

ZONING BOARD OF APPEALS
MONDAY, MARCH 25, 2019

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

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

Absent: Doug Parker

APPLICATIONS APPROVED: 18 Steel St.

APPLICATIONS TABLED: 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 126 Cottage St. and 18 Steel St. I ask you at this time to please silence all phones or put them in manner mode.

Asks if everyone had a chance to review the minutes of February 2019. Minutes accepted.

Sam Giacona asks to be recognized. States that Auburn Town Center filed March 5 for a side yard variance. Sale of the property hinges on the application. The project went through the Planning Board process to change from a Highway Commercial to Commercial zoning district. This is the former Columbian Rope site.

Edward Darrow: The application was filed on time and somehow did not get on the docket tonight. Asks the board to accommodate the applicant at a special meeting on April 8. We will advertise as soon as possible.

126 Cottage St. R1 zoning district. Area and use variances for conversion to two units.
Applicant: Adrian Humphrey

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

Adrian Humphrey: Applying for a variance to convert the premises to a two-unit dwelling.

Edward Darrow: A use variance is required as this is in an R1 district and an area variance is required for the lot size requirements.

Scott Kilmer: Asks when it was last used as a two-unit.

Adrian Humphrey: The last owner died in 2015. Do not know when it was last a two-unit.

Edward Darrow: Appears an extensive amount of work need to be done. Who is doing it?

Adrian Humphrey: I have hired contractors. I plan on selling it to the neighbor to the right who owns a three-unit.

Scott Kilmer: Questions the floor plan.

Adrian Humphrey: As it sits now.

Scott Kilmer: On the 2nd page of the applicant, #19 concerning reasonable rate of return, this question is not answered.

Adrian Humphrey: The property has been marketed. 10-19 thousand were the only offers received for a single. I have invested about 40 thousand at this point. 25 thousand to purchase and the rest in taxes, insurance, etc.

Scott Kilmer: There are multi-units on either side?

Adrian Humphrey: Three unit dwellings on both sides.

Rick Tamburino: Did you know it was a single?

Adrian Humphrey: No, I didn't. I should have since I also work in real estate.

Edward Darrow: As you are putting money into this are you keeping receipts? One of the criteria is to prove a financial hardship that is not self-created. You haven't shown any receipts or offers. We need to see this proof in writing. Also, prove how long I had been used as a two-unit.

Adrian Humphrey: I have received a letter from NYSEG but they won't give names on prior tenants. A brother and sister lived in the property with the brother on the 1st floor and the sister on the 2nd.

Edward Darrow: Do you have any dates?

Adrian Humphrey: The letter from NYSEG is included in the packet.

Scott Kilmer: You need better financial information. We need a cost analysis. The letter from NYSEG states it was last used as a two-unit in 2007 and the meter was removed in 2015 so the second unit has been vacant for 12 years.

Edward Darrow: SEQR doesn't look complete. All questions need to be answered concerning consistency with the comprehensive plan. Since it doesn't that is why the variance is needed. We need to weight that in our review. We can table this until the eighth since we are having a special meeting.

Rick Tamburino: When doing financial analysis use a spreadsheet.

Stephanie DeVito: Questions the parking.

Adrian Humphrey: I need to review what is required.

Stephanie DeVito: Include a more definitive parking plan.

Edward Darrow: Off-street parking is required.

Brian Hicks: Only area variance requirement if for the lot size. The Code has changed so one parking space per bedroom is no longer a requirement. He has sufficient parking with the three spaces shown.

Chair opens the public hearing.

Anna Marinelli: Owns 130 Cottage St. This is a great thing they are doing. Auburn needs more rental units. They are working to make the house very nice. The house will not sell for much as a single. Cottage St. is a nice street. Has only seen congestion once due to an event at the UNC>

Edward Darrow: Will keep the public hearing open and table until April 8th.

18 Steel St. R2 zoning district. Area variance for conversion to two units. Applicant: Billy Casteel

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

Bill Casteel: I am attempting to purchase the property. It was built as a two-unit and was never a single. It was reduced to a single due to extended vacancy. The owner is an REO in California. I need a variance for the lot size. There are three parking spaces available.

Edward Darrow: You are currently under contract?

Bill Casteel: Offer is contingent on receiving the variance. It is not cost effective to convert it to a single as it was built as a two.

Edward Darrow: Questions Brian Hicks about the parking.

Brian Hicks: Nothing has changed.

Bill Casteel: Point out alternative parking plan.

Scott Kilmer: Questions if #4 parking spot would be considered front yard parking.

Brian Hicks: No, it is actually in the rear of the property.

Bill Casteel: I would move the stairs to the side to get the spot in there.

Nate Garland: This has been a zombie property in foreclosure for years.

Susan Marteney: Questions accesses to apartments.

Bill Casteel: The front door is only to the upper apartment, the side to the lower, and the rear to both.

Edward Darrow: My only other concern is the lot size. Short just under 20%. We are required to give the least amount of variance needed. This seems a bit substantial to me. This figure will also change by using more space for a fourth parking space. Does not seem to have much green space for potential children to play.

Susan Marteney: There is a park close by at the corner.

Edward Darrow: Understood. The lack of green space is my only concern.

Susan Marteney: Asks Brian Hicks why four spaces are needed.

Brian Hicks: The property is in the R2 zone and the new Code requires it.

Chair opens the public hearing. None.

Chair closes the public hearing and asks for board comments.

Rick Tamburino: It has always been a two unit.

Scott Kilmer: Seems more paper problem than anything. Not cost effective to change to single.

Edward Darrow: Not out of character with the neighborhood.

Chair asks for a motion. Motion to approve variance one as submitted made by Scott Kilmer, seconded by Stephanie DeVito. All members vote approval. Motion carried.

Motion to approve variance two as submitted made by Scott Kilmer, seconded by Rick Tamburino. All members vote approval. Motion carried.

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

Brian Hicks explains the new code has changed many items and previous codes no longer apply. I rely on the board member to check the codes I reference in the denial letters for any further information you might need.

Next meeting is April 8, 2019 at 7:00 p.m. Meeting adjourned.