

**ZONING BOARD OF APPEALS
MONDAY, APRIL 27, 2015**

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

Absent: none

Staff Present: Brian Hicks, Code Enforcement; Chad Hayden, Corporation Counsel

APPLICATIONS APPROVED: 148 Grant Ave, 607 N. Seward Ave, 83 Wall St., 46 Grant Ave

APPLICATIONS TABLED: None

APPLICATIONS DENIED: None

Ed Darrow: Good evening. Welcome to the Auburn Zoning Board of Appeals. I'm board chairman Edward Darrow. Tonight we will be hearing 148 Grant Ave, 607 N. Seward Ave, 83 Wall St., and 46 Grant Ave.

My first order of business, I would like to call for a moment of silence for our good friend, colleague and board counsel, Andy Fusco, and I ask that a record thereof be made in the proceedings of the minutes for his passing.

Thank you.

148 Grant Ave-Auburn Planning Board SEQRA Environmental Review Lead Agency request for the construction of a new +/- 5,300 SF FastTrack.

Ed Darrow: 148 Grant Ave please approach and tell us what you'd like to do.

Steve Selvek, Sr. Planner: What you have before you tonight actually is a request from the Planning Board to act as Lead Agency. Typically any time a site plan comes before the Planning Board that also requires a variance, we make an effort, best practice, to coordinate the Environmental Review of that particular project. Ultimately, one board, instead of two city boards, takes the authority for doing that. What I'm asking tonight is that this board defer the environmental to review to the planning board as has been done in the past. What I have provided you is a site plan application outlining what the project is. What is being proposed is a new FastTrack gas station on the corner of N. Seward and Grant Ave. The proposed gas station will be approximately 5300 square feet, much larger than what was there. The intent is to acquire property from both a Harry's Tire and Generations Savings bank right behind them in order to have enough property to develop on. They will be coming before this board for a side yard setback. As you can see from the site plan on the last page the building, in order to work on the site, has to be placed very close to Harry's. So for this site plan to work in the end they will be requesting an area variance for that side yard setback. If the board has any comments in regards to environmental review, either tonight or over the next couple weeks before review before the planning board, I'd be happy to accept those. At this point what I'm asking is concurrence from this board that the planning board be lead agency under SEQR.

Ed Darrow: Any comments from members? Any members see any reason why planning shouldn't be lead agency for purpose of SEQR review? Then I ask that all say 'aye' in favor of planning being lead agency for SEQR review. Opposed 'nay'. Ayes have it. Planning is lead agency.

607 N. Seward Ave. R1 zoning district. Area variance for a sign. Applicant: Unitarian Universalist Society/Cynthia Aikman.

Ed Darrow: Next order of business, 607 N. Seward Ave. Please approach. Give your name and address for the record and tell us what you'd like to do.

Charlie Kincaid, board member of the Auburn Unitarian Universalist Society. I am before you here today to request a variance for an LED sign that we have planned for in front of our church to replace the existing way side pulpit which is a stationary sign that stands out in front. That sign currently is 18 square feet. The two signs together are why a variance is being requested. That one is coming out and is being replaced with the LED sign we're requesting, a smaller one. That one is twelve square feet. Then we have an optional banner mast head over the top. If you look at this, this is kind of a rendering of what it would look like. This little inset is my diagram of the mast head over the top of that sign. That would not be moving, it would just be there all the time. We have requested our sign maker that they fade to black, fade slowly in then fade out instead of being flashy. No symbols or anything like that. It's just to communicate messages. Our advantage is that we can do that from a compute anywhere and get the message of what events we're having at the church, when the services are and that sort of thing.

Ed Darrow: Sir, do you plan on keeping the sign that's affixed to the building?

Charlie Kincaid: Yes, we would like to leave that.

Scott Kilmer: On the optional part of the sign, on one rendering it says 18" high and on another it says 8". Is it 8 or 18?

Charlie Kincaid: The original request was for 18 inches but we have modified that to just one line of 8. It might be a little higher than that depending on the letters but it's not 18 because it's just one line and will fit on that six foot.

Scot Kilmer: When you say optional if we're to approve this sign, explain the optional, are we approving with or without?

Charlie Kincaid: I'd like you to approve both, the sign with the mast head. If that is sticking point for the board then we're willing to waive that and just go with the LED sign. We prefer to have our name across the top of it.

Ed Darrow: So is your area variance that you're requesting for 33 ½ square feet include the eight inch by six foot piece you want on top?

Okay, Mr. Hicks says it does. Asked and answered.

Ed Darrow: Any more questions? You may sit down, sir, but we reserved the right to recall you. Is there anyone present wishing to speak for or against this application? Is there anyone present

wishing to speak for or against this application? Hearing none, seeing none I shall close the public portion so we may discuss it amongst ourselves.

Scott Kilmer: I have a question for Brian. Does the variance include the stone base, is that included in the square footage.

Brian Hicks: Yes, it's part of the sign.

Scott Kilmer: If that's included as part of the sign then I don't think this new sign is substantially bigger than the one there.

Susan Marteney: Except it's double sided isn't it?

Scott Kilmer: Wasn't the...oh, the original was single as it faced the road.

Ed Darrow: Any other discussion?

Sir, could you please re-approach? The one picture you have here, could you tell me the approximate distance between the sign and the sidewalk. If the sign itself is six foot would you say the distance between the sign and the sidewalk is 12?

Charlie Kincaid: I would say it's at least that, yes. 12 feet is about right. It's at least the distance from this rail to your bench.

Ed Darrow: I don't see in this picture here, I don't see where it poses any hazard for cars, the sight of cars.

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

Susan Marteney: I move to approve the area variance for Auburn Unitarian Universalist Church at 607 N. Seward Ave for an area variance of 33.5 square feet to install a new ground sign and maintain an existing wall sign 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: Chair has a motion, do we have a second?

Scott Kilmer: Second.

Ed Darrow: We have a second. Roll call. All members vote approval. Motion carried.

Congratulations, your variance has been approved. Please see Code Enforcement for any permits before beginning work. Thank you.

83 Wall St. R2 zoning district. Area variance for sign. Applicant: Loyal Order of the Moose 1419.

Ed Darrow: Next, 83 Wall St. Please approach. Give your name and address for the record and tell us what you'd like to do.

Don Green representing the Moose Lodge: We're requesting a variance to put our sign up on the front of our building that just says 'Auburn Moose Lodge'. I think that the sign doesn't quite fit into the R1 sizes or something. It's 6 foot by 2 foot as opposed to whatever it's called square feet.

Ed Darrow: If I understand it right, you're trying to use the current back lit sign and just a new lens in it.

Don Green: Our existing sign that we've had on our business from every location since being on West Genesee St.

Susan Marteney: And the sign is going to go flush against the building?

Don Green: Yes, it will be a one sided sign.

Ed Darrow: But back lit.

Don Green: Back lit as opposed to having flood lights.

Ed Darrow: Questions?

Deb Calarco: This is one of the smallest variances we've been asked for.

Ed Darrow: Close to it. No questions? You may be seated, sir, but we reserve the right to recall you. Is there anyone present wishing to speak for or against 83 Wall St.? Anyone present wishing to speak for or against 83 Wall St.? Seeing none and hearing none I shall close the public portion so we may discuss it amongst ourselves. Thoughts? Concerns if any?

Scott Kilmer: It's a very small request.

Ed Darrow: My only concern is the rendition of what the sign's going to look like. They could have at least taken a picture of it since it's a current sign. The scratch drawing isn't very good.

Deb Calarco: The only reason may be is that it's been on every building they've been in and has been seen.

Ed Darrow: Okay, but I've never seen it. That is my only concern, that I wish we were given a better picture of it rather than a scratch drawing but it is only two square foot and hopefully not in dilapidated shape.

Don Green shows pic on phone

Ed Darrow: The chair will entertain a motion.

Susan Marteney: I move to approve the area variance for the Auburn Moose Lodge 1419 at 83 Wall St. for a variance of two square feet over the allowed ten square feet for the purpose of installing an attached sign 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: Chair has a motion, do we have a second?

Deb Calarco: Second.

Ed Darrow: We have a second. Roll call, please. All members vote approval. Motion carried.

Congratulations, your variance has been approved. Please see Code Enforcement for any permits before beginning work. Thank you.

46 Grant Ave. R1A zoning district. Area variance for sign. Applicant: Faatz-Crofut Home/Mary Jane Benson.

Ed Darrow: 46 Grant Ave, please approach. Give your name and address for the record and tell us what you'd like to do.

Judy Dilmore, board member for The Home: Introduces Pat Kimber, she'll be helping with the explanation for the application and Maureen Gelsi and our president Mary Jane Benson. We are applying for your favor in our sign that you will find in the middle of your applications. The last page of our application shows the aerial view of The Home and I would like to pass these out. You have black and white sheets in the application, we have colored ones to share with you.

Pat Kimber, board member for The Home: I'd like to speak of the importance of this request to The Home. As you all know The Home has been in operation since the 1860s in Auburn and has provided low care quality residence for our aged population. Over the years, the past few years, our residential rate has dropped dramatically and we've undertaken a marketing campaign to strengthen and attract residents to The Home because obviously their presence is important for us to continue our operation and to provide and meet this important need in the city of Auburn. We have embarked on a marketing campaign that speaks to Home is Where the Heart Is. We've addressed this with a new web-site. To complement this marketing campaign we feel that enhanced signage will attract residents and also family members who would be interested in having their loved ones residing at The Home. The challenge we face is that we are on the Arterial but we are the first structure in a residential district and there is a lot of what I call visual interruption. As you're coming down the Arterial, we have some signs to illustrate that, as you drive down the Arterial coming from the west you're passing through a business

district and you see The Home but not without a lot of signage that is designed for businesses. The size of our building and to distinguish ourselves from these business signs, even though we're in a residential district we feel the size of our sign is critical to our achieving that. The other option that we face, first of all we're going to remove the signs we have in place today, both on the arterial side of the building and on the Franklin St. side. To assist people in coming to The Home we've come up with a plan with two additional directional signs that have advertising on them that will enable people to identify where they can park and how they can enter into The Home. Even Code Enforcement had difficulty when he came to visit in finding how to access our premises so we feel that the two signs are as important in assisting anyone who is coming to visit or who wants to visit a resident. With that information Judy is going to speak to you about the particulars of the sign.

Judy Dilmore: We have stated in the application we would bring in the construction material for the sign. It's better to see the material. You all have your colored sheet in front of you. The white part will be the stucco feel of that piece going around. As you can see it resembles a monument type shape. These are all manually done, parts of them, and then they're glued together then sprayed. They're very heavy. The brick part, the brick will be this material like this underneath that brick, it's faux brick. They will use a cement or glue to put the brick on the white material.

Pat Kimber: I think it's important to note that the design of the sign was specifically selected to reflect the architecture and the age of the building.

Judy Dilmore: In your packet also you will see a sheet on how it's installed. Both, looks like post on the sample, along the bottom I'm sure there's a sheet in there that shows you posts are driven up into the sign and they go three to five feet into the ground. Some of them are galvanized steel. They have a new material that's very strong aluminum. I can pass this around. Hopefully I can answer any questions you have.

Ed Darrow: Any questions or concerns from board members?

Matt Quill: So the large sign is going to be on the Arterial side, can the smaller [audio interference] – questions placements of directional signs.

Judy Dilmore: One is going to be on the Arterial because there's an entrance from the Arterial, the other will be on the Franklin St. side. We'll emphasize the fact that the two signs there, one on the Arterial and one in the back, they will be taken down.

Matt Quill: And where's this going to be located?

Judy Dilmore: That's what's hard to see in the picture. I think the black and white picture of the aerial, the tax map, there's a white strip toward the road in front of the building, it's the shadow of the building.

Pat Kimber: The large sign will be on the east side of the sidewalk going into the building. It will comply with the setback requirements from the sidewalk. And the two small signs will also comply with the setback requirements and be adjacent to the driveways, one drive from the Arterial and one on Franklin St.

Ed Darrow: Where will they be in relationship to the current sign?

Pat Kimber: Opposite side of the sidewalk.

Ed Darrow: About the same distance from the sidewalk back?

Pat Kimber: Yes. Actually a little further. We want to comply with the setback requirements.

Ed Darrow: That's an easier view, knowing where that is.

Pat Kimber: And there's a tree on the west side of the sidewalk that would impede the sight line.

Judy Dilmore: The sign that is there is five feet from the public sidewalk. This sign will be even closer to the building than that to avoid the tree.

Chad Hayden: And it's double sided sign perpendicular to route of travel, right?

Judy Dilmore: Correct.

Pat Kimber: All are double sided signs.

Chad Hayden: Will the tone of the brick match the brick of the building?

Judy Dilmore: We're hoping. Yes, it's intended to. And it will be maintained. There's a kit they use and the sign maker will provide us with it and it's an easy job to do, it's like stenciling with a sponge. And it won't fade for a while, five years I think he said. There's enough staff there plus volunteers.

Chad Hayden: You're not looking for any kind of lighting?

Judy Dilmore: Yes, we are but that's not intended now. There is lighting already there. It needs to be moved as it's on the other side of the sidewalk.

Ed Darrow: Any other questions or concerns from board members? No other questions or concerns? You ladies may be seated but we reserve the right to recall you. Thank you very much, you made a terrific presentation. Is there anyone else present wishing to speak for or against 46 Grant Ave.? Anyone else present wishing to speak for or against 46 Grant Ave.? Seeing none and hearing none I shall close the public portion so we may discuss this amongst ourselves. Thoughts? Concerns?

Scott Kilmer: I have another question for Brian. The 59.48 square feet, that is inclusive of all three signs? It's not just the main sign?

Brian Hicks: That's correct.

Ed Darrow: And we also need a second variance because they're only allowed one sign and they're going for two. Now when you consider that they're only ten square feet in that area, that truly is a hardship if I've ever seen one.

Susan Marteney: That would be a very small sign, barely identifies the building.

Scott Kilmer: Keep in mind again that base is a big part of the square footage but it's not actually sign so it makes it seem larger than it is.

Ed Darrow: It's more aesthetics that makes it look nice and presentable.

Deb Calarco: It's an excellent job and complements the building.

Scott Kilmer: My mother was a former board chair and they've always done a beautiful job of maintaining that property. I think that your history is an indication you'll take good care of this sign and it's going to be a nice improvement.

Ed Darrow: Noted. It's a beautiful home and historic place.

Deb Calarco: I agree with the parking issues and how difficult it is to find the way in.

Matt Quill: I just want to complement the ladies on their presentation. That was one of the better presentations that we've received especially with all the materials showing what the sign would be made of and photographs. Thank you. It makes our job easier.

Ed Darrow: If there is no more discussion the chair will entertain a motion.

Susan Marteney: I move to approve the area variance for the Faatz-Croful Home at 46 Grant Ave for two variances to install three signs; an area variance of two signs over the allowed one sign per use; an area variance for 59.48 square feet over the allowed maximum of ten square feet for the site 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: Chair has a motion, do we have a second?

Scott Kilmer: Second.

Ed Darrow: We have a second. Roll call, please. All members vote approval. Motion carried.

Congratulations, your variance has been approved. Please see Code Enforcement for any permits before beginning work. Thank you.

Housekeeping

Ed Darrow: Housekeeping?

Did everybody have a chance to review the minutes? I haven't read them. We'll do that next month.

Matt Quill: Stephanie and I were appointed last February and I think our terms are up. Do we get another appointment?

Ed Darrow: I think there's a little discrepancy with what is on line. Do you have your original letters from when you were appointed?

Matt Quill: The letter stated it was one year.

Ed Darrow: So you were filling a term. If you could snap a picture of the letter and e-mail it to me so that I can forward it on. Are you looking to be re-appointed?

Matt Quill: Absolutely.

Stephanie: Yes.

Ed Darrow: I'll forward it on to the Mayor and we'll take care of it. I didn't realize you were both filling terms. They're three year terms usually.

Chad Hayden: The only question I have is the question of self-imposed hardship. I see area variances it's not an essential kind of thing but I was interested in your feelings about what constitutes a non-self-imposed hardship. We decided in the two area variances tonight they were not self-imposed hardships and I wonder how you got to that conclusion. In other words, they could have made smaller signs or they could have put them elsewhere. I'm just wondering.

Ed Darrow: I feel because it wasn't excessive.

Susan Marteney: The Home had reasonable back up. Talking about their campaign, their need for promotion.

Chad Hayden: There's no question the result is correct.

Susan Marteney: And the type of dynamic that's on the Arterial, that it's difficult for them to promote their business in that, and that is how I saw it as not being self-created, they are being competitive in the market and they have to be that way.

Scott Kilmer: I suppose you could make the argument that they are all self-created hardships because they all want something that they don't have now. But to make the argument for them or to agree with what they want you have to base it up with what Sue was saying, why do you want it, are you in a competitive disadvantage. Although they may not be legal reasons for allowing them.

Chad Hayden: The nice thing about an area variance is that it's not necessary to show.

Scott Kilmer: Yes, so you get a little latitude. I agree with what Sue said, there's a reason for the hardship.

Chad Hayden: Market driven. It's forced on them by the market. (Agreed)

Deb Calarco: They were there long before any of these businesses came in and kind of swallowed them up. I guess the question is does that part of the motion apply when we're making it?

Chad Hayden: You can make a motion that says that while it may be self-imposed the rest of it is so significant that it's the only reasonable solution, the other four criteria.

Ed Darrow: With the Moose there two foot could have also been looked at the means that is they were so financially strapped they couldn't afford to have another smaller sign made because it would have tripled the cost of them having been able to reuse that sign. Obviously it was better to give them the two foot variance then them spending six or seven hundred on a sign that would fit in the area.

Scott Kilmer: That's an example we can say we're giving you what we think is the minimum allowed amount because you've already got the sign but you may not be able to well define what the minimum amount is for someone else.

Chad Hayden: And that's to your discretion. I just wondered what all your thinking was as I didn't have any history of how you approach these. The decisions you made tonight make sense to me. But this self-imposed hardship, I think it's hard to say that it's not self-imposed at least in the Moose case.

Susan Marteney: They wouldn't be coming for a variance if it weren't. They want something they can't do so it is self-created.

Chad Hayden: I'll circulate an article on the concept of self-imposed hardships. You guys do a great job, for what you're paid. I think the self-imposed hardship criteria is certainly critical in the use variance area. The more we find about that together the better off we all are for Article 78 proof results. Wonderful decisions tonight, I'm looking ahead a little bit. You can get ahold of me if you have any questions. Relays contact information.

Ed Darrow: Next meeting is May 18. Meeting adjourned.

Recorded by Alicia McKeen