

**ZONING BOARD OF APPEALS
MONDAY, NOVEMBER 25, 2013**

Members Present: Susan Marteney, Scott Kilmer, Mario Campanello, Ed Darrow

Members Absent: Debra Calarco, Matthew Moskov, Douglas Parker

Staff Present: Andy Fusco, Corporation Counsel; Brian Hicks, Code Enforcement Officer

APPLICATIONS APPROVED: 204 McConnell Ave, 37 Havens Ave, 30 Cottage St.

APPLICATIONS DENIED: none

APPLICATIONS TABLED: 230 Genesee St.

Mr. Darrow: Welcome to the City of Auburn Zoning Board of Appeals. I'm Board Chairman Edward Darrow. Tonight we will be hearing, 230 Genesee St., 37 Havens Ave, 30 Cottage St. I ask that all cell phone either be turned off or put in silence mode please.

First order of business, did everybody receive the minutes from our October meeting? I will ask if there's any additions, corrections or deletions to them. Seeing none, hearing none, they'll stand approved.

2-4 McConnell Ave Area variance to convert a portion of an existing garage to one apartment.

2-4 McConnell can you please approach? Please give your name and address and tell us what you'd like to do.

Mike Palmieri: Representing the owner Deanne Bourne and architect for the project.

Ed Darrow: Could you tell us what you're looking to do sir?

Mike Palmieri: We have an existing garage and we're trying to convert half of it into a one bedroom apartment. We submitted a site plan and some letters from the owner. I think you have them, it states some issues they have and why they want to go forward with this project. The variances we are requesting is we have an area variance of 300 square feet of the 1500 required for an apartment. That's the first one. The second one is a 20 foot 9 front set-back which is 25 required. The other one is a 13 5 inch rear set back which is 25 required. And the fourth is an area variance of 5 foot 8 inches in the side yard where seven is required. So those are the variances we are requesting for this project.

Ed Darrow: Could you explain what percentage of the garage you are looking to?

Mike Palmieri: It will be precisely half. The garage is about 1200 square feet and we're looking to develop half of it, 600 square feet, into a one unit apartment. It's a four bay garage right now, we're going to leave the other two as is, as a garage space. I think basically the issue with this property is that the owners are trying to maintain it because it's a garage and in an area that's multi-used the properties as far as the parking space, they have an area that's used by all the people in that area. Windows get broken, that sort of thing. They're trying to use it where making an apartment out of it for financial gains to maintain the property for taxes and that thing, and also to put some people in there, to have someone living there, it's a different scene when someone's living there and the lights are on versus just an empty garage. Windows tend to get broken by kids, the space gets used for various reasons, the parking area, and I think it would be a benefit to the area if someone was living there that can help control the area. That's basically what we're looking for. The property on my site map, the building in blue, outlined in blue, says 10 Washington St. and that's the property they purchased, I believe it's a four unit, the garage was part of the deal, that was part of that property and to close on the property they had to take the garage which they didn't really want at the time during the negotiations because it was nothing that would benefit them. They were looking for the apartment building and that was part of the deal, they had to take that part of the apartment so that became their responsibility. Since then it's become, things where kids, there's some letters where we've stated the owners have put in the package here, state the various things they're putting up with in that area. They're just trying to help control the problems. So it was a deal where they had to take it.

Ed Darrow: Is it fair to say that the garage itself sits on 2 McConnell and the parking in front of it that's 4 McConnell? I see it in there as 2 – 4.

Mike Palmieri: I'm not sure the history behind it. We could assume that but I couldn't tell you for sure.

Ed Darrow: Any questions from board members?

Scott Kilmer: Under pertinent title, section and paragraph it says it shall not have less than 1500 square feet of habitable floor area. So is you take a 1200 square foot garage and cut it in half that's 600 square feet you're going to use for habitation. Instead of a 300 square foot variance you're looking at a 900 square foot variance. I think there's written in there for the whole thing, you're including the other half of the garage to use for habitation, that's 1200 feet and then so it's not 300 it's actually 900 square feet.

Ed Darrow: Mr. Hicks, would you like to address this?

Brian Hicks: The way the conversion aspect of the code is written it states that no conversion of an existing structure can happen without it having a minimum of 1500 square feet of habitable floor space to begin with. This would be classified as a change of use for an accessory structure. We put that in there because the section of the code doesn't address conversions, a structure that has no habitable floor space. Being that it only has 1200 square feet we knew we were 300 square feet below what the code required.

Scott Kilmer: Then the application is properly worded then?

Brian Hicks: I believe so.

Ed Darrow: Any other questions from board members? You may be seated, Mr. Palmieri. We reserve the right to recall you though.

Is there anyone present wishing to speak for or against this application? Anyone present wishing to speak for or against this application? Hearing none and seeing none I shall close the public portion so we can discuss it amongst ourselves.

Thoughts? Feelings?

Scott Kilmer: Brian, I hate to be dense but I'm not quite sure I understand your explanation.

Brian Hicks: When this section of the code was incorporated into the zoning code but it was because of the multitude of conversions that were being done to the existing structures here in the city. They threw that in there to say 'We're not even going to address the conversion unless the structure has 1500 square feet of habitable floor space to begin with'. It doesn't take into effect that we have accessory structures, which would be a garage or maybe a large barn, and then the conversion of that because there would be no habitable floor space in that accessory structure. So the use would change. The code doesn't really cover this area. It states 1500 square feet of habitable floor space required, this structure does not have it. It has 1200 square feet of floor space, none of it habitable, so we put that in there as a lead in to say we have 1200 square feet of floor space, it may not be habitable but it's going to be habitable, but we're 300 square feet shy of even looking at it for a conversion. So that's where the variance comes in. We need to get that variance so we can be under the 1500 square feet to be allowed to even convert the structure.

Scott Kilmer: Okay.

Brian Hicks: You sure? I'll go again if needed.

Scott Kilmer: More sure than I was five minutes ago.

Ed Darrow: Any other discussion? When the motion is made we should probably do these one at a time. If there's no other discussion amongst the board the chair will entertain a motion.

Susan Marteney: So you want to break it down, Ed?

Ed Darrow: Yes, one by one.

Susan Marteney: I make a motion to approve the area variance because of, an area variance of 300 square feet of the required 1500 square feet in habitable space because the applicant have proven the following five elements:

- The area variance will not produce an undesirable change or detriment to the character of the properties in the neighborhood.
- The benefit sought cannot be attained by any other method other than an area variance.
- The variance is not substantial
- The area variance will not produce an adverse impact on the environment of or physical conditions in the neighborhood.
- The applicant's difficulty was not self-created.

Ed Darrow: We have a motion on one, do we have a second?

Scott Kilmer: Second.

Ed Darrow: Roll call, please.

All members vote approval.

Ed Darrow: I vote yes due to the fact that I feel it is a unique structure and leaving it unoccupied is going to cause harm than good.

Variance one is passed. Chair will entertain a motion for variance two.

Susan Marteney: I make a motion for 2-4 McConnell Ave that the area variance of 20.9 for a front yard set-back against the required 25 foot because the applicant has shown that:

- The area variance will not produce an undesirable change or detriment to the character of the properties in the neighborhood.
- The benefit sought cannot be attained by any other method other than an area variance.
- The variance is not substantial.
- The area variance will not produce an adverse impact on the environment of or physical conditions in the neighborhood.
- The applicant's difficulty was not self-created.

Ed Darrow: We have a motion, do we have a second?

Scott Kilmer: Second.

Ed Darrow: Roll call, please.

All members vote approval.

Susan Marteney: From the way that Mike described the applicant, in some respects, was almost forced to include this piece of property when they purchased the Washington St. property, so in that respect it's not a completely self-created, it was part of the package deal. It appears to me they are trying to improve the character of the neighborhood by making it less desirable to hang out in that area so I am voting yes.

Andy Fusco: May I add just for the edification of the members. In a use variance case a self-created hardship is an absolute bar. In an area variance case, which this is, self-created hardship is a factor but not a bar. The only reason I say that is because Susan raised the observation as to her concern whether it is or is not self-created.

All other members vote approval.

Ed Darrow: I vote in favor of this one due to the fact of it being more of a help than a hindrance with it being occupied and also due to the fact that were no adjacent residents present to show any objection for this action. So therefore item number two is passed.

Susan Marteney: May I combine three and four?

Ed Darrow: Counsel?

Andy Fusco: No.

Susan Marteney: Okay. I make a motion that we grant for 2-4 McConnell Ave an area variance of 13.5 feet for a rear yard set-back against the required 25 foot set-back because the applicant has proven the following five elements:

- The area variance will not produce an undesirable change or detriment to the character of the properties in the neighborhood.
- The benefit sought cannot be attained by any other method other than an area variance.
- The variance is not substantial.
- The area variance will not produce an adverse impact on the environment or of physical conditions in the neighborhood.
- The applicant's difficulty was not self-created.

Ed Darrow: We have a motion, do we have a second?

Scott Kilmer: Second.

Ed Darrow: Roll call please.

Susan Marteney: Aye. Based on what I mentioned for variance number 2.

All other members vote approval.

Ed Darrow: I cast a yes vote. I feel the structure will be an improvement and as before stated there are no objections from adjacent neighbors. Therefore motion three has passed.

Chair will entertain a motion for motion four.

Susan Marteney: I make a motion that we grant 2-4 McConnell Ave an area variance of 5.8 feet in the side yard set-back against the required 7 foot set-back because the applicant has proven the following five elements:

- The area variance will not produce an undesirable change or detriment to the character of the properties in the neighborhood.
- The benefit sought cannot be attained by any other method other than an area variance.
- The variance is not substantial.
- The area variance will not produce an adverse impact on the environment of or physical conditions in the neighborhood.
- The applicant's difficulty was not self-created.

Ed Darrow: We have a motion, do we have a second?

Scott Kilmer: Second.

Ed Darrow: Roll call please.

Susan Marteney: I vote aye based that this is certainly an interesting property and that this is a good way to be able to re-use a property in a neighborhood that needs the benefit of this type of conversion.

Ed Darrow: Yes. I feel that this conversion will not have any adverse effect to the area and the fact that no adjacent members spoke up in denial or in contest of this. Therefore motion four has passed. Mr. Palmieri, all your variances have been granted. Please see Code Enforcement before any work begins.

230 Genesee St. Area variance for billboard sign.

Please approach, give your name and tell us what you'd like to do please.

Andy Fusco: Mr. Chairman, before Mr. Sayles begins his presentation, as you recall last month I had a discussion with the members of the board, at least the ones that were here last month, regarding the new procedure by which we're going to attempt to do our votes. Specifically last month I discussed the methodology and the elements for an area variance and that's the reason I asked Susan to do tonight's area variance votes. For the benefit of Dr. Kilmer who wasn't here last month and Mario who is our new member, the law lays out various elements of the, in the last case, area variance and this next case use variance, and what Susan will be doing in making the motion will be itemizing out each of the elements. That doesn't mean she or any of you has to vote for it. But we've always traditionally had affirmative votes on this board so for the purposed of at least the first vote on any proposed variance Susan or in her absence or in her absence I'll be asking Scott, to make the motion consistent with the handout I provided last month and the one I provided today. If you feel, obviously, that one of those or more than one of those elements, five in an area variance case, four in a use variance case, have not been met, have not been proven, it's always the applicant who has the burden of proof, then you would vote no and at the conclusion if there's not four positive votes on the first motion then we'll be doing something slightly different than we've been doing in the past. I'll ask one of the people who voted no to then put a motion in the negative so that anybody who is reading this transcript of these proceedings would know why it is that the first affirmative vote was not carried. We are having some problems with some courts not understanding what we're doing. So we'll end up having two votes, the second vote will be in the negative and that will obviously itemize out exactly what the descent didn't think was proven. Now last month we went over the five elements of an area variance. Those who were listening carefully to Susan's motions, four of them in the last case, now have them committed to memory, the four elements in a use variance case are different. And those are the ones that I placed on your desks tonight. The applicant has to prove each those four elements. If any one of those four elements is not proven then you must turn down the variance.

Ed Sayles: I'm with the Merry Go Round Playhouse, Finger Lakes Musical Theater Festival. We own an apartment building on 230 Genesee St. We would like to affix that sign to the front of our building. If I might just, it is a mixed use neighborhood and there are many commercial signs in the neighborhood. We think it's a tasteful and attractive sign indication that some part of our operation is there. We are respectfully requesting the kind of variance Counselor Fusco just told you about.

Ed Darrow: A use variance.

Andy Fusco: And again for edification on the record, most of the sign variances that we deal with are area variances because they involve either larger or different type of sign in an area where the signage itself is already condoned by the code. This is slightly different, this is a use variance case because it is commercial signage on a multi-residential facility which is not permitted by the code. Hence the

different standard than what we're used to, for example, last month in the Kosta's case where the signage in issue was an area variance.

Ed Darrow: Mr. Sayles, do you wish to add anything else?

Ed Sayles: No. I could go through the individual points but just in general because of the character of the neighborhood we don't feel this sign on our building since there are so many others in the neighborhood will affect the character of the neighborhood. Which is important to us.

Ed Darrow: Any questions from the board members for Mr. Sayles.

Susan Marteney: I have to bring this to your attention. A use variance, and you have included some financials, but can you explain to me how you cannot realize a reasonable return on the property unless you receive the use variance?

Ed Sayles: Darn you. A reasonable return on the property unless we have the variance. I have to confess, I was confused when we came in here because we're not changing the way we're using the building but that's the thing we were told to put.

Susan Marteney: The use variance isn't for the building, it's for putting on a sign on a building in a residential district.

Ed Sayles: Okay.

Susan Marteney: So, what one of the things we have to make the motion for, for a use variance, one is that this is not self-created, that it does not alter the character of the neighborhood, that it is unique to the subject premise and not to the general neighborhood, and that you, Merry Go Round, could not otherwise realize a reasonable return on the property unless the use variance is granted. You've included some financial information.

Ed Sayles: I think we misunderstood so your point is well taken. I don't see what particular question on this form, however that would be an answer to, so I'll plead confusion on that. Had this actually been a question on the form I certainly would have approached this differently.

Ed Darrow: Sir, if you'd like at this point, I would give you the option to table this being that there are only four members here you would also have to have all four yes votes. So if you would like to table, reappear on our next meeting.

Ed Sayles: Yes, absolutely, I would appreciate that opportunity because, I apologize, I'm not as prepared as I thought I was.

Susan Marteney: I will draw your attention, do you have your application there, to question number 17.

Ed Sayles: Oh, that's even worse.

Susan Marteney: How would you be deprived of economic use or benefit from the property and your last statement in that saying 'The margin between income and expenses directly relates to our ability to promote our business'.

Ed Sayles: Yes. That is sufficiently broad, that's why I didn't notice it, so to answer your question then, what we are indicating here is that the use of that space to indicate who we are and what we do will allow us to maximize income that we make for the whole organization. Yes, thank you.

Andy Fusco: Again, and that was right on, Susan, I think the question is before this complex became owned by the Merry Go Round, was it not a going concern so that it didn't have a reasonable return so that making it part of the Merry Go Round and being able to advertise as an off-site activity, that really goes to the issue of reasonable return. Let me just add further, you've got to demonstrate a hardship. What's your hardship?

Ed Sayles: Mr. Fusco, we were told to move this from an area variance, I honestly don't understand why we're in this category. I tell you what, why don't we just postpone this, I'll see if it's even worth bringing back to you.

Ed Darrow: I will not close the public portion so that we can continue taking testimony. All those in favor of tabling this aye? Opposed? None. This item is tabled until our next regularly scheduled board meeting.

Andy Fusco: Mr. Sayles, I assume you're going to speak to counsel, also do discuss with them, I'll give you this.

Ed Sayles: I doubt I'll be speaking to counsel about this matter. I just need to understand it to make sure I represented the playhouse properly. I understand the rules. But no, I'm not going to counsel for this.

Ed Darrow: Therefore may the record show 230 Genesee St. is tabled.

37 Havens Ave Area variance for fence in secondary front yard.

37 Havens Ave. Please approach, give us your name, address and tell us what you'd like to do.

Peter Casper, 37 Havens Ave: Our lot is on the corner of Havens and Seward Ave. We've had renovations done at the house. We've had it sided and we had all the, you see on the first pictures, all those hedges pulled out. I put a concrete pad in

the back area and I'd like to put a six foot fence around it that comes out from the house toward Seward Ave on the side six feet which will bring me ten feet from the sidewalk.

Ed Darrow: Sir, may we keep these (pictures) for the record?

Peter Casper: Sure. And I'm looking to come across Seward Ave twelve feet and then come back toward my garage another four to six feet.

Ed Darrow: Any questions from the board members?

Susan Marteney: I'm glad you had photos because when I drove by after the snow I couldn't tell where you were talking about. I tried to figure it out.

Ed Darrow: I had the same dilemma.

Scott Kilmer: A little north and south would have helped on your drawing here.

Peter Casper: Yeah, I'm not a good drawer.

Scott Kilmer: When I drove by your property, is there a fence roughly in the area where this area is going to go now?

Peter Casper: No, it's hedges. It was probably a ten foot hedge and that came down and that gave us a lot of privacy.

Susan Marteney: Where their grill was is where they're wanting to put the fence. Not back connecting to the neighbor's fence. There's a pad.

Ed Darrow: Any other questions for the applicant? Sir, you may be seated but we reserve the right to recall you.

Is there anybody present wishing to speak for or against 37 Havens Ave? Is anybody present wishing to speak for or against 37 Havens Ave? Seeing none and hearing none I shall close the public portion so we can discuss it amongst ourselves.

This is a very typical corner lot, you have two front yards in the eyes of the city. It's exactly how my property is, I can sympathize with him.

Scott Kilmer: I don't think that this is a big request.

Ed Darrow: I don't either. It really couldn't be any more minimal. Any other discussion?

Chair will entertain a motion.

Susan Marteney: I would make a motion for Peter Casper of 37 Havens Ave for an area variance because of one foot seven inches to erect a six foot high privacy fence in the secondary front yard of the required twelve foot six inch setback because the applicant have proven the following five elements:

- The area variance will not produce an undesirable change or detriment to the character of the properties in the neighborhood.
- The benefit sought cannot be attained by any other method other than an area variance.
- The variance is not substantial
- The area variance will not produce an adverse impact on the environment of or physical conditions in the neighborhood.
- The applicant's difficulty was not self-created.

Ed Darrow: We have a motion, do we have a second?

Scott Kilmer: Second.

Ed Darrow: Roll call, please.

Susan Marteney: I vote aye. I believe it is not substantially changing the environment or the conditions of the neighborhood.

All members vote approval.

Ed Darrow: I cast an aye vote. I feel it is not going to change the neighborhood and it is a minimal request. No more of a minimal request could probably be found for this case. Therefore your variance has been granted. Please see Code Enforcement for a permit before erecting the fence.

Susan Marteney: And the house looks great.

Scott Kilmer: Ed, before we proceed I have a question for counsel. Andy, is it proper to assume we only have to explain our vote in the negative, if we vote yes we don't necessarily have to.

Ed Darrow: We should do so both ways.

Scott Kilmer: I think in the memo you emailed was that if you vote negative then you have to explain it.

Andy Fusco: I don't mind, more is better in this case. If you feel obliged to speak out in favor for one reason or another I don't have a problem with it. If you choose not to, if you just choose to say yes, I don't have a problem with that either because what Susan is doing in the motion is explaining all five of the elements have been

proven so the answer to that to a certain extent is yes. If there is a day when the no comes about then we'll go to the converse vote on the negative.

Ed Darrow: You have to remember one thing, we've had article 78 filed for yes votes and we've been asked to re-clarify from Supreme Court on why we voted yes and what we were voting yes for so therefore I feel the more we put into the minutes the more it could sustain any yes we could grant.

Andy Fusco: As I've always told you in the past, Scott, I like people to think out loud in this context because then the rationale speaks for itself but because now we're doing it the way we're doing it the saying yes is fine. You're agreeing with the five things she said. I think that's enough for a court.

30 Cottage St. Request of modification of conditions of previously granted use variance.

Ed Darrow: Please give us your name and address and tell us what you'd like to do.

Steve Selvek, 39 Grover St.: I am here tonight representing Homsite Fund, Inc. located at 60 Clark St. and I am speaking on behalf of the property owner of 30 Cottage St., PMV Realty. What I have submitted to the board is a unique request. Last year we presented a case for a use variance at 30 Cottage St. to establish a 36 unit senior apartment complex. The board at that time granted the use variance for the senior complex and what I'm back before the board for is two-fold. First off that use variance tomorrow and because of the funding source that's required to provide this via the NYS Office of Housing and Community Renewal, the application was not funded last time so we will be applying again for funding for this particular project and would like to continue the use variance until time that can either be funded or unfortunately potentially denied again. The other reason I am here before you again is upon our application to the State last time for funding they specifically said that the idea of solely senior housing was too, I believe their words were, plain Jane. They were looking for something that's a more holistic approach to housing of this nature. What they have recommended we do, as well as discussions I've had with the county, is look at an inclusive style of housing that would provide support for not only seniors but also individuals whom the county are currently serving, whether it be psychiatric disorders, physical disabilities, issues with domestic violence and persons of that nature. Therefore I'm asking that the caveat limiting this particular use variance specifically to seniors and that age restriction that went along with that be lifted to that population is opened up to all adults. I'm not sure into how much detail the board wants me to go through with regard to the project. We went through that last year at this time.

Ed Darrow: May I check one thing, Steve? Counsel, being that it's a change are we going to have to a) redo a SEQR?

Andy Fusco: No.

Ed Darrow: Okay. So therefore will Mr. Campanello be able to vote due to the fact that he didn't take part in the last one, then if he's ineligible then we no longer have quorum.

Andy Fusco: If Mr. Selvek can bring Mr. Campanello up to speed on what this project is all about, where this project is, then under the law of the State of New York, the fact Mario might have missed last year's meeting is immaterial and he's permitted to vote. Once he's comfortable with Steve's presentation, something we're all familiar with, then he'll be permitted to vote.

Ed Darrow: Wonderful. So if you have any questions, please.

Steve, is there anything else you can elaborate on to bring Mario up to speed?

Steve Selvek: What I've just passed out is an enlarged copy of the site plan included in your packets. To describe the project to what it ultimately is, it's a 36 unit apartment building, there are 31 one-unit apartments and four two-bedroom units. The project has been designed such that the building, although a larger apartment building is in keeping with the nature of that area. This is an industrial zone site. Directly to the south on Seymour St. is Genesee Gardens, another complex on this scale and nature.

Andy Fusco: Steve, Cottage is a long street, maybe you can help Mario with exactly where on Cottage this is, maybe in relation to the railroad tracks.

Steve Selvek: This 3.78 acre site is located directly adjacent to the railroad tracks. So the tracks border this site to the west side of it, so as your coming down Cottage from North St. past this vacant site which is often called the old Family Bargain Center. Not having been from Auburn originally when I try to explain this site every time I say Bargain Center people recognize it. The site was initially purchased by PMV Realty in 1988 and they have actively marketed the project since that time to no luck. They have marketed it to both smaller scale commercial uses as well as looked for larger industrial uses. Due to the size of the site and its proximity to residential properties directly to the east, south and north, it's not a favorable site for industrial development. Due to what was later found, some environmental contamination on the site, the cost of the remediation has created a situation where the Vitales are significantly into the property in terms of monetary value and I do have those figures from last year's application. Essentially the site was purchased in 1988 for 140,000 dollars. The cost of taxes, tax filing, insurance, maintenance as well as the environmental remediation are an additional 194,000. So the total investment into the site as it sits right now is 344,000. The appraised value as the site sits is 74,000 and that's why last year when they were here looking for the use variance, they were looking specifically at what that site is valued at right now versus how much they have into it.

Andy Fusco: May I just interrupt for a moment. That's what we mean by lack of reasonable return. We had that discussion earlier with the Merry Go Round representative. That's what lack of reasonable return is. How much have you got in it, what is it worth, what could you get out of it?

Steve Selvek: The issue becomes that because of what they have into it, trying to sell it for a smaller scale commercial venture, there's not enough value in the property to allow something of that nature to happen. Again there was documentation in last year's application to the board that indicated that they had viable purchase offers from three different individuals for smaller scale commercial development and once the numbers were run those particular deals all fell through. Turning back to the project, it's targeted at income eligible individuals. These would be individuals earning anywhere from 14,000 to 26,000 dollars per year. It is income eligible housing but in this case, for a lot of our individual seniors as well as those individual seeking services through the Department of Health and Human Services, they fall right within those particular incomes. The project has been designed, and it was before the Planning Board for site plan, to include all the necessary storm water management areas, parking, circulation, things of that nature have all been reviewed by the Planning Board and approved at the preliminary level.

Andy Fusco: Do you feel you know enough now to be able to vote on the modifications being sought?

Mario Campanello: I think so, yes.

Ed Darrow: Do you have more presentation?

Steve Selvek: I can answer any questions the board may have.

Ed Darrow: Any questions from the board members?

Susan Marteney: Is 2 + 4 still going to be involved?

Steve Selvek: 2 + 4 is still involved. They are the developer, the construction company on as well as doing the on site management after the fact. Peter Wilson with 2 + 4 is here this evening in the audience.

Scott Kilmer: Who was it that recommended you broaden the population rather than just seniors?

Steve Selvek: The issue came about once we applied to the State and denied. The State basically came back and said 'We're looking for something that is more inclusive', so it was the State that starting with saying it needs to be more than just your typical senior housing complex. When we went into the community seeking

additional partners I met with the deputy director of Cayuga County Health and Human Services who said what they were looking for is this need and the need literally was they have individuals they are serving that maybe housed in a variety of different situations; they may be living with relatives, on a temporary basis. Typically their housing situations are temporary, they're in transition. So it was the county that came back and said they need us to help serve the population they have, which is the population I just mentioned, so it was really the State starting that conversation and then the county Health and Human Services really helping us focus exactly what those populations would be.

Scott Kilmer: When you said the state denied it, what exactly did they deny?

Steve Selvek: They denied the funding for the development itself. This particular project would be funded through a variety of sources at the State. They're all under the umbrella of homes and community renewal department at the state.

Scott Kilmer: So you read between the lines that if you broaden your population there's a better chance you'll get the funding.

Steve Selvek: There's a better chance we'll get the funding but there's also a very clear need within the county for this specific housing. Where the senior housing there's definitely a need for it but this is a much stronger application in this type of environment.

Ed Darrow: Any other questions? Steve, you may be seated. Is there anyone present wishing to speak for or against this application?

Please come forward, give your name and address for the record.

Keith Gibbs, owns 6 – 8 Cottage St.: I have questions more than a yes or no against it. As far as who is going to be put into that building, when you said you're broadening it up from seniors, senior citizens don't cause problems in neighborhoods.

Ed Darrow: If you'd like to address your questions to us we'll recall Steve.

Keith Gibbs: Yes, that's more my question, none of my neighbors are here or anything, but that's my concern; who's going to be brought into the neighborhood as far as being next to me.

Ed Darrow: Thank you. Steve, if you could please re-approach. On the question of who you will be renting to, please address that.

Steve Selvek: With regards to that, the 36 units are set up so that eleven of these particular units would be available and priority would be given to the Dept. of Health and Human Services for meeting their clients. As I mentioned their clients run the

gamut, they're individuals that maybe at some level of public assistance, they may be receiving additional assistance from County Mental Health, they may be receiving public assistance for disability or something of that nature. That's eleven of the units in this particular supportive service housing arrangement would be reserved for that population. I mentioned the supportive services and I mentioned the county because they have signed on to specifically deliver the services for these individuals. The other 25 units are open ended so they are available to individuals, or couples for the two bedroom units, who would be looking for housing. It is income eligible housing so it's not market rate housing but this is not subsidized housing either. The individuals must have an income stream. Their incomes are generally between 14,000 and 26,000. To that extent an individual working as receptionist or secretary or in that nature would be eligible for this type of housing.

Ed Darrow: Would it be fair to say that the people who will be in this complex will mirror Genesee Gardens across the street?

Steve Selvek: I think it will be a very similar population. The primary difference I would have to state is that Genesee Gardens has larger units. They do tend to rent to families. The intent behind the single bedrooms as well as the senior housing is that the higher likeliness is to rent to individuals, not families. And couples as a couple can reside in a one or two bedroom.

Scott Kilmer: When you say open ended for the other 25 units, so that's not just seniors, that's anybody in addition to seniors?

Steve Selvek: Anybody in addition to seniors. The style housing will still remain palatable to seniors being one bedroom, affordable housing but the housing wouldn't necessarily be restricted to any particular age group so we'd be looking at adults across the board.

Ed Darrow: Is there any other discussion? Chair will entertain a motion.

Andy Fusco: Make your motion in the form of a modification to the use variance previously granted to those persons eligible by Health and Human Services or those that fall within the income guidelines.

Susan Martney: Yes. I make that motion.

Scott Kilmer: Second.

All members vote approval. Motion carried.

Ed Darrow: Any other housekeeping?

Next meeting is December 16th at 7:00 p.m.

Motion to adjourn? So moved by Susan Marteney, seconded by Scott Kilmer.

Meeting adjourned.