

**CITY OF AUBURN PLANNING BOARD  
TUESDAY MARCH 5<sup>TH</sup>, 2019 6:30 PM  
MEMORIAL CITY HALL**

Present: Andy Tehan, Tina Tomasso, Crystal Cosentino (Chair)

Excused: Elizabeth Koenig, Theresa Walsh

Staff: Nate Garland, Corporation Counsel; Stephen Selvek, Office of Planning and Economic Development; Greg Gilfus, Traffic Officer; Brian Hicks, Code Enforcement

**Agenda Items:**

1. Public Hearing: Application for a Special Use Permit for the conversion for residential property to a two-family dwelling at 112-114 Janet Street. Applicant: Petro Rentals, Inc.
2. Application for Site Plan Review to construct a new +/- 20,000 SF microbrewery, tasting room, and associated restaurant together with site improvements for parking and storm water management at 197-199 North Street. Applicant: Dawn Shultz for Prison City Brewery LLC.
3. Application for Site Plan Review for the construction of a 91,690 ± SF building addition to the existing Currier Plastics facility together with site improvements for access and storm water management at 101 Columbus Street. Applicant: Currier Plastics.

Items Approved: Agenda Item 2.

Applications Denied: None

Applications Tabled: Agenda Items 1 & 3.

Crystal Cosentino is acting Chair for the meeting.

Chair calls the meeting to order. The Pledge of Allegiance is recited. Roll is called.

**Agenda Item 1: Approval of February 20<sup>th</sup>, 2019 Planning Board Meeting Minutes.**

Chair asks for any corrections on the February 20<sup>th</sup>, 2019 meeting minutes.

Steve – Reads into record an email (*attached*) from Karen Walters regarding minutes from February 20<sup>th</sup>, requesting an amendment be made. States his and Corporation Counsel's feedback that minutes are not and shall not be verbatim.

Chair asks for questions from the board and if they would like to amend the minutes.

The board agrees not to amend the minutes, just clarify on tonight's record.

Chair asks for a motion to approve the February meeting minutes. Motion made by Tina Tomasso, second by Andy Tehan. All in favor. No members opposed. Motion carried.

**Agenda Item 2: Public Hearing: Application for a Special Use Permit for the conversion for residential property to a two-family dwelling at 112-114 Janet Street. Applicant: Petro Rentals, Inc.**

Sam Giacona, Giacona Law for Petro Rentals – Explains his clients need a Special Use Permit to convert their 1 family property with 2 structures on it into a 2 family property. The property was purchased in 2015. It was used as a 2 family property since the 60's with a single-family residence in the main house and a garage including a second residence in back. The construction was complete and the owners tried to file an application for conversion to 2-units in order to get certification of occupancy and were instructed by the Codes Office that they need to file a special use permit as the property lost its use for being vacant for so long. This Special Use Permit would allow for a use of what it had been and what exists on the street already, a 2-family residence.

Chair – Asks the board for questions

Andy – What caused the use to lapse? Zoning?

Sam – It depends on the zoning. It's an R2, so single-family is preferred, but there are many 2-family and multi-family units in the area.

Steve – Clarifies that in the event a unit becomes vacant and is vacant from 6 months to 1 year, they lose their status. It comes down to lot size and unit size.

Andy – Asks that if it's because it became vacant that it has to go through this process?

Steve – It's the City's way of managing density of neighborhoods.

Chair – At the time of purchase, were the units occupied?

Sam – Doesn't know.

Chair – There must have been a vacancy of some sort either prior or after.

Nate – Asks Brian Hicks to speak on the matter.

Brian – The apartment was condemned before the sale and occupied after.

Steve – In regard to Code Enforcement records and property transfer records, it was recorded as a 220 Property. There is a difference in Code records and real property records. Code Enforcement records take precedence.

Tina – Clarifies the situation and comments that there should not have been someone living in it.

Andy – Asks the purpose of the Special Use Permit.

Steve – Conversions come before the board to insure there are no significant adverse impacts to the neighborhood including: density and street parking issues.

Nate – States it should be noted that this property was the subject of litigation in City Court. The property was being rented out while condemned. The order of Auburn City Court was that the applicant pays a \$500 fine and submits the conversion applications.

Chair – Asks about the time period of review by Codes for a Certificate of Occupancy when a property transfer occurs

Brian – For a 2-unit or more that's non-owner occupied, either the seller or buyer has within 10 days of transfer.

Chair – Implies that didn't happen or else the buyer would have known the garage unit was condemned.

Brian – They may have known, but he can't answer that.

Sam – There was a time line for the closing and the buyer was responsible for obtaining certificate of occupancies and inspections, but was something that fell into a crack. It was presumed to be usable, so they took a permit out for the new windows and upgraded the electrical, until the tenant complained to Codes and they discovered the unit was condemned. In terms of requirements, this unit complies with all of them. It had been used as an apartment for a number of decades until this sequence of events triggered loss of multi-use nature of this property.

Andy – Mentions it's their job to hash it as it seems like it has been an ongoing process.

Steve – This is clearly another step in the process. The next step is to allow for a public hearing for the Special Use Permit. He is recommending the board tables the application and make sure that any questions about the property be clarified. They comply with both minimum lot size for parking and minimum unit size. There is a caveat in regards to minimum building size which would generally apply to the main property, but he would need to hash that out with Code Enforcement.

Chair – Asks for any questions from the board. Opens public to be heard.

Pamela Andre, 18 Tuxill Square – states complaint about voice levels of the board. Mentions she doesn't want any more multi-family units in the neighborhood. There are more things to consider such as traffic and children

Susan Martini, 10 Tuxill Square – Mentions the City's strategic plan in how that would reduce density in neighborhoods, and this would contribute to the density. Mentions overcrowded parking on the street and issues that have already resulted from that.

Steve – reads into record an email (*attached*) from Steven Lynch, 7 Tuxill Square – As a neighboring property owner he is opposed to the board approving a special use permit. There is a high percentage of rental units in the neighborhood already that has resulted in break-ins, brawls in the streets, as well as abandoned shopping carts, and illegally parked cars. This would be a step in the wrong direction. Asks the board to deny the application.

Chair – Asks if there are any more comments from the public. There being none, closes the public to be heard and invites the applicant back up.

Sam – Mentions he understands the comments and is compelled to address them. There is a 5-bay garage for parking and numerous off-street parking spots. It is an efficiency unit that would only allow for 1 or 2 people. It was used as a residential unit at one point in time and will not be significantly increasing density.

Steve – Asks if it is a multi-bedroom unit.

Sam – It is just one open unit.

Steve – and the main house is a single family unit?

Sam – Confirms.

Steve – recommends tabling the item.

Chair – Asks for a motion to table the item. Motion made by Tina. Seconded by Andy. All in favor. None opposed. Motion carried.

**Agenda Item 3: Application for Site Plan Review to construct a new +/- 20,000 SF microbrewery, tasting room, and associated restaurant together with site improvements for parking and storm water management at 197-199 North Street. Applicant: Dawn Shultz for Prison City Brewery LLC.**

Chair – Asks for staff update and comments from the board.

Steve – explains the planning process this project has been through including the different meetings held and changes made, including the vegetation on the west and wall/ fence in back. Reviews parts 2 and 3 of the short EAF questions prepared. The plans shall be approved with modifications and points of clarification addressed in review, including: sidewalks, siding on the treatment building to match the main building, and the planting that is referenced shall be called out. Reviews Part 2 SEQRA checklist. There is no and/or a small impact. Part 3 SEQRA shows there is no significant impact. Included are the SEQRA Resolution for a negative declaration and the Site Plan Resolution.

Chair – Asks the board if there are any questions. There being none, asks for a motion to approve the SEQRA Action-Negative Declaration. Motion made by Andy. Seconded by Tina. Secretary calls the roll: Yes: Andy, Tina, Crystal. No: None. Absent: Elizabeth, Theresa. Motion carried and adopted.

Chair – Asks for a motion to approve the Site Plan Resolution. Motion made by Tina. Seconded by Andy. Secretary calls the roll: Yes: Andy, Tina, Crystal. No: None. Absent: Elizabeth, Theresa. Motion carried and adopted.

**Agenda Item 4: Application for Site Plan Review for the construction of a 91,690 ± SF building addition to the existing Currier Plastics facility together with site improvements for access and storm water management at 101 Columbus Street. Applicant: Currier Plastics.**

Mark Chambers, C& S Engineers for applicant – Explains project proposal including: warehouse style building with loading docks. The trailers will be going away. The site has existing utilities with positive reports. Water management has been further developed to further mitigate it. The southern end of the property has a driveway off of Genesee used to bring traffic to the north side of the building.

Chair – The original application was to build a roughly 3,500 square foot building with 6 loading docks.

Mark – The same number of loading docks are going into this plan.

Chair – Brings up the concerns of the original plans from the neighbors regarding Wright Ave. access.

Mark – There will be a decrease in traffic from Wright Ave due to the Genesee Street access. Google Maps has also corrected the directions trucks should be taking.

Chair – Asks for any questions from the board.

Steve – Design Review Committee met to review proposed plans. There were concerns regarding storm water management, truck access and turning radius, primary vs. secondary street access, utility plans and fire hydrant placement, parking, and the creation of a courtyard being treated properly. In lieu of doing the previously approved addition, the bulk of the construction is being pulled away from Wright Ave and those residential properties.

Chair – What happens with the old approval?

Steve – If they move forward and build this addition, the other building would have to come back for review due to significant site change.

Chair – Opens Public to be heard.

Karen Walter, 15 Case Ave. – Makes a comment about the February 20<sup>th</sup> meeting and how there was more information received about zoning at the City Council meeting than what was disclosed to the Planning Board on the February 20<sup>th</sup> meeting. Mentions need for transparency when the board is asked to make determinations. The Prison City project has been a smooth process with transparency. Asks for information the board or staff has to be transparent.

Chair – Closes the public to be heard. Asks staff and board members for comments.

Steve – Recommends tabling the item on agenda.

Chair Asks for a motion to table the item. Motion made by Tina. Seconded by Andy. All in favor. None opposed. Motion carried.

### **Other Items**

Date for next Board meeting is Tuesday April 2<sup>nd</sup>, 2019 at 6:30 P.M.

Motion to adjourn today's meeting made by Tina, seconded by Andy. All in Favor. None Opposed. Motion Carried.

Respectively submitted by Holly Glor