

**ZONING BOARD OF APPEALS
MONDAY, NOVEMBER 24, 2014**

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

Absent: Scott Kilmer

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

APPLICATIONS APPROVED: 14 Roberts Rd.

APPLICATIONS TABLED: 84 South St.

APPLICATIONS DENIED: None

Ed Darrow: Good evening. Welcome to the Auburn Zoning Board of Appeals. I'm board chairman Edward Darrow. Tonight we have 14 Roberts Rd. and we have a Planning Board request for 72 Owasco St. for lead agency for SEQR review.

Andy Fusco: Let's do number four first so Mr. Selvek can get out of here.

Ed Darrow: First let's do the minutes from our last session. Did everybody get a chance to review, read our minutes from our October session? Any additions, corrections or deletions? Hearing none, seeing none they stand approved as read.

City of Auburn Planning Board SEQRA Lead Agency request for the environmental review of a project at 72 Owasco Street.

Mr. Selvek, please approach. Please give your name for the record.

Steve Selvek: I staff the city Planning Board. This evening before you there's a simple request for lead agency status. The Planning Board has an application coming before it for an addition to D & L Truck Stop. This is a procedural request. The site plan will in all likelihood require at least one if not more area variances. Therefore this board will be involved with the overall review and approval of that particular project. I'm seeking that the Zoning Board defer lead agency status to the Planning Board as has been the case with all other site plan applications.

Ed Darrow: Are there any members who have any problems with this? We're all in favor? So moved then. The Zoning Board will move to make Planning Board lead agency for purpose of SEQR review for 72 Owasco St.

Steve Selvek: Thank you.

Andy Fusco: Thank you, Mr. Selvek.

14 Roberts Rd. R1 zoning district. Area variance for carport. Applicants: George and Rosemary DeChick

Ed Darrow: 14 Roberts Rd. Please approach, tell us what you'd like to do, give us your name and address for the record.

George DeChick, 14 Roberts Rd.: I'd like to put up a carport at the side of my garage to get my vehicle out of the bad weather for the winter coming up.

Ed Darrow: Do you understand what you're looking for in your variance?

George DeChick: Yes, because it's within so many feet of my neighbor's property, therefore I need a variance.

Ed Darrow: Right, you're looking for an area variance, you're requesting six feet of the seven feet that are required so therefore your carport will be within one foot of the property line.

George DeChick: Yes, sir.

Ed Darrow: Okay, so you do understand that. Are there any questions concerning this matter from board members?

Susan Marteney: Was your immediate neighbor, is that person on this list in terms of the number? Did you talk with your immediate neighbor?

George DeChick: Yes. She felt that it was too close to her house. But I have talked with several of my other neighbors and I have a letter from them all signing it saying they have no objection.

Ed Darrow: Is your immediate neighbor the one that has an objection to it, is she homebound or is she able to get out?

George DeChick: It's a woman and her mother. They get around, they have a car.

Ed Darrow: They can get out.

George DeChick: Yes.

Ed Darrow: She was aware of the public hearing this evening?

George DeChick: Yes.

Deborah Calarco: There's a letter from her. She's opposed to it.

George DeChick: The reason is I think she fell and sprained her ankle.

Ed Darrow: May I see a copy of your letter?

Stephanie DeVito: It's right at the bottom of the packet.

Ed Darrow: *finds copy of letter*

George DeChick: My contention which I have in my application is the fact that there is still 20 feet of green space between where the carport will be and her house. You still have 20 feet of green space there. Even with the carport up.

Andy Fusco: What do you mean by that?

George DeChick: Right now there is 32 feet between my garage and my house. Once I put up the 12 foot wide carport that still leaves 20 feet between the carport and her house.

Andy Fusco: Okay. You understand that their job is defined by property lines and not how far things are apart.

George DeChick: Yes. I've got copies here, everyone should have received copies showing the dimensions.

Susan Marteney: You did a nice job with your packet and the very readable map of your yard.

Ed Darrow: Any other questions from board members?

Matt Quill: You're asking for this, Mr. DeChick, because of your own disability?

George DeChick: Yes. I have a hard time in the cold weather because losing my lung I just don't have the breath capacity I used to. It's very difficult.

Ed Darrow: Any other questions? You may be seated, sir. Is there anyone present wishing to speak for or against this application? Seeing none, hearing none I shall close the public portion so we may discuss it amongst ourselves.

Thoughts? Concerns?

Deborah Calarco: In light of why he needs it, are you planning on putting any type of man door or some other access from the garage to the carport?

George DeChick: No.

Deborah Calarco: So you'll be walking outside around the garage?

George DeChick: Well, with the existing garage door open it's just a matter of walking two feet around the corner to get into the carport. I don't have any current plans but it would be very easy to put a door in. I'll just have to wait and see how much of a difficulty it is. Right now there's two windows at that side of garage which it would be very easy to convert a window into a door. It all depends on how much money I have, too. Once I get the cement slab and the carport up.

Susan Marteney: Which direction are you intending the roof to go? Is it going to match the profile of the garage that's there?

George DeChick: No.

Susan Marteney: Perhaps your neighbor is having some concerns about run-off from the...are you going to have gutters?

George DeChick: There will gutters, yes.

Susan Marteney: It's not going to match the profile? We don't have a picture of what it's going to look like.

George DeChick: No, I don't either. The contractor didn't give me picture. It's just going to be a slanted roof. I'm doing it the cheapest way out as opposed to making a regular...if I was going to put a regular pitched roof to match I might as well enclose it as a garage but that's getting really too expensive. My need is just to keep the snow off.

Susan Marteney: One of your neighbor's concerns might be run-off from the garage itself coming into her yard.

George DeChick: I read the letter and it seemed to me her concern was maybe me peeping in her windows. I don't know because she made a point of it being...her bedroom is right on that side of the house. That's the impression I got.

Andy Fusco: I don't see that at all in this letter.

George DeChick: The point she brought out is her bedroom window is right there.

Andy Fusco: There's concern about a tree and a bush being moved. Not about you peeping in her windows.

George DeChick: That was an assumption on my part. What other reason would she bring the point that her bedroom is right there? But I mean you would have to take down the tree and the bushes to put of the carport anyway. And that I don't think I need a variance for anyway, to take down a tree on my property.

Ed Darrow: No, you don't, sir.

George DeChick: Actually I've already had the tree removed.

Ed Darrow: Are there any other questions from board members? You may be seated again, sir. Thank you.

Thoughts?

Deborah Calarco: I understand the need and the request but are we weighing the need of one neighbor over the need of another? I understand there is still going to be green space but it's her green space, not his.

Susan Marteney: What is sometime she wanted to put a carport there, or a pool.

Deborah Calarco: I'm also concerned that we are one foot off the property line.

Ed Darrow: And that's it. I understand we have disabled veteran with a limited lung capacity who doesn't have the ability to clean the snow off his vehicle in the winter. He's looking for just a carport, it's not something real elaborate. It's not a garage. It doesn't have sides on it. The only thing that's really, in my mind, that's encroaching on her property line is the end of the roof line and four or maybe three poles that will be supporting the structure. There is green space, and I am too bothered that it is only one foot from the property line. I wish it could be closer. And yes, we are charged with giving the least amount of variance necessary but in order to fit a car in there you really can't get much narrower unless he was driving a subcompact. It's kind of a catch-22 so it truly is in your hands and your thoughts and that's why you're charged with looking out for the neighborhood for everyone, as you sit in those seats.

Mario Campanello: In my opinion, if the roof angle is coming east to west, it's going to cover up some of that visual from the windows anyway. Probably obstruct more view than the tree. I don't think that's going to be an issue.

Ed Darrow: I'm not truly concerned about rain run-off with a simple gutter because it can be directed to the front or the back. That's easily solved. Any other discussion?

Matt Quill: I understand that it goes one foot of the property line, but as Mr. DeChick there's still 20 feet of green space. I understand it's his neighbor's green space and not his, but it's not as if two structures are going to be butting up together. I understand where both neighbors are coming from but I don't think it's too much to ask, in my opinion.

Ed Darrow: The chair will entertain a motion if you feel you are ready to vote, unless you want more discussion.

Susan Marteney: I make a motion for an area variance for George and Rosemary DeChick at 14 Roberts Rd. for a six foot variance of the required seven foot set-back from the property line to construct a 12 x 14 carport 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 neighbourhood or the properties in the neighbourhood.
- The benefit sought cannot be attained by a method other than an area variance.
- The area variance is not substantial.
- The area variance will not produce an adverse impact on the environment nor the physical conditions of the neighbourhood.
- The applicant's difficulty was not self-created.

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

Stephanie DeVito: Second.

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

Susan Marteney: I'm voting yes. I don't feel it will produce an undesirable change in the neighborhood due to the particular look of many of the homes in the neighborhood with garages and carports. I think it will continue the same kind of look in the entire neighborhood area.

Matt Quill, Mario Campanello: Yes.

Deborah Calarco: Yes. I also think that under the circumstances of why this is being requested it is one way for this community to pay back to one who has served.

Stephanie DeVito: Yes.

Ed Darrow: Yes. I feel the request is the minimal that we can give. I feel it is not going to be a detriment to the area or to the neighbor. Sir, your variance has been approved. Please see Code Enforcement before you go any further.

84 South St. R2 zoning district. Area variance for porch and porte-cochere additions. Applicant: Michael O’Gorman

Ed Darrow: 84 South St., please approach. Give your name for the record.

Bill Murphy of Space Architectural Studio, representing Michael O’Gorman.

Ed Darrow: So I can set a couple ground rules. Please do not discuss any of the variances that you’re looking for. Just go into what your points are that you wish to make. There will be no questions from us, no rebuttal, because this is a legal public hearing.

Bill Murphy: Understood.

Ed Darrow: Everyone has been notified so we’re going to keep it at that. The public hearing will remain open, I will not close it until our next regularly scheduled meeting next month. Go ahead.

Bill Murphy: The structure resides at 84 South St. in the city of Auburn. It’s in the historic district, it’s a pretty historic building. Currently the awnings on the front façade are, I don’t know, as an architect, less than desirable. They just don’t really fit in the neighborhood, especially with it being a historic district. The structure contains Farrell’s Funeral Service and sits along the south side. Over the building’s long life the historical character of the building has deteriorated with the loss of the support brackets at the eaves and the removal of the classical porch at the west façade.

Michael O’Gorman is the current owner of Farrell’s Funeral Service, he would like to increase his clients’ comfort and safety as well as expand his business. He’d like to accomplish this by removing the existing covered entries and the weird looking awing structures that we all can’t stand and replace them with a new enclosed porch to cover the length of the existing entry ramps. We also have some re-grading of the ramps with the new driveway addition and that’s to allow for vehicle to be parked as well a vehicle to enter a parking area behind, so it’s a safety concerning being as it is a funeral home and they often have a vehicle pulled over near the door.

The proposed porch and porte-cochère addition will merge Mr. O’Gorman’s desire for a more patron friendly entry with revitalizing some more historic character back into the structure’s street front façade. To create this effect we’re proposing the stone bases and the columns above them, there’s actually a photograph that Mr. O’Gorman has that he’s shown me. That photograph doesn’t appear here but I’m sure we can get a copy of it. It shows the porch that used to be there and that porch only covered the front door but had a very similar look. The reason we’ve chosen

the porch being across the entire front is the same function the ugly awning served, it's a ramp for handicapped access into the building and that ramp basically needs to be protected from freezing rain in our climate. It's not good to have a ramp like that not protected. For a lot of insurance reasons it's better to have those things covered on your property. We've basically tried to structure the building addition in a corner of the building so it doesn't increase the non-conformity of the structure on the site with respect to set-backs but it does increase the area of the usable space. I believe that's where we need the other additional item.

That's the proposal.

Ed Darrow: Keep in mind we do have our packets and our packets of the blueprints so we're able to read them, we now have an extra month to go over everything besides getting the particulars on the use variance. This part of the public hearing will remain open. You'll be number two on the agenda after going over our minutes is they should be available, they will be number one. At that time you can make your presentations for your use and area variances or if Mr. Palmieri is doing one or the other, however it may go. We'll see you at our next meeting.

Andy Fusco: Sir, under the law of the State of New York, we really have to decide in 62 days of it being submitted to us unless you consent to an extension. We will have trouble meeting that 62 day period so we'd have to turn it down unless you consent to an extension.

Bill Murphy: No, I believe that being the variances were previously approved and being that we don't have everything in line for this evening, we would have to have an extension. So I don't think that clock can begin ticking until the next meeting.

Andy Fusco: Any objection?

Ed Darrow: No, none whatsoever. I do believe that three of us are sitting members when those passed variances were before this board.

Bill Murphy: I was not around then. It's been very difficult, I'll be frank, to find information regarding them. I just wanted to make contact with the board and get in front of anything. It seems like a pretty reasonable approach and it seems like a good thing to upgrade for the community. The business isn't going anywhere. It just got overlooked that we needed this additional item.

Ed Darrow: Thank you for your time this evening.

Ed Darrow: Anything under housekeeping?

Andy Fusco: Yes. A report on 23 Perrine St., that was the Delbert Horton dismantling yard. We were sued and we won. Just got the decision on it Friday.

Ed Darrow: That's because we have a good attorney.

Andy Fusco: I don't know about that. I lost a few last week, too.

Ed Darrow: Anything else under housekeeping?

Susan Marteney: I know I will not be at the December meeting.

Andy Fusco: We're going to have a problem. Mr. Quill feels compelled to not vote on the Farrell matter. I don't want to force him to do anything he doesn't want to do. I did answer him via e-mail today. I just want to make certain that we're going to have at least four or five people here in case Mr. Quill feels compelled not to vote for whatever reason.

Deborah Calarco: At this moment I plan on being there.

Stephanie DeVito: I'll be here.

Matt Quill: I might be in the Christmas spirit, Andy, I might just vote.

Andy Fusco: I don't know.

Matt Quill: My reasons, Andy, I didn't want anything coming back against my current employers.

Andy Fusco: Understood.

Meeting adjourned.

Recorded by Alicia McKeen