

**ZONING BOARD OF APPEALS**  
**MONDAY, JULY 24, 2017**

Members Present: Scott Kilmer, Rick Tamburrino, Stephanie DeVito, Mario Campanello, Laurie Walter

Absent: Susan Marteney, Ed Darrow

Staff Present: Brian Hicks, Code Enforcement; Stacy DeForrest, Corporation Counsel; Nate Garland, Corporation Counsel; Steve Selvek, OPED.

**APPLICATIONS APPROVED:** 63 Genesee St., 134 Chapman Ave, 246 Franklin St.

Scott Kilmer: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm board vice-chairman, Scott Kilmer. Tonight we will be hearing 63 Genesee St., 134 Chapman Ave, and 246 Franklin St. I ask you at this time to please silence all phones or put them in manner mode.

Chair introduces new Corporation Counsel Nate Garland.

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**63 Genesee St. C2 zoning district. Area variance for signs in excess of maximum number allowed. Applicant: Lyons Bank**

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

Michael Colosino: Ran into an issue with the number of signs at the former HSBC building. The building has several new tenants and it is difficult to differentiate the assigned parking. Because the logo of the bank is on the parking signs it counts towards the limit of the number of signs allowed and this puts us over that limit.

Rick Tamburrino: Verifies the signs in issue.

Chair opens the public hearing. No comments. Public hearing is closed.

Chair asks for board comments. None

Chair asks for a motion.

Motion to approve as submitted made by Rick Tamburrino, seconded by Stephanie DeVito.

All members vote approval. Motion carried.

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**134 Chapman Ave. R1A zoning district. Area variance for porch within the front yard setback. Applicant: Robert Hodson**

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

Robert Hodson: Would like to build a front porch. Has lived there 14 years. Currently only has a side porch and is the only house in the area without a front porch. The proposed porch would be 13 feet from the sidewalk. There would be no undue harm to the neighborhood and it would probably increase the property value.

Rick Tamburrino: Asks if the porch will be enclosed.

Robert Hodson: No, it will be open.

Chair opens the public hearing. No comments. Public hearing is closed.

Chair asks for board comments.

Rick Tamburrino: Thinks this would improve the look of the property and blend in with the neighborhood.

Chair asks for a motion.

Motion to approve as submitted made by Rick Tamburrino, seconded by Mario Campanello.

All members vote approval. Motion carried.

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**246 Franklin St. R1 zoning district. Approval of the use variance application for construction of a wireless telecommunications facility pursuant to the Memorandum, Decision and Order issued on June 28, 2017, by Honorable Judge David N. Hurd, in Upstate Cellular Network D/B/A Verizon Wireless v. City of Auburn, United States District Court, Northern District of New York Case Number 16-1032. Applicant: Upstate Cellular Network/Verizon Wireless**

Stacy DeForrest: on June 28, 2017 Judge Heard issued an order and decision for Upstate Cellular that both the Planning Board and Zoning Board issue all approvals in action for a cell tower at 246 Franklin St. We are asking for a negative declaration on SEQR and approval of the site plan.

Steve Selvek: Reviews SEQR and notes areas of impact. Planning Board has already issued their ordered negative declaration for their part.

Motion for an ordered negative declaration on SEQR made by Rick Tamburrino, seconded by Mario Campanello. All members vote approval. Motion carried.

Stacy DeForrest: The City has been involved with this for over a year. It is an unfortunate outcome.

Motion for ordered approval of submitted plan made by Rick Tamburrino, seconded by Mario Campanello. All members vote approval. Motion carried.

Scott Kilmer: We have no choice, we've been mandated to do this. I was talking to Chairman Darrow today and he's not happy at all because we're being told what to do. He feels, and I tend to agree, that we really aren't allowed to do our due process, our due diligence. This cell tower was contested by a lot of residents who feel they don't have a voice. We're here to represent that voice and give them a chance to express their concerns.

Stacy DeForrest: It was an unfortunate outcome. We gave it the best fight we could give it and that was what the federal court said and that's the end of the story.

Scott Kilmer: It is what it is.

Rick Tamburrino: In addition to comments made I don't understand why we even had to vote.

Stacy DeForrest: Agrees. I don't understand the reasoning either.

In regards to past applications, 58 LaFayette PI has been tabled due to incomplete paperwork.

194 Van Anden St. is tabled due to incomplete financial information. The applicant is consulting with their attorney.

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Next meeting is August 28, 2017 at 7:00 p.m. Meeting adjourned.

Recorded by Alicia McKeen