

**Minutes for the Ticonderoga Zoning Board of Appeals held on October 23, 2018 in the Community Building commencing at 7:00 p.m. regarding Liz Lastowski appealing a determination on use for Joseph's Manor.**

**Present:** Eric Stoddard, Erik Leerkes, Andy Belkevich, Joyce Barry, Doug McTyier, Bill Ball-Code Enforcement, Matt Fuller-Town Attorney, Tonya Thompson, Amy Schryer.

**Others:** Brendon Titus-St. Joe's Representative, Bob Ross-CEO from St. Joe's, Tim Rowland, Liz Lastowski, Chet Lastowski, Shelly Young, Gary Knight, Patricia Reid, Doug Terbeek, Alice and Joe Vilardo, Val and Farrelly Ezzo.

Pledge of Allegiance was given by all

Mr. Stoddard called the meeting to order at 7:01 p.m.

Mr. Stoddard states that we will re-open the meeting and that they had received the packets of information and thank you for sending it.

Liz Lastowski asked if she could speak and Mr. Stoddard said she may. She stated that she is the one that filed this appeal and would like to apologize for last time. We got off from the wrong foot from what we were actually here for and all of the other subjects, did not want to waste the time of the people who are giving up their time, they are the ZBA and the only issue tonight is whether it is zoned properly or not.

We got off track last time and was using the wrong verbiage when referring to commercial, when really it was special use that we were talking about. I think you can see from what I have documented in the addendum that I gave to you, that it documents what the town constitutes special use and it documents that at that safety committee meeting that the Executive Director of St. Joe's said he would volunteer to have a special use permit. So that is essentially what we are asking for in this appeal, is that it not be automatically be designated into the high residential or the dense residential technically zone. We just ask that they file for a formal special use permit. Essentially what is based in the packet is what references of what constitutes what a not so traditional living apartment situation, again not traditional tenant/landlord situation that there are other contingencies and services that are provided inside the residence, which then constitutes a special use.

Mr. Stoddard asked if the board had any questions.

Mr. Leerkes asked if there were any representatives from St. Joseph's here, and Mr. Stoddard said yes and asked them to introduce themselves.

Bob Ross-CEO of St. Joseph's and Brandon Titus - Associate Director of Housing for St. Joseph's. The board then introduced themselves: Andy Belkevich, Joyce Barry, Eric Stoddard, Erik Leerkes, Doug McTyier, and Bill Ball- Code Enforcement.

Mr. Stoddard asked again if there were any questions from the board for St. Joseph's.

Ms. Barry said she has questions. Are there any medical procedures done at the facility?

Mr. Ross says, "No".

Ms. Barry asks, No mental or physical.

Mr. Ross states, "No".

Mr. Belkevich asks, Do the residents at the Mt. Hope facility, receive services at that location, or is it just a living situation?

Mr. Ross states that it is an apartment house with 4 apartments, individuals are living in and they provided support services but not medical services, guidance sometimes at the facility or other locations such as vocational trainings, assistance in educational pursuits.

There is a concept in the addiction field and other health branches known as social deterrents of health and an acknowledgement that people who are receiving health services of any kind, not just for addiction services benefit from having supportive housing arrangements to live in, educational opportunities and opportunities for employment. So we provide support services to try to add to the housing that they would be living in a stable arrangement during recovery to advance their educational, occupational opportunities while in recovery. So sometimes it would take place there and other parts of the community.

Ms. Barry has one other question, We have a copy of the house rules, Are they explicitly ruled upon, Do you keep those rules?

Mr. Ross stated that they intend to. This is the first type of facility that they have opened, so its not something they can point to historically, but I guess I would say specifically St. Joe's has been in operation for 48 years and in numerous communities, and have had very effective opportunities to enforce the rules that we have. One of the questions if I can anticipate would be, will we evict people, and that is "Yes".

Our goal is to provide a supportive environment for people that want to take advantage of that supportive environment, not to have people take advantage of the opportunity.

Mr. Belkevich stated for the benefit of the neighborhood, "What is your screening process for someone that will be living there?" Our big concern is recovering drug addicts and recovering alcoholics will be moving in there and just up the drug problem and up the drinking problem and that kind of thing. Are these recovering people or people that have recovered and this is a way to get them to the community?

Mr. Ross states that the term recovery means that an individual or family has made an effort to utilize treatment and support services like AA and other kinds of groups. To qualify and he will have Brandon explain, they have to be actively in recovery. It is not a guarantee that if you are in recovery, that you will stay in recovery for the rest of their lives, but there is substantial success with people who are in a supportive environment and have received treatments, and he will ask Brandon to explain how someone goes from filling out an application to living there.

Mr. Titus said the application process is pretty simple. Anyone can refer or refer themselves and can obtain a referral packet. Once received, the housing manager will screen the individual with a peer recovery coach and that can take place anywhere in the community, where that individual feels the most safe. With the program description will be reviewed and the individual will have the opportunity to ask questions about the program and the facility and the support they can receive. The admission criteria is also reviewed at that time, so the individual would be required to be homeless or at the risk of being homeless, which mean is being evicted from their residency or they residency isn't adequate sustainable living arrangements and they need to be willing to be receptive to the services that we have available for them. So at that point they a screened for eligibility and an opportunity is provided for them to tour the site and also meet other residence that live at the site. Afterward, we would make a unanimous decision if they were going to receive services and move in or not.

Mr. Belkovich thanked them.

Mrs. Vilardo asked if she could speak and Mr. Stoddard explained that she could not ask questions to the audience, and Mrs. Vilardo asked if she could ask questions to the board and have them ask Mr. Ross.

Mr. Stoddard said the board can review her questions.

Mrs. Vilardo gave information to Mr. Stoddard to review, said it was texts from Brandon, and said Mr. Ross said he would give them information and never answered call but you can't use phone messages anyways.

She said she wanted to know what the plan is? What is HUD and is HUD paying for this or is Social Services paying? If someone is on social Services, it is very hard to evict them. She also stated that Brandon said it was a service. She also wants to know was VOCED is.

Mr. Stoddard stated that he was interested in knowing what VOCED is also and asked if someone could explain it.

Mr. Titus stated that VOCED is a vocational education program, an in house program that was developed from a grant they received and its purpose is to assist individuals with their basic life skills that they can use to improve their living status. It is individualized

based on that individuals needs. It could be geared toward vocational services, prevocational services, educational services. VOCED counselor will guide them through this process. The VOCED counselor will focus on in home skills, basic life skills that that individual may not have or may need rehabilitated such as cooking, or any household skills.

Mr. Stoddard asked if this is necessary to be part of the program.

Mr. Titus stated, it is not necessary and they don't have to partake in that, it is offered and some individuals won't require it. Some are able to sustain with other options available to them. It will be individualized based on that persons needs. It is not a billed service in this program.

Mr. Ross also stated that they don't have to offer that service to receive funding from any source. The funding that was referred to earlier, is funding we received to set up a capacity, not to be reimbursed for doing it with individuals specifically.

Mr. Belkevich said he thinks we are getting off on a tangent again. Correct me if I'm wrong, we are here tonight, the board is to decide if our building inspector was correct in calling this a residential apartment complex. It's not up to us to decide what services they get outside from St. Joseph's. We have to determine if it is an apartment building.

Mr. Stoddard said that is correct.

Mr. Belkevich said he just wanted to bring it up again.

Mrs. Vilardo stated it is an apartment building according to zoning, Right.

Mr. Ross asked if he could speak again, and would like to clarify from previous conversations, St. Joe's is the landlord. We have a relationship with the people. They live in the apartments as tenants. We have sole ability to evict them if they don't follow the rules. DSS or no other agency controls that. So the tenant/landlord relationship is the same as it would be in another situation. If someone is in those apartments and is not meeting their responsibilities, we have the sole ability to say we are not going to let you stay there. To answer your question, Is this an apartment house and do we function like a tenant/landlord in an apartment house, and the answer would be, "yes".

**Resolution#09-2018** was made by Erik Leerkes, seconded by Doug McTyier to close the public hearing at 7:13 p.m. **All in favor:** 5-Aye, 0-Opposed, **Carried.**

Mr. Stoddard stated that there will be no more further discussion from the public. Now the board will render a decision.

Mr. Fuller states that the board has 62 days from the close of the public hearing to render your determination, but obviously you can decide tonight, but just wanted to let you know the statute, that you have legally 62 days to render a decision, and obviously you

must have majority vote. You can discuss your thoughts on the information that has been submitted and go from there.

Mr. Leerkes states that he feels it should be on the Planning Board for a Special Use.

Mr. McTyier states that he doesn't understand how this special use fits into what we are doing here. Another words, this was an appeal, where does the special use come into it.

Mr. Fuller stated that we don't have the ability to force something into a special use.

Mr. Leerkes stated that he understands that but he thinks there should be proof.

Mr. Fuller states that the whole question that we posed earlier was that whether or not it is a multi family and going back to Mr. Ball's determination: proposed continued multi family 4 apartments use for the above referenced property, so that is the appeal. The appeal that was filed is that they don't think it is a multi family apartment. The information that was submitted in the follow up said it was a rooming house, not necessarily a multi family 4 apartment house like Mr. Ball had determined. The ability to offer to apply for a special use permit or site review where one is not required, you can't do that. Some one can't just apply for one of those permits. The only way you get to the Planning Board is if Mr. Ball determines that something requires that permit. So if it under the zoning, and you have something that requires a special use permit, that might require an application and if something requires site plan approval, that may require an application. You can't just come in and Mr. Ball doesn't have the legal discretion to just say I am going to refer you to the planning board. That is not how those statutes work. The Town Board does that. The Town Board adopts the statutes that says these uses require a special use permit. These uses require a site plan approval. Mr. Ball's determination of these uses don't require any further approvals. So there is no real ability for us to just say go get a special use permit. If you up held the appeal and said for these reasons, we don't agree that it is a multi family, it is blank, then the repercussions of that really don't involve us anymore. Whatever approvals or appeals that may be required, really don't involve us anymore as the Zoning Board of Appeals. People get confused as to what the power of the ZBA really is and in this instance it is solely here to hear this appeal. That sole question is, Is it multi family and if no then what is it? After that, whatever the zoning takes over, is kind of beyond your power. If the clarifies anything for you.

Mr. Leerkes states while it's an apartment, its not a standard multi family dwelling, but it is part of the rehab.

Mr. Stoddard asked if anyone had anything else.

Mr. McTyier stated that he thought it was determined that it was residential and that's what it is.

Mr. Belkevich states he feels it is a multi family unit.

**Resolution#10-2018** was made by Joyce Barry, seconded by Doug McTyier to upheld Bill Ball's decision that this is a multi family residence. **All in favor:** 4-Yes, 1-Opposed, **Carried.**

**Resolution#11-2018** was made by Erik Leerkes and seconded by Doug McTyier to adjourn the meeting at 7:22 p.m. **All in favor:** 5-Yes, 0-Opposed, **Carried.**

Meeting Adjourned at 7:22 p.m.

Respectfully submitted by Amy L. Schryer, Zoning Board Clerk