

**ZONING BOARD OF APPEALS
MONDAY, FEBRUARY 22, 2021**

Members Present, attending remotely: Edward Darrow, Susan Marteney, Robert Gagnier, Rick Tamburrino, Stephanie Devito, Tom Adessa and Mario Campanello.

Members Absent: None.

Staff Present, attending remotely: Geno Franczek, Code Enforcement, Nate Garland, Corporation Counsel.

APPLICATIONS APPROVED: 128 South Street. (Two variances approved.)

APPLICATIONS DENIED: 128 South Street. (One variance denied.)

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 128 South Street for three area variances.

November 23, 2020 minutes approved and January 25, 2021 minutes approved.

128 South Street: Applicant is requesting three Area Variances for the placement of a shed on the property. Applicant: Dr. Erica Iantuono.

Chair invites applicant to come on to the meeting and state what they would like to do.

Applicant, attending remotely, introduces herself as Erica Iantuono and her fiancé, Kevin Feducia, who will speak on her behalf. Mr. Feducia explains that they would like to build a shed. They had an existing tarp shed, which they were unaware that they needed a permit for, but has since collapsed. They would like to build an actual permanent structure but it will be larger than the 144 square foot permitted and about a foot closer to the property line. The neighbor that the shed would be closer to approves the shed. The shed would also be closer to the garage than is permitted for fire regulations. Chair asked if the shed would be pre-made or stick built. Mr. Feducia responded that he would be building it himself. Mr. Gagnier commented that the shed size seemed to change depending on what document you were looking at. The application appears to request a 10 x 18 shed but the application to the Historic Review Board cites a 10 x 17 shed. The letter from the Historic Review Board mentions a 10 x 14 shed. Therefore, some clarification is needed on the size that's being requested. Mr. Feducia advised that the request is for a 10 x 18 shed. The Chair asked if the setback was based on the 10 x 18 shed or the 10 x 17 shed. Mr. Feducia responded that the 10 x 17 or 10 x 18 size doesn't change the setback because it's measured on the 17 foot side. Chair asked Mr. Franczek to check which size the setback was based on.

Mr. Gagnier asked if the proposed new shed would be butted up to the existing carriage house/garage structure? Mr. Feducia confirmed that it would indeed as this was the only real spot they could put the shed and that's the corner of the property where it would be more out of the way. There would be only 6" to a foot between the two structures. It would be sitting in the same spot where the temporary shed was.

Gino Franczek of the Codes Office confirmed that according to the notes on the application, the setbacks are based on a shed that is 10 x 18.

Chair noted that the applicant's closest affective neighbor at 2 Swift Street is okay with the shed but are not present, although they did receive a letter. Mr. Feducia advised that the closest affected neighbor is 126 South Street and has expressed support for the shed. The property abuts both 2 Swift Street and 126 South Street.

Mr. Tamburrino asked if there was a wood working business in the 3-bay garage on the property. Mr. Feducia responded that he had a small wood shop that's not really a commercial operation. He works a full-time job. Mr. Tamburrino said he had seen the website and said he was confused because he thought it was a business. Mr. Feducia said it's somewhat of a side business, not anything he takes too seriously. Mr. Tamburrino asked if he was building a shed because he was using his 3-bay garage as a woodworking business. Mr. Feducia responded that the woodworking business only takes up about one bay of the garage but he is using the remaining bays to store his boat, tools and miscellaneous household items which doesn't leave room for a lawnmower, snow blower, and other property maintenance tools.

Mr. Tamburrino advised that he saw a letter regarding special usage and inquired as to the status of that. Mr. Feducia responded that he did not know the status of that or whether he actually had to do that or not.

Mr. Garland advised the Board that the application was for a special use permit for a home occupation and would have to be granted by the Planning Board. The applicant bit off a lot as she also needed a C of A from the Historic Resources Review Board, variances from this Board and a Special Use permit from the Planning Board for the home occupation. Board members commented that there was quite a website for Swift Woodworks and a Facebook page as well. They concurred that it was, indeed, a business. Mr. Feducia commented that he doesn't argue that it is a business but he is also employed elsewhere full time so the business is secondary. Board made the observation that Mr. Feducia should have taken a further step to find out if he needed the Special Use Permit after not hearing anything back from the Codes Department. The Chair confirmed that the applicant's testimony was that it was a business even though the applicant

Chair closes the public portion and invites Board discussion.

Board expressed a concern regarding the outbuildings being packed in a small space, as well as a fire hazard related to sawdust from the woodworking business. There was a concern about the separation of the shed from the 3-bay garage because it's pretty condensed. Board commented that the applicant will be required to put fireproofing in the walls of the garage before he gets to

the shed. The rule is if it's closer than three feet between the shed and another structure, fireproofing is required. There was discussion regarding the size of the shed as approved by the Historic Resources Review Board as opposed to the application for the variances to the Zoning Board of Appeals. Counsel advised that there was a material difference in the application than the application that came before the Historic Resources Review Board. Chair asked the applicant if she would like to table the matter in order to bring the matter back before the Historic Resources Review Board in order to change the size of the shed and get a letter of appropriateness. Applicant responded that she wished to proceed. It was mentioned that there may be a concern regarding traffic flow if the Special Use Permit was granted. Counsel advised that the Planning Board uses traffic flow as the primary data point that gets used when analyzing Special Use Permits for home occupancy.

The Chair will entertain a motion.

Mr. Tamburrino makes a motion to (1) grant an area variance of 36 square feet over the allowed 144 square feet for a 10 x 18 shed, where submitted in plot plan. Seconded by Mr. Campanello. Variance #1 approved.

Mr. Tamburrino makes a motion to (2) grant an area variance of 6 feet of the required fire separation of the garage structure as in plot plan. Seconded by Ms. Marteney. Variance #2 is denied.

Mr. Tamburrino makes a motion to (3) grant an area variance of 1 foot area variance over the side yard setback of the required 3 foot setback from the north property line measured from the eave. Seconded by Mr. Adessa. Variance #3 is approved.

Chair advises of remedies that will cure the area variance requirement to the #2 variance requested. Chair also advises the applicant to pursue the Special Use Permit with the Planning Board as it's very evident that there is a business operating out of the garage.

Housekeeping. Counsel advises that there has been some discussion about moving our meetings back into City Hall. This is something that is on the horizon and is being discussed. However, for the time being, it may be City policy to hold meeting remotely. Chair advised that he was planning to send a letter to the City Manager and Mayor requesting when in-person meetings could resume. He feels that face-to-face meetings with the applicants is beneficial to everyone. He feels that the Board could be disenfranchising any neighbor from the public hearing if they're not lucky enough to have a webcam, a cell phone or internet access. The Board feels that if there are multiple applications, it could be tough and they would miss the visuals and personal contact.

Meeting adjourned.

Next meeting will be held on Monday, March 22, 2021 at 7:00 p.m.