

**ZONING BOARD OF APPEALS
MONDAY, JUNE 22, 2015**

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

Absent: Deborah Calarco

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

APPLICATIONS APPROVED: 35 Densmore Ave, 326 N. Marvine Ave, 333 N. Marvine Ave, 110 Walnut St., 217 Grant Ave, 10 Genesee St.

APPLICATIONS TABLED: None

APPLICATIONS DENIED: None

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 35 Densmore Ave, 326 N. Marvine Ave, 333 N. Marvine Ave, 110 Walnut St., 217 Grant Ave and 10 Genesee St.

First order of business, has everybody reviewed the minutes from the April session? Any additions, deletions or corrections? Seeing none, hearing none they stand approved.

Has everybody had ample time to review the minutes from our May 18th session? (No)

35 Densmore Ave: R1 zoning district. Area variance to construct a one-story addition. Structure does not meet required side line setbacks. Applicants: Peter and Darlene Kuzmyn

Ed Darrow: 35 Densmore Ave, please approach, give your name and address for the record and tell us what you'd like to do.

Michael Palmieri, architect for the project representing Peter and Darlene Kuzman: I would like to submit a letter here from a neighbor (distributes) stating he is for the project and has no objections. We're proposing a one story addition. We've submitted drawings that it's going to be a dining room and bathroom addition. We're looking for a variance of 2.4 feet. Mr. and Mrs. Kuzman had purchased property from the City of Auburn about January 2014 and the purchased ten feet of property, they're on a dead end, if you're familiar with the property, it's a bank that goes down to Pulsifer Dr. So they purchased ten feet of property with the intention to put the addition on and then they sat with the architect and found out the addition needed to be just a little bit bigger just to meet their needs. So we've gone a little bit closer to the line than originally liked so what we're asking for is 2.4 feet for the variance.

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

Susan Marteney: Where was the end of the property before you bought anything?

Michael Palmieri: We have a survey map, do you have a copy of Don Watkins' survey?

Susan Marteney: I have a copy of yours.

Michael Palmieri: My drawing doesn't show the earliest version. We're right on the edge of the deck.

Susan Marteney: Oh, the deck is the edge. I don't think I got that. I just wondered. Oh, there it is. You were tight in there. Okay.

Michael Palmieri: They bought it prior to any design drawings and hoping ten feet was enough, they could have bought more at the time, the City was willing. Then in the design phase it just went over the seven foot mark that we needed. So that's what we're here for.

Ed Darrow: Sir, if there's something you'd like to add feel free to approach and give your name and address for the record.

Peter Kuzman, 35 Densmore Ave: We decided to put an addition on, obviously. To put a bathroom downstairs and when we looked at it we thought ten feet was enough. Had we known we would have gotten the additional footage from the City.

Ed Darrow: Thank you. Any other questions? You may be seated but we reserve the right to recall you. There is a letter from a neighbor. (Read into the record. (Attachement 1)) Is there anyone present wishing to speak for or against 35 Densmore Ave? Is there anyone present wishing to speak for or against 35 Densmore Ave? Seeing none, hearing none I shall close the public portion so we may discuss this amongst ourselves. Thoughts, concerns?

Scott Kilmer: It's not a big request and there's never going to be anything to the east of that property.

Ed Darrow: No, it's very minimal.

Scott Kilmer: I don't see a problem with it.

Susan Marteney: Lovely secret street there. And your house is beautifully maintained as well as all the other houses on the street.

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

Susan Marteney: I make a motion for Peter and Darlene Kuzman of 35 Densmore Ave for an area variance to construct a 330 square foot one story addition with an area

variance of 2.4 feet of the required seven feet side set back because the applicant has proven four 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.

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

Scott Kilmer: Second.

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

Scott Kilmer: Based on it not being substantial and there's never going to be anything to the east I vote yes.

Ed Darrow: Aye. I feel neither of the requests are substantial, it's not going to change the character of the neighborhood. Congratulations, your variance has been granted. Be sure to see Code Enforcement before construction for all permits.

326 N. Marvine Ave: R1 zoning district. Area variances to construct a pole barn. Proposed structure exceeds size allowed, exceeds height allowed and exceeds allowed volume. Applicants: Jason and Danielle Birchard.

Ed Darrow: 326 N. Marvine Ave please approach, give your name and address for the record and tell us what you'd like to do.

Jason Birchard: We're requesting a variance for a pole barn, 28 x 30. Right now there's two different proposals as far as having or not having an attic. I called Mr. Hicks and I gave him the numbers. If there's an attic the height of the building would be 19'4" which is obviously taller than allowed. If there's no attic the total height would be 14'8". I do have a couple pictures of what it would look like, similar to it. (distributes pictures (Attachment 2))

Ed Darrow: Is it going to be true pole construction?

Jason Birchard: Yes.

Ed Darrow: You're siding is going to be vertical or horizontal?

Jason Birchard: Metal. Probably vertical.

Ed Darrow: And your roofing?

Jason Birchard: Metal as well. True pole barn construction.

Ed Darrow: Any other questions from the board.

Scott Kilmer: On your survey, the circle drive, right now you have a pool there...

Jason Birchard: The pool is way back, it's not anywhere near the driveway. You may be looking at an older...

Scott Kilmer: Looking up your driveway it looked like there was small garage with a pool sitting in front of it. Is that yours?

Jason Birchard: Yes.

Scott Kilmer: So in relationship to where the small garage is right now where's the new one going?

Jason Birchard: Right at the top of the circle and then there's probably at least 30 feet to the pool.

Susan Marteney: It's going where the gazebo is?

Jason Birchard: In front of the gazebo, that grass area in front. Probably will start somewhere where the driveway touches the grass and go back from there.

Scott Kilmer: So you'll have the new garage, the pool and the shed in that order?

Jason Birchard: Yes. It'll be the garage, the pool and that shed. There is a little shed there to the right which will be taken down or moved off the property. That would happen upon completion of the pole barn.

Ed Darrow: So you understand we are required to give the minimum amount of variance necessary. How important is it for the second story or the attic space, because without that you wouldn't need the height variance, you'd be under the 15 feet?

Jason Birchard: We were leaning toward the second story for space alone for storage as the house basement is damp and we don't have a good area to store things so that would be great storage.

Ed Darrow: Do you know what the pitch will be of the roof?

Jason Birchard: Yes, with the attic it will be 8/12 pitch. And that's the way we're leaning toward for the extra attic space.

Ed Darrow: Any other questions from board members?

Susan Marteney: If he's going to keep the little shed behind the pool.

Ed Darrow: I thought he said he was taking it off.

Susan Marteney: No, there are two sheds.

Jason Birchard: There are two shed there now. They've been there since we moved in. With the garage and one shed we're allowed to have the little one there to the right of the pool would be coming down.

Susan Marteney: Is that number added in to the total amount?

Brian Hicks: [inaudible]

Jason Birchard: The white one does. Behind the pool.

Susan Marteney: You have two sheds.

Jason Birchard: Yes.

Susan Marteney: One's at the pool and one is further out. One is going to stay. In terms of the square footage, do we have to add that in for the total?

Ed Darrow: I would assume Brian has that added in being he's very diligent about that.

Susan Marteney: Okay, I was just thinking of the 30 x 28 and hoping that number was added in so the pole barn and the shed at the pool is still in your numbers for square footage that you have.

Ed Darrow: Any other questions? You may be seated but we reserve the right to recall you. Is there anyone present wishing to speak for or against 326 N. Marvine Ave? Is there anyone present wishing to speak for or against 326 N. Marvine Ave? Seeing none and hearing none I shall close the public portion so we may discuss this amongst ourselves. Thoughts, concerns?

Scott Kilmer: If we're required to give the minimum amount of relief then how does the applicant feel about the 14'8"?

Ed Darrow: He says they were hoping for the attic space. When you look at it that way we're talking 4'4" over the 15. Now is that substantial to you? To me, 4'4" isn't really substantial, it's the width of a piece of plywood. If we were talking eight foot over, even six foot, in my mind we'd be talking substantial.

Susan Marteney: Initially there's still enough space around it for the neighbors to...it's not going to impinge on their views or stop light from getting in to their houses. If it were closer to the property line then yes but it's really quite a distance from anything.

Scott Kilmer: We've made variances equal to that in the past.

Ed Darrow: Yes, we have. And then we're looking at the 258 square feet over the allowed 750 which, I think every one of us has agreed that 750 no longer works in this day and age. When you consider what we have for household, even patio furniture and toys and other things to store during the winter.

Is there any other discussion amongst us? If not the chair will entertain a motion.

Susan Marteney: I make a motion for Jason and Danielle Birchard of 326 N. Marvine Ave for three area variances to construct a 30 x 28 pole barn: and area variance of 258 square feet over the allowed 750 maximum for an accessory structure; an area variance of 4'6" over the allowed maximum of 15 feet ridge height; and an area variance of 9,721 cubic feet volume of the allowed 1,619 cubic feet volume of the primary structure because the applicant has proven the following four 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.

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

Stephanie DeVito: Second.

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

Ed Darrow: Aye. I feel neither of the amounts are excessive or a detriment to the neighborhood. Congratulations, your variances have passed. Please see Code Enforcement for all proper permits.

333 N. Marvine Ave. R1 zoning district. An area variance for a driveway wider than the allowed maximum of twenty feet. Applicant: Joseph Kessler.

Ed Darrow: 333 N. Marvine Ave, please approach, give your name and address for the record and tell us what you'd like to do.

Joe Kessler, 333 N. Marvine Ave: I'd like to request a variance for the width of an asphalt driveway. I built a two car garage last year, I attended this meeting in August, and the

garage received a variance and it is 28 feet wide. One of the last phases is to move the driveway over from the existing driveway. What I had proposed, and there are some photos showing that, is to put an asphalt driveway in, 28 feet wide and 62 feet long. It goes all the way to the street. There's a couple different scenarios in the photos. I understand that I need to install sidewalks to connect to the existing sidewalks and not have black top driveway all the way down. I understand that is the requirement. So there again are some renderings showing the sidewalk going through the driveway. I spoke with my contractor and he said he'd go with eight inches thickness there.

Ed Darrow: This last rendering, is the driveway going to have this curve to it? It's going to be straight?

Joe Kessler: Yes, that's an angled view. The photo in the middle will actually show the straight on view but it doesn't have the sidewalk going through it. It's going straight in. There's a concrete apron about three feet deep that will connect to it.

Ed Darrow: What is the width from the left side door to the right side door on the outside?

Joe Kessler: The doors are ten feet wide so there's about 2 ½ feet on each side of the garage.

Ed Darrow: The ten foot wide door so you have 20 there plus your space in the middle.

Joe Kessler: Yeah, that comprises eight feet so it's less than three feet each because it's symmetrical. That's a concern I had, as far as the aesthetics go to keep it symmetrical straight in and out and probably do some landscaping around the area to soften it up a bit.

Ed Darrow: Any other questions from board members? You may be seated but we reserve the right to recall you. Is there anyone present wishing to speak for or against 333 N. Marvine Ave? Is there anyone present wishing to speak for or against 333 N. Marvine Ave? Seeing none and hearing none I shall close the public portion so we may discuss this amongst ourselves. Thought, concerns?

Matt Quill: This will make it look better.

Ed Darrow: Yeah, to hourglass the driveway would make no sense.

Scott Kilmer: This will finish it up and make it look better.

Ed Darrow: Chair will entertain a motion.

Susan Marteney: I make a motion for Joseph Kessler of 333 N. Marvine Ave requesting an area variance of eight feet over the allowed maximum of the 20 feet driveway width because the applicant has proven the following four 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.

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. Motion carried.

Congratulations, your variance has been approved. Please see Code Enforcement for any proper permits before you proceed.

110 Walnut St. R1 zoning district. Area variances to construct an attached garage. Proposed structure does not meet required side yard setbacks, does not meet required combined setback dimensions, and exceeds allowed volume. Applicant: Christine Kleiber.

Ed Darrow: 110 Walnut St., please approach, give your name and address for the record and tell us what you'd like to do.

Chris Kleiber, 110 Walnut St.: I'm asking for a variance to put in an attached 12 x 24 foot garage on my house. My dad has asked to speak to this. Probably prompted by the fact that it was six weeks out of this winter that I couldn't get him out of the house so he would like to address you people in terms of asking for the variance.

Ed Darrow: Would you like to describe the project before we go on to your father?

Chris Kleiber: Yes, it's just an attached garage that goes on to the side of the house. I believe there was, before I bought the house, there was a garage there that was taken down. There were, I could see on the side of the house which was stucco at the time I could see where there was a garage or at least a roof line. Also a concrete pad that was there. So I would just like to replace it. My neighbor is very willing and has submitted a letter saying that it's okay with him to go ahead and do that. It's on the property line, absolutely on the property line.

Ed Darrow: The garage that you're looking to rebuild I understand it can't go any further over the property line but front and back will it still be around the same dimensions as the old one was?

Chris Kleiber: Yes.

Ed Darrow: Okay.

Chris Kleiber: Same concrete pad. I had replaced it with the hopes of building a garage there about 20 years ago.

Ed Darrow: Okay. If your father would like to speak. Sir, I need you to give your name and address for the record before you begin.

Paul Kleiber, 110 Walnut St.: Comments attached (Attachment 3).

Chris Kleiber: My dad is referring to the fact that I'm a nurse and am on-call to the hospital to put PIC lines in and they call me at all hours to do this.

Paul Kleiber: Continues comments. I look out the window and watch her not being able to help in anyway with the snow blowing in her face and cleaning this area up. So that's why a garage would be a great benefit. So I request the variance for Chris to add an attached garage 22 x 11 built on the existing concrete pad on the property line. Thank you.

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

Susan Marteney: Will you have to take your back steps out?

Chris Kleiber: We intend to do that and to have the approach to the garage through our back porch.

Susan Marteney: Okay, I was trying to understand how that would work.

Chris Kleiber: We want to get rid of that.

Susan Marteney: Okay, otherwise I don't know how you'd do it.

Ed Darrow: Any other questions from board members? You may be seated but we reserve the right to recall you. Is there anyone else present wishing to speak for or against 110 Walnut St.? Please approach, give your name and address for the record.

Betty Gregory, 2 Norman Ave: I am a good friend and neighbor of Chris Kleiber and I am here on her behalf to speak for her. Many of you, some of you remember the Kleiber boys, Mr. Kleiber's three sons were very active and gave so much to this city and the school district in athletics. His daughter, Chris, continues to give things beyond her necessity. She has been a nurse in Auburn Memorial Hospital for 30 years and is still there. Now she is asking a little something in return. Not a great big structure. Her dad is now living with her. Very, very sweet old gentleman but as you can see he's on a walker and in the winter time, and our winters are not getting any better, Chris must shovel her way out the back door to get to her snow blower to clear a path for her dad, if he has a doctor's appointment, to get out the front door over ice and snow with a walker over to the driveway

where the car is parked. It's not an easy proposition for both of them and it's dangerous. Chris does have the blessing of her next door neighbor which is very important and I'm just asking you people to show a little compassion and flexibility here, rules are made to be broken sometimes, and approve this garage which is sorely needed, if anyone in Auburn needs a garage it's Chris and her dad. I'm not asking you to approve it, I'm begging you to please approve this for Chris and her dad.

Ed Darrow: Is there anyone else present wishing to speak for or against 110 Walnut St.? Anyone else present wishing to speak for or against 110 Walnut St.? Hearing none and seeing none I shall close the public portion so we may discuss it amongst ourselves. Thoughts, concerns?

Matt Quill: I think the key point is the letter from the neighbor.

Ed Darrow: I'm very concerned about that.

Matt Quill: They don't have a problem with the proposal.

Mario Campanello: There's no change in the foot print either.

Ed Darrow: That's a big thing. There's no change in the foot print. It's obviously need it. If it wasn't torn down it would still be there. There's no opposition present.

Stephanie DeVito: I agree. The houses are tight there.

Ed Darrow: It's very tight there. I'm extremely leery of any time we go to the property line, extremely, and the only thing that gives me any kind of peace of mind here is the fact that there is proof that it was on that property line before. You can see it in the survey and the concrete that was there.

Stephanie DeVito: And the neighbor has given their blessing.

Scott Kilmer: My only concern is that it's right on the line. We're a little reluctant to even put fences right on the line. Just to play devil's advocate at some point these two property owners aren't going to be there and that's great your neighbor is not opposing any objection to it but it is going to be pretty close.

Ed Darrow: This is how I look at it, once the garage is there and that neighbor goes to sell the house, anybody that looks at the house is going to see that garage is on the property line. It's not like they'll be buying something sight unseen.

Matt Quill: They'll have the choice to buy or not.

Ed Darrow: The neighbor is good with it now and I think that's our biggest concern. I don't see how it will change the character of the neighborhood as it's going to go back to more like it was.

Susan Marteney: It's also tucked back and you barely see it when you drive by. There's the fence there right now which masks the whole area anyway.

Ed Darrow: The other thing that gives me peace of mind is they are not going bigger as far as front to back. You can't ask for them to be any more modest in size. It's not extravagant.

Is there any other discussion? If not the chair will entertain a motion.

Susan Marteney: I make a motion for Christine Kleiber at 110 Walnut St. with four variances for the construction of an attached garage: and area variance of seven feet of the required seven feet of the east side setback; an area variance of 6'11" of the 17 feet required combined side setback dimensions; an area variance of 1,638 cubic feet of the allowed 1,107 10% volume of the primary structure; and an area variance of three feet of the required three feet side line set back for an accessory structure because the applicant has proven the following four 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.

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. Motion carried.

Scott Kilmer: I have some concerns about the proximity of the two houses but I think that if anybody ever needed a garage under the circumstances, and also your friend's impassioned plea made a big difference, I vote yes.

Ed Darrow: Aye, I feel that the amount of the variances are not extravagant, it's minimal as possible due to the fact that they are doing nothing but recreating a structure in a foot print that was previously there. Congratulations, your variances have been approved. Please see Code Enforcement for any proper permits before you proceed.

217 Grant Ave, Famous Footwear Store. C3 zoning district. Area variance for a sign exceeding maximum allowed size. Applicant: Anchor Signs c/o Megan Starrick.

Ed Darrow: 217 Grant Ave please approach, give your name and address for the record and tell us what you'd like to do.

Brad Fraser, 815 Trent St., Charleston, South Carolina on behalf of Famous Footwear: We're doing a national rebrand project for all of their existing stores. They have a new corporate logo that was initiated back in 2012 so all of their existing stores are getting façade updates, repairs, paint and their new signs. One of the aspects of the new signs is this stacked layout compared to their linear layout. When I sent pictures to my corporate contacts of the existing store and also the neighboring stores and then pictures from the roadway they had concerns about the size of their signs compared to the two neighboring tenants, Dollar Tree and Bed, Bath and Beyond, and any of the tenants that have a large pop-up and not the smaller in-line tenants. So they asked me to pursue a variance that is more in line with neighboring tenants and the tenants throughout the shopping center. One of the arguments I face at these meetings is that we have a pylon sign. If they had their own pylon or own monument sign on the roadway they wouldn't pursue this variance but they are one of 15 tenants on a pylon sign of all different colors and it's only 13 square feet so when you're driving 45 miles per hour down Grant Ave you don't see it.

Now the smaller town most people know where things are but the purpose of the sign is to attract potential customers so they've asked me to pursue a variance to get a sign that's more fitting to the size of their storefront. They are actually surprised at the size of it compared to the pop-up they constructed. They have the landlord's blessing and I've heard nothing of any opposition to this point.

We're going to take down the existing sign, repair the façade to light new condition, apply new paint and put up a new sign. This is an old neon sign which is outdated technology and we're going to do an LED sign. I believe they allowed is 100 square feet. When I surveyed their existing sign I think it was a bit over that. There's different methods of calculation the square footage of a sign. As you can see there's a lot of dead space before the larger 's' in famous next to footwear and theirs about 15 square feet of that calculation that's between the logo and the wording of the sign. Technically if you took the area of the sign by doing a recta-linear calculation it's a little under 160. If you went beyond that and measured each letter it would be about 120. But that's pushing it.

Ed Darrow: We go by our Code Enforcement Officer's measurements.

Brad Fraser: Yes, sir. They just want to refresh the store front and put up a new sign.

Ed Darrow: Any questions? This plaza's, every time they change a sign because they're so under square footage. Any questions? You may be seated. Is there anyone present wishing to speak for or against 217 Grant Ave? Is there anyone present wishing to speak for or against 217 Grant Ave? Seeing none and hearing none I shall close the public portion so we may discuss it amongst ourselves. Thoughts, concern? Personally I think it's minimal at 23.6 square foot. It's a good looking sign. I understand the draw, that's what retail's all about.

Susan Marteney: And corporate says that's what you have to do.

Ed Darrow: Corporate can say whatever they want.

Susan Marteney: It's not out of whack size wise or color wise than Marshall's and all the others along there.

Stephanie DeVito: I like this better than the one they have. It looks better.

Scott Kilmer: It is bigger but it doesn't look that much different size wise.

Ed Darrow: And the red pops just enough but isn't over bearing and I can see it getting attention where the old logo in the center didn't.

Susan Marteney: And it's always nice to have signs like that refreshed. It makes the whole plaza look better.

Ed Darrow: If there's no other discussion then the chair will entertain a motion.

Susan Marteney: I move to approve the area variance for Anchor Signs, 217 Grant Ave Famous Footwear store for an area variance of 23.66 square feet over the previous allowance of 161 square feet for the Famous Footwear façade sign because the applicant has proven the following four 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.

Ed Darrow: Will you accept an amendment that Anchor Signs is applying on behalf of Famous Footwear stores?

Susan Marteney: Yes.

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. Motion carried.

Ed Darrow: Congratulations, your variance has been approved. Please see Code Enforcement for any proper permits before you proceed.

10 Genesee St. C2 zoning district. Area variance for walking distance to nearest point of parking facility. Applicant: Dominic Giacona for VG Rentals

Ed Darrow: 10 Genesee St. please approach, give your name and address for the record and tell us what you'd like to do.

Dominic Giacona, representing VG Rentals: We are currently pursuing an area variance for this property. Specifically the code requires a parking space within 300 feet of a residential area that will be having tenants live in that building. In this particular case the closest available parking is roughly 400 or so feet away from the premises so an area variance is required of about 100 feet to satisfy the requirements as they are. The situation in this particular instance, I've had the opportunity to poll the public in the area, some of the business owners who would potentially be impacted by this project. For those of you who are unaware this project involves the renovation and remediation of two historic building here in the city; the Auburn Floor's building and the Picorillo building. When all is said and done this project aims to put 18 residential loft apartment units in those two buildings along with first floor commercial space which will be a restaurant as well as a retail space for a jeweler and some other retail space that is yet to be determined.

Overall in polling the public in the area, this business owners, it does seem to be a very positive response. It does seem to be something these owners have embraced as a whole. In fact putting 18 residential units into the heart of downtown can only be a boon to business, one would think, for the businesses around there. I've specifically touched base with the Goldman's at the Liberty Store, who are very supportive and don't believe using the parking lot in the rear of their building will impact their business whatsoever. They brought up one good concern; their thought was that if there are residential uses in this building there's the possibility the tenants could park on the street which would of course take up valuable on street parking away from them and their customer base should that occur. In order to combat that possible issue I've talked to our developers and we're more than willing to put clauses in our leases with our residential tenants that forbid overnight parking on street. Hopefully we've shown a genuine commitment to working with the business owners to achieve a common meeting ground for everybody involved. I've also solicited the support of Speno music, I've spoken specifically with Mark Speno. They actually have their own parking space in the rear of the Seminary lot and they don't think it will be an impact to their particular customer base. They thought it would be a benefit to have the increased foot traffic that accompanies 17 to 18 residential units put into the heart of downtown. I've spoken to individuals of the Knights of Columbus. For those unaware, VG Rentals consists of two corporate members, one being Brendan Grill and the other Lee Vanderpool. Lee Vanderpool is heavily involved in the Knights of Columbus and has served as their homecoming chair on multiple occasions. I've spoken to Grand Knight Alex Vanderpool who openly supports this project. I think it's also important to note that K of C has its own designated parking area in the rear of their building. Parking area that they own particularly and is not part of that Seminary lot that is City parking.

Truly the only business that I believe that could arguably be negatively impacted would be Moro's Table because it's no secret they are a very busy restaurant especially on Friday and Saturday nights. I've touched base with a couple of their restaurant personnel, John, the manager, he's subscribed to exactly what I thought, the fact that Friday and Saturdays are busy, they do find the parking lot fairly filled up and that would be the only time they would have concern. But of course, it's public parking, it's up for everybody, it's for the public benefit. I don't believe their business would be impacted because even if patrons were not permitted to park there should it be filled up by the tenants there's a bevy of other areas for parking. I direct the board's attention to the area between Loop Rd and North St where the old Nolan Sports used to be and where Pawn King is now. That strip of about 48 on street parking spaces are seldom used and the reason for that is because those buildings between Pawn King and the end of North St are all vacant. There aren't businesses in there, that parking is ripe for individual to use and it would only be a few hundred feet to park there and walk to Moro's Table.

In addition I just point out I believe the precedence has been set for variances of this nature. If you recall a couple years ago when A.T. Walley's was in the works the Bartolotta's sought an area variance for the residential apartments above A.T. Walley's, I believe they sought a similar variance of around 100 feet to utilize the parking garage off William St.

Ed Darrow: That was only for two apartments.

Dominic Giacona: Two apartments. But a variance none the less was granted. Overall this variance can only have a beneficial change in the community and the area downtown. We're talking about two buildings which are in severely deteriorated, dilapidated state. I can say that as a resident of Auburn I've left Wegman's parking lot on numerous occasions and have observed the gaping hole in Auburn Flooring building. This building is in dangerous possibility of becoming a public charge. If these two developers do not remediate this historic building we're talking about a building that could come back into the City's hands and count hundreds of thousands of dollars to demo. There is no one else who has stepped up to the plate to do these remediations. So I think if you look at the project as a whole it can be nothing but a beneficial change. There's no possible alternative to receive this benefit. The only parking lot in the area to satisfy this requirement. I don't believe the variance we're seeking is substantial. As you can see from the SEQR form this potential variance can have no adverse impact on the environment. With that I will rest.

Ed Darrow: My only question is you said 400 feet or so. Is it 400 or 499?

Dominic Giacona: I believe it's 465 to be exact. I believe Mr. Hicks has a precise measurement.

Brian Hicks: It's actually 389. You all have a colored map. So you're looking for an 89 linear foot area variance.

Dominic Giacona: I think it's actually based on how one walks to the parking lot. If you walked, I didn't know if you could count walking through the buildings so I marked it from going down Genesee St. and taking a left on Seminary into the parking lot.

Susan Marteney: Is there overnight parking in that lot? Or is there permit parking?

Dominic Giacona: Because it's a City lot it would be, the residents would be eligible to obtain permit from the Treasurer's office. I believe they're \$15.00 per month. That would be something the developers would absorb the cost of for the sake of their tenants so they would be able to park overnight.

Ed Darrow: Any other questions from the board?

Matt Quill: Do you clients also have the old Hoffbrau Restaurant? Is that going to open up? Will that take away parking as well?

Dominic Giacona: Most certainly they've purchased that building and doing renovations there as well. It's entirely possible they will use that lot as well for parking. I will also note that that restaurant can use on street parking. For our purposes, this being a residential building, we're not permitted to use on street parking to satisfy the requirements of the zoning code. So that would be a particular difference that I would point out.

Ed Darrow: So then are you saying you're going to be back before us looking for another variance for that building for...

Dominic Giacona: In that particular circumstance no variance is required. I don't believe an area variance will be required for that restaurant.

Ed Darrow: But there are apartments over it aren't there?

Dominic Giacona: I believe there are.

Ed Darrow: There's two other stories there. I think every resident in Auburn knows there are apartments there.

Dominic Giacona: I don't like to speak to anything I don't know intimately. I can see the concern the board has. Because I can't speak intimately on that particular issue I don't know if there are spaces accompanying that building in the rear to satisfy the zoning requirements. I'm not prepared to speak on that.

Ed Darrow: Any other questions? You may be seated but we reserve the right to recall you. Is there anyone present wishing to speak for or against 10 Genesee St.? Please approach and give your name and address for the record.

William Juhl, 14 Nelson St.: My wife and I own Hunter Diner which is the neighboring property to this project. We'd like to speak in favor of the variance for the parking behind

Speno's. We do have some concerns, however. There's only eight parking spaces on the street in front of these buildings and seven across the street for a total of fifteen immediately available for our business. The overnight parking is good that they would include in their lease but we have concerns about the rest of the day. Are we going to lose spaces for 18 apartments for our customers and employees? We have 17 employees and on average daily 200 plus customers that come in there. There are a lot of times now that the parking is taken and we'll think driving up to the diner thinking that business is doing well but the place is empty because those parking spaces are for other businesses in the area also. There is a parking issue there. I've spoken with City Planner Steve Selvek about entertaining the thought of diagonal parking which would help alleviate a lot of it and he said at this point right now they are going to do a study because we have one lane right now with the closure while this construction is going on to see if it causes any congestion. So far I haven't witnessed any so we're basically, we would like them to get their variance for the parking lot but we'd also like to include the diagonal parking that begins at the County Office Building and comes down through and stops at Wegman's. I don't see any reason that it can't be continued to help promote downtown business at least on one side of the street. I don't know if it would work on the other side, there may be a loading and unloading issue but other than that I really urge the City or whoever is in charge of it to pursue the diagonal parking.

Ed Darrow: Is there anyone else present wishing to speak for or against 10 Genesee St.? Anyone else present wishing to speak for or against 10 Genesee St.? Rebuttal?

Dominic Giacona: I certainly do appreciate the good feedback from other businesses in the area. I hadn't had an opportunity to speak with you (Mr. Juhl). I knew you were represented by counsel, David Thurston, who I did contact just in good faith to try to take the pulse of all the businesses in the area. Certainly I do think that putting that clause in our leases will help to alleviate overnight parking. Unfortunately I don't think there's anything we can do to police on street parking during the day which is why we'd like the variance to park in the Seminary lot off street. It's still a very valid concern. One of the things our developers have spoken about that will hopefully alleviate this issue is to have a valet parking person to be on staff at certain times periodically during the week. I don't know how many hours they seek to employ this person but it is something they are adamant to do and I imagine that it would help alleviate the concern. Rather than having people park on street to go into the building briefly you would think they would pass their keys over to a valet to park and bring back the care at their convenience.

Ed Darrow: At this point I'll close the public portion so we may discuss it amongst ourselves. Thoughts?

Scott Kilmer: I think the daytime parking for Hunter is certainly an issue but this isn't the venue to discuss that and that's not our purvue.

Ed Darrow: Yes, that's not our paygrade.

Scott Kilmer: Speaking to the applicant I think it's a wonderful thing. If this building doesn't get rehabbed soon it's just going to be a big hole and we don't need another hole in the block. If somebody is willing to invest the time and money and bring back 18 tenants to downtown I think it's a wonderful thing. It's more business for everybody. It will revitalize the area. I don't see there's a whole lot of drawbacks but I do understand their concerns with the parking. During the day I would imagine these will be upscale apartments, these people are going to work, they will be gone during the day and won't be parking on the streets.

Susan Marteney: And there are two hour limits on parking meters.

Ed Darrow: There are two parking enforcers downtown constantly and they are very diligent at their job. You don't dare get caught in that same parking spot twice.

I have really, that only concern about taking the spots from the businesses during the day. I think what they're doing is commendable. I think they're going about it the right way. They're trying to alleviate problems at night with the parking permit for the tenants, I think that's the right way to do it. I think the idea of diagonal parking even if only on one side is huge. But then again that's above our paygrade, let someone else take care of that. I don't see where it's really going to hurt a lot and it seems like counsel has done due diligence to poll everyone who is going to be affected. We know letters went out and we don't see any of those affected people here other than the Juhls and they're in favor of it, they're just worried about losing their daytime parking spots and I can understand that completely. I think it's an important improvement for downtown and we're making great strides for downtown and we need to continue moving forward.

Susan Marteney: As downtown is more and more revitalized people are going to have to realize that you're not going to be able to park right in front of the establishment you wish to visit, you will have to walk a little bit and if you go to Syracuse, any kind of major event, you walk a mile it seems like sometimes to get there. We're just very used to an uncrowded downtown and let's hope that stops, that we'll have a crowded downtown.

Ed Darrow: I truly feel it because as being on the west side of town all my life I see my wife and me coming downtown more for meals and things instead of going out to Grant Ave. I'd hate to see it stall.

Scott Kilmer: The people behind this project have a good track record so I think that you can expect to see a good job.

Susan Marteney: And they have another property just up the street and that indicates their commitment to downtown.

Ed Darrow: They do things right, they don't start and stop midway. If there's no other discussion the chair will entertain a motion.

Susan Marteney: I make a motion for Dominic Giacona at 10 Genesee St. for 89 feet over the allowed maximum of 300 feet of walking distance to the parking area because the applicant has proven the following four 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.

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

Scott Kilmer: Second.

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

Ed Darrow: I vote in favor as I feel that the 89 feet is not substantial to achieve downtown parking. Congratulations, your variances have been approved. Please see Code Enforcement for any proper permits before you proceed.

Other Matters

Ed Darrow: Under other matters we need to bring up the matter of the brownstone. Sure and I attended it, you were unable to. We received the note from Steve that they really thought they didn't want to have too many at the meetings but from what I saw there were more at the meetings not from the city than from the city.

Susan Marteney: They were working on the project people.

Ed Darrow: Right. It is my intention, because I know you want to be on it, it is my intention to go forward with Steve and I don't see where having three from zoning is going to hurt anything when I saw how outnumbered the city was when compared to planners from the other firm and everybody else. Just to discuss that and I can't see him not agreeing with me once he saw when we sat in that room. It was probably two to one. That's my intention.

Susan Marteney: They haven't scheduled another meeting yet.

Stephanie DeVito: I haven't received anything yet.

Ed Darrow: Please remember we have a special meeting schedule for next Tuesday.

Stephanie DeVito: I just realized I may not be there due to a business after five event, I may try to get here though.

Ed Darrow: Next Tuesday at 7. Motion to adjourn? So moved.

Meeting adjourned.

Recorded by Alicia McKeen

Attachment 1
35 Densmore Ave

June 21, 2015

City of Auburn
Zoning Board

To Whom It May Concern:

As a neighbor to Peter & Darlene Kuzmyn, living across from 35 Densmore Ave., please know that I have no objection to the proposed addition on their property.

They have always maintained their dead-end property meticulously over the past 30 years, and I believe the addition will look beautiful and can only enhance the neighborhood.



Alfred Emmi
36 Densmore Ave, Auburn

Attachment 2

306 N. Marine
6-22-15



Attachment 3

110 Walnut St
6-22-15

To: Auburn building code enforcement Board

June 22, 2015 7PM

My daughter Christine Kleiber and my goal is to seek, if possible, a compromise between personal safety, community service and fire safety and the City of Auburn building codes.

In response to agenda item #5: Proposed structure does not meet required side yard setbacks, does not meet required combined setback, and exceeds allowed volume.

REPLY; Critical to the proposed garage is the existence of a 22' 9" long and 11' 10' 3" thick by The set backs are set by an existing 3 inch thick concrete pad 22'9" long and 11' 9" wide, increased in size in 1992 at Chris' instructions. The garage space is shown in yellow on a 1991 Map of Survey.

The volume of the proposed garage is intended to house a car and snow blower. A serious safety hazard is a three step concrete entryway to the kitchen It is to be replaced to make room for egress by the snow blower. A safer entrance to the back porch and kitchen is planned.

If we understand the 10 foot fire code, 110 Walnut and 112 Walnut are outside the code by eight feet. A measurement between the walls of the above residences is 12 feet. Any change to meet the code is unlikely. BUT----- American Red Cross reports that most house fires start in kitchens. An important mitigation is the function of a firewall inside the garage, where the structure is fastened to the house wall. A builder advises us that such a firewall is required

Should the Zoning Board approve the requested variances and recommends adding a firewall to the east side wall of the proposed garage, specifications will be added to the plans.

Chris is continually called- off duty times and holidays

This winter in early mornings she cleared her car, dug out the snow blower, cleared the sloping, slippery walk and driveway and hurried to install a tube to patients heart.

This is a valuable service to Auburn Hospital and the community. Is there room for a compromise?

REQUESTED VARIANCE: PERMISSION IS REQUESTED TO ADD AN ATTACHED GARAGE 22'9" LONG BY 11'9" WIDE TO THE EAST SIDE OF 110 WALNUT ST. THE PROPOSED GARAGE WILL BE BUILT ON AN EXISTING CONCRETE PAD ON THE PROPERTY LINE