

**ZONING BOARD OF APPEALS
MONDAY, DECEMBER 17, 2018**

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

Members absent: Susan Marteney, Doug Parker

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

APPLICATIONS APPROVED: 60 Walnut St. shed, 2 Belle Ave, 13 Walnut St.

APPLICATIONS TABLED: 41-53 Genesee St, 126 Cottage St.

APPLICATIONS DENIED: 60 Walnut St. parking area

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 60 Walnut St., 2 Belle Ave, 13 Walnut St., 41-53 Genesee St., 126 Cottage St. I ask you at this time to please silence all phones or put them in manner mode.

November minutes will be tabled until January's meeting.

60 Walnut St. R1 zoning district. Area variances for shed and front yard parking. Applicant: Eugene Peek. (tabled from previous meeting)

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

Sam Giacona, attorney for applicant: Distributes additional information. The proposal is for a parking an addition to the parking area in the front yard. It is not out of character for the neighborhood as there are many narrow lots on the street. Purchased the property in 2017 and wants to improve it. Parking is very tight and he wants to create additional parking for his fiancée and get the vehicle off the street. He has expended considerable cost to create a very nice looking area to get vehicles off the street. The neighbors across the street are in favor as it makes it easier for him to back out. We have a petition from neighbors approving the driveway and shed, none of them have objected. My client did not realize a permit was necessary until after the project started.

Scott Kilmer: Questions client's awareness concerning the permit.

Sam Giacona: The project had already started when he found out one was required.

Scott Kilmer: Questions Brian Hicks.

Brian Hicks: Once we realized the project had started we sent the Mr. Peek a letter stating a permit was required. We then issued a Stop Work order. Mr. Peek continued to finish the project.

Edward Darrow: Questions the Stop Work order.

Brian Hicks: A verbal order was issued when formed but not poured.

Stephanie DeVito: Has he made any other improvements requiring a permit?

Brian Hicks: He had a permit for the shed but then installed one larger than what was permitted.

Edward Darrow: Referring to photo showing tires of truck on the sidewalk: This is not legal to do, so we cannot grant a variance that allows parking on the City sidewalk.

Stephanie DeVito: Also, isn't the sidewalk supposed to continue on through a driveway?

Brian Hicks: Yes, sidewalks are to be continuous so no, this is not proper.

Chair opens the public hearing. Being none the public hearing is closed.

Chair asks for board comments.

Edward Darrow: My biggest concern is that the sidewalk cannot be blocked. I drove by and noticed a vehicle parked sideways there and it still hung over the sidewalk. I feel bad he expended the time and money to do this but if it had been done properly he would've known beforehand what was required. Any thoughts about the shed other than permit issues? I do not think the request is significant.

Scott Kilmer: Wants to make clear that the pre-existing condition of the driveway was non-compliant.

Chair asks for a motion on the shed.

Motion to approve as submitted made by Rick Tamburino, seconded by Bob Gagnier. All members vote approval. Motion carried.

Chair asks for a motion for the driveway.

Motion to approve as submitted made by Rick Tamburino, seconded by Scott Kilmer.

Doug Parker: Yes, I live in the area and pass here often. Vehicles parked on the street cause congestion.

Susan Marteney: No, having the entire front yard paved changes the look of the neighborhood and encourages others to do the same.

Stephanie DeVito: No, it changes the aesthetics of the area, there is no green space, it obstructs the sidewalk and proper permits were not sought.

Rick Tamburino: No, the request is too substantial, it obstructs the sidewalks, it changes the character of the neighborhood and sets a precedent.

Scott Kilmer: No, the request does not meet the set of criteria we go by. It is a substantial request, it is self-created and it has a detrimental impact on the neighborhood.

Edward Darrow: No, it is not within our power to grant something that blocks the sidewalk, it is a sidewalk obstruction and the area is too small.

Your request for the driveway is denied.

2 Belle Ave.R1 zoning district. Area variance for driveway. Applicant: Daniel Testa (tabled from previous meeting)

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

Dan Testa: The variance request is to save a portion of the driveway. The area was already stone and the owners thought they could just pave over it. Only the existing area was paved.

Chair opens the public hearing. Being none the public hearing is closed.

Chair asks for board comments.

Edward Darrow: This is a little further to the right and not encroaching on the front of the house. It is upsetting that the same paving company continues to do work without being sure a permit has been issued.

Chair asks for a motion.

Motion to approve as submitted made by Rick Tamburinno, 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.

13 Walnut St. R1 zoning district. Area variance for accessory structure. Applicant: Richard Nash

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

Richard Nash: Want to add a 24 square foot carport area in front of the garage over the driveway. The portable garage will be removed once the carport is up. The driveway is already paved. The existing garage is used as a shop. The carport would cover a parking area for vehicles.

Edward Darrow: The project has approval from the Planning Board also.

Chair opens the public hearing. Being none the public hearing is closed.

Chair asks for a motion.

Motion to approve as submitted made by Rick Tamburinno, 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.

41-53 Genesee St. D zoning district. Area variance for sign. Applicant: Grant Kyle for Kylecroft Development.

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

Peter Kyle: Seeking a variance for new sign on the Nolan block buildings of Genesee St. Vertical sign to include five commercial tenant. Large sign of 16' is going on the existing hangers. Three lower signs typical of signage for tenancies; they will have a choice of which shape they want. One vertical sign, double-sided.

Edward Darrow: Concerned with overhand of sign possible interfering with trees planted along the street. Concerned that 49 inches seems excessive. Wonders why it need to be that big.

Peter Kyle: Trying to raise visibility in the area. It will be backlit with raised lettering. I don't believe it will hamper any of the trees.

Edward Darrow: I don't believe the size blends in with the area. And there are five tenancies you wish to advertise also. I don't want this looking like Grant Ave. It's a massive sign, I would like to see it smaller. It only names the building.

Peter Kyle: The tenant signs will be smaller and tastefully done.

Edward Darrow: Questions placement of tenant signs.

Peter Kyle: They will be over the businesses only.

Scott Kilmer: I would like to see a better representation of how the signs are on the building, a better rendering.

Edward Darrow: Asks the applicant for a better rendering to be presented at the next meeting.

Peter Kyle: Agrees. Also the store front will be installed soon which will also show where the signs are.

Edward Darrow: I'm not trying to discourage you but we are charged with protecting the downtown area.

Rick Tamburino: Would like to see renderings of more than one view and also a rationale as to why this much signage is needed.

Edward Darrow: The matter is tabled until further information is made available.

**126 Cottage St. R1 zoning district. Area variance for conversion from single to two-family.
Applicant: Adrian Humphrey.**

Chair: Applicant is a no show and the matter is tabled until the January meeting.

Housekeeping

Edward Darrow: It seems more and more that Upstate Paving is telling people that a permit is not needed. Asks Corporation Counsel to send letters to the paving companies notifying them that permits are in fact required for paving.

Stephanie DeVito: Wonders how much is the company and how much is it the client using it as an excuse.

Edward Darrow: It is in the contract that a permit is required which leaves the onus on the owner but it is continually happening with Upstate Paving going ahead and doing the work without benefit of the permit being issued.

Stephanie DeVito: How do we hold the owners responsible?

Edward Darrow: By denying their requests. But we could facilitate matters with a letter. We need to be held just as responsible by not just rubber stamping these after the fact requests.

Stephanie DeVito: Recommends an advertisement come spring time and notification of social media reminding people that permits are required.

Next meeting is February 25, 2019 at 7:00 p.m. Meeting adjourned.