

CITY OF AUBURN, NEW YORK,

Plaintiff,

-vs-

FIRST PRESBYTERIAN CHURCH OF AUBURN,
NEW YORK,

Defendant.

AFFIDAVIT OF
EILEEN J. WINTER
ON BEHALF OF
DEFENDANT

Index No. 14-0983

1
11/19/14
2:53

Eileen J. Winter, being duly sworn, deposes and says:

1. I am the Pastor of the Defendant First Presbyterian Church (“Church”), located at 108-112 South Street in Auburn, New York 13021. I have served in that capacity since 2009, and by virtue of such service, I am fully familiar with the facts and circumstances surrounding the above-entitled enforcement action brought by the Plaintiff City of Auburn (“City”).

2. The Church is the current target of a zoning enforcement action by the City, stemming from the staging of a musical theater summer glee camp for children on Church property for three weeks in July 2014. I believe this action is a misguided and discriminatory act on the City’s part that not only harms the Church’s ability to carry out its religious mission in the community, but also threatens a chilling effect upon other faith organizations similarly situated in residential areas throughout the City.

Historical Background

3. Since its founding in 1810, the Church has played an integral role in the development of Auburn, especially in the areas of education, vocational training, community services, and the arts (a detailed compendium of the Church’s history in this regard is provided as Exhibit “A”). The Church considers its ongoing legacy of community service to be a key component of its religious mission –

every bit as important and vital as its regular Sunday services – because this service is the active translation of faith into action.

4. The Church has occupied its current site on South Street in Auburn since 1975, when it constructed a new church building to replace the former building that had been destroyed by lightning and fire the year before. The Church's property consists of two adjacent parcels: the church building and surrounding parking and green areas located at 112 South Street, and the Case Mansion property located at 108 South Street.

5. Built between 1929 and 1934, the Case Mansion is 36,000 square feet in area, contains 65 rooms and is the fifth-largest mansion of its kind in the United States. It was constructed by Theodore Case, the inventor of sound recordings placed on film, who lived in it a short time before dedicating it to the City of Auburn. The Mansion served as a National Youth Administration Center before becoming a monastery for Carmelite monks in 1946. In 1972, the Carmelites obtained permission from the City to open the Mansion to serve mentally disabled and homeless veterans returning from Vietnam. Shortly thereafter, the Carmelites announced they were leaving Auburn. Seeing an opportunity to acquire an adjacent historic property that dovetailed with its mission of community service, the Church bought the Mansion and thus formed a small "campus" for its work.

6. While continuing to shelter homeless veterans at the Mansion, Pastor Dennis Haines and the Church's ruling elders and other church volunteers joined with the first Unity House executive director, Rev. Frederick Harrison, an Episcopal priest, in incorporating Unity House and successfully seeking state approvals for operation of mental health services. Rev. James Hughes, a Presbyterian minister, became executive director in 1979, followed by Monica Lentze in 1987. During Lentze's tenure, Unity House began to expand, implementing successful programs including residential services, supported apartments, independent housing, rehabilitative day programs and vocational services. These

programs served individuals with mental illness, mental retardation, developmental disabilities, or drug and alcohol dependency in Auburn and the surrounding six-county area. All these activities occurred pursuant to and with the express permission of the City; indeed, the Church's efforts were often lauded by City officials as an outstanding example for other private service organizations to follow. The close connection between Unity House and the Church continued while Unity House was headquartered at the Mansion, with the pastor and at least one Church member serving on Unity House's board of directors.

7. Unity House relocated its operations from Case Mansion in 2011, leaving the Church to explore new ways to utilize the Mansion to continue its legacy of community service (while continuing to shelter those in need within the Mansion's spacious residential quarters). Working with a local not-for-profit organization named Ministro Ministries, the Church helped renovate portions of the Mansion to allow hosting of an assortment of programs benefiting the community. Besides hosting special events and fundraisers, the Mansion has welcomed veterans groups for regular meetings and annual Stand Down events¹, prayer groups, a grief support group, youth and marriage retreatants, and music festival participants.

8. The Church intends to continue expanding its array of services provided at both the Church and Mansion to serve under-represented populations within the community as part of its religious mission. The Mansion is not a separate property – it is a part of the Church and its uses are integral parts of the Church's religious mission.

¹ Stand Downs are part of the Department of Veterans Affairs' efforts to provide services to homeless Veterans. Stand Downs are typically one to three day events providing services to homeless Veterans such as food, shelter, clothing, health screenings, VA and Social Security benefits counseling, and referrals to a variety of other necessary services, such as health care, housing, employment, and substance use treatment. Stand Downs are collaborative events, coordinated between local VAs, other government agencies, and community agencies serving the homeless.

Source: <http://www.va.gov/homeless/events.asp>

Current Court Matter

9. Over the past couple of years, local residents near the Church have engaged in an ongoing protest against various Church-sponsored and Church-run activities at the Church's campus. Though most of these residents settled in the area years after the Church was already well-established at its South Street campus, they have continually asked the City to halt the Mansion's use for anything except single-family or two-family residential occupancy, which are listed permitted uses in the zoning code. Until very recently, the City had consistently resisted taking any enforcement action against the Church in this regard.

10. For the past three years (2012-2014), the Church has hosted a musical theater summer day camp ("Glee Camp") for children and teens as part of the religious mission of the Church. A three-week session (three days per week, four hours per day) at the Church campus was directed by Steve and Amy Bellamy, a local couple with musical training. The Bellamys were first introduced to the Church through their Christian praise band One Voice, which performs at the Church several times per year, and Amy Bellamy volunteered her time to develop the Church's arts ministry; this, in turn, led to the formation of the Auburn Community Chorus, which practices at the Church. The Bellamys hired additional instructors to assist them in tutoring Glee Campers in singing, dancing and acting. The Church donated the use of its campus, and campers paid a fee for the session to offset costs of instructors and materials, and were able to showcase their talents in a public event held offsite in a local theater. The camp has gained notoriety and popularity, to the point where 78 children were enrolled in it for the 2014 session.

11. The purpose of the camp is threefold. First, it brings in persons with whom we want to build a faith relationship who may be reluctant to visit our Church or may be looking for a church home. Second, the camp advances the Church's religious mission of supporting the community and the love of

music. Music is an integral part of religious worship, as recorded in both the Old and New Testaments as well as the traditions of the Church. Third, the camp helps us train an upcoming generation of future worship leaders and participants for our community in general and our Church specifically.

12. For the first two years it was held, the Glee Camp faced no objection or challenge from the City. On July 9, 2014, however, the City's Codes Enforcement Officer issued a citation to the Church, alleging a violation of Auburn City Code Sections 305-34(A) and (B). The citation stated: "Immediately cease use of property in an R-2 zone for commercial use. Cease operating a summer glee camp @\$100/camper in a residential district. This is not an allowable use here." A copy of the citation is attached as Exhibit "B".

13. I was surprised and confused by the City's attempt to bar the Church from allowing the use of its campus for the Glee Camp for two reasons: first, the prior two Glee Camps occurred in 2012 and 2013 without any City objections; second, the City's labeling of the Glee Camp as a "commercial use" makes no sense, because the Church was not operating it for the purpose of making a monetary profit, but for the reasons given in Paragraph 11 above.

14. Even if the City considers a Glee Camp at the Church to be a commercial use, the Codes Enforcement Officer's outright ban of it in his July 8, 2014 Violation Order (*see* Exhibit B) ignores the fact that other commercial uses – uses that are clearly intended to generate profits – are currently allowed to operate within R-2 Zoning Districts throughout the City. A sample list of such commercial uses and a depiction of their locations on the City zoning map is attached as Exhibit "C". Given the open and free existence of these uses – some have been operating for many years, others for much shorter periods – the City's rationale for barring the Glee Camp on the grounds that it is a commercial use in an R-2 Zoning District appears irrational, arbitrary and discriminatory towards the Church.

15. The City also allows other institutional uses (churches, fraternal organizations) within its R-2 Zoning Districts, and those institutions engage in the same general types of ministries, staging of events and associated practices as are conducted on the Church campus. To the best of my knowledge, none of these institutions have been subjected to zoning enforcement actions like the one currently maintained by the City against the Church. A sample list of such institutional uses and a depiction of their locations on the City zoning map is attached as Exhibit "D".

16. The Church is rightfully proud of its lengthy history of service to Auburn and the surrounding community. Church members stand firm in their convictions and their dedication to the Church's mission, which emphasizes using actions over words to help showcase the beauty of the world around us, and help demonstrate the special gifts entrusted to each of us to make this world a better place. The Church's sponsorship and promotion of all manner of artistic and charitable endeavors is the logical extension of this mission, and the Glee Camp is just the latest in a long line of such endeavors.

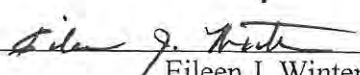
17. The Church was not looking to make a commercial profit from the Camp, and the mere fact that campers were charged fees – which were used to offset expenses and compensate the Bellamys for their considerable time and effort – should in no way compromise the propriety and legality of the Church's actions.

18. I do not know why the City picked the Glee Camp as a focus of challenge; perhaps City officials have simply grown tired of continued neighbor complaints, and wish to toss this issue into the lap of the courts, hoping a judge's decision will quell the protests. This approach turns a blind eye toward the history of Church actions and the Mansion's usage over the past several decades. It also actively interferes with and burdens the Church's mission in a way that does not advance the City's interests or the public welfare. We are not aware of any other faith institutions within the City being subjected to the same type of enforcement action. The heart and soul of First Presbyterian Church in

Auburn, NY is to serve God by serving its community; we look forward to once more being set free to do so.


WHEREFORE, I respectfully request that the City's enforcement action against the Church be dismissed in its entirety with prejudice, and for such other and further relief as the Court deems proper, including the costs and disbursements of this action.

DATED: December 19, 2014



Eileen J. Winter

Subscribed and sworn to before me
this 19th day of December, 2014



Notary Public

ANDREW J. LEJA
Notary Public in the State of New York
Qualified in Cayuga County No. 4987689
My Commission Expires October 21, 2016

2014 DEC 19 PM 2:53

HISCOCK & BARCLAY, LLP

EXHIBIT A

**COMPENDIUM OF FIRST PRESBYTERIAN CHURCH'S
HISTORICAL SUPPORT FOR COMMUNITY ARTS**

Brief History of First Presbyterian Church of Auburn's Community and Arts Mission

The First Presbyterian Church of Auburn, in addition to being a place of worship, has always had an outward focus for its mission. It and its leaders have played an integral role in the development of Auburn, especially in the areas of education, vocational training, community services, and the arts. Some of the early foundation of this can be found in the few historical notes we have of the early pastors, found in the first two histories of the Church, *A History of the First Presbyterian Church, Auburn, NY* written by Malcolm MacPhail, Ph.D., and *175 Years: 1811-1986*.

The first pastor, Rev. David Higgins, was active in promoting education in the village and took a prominent part in the establishment of Auburn Academy. His prominent role in the community was acknowledged in choosing him to be the preacher at the funeral for the founder of Auburn, Col. John L. Hardenburgh.

The first church building was dedicated on March 5, 1817. In her *Early Recollections of First Presbyterian Church* by Deborah Dill Bronson, daughter of early settler Robert Dill, she writes: "...There was a very good choir in the church when it was completed, the first by the way ever organized in Auburn, and we used to be occasionally allowed to attend service there where we greatly enjoyed the singing." (p. 55, *175 Years*.)

Rev. Dirck Lansing, pastor from 1817-1829, was key in the foundation of the Auburn Seminary and was also professor of Sacred Rhetoric (without remuneration).

Rev. Josiah Hopkins, 1830-1846, known for his love of music, both vocal and instrumental, was the editor of Conference Hymns, and a composer and writer of his own music and hymns.

Rev. Henry Addison Nelson, 1846-1856. In the years approaching the Civil War, he was so well known for his stand with the New School Presbyterians against slavery that he was courted by the First Presbyterian Church of St. Louis, MO, and according to our history, "it is generally conceded that Dr. Nelson, more than any other man, saved Missouri to the Union."

Rev. William Hubbard (1886-1911) had great executive qualities, but was best known by the people of the Church and the city for his broad sympathies, benevolence to the poor.... It has also been noticed that music was important feature of the worship services during his pastorate, once even augmenting the pipe organ with the Auburn City Band and the Burtis Opera House orchestra. He was also responsible for forming Boy Scout Troop 1, one of the earliest troops in the United States.

Rev. Charles Richards (1911-1919) besides church and denominational service, was active in organizing the Red Cross in Auburn.

Sometime after 1850, a Sunday School concert was held on Sunday evenings twice a month. In 1874 it was changed to one in three months. (It is also noted that this "Sunday School" was in the

Church, but not of the Church...like early Sunday Schools, it was a school on Sunday to teach reading and writing to those children employed during the week or too poor to be able to pay tuition to the local school. There are Church members who founded it, but it was not adopted by the Church as part of its ministry for many years.) Also, "It was for many years the custom to hold a missionary concert on Sunday evening, once a month." (This quite likely means that the concert was held to raise money for mission work.)

Quoting from the MacPhail History, "The First Presbyterian Church has always held a conspicuous place among the churches of Auburn for the meritorious character of its music. Dr. Hawley mentions as leaders of music Thomas Hastings, noted author and composer, Deacon Rollo, William H. Brown, John I. Hagaman, Henry Ivison and James R. Cox, the last for a period of more than twenty years. When the first organ was built in the present church in 1872, Professor E. P. Sprague was secured as organist, and Richard S. Holmes as chorister. Isaac Van Vleek Flagler was organist for nearly 30 years before he resigned in 1909." (Flagler, besides being a noted composer, was a founder of the American Guild of Organists) The Minister of Music under MacPhail was C. Lucile Christman, hired in 1932, a graduate of the Westminster Choir School of Ithaca, NY, and who gave private instruction to members of the Adult Choir as well doing as other educational work.

The Hueston Club was begun at least by 1905 and continued through the 1930s...a drama group with pictures of the "cast" in various costumes throughout the years. One picture from 1923 shows a large group of men in costume with a banner that says "Columbia Rope Co. Efficiency Club" - a prop with reference to one of the leading manufacturing companies in Auburn. It was not a requirement to be a member of the Church to be in the club.

Dr. Malcolm MacPhail, 1919-1940, besides being a noted scholar, preacher and writer, was a champion for young people and sponsored the first dance in the Chapter House of the Church. (This was a time when many churches saw dance of any kind as evil.)

Rev. Paul Wright, 1940-1953, was noted for his steering the Church through war years, updates to the Church building, and, "like previous pastors...served the local community by being affiliated with the United Fund, Red Cross, Y.M.C.A. and Chamber of Commerce. Besides a term of president of Rotary Club...."

Under Dr. Alexander Meakin, 1953-1958, five separate choirs totaling 140 singers participated in the music program. It is also noted that in addition to all his Church and denominational responsibilities, he "was also active in community service." (p. 40)

Rev. Ralph Wagner, 1959-1974, led the Church to open its meeting rooms to non-profit community service groups. "For example, the Prison Hospitality Center's Board got its start in the Chapter House." Of musical note, during his tenure, the carillon were added to the steeple and two octaves of handbells were bought to begin the handbell choir in 1971 that continues to this day. Besides chairing the Planning Committee for Westminster Manor nursing home and becoming president of its Board, his activities included, "being president of Auburn Area Council of Churches and founder and president of Cayuga County Action Program, Mr. Wagner

also served on the Board of Directors of Auburn Y.M.C.A., Salvation Army, and N.A.A.C.P.”
(p. 42)

Rev. Dennis Haines, 1974-1995, in addition to guiding the congregation through the relocation to the Church building at its current location (112 South Street), led the congregation as it also bought the Case Mansion (108 South Street) from the Carmelite Fathers, to continue the mission begun in the 1940s to house veterans and then others who were in need of mental health residential services, incorporate it as Unity House, find an executive director, and secure all the approvals needed to operate mental health services in New York state.

Unity House, now serving more than 700 clients a day in six counties, relocated from the Case Mansion in 2011. Since January 2012, the Case Mansion, managed by Ministro Ministries for the Church, now provides a home for people in need of affordable housing, and space for Church and community meetings, programs, and support groups, and has plans for further community services.

From the 1970s through the 1980s, the Church ran an afterschool program for children of the Church and community which celebrated music (vocal and handbells), drama, and crafts called Young Life (not to be confused with the national evangelical high school organization of the same name). Performances of plays and cantatas were held in the evenings so anyone could attend.

In 2005, the congregation developed a 5-year plan which included continued community service through use of its facilities, and continued development of the arts. When asked by a consultant in 2012 to identify its niche in the Auburn community, the ready response from the session and members was two-fold: service to the community and support of the arts.

In support of the arts in just the past few years:

- The Church has its own choir, handbell choir, and drama program.
- A concert of the Auburn Community Orchestra was held each year at the Church from 2006-7 until they outgrew the space in 2010. Tickets were sold at the door.
- The Church hosted the African Children's Choir in March 2010 with tickets, CDs, and other items for sale.
- The Harvesters have performed in concert and for worship.
- One Voice (a contemporary praise group) has given concerts 2009-2013.
- One World Ballet has performed in concert and for worship.
- Thom Dutton, a Celtic harpist, gives his yearly concert at the Church each winter.
- Bluebird Music has been giving weekly music classes for toddlers at the campus, charging a fee and making a donation to the Church for the space since 2011.
- The Church ran a Handbell Camp for children and youth the summers of 2012 and 2013, charging a fee and using the proceeds to pay the music teacher, who is not a Church member.
- A children's Musical Theater Glee Camp has been held at the campus for the past three summers with Church authorization.
- The Auburn Players have made First Presbyterian Church their rehearsal space since 2009.

- Perform 4 Purpose, a program that develops young musicians, has performed at the campus to not only raise funds for local food pantries, homeless shelters, organizations that support medical needs, and other community fundraisers, but also to support the musicians who don't have the means for lessons and instruments on their own.

- The Church elders have explored the possibility of developing a music institute at the Church. Without an established institute emerging, the Auburn Community Chorus was founded in September of 2013, is supported by mission moneys of the Church, has members from throughout the community, and gives 3-4 concerts per year at the Church and in the community.

EXHIBIT B

**COPY OF JULY 8, 2014
CITY OF AUBURN CODES CITATION**

Rec

NO.-149145

JULY 3, 2014

JUL - 8 2014

STATE OF NEW YORK
CITY OF AUBURN

COUNTY OF CAYUGA

VIOLATION ORDER

IN THE MATTER OF

PURSUANT TO CHAPTERS 125,182,230,305 OF THE
MUNICIPAL CODE OF THE CITY OF AUBURN, NEW YORK

108 SOUTH ST


TO: OWNER: FIRST PRESBYTERIAN CHURCH
ADDRESS: 112 SOUTH ST
AUBURN, NY 13021

PLEASE TAKE NOTICE, THAT YOU ARE IN VIOLATION OF CHAPTERS 125,182,230,305
OF THE MUNICIPAL CODE OF THE CITY OF AUBURN, AND THAT YOU ARE HEREBY ORDERED TO
CORRECT THE FOLLOWING DESIGNATED VIOLATIONS AT 108 SOUTH ST
BY THIS DATE

- | INSPECTION FEES - | | |
|---|-----|--------------|
| 1. INSPECTION PER COMPLAINT | --- | NO CHARGE |
| 2. INSPECTION FOLLOWING EXPIRATION
OF TIME PERIOD IN VIOLATION ORDER | --- | \$25.00 |
| 3. ANY FURTHER INSPECTIONS IF
VIOLATIONS NOT CORRECTED OR
MISSED INSPECTION APPOINTMENT | --- | \$50.00 EACH |

PLEASE TAKE FURTHER NOTICE THAT IN THE EVENT YOU FAIL TO CORRECT THE
ATTACHED DESIGNATED VIOLATIONS WITHIN THE TIME PERIOD SPECIFIED ABOVE, AN
APPEARANCE TICKET SHALL BE ISSUED REQUIRING YOU TO APPEAR IN CITY COURT,
CITY OF AUBURN, TO ANSWER THE CHARGE OF VIOLATING THE MUNICIPAL CODE OF THE
CITY OF AUBURN, NEW YORK.

PLEASE BE FURTHER ADVISED THAT ANY EXTENSIONS OF TIME TO CORRECT SAID
VIOLATIONS, AND/OR AGREEMENTS AFFECTING SAID VIOLATIONS, WILL BE IN WRITING.


 CODE ENFORCEMENT OFFICER
 BUILDING INSPECTION DEPARTMENT
 CITY OF AUBURN, NEW YORK
 PHONE NUMBER 315-255-4111

MUNICIPAL CODE, CITY OF AUBURN, NY CHAPTERS 125,182,230,305 PAGE 1

VIOLATION NOTICE #: 149145 INSPECTED BY: BH

JULY 3, 2014

TO: FIRST PRESBYTERIAN CHURCH
112 SOUTH ST
AUBURN, NY 13021

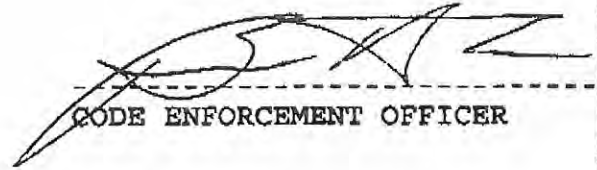
REGARDING PROPERTY AT: 108 SOUTH ST

305-34 SINGLE, TWO & MULTIPLE FAMILY RESIDENTIAL DISTRICT

305-34(A)(B)

1. IMMEDIATELY CEASE USE OF PROPERTY IN AN R-2 ZONE FOR COMMERCIAL USE. CEASE OPERATING A SUMMER GLEE CAMP @ \$100/CAMPER IN A RESIDENTIAL DISTRICT. THIS IS NOT AN ALLOWABLE USE HERE.

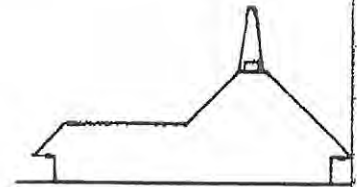
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C PRINTED: 7/03/14 13:02



CODE ENFORCEMENT OFFICER



The First Presbyterian Church
 Pastor Eileen J. Winter



July 11, 2014

The appearance ticket was attempted to be delivered on Wednesday, July 9th. I was in the social room and not aware the postman was here with certified mail that I needed to sign. A receipt was left with the mail which I signed and left in the mailbox. The appearance ticket was redelivered on Friday, July 11th.

Nancy Ayer
 Nancy Ayer

CITY OF AUBURN
 24 SOUTH STREET • AUBURN, NY 13021

APPEARANCE TICKET 5285
 C. P. L. 150.10

TO: <i>First Presbyterian Church</i>	
<i>112 South St.</i>	
<i>Auburn</i>	<i>NY 13021</i>

YOU ARE HEREBY NOTIFIED TO APPEAR PERSONALLY IN THE	
CITY COURT, CITY OF AUBURN 157 Genesee Street Auburn, New York 13021	
ON <i>Wednesday August 6th</i>	20 <i>14</i> AT <i>2:00 P</i> M.
TO ANSWER A CHARGE OF <i>zoning code violations</i>	
COMMITTED IN CITY OF AUBURN, NEW YORK <i>@ 108 SOUTH ST.</i>	
ON THE <i>3</i> DAY OF <i>July</i>	20 <i>14</i> AT <i>10:00 A</i> M.
IN VIOLATION OF SECTION(S) <i>305-34</i>	
OF THE MUNICIPAL CODE OF THE CITY OF AUBURN.	
ISSUED THIS <i>3</i> DAY OF <i>July</i>	20 <i>14</i>
<i>[Signature]</i>	<i>1324</i>
OFFICER'S SIGNATURE	OFFICER'S IDENTIFICATION NO.

PRINT ALL ENTRIES

Failure to adhere to the allowable uses of R-2 zone 305-34 (A)(B)

NOTICE: UPON YOUR FAILURE TO APPEAR AS ABOVE DIRECTED, A CRIMINAL SUMMONS OR A WARRANT FOR YOUR ARREST MAY BE ISSUED.

EXHIBIT C

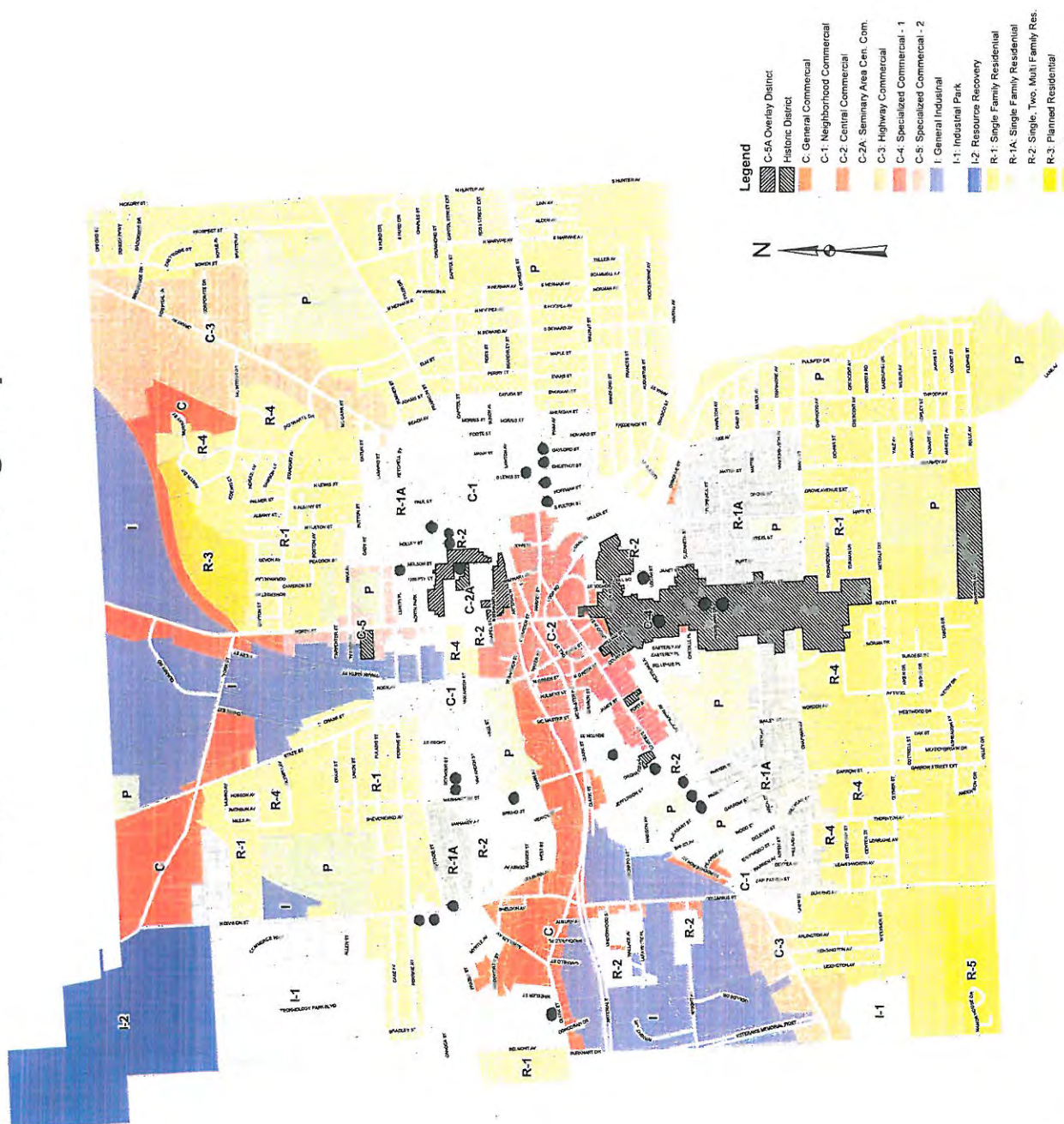
**SAMPLE LIST OF COMMERCIAL USES SITUATED IN
R-2 RESIDENTIAL ZONING DISTRICTS
WITHIN THE CITY OF AUBURN, NEW YORK
AS OF DECEMBER 18, 2014**

**SAMPLE LIST OF COMMERCIAL USES SITUATED IN
R-2 RESIDENTIAL ZONING DISTRICTS
WITHIN THE CITY OF AUBURN, NEW YORK
AS OF DECEMBER 18, 2014**

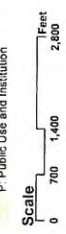
1. Cavanaugh's Studio of Photography, 78 South Street
2. Farrell's Funeral Home, 84 South Street
3. Mason & Grant Air Handling, Inc., 17 Logan Street
4. Kilmer/Damberg Chiropractic Office, 109 South Street
5. Emmi Realty, 220 Genesee Street
6. Turturo Law Firm, 228 Genesee Street
7. Auburn Eye Care, 232 West Genesee Street
8. Thomas A. Hogan, DDS, 213 Genesee Street
9. The Center for Wellness (day spa), 1 Hoffman Street
10. James L. Hanley Insurance, 72 East Genesee Street
11. Americo J. Santillo, DDS, 78 East Genesee Street
12. Picciano Real Estate, 80 East Genesee Street
13. Langham Funeral Home, 75 East Genesee Street
14. A Cut Above (hair salon), 105 North Fulton Street
15. Dom's Grocery, 30 Orchard Street
16. Snapper's Sports Tavern, 107 North Division Street
17. Sunset Restaurant, 93 North Division Street
18. Mema's Deli, 82 North Division Street
19. Lincare, Inc. (medical supplies), 343 Clark Street
20. Byrn's Trophy and Sports, 52 Seymour Street

21. Nate's Barber Shop, 54 Seymour Street
22. Special Touch (hair salon), 57 Nelson Street
23. University Dialysis Center, 21 Nelson Street
24. Kathy's Dance Studio, 214 Seymour Street
25. JMJ Auto Sales, 214 Seymour Street
26. Balloons Restaurant and Catering, 65 Washington Street

City of Auburn Zoning Map



- Legend**
- C-SA Overlay District
 - Historic District
 - C- General Commercial
 - C-1 Neighborhood Commercial
 - C-2 Central Commercial
 - C-2A Seminary Area Cen. Com.
 - C-3 Highway Commercial
 - C-4 Specialized Commercial - 1
 - C-5 Specialized Commercial - 2
 - I- General Industrial
 - I-1 Industrial Park
 - I-2 Resource Recovery
 - R-1A Single Family Residential
 - R-1 Single Family Residential
 - R-2 Single, Two, Multi Family Res.
 - R-3 Planned Residential
 - R-4 Est. Higher Density Res.
 - R-5 Low Density Residential Park
 - P Public Use and Institution



Map prepared by City of Auburn
 Planning Department
 June 22, 2006 (Rev. 7-27-05)
 Based on data provided by City of Auburn, Department of Planning
 and Development, City of Auburn Zoning Map (July 1997) and
 Auburn, ME, Current Zoning Ordinance.

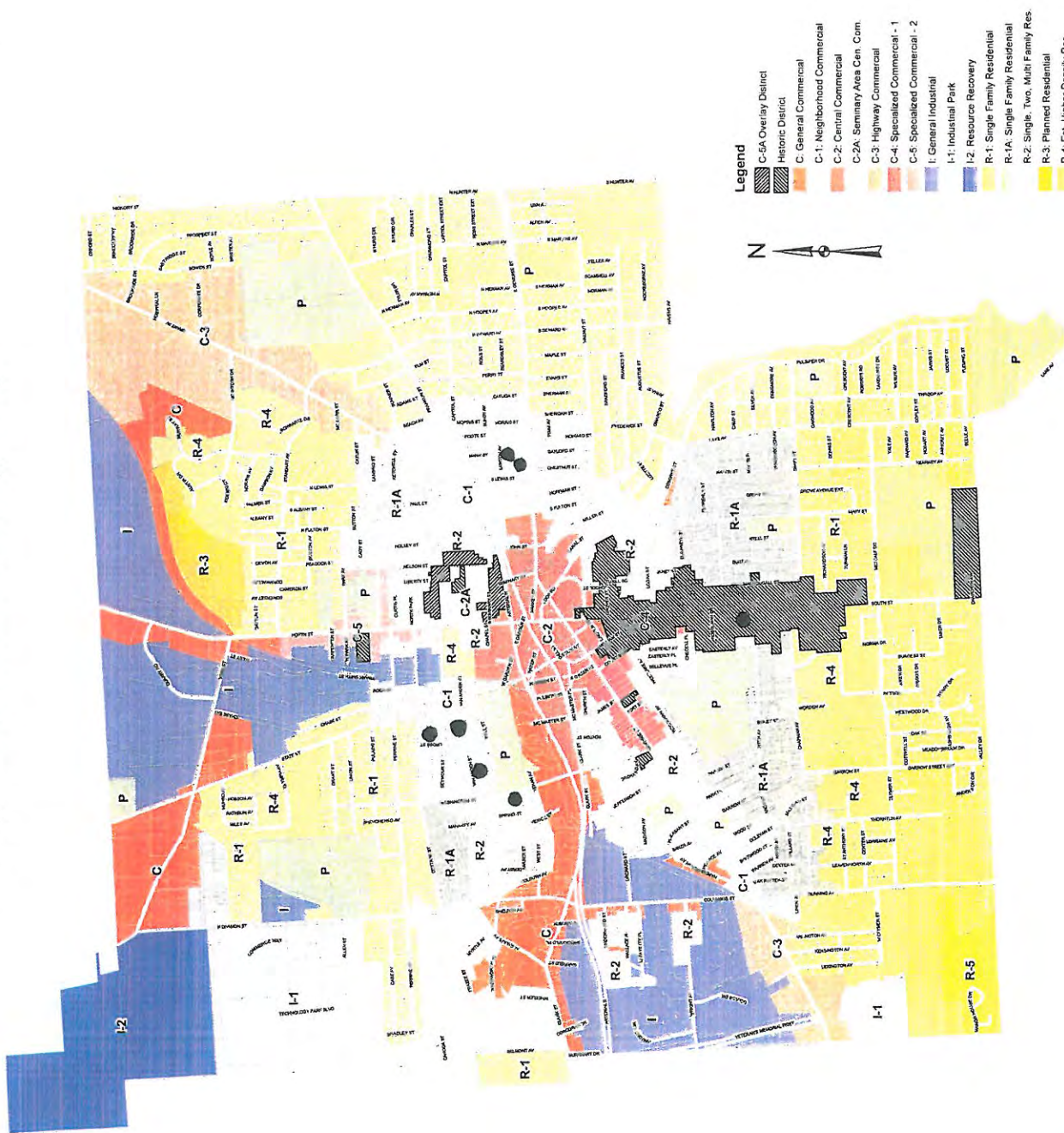
EXHIBIT D

**SAMPLE LIST OF INSTITUTIONAL USES SITUATED IN
R-2 RESIDENTIAL ZONING DISTRICTS
WITHIN THE CITY OF AUBURN, NEW YORK
AS OF DECEMBER 18, 2014**

**SAMPLE LIST OF INSTITUTIONAL USES SITUATED IN
R-2 RESIDENTIAL ZONING DISTRICTS
WITHIN THE CITY OF AUBURN, NEW YORK
AS OF DECEMBER 18, 2014**

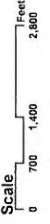
1. Saint Alphonsus Church, 10 South Lewis Street
2. Saint Joseph Primary School, 89 East Genesee Street
3. Saint Nicholas Orthodox Church, 30 Cross Street
4. First Love Fellowship, 162 Van Anden Street
5. Auburn United Methodist Church, 99 South Street
6. Loyal Order of Moose Lodge, 55 Washington Street
7. Ancient Order of the Hibernians, 79 Van Anden Street

City of Auburn Zoning Map



Legend

- C-5A Overlay District
- Historic District
- C. General Commercial
- C-1. Neighborhood Commercial
- C-2. Central Commercial
- C-2A. Seminary Area Cen. Com.
- C-3. Highway Commercial
- C-4. Specialized Commercial - 1
- C-5. Specialized Commercial - 2
- I. General Industrial
- I-1. Industrial Park
- I-2. Resource Recovery
- R-1. Single Family Residential
- R-1A. Single Family Residential
- R-2. Single, Two, Multi Family Res.
- R-3. Planned Residential
- R-4. Est. Higher Density Res.
- R-5. Low Density Residential Park
- P. Public Use and Institution



Map prepared by: City of Auburn
 Office of Planning and Economic Development
 June 22, 2008 (Rev. 7-20-06)
 Being as it has been ordered by the City Council, Department of Planning
 and Economic Development, to publish and distribute to the
 Auburn City Council Zoning map as amended and shown.