

**ZONING BOARD OF APPEALS  
MONDAY, JANUARY 23, 2017**

Members Present: Ed Darrow, Susan Marteney, Scott Kilmer, Rick Tamburrino, Stephanie DeVito, Mario Campanello, Laurie Walter

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

**APPLICATIONS APPROVED:** 196 Genesee St., 217 Grant Ave, 277 Grant Ave

**APPLICATIONS TABLED:** 76 E. Genesee St., 11 Allen St.

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 196 Genesee St., 11 Allen St., 217 Grant Ave, 277 Grant Ave, and 76 E. Genesee St. I ask you at this time to please silence all phones or put them in manner mode.

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**196 Genesee St. C4 zoning district. Use variance for a non-listed use of a pet crematory.  
Applicant: Gerald Pettigrass**

Chair invites applicant to approach, give name and address and explain what they would like to do.

Jerry Pettigrass, 196 Genesee St.: Would like to construct a three-bay garage with one bay used to install a pet crematorium as a service to the community.

Ed Darrow: The last session there were a couple things still required. In this latest submission were the questions answered and is the board satisfied?

Jerry Pettigrass: In this business it is difficult to give exact numbers as it depends on the type of funeral desired.

Ed Darrow: But people are moving more toward cremation creating a loss of income from less funerals.

Jerry Pettigrass: Yes.

Scott Kilmer: This new paperwork shows a trend toward more cremations.

Susan Marteney: Questions if there is a freezer or holding area.

Jerry Pettigrass: We have a spot at the funeral home if needed but the plan is to take care of the animal right away.

Susan Marteney: What is the cremains are not picked up?

Jerry Pettigrass: As with humans, after a specified amount of time the funeral home can dispose of as legally allowed.

Susan Marteney: Questions pulverization.

Jerry Pettigrass: As with any procedure some people just don't want to know how it's done. I would never go into detail but crematories do use tools to make the cremains look finer.

Susan Marteney: Questions any noise or emissions.

Jerry Pettigrass: There is some minor residue but it is also regulated.

Susan Marteney: Questions any particulate emissions.

Jerry Pettigrass: This is strictly regulated by the DEC and inspected on a schedule. As we don't have an exact number of animals that we will be doing yet we don't have any further information.

Susan Marteney: Asks investment into project.

Jerry Pettigrass: About \$100,000. As a businessman I would take care of your pets and establish a relationship so we can service the family also.

Rick Tamburrino: Questions training on the equipment.

Jerry Pettigrass: Yes, the company goes through the entire process and makes sure I know what I'm doing.

Susan Marteney: Is there any yearly certification?

Jerry Pettigrass: Yes, there is an on-site inspection. It may be more frequently at the beginning. The machine has a computer that logs usage and communicates with the company.

Chair opens the public hearing.

Michael Falcone: Is a local funeral director. Is in favor of the pet crematorium. It is more difficult to continue making a profit with funerals as cremations become more favorable.

Daryl Mills: Sounds like a great idea for the community but doesn't understand the hardship for the garage.

Ed Darrow: Explains that only the crematory needed to show a hardship.

Chair closes the public hearing and asks the board for comments.

Scott Kilmer: Spoke with Dr. Gioia of the health department and will accept the DEC recommendations.

Ed Darrow: Asks staff to review SEQR.

Steve Selvek: Review SEQR. Staff recommends a negative declaration.

Ed Darrow: Put forth for a unanimous decision on a negative declaration for SEQR. All members agree. Motion carried.

Chair asks for a motion for approval of the use variance.

So moved by Susan Marteney. Seconded by Scott Kilmer. All members vote approval. Motion carried.

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**11 Allen St. Industrial zoning district. Area variances for an addition. Applicant: Dave DeForest, Universal Forest Products**

Chair invites applicant to approach, give name and address and explain what they would like to do.

Dave DeForest, Pine Ridge Rd.: Would like to construct a 16' x 18' addition of the back of the existing building for office space, employee rest room and employee lounge.

Rick Tamburrino: Expresses confusion that the map does not meet the application.

Dave DeForest: It is 30' from the line on the west, the addition will put it at 14'.

Brian Hicks: Variance is needed at the southwest and northwest corners. A survey has not been supplied. Aerial and real property records were used for information which proved to be incorrect. My office provided the proper calculations.

Dave DeForest: The corporate office does not have a survey on file. There are stakes at the rear but not the road side.

Chair opens the public hearing. Being none Chair asks the board for comments.

Rick Tamburrino: Asks if it's okay to grant a variance without the survey.

Ed Darrow: That is why we're discussing it.

Steve Selvek: Variances are often granted without surveys. If the applicant finds a larger variance is needed they would have to return to the board.

Ed Darrow: Asks the board if they wish to move forward.

Board would like a survey.

Ed Darrow: Advises the applicant an accurate survey will be required before action will be taken.

Item tabled.

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**76 E. Genesee St. R1A zoning district. Use variance for conversion to a two-unit dwelling. Applicant: Giacona Law Offices**

Chair invites applicant to approach, give name and address and explain what they would like to do.

Sam Giacona, attorney for owner Mark Anderson: Mr. Anderson wishes to convert a single unit dwelling to a two unit dwelling. The property was purchased as a five unit dwelling in 1989 and was in continuous use until 2002. The lower half of the building was converted to single, owner occupied unit around 2004. The second floor was also converted from multiple apartments to a single unit. A fire in 2015 required repairs to be made. The owner states he was not notified of any condemnation and the property was never vacant. We believe this qualifies as a two unit dwelling in terms of all setbacks,

size, etc. A financial hardship is caused by the loss of income. (Distributes breakdown of expenses and profits)

The local area is predominantly multi-unit structures. The hardship is not self-created as it has been used as a multi-unit since purchase. Had hoped that the conversion application would be sufficient but a use variance is needed.

Ed Darrow: Questions any mortgages.

Mark Anderson: Has a home equity line with other properties so used that to pay off the mortgage. No liens on the property.

Ed Darrow: So you do have to pay on the loan?

Mark Anderson: Yes, about \$250.00 monthly.

Stephanie DeVito: In the application it lists income from land as one unit is \$800.00. So where is the \$1,050.00?

Sam Giacona: That was an estimate. What I've just distributed is the actual.

Scott Kilmer: It would have been better to get this beforehand so we could study it properly.

Ed Darrow: We can table for further dissemination.

Scott Kilmer: I suggest we table so the applicant can return with a better financial packet.

Rick Tamburrino: So this was a single family?

Sam Giacona: It was never vacant. According to Codes it was condemned.

Ed Darrow: Suggests submitting utility bills to prove habitation. Questions Brian Hicks about length of vacancy.

Brian Hicks: I don't have that information at this time as I didn't know it would be needed.

Ed Darrow: As a pre-existing, non-conforming use it would revert to what is allowed in the zone.

Mark Anderson: Does not understand the time line. In 2015 after the fire I received a letter stating the home was a legal single family dwelling and that the second floor (apartment) was illegal.

Ed Darrow: The best thing to do at this time is to get all information to show dates involved. We need to have the facts without any confusion. Table to next month for better financial proof and proof of continuous habitation as a multi-unit with exact dates.

Stephanie DeVito: Questions vacant vs. not vacant. Was it condemned due to the fire or was someone living there?

Ed Darrow: Brian Hicks indicates it was because of the fire. We need to have this all clarified.

76 E. Genesee St. tabled to February 27, 2017

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**217 Grant Ave C3 zoning district. Area variance for signs for '5 Below'. Applicant: Kirk Wright, Sign and Lighting Services**

Chair invites applicant to approach, give name and address and explain what they would like to do.

Troy, Key Signs for Five Below  
Kirk Wright, Sign Services-local installer.

Troy: The company wishes to install 45 inch tall, illuminated channel letters for the storefront on a blue background which is the standard format for the store. As the blue background is considered part of the sign it causes the total square footage to exceed what is allowed.

Laurie Walter: Asks if the sign conforms without the blue background.

Troy: Yes. Only the letters will be illuminated.

Rick Tamburrino: Questions how long the temporary signs will be up.

Troy: About 30 days for 'coming soon' and 'now open'.

Ed Darrow: Asks if the sign in the application will be the only permanent sign.

Troy: Yes. There may be promotional posters occasionally.

Laurie Walter: Questions need for variance.

Ed Darrow: Since the blue background is part of the logo it is part of the sign.

Brian Hicks: Per code if a background is a different color than the façade then it is considered part of the sign.

Laurie: Questions the size of the sign.

Troy: It is a standard sign. It can be made any size needed.

Kirk Wright: It would not be as effective if scaled down.

Chair opens the public hearing. There being none, asks the board for comments.

Susan Marteney: Questions if any pylon signs will be erected.

Ed Darrow: A sign will be placed on one of the pylons.

Brian Hicks: The pylon signs have already received a variance. This would be a face change only.

General discussion of size, visibility, and color.

Chair asks for a motion. Motion for approval as presented made by Susan Marteney. Seconded by Mario Campanello.

All members vote approval. Motion carried.

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**277 Grant Ave C3 zoning district. Area variances for creation of a new parcel. Applicant: Alan Ripley, SBN I Properties.**

Chair invites applicant to approach, give name and address and explain what they would like to do.

Ed Keplinger representing Savannah Bank along with Alan Ripley: We are seeking two variances to create a new parcel at the corner of John Walsh Blvd. and Grant Ave. The City will own the property and it will be bought by Savannah Bank for an ATM kiosk. We need two variances for size.

Rick Tamburrino: It is a kiosk only, no walk-ins?

Ed Keplinger: Correct.

Ed Darrow: Questions signage.

Ed Keplinger: There will be signs on the kiosk and probably on all four sides. Possibly a monument sign. It all hasn't been determined yet.

Ed Darrow: Would it be adequate to have monument signs on John Walsh Blvd. and Grant Ave and one attached to the kiosk?

Ed Keplinger: Yes.

Ed Darrow: Questions the size of the kiosk.

Ed Keplinger: 12' long. Canopy over the driveway will be 12 – 14' high.

Ed Darrow: Don't want to overburden the property with too much signage.

Susan Marteney: Questions lighting.

Ed Keplinger: Installed as required.

Alan Ripley: We are in the process of looking at sign prototypes. Kiosk will not be large due to lot size.

Ed Darrow: States the variance is contingent on Planning Board approval.

Chair opens the public hearing. There being none asks the board for comments. None further.

Chair asks for a motion. Motion to approve as submitted made by Susan Marteney, seconded by Stephanie DeVito.

All members vote approval. Motion carried.

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**Housekeeping**

Ed Darrow: Next meeting is February 27, 2017 at 7:00 p.m. Meeting adjourned.