

CITY OF AUBURN PLANNING BOARD
TUESDAY, JULY 1, 2014 6:30 PM, MEMORIAL CITY HALL

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

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

Agenda Items: Environmental Review of an Application for Minor Site Plan Review for 5 Frederick Street, Environmental Review of an Application for Minor Site Plan Review of 12 McMaster Street; Environmental Review of an Application for Major Site Plan Review for 78 Franklin Street; Other Items: 78 Franklin Street Rezoning Amendment.

Resolutions carried: 5 Frederick Street SEQRA, Negative Declaration; 12 McMaster Street SEQRA Negative Declaration; 78 Franklin Street SEQRA Negative Declaration; 78 Franklin Street Rezoning Amendment.

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 June 3, 2014 Meeting Minutes.

Chair asks for a motion to approve the minutes of the June 3, 2014 meeting. So moved by Frank Reginelli, seconded by Tim Baroody. All members vote approval. No members opposed. Motion carried.

Agenda Item 2: Application for Minor Site Plan Review for 5 Frederick Street for site improvements to the re-use the existing building as a medical transport office. Applicant: Helping Hands Transportation.

Chair invites applicant to introduce the project.

Riccardo Galbato- Representing applicant, Helping Hands Transportation- Since we were here last we met with staff. In your packets are two letters. Reads the following letters:

1st letter- Jean Hampson, Owasco Street, June 18, 2014. Does not wish to have a stockade fence at the edge of the property. The existing fence and trees is what I would like left as is. I would like to see the property occupied again.

2nd letter- Floyd House and Lisa Gallaro, 7 Frederick Street. Fine with the building and grounds as they are now. There is no need for hedging fencing or any other changes to the property. We are looking forward to the arrival of our new neighbors.

As I mentioned we have been meeting with staff and the applicant has agreed to install a connecting sidewalk over the existing driveway. I have been in contact with Corporation Counsel regarding the existing sidewalk and as it goes into the front yard of what we hope to be Helping Hands property the City will retain a public easement over that sidewalk and if in the future the owner would want to install a sidewalk parallel to Frederick Street, that would be done pursuant to City code. The existing sidewalk easement would then be null if the new sidewalk was installed.

Tonight the applicant is seeking a negative declaration in SEQRA review or no significant adverse environmental impact as this is similar to the uses occurring there before including the ambulance and fire department. Also, if it pleases the Board, we are open to a granting of a conditional site plan approval conditioned upon a favorable recommendation by Design Review Committee (DRC).

Chair opens Public to be Heard. There being none, Chair closes Public to be Heard.

Chair asks for staff comments.

Stephen Selvek- The site plan has all of the components but it has not been reviewed by DRC since the committee met prior to the submission of the site plan. My preference would be for DRC to review the site plan before approval of this site plan. The SEQRA process started earlier this year with declaring our intent to be Lead Agency. City Council, who would be approving the sale of the property, has responded that they do not have any objection to this Board's role as Lead Agency and completing SEQRA. What I received today, that I did not have a chance to put into Board member packets, are the two correspondences that the applicant read basically indicating that the owners on both sides like what is there now. Whether it is the vegetation or mature trees they do not want to see that disturbed. On the Frederick Street side, that property owner has a pool with a fence with some vegetation. That is adjacent to the driveway and they do not want to see that enclosed with a stockade fence.

The subdivision map was received and shows the proposed front property line but I would like DRC to review the proposed property line which would run just behind the sidewalk shown.

I recommend the Board consider the requirement of the sidewalk continuing through the driveway at the front and then terminating that sidewalk where it starts, such that we are not repeating a second sidewalk along the front of that property. In order to have the existing walk continue, the applicant has agreed to an easement across it that allows public access. The proposed sidewalk and proposed property line are located adjacent to sewer manholes. City easements along the front property line may be needed for access to the manholes and maintain them.

Tim Baroody- Did you receive a real site plan?

Stephen Selvek- The proposed alterations to the overall site are minimal, mainly the addition of the rear parking lot and the sidewalks. Ultimately, I will have all of the pieces and parts for the board on one plan for a final review.

Andrew Fusco- I think what Mr. Galbato is looking for tonight is some preliminary straw pull from Board members to find out what has been reviewed seems objectionable so Mr. Galbato can start moving forward the closing pending the final site plan approval by this Board.

Shelley Simon- Is a conditional site plan approval at the owner's risk?

Andrew Fusco- It is more of a preliminary approval rather than a conditional approval since it is going to be a real estate transaction and all the t's and i's need to be dotted before the transaction goes through.

Stephen Selvek- Does not recommend conditional approval for site plan because of the misinterpretation that can occur between staff and the applicant which could ultimately come back before Planning Board for clarification.

Shelley Simon- Is there a document that they sign stating that they are liable and understand that they take full financial risk?

Stephen Selvek- Typically, we meet every month so we have not gone through the motion of ensuring that the Board was set with any concerns that they have since final approval would be considered the following month.

Shelley Simon- Asks for feedback regarding what the neighbors like vs. what is needed based on a planning perspective.

Stephen Selvek- When reviewing a site plan I often look at the use and how that is similar or in conflict with residential properties in the neighboring zone. This proposed use is a quasi-public use and the code does not differentiate the requirements of quasi-public use, instead it is treated as a commercial use when it comes to buffers and things of that nature. Often times with existing conditions, the conditions do not always allow the full buffer requirements. Therefore look at the existing features and that the separation is at least met in intent to buffer the different use (quasi-public use from residential use.) Having visited this site I would recommend a solid fence along the Fredrick Street property to separate that residential use from this quasi-public use but I also respect the neighbor's request of not wanting the solid fence to enclose their use there. With regards to the property line along Owasco Street, there are mature trees and significant vegetation that creates a screen so that adequately meets the intent of the code in the separation of uses. As for the sidewalk, the deteriorated sidewalk needs to be replaced and the applicant seems to agree to that as well as across the driveway. I do support allowing the existing sidewalk to be used since it is in good condition.

Reviews Part II SEQRA stating questions 1-11 are no or small impact and Part III explanation: The proposed action includes only minor site improvements and the sale of vacant surplus property. Any improvements proposed to the site will enhance the property.

Recommends a SEQRA Negative Declaration. A draft resolution is located in Board member packets.

Chair asks for a motion to adopt the SEQRA Negative Declaration Resolution for 5 Frederick Street. Motioned by Frank Reginelli, seconded by Shelley Simon. All members vote approval. No members opposed. Motion carried

Agenda Item 3: 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 asks for staff update.

Stephen Selvek- Last month the applicant introduced the project. The proposal includes a 28 vehicle parking lot adjacent to 15 Hulbert and connects to an existing lot served by Community Computer. Last month there were two deficiencies with the plan. The first is with a 60' buffer between the commercial use and residential use. The second is to addressing storm water. An area variance application to the Zoning Board of Appeals was submitted for the July ZBA meeting by the applicant and the engineer office is reviewing storm water calculations that were submitted by the applicant.

Tonight we are looking for a SEQRA determination and then we will allow the ZBA to make a determination on the area variance and the final site plan will be before the Board at the August meeting

Andrew Fusco- Questions Michael Palmieri, applicant's architect, on SEQRA EAF question 2: Does proposed action require a permit or approval of funding from one other governmental Agency? You answer yes but do not say what it is. Is that the ZBA?

Michael Palmieri- Yes, the ZBA.

Andrew Fusco- Okay, the ZBA has already signed-off regarding SEQRA so we can proceed.

Chair opens Public to be Heard. There being none, Chair closes Public to be Heard.

Chair asks for staff comments.

Stephen Selvek- Reviews SEQRA form questions 1-11 indicated no impact or a small impact. Reads part III: The proposed project to create a 28-vehicle parking lot will result in the potential for an increased volume and rate of stormwater runoff; however, the proposed plan includes areas to mitigate that increase. The City Engineers reviews and approves the drainage plan to ensure no or small impacts related to drainage.

Recommends a Negative Declaration. A draft SEQRA Negative Declaration Resolution is prepared for Board consideration.

Shelley Simon- Under brief description of proposed action on the SEQRA form it says: Construct parking for approximately _____.

Stephen Selvek asks Michael Palmieri if that would be for approximately 28 cars.

Michael Palmieri responds yes 28 cars.

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

Agenda Item 3: Application for Minor Site Plan Review for 78 Franklin Street to construct a new 2015 SF Bar with an attached covered patio and site improvements. Applicant: John Mortimer

Chair asks staff for comments and update.

Stephen Selvek- Tonight before us we have two items in regards to 78 Franklin Street. The first is the SEQRA review and the second is action on the rezoning petition. The proposed plan was presented last meeting and the SEQRA was based on that plan, which adequately showed parking, vehicular access, pedestrian access, and the addition of the 6 ft. high fence on the property line.

Reviews SEQRA stating that questions 1-11 indicate no impact or small impact. Reviews part III: While the proposed action to redevelopment of a now vacant site involves approvals from the Auburn City Council, Zoning Board of Appeals, and Planning Board, the redevelopment is not necessarily substantial as the resulting development mimics those conditions existing prior to the fire. The many approvals are due to the uniqueness of the site including its location at the edge of a commercial zone, separate zoning of properties that were merged together prior to the current ownership, and the likely fact that the bar would have continued uninterrupted but not for the fire that destroyed it.

In general, potential impacts associated with the redevelopment are no different than those which existed prior to the destruction of the structure by the fire. Small potential impacts associated only with the redevelopment include impacts to the character of the community/neighborhood and stormwater drainage impact.

Regarding the character of the neighborhood, the proposed building is less commercial in character. With the new buildings sloping roof lines and 1-1/2 story height, it represents an appropriate transition from a commercial area to residential properties. As for stormwater drainage, the proposed plan introduces permeable surfaces into the site to reduce potential runoff.

Andrew Fusco- I think there are a couple of corrections needed on part I before we approve the recommendations on part II and III. Question 1 is left blank. I think it should be yes, you need some type of administrative ruling from the ZBA and legislation from City Council. Number 2 was answered No but should be Yes. You are going to need ZBA approval and the zone change. Both of those agencies are going to allow you to go ahead tonight on SEQRA. On question 8c that was left blank but that should be yes since there are pedestrian accommodations. Do you agree with that?

Michael Palmieri- Yes.

Andrew Fusco- If we change the originals then we can proceed.

Stephen Selvek- A draft resolution on a SEQRA Negative Declaration is included in your packets.

Chair asks for questions from the Board.

Chair asks for a motion to adopt the SEQRA Negative Declaration Resolution for 78 Franklin Street. Motioned by Frank Reginelli, seconded by Anne McCarthy. All members vote approval. No members opposed. Motion carried.

Agenda Item 4: Other Matters

A. Zoning change from R2: multi-family residential to C-1: neighborhood commercial for 78 Franklin Street. Applicant John Mortimer

Chair invites applicant to explain zoning request.

.John Mortimer, 4900 Rockefeller Road- The parcel that we are looking to rezone from residential to commercial is the parking lot of 78 Franklin St. It was a parking lot for 60 plus years and has never been rezoned to commercial. After the fire we were told that we need to have it rezoned to C2.

Chair opens Public to be Heard. There being none, chair closes Public to be Heard.

Chair asks for staff comments.

A draft Zoning Ordinance Resolution Recommendation of the Zoning Amendment to City Council is in Board member packets

Stephen Selvek- The SEQRA that was completed is a project wide action so it includes the action of rezoning. The rezoning action is ultimately completed by City Council however, as part of the process the Planning Board is required to recommend or not recommend the zoning change. Council will consider the recommendation in its deliberations. The petition of the zone change is in packets and includes the parcel of 11,000 sq ft that is currently zoned R2 to be rezoned to C1. In the past it was two separate parcels and then merged but kept two different zoning designations. The rezoning consideration that the Planning Board needs to look at is: Will the rezoning have a significant impact on the character of the neighborhood? Given the use of the property as a parking lot for the past 60 years and given the future use as a parking lot there is not necessarily an impact on the proposed rezoning. However, the rezoning does allow a vacant building be put back into use. The other concern is the compliance and support by or not supported by the Comprehensive Plan. Throughout the Comprehensive Plan it notes that there is support of business development and the other factor in the Comprehensive Plan is that redevelopment efforts should be focused within a mile of downtown essentially meaning downtown and more urban development directly adjacent to downtown as opposed to suburban style development. This property is in that downtown area of focus and the zone change is necessary for development to happen.

A drafted Zoning Ordinance Resolution Recommendation of the Zoning Amendment to City Council is in Board member packets.

Sam Giangreco- Questions timing regarding the process.

Stephen Selvek-Month of July will be ZBA and City Council and August 5th the application will be in front of Planning Board for consideration of the final site plan approval.

Chair asks for questions from the Board.

Chair asks for a motion to adopt the Zoning Ordinance Resolution Recommendation of Zoning Amendment to City Council for 78 Franklin Street. Motioned by Shelley Simon seconded by Frank Reginelli. All members vote approval. No members opposed. Motion carried.

B. Board Member Packets and video recording of meetings.

Chair asks staff for comments.

Stephen Selvek- In your packets there is a memo to the Board noting that City Council has adopted a new software program to develop their agendas around meetings. The result is that the information is all in one spot and is easily accessible to the public. There is a law that was adopted requiring that all of this information be available to the public before Board meetings. We have been requested to move to that platform. I input the information into the program and a nice pdf is created that can be e-mailed. It is also accessible on the City's website under the agendas link. Council is moving in the direction of Ipads so they will not be getting a paper copy. They are telling us they would like to go paperless but we also need the resources to do that so the packets will still be made available hardcopy. I will let members choose to how they prefer to receive the material whether it is via-email and hardcopy on the meeting night or hardcopy delivered or if digitally is good enough. There is Wi-Fi in this room but a booster is going to be added soon. We will be requesting the plans digitally and projecting them on Council Chamber screens. This allows Board members and members of the audience to see the plans in a larger format.

Andrew Fusco- While you are considering your preferences, The Zoning Board is resisting this change. They like getting the hardcopies because most of the members drive around the City and make notes on the hardcopy applications. So if you do not like what you are hearing, know that you are not alone and if you do like it, than that's fine too.

Stephen Selvek- That is a reason why I wanted to hear what the Board's preferences are and if there are multiple requests, I am willing to accommodate those.

Frank Reginelli- Requests a hard copy of the plot plan. Also suggests every plot plan have a seal on it.

Stephen Selvek- I would like for that to be the case and Board of Education requires final submitted building plans to be signed by a license professional. In the past there has not been the political will to make that change happen because applicants of minor site plans have raised opposition to hiring the appropriate professional to prepare that plan so if there is a request by the board to make that happen I will do my best to see that through.

Tim Baroody- If there are many changes to be made to the plan that would be a lot but any final plan should be signed and stamped.

Frank Reginelli- Every final plan should be stamped and signed before the permit be issued.

Frank Reginelli- Questions if the Locastro Subdivision has a permit and if there is a signed and stamped plot plan.

Andy Fusco- Locastro has had a permit for his house

Stephen Selvek- For the construction of his house, he submitted proper building plans to Codes and they reviewed the plans and issued the permit. The subdivision was the issue.

Frank Reginelli- Regardless of what anyone does, a signed and sealed plan should be submitted.

Stephen Selvek- I will look at other local Planning Board and their requirements.

Anne McCarthy- I do not always read the e-mails but I always read the hardcopy, so I would prefer a hardcopy. Also, the minutes of this Board as well as others are on the website. Do you know how many people read them?

Stephen Selvek- I do not know if we track that. My concern is how Board members would like to receive the packet and minutes. If it is the Board's prerogative to receive the packets hardcopy I am open to that until someone says to me that we are not doing that anymore. I do prefer to continue to e-mail the packet/e-mail link to Board members.

Another item I would like to discuss if the way we have been documenting our meetings. There has been a request by other City officials that we go to the same system the Council is using and live stream our meetings. I welcome Board feedback on this as well.

Andrew Fusco- It will lengthen the meetings, you turn on a TV camera and people perform for the camera. We do have times when there are controversial meetings with public interest, which it may be warranted but most of the time it is administrative items and don't see the value in televising it. There is the transparency but when you turn on the camera everyone wants to ham it up.

Anne McCarthy- Do you mean live streaming on the City website or on television?

Stephen Selvek- My understanding is to purchase two or three cameras to be permanently mounted to the wall and the City Clerk will have presets to zoom around the room but for our purposes it would be one wide angle camera and would not be heavily noticed by everyone.

Anne McCarthy- People who are affected get a notice in the mail and can come to the meeting; it is not like people do not know what is going on. You are not going to watch it on TV where you cannot make a comment.

Andy Fusco- Right and that is one of the advantages as to what Stephen was talking about earlier with putting the agenda and items up ahead of time for people to see and review.

Tim Baroody- Let's go live.

Frank Reginelli- One good thing about the camera if that people can read body language, verbal and what direction they are going and it would be good that people will get up and be more knowledgeable about what they are talking about.

Anne McCarthy- Do you think people are going to come more prepared to the meetings?

Frank Reginelli- Yes, more prepared.

Stephen Selvek- I am looking for discussion right now but if Board members are uncomfortable with this, please feel free to share that with me privately.

Discussion regarding consensus on live streaming. Board members are in agreement on moving forward with it.

Chuck Mason, City Clerk- Gives additional background information on the Novus software and live video streaming.

Stephen Selvek- If the Board members have any comments on the agenda and packets please see me.

Chair- The date of the next Planning Board meeting is Tuesday, August 5, 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