

ZONING BOARD OF APPEALS
MONDAY, JULY 28, 2014

Members Present: Susan Marteney, Mario Campanello, Ed Darrow, Deborah Calarco, Matthew Quill, Stephanie DeVito

Absent: Scott Kilmer

Staff Present: John Rossi, Corporation Counsel; Brian Hicks, Code Enforcement

APPLICATIONS APPROVED: 12 McMaster St., 78 Franklin St., 38 Lake Ave, 33 Bradford St.

APPLICATIONS TABLED: 56-58 Clark St.

APPLICATIONS DENIED: 100-102 Clark St.

Ed Darrow: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm board chairman Edward Darrow. Tonight we will be hearing 56-58 Clark St., 12 McMaster St., 78 Franklin St., 100-102 Clark St., 38 Lake Ave, and 33 Bradford St.

56-58 Clark St., Calcagno, board members, they have asked for another one month adjournment. Any problem? Motion for one month adjournment? So moved by Stephanie DeVito. Any opposed? May the record show that 56-58 Clark St., Joseph Calcagno, has been adjourned until the 25th of August, our next regularly scheduled meeting.

12 McMaster St. Area variance for parking lot side line buffers. Applicant: Community Computer.

Ed Darrow: 12 McMaster St. please approach. Please give your name and address for the record, sir, and tell us what you'd like to do.

Mike Palmieri: I'm representing Community Computer and we're proposing to add 27 parking spaces to an existing parking lot that's there right now. The address is 15 Hulbert St. is the address of the business. The parking lot is on the west side being McMaster St. We've approached the Planning Board and we've gone through the first phase of the Planning Board and we've been, what we have is that we bought up against a residential district on the south side of the property so we're proposing there to provide a four foot buffer and a fence. We have an existing chain link fence that's there right now. What is the owner has brought property to the north side of that parking lot that belonged to the State and we're trying to expand it to that area, the additional parking spaces there and that's where the approximately 27 spaces is what we end up with. So Planning Board has turned us to the Zoning Board of Appeals to get acceptance for the buffer that we're proposing.

Ed Darrow: Now if you were to adhere to the 60 foot buffer as required that would basically render the loss of how many parking spots?

Mike Palmieri: The property itself is 49.5 feet deep.

Ed Darrow: Therefore it would render the entire lot useless.

Mike Palmieri: Right. We've been here before on other parking lots in that area and we've provided buffers and fencing. That whole south-west corner of that lot, that corner is basically residential other than Community Computer so we've provided parking at the Arterial, we have parking on other west locations and we've done the same and the owners keep it up and do a nice job of maintaining it. So it's just one more piece that we're proposing and asking for. The employment, they've hired additional people and parking has just been an issue for them so they need the parking desperately.

Ed Darrow: Any questions from board members? None? Sir, please feel free to be seated but we reserve the right to recall you.

Mike Palmieri: Thank you.

Ed Darrow: Is there anyone present wishing to speak for or against 12 McMaster St.? Seeing none and hearing none I will close the public portion of this so we can discuss it amongst ourselves.

Thought? Concerns?

Susan Marteney: It's a viable use for space that couldn't even have a house built on it now. It's much too small for that. And they certainly need space to keep their business going.

Matt Quill: The property is always well maintained.

Ed Darrow: They've always been good neighbors. Chair will entertain a motion.

Susan Marteney: I make a motion for Community Computer, Gary Cuthbert, at 12 McMaster St. for an area variance of 56 feet of the required 60 foot buffer and an area variance of 168 planting units of the required 180 plant units because the applicant has proven the following five elements:

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

Ed Darrow: We have a motion, is there a second?

Deborah Calarco: Second.

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

All members vote approval.

Ed Darrow: Your variance has been approved. See Code Enforcement before proceeding with any plans. Thank you.

Before proceeding further, Mr. Salva? I know last month you were here in reference to 127 Chapman Ave. I just wanted to let you know it does not appear on our agenda for this month. I don't know if they withdrew it. They didn't ask, I'm unaware if they've asked for an adjournment again but, so they're not on here so I'd hate to have to see you sit through the proceeding if you so do not wish. But we will not be hearing anything on 127 Chapman Ave tonight. You may speak but I do need your name and address for the record, Mr. Salva

Thomas Salva, 30 Willard St.: My neighbor next door, Eric Winks, he couldn't be here because he works for CSX Railroad and he's on the road. These people that are asking for the permit they've got a permit already. They're working on the pool.

Ed Darrow: If you'd please address that Mr. Hicks.

Brian Hicks: When the previous application came in for this area variance for the pool, with our research in the archives we were not able to find any history for the previous variances granted to that property. Due to the 911 address changes on our second search we found that the property was originally addressed as 117 Chapman Ave vs. 127 Chapman Ave and the application was, shall I say, misplaced upstairs in the archives. There was an area variance granted in 1991 for that pool placement. That area variance stands. The permit was issued. The application was withdrawn. So they do have the right to install their pool.

Thomas Salva: But my problem is they drain the pool, they skim the pool all the time and the back of my yard is always muddy. Eric Winks, he bought...

Ed Darrow: I understand the Mr. Salva, we remember your concerns from last month and I can't open a public hearing to that matter because that matter is closed.

Thomas Salva: I understand that.

Ed Darrow: But if you do have concerns of that nature I would highly suggest you address them to Code Enforcement if they're violating any of our Municipal Code as far as where they're letting their water run off from the pool or anything of that nature. Please give Mr. Hicks' office a call to file a formal complaint with him about any conduct relating to the discharge of the water from their pool that may be inappropriate. I apologize for any inconvenience for bringing you up here but this is the first I've learned of it as well, sir.

Thomas Salva: Well they've worked on the pool and they've put a liner in last Saturday and I thought that seeing him coming up here that they would have to wait until...

Ed Darrow: There's our explanation. So I do apologize, sir.

Thomas Salva: Thank you.

Ed Darrow: Before we go on with our next one I need to back step a little. The minutes from the April session, has everybody read them? Are you comfortable with adopting them? Are there any additions, corrections or deletions to our April minutes? Seeing none, hearing none they'll stand approved. How about our May minutes? Are all members comfortable with adopting them? Any additions, corrections or deletions to our May minutes? Then they stand approved.

78 Franklin St. Area variance for parking lot side line buffers. Applicant: Tinkers' Guild.

Ed Darrow: Next on the agenda is 78 Franklin St. If you could please approach and tell us what you'd like to do. We need your name and address for the record sir.

John Mortimer, Rockefeller Rd: We had a fire at 78 Franklin St. which was Tinkers Guild, and we want to rebuild it and at the time of rebuilding it we found that the parking lot, which is part of 78 Franklin St. for 60 – 70 years was used as a parking lot, was never zoned, it was zoned residential instead of commercial so we need that part of 78 Franklin St. rezoned as commercial so we can use it as a parking lot.

Ed Darrow: Okay, well we can't rezone the parking lot but the way the application is written is that we're giving you an area variance to allow parking there in relief from buffers.

John Mortimer: Okay, I misunderstood.

Ed Darrow: No problem, Mr. Mortimer.

Mike Palmieri: We have a similar situation to the last one we did. We have a residential area, there are apartments butting up to the parking lot of the old Tinkers Guild and what we're looking for is a variance for a fence, a six foot high fence. The lot is about 60 feet wide, a very similar situation, 66 feet wide. It's on an angle and we're trying to, we're looking for a variance, trying to get a six foot fence to maintain at the property line is what we're looking for. The buffer again is very similar, the 60 foot buffer, it's something that doesn't work.

Ed Darrow: So to make sure we're correct; you're looking for an area variance of 60 feet of the 60 foot required area variance and an area variance of 180 planting units of the required 180 planting units, correct?

Mike Palmieri: Yes.

Ed Darrow: Okay. Questions from board members?

Susan Marteney: Are you putting a fence in along the eastern side?

Mike Palmieri: Yes.

Susan Marteney: Eastern and southern, and, I can't tell.

John Mortimer: There's a fence there now. We're replacing a chain link fence with a nice wooden fence.

Susan Marteney: Solid fence.

John Mortimer: Solid. It will be done after the building is up so they don't run into it.

Susan Marteney: Just on that one side or down the other side as well, the southern end?

John Mortimer: Just the one side in the back.

Susan Marteney: Will the building be one story or taller?

Mike Palmieri: We're still in the design phase. We're proposing a story and a half so there will be some storage area above and we're going through some design changes there. It won't be a two story building by any chance. We're looking at a story and a half. By a story and a half meaning that we're going to use the roof space as a storage space so the accessibility would be to that attic space for storage.

Susan Marteney: And I see the footprint of the building is a little bit bigger than what is was previously.

Mike Palmieri: The original building was on an angle because of the way the lots were and that was the original footprint of it. We're just straightening things out. We're taking the corner back just to make it more feasible for construction and more space.

Ed Darrow: Mr. Palmieri, would you happen to have another site plan? The one in my packet for 78 is actually a duplicate of Community Computer's. I have the wrong site plan.

Now this looks more familiar.

Mike Palmieri: Once again we've been to Planning Board and we're working out the details with them as far as sidewalks and impervious soils and those type of things, the engineering of it. They've sent us here for the issue of the buffer and fencing, that's what we're here for tonight.

Ed Darrow: Any other questions from board members?

Mario Campanello: This additional parking space, is this additional to what you had before?

Mike Palmieri: This is basically existing. That was there for years, we didn't change anything. All we're doing is we're going to Planning Board basically for the building and site requirements they want in terms of where the building is concerned. We didn't realize about that lot being a residential lot when we first started this thing. We just went ahead and went to Planning Board, showed the parking spaces as existing and found out that this was residential site at one time many years ago. Past owners had just taken it, whoever took the house down, like all things were done here 30 years ago, they just put a parking lot in and started using it.

Deborah Calarco: When you put the fencing up you'll actually have more privacy then than what was in there?

Mike Palmieri: Yes.

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

Is there anyone else present wishing to speak for or against 78 Franklin St.? Please give your name and address for the record.

George Crolick, Minnesota: I pay a lot of taxes in Auburn. I think we've got six places here that we pay taxes on. I grew up on 4 Mann St. which is now 8 Mann St. Maybe twice the time you recall there was a residence in that spot. I'm neither for nor against but I guess I would make a plea that it be done well. A fence is one thing and I think landscaping is something else. You may recall that five points used to be further on and now it's simply four points that's moved up by what used to be Calvary Church. My mother owned two houses on Mann St. which we've watch degrade, the street degrade considerably through the years. In other words property values are practically a joke and to sell property there is not easy. It's become a zone of transition with commercial moving up the street when the previous thing, when five points was modified. I respect and thank the members of this board for the work you do in trying to pay attention but I just appeal to have you recognize what is going on. I've been here three times in the last eight weeks and I've watched for a while the sidewalk in front of what used to be Tinkers with yellow striped on it, not able to be transferred by anybody. You had to go in the road. We've also had the problem of the job on the water main. I also own a piece of property on South St. I would appeal to the board to make sure the job is done timely and neatly and comprehensively. I think that's all I'm trying to share, just do a good job and I respect time going on and that sort of thing but I think that residential properties that are in the fringe do deserve some respect. People live there and noise and that sort of thing is an intrusion. We have a piece of property that doesn't quite back up to yours but it's pretty close. So I think I'm just sharing some thoughts and ideas, thanks for listening.

Ed Darrow: Thanks for your input, sir. Is there anyone else present wishing to speak for or against 78 Franklin St.?

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

Thoughts?

Deborah Calarco: I think the fence they're proposing is an improvement on what has been there in the past and will hopefully ensure even more privacy for those neighbors.

Ed Darrow: I truly, it's one of those unique situations where the history of the building, had it not been for the tragedy of the fire, would still be there. The fact that the parking lot and the spaces, when you look at the 60 foot setback on it, just about makes that parking lot useless. It keeps the cars off the road. I think it's truly the right thing to do. Mr. Mortimer did lose his livelihood there.

Deborah Calarco: It was a tragedy.

Ed Darrow: Any other discussion? Chair will entertain a motion then.

Susan Marteney: I move to approve the area variance for John Mortimer at 78 Franklin St. because the applicant has proven the following five elements:

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

I will go back to say the applicant is requesting two area variances in order to construct a parking lot. One area variance is for a 60 foot of the required 60 foot buffer and the other an area variance of 180 plant units of the required 180 plant units.

Ed Darrow: We have a motion, is there a second?

Matt Quill: Second.

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

All members vote approval.

Ed Darrow: Your area variance has been approved, Mr. Mortimer. Please see Code Enforcement before proceeding.

100-102 Clarks St. Area variance from conversion from commercial to residential. Applicant: Matthew Salemi.

Ed Darrow: Next, 100-102 Clark St. Please approach, tell us what you'd like to do.

Matt Salemi: I own the property at 100-102 Clark St. When I purchased this property it was five units. I applied for a variance to turn two of the units in the front into a restaurant. We had to go to the same variance as we are here today. I was told that I didn't need a variance to do that because it was zoned industrial/residential/commercial in the area. I simply would like to switch that back to what it was originally when I bought it. I would like to change one unit into two apartments. I have this paper from Brian Hicks and it's really incorrect, I don't know if it's the same one you have. It says here we're trying to make six units and it's not correct at all. It's supposed to be going from a four unit to a five unit. The fact of the matter is after it was a restaurant I had called Code Enforcement to ask if I could change the restaurant into a studio apartment for myself and they said yes. I did that, that was okayed. After that I asked if I could change the smaller unit into a pot luck café, which you might have seen that if you live in Auburn. That is the one unit that I'm trying to change into a studio apartment. It fits all the requirements for an apartment, it's more than large enough to be an apartment, it has enough windows, air, etc. Instead of what we have in front of us to change this five unit into six it should be changing a four unit into a five as was when I bought the building. That's about all. I'm ready for any questions you have.

Ed Darrow: So it's your testimony that there are currently four units in there and this one you're looking to convert will make the fifth unit?

Matt Salemi: That's correct. When I bought the property it was five units and I changed the two downstairs in the front into one, making it a restaurant and I didn't need a variance at that time. Now I just want to change it back to two units as when I bought the property.

Mario Campanello: So you'll be going back to a six.

Matt Salemi: No, it never was a six. It was a five when I bought it. What they did was they put a door between the two units in the front making it a four, because if there's doorway then that one unit in the front could be called four. I just want to change it back to the five. I don't know where they got the idea of six from.

Ed Darrow: Try and help me understand your layout a little better. On the first floor, how many units do you have?

Matt Salemi: There's one two-bedroom apartment in the back of the building and in the front there's two doors and...

Ed Darrow: The one on the left and the one on the right, are they each an apartment?

Matt Salemi: Yes.

Ed Darrow: You have three apartments on the first floor?

Matt Salemi: That's correct.

Ed Darrow: How many apartments are on the second floor?

Matt Salemi: There are two apartments on the second floor.

Ed Darrow: So that's five apartments. Now you're looking to add one more apartment.

Matt Salemi: No. What happened was, it's already, the downstairs two in the front, one was an apartment, the other one was...I was given a permit to make it into a little coffee shop and I'm just asking that side be turned into an apartment. The door's still there.

Ed Darrow: The side that was the coffee shop you wish to turn back into an apartment?

Matt Salemi: That's correct. But it really was never an apartment but it certainly passes all the codes for an apartment. The neighborhood is full of apartments. Visions just built 17 houses in the neighborhood, they're all apartments. All we're looking at is apartments in that whole area. Except for Taro that has a plastic factory. It's not going to change or blemish the neighborhood at all.

Ed Darrow: But the thing, the items that pop out of me, I can't speak for the other members, are the area variances, the sizes are quite substantial. When you look at the lot size, a lot size

required for that many apartments is 14,600. You're seeking an area variance of 9,555. That's almost like 60% of the lot size you're requiring an area variance of.

Matt Salemi: If you're looking at the paper I was given today by Brian Hicks it's totally wrong because I'm not asking for a five unit to be turned into a six unit. This information is, it's voidable, we can't use that information. I'm not asking for a six unit apartment building, I'm asking for a five.

Ed Darrow: Okay. Brian, could you please address the square footages and the requirements if the five and six are still in the same square foot category or if new ones apply, please.

Brian Hicks: This application is very confusing to begin with. The information that I was given to calculate these were from a previous conversion application which I do not have with me, this is where we came with the area variances. The square footages you see listed there is for the conversion of any multi-family. It doesn't state whether it be a five, six, seven; it's the multi-family. The code addresses it that way so if this was a four to go to a five we would still be looking at it because what we're dealing with is the property size and what's available for green space, open space for that property. So the square footage is the square footage.

Ed Darrow: So they're all correct. How about parking space? Are those correct?

Brian Hicks: The parking spaces would be wrong. We would need one less than what's required on this application.

Susan Marteney: So it would be a required seven then.

Brian Hicks: Instead of the eight. An area variance we would need six because he's showing two. He does have the availability of two.

Susan Marteney: So it would be five then.

Brian Hicks: It would be five, correct.

Ed Darrow: He needs a variance for five of the seven.

Brian Hicks: Five of the seven required.

Ed Darrow: He has two currently. Okay.

Matt Salemi: I measured my parking lot alongside the building and there's room there for six cars, property that I own. There's parking out in front for four cars. There's also parking across the street, it's a dead end street on Clark St. you could probably fit 10 or 15 cars there. So there's a lot of room for parking.

Ed Darrow: Sorry but we have to go by the City standards for parking.

Matt Salemi: We go by the City standards, that's fine. It's just funny that I come in here and I'm having to defend myself that I don't have the requirements for six units and it's not true at all. I'm here for five units so what is all this?

Ed Darrow: We've straightened out that you're going from a four to a five. We've also ascertained that all the square footages are correct. We've made the necessary corrections to the variance for parking spaces so that we know on here now this is factually correct. Would you agree with that?

Matt Salemi: No, sir.

Ed Darrow: Tell me what is not factually correct on here so it's a matter of record.

Matt Salemi: I don't like the part where it says the area variance of 9,557 square feet of the required 14,600 square feet for six units. I don't believe that's accurate.

Ed Darrow: We've already changed that for five units. We just said it is a five unit.

Susan Marteney: Multiple apartments in the building are the same.

Matt Salemi: But that's going by someone's word who doesn't have a book in front of him and you know for a fact that's the same requirements, for five and six it's the same? It seems it would be less for five than it would be for six.

Brian Hicks: Mr. Chair, the only thing I can offer is that if Mr. Salemi is not happy with this application, right now still may have the chance to table.

Ed Darrow: I was just going to say that.

Matt Salemi: I don't want to ruin it I'm just saying it seems a little funny I come in here and I'm shown a paper for six.

Ed Darrow: I was just going to suggest, if you wish, we may adjourn to the next meeting and you may perfect your application.

Matt Salemi: No. Let's say we go on, let's just say it's not okayed by the board then what happens after that.

Ed Darrow: Unless there's a substantial change you cannot reapply.

Matt Salemi: Cannot reapply.

John Rossi: When you were asked earlier you said you had three apartments on the first floor?

Matt Salemi: Yes, that's what I'm asking for.

John Rossi: You have two existing now? And two upstairs?

Matt Salemi: Yes.

John Rossi: You had two store fronts in that building?

Matt Salemi: That's correct.

John Rossi: And that's what you want to convert into a fifth apartment?

Matt Salemi: That's correct.

John Rossi: Okay.

Matt Salemi: Given today's business environment, as I put in my application, that one unit is too small to have a business there. When I bought the property they had a little computer shop in there but they moved out. Looking at the size and after nineteen years owning the property and doing my research and I found that one unit I'm trying to turn into an apartment is more than big enough for a studio apartment. And it fits in the neighborhood just fine. As I said Visions just pulled into the city and built 17 houses adding on I don't know how many units.

Ed Darrow: And every one of those that didn't meet proper zoning came before this board, I can assure you of that.

Matt Salemi: I believe it. As a matter of fact the one right across the street has no parking at all and they have their office there and an apartment upstairs and they're using the same parking that I'm asking to use. It's the city parking across the street on Clark St. It dead ends and they both have a lot of parking. The funny thing I want to add is I want five apartments and right now I have people living there and out of the four apartments I'm renting there's only one person who has a car. What's funny is now we have to have five parking spots. I was told previously eight.

Ed Darrow: You're completely missing the entire purpose of being here. The purpose of you being here is for us to give you relief from meeting those. That's the purpose of a variance.

Matt Salemi: Okay, I'm glad you told me that.

Ed Darrow: That's what we're entertaining. We're entertaining the thought of giving you a variance for five of those spots so that you can do that. I think that's why we need to have everything factual here so as we proceed we can give you proper variances if they feel that they're justified. We're not trying to be combative with you, we're trying to help you. But unless we have proper information in front of us we can't do it. We're here to help you.

Matt Salemi: Thank you, I appreciate it.

Ed Darrow: Are there any questions from the board members?

Susan Marteney: There's a picture that looks like it was taken from the second floor maybe?

Matt Salemi: Yes, I was on the roof of the building.

Susan Marteney: How much of this belongs to you?

Matt Salemi: All of it.

Susan Marteney: So you are completely up against the house next to you.

Matt Salemi: That's correct.

Susan Marteney: This whole space is your property attached to the building that you're applying for the variance for.

Matt Salemi: Yes, ma'am.

Susan Marteney: Okay.

Ed Darrow: Any other questions.

Matt Quill: What does Mr. Salemi want to do? Does he want to table for now and redo the application so it's more accurate or go ahead with this?

Matt Salemi: I'd like to go ahead with it. I don't think I'm asking too much especially because when I first bought the building and turned it into a restaurant that was asking a lot more than I'm asking now. I'm actually asking to make a studio apartment where there was a restaurant and that went through without needing a variance yet with a restaurant it seems it would be a greater need for parking but now I'm asking for it to be two studio apartments in the same unit as I asked for it to be a restaurant and I was granted that. I'm asking now for two studio apartments, it seems like it would be much less stress on the neighborhood so I'm willing to go ahead and finish this tonight hopefully.

Ed Darrow: Any other questions from board members?

Deborah Calarco: I just know the property has no green space whatsoever [inaudible]. I think the other issue is off street parking. We've been pretty adamant on other lots in the same area saying they can't add another rental because there is no off street parking. [inaudible]

Matt Salemi: I can address that. I'm only adding a studio apartment. I would not allow a family to move in there. I would not allow more than two people to move in there. As far as the green space goes. As far as the parking there's a lot of parking as this young lady mentioned, she noticed that my property that I own, I measured it and there's room for six cars there. In the front of the building there's another photograph I included, there's room for four cars there and along the road on Clark St. there's room for about 12 to 15 more cars. Parking is not an issue whatsoever.

Ed Darrow: Any other questions from board members?

Susan Marteney: The space that's kind of in front of it but on the Washington St. side of the barrier, I notice it has a curb cut but is that really a parking space there?

Brian Hicks: That's city right-of-way, city property.

Susan Marteney: So it's a legal parking area?

Brian Hicks: No, it's city right-of-way. It's a continuation of Clark St. as if it were to cross Washington. For some reason when they paved that section and put the guardrails in they put

a curb cut in there. I believe that Mr. Salemi may have gone to Engineering back when that was being done, they may have used that or asked the Engineering Department to install that so he could have some kind of pull off of the commercial use that was in the lower portion of that building. Now that's just what I'm thinking. Engineering does some things like this and Mr. Salemi may be able to enlighten us all on that one.

Matt Salemi: Since I've owned the property there has always been that spot there. I had nothing to do with it. I was told there was once a barber shop there and they asked that parking area be installed there.

Susan Marteney: When Clark St. was...

Matt Salemi: Broken in half, yeah. Since I've owned it 19 years that has always been a parking spot, I had nothing to do with that.

Ed Darrow: Any other questions from board members?

Matt Quill: Mr. Salemi, on the back of this structure, if I'm not mistaken, there's a wheelchair ramp?

Matt Salemi: Yes, sir.

Matt Quill: Okay, and the person in that lower apartment is in a wheelchair?

Matt Salemi: They don't actually use a wheelchair they use one of those hover-round things. She can stand and walk but not very far. I did get a permit to build that so that's all legal.

Matt Quill: I want to ask Mr. Hicks if that would affect parking at all, would that need to be a handicapped space?

Brian Hicks: One handicapped space should be allowed for that handicapped apartment since it is accessible. I didn't see any of that side yard that was depicted as parking even though it has concrete padding because we always like to have the open space, recreational space before we do the parking.

Matt Quill: Thank you.

Ed Darrow: Any other questions from board members? If not, sir, you may be seated but we reserve the right to recall you.

Anyone else present wishing to speak for or against 100-102 Clark St.? Please approach and give your name and address for the record.

David Warrick, County House Road: I'm a landlord in Auburn, own quite a few properties. I've watched this property since he bought it. I've watched him take care of it. I've seen how he operates. He does a clean job. There are few landlords that take care of their property as good as most of us do. I would recommend letting the gentleman going back to what it was before. I'm not encouraging increasing it to six because it's not, it's a five. But he has taken care of it,

he will maintain it and from my observation with all the properties I have around the area, I'm glad he's a landlord. That's all I have to say.

Ed Darrow: Thank you, sir. Anyone else present wishing to speak for or against this application? Seeing none, hearing none I shall close the public portion so we can discuss it amongst ourselves. Thoughts? Considerations?

Deborah Calarco: Mine is the off street parking, it's a consideration I've expressed repeatedly on other properties in the area.

Ed Darrow: I have a large concern with green space. That is probably my biggest problem. Even if it's a studio and it's just a couple in there or a single person, there's no green space as there is. You go by and you see people on the sidewalks and in the city right-of-way. That's the other thing I have a problem with.

Deborah Calarco: They are actually using what they call the two front parking spots as the front yard.

Ed Darrow: Yes, I've seen that. I can understand that it may have been a five unit before. I understand there are tough economic times and you need the income from the apartment but there's also, you have to have some yard, you have to have someplace to put your people, your tenants, your car.

Susan Marteney: One of the things we have to look at historically at this building. There was no yard when that building was built.

Ed Darrow: Because it was commercial.

Susan Marteney: And there weren't others along there. There must have been apartments that would have had no green space either. Historically that building didn't offer that to people. For lack of better term to call that a tenement area they would not have had, historically, that type of green space for people. We can't force him to have green space when there was never green space to begin with there.

Ed Darrow: I can see that and I can understand that. I can remember back to when Frank Marola had his barber shop there and there was a realtor office on the other side. At that time what was there, one or two apartments upstairs or in the back.

Susan Marteney: I imagine there were still two upstairs. Always two.

Ed Darrow: Then you have maybe two or four people that are in that area without the green space and without, of course at that time Clark St. was different. Clark St. ran all the way through then. Now we don't know the population, how many people are in the building with four or five apartments. Yes, the people look at them before they rent them, they understand there's no green space and they're the ones that make the educated decision to rent it without any in the area.

Susan Marteney: He also brought up the new building that's just two doors down from him that has essentially no green space and has no off street parking either.

Ed Darrow: That's a whole other matter. I remember when that came before us. That was supposed to be a community center and I don't ever remember anything about an apartment in that variance.

Deborah Calarco: The caretaker lives there.

Ed Darrow: I don't remember any part of that. I'll have to go through the minutes.

Brian Hicks: There is a small side yard. On the east side there's a driveway width. On the western side there is green space. Actually quite a bit more.

Ed Darrow: Our actual discussion is 100-102 Clark St.

Susan Marteney: I know but we're looking at the whole neighborhood there.

Deborah Calarco: [inaudible]

Susan Marteney: He wanted to put front yard parking if I recall correctly.

Deborah Calarco: He wanted because he didn't have off street parking.

Susan Marteney: No, he wanted front yard parking not side yard parking.

Deborah Calarco: He couldn't have on street parking so he wanted front yard parking to be able to do it. The same case we'd be allowing him street parking but we wouldn't with the other. I'm just looking at that [inaudible].

Ed Darrow: Any other discussion or thoughts? If not the chair will entertain a motion. We should probably separate each one of these.

Susan Marteney: I would make a motion for Matt Salemi at 100-102 Clark St. for four area variances in order to convert commercial space into an efficiency apartment. The property currently has four apartments which if the variance is granted would consist of five apartment units. Variance number one is an area variance of 9,557 square feet of the required 14,600 square feet in the lot size.

Ed Darrow: We have a motion, is there a second?

Susan Marteney: Do I need to read each of the...

Ed Darrow: Yes, go ahead.

Susan Marteney: Because the applicant has proven the following five elements:

- The area variance will not produce an undesirable change or detriment to the character of the properties in the neighborhood, and;

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

Ed Darrow: We have a motion, is there a second?

Deborah Calarco: Second.

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

Susan Marteney: Aye

Matt Quill: No

Mario Campanello: No

Deborah Calarco: No

Stephanie DeVito: No

Ed Darrow: Aye. I feel that the history of the lot and the area variance for the square footage of the lot and usability permits it in this one case.

The chair will now entertain a motion for item two.

Susan Marteney: For Matt Salemi at 100-102 Clark St. requesting four area variances, the second area variance of 23,468 square feet of the required 28,512 square feet of recreation space I make the motion because the applicant has proven the following five elements:

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

Ed Darrow: We have a motion, is there a second?

Stephanie DeVito: Second.

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

Susan Marteney: Aye

Matt Quill: No

Mario Campanello: No

Deborah Calarco: No

Stephanie DeVito: No

Ed Darrow: No. I feel the amount of square footage is too substantial.

Chair will now entertain a motion on item three.

Susan Marteney: I make a motion for Matt Salemi of 100-102 Clark St. in reference to four area variances. This is an area variance of 712.8 square feet of the required 3,088.8 square feet for open spaces because the applicant has proven the following five elements.

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

Ed Darrow: We have a motion, is there a second?

Matt Quill: Second.

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

Susan Marteney: Aye

Matt Quill: Aye

Mario Campanello: No

Deborah Calarco: No

Stephanie DeVito: No

Ed Darrow: Aye. I feel the area variance is not substantial and will not cause a detriment to the neighborhood on this occasion.

The chair will entertain a motion on item four.

Susan Marteney: I make a motion for Matt Salemi of 100-102 Clark St. in reference to four area variances to convert a commercial space to an efficiency apartment. An area variance of five parking spaces for the required seven spaces. The applicant has proven the following five elements:

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

Ed Darrow: We have a motion, is there a second?

Stephanie DeVito: Second.

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

Susan Marteney: Aye

Matt Quill: No

Mario Campanello: No

Deborah Calarco: No

Stephanie DeVito: No

Ed Darrow: No. I feel the area variance is substantial.

I'm sorry sir, all your variances were turned down.

38 Lake Ave. R1 zoning district. Area variance for above ground pool. Applicant: Susan and Thomas Spaide.

Ed Darrow: Next on the agenda we have 38 Lake Ave. If you could please approach, give your name and address and tell us what you'd like to do.

Tom Spaide, 38 Lake Ave: I'm requesting a variance for a pool. Instead of ten feet I want to have it six feet from the property line. And the neighbor that shares that property line, there's a note in there from him that they have no objection to it.

Ed Darrow: Any questions from the board members?

Susan Marteney: Why do you need to have the variance?

Tom Spaide: It's because of the property line. I wanted to have it instead of ten feet to put the pool six feet.

Susan Marteney: And why is that?

Tom Spaide: There just isn't enough room for the pool otherwise. I'd be right on top of the sidewalk that goes to the house.

Susan Marteney: And you also have the utilities that run...

Tom Spaide: Yes and I have an underground service to the garage there, too.

Susan Marteney: And the pool would cover that.

Tom Spaide: It would be right on top of it, yeah.

Ed Darrow: According to your drawing the ten foot between the side of the pool and your sidewalk is virtually unusable.

Tom Spaide: For a pool, yes.

Ed Darrow: For the pool. You cannot move the pool at all, not even a couple feet? The reason I ask, let me explain to you, we are required by law to give the minimal amount of variance possible. So if you're currently asking for four foot, by you moving the pool closer to the sidewalk, two foot, that means we would be reducing the variance to two foot.

Tom Spaide: It's six feet on the one side. The edge of the pool, at 18 feet across, is right now, five feet off of that sidewalk.

Ed Darrow: Okay. I'm sorry, in here it shows ten foot from the sidewalk.

Tom Spaide: That's what I'm looking for, I'm looking for that drawing. (Reviews drawing) It's wrong. Sorry.

Ed Darrow: You did submit the drawing thought, right?

Tom Spaide: Yes, I did.

Deborah Calarco: Was the ten foot meant to be all the way to the property line and not to the sidewalk line?

Tom Spaide: No.

Susan Marteney: Where's the electrical come out of the house and run to the garage in reference to the back of your house and the back porch?

Tom Spaide: It comes off the side and runs out toward the back and it jogs over to be out of the way of the pool.

Susan Marteney: Do you have the picture there? Does it run right about through the '0' and '10'.

Tom Spaide: I'm trying to think of how that works. It's about three feet...that service is about two feet off that sidewalk.

Matt Quill: You said in your estimation that between the sidewalk and the edge of the pool is about five feet?

Tom Spaide: Yes.

Ed Darrow: Any other questions?

Deborah Calarco: It's not really a large pool.

Ed Darrow: No. You really can't go any smaller. There's only one size smaller and you might as well call it a bathtub when you go to a fifteen.

Any other questions? You may be seated, sir, but we reserve the right to recall you.

Is there anyone else present wishing to speak for or against 38 Lake Ave? Seeing none and hearing none I shall close the public portion so we may discuss this amongst ourselves.

Thoughts?

Deborah Calarco: As I said the five feet and not the ten and the fact that it's a small pool to begin with I don't see a whole lot of wiggle room.

Ed Darrow: A four foot variance isn't bad. The adjoining neighbor at 36 obviously has no problem with it. That would be my biggest concern.

Susan Marteney: You see these with wanting a contemporary pool in an old fashioned back yard.

Ed Darrow: And we consider how many other sizes up there are: 24, 27, 33; 18 is very modest. Any other thoughts?

Chair will entertain a motion.

Susan Marteney: I would make a motion for Thomas and Susan Spaide at 38 Lake Ave for an area variance for four feet of the required ten feet on the north side yard for the placement of an above ground pool because the applicant has proven the following five elements:

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

Ed Darrow: We have a motion, is there a second?

Mario Campanello: Second.

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

All members vote approval.

Ed Darrow: Yes, I feel the variance is not substantial.

Your variance has been approved. Please see Code Enforcement for any permits before proceeding with any work. Thank you.

33 Bradford St. R1 zoning district. Area variance for maximum driveway width. Applicant: Brian Ogden.

Ed Darrow: 33 Bradford St. Please approach, give your name for the record.

Brian Odgen: I own the property at 33 Bradford St. I'm asking permission to get a variance for my driveway. Getting slightly widened and cleaned up. It's been there for the whole life of the property and it's eroded. I'd like to freshen curb appeal and quality of the area. I have a note in here from my neighbor in total cooperation with it and all the surrounding neighbors are in cooperation with it. I constantly work on that property keeping it cleaned up.

Brian Hicks: Mr. Chair, on the application you'll see an area variance for 13' 6". We were asked to re-measure that this morning and we did so. The area variance will have to be altered to 14' 3 1/2". There's been erosion of the upper bank to the east and from what we could gather and even with my discussion with Brian here tonight the pavement area is going to be just a little bit over 20 foot wide with his neighbor when his neighbor paves he side for the shared driveway access.

Ed Darrow: Next question is for our counsel; can we still proceed considering it was advertised at 13' 6"?

John Rossi: Yes, it's not a substantial change.

Susan Marteney: Does that mean then that your're going to be taking away the bush at the end of the driveway next to the telephone pole?

Brian Ogden: Yes, I would remove that bush and probably end up putting it over on the other side because I do landscaping.

Susan Marteney: That's how far it's going to go? Because seeing this before it said it was seven feet at the end which wasn't correct, the map that you drew.

Brian Ogden: Right.

Brian Hicks: He doesn't have the availability to sculpt into that bank much more than it already is but that bush actually will hinder the vision coming out of that driveway.

Ed Darrow: If I may ask Codes this; the one issue that has me confused on this after viewing it, reading it and as you know there's been a lot of memo about it; is the 20 foot width taking into consideration both or just his driveway?

Brian Hicks: He has a driveway on Howard St.

Ed Darrow: So it's combining the width of Howard and Bradford?

Brian Hicks: Correct. You're only allowed a 20 foot maximum for the property. He's got 24 foot used up on Howard for a tenant and beauty salon. So that's why we're asking for the 14 so he can at least get his portion paved on the Bradford St. side.

Ed Darrow: Because it seems like the more explanations we were getting the more confusing.

Brian Odgen: It's a unique shaped parcel and it's grand-fathered in for so many years. It's been in the family for almost 100 years.

Susan Marteney: That garage in the back is yours as well? I talked at length with your neighbor.

Brian Odgen: Yes, and they were all dilapidated buildings back in the day. There was a chicken coop and other buildings that we took down that were my grandfather's and rectified that and clean it up properly and fixed the front yard.

Ed Darrow: All right. I finally understand now.

Brian Hicks: I trust the board did get me e-mail on Friday?

Ed Darrow: Yes. I actually had hair when I started reading this.

Any other questions from the board members? No? You may be seated, sir. We reserve the right to recall you.

Anyone else present wishing to speak for or against 33 Bradford St.?

John Rossi: Mr. Chairman, I'd just like to interject that I received a telephone call from former Counselor Graine who is a neighbor on the Walnut St. side and he stated that he has absolutely no objection and as far as he knew his neighbors also were in favor of this application.

Ed Darrow: Thank you. May the record show that?

Anyone else present wishing to speak for or against 33 Bradford St.?

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

Thoughts? Concerns?

Deborah Calarco: It's going to be a major improvement.

Ed Darrow: Yeah. I'm way more at ease then when the packets came out.

Susan Marteney: And the two neighbors are working together at the same time to have it be seamless. The next door neighbor said it would make it so much easier to snow blow so they must do some of that together and shovel and that sort of thing. It'll look a lot better.

Ed Darrow: I have to agree. I can't see where there's any downside to this, really. Other than the fact that he has a corner lot with two entrances. I'm in the same predicament, I have a corner lot and you enter from both streets on my house so I understand.

Chair will entertain a motion.

Susan Marteney: I make a motion for Brian Ogden of 33 Bradford St. seeking an area variance of 14' 3 1/2" of the allowed maximum driveway width of 20 feet because the applicant has proven the following five elements:

- The area variance will not produce an undesirable change or detriment to the character or the properties in the neighborhood, and;
- The benefit sought cannot be attained by any other method other than an area variance, and;
- The variance is not substantial, and;
- The area variance will not produce an adverse impact on the environment nor the physical conditions in the neighborhood, and;
- The applicant's difficulty was not self-created.

Ed Darrow: We have a motion, is there a second?

Stephanie DeVito: Second.

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

All members vote approval.

Ed Darrow: Sir, your variance has been approved. Please see Code Enforcement and Engineering if necessary for any permits. Thank you, sir.

Is there anyone else present that has any business before this board?

Ed Darrow: Yes, sir, please approach and give your name and address for the record.

David Warrick, County House Rd.: Is there a phone number I can call so I don't show up and find out it's been tabled until the following month?

Ed Darrow: I did not know until I got here.

David Warrick: I mean I enjoyed being here watching it. Is there a phone number I can call at 6:30 or something?

John Rossi: You can call Codes, that's probably the best place.

Ed Darrow: I guess Codes, 3:30 or 4:00.

David Warrick: You would know by then?

Brian Hicks: I'll let you know when I know.

Ed Darrow: Housekeeping?

Yes, sir, your name and address?

Brian Odgen, 33 Bradford St.: I just want to say I go to great lengths to keep that area cleaned up and proper. When my grandfather had the barber shop there it was aesthetically and practability like rougher terrain there. We've gone to great lengths to keep it flat and keep maintaining it. With the narrowness of the parcel in that area in retrospect it's hard to maintain

in the winter but I always go to great lengths with my cleaning and everything in the winter to. We kind of go back and forth with the snow plow gentlemen. I appreciate the board's allowance on this. Thank you.

Ed Darrow: Thank you and good evening.

The only thing that's come up under housekeeping and I kind of understand that and I'm not sure where it falls and it's come up many times: getting our packets on Thursday or Friday and the short time it gives us to view the properties. I know it has to be ready, who it's going to be ten days before to be advertised. I don't know what we can do to get it any sooner, who it's going to be and what we're going to be seeing. I don't know how it's working these days with all the short staffing you have.

Brian Hicks: I have no idea either. The sooner I can get away from it the better off I'm going to be, I can tell you that much truthfully.

Deborah Calarco: As soon as the application is given to you at the beginning of the month and you know it's going to be on the agenda can it come to us and then it be added on?

Brian Hicks: We have our deadlines. We get them into the office, normally it's supposed to be close of business, at 4:00 that day. Some show up the next morning, they're slipped under the door and I'll take them because it's the next morning. As far as the advertisements go, I quickly go over them to see what we're going to be advertising for so I can meet the deadline. If you read the advertisement you'll see that some of the particulars as far as the footage and all that is not included it basically just says use variance or area variance for a very generic type of statement so that I can go back to working on the calculations. Then I make the phone calls for incomplete or questionable applications so they can be reworked so an accurate application can be presented. I will say that I feel as if we failed the board in time now because they didn't seem to come this way in the past but I had more staff in the office and we had more time. With the construction season the way it is right now and we've got an Auburn boom going on right now which is great but it takes my staff out and doesn't give me the availability to do what I should be doing on these applications and on some of the other work in the office. I apologize for the delay, it's all I can do. I would love to turn everything around as quick as it came in, I would love that, I would sleep much better at night. But we do the best we can with what we have.

Susan Marteney: I did e-mail that I'm concerned that if we're only getting things by computer and not paper copies, I don't know how I'm going to go out and drive around. I don't want to make copies on my little printer at home. When we get things that are architectural sizes I'm not sure how those are going to be scanned in. How we can go and look at a property...

Brian Hicks: Sue, I'm with you, I'm not stepping into this century. I like to have something I can scribble on and change, fold, put it in my back pocket, and I don't want it to be electronic. If we're going to get everything and download it and walk around with this tv screen...

Susan Marteney: I don't know how we can physically do that and go to some place, we may not be able to pick up wi-fi in some neighborhood if that's how we're supposed to be looking at it and I'm not...I don't know how we can do it.

Brian Hicks: The only thing I can think of is it'll have to go to a flash drive and you're going to have to keep bringing it up and the wi-fi wouldn't be an issue because it would be a downloaded file. But, with my limited knowledge of computers...

Ed Darrow: My only problem when they were all e-mailed to us, what we're going to see, yeah they come in the e-mail so you don't need a wi-fi or anything so there in the e-mail to open them. But when they're scanned and you're driving and trying to turn you laptop sideways and upside down because pictures being scanned upside down and not rotated. It just so happened the Adobe Reader that I have doesn't allow me to rotate the pictures.

Susan Marteney: How are we going to get an architectural rendering on a computer?

Ed Darrow: They can go to a pdf file and then you just zoom in on the specific areas or zoom out. I understand what you're saying too, I don't want to print either.

Susan Marteney: I'm not going to, I'll say that, I'm not going to print it out at my house.

Brian Hicks: The only thing I can tell the board is that we don't have a choice. It has been determined that everything will come this way.

Mario Campanello: It's a city wide thing.

Brian Hicks: Yes. And I have the same problems with the pdf's. I get blueprints from NUCOR Steel and they want me to look at this tiny little water cooling tower and I can't even find it.

Susan Marteney: I think it's going to handicap us.

Brian Hicks: I agree.

Mario Campanello: It's the way of the future. The county is looking at the same thing.

Ed Darrow: I'm fortunate, I deal with blueprints and they come in auto-cad files so I'm able to manipulate them and look at them but I understand completely how hard it is.

Deborah Calarco: [inaudible]

Ed Darrow: Very much so. I do the same thing.

Anything else under housekeeping? Thank you, Brian, I appreciate it.

Brian Hicks: You're welcome.

Ed Darrow: Motion to adjourn? So moved by Deborah Calarco. Adjourned until the 25th.

Meeting adjourned.