

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

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

Absent: Matthew Quill

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

**APPLICATIONS APPROVED:** 79 Swift St., 77 Washington St., 63 West 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 79 Swift St., 77 Washington St., and 63 West St.

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**79 Swift St. R1A zoning district. Area variance for a driveway exceeding the maximum width allowed. Applicant: Donald Klem.**

Ed Darrow: 79 Swift St. please approach, give your name and address for the record and tell us what you'd like to do.

Donald Klem, 79 Swift St.: I'm here I guess, brief history. We moved into the residence at the end of last June. We wish to add a ten foot wide driveway extension to the side along the garage and then bring it down and curl it back into the existing driveway. We ask for and received a permit, did the work, Upstate Paving put a binder down. Prior to that we spoke to our neighbors to the east, the Beers at 81, and told them what we wanted to do and that we would put a fence up alongside there so they wouldn't have to look at my boat parked there all the time. So we did install 18 feet of white vinyl fencing there and matched it up with what they had in their back yard. So early this summer when we had Upstate Paving coming back to put the top coat on what we had done I wanted them to look at the apron of the driveway which is in disrepair and he pointed out the fact that I should have my driveway sloped away from the garage and by the time he talked about cutting back away from the garage and coming up away from the sidewalk and apron I had about twelve feet left in the driveway at which point I decided we should just excavate the whole thing and start a driveway from scratch. So I put in for a permit for that and found out that I couldn't get it and it turns out because that when we submitted the drawing for the permit last year we didn't do a very good job for scale or proportion which they would have found we were in violation of code. Our drawing didn't show as much of the drive curling in and being as wide as it is. Now I'm looking for permission to redo the existing driveway and have your blessings on what I've already done which is in violation but was not our intent.

Ed Darrow: If I'm understanding correctly your new driveway width is going to be 26 feet?

Donald Klem: I guess.

Ed Darrow: You're allowed 20 feet, you're looking for a variance of six feet, so you're going to have an overall width of 26 feet now.

Donald Klem: I believe so. I didn't do the actual measurements. The codes officer stated they had the measurements.

Scott Kilmer: I think at the widest part it will be 26 and then tapered down.

Susan Marteney: Down to 16.

Ed Darrow: So we go by the 26 at the widest point, you did not put it on your plot plan, but could you just guesstimate for me how far the edge of the asphalt will be from your property line?

Donald Klem: 10 – 15 feet.

Ed Darrow: That's fine.

Donald Klem: When I looked again tonight at the memo or the letter I saw that our neighbors were courtesy copied so I went over there this afternoon and they stated they'd received the letter and thought it was for what I'd already done. I told them yeah, it kind of is.

Susan Marteney: By the time it gets to the sidewalk it's only going to be 16 feet wide.

Donald Klem: Yeah, by the time we get to the sidewalk there's a place where it's original driveway.

Susan Marteney: And it's going all the way back...

Donald Klem: It goes as far back as the backside of the garage near the back of the house.

Ed Darrow: Any other questions from board members? Sir, you may be seated but we reserve the right to recall you. Is there anyone present wishing to speak for or against 79 Swift St.? Is there anyone present wishing to speak for or against 79 Swift St.? Seeing none and hearing none I shall close the public portion so we may discuss this amongst ourselves. Thoughts, concerns?

Scott Kilmer: I don't think it's a very big request. People have things they have to store. It's on some pavement now and it looks good. It'll be better when it's done. He's made efforts to stop the visual effect with his neighbors. I don't think it's a problem.

Ed Darrow: I agree completely and 81 Swift St. is not here, they'd been notified and they would be the most affected neighbor.

Susan Marteney: This is the same predicament as sheds. Being too small. Now people have two cars and a boat and more stuff. You don't want them sinking into your lawn.

Scott Kilmer: The boat's on the pavement now and it looks find.

Deborah Calarco: The fencing there makes it look very appealing.

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

Susan Marteney: I make a motion for Donald Klem at 79 Swift St. for an area variance of six feet over the allowed 20 feet maximum width for a new driveway 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.

Ed Darrow: I feel the driveway will not affect the neighborhood and 81 Swift St. was not here to oppose this variance. Congratulations, your variance has been granted. Be sure to see Code Enforcement before any other work is done.

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**77 Washington St. R2 zoning district. Area variances for a new garage exceeding the maximum size, height, and volume allowed. Applicant: Danley Austin.**

Ed Darrow: 77 Washington St. please approach, give your name and address for the record and tell us what you'd like to do.

Dan Austin, 77 Washington St.: I want to build a new garage.

Ed Darrow: Do you know what the variances are that bring you before us this evening?

Dan Austin: Yes, size, square feet and height.

Ed Darrow: Okay. Our square footage maximum is 750 and you're looking to erect a garage of 936 square feet. Therefore you need an area variance of 186 square feet. Height, you're allowed 15 feet and yours is going to be 17 so you need a variance for two feet of height to the peak and the overall area variance of 9,991 cubic feet over the allowed 11,232 so you'll need a variance of 1,241 for that. Questions from the board members?

Deborah Calarco: Are you planning to put it back in the same location, that close to the property line?

Dan Austin: Yes.

Susan Marteney: Actually it's a little further back and the area gets absolutely no light back there.

Deborah Calarco: Yeah, I went by there and it's close to the corner one on Wall St.

Ed Darrow: If I may correct the record on one thing; the variance for cubic feet needed is 9,991 of the allowed 1,241, I read it backward. I'm sorry, continue. Questions?

Deborah Calarco: The trees and everything alongside it right now, is that your property or...?

Dan Austin: Yes. That's part of the plan, if I get my variance I'll have that demolished then I can get a tree service in there. I've already talked to Cranebrook and they're going to take everything off the property. If I don't do it when that garage is down I'll never be able to get anything in there anyway. And there's two big maples in the back and a bid pine in the front and the pine is about dead anyway now. Just clear everything out, open it up, make it look nice, put in a nice building and try to enhance the neighborhood a little bit.

Deborah Calarco: What are you looking to do for siding.

Dan Austin: It'll be a metal building.

Ed Darrow: Vertical or horizontal?

Dan Austin: Up and down.

Ed Darrow: Vertical.

Scott Kilmer: That was my question also as we've had issues in the past with pole barn appearance.

Dan Austin: It will be pole barn, metal roof.

Ed Darrow: So it will look like a pole barn?

Dan Austin: Tastefully done. As far as you can go, it's not going to be like red on red, it'll be some sort of earth tones to kind of blend in a little bit.

Ed Darrow: But it will be pole construction as well?

Dan Austin: Yes.

Scott Kilmer: Do you need the extra height because of the lift you'll put in there?

Dan Austin: Yes.

Scott Kilmer: So it's not going to be a pit, it's going to be a lift?

Dan Austin: Yes.

Ed Darrow: Do you plan on doing any automobile service out of here whatsoever? Considering the lift?

Dan Austin: For myself, yeah.

Ed Darrow: Strictly yourself? Just as a hobby?

Dan Austin: Yes.

Ed Darrow: Do you hold a New York State dealer's license or automobile shop license?

Dan Austin: No.

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 77 Washington St? Anyone present wishing to speak for or against 77 Washington St? Seeing none, hearing none I shall close the public portion so we may discuss this amongst ourselves. Thoughts, concerns?

Scott Kilmer: I don't think it's going to overpower anything considering what's across the street from it. The other thing is the 9,991 cubic feet, that can be pretty misleading. It's not in the footprint. I don't think it's outrageous.

Ed Darrow: Agreed. In area variances, Alicia, what's notification, 300 feet or 500?

Alicia McKeen: 200.

Ed Darrow: 200 feet. Any other discussion?

Deborah Calarco: So the notifications were sent to Wall St. and the immediate neighbors?

Alicia McKeen: The notifications get sent to immediate neighbors, anyone actually touching the property line and then through some formula they figure out they have a point half way between the front property line and then 200 feet out in all directions from the point. It's not 200 feet from each property line, it's from the center point in the front.

Deborah Calarco: I think in light of that there's no one here speaking against it I don't see a problem. I think in the long run it will actually make the property look a lot better.

Ed Darrow: That's why I wanted on the record the footage of who was notified. If there's no other discussion the chair will entertain a motion.

Susan Marteney: I move to approve the area variance for Danley Austin of 77 Washington St. who is requesting three area variances to erect a 26 x 36 garage: an area variance of 186 square feet over the allowed maximum size of 750 square feet for a total of 936 square feet in size; an area variance of two feet over the allowed maximum height of 15 feet for a total of 17 feet in height; and an area variance 9,991 cubic feet over the allowed 1,241 cubic feet of volume of the primary structure for a total of 11,232 cubic feet 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: Will you amend your motion to contain that the garage will be built as submitted in the plot plan?

Susan Marteney: Certainly.

Ed Darrow: Please show that the motion has been amended. 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.

Ed Darrow: Aye, I feel there will not be any large change to the character of the neighborhood, there was absolutely nobody to testify in opposition of this variance and it will not be a detriment. Congratulations, your variances have been granted. Be sure to see Code Enforcement before construction for all permits.

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**63 West St. R2 zoning district. Area variance for a shed exceeding the maximum size allowed. Applicant: Karen Withers.**

Ed Darrow: 63 West St. please approach, give your name and address for the record and tell us what you'd like to do.

Karen Withers, 63 West St.: I would like to buy a pre-built shed and have it put on my property in the size of 10 x 20.

Ed Darrow: Any questions from board members?

Deborah Calarco: Are you having the old shed removed?

Karen Withers: As soon as the new one is in the old one will be torn out. The old one actually has a broken beam from a tree growing on top of it. The tree has since been cut and as soon as the new shed comes in the old one goes. I just have to have somewhere to put the stuff until then.

Susan Marteney: And the new shed will be put on the old foundation that's there?

Karen Withers: Yes.

Susan Marteney: Will they be able to get the shed up into there?

Karen Withers: Yes, they're going to bring it up between the tree and the house the long way and then swivel it around. They're going to put down some plastic and slide it across and jack it up.

Susan Marteney: That will be quite a job.

Karen Withers: My other half is taking care of all that, I have nothing to do with it.

Scott Kilmer: It's hard to tell from the drawing but your property line stops where it goes up and it's all shrubs and overgrown?

Karen Withers: Yes, there's some fence posts there that belong to I don't know, I can't get those people to clean that yard for the life of me.

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 63 West St.? Is there anyone present wishing to speak for or against 63 West St.? Seeing none,

hearing none I shall close the public portion so we may discuss this amongst ourselves. Thought, concerns?

Scott Kilmer: I don't have a problem with it but it is going to look big. It's going to be eight feet shorter than the width of the house. However, having said that, people have more stuff. It's a small lot. She's trying to store her belonging, there's no attic in the house. Fortunately it's going to be behind the house so a portion of it won't be seen but it's going to be, for the lot size, a large structure.

Susan Marteney: But you're only going to see the part when you come up that one section.

Scott Kilmer: If it were visible from other angles I would have bigger concerns. But I don't have a problem with it I just wanted to make that comment.

Ed Darrow: It's an unfortunate circumstance. There are lot of smaller lots in the older neighborhoods. Unfortunately our possessions grow and we need more space to put them

Susan Marteney: It may actually look quite not as full in the back once the other shed is gone and the things kind of sitting around in the back yard are in the shed. It'll open up that other side, the west side.

Ed Darrow: I would like to see in the motion that the other shed is to be removed once the new one is in so it doesn't linger.

Scott Kilmer: In that application it says it will be torn down.

Ed Darrow: Any other thoughts or concerns? If not the chair will entertain a motion.

Susan Marteney: I move to approve the area variance for Karen Withers of 63 West St. requesting an area variance of 50 square feet over the allowed 150 square feet maximum size for a total of 200 square feet to build a shed and for the old shed to be razed and removed after the new shed is installed 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: May I ask that the motion be amended that the new shed will be placed as submitted in the plot plan?

Susan Marteney: Yes.



Ed Darrow: Thank you. May the record please show that amendment? We have a motion, do we have second?

Deborah Calarco: Second.

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

Ed Darrow: Congratulations, your variances have been granted. Be sure to see Code Enforcement before construction for all permits.

Is there anyone else with business to come before this board? None

Any housekeeping? None.

Next meeting is 8/24. Meeting adjourned.

Recorded by Alicia McKeen