

ZONING BOARD OF APPEALS
MONDAY, OCTOBER 28, 2019

Members Present: Edward Darrow, Scott Kilmer, Rick Tamburrino, Stephanie DeVito, Robert Gagnier and Susan Marteney.

Excused: Mario Campanello

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

APPLICATIONS APPROVED: 2 Cameron Street, 75 Pulaski Street and 71 N. Fulton Street and 97 Hamilton Avenue.

APPLICATIONS DENIED: 71 N. Fulton Street

APPLICATIONS TABLED: 97 Hamilton Avenue

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 2 Cameron Street, 75 Pulaski Street, 71 N. Fulton Street and 97 Hamilton Avenue.

Chair asks if there are any deletions, additions or corrections to be made to the September 23, 2019 meeting minutes. As there are none minutes stand approved.

2 Cameron Street. Area variance for driveway and additional parking. Applicant: Christopher Elardo

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

Christopher Elardo: Has already expanded his driveway, didn't know he needed a permit.

Chair asks who did the paving, when was it done and did they inform him he need one. Board asks if he has a contract with him. The response was no.

Chair opens the public hearing.

Mark Lawn: Has resided at this address for 50 years and gave a history of the driveway at 2 Cameron Street. Chris has the not gone wider than the initial driveway except for the pad where he parks his trailer. He has the nicest yard on the street and takes pride in maintaining his property.

Public hearing closed.

Chair asks for board comments. Board advises that it's a very nice, well-kept property. Board had no issue with the property. However, the issue is that a permit is still required.

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

Ed Darrow: Your variance has been approved.

75 Pulaski Street. Use variance for increasing non-conforming use in a residential zone. Applicant: Falcon Lanes, LLC.

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

Ally Colvin, Esq.: The applicant, Michelle Feldman, wishes to convert an area that is currently being used for storage and not much else to a bottle and can redemption center.

Chair: Asks for the name of the firm she's with. Ms. Colvin responded that she is with Boyle & Anderson.

Chair asks for the plan and Ms. Colvin describes the proposed use. Chair asks which door will be designated and was advised that the side door which goes to the basement will be used.

Board: What type of equipment will be used? Bottles and cans will be hand sorted so only a table will be used. It will just be a collection center only. Hours of operation was discussed. Pickup was discussed as well and advised that the distributors would be performing this service. The need for bowling centers to branch out into other areas in order to create more income was discussed. The financial hardship portion was touched on.

Chair opens the public hearing.

Richard Corbett, 64 Union Street: Has a complaint referencing the Agenda which did not stipulate that the use variance was requested in order to operate a redemption center. The same holds true for the article in the paper. He also has a concern regarding increased traffic. He advises that there are plenty of redemption centers in the area.

Counsel rebuttal:

Ms. Colvin spoke regarding the issues raised. The excess traffic was addressed but she didn't think it would be a problem. The Board raised a concern regarding the excess traffic as well. Ms. Colvin didn't think the traffic would rise to dangerous levels. She also advised that the area was underserved as the ones raised were either moved or on the other side of town.

Short Form SEQR was reviewed and a negative declaration was declared and the SEQR was approved.

Chair asks for Board comments.

Board advised that it was unknown as to why the letter sent to neighbors did not advise of the use. There are 30 neighbors who signed a statement that indicates that they are okay with the bottle and can redemption center. Traffic issues were discussed relative to Casey Park School traffic and it was decided that that traffic is already there but it's not going to be too increased to be troublesome to children. Foot traffic goes to the south and the west. Since it's a drop off and pick up only, there won't be a terrible increase in traffic. There was discussion regarding setting precedent for future businesses of this type.

Chair asks for a motion. Motion to approve made by Rick Tamburrino, seconded by Stephanie DeVito. All members vote approval. Motion approved.

Chair: Your variance has been approved. Please see Code Enforcement for your permit.

71 N. Fulton Street. Area variance for 96 square feet for the placement of a 12' x 20' shed. Applicant: Mark Quernes

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

Mark Quernes, 71 N. Fulton Street: Wishes to put a 12 x 20 shed in his back yard. Has an existing garage but it would cost \$25,000 to replace it. There is a water issue in the driveway. The Chair questions whether the shed will be right up to the property line. He also advised that Mr. Quernes only needs to pull out the shed 3 feet and he wouldn't need a variance. Shed maintenance was also discussed. The Chair advised that the 3-foot rear yard and 3-foot side yard hardship is self-created as he only has to move it 3 feet.

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

Chair: Asks for Board questions. Board asks Mr. Quernes if he realizes that he could only move the shed one foot and the Board would be more amenable. He replied that he is okay with that. The Board has difficulty with the setback. Maintenance is required and he needs the proper setback in order to do so.

Chair asks for a motion for Area Variance 1. Motion to approve made by Scott Kilmer, seconded by Rick Tamburrino. All members vote approval. Motion carried.

Chair asks for a motion for Area Variance #2. Motion to approve made by Rick Tamburrino, seconded by Suesan Marteney. All members vote to deny except for Ms. Marteney. Motion denied.

Chair asks for a motion for Area Variance #3. Motion to approve made by Rick Tamburrino, seconded by Susan Marteney. All members vote to deny. Motion denied.

Chair: Your area variance for the 96 sq. foot has been approved. Your variances for the 3 foot rear yard and side yard setbacks were denied. Please see Code Enforcement for any necessary permits.

97 Hamilton Avenue. Use variance to create business offices in a residential structure in a residential zone. Applicant: Cayuga Home/Cayuga Centers

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

Mike Curran, 6467 Sharon Drive: There was a question regarding the address which was clarified by the applicant. The business offices to be created are similar to the ones in the larger building. Not much on the second floor. The specifics would be IT and Finance staff which are current employees. The building has been vacant since 2017. There has been regrouping since the residential program has been closed. The Board asked why the offices were not moved into one of the residential cottages. The applicant explained that they wanted to preserve them for possible future programs. The matter of financial hardship aspect was explained and questioned. The applicant explained that the property has deteriorated but couldn't specifically say what the financial hardship would be. The climate has changed and the property would be better served as a business office. The Board advised that they need numbers to show the financial hardship. A spreadsheet showing the renovation costs for 97 Hamilton Avenue compared to renovating a cottage.

Board tabled the matter until the next meeting which is the fourth meeting of November, 2019.

Housekeeping: NYCOM Zoning Board training online. Contact Rosemary to have it set up. Sexual harassment training is done every year.

There are items that need to be tweaked in the Zoning Ordinance; ie. fines need to be revised. There should be a change regarding signage ahead of early voting. The permitted sizes needs to be addressed as well. Bottle redemption needs to be discussed with respect to zones. Commercial use variances need to be tightened up for more details. Driveway permits were discussed and the lack thereof of a permit prior to the work being done. Monument signs were discussed. Public education regarding permits was discussed.

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