

ZONING BOARD OF APPEALS
MONDAY, September 23, 2013

Members Present: Susan Marteney, Scott Kilmer, Debra Calarco, Douglas Parker, Matthew Moskov, Ed Darrow

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

APPLICATIONS APPROVED: 31 Madison Ave, 43 Charles St., 98 E. Genesee St., 36 E. Genesee St.

APPLICATIONS DENIED: 108 South St.

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, in this order, 31 Madison Ave, 43 Charles St., 98 E. Genesee St., 36 E. Genesee St., 230 Genesee St. and 108 South St. I ask that all cell phone either be turned off or put in silence mode not please.

31 Madison Ave, are you present? Please approach and tell us what you'd like to do. Give your name, address for the record. I'd like to remind all board members to please speak directly into the microphones.

31 Madison Ave

Peter Besner, 31 Madison Ave: I'm here to get an application to build a porch on the front of my house.

Ed Darrow: I'm sorry, could you say that again.

Peter Besner: I'm here to try to get an application for area variance.

Ed Darrow: Could you tell us what the area variance involves?

Peter Besner: Putting a porch on the front of my house which doesn't meet setbacks.

Ed Darrow: So what you're looking for is an area variance of 19 feet for the front porch?

Peter Besner: I don't understand what you mean of 19 feet.

Andy Fusco: It's what your petition says.

Ed Darrow: See, you're 19 feet shy of meeting the city requirement for the setback for the porch. Is that how you understand it?

Peter Besner: Yes, yes. Thank you.

Ed Darrow: Are there any questions from board members?

Scott Kilmer: On the six foot you have on the map here, it says property line, but is that six feet from the curb or the sidewalk?

Peter Besner: Six feet from the inside of the sidewalk.

I do have pictures of up and down the street if you folks would like to see them. They show other houses on the street that have porches. Some are further back than others and some are out further than others.

Ed Darrow: Sir, is this porch replacing a pre-existing porch?

Peter Besner: No.

Ed Darrow: It's new, all new construction?

Peter Besner: Yes.

Ed Darrow: So in reading your building plan permit I want to make sure I'm accurate. This porch is going to be ten foot protruding from the house and 24 foot in width. Am I correct on that?

Peter Besner: Yes.

Ed Darrow: Do you feel that ten foot is the minimum you can get away with? This board is required to give the least amount of variance necessary and ten foot is pretty sizable for a front porch.

Peter Besner: What I went by is what is in the codes on line and reading on line, the maximum you can go is ten foot from the front of your house.

Ed Darrow: Okay but you didn't answer my question. Do you feel you need a ten foot wide porch?

Peter Besner: We would like a ten foot but we would settle for an eight foot.

Ed Darrow: Any other questions from board members?

Andy Fusco: What is the front yard setback in the code in this zone, Mr. Hicks?

Brian Hicks: 25 feet

Andy Fusco: So he's already nine feet into the front yard setback, the existing structure?

Brian Hicks: That's correct.

Andy Fusco: So this would be an expansion of a pre-existing non-conformity?

Brian Hicks: Yes.

Ed Darrow: Mr. Besner, how far from the sidewalk will this porch end?

Peter Besner: At ten feet it would end six foot.

Ed Darrow: It would be six foot from your side of the sidewalk?

Peter Besner: Yes. And I would also put steps off to the side of the driveway to further unimpede if we needed to.

Ed Darrow: Any other questions from board members?

Scott Kilmer: Where would the steps go?

Peter Besner: They would come off the side toward the driveway.

Scott Kilmer: Not toward the street?

Peter Besner: Not toward the street, yes.

Ed Darrow: Any other questions? You may be seated but we reserve the right to recall you.

Is there anybody else wishing to speak for or against 31 Madison Ave? Anyone present wishing to speak for or against 31 Madison Ave?

Seeing none and hearing none I shall close the public portion so we can discuss it amongst ourselves.

Thoughts?

Sue Marteney: He has 18 neighbors including those on either side of him who signed and have no problem with it. And there's a house two up that's, there must have been a group of about eight houses that were built by the same contractor,

and they're all the same and the house two houses up has a porch on it. And again the next house up from that has a similar porch. So it's not changing the look of the neighborhood. They've all had renovations and changes made to them over the years.

Deb Calarco: It's an older neighborhood, I know it very well. Actually, I think it would be a nice accent to the house. I realize it makes it close to the sidewalk but again, so much of the neighborhood is already in that manner that I don't think it would change the look of the neighborhood at all.

Sue Marteney: It's a very nicely maintained property too.

Ed Darrow: Any other discussion?

The chair will entertain a motion.

Matt Moskov: I move that we grant Peter Besner of 31 Madison Ave, Auburn, NY and area variance of 19 feet for the construction of a front porch.

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

Deb Calarco: Second.

Ed Darrow: We have a second. Roll call please.

All members vote in favor. Motion carried.

Ed Darrow: Your variance has been approved. Please see Code Enforcement for necessary permits.

43 Charles St.

43 Charles St.

Ed Darrow: Would you please approach and tell us what you'd like to do? Give us your name and address for the record please.

Mike Palmieri: I'm an architect representing Joe DeMaio at 43 Charles St. We applied for four variances which affect the property. The first is a six foot, we're trying to get within six feet of the rear setback, the rear setback is 25 feet required. We're coming within six feet, we're looking for a 19 foot variance on the rear of the building. The second is, the basic construction is going to be adding in-home studio, bedroom space, addition to the house and garage space is what the construction of what shows on the site plan. What this affects is there's four variances because of this. The second one is the construction of the studio which

the maximum is 500 square feet. This is required by zoning and we're looking for an 826 square foot variance addition to the studio space. The third is the garage. The garage right now is a two-car garage, we're looking to construct an additional two-car garage attached to it which is basically the same size. Our maximum garage space per zoning is 750 square feet. We're looking to add. The existing is 486 square feet, we're looking to add an additional 496 square feet, approximately the same size. The fourth that affects the property is the driveway. The driveway per zoning, I believe is a 20 foot wide maximum. We're looking to double it obviously with the two garages. I think it shows 48 feet on the site plan for the driveway. Those are the four variances I believe we're applying for. Brian, is that correct?

Brian Hicks: [inaudible]

Ed Darrow: Mr. Palmieri, is there any significance why question 10 was left blank on the application?

Mike Palmieri: I can have the owner explain.

Ed Darrow: Also, question 11, a through h were left blank. And those are also factors that help us in deciding and determining. That's why they're on the application.

Mike Palmieri: I understand.

Ed Darrow: Questions from board members?

Sue Marteney: What's going to happen in the area where it slopes away to the neighbor? In terms of the addition.

Mike Palmieri: We're going to stay with the existing grade as it is. We're not going to change the grade back there. So that sloping grade is going to stay as is.

Sue Marteney: The addition is bigger than the sloped area is in terms of coming over to the property line.

Mike Palmieri: I'm not sure, what do you mean by that?

Sue Marteney: It slopes way down.

Mike Palmieri: Right. Our addition is going to go straight out parallel with the fence and we're not going to change the grade. The natural grade is going to stay as is. We're not going to be filling that area is what I'm saying.

Sue Marteney: Over to the fence?

Mike Palmieri: Right. That's going to stay as it is.

Ed Darrow: You have on your blueprint 'studio addition' marked off. What type of studio are we talking?

Mike Palmieri: My client is a musician and he's looking into doing his work in the house in a home studio. The space requirement for his work for equipment in terms of screens and the type of equipment he needs is much larger space than what's been done in the past. He does music for theatres, for movies and there's a requirement of size of the screen to be something larger to be able to sit and write music and the sounds to put this music together for this type of industry.

Ed Darrow: What type decibels will be generated in that room that perhaps can or cannot be heard outside?

Mike Palmieri: It's not a band of any nature. It's going to be small instruments, individual instruments. The thing with this is that the sound outside affects what happens inside so my client can't hear any sound, he can't hear you cutting the grass next door because that'll affect his performance and what he's recording. It's more important to keep the sounds than it is for ours to get out.

Ed Darrow: So it's fair to say that you're taking steps to soundproofing.

Mike Palmieri: Yes. It's the steps of trying to keep the sound in and try to keep the sound out from getting in more so. It's going to be built with filled masonry, double wall insulated on the inside so it'll be a masonry building with siding on the exterior to match the existing house. The interior's going to be done with another double wall that's a separation from the masonry. So it's a very sound proof structure.

Ed Darrow: Thank you. Any other questions from any other board members? No questions at this time?

Scott Kilmer: Also note that #15 was not answered on the application. It is a very nice, well maintained piece of property though.

Ed Darrow: I just have one question for Mr. DeMaio. Mr. DeMaio? Could you please give your name for the record?

Joe DeMaio: Yes, Joseph DeMaio.

Ed Darrow: As question 10, which is left blank, 'please explain how you will suffer significant economic injury unless this area variance is granted'. Could you explain that to us please?

Joe DeMaio: I wouldn't say I would suffer a severe economic injury. I would say that this is a convenience for me to be able to continue on the work that I'm doing.

I've been at the residence since 1988 and I've worked in the home but it's restricted because of the ceiling height and the amount of space that I have. I've never had any problems with noise issues and I certainly don't intend to start now. In honesty, I wouldn't suffer some huge financial loss but it would be nice to have the garage because I have a car that I'm storing also so I wouldn't have to pay for external storage in that sense. But this is just an opportunity to continue on my career in film composition utilizing a screen that's not as big as we would have on one of our Auburn cinemas but a fairly sizable screen. And also the advancements in cinema sound that are happening now are coming our way through video games and even in cars with speakers in each corner of the ceilings and it requires a certain height. The realism and sense of realism that's happening and will happen in our cars, our homes and all the new cinemas across the country and across the world now are going to draw people back to the movie theatres, video games are going to sell more and it's just amazing to hear an airplane or wind when the speakers are actually up there instead of having our brains localize that for us. The enhancement is just amazing and it's necessary to have that kind of height in order to continue pursuing this kind of music.

Ed Darrow: Thank you, sir.

Joe DeMaio: You're welcome.

Ed Darrow: Any other questions from board members? You both may be seated. Is there anybody present wishing to speak for or against 43 Charles St.? Anyone present wishing to speak for or against 43 Charles St. Seeing none and hearing none I shall close the public portion so that we may discuss it amongst ourselves.

Andy Fusco: My question to Mr. Hicks; is this a permitted use in an R1 zone? A music studio.

Brian Hicks: I don't see it even though it's written that way in the application. This is for him personally, not for anyone else. He doesn't expect to have anyone come, he's not asking to have anyone come. This is for him to just work on his items at home. It's not much different than a studio for an artist. This is why we saw this as kind of a border line home occupation except for there are no clients coming. This is for his personal use.

Ed Darrow: Thank you. Discussion?

Scott Kilmer: It's a large addition.

Ed Darrow: No questions, no discussion? Everybody is good with what they've heard?

Scott Kilmer: I have a question for Mr. DeMaio, if I could.

Ed Darrow: Sir, I need you to re-approach please so it's a matter of the minutes. Could you give your name again for the record?

Joe DeMaio: Yes, Joseph DeMaio.

Scott Kilmer: Could you give me a flavor of what your neighbors feel about this?

Joe DeMaio: Yes, I have a letter here from one. Marty McKay who is my neighbor to the right. She has absolutely no problem with it. I spoke to my neighbor to the left, Mr. Moran, he said he absolutely has no problem with it. I spoke to my neighbor to the rear, Mr. Tehan, and he said he absolutely has no problem with it.

Scott Kilmer: Could we see the letter?

Ed Darrow: Sure, please. Also keep in mind the neighbors were mailed and nobody was present to speak for or against.

Joe DeMaio: I invited them.

Ed Darrow: We need to make that a matter of the record now.

Thank you sir, you may be seated.

If there's no other discussion or thoughts the chair will entertain a motion.

Scott Kilmer: I'd like to make a motion to grant Joseph DeMaio of 43 Charles St. three area variances; one area variance of 19 feet of the required 25 foot rear yard setback; number two, area variance of 28 feet of the allowed maximum 20 feet for the driveway and an area variance of 354 square feet of the allowed maximum 750 square feet for the addition.

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

Matt Moskov: Second.

Ed Darrow: We have a second. Roll call please.

All members vote for approval. Motion carried.

Ed Darrow: Your variance has been approved. Please see Code Enforcement for the proper permits. Thank you.

98 E. Genesee St.?

98 E. Genesee St.

Ed Darrow: Sir, if you could please give your name and address?

Robert Barry: Attorney representing Gloria and Mason Wristen on this matter.

Andy Fusco: I'd just like to address the members of the board on this. I have had an opportunity to look at the property as I'm sure all of you have and I also had the opportunity to speak to Mr. Hicks about this and to Mr. Barry a couple of times. An issue strikes me, before we go much further, the question raised by Mr. Barry to me a month or so ago when this was first tabled is "Why do we need a variance. Aren't we grandfathered in as a pre-existing non-conformity?" So I went to Mr. Hicks and I asked him that very question and his understanding is that what was there previously on the south side of the paved driving area was some type of porous surface in the nature of gravel and that Ms. Wristen proposed to pave that area so that it matched the rest of the area with an impervious surface namely black top or macadam. Subsequently I spoke to Mr. Barry and he brought photographs with him tonight that his understanding of the facts are is that this area that now appears to be gravel, if you went up there and looked, was in fact black top at one time. The old black top had been removed to accommodate the new black top when apparently the neighbor who lives to the west alerted Mr. Hicks' office to what was going on and he came up and saw that it appeared to be gravel being replaced by macadam. Not old macadam being replaced by new macadam. Not I don't know whether that's the factual scenario or not but I think that's something that needs to be determined tonight in the taking of our testimony. Because if indeed the replacing of old macadam with new macadam, in other words it was an impervious surface before and it remains an impervious surface, then I think the relief for the Wristens would be an interpretation from this board allowing them to continue the pre-existing non-conformity as opposed to the need for an area variance to pave something which here to for had been considered to have been gravel as opposed to bad macadam. Does everybody understand the factual issues and the difference between an interpretation and the need for an area variance?

Robert Barry: Thank you, Mr. Fusco. That essentially states the first part of what I was going to present to the board this evening. I just point out to you to start with, if you look at the exhibits that are attached to the application that my clients made before I got involved you will see a picture on exhibit 20 which shows what the property looks like now and what the ground looked like when Mr. Hicks got there. I would certainly say if I saw that I would say "Boy, they're paving something that wasn't paved before" because that's what it looked like. But the fact of the matter is that upstate paving had excavated the area. There was a mix up between my client and Upstate as to who was going to apply for the permit and neither of them did so they started the work without a permit. This area got excavated, they applied for the permit, Mr. Hicks came up. When he viewed it, it certainly looked like they were paving over an area that was not previously asphalt. But that's not accurate. This area has been paved as asphalt for many, many years. My client, Gloria Wristen, first bought this property in 1983, it was paved then. I would ask you to

look at exhibit 23 which is a diagram that was done in 2011 in advance of getting quotes for this paving project. If you look at that you'll see the left hand side, that's the area in question and that shows that it's asphalt. Just want to point out to you that's what was there at the time, that's not what was proposed. What they had was asphalt on the left side, the south, then they had an old concrete area in the middle which shows there, then they had their building. What they wanted to do was rip out the concrete and the old asphalt and make it all uniform because it had become unsafe and uneven and clients come in and out. That's another document that shows what it was like before this project started. Also, exhibit one, although not completely helpful, is a 1987 survey which references the asphalt being there but it doesn't show very precise lines so I don't argue that it shows too much. I had my clients search and see if they had any pictures and unfortunately they didn't have any great pictures showing the asphalt. We have one which we'd like to submit tonight. I'll hold it up so you'll see what I'm talking about. It shows, this would be the west line and back here in the corner would be the south side and that shows the area in question, at least a little portion of it, and I think you can see on this picture it was paved. It's not gravel, not like you saw in picture 20. I'd like to hand that up for the board to look at. Obviously my clients are here, they can testify this area was paved for all these years. This was merely a replacement of existing pavement. That's the first part of our request. Mr. Fusco do you want us to proceed with the variance?

Ed Darrow: I don't think that's necessary.

Andy Fusco: What is the second half of what you're requesting?

Robert Barry: What would be the variance if this part were denied.

Andy Fusco: I think the first thing we ought to do is make a determination. We ought to hear from other people. Some other people in the neighborhood might have insight into whether this site was asphalt or not previously.

Robert Barry: Then I'll wish to speak further for the variance part.

Ed Darrow: That's fine. Is there anyone present who can attest at 98 E. Genesee St. to the condition of the asphalt at any given time, pre-existing or new installation? If you could come forward please, one at a time. Please give your name and address for the record.

David Walker, 680 Crow Hill Rd. Skaneateles: I have been a client of the Wristens approximately 13 years at that location and I've been parking in the back and along the street and it was like deteriorated, broken up, black top pavement. As I remember it was deteriorating, it needed to be repaired.

Ed Darrow: Okay, thank you, sir.

Sir, if you could give your name and address for the record.

Joe DeMoira, 2 Greenlinks Turn, Owasco: I've been a client for 25 years and parking in that lot. It's always been paved, not well but paved. That's my statement.

Ed Darrow: Thank you. Is there anyone else present that wishes speak to the asphalt situation.

Ann Malvaso, 17 Chestnut St.; I've been a client of Gloria's for 20 years as well as a friend. I've served on a lot of committees with her and that has been paved for as long as I've been working with her, for 20 years. We often move a lot of supplies in and out that we use for different community functions and with the parking on Genesee St. it's very difficult but that parking area has been there for the 20 years I've known here.

Ed Darrow: Thank you, ma'am.

Yes, sir.

Mark Driscoll, 17 Greenlinks Turn: I've been a client of Gloria and Mason for probably 25 to 30 years and I drive either a Tahoe or Suburban and have noticed over the years it's been deteriorating so I either park on either side of Genesee St. Sometimes having to cross the street when it was nice and easy coming the back way in, drive right in and park, go in a do business other than waiting to cross the street on a wintry day.

Ed Darrow: So you can attest to the fact that asphalt was existing for how many years?

Mark Driscoll: I would say 20 anyway.

Ed Darrow: Thank you, sir.

Yes, sir.

Don Beardsly, 5880 East Lake Rd. I've been a client of Gloria's for, I've known her since the 70s. I have a pick-up truck I drive and because it's easier to get it into that parking lot than leave it on the street I've used it, it's always been hard top. It did fall in disrepair recently but I can attest it's been black top.

Ed Darrow: Thank you, sir. Are there any other wishing to speak or attest to the asphalt? Any others wishing to speak. Yes, sir, please come forward and give your name and address for the record.

William Walker, 96 E. Genesee St.: I bought my house probably about six years ago. There's always been black top there right up to my fence. The problem I have

with it is vehicles have been parked right against my fence. Snow plowing has taken place, there's nowhere for the snow to melt. It's plowed directly into my fence and my wife's garden. This is my main problem with it, there's absolutely no green space in that area. I understand they need parking naturally, I don't think they need six parking spots. Mr. Hicks knew it was black top prior to this, didn't you.

Brian Hicks: In that area you're speaking of.

William Walker: Okay, so there was no confusion about whether it was black top or not. He knew it was black top. What happened was they tried to circumvent this process and go ahead and get it done. I did not come to Mr. Hicks and report anything. What happened was the supervisor of the paving company found out that Mr. Wristen didn't obtain a permit and he pulled his crew off the job immediately and told him what had to be done. For me, I want it to stay as a residential area, not a parking lot. It is a residential area and it should be maintained. There is absolutely no green space, there's no place for the water to go, there's no place for the snow to melt.

Ed Darrow: Sir, just so you understand right now we're going to look at whether the asphalt was pre-existing and therefor can it be replaced? If it's found that it wasn't and they need to go forward with the variance I will then allow you to re-testify.

William Walker: I understand what you're saying. Whether the black top was pre-existing. It makes it ok because it was pre-existing? As soon as they took it out it was not pre-existing anymore right?

Andy Fusco: No but I think the question that we will have to decide, was the pavement taken out with the intention to abandon it. There's no question if you go up there today there's about six feet of gravel as opposed to six feet of macadam. Now, I think what I've heard as an explanation is that the gravel was placed there in prepping the job for it to be new macadam placed where the old macadam was. What the chairman is saying, sir, we understand your sensitivity to the fact that you moved next to a place that's wall to wall black top that hurts your wife's garden but once you have a pre-existing non-conformity, once you're grandfathered, the law gives you the right to continue it. So while I sympathize with your plight regarding snow and hopefully the Wristens will take that into consideration give snow removal situations in the winter time here, that's not what this board is being asked to do. We can't make it go back to something which would be in your mind more attractive or more suitable, she has a constitutional right to a pre-existing non-conformity if in fact it did exist.

William Walker: Questions the zoning.

Ed Darrow: We haven't gone to that part yet. We will and if we call back the applicant's attorney you will have a chance to rebut and re-testify. Okay? Thank you, sir.

Is there anybody else present wishing to speak to the asphalt issue. Anyone else present wishing to speak to the asphalt issue? Seeing none, hearing none I shall close the public portion.

I think, for me, the real proof is in picture that was just presented. The aging and the cracking of the asphalt certainly attest to me how old and how long it had been there. I don't know if any of you had noticed that in the picture.

Matt Moskov: I agree.

Scott Kilmer: We also have exhibit two which is a color picture which is a different angle but the same picture which is a better picture of it. I think based on the photos and the testimony.

Ed Darrow: Oh yeah. Thanks for pointing that out.

Scott Kilmer: My opinion based on the photos and testimony of the clients is that this is a pre-existing issue.

Deb Calarco: I agree.

Andy Fusco: I'll ask for a motion and a second for a finding of fact that this was a macadam impervious surface as a pre-existing non-conformity and there was no reason to abandon it.

Scott Kilmer: I'd like to make a motion that this was a pre-existing non-conformity macadam driveway and was never abandoned.

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

Matt Moskov: Second.

Ed Darrow: Roll call.

All members vote approval. Motion carried.

Andy Fusco: Now, Mr. Hicks, now that the board has made finding that this was an impervious surface heretofore, is there a need for an area variance in your opinion?

Brian Hicks: No.

Ed Darrow: May the record show Code Enforcement Supervisor Hicks feels there is no need for a variance now at 98 E. Genesee St. due to the fact that the asphalt was pre-existing.

Andy Fusco: And I would add to that, Mr. Chairman, that we make a motion and second in the nature of an interpretation which is one of our powers. We can do use variances, area variances and interpretations. Make an interpretation that this was a pre-existing non-conformity, the parking area and that therefore no area variance is required.

Scott Kilmer: I'd like to make a motion that this was a pre-existing non-conformity parking lot and that no area variance is necessary.

Ed Darrow: Motion. Second?

Sue Marteney: Second.

Ed Darrow: Roll call.

All members vote approval. Motion carried.

Ed Darrow: The findings are, as I believe you understand, that it's a pre-existing asphalt driveway and that no area variance is needed. The applicant may see Code Enforcement for proper permitting. Thank you.

Andy Fusco: I just think, if I could add, Gloria since we're friends and I feel comfortable calling you Gloria, in that your neighbor is sensitive to the snow being piled one way, maybe it can be dragged with the plow the other way. Good neighbors make for good friends.

36 E. Genesee St.

Ed Darrow: 36 E. Genesee St. Please approach, give your name and address and tell us what you'd like to do.

Brian Bergman with Bergman Associates representing Sunoco tonight requesting area variance for signage at our existing store. These signs are already in place and unfortunately now we're coming to you for variances. We're asking for eleven signs on Genesee St. where two are permitted and we have five facing also where two are permitted. Our intent is not to add more signs to what's there. In fact I think we've gone through and removed some of the miscellaneous signs that have been in place on light poles. We're here just to try to clean everything up and make it right.

Andy Fusco: Just for my own edification, what I see by changing the price of the gasoline sign from the manually changed to an LED sign that can be adjusted in

the store, each one of those gases becomes a separate sign in the way our Code is written? And so that regular, high test and non-ethanol are all now three different signs?

Brian Bergman: Unfortunately, yes. Usually a free standing sign is one sign regardless of how many panels you have but per the code each panel is a sign so that kind of inflates what we're asking for.

Ed Darrow: Any questions from board members?

Andy Fusco: I have a question for Mr. Hicks. The representation that the square footage of all the eventual new style signs will be the same as what is there existing, is that accurate or nearly accurate?

Brian Hicks: That would be nearly accurate. With the lineal footage at that site we're not looking for an area variance for the square footage, we're only looking for the numbers because the code only allows two signs per street front.

Ed Darrow: Sir, I have a question. I want to make sure the signs that are presented are accurate. You're going to just, on the new digital sign, two blends of gas, there's no longer going to be three or was a third blend omitted from that sign?

Brian Bergman: No, there will only be two. Those two will make up the three that are there today so that square footage stays the same.

Ed Darrow: Any other questions from board members? No? Sir you may be seated at this time. Thank you.

Is there anyone present wishing to speak for or against 36 E. Genesee St.? Anyone present wishing to speak for or against 36 E. Genesee St.? Hearing none, seeing none I shall close the public portion so we can discuss it amongst ourselves.

Thoughts?

Scott Kilmer: I think it's going to look like any other gas station in a commercial district.

Ed Darrow: Yeah.

Sue Marteney: Yeah. And it's cleaned up. It looks good.

Doug Parker: They've invested some time and effort into the building and surrounding area.

Deb Calarco: I see nothing more than cleaning up and bringing into conformity.

Ed Darrow: They're attractive, new and fresh. Not faded out anymore. I think it's a big improvement.

Chair will entertain a motion.

Scott Kilmer: I'd like to make a motion to grant Bergman Associates on behalf of Sunoco Inc. at 28 E. Main St, 200 1st Federal Plaza, Rochester, NY two area variances. One, applicant is asking for an additional nine signs on Genesee St. and number two, applicant is asking for an additional three signs on Owasco St.

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

Deb Calarco: Second.

All members vote approval. Motion carried.

Ed Darrow: Your variances have all been approved. See Code Enforcement for proper permitting. Thank you.

230 Genesee St.

Ed Darrow: Next we have 230 Genesee St. 230 Genesee St. present?

Andy Fusco: You know what? This may be the one they were asking tabled. Rosemary's note may have been wrong.

Ed Darrow: He had touched base with me that he had a prior commitment and they'd be here later.

Andy Fusco: Who's 'he'?

Ed Darrow: Bob Simmonds on behalf of Merry Go Round Playhouse.

Secretary: He called and said that they were pulling it.

Ed Darrow: Oh, they're pulling it?

Andy Fusco: Our office received a phone call from Merry Go Round Theatre a week ago asking that their matter be tabled to our October meeting. I had assumed that was the pending request for an area variance on the rear setback of the Schwartz Theatre. As a matter of fact so did my secretary who gave me the message. Not I'm wondering, they might've meant this. None the less as long as we're all here let us discuss one point that Mr. Hicks and I discussed earlier that I'm going to defer to the six members of the board for a decision on. It's almost like a bar exam question. Sometimes the line between a use variance and an area variance is very thin, very gray. And my inclination in looking at this particular

application is that perhaps a use variance is the proper remedy here, not an area variance. This is an advertising sign in a residential district. Advertising some activity that takes place in some place other than the residence in which the actors live. That would strike me as being different than, say, the last sign area variance case that we heard where commercial signage is permitted within the zone but they're looking for either more signs or larger signs. That's different than this. My reading of the code is that commercial advertising signs in a residential area are not permitted with the sole exception of a home occupation which this is not. And that therefore the instant impression that I get is that a use variance, not an area variance, is probably warranted here and the applicant should be instructed accordingly.

Ed Darrow: I'd like to put that before members. You heard our counsel speak. I do, too, agree with him that it is a matter of a use. It's a commercial use in a residential area and that we're not just asking for a variance for a sign, be it would be in a commercial area it would just be the size of the sign variance. But what they're looking to do, as Mr. Fusco said, they're looking to advertise on a thoroughfare in a residential area so I, too, feel and believe it needs a use variance, not an area variance. I would like to put that forward for us to discuss so that we can come up with a finding to either proceed as submitted or send it back for their choice of filing a use variance which would also require a short form SEQR review.

Scott Kilmer: I have just a question. I think it's probably a good idea to change it to a use variance but within that use variance would the size of the sign then be addressed?

Ed Darrow: Yes.

Scott Kilmer: This is a big sign.

Ed Darrow: Yes, the size would be addressed if they went for a use variance.

Andy Fusco: If you decide to grant a use variance to allow an advertising sign in a residential zone you can condition it on a certain size. That would be within your purview, yeah. How I liken this is like Attorney Galbato has one of these sign but he's in a commercial zone so it's permitted for him to do that. That's different than what is being asked here. This would be akin to me putting a sign on my house advertising your chiropractic practice. It's not permitted so a use variance is, I think, the proper remedy.

Debra Calarco: I agree with that but the other issue I have, unless I'm missing my packet. I'm not seeing anything that shows me what the sign's going to look like.

Ed Darrow: No, we don't have it. I believe there going to change as the shows change. So, in essence to me, it smells an awful lot like a bill board.

Sue Marteney: Or it could be that the whole season is on there and it doesn't get changed on a regular basis.

Ed Darrow: Then as chair I move for mutual consent that we find this applicant needs to file a use variance. All in favor? All members indicate in favor. Opposed? None. Then so ordered. Thank you.

108 South St.

Ed Darrow: This is a continuation of a public hearing held June of this year. The public portion is still open. We're still hearing and taking testimony on 108 South St. If you could please give your name and address for the record and tell us what you'd like to do.

Kevin Mendillo: Hello, my name is Kevin Mendillo, attorney for Michael Henty and Ministro Ministries 108 South St. We're here seeking a use variance for the property in question. The very reason we're required to seek the use variance is because we're dealing with a property that's very unique both in its historic history and in its configuration. Before we get into my formal presentation I would just ask, as this matter has been to the ZBA before in the past and I would ask that a motion be made to incorporate all the old evidence and findings of fact into the instant record.

Andy Fusco: Mr. Chairman, I think that is appropriate as the members of the board will recall we've had a number of items submitted here to fore previously. Ask that they all be made of the present record and incorporated here-in tonight by reference.

Ed Darrow: Could I have a motion for that please. So moved by . All in favor aye. Opposed? Motion carried unanimously.

Kevin Mendillo: Secondly I want to state for the record we would like to note our objection to participation from Dr. Kilmer. With all due respect to Dr. Kilmer he is a neighboring property owner that we feel presents a clear conflict of interest in this situation.

Andy Fusco: Mr. Chairman, this is an issue that was raised last time as well although I don't necessarily know if it was raised directly by Mr. Henty or his attorney. Dr. Kilmer & I did have a discussion about it by phone and I believe I did brief members of the board about it before your prior vote. The fact that Dr. Kilmer does work in a property contiguous to the subject property and may even own it, I don't know that, is not a conflict of interest as a matter of law and he is permitted to participate.

Ed Darrow: Thank you.

Kevin Mendillo: Thank you gentlemen. The property is the old Case Mansion.

Ed Darrow: I don't mean to interrupt but just so that all are aware, we are looking for clarification from what has come back from the Rochester Supreme Court on what the uses and the intended use will be of this property.

Kevin Mendillo: That is correct. Would the board prefer I go right into a detailed explanation as to the uses? Would that please the board?

Ed Darrow: Please.

Kevin Mendillo: Attached most recently we submitted what has been referred to as updated addendum B to our application. I believe it was submitted on September 10th, about a week and a half ago. As planned there are three proposed uses by Ministro Ministries; one is long-term housing by veterans and individuals in need of affordable housing; an educational culinary institute and vocational education and facilities for special events. I'm going to go through each in a bit more detail so everybody has a clear understanding of what it is we're looking to do. Before I go into each use I'd like to give a little bit of information that pertains to each of these uses as highlighted on page 1 of addendum B under the conditions of operations of the premises. Hours for housing would obviously be 24 hours a day, seven days per week year round. The hours for the educational activities and special events, they are to be held between the hours of 9 a.m and 9 p.m., Monday through Thursday and between the hours of 9 a.m. and 11 p.m. Friday and Saturday. Only special events would be held on Sundays, no educational activities on Sundays. The hours would be between the hours of noon and 9 p.m.

Andy Fusco: May I interrupt? What do you mean by special events?

Kevin Mendillo: I'll get into that as I go if that's okay. It'll be broken down a little more as we go through. Reads Addendum B of the application.

I'd like to go on now to the second aspect of the application which is the portion that involves the vocational education. One of the things Ministro would like to do is operate an educational culinary institute with the goal of helping individuals achieve stable employment. A model is the catalyst kitchens which we've provided the link to in our application so that you could see how it's done with their program. Classes are going to be taught by a professional chef. Class size is limited to no more than 20 students. Residents will also be encouraged to participate and attend these classes as another means of giving them some sort of skill they can utilize in their life whether it be present, in the future, it's going to provide them with another skill they can hopefully build a career out of. The classes for the culinary institute are expected to run for 16 weeks, twice a year, three days a week, Monday through Friday. Classes will be anywhere from two to four hours each day between the hours of 9 a.m. and 9 p.m. Obviously food and other materials would be needed for such a program so any food and materials utilized as part of this program would

be obtained from local suppliers and be delivered to the premises at the MacDougall St. door. Trash would be removed privately. After the food is prepared it is our goal to use that food to serve to invited guests and residents so as not to waste any of it. Any left overs that do remain would be donated to homeless shelters in the city.

Building off of that I'd like to go into the vocational, that's the culinary institute aspect, this next aspect is vocational training which all falls under the vocational education heading. Ministro Ministries will offer grant funded vocational courses for youth and adults in the customer services and other areas. Again the goal is helping these individuals achieve stable employment. Residents would be encouraged to participate and residents would be recruited through local social service agencies and educational institutions. Classes would be held Monday through Friday, two days a week approximately two hours per day between the hours of 9 a.m. and 9 p.m. same as with the culinary institute. Classes are expected to run for about twelve weeks, three times per year. Class size would be limited to no more than 20 students. Another idea that Ministro has proposed is the premises is in need of some renovation work inside, what they'd like to do is use the premises as a laboratory for carpentry, plumbing, electrical, painting; that way it would help alleviate some of the costs that are going to be associated with resorting this property to its prime condition. I think that sums up on my first two uses; the housing and the vocational education. I'd like to go into now, as Mr. Fusco asked earlier, special events. That would be our third use that we would be seeking. The purpose here is we desire to offer the premises to the community for special events both to allow the community access to the historical and architectural wonder that this building is, it's one of the largest mansions in the United States and we feel it's important to preserve the historical nature and allow people to learn and educate themselves about what the mansion is about. The special events portion of the application would further help Ministro secure donations which, again, would also go toward helping restore the condition of the building to a prime condition. No fees would be charged for these special events, which I already stated earlier. Donations, again, welcomed but not expected. Some of the special events that we're proposing, first I'll start with youth programs, youth activities I should say, would be offered in collaboration with 1st Presbyterian Church, again neighbor to Ministro Ministries and with other local churches throughout the area. Some of the activities would include things such as after school activities which would include leadership development, tutoring, music lessons, recreation and job training. These activities would be held during the school year. Monday through Thursday after school hours until no later than 9 p.m. They would be held indoors except for spontaneous outdoor games in good weather. They would be limited to 50 participants and support would be provide from grants and donations. Another event under the special use portion would be social events such as formal dances and dessert socials. Again these would serve as fund raisers for Ministro Ministries and other charities that are in the area. We estimate that no more than five of these type of events would take place each year. They would be limited to 100 participants and tickets would be sold by the charity

that is holding the event, or sponsoring the event, not by Ministro Ministries themselves. The next use under the special events portion would be retreats for contemporary worship, bible study, and mission services. Again five or fewer each year, all to be held indoors. We would also like to hold camps which is today's popular term for programs where participants learn such things as singing, dancing, instruments and engage in other various forms of recreation. Again we estimate five or fewer of such events per year. They would be held indoors. An example would be the Glee Musical Theatre Camp for three weeks, held Monday, Wednesday and Friday from 10 a.m. to 2 p.m. Other camps would be held Monday through Thursday during school breaks, during summer vacation for approximately one week period from the hours of 9 a.m. to 2 p.m. The camps would be limited to 70 or fewer participants. Fees again would be paid to the sponsoring church by the participants. No fee would be required to be paid to Ministro although donations would be welcome if individuals were desiring to make them.

Moving on now from the youth activities portion, we also, under the special events heading, would like to hold community meetings and events. Continues reading. Refers to page 5. I've gone through and highlighted some of the current organizations presently using the premises for group meetings and meeting purposes. As you will see Alcoholics Anonymous is currently holding meetings twice weekly between the hours of 7:30 and 8:30 on Tuesday and 7:30 to 9:30 p.m. on Saturday. I won't go through and list every single entity that is currently using the premises I just think it's enough to give you a general idea of what it is we're trying to do with that.

One other thing we'd like to do is hold open houses and tours of the public rooms of the premises. Again we feel it's an architectural and historical treasure that should be shared with the public. The public should be allowed to go in and take a look and appreciate the historical significance of this property. Tours would be by appointment upon request by any participant and they would be held between the hours of 9 a.m. and 5 p.m. No fee required although participants may make a donation yet again should they choose to do so. And the last portion of our application seeks to hold private events such as business meetings, funeral receptions, weddings, birthday celebrations, family reunions, fund raising dinners and other various social events. The availability of the premises for these events is not advertised, it's word of mouth recommendation. One event would be held at a time. Most events would have fewer than 50 participants although some may exceed that number. We estimate that on average one or two events of this magnitude would take place per month. These events would take place indoors except for spontaneous outdoor activities. If somebody wants to go outside and play whiffle ball or something we would ask that be allowed as well. These events would be staffed by Ministro Ministries and by volunteers. We hope to acquire staff in the future to work these events once funding does become available. Any food and beverage for these types of events will be provided by the participants or the caterer of their choice. Again, no fee is required, donations are welcomed. I would like to state that we have removed from our previous addendum the use to hold

large scale outdoor events under a tent in the side yard. Upon further reflection we felt that as though it was great concern expressed by the neighbors so we chose to remove that portion from our application in hopes of a compromise. As you will see I want to note that that is no longer being sought by us in this application.

Ed Darrow: So noted.

Kevin Mendillo: I believe that's all I have on the proposed uses. We would be more than happy to answer any questions that the board may have.

Ed Darrow: Does Mr. Henty have anything to add at this time?

Michael Henty: I'd like to wait.

Ed Darrow: That's fine. You both may be seated.

Andy Fusco: I do have one question. Question number 1 of the EAF, part 1 you describe your current uses as quasi-public and religious. What do you mean by religious?

Kevin Mendillo: It's Ministro's goal to develop these people should they choose to devote themselves to a higher power, to educate them, to provide religious services to them. This is being operated in conjunction with the 1st Presbyterian Church so a lot of the activities that do go on have that purpose in mind. Developing and instilling morals and ethics into these individuals and the way of doing that is by introducing them to God and the teachings of God. Would you like to add anything to that, Mike?

Michael Henty: No.

Kevin Mendillo: Maybe the reverend would be glad to give any further explanations.

Andy Fusco: And the other question I had, Mr. Mendillo, as I understand, I read the minutes of the presentation and the comments of the neighbors and supporters before the Historic Resources Review Board, in your application your use plan has changed, has been amended since you went before the Historic Resources Review Board?

Kevin Mendillo: Yes, that is correct.

Andy Fusco: Could you summarize for this board what is different about what you are presenting tonight as to what you proposed before the HRRB?

Kevin Mendillo: Most notably other than changing some typos and rewording some things the major change was the removal of the large scale outdoor banquet style

events where we were estimating up to 150 or more individuals would be attending. It was expressed at the HRRB meeting that there was a lot of noise being generated from those events. There was concern with alcohol consumption. So we decided it was best to eliminate that use from the application in its totality.

Ed Darrow: Are there any questions from the board members concerning the uses the counselors addressed?

Scott Kilmer: How many veterans do you have there now?

Ed Darrow: Sir, please give your name for the record.

Michael Henty: Michael Henty, 108 South St.: We presently have thirteen residents. We are full. We have a waiting list. About half of the residents have military background or are a veteran.

Scott Kilmer: Were these referred from the Veteran's Administration or the occupants just happen to be veterans?

Michael Henty: Most of them were referred by the Veteran's Administration.

Ed Darrow: Any other questions from board members at this time?

Debra Calarco: I have one and that's with the residents can have no more than two guests and guests can stay for no longer than 48 hours? How long before they leave and can come back for another 48 hours?

Michael Henty: It is very discouraged to have anything done on a regular basis so we've actually had to have a couple residents leave because they tried to play that game of having someone leave for a day and come back for another 48 hours. We recommend maybe possible once a week at the very most but not on a regular basis.

Debra Calarco: I guess I'm fine with saying you're recommending it but it's not in your rules anywhere.

Michael Henty: I'll have to look over the rules but they're definitely not allowed to have someone, I mean we can state it more clearly but they know when they come in and I discuss it with them that there's nobody allowed to stay with them on a regular basis. For us a regular basis would be more than once a week. Again, people have been asked to leave for that purpose already. We'd be glad to put it in writing if need be.

Ed Darrow: Any other questions from board members concerning the mentioned uses?

Scott Kilmer: Mike, are you present all the time on-site or no?

Michael Henty: No, but when I'm not there then someone else is in charge.

Scott Kilmer: That's a lot of rules for housing, it's kind of like the honor system right? It's going to be hard to enforce all those rules for your residents.

Michael Henty: There are a lot of rules there but most of them, as far as the drug and alcohol situation, we do room checks very frequently, we have a very good system among the residents that they keep an eye on each other. There are a few people that have gone under the radar and they've been asked to leave. We follow those pretty strictly. The residents that are there are very committed to, not all of them have alcohol and drug problems, we need to make that clear, but the ones that are committed to their program, to be sober, they keep an eye on the house as well because they don't want to be influenced and they want to continue with their program of healing and make a better life. It's pretty well policed. It doesn't happen very long before, if anyone is sliding under the radar that they are asked to leave.

Scott Kilmer: Under the community meetings and events, it says current users, maybe I'm looking into it too much but I got the feeling that that is subject to change. Like 'This is what we're currently using it for but we may substitute other users in there later'.

Michael Henty: We get calls from other non-profits. I don't know, is form for purpose on that particular addendum?

Kevin Mendillo: It is.

Michael Henty: That is a new one that was actually added on. They came to us, they wanted to use space for music and it was a great use so we said 'Sure'. It wouldn't be limited, these are the ones presently using it. But we have different non-profits that will approach us and church groups that'll say 'Is the mansion available on Wednesday evenings from six to eight?' and if it's not being used then we say 'Sure'.

Scott Kilmer: So your use over the years would actually change?

Michael Henty: Not the actual use, maybe the actual people or the organization might change but the use as far as for meetings and gatherings, no.

Matt Moskov: Have there been any discussions for the after school activities with the local school district for common transportation or anything like that? Busing kids over to try to minimize traffic with kids getting dropped off, anything like that?

Michael Henty: I haven't had any discussions with the local schools. The programs we're proposing, a lot of them have to do with Booker T. Washington, their after school program. That's the one we've done throughout the past year. It's a small recreation program to work with kids that are economically disadvantaged. The Jim & Julie Beyheim foundation gave us a grant and so the kids come over, about 12 at a time, in a van. If it was an afterschool program it would be with a larger group, it would be a busing situation.

Doug Parker: I noticed under private events if you're holding like a wedding reception and most of the events have fewer than 50 participants. That's a goal that you're looking at but if someone comes to you with a large gathering are you open to holding something more than 50 people?

Michael Henty: I think in the addendum it does talk about some of the vents being larger, up to 100. The wedding that we did were somewhere between 100 and 130. They put up the big tents outback and that's where they had their dinner and they would drift into the ball room for dancing for the last part of the wedding. But again we would only specify that we would do 5 or less a year. We only had 3 of those events this year that had over 100. Now we've taken it out of our application. I don't believe we were disturbing the neighbors. I've walked the property when the thing happens but none the less it's been something they have brought up so it's never been our intention to disturb the neighbors in any way.

Kevin Mendillo: If I may just to further answer your question. Obviously if events requiring more than 50 people would be taking place within the mansion he's going to have occupancy limits he's going to have to adhere to and he plans on strictly adhering any of those requirements imposed by the city code and by Certificate of Occupancy. So I think that he may have events that exceed that number he would be careful to make sure that he's complying with any and all local regulations.

Ed Darrow: Any other questions from board members?

Deb Calarco: On the educational culinary institute where you're saying you reserve the right to option to partner with grant giving credit, the credit grant educational, if that grant was available and it said, 'No, now you have to service 50 kids for each time' are you limiting and staying with the 20 kids or are you going to say 'OK, fine, I can get the grant so I'll take 50 kids instead'?

Michael Henty: No, we really want to keep within that 20 or less actually. Most of the people that would be in a class situation, especially involving like a culinary arts or, we have a new program that the Ben Snow foundation has donated a substantial amount of money to re-do our kitchen and also to kick start this particular program which there isn't going to be a fee, it's called 'At Your Service' to teach customer service skills. But we're limiting that particular to 15. We don't want to turn into a school. Most of these things are going to be funded and actually won't be fees, believe it or not. If we do get connected with a higher education

institute then they may impose some fees for that but we're going to be limiting the class size to what we stated.

Deb Calarco: So even if a grant was available but in it it said you had to take 50 you would not accept the grant because it would take over the number of kids you want?

Michael Henty: Because it's in the use variance we wouldn't be able to do it and we want to follow it.

Deb Calarco: All right. The other question on your vocational training, who's overseeing these training programs?

Michael Henty: Which programs?

Deb Calarco: The vocational training programs.

Micahel Henty: Most of them haven't started as of yet so each individual vocational program, let's just start with 'At Your Service', we would have a master teacher come in. For that particular program we're inviting in business owners and managers of particular restaurants in the area. They're going to be teaching the actual class and helping us with the curriculum. Then we would bring in, for example if we did something involving plumbing, we would bring in a master plumber from the area, like an apprenticeship situation. I don't think we're going to probably most of these things be an accredited type of program. It's going to be something that's just going to give them maybe a certificate that they can go to an employer where they can say 'Look it, I've gone to this course and this gives me just a little bit of an edge over someone else' when they're applying for a job to help them get employment. It's not going to turn into another BOCES program or something like that and be lots of people there. It's really meant to help some people who are maybe disadvantaged maybe in terms of being able to have those skills and give them an extra edge as far as their employment skills.

Ed Darrow: Is it your intention that all vocational educational programs will have a class size of 20 or under?

Michael Henty: Yes. I think 20 is probably high, I put it in there just in case. But even if it was a larger amount, let's say. Student-teacher ratio is very important when you're teaching, I know that from recreation and other things, if we had 30 people or 50 people sign up for the class, we may only teach 15 or 20 at a time and they've come at different times during the specified hours that we have there.

Ed Darrow: Thank you.

Deb Calarco: I'm going to ask a question probably a lot of people don't want to know, when you're talking about having these people coming in working with kids,

whether it's after school or what not, if we're coaches, if we're teachers, or whatever, we all have to be background checked and make sure we should be around these kids. Are you looking at the same precautions?

Micheal Henty: Yes. For example, when the BTW group comes over, I've taught most of the classes but most of the children come with their own supervisors. The children aren't sent there to be taught by this random person but 99% of the time they're coming with a chaperone or a teacher or a supervisor that's bringing that group over and they stay there, they don't leave the kids.

Deb Calarco: Even if they're not staying, I still like the idea of everyone that's going to be in contact with the children especially that there's a background check.

Michael Henty: I agree.

Deb Calarco: Which leads into the supervision as far as the after school activities, what kind of ratio are you going to have; one supervisor for 15 kids?

Michael Henty: It's going to be 1 to 10 approximately.

Sue Marteney: Currently registered after school programs?

Micheal Henty: No, and again the afterschool program wasn't meant to be something a typical afterschool program is done after school in the regular school districts. You know, the YMCA comes in and they have an after school program or BTW has an after school program, we're kind of like a supplemental program to them. They're actually doing the after school program and then we say something like 'Hey, we got the Julie and Jim Beyheim grant, we'd like to some recreation with the kids. How'd you like to bring them over?' Or we have music lessons that we're going to offer for free to these kids after school but they're already in the after school program. So we're not necessarily create our own afterschool program but we're going to be complementing and supplementing the after school programs that already exist by offering them more activities.

Scott Kilmer: Mike, you may have already touched on this a little bit earlier but the educational culinary institute, is that institute in name only? Is this associated with the state educational department?

Michael Henty: I think it's just in name only. I guess to call it a culinary institute would be taking a little bit too far. We really want to be teaching some good cooking skills, getting them ready, maybe to be a line cook. I don't think it would turn into one of those culinary arts programs where we'd be known throughout the U.S. coming from the Case Mansion they'd be hiring these executive chefs.

Scott Kilmer: I think that you alluded to earlier that if you had the chance to partner with an institute or get certified and offer a degree that you would enjoy that?

Michael Henty: We would but I think as I've progressed in this whole situation I know that it's kind of a difficult thing and a lot of red tape involved. The more I think about it, I want to have the option to be able to do that but I think we're really going to go more in the direction of offering a course that maybe has a certificate at the end of it.

Scott Kilmer: So then you're open to your use variance morphing over time; not being restricted to what it would be granted.

Michal Henty: No, I'm just saying that we're offering both. We want to be able to have the option of being able to partner with an educational institute but I'm not necessarily going to take it that far.

Scott Kilmer: My understanding of the use variance is you're here to ask for certain parameters and that's what you have to stick with but it sounds like you're intimating that you would like it to morph over time.

Michael Henty: No, the only thing that it would morph to would be to be involved with an educational institute. Which I'm saying I don't know if it'll quite go that far but we've asked for it so that we would have the availability to be able to hook up with a higher education institute.

Ed Darrow: Any other questions?

Deb Calarco: Social events. I realize you're saying that other charities or organizations would come in and do the event but are you still going to be present overseeing to make sure they're doing what you expect them to do?

Michael Henty: Absolutely, yes.

Deb Calarco: And the same thing with camps and what not? I guess with camps again I would be looking at if it was going to be, and I'll use the two of us because we both have done cheerleading and football, if we wanted to hold a camp, are you verifying that it's not just somebody that says they want to come in and do a camp but does not really know what they are doing with it and bringing a bunch of kids in and saying 'Let's have a football camp' but they've never done football or they've never done cheerleading before so they have no experience.

Michael Henty: No, most of the people that do approach us, I mean I doubt we'd be having too many sports camps there but as far as an example would be the glee camp and those are professional musicians that came in; Amy Bellamy, and they used it for three weeks, three times a week and then they did they're performance at the Cayuga Community College. So, almost everybody that's coming in is going to put on a seminar or a camp or some type of session is going to be a professional in their particular area.

Deb Calarco: And my last one is private events; you say you're not advertising, so you're not putting anything out there that you're available, it's word of mouth, solely word of mouth, you're not putting anything out there as the ministry saying 'Hey, we've got this space available, do you want to come and borrow it, use it, whatever'.

Michael Henty: I'll be honest with you, I get calls every single week and we could probably book the mansion every weekend of the entire year. That's how many phone calls I get. But I limit to what we've stated because that's not what we're about. That's our main priority. It's something I think is great for the community, I think it would help supplement our revenue to help support the mission but we are not, I mean I could have booked a lot more weddings, we could have done lots of things but we just kind of limit it to two times a month and we've never exceeded that so far in the last year.

Deb Calarco: But you would not be advertising it, publicly?

Micheal Henty: No, it would not be something like 'Private parties come have your, you know'. And if it's out there it will be taken off because I don't know of anything we've put out.

Sue Marteney: And you're not charging a fee for anyone to have a wedding there?

Michael Henty: We don't. They ask us what it costs and we just say if you'd like to make a donation we'd appreciate it. We leave it right at that.

Sue Marteney: You've stated it supplements your income, how many people actually pay for rentals then?

Michael Henty: People are very generous. By taking the wedding reception element, even though we only did three this year, it certainly would have paid utilities for a month which are quite a bit at the Case Mansion. We certainly don't charge them anything.

Ed Darrow: Any other questions? You gentlemen may be seated at this time. At this portion of the public hearing I'm going to be calling for anybody in the gallery who has something to add or something for or against the specified uses that were given to us.

Andy Fusco: Well they can speak to other matters as well. What is unusual about this proceeding is there has been some findings which would be described as law of the case but I think the public is allowed to speak about anything that they wish, not just the specified uses.

Ed Darrow: But we were asked by the Justice to...

Andy Fusco: We'll handle that when the time comes. Right now let's hear from the public and anything they want to say they're allowed to say.

Ed Darrow: And you will be limited to three minutes. When you approach the podium please give your name and address and speak directly into the microphone. Sir:

Richard Stankus, 119 South St.: I'm here tonight not only as a resident of the historic district for the past 25 years but also as a board member of the Historic Resources Review Board and that's what I'd really like to speak to. The Historic Resources Review Board as most of you should be aware is a city appointed board comparable to ZBA and an advisory board to the ZBA. This same application that Mr. Henty is presenting this evening was presented to the HRRB at our August meeting. We listened to the arguments that Mr. Henty actually spoke that evening besides his attorney and we listened to nine neighbors of 108 South St. who spoke against Mr. Henty's proposition. There was not a single resident of South St. that evening who spoke in favor of Mr. Henty's proposition. The board heard a variety of arguments not just about large parties and noise and alcohol although that is documented problem that's existed with Mr. Henty's large parties that he's had there, not just once or twice but three times in one week, which again came out in the documents which I have minutes which I hope most of you would have had.

Andy Fusco: I think those minutes have already been circulated.

Richard Stankus: To members of this board this evening, thank you. But if you review those minutes you'll see this has one of the important issues, the large parties, the alcohol, the lateness, the drunk buses which I think will be addressed later this evening, that has been going on there already.

Ed Darrow: Sir, could you repeat, what buses?

Richard Stankus: My phrase is drunk buses. What happens, and I think other individuals this evening will speak because I'm only allowed three minutes, there are school buses that pull up around 11:00 at night to pick up whoever's left over from these large 150 plus gatherings inside tents to take people home. Commonly it's referred to as a drunk bus. That's the vernacular. To get back again to my point of issue here, that evening at the HRRB there were six members present, I being one of them. I abstained from voting because I felt it might be a conflict of interest. The other five members, who come from varied backgrounds but all are well-versed in historic preservation, because HRRB is not just about buildings and facades and maintaining a building but it's about an environment, it's about a neighborhood and these people don't necessarily live in the historic district but they appreciate the historic district for what it is and the sacrifices that many of the individuals you'll hear tonight have made over the past 25 years. Mr. Henty has never lived in the historic district. He's a not for profit. He will pay zero taxes. He's leasing that property for one dollar a year. If you talk and listen to these people this

evening they've paid millions of dollars over the past 25 years in property taxes, school taxes and county taxes to the city of Auburn. They've taken homes that were multiple family homes, they've take homes that were commercial properties and converted them into single family dwelling. With that argument five members, all five that were there that evening, voted against Mr. Henty's proposition. They denied his proposition. So basically I would hope, and as a member again not of just the historic district but as a board member, another city board member that this board would take into account that five to zero unanimous vote which opposed Mr. Henty's use variance and that you would respect another city board for their recommendation.

Ed Darrow: Summarize, please.

Richard Stankus: That's my last statement. Thank you.

Ed Darrow: I have a question for you as a matter or record. You were speaking this evening and the testimony you have given is in your official capacity on the HRRB, correct?

Richard Stankus: As a member. As my own opinion, I'm not representing the board, I'm simply reiterating what the board stated.

Ed Darrow: Your opinion, not the board's opinion?

Richard Stankus: I'm speaking for myself, I can't speak for the board. One last question if I may please. And you've been very accommodating and I thank you for that. And this is addressed to Mr. Fusco.

Andy Fusco: Well we're not really here to answer your questions. We're here to take your statements. This is a public hearing

Richard Stankus: One simple question.

Andy Fusco: No. What part of no don't you understand? No. We're here to listen not debate, not answer questions. My clients have a question, I'll answer theirs. Your job is to tell us what you want to tell us.

Richard Stankus: I don't believe there was a SEQR review for Mr. Henty's latest application. That's my comment. It's not a question. Thank you.

Ed Darrow: Thank you. Anyone else to speak for, please, if you could give your name and address for the record.

Judy Ducayne, 60 Hamilton Ave: I live in the historical district and we have had a father-daughter dance at the mansion. It was beautiful. I was a big part of that. I was the organizer. And Mike did not charge us anything. And we didn't have the

money. And it was so beautiful I can't tell you. My daughter, who's in public school, she was picked to be in a leadership program and they brought those children to the mansion. So one of my daughters was involved with that. And it was a community service thing so that was very nice. I've been there several times. My children, they are at the Presbyterian Church, and as a matter of fact, before I even knew anything like this was going on, I'd mentioned to some of the lady's 'You know what? You don't hear the traffic back here. You don't hear anything. Listen to this. It is so wonderful.' I've taken children from the Presbyterian Church over unannounced into the building where these supposed drunks and druggies, you know because I'm that kind of a mother who has nine children, I would bring them into a dangerous place like that.

Ed Darrow: Please address us.

Judy Ducayne: Okay, sorry. And I've been in there with these children and it's peaceful. It's loving and I'm telling you. We've prayed there in front of the shrine. Many different times. My children have attended activities there. As I said, I have nine. They have been there many times. I've been there for many different events and the environment they're talking about I've never seen. Never. And I've been there many times. I've talked to the men. These are our vets. I'm so proud to be a part of that. Yeah, we all have troubles in life but is this Christian? Auburn is Christian. Auburn is kind. And we should support this. Mike Henty through the Case Mansion has supported this community and I'm proud to be part of that and I am part of that historical district. I am there. My children can't go down to the Y-field without danger but they can go to Case Mansion. And I'm thankful.

Ed Darrow: Thank you. Anyone else who would like to speak for or against? Please give your name and address for the record.

Wendy Marsh with Hancock Estabrook. I represent many of the neighbors in the recent rounds of litigation. I only have three minutes so I will go as quickly as I can. The issue before this board is a use variance. There's specific requirements. It's not whether or not you like the work that Mr. Henty. It is a legal issue on the use variances. There's four different criteria. I'm sure your attorney, Andy Fusco, has reviewed those with you. One of the key items that has been subject to the litigation is whether or not the proposed uses are going to alter the essential character of the neighborhood. And that is one of the key issues. And a lot of the neighbors who actually live in the neighborhood will attest to, to those issues, but the package before you from my perspective, you've got about 20 uses variances plus or minus that you have to consider whether or not there's going to be an impact of the neighborhood as well as the other criteria. You have housing, you have vocational training, you have special uses, special events, private events, I'm not really sure what the difference is. And just like before you today you were grappling with the issue of whether or not something is an area variance or a use variance, and someone had the question of what was on the billboard. We want to know what the details are on the billboard. I would encourage you to ask each of

those specific questions on each and every use. Where are folks going to park? What's going to be the hours of operation? Who's going to be there? Who's going to be supervising? Who's responsible for that? There were statements that this is intended to be a supplement to other programs, that there could be a lot of red tape to be covered under those programs. From my perspective, what I'm hearing is that there's no governmental oversight. This is going to be used for whatever uses that fit into the category that Mr. Henty seeks to do in the future. I would encourage this board to be very careful in allowing random uses. It actually was acknowledged that this is just what's currently happening and I know one of the board members raised that issue as far as 'Well, this is kind of a moving target.' It's been a moving target since we first got involved in this. As the board looks at this application you have to be very specific in what is allowed and what are the restrictions on each of those? For example there's a discussion about parking being at the church. Well, where's the legal details on that? How many parking spaces? Is that going to run into the future? How is this building going to be operated into the future? Also, use variances run with the land. I'm sure Mr. Fusco has told you that. I would ask you, to the extent you are considering this application, it should be tailored to Mr. Henty. This application is very tailored toward his desires, his desires in the Christian faith, and it should be specific to him because if it's too broad that's going to be something that's going to run with the land and potentially destroy a neighborhood because you don't know who's going to be there. Once this approval is issued it's out of your hands. You can't enforce it. You have to be detailed on what is being authorized and what are the restrictions. Just a few other items. There's a lot of discussion about fees. That's not your issue, your issue is the use of that property. There's discussions about, 'Well, we don't charge a fee'. But one of the board members picked up on the fact that that's what supplements the income. So don't be hoodwinked by the idea that 'Well, we're not charging fees. This is all just generous donations.' Your job is to look at the use of the property.

Ed Darrow: Please start summarizing.

Wendy Marsh: I will. The other question is, there's discussion on the religious uses and for a lot of reasons this isn't governed by Relupa [?] which is legal area. I don't know if that's been raised. I'm happy to put additional information in on that. Finally, there's discussion of the building code issues. We have yet to see what the Certificate of Occupancy is. Now that's out of your court but there needs to be compliance with the Uniform Fire Prevention and Building Code.

Ed Darrow: Thank you very much. You're out of time.

Wendy Marsh: If I could note. As a public hearing I trust we will get a second opportunity because I don't know that there's a legal limitation of three minutes. I do understand for procedure you usually let everybody get through for three minutes but as a public hearing...

Ed Darrow: We'll see where the evening brings us.

Wendy Marsh: Sounds good. Thank you.

Ed Darrow: Next. If you could please give your name and address for the record.

Tom Pierce, 108 South St: I currently reside at the Case Mansion Room 304 and that's the reason I stand before you today. I'd like to start off by saying I thank you for allowing me to speak. I can't say enough how grateful I am to be here. I believe that the Case Mansion and Ministro Ministries are a big part of my life. The last 30 days I have never been this excited and clear headed about my future. I am a product of my environment. I spent eight years as of June 23, 2013 in our United State Armed Forces, Army Airborne Infantry. I did 15 ½ months in Afghanistan and 4 ½ in Haiti. When I first got out of active duty in October of 2010 I thought I was going to be perfect; that life was going to be much easier. I didn't know a thing about life outside of our military and didn't care to listen to anyone until I met Mike Henty. I was a mess with total disorder. When I finally gave up and surrendered to my faults Mike Henty, the Case Mansion and Ministro Ministries, this place saved my life. I served my country and all gave some and some gave all but when we returned to our homes, if we have one, with all the demons and disorders that we can never hide from and that's how it seems, I hope and pray every day just one more veteran finds the Case Mansion and the people behind the walls of this place before it's too late and we don't lose one more. Thank you all for showing up and listening.

Ed Darrow: Thank you. Is there anyone else present wishing to speak for or against? Please come forward, give your name for the record.

Lisa Blackman: I'm actually not from Auburn, I'm from Phelps. I'm about 35 minutes west. I've had several opportunities to enjoy the Case Mansion. My daughter belongs to the Challenge Girls' Club and she attended the father-daughter dance in February and it was a beautiful opportunity in the ball room with a lit fireplace. It was beautiful that these young girls could enjoy such a historic place. Again, I had an opportunity to enjoy the Mansion in April when I hosted a bridal shower for my daughter-in-law. It was a Downtown Abby theme, Victorian tea party and I gave Mike Henty a donation for allowing me to do that. It was a wonderful opportunity. One of the things that struck me both times; one was a night time event and one time was an afternoon event. You would never know that anybody lived there. I never saw anyone coming or going, there was never any noise, it was a very, very peaceful place. One of the things that comes to mind, and I'm not from Auburn, but I appreciate being able to use that historic place. So many of our historic places are either in ruin or been torn down or they're owned by people with wealth so are not opened to the community. This place has been opened to the disadvantaged, people not with a lot of money, our veterans, our children. Everyone can enjoy that in our community, in your community. And that's a gift that I hope you don't take away from the people. But what I do see, from the people over here who live on

South St., and I understand the concerns about how they put an awful lot of money into their homes and they don't want to see anything change but I ask you to think about the rest of the community here in Auburn, the disadvantaged kids, the veterans; there's more out there than just you. Mike Henty's doing a wonderful job there. He's running a top-notch program. That place is run very, very efficiently. You should all be very proud of what he's doing for your community. He's helping to make this world a better place. Please let him continue. Thank you.

Ed Darrow: Thank you, ma'am. Sir, if you could give your name and address for the record.

Chris Mack, 100 South St.: Also a member of the Historic South St. Neighborhood Association. I'm here to speak about Mr. Henty's application and Mr. Mendillo's presentation. As you saw there is a litany of proposed uses, community affairs, private functions to the extent which this is no more than a catering hall, Holiday Inn style building that's open to anyone who would like to come in to host one of these events. If you look at the list of proposed uses, for 32 weeks out of 52 weeks of the year, there's going to be an event there from some size, either 20 to 50 or more. What if there are contiguous events held at that building on the same day? I'd like to see the flow chart for what the schedule is going to look like because there's going to be at least 100 people in there every day just based on testimony that you gave. The other difficulty I have with the proliferation of these many uses is the one that board member Calarco as far as these vocational/educational programs are concerned. You cannot simply open your doors and say you're going to hold these programs without any licensing, without any certificates, without any state Board of Regents oversight of overview and his presentation Mr. Mendillo said market rates and tuition were going to be charged for these programs. If that's the case then you're going to have to provide something to these people that they can use as a legitimate form of documentation when they go to their employers. Mr. Henty then stood up and said that there wasn't going to be any charge. As Ms. Marsh suggested, this is a very amorphous project enormous in scope lacking any specific detail or any kind of limitations whatsoever. And that's the concern of the neighbors. Many of these programs are laudible, we recognize that, they were held in other places before Mr. Henty came into Case Mansion and it's my contention it will be held after Mr. Henty is no longer in the mansion. They're programs that are good and useful and they need to be conducted they just do not need to be conducted there. There is no reason why they need to be held in that number at that location. Apparently money is not an issue since no money is being charged. If the programs can be maintained based on the rents and the other monies from foundations or where ever else then why are we even here debating this long laundry list of issues? It's not necessary. And last I'd like to clear up one thing as well. I spoke with Mr. James Breslin in June prior to the last meeting of the board regarding this matter. He's the director of the Cayuga County and City of Auburn Homeless Task Force and he informed me quite stridently, as he did before this board when it met in February of 2012, that there will be no federally funded, city funded, county funded, any government funding whatsoever for veterans'

programs at the mansion. If veterans come there and they need a place to live they'll pay market rents just like everybody else. Preference is all that's being indicated here. There are no government sanction programs that are going to be offered there supported by any of these legitimate funded, licensed agencies. Thank you very much.

Ed Darrow: Thank you, sir. Sir, if you could please give your name and address for the record.

Willis Davis, 137 South St.: I live just across the street from Case Mansion, down a little bit. We've been at that location for 40 years. We've raised three kids and now we have two adopted daughters that we're raising. I served two times as a Marine Infantryman in Vietnam, my wife is a Vietnam era veteran. We both have honorable discharges. In view of what Mr. Mack just mentioned here, what have you, also I'd like to reiterate what Mr. Breslin mentioned at the Zoning Board meeting back in February of last year. Currently there are no homeless veterans in Cayuga County, which Mr. Henty has placed a great emphasis on that. There are none. There's only five supporting housing vouchers available and all of those go to the Auburn Housing Authority. The only other funds or transitional house, and Mr. Henty is one of nine interested people in them. Chapel House had six of 178 rooms allocated to veterans but they've had difficulty filling those beds. Consequently Mr. Henty has moved to fill the building with tenants other than homeless veterans. I was able to obtain the names of four tenants living at 108 South St. Two of those four have criminal records; one in New York state, one in another state. In one exceptional case, one of the tenants, he is in fact an ex-military man that has been espoused by Ministro Ministries as a veteran in need of affordable housing. In reality though this is not the case. There are five types of discharges from the military; honorable, which again my wife and I both have, general under honorable conditions which is such as medical, mental instability and so forth, general under other than honorable conditions, there's a bad conduct discharge and then at the bottom of the list there's a dishonorable discharge that's administered by a general Court Martial for serious violations like murder, rape or desertion. If an individual gets a dishonorable discharge, he loses all of his veterans' benefits including the post 9/11 GI bill for education. He's prohibited from owning firearms according to the gun control act of '68. He has a loss of any civil rights including voting and running for public office. In many states a dishonorable discharge is deemed the equivalent of a felony conviction. From background information I've been able to retrieve, one of Mr. Henty's current tenants received a dishonorable discharge from the U. S. Military. This individual is not considered a veteran but rather a convicted felon by the U. S. Armed Forces. This is a serious issue with me. Without the least bit of arrogance I brought with me secret military communications that were declassified about 20 years ago. These documents detail just one of four combat operations that I was a part of. During that operation that was called one of the bloodiest operations of the Vietnam War, 882 members of the North Vietnamese Army were killed, 126 Marines of my unit were killed and 448 were wounded. I'm almost wrapped up. You might wonder what this has to do

with the Zoning Board variance. In summation I've paid taxes on my property for 40 years, since the church has owned this property it's tax exempt. I've paid thousands and thousands and thousands of dollars, struggled sometimes to do that. In one of the letters posted in the Citizen, the minister of the church said that we should be ashamed of ourselves for opposing this. In fact she used homeless veterans as a pretext for gaining a use variance or not paying taxes on a building that's not used for religious purposes at all, that's who should be ashamed. Thank you, sir.

Ed Darrow: Thank you, sir. Sir, if you could please give your name and address for the record.

Stephen W. Smith, 33 Elizabeth St.: I can do that for you. I will be brief because I do realize it's quarter after nine. I just wanted to say that I'm very supportive of what they're trying to do at the 108 South St. property. Especially when you see the tragedies of war which our country is involved in too and you see gentlemen come back like Mr. Thomas that spoke earlier, that do have the demons, if you will, that you get in those kinds of situations and do need that extra support. So, I just want to say I'm in favor of that. The other thing I wanted to say too was as far as 108 South St. is concerned, I've lived in the neighborhood including at 108 South St. years and years ago in my early 20s as staff for Unity House years ago, one think I do know about it, I care very much about that whole neighborhood and I do understand what the neighbors are saying, they have beautiful properties and we do all love the neighborhood and everything. But I do want to point it out that the 1st Presbyterian Church and the tenants they've always had have taken the preservation of that 108 South St. property very seriously. They've poured a lot of money into it and really have never altered that property in any way that would take away its historic value so I just wanted to give that opinion and I thank you for your time.

Ed Darrow: Thank you, sir. Yes, ma'am. If you could please give your name and address for the record.

Lisa B , 9 Swift St.: Lives at the corner of Swift and MacDougall. As a neighbor to the residents that were talking about at 108 South St. I have never had an issue with people parking or blocking us in at the home. I've never heard music or any wild parties going on there. This summer I actually did have a graduation gathering there for my son when he graduated from high school. It was a very special event. He was not supposed to make it past two months when he was in seventh grade. He had met Mr. Henty and he decided to do some volunteer work a number of years ago and he reached out to Mr. Henty and asked if he could have his friends and family gather there where Mr. Henty was because it was our neighborhood and it was a beautiful area and it meant so much to him. Living in the neighborhood I pay the same taxes as well. I know across from 108 South St. on South St. there was a graduation party a few years ago, each side of the street was blocked, we had to wait to drive through South St. That didn't bother me because we're a

neighborhood where families live there and we like to try and celebrate with one another. So I believe that 108 South St. is a great asset to this community. It's part of our historical community and it should be continued to be allowed to allow others to utilize it as well.

Ed Darrow: Thank you, ma'am. Please, no more applause. Next.

James Dean, 108 South St.: I personally am in room 314. I'm not a veteran, I am a recovering alcoholic. I used to reside at the Grace House which is a half-way house and I went from there to the Case Mansion. I think it's a wonderful thing. We have an AA meeting which is across the road, every day Monday through Friday. Next door we also have another AA meeting and we have some NA meetings events there. I've lived there for almost three months and there have been no issues. We have a great bunch of people that live there. For me, I'm just trying to get my life on track. With the house being a sober environment I enjoy that. I'm a proud person that lives there. Thank you.

Ed Darrow: Thank you very much, sir. Is there anyone else wishing to speak for or against. Please give your name.

Eileen Winter, Pastor at the 1st Presbyterian Church, 112 South St.: I wanted to speak to the Historic Review Board because our understanding was we would only go there if we were wanting to make changes to the exterior of the Case Mansion which is something we have not done at all. So when we went there we weren't prepared to participate in a trial. We just came to bring some historic information to the review board. Historically, there has been vocational training since the 1940s. There were actually women who lived at the Case Mansion learning how to sew under the youth administration that Eleanor Roosevelt was a part of. People have lived there, it's been a place that has served our community and historically there have been numbers of organization and individuals who have had events there whether it was sponsored by Unity House or the Carmelite Fathers. So just wanted to clarify that we were not prepared for the trial like atmosphere and could easily have had many residents also there to speak on our behalf. Thank you.

Ed Darrow: Thank you. Please give your name and address for the record.

Cynthia Bullock, 46 South St. across from the Seward Mansion between two single use businesses: Mr. Henty and the Zoning Board, I'd like to thank you for the opportunity to speak. Mr. Henty, I've had the opportunity to hear you speak at several public functions, both at the Case Mansion and elsewhere as you've discussed the many uses for the Case Mansion. Most communities and neighborhoods do not welcome this kind of housing shelter in the residential areas. Yet you will find no resistance from our group on that. We have a variety of housing in the South St. area and a number of good business neighbors as well. These businesses are single use. They're good stewards of the community that communicate with their neighbors and most important they provide what is viable

to encourage stability and growth in our mainly residential neighborhood. This proposed multi-use variance will accomplish neither. On your own website today you specifically listed and advertised availability for weddings, receptions, rehearsal dinners and other events. You specifically advertised on your website today that you will offer classes in culinary arts, food service, painting, plumbing, electrical, masonry, and landscaping just to name a few. To the Zoning Board, I would say that in front of you are a group of concerned neighbors and tax paying citizens who own, not lease, their property. We have spent years, some people their entire lives, and tens of thousands of dollars of their own money, not grant and donations, to save and revitalize the South St. historic district turning chopped up apartments and vacant houses back into beautiful residential homes and in some cases, single uses businesses. And why? Because we believe in Auburn and we can help turn the City into something wonderful by refurbishing one of the most important districts. And more importantly because we live there. As we struggle to bring the historic district back to some of its past grandeur, please don't defeat our years and years of our hard work and sacrifice by opening up this specific historic home to any type of business Mr. Henty or any other owner wants. I sincerely hope Mr. Henty succeeds in his original and wonderful purpose of providing housing for veterans but no one can be a master and a success of everything he proposes. And if he fails then what does that open up this house to if you grant this variance? It opens it up to anything. And how will fit in our residential neighborhood? If that's the way the city and the housing board wants the street to evolve by setting this precedence then everyone on South St. should go on line, get a minister's license, become a charitable foundation, get a multi-use variance

Ed Darrow: You have 30 seconds.

Cynthia Bullock: and open up there house to any type of business and not pay taxes. We're not asking Mr. henty to move or give up his goal. We're asking him and more importantly the Zoning Board to stick [inaudible] nd keep South St. the beautiful residential district it was meant to be.

Ed Darrow: Thank you, ma'am. Sir, please give your name and address for the record.

Gary McIlvain, 53 Pulsifer Dr.: I would like to offer comments about the proposed use of the site for vocational training. As a use variance. I have personal knowledge of this site being used for vocational training for over 40 years. In the early 1970s I was the liaison for the NYS education department office of vocational rehabilitation to that site. It was operated as a home for veterans from Canandaigua. There were a variety of vocational training opportunities for residents there. There was even a vocational rehabilitation counselor on staff. These vocational and residential programs as they existed have continued until Unity House was formally started in 1977. They also added additional programs. Education programs, habilitation programs, other vocational programs. These

have been in place there since 1977. In 1979 I was the administrator for the NY State Office of Mental Retardation and Developmental Disabilities for this area. That's the agency that was responsible for licensing many of these programs so I'm very aware of the programs that went on there. Unity House provided many in house and community based vocational training opportunities for the residents in the house at 108 South St. and for other individuals living in the community. The site was also used as the agency's administrative headquarters therefore the current proposal to operate vocational training opportunities at this site is not new or not a change but it's consistent with the use over the last 40 years. In reference on the concerns on the impact on the program on traffic, I'd just like to offer the following comments, during the past decades the site has been occupied by Unity House. It was a large number of vehicles in and out of the site on a daily basis. The residential program staff, the agency's main offices also housed dozens of staff in their office building. Traffic was an issue when Unity House would hold events with 30 or more people to attend training on a daily basis. I sent many of my staff there for training on a regular basis. During these events, in addition to the staff, there could be up to 100 people in and out of the site on a daily basis for trainings, conferences and events that Unity House offered. This has been going on since 1977. I've observed the site under its current use, I've never seen more than a hand full of cars there. I have a written statement I would be glad to provide you copies of the entire statement. I would like to summarize in saying, and I too am a veteran, ten years in the U.S. Army Medical Corps, saw a lot of soldiers come back with lots of impairments that came to the Canandaigua hospital that needed a place to rehabilitate. This program here has been doing that over the last 40 years. I think the Carmelites only sold it with that caveat. I would like to say that we owe our service men and women.

Andy Fusco: If you could hand me your paper I will make it part of the record. Thank you.

Ed Darrow: Thank you, sir. Sir, if you could pull the microphone up and give your name and address for the record.

Aaron Lesch-VonRandall, 107 South St. directly across the street from the subject property: This is a unique situation where we've seen Mr. Henty already using his property for almost two years now and we've seen a significant change to the neighborhood already. It's been night and day between before they were there and after they were there. And I would just ask that this board review what the minutes from the Historic Resources Review Board. Nine or ten residents all spoke up, all mentioned what's been going on there. The vote was unanimous. The Historic Resources Review Board is for historical neighborhoods like South St. ZBA, you do a great job but you're for the entire city. They can focus in on historic issues that was a unanimous vote. Quickly I'd like to read some of the comments from the members of the board that you're taking the recommendation from First one, "You're looking at altering the premises, altering the building and you certainly are going to alter the neighborhood and the environment of the building." Second one,

"Its use as a quasi-BOCES and commercial banquet facility are inappropriate and detrimental to the district and the neighborhood." And the last one, "The proposed use would change the characteristic of the neighborhood." These are the comments of the board members of Historic Review Board. It's not from the residents. This is what the determination of the board is that you're getting your recommendation from. If it can't be any more clear than that then I don't know what it. This hasn't become a trial of Mike Henty vs. the residents, it's not about Mike Henty. Mike Henty may do great things in a lot of different venues but he should not be doing them at 108 South St. When Mike Henty is long gone and Ministro Ministries is no more this use will still be allowed in this facility. They can do whatever they want, it's a blank check is what he's asking for here and this board needs to recognize that. He's asking for a commercial building in the middle of a residential neighborhood that doesn't belong there. His application was already thrown out by the courts because it was too vague. This one is equally vague. He's asked for multiple uses for multiple times up to 50 people sometimes more. It won't go over 50 people very many times, once in a while. It's completely vague and it's not like the application we've seen earlier today.

Ed Darrow: 30 seconds, sir.

Aaron Lesch-VonRandall: Six feet from the property line, or eight feet from the property line. It was nothing like that. This is just opening up a door to any number of things. In addition he's asking too, to include using bathrooms at the church. Using parking at the church. That's a separate parcel with its own instances. What happens when it's no longer owned by Ministro Ministries and it was granted something to use the church's property?

Ed Darrow: Thank you, sir. Your comments are appreciate. Anyone else wishing to speak?

Ann Wiley, 152, 153, 155, 157 E. Genesee St.: I do want to correct a few errors of fact. One is that we're not considering the same application as the Historic Resources Review Board. Another is that, indeed this is very detailed, it is meant to be very specific. We are considering uses, not users. Uses will die over the times we occupy the property. I'd like to clarify that 1st Presbyterian Church owns 108 South St. as well at 112 South St. I would also like to state that I well remember 46 South St. when my aunt Ann Wiley, the accountant was employed there by Bell and Sawyer when we first came to Auburn 40 years ago. When I was a little girl I believe it was a private home that became a business. I'm so delighted it's a private home again, secretly I always wished it was mine so I'm very delighted that someone else has it. The uses of property on South St. has changed over the years and I'm sure they'll change again. But speaking as an observer and a dedicated citizen of our city there has been no change in the essential of the neighborhood. It is primarily residential and in an effort to improve the property there, all resources first of all belong to God. All of our talents and all of our money and God entrusted me with about 55,000 dollars that I have invested in the Case

Mansion because I did believe that the property in this neighborhood needed to be improved. So rather than investing it in my neighborhood on E. Genesee St. I invested it here for the benefit of our city, for the benefit of the neighbors, for the benefit of our church all in the name of our Lord and Savior Jesus Christ. Thank you.

Ed Darrow: Thank you. Sir, you're next.

Richard Nelson, 5070 West Lake Rd.: You should have a copy of my letter I wrote, my wife and I wrote to you in August. I won't go over all of it but I want to emphasize the positive potential of this facility. I trust Mike Henty and his vision. I'm a 30 year retired veteran and I think it's great what's being provided for our veterans and the vocational training that's going on at the Case Mansion. My family and I remodeled one of the rooms. This facility has wide community support. You approved a similar variance earlier, I hope you will do so at this time. Thank you.

Ed Darrow: Thank you, sir.

Amanda Stankus, 130 South St., a few houses from the Case Mansion: I'm here tonight because I do not believe this use variance application by Ministro Ministries qualifies for a use variance. I'm concerned and I'm questioning why this board as well as the city of Auburn is not listening to us, the many citizens of Auburn. There's at least 50 tax paying residents of South St. This is not just a handful of residents or a few individuals on South St. that oppose this use variance. Many cannot be here tonight because of work and school obligations. There are residents from the beginning of South St. all the way to the end. From the resident house numbers in the 40s all the way to the 150s. As well as residents who live in the middle of South St. maybe 80s and 90s. House numbers that are in opposition to this variance. I believe that all the prerequisites that are needed to qualify for the zoning variance have not been met. Specifically, well I'll get into those afterwards. I do ask that if this board does choose to grant the use variance that it is specific to Mr. Henty and that it is non-transferrable. That is my main concern. One of my other concerns is that going through the application for use variance it says in bold letters that if the applicant is not the property owner a notarized statement must be given authorizing the applicant obtained from the property owner and also submitted. Well this has been submitted but my question is it looks to me like it's a conditional approval. The church did allow Mr. Henty to file this application on their behalf but it is conditioned. It says, "With the understanding that the uses will not change the tax-exempt status of the property." And so to me that seemed like it's not following the rules of the zoning board or the code. I also want to make it clear that this is not a case of either granting the use variance or nothing else can ever be done with this property. There are many uses for this property. I just feel that what Mr. Henty is proposing tonight and on previous occasions are just too wide and too varied. If it could be more specific and more tailored that could be something that would be more appropriate.

Ed Darrow: Thirty seconds.

Amanda Stankus: I just like to say also it's not a case of rich or poor or haves and have-nots, there are individuals on South St. who do open their houses to the community, who do give back to the community and those who are in need. I'll end with I would hope that this board would deny this use variance or narrowly tailor it to what it should be. Thanks.

Ed Darrow: Thank you.

Catherine Diviney, 100 South St.: I know the hour's getting late so I will try to be brief. First I would like to point out a few things that have come up tonight. It's been stated that they don't advertise for the events and stuff they let happen at the Case Mansion and that's not the case. Their website, as has been clearly pointed out, does have advertisements. There was an advertisement on Rosalie's website, there are links to Rosalie's website on that website and as in the letter I presented to you the Chamber of Commerce actually has an advertisement under it's 'Stay' it advertises places you can stay, the Chamber advertises this, one of which includes the Holiday Inn, The Inn at the Finger Lakes, and Ministro Ministries the Case Mansion. Advertising are out there and this is not an advertisement, the use variance says it's for people who need affordable housing presumably this is an advertisement for a hotel, essentially. We were advised today that there are 16 rooms and they're for people in need of affordable housing. It's my understanding, at a reasonable event that was held at the mansion it was advertised that there were two rooms that were set aside for guests so they can come and stay at the mansion which sounds like one, it's a hotel and two, that's not a tax exempt purpose by any stretch of the imagination. Also, the many lists and many, many uses that were proposed here today do not include some of the things that are right on the website. And some of the things that have been going on at the Case Mansion. For example, operation of a café. There's the Chimney's Café on the website. There's a community garden, there's fitness courses, there's office space, none of these things have been listed as applied for use variances yet they are activities that are presumably going on at the Case Mansion. Finally, this is a new application, I want to be sure? That's clear. The old application use variance the courts struck down and said it did not meet the legal standard. This is a new application and therefore the applicant bears the burden of proof on all four of the elements. And one element I don't believe can be met here is the element of self-created hardship. According to your application which is exhibit B to the papers I submitted back in June 25, which I hope everyone had a chance to read and I appreciate that you did do that, the very application that the city submits the ZBA may not grant use variance to relieve a hardship created by the applicant such as purchase of land when actual constructive knowledge that the desired use is prohibited by the zoning law.

Ed Darrow: 30 seconds remaining.

Catherine Diviney: Yeah. We are here today because this is an R2 district. This property is being used for commercial purposes. According to exhibit H of by application back when the church bought the property they bought it contingent on the use application the special use permit that had been granted to Reverend Casper continuing. And that was just to, in his application had nothing to do with special events, community events, youth programs, special events, none of those things. It was limited to housing veterans.

Ed Darrow: Thank you. Your time's expired.

Catherine Diviney: Okay, one more second.

Ed Darrow: I'm sorry, your time is expired. Anyone else wishing to speak? Please give your name and address for the record.

Ellen Cotter, 111 South St.: I'd like to provide some information regarding one of the criteria that must, must, be met. There are four, one of them is that the applicant will be deprived of all economic use or benefit from the property unless it can be used for the purpose requested. I have detailed numbers.

Andy Fusco: Do you have copies for everyone?

Ellen Cotter: I have copies here. I won't go through every detail but based on Mr. Henty's own numbers regarding the numbers of rooms, the rent, whether it's used as a bed and breakfast or apartments or a rooming house, according to the numbers he provided he should be able to cover the carrying costs for the property. Those details show that the other commercial uses, the non-housing uses that Mr. Henty is asking a variance for, aren't actually necessary in order to receive economic user benefit from the property. If he uses it within the R2 zoning that's already in existence he can realize enough economic benefit to keep the property up according to his own numbers. Thank you.

Ed Darrow: Thank you.

Pam Chaffee, 134 South St.: I'd first like to say not everybody that lives on South St. is wealthy. I would love to have a benefit at my house from the community because I need my roof fixed. I only need 60,000 dollars. I'd like to just say we're not all wealthy and it is a struggle to live on South St. and try to keep everything nice and beautiful the way it is. My first concern is the Case Mansion is a huge place and I don't know how you could have a job as Mike does and manage the Case Mansion in any manner and be in two places at once. I have four children of my own, I have great concerns about children's programs at Case Mansion along with the people that live there. That's a huge building with lots of bedrooms, places to hide, tight corners. We have the Booker T. Washington center, we have the Y, we have the place out there to play tennis at. Why do we need to duplicate those places on South St. The episcopal church has a great place to dance, to have

father daughter dances at. They've had them over there. It's open, you can already use it, they've done it over there. They have a gym over there. I don't know why we need to have vocational places at the Case Mansion, we have CCC, we have BOCES. I don't know why you would want to put someone through a program that really didn't count for furthering their life where they weren't getting credit for it. With today's stringent, whatever, I would love to be a dentist but I don't have the papers to be a dentist. So I don't know why they would put people through vocational programs that weren't going to lead them to something with credits later on so these people could advance in their life. We already have these places. CCC, BOCES, there's places all around, there's hair places. The other thing is, I don't know if you've ever worked on a historic house but it's not somewhere that you start having apprentices and training because these buildings are nightmares. Even the people that have worked on building for years don't know what to do with them. They don't know what materials to use, it's really difficult. And my last thought was, I used to live next door to the Seneca ARC when they had it down on the corner, 130 South St. It started out to be a really quiet place. They asked us simply for a little driveway into their building. Let me tell you, we were kind, we let them have their little driveway and it became another street. It was a nightmare to live next to that place. Please, zoning board, don't open up a nightmare on South St. because I have never been so thankful in all my life to have Seneca ARC out of our building. And thank you for Dr. Stankus for rescuing us by buying the building. Those are my concerns. Please protect Auburn's children. I don't think they belong in that building with the residents.

Ed Darrow: Thank you. Is there anybody else present wishing to speak for or against. Please give your name and address for the record.

Jackie Gumtow, 8 Hamilton Ave: We live on the corner of Hamilton and MacDougall which is the last house on Hamilton before the historic district. The lady at 60 Hamilton was no where near the historic district so I don't know where she was. When this all first started I did some research on the cost and sellings of different properties in the area. I realized right away that 1.25 million for the Case Mansion was way out of bounds price wise. I think there's some figures that had been submitted previously by Cathy Diviney and such that support that. Be that as it may when I said to my husband, "I'm going to go down and just say something again." He says, "Oh, why?" And I said, "Because if a zoning variance is granted in a residential neighborhood for a commercial use we're going to open up a whole can of worms not just on South St., but in the city of Auburn." Our zoning and you folks are here for a reason. You're here to protect the residents from having commercial uses in their residential neighborhoods. If the commercial uses are granted, well, right now everything might be under control if the 1st Presbyterian Church continues to own it but we've seen churches die and their properties go up for sale and no one wanted them. But if this place does become a commercial use, my gosh we could have a McDonald's move it. And I don't know if anybody would like a McDonald's next door to them because there would be room for parking. Or maybe a Holiday Inn. This beautiful building could be opened for the public and

could be opened for public tours and could still be kept on the tax roles if it was marketed and sold as such and perhaps made into apartments or condominiums with downstairs public use. There are many, many uses it just does not have to be for what it is, it doesn't have to have commercial uses. Granted, yes we do need some residential uses and Mike Henty's idea of residential [inaudible], it's a good idea but the other items, the commercial, the weddings, the parties, the schools, the restaurants, they do not belong in a residential use. I'm thinking of the food service trucks that will be going up and down MacDougall. Heavens, we don't need that. It is a residential district. There is a 55...

Ed Darrow: Summarize, please.

Jackie Gumtow: There's a 55 year old complex across the street. Those folks don't need all the noise and all the aggravation that a commercial use will hold. So I grant that you protect us, uphold the zoning laws of Auburn, and do not approve a commercial use on South St. Thank you very much.

Ed Darrow: Thank you, ma'am. Is there anybody else wishing to speak for or against this application?

Robert Cotter: I am a tax paying neighbor to the Case Mansion. I live across South st., number 111. I ask the zoning board to deny the use variance for Ministro Ministries for several reasons. From the beginning of Ministro Ministries tenure at the Case Mansion I've been suspicious to the motives and propaganda disseminated to the public about the community mission of Ministro Ministries. The Ministries' application is impossibly broad and seeks to wrap its mission in God, flag and community and as written could be interpreted as allowing a wide array of uses not in keeping with the spirit or the letter of the R2 zoning ordinance. The variance is forever. Mike Henty has great intentions I'm sure but the variance is forever and it passes with the property. While the application originally requests permission for veterans' housing is written now it would offer housing to any person in need. And of course at a price. Bait and switch. The proposed use of the mansion as a youth center MAY Offer Security concerns for the children of our community and there is no stated provision in the application for any segregation of the residents nor has there been any mention of background checks for criminal history of same in the application. The institution of the vocational training program is redundant in our community as we are already well served by our BOCES campus. Use of the premises as a venue for community gatherings is a thin disguise for what I see is the true purpose of the use variance of a tax free 5013C pass through for Ministro Ministries board members catering business. The ministries' website offers catering from Rosalie's Cucina and the Bucket Restaurant has also catered recent events. This is a commercial use for the property yet there are not city, school or county taxes paid on the property. As a taxpayer I object to a commercial use in my neighborhood and I would as that you don't approve this variance. There are other uses for the property, maybe already

some of the uses that have already been applied for but this application is way too broad in my humble opinion. Thank you.

Ed Darrow: Thank you. Is there anybody else wishing to speak for or against the application?

Dan Fleischmann, 156 South St.: I'm opposed to Ministro Ministries' zone variance application. Regarding the housing variance, I'm relying on the statements of James Breslin of the Auburn Homeless Task Force stating there was no need for more homeless veteran housing in Auburn. I'm also concerned about the supervision of the 13 people Mr. Henty stated are living there. He mentioned he's the only one supervising 13 people and that would be 24 hours a day, seven days a week. Seems to be very under supervised. I also am concerned because I did read about an arrest of a person who listed his address at 108 South St. This was in June of this year. I have problems with the youth programs variance. Currently Auburn has youth programs at the YMCA which is half a mile away and at Booker T. Washington which is two tenths of a mile away. Both are experienced centers and provide excellent programs for local youth. I'm also having concerns with the facilities for special events especially the subheading private events. The neighbors do not want a commercial venue providing business meetings, funeral parties, weddings, birthdays, communions, fund raising dinners and other social events. We do not want a commercial operation opening in our neighborhood. I also have concerns regarding the broadness of this application and how it seems to be morphing. At a recent event Mr. Henty announced a grant to build a veterans' memorial in the swimming pool room in the basement of 108 South St. He also stated that two rooms would be used for guests, presumably paying guests and apparently it's being advertised. Neither of these are in his application. At one of the zoning board meetings that I've attended, I think it's been 5 or 6 in the last 2 years, it was stated that the board likes to look at what the neighbors are looking for and hear what the neighbors say. We have a petition signed by 58 homeowners on MacDougall St., Swift St., Hamilton Ave and South St. opposing this variance and I hope you that you do listen to the neighbors. Thank you.

Ed Darrow: Thank you, sir. Is there anyone else present wishing to speak for or against?

Roberta Danvers, 109 South St.: I thank you for reading my letter but in addition to this I would like to say that in I believe 1991, the city contacted all of us on South St. for a meeting saying that we will be the historic district at a local, state and national level. There were a lot of questions on what we can and cannot do and there were lots of answers. However, we were promised, and we were assured that in our residential historic district there would not be a restaurant or café, there would not be a school, there would not be an athletic center. We were promised there would not be a hotel and yet this is what I see is happening. Everything that we were promised would not happen so that we could stay residential is now changed with one property. I would like to reiterate there is a lot of noise, even

when these events are indoors. I hope you notice the residents climbing the walls and walking on the roof, I think this is really inappropriate. Thank you.

Ed Darrow: Thank you, ma'am. Is there anybody else wishing to speak for or against? Please give your name and address for the record.

Lori Carlick, 143 Woodlawn Ave: I've been a member of 1st Presbyterian for 30 years. I think certain people in this community should be ashamed of themselves because they don't want things in their backyard. We tried to sell the property for several years, we didn't have any decent takers. Maybe the neighbors would have been happier if we'd sold out to a restaurant and bar combination. I just think Michael Henty is trying to do something good here and he should get supported for it. I guess that's it. Thank you.

Ed Darrow: Is there anybody who has something new to add?

Wendy Marsh: Asks if public can speak again.

Ed Darrow: No, sorry. Miss Marsh I'll give you a few minutes to rebut.

Wendy Marsh: I really wouldn't necessarily say it's rebutting. I would encourage the board to allow people to continue to speak if they have further things to say. It is a public hearing. I represent municipalities, we do the same thing with the minutes but it really is a requirement to allow people to continue with the public hearing so I would just ask that. The only other point I would like to make, based upon what other folks have said is, if this use variance is granted there is nothing that would stop them from demolishing the Case Mansion. Let's not forget about how important a use variance is for property, again as far as making it specific. I would hope that would be the future use. And again I would encourage you to allow folks that want another opportunity to speak to give them that opportunity.

Ed Darrow: Thank you. Counsel for the applicant? Do you have any summation?

Andy Fusco: Are you going to close the public hearing?

Ed Darrow: Not yet. I was going to let him speak then close it.

Andy Fusco: He's not a member of the public.

Ed Darrow: I haven't seen anybody else that wants to speak.

Andy Fusco: We need to ascertain that.

Ed Darrow: I asked. Is there any else new that wishes to speak.

Audience member: [inaudible]

Ed Darrow: You've already spoke ma'am.

Audience member: [inaudible]

Ed Darrow: Yes, please.

Dianna Flannigan, 104 N. Lewis St.: I picked up this brochure awhile back about attractions in the city of Auburn. According to this pamphlet it says, "The two mile stretch south of the Seward House Museum is a designated historic district full of magnificent homes showcasing various styles of 19th century architecture." Well I was driving past the Seward House the other day and decided to find out exactly where the two miles was. From the Seward House it runs just past the Tubman Home, if this brochure is correct. In that district there are many forms of businesses besides the Case Mansion and our church. There are also doctors' offices, funeral homes, there is a hotel, there is King's and Queen's court, there is a pizza parlor, there is the armory, several funeral homes. They're talking about this being just a historic district. There are already all kinds of businesses in this district. I don't think what Mr. Henty wants to do, is partially residential anyway, I don't see that he's out of line with what's already there. Thank you.

Ed Darrow: Thank you, ma'am. Is there anybody else that has something new to add? Is there anybody else that has something new to add? Counsel for the applicant?

Andy Fusco: Close the public hearing then ask counsel to summate.

Ed Darrow: All right. I'm going to close the public hearing so we can discuss it amongst ourselves.

Andy Fusco: You can ask counsel to sum up after you've closed the public hearing to the public. The attorneys are not members of the public.

Ed Darrow: I know they aren't. Would you like to run the meeting?

Andy Fusco: No.

Ed Darrow: All right then. Are there any questions for the applicant's counsel from board members?

Counsel, could you please approach?

Sue Marteney: I have a question for you. If Ministro Ministries a 501C3 or another designation?

Michael Henty: Yes.

Sue Marteney: It's a 501C3?

Michael Henty: Yes.

I just need to correct a few things. We'll start with James Brelin's statement back in June. You are correct when James gave you that information about the number of homeless veterans in the area. He could not give you those numbers because he wasn't allowed to but over the past year and a half the number of homeless veterans is absolutely amazing in terms of our military men and women who have come back who do not have homes in this county. Chapel House is full and they're using all their HUD-vouchers for the veterans. And he will supply you, if you'd like, with the numbers of all the veterans that have been served over the past year and it's quite a few. I think it's in the number of about 64 in our community. With no disrespect to, I'm not sure of his name, there are homeless veterans and there is a great need for that. And we do receive funding from an organization actually, Thomas who got up and spoke today, he did receive two months, security deposit and a month's rent from SoldierOn*, which is a VA organization that helps veterans when they're just getting started and they will continue to help until he finds a job and is able to pay rent on his own. So

Sue Marteney: For clarification, is SoldierOn a government entity or is it a private organization?

Michael Henty: I am not sure whether it's a foundation or a government agency.

Sue Marteney: Is it part of the Veterans Administration?

Michael Henty: Thomas, do you know the answer to that?

Thomas: [inaudible]

Sue Marteney: But is it part of the Veterans Administration?

Thomas: [inaudible]

Michael Henty: Yeah, I'm not sure that it's an actual government agency but it is something that helps the funding. As far as, and I apologize as far as the advertising, I know that we stated. That website was made at the very, very beginning, when we first started this, the whole thing, and we did list the things that we wanted to do there so if in anyway that website looks like we're advertising, that we do weddings, again, the limitations that we place in the use variance does not turn it into being a Holiday Inn that's constantly doing these things. We have a limited number of those types of special events that we do. The guest rooms that we keep in the mansion, I do keep two guest rooms, but not for people to call and say, "Do you have a hotel there?" or strangers. An example is Wednesday night I

got a phone call from a couple, 85 year old couple, that said, "Could I please stay at the Case Mansion?" They informed me that their mother was a chambermaid for the Case family and the father took care of the pool. I said, "Sure. Absolutely." "Is there a fee?" "No. You're welcome to stay there." Mark Marrow, if anybody remembers him, I've brought him into the city a number of times, he's based out of Orlando. He came in to speak to schools. His staff from Orlando, again he is a non-profit organization, came to stay there. We have those rooms available for guests but not in a hotel type of setting. The director of photography for the new film that's being produced, he flew in from LA and stayed there for four days. Al Steigerwald asked if there is a place for him to stay. So that's what those guest rooms are used for as well as any family members that are coming to visit any of our residents. I wanted to note that the Case Mansion is, I mean you have the Seward House and all the way to the Harriet Tubman Home, you have the Methodist Church and the 1st Presbyterian Church which we are in between. The Methodist Church and the 1st Presbyterian Church does all the activities that I'm proposing at the Case Mansion. They have square dancing and bazaars, and they work with youth, they have all sorts of all those types of social activities at the actual churches that are right in between us, right across the street from the Divinneys'. And music is coming out. So this is not a different use. This is a very unique structure and people are drawn to it. And like that father daughter dance it just made for a very unique setting. And we've created some very special memories for the community. The neighbors, I want to point out, have a petition of 50 people on there, but we have to note that it is not 50 separate addresses but multiple people in the same household. When I embarked on this particular calling, or whatever you want to say, to take over the Case Mansion with this ministry I knew there would be many challenges and I thought most of them would be involving the financial aspect of trying to restore the Case Mansion and try to get programs up and running. But I did not believe in 2013 that I would come up against some of the discriminatory type of attitudes that I've experienced about the people that are coming to stay there. When we decided to compromise, not doing weddings, I believe many of this was exaggerated, we only did three weddings, all we did was three weddings, and they ended at 11:00. I always walked the neighborhood to make sure the noise level is down low. I actually got into somewhat of a fight with a bride's father because I asked the DJ to turn the music down because I thought it was a little bit too loud. I have never wanted to disturb the neighbors, ever. So we took that part out of the application and then we were given a counter proposal that I thought was very degrading to the people that live there, asking them to not have conversations in the parking lot, not to have guests in their home and not to be allowed outdoors. The people who have come to stay there are like all of us. And there's people that got up and spoke and they've had problems with their families and their children and themselves with alcohol and drugs. We're in this together. I just feel that we have to join hands on something like this and realize this is not something that is going to disrupt the neighborhood. Maybe we're going to make the neighborhood stronger. I thank you for granting us the use variance, we've been able to touch a lot of people's lives in that last year and a half and I hope you will allow us to continue to do that. Thank you.

Ed Darrow: Thank you.

Kevin Mendillo: Ladies and gentlemen, seeing as how it's getting so late I'm just going to try and be as brief as possible. There's been some discussion about our application not satisfying the four elements required for a use variance. I just want to state again that although this is a new application that Judge Ann Marie Tadio, as attached in addendum D to our application, found those four elements in our favor. The fact that this is a new application doesn't change any of that. For example, she found that the property cannot realize a reasonable return as presently zoned. The fact that this is a new application isn't going to change that finding, it's still the same whether it's a new application, the same application or a revised application, it's still the same, that finding has been made and is law of the case. Those four elements have been found in our favor as set forth in addendum D, the March 25, 2013 decision by order of Ann Marie Tadio. Thank You.

Audience members talking.

Ed Darrow: She had, you had your chance before when I called you.

Wendy Marsh: ...legal decision that is incorrect. All I ask is that your lawyer give the issue...

Ed Darrow: Then keep your comments to that, Miss Marsh, keep your comments to that.

Wendy Marsh: Judge Tadio dismissed the variance that this board approved. She said that the application wasn't even clear as far as what you had previously approved. How in anyone's name can there be a finding that those uses are not detrimental to the neighborhood? In fact she's very specific to say that she can come to no conclusion on the character of the neighborhood. She couldn't even tell what it is that you approved.

Ed Darrow: Thank you. We understand what you're trying to say. At this time I'd like to ask our counsel exactly.

Andy Fusco: Thank you, Mr. Chair. Well the first thing we have to do is the SEQR review before I instruct you on the law and ask for various motions and seconds. First of all, and I think you have it in your packets, the counsel for the applicant provided us with the environmental assessment form back in June or back in May. I'll go over it for those who didn't bring it tonight. We have to use the long form because we are in the historic district and the long form is required. There are 20 questions we have to answer. Reviews questions and answers of long form EAF with board.

Question 12.

Andy Fusco: Since all the work is on the interior can we agree that even though, yes, it's affecting this historic building that the impact is small to moderate?

Ed Darrow: Being that it's all inside I feel there is no impact.

Sue Marteney: Is the building itself listed on the National Register?

Andy Fusco: No, it's not on the state register but it is a historic site. And I think, in my personal opinion, I think it's a historic building.

Susan Marteney: [inaudible]

Andy Fusco: I know it's not a designated historic site. But don't you feel that's a historic building?

Susan Marteney: That would be [inaudible]

Andy Fusco: And it depends. For example, Ed agrees with you. He thinks that question ought to be answered no. So I'll defer to you. My recommendation would be yes but moderate but no would be a valid answer as well. We need a consensus of the board.

Scott Kilmer: It isn't officially recognized as a historic site but I feel a lot of people around the area think that it is.

General consensus of the board is the effect is small to moderate.

Question 15.

General consensus of the board is the effect is small.

Question 17.

General consensus of the board is the effect is none to small.

Question 20.

Andy Fusco: We just had this conversation on Council a few weeks ago. In that instance we hired a professional planner and he stated that there may be public controversy with the project but does it relate to the environment and the answer is no. So I would tend to answer question 20 yes just because obviously it's a controversial project but those of you who feel the answer is 20 should be no I can go along with that as well so I will defer to you folks.

Ed Darrow: It does say explicitly, related to potential adverse *environment* impacts.

Scot Kilmer: It's related to the SEQR itself rather than the use variance.

Andy Fusco: Correct. I don't want that next to my house, or I spent a lot of money at my house and that's not what I want. Those kinds of controversies don't really have to do with the environment although some people in the audience might say that's the environment, we want a quiet neighborhood that's why we're here. Again, I'm going to defer to you.

Scott Kilmer: When I read the question I assumed it to mean is there going to be controversy regarding the SEQR.

Andy Fusco: That's the way Ed reads it, too.

Deb Calarco: And that's the way I read it.

Andy Fusco: Do we agree to the answer "no"?

General consensus of the board is the effect is none.

Andy Fusco: Having found no potentially large environmental impacts in our review of those 20 questions I would ask for a motion and a second declaring a negative declaration and authorizing the chair to sign accordingly.

Ed Darrow: Chair will accept a motion for negative declaration of the SEQR review for 108 South St.
So moved by Matt Moskov, seconded by Deb Calarco. All members vote in favor.
Motion carried.

Ed Darrow: If counsel would please charge us.

Andy Fusco: As all three attorneys that we've heard from tonight; Miss Stankus, Mr. Mendillo and Miss Marsh have reminded us, there are four elements that you need to find specifically in finding in favor of the variance or find against if you're not in favor of the variance. And those four elements are as follows:

You need to determine that the property cannot realize a reasonable return and that the lack of a reasonable return has been demonstrated by competent financial evidence which the law calls dollars and cents proof. I'll remind you that, while we didn't hear a lot of that sort of thing tonight there is some of it in Mr. Mendillo's application that we have before us, but more importantly, the first thing you did tonight was incorporate by reference all of the dollars and cents material that had been adduced a year or so ago when we heard this the first time and Mr. henty was represented by a different law firm at that time. So you'll have to make a finding on that.

The second thing you'll need to make a finding of is that the alleged hardship related to the property in question is unique and does not apply to a substantial

portion of the district or neighborhood. What that means is if there's a problem that 108 South St. suffers that's not unique to 108 South St. the remedy is a zone change not a variance to one piece of property. I think it's obvious that doesn't apply here.

Three. The requested use variance if granted will not alter the essential character of the neighborhood. We heard a number of residents in or near the neighborhood speak in favor of this project and against this project. All of that testimony and all that we heard the last time the neighbors spoke go to that issue as well as Mr. McIlvain, we do have some material in the record as to what Unity House did or didn't do there in the 40 years they were there prior to this use. Dr. Kilmer specifically questioned, as a matter of fact, how accurate some of that information we had previously about what the activities that Unity House had were. We heard first hand tonight from Mr. McIlvain on that and I think that goes directly to that issue.

Number four, the alleged hardship has not been self-created and Miss Stankus spoke to that as well. So those are the four elements that you need to find in favor if you vote in support of this resolution, in favor of the use variance. Regarding the issued that have been here tonight and exactly what we have to do. You've heard Mr. Mendillo argue that Judge Tadio already found these four elements in their favor and to a certain extent she did so that what I would ask you to do is perhaps ratify your previous findings of financial hardship, of the uniqueness of the hardship, that the hardship is not self-created and the essential character of the neighborhood is not negatively impacted. You can do that by ratifying your prior decision but as Ms. Marsh does caution, one of the things Judge Tadio was divided on is that it was hard for her to figure out exactly what the uses were and I remember Rich raised that question and I think Doc raised that question and I remember Deb raised that question the last time we were here. So the fact that Judge Tadio gave a clear, what I would feel, law of the case ruling in favor of these four elements, you can't really make a decision in a vacuum. You have to be able to apply them to the specific use that's been presented to you tonight hence my request to Mr. Henty and to Mr. Mendillo that be as specific as possible in itemizing out exactly what are the uses which you all have before you. And then there's one aspect of the matter that's not part of the statute, I think that you need to discuss amongst yourself when it comes time to the vote, is that you understand what it is you're being asked to grant for a variance. The number of neighbors have argued that it's ambiguous, that it's not specific enough. Mr. Mendillo argued that it's very specific with a breakdown of the hours and the number of people and that sort of thing. So those are the two sides of that issue you six will have to decide on whether you come down in favor of ambiguity or you feel it's precise enough now in its amended form to be able to vote on. So do you understand your mission? OK.

Ed Darrow: Perhaps, in our discussions, start looking at reasonable return on investment. Now, is there a reasonable return? Would this dwelling, with 16 bedrooms, to be had without the use variance for the activities?

Andy Fusco: And it may be more than 16. There's 16 in use now but my recollection is 63 rooms. 63!

Ed Darrow: I was referring to bedrooms. And for the specific uses that Mr. Mendillo first spoke of at the beginning of the hearing.

Scott Kilmer: We just go this tonight but I'd like to refer to Ellen Cotter's information she brought tonight. I don't know if we've all had a chance to read it but if her numbers are correct, based on her figures, she basically says that he doesn't need the other applications if he rents out the 16 bedrooms at the rates she prescribes them. Basically she's saying the added variance measures don't need to be put on with the housing.

Ed Darrow: I did see that and I reviewed it but we have to take into question the actual expenses of that building. Is she aware of the actual expenses? So without being aware of the actual and physical expenses how can somebody that's a third party to the fact come up with a plan to turn a profit?

Sue Marteney: [inaudible]

Andy Fusco: I see what Ellen did here. Let me try to explain to you as a matter of law how the law asks you to determine no reasonable return. There's basically one of two methodologies of doing it. You determine what is the applicant's basis in the property and then what reasonable return they can get from putting it to a legitimate use in the zone and it would be Mr. Henty's job to prove that to you not Miss Cotter's job to disprove that to you. She didn't use that methodology that's called the crossroads method in New York law. While I appreciate her input and the fine work she did in this, that's not the way the law looks at it. The other method of proving no reasonable return is what we relied on last year when we made our decision last time. We heard the testimony of the pastor and I think the gal that was the nurse here today say, "Look, we marketed this thing for a long time. We couldn't get any takers." There are a number of cases that say that type of discussion where you've really tried to market something and could not get any takers except for somebody who wanted to turn it into a bar and the church didn't want to do that for what I think are obvious reasons, is evidence of financial hardship. So we heard that not only last year from Pastor Winter but we also heard it tonight from the young lady who had the nurse's badge, and I forget her name, I apologize. But that's the kind of proof the law looks for in adducing financial hardship.

Sue Marteney: [inaudible]

Andy Fusco: No, it's the hardship with the property. The hardship of the property. Not the hardship of the church, not the hardship of Mr. Henty. The hardship occasioned by having to maintain a 63 or 64 room home and heat it, and all the other things to maintain it. Those types of things.

Deb Calarco: When we first looked at this, were we not told that as far as bed and breakfast and certain other things that this would not be able to meet code, we wouldn't be able to put enough, we're only allowed so many rooms for a bed and breakfast within the city. So many rooms for an apartment, if we were going to turn this into an apartment it would only be allowed to go so large. So even if we were looking at this that was handed to us today it may not fit the criteria, it may not be able to be done anyway because he other zoning laws, or the other permits would not allow that to happen.

Ed Darrow: And that speaks to Mr. Henty's side of proving it.

Deb Calarco: That's why I'm saying that, I thought that was done.

Ed Darrow: So the reasonable return on that property, are we clear on where we are on that as far as the four go? Next we have; is the hardship unique? Uniqueness speaks to the character of the building, the property itself, the size. I don't think any of us could say the building is not unique and the hardship to that building is not unique. When you break it down to size, to bedrooms to living rooms to corridors to a massive basement pool; does anybody feel that that is not fitting here?

Deb Calarco: I think it's very unique.

Matt Moskov: Very unique.

Scott Kilmer: I think everybody would agree. That's why it's such an emotionally charged issue. It's a very unique property.

Sue Marteney: I think there are other building on South St. that are equally unique, perhaps not as large. The Warden's house is certainly a unique building and it's perhaps half the size of this building. I don't think there are any houses of that size in Auburn.

Scott Kilmer: I think in and of itself that's what makes it unique.

Ed Darrow: So it is our consensus that it is a very unique building. Okay. I'm going to go to self-created. Now, is there any that view that this was a self-created hardship? Did the church go out and recklessly purchase this property?

Deb Calarco: They owned it and had it.

Ed Darrow: That's it. They owned it, they had it. Unity House was there for how long? Unity House bailed so, I don't really see where the hardship was self-created. I think the true hardship really started hitting when Unity House left and they had this beautiful, massive mansion. And what do they do with it now? And

they tried to market it as past testimony has shown to no avail. So are we pretty much in consensus on that? I see a lot of yeses. Now, last, and probably the most important, will this change the character of the neighborhood? What events and other activities they're looking to host there, is it going to change the character of the neighborhood? To me it's, is it going to change the character of the neighborhood in the negative way.

Scott Kilmer: That's the part that I can't swallow. First of all I'd like to thank everybody that came up to the podium to speak tonight. It's not an easy thing to do, it's not easy for us, we're not professional speakers. It's definitely an emotionally charged issue and it takes a lot of guts to come up here and give your opinions on both sides. The hardest part I have is, it already has changed the essential character of the neighborhood. We have a chance to make it right. There's a legal definition of a neighborhood and it doesn't include the whole city of Auburn, it includes the neighborhood. There are feet, a square linear footage and I just can't recall what they are but it's interesting to note that almost to a person the entire neighborhood that spoke tonight was against this proposal and all those that spoke for it didn't live there. The ones that do live there, they're stuck with what we decided and that's the hard part because it has changed and it will continue to change. I think this thing has the potential of morphing into something completely different in ten years. Mr. Henty kind of intimated tonight that well, if we get hooked up with an educational institution and grant degrees well we'll take it. There's a mention on the website that it's in with the inns. It's advertised with the sections of inns on the internet. There's money supposed to be, I heard somewhere where they're talking about refurbishing the pool, that's not in the use variance. This thing is constantly going to change. I don't see how we can hold him accountable to anything once it's granted. The big thing is we have to also remember this goes with the property. I don't think anyone would argue Mr. Henty has got some wonderful, I commend him on what he wants to do, I just question the venue in which he wants to do it. These things are huge undertakings, they're honorable, they're wonderful and they serve a great purpose but by in large it's a residential neighborhood and you have to remember, we can't tell the future, but suppose the church says, "Hey, we can't afford this, we're going to sell it" and some clown from Brooklyn buys it. He doesn't give two hoots about that neighborhood. The variance goes with the land and the honorable intentions that Mr. Henty has put before us tonight, they can be completely different if they are in the hands of somebody else. That's my biggest concern. We've got a hotel, a youth center, a BOCES, a plumbing center, a banquet center, it goes on and on and I think what we're going to find is you throw it against the wall, see what sticks, if it doesn't we'll try something else. That's my biggest concern.

Matt Moskov: I have to agree with Mr. Kilmer on some of those concerns. As a vet myself Mr. Henty should be commended or anyone should be commended to try to reach out to those who serve their nation. Over the past year and a half I've seen the character of the neighborhood change and it's unfortunate but there's definitely a big concern. We have to set personal feelings aside and there's been

a lot of personal feelings brought up tonight and it did take courage to do so but we are a nation of laws, evident by the fine lawyers in the room tonight and we must set personal feelings aside but what [inaudible] wonderful projects. And the neighborhood I agree is that neighborhood, it's not the city of Auburn. And how is it affecting that neighborhood. And that's definitely a major concern as brought forth by the people who live in the vicinity of the Case Mansion.

Sue Marteney: I would also congratulate Mr. Henty on his [inaudible] to help the vets. The situation that men and women come back from, as a nation we should help them. I think that that particular use for the Case Mansion is incredible. At the same time I find that the other uses continue to be very vague and far too broad and that makes me uncomfortable. Also, the fact that the Historic Resources Review Board voted against that and it's also a city commission which we are to take into account their decision for this particular designated area in our community and in our neighborhood leaves me to be uncomfortable with the broad scope of services that would be offered. And the change that it would have on the neighborhood. And I do think that it would have a change on the neighborhood. The opinion of the neighbors certainly voices that. That it has changed the neighborhood. And I know that you say you're going to change things but certainly, Scott, you do live across the street, you've seen things happen there. I don't think that we will have control over what will happen there and I think we don't have enough.

Ed Darrow: Mr. Parker, your thoughts.

Doug Parker: I'm in agreement that I commend Mr. Henty about his plans and the progress that he's made there but in good conscience I can't support giving that piece of property the open endedness that a yes vote would bring. In the future if he is no longer present and someone else is in charge it means there's a new set of operation procedures that could go along with it and there will be no retraction from that by this board. Once we give them the green light to do whatever they want with the property we can't go back and readdress that.

Deb Calarco: Unfortunately I have the same mindset. When this first came up I thought this would be a great opportunity and I actually did go in favor of it. What I'm seeing now though is not anymore constraints or being told how it's going to be done, how it's going to be supervised, how it's going to be managed and I would have hoped an amendment to that would have been shown and I really don't see that. The other thing I want to know if it was ever considered is, and I guess this a question to the attorney, can something like this be limited to the church and to an individual when a use variance or this type of variance is ever being proposed. And I'm not saying for right now but it's just a question, is it something that this board is able to say, "We would, yes, do it but it has to stay."

Andy Fusco: Yeah, probably the answer to that is no because what you're suggesting is a license and a use variance is not a license. It's not revocable

because somebody, the church leases it to somebody you don't like as opposed to somebody you do like. Now where the city got off track on this case in the first place is that's essentially what they did with Unity House, they gave them license. And I don't see anything in the code for the authority for them to have done that. Interestingly what Mr. McIlvain told us tonight is essentially exactly what Mr. Tehan had told us a year ago and Dr. Kilmer disagreed with that, he knew somebody who worked at Unity House in the last ten years of its existence but Mr. McIlvain, who was there for the entire 40 year tenure of Unity House, not just the last few years when it started moving into other facilities off campus or new sites. Mr. McIlvain paints quite a picture and one of the lessons of law is that you put a piece of property to its highest and best possible use so that it can be argued that what Mr. Henty had proposed is not really substantially different than what had been conducted there in years gone by. The problem, of course, is the mechanism by which it was conducted. This license thing that the city gave them and said, "Okay, you can only have x number of residents" and all that sort of thing. Perhaps the code was different back in 1973 and 1977 but certainly not under the present code could you do that. Use variance runs with the land.

Deb Calarco: If that's the case then I don't feel that in conscience, especially seeing that I don't see the kinds of constraints that would be needed to ensure that the neighborhood would stay the way it should and the neighbors would be comfortable with what's happening.

Andy Fusco: Do understand the neighbors being comfortable with what is happening is not the standard of law.

Deb Calarco: I understand that. I might be using the wrong terminology.

Ed Darrow: My personal feeling is originally Judge Tadio sent this back to us for clarification. In that clarification she wanted addressed what uses, specifically, were going to go on in there. I feel the applicant addressed those uses. Do we feel those uses are proper in that neighborhood? Do we feel those uses are going to change the character in that neighborhood. That's where each and every one of us has a separate opinion. I also think that perhaps a little of this may also be the fact that everybody wants to see good for the veterans, programs for our youth which are our future, keeping kids off the streets and their hands busy, like they say 'Idle minds cause trouble'. If they're in taking part of these activities I personally feel it's going to help develop better citizens for our community. But I think some it also boils down to, for lack of better term I'll call it event center, I think it may be part of "Yeah, those are all good ideas but not in my back yard." And that's something that we have to think about. So I can vote with a clear conscience whenever anybody would like to make a motion. Please remember, motions have to be in the affirmative.

Chair will entertain a motion.

Scott Kilmer: I would just like to make one more comment. I don't think anybody has an argument with what Mr. Henty wants to do. I think the thing we have to keep in mind is where it's being done. I think it's been expressed by a lot of board members here and certainly the neighbors who live in that area, that it would, has and will continue to change the character of the neighborhood.

Ed Darrow: Doctor, I can completely understand and sympathize because several years back they wanted to put a bunch of apartments in between Belmont and Mullin Drive and that's down in my neighborhood. And I was completely opposed to it. And I tell you not more than nine months after the apartments were gone at night my had laundry stolen off the line and one of my kid's bicycles was stolen. So I completely understand the changing of the character of the neighborhood.

Motion?

Deb Calarco: I guess I just have a question. Sometimes change to the neighborhood, good or bad, I'm really not sure where I want to go with this.

Matt Moskov: I think Mr. Kilmer made a great point though. If something should happen, someone from Brooklyn takes over the property, its worst case scenario obviously that we hope we would never get to, but also think about the long term future of the neighborhood in that case. Again, worst case scenario but something that's weighing heavy on my mind right now.

Deb Calarco: I agree with you.

Scott Kilmer: I think you've had a lot of examples as to people talking about how it has already changed. It's already there, it's already changing. It's going to continue to change. And not for the good.

Ed Darrow: Anyone willing to make a motion?

I'd like to make a motion then, from the chair, that we approve a use variance for Ministro Ministries at 108 South St. for the purpose of a use variance for the activities noted in the earlier presentation.

Matt Moskov: Second.

Sue Marteney: [inaudible]

Ed Darrow: That's what we're looking at is a use variance for those uses. Correct me if I'm wrong, counselor.

Sue Marteney: Is that what it says on the application?

Andy Fusco: The application is amplified by a four page document by Mr. Mendillo saying these are what the uses are and it's that four or five page document that the chairman...

Ed Darrow: Yeah, that I referred to.

Andy Fusco: As I understand it the application was amended by Mr. Mendillo to specify and ultimately, in fact, change at least one of the uses he had originally proposed.

Ed Darrow: Roll call.

Susan Marteney: Based on the consensus from Historic Resources Review Board and the opinions of the neighbors and the consensus and the lack of detailed information about the activities that are going to be taking place there or might be taking place there, I vote no.

Douglas Parker: I vote no.

Matthew Moskov: Not an easy one but no.

Debra Calarco: I again say no in addition to the same reasons. Susan had my other one and probably one of the strongest ones is the fact that this becomes life use and we don't know what's going to happen down the road and who's going to have it, and what could happen. I don't want to give that kind of license.

Scott Kilmer: No.

Ed Darrow: I vote yes. I feel it's a very unique building. I feel the gain outweighs the small inconvenience that may come to the neighborhood. I feel it's a very unique piece of property and there are not many other uses for that piece of property.

I'm sorry your application was denied.

Please feel free to leave before we conduct other business.

As they're filing out of the room, my first question, besides receiving hard copies this evening, did everybody see the minutes from June and July in their email and were they able to review them that we can adopt these minutes? All right then, are there any additions, corrections or deletions to the minutes of June 24, 2013 as received. Then they stand approved as read.

Are there any additions, corrections or deletions to the minutes of July 22, 2013?

Sue Marteney: I believe that you were not here.

Deb Calarco: For July?

Sue Marteney: Her comments are my comments.

Ed Darrow: So noted. Any other corrections, additions or deletions? Then with that being said may we adopt the minutes. All right, minutes from July 22, 2013 are passed.

Anything that needs to come before the board?

All members, so you know, we do have a vacancy. If you have any knowledge of anybody willing to serve the city. The only drawback is they have to be republican because we have to be an unbiased board and we lost a republican so we have to fill it with a republican. So keep that in mind and if so, filter the name to me and to Andy so we can get it before the mayor and get that seat filled because it's tough when you're only running with six.

Andy Fusco: Thank you everyone for coming tonight.

Ed Darrow: I've got to say I thought everybody did a great job. You deliberated and really thought about every aspect.

Andy Fusco: That's what it's all about.

Ed Darrow: You can go off the record now, please.
Meeting adjourned at 11:07.

*<http://www.wesoldieron.org/>