

**ZONING BOARD OF APPEALS  
MONDAY, JANUARY 28, 2019**

Members Present: Scott Kilmer, Rick Tamburrino, Stephanie DeVito, Doug Parker, Robert Gagnier, Ed Darrow

Absent: Susan Marteney

Staff Present: Brian Hicks, Code Enforcement; Nate Garland, Corporation Counsel

**APPLICATIONS APPROVED:** 1 Thornton Ave, 4 Norma Dr., 86 York St., 68 Lake Ave, 140 State St.

**APPLICATIONS TABLED:** 41-53 Genesee St., 126 Cottage St.

Ed Darrow: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm board chairman, Ed Darrow. Tonight we will be hearing 41, 43-51, 53 Genesee St., 126 Cottage St., 1 Thornton Ave, 4 Norma Dr., 86 York St., 68 Lake Ave., 140 State St. I ask you at this time to please silence all phones or put them in manner mode.

Are there any corrections, additions or deletions to the November meeting minutes? Being none the minutes will stand as accepted.

---

**41, 43-51, 53 Genesee St. D zoning district. Area variance for sign. Applicant: Grant Kyle for Kylecroft Development.**

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

Grant Kyle, Nolan Block, LLC: We are redeveloping the Nolan Block on Genesee St. and wish to restore the signs as originally done in the '60s and to keep the Nolan name attached but update the lettering. Will also have tenant signs in a uniform design. Any further signs will be the responsibility to the individual tenant.

Chair opens the public hearing. None to be heard. Public hearing closed.

Chair asks for board comments.

Board agrees that additional renderings are needed to clear any confusion on the denial letter.

Brian Hicks: Previously done calculations are now incorrect due to the new information received tonight. The new signs are not the same as what was used for the original numbers.

Edward Darrow: Reminds the applicant that the board is required to grant the minimal amount of variance possible and calculations must be exact to be reviewed. Asks applicant to submit new information at least then days prior to meetings to give board time to review.

Item tabled until February meeting.

---

**126 Cottage St. R1 zoning district. Area variance for conversion from single to two-family. Applicant: Adrian Humphrey.**

Adrian Humphrey as the applicant.

Edward Darrow: This application is incomplete. There was no conversion application submitted with it. We have no choice but to table the matter until the February meeting when all information is available.

Item tabled to February meeting.

---

**1 Thornton Ave R2 zoning district. Area variance for shed placement in secondary front yard.  
Applicant: Jeremy Heiser for Christopher Community**

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

Jeremy Davidheiser: We are requesting a variance for a garage in the front yard.

Edward Darrow: It appears the property actually has four front yards so a variance would be required no matter the placement of the structure so the variance would be to leave the garage where it is.

Jeremy Davidheiser: Correct.

Chair opens the public hearing. Being none public hearing is closed.

Chair asks for board comments.

Members agree it is not unsightly or substantial.

Chair asks for a motion.

Motion to approve as submitted made by Scott Kilmer, seconded by Rick Tamburinno.

All members vote approval. Motion carried.

Ed Darrow: Your variance is approved. Please see Code Enforcement Office for any necessary permits before beginning work.

---

**4 Norma Dr. R1 zoning district. Area variance for chain link fence in secondary front yard.  
Applicant: Tina Riester.**

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

Tina Reister: Would like to build a chain link fence in what is considered a secondary front yard.

Edward Darrow: Verifies where the fence is going to be placed.

Tina Reister: States the existing chain link fence will be removed.

Chair opens the public hearing. Being none the public hearing is closed.

Chair asks for board comments.

Rick Tamburinno: Caught in a dilemma being on a corner lot.

Scott Kilmer: Doesn't think the request is unreasonable.

Chair asks for a motion.

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

All members vote approval. Motion carried.

Ed Darrow: Your variance is approved. Please see Code Enforcement Office for any necessary permits before beginning work.

---

**86 York St. C zoning district. Area variance for shed placement. Applicant: Thomas Weiler**

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

Tom Weiler: Built a shed without a permit.

Rick Tamburino: Same shed size on same pad?

Tom Weiler: The height is lower on the new one.

Edward Darrow: Looking for 45 SF over the allowed maximum.

Chair opens the public hearing. Being none the public hearing is closed.

Chair asks for board comments.

Board agrees it is a nice look shed and the request is not unreasonable.

Chair asks for a motion.

Motion to approve as submitted made by Scott Kilmer, seconded by Doug Parker.

All members vote approval. Motion carried.

Ed Darrow: Your variance is approved. Please see Code Enforcement Office for any necessary permits before beginning work.

---

**68 Lake Ave. R1 zoning district. Area variance for graphics change in existing sign. Applicant: Todd Post**

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

Todd Post: Would like to change the graphics on a 4' x 4' sign on the Lake Ave office. I've bought a franchise to be advertised on a new sign and will be changing the graphics only, not the size.

Chair opens the public hearing. Being none the public hearing is closed.

Chair asks for board comments.

Edward Darrow: The sign has been there. I'm not sure if it was permitted when first installed but it has been a commercial enterprise forever.

Chair asks for a motion.

Motion to approve as submitted made by Scott Kilmer, seconded by Bob Gagnier.

All members vote approval. Motion carried.

Ed Darrow: Your variance is approved. Please see Code Enforcement Office for any necessary permits before beginning work.

---

**140 State St. NC zoning district. Use variance for non-permitted use in NC zone-auto repair business. Applicants: Don Green and Thomas Ferguson**

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

Sam Giacona, attorneys for buyers along with John Karpinski also representing the buyers. Tom Ferguson as the applicant:

Sam Giacona: This has been a mechanic shop for decades. The client will continue the same business of auto repair. There are no gas pumps there any longer.

Edward Darrow: Asks if the business will be strictly mechanical. No collision, body work, or towing.

Tom Ferguson: Correct. Mechanical work only. No salvage yard or body work. Customers in, customers out. A service center only.

Rick Tamburino: Questions the reason for the variance.

Sam Giacona: There was a period of time the business languished and the use was lost.

Edward Darrow: The use is no longer allowed in the NC zone.

Chair opens the public hearing. Being none the public hearing is closed.

Chair asks for board comments.

Edward Darrow: Considering plans for business; the building is designed for that use and won't interfere with the look of the area. It will be a mechanical business only.

Doug Parker: They are limited in parking also so cars cannot be stored there.

Edward Darrow: Reviews SEQR. Puts forth for unanimous consent for a negative declaration. All board members agree.

Chair asks for a motion.

Motion to approve as submitted made by Rick Tamburino, seconded by Bob Gagnier.

All members vote approval. Motion carried.

Ed Darrow: Your variance is approved. Please see Code Enforcement Office for any necessary permits before beginning work.

---

**HOUSEKEEPING**

Edward Darrow: Requests all board members to provide their cell phone numbers.

---

Next meeting is February 25, 2019 at 7:00 p.m. Meeting adjourned.

Recorded by Alicia McKeen