

CITY OF AUBURN PLANNING BOARD  
TUESDAY, JANUARY 6, 2015 6:30 PM, MEMORIAL CITY HALL

Present: Sam Giangreco, Anne McCarthy, Andy Tehan, Crystal Cosentino

Absent: Tim Baroody, Frank Reginelli

Staff: Stephen Selvek, Senior Planner; Andrew Fusco, Corporation Counsel; Brian Hicks, Code Enforcement

Agenda Items: Review for Application of a Major Site Plan at 72 Owasco Street; Environmental Review Zoning Amendment to rezone existing real property at 60/62 Van Anden Street.

Items Approved: SEQRA Negative Declaration and Zoning Amendment Recommendation to City Council to rezone real property 60/62 Van Anden Street.

Applications Denied: None

Applications Tabled: Application Review of a Major Site Plan at 72 Owasco Street

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

**Agenda Item 1: Approval of December 2, 2014 Meeting Minutes.**

Chair asks for a motion to approve the minutes of the December 2, 2014 meeting. So moved by Crystal Cosentino, seconded by Anne McCarthy. All members vote approval. No members opposed. Motion carried.

**Agenda Item 2: Review for Major Site Plan Review of the construction of a 1,416 SF addition to an existing building and site improvements located at 72 Owasco Street. Applicant: Louise Vasile, D&L Truck Stop**

Chair requests applicant to update the Board on the project.

Michael Palmieri, the applicant's architect- The project has been before the Zoning Board of Appeals and received approval for a buffer variance (on the east side) in lieu of the variance we will be putting up a six foot fence, a variance approval for 6 parking spaces rather than 8 and received approval for a variance of landscape/plant units. Plantings will be on the corner of the Bradford Street side. A new plan was submitted to Planning Board showing the addition, 6 parking spaces and the plantings. There has been some suggestions by the Planning Board and DRC. We have modified our previous drawing (December proposal). Requests included extending the sidewalk and the addition of curbing on the Bradford Street side. The owners would like to present the drawing without curbing or sidewalk. The owners feel that there is already improvement with the site with the addition of storage. They are taking the delivery trucks from the front of the store and bringing them to the back of the store. So providing this access is going to free up space for Owasco St access. No improvements are being done on the front of the building only on the back of the building.

Louise Vasile, 72 Owasco Street- Last year the addition of the curbing and green space on the front and corner of Owasco Street has significantly upgraded the look out front. It established good traffic flow. I do have pictures of the trucks out front of the building choking traffic.

Chair asks for staff comments.

Stephen Selvek- Design Review committee (DRC) reviewed the site plans and has concerns with the limited scope of improvements submitted by the applicant. It is understood that the applicant is trying to balance the financial impacts of the project with the scope of it. However the DRC is looking is at the project's impact on health and safety and the code. Therefore I prepared a discussion plan, it is not intended for approval. This plan is specific to what is required by every aspect of the code. The Board can look at alternate solutions for some of the things such as planting units that may not be feasible for the site on the plan. The purpose of the discussion plan is giving the Board an idea should a developer be held to every prescribed as aspect identified in the code. In this case this is an existing site with limitations. What the DRC requested was outlined in the background memo. These are the improvements that DRC, including Planning, Engineering, Codes, Corporation Counsel, Police, and Fire, felt were improving a safe site plan.

DRC recommendations include:

- Install curbing along Bradford Street to provided defined points of vehicular access to the site and eliminates the existing parking condition that encourages vehicles to back out on to Bradford Street
- Install concrete sidewalk along Bradford Street to provide defined pedestrian circulation pattern and reduce the potential for pedestrian-vehicular collision.
- Install "Exit Only" sign at new Bradford Street exit.
- Relocate the utility pole guy-wire away from the driveway to reduce the potential that it is struck by an existing vehicle.
- Install tree lawns, similar to those of the Owasco Street side, between the new curbing and sidewalk.
- Install 4' wide perimeter landscaped bed along rear/east property line and R.O.W. landscaped bed at northeast corner of the new parking area.

The variances that have been approved are reflected in the discussion plan. We are not requiring the 60 foot wide buffer; the planting units are not being sought and the reduction of 8 to 6 spots are all reflected in the plan. The decision is ultimately the Board's decision. I recommend the Board request these recommendations but the Board may request all, any or none of these recommendations. Based upon the current expanse of the area 83.4% of the site is impermeable. The applicant's plan would raise that to be nearly 95% of the site being impermeable. The DRC and the Department of Public Works felt that the existing infrastructure can accommodate the additional storm water because of the small nature of the site. But it was discussed that if it was allowed that every site in the City was allowed to have 95% impermeable surface, we would run into significant storm water issues.

Before you tonight, you have the site plan that the applicant would like to move forward with. Tonight the Board may vote on that plan, give specific recommendations on what you would like to see or table the plan. If the Board votes tonight and the plan is voted down than the if the applicant would have to open a new application with a new fee.

Crystal Cosentino- The discussion plan takes into consideration staff and DRC recommendations or is this what should happen per code?

Stephen Selvek- The discussion plan is specific around compliance with the current code. It goes well beyond DRC recommendations. DRC recommendations are on the Bradford side with the sidewalk, curbing, and some plantings. These are in the memo that was sent with the agenda. I wanted to illustrate both ends of the spectrum but we realize we have existing site constraints.

Chair, Sam Giangreco- What it comes down to is that we approve the site plan, if everyone is comfortable with that or table it with some modifications.

Frank Reginelli- Steve, you have worked with these applicants and the site plan, what does your office recommend?

Stephen Selvek- My office stands behind the recommendations of the DRC listed in the background memo. One of the items that came up was the guy-wire relocation. That is ideal because of its location near the exiting drive however; working with NYSEG to move that may be complicated. I would not want to see a site plan thrown out because of that item. With the sidewalks, properly signing the exit, the tree lawns are critical-clearly defining what is happening between the building and the road on Bradford Street.

Anne McCarthy- The parking next to the building on Bradford-is that still parking or is that up to the Board to decide?

Louise Vasile- That is my question as well. We are asking that it does stay the way it is.

Stephen Selvek- The request by the DRC is the traditional approach to the street edge be followed with a curb and a 4' tree lawn and a sidewalk. What happens from the sidewalk to the building is available for improvement.

Louise Vasile- So parking would be acceptable on the North side?

Stephen Selvek- It would depend on how the driveway was established.

Louise Vasile- I am really having questions on what the safety issues on Bradford Street are now. It's not like this not our first day out.

Anne McCarthy- Is it correct that it is illegal to back out onto the street?

Greg Gilfus, APD- Not only is it illegal to back out on the street but it is illegal to park on the sidewalk (once the sidewalk is installed). Right now people have to go into the street to get around the parked cars.

Louise Vasile- There was a Zoning Board member that made the comment that all we are doing is adding storage and taking the traffic off of Owasco Street and making a lot to look a lot better. Now we have all of these stumbling blocks.

Mike Palmieri- If no building is built, there are no changes, and everything stays the same for the business. However, the improvements kick this off all these things that the site cannot handle. Parking is critical to the business and no one can put a number to the merchandise change because of the parking hassle. That is why we submitted this drawing without the curbing and sidewalks. We understand that it kicks off the code requirements but economically it is difficult to do.

Louise Vasile- Shows a picture of a delivery truck in the Owasco Street parking lot to Board members. Picture is on applicant mobile phone.

Frank Reginelli- Is the parking a hardship or is it not a hardship?

Mike Palmieri- We are saying that it is.

Stephen Selvek- The issue is that the applicant is saying that parking in that area is critical to the business. To remove parking from that area would potentially create a hardship. The addition its self is triggering requirements with site deficiencies.

Anne McCarthy- Was there ever any sidewalk or curb on Bradford Street?

Stephen Selvek- On Bradford and Owasco there was sidewalk. At one time there was likely curbing.

Anne McCarthy- If someone is hurt because of this sidewalk issue, are we liable for not enforcing it?

Mike Palmeri- That is interesting questions but what do we do with all of the sites in the City?

Greg Gilfus-If an accident were to happen it would be an infraction due to the situation.

Chair, Sam Giangreco- In this particular case I am in favor with the applicant because I am worried about the truck traffic and the trucks backing out or going forward than I would be with the vehicles backing out on Bradford Street. They have met us halfway on the improvements and I cannot see the curbing issue that much of a problem since it seems that it always been like that. I am comfortable with moving forward with this if the Board agrees.

Frank Reginelli- I empathize with this but if this goes through than everyone else can do it as well.

Andy Fusco- The potential liability of the City was raised at the Zoning Board meeting as well and now it has been asked here but I cannot definitively say that if you follow Steve's recommendation that you are absolving the City from a liability or if you follow the rational the Chairman just shared, that you are creating a liability. It does not work exactly that way. It is not black and white. Regarding the zoning laws, following them and not giving preferential treatment; a Planning Board has broad discretion. Site plan procedures come up with the best possible plan balancing the obligations that are put upon the landowner with the rights of the public to be safe in using the property. You are not bound by strict adherence to the code as the Zoning Board is held to strict adherence to the code unless there is an issuance of a variance. You have some discretion of balancing the code to the benefit of the public with the cost, price and potential inconvenience that is created by strict adherence to the code. For example: One of the practical observations I have made of this is that if we made him out in a sidewalk on the north side of the property and then allowed parking on the north side of the property people are going to park on the sidewalk. So we need to balance. The law gives the Board broad discretion for you as Board members to make the decision.

Frank Reginelli questions how many parking spots are along the building.

Louise Vasile- Currently on the North side there are five spaces.

Stephen Selvek- Now if the Board decides to have a sidewalk, curbing and tree lawn added, those spots are lost but you now have two potential parallel spots on the street.

Anne McCarthy questions if on street parking is allowed there.

Stephen Selvek notes that on street parking is allowed.

Louise Vasile- I think the officer can attest to this but we are not in the greatest neighborhood and people feel more comfortable parking on the North side of the building than parking in the back of the building.

Crystal Cosentino- I am inclined to table this. I do not feel comfortable to vote for this in its entirety. My thought is whenever there is opportunity to make improvements for walkability, beautification, safety we

should be looking at it. It is interesting to see what the code requires and what the DRC recommends and I recognize that there are constraints because of some economics to the site but I think there's something better that we can require that the safety of walkers and vehicular traffic in this odd intersection. Currently with what we have, my vote would be no because I could not vote for this.

Frank Reginelli- I am in limbo

Stephen Selvek- We have four members here tonight. We could table it and bring back the plan next month among the six members or we could get feedback from the Board members on the plan and see if there are specific issues that Board members would like to address with the plan. I leave it to the Board.

Louise Vasile- This will be the second time walking out of here without recommendations. What are they?

Crystal Cosentino- To this Board member's opinion, there has to be some additional walkability on the North side to protect the safety of walkers and the drivers that will access the site. So we need to look at what is required and what is being proposed and come up with a solution that is looking at that closely. Right now walkers stop where the existing sidewalk is and that's it. Drivers come in and out of where walkers are to walk and now you are increasing the area where more cars are able to access and park on the site because of the new building. There has to be a way from a safety and aesthetics perspective that we can look at this business expanding and also enhance the site.

Louise Vasile- Board member, if you are available in the morning or afternoon to see the children get on and off the school bus in the middle of the road, you will see what we are dealing with every day.

Frank Reginelli- People should have the freedom to walk on a sidewalk.

Louise Vasile- They have that ability right now, they walk the same way on the Owasco Street side as the Bradford St. side. They walk on the road anyway.

Frank Reginelli- There should be sidewalks without an obstruction. Speaking of the parking, how much space would there be from the edge of the building to the edge of the sidewalk?

Stephen Selvek- The parking on the north side is an obstruction to the sidewalk and there would not be enough space to park a car in that location.

Mike Palmieri- I respect the Board for all of their comments in trying to make things safe. Would it possible for us to sit with the DRC and come up with a plan to present to the Board.

Stephen Selvek- Yes, you are more than welcome to. The recommendations that were made in the memo, are the recommendations of the DRC. The middle ground that needs to be reached are with the Board members.

Mike Palmieri- If we agree to provide a sidewalk can we agree to that tonight and address parking later?

Stephen Selvek- The sidewalk is an issue but if a sidewalk is put in than parking needs to be addressed with the sidewalk. Generally, the process is that the application comes in DRC reviews it, DRC makes comments, applicant incorporates the comments into the site plan and the site plan is approved at the meeting. It is difficult when the DRC's and the applicant's objectives are different.

Lousie Vasile- What are our goals that are specifically against those goals of the DRC?

Stephen Selvek- Ultimately the concern is that parking occurs in the City right away that obstructs pedestrians from walking. DRC decided not to look at Owasco Street since improvements are not being made on that side but from a design and safety standpoint they specifically said they cannot ignore what is happening on Bradford Street.

Anne McCarthy asks if we were strictly following code than sidewalks would need to be on Owasco and Bradford Streets.

Stephen Selvek- That would be correct. The Planning Board is looking at how the site operates and DRC looks at applying standards to all sites within the City of Auburn but considers site constraints as well.

Applicant Louise Vasile asks to break and speak with his architect and son.

Chair grants requests and moves onto the next agenda item.

**Agenda Item 3: Zoning Amendment to rezone existing real property at 60/62 Van Anden Street from R-2: Multi Family Residential to C-1: Neighborhood Commercial. Applicant: Clifford Bond**

Chair invites applicant to update the Board.

Amy Bloss, Architect representing Clifford Bond- Applicant does not have any changes or updates to the application.

Chair asks staff for comments.

Stephen Selvek- Last month we held a public hearing for this item and the Board declared themselves Lead Agency for SEQRA. The Board has the authority to now move onto the issuance of a SEQRA declaration and also vote on a recommend this zone change to City Council.

Stephen Selvek reviews the short EAF. Answers were drafted to part II indicating that there are small or no impact to all of the items in part II. The existing site is used commercially and is clarification on the zoning map, which was approved previously by this Board. We would be taking a commercial use in a residential zone and putting it into an appropriate commercial zone. One lot is split zoned and we are cleaning that up and moving the lot line over to include this lot. The scope of the project is minimal and does not have significant environmental impacts. Staff recommendation for SEQRA is a negative declaration. Staff also recommends this Board recommend to City Council that this property be rezoned.

Chair asks for questions from the Board.

Frank Reginelli- There are cars parked on both side of the road and it is very difficult to get through the road. What is your (applicant's) attempt to get those cars off the street? Also the site should be cleaned of debris.

Clifford Bond, 60 Van Anden Street- As far as the parking problem, it goes beyond me. The one parcel in back is zoned residential but if we can get that rezoned that would be additional parking. The lot next door is commercial and I do have some parking there. I will clean it up.

Chair asks for a motion to adopt the SEQRA Negative Declaration Resolution. So moved by Crystal Cosentino, seconded by Anne McCarthy. Frank Reginelli abstains. All other members vote approval.

Stephen Selvek- The resolution does not pass with Frank Reginelli abstaining.

Frank Reginelli- I will reconsider if there is a commitment that the property will be cleaned up.

Andrew Fusco- It is not on our agenda tonight for a site plan where we can set conditions or specifications as we did in the last case. Tonight we are looking at SEQRA and staff is satisfied that this does not add to the parking situation and does not create a new environmental problem. Regarding the zoning resolution to make the map reflect reality; we have this property that is rezoned in order to conform with what is there. It is already a pre-existing nonconformity. All City Council would be doing in receiving the Board's recommendation is making what is already a reality to conform to the map. I think there plan is to make improvements to the property and in order to improve the property Mr. Bond would like everything zoned legally so they can receive bank financing for business improvements.

Frank Reginelli- I would like to rescind my vote from a no to a yes.

Motion to adopt the SEQRA Negative Declaration Resolution is moved by Crystal Cosentino, seconded by Anne McCarthy. All members vote approval and the motion is carried and adopted.

Motion to adopt the Recommendation to Adopt the Zoning Amendment Resolution made by Crystal Cosentino, seconded by Frank Reginelli. All members vote approval. None opposed. Motion carried and adopted.

**Revisit Agenda Item 2: Review for Major Site Plan Review of the construction of a 1,416 SF addition to an existing building and site improvements located at 72 Owasco Street. Applicant: Louise Vasile, D&L Truck Stop**

Chair invites applicant of Major Site Plan Review for 72 Owasco Street for any further updates.

Mike Palmieri- We would like to table the item tonight to give us the opportunity to go over the site plan with Stephen Selvek and the DRC to come up with a solution that will work with everyone.

Louise Vasile- I am in agreement with that.

Chair asks for a motion to table Major Site Plan Review application of 72 Owasco Street so moved by Crystal Cosentino, seconded by Frank Reginelli. All members vote approval. None opposed. Motion carried.

**Agenda Item 4: Other Matters**

The date of the next Planning Board meeting is Tuesday, February 3, 2015 at 6:30 pm.

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

Respectively submitted by Renee Jensen