



**INTEROFFICE MEMO  
PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

DATE: July 3, 2025

TO: Samuel Thomas, ZBA Chairperson

FROM: Geoffrey Urda, Senior Planner

SUBJECT: 1165 Arsenal Street  
Parcel Number 9-16-104.000  
Zoning – Commercial  
Petition for a Use Variance to allow an accessory structure in the front yard  
File #609

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**UPDATE (August 8, 2025):** At the July 16 ZBA meeting, the board requested that the applicant provide financial evidence demonstrating a hardship. The applicant has since submitted calculations for the total estimated costs to install EV charging stations in their proposed location in the front yard (where they could only be legal with a Use Variance) and the side/rear yard, where accessory structures are allowed by right. The applicant estimates that it would be approximately triple the cost to install the chargers in the side/rear yard. Specific unit costs are broken down in the applicant's letter.

In addition, the applicant has submitted a revised site drawing that depicts all of the proposed accessory structures (the EV chargers, transformer, DC cabinet and AC disconnect cabinet) as farther away from the intersection of Arsenal and Haney Streets. The two cabinets may still need to shift slightly south to ensure that they are out of the sight triangle, as the corner of the white square appears still to encroach. However, this is an issue that can be resolved at the permitting stage and subsequently field verified prior to installation. It need not weigh on the ZBA's evaluation of the applicant's Use Variance request.

Finally, the application appeared on the Jefferson County Planning Board agenda for its Tuesday, July 29, 2025 meeting, pursuant to Section 239-m of New York State General Municipal Law. At that meeting, the board was unable to establish a quorum for this project, meaning that it reverts to the local board, which is free to make its decision. A copy of the County's letter, which contains some advisory comments, is attached.

**----- ORIGINAL TEXT FROM JULY 3, 2025 MEMO -----**

This petition, presented by Geoffrey McIntyre of MasTec Network Solutions, is for a Use Variance to allow an accessory structure in the front yard of a principal Retail, General and Service building. According to Section 310-77 of the City Zoning Ordinance, "Accessory Structures shall be prohibited in the front yard."

The subject property is an Aldi's grocery store that stands alone on its parcel and is not part of any multi-tenant strip or plaza development. The applicant proposes to install two Electric Vehicle ("EV") charging stations adjacent to the northwesternmost four parking spaces on the site, as depicted on the E-2 drawing. Each charging station would have two ports.

In addition, Section 310-92 of the Zoning Ordinance states, "No structure, fence or shrubbery over three feet in height shall be maintained on any corner lot within a triangular shaped area which is formed and measured starting from a point located at the intersection of the two street lines to the points on such lines a distance of 40 feet from their intersection and a line connecting such points."

The proposed power distribution cabinet, rectifier cabinet and one of the two proposed EV charging stations are all within the above-described sight triangle at the southeast corner of the intersection of Arsenal Street and Haney Street. All of these structures are over six feet tall, more than double the three-foot height limit for structures in the sight triangle. The applicant must either relocate these features outside the sight triangle or apply for a separate Area Variance granting relief from the requirements of Section 310-92.

The Commercial District does not carry any footprint, setback or height requirements for accessory structures.

Additionally, the denied Zoning Compliance Certificate (ZCC) that initiated this Variance request identified an Area Variance as the relief necessary to construct an accessory structure in a front yard, and the applicant submitted this request as an Area Variance. However, relief from Section 310-77 would require a Use Variance as it represents a land use of that front-yard space that would otherwise not be legal, as opposed to varying the numerical value of a dimensional requirement.

New York State law applies different hardship tests to Use Variances than it does to Area Variances. The applicant's cover letter addresses the Area Variance hardship tests. The applicant must prepare responses to the Use Variance hardship tests, which are as follows:

- (i) *the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;*
- (ii) *the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;*
- (iii) *the requested use variance, if granted, will not alter the essential character of the neighborhood; and*
- (iv) *the alleged hardship has not been self-created.*

The applicant may either submit responses to the Use Variance hardship tests in writing or be prepared to address them verbally at the ZBA meeting on July 16, 2025.

This Variance Request constitutes an Unlisted Action and requires the ZBA to complete Part 2 of the SEQR Short EAF.

Finally, as the proposed action occurs within 500 feet of Jefferson County owned land, it will require Jefferson County review pursuant to Section 239-m of New York State General Municipal Law. Staff has referred the application to the County and it will appear on the agenda for the Tuesday July 29, 2025 Jefferson County Planning Board meeting. The ZBA will need to wait until after the County Planning Board makes a determination before voting on the requested Variance.

cc: Geoffrey McIntyre, Field Service Manager, MasTec Network Solutions, 6323 East  
Molloy Road, East Syracuse, NY 13057  
Dana Aikins, City Code Enforcement Supervisor  
Tiffany Ponce, Court Reporter  
ZBA Members  
File



MasTec Network Solutions  
6323 E. Molloy Road  
E. Syracuse, NY 10357  
Phone: 315-432-8967

To whom it may concern,

We have been tasked by Aldi to install EV chargers at many of their stores across New York State with the Arsenal Street location being one of them. The only location that is financially viable on the property we can install is at the front of the store by the corner of Arsenal Street and Haney Street.

As requested, the below pricing shows an estimated cost difference between installing this equipment at the front of the store vs the back parking lot. This pricing only included labor and materials from our new transformer location to National Grids' existing pole. The pricing for the back lot location also assumes we would trench from there to the existing pole located on the neighboring property. This pricing does not consider any labor or materials from National Grid pull conductors from the pole to the transformer or energizing the system.

Front Lot Pricing – 20' Run From Transformer To Pole

40' of 4" schedule 80 conduit (2 runs of 20' each)

\$8.09 per foot @ 40' = \$349.48

1 Yard of concrete to encase conduits per National Grid installation standards.

\$200 per yard @ 1 yard = \$216.00 with tax

Labor to trench and backfill

2 days @ 3000/day (4 person in house crew) = \$6,000.00

Total Estimated Cost = \$6,565.48

Back Lot Pricing – 175' Run From Transformer To Pole

350' of 4" schedule 80 conduit (2 runs of 175' each)

\$8.09 per foot @ 350' = \$3,058.02 with tax

8 Yards of concrete to encase conduits per National Grid installation standards.

\$200 per yard @ 8 yards = \$1,728.00 with tax

Labor to trench and backfill

5 days @ 3000/day (4 person in house crew) = \$15,000.00

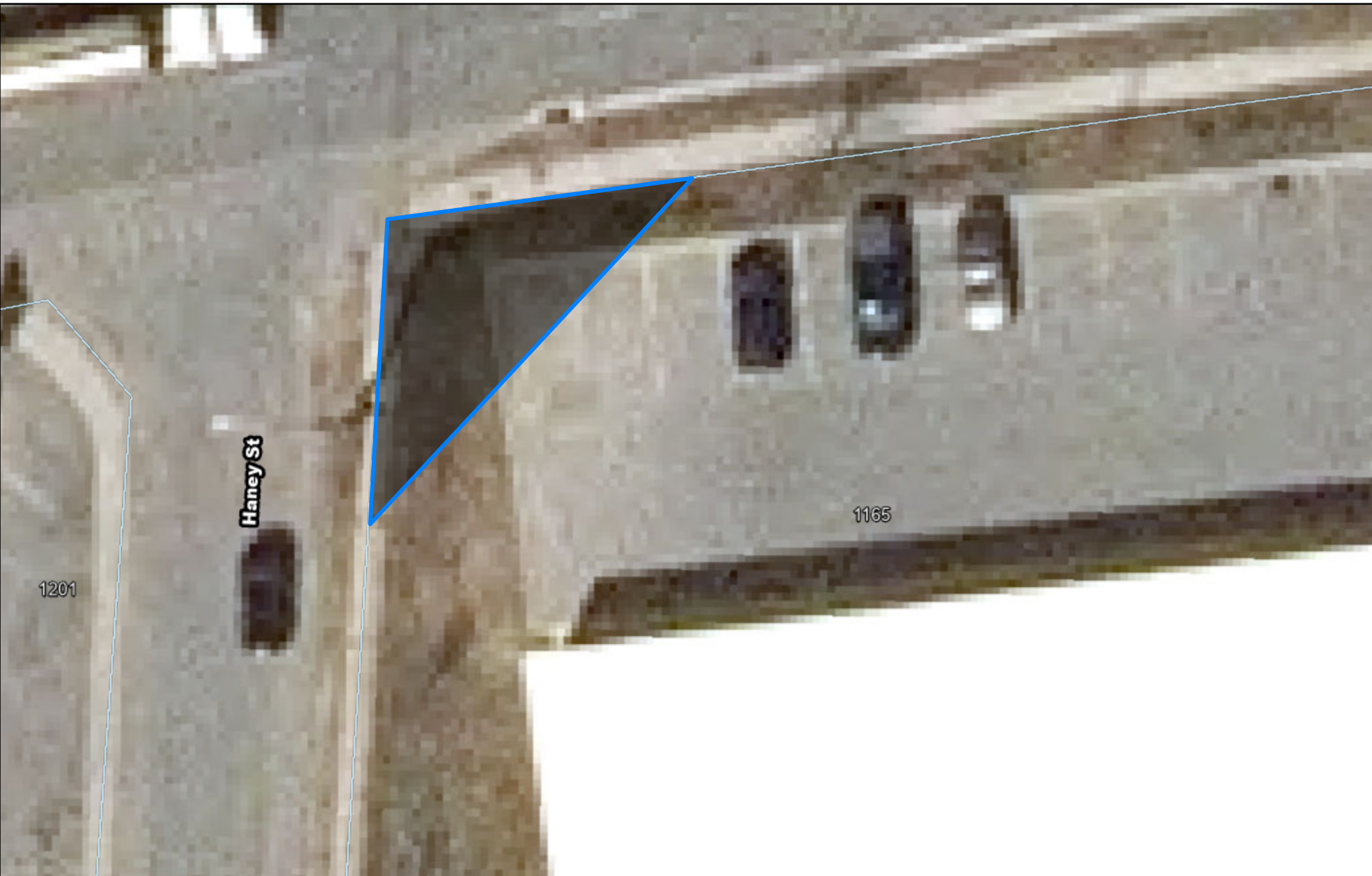
Total Estimated Cost = \$19,786.02

Sincerely,



*Geoffrey McIntyre*

Geoffrey McIntyre  
Field Service Manager





**Legend**

-  Sight Triangle
-  Black River

-  City Boundary
-  Parcels

ROADS



0 0 0 mi

Author: Web AppBuilder

Date: 8/7/2025

Title



**Department of Planning**  
175 Arsenal Street  
Watertown, NY 13601

Michael J. Bourcy  
Director of Planning

(315) 785-3144  
(315) 785-5092 (Fax)

July 30, 2025

Geoffrey Urda, Senior Planner  
City of Watertown  
245 Washington Street  
Room 305  
Watertown, NY 13601

Re: Geoffrey McIntyre, Use Variance for EV charging stations, 1165 Arsenal Street,  
JCDP File # C 9 - 25

Dear Geoff,

On July 29, 2025, the Jefferson County Planning Board reviewed the above referenced project, referred pursuant to General Municipal Law, Section 239m.

The Board was unable to establish a quorum for this project. Despite the lack of quorum, the Board would like to forward staff review comments for informational purposes.

During the review, the County Planning Board determined that the Zoning Board of Appeals (ZBA) should only approve a use variance after the applicant submits documentation to the board that the applicable zoning regulations and restrictions have caused an unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the board that for each and every permitted use under the zoning regulations for the Commercial District:

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence,
- (2) that the alleged hardship related to the property in question is unique, and does not apply to a substantial portion of the neighborhood or district,
- (3) that the required use variance, if granted, will not alter the essential character of the neighborhood,
- (4) that the alleged hardship has not been self-created.

Furthermore, the Board has the following local advisory comments:

The local board should consider requiring the charging stations to be located somewhere else on the site beyond the front yard within the parking area.

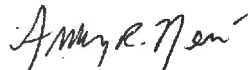
Wherever they are constructed, the local board should consider requiring the charging spaces to be painted and marked as EV parking only.

The local board is free to make its final decision.

General Municipal Law, Section 239m, requires the local board to notify the County of its action on this matter within thirty (30) days after taking a final action.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Andy R. Nevin".

Andy R. Nevin,  
Senior Planner



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.


Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: TUL-14 Aldi EV Charger Installation			
Project Location (describe, and attach a location map): 1165 Arsenal Street, Watertown, NY 13601			
Brief Description of Proposed Action: Install EV charger dispensers. Includes 1 concrete pad for a National Grid transformer, 1 concrete pad for an AC power disconnect cabinet, 1 concrete pad for an AC to DC conversion cabinet, 2 concrete pads for the EV charger dispensers with underground conduit connecting each pad.			
Name of Applicant or Sponsor: Geoffrey McIntyre		Telephone: 315-380-1575 E-Mail: geoffrey.mcintyre@mastec.com	
Address: 6323 East Molloy Road			
City/PO: East Syracuse		State: NY	Zip Code: 13057
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			0.033 acres 0.033 acres 1.81 acres
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			



5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Geoffrey McIntyre</u> Date: <u>5/14/25</u> Signature: <u></u> Title: <u>Field Service Manager</u>		