

**ZONING BOARD OF APPEALS**  
**MONDAY, JANUARY 23, 2012**

Members Present: Mr. Darrow, Ms. Marteney, Mr. Baroody, Ms. Calarco, Mr. Kilmer and Mr. Tamburrino

Staff Present: Mr. Fusco, Ms. Jensen and Mr. Hicks

**APPLICATIONS APPROVED:** 217 Grant Avenue, 5 Tuxill Square, 26 Tuxill Square, 169 Van Anden Street

**APPLICATION TABLED:** 108 South Street

Mr. Darrow: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm Chairman Edward Darrow. Tonight we will be hearing 217 Grant Avenue, 5 Tuxill Square, 26 Tuxill Square, 169 Van Anden Street and 108 South Street.

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**217 Grant Avenue.** C3 zoning district. Applicant: Pride Signs. Area variance to increase the signage of Applebee's.

Mr. Darrow: 217 Grant Avenue, would you please come to the podium. Could you give your name, address for the record and tell us what you'd like to do.

Mr. Sean Garrigan on behalf of TL Canada Applebees: I live in Cicero, 6054 Maple Lane, Cicero, New York and I'm here for a sign variance for a remodel package that we'd like to do in our existing building.

Mr. Darrow: Okay, could you walk us through your sign package.

Mr. Garrigan: Sure can. You all have packets in front of you of what we're proposing to do. So, essentially we want to put new awnings on the outside of the buildings. There is an existing awning package that is there, the awnings that we currently have have little...they look like an apple and that's all it is. There is no verbiage, there's no letters, there's no words. Most townships perceive that as signage, as additional signage and not just a logo. So, that's all we're looking to do is to try to get those to be put in place. The current awnings that are there; there are gooseneck lights that are over the top of them that shine down, those lights would be removed and as you can see in the pictures, on the awnings those black bars that go across the front of the awnings, it's a backlit led light. It saves energy, it's a little greener for our environment. We are going to actually be removing – if you look at the front view elevation, we're actually going to removing the "Neighborhood Grill and Bar" right off the building so we are taking some signage down and the Applebees logo that you find on the front elevation and the western elevation, that actually gets smaller than the current logo package that is up there. So along with the apples on the awnings, we will be removing some signage and actually on the eastern side, we have a neon that talks about our carside to go, it's purely a directional sign – that comes off the building also.

Mr. Darrow: Just for some clarification from Mr. Hicks, would this extensive sign package – all that is needed is a 302 square foot area variance?

Mr. Hicks: That is correct.

Mr. Darrow: Okay, thank you. Are there any questions from the members?

Ms. Marteney: This is what's going to be the final look?

Mr. Garrigan: With the exception of that top package that says "Neighborhood Grill and Bar", that is not going to be on there. We're actually taking that off as part of our branding strategy.

Mr. Darrow: Any other member questions?

Mr. Tamburrino: Yes I just have a question. Do you have a market study showing that this change will...it's about this economic injury or reason to do this? I'm trying for justification...

Mr. Garrigan: Well our hope is that there is no economic injury to us. We're spending a lot of money in our locations clean across the globe, specifically the 61 that we operate throughout New York State and Connecticut. We are actually brand new to this new branding strategy so I don't have a long-term study that says when we do this, this is what happens. Our hope is that we do this and folks come in. It's just gives it a much more modern look. This building now has been in place for a number of years and it's just...you know, you've gotta stay fresh with the times because everybody else that pops up is new. You're going against the shiny new penny so our idea is that we're investing back into the buildings to try to keep them as aesthetically pleasing for the townships.

Mr. Tamburrino: Thank you.

Mr. Baroody: These drawing here, this is the new look?

Mr. Garrigan: That is the pylon sign in front of the building. There is an existing pylon sign that is there and that just going to...the pylon comes off and that new signage will go in it's place, same size. Actually, the...let me just...

Mr. Baroody: These are additional?

Mr. Garrigan: No, there is an existing one of those also. I believe that actually goes down by just a couple of square feet so it's not really any different. Then they'll put a wrap actually on the sign rather than trying to (inaudible) and they rust so they put a wrap on it so it should look fantastic.

Ms. Marteney: I like your proposal.

Mr. Garrigan: Well thank you. I appreciate that. I'll make sure that the powers that be that decide way above my pay grade know that.

Ms. Marteney: Taking off "Neighborhood Bar" makes it more family-friendly.

Mr. Garrigan: We'd like to think that's the object here.

Mr. Darrow: Any other questions? You may be seated for now sir. Is there anybody wishing to speak for or against this applicant? Anybody wish to speak for or against this applicant? Seeing, hearing none, I will close the public portion and we'll discuss it amongst ourselves.

Mr. Tamburrino: The only thing that bothers me about this that it says here a number of times "please explain how you suffer significant economic injury unless the area variance is granted". Well there is none. I read (inaudible) with these restaurants and we'll help keep a modern image visible to consumers which is an opinion. There's no marketing study, there's nothing saying yes this change with substantially increase revenue or if we don't do it, it will decrease revenue. I don't see that here.

Mr. Barody: It's for an update.

Mr. Darrow: Modernization.

Mr. Tamburrino: But you're asking for a variance...

Mr. Fusco: May I? As you will see later in the presentation, our forms have been changed to comply with the New York's law. Apparently an old form was circulated to Applebees and that particular question that you wondered about really isn't an element for our consideration under current law.

Mr. Tamburrino: Thank you.

Mr. Fusco: You will note the difference in the two forms in tonight's presentations.

Mr. Hicks: Mr. Chair, this application started quite some time ago with a review on this. This has been under review at least a month-and-a-half or two months for the Applebee's project.

Mr. Darrow: Any other discussion? The Chair will entertain a motion.

Mr. Barody: I would like to make a motion that we grant Victory, (inaudible) Macan and Hart for Applebee's, 255 Pinebush Road, Cambridge, Ontario a 302 square foot area variance to the existing 229 square foot as submitted on the plan.

Mr. Darrow: For the property at 217 Grant Avenue?

Mr. Barody: Right. Sorry.

Mr. Darrow: We have a motion and a second? Roll call.

**VOTING IN FAVOR:** Ms. Marteney, Mr. Barody, Ms. Calarco, Mr. Kilmer, Mr. Tamburrino, Mr. Darrow.

Mr. Darrow: Your motion has been approved. Thank you.

Mr. Garrigan: I appreciate it, thank you.

Mr. Fusco: Just for the benefit of the record the dating of this goes back even farther than Brian said. I note that Michael Watts' letter for authorization is dated September. So that would explain the old form was in use.

Mr. Darrow: Before we move on to number 3, 5 Tuxill Square, I overlooked the minutes. Are there any additions, deletions or corrections to the minutes of our last meeting? Seeing none, hearing none, approved.

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**5 Tuxill Square.** R2~zoning district. Applicant: Tuxill House Partners: Audrey Iwanicki & Susan Marteney. Use variance to operate a tourist home/rooming house.

Ms. Marteney: Please note I am recusing myself from voting on this matter.

Ms. Marteney: My name is Susan Marteney and I live at 10 Tuxill Square and I'm representing Tuxill House Partnership, Audrey Iwanicki is my business partner. She is away this evening and I am also representing the owner of the home at 5 Tuxill Square, Suzette Joyeaux and Power of Attorney, her daughter. I have letters in our packet that explain why I am representing everybody tonight.

Audrey and I both live at Tuxill Square, I live at 10 Tuxill Square, which is across the street and down one and Audrey lives directly next door at 3 Tuxill Square to 5 Tuxill Square.

We wish to buy the home from the Joyeaux family and with minor renovations, but many, many improvements to the home itself, both interior and exterior, turn it into a boarding house/rooming house/guest house. Anticipating that there will be many, many visitors due to the influx from the Fingerlakes Musical Theater Festival, we think that this might be something that could be interesting for the community and for us too.

In your packet I have a whole long list that details attachments that are there. It includes letters of support from Connie Riley who is the Executive Director of the Auburn Downtown Partnership BID, from Donna Lamb who is the Executive Director of the Schweinfurth Art Center and also resides at 20 Tuxill Square-Tuxill Square isn't a square, it's more of a tee than a square, which is kind of strange, Ed Sales who is the Executive Director of the Merry-Go-Round Theater and the Fingerlakes Musical Theater Festival, from Andrew Fish who is the Executive Director of the Chamber of Commerce of Cayuga County and also a letter from Jennifer Haines who is the Director of the City Office of Planning and Economic Development.

Mr. Darrow: Ms. Marteney, I'm sorry if I may just interrupt you for one second for the purpose of clarity. Just so, I know you are aware but it's a seven member Board, one is absent. It will take four affirmative votes for this to pass. Do you wish to go forward?

Ms. Marteney: Yes I do.

Mr. Darrow: Thank you.

Ms. Marteney: There is a mission statement included. We produced that because we had an evening where we invited everyone from Tuxill Square to my home, an opportunity to get together and chat

about it. After that evening, we asked them if they were supporting the project to sign a letter of support and that's actually included in the packet too. Do you have a question Rick?

Mr. Tamburrino: No, I don't.

Ms. Marteney: Okay. As I say, I also have the authorization letters from Suzette Joyeaux and then her Power of Attorney Gillian Joyeaux. I included, there are photos of the house itself and the last couple pieces are where we're drawing some of this idea from which is Niagara-on-the-Lake in Canada. The Shaw Festival which is a very successful extended season festival now, which is what the Fingerlakes Musical Theater Festival...I'm not going to say mimicking but using as a pattern for what is going to be happening here in Town and those are just some pictures and ideas about homes that are used as guest houses, boarding houses and rooming houses during the Shaw Festival.

Mr. Darrow: Are there any questions from the Board members?

Mr. Tamburrino: Just one. 9 Tuxill Square is vacant. I don't see a signature from 9.

Ms. Marteney: Not everyone came to the...who's 9? There's no 9. There's no 9.

Mr. Tamburrino: Okay, good.

Ms. Marteney: That would be around the corner. It goes from my house at 10 and then it goes to 12 and then the tee comes around and then it finishes so there's not ...not that number.

Mr. Kilmer: Susan, other than the guests of course, would there be any permanent residents in the house?

Ms. Marteney: No, there would not. That therefore is what becomes one of the hurdles and one of the reasons that we're here. A guest house/boarding house/rooming house cannot be in an R2 District and that neighborhood is an R2 District and one of the requirements is that the proprietor or legal owner lives in residence. We were joking at our neighborhood meeting that I can see in all the front room bedroom windows and Audrey can see in the kitchen and the other side of the house. So we really have quite a scope on the house itself.

Mr. Darrow: My concern is parking for your guests.

Ms. Marteney: There are two parking spaces in the driveway right now.

Mr. Darrow: Behind each other, correct?

Ms. Marteney: Correct.

Mr. Darrow: As you know, they don't count. It only counts as one. You can't park behind a car.

Ms. Marteney: Well, our thought is that there might be the possibility, and we talked to Ed Sales about it, there may be some of the equity actors who would be living there on a short-term basis, they would be here for rehearsal and then for one particular play that they would be in and it is my personal experience, I had folks from Merry-Go-Round stay with me over the years and they have a

van that comes around and picks up many people. Many of the folks who are equity actors live in New York City or I had a gal from Texas three years in a row, she certainly come with a car and many of them don't have cars.

Mr. Darrow: But, as you know, you're required to have so many parking spots per room.

Ms. Marteney: That's part of our...

Mr. Darrow: Another concern I had...when viewing the property, does the rear property line end with that wall and fence?

Ms. Marteney: All of the houses, the property line...

Mr. Darrow: So there's really no green space for any tenants to sit outside other than that beautiful huge front porch.

Ms. Marteney: That's it.

Mr. Darrow: Okay.

Mr. Kilmer: What would be the maximum number of occupants?

Ms. Marteney: There are three bedrooms on the second floor and there could be two in each of those rooms so six would be right now on that.

Mr. Darrow: I think there actually is something in the packet from Planning stating the maximum rooms that can be in there.

Ms. Marteney: A B&B can have up to eight people but there aren't many really straight rules about boarding houses, guest houses and so.

Mr. Darrow: Yes, that's it because...

Ms. Marteney: That's part of the quandary.

Mr. Darrow: If you lived in it you wouldn't be here. It could be a B&B. As I understand, if I'm reading this correctly Mr. Hicks, it cannot utilize more than four bedrooms. That would be page 3 provided by Jennifer from Planning. Second paragraph, third line from the bottom of the second paragraph. I just want to make sure we have it right for you.

Ms. Marteney: That's attachment 5a he's talking about...or A5.

Mr. Darrow: Okay, my next question would be for Mr. Hicks. We have the use variance but what about a variance for parking or anything like that?

Mr. Hicks: That would be an item that would have to be addressed. I believe that may, I'll ask for it for counsel but that could be an item that could be amended onto this application at this time but

since it was never an issue, the use is the main issue at hand tonight and that was the concern that we had. Nothing was considered on the parking aspect. So the use is the item.

Mr. Darrow: So if we have a motion, the motion will strictly be on the use after a short form SEQR review and then at another date we would have to entertain a hearing for parking variance. Is that what you're saying?

Mr. Fusco: No, I think that that's true. I think that the use...that can contemplate, if you were to have up to three guests or three bedrooms, preferably will share an automobile, contemplates two on-street parking.

Mr. Darrow: It's tied in with the use variance so that it's understood by Board members. In going forth with the use variance and voting in favor of it, you're acknowledging that there is a parking problem and that comes with that use in that area or commercial district for this type of boarding house.

Are there any other questions from the Board members?

Ms. Calarco: I'm just thinking if part of the parking issue could be resolved by them using the Parking Garage.

Mr. Darrow: No, they are required to be within so many feet, which I believe it's three hundred feet of the Parking Garage in order to count that for parking.

Mr. Fusco: My problem Sue is the answer to question 17 of your application.

Ms. Marteney: Uh huh.

Mr. Fusco: As you know from having sat with us, the proof of your economic hardship for a use variance requires you to show that the if property is put to a use or any of the uses which are legal under the Code, that you can't realize a fair return on your investment.

Ms. Marteney: I won't buy the house if I can't.

Mr. Fusco: I understand that and you've indicated that in 17. But what I think we need to see is...we know what your basis is, would be \$50,000, and if I can spend \$50,000 on this property as a single-family home and it's worth say \$60,000, I've not suffered an economic hardship. So I think it's incumbent upon you to provide some type of proof that were this property put to a use that's allowed under the Code, that whomever invests a basis of \$50,000 will not get a reasonable return on your investment.

Ms. Marteney: But I'm not interested in making it into a house.

Mr. Darrow: Have the current owners tried to sell it or market it as a single-family home for any period of time and not had success?

Ms. Marteney: I can't answer that. They are in the process of doing that, I know that and Gillian has told us that. I don't know what their market presence would be.

Mr. Baroody: What I think the risk of (inaudible), and I'm making assumptions, if you bought it using your numbers of \$50,000, put \$50,000 into it you get a negative return. You bought it at \$50,000, put \$50,000 into it, even with your boarding house you might not show a return, it would be easier to get by.

Mr. Darrow: Would you like to table this and bring more information back.

Ms. Marteney: Not really because if I'm going to be open by June, now's the time.

Mr. Darrow: Okay.

Ms. Marteney: We have everything lined up.

Mr. Darrow: Okay. Any other questions from the Board? Seeing and hearing none, you may be seated. Is there anybody to speak for or against this applicant?

Please state your name and address for the record.

My name is Aleia Bezalarich-Lynch I live at 7 Tuxill Square. I'm right next door to the house. I'm very well aware of the proposal that Susan and Audrey are putting forward for this property and we're very interested in seeing this project go forward. We trust that Susan and Audrey will do a very good job of developing this project and running the home. The larger community issue in terms of developing the arts district downtown, I think that this is a start, I think it's something that needs to be considered probably for all our large homes right downtown that perhaps can also lend themselves to this kind of a project to enhance the tourism and economic community that we're trying to create for our community here. So, yes, we're hoping that we have a favorable outcome. Thank you.

Mr. Darrow: Is there anybody else wishing to speak for or against this applicant? Anybody else wishing to speak for or against, please come forward.

Please state your name and address for the record.

My name is Pam Anderegg and I live at 18 Tuxill Square. Just for your general information, it is an architect's square...Mr. Tuxill was an architect so instead of making a tee like a carpenter, he made a tee like an architect's square. I am very much in favor of this project. I think it's a wonderful idea and I think the neighborhood will gather to make these people feel comfortable in our home. We'll do anything that we can to help Audrey and Susan together. We are gone some part of the summer, our driveway will be available. I don't know if that's acceptable but it is a possibility. Thank you.

Mr. Darrow: Thank you. Is there anybody else wishing to speak for or against this application? Anybody else wishing to speak for or against this application? Seeing none, hearing none we're going to close the public portion, we're going to discuss this amongst ourselves. Thoughts?

Mr. Tamburrino: The neighborhood, the neighbors are in favor of this...there's a lot of people are for it. It's nice neighborhood, that house, the renovation of the home would be a very positive thing.



Mr. Darrow: I think it's a big, beautiful home, I think it would be ideal for it. My only concern is off-street parking because we know how important it is and particularly on a street like that in the winter and my other concern is that it hasn't been...there's no proof that it's been marketed for its proper use, which is required. So, making this a two-fold self-created hardship. Because, it should be marketed as a single-family and then if some time it's been advertised, six – eight months and there's nobody interested in it, then you look for alternatives. Those are my only problems with it. But, I think it would be a great thing.

Ms. Calarco: I agree with your thinking on it. The only question I have is do we have to start thinking outside of the box a few times and is this going to be an advantage for what this County or this community is trying to do with the Art's Festival with promoting this area as tourism and what not. The neighborhood is willing, they are going to go forward with it and to accept those responsibilities. We have folks who are willing to give up their driveway part of the time for parking. Maybe this is one of the times we have to look and think outside of the box a little bit.

Mr. Kilmer: Brian, am I correct in assuming there's two parking spots but it's only counted as one because they're back-to-back, is that correct?

Mr. Hicks: The Statute does not allow...

Mr. Kilmer: So technically there's one spot but in reality, you could put two cars in there.

Mr. Hicks: Yes. For the owner, yes.

Mr. Darrow: But not commercial.

Mr. Hicks: No.

Mr. Baroody: Do we have a Short Form SEQR?

Mr. Darrow: Yes we have a Short Form SEQR to review first.

Ms. Jensen: Okay, I'll read off the Environmental Assessment Form.

\*Short form SEQR review read into the record, a copy of which is attached hereto and made a part hereof.\*

Mr. Darrow: The Chair will entertain a motion for a negative declaration on SEQR Review.

Mr. Baroody: I make a motion that we accept the negative SEQR.

Mr. Kilmer: Second.

Mr. Darrow: We have a motion and a second.

**VOTING IN FAVOR:** Mr. Baroody, Ms. Calarco, Mr. Kilmer, Mr. Tamburrino and Mr. Darrow.

**ABSTAINED:** Ms. Marteney.

Mr. Darrow: Before we go for a motion for use variance, one think I'd really like to point out, it's a matter of personal opinion. I think that those who spoke, spoke very loud that they're willing to undertake a few cars on the street and they know that there may be two, three extra cars and I think they know that and accept it which is a positive thing in my mind.

Mr. Baroody: I would like to make a motion that we grant Tuxill House Parners, 3 Tuxill Square for the property located at 5 Tuxill Square a use variance of the R2 zoning district to create a rooming house as submitted on the plan.

Mr. Kilmer: Second.

Mr. Darrow: We have a motion and a second. Roll call.

**VOTING IN FAVOR:** Mr. Baroody, Ms. Calarco, Mr. Kilmer, Mr. Tamburrino, Mr. Darrow.

**ABSTAINED:** Ms. Marteney.

Mr. Darrow: Congratulations. Your variance has been approved.

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**26 Tuxill Square.** R2 zoning district. Applicant: Matteo Bartolotta. Area variance in excess of the allowed height of a privacy fence in the front yard.

Mr. Darrow: 26 Tuxill Square. Would you please state your name for the record and what you'd like to do?

Certainly. Ladies and gentlemen of the Board and Mr. Chairman. My name is Joe Bartolotta and I'm here on behalf of the applicant, Matteo Bartolotta who owns 26 Tuxill. He is seeking a two foot variance to allow for a six foot cedar fence in the front yard of 26 Tuxill.

Mr. Darrow: Are there any questions from the Board? Oh, I'm sorry.

Mr. Bartolotta: That's okay. I would just like to begin by expressing to the Board that if the Board drove through there they would already notice that that fence has been erected and that was certainly not to spite the Code regulations or any disrespect to this Board. I know the feeling sometimes when people jump the gun and do things. This was an understanding by applicant that due to the fact that he no longer plans to utilize Tuxill as a main or for any means of ingress and egress to Tuxill Square that that in a sense or in effect became the rear yard and thereby would not be subject to those regulations. It was only after he was notified by the Code Enforcement Office that that was in fact a front yard that caused them to then submit this application before this Board. But, if the Board...I thought it help to have a visual for the Board to understand this a little bit closer. In 2008 the applicant undertook a project on Logan Street called "Logan Park Lofts", essentially renovating an old warehouse factory into 35 apartments and townhouses. The main ingress for Logan Park Lofts is located right here in the southwest corner of the property. (Points to a poster board.) The main egress is over here on the southeast corner of the property. It was only after this project was completed in about the spring of 2010 that the applicant had the opportunity to purchase 26 Tuxill. For those that know the house, it was in very, very, bad, bad shape and the

yard was a mess. In any event, the applicant undertook to completely renovate it from the inside out, right to the studs and has made it up-to-date, turned it into a beautiful three-bedroom, two-and-a-half bath townhouse.

The idea is to incorporate Logan Park Lofts and allow the access...egress and ingress to be on Logan and to close it off to Tuxill. Again, so that's why you see the six-foot...

The application speaks for itself and I trust the Board has had an opportunity to review it. But if there are any specific questions, I'm certainly happy to elaborate on anything.

Mr. Darrow: Any questions?

Mr. Tamburrino: Joe, you're just incorporating, it's almost like a privacy fence it looks like to...

Mr. Bartolotta: That's correct. The front yard becomes the back yard.

Mr. Tamburrino: In practicality, that's exactly what would work.

Mr. Darrow: But the problem is it is on a street and there are neighbors, two neighbors who have to look at that fence across the street.

Mr. Bartolotta: First of all, the two residents from across the street are aware of the fence. We had a very good relationship with them throughout construction and in any event, the one, and I wish I knew the exact address, but the one directly across from the fence...Tuxill's on a dead-end street and as the application sets forth there are children that play in that area and it's very congested, especially in the winter months when the snow is piled high at the end where the City kind of stockpiles it. It makes it very difficult to get in and out of Tuxill and quite frankly, I think the neighbors across the street welcome the notion that it will be no longer used as a main source of ingress and egress to that parcel.

Mr. Darrow: I can completely agree with what you're saying and limiting ingress and egress from the location, it can also be done with a four-foot fence. You don't need a six-foot privacy fence up against the sidewalk to do that.

Mr. Bartolotta: You're absolutely right and if blocking ingress and egress was the only reason for it, then I would agree with you. In this case, it is a gated community, it's fully secured and unfortunately, and certainly it's not a reflection on the neighborhood, we're very pleased with the neighborhood, but that section of Tuxill is used as kind of a transient path for people outside of the neighborhood and they use it to cut through to South Street. During construction in fact when we first eliminated the cedar fence and hedges (inaudible) Construction next to us they had a car stolen from Logan Park Lofts on Thanksgiving Day, I was called. In any event, they did find the car on the west side of the Town and it was probably likely...police officers thought maybe it was some kids. In any event, we invested a tremendous amount, we invested a tremendous amount of resources into this development and it could be big problem if the tenants start to feel that it's not 100% secure like it's marketed to be.

Mr. Darrow: One other thing, that struck me here, I should say noticed, not affecting the property was right in front of the house...of course you still have your front door so the front door comes

out to the six-foot fence. But, there's a fire hydrant and fire protection for that house...if a fire call comes in, they're going to go to 26 Tuxill and they're going to be met with a six-foot almost gauntlet to get through.

Mr. Bartolotta: That's a great point. If you'll notice there are two swing-gates that were incorporated into the...

Mr. Darrow: Yes, I saw that.

Mr. Bartolotta: We'll work with the...as we did on Logan Park Lofts, we worked with the Fire Department to make certain that they have a key to that lock. It will remain locked but of course in an emergency situation, they'll have access to that lock. In fact, it's to a firebox that's designed on the building.

Mr. Darrow: Right.

Mr. Bartolotta: Incidentally, the structure is completely sprinkled. There's a fully-monitored sprinkler system that was designed into the structure.

Mr. Darrow: Okay. Any other questions from the Board members? You may sit down. Is there anybody wishing to speak for or against this property?

Could you please state your name and address again for the record?

Hi, my name is Aleia Bezalarich-Lynch at 7 Tuxill Square and again, this is another property that's right in very close proximity and we again support the project at Logan Street Lofts and the project has been an incredible improvement to our end of the walk and sympathizing with their need to put that fence, it's a compromise that very willing to make. Thanks.

Mr. Darrow: Thank you. Anyone else wishing to speak for or against this project?

Could you please state your name and address again for the record?

My name is Pam Anderegg and I live at 18 Tuxill Square. I must say that I have been delighted at the construction that has been going on at Logan Lofts. I am not partial to fences but I see the reason to this one and I will not raise any complaint. Thank you.

Mr. Darrow: Anyone wishing to speak for or against? Yes please.

Mr. Bartolotta: If I could make one comment...I just want to (inaudible) some of the residents who spoke here, in the spring we're going to be doing landscaping and certainly any way that we'll raise some of that landscaping to benefit the (inaudible) (spoke to Tuxill residents away from microphone).

Mr. Darrow: Anyone else wishing to speak for or against? Hearing none, seeing none, we'll close the public portion and discuss this amongst ourselves.

Mr. Tamburrino: This is a definite improvement in the neighborhood no doubt, the house was with garbage in the front yard and they turned it into a nice townhouse. I see nothing but positive.

Mr. Darrow: It is. It's clean. The neighborhood's cleaning up nice. Ms. Marteney added to another home. My only concern was fire protection, it's been addressed and there doesn't see to be anybody here that lives across the street that's bothered by it and it's in their neighborhood. They certainly pull out all the stops to try and make everybody happy.

The Chair will entertain a motion.

Mr. Tamburrino: I would like to make a motion that we grant Matteo Bartolotta of 282 State Street an area variance of two foot of the allowed four foot with the placement of a six-foot high privacy fence to the front yard.

Mr. Darrow: We have a motion. Do we have a second.

Ms. Calarco: Second.

Mr. Darrow: We have a motion and a second. Roll call.

**VOTING IN FAVOR:** Ms. Marteney, Mr. Baroody, Ms. Calarco, Mr. Kilmer, Mr. Tamburrino, Mr. Darrow.

Mr. Darrow: Your motion has been approved. Congratulations.

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**169 Van Anden Street.** R2 zoning district. ~Applicant: Thomas Giancola. Area variance of 4.6' of the required 7' side line setback to erect a 2 story rear porch/deck.

Mr. Darrow: 169 Van Anden Street. Please come forward. If you could please state your name and address for the record.

Tom Giancola, 169 Van Anden Street, Auburn, New York.

Mr. Darrow: Could you explain to us what you'd like to do sir?

Mr. Giancola: Certainly. I'm here to see if I could get a variance for the side. It's a 2.4 off the side of the property line and I need a 7 foot. It would be like 4.8.

Mr. Darrow: What are you looking to do that's requiring the variance?

Mr. Giancola: The second addition on the top of...for the second apartment, there is a...the way to come up in the back, well the only way to come up to the top apartment and as you come up on the stairs the roof comes down on a slant so you lose most of the space up there. I would like to take that roof off and just put up three walls and take trusses that come out with another deck, I have a deck down below, on the apartment down below and I'd like to put the same deck on the top. This would also give another way to bring furniture and everything else up that way because this has like

a winding stairway up and the problem is mainly mattresses and box springs. Anytime big furniture...it's hard to get up those stairs.

Mr. Darrow: So you're addition that you're looking to put on the north side of your property is going to stay in line with your current dwelling, it's not going to come out to the east or west. Correct?

Mr. Giancola: Right.

Mr. Darrow: Are there any other questions from the Board members?

Ms. Marteney: So you're going to put essentially a second story on the back side of your house.

Mr. Giancola: Right. It'll be 16 by 32, that part would be in the addition on the top. Then an eight foot deck off the back of that.

Ms. Marteney: What's the little cupola up on the second floor?

Mr. Giancola: That would be...that's actually a bathroom up there. That would...the roof would go right over that and continue out.

Ms. Marteney: Okay. So you're going to increase the square footage on the second floor and have a deck.

Mr. Giancola: Yeah.

Ms. Marteney: It's hard to...

Mr. Giancola: It's actually...it's used up there but it starts high and then it tapers right down to the back of it so more than half of it you really can't use for any kind of living, just storage.

Ms. Marteney: So that would be expanded, that space up there would be expanded.

Mr. Giancola: Yeah, 16 by 32 maybe, I believe it was.

Ms. Marteney: I like the use.

Mr. Giancola: Thank you.

Ms. Marteney: It will make the back...it'll make the deck (inaudible)?

Mr. Giancola: Yes.

Mr. Kilmer: So you've basically got about an 8 foot deep deck and the other improvement will be inside the structure?

Mr. Giancola: Yes. But I want to continue the whole roofline right over the 16 foot.

Mr. Darrow: Any other questions?

Mr. Tamburrino: I see from the application that it's 4.6 feet of the 5 by 7 at the rear additional...it's just sort of extruding out of the back isn't it? I'm just trying to figure out why he needs this variance at all.

Mr. Baroody: (inaudible) I didn't understand it until we got clarification (inaudible).

Mr. Darrow: The 4 foot 6 inches is need for the side yard setback for the property.

Mr. Tamburrino: The side there, right.

Mr. Darrow: The dwelling is currently...

Ms. Marteney: Up on the top...so he needs to put it up on the top...

Mr. Tamburrino On the top...

Ms. Marteney: Not on the bottom but up on top...

Mr. Kilmer: Right, the bottom already exists right?

Mr. Darrow: The footprint is not going to change.

Mr. Tamburrino: No the footprint doesn't change, I'm thinking that he's adding the deck...so, I understand.

Ms. Marteney: That's why...

Mr. Darrow: Are we correct in that assumption Mr. Hicks?

Mr. Hicks: Well actually if you look at the survey that was submitted with the packet, the existing structure before changes were made and he will be adding on to the back. He mentioned to you 16 foot, if I'm not mistaken, which at that point he does not meet the 7 foot at the corner of the existing house that we're at now. So that's where the variance comes into play. We have to have the 7 foot for any addition. So as the...

Mr. Tamburrino: You're saying he doesn't meet it now on the existing structure?

Mr. Hicks: Right. But it's nonconforming so that's against the law. But once we start to lay the first block, now we have to meet the Code. You will notice that the survey shows the house is set askew to the property line. This is the situation that we're in.

Mr. Darrow: So it becomes less and less as it goes to the...

Mr. Tamburrino: Right, I understand. I think the lot is oddball, it's wedged in there.

Mr. Darrow: Any other questions?

Ms. Marteney: Are your tenants staying while you do all this?

Mr. Giancola: Yes.

Ms. Marteney: Good job...dedicated folk.

Mr. Giancola: It's my daughter.

Mr. Darrow: Any other questions? You may be seated sir. Is there anybody here to speak for or against this application? Anyone here to speak for or against this application? Seeing none, hearing none, we close the public portion. Thoughts?

Ms. Marteney: It's really not changing the footprint it's just (inaudible)

Mr. Baroody: Yes.

Mr. Darrow: And the house looks fantastic.

Mr. Tamburrino: It's a nice looking home.

Mr. Darrow: The Chair will entertain a motion.

Mr. Baroody: I would like to make a motion that we grant Thomas Giancola, 160 Van Anden Street, a 4.6 foot variance from the 7 foot required side plan setback as submitted in the packet.

Mr. Kilmer: I second it.

Mr. Darrow: We have a motion and a second. Roll call?

**VOTING IN FAVOR:** Ms. Marteney, Mr. Baroody, Ms. Calarco, Mr. Kilmer, Mr. Tamburrino, Mr. Darrow.

Mr. Darrow: Your variance has been approved, congratulations. See Code Enforcement for your permit.

Mr. Giancola: Thank you.

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**108 South Street.** R2 zoning district. ~Applicant: Ministro Ministries, Inc. Use variance to operate a multi-functional facility of rooming boarders, social events & mentoring of school age children.

Mr. Darrow: Would you please state your name and address for the record sir?

Good evening. My name is David Tehan. I'm here on behalf of the applicant, Reverend Michael Henty and his Ministro Ministries. The idea on this application is primarily that we're dealing with a very unique historic property, the old Case Mansion, three floors, approximately 23,000 square feet,



it might actually be larger than that, I'm not sure but just going on the public records it says 23,000 square feet.

It was the home of Unity House for I think over 35 years. It's a combination of bedrooms, offices, kitchen facilities and conference rooms. As it is set forth in the application and reviewing the uses strictly off 305-34 of the R2 Zoning District, I don't think any of those uses, with the exception of maybe a single-family home, would fit with this property. Now another point, it's my understanding that the Presbyterian Church did market this property for approximately one year. There were, I think, maybe one or two offers that just did not come to fruition and henceforth, Mr. Henty brought this proposal along to them and they're on board with...the Church is on board with it and we're seeking the use variance in this particular instance.

The primary proposal is a bit of a mixed use so this is something of a complicated and unique application. Looking at uses for the general welfare, which is the transitional home for veterans and the homeless, for education, utilizing the kitchen areas for food service and culinary arts programs as well as recreation for the youth center and the community health and welfare center. The neighborhood and its general vicinity is something of a mixed bag as it is, between commercial, religious and residential. I don't...I submit that the proposed uses wouldn't necessarily change the character of the new project as...because as mentioned before, Unity House was there for 35 years running their programs which was very good for this community and I think Mr. Henty's proposals stepping in would continue the spirit of that service to this community. I guess if there's any questions from the Board, either myself or Mr. Henty will be able to answer.

Mr. Tamburrino: I have a question. Fundamentally, what's the difference between Unity House with the use that Unity House had with this property and your anticipated use? What's the difference between Unity House and Ministro Ministries?

Mr. Henty: Unity House...

Mr. Darrow: Sir, could you please give your name and address for the record?

Mr. Henty: Michael Henty and I live at 108 South Street. Unity House was mainly a residential...where they had I think about ten to twelve individuals staying there. They also had their main...their offices there as well.

The difference is we'd like to have a quasi-public use where we could use only the downstairs for community events like the youth center and the culinary and educational aspects of this. So it would only be the first floor that would be seeking.

Mr. Tamburrino: So you wouldn't have any permanent residents living there or any temporary residents living at the...

Mr. Henty: Yes, on the second upstairs...

Mr. Tamburrino: That's interesting and a community center on the bottom where Unity House was just residents, people living there, okay?

Mr. Kilmer: Mike, what's the anticipated maximum of people that will be residents at that place?

Mr. Henty: I would say at any one time no more than fifteen, it varies...fifteen at the very maximum.

Mr. Kilmer: That's the overnight residents?

Mr. Henty: Yeah. It would be mostly...I know we were discussing with some other people what type of boarding they are going to do. My last conversation with the VA, Department of Veteran's Affairs, they're seeking more of a permanent-type of housing versus transitional. So we think we're going to go a little bit more in that direction for single occupancy.

Mr. Darrow: So there's going to be no short-term lodging there. Short-term I'm saying one or two nights.

Mr. Henty: No, there may be one room that we would like to designate possibly, if it's allowed, for respite for some of the Armed Forces and their families when they come back home or there's the loss of a loved one. I guess there's a number of foundations that like to support families getting away, being in kind of an intimate setting and it's been brought to our attention so we want to designate one of the rooms, make it a suite, so that they could actually come for a couple of nights to stay in our community and be in that environment.

Mr. Kilmer: Mike, what do you anticipate the daytime population to be there in the confines of the building?

Mr. Henty: Mostly the residents. There's going to be common rooms upstairs so they won't really be down on the bottom floor. But, I wouldn't anticipate an awful lot of use during the day, except for our educational and vocational program.

Mr. Darrow: Sir, would you...I'm sorry...

Mr. Kilmer: Do you have the number of people, have you anticipated how many people that will be coming in and out of the building, in effect.

Mr. Henty: In the daytime I would say it would be less than 50. Occasionally we might have like maybe a business seminar and our culinary arts program might be serving them lunch. We really want to create a good relationship with the Church. They've offered to make it seem more like a campus. So we could use their facility, maybe their sanctuary for a business meeting, they'd be parked over there and they could walk over for lunch and they would be served by the people that are working on the culinary. So, I don't anticipate that's something on a weekly basis but once in a while.

Mr. Darro: Just so I understand you correctly, if you have an outside...if you're hosting an outside gathering, you're not anticipating on having more than 50 people. Is that correct?

Mr. Henty: No. I would say that some of the events...

Mr. Darrow: How many could you possibly see at your biggest event hosting?

Mr. Henty: I would say between a 100 and 150 but they would be spread out throughout the house. We may have some activity outdoors but yes.

Mr. Kilmer: But it would be just occasional though? That's not a regular ongoing...

Mr. Henty: No, not at all.

Mr. Darrow: It's 23,000 square foot...that gives you 7,500 a floor.

Ms. Calarco: How big is (inaudible) for the culinary program?

Mr. Henty: I don't know how big it will grow to, I know that our talks with CCC...they're very, very excited about the fact that they have a culinary arts program. We are going to tying into the veterans as well because their schooling is paid for and CCC is really trying to develop programs for them. So again, I don't think...I don't know about numbers, I don't know how many people will be in the class at any time. The Church also has, I don't think it's up to Code right now, a commercial kitchen so if there was an overflow or something, we might possibly request to use that kitchen as well.

Mr. Darrow: Now the Church will still own the building, correct? This is a use by the Church?

Mr. Henty: Yes.

Mr. Darrow: Now, can we consider all the Church parking for them for a large event, seeing they're the owner of both properties, although they have separate tax numbers?

Mr. Hicks: Well, they're under the same ownership and they're abutting properties. They're within the 300 foot that's required by the Code but, granted ours says on-site. So...

Mr. Darrow: A fine line?

Mr. Hicks: A fine line and I think we get a letter from the Church stating that they're in agreement for the shared usage.

Mr. Darrow: Okay. Any other questions from Board members?

Mr. Baroody: Transitional housing for the vets or anything to do with the veterans, people look at different than a home show. It might both be an honorable value of stuff with the kids and the gymnastics and all of that. So what you're saying is this will be transitional housing for veterans, a culinary arts program will be in the Church and things like that.

Mr. Henty: I do not think we're going to go the transitional housing, I think it's going to be more what you would call permanent housing. Our original (inaudible) our last (inaudible) I spent a lot of time with the people from the VA and the need is greater there. Chapel House is going to be covering the emergency housing but they can only keep them there for 30 days and then they're in need for more what you'd call permanent housing. They maybe not be there for their whole life but they're going to be there while they're going to school at CCC getting their life in order and moving on from there. But, I apologize for the transitional housing. There's quite a difference in terms of Code as well I think. We would not be serving them their meals. They would be on their own for

their meals, although we do want to get the kitchen itself up to Code so that we could serve and have a like a café, I don't mean open to the public but kind of like a café for the kids at night or special events that we'll have.

Mr. Darrow: Any other questions?

Ms. Marteney: When you say that the veterans would be on their own for food, are there going to be kitchens in each of the apartment suites or something for the...

Mr. Henty: No, there would be a shared kitchen.

Ms. Marteney: Up on the second or third floor?

Mr. Henty: No, on the main...they'll be on the main floor. They would be down on the main floor. There's pretty...you can divide that off from the dining room, the living hall and the ballroom and the library...so it's very separated as far as...We hope that the people who are working in the culinary arts, they're will be some tie-in there where we'll get the young people are going to help feed the veterans.

Ms. Calarco: If you're looking at an open kitchen and what not for them to (inaudible), is there going to be somebody on this property kind of overseeing?

Mr. Henty: Yes.

Ms. Calarco: Okay.

Mr. Darrow: Any other questions? Gentlemen, you may be seated. Is there anybody wishing to speak for or against this property? Please come forward. If you would please state your name and address for the record and speak one at a time.

My name is Catherine Diviney and I live at 100 South Street. I have prepared a written response that I would like to present to the Zoning Board, if you'll indulge me as I read it aloud:

"My husband, Christopher Mack, and I live with our three children at 100 South Street. For the reasons set forth below, we are opposed to the City of Auburn's Zoning Board of Appeal's ("ZBA's") issuance of a Use Variance for the above-referenced property. Moreover, the application is not even clear on the request — it lists transitional housing, educational services, food services, community center, youth recreational center and/or a community health and wellness center. In any event, the applicant has failed to meet its burden to support the ZBA's issuance of a use variance for any of these uses that are not currently allowed in an R-2 district. An R-2 district allows single, two- and multiple-family residences.

The applicant has not demonstrated to the ZBA that it qualifies for a Use Variance pursuant to the City of Auburn Code and City General Law. The applicable zoning regulations set forth for R-2 do not cause an unnecessary hardship justifying the grant of a use variance. I understand that the applicant must demonstrate to the ZBA that for each and every permitted use in R-2 that there is no reasonable return, as demonstrated by competent financial evidence, that the hardship is unique, that

the use variance would not alter the essential character of the neighborhood, and finally, that the difficulty was not self-created. Additionally, when reviewing a Use Variance, unlike an Area Variance, the ZBA is without authority to balance the factors; instead, the applicant must prove each of the four factors, and if one is not fully satisfied, then the ZBA is legally obligated to deny the Use Variance.

While we agree that there may be obstacles associated with the older, historic structures such as the subject structure, those do not rise to the level of no reasonable return for the owner. Moreover, I understand that the current owner and applicant cannot receive a use variance, as the difficulty that is being alleged was self-created.

With regard to the first part of the test, the applicant *can* realize a reasonable return on the property in keeping with the allowable uses for R-2. As you can see from the answers to questions 17 and 18 on the application, the applicant is unable to meet this test for the issuance of a use variance. Additionally, I understand that this assertion must be supported by competent financial evidence in order to legally demonstrate that there is a lack of substantial return on the property as zoned. Because the applicant has not met, and cannot meet this burden, the use variance must be denied.

The hardship, if any, related to this property is not unique. There are numerous large historic structures within the City of Auburn, which present the same challenges. Consequently, the concerns raised by the applicant would apply to a substantial portion of the historic district and neighborhood. Because the hardship is not unique solely to this property, the use variance must be denied.

Third, the issuance of the requested Use Variance for any of the items listed in the application would unquestionably alter the essential character of the neighborhood. The area surrounding the property is residential. There is no commercial activity within the vicinity of the property. The neighborhood is, as it is zoned, residential with both single family homes and multiple family dwellings. The neighborhood is not commercial and its properties are not otherwise used for public purposes. The application provides that among the proposed uses are a youth center, transitional housing, food service, youth center and wellness center. These uses are not in keeping with the neighborhood and will certainly cause additional traffic (both vehicle and pedestrian), noise and refuse and irrevocably alter the residential character of this neighborhood.

**INSERT FOURTH HERE.**

For the reasons set forth above, the application for a use variance should be denied.”

Mr. Darrow: Thank you ma’am.

Christopher Mack, 100 South Street: I think Cathy spoke as to the legal end of the argument, I’m trying to speak to the character of the neighborhood and the impact it would have on the neighborhood. It’s fair for Mr. Henty and as no doubt read in the local newspaper coverage that the project seems to fluctuate from time to time and occasion to occasion. Sometimes homeless people are mentioned, sometimes they’re not. Is there any added security provided for these residents who are going to be there permanently or transitional? There are a host of concerns that go with the banquet possibilities at the residence. Holding weddings has been suggested, going to mean music, bands, traffic, all of those things are certainly going to change the nature of neighborhood not only

of South Street but for McDougall Street residents, which is one of the quieter properties in that neighborhood.

Certainly Unity House was there, Unity House was there for 35 years but we're talking about something that's far greater in scale than what took place at Unity House and that's our primary concern. Thank you very much.

Mr. Darrow: Thank you sir. Is there anybody else wishing to speak for or against who has not been heard yet? Is there anybody else wishing to speak for or against who has not been heard? Mr. Tehan, if you wish to readdress or rebut any of the comments?

Mr. Tehan: No, I do not.

Mr. Darrow: Okay. Hearing none, seeing none, we will close the public portion and discuss it amongst ourselves.

Mr. Baroody: We have a quandary here. Everything we look at is unique within itself. However, I don't know of any other property in the City that has 30,000 square feet. I know a couple that are 10,000 square feet and some that are 5,000. I don't know any that are 30-35,000 square feet.

Mr. Darrow: For the record, this is 23,000.

Mr. Fusco: The application says 36,000.

Mr. Darrow: The application says 36,000.

Mr. Baroody: That's what I said, 35,000.

Mr. Fusco: May I speak Mr. Chairman?

Mr. Darrow: Please.

Mr. Fusco: Here are my problems with this, from a legal standpoint. First of all, there is a request for a use variance. If you grant this application, you are allowing a use to take place. It's very difficult for me, having read the application, to decide exactly what is this use. There's no statement in here that this is what our use is. We can divine some of the intended uses or aspects of use from the answers to various other questions in the application, but unlike the boarding house matter that we had before us earlier tonight where it was a statement of use, this is exactly what we're going to do. Contrast that with this case where there's...it's very hard for me to understand what it is they're going to do. Some of the things like this transitional housing which is in the application now gets taken off the table in the discussion. There's discussion for the homeless, how long do they stay there. Those are the details. It's right in the application that answer the member of the public's question whether the homeless were going to be allowed to live there or not. It's in the application.

There's a school for food services and culinary arts. I'd like to know a little bit of a description, what is that? What is the school? How long is the school? Is it certified by somebody? Is there tuition that is going to be paid? Some details on school.

There is a mention in the application of a youth center and recreation center for youngsters but there's no discussion anywhere in the application what they mean by that. Are they going to have a basketball court, or they going to have an indoor (inaudible), I don't know. They may have dances and bands, I don't know. There's no detailed statement of what this use that you're being asked to grant is.

And then there's a community health and wellness center. That sounds to me as a commercial endeavor, like those wellness centers and spas of the like with which I am familiar. But again, there's no discussion or no detail in the papers as to exactly what they mean by community health and wellness center.

No details regarding parking. Ed and Brian have already discussed that on the record. That's something I think we'd like to know something about before we were to approve this.

As I said earlier, these wellness centers and spas and the like are usually for-profit endeavors. Is that going to be a for-profit endeavor, that aspect of it? Is it going to be for-profit or not? Is the culinary aspect for-profit or not? Again, we don't know. Why that's important, if you look at the authorization form for you in the application, the pastor says we approve of this thing just so long as we maintain our not-for-profit status. If we're going to lose our tax status over this thing, we don't approve anymore. That's my words, not his. But there's nothing in our Code to allow the landlord to give conditioned approval. Contrast that with the first case that we had tonight where the landlord, Michael Watts of the Plaza, gave unconditional authorization for Applebees to do what they were doing. That's contrasted here as well.

So use right to me something I think there needs be amplification of. We had discussions from a member of the public on the self-created hardship issue. A use variance is variance that runs with the land. It doesn't matter who the tenant is. The use variance is permanent, it runs with the land and so there's no discussion here in any of these papers as to why this isn't a self-created hardship. Why does the First Presbyterian have a hardship.

Now Mr. Tehan, I think, did a nice job of pointing out that there was an attempt to market the property for some use that was presumably legitimate under the Code but our paperwork before us is silent on that particular issue and I think that a greater discussion as to why the applicant feels this is not a self-created hardship is something that needs to be discussed as well.

Corollary to that, are the answers to questions 17 and 18. Lack of a reasonable return is the required standard for a use variance being granted in the State of New York. I would assume that Mr. Tehan has probably come late to this client...or the client has come late to Mr. Tehan because given his obvious expertise in this area of the law, I think questions 17 and 18 regarding lack of a reasonable return would then have been better answered if he had more time.

Mr. Baroody: No excuse counselor.

Mr. Fusco: My suggestion would be, and it's just a suggestion, since the application seems to be lacking in all of those things that I said, maybe we want to give Mr. Tehan or the Church or somebody the opportunity to amend the application to meet some of these legal concerns.

Mr. Darrow: With the Board's consent, I would like to recommend to Mr. Tehan that he make more specific and outline the plans, document that they tried to sell it and were unable to. Tie down the exact uses that are going to be in fact. Make it more specific and also show that there is a hardship there.

Ms. Calarco: I think my concern also is to show me how it's going to be managed. If you're going to have people staying, how's it going to be overseen and make sure that there's not people coming in and locking the door.

Mr. Darrow: Mr. Tehan, are you in favor...

Mr. Baroody: There are more questions than answers.

Mr. Darrow: Mr. Tehan, are you in favor of tabling to make it more specific?

Mr. Tehan: Yes.

Mr. Darrow: Do I have a motion to table?

Mr. Baroody: Motion to table.

Mr. Fusco: Also, Mr. Tehan and your client, you would agree to not hold us to the time limits that are allowed under law, given the fact that we will be tabling and adjourning for you to provide further information. Is that correct?

Mr. Tehan: That is correct.

Mr. Darrow: Thank you.

Ms. Diviney: Does the public have an opportunity to be heard on the amended application?

Mr. Fusco: Yeah.

Mr. Darrow: Yes, because new information will come out so we will allow the public a chance to speak again.

Ms. Diviney: So the record will be held open in this matter then?

Mr. Darrow: Yes, it's just being tabled to our next scheduled session. I have a motion, all those in favor, aye.

Board: Aye.

Mr. Darrow: Opposed? Hearing none, motion to table is carried.

Mr. Fusco: Our next meeting is scheduled for Monday, February 27<sup>th</sup> at 7:00 p.m. The amended material, if the applicant is to have this on our calendar for February 27<sup>th</sup>, will have to have been



submitted to the Planning Board by February 6<sup>th</sup> so that it will be available thereafter for your review.

Mr. Darrow: Okay, is there any housekeeping? Did everybody get the contact list updated?

Ms. Marteney: Yes.

Mr. Darrow: We're all good? Wonderful. Meeting adjourned.