

**ZONING BOARD OF APPEALS
MONDAY, JULY 25, 2016**

Members Present: Ed Darrow, Susan Marteney, Scott Kilmer, Rick Tamburrino, Stephanie DeVito

Absent: Mario Campanello, Laurie Walter

Staff Present: Brian Hicks, Code Enforcement; Stacy DeForrest, Corporation Counsel

APPLICATIONS APPROVED:

APPLICATIONS TABLED: 19 Lorraine Ave

APPLICATIONS DENIED:

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 19 Lorraine Ave. I ask you at this time to please silence all phones or put them in manner mode.

19 Lorraine Ave. R1 zoning district. Area variance to install above ground pool. Applicants: Patrick and Wendy Sargent.

Chair invites owner to approach.

Wendy Sargent: We would like to install a 15 foot, round, above-ground pool.

Ed Darrow: Just to clarify, did you receive a letter from Corporation Counsel John Rossi concerning lot 21? (Letter attached) Unfortunately we cannot move forward with the variance until this matter has been resolved.

Wendy Sargent: Yes, but what does this have to do with lot 19?

Ed Darrow: That lot is not in compliance and we cannot increase a non-conformity. Go through the letter for direction. Make a nominal offer on the parcel. Once a deal is made we can move forward.

Wendy Sargent: I spoke with John Rossi. He said these were two separate issues, it had nothing to do with the pool.

Ed Darrow: I apologize, I received a different story.

Stacy DeForrest: My understanding was also to table until the transfer can be arranged.

Patrick Sargent: How long would that take?

Stacy DeForrest: One to two weeks.

Wendy Sargent: We've live there 28 years. Why is this an issue now?

Patrick Sargent: How did this come about? We're ready to move forward and then out of the blue we get this.

Stacey DeForrest: It wouldn't be an issue if the driveway was not on City property.

Wendy DeForrest: It was like that when we bought it.

Stacy DeForrest: That is something your attorney should have picked up on.

Ed Darrow: I appreciate your dilemma and if I could do anything I would.

Patrick Sargent: How can you hold this up?

Ed Darrow: I am bound by State law which dictates that a non-conformity cannot be increased. I would be in violation of State law and held accountable if I let this go through. I could also be held in contempt of Court.

Wendy Sargent: I called John Rossi. He said it would be okay.

Stacy DeForrest: He isn't here tonight, I am. I am assistant Corporation Counsel. I am advising the board to table until the issue is resolved.

Ed Darrow: I have to take advice of Counsel. Once the issue is resolved the variance could also be lessened. We will hear it at the next meeting in August.

General discussion ensues concerning the matter. Ed Darrow believes the variance will be lessened with the addition of the parcel but a variance would still be required.

Housekeeping

Ed Darrow: Next meeting is August 22 at 7:00 p.m. Meeting adjourned.

July 12, 2016

Mr. & Mrs. Patrick J. Sargent
19 Lorraine Avenue
Auburn, NY 13021

Dear Mr. and Mrs. Sargent:

It has come to my attention by the Codes Office that you have made an application for a use for your premises. It was discovered that your parcel has a frontage of 53 feet and that there is a lot at the corner of Clymer and Lorraine Avenue which is owned by the City which has a frontage of approximately 35 feet. I believe that your application for a new use for your property is prohibited by the fact that you do not own the corner parcel. I do not know how that developed over the years and I am sure that if you examine your deed, you will note that the corner parcel was not included in your title.

I will tell you that the City has no desire to maintain ownership of that parcel and would be agreeable to conveying the parcel to you under the following conditions. You would have to obtain a legal description from a surveyor of that parcel, be agreeable to pay a nominal amount to purchase the parcel from the City and would have to be responsible for all of the surveying and recording costs in connection with this transfer.

This conveyance would have to go before City Council who would have to approve the sale and the conditions. I do not foresee any issues with the Council approving the same.

If either you or your attorney would contact me relative to this matter, we can then proceed.

Very truly yours,

John C. Rossi
JCR:rdt