Seventh Street. They would like to extend the patio from Wayne Street down Seventh Street heading towards Dresser Rand. She further explained they would like to extend it and wrap around the building approximately 34 feet down.

Kelly Sweet clarified that it would connect where the front deck is (Wayne Street) and the front of the building where the former Hookah Lounge was.

Samantha Corson stated they need a variance because they will be so close to the sidewalk and she will dress it up with flowers and give more life to that side of the street.

Otto Tertinek explained he took a drive to look at the area and going up Seventh Street North of the Rafi building there were only two (2) residents and they were not maintaining their sidewalks as far as being shoveled or anything, so he does not see how there will be any infringement for anyone walking up that sidewalk.

Chairman Lefeber agreed with Otto and stated that when he went there and parked on Seventh Street and there were no hazards or anything.

Kelly Sweet questioned on the Seventh Street and Wayne Street intersection. She noted that she did not see any setbacks on the drawing. She noted her understanding of this drawing is that the deck was inset and she is raising concerns for problems with vision when pulling out from Seventh Street onto Wayne Street for vehicles.

Samantha Corson explained that wrap around was probably the incorrect work. She stated the plan is to make it cut how it is now. She further explained they would go down the Seventh Street side and leave the pedestrian area since there is a code for pedestrians for sidewalks. She noted that she assumes that it would be the small railings and not have a blind side. She noted they will have to go in and finagle that with the construction guy.

Charlotte Hardy stated she would like to have more detailed plans with specifics of the deck and how this may affect people's visibility.

Samantha Corson stated she will have to speak with the contractor James and see how he would like to address that corner.

Charlotte Hardy requested her to submit drawings to the Zoning Board Office for their revisions. Kelly agreed with Charlotte for submission of documents for visibility.

Samantha Corson stated she will have everything submitted tomorrow or Monday.

A motion was made by Arnim Alexander, seconded by Charlotte Hardy to table the variance until March 11, 2021 pending submission of revised documents. Voice vote, ayes: Jerry Lefeber, Darryl Bloom, Charlotte Hardy, Otto Tertinek, Arnim Alexander and Kelly Sweet. Motion carried.

Chairman Lefeber questioned Kathleen Hewitt if any public comments were submitted or if anyone on the Zoom call requested to speak regarding 800 Wayne Street. Kathleen Hewitt responded that the Code Office has not received any notification from the public for or against the application, and no attendees on the Zoom meeting were requesting to speak or address the Board.

Charlotte Hardy stated that at the last public hearing there were two (2) letters submitted from citizens regarding the hotel. She requested that going forward that the letters be read to allow for transparency for the public.

Chairman Lefebber stated that they can do that going forward. He noted that the first letter was more of an email and second letter was a written letter. He reiterated that in the future they will read the letters.

5. Next Meeting Date

The next Zoning Board of Appeals meeting has been scheduled for Thursday, March 11, 2021 at 5:30 p.m. via zoom.

6. Adjournment

A motion to adjourn was made by Darryl Bloom, seconded by Otto Tertinek. Voice vote, ayes all. Motion carried. The meeting ended at approximately 5:58 p.m.