

**ZONING BOARD OF APPEALS
MONDAY, OCTOBER 26, 2015**

Members Present: Susan Marteney, Mario Campanello, Scott Kilmer, Ed Darrow

Absent: Matthew Quill, Stephanie DeVito

Staff Present: Brian Hicks, Code Enforcement; Chad Hayden, Corporation Counsel

APPLICATIONS APPROVED: 105 Grant Ave

APPLICATIONS TABLED: None

APPLICATIONS DENIED: None

Ed Darrow: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm board chairman, Edward Darrow. Tonight we will be hearing 3 Cayuga St., 37 Copley St., 27 Foote St., 1 Hoffman St., 148 Grant Ave, 18 Beardsley St., 76 Metcalf Dr., 217 Genesee St. and any other matters that may be brought before the board.

Please silence all cell phones.

Has everyone reviewed the minutes from the August meeting? Any additions, deletions or corrections?

Susan Marteney: I have to abstain as I was not at the meeting.

Ed Darrow: Then since we don't have a quorum for the minutes we will adjourn those to the next meeting.

**3 Cayuga St. R1A zoning district. Area variance for shed too close to house.
Applicant: Patrick Donahue.**

Ed Darrow: Will 3 Cayuga St. please approach? Please give your name and address for the record and tell us what you'd like to do.

Patrick Donahue: I would like to get a variance for my shed.

Ed Darrow: Do you understand the variance that you are requesting?

Patrick Donahue: Yes.

Ed Darrow: You're requesting to install your shed four feet from the house, ten feet is required.

Patrick Donahue: Ten feet I don't have. That's why I came for the variance.

Ed Darrow: So you understand what the variance is you're asking for?

Patrick Donahue: Yes.

Ed Darrow: Any questions from the board members?

Rick Tamburrino: Would you consider moving the shed further back?

Patrick Donahue: Then I would be too close to the back wall. If I push it too far the other way it would be too close to that wall.

Ed Darrow: Looking at the drawing your side and rear yard set-backs are fine at four and three. But between the shed and the house it's only four feet and you're required to be ten so you need a variance of six feet.

Patrick Donahue: Yes.

Ed Darrow: Any other questions from board members?

Rick Tamburrino: Would it be possible to turn the shed?

Patrick Donahue: I thought about that but we couldn't...I don't think it would fit.

Ed Darrow: There's only ten feet from the rear of the house to the property line.

Patrick Donahue: There's not enough space no matter what I do. My house is 200 years old. I don't have that much...I can't push something I don't have.

Ed Darrow: I'd like to read into the record an e-mail received from Joanne Dusel. (Attached)

Patrick Donahue: I put a brand new building in there. The other building that was there is gone.

Ed Darrow: Any other questions from board members?

Rick Tamburrino: What was the size of the old shed?

Patrick Donahue: Basically the same size.

Rick Tamburrino: What was the material used?

Patrick Donahue: Metal. It was about 40 years old. It's why I got rid of it, it was falling down.

Ed Darrow: Any other questions from board members? Sir, you may be seated but we reserve the right to recall you.

Is there anyone present wishing to speak for or against 3 Cayuga St.? Is there anyone present wishing to speak for or against 3 Cayuga St.?

Seeing none and hearing none I shall close the public portion so we may discuss this amongst ourselves.

Thought? Considerations?

Susan Marteney: The shed is already there in his yard and there is no other space to move it. The shed is there and there really isn't any wiggle room there.

Rick Tamburrino: My concern is fire safety. The buildings are very close together. It's my one concern.

Susan Marteney: With the four feet there at least someone could still get through to the back corner of the porch or the house. Into the back yard. They're all very, very tight there. All the houses are tight.

Rick Tamburrino: The only thing I'm thinking of is with a shed typically you could store gasoline and flammables in the shed. With a wooden shed it could jump to the house and nearby structures so that's my concern.

Ed Darrow: I believe that's the reason for the ten feet, for the fire spread. I don't know if there's a solution of a fire resistant siding on that side or something for the fire break but that is a concern, too, that if there should be a fire in the shed and it jumps to the house.

Rick Tamburrino: That's why I asked about the material. The old shed was metal so that would certainly help as a fire break.

Susan Marteney: Brian, isn't there a possible solution to that? To put drywall in?

Brian Hicks: [inaudible]

Ed Darrow: May the record show that Code Enforcement Officer Hicks stated the building products could solve that issue.

Any other thoughts?

If not the chair will entertain a motion.

Susan Marteney: I move to approve the area variance for Patrick Donahue of 3 Cayuga St. for the installation of an 80 square foot wooden shed four feet from the side of the primary structure because the applicant has proven the following four elements:

- The area variance will not produce an undesirable change or detriment to the character of the neighbourhood or the properties in the neighbourhood.
- The benefit sought cannot be attained by a method other than an area variance.
- The area variance is not substantial.
- The area variance will not produce an adverse impact on the environment nor the physical conditions of the neighbourhood.

Ed Darrow: We have a motion, do we have second?

Rick Tamburinno: Second.

Scott Kilmer: Do you want to put the addition of the building materials on the motion?

Ed Darrow: Considering it's there it would have to be...if the other members feel it should be then yes. Can you amend your motion to have a fire resistant siding added?

Susan Marteney: Brian, can you describe a little bit about what he could do? Or what his options might be?

Brian Hicks: His options would be to create the separation inside the shed right now. He could install 5/8 type X drywall to the interior of the shed and partially along the ceiling area of it so it doesn't get rolled toward the main structure. Of course we would also have to have a fire door for the front of the shed or have the entrance to the property line or the neighboring property. That way he wouldn't have to do the fire door.

Susan Marteney: Thank you. Can we ask Mr. Donahue to come up again and ask him how he feels?

Ed Darrow: Sure. Can you please re-approach, sir?

Susan Marteney: Do you understand what our concern is?

Patrick Donahue: Yes.

Susan Marteney: Might you be able or willing to put in the 5/8 inch drywall?

Patrick Donahue: Whatever needs to be done.

Susan Marteney: We're just concerned that you're probably going to be storing a lawn mower in there.

Patrick Donahue: I do all the time, that's what it's for.

Susan Marteney: Right and we're just concerned about fire and it being so close to your house? Would you be willing if we could had that to the variance, that you would add that to the interior of the shed?

Patrick Donahue: Yes.

Susan Marteney: Then I'm fine with adding that...

Rick Tamburrino: I just want to clarify that it's 5/8 inch drywall?

Ed Darrow: Fire rated.

Rick Tamburrino: And a fire door?

Patrick Donahue: What do you mean by that? It has a door?

Brian Hicks: If the door faces the house it would need to be fire rated.

Patrick Donahue: It doesn't face the house. The door on the shed faces the driveway, not the house.

Rick Tamburrino: So it doesn't need a fire door.

Susan Marteney: With the stipulation that the addition of fire separation in the shed be installed. So we're amending our motion and adding that and that's the requirement for you to be able to keep the shed there.

Patrick Donahue: Okay.

Ed Darrow: Roll call please. All members vote approval. Motion carried.

Ed Darrow: Taking into consideration the 5/8 drywall will be added inside I feel a little more comfortable with the six foot between the shed and house.

Congratulations, sir, your variance has been approved. Please see Code Enforcement Office for any necessary permits.

37 Copley St. R1 zoning district. Area variance for driveway exceeding maximum width allowed. Applicant: Diane Currier

Ed Darrow: Will 37 Copley St. please approach? Please give your name and address for the record and tell us what you'd like to do.

David Tehan representing Mr. and Mrs. Currier: I would like to ask one clarification, I noted on the information that I was able to pull from the agenda we are applying for an

eight foot variance but I'm not sure if there was a secondary note added to the sketch by Code Enforcement that maybe it's only six feet eight inches.

Ed Darrow: I'm not showing anything six feet eight inches.

Susan Marteney: I wondered why it was that too as it's just that slim piece along the side of the driveway.

David Tehan: This was the sketch that I'm referring to, there's a note at the bottom, so just for clarification as to exactly what we're asking for but in any event the Curriers bought this property about three years ago and their son is currently living there. When they purchased there it has sort of a 'Y' shaped, or funnel shaped, driveway which angled off toward the carport. The driveway was in need of repair, it was cracked and in bad shape. At that point in time in contracting to have it fixed they decided to just square it off not realizing two things: that they needed a permit to do so and that it would have been out of Code to have that width. It was something of a mistake in not having the permit, an oversight. Certainly I would submit to this body that having it squared off improves the sight lines a bit and reduces the risk of any possible accidents.

Ed Darrow: Was a contractor used to do the work?

David Tehan: Yes.

Ed Darrow: Who was it?

David Tehan: I think it was Upstate Paving.

Ed Darrow: They should know what is allowed and what isn't.

Rick Tamburrino: You say it's eight feet here? I don't see it on the drawing.

David Tehan: This was included with the packet. Not necessarily what we submitted but as part of the agenda-I downloaded this from the agenda today.

Rick Tamburrino: We need to amend the variance.

Susan Marteney: David, we didn't get that, we showed a little squiggle where they put the extra area in.

Rick Tamburrino: The drawing doesn't agree with the variance.

Susan Marteney: Was the driveway too wide, the driveway was more than 20 feet wide at some point.

David Tehan: I think it probably was because I don't think they widened it by six or eight feet.

Susan Marteney: When I drove by and looked at it and saw what they did the numbers size wise didn't add up to me either. It was a slim piece along the west side that was done to straighten everything out.

David Tehan: The hand drawing that I submitted was mine.

Rick Tamburrino: How did you get the measurements?

David Tehan: They were supplied by Code Enforcement. It was believe to be eight feet as the width they were out of Code at the time of the application. This was submitted in September. I think about the same time we submitted was the hand written amendment on this particular document.

Rick Tamburrino: So now there's a more accurate measurement of six feet eight inches, that's fine.

Susan Marteney: Even before they straightened the whole thing out the driveway was also too wide.

Brian Hicks: That is correct.

Susan Marteney: It's a pre-existing non-conforming fix.

Ed Darrow: If they want wider than what it was before you can't make a pre-existing non-conforming more non-conforming.

David Tehan: Can't expand on the non-conformity without approval.

Ed Darrow: Any other questions from board members? Sir, you may be seated but we reserve the right to recall you.

Is there anyone present wishing to speak for or against 37 Copley St.? Is there anyone present wishing to speak for or against 37 Copley St.?

Seeing none and hearing none I shall close the public portion so we may discuss this amongst ourselves.

Thought? Considerations?

Scott Kilmer: I don't think it's a big deal. They squared it up nice.

Rick Tamburrino: I think it was the right thing to do, it looks nice.

Susan Marteney: What they actually did was just a little bit to straighten up that one part.

Ed Darrow: The chair will entertain a motion.

Susan Marteney: I move to approve the area variance for Diane Currier at 37 Copley St. of six feet eight inches over the allowed maximum width of twenty feet for a driveway because the applicant has proven the following four elements:

- The area variance will not produce an undesirable change or detriment to the character of the neighbourhood or the properties in the neighbourhood.
- The benefit sought cannot be attained by a method other than an area variance.
- The area variance is not substantial.
- The area variance will not produce an adverse impact on the environment nor the physical conditions of the neighbourhood.

Ed Darrow: We have a motion, is there a second?

Rick Tamburrino: Second.

Ed Darrow: We have a second. Roll call please.

Ed Darrow: I feel it will not change the character of the neighborhood. Congratulations, your variance has been approved.

27 Foote St. R1A zoning district. Area variance for garage exceeding maximum size and height allowed. Applicant: William and Kathleen Bennett

Ed Darrow: Will 27 Foote St. please approach? Please give your name and address for the record and tell us what you'd like to do.

William Bennett: I'm here tonight applying for a variance in size for a pole barn garage I'd like to put up.

Ed Darrow: You realize what the two variances are that you need?

William Bennett: No. My understanding was ground height to peak is 16 feet and I will not be exceeding feet.

Ed Darrow: No, 15 is allowed. 16 you're exceeding it by a foot.

William Bennett: My mistake, I thought it was 16 feet. The reason we arrived at that height, the actual structure won't be that high, with a 4 – 12 pitch and ten foot walls it will be 15 feet and due to water problems that comes down my driveway, if anyone has driven by there are berms in front of my driveway, and with the old, existing garage, once the City repaved the road my neighbor and myself receive all the water coming down from the opposite side. That was one of the reasons my garage flooded out. That's why I'd like to raise the structure and the pad four inches, to alleviate some of that issue.

Ed Darrow: Okay. Your other variance is because you're looking to build 1200 square feet which is 450 over the allowable 750. Now, 1200 square feet is a small ranch home let alone a garage.

William Bennett: Over the years my boat has been parked out in the back yard which I believe is a detriment to my neighbors. We had it in winter storage and the structure collapsed on it. By allowing me to exceed the required limits I would be able to store that in house now and out of the sight of the neighbors. My additional size, the way the garage was structured before, exceeds approximately 9 ½ feet in width and 11 ½ in length and it does not infringe on any of the existing property boundaries. I still have ample room with the set-backs. This is one reason. Also, my old house was built in the early 1800s and that is a stone foundation. Ceiling height is about 6 ½ feet and we have a moisture problem coming from the front since we're receiving quite a bit of water. So dry storage is quite an issue for our family and that's the reason we'd like to have the extended room to allow us ample dry storage.

Ed Darrow: What's the siding and roofing going to be?

William Bennett: It's be a metal structure, metal siding. Wainscoting, emerald or dark green on the bottom as close to matching as the shutters on my house with a tan top part in order to try to blend it in aesthetically with the neighborhood. That is one reason I approached my four boundary neighbors and explained to them what we wanted to do. There will be two windows on each side and we've upgraded the garage doors to use a carriage door which will be more aesthetically pleasing from the road.

Ed Darrow: Any other questions from board members?

Susan Marteney: All the letters we have in our packet are from people who are near you?

William Bennett: The border us, yes. I wanted to touch base with them, if there were any objections by all means, we have a nice neighborhood, we are very congenial and I didn't want to upset anybody and if they had any concerns I wanted to address their needs before I proceeded any further.

Susan Marteney: That was also some tree you took out.

William Bennett: If anybody would like the root ball I still have that in the driveway because the machine I have isn't large enough to pick it up.

Ed Darrow: Any other questions?

Rick Tamburrino: You're replacing an old garage?

William Bennett: My old garage is gone. It was a wooden structure built about the 1920s. This is my wife's grandparents' home. The north wall, the studding and footer, etc. were

bowing out due to the water damage. Over time we ended up cabling the north and south to prevent it from spreading anymore. It had seen its better days and was actually a hodgepodge assembly.

Ed Darrow: Any other questions from board members? Sir, you may be seated but we reserve the right to recall you.

Is there anyone present wishing to speak for or against 27 Foote St.? Is there anyone present wishing to speak for or against 27 Foote St.?

Seeing none and hearing none I shall close the public portion so we may discuss this amongst ourselves.

Thought? Considerations?

Scott Kilmer: I think he has some well thought out reasons for wanting what he wants. The size doesn't really concern me.

Ed Darrow: He has the property for it.

Scott Kilmer: And people have more stuff nowadays. We've been saying that the size is too small by Code. I have no problem with the height to raise up the slab to alleviate the water problem.

Ed Darrow: Yes, it's only a foot.

Rick Tamburrino: I like the idea he's actually taken the time to consider aesthetics. It's important for the neighborhood and he cares about his neighbors.

Ed Darrow: The chair will entertain a motion.

Susan Marteney: I move to approve the area variances for William and Kathleen Bennett for 27 Foote St. to construct a new garage; an area variance of 450 square feet over the allowed maximum 750 square feet for accessory structures for a total of 1,200 square feet and an area variance of one foot over the allowed maximum height of 15 feet for a total of 16 feet because the applicant has proven the following four elements:

- The area variance will not produce an undesirable change or detriment to the character of the neighbourhood or the properties in the neighbourhood.
- The benefit sought cannot be attained by a method other than an area variance.
- The area variance is not substantial.
- The area variance will not produce an adverse impact on the environment nor the physical conditions of the neighbourhood.

Ed Darrow: We have a motion, is there a second?

Rick Tamburrino: Second.

Ed Darrow: We have a second. Roll call please. All members vote approval. Motion carried.

Susan Marteney: Aye. I am pleased to hear Mr. Bennett being concerned about his neighbors and consulting with them concerning materials used.

Ed Darrow: I feel the structure will not be a detriment, will not change the nature of the community, is well thought out.

Congratulations, your variance has been approved.

1 Hoffman St. R2 zoning district. Area variance for a sign exceeding maximum size allowed. Applicant: Mary Anne Giacona/The Center

Ed Darrow: Will 1 Hoffman St. please approach? Please give your name and address for the record and tell us what you'd like to do.

Mary Anne Giacona: Around 2005 I was given a variance by the City to conduct a commercial business at 1 Hoffman St. and since that time I've been having a bit of trouble with signage because I'm still under the conditions of residential zoning. Over the years there's been some problems as the only thing I have that creates a marker at a business is an awning that states 'The Center' which is very generic. It has proposed problems not only with 911 wondering where it is not to mention 1 Hoffman, our door is actually on Genesee St. and then of course at the other end where the other doors is it's more near Family Video and Rite Aid so it's very complicated in getting a good marker for us so I decided I needed to get signage and Brian (Hicks) made me aware that because the signs I wanted would be out of the variance that I needed because of the residential zoning there even though it is a business.

Ed Darrow: Any questions? The application kind of speaks for itself going through it.

Rick Tamburrino: The foundation for one sign I believe is up already?

Mary Anne Giacona: Yeah, I created a flower box that's there because Brian said I didn't need anything to create a flower box so the idea was to get the sign there. Again it's aesthetically pleasing, it certainly has to fit in with our whole environment there.

Ed Darrow: What is your title for the corporation?

Mary Anne Giacona: CEO.

Ed Darrow: Any questions from board members?

Susan Marteney: One thing you mentioned that 911 is having a problem finding you, are you going to put your address on the signs themselves?

Mary Anne Giacona: Yeah, even that, I've been trying to figure out a good way to do that because even if you just put the '1' on there it's just so deceiving so I thought by putting not only the number there in the center but also some of the other things that are happening in there to solve some of the other issues. That 911 change it doesn't make a lot of sense because it's nowhere near the Hoffman St., the doors.

Ed Darrow: Have you petitioned the City and the 911 center for a Genesee St. address?

Mary Anne Giacona: I have not but I think it would be in my best interest certainly to do that. I actually didn't know I could do that.

Ed Darrow: Yes, you can. That isn't going to affect your sign variance by any means because I understand, I've been to events at your facility, I realize that if you don't know where it is it's hard to find. Your signage, considering your road frontage, ten square foot of sign, and if you're going to use both sides that's only five square feet per side. It's completely understandable with your business and your location.

Mary Anne Giacona: Thank you, yes. I appreciate that information on going forth and going a little bit further with the change in the address to make it a bit less confusing.

Ed Darrow: Any other questions from board members?

Scott Kilmer: Will these two signs be the exact same size?

Mary Anne Giacona: Yes.

Rick Tamburrino: Looking at the diagram here, the sign placement of the flower box is on the diagonal? It's on the corner right?

Mary Anne Giacona: It would be straight like if you're looking at the building (perpendicular to the street), only the far end would be on the diagonal on the corners where Family Video and Rite Aid are, that one would be more on the diagonal.

Ed Darrow: Any other questions from board members? Ma'am, you may be seated but we reserve the right to recall you.

Is there anyone present wishing to speak for or against 1 Hoffman St.?

Please come forward and give your name and address for the record.

Laura Coburn: I didn't actually come here for Mary Ann, I do now in retrospect saw her on the docket, but I know her business is a great gift to our community and I'd like to see

her be as successful as possible so I think the signage would be a great asset to her success and her business.

Is there anyone present wishing to speak for or against 1 Hoffman St.? Is there anyone present wishing to speak for or against 1 Hoffman St.?

Seeing none and hearing none I shall close the public portion so we may discuss this amongst ourselves.

Thought? Considerations?

Scott Kilmer: Considering the size of the building I don't think the signs are a big deal.

Ed Darrow: It's completely justified.

Susan Marteney: And it's just outside what's considered downtown in terms of the BID.

Ed Darrow: The chair will entertain a motion.

Susan Marteney: A clarification in terms of the variances, do I need to say which sign is where.

Ed Darrow: We can do them as submitted in plot plan.

Susan Marteney: Okay. I move to approve the area variances for Mary Ann Giacona for 1 Hoffman St. for the placement of two signs; an area variance for one sign over the allowed maximum of one sign to install two ground signs and an area variance of 30 square feet over the allowed ten square feet for a total of 40 square feet as submitted in the plot plan because the applicant has proven the following four elements:

- The area variance will not produce an undesirable change or detriment to the character of the neighbourhood or the properties in the neighbourhood.
- The benefit sought cannot be attained by a method other than an area variance.
- The area variance is not substantial.
- The area variance will not produce an adverse impact on the environment nor the physical conditions of the neighbourhood.

Ed Darrow: We have a motion, is there a second?

Scott Kilmer: Second.

Ed Darrow: We have a second. Roll call please. All members vote approval. Motion carried.

Ed Darrow: Yes, for reasons noted during discussion.

Congratulations, your variance has been approved. Please see Code Enforcement for all proper permits.

148 Grant Ave. C3 zoning district. Area variance for signs exceeding size and number allowed. Applicant: Fast Track

Ed Darrow: Will 148 Grant Ave please approach? Please give your name and address for the record and tell us what you'd like to do.

Matt Napierala, Napierala Consulting representing Fast Track markets: Introduces other members of the team.

Sara Casey, Napierala Consulting: We are here requesting a variance for excessive signage at the 148 Grant Ave site for Fast Track as well as exceeding the height limit of a ground sign.

Matt Napierala: Essentially what we're talking about under chapter 305.27 of the Municipal Code, the allowable is four signs permitted. We have two street frontages so two signs per street frontage. For this traditional convenience store what we're asking for as outlined in our application is we're going to have two building signs, three window signs, four awnings on the building itself and those awnings more recently have been changed to architectural graphics. We also have a single two-sided monument sign, a sign on the fuel canopy and on the fuel pumps themselves there are several depicted graphics that by Code are determined as signs so that chews up a lot of our signage. We have five fuel dispensers that are two sided so by Code there are 30 signs on the fuel dispensers themselves. Therefore we are before the board for the number of signs in an excessive amount. What I'd like to do is approach and distribute pictures of a recently constructed building of the same type of model and I hope you would agree that the pictures show that this is not an obtrusive and actually fit in concert with this commercial neighborhood.

What I just explained is this store, the first picture you see, is a brand new opened store in Henrietta, the same architectural features and similar sign features will exist for this store as well you'll see the monument sign which we'll speak of in more detail later and the canopy with the single sign on the canopy.

Ed Darrow: Will this store have the same footprint? The same square footage?

Matt Napierala: Yes. The only difference between the stores is the Auburn store does not have a drive through because of the area of the property but the exact same store, the exact same look.

Ed Darrow: And the canopy will be the same? Same size, same pumps?

Matt Napierala: The one in Auburn will be less because we have five pumps in a row. The one in Henrietta has a total of eight pumps, four pumps in two rows. It's slightly different but the banding and the graphic is the same.

Our second variance deals with the maximum height for a ground sign. Code requires a ground sign have a maximum height of eight feet but it also allows a pole sign to have a height of 25 feet. Due to the skirting at the base of our proposed sign it is, by Code, considered a ground sign. Based on the location of our sign, and we've looked at the site lines of all traffic, the visual aspect of the location of the monument sign will not impair the traffic or the exiting traffic; it will not block any views.

Ed Darrow: What is the set-back from the street where the sign will be placed? My concern is if it's in the clear site triangle. What is the footage from N. Seward Ave?

Sara Casey: 45 feet and 13 feet.

Ed Darrow: Why is Generations Bank on your sign? Is there going to be an entrance via your lot up the embankment?

Matt Napierala: Essentially, in order to acquire the property we did an acquisition from Generations Bank. They have in their agreement with us stipulation to include their logo as a sub-marquis so they get some attention on Grant Ave.

Chad Hayden: Is it true there will be an ATM in the building from Generations Bank?

Bret Hughes, Fast Track Markets: We do typically ATMs within our stores. As far as one from Generations Bank I'm not at liberty to say at this time, I'm not aware of any agreement.

Chad Hayden: Brian, isn't that an off premises sign?

Brian Hicks: That is correct. My understanding was it would be for an ATM within the location.

Chad Hayden: The concern is that if you don't have a Generations Bank service on the site then that section of the sign becomes an off premises sign which is not allowed.

Bret Hughes: Understood. This was all negotiations during acquisition of that parcel from them. Just for point of clarification on the ATM is the understanding the ATM will be located outside?

Ed Darrow: Inside or outside as long as it's on premise.

Bret Hughes: Understood.

Matt Napierala: That's the depth of our presentation.

Ed Darrow: Questions from board members?

At first glance the request seems very large but when you see it in retrospect, spotted out on the property and the photos submitted this evening were very helpful. It makes you realize you're not turning that corner into a Las Vegas boulevard. That was a huge help as that was my initial concern when reading this application and the amount of signage requested.

Matt Napierala: I agree and that's why we wanted to bring physical photos and how helpful that is. It's a nice looking facility and not a Las Vegas strip.

Ed Darrow: Any other questions from board members? You may be seated but we reserve the right to recall you.

Is there anyone present wishing to speak for or against 148 Grant Ave? Is there anyone present wishing to speak for or against 148 Grant Ave?

Seeing none and hearing none I shall close the public portion so we may discuss this amongst ourselves.

Thought? Considerations?

Scott Kilmer: The only question I have is concerning the height variance; is that going to be well outside the site triangle.

Ed Darrow: Yes, that's clear of that plus with traffic control device there right on red would not be affected.

Rick Tamburrino: It seems like a lot of signs until you consider that the majority of them are on the gas pumps.

Susan Marteney: Yes, and they aren't illuminated in any way, it's just the logo. I think seeing the photos of the newly constructed site helped us understand how the whole corner is going to look.

Ed Darrow: One thing I think to keep in thought when formulating the motion is contingent that there is a Generations Bank device on site whether inside or outside in order for that signage to appear.

Other than that I don't see any reason why you can't group all the variances together.

Susan Marteney: Might we want to include the number of Generations Bank signs?

Ed Darrow: Just as submitted per plot plan as they are bound by what they submit.

Chair will entertain a motion.

Susan Marteney: I move to approve the area variances for Fastrac Markets for 148 Grant Ave for 38 signs over the allowed two signs per street front contingent with Generations Bank device being on premises and as submitted per plot plan and for six feet six inches over the maximum allowed height of eight feet for a ground monument sign because the applicant has proven the following four elements:

- The area variance will not produce an undesirable change or detriment to the character of the neighbourhood or the properties in the neighbourhood.
- The benefit sought cannot be attained by a method other than an area variance.
- The area variance is not substantial.
- The area variance will not produce an adverse impact on the environment nor the physical conditions of the neighbourhood.

Scott Kilmer: I think the way Susan worded her motion was that the sign variances contingent on Generations Bank being in the building and...

Ed Darrow: That isn't the way I understood it. She just said on premises.

Susan Marteney: Yes, it makes it sound like the whole thing is contingent.

Ed Darrow: Would you like to restructure it, that a Generations Bank device needs to be on premise for the Generations sign to appear. Would you consider that amendment to your motion?

Susan Marteney: Yes. So change to with the contingency that a Generations Bank device be on premises for their advertisement on any signs as submitted per plot plan.

Ed Darrow: We have a motion, is there a second?

Scott Kilmer: Second.

Ed Darrow: We have a second. Roll call please. All members vote approval. Motion carried.

Congratulations, your variance has been approved.

18 Beardsley St. R1 zoning district. Area variance for a shed exceeding the maximum size allowed. Applicant: Michael Smith.

Ed Darrow: Will 18 Beardsley St. please approach? Please give your name and address for the record and tell us what you'd like to do.

Michael Smith: I'd like to replace an existing storage shed and move it and build a larger structure.

Ed Darrow: You realize the variances you are looking for?

Michael Smith: Yes.

Ed Darrow: Any questions from board members? It's pretty straightforward.

Rick Tamburrino: You're replacing an old shed?

Michael Smith: Yes. And I have no other garage on the premises. I have a 1,200 square foot house with one closet so storage is inadequate. The attic is not readily accessible either.

Susan Marteney: You're going to tuck it into that back corner.

Michael Smith: Right, so there's still plenty of room.

Ed Darrow: Any other questions from board members? Sir, you may be seated but we reserve the right to recall you.

Is there anyone present wishing to speak for or against 18 Beardsley St.? Is there anyone present wishing to speak for or against 18 Beardsley St.?

Seeing none and hearing none I shall close the public portion so we may discuss this amongst ourselves.

Thought? Considerations?

It's far from excessive in size.

Rick Tamburrino: He has a lot of yard space also.

Ed Darrow: Chair will entertain a motion.

Susan Marteney: I move to approve the area variance for Michael Smith for 18 Beardsley St. for 90 square feet over the maximum allowed 150 square feet to build a 12' x 20' shed because the applicant has proven the following four elements:

- The area variance will not produce an undesirable change or detriment to the character of the neighbourhood or the properties in the neighbourhood.
- The benefit sought cannot be attained by a method other than an area variance.
- The area variance is not substantial.
- The area variance will not produce an adverse impact on the environment nor the physical conditions of the neighbourhood.

Ed Darrow: We have a motion, is there a second?

Rick Tamburrino: Second.

Ed Darrow: We have a second. Roll call please. All members vote approval. Motion carried.

Ed Darrow: I feel the variance is not excessive and will not create a detriment to the neighborhood.

Congratulations, your variance has been approved.

76 Metcalf Dr. R1 zoning district. Area variance for an unattached garage exceeding the maximum size and maximum volume allowed. Applicant: Mario Lamascolo:

Ed Darrow: Will 76 Metcalf Dr. please approach? Please give your name and address for the record and tell us what you'd like to do.

Mario Lamascolo: We would like to build a garage, pole barn style, with the stipulation of having vinyl siding. It's a two lot parcel there, we do have one garage attached to the house, 11' x 23', with which we really still don't have very much room.

Ed Darrow: Any questions from board members?

Rick Tamburrino: You said this is pole barn style with vinyl siding?

Mario Lamascolo: Yes, vinyl siding and asphalt shingle roof.

Rick Tamburrino: Another concern, on the plot plan the proposed garage will need a driveway.

Mario Lamascolo: I will need a driveway. This has been a hurry thing for the simple reason that I didn't realize that if you already have shed or garage that the 750 square feet will come off that. If I'd known that I'd been here months ago.

Ed Darrow: I'm not as concerned about the size of it as most of us understand that families today have more to store and need larger sized garages and that 750 is a bit old and undersized. My concern is the fact that, from what it looks here, just about or exactly half of this garage is going to be in the front yard when there is enough room to slide it back some. You have to understand that we're obligated by law to give the least amount of variance necessary and with you putting that halfway on your front yard line you're technically the problem yourself when there is room for you to move it back and not need a variance.

I'm not saying that the whole garage has to be moved back. All that I'm saying is it bothers me that half of it is in the front yard.

Mario Lamascolo: Okay.

Ed Darrow: One solution is moving it back somewhat. By calculations off your drawing you're about 18 ½ feet into the front yard. If you drew a line right straight through from the front of your property through the two diagonals of the garage they would be approximately 18 to 18 ½ feet to the 25 foot set-back line.

Mario Lamascolo: I figured the 25 feet is where we should be and it would mean a bigger and longer driveway. It would be a greater cost. So what you're saying is to tip it back.

Ed Darrow: Even if you brought it back ten feet further then now you're only eight and a half feet into the front yard. It's not as objectionable as you drive by and I don't think it would change the character of the neighborhood. I'm being very honest with you. With it that far forward of the front line of your house I feel it will change the character of the neighborhood and if a project is going to do that we look at that. We also look at if there is any means of lessening the variance and you do have that in you to bring it back somewhat.

Mario Lamascolo: We can definitely do that. So it would be 35 feet back from the front property line.

Ed Darrow: Right. We'll specify that your front yard variance will be eight and one half feet so that portion will be a much smaller triangle since it's on an angle that will be in front of the house.

Any other questions from board members?

Rick Tamburrino: The volume doesn't make sense to me. It says 5,721 cubic feet of volume for the accessory structure but I calculate 8,848 cubic feet.

Brian Hicks: The volume is the primary structure, not the garage, so we have to calculate the volume of the primary structure as it's stated that the volume of the accessory structure cannot exceed 10% of the volume of the principle structure.

Rick Tamburrino: Understood.

Ed Darrow: Any other questions from board members? Sir, you may be seated but we reserve the right to recall you.

Is there anyone present wishing to speak for or against 76 Metcalf Dr.? Is there anyone present wishing to speak for or against 76 Metcalf Dr.?

Seeing none and hearing none I shall close the public portion so we may discuss this amongst ourselves.

Thought? Considerations?

Ed Darrow: That was my biggest concern, that half that structure was in the front yard, and I did not think it would blend aesthetically with the neighborhood.

Rick Tamburrino: Agreed. I was also concerned with another pole barn in the neighborhood. Pushing it back ten feet makes a lot of sense and I applaud their decision on the vinyl siding and roofing materials. My other concern is there are no letters from any neighbors.

Ed Darrow: They were all notified and nobody is here. I've called twice for comments.

Scott Kilmer: I think the idea of ten feet further back is a great idea also. It will improve their own line of vision also when facing that direction out of the house.

Ed Darrow: Any other discussion? Are you okay with what to state in the motion? Although it's a typo on here, on number one where it says rear yard it should be front yard requirement. Be explicit that the front yard variance will allow for eight and half feet of the structure to be in the front yard and/or the structure will now be 35 feet from the front property line.

Chair will entertain a motion.

Susan Marteney: I move to approve the area variances for Mario and Deborah Lamascolo for 76 Metcalf Dr. for the construction of an unattached garage; an area variance to construct the garage in the side and front yards with 8.5 feet of the structure to be in the front yard and a 35 foot front yard set-back; an area variance of 306 square feet over the maximum allowed 750 square feet of combined attached and unattached garages; and an area variance of 5,721.6 cubic feet over the maximum allowed 1,190.4 cubic feet of volume for the accessory structure because the applicant has proven the following four elements:

- The area variance will not produce an undesirable change or detriment to the character of the neighbourhood or the properties in the neighbourhood.
- The benefit sought cannot be attained by a method other than an area variance.
- The area variance is not substantial.
- The area variance will not produce an adverse impact on the environment nor the physical conditions of the neighbourhood.

Ed Darrow: We have a motion, is there a second?

Rick Tamburrino: Second.

Ed Darrow: We have a second. Roll call please. All members vote approval. Motion carried.

Ed Darrow: Yes. Particularly considering the applicant's willingness to work with this board.

Congratulations, your variance has been approved.

217 Genesee St. P zoning district. Use variance for conversion to office space and apartments. Applicant: Auburn Enlarged School District/Jeffrey Pirozzolo.

Chair invites applicant to approach.

Jeff Pirazolla representing the school board.
Sue Kimmel representing 2+4 construction.

Ed Darrow: Please tell us what you'd like to do.

Jeff Pirazolla: West Middle School was closed August 2011 and has been vacant since. We have spent much money keeping the building up and running, about 90,000 per year in bills not including maintenance. We have had episodes of vandalism and the building is beginning to deteriorate. There has been interest shown but not offers until now.

Sue Kimmel: The building is currently zoned P. Once the district sells it will convert to an R1. We propose a multi-unit renovation to house 59 units of one and two bedroom apartments.

Ed Darrow: Asks the total square footage of the building.

Sue Kimmel: About 90,000 square feet.

Ed Darrow: Asks the target clientele.

Sue Kimmel: It is not restricted to seniors. It will be open to families with less than a 60% median income. 15 units will be dedicated to Unity House for transition housing. Tenants will have to pass a background check.

Ed Darrow: Will you be accepting Chapter 8?

Sue Kimmel: No. There seems to be some confusion. The difference between subsidized and affordable housing is the in subsidized the tenant has a voucher and pays 80% of the rent. These are below market value rents. The tenants must pay the full price. We don't have vouchers.

Rick Tamburrino: These are mostly one bedroom?

Sue Kimmel: They will house a single person or a couple. There is also a problem with single men being able to find residency.

Scott Kilmer: Tenants must be employed?

Sue Kimmel: Yes, they must meet a \$15,000/year threshold.

Scott Kilmer: Will you be asking for a PILOT?

Sue Kimmel: Undecided. Either way it will be back on the tax rolls where now it isn't.

Ed Darrow: Opens the public hearing.

Thomas Turturro: Is generally opposed to the proposal. Wants to know what will be done with the park behind the building. Will this involve a sunset?

Ed Darrow: Once a use is approved it stays with the property, there is no sunset.

Chad Hayden: Questions speaker's concern about the park.

Thomas Turturro: The baseball diamond. It was fenced in at one point. It's more characterized as an athletic field.

Kevin Bates: Borders the rear of the field. Also concerned about the athletic field. Back stops are still there. Concerned about maintenance. It's overgrown with weeds and trees that obstruct sidewalks on Madison Ave.

Tom Gilfus: Concerned with property behind the school. Not being maintained and is overgrown. Hopes it will be going with the school and will be properly taken care of.

Laura Coburn: Excited that someone has come forth to develop a plan. Likes the neighbors' comments so far. Does not want to see the property go downhill after development. Trend is toward more walkable spaces. Once developed it should continue to thrive. We need more affordable, well done housing.

Ed Darrow: Asks applicant to re-approach.

Chad Hayden: Questions if the entire site is necessary for the variance.

Sue Kimmel: Complete package, the building and the athletic field. We are not looking to develop the field. Would like to deed back to the City for a public park. Until then we will maintain it.

Ed Darrow: Questions if there will be any other accesses?

Sue Kimmel: No, we will not be adding any unless instructed to do so by the Planning Board or the Police department.

Chad Hayden: Will award minimum variance needed. Not required for the entire site.

Ed Darrow: We can't create parcels.

Chad Hayden: Discern where the variance line lies.

Sue Kimmel: Use variance is for the existing structure.

Ed Darrow: The variance goes with the entire property.

Sue Kimmel: We are obligated to operate for 50 years.

Susan Marteney: Questions other projects.

Sue Kimmel: States they have renovated other schools. Other than office space it's not a good use since it's residential.

Jeff Pirazolla: When we were approached we made sure it was a good profit and good for the community. I have spoken with other superintendents and they have only good things to say about 2+4.

Stacy DeForrest: Questions why the building was closed.

Jeff Pirazolla: State aid was drastically cut and enrollment had declined.

Ed Darrow: Closes the public hearing and asks the board for comments.

Scott Kilmer: Thinks it is a wonderful use for the building. Speaks volumes when neighbors speak in support.

Ed Darrow: Thinks it is a good fit for the neighborhood with other apartment buildings in the area. Utilizes the uniqueness of the building. This will create less traffic than an office building. 2+4 has good credibility.

Susan Marteney: Questions tenancy of one bedroom apartments, two adults or one adult and one child?

Sue Kimmel: It could be either.

Susan Marteney: Is a population surge anticipated for school attendance?

Jeff Pirazolla: Thirty kids would not crush us. We could redistrict if needed.

Susan Marteney: This is a forward thinking rehabilitation. It already has amenities making it home like.

Sue Kimmel: We've also asked that the building be placed on the historic register. We will be guided by SHPO.

Ed Darrow: Asks for a motion that the project go to the Planning Board for further review and that they be made lead agency for SEQR.

Scott Kilmer: So moved.

Mario Campanello: Second.

All members vote approval. Motion carried.

Ed Darrow: Asks for a motion concerning the variance.

Susan Marteney: Makes a motion to approve a use variance for conversion of the building to office space and apartments contingent on Planning Board approval because the applicant has proven the following elements:

- The applicant has shown that he cannot otherwise realize a reasonable return on the property unless the use variance is granted and this has been shown by competent financial evidence.
- The hardship shown by the applicant is unique to the subject premises and not general to the neighborhood.
- The use variance will not alter the character of the neighborhood.
- The applicant's hardship is not self-created.

Scott Kilmer: Second.

All members vote approval. Motion carried.

236 State St. variance expiration.

Susan Marteney: Is this the big green house near the edge of the City?

Brian Hicks: Yes. They had a previous variance and asked for an extension which was granted. He failed to complete what he said he'd do.

Ed Darrow: Any construction done?

Brian Hicks: I'm not aware of any.

Susan Marteney: What variance did he receive?

Ed Darrow: He's looking for another extension?

Chad Hayden: It was determined that Brian could not approve another extension. It's up to the board to decide. This is an administrative referral from Codes.

Brian Hicks: He asked for one extension. Now that and all permits have expired. Recommends coming back before the board.

Ed Darrow: Also under housekeeping. Reminds members of mandatory training requirements.

Next meeting is 11/23 at 7:00 p.m. Meeting adjourned.

Recorded by Alicia McKeen