

CITY OF AUBURN PLANNING BOARD
WEDNESDAY, JANUARY 2, 2013 6:30 PM, MEMORIAL CITY HALL

Present: Sam Giangreco, Anne McCarthy, Tim Baroody, Sheli Graney, Frank Reginelli, Crystal Cosentino

Absent: Christopher DeProspero

Staff: Stephen Selvek, Planning and Community Development Program Manager; Andy Fusco, Corporation Counsel; Greg Gilfus, Officer-APD Traffic Coordinator, Brian Hicks, Code Enforcement.

Agenda Items: 1-19 Rear Prospect Street, PUBLIC HEARING for 1-19 Prospect Street, PUBLIC HEARING Community Development Block Grant

Chair calls the meeting to order. The Pledge of Allegiance is recited. Roll is called.

Chair asks staff to clarify the agenda.

Stephen Selvek introduces agenda items. Board will have three action items in front of them tonight regarding the proposed East Side Heights Subdivision. 1). Amend SEQRA Resolution passed on February 2, 2012. 2). Preliminary approval of the proposed subdivision 3). Public hearing for final approval of the subdivision.

Assuming everything moves forward tonight, next month we will be giving final consideration of the subdivision.

Last item on the agenda is a public hearing for the Community Development Block Grant. A brief introduction will be made and I encourage board members to provide comments.

Agenda Item 1: Approval of December 4, 2012 minutes.

Chair asks for a motion to approve the minutes of December 4, 2012. So moved by Shelli Graney, seconded by Crystal Cosentino. All members vote approval. Motion carried.

Agenda Item 2: Amendment to February 2, 2012 Negative Declaration SEQRA Resolution for "East Side Heights 52 Lot Subdivision" to issue a Conditioned Negative Declaration.

Chair asks staff for comments.

Stephen Selvek- Last month we were presented with an issue that came up because of a change in the review process for this project. The project was giving consideration to annexation. Annexation has been taken out of this situation and we now have a fifty-two (52) lot subdivision that will require the approval of this board and the Town of Sennett. This board will be looking at the approval of lots in the City and the in the Town of Sennett will be reviewing the lots in their Planned Development District. We need to review this scenario under SEQRA and look at the possibility that this could be a thirty-three (33) lot subdivision. If the board was to move forward with the approval of the lots in the City, that would include twenty-two (22) lots that

would become developable. There are, at this point, eleven (11) lots that are currently approved and share configuration with the town of Sennett. These lots were approved in 2008. Therefore we could potentially end up with thirty-three (33) developable lots, instead of the fifty-two (52) or the other option would be no action taken.

The minutes from the February 2, 2012 minutes, which discussed the subdivision's SEQRA, and Full Environmental Assessment Form were distributed to board members for their review. Amended Question 19 of the Full Environmental Assessment Form and Part III of the SEQRA form. *Reviews amended long form SEQRA*

Board is being asked to adopt a resolution to accept amended the Full Environmental Assessment Form. And reaffirm that the original Negative Declaration that was made in February would remain not to be a negative significant environmental impact.

Chair asks board members for questions and comments.

Shelli Graney- Questions shared lots locations

Stephen Selvek- The eleven (11) shared lots are located on the east side of street A and are represented by lot numbers twenty-three through fifty-two (23-52).

Crystal Cosentino- Is the drainage pond located on one of the subdivision lots in the City? How would that be affected if just the City's lots are moved forward?

Stephen Selvek- The storm water detention area was designed to accommodate fifty-two (52) lots so if only thirty-three lots are developed, there is still adequate capacity to deal with the storm water in this development. Right now the developer is deciding how they will deal with the ownership of the storm water detention area. The City of Auburn does not want reliability of the ownership of the storm water detention area. There are two options 1.) The storm water detention lot is the responsibility of the adjacent lot owner 2.) The developer opts to create a homeowners association that would share the maintenance of the storm water management area.

Frank Reginelli- Has concern that lots in the subdivision may be developed and others may not be developed

Stephen Selvek- Thirty-three (33) lots are in front of this board for review and could be developed. There could be a total of fifty-two (52) developable lots. SEQRA looks at both scenarios.

Frank Reginelli- Has concern if one owner of the detached home repairs the roof and the other owner does not.

Stephen Selvek- That is a property ownership issue. It is not a consideration that we are reviewing under the subdivision. The board has a right to have a concern about the aesthetics, such as the layout of the subdivision, but when it comes down to whether one person wants wood siding and one wants vinyl siding that is ultimately the responsibility of the property owners.

Frank Reginelli- Has a concern with traffic and safety with pedestrians, particularly with school children in that area. Raises concerns with property values in the area, college student housing, density issues and home occupations in the neighborhood.

Stephen Selvek- The board has the right to consider the overall character and density of the development. If the density of the development is beyond that which is considered out of character with the City or neighborhood, the board has every right to take that into consideration. I would argue that in this case the size of the proposed lots is not out of character with the overall density of that area. It is a different configuration in terms of semi-detached single family home, where there is a common shared wall, but the density itself is not a situation where its greater. I also recognize some of your other concerns in regards to home occupation and student housing in that neighborhood but that is a separate situation than the subdivision before us. We should focus on the layout of the subdivision and whether it's appropriate.

Andy Fusco- I would like to address the unresolved voting of one board member by having a discussion with developer regarding relationship with the board member.

Andy Fusco-Asks applicant representative, Ben Vitale, to the stand and asks what PMV Vitale Realty LLC. stands for.

Ben Vitale- PMV Vitale Realty LLC is a LLC company set up by Paul, Mike, and Vin Vitale that is a real estate company.

Andy Fusco- Mr Baroody, who is on our board, is employed by what entity?

Ben Vitale-Thomas Baroody works for Paul Vitale Inc.

Andy Fusco- What is the relationship between Paul Vitale Inc. and PMV Vitale Realty LLC.?

Ben Vitale- The only connection is one of the owners, Paul F Vitale.

Andy Fusco- Paul Vitale is a member of the LLC and a shareholder in the cooperation?

Ben Vitale- Correct.

Andy Fusco- Does he own a majority membership interest in the realty cooperation?

Ben Vitale- No.

Andy Fusco- Does Mr. Baroody have any employment involvement with PMV Vitale Realty LLC?

Ben Vitale- No.

Andy Fusco- There have been improvements that have already been made to this seventeen (17) acre subdivision, namely a roadway, some concrete gutters and I assume that those improvements were done by Paul Vitale Inc.?

Ben Vitale- Correct

Andy Fusco- Have those improvements been paid for entirely? In other words is Paul Vitale Inc. owed any money if this is successfully approved by this board tonight?

Ben Vitale- No.

Andy Fusco- I am satisfied, Mr. Chairman, that Mr. Baroody does not have a conflict of interest and he is permitted to vote as properly indicated under the general municipal law. Mr. Baroody is employed by the Paul F. Vitale Incorporation, which is a separate entity.

Chair makes a motion to adopt the amended negative declaration SEQRA. Motioned by Crystal Cosentino, seconded by Tim Baroody. All members vote. Motion carried.

Agenda Item 3: Preliminary Major Subdivision Review of “East Side Heights Subdivision” for the construction of 26 residential building lots to be located at 1-19 Rear Prospect Street. Applicant PMV Vitale Realty, LLC.

Chair asks for staff comments.

Stephen Selvek- The preliminary plan before this board tonight is the plan that was before the board previously. The plan itself, as described last month, is a total of fifty-two (52) lots both within the City of Auburn and Town of Sennett. The preliminary approval that we would be issuing tonight is a procedural step and ultimately gives consideration to the subdivision approval. A Major subdivision requires preliminary approval before final consideration can be given to the subdivision before us. I noted on the draft resolution four conditions or modifications that are required for the preliminary plan. Items include:

- Ownership of storm water management pond
- Language to be added to the deeds regarding shared lateral situation
- Diameter of cul-de-sac to be revised from 94 feet to 96 feet
- Execution of a performance bond between the applicant and City of Auburn

I would like to address a concern that was discussed at last month’s meeting concerning fire protection of this subdivision and the capacity of our fire department. Chief Dygert, Chief of the Auburn Fire Department, is confident that resources needed for this subdivision are present. In this situation we have a shared configuration of properties in the Town of Sennett and City of Auburn. There are other examples in the City of Auburn, such as LOWES, with a shared configuration. Essentially what happens is the 911 response system assigns a response department to any given property in the City, so each lot will be assigned a fire responder either the City or Town of Sennett Fire Department that would be primary responders to that site. If there were an emergency on the street, the fire department that shows up first is the department that is in charge in dealing with that emergency.

Chair asks board for comments.

Anne McCarthy- Regarding the deed language and shared laterals, if a property is not sold for a year who follows up to make sure that language is in the deed?

Stephen Selvek- Language that is added to the deed would be added at the time of filing the subdivision itself. So, in order to have the subdivision approved, not only is the map filed but all the deeds and property descriptions will be filed as well.

Crystal Cosentino- Has concern with the aesthetics of the homes and refers to the City's Comprehensive Plan and design of housing.

Stephen Selvek- The Comprehensive Plan is a tool that the board can use. The only issue of the Comprehensive Plan is that it has more than one goal in it. It clearly talks about the design of residential structures, but at the same time discusses ensuring a variety of different housing options. The Comprehensive Plan is adopted and in place but some of those particular items have not been translated into requirements. With regards to residential structures, the placement of garages, a detached garage has a code requirement to be placed in the rear yard and an attached garage does not have the same code requirement. One of the items discussed by the applicant last month is that no one developer has been chosen and multiple developers may be interested in developing the sites. I am not sure if the board wants to tie the hands of the developer to the point that it would eliminate multiple possibilities.

Crystal Cosentino- We need to be mindful of the neighborhood, their concerns and the Comprehensive Plan.

Stephen Selvek- That is a valid concern that the board members have to weigh. It is a balancing act that must look at the overall aesthetics of the development and if it's a benefit to the City. Basically do the benefits way out the detriments.

Andy Fusco- We have a device available to address concerns, which is to negotiate some set of restrictive covenants with the developer. So that the rules regarding the property won't be from one deed to the next, to the next and so on, but will be referenced with one general set of restrictive covenants which govern each of the fifty-two (52) pieces of property that will be in the City of Auburn, because all of them will be in the City of Auburn to some extent. Certainly the best way to address the detention pond is in a restrictive covenant that governs the rules that all the properties have to abide by. If the detention pond is given to the adjacent land owner then the land owner will take responsibility. The concern regarding aesthetics to fit with the neighborhood can be set in a restrictive covenant. I am sensitive to the comment that we do not want to tie the hands of the developer but by the same token we are dealing with relatively smaller houses here, where we may not want boarders in those types of houses and while our code allows that, it is something that can be negotiated with a restrictive covenant. A restrictive covenant can also be used to address the siding of the houses but keep in mind tonight is preliminary approval and board members can fine tune or negotiate things with the developer.

Frank Reginelli- These are single detached homes, can someone build a single family homes?

Stephen Selvek- The advantage to having the side by side dwelling is that you can have a much smaller lot. With the plans before us, each lot is given individual consideration, but there are lots that will conform with a side by side dwelling and single family home. However, some may be narrower than other in nature like lots 17, 18 and 1 and 2 may not comply with the lot requirement for a single family home.

Shelli Graney- Would now be the time to discuss negotiation requirements?

Stephen Selvek- This is the time to put on the record the concerns of the board and specific items be addressed and considered.

Andy Fusco- Yes, I agree with that.

Stephen Selvek- I would like to ask the Chair to discuss issues and concerns with the board. If the majority of the board has concerns that are not addressed in exhibit A, I would like to address them.

Tim Baroody- Confirms that the board is voting tonight on the thirty-three (33) lots in the subdivision for preliminary approval

Chair asks board for their concerns and comments.

- Boarders/renters
- Garages
- Detention pond
- Aesthetics of the homes (siding and roof)
- Rules regarding maintenance of the property (home owners association)

Frank Reginelli- Questions accessory buildings

Stephen Selvek- Accessory structures are addressed under code. They require all of the code setbacks.

Tim Baroody- Questions if property maintenance is addressed in code

Brian Hicks- Yes.

Frank Reginelli- Questions if there is adequate street lighting

Stephen Selvek- There is an engineered drawing with lighting

Chair asks for a motion to adopt the preliminary subdivision approval. Motioned by Frank Reginelli, seconded by Shelli Graney. All members vote. Motion carried.

Agenda Item 4: PUBLIC HEARING for Final Major Subdivision Review of existing parcels located at 1-19 Rear Prospect Street and Franklin St. Rd., East Side Heights, to create residential building lots for the construction of semi-detached, single-family homes. Applicant PMV Vitale Realty, LLC.

Chair invites applicant to provide an update on the project.

Ben Vitale, PMV Vitale Realty, LLC- We have taken the Sennett properties of this project to the Town of Sennett. Town of Sennett has referred it to Planning Board and we are headed to Sennett's Planning Board tomorrow night for a PDD.

Chair asks staff for comments.

Stephen Selvek- Basically this project was presented in its entirety last month and we have had a lot of discussion on this project tonight. As I mentioned earlier as part of the procedural requirements we have to have a public hearing specifically for final consideration.

Chair opens public hearing.

Russ Tierney, 36 Prospect Street- As a neighbor in that area, density is hugely different from the existing homes in that area and to say that it is not is not true at all. Some of the properties that are paying the highest taxes in the City of Auburn are located on Prospect Street. You can't say that putting a modern day trailer park in a neighborhood is in the best interest of that neighborhood. Not two days after receiving a letter from you (the City) about this, we received a letter from the college, who is now going to put three-hundred dorm rooms in the area. You need to remember that it is a neighborhood with nice lots. If you are thinking of a protective covenant, make it that the subdivision housing is for seniors. Make it a nice development. Properties on Prospect are currently for sale \$170,000 now and cannot be sold. They are \$20,000-\$30,000 less than assessed value. How are these going to sell for the price of \$175,000- \$180,000? There are properties on Prospect Street for that price now and have been for sale for ten years, and cannot sell. It is not in the best interest of the City to destroy a neighborhood. Let's approve an entire development, not just the land. In many communities they come in with a plan and say, here is what it is going to look like when we are finished. Here is the landscaping, here are the homes, here is what it is going to look like when we are done. We are not doing that. The site plan has not been shared with the neighborhood. In the past when they were looking at the 21 lots, there was a large site plan up for everyone to look at. So really think long and hard on what you are doing to a community, not just a map and a bunch of lines on a piece of paper. Build a decent development that will enhance the City.

Chair closes public hearing

Agenda Item 5: PUBLIC HEARING Community Development Block Grant 2013 Action Plan: This public hearing provides an opportunity to comment on the plans and priorities of the plans. Presenter: Stephen Selvek, Planning and Community Development Program Manager.

Chair asks Staff for comments.

Stephen Selvek, Planning and Community Program Manager, introduces the Community Development Block Grant (CDBG) Program and explains how the federally funded program benefits low to moderate income individuals and areas in the City of Auburn. Asks board members and the public if there are priorities that they see as being beneficial to the CDBG program

Chair opens public hearing.

Anne McCarthy- Questions what salary range is low to moderate income

Stephen Selvek- Example of low to moderate income household is family of 4 making less than \$46,000/yr. It is dependent on the size of the family and their income. We also do work on an area basis, according to census data information. Gives example of work being done on Orchard Street.

Anne McCarthy- States that transportation is an issue in the City of Auburn

Stephen Selvek- Mentions that CDBG currently funds SCAT Van

Shelli Graney- Asks if mental health services can be addressed with CDBG monies

Renee Jensen- Currently CDBG funds homeless intervention programs that do have a case management component that addresses mental health with those individuals.

Stephen Selvek- Mental health is an eligible CDBG activity.

Crystal Cosentino- CDBG is one of the few funding sources that allows you to do brick and mortar type projects. You have here many human services but your affordable housing, sidewalk improvements, demolition, there are very limited opportunities to do things like that with funding from either the state government, federal government or even local foundations. A lot of times they will fund human service type of stuff but you can't tear down a structure that is sitting in a neighborhood, you can't build a new single family home and certainly, I work in the Orchard Street area and demolished eleven units of substandard housing and built two new single family homes that I think is a benefit to the community at large, not only to that neighborhood. So I am really excited to see that affordable housing is your number one priority but I think when you have a funding source like this brick and mortar type things are so critical because there is so few opportunities to get funding. That can include urgent type items like roof repairs or sewer line repair. When you are driving around Auburn there are so many parts that are low to moderate income areas and then you have people throughout the City that are low to moderate income themselves but the more you can put toward bricks and mortar type activities will be best served for the City as a whole.

Frank Reginelli- Sidewalks improvements are very important

Chair closes public hearing

Other matters include the date of the next Planning Board meeting scheduled for Tuesday, February 5, 2013 at 6:30pm

Motion to adjourn by Frank Reginelli, seconded by Tim Baroody. Meeting adjourned at 7:50pm.