

ZONING BOARD OF APPEALS
MONDAY, MAY 25, 2016

Members Present: Susan Marteney, Laurie Walter, Scott Kilmer, Rick Tamburrino, Stephanie DeVito

Absent: Mario Campanello, Ed Darrow

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

APPLICATIONS APPROVED: 55 Washington St., 162 N. Fulton St., 38 Seneca Pkwy.

APPLICATIONS TABLED:

APPLICATIONS DENIED: 106-110 Clark St.

Scott Kilmer: Acting Chair: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. Tonight we will be hearing 55 Washington St., 162 N. Fulton St., 38 Seneca Pkwy., and 106-110 Clark St. I ask you at this time to please silence all phones or put them in manner mode.

55 Washington St. R2 zoning district. Use variance for a restaurant/tavern. Applicant: John Stevens. (Tabled item from previous meeting.)

Chair invites owner to approach.

Scott Kilmer: States that the issue needing to be resolved was parking.

John Stevens: Submits pictures showing Balloon's and street parking. States pictures were taken on a weekend evening about 7:00 p.m. and shows multiple spots still available.

Scott Kilmer: Questions if a contract for parking was established.

John Steven: We couldn't come to terms so it didn't happen.

Scott Kilmer: You need 25 – 30 parking spots. We have received another e-mail from a neighbor against this project. It comes down to you securing parking.

John Stevens: Refers to the pictures again showing what he thinks is adequate parking.

Scott Kilmer: Opens the public hearing. No one wishes to speak. Public hearing is closed. Asks for board comments.

Rick Tamburrino: The condition here was that he secure parking.

Scott Kilmer: The requirements kept getting larger for parking.

Susan Marteney: We have received letters from one person and one person personally appeared to speak against it. One thing always asked is an examination of cost of conversion in this case from a restaurant to a dwelling unit. Questions the return to recoup in rents.

Laurie Walter: 35 cars would be about 70 people. Doesn't think this would be at capacity. Doesn't remember a previous restaurant/bar being such a problem.

Stephanie DeVito: Questions hours of operation.

John Stevens: Doesn't have a business plan yet outlining them.

Stephanie DeVito: A definitive answer would help a decision.

John Stevens: It would not be open later than 9:00 p.m.

Susan Marteney: This building has been a restaurant, tavern or bar in some fashion for years.

Rick Tamburrino: It's changed now.

Susan Marteney: What's happened is people have become used to it not being there and the decrease in traffic.

Scott Kilmer: Patrons used to be more respectful. Do any concerns outweigh the cost of conversion?

Susan Marteney: How long has John owned it?

John Stevens: 16 years, bought in 2000.

Stephanie DeVito: What is the timeline to open?

John Stevens: About three months to get it up and running, to get licensing and get remodeling done.

Stephanie DeVito: Is there any hope for a parking arrangement?

John Stevens: Still hopeful.

Scott Kilmer: Is a proposal difficult to come up with or has it been rejected?

John Stevens: He wants to see how things are once the establishment is open then will possibly reconsider.

Scott Kilmer: Asks for a motion.

Susan Marteney: Makes a motion to approve a use variance for operation of a tavern/bar because the applicant has proven the following 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.

Rick Tamburrino: Second.

All members vote approval. Motion carried.

Scott Kilmer: Reminds applicant to see Code Enforcement for any necessary permits before beginning work.

106-110 Clark St. C zoning district. Area variance to convert two-unit dwelling into a three-unit dwelling. Applicant: John and Jacqueline Juhl (tabled item from previous meeting)

John Rossi: This is the same application submitted some years ago and was denied. The Article 78 was also denied. It can only be reheard if there is a unanimous vote from the board to do so.

Scott Kilmer: So we don't have to hear it?

John Rossi: Correct. It can be stricken.

Item stricken.

162 N. Fulton St. R1 zoning district. Area variance for two-story addition. Applicants: Patrick and Jennifer Furnia.

Chair invites applicant to approach.

Patrick Furnia: Wishes to erect an 8' x 13' addition on the south side. It will encroach in the required setback on the east and west sides.

Susan Marteney: Questions if it is where the fence is.

Patrick Furnia: Yes, the fence will be removed.

Rick Tamburrino: It will be two feet away?

Patrick Furnia: Less than.

Susan Marteney: What's on the second floor?

Patrick Furnia: Either two new bathrooms or storage and closet space.

Susan Marteney: Have you spoken with neighbors?

Rick Tamburrino: There's a letter in the packets.

Patrick Furnia: The houses are tight there. We have considered other options but this one is the best for us.

Scott Kilmer: We like to encourage people to stay in the City. It's a well-kept property.

Rick Tamburrino: Only concern is that future owners may not be so conscientious.

Scott Kilmer: We can't know that will happen so it can't be a consideration.

Asks for a motion.

Susan Marteney: Makes a motion to approve an area variance of 5'2" of the required 7' setback to construct a two-story addition because the applicant has proven the following 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.

Stephanie DeVito: Second.

All members vote approval. Motion carried.

Scott Kilmer: Reminds applicant to see Code Enforcement for any necessary permits before beginning work.

38 Seneca Parkway. R1 zoning district. Area variance for gazebo/accessory structure. Applicants: Grace and Gerald Wiggins.

Chair invites applicant to approach.

Gerald Wiggins: Wishes to place a pre-made gazebo on the property.

Susan Marteney: In the staked out area? Nicely wooded area.

Gerald Wiggins: Yes. We've kept it as natural as possible. We have solar panels install for lighting. It's a large lot so it won't make much of an impact.

Susan Marteney: It looks like you take wonderful care of the place.

Gerald Wiggins: It will be landscaped also.

Rick Tamburrino: Is the gazebo enclosed?

Gerald Wiggins: It will be screened in.

Rick Tamburrino: Is this considered a building?

Scott Kilmer: It's considered an accessory structure.

Gerald Wiggins: I have spoken with neighbors and they seemed to be in favor of it.

Scott Kilmer: Opens the public hearing. No one wishes to speak. Public hearing is closed. Asks for board comments.

Asks for a motion.

Susan Marteney: Makes a motion to approve an area variance of 106 SF over the allowed maximum of 750 SF of combined accessory structures to install a free-standing gazebo because the applicant has proven the following 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.

Stephanie DeVito: Second

All members vote approval. Motion carried.

Scott Kilmer: Reminds applicant to see Code Enforcement for any necessary permits before beginning work.

Scott Kilmer: Next meeting is June 27 at 7:00 p.m. Meeting adjourned.

Recorded by Alicia McKeen