

CITY OF AUBURN PLANNING BOARD
TUESDAY, JUNE 3, 2014 6:30 PM, MEMORIAL CITY HALL

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

Absent: Shelley Simon

Staff: Stephen Selvek, Senior Planner, OPED; Andrew Fusco, Corporation Counsel; Brian Hicks, Code Enforcement Officer; Greg Gilfus, APD Traffic Officer

Agenda Items: Application for Minor Site Plan Review of 12 McMaster Street; PUBLIC HEARING Zoning Amendment for 78 Franklin Street; Application for Major Site Plan Review for 78 Franklin Street; Other Items: Minor Subdivision Reaffirmation of 43 South Hunter Ave.

Resolutions carried: 12 McMaster Street SEQRA Lead Agency; 78 Franklin Street SEQRA Lead Agency; 43 South Hunter Reaffirmation of Minor Subdivision Approval.

Resolutions denied: None

Applications tabled: None

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

Agenda Item 1: Approval of May 6, 2014 Meeting Minutes.

Chair asks for a motion to approve the minutes of the May 6, 2014 meeting. So moved by Frank Reginelli, seconded by Crystal Cosentino. All members vote approval. No members opposed. Motion carried.

Agenda Item 2: Application for Minor Site Plan Review for 12 McMaster Street for the installation of a 28-vehicle parking lot to adjoin an existing parking lot at 15 Hulbert Street. Applicant: Community Computer Service.

Chair invites applicant to introduce the project.

Michael Palmieri, Architect, 100 Genesee Street- Hands out 2011 and 2014 site plans to Board members. Displays 2014 Site Plan. We are proposing additional parking spaces for the community computer parking lot. The 2011 site plan shows the property with the existing house. The 2014 site plan shows the property in terms of what they bought and the house that they demoed in 2011/2012. They also acquired a parcel from the State on the North side which is approximately 28 x 220 and is where the additional spaces will be located for the growing business. I met with the City engineering department and storm water calculations are required and will be made available at the July meeting. There is a storm water catch basin that was put in at the time the addition was put on to the building. Some of the runoff will go into the catch basin. We are looking to create storm water detention along the North side of the parking lot; along the parking area and the State land to catch additional water. The dotted line in the drawing represents snow storage area.

Chair opens Public to be Heard. There being none, the chair closes the Public to be Heard portion of the meeting.

Chair asks for staff comments.

Stephen Selvek- The initial site plan proposal was to expand the existing parking lot. I reviewed past records and the initial lot that was created for approximately 20 cars was never properly brought before Planning Board and I think that was a result of miscommunication with permits for the demolition vs the process for the parking lot. Therefore, what the Board should look at is the entire parking lot. It is understood that a portion of it was already installed but prior to the rest of it being finished that we give consideration to the entire lot. The area that was installed is appropriate including layout, parking spaces, and access. However, taking this property from residential and creating a parking lot will impact storm water and storm water management. What we have asked the architect to do is to provide a system to catch the storm water runoff.

The schedule we are looking at for this application is: Tonight SEQRA Lead Agency Resolution, Zoning Board of Appeals is an involved Agency regarding a variance for the parking lot buffer. The proposed variance will likely be before the ZBA at the July meeting. At the August Planning Board meeting will be final determination on the site plan.

Frank Reginelli- Is the area commercial or residential?

Stephen Selvek- The area is a mix of both. It is part of our downtown zoning district and is zoned C2 which is residential and commercial. The use as being proposed is an appropriate use for the site. However, in the code there is a required buffer between commercial use and residential property. In this case the buffer required would render the entire lot as unusable.

Tim Baroody- The work has been done so it's a pre-existing non conformity. You are asking for a SWPP plan for the entire lot?

Stephen Selvek- The work was completed two years ago it's not that it's a pre-existing nonconformity. At this point it is actually illegally existing so we are essentially trying to rectify the situation. A SWPP would have been required if this was going through the process initially.

Tim Baroody- Tonight we are declaring ourselves as Lead Agency and Mr. Palmieri will come up with something on draining, go to Zoning Board of Appeals for the buffer and then it goes forward from there.

Stephen Selvek- I should clarify that we are not requiring a SWPP because it is not larger than an acre of disturbance. What we are requiring is that the storm water be managed.

Chair asks for a motion to adopt the SEQRA Lead Agency Resolution for 12 McMaster Street. Motioned by Frank Reginelli, seconded by Tim Baroody. All members vote approval. No members opposed. Motion carried.

Agenda Item 3: Application for Minor Site Plan Review and zoning change from R2: multi-family residential to C-1: neighborhood commercial for 78 Franklin Street to construct a new 2015 SF Bar with an attached covered patio and site improvements. Applicant: John Mortimer

Chair invites applicant to present project.

Michael Palmieri- Distributes update site plan drawing to Board members. We are proposing to construct a new building which is going to be a Bar/ Tavern in the same location where the building was burned down earlier this year. The parking is existing and the spaces are existing spaces. The green space is existing as well. We are just looking to construct a new building. The construction of this building will be wood frame with wood siding and a metal roof. Occupancy will be 87-90 people. The second floor will be office storage and hold records. There will be outdoor access.

Chair asks staff for comments regarding the Public Hearing.

Stephen Selvek- The Site plan application allows a public to be heard portion however with this case we will require a Public Hearing because of the request for rezoning for the parking lot. The public hearing will be for the site plan as well as any issues, concerns or support they may have with the rezoning request.

Andrew Fusco- As I understand we are also looking at the rezoning of not only the parking lot but also 46 South Lewis. Is that correct?

John Mortimer- No, we pulled that property from tonight's agenda

Andrew Fusco- Why do you want to spot zone.

John Mortimer- We are not going to spot zone. Tonight we are discussing the parking lot, which has been a parking lot for the last 60 years. At this particular time we are not looking at the Lewis Street property. The Lewis Street property has nothing to do with Tinkers and what we are planning on doing with Tinkers. The Lewis Street property is a separate property by itself and it may confuse everyone by discussing it tonight.

Andrew Fusco- The parking lot has always been a pre-existing non conformity, is that it?

Stephen Selvek- While the parking lot has been a preexisting non conformity it is an accessory use to the commercial structure. Once the building was no longer on the site, the parking lot status was lost as well and reverted back to residential.

Chair opens PUBLIC HEARING. There being none, chair closes Public Hearing.

Chair asks for staff comments.

Stephen Selvek- Again what we are looking at here is the redevelopment of Tinkers Guild. The initial site plan was lacking components and that has been discussed with the applicant which was transmitted to the board via email. The site plan distributed tonight looks as if it has addressed most of the issues as far as defined access, replacing concrete sidewalk, fencing between residential property and this property. The zoning request, I supported mainly because the use of the site has been used the way it has been for a long period of time.

In 1993 there was a rezoning process of that neighborhood and this property became residential. There have been other properties that, over on Wall Street, that were commercial properties but zoned residential and we have been through a rezoning process for those properties. The process for this application will include: A resolution for SEQRA Lead Agency, SEQRA determination in July, Zoning Board of Appeals variance request for a use buffer and in August final determination of the site plan and a recommendation on re-zoning to City Council. City Council will ultimately approve the zoning request.

Frank Reginelli- Is the new structure on the previous structure's foundation?

Stephen Selvek- This is a new building on a new foundation and will be meeting the required setbacks.

Frank Reginelli- The new building will be more compliant with code.

Stephen Selvek- It will be compliant with code and that is the reason for needing some of the variances.

Frank Reginelli- Second story is not to be used as rental space.

Stephen Selvek- At this point what we are reviewing is specific to the bar use and the second story is largely storage space and in the event that the second floor becomes rental space it would likely trigger a parking requirement and would be starting back at square one.

John Mortimer- As long as I own the building, there will be no rental property in that building.

Crystal Cosentino- questions if a use variance and spot zoning are both required or is it one or the other?

Stephen Selvek- Clarifies that this is not spot zoning instead it is a re-zoning request and the applicant would need a use variance or zoning change, not both. This site is part of an existing site that is zoned C1 as well as contiguous to C1 uses. It was recommended to move forward with a zoning change since previous owners of the site had been denied use variances.

John Mortimer- Questions timeline and asks if August is when he can apply for a building permit?

Stephen Selvek- If everything is in order and meet specifications than I anticipate that final approval will be sought from the Planning Board at the August meeting.

Andrew Fusco- In the interim, two other approvals that are needed- area variance from ZBA and Council approval on the zoning change.

Michael Palmieri- I believe he is concerned with the short construction season.

Frank Reginelli- Is there a way this can be expedited?

Andrew Fusco- Staff can present to Council, which meets weekly but ZBA meets monthly.

Stephen Selvek- SEQRA has a specific time frame of 30 days, unless Council and ZBA communicate with Planning Board before the 30 days. However ZBA meets at the end of July which is near the end of the 30 day period.

Chair asks for a motion to adopt the SEQRA Lead Agency Resolution for 78 Franklin Street. Motioned by Frank Reginelli, seconded by Tim Baroody. All members vote approval. No members opposed. Motion carried.

Agenda Item 4: Other Matters

A. Reaffirmation of Planning Board approval of a Minor Subdivision at 43 South Hunter Ave granted on March 4, 2014.

Chair asks staff for comments

Stephen Selvek presents the reaffirmation resolution to Planning Board members. This was a subdivision of a 6 acre parcel into 3 parcels, two of which are approximately one acre and the remaining approximately 4 acres. In City code the applicant has 90 days to file subdivision approval following the Planning Board's decision. The expiration date is today and we would like to extend that time frame for an additional 90 days while the involved parties come to consensus to the proposed easements for the water line. The approved subdivision maps have been waiting to be filed, which is contingent on the easements being filed.

Andrew Fusco- In addition, the reaffirmation decision would include reaffirming a change or alteration on the subdivision map, including easements to loop water to increase the water pressure. Originally on the

subdivision maps there were water easements going through the subdivision property to loop the water on N Hunter, Linn, and Alden to increase the pressure on those streets.

Rick Hansinger- Distributes a revised subdivision map to Board member requesting an 8 foot easement instead of the original 15 foot easement.

Andrew Fusco-All three of the water lines that serve Hunter, Linn and Alden are dead ends and may be one of the reasons why the water pressure is low. We had people from the neighborhood express concern that adding three homes to the neighborhood would further lower the pressure. As a solution to that there were going to be easements on the South side of the existing properties on Linn and Alden on the Subdivision map. However, one property owners declined to sign the easement. Now negotiations with other landowners are taking place who live North of the subdivision line, so that the easements will run parallel to the original easement line. Since there are structures there they are suggesting the easements to be 8 feet opposed to 15 foot wide. I have spoken with the attorney and the property owners have agreed to get the license for the work being done associated with the water line. An 8 foot easement is wide enough for a water line but may not be for some of the equipment. An eight foot easement is large enough for a water line but the equipment needed to do the work may be larger than eight feet and the homeowners understand that. And grant temporary licenses if work will ever need to be completed. We are asking this to be included in your reaffirming tonight.

Rick Hansinger- The map will be changed to reflect what you stated. One property owner is out of State so it may take some time for his signature. The City does need to sign the easement. Would that be you Mr. Fusco?

Andrew Fusco- Usually the Mayor signs on contracts or the easements would be signed by the City engineer.

Stephen Selvek- Prior to the signatures the easement needs to be brought Mr. Lupien and approved by the City engineer, which will not happen until Monday, since he is on vacation. The engineering office, in the absence of Mr. Lupien, has expressed concern with an 8 foot easement, typically 20 feet or more feet are required, 15 feet is the minimum.

Rick Hansinger- I have been at this for six months now and I cannot get a building permit to build and we are back here again doing another 90 days and I think if you are going to get 90 days, you are going to take 90 days.

Stephen Selvek- We did not take 90 days. We want to work with you. The subdivision that was originally filed was filed illegally and we will work with you to make this happen.

Rick Hansinger- If the homeowner who said he is not going to sign a 15 foot easement does not sign, where are we at?

Stephen Selvek- If the easement exists, even at 8 foot, it gives us adequate access for the line itself. To do the work the City may force a temporary easement and they need to understand that.

Frank Reginelli- You say that everyone has agreed to it but no one has signed.

Andrew Fusco- No one has signed because the documents have not been drafted yet.

Frank Reginelli- People say yes, to appease you but what I am looking for is that commitment and what is the alternate course that these people can take?

Tim Baroody- The City can force to get it done.

Frank Reginelli- I think we need to look at a second or third alternative to get this done.

Andrew Fusco- This is the second alternative and I think we can move forward. This is the problem with an illegal subdivision. If this had been done right in the first place we would not even be here right now. So let's try to fix the problem.

Rick Hansinger- This is plan B and right now we have assurances that three out of four will sign and the fourth will if it is an eight foot easement.

Andrew Fusco- I spoke with the fourth person's attorney as late as today and I have no reason to believe that they are going to change their mind.

Rick Hansinger- I did have one other request. I have had my drawings in for a month and a half and am not certain that they have been looked at. Is there a way that they can be reviewed so we can get the permit issued when this is resolved?

Brian Hicks- We will look at them now that we know this is moving forward. Please understand that we cannot put time into something that may not go through. We have been waiting for the filing from the attorney.

Rick Hansinger- So we will get that done I just do not want to wait another two to three weeks. I want to prevent having further delays.

Andrew Fusco- If I was you, the answer you heard from Brian would be encouraging.

Chair asks for a motion to Reaffirm the Planning Board's decision on the Minor Subdivision Resolution for 43 S. Hunter Ave. Motioned by Frank Reginelli, seconded by Crystal Cosentino. All members vote approval. No members opposed. Motion carried.

The date of the next Planning Board meeting is Tuesday, July 1, 2014 at 6:30 pm.

Motion to adjourn made by Frank Reginelli, Seconded by Tim Baroody. All members vote approval. None opposed. Meeting adjourned.

Respectively Submitted by Renee Jensen