

**ZONING BOARD OF APPEALS**  
**MONDAY, MAY 21, 2018**

Members Present: Scott Kilmer, Rick Tamburrino, Stephanie DeVito, Robert Gagnier, Susan Marteney, Ed Darrow

Absent: Doug Parker

Staff Present: Brian Hicks, Code Enforcement; Nate Garland, Corporation Counsel

**APPLICATIONS APPROVED:** 30 Madison Ave, 151 South St., 63 Genesee St., and 20 Mattie St

Ed Darrow: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm board chairman, Ed Darrow. Tonight we will be hearing 30 Madison Ave, 151 South St., 63 Genesee St., and 20 Mattie St. I ask you at this time to please silence all phones or put them in manner mode.

---

**30 Madison Ave. R2 zoning district. Area variance for width of driveway. Applicant: Andrej Gifford**

Chair invites applicant to approach, give name and address and explain what they would like to do.

Andrij Gifford: Having trouble with destroying lawn area trying to access driveway with dump trailer and request a variance for a wider driveway to accommodate.

Edward Darrow: Questions business.

Andrij Gifford: Landlord. Use larger vehicles to help haul materials, etc. Parking also creates an issue. Run off flows into the garage.

Scott Kilmer: Questions distance actually required.

Andrij Gifford: 19 feet.

Edward Darrow: After looking at the property the request makes sense.

Chair opens the public hearing. None to be heard.

Chair asks for board comments. Comments are favorable.

Chair asks for a motion.

Motion to approve as submitted made by Scott Kilmer, seconded by Stephanie DeVito.

All members vote approval. Motion carried.

Ed Darrow: Your variance is approved. Please see Code Enforcement Office for any necessary permits before beginning work.

---

**151 South St. R1 zoning district. Area variance for width of driveway. Applicant: Betsy Schwager**

Chair invites applicant to approach, give name and address and explain what they would like to do.

Bill Schwager: Would like a small 10'x14' turn around driveway in the yard due to safety concerns and difficulty backing onto South St.

Edward Darrow: By law we are required to give the least amount of variance possible. Facing the house, is there enough room on the opposite side of where you are requesting?

Bill Schwager: There is not enough room.

Chair opens the public hearing. None.

Chair asks for board comments.

Scott Kilmer: As someone who lives on South St. I can attest that people exceed the speed limit regularly. Other houses in the area have turn arounds, it is not unique to the area. It is a very busy street.

Chair asks for a motion.

Motion to approve as submitted made by Scott Kilmer, seconded by Susan Marteney.

All members vote approval. Motion carried.

Ed Darrow: Your variance is approved. Please see Code Enforcement Office for any necessary permits before beginning work.

---

**63 Genesee St. C2 zoning district. Area variances for signs. Applicant: Nancy Tehan for ARC Cayuga Play Space.**

Chair invites applicant to approach, give name and address and explain what they would like to do.

Nancy Tehan, Executive Director for Playspace: Although the business is located on a busy intersection people are still unaware where the business is. One existing sign is not visible from three directions. We need a variance for additional signage, including directional. Very frustrating for people who can't find the business. Colorful signs will draw attention to the building and location.

Edward Darrow: Reminds applicant that this is a seven member board and we have members absent. Four votes are still required to pass.

Nancy Tehan: Wishes to proceed.

Scott Kilmer: Thinks the signs look happy, the building itself looks depressing.

Stephanie DeVito: A wonderful job has been done with the space, looks very attractive. Questions pole signs.

Nancy Tehan: The pole signs would be wrapped.

Edward Darrow: Questions Brian Hicks.

Brian Hicks: New zoning ordinance addresses signage. Lyons Bank had previously received many variances for their signs. This is for her business. Lyons Bank are now an existing condition.

Edward Darrow: Questions the increase of the non-conformity.

Brian Hicks: There are three street fronts that gives them much leeway for signs.

Chair opens the public hearing. None to be heard.

Chair asks for board comments.

Stephanie DeVito: Thinks the area will be enhanced.

Edward Darrow: Agree they need something eye catching but this is overdone for the downtown character. I don't think it fits in with how downtown should be represented. Looks too much like Grant Ave this way.

Scott Kilmer: Agrees but they have agreed for temporary signage until the owner applies for permanent signs.

Questions the variance for materials used.

Brian Hicks: The new zoning ordinance specifically addresses this matter stating that all materials used must be robust, durable, and weatherproof.

Susan Marteney: I have no problem with the signs and wraps. The building needs to be made more attractive. I think the signs make a statement for people to come to downtown. The more we can promote something unique in the community the better.

Edward Darrow: Are all members good with a sunset clause? All members agree on one year.

Chair asks for a motion.

Motion to approve as submitted made by Scott Kilmer, seconded by Stephanie DeVito.

All members vote approval. Motion carried.

Ed Darrow: Your variance is approved. Please see Code Enforcement Office for any necessary permits before beginning work.

---

**20 Mattie St. R1A zoning district. Interpretation of previous variance granted. Applicant: Edwina Schleider for Hinman, Howard, and Katell**

Edward Darrow: We have been asked for an interpretation of a previous use variance granted to Mark Locastro for 20 Mattie St. for a restaurant along with an ice cream business. The new tenant would like to make confectionaries to bring off-site while also selling as retail sales on premises along with the ice cream business in the summer. In my opinion it is not manufacturing as long as the goods are for sale. Does the proposed use fall within the allowed use variance?

Scott Kilmer: Confectionaries will be secondary purchases. Taking off-site won't create much traffic.

Edwina Schleider: We have amended the application including the ice cream business. The client has spoken with people in the neighborhood and other customers and serving ice cream, coffees and chocolates would fall within the parameters of the granted use variance. We feel no appreciable difference in the proposed use vs the approved use.

Nate Garland: Questions if there will be business hours.

Edwina Schleider: Yes.

Nate Garland: That was a sticking point. We'd been led to believe there would be no sales on premises.

Edwina Schleider: That is why I've submitted this clarification.

Edward Darrow: To me it doesn't seem to have changed, just now they are serving sweets.

Gretchen Christenson: Hours will be 5 - 9 pm for ice cream and 6 - 9 am for coffee.

Scott Kilmer: Does not affect traffic.

Edward Darrow: Puts forward for unanimous consent and new business use that the business model falls within the guidelines of the previous use variance granted. All members consent.

Brian Hicks: Would have to work on modifying business hours for a residential area.

Chair invites applicant to approach, give name and address and explain what they would like to do.

---

Edward Darrow: Asks if there are any edits to the minutes of 4/23/18. Seeing none, they stand as approved.

---

#### Other Business

Jennifer Dove: Owns 52-54, and 56 Steel St. One piece of land blocked on all sides.

Wesley Brete: It has been considered vacant property but it wasn't vacant, just used for storage. We have to register it as vacant and pay the fee every year.

Jennifer Dove: Property was taken for back taxes but I bought it back. The garages were put into my son's name but it was misspelled and we are trying to rectify that. The legal secretary stated that John (Rossi) said he won't do it, that we need another attorney. In the meantime AFD has sent a letter to be placed on the vacant building registry.

Nate Garland: I believe Codes will be able to help you.

Edward Darrow: Your dilemma here is outside the purview of this board. Contact Code Enforcement Office for help.

---

Next meeting is June 25, 2018 at 7:00 p.m. Meeting adjourned.