

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

CITY OF WATERTOWN  
ZONING BOARD OF APPEALS  
JULY 15, 2020

1 ZONING BOARD:

2 SAMUEL S. THOMAS, Chairman  
3 PATRICK HICKEY  
4 ALLISON CROSSMAN  
5 BENJAMIN GRASS  
6 CHRISTINE FILIPELLI

7 ALSO PRESENT:  
8 CHRISTINA STONE, CITY ATTORNEY  
9 GEOFF URDA, PLANNER  
10 JENNIFER VOSS, SENIOR PLANNER

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

1           MR. THOMAS: I'd like to call the  
2           Watertown City Zoning Board of Appeals meeting  
3           to order. Please be aware that the format of  
4           this meeting will require us to speak one at a  
5           time, and if one chooses to speak, a -- a raise  
6           of hand would be helpful or a pause at the end  
7           of your statements.

8           As you know, our court reporter,  
9           Ms. Burnham, needs to take accurate minutes, so  
10          it's important that we speak clearly, slowly  
11          and it's one person at a time.

12          We'll begin with roll call.

13          Allison Crossman?

14          MS. CROSSMAN: Present.

15          MR. THOMAS: Patrick Hickey?

16          MR. HICKEY: Present.

17          MR. THOMAS: Christin Filippelli?

18          MS. FILIPPELLI: Present.

19          MR. THOMAS: Benjamin Grass?

20          MR. GRASS: Present.

21          MR. THOMAS: I, Samuel Thomas,  
22          chairperson, is present, and let the record  
23          show that Ms. Christina Stone, city attorney,

1 Jennifer Voss, senior planner, and Geoffrey  
2 Urda, planner, are also present. I'd like to  
3 take a moment to --

4 (The reporter interrupts)

5 MR. THOMAS: Notice of public hearing  
6 requesting for variance of a zoning ordinance  
7 of the City of Watertown. Notice is hereby  
8 given that the Zoning Board of Appeals of the  
9 City of Watertown, New York, will meet  
10 virtually on Wednesday, July 15<sup>th</sup>, 2020. A  
11 public hearing will begin at 7:00 PM via the  
12 video conference platform GoToMeeting for the  
13 purpose of hearing three variance requests.

14 Variance request No. 560 is for the  
15 property located at 782 Lansing Street, being  
16 parcel No. 3-09-415.002, submitted by Michael  
17 Fioren -- J. Fiorentino, to vary the  
18 regulations of section 310-16 of the zoning  
19 ordinance pertaining to side-yard setback  
20 requirements.

21 Variance request No. 561 is for the  
22 property located at 417 Pawling Street, being  
23 parcel No. 13-01-202.000, submitted by Anne

1           Ciscell to vary the regulations of section  
2           310-35 of the zoning ordinance to allow an  
3           accessory use in a side yard.

4                    Variance request No. 562 is for the  
5           property located at 322 Broadway Avenue West,  
6           being parcel No. 11-16-209.000, submitted by  
7           Kristen Rigabar to vary the regulations of  
8           section 310-35 of a zoning ordinance to allow  
9           an accessory use in a front -- front yard.

10                   Any member of the public that wishes to  
11           listen to you or participate in the meeting may  
12           e-mail Planning at Watertown-New York.gov or  
13           call (315)785-7725 and leave a voice mail with  
14           their name, e-mail address and phone number.  
15           Please e-mail or call no later than 4:00 PM on  
16           Wednesday, July 15<sup>th</sup>, 2020. City staff will  
17           e-mail personalized invitation and instruction  
18           in advance of the meeting that will allow  
19           access to the virtual meeting room. Any member  
20           of the public wishing to address the zoning of  
21           appeals -- board of appeals regarding any of  
22           the three variance requests may do so at the  
23           appointed time during the public hearing.

1           In addition, the public may submit  
2           comments prior to the hearing by U.S. Mail to  
3           the City of Watertown Planning and Community  
4           Development Department, 245 Washington Street,  
5           Room 305, or by e-mail to Planning at  
6           Watertown-New York.gov., and any comments  
7           received will be appended to the hearing  
8           record.

9           This is dated July 10<sup>th</sup>, 2020, and  
10          signed Geoffrey T. Urda, planning.

11          So we'll begin this evening's meeting  
12          with case No. 1 -- case listed as No. 1. It's  
13          560, area variance to reduce the side-yard  
14          setback location at 782 Lansing Street. The  
15          applicant, Michael Fiorentino.

16          Mr. Fiorentino, I see that you're here.  
17          Please state your name for the record and your  
18          address, and you may present the information  
19          that you forwarded to the Zoning Board of  
20          Appeals members and planning office.

21          MR. DEMARCO: Hello. It's Michael and  
22          Jolynn Fiorentino, 782 Lansing Street,  
23          Watertown, New York 13601.

1           MR. THOMAS: Okay. You've submitted your  
2 application for a petition to reduce the  
3 side-yard setback for constructing a new  
4 detached garage to replace your current garage.  
5 Could you -- did -- didn't I -- you did a  
6 thorough job on your application. If you'd  
7 like to highlight points that you think the  
8 zoning board members would like to hear, you  
9 may proceed.

10           (Off-the-record discussion.)

11           MS. FIORENTINO: Okay. The current  
12 garage that we have is 24 feet --

13           MR. THOMAS: Mrs. Fiorentino, would you  
14 just state your name for the record and  
15 address?

16           MS. FIORENTINO: Oh, I'm sorry. Yup.  
17 Yes, Jolynn Fiorentino.

18           (The reporter asked for clarification.)

19           MS. FIORENTINO: Jolynn, J-O-L-Y-N-N.

20           MR. THOMAS: Very good. You may -- and  
21 address?

22           MS. FIORENTINO: 782 Lansing Street,  
23 Watertown.

1                   MR. THOMAS: Oh, okay. Okay. Thank you.  
2                   Now do go ahead and -- and discuss the  
3                   application. And then how this will proceed,  
4                   the zoning board members may ask questions. We  
5                   will -- before we close the hearing we will see  
6                   if there's any public comment that -- that one  
7                   would -- perhaps neighbors would choose to  
8                   present.

9                   You may go ahead.

10                  MS. FIORENTINO: Okay. The current  
11                  garage that we have is 24 feet, 6 inches wide,  
12                  and the variance between the garage that we  
13                  have now and the property line is 2 feet 6  
14                  inches. The proposed garage that we would like  
15                  to build is going to be 24 feet wide, moving  
16                  the variance to 3 feet, so it actually would be  
17                  a little bit more than it is now.

18                  The reasons that we do -- we don't want  
19                  to or we are -- okay -- requesting not to have  
20                  a 5-foot variance -- I'm sorry -- are a few.  
21                  In our backyard to -- behind the garage we have  
22                  quite -- we have four large pine trees. One of  
23                  them, if we have to do the 5 feet and move the



1 garage over into our yard, it would impact one  
2 of the pine trees. We would have to dig up  
3 some of the roots that are there and we would  
4 also have to cut, probably, four branches from  
5 the pine tree in order to build the structure  
6 there. It's quite a large pine tree, has been  
7 here since we bought the house 25 years ago and  
8 it was mature then. So that's one of our  
9 concerns.

10 Another one is, you know, we live in the  
11 city. We have a -- a pretty small backyard as  
12 it is, and moving the garage at the 5 feet  
13 variance would make our yard even smaller. It  
14 would reduce, you know, the -- the outdoor  
15 recreation. We are in our yard a lot and it  
16 would -- it would reduce the area of it.

17 The driveway currently, it goes down  
18 along our house and then it veers to cover the  
19 whole front of the garage. If we had to move  
20 the garage over to -- to the 5-foot variance,  
21 we would have to add more to our driveway in  
22 order to have it cover the whole front of the  
23 garage.

1           We also have a fence that goes from the  
2 back of our house right to the side, to the end  
3 of the garage. If we had to move the garage  
4 over again, we would have to take up the fence  
5 there and put a new fence in to connect it to  
6 the new garage.

7           The -- it -- to do all of these things --  
8 to cut the tree branches, to dig up all of the  
9 roots, to expand the driveway so it would cover  
10 the whole garage, to remove the chain-link  
11 fence and then put a -- new fencing in -- would  
12 be a lot more additional expense than we had  
13 originally planned on when we were planning for  
14 this.

15           The side of the garage where the property  
16 line is actually faces our neighbor's back of  
17 their garage, so it wouldn't impact them in any  
18 way. It's not -- you know, they don't have a  
19 view from there or they're not spending time in  
20 that area. It just back -- it butts right up  
21 to the back of their garage.

22           We have spoken to her and she has no  
23 issues with us keeping the -- the same post --

1 the same setbacks. okay.

2 And our garage is very, very old and, you  
3 know, it would only add to the neighborhood if  
4 we put in a new nicer looking, more modern  
5 garage. It's not going to do any harm to  
6 anyone. It -- it's going to increase our  
7 property value and it's going to increase the  
8 aesthetics.

9 I think that's it.

10 MR. THOMAS: Okay. Thank you very much.  
11 You did -- you covered that very thoroughly as  
12 well as in the written piece.

13 Are there questions by zoning board  
14 members for Mr. and Mrs. Fiorentino?

15 Mr. Hickey?

16 MR. HICKEY: Hi. I do have one question.  
17 Looking at your house from the street level,  
18 the fence that runs the length of your property  
19 past your garage, is that something you own or  
20 is that the other owner, neighbor?

21 MR. FIORENTINO: So prior -- the prior  
22 owner of the house and I had a -- just a verbal  
23 agreement at the time. He had a picket fence

1           there at the time. It was his and I replaced  
2           the fence. But I'm assuming that -- I'm not  
3           sure how that works -- but that the fence, I  
4           believe, is on the property line.

5                   MR. HICKEY: And considered to be owned  
6           by the -- your neighbor or you?

7                   MR. FIORENTINO: I don't know the answer  
8           to that.

9                   MS. FIORENTINO: We put the fence up;  
10          right?

11                   MR. FIORENTINO: Yeah, for --

12                   MS. FIORENTINO: I mean, we put the fence  
13          up. There was, like he said, a picket fence  
14          that was falling down right in the same --  
15          right on the same line and we just, you know,  
16          agreed and put that fence up. It was for -- it  
17          looked nicer. The other one was falling down,  
18          so --

19                   MR. HICKEY: Okay. Thank you.

20                   MR. THOMAS: Other questions?

21                   I would just like to comment about the  
22          mention about the trees and -- and I can  
23          understand what you're saying about that

1           because once you start pruning and digging into  
2           root systems, that can be going, you know --  
3           when you're looking at it over time, it can  
4           also spout the decline of a tree which then can  
5           be -- present potential hazards and can  
6           actually be quite costly in the long run.

7                     Before we move on, Mr. Urda, do you have  
8           comment about this application?

9                     MR. URDA:  The planning staff has no  
10          comments.

11                    MR. THOMAS:  Okay.

12                    Ms. Stone?

13                    MS. STONE:  I have no comments.

14                    MR. THOMAS:  Okay.  I notice we do have  
15          some callers coming in, and are there -- is  
16          there a caller here that would like to present  
17          before we -- oh, Mr. Hickey, question?

18                    MR. HICKEY:  I have one more.

19                    Currently the -- the runoff and snow  
20          slide off your current existing garage, is that  
21          the same planned spot where the snow and the  
22          rain will fall on your new garage?

23                    MR. FIORENTINO:  Yes, it's the same roof

1 slope.

2 MS. FIORENTINO: But it'll be 6 inches  
3 over.

4 MR. FIORENTINO: Correct. It would be,  
5 actually, see, it's -- right now it's falling 2  
6 and a half feet or 2 -- yeah --

7 MS. FIORENTINO: Two and a half --

8 MR. FIORENTINO: Two and a half feet. It  
9 would be 3 feet for the setback of the new  
10 garage.

11 MR. HICKEY: Thank you.

12 MR. THOMAS: Other questions? Are  
13 there call -- is there a caller here that  
14 chooses to participate in the public --

15 MS. CAHILL: Yeah.

16 MR. THOMAS: -- hearing?

17 MS. CAHILL: Yes, yes.

18 MR. THOMAS: And is that Dorothy Cahill?

19 MS. CAHILL: Yes.

20 MR. THOMAS: Oh, Ms. Cahill, you may --  
21 you may speak in behalf of the application for  
22 782 Lansing Street.

23 MS. CAHILL: No, that's -- that -- that's

1 not the one we're here -- we're interested in  
2 the Broadway Avenue one.

3 MR. THOMAS: Oh. Okay. Very good.  
4 Well, that's third on the agenda, so it may  
5 be -- it could be as much as 30 minutes before  
6 we begin that case.

7 MS. CAHILL: So can I just leave you on  
8 or --

9 MR. THOMAS: If you want to, you -- you  
10 can certainly continue. This is a public  
11 meeting. You're welcome to listen to --  
12 Mr. Urda?

13 MR. URDA: Sam, I will say every member  
14 of the public that's on, I recognize their name  
15 and I've talked to them and they are here for  
16 the third item. Everyone on the phone or  
17 online, I would encourage you all to stay on  
18 the call so that you don't need to reconnect.  
19 I would just ask that you mute --

20 MR. THOMAS: Thank you.

21 MR. URDA: -- your microphone until --

22 MR. THOMAS: Thank you.

23 MR. URDA: -- we get to that -- that

1 agenda item.

2 MR. THOMAS: Thank you, Mr. Urda.

3 If there is no further comment by zoning  
4 board members for the City of Watertown, are  
5 people -- before we close the hearing, are  
6 people prepared to vote on this application  
7 this evening?

8 Okay. I see Mr. Grass, yes; Mr. Hickey.  
9 Ms. -- Ms. Filippelli, okay, and Ms. Crossman.  
10 Okay. Very good.

11 They have a -- a motion to close the  
12 public hearing?

13 MR. HICKEY: Motion to close.

14 MR. THOMAS: And a second on the motion?

15 MR. GRASS: Second on the --

16 MS. CROSSMAN: Second.

17 MR. THOMAS: Okay. Very good.

18 All in favor?

19 (All signaled aye.)

20 MR. THOMAS: Very good. Thank you.

21 I will begin -- and please keep in mind  
22 this is an area variance request and in your  
23 response, please keep in mind the



1           considerations for deciding upon the area  
2           variance.

3           I've considered the following for a  
4           petition for an area variance request: To  
5           reduce the side-yard setback requirements in  
6           order to demolish an existing garage and to  
7           construct a new garage at 782 Lansing Street,  
8           which is located in a residence B neighborhood.

9           Would be very difficult and not cost  
10          effective for Mr. and Mrs. Fiorentino,  
11          applicants, to achieve the desired benefits by  
12          adhering to requirements of a 3-foot setback.  
13          They have cited the following reasons: There  
14          would have to be significant and costly tree  
15          trimming which would ultimately, I feel, lead  
16          to the decline or death of the tree; a decrease  
17          in available yard space; replacement of a  
18          concrete wall, walkway and the reduction of a  
19          fence in order to accommodate the entrance to  
20          the garage.

21          A requested variance of 2 feet from  
22          5 feet, or 40 percent reduction to -- in the  
23          setback, may be considered substantial and

1           should keep in mind it's actually a reduction  
2           of the present setback of 6 inches. It will  
3           not have an impact -- adverse impact -- on  
4           neighboring property or neighbor -- or the  
5           neighborhood and there are no environmental  
6           impacts. The new garage will enhance the  
7           Fiorentinos' home and will be a worthwhile  
8           long-term investment. I do not feel this is a  
9           self-created hardship.

10                   The applicants have thoroughly examined  
11           all available options and the request is most  
12           reasonable. I vote yes to the requested  
13           variance to allow for a two set -- 2-foot  
14           setback on the northern side of the garage that  
15           is proposed to be built at 782 Lansing Street.

16                   Mr. Hickey?

17                   MR. HICKEY: Yes. This is in regard to  
18           file No. 782 for -- or 782 Lansing Street, the  
19           file under 560. This is in regards to a  
20           side-yard setback to allow for a new garage to  
21           be built slightly off from the current  
22           footprint.

23                   I consider this not to be out of place in

1 the neighborhood. It has existed -- the  
2 original garage has existed in its footprint  
3 since the owners have purchased the property.  
4 There is no other cost effective alternative to  
5 placing it there because of their landlocked  
6 area, their -- and their small backyard. It  
7 does exceed the 15 percent rule at  
8 approximately 40 percent, however, they are  
9 continuing to protect the fence that is a --  
10 apparently con -- between their ownership and  
11 the -- and the other neighborhood -- neighbors'  
12 ownership. That probably should be cleared up  
13 in the future for -- for your own benefit more  
14 than anything else in case something coming  
15 off, be a real -- damages it, you really would  
16 need to know who's responsible for that area.

17 The fourth point is any potential impact  
18 is drainage, traffic, circulation, dust, noise,  
19 odor, impact to emergency services. I don't  
20 find that to have any impact in the  
21 neighborhood at all and I also do not consider  
22 it to be a -- a self-created difficulty since  
23 it was on -- on the property originally and

1           you're just updating it to current requirements  
2           necessary.

3                     I vote yes for file No. 560 for 782  
4           Lansing Street.

5                     MR. THOMAS: Thank you.

6                     Mrs. Crossman?

7                     MS. CROSSMAN: Yes. In regards to the  
8           petition for an area variance, No. -- petition  
9           No. 560 for the property located at 782 Lansing  
10          Street, I agree with the comments that were  
11          made by the previous board members. I believe  
12          that although the request of a 40 percent  
13          reduction is a significant request, it is an  
14          improvement from the existing setback which is  
15          only 2 and a half feet. By increasing it to 3  
16          feet, it is an improvement from the existing  
17          garage. I don't believe that there would be a  
18          negative effect from this improvement on the  
19          property. It'll increase the value of the  
20          applicants' property and will improve the  
21          aesthetics in the neighborhood. I don't think  
22          this is a self-created purchase from and -- a  
23          self-created hardship from the previous

1 statements that have been made --

2 (Off-the-record discussion.)

3 MS. CROSSMAN: Yeah. I don't believe  
4 that it's a self-created hardship and I support  
5 the -- again -- the speakers that were made by  
6 the previous board members. I also do not  
7 believe that it would be financially feasible  
8 to require the applicants to modify those plans  
9 in regards to the tree that would have to  
10 pruned and all roots that would have to be  
11 modified on this and the fence that would have  
12 to be filled.

13 So I vote yes to the area variance for  
14 file 560 at 782 Lansing Street.

15 MR. THOMAS: Thank you.

16 Mr. Grass?

17 MR. GRASS: Good evening. In regards to  
18 file No. 560, the area variance for the side  
19 yard on 782 Lansing Street, I see no reason to  
20 object to moving the setback of the property  
21 line. The new garage will increase the  
22 property value of it as well as the  
23 neighborhood. I vote yes.

1 MR. THOMAS: Thank you.

2 Mrs. Filippelli?

3 MS. FILIPPELLI: Hi. Good evening. I'm  
4 not as eloquent as the rest of the board  
5 members, but I loved your application and I  
6 absolutely loved the fact that you mentioned  
7 your dog and the need for a yard for him -- or  
8 her. I'm sorry I didn't know it. I thought  
9 that was awesome. I thought that the fact that  
10 you were concerned about the trees was really  
11 impressive. The fact that you told us that you  
12 replaced the fence, we need more people in  
13 Watertown like you that -- who are willing to  
14 help neighbors, so thank you. And I  
15 obviously -- I'm voting yes for your use  
16 variance No. 560 at 728 [sic] Lansing Street.  
17 Good luck.

18 MR. THOMAS: It's -- thank you.

19 Well, your variance has been granted with  
20 the five yes votes and you may contact Mr. Urda  
21 who can move this permit forward so that you  
22 can construct that garage. And -- and good  
23 luck to you.

1 MR. FIORENTINO: We were --

2 MR. THOMAS: And once again, that was  
3 a --

4 MS. FIORENTINO: Thank you --

5 MR. THOMAS: That was a very thorough  
6 application. It made our job a lot easier.

7 MS. FIORENTINO: Thank you.

8 MR. FIORENTINO: Thank you.

9 MR. URDA: Now probably reach out to me  
10 tomorrow or Friday and I'll guide you through  
11 the next step.

12 MR. FIORENTINO: All right. Thank you.  
13 We can drop off?

14 MR. URDA: Yes. I'll have to get all  
15 five board members to sign a decision form and  
16 then I take that to code enforcement. But  
17 every -- all my correspondence to new codes  
18 gets copied on, so code enforcement will know  
19 that you've gotten this variance and they'll be  
20 able to issue you a building permit.

21 MR. FIORENTINO: Okay.

22 MR. URDA: I always follow up with them  
23 the morning after a ZBA meeting. So reach out

1 to me through phone or e-mail midday --

2 MR. FIORENTINO: All right.

3 MR. URDA: -- or afternoon.

4 MR. FIORENTINO: Okay. Thank you  
5 everyone. Have a good night.

6 MR. THOMAS: Okay. Thank you.

7 Okay. Moving on to case No. two of 561,  
8 it's a use variance to allow an accessory use  
9 in a side yard at 417 Pawling Street. And if  
10 the applicant is present, she may present her  
11 case. And, Ms. Ciscell, how do I articulate  
12 your name correctly? I don't -- I didn't say  
13 it because I didn't want to misarticulate it.

14 MS. CISCELL: My last name is pronounced  
15 sissell (ph).

16 MR. THOMAS: Ciscell. Okay. Thank you.

17 You may begin, Ms. Ciscell.

18 MS. CISCELL: Do I need to state my name  
19 and address before I begin?

20 MR. THOMAS: Yeah, yes. Yes, ma'am.

21 MS. CISCELL: Okay. My name is Anne  
22 Ciscell. I live at 417 Pawling Street,  
23 Watertown, New York.



1           MR. THOMAS: And if you would, please, as  
2           you completed your application and it was  
3           self-explanatory, but if you'd like to discuss  
4           some highlights or this history behind the  
5           application, please proceed. And then, again,  
6           we'll -- board members will ask questions.  
7           We'll check to see if there's anybody on the  
8           line that wants to participate in the public  
9           hearing and then we will do a short  
10          environmental action plan if people ready to  
11          move forward the vote tonight. But you may  
12          proceed.

13          MS. CISCELL: Okay. Okay. So I began  
14          this process, trying to apply for -- just  
15          basically I need to have storage on my  
16          property. I don't have a shed currently or a  
17          garage on the property, so it's just much  
18          needed for storage of kids' bikes, lawn mower,  
19          snowblower. You know, all the stuff that needs  
20          to be put somewhere.

21                 How the lot is laid out, I have two very  
22          specific obstacles. The first is there's a  
23          very large deck on the back of the house. I

1 think they put such a large deck because the  
2 backyard is not that useable, so they decided  
3 to deck it out, you know, previous owners. But  
4 that gives them with no room behind the deck to  
5 the property line to manipulate or do anything  
6 with.

7 The other half of the side -- of the  
8 backyard is significantly sloped. Like, if I  
9 were to eyeball it, I would say you're -- like,  
10 when the driveway stops, you have one level and  
11 probably drops 5 to 6 feet to the bottom level.  
12 So it would require, you know, some type of  
13 excavating to create a level spot to make, in  
14 that section of the backyard, any -- you know,  
15 to put any type of structure there. That just  
16 opens a can of worms from, like, if you build  
17 it up -- which I don't really want to spend  
18 that kind of money on a storage shed, to  
19 drainage issues, to, you know, whatnot.

20 So where I wanted to put it was really  
21 right at the end of the driveway which is  
22 technically the side yard. But it does sit  
23 50 feet back from the front road. And I

1           actually found a picture, and I included it in  
2           the application, and I knew from verbally being  
3           told the history of the house, there used to be  
4           a carriage house there that I think was there  
5           and it -- and it was -- I found it on the  
6           Watertown site. I was whoo. It's dated 2010.  
7           So at some point after 2010 -- and we purchased  
8           the property in 2015 -- that was torn down. So  
9           that's pretty much exactly where we want to  
10          plunk this shed. That has a level spot that  
11          you can do it cost effectively.

12                     And the size of the shed is 8 by 12, so  
13           it's a relatively small shed. We just need it  
14           for the lawn mower, the snowblower and the  
15           kids' bikes. And I think that adds value, you  
16           know, to the property even though the -- the  
17           structure itself is relatively cheap, just  
18           providing that to the property, you know, makes  
19           it more useable.

20                     Things that I had put in here, like one  
21           option would be taking down the deck, but I  
22           think that would take value away for an 8 by 12  
23           storage shed to my property to do that, to make

1 room to be technically in the backyard. In  
2 terms of the neighborhood, just about every  
3 property has some type of outdoor storage. So  
4 we're one of two properties just on that first  
5 lap of Pawling Street that doesn't have, you  
6 know, a shed or garage to add to it.

7 But I think that pretty much covers and  
8 everything I put in my letter.

9 MR. THOMAS: I had driven by your  
10 property. That would be placed on the gravel  
11 piece; correct? There was a -- there is a --  
12 to the right of that house, when you're facing  
13 it?

14 MS. CISCELL: Yeah. So you have -- it's  
15 like the paved and the gravel, and really  
16 where, at the very end of the gravel, we're  
17 going to plunk it down, so probably, like, at  
18 the -- at the very end of that into the grass  
19 area there.

20 MR. THOMAS: Uh-huh.

21 MS. CISCELL: I was doing this through  
22 the North Country Storage Barns. So they're  
23 actually going to put down a gravel base to --

1 helping for drainage to plunk the -- the shed  
2 down on top of that if I'm able to go through  
3 with this. So it's sort of like the -- a  
4 couple of feet on the end of that gravel  
5 section and then into the grass area of the  
6 yard there is where we would --

7 MR. THOMAS: Oh.

8 MS. CISCELL: -- place it down.

9 MR. THOMAS: Very good. That former  
10 carriage house. And it looks like the size of  
11 a house. It's -- there --

12 MS. CISCELL: Yup.

13 MR. THOMAS: -- I'm -- I'm reviewing that  
14 picture. There's a chimney and it -- it  
15 appears to be -- it must -- it almost looks  
16 like -- be one of those -- a -- a servants  
17 quarters or another form of living quarters in  
18 the past. That's --

19 MS. CISCELL: Yup.

20 MR. THOMAS: -- the structure --

21 MS. CISCELL: -- little bit of -- a  
22 little bit of history, I heard that was the  
23 very first house on the block back. In the

1           1800s and it was like the taxi service, so it  
2           had a huge carriage barn as well behind it for  
3           Watertown. It is --

4                   MR. THOMAS: Oh.

5                   MS. CISCELL: -- had the carriages for  
6           that. From previous owners, they told me all  
7           the back history on that.

8                   MR. THOMAS: Well, I'm glad that you were  
9           able to retain a photo of it. It's -- it is a  
10          great piece of history. Amazing structure.

11                   Are there comments or questions by zoning  
12          board members?

13                   Hello?

14                   Oh, God.

15                   Hello? I'm -- are we --

16                   MS. CISCELL: Hello?

17                   MR. THOMAS: Yes, are there comments or  
18          questions by zoning board members?

19                   MR. URDA: Sam, Mr. Hickey and Mr. Grass  
20          had their hands raised.

21                   MR. THOMAS: Okay. Could you -- I -- for  
22          some reason I'm free -- okay. We're -- I think  
23          we're -- we're back but we froze. Could you --

1 can you hear me, Geoff?

2 Hello?

3 MS. VOSS: Sam, we can --

4 MR. URDA: Sam --

5 MS. VOSS: -- hear you, Sam. We can hear  
6 you.

7 MR. THOMAS: Okay. Mr. Grass, you have a  
8 question?

9 MR. GRASS: Yes. Thank you, Sam.

10 Ma'am, I just wanted to make sure the --  
11 the shed that you enclosed the pictures in the  
12 packet, is that the same style shed? It's not  
13 like a two-story --

14 MS. CISCELL: It is. It's a -- no, that  
15 is the frontier model. It'll be 8 by 12, and  
16 in height it's a 10.8 feet, and that's the  
17 model that I want to purchase from North  
18 Country Storage Barns.

19 MR. GRASS: Okay. Thank you.

20 MS. CISCELL: Uh-huh.

21 MR. THOMAS: So that's 8 by 12 and  
22 10 feet in height; correct?

23 MS. CISCELL: Yeah, 10.8 in height, but

1           yes.

2           MR. THOMAS:   Okay.   Thank you.

3           There was another question?   Mr. Urda?

4           MR. URDA:   Mr. Hickey had the other  
5           question.

6           MR. THOMAS:   Oh, oh, Mr. Hickey.   Go  
7           ahead, Patrick.

8           MR. HICKEY:   Hi.   Does this -- this  
9           property in this request is very familiar to me  
10          because I used to pedal papers in that carriage  
11          house in the back.

12          MS. CISCELL:   Did you?

13          MR. HICKEY:   It was my -- my old paper  
14          route.   In fact I live on the second block.  
15          The a 400 block of Pawling.

16          MS. CISCELL:   I didn't want to say  
17          anything, but, Mr. Hickey, I recognized your  
18          name from Debbie Hearne, Pawling Street alert.

19          MR. HICKEY:   That's correct.   I also  
20          should inform you that -- that I did send a  
21          current picture to the board members where your  
22          car is placed on in -- in that gravelly area,  
23          and that's where -- where you got that original



1 question of whereabouts are you going to place  
2 it. That's how they knew that your -- your  
3 actual current location was -- was very well  
4 photographed.

5 Beyond that, I really don't have a  
6 question other than kind of sorry to see the  
7 carriage house go, but totally understand. You  
8 know, we -- we need to become modernized in the  
9 city of Watertown, so -- but other than that, I  
10 just wanted to make sure you were aware that  
11 members did see a photo -- current photograph  
12 that didn't have the carriage house so they  
13 know exactly what you're attempting to do.

14 Thank you.

15 MS. CISCELL: Okay. Thank you.

16 MR. HICKEY: Okay.

17 MS. CISCELL: Thank you.

18 MR. THOMAS: Okay. Thank you, Patrick.

19 Mrs. Voss, is there any comments from  
20 city planning?

21 MS. VOSS: City planning doesn't have any  
22 further comments.

23 MR. THOMAS: Well --

1 MS. VOSS: But don't forget to do the  
2 SEQR, Sam.

3 MR. THOMAS: Oh, yes. Yeah. Got that  
4 right in front of me.

5 Do you -- Ms. -- Mrs. Stone, do you have  
6 any comments or questions?

7 MS. STONE: No, I have no questions or  
8 comments.

9 MR. THOMAS: Okay. Very good.  
10 Is there a member of the public here,  
11 Mr. Urda, that would like to state a comment  
12 before we move to the SEQR form and then close  
13 the public hearing?

14 MR. URDA: Not that I know of, but it  
15 would be appropriate to ask any of the callers,  
16 I suppose, if they did want to comment on this  
17 effort.

18 MR. THOMAS: Are there any comments from  
19 any of the callers that have been listening to  
20 our application?

21 (No response.)

22 MR. THOMAS: Okay.

23 All right. All right. We're going --

1 we're going to do the SEQR first and then I'll  
2 close the public hearing, Mrs. Voss.

3 MS. VOSS: Okay. That sounds good.

4 MR. THOMAS: Okay. Okay. For a moment  
5 there I think I just became confused.

6 Okay. We're going to do the short  
7 environmental assessment form, and I would ask  
8 that board members respond with a -- but if --  
9 if the responses are no or small impact or  
10 moderate impact. But we'll begin with that.

11 Will the proposed action create a  
12 material conflict with an adopted land use plan  
13 or zoning regulations?

14 No.

15 MR. HICKEY: No.

16 MR. THOMAS: Okay. Two, will the  
17 proposed action result in a change in the use  
18 or intensity of use of land?

19 No.

20 MR. HICKEY: No.

21 MR. THOMAS: Will the proposed -- thank  
22 you, Patrick.

23 Will the proposed action impair the

1 character or quality of existing community?

2 MR. HICKEY: No.

3 MR. THOMAS: No.

4 Will the proposed action have an impact  
5 on the environmental characteristics that cause  
6 the establishment of a critical environmental  
7 area?

8 No.

9 MR. HICKEY: No.

10 MR. THOMAS: Will the proposed action  
11 result in an ad -- oh, shoot -- adverse change  
12 from existing level of traffic or affect  
13 existing infrastructure for mass transit,  
14 banking or walkway?

15 No.

16 MR. HICKEY: No.

17 MR. THOMAS: Will the proposed action  
18 increased in the -- increase in the use of  
19 energy and it fails to incorporate  
20 reasonable -- reasonably available energy  
21 conservation or renewable energy opportunities?

22 No.

23 MR. HICKEY: No.

1           MR. THOMAS: Will the proposed action  
2 impact existing: A. Public/private water  
3 supplies?

4           No.

5           B. Public/private waste water treatment  
6 utilities?

7           No.

8           MR. HICKEY: No.

9           MR. THOMAS: Eight, will the proposed  
10 action impair the character or quality of  
11 important historical, archeological,  
12 architectural or aesthetic resources?

13          No.

14          MR. HICKEY: No.

15          MR. THOMAS: Will the proposed action  
16 result in adverse change in natural resources?  
17 Example, wetlands, water bodies, grounds water,  
18 air quality, flora and fauna?

19          No.

20          MR. HICKEY: No.

21          MR. THOMAS: Will the proposed action  
22 result in an increase in a potential for  
23 erosion, flooding or drain -- drainage

1 problems?

2 No.

3 MR. HICKEY: No.

4 MR. THOMAS: Will the proposed action  
5 create a hazard to environmental resources or  
6 human health?

7 No.

8 MR. HICKEY: That's no.

9 MR. THOMAS: Mr. Hickey, do we have a  
10 motion on the environmental on the  
11 environmental statement that we just completed?

12 MR. HICKEY: Yes, I move that we adopt a  
13 resolution finding that the proposed variance  
14 will have no significant adverse effects or  
15 environmental impact.

16 MR. THOMAS: And a second on the motion?

17 MS. CROSSMAN: This is Allison, and I  
18 second that motion.

19 MR. THOMAS: Thank you.

20 All in favor? Aye?

21 (All signaled aye.)

22 MR. THOMAS: Very good. Okay.

23 Now we'll begin the voting process.

1           Okay, just had my -- how can I get so  
2           disorganized in one minute? My God. So many  
3           papers.

4                         Sorry about that.

5                         Well, we've got Ms. Anne Ciscell, who  
6           resides at 417 Paw -- Pawling Street, has  
7           requested a use variance in order to allow for  
8           the construction of an 8 by 12 and 10-foot shed  
9           in a side yard. According to city ordinance  
10          section 310-15, an accessory structure may not  
11          occupy and -- and -- a -- and require open  
12          space other than a rear yard and shall not be  
13          less than 3 feet from a rear lot line. Excuse  
14          me. 5 -- no, 3 feet.

15                        The applicant is seeking a use variance  
16          which is very difficult to prove and in most  
17          cases they do not meet the criteria for the  
18          variance. However, in this particular case,  
19          providing financial information that the  
20          property is incapable of earning a reasonable  
21          return on their initial investment is not  
22          relevant to this case. The petitioner  
23          indicates that the application, that the only

1 alternative -- or because of needing level  
2 ground -- would be to place the shed in the  
3 side yard as opposed to the rear yard. The  
4 value of the deck to the house far exceeds the  
5 value of the shed in that same location.  
6 Additionally, the demolition of the deck is  
7 cost prohibitive. Furthermore, placement of a  
8 shed in their rear yard would require  
9 significant excavation, because in the rear  
10 yard, slopes from the back to the front.

11 It was noted that Pawling Street is part  
12 of the Thompson Park hill. Originally there  
13 was a carriage house with a basement and a side  
14 yard, but it was demolished 10 years ago.

15 The property is not unique or uncommon in  
16 the city of Watertown. There are many homes  
17 without adequate backyard space in order to  
18 place an accessory structure. During the past  
19 several years the ZBA has made many variance --  
20 it had many variance requests for side-yard  
21 structures. As I have stated in other similar  
22 cases, this particular zoning regulation should  
23 be amended and it's my understanding that it



1 will be reviewed in the near future.

2 I do not consider this as a self-created  
3 difficulty. Each alternative was thoroughly  
4 explored and a right side yard -- the right  
5 side yard is the only logical place to erect  
6 the storage shed.

7 This variance request will not alter or  
8 disrupt the essential character of the  
9 neighborhood. I vote yes to the use variance  
10 request for the construction of an 8 by 10  
11 [sic] shed in a right side yard located at  
12 417 Pawling Street.

13 Mr. Hickey?

14 MR. HICKEY: Yeah. This is in regards to  
15 use variance No. 561 at -- for 417 Pawling  
16 Street. It is for a 8 by 12 inch [sic] storage  
17 shed that will be obtained by North Country  
18 Storage Barns.

19 There are four points that need to be  
20 enacted. The first one is a actual dollars and  
21 cents. I feel that in order to put this  
22 accessory building behind the house, the  
23 removal of the large deck that is currently in

1 place there makes that function would -- cost  
2 prohibitive for the residents of 417. Most of  
3 the neighborhoods in the 400 block have some  
4 type of storage shed already, so it does not --  
5 it will not be out of place with the rest of  
6 the neighbors. It certainly does not disrupt  
7 or alter the neighborhood. It is -- will place  
8 in the rear-most portion of useable land just  
9 at the end of their driveway. And since they  
10 have not already previously established an  
11 accessory building in that area, I do not  
12 consider that a hardship exists. I vote yes  
13 for use variance No. 561.

14 MR. THOMAS: Thank you, Mr. Hickey.

15 Mrs. Crossman?

16 MS. CROSSMAN: We would to like to use  
17 petition for a use variance for 417 Pawling  
18 Street in Watertown, file No. 561. I believe  
19 that the applicant does see some significant  
20 obstacles when it comes to trying to find a  
21 different option for a shed. It's a large deck  
22 on the back of the property. It's not  
23 financially feasible to have that removed to

1 put a shed in that location. The slope of the  
2 backyard also prohibits a shed from being  
3 placed in that area unless some significant  
4 excavating work would be done to repair the  
5 property. So as being a -- a location that  
6 property owner described to the right of her  
7 property where a carriage house previously  
8 existed appears to be the best location for  
9 that shed.

10 The shed is not going to alter the  
11 character of the neighborhood and this was not  
12 a self-created hardship, so I vote yes to the  
13 variance.

14 MR. THOMAS: Thank you.

15 Mr. Grass?

16 MR. GRASS: Yes. Thank you, Sam.

17 In regards to file 561, 417 Pawling  
18 Street, it's a use variance to allow an  
19 accessory in the side yard. The applicant  
20 wishes to install an 8 by 10 [sic] shed. I can  
21 see no negative effects to the addition of the  
22 shed to the property. All setbacks on the  
23 property lines are met. I vote yes.

1 MR. THOMAS: Thank you.

2 Mrs. Filippelli?

3 MS. FILIPPELLI: Hi. Good evening.

4 I would like to vote yes for the variance  
5 for 5 -- file No. 561. I do agree that you  
6 need a storage shed and it will certainly add  
7 value to your property and it will be  
8 consistent with the neighborhood. And I love  
9 the old pictures. Keep them always coming.

10 MR. THOMAS: Thank you.

11 Well, your variance has been granted with  
12 five votes. As we said before the previous  
13 application, Mrs. Voss facilitated this and you  
14 would need to see her so that once we sign off  
15 on the forms that code would -- would allow you  
16 to place that shed in your side yard.

17 Congratulations.

18 MS. CISCELL: Thank you.

19 MR. THOMAS: It will make a nice upgrade  
20 to your property and I'm sure that you'll have  
21 lots of use out of it.

22 MS. VOSS: I will get all these tomorrow,  
23 Annie.

1 MS. CISCELL: All right. Thank you so  
2 much.

3 MS. VOSS: You're welcome.

4 MR. HICKEY: Thank you.

5 MR. THOMAS: Thank you for your  
6 application. It was very thorough.

7 MS. VOSS: Goodbye. And many good  
8 days -- night -- and all good day.

9 MS. CISCELL: And I'll -- yup.

10 MS. VOSS: You guys. You're all set.

11 MS. CISCELL: Okay.

12 MS. VOSS: Okay. Thank you.

13 MR. THOMAS: That's fine. Have a good  
14 eve -- have a nice evening.

15 MS. CISCELL: You too.

16 MR. THOMAS: Okay. We're going to move  
17 -- we're going to move on to case No. 562.

18 It's a use variance to allow an accessory use  
19 in a front yard. It's a little bit atypical  
20 from what we've heard in the past. The  
21 location is 322 Broadway Avenue West and the  
22 applicant is Kristen Rigabar.

23 All right. Mrs. Rigabar, would you

1           please state your name and address for the  
2           record and -- and as you probably have  
3           observed, you may re -- highlight points of the  
4           application that you submitted to city  
5           planning?

6                   MS. RIGABAR:    Sure.

7                   MR. THOMAS:    You may proceed.

8                   MS. RIGABAR:    Yes.   My name is Kristen  
9           Rigabar.   The address of the property in  
10          question is 322 West Broadway Avenue in  
11          Watertown.   The contents of the -- of why we're  
12          here is because the -- the property -- the  
13          property -- the front and the rear of the  
14          property meet the street, West Broadway Avenue,  
15          and then also Brett Street.   And according to  
16          your codes and -- and city laws, it's -- there  
17          is no backyard and we're trying to -- the  
18          tenants are trying to put a aboveground pool  
19          in.   And because of the --

20                           (The reporter asked for clarification.)

21                   MS. RIGABAR:    So -- so any -- anyways,  
22          the -- there's no -- according to your city  
23          codes, there's nowhere to put our accessory

1 building because we need to have two front  
2 yards, according to the 310-35. And so we're  
3 here to, you know, get a use variance.

4 It -- It's -- the pool is set back from  
5 the city property 20 feet as suggested.  
6 Actually I think it's maybe, like, 22 feet.  
7 It's enclosed, all within a, you know, wooden  
8 fence. It's 6 feet tall. There would be no  
9 implications to the surrounding characteristics  
10 of the neighborhood. There's -- there's only a  
11 few houses on Broadway Avenue that are affected  
12 by this, you know -- you know, the property  
13 line butting up to Brett Avenue -- or Brett  
14 Street, excuse me -- and so we're requesting a  
15 use variance to allow pool to be set in the  
16 rear of the property on the Brett Street side.

17 MR. THOMAS: Okay. Thank you.

18 Questions by members of the zoning board  
19 of appeals?

20 Mr. Hickey?

21 MR. HICKEY: Can someone give me  
22 clarification of the -- this Brett Street issue  
23 as compared to that's her property and it would

1 be in the -- the -- her rear area?

2 Geoff, can you then --

3 MR. URDA: Okay.

4 MR. HICKEY: -- clarify?

5 MR. URDA: I'm going to attempt to share  
6 my screen, Patrick, and I'll -- it'll be easier  
7 to show everyone visually rather than tell  
8 everyone. Just trying to -- oh, here it is.

9 So share screen -- share. Everyone  
10 should be looking at my screen now, and this is  
11 the subject property here, 322. It's -- can  
12 everyone see? Nod.

13 MS. VOSS: Yes.

14 MR. URDA: Now 322, 326, and then this  
15 property, 315, are considered to have two front  
16 yards because they have the frontage here on  
17 Broadway Avenue West and because they have the  
18 frontage here on Brett Street. And I'm going  
19 to read directly from city code the definition  
20 of a front yard: A yard between the front lot  
21 line and the front line of a building extended  
22 to the side lines of the lot except that if the  
23 rear yard shall face the street it shall be



1           considered a front yard.

2                       So in essence, the code treats these  
3 yards here as front yards even though they may  
4 function as rear yards.

5                       All right. Everybody should be back to  
6 the meeting now.

7                       Does that answer your question,  
8 Mr. Hickey?

9                       MR. HICKEY: Yeah, it clarifies it a  
10 little bit. I do notice that there is a fence  
11 on the Brett Street side, so -- I mean, just  
12 it -- it appears to be all one parcel, and  
13 apparently it is but the codes consider it as  
14 two fronts.

15                      Thank you.

16                      MR. URDA: Not so much code enforcement.  
17 It's the zoning ordinance and the way the  
18 zoning ordinance is written.

19                      MR. THOMAS: Mr. Grass, before Mr. -- at  
20 the same time Mr. Hickey had posed a question I  
21 saw your hand raised. Did you wish to ask a  
22 question?

23                      MR. GRASS: Yes, if I could please?

1 MR. THOMAS: Yes. Go right ahead.

2 MR. GRASS: Ma'am, what style pool is  
3 this? Is this like a Walmart-style a --

4 MS. RIGABAR: It --

5 MR. GRASS: -- aboveground pool that you  
6 would disassemble or is it --

7 MS. RIGABAR: Yes, it --

8 MR. GRASS: -- like a Sundance --

9 MS. RIGABAR: No, it's --

10 MR. GRASS: Go ahead.

11 MS. RIGABAR: A pool, that's not meant to  
12 be kept up throughout the year, in the  
13 wintertime and -- and so on and so forth.

14 MR. GRASS: Okay.

15 MS. RIGABAR: It's remove --

16 (Reporter asked for clarification.)

17 MS. RIGABAR: It's a removable pool.

18 MR. THOMAS: But -- but I didn't get --  
19 hear that response. It was a good question.  
20 Is this -- what -- what you were saying, and  
21 correct me if I'm mistaken, that this pool  
22 will -- would be up in the summer and  
23 dismantled, you know, when the colder weather

1 begins or is it --

2 MS. RIGABAR: Yes.

3 MR. THOMAS: -- a permanent?

4 MS. RIGABAR: It is not a permanent  
5 structure.

6 MR. THOMAS: Oh, okay. So it's a pool  
7 that you -- okay, that you -- it's seasonal,  
8 meaning that you would assemble it in the  
9 spring or summer and disassemble it in the  
10 fall?

11 MS. RIGABAR: Yes, sir.

12 MR. THOMAS: Okay. Thank you.

13 It is my understanding that the pool is  
14 already in place. Are you aware of that?

15 MS. RIGABAR: I -- I am aware of that,  
16 yes. I was not aware of the zoning rules and  
17 laws until we received a letter from the City,  
18 and we kind of stopped everything that was  
19 going on and, you know, moved forward.  
20 Geoff -- Geoffrey helped me out considerably  
21 and so here we are.

22 MR. THOMAS: Okay. Thank you.

23 Other questions by members of the zoning

1 board of appeals?

2 Ms. Crossman, I see your hand is up.

3 MS. CROSSMAN: My hand is -- is reverse.

4 My question is just regarding the fence.

5 Although it's a -- certainly a different topic

6 than variance that's being requested right now,

7 was a permit issued for this fence where it is

8 constructed? The reason that I ask that

9 question is just because I -- I -- it's --

10 it's -- at the time it was considered a front

11 yard, would code have allowed a 6-foot fence

12 around the front yard of a property like that?

13 MS. RIGABAR: So it -- I'd -- that fence

14 was in place prior to the current owner taking

15 over or purchasing the property.

16 MS. CROSSMAN: Okay. And do we know,

17 when the fence was done, if a permit was ever

18 issued for that? Or at this point is that a

19 null factor because there's nothing that can be

20 done about it? What's the -- the situation

21 with that?

22 MR. URDA: I do not know whether a permit

23 was issued to the previous property owner. I

1 would be able to follow that up with code  
2 enforcement, if you wanted it.

3 MS. CROSSMAN: But it's curious to me  
4 because it seems like if a permit had been  
5 issued, then the code enforcement at that time  
6 would have identified that as the backyard of  
7 the property. So why are we now addressing  
8 this as a front yard?

9 MR. URDA: I think it depends on how far  
10 back in time the fence was constructed. I  
11 don't have the answer to that. It's possible,  
12 if it's old enough, it might enjoy grandfather  
13 status.

14 MS. CROSSMAN: Okay. Would that -- if  
15 that's the case, would the grandfather status  
16 also grandfather that use as a backyard of the  
17 property versus a front yard?

18 MR. URDA: No --

19 MS. CROSSMAN: Or would it be --

20 MR. URDA: -- because the -- the zoning  
21 ordinance is very clear, that if the rear of  
22 parcel faces a street -- in other words, has  
23 frontage on a city-owned street right of way --

1           that the zoning is clear, that must be treated  
2           as a front yard. So the accessory use would  
3           require a variance for -- nonetheless.

4           MS. CROSSMAN: Okay. Thank you.

5           MR. THOMAS: Thank you.

6           I just have one question concerning the  
7           pool. How large is this pool or do you know  
8           how many gallons of water it -- it will hold --

9           MS. RIGABAR: I --

10          MR. THOMAS: -- for this --

11          MS. RIGABAR: Yes. When it -- it -- I  
12          believe it's beach -- yeah, it's 15 feet a --  
13          around.

14          MR. THOMAS: Okay. 15 feet in  
15          circumference?

16          MS. RIGABAR: Yes.

17          MR. THOMAS: So and what's the -- the  
18          depth of the pool? Like, how deep --

19          MS. RIGABAR: It --

20          MR. THOMAS: Yes.

21          MS. RIGABAR: -- 3 foot, like, 42 inches.

22          MR. THOMAS: Oh, okay. Fine. All right.

23          Thank you.

1 Mr. Urda?

2 MR. URDA: Based on the sketch, 15 feet  
3 is the diameter. So then based on the quick  
4 calculations of  $\pi r^2$ , the radius at 7.5 yields  
5 an area of 176 square feet of area of the  
6 circle. And I used Google.

7 MR. THOMAS: You --

8 MR. URDA: I didn't just do that.

9 MR. THOMAS: Well, I wouldn't have  
10 admitted to that. You did it in your head.  
11 That's great. Thank you very much, Mr. Urda.

12 I know that I -- I noticed Ms. -- well,  
13 Ms. Cahill, your hand was raised and you are  
14 patiently attending to our meeting, so you --  
15 if you have a comment or a question you may  
16 proceed.

17 MS. CAMPONI: All right. My name is  
18 Chris Camponi (ph). I'm speaking for my  
19 mother. Dorothy Cahill is right here.

20 MS. CAHILL: Hi.

21 MS. CAMPONI: So I'm just kind of  
22 speaking for -- I'm just kind of speaking for  
23 her.

1           So the -- the dead-end street. We live  
2           right next door to the house that you're  
3           talking about. That -- the fence has been  
4           there. There was an in-ground pool there for  
5           many years. That was, you know, closed over.  
6           They finished it. So previously there was a  
7           pool in that backyard. So that's a point for  
8           us. I mean, I'm just saying it seems to be  
9           logical that that makes sense that --

10           MS. CAHILL: The fence has been there --

11           MS. CAMPONI: -- previously it's been  
12           allowed to happen. There was a pool and that  
13           was the reason the fence was put up there. The  
14           fence has been there for 20 years, probably.  
15           It's been there for a very long time.

16           So I guess those are the points that  
17           we're making, that there was an existing pool,  
18           there is the fence. We are the next-door  
19           neighbors. We certainly don't think it's a  
20           hazard. It's a dead-end street, so the --  
21           there's very little traffic other than our  
22           neighbors out back. It's -- it's a secure  
23           area, so -- and I don't know how you can have



1 two front yards. I just -- I understand that's  
2 a zoning thing, but it doesn't make logical  
3 sense to me to call one house having two front  
4 yards. So I guess that's my point.

5 MR. THOMAS: Okay. Thank you.

6 MS. CAMPONI: Thank you.

7 MR. THOMAS: Other -- Mr. Grass, did you  
8 have a question? I -- I may have lost you.

9 Do -- do others have questions or  
10 comments?

11 MR. MORGAN: Hey, this is Bill Morgan.

12 MR. THOMAS: Yes, you may go ahead,  
13 Mr. Morgan.

14 MR. MORGAN: Sure. I just thought that  
15 it was a little unclear when the location was  
16 given as 322 Broadway Avenue West and the front  
17 yard was mentioned, but when we talked to Geoff  
18 and he -- he said about the two front yards, I  
19 would hope that you would at least make this  
20 clear. I wouldn't want to see a pool on the  
21 Broadway Avenue West side.

22 MS. RIGABAR: No, sir.

23 MR. MORGAN: But I would want that clear

1 in the -- in the variance if you do allow it.

2 MS. RIGABAR: Of course not.

3 MR. MORGAN: Thank you. That's -- that's  
4 about my only comment at this point.

5 MR. THOMAS: Could you state your address  
6 for the record?

7 MR. MORGAN: Sure. 312 Broadway Avenue  
8 West.

9 MR. THOMAS: Okay. Thank you.

10 Mr. Urda, you had a comment or a  
11 question?

12 MR. URDA: Yes, I was just going to say,  
13 per Mr. Morgan's request, we can make it  
14 specific in the decision form that it applies  
15 to the southeast yard, the Brett Street yard.  
16 That way the decision form will reflect that  
17 for posterity.

18 MR. MORGAN: Okay. Good. Thank you for  
19 listening.

20 MR. THOMAS: Okay. Are there other  
21 comments, either by zoning board members or by  
22 the general public?

23 MR. AUGLIANO: I -- I have -- I have one

1 comment.

2 (The reporter asked for clarification.)

3 MR. THOMAS: And your name?

4 MR. AUGLIANO: My name -- my name is Tony  
5 Augliano and I am at 332 Broadway Ave West.

6 (The reporter asked for clarification.)

7 MR. AUGLIANO: And I am two houses away  
8 from the property and I agree with many of  
9 the -- with everything that Mrs. Camponi said.  
10 The pool, there was a pool there. Actually the  
11 pool is still there. It's -- they bulldozed it  
12 all in. It's under the ground. So I believe  
13 that's why the fence has been there for  
14 25 years or more, and it -- it does seem odd  
15 that a house would have two front yards.

16 I -- I -- I don't see a problem with them  
17 being able to put a pool in their yard because  
18 it doesn't affect us negatively at all.

19 MR. THOMAS: Okay. Thank you.

20 Further comments?

21 Mr. Urda, I -- I want -- I understand  
22 that you received from -- some phone calls when  
23 you sent out the letters concerning the use

1 variance request.

2 MR. URDA: Yes. I received in the  
3 neighborhood of a half dozen calls. I couldn't  
4 tell you exactly how many, probably six or  
5 seven. And four of the neighbors that called  
6 me are on the -- the GoToMeeting call now and  
7 their comments largely reflect what we talked  
8 about on the phone.

9 MR. THOMAS: Was there also a concern by  
10 one of the neighbors about how the water would  
11 be discharged from the pool and they were  
12 concerned that perhaps there could be ponding  
13 of water or running into nearby properties?

14 MR. URDA: One neighbor did express a  
15 concern about the water leaving the proper --  
16 leaving or running over the property line.

17 MR. THOMAS: Mrs. Rigabar, that was a  
18 concern about water discharge. Is that  
19 something that could be controlled for --

20 MS. RIGABAR: Absolutely --

21 MR. THOMAS: -- so that it doesn't --  
22 There isn't -- okay.

23 MS. RIGABAR: Sure that that doesn't

1           impede on anybody else. It's pretty --

2                   MR. THOMAS: Thank you.

3                   Ms. -- Mrs. -- representation for  
4 Ms. Cahill, you can go, yes.

5                   MS. CAMPONI: Well, in the ordinance,  
6 couldn't you write that the pump needs to go  
7 directly into a sewer or something? I don't  
8 know. That's just what I was thinking, that if  
9 you put in the ordinance that there needed to  
10 be -- it needed to be piped directly so that it  
11 didn't affect the neighbors.

12                   MR. THOMAS: Well, that's a good --  
13 that's a -- that's a good point. I have  
14 suggested I -- I feel that a stipulation should  
15 be required in the use variance request that  
16 the discharge of the water is not to go onto  
17 nearby property, albeit there's a lot of  
18 methods in the accomplishment. Sometimes, you  
19 know, there's tankers that come by and drain,  
20 siphon the water off or -- or -- or draining it  
21 in a slow process so that it absorbs into their  
22 own backyard and not into the neighbor's yard.  
23 There are high concentrations of chemicals.

1           You have chlorine, and others things will  
2           oftentimes be, you know, can pre -- could  
3           present potential problems.

4           Ms. -- Ms. Rigabar, I see your hand is  
5           up.

6           MS. RIGABAR: Yes. As -- as far as the  
7           draining of the pool and -- and the chemicals,  
8           after a period of time the chemicals will  
9           dissipate and, you know, at the close of the  
10          season we could definitely make sure that  
11          the -- there's no chemicals added for quite  
12          some time. And as far as the draining, you  
13          know, we'll take all the necessary steps.

14          I feel like if we were to have to drain  
15          it into, you know, some sort of drainage or  
16          sewer system, you know, that means, you know,  
17          long hoses and -- and I don't know if we'd have  
18          to hire somebody to do that. But like you  
19          suggested, sir like, over a period of time it  
20          can be, you know, soak into the ground, over a  
21          period of time. You know, not all at once.

22          MS. CAMPONI: That seems reasonable. I  
23          agree with you.

1 MS. RIGABAR: Thank you.

2 MR. THOMAS: Other comments?

3 MR. MORGAN: I got something. I would  
4 like -- this is Bill Morgan. I'd like to make  
5 a comment on that. It -- I mean, it -- it  
6 sounds -- sounds nice, but I think that's kind  
7 of difficult to enforce anybody with a pool  
8 that's in an enclosed area like that in a  
9 backyard. They will look to their neighbors to  
10 use -- to use a -- a hose or some of their --  
11 or some kind of commercial facility to -- to  
12 drain the water. I've seen, in my own time,  
13 people with hoses running out to the street and  
14 it just runs to the -- to the city sewer --  
15 sewer system, you know?

16 MS. RIGABAR: So -- well, it --  
17 considering the fact that we just learned that  
18 there was indeed a pool there and a -- an  
19 in-ground pool, so if the water was indeed  
20 drained into that specific area, it would still  
21 be enclosed within cement, if you will, and  
22 wouldn't just --

23 MR. MORGAN: Well, it's not -- it's

1 not -- if the pool is filled in, it's not going  
2 to -- the water is not going to go in there for  
3 the most part, I would -- I would guess, if  
4 anybody filled it in properly.

5 MS. RIGABAR: Well, but it would still  
6 drain into the dirt. I mean, that's filled in  
7 the pool.

8 MR. MORGAN: It all depends on how  
9 quickly you drain it off. Because the water is  
10 normally going to flow downhill and there's  
11 somewhat of a slope. There's still -- it's at  
12 the foot of the park hill, but it still slopes  
13 down towards Broadway Avenue.

14 MS. RIGABAR: Well, I guess we could  
15 leave -- I -- I will leave that to the board to  
16 determine what would be the best solution.

17 MR. AUGLIANO: I've got couple of  
18 comments too, well, on that.

19 (Reporter asked for clarification.)

20 MR. AUGLIANO: My -- hi, this is Tony  
21 Augliano again. Yeah, I don't -- I can't -- I  
22 can't turn my camera on.

23 So I -- I think draining the -- draining



1 the pool I think would -- wouldn't -- I don't  
2 think it would be that difficult if -- I've  
3 seen a lot of people who have done it. Just --  
4 if you just take a -- a regular plastic hose  
5 that attaches to the lowest part of your  
6 pool -- it could even be a vacuum hose -- and  
7 get it out to your driveway, it should flow  
8 right out to the street and then into the  
9 sewer. I don't -- I don't -- I don't think  
10 that that would be difficult to do.

11 MS. RIGABAR: Right. And -- and the  
12 appropriate word being it should. So and if it  
13 doesn't, then that creates an issue, I -- I  
14 would think --

15 MR. AUGLIANO: Yeah.

16 MS. RIGABAR: -- if everyone is  
17 concerned.

18 MR. AUGLIANO: Yeah, as long as -- if you  
19 had the hose long enough to at least get to the  
20 road, which I would imagine is probably  
21 75 feet, I -- I think you'd be able to  
22 accomplish that fairly easy, but -- but I -- I  
23 don't -- I don't know and --

1 MS. CAMPONI: There -- well, there's a  
2 storm drain right in front of 326 Broadway  
3 which is next door, so there -- it's -- in  
4 front of my house, my mother's house, there's a  
5 storm drain right there, so it's another  
6 30 feet from the storm drain from her driveway.

7 MR. AUGLIANO: Oh, okay.

8 MS. CAMPONI: And it is lower. It goes  
9 in the right direction, so I think the draining  
10 thing is not really an issue. I thought --  
11 I -- my opinion is we probably could move on  
12 from that.

13 MS. RIGABAR: Thank you. I appreciate  
14 that. And -- and again, you know, if -- if  
15 it's drained over time, I -- I don't see it  
16 affecting anyone and I -- and I'll make sure  
17 that that -- that is the case.

18 MR. THOMAS: Okay. Thank you.

19 Further comments board members?

20 Mr. Urda, you facilitated this case.

21 Would you care to comment?

22 MR. URDA: No further comments from  
23 staff.

1 MR. THOMAS: Thank you.

2 Ms. Stone?

3 MS. STONE: Yeah. I had -- I had a  
4 question regarding who owns the pool. Is it  
5 the tenants' pool or is it going to be the  
6 property owner's pool?

7 MS. RIGABAR: No, the tenants do own the  
8 pool.

9 MS. STONE: And you said it's a seasonal  
10 pool, so that'll be something that's drained in  
11 the fall and then packed away for the winter or  
12 is it --

13 MS. RIGABAR: Yeah.

14 MS. STONE: -- going to be kept on site?

15 MS. RIGABAR: It -- no. I'll -- well, if  
16 there's a question about it, I'll -- I think  
17 the easiest thing to do would be to remove the  
18 pool and set it back up seasonally.

19 MS. STONE: And how long of a lease do  
20 the tenants have?

21 MS. RIGABAR: They just signed on for  
22 another two years.

23 MS. STONE: Okay. Okay. And those were

1 the only questions I have.

2 MR. THOMAS: Okay. Thank you.

3 Further comments by residents in the  
4 neighborhood?

5 Board members?

6 Are we prepared to move forward with the  
7 SEQOR which we'll then follow with a vote this  
8 evening or does -- do board members feel be --  
9 because traditionally we can vote the following  
10 month, the third Wednesday of the month, which  
11 would be August -- what is it -- the 16<sup>th</sup>, 16<sup>th</sup>  
12 or something like that? Or no, it wouldn't be.  
13 It would be -- would you like to vote this  
14 evening following the SEQOR review?

15 MS. FILIPPELLI: Yes.

16 MR. THOMAS: Okay. Okay. If I have  
17 agreement with that then we'll move forward  
18 with the SEQOR review.

19 MS. RIGABAR: I agree with that.

20 MR. THOMAS: Oh, okay. Thank you.

21 All in agreement?

22 All right. Now give me a -- oh, minute.

23 So all right.

1           Very good. As before, please remember to  
2           vote and that you should have that application  
3           in front of you, the part 2, short  
4           environmental assessment form impact.

5           Okay. One. Will the proposed action  
6           create a material conflict with the adopted  
7           land use plan or zoning regulations?

8           No?

9           Okay. Will the proposed action result in  
10          a change in the use or intensity of the land?

11          MR. HICKEY: No.

12          MR. THOMAS: No? Thank you.

13          Will the proposed action impair the  
14          character or quality of the existing community?

15          No.

16          Will the proposed action have an impact  
17          on the environmental characteristics that cause  
18          the establishment of a critical environmental  
19          area?

20          MR. HICKEY: No.

21          MR. THOMAS: No.

22          Will the proposed action result in an  
23          adverse change in the existing level of traffic

1 or affect existing infrastructure for mass  
2 transit, biking or walkway?

3 No.

4 MR. HICKEY: No.

5 MR. THOMAS: Will the proposed action  
6 cause an increase in the use of energy and it  
7 fails to incorporate -- incorporate reasonably  
8 available energy conservation for renewable  
9 energy opportunities?

10 No.

11 MR. HICKEY: No.

12 MR. THOMAS: Will the proposed action  
13 impact existing: A. Public/private water  
14 supplies?

15 No.

16 MR. HICKEY: No.

17 MR. THOMAS: B. Public/private waste  
18 water treatment utilities?

19 No.

20 Will the --

21 MR. HICKEY: No.

22 MR. THOMAS: -- the proposed act impair  
23 the character or quality of important historic,

1           archeological, architectural or aesthetic  
2           resources?

3                     MR. HICKEY:  No.

4                     MR. THOMAS:  No.

5                     Will the proposed action result in  
6           adverse change to natural resources?  Example,  
7           wetlands, water bodies, ground water, air  
8           quality, flora and fauna?

9                     No.

10                    MR. HICKEY:  No.

11                    MR. THOMAS:  Will the proposed action  
12           result in an increase in the potential for  
13           erosion, flooding or drainage problems?

14                    No.

15                    MR. HICKEY:  Minimal.

16                    MR. THOMAS:  Will?  Okay.  Thank you.

17                    Mr. Urda, will we need to write into the  
18           piece there about --

19                    I would agree, Mr. Hickey, with your  
20           response on minimal.  Yup.  Can that --

21                    MR. URDA:  So that would be written in in  
22           part 3, as long as you --

23                    MR. THOMAS:  Okay.

1           MR. URDA:  -- agree at the end of this  
2           that environmental impact statement is not  
3           needed.

4           MR. THOMAS:  Okay.  Thank you.

5           I do agree with you, Mr. Hickey.  I -- I  
6           had -- I'm glad that you picked up on that  
7           there.

8           No.  11, whether the proposed actions  
9           create an hazard to environmental resources or  
10          human health?

11          No.

12          MR. HICKEY:  No.

13          MR. THOMAS:  Okay.  Now may -- may I have  
14          a -- a motion to approve the action of the part  
15          2 of the SEQR?

16          MR. HICKEY:  Yes.  I move that we --

17          MR. URDA:  Or wait.  Before Mr. Hickey  
18          moves and seconds, while you acknowledge  
19          moderate, there just needs to be some sentence  
20          on the record as to although you -- you thought  
21          a moderate impact may occur, there's still no  
22          need for, you know, an environmental impact  
23          statement.  You can still say that the proposed



1           action will not result in any adverse  
2           environmental impacts. That can be based on  
3           the earlier discussion that we had. That is  
4           all going to be in the transcript. But there  
5           just needs to be something for me to type into  
6           part 3 to -- to base that on.

7           MR. THOMAS: Mr. Hickey, are you --

8           MR. URDA: Make sense?

9           MR. HICKEY: Yes, I -- I'll handle that.

10          MR. THOMAS: Okay.

11          MR. URDA: Okay.

12          MR. HICKEY: I feel that the proposed  
13          action may result in a potential for flooding  
14          and drainage problems that could be modified  
15          with proper drainage of the pool.

16          MR. THOMAS: And are we sure as accepting  
17          the -- the new impact statement?

18          MR. URDA: All right. What you're doing  
19          is you are still determining that the proposal  
20          will not result in any adverse impacts. You're  
21          just acknowledging that you did tick the box  
22          for moderate to large may occur, but  
23          Mr. Hickey's statement is saying that it does

1 not, and the proposal itself does not rise to  
2 the level for environmental impact statement.

3 MS. STONE: It can still --

4 MR. THOMAS: Thank you, sir.

5 MS. STONE: Sorry to interrupt, but  
6 especially in light of the fact that the  
7 aboveground pool, it's not like it's a  
8 reservoir or anything like that that could give  
9 way or a dam that could cause major flooding in  
10 the neighborhood, so it would be minimal at --  
11 at best, I would say.

12 MR. THOMAS: Right.

13 MR. URDA: The state just requires us  
14 that when you do check the box for moderate to  
15 large, that you just have some kind of sentence  
16 or two explaining why, even though you've  
17 checked it, the action won't rise to the level  
18 of needing any EIS, which I think Mr. Hickey  
19 did just fine.

20 MS. CROSSMAN: This is Allison.

21 If we -- we look at the effected form,  
22 the option with no says no or a small impact  
23 may occur. So it seems to me, especially given

1 Ms. Stone's statement, that maybe that would be  
2 the more appropriate box to check versus the  
3 moderate to large.

4 MR. URDA: That is up to the board.

5 MS. CROSSMAN: Oh.

6 MR. HICKEY: I can live with that. Thank  
7 you, Allison.

8 MR. THOMAS: Yeah, I -- I'm -- I'm fine  
9 with that too.

10 Other members, if there is -- if you  
11 don't agree. So we'll go with Mrs. Crossman's  
12 recommendation.

13 Are we prepared to move on with the vote  
14 before we close the public hearing?

15 Okay. Motion to close the public  
16 hearing?

17 MR. HICKEY: No, I think we need the  
18 motion first. I think.

19 MR. THOMAS: Mr. Hickey, would you go  
20 forward with that?

21 MR. HICKEY: I move that we adopt a  
22 resolution finding that the proposed variance  
23 will have no significant adverse effect or

1 environmental impact.

2 MR. THOMAS: Thank you.

3 MS. CROSSMAN: I second that movement.

4 MR. THOMAS: All in favor?

5 (All signaled aye.)

6 MR. THOMAS: Very good. May I have a  
7 motion to close the public hearing?

8 MR. HICKEY: Motion to close.

9 MR. THOMAS: May have a second on that  
10 motion?

11 MS. CROSSMAN: Second.

12 MR. THOMAS: Ms. Crossman, did you second  
13 that?

14 MS. CROSSMAN: Yes.

15 MR. THOMAS: So I can close the public  
16 hearing?

17 Okay. Very good.

18 All in favor?

19 (All signaled aye.)

20 MR. THOMAS: Very good.

21 All right. We'll begin with the voting  
22 process. And remember, we're keeping in mind  
23 that this is for a use variance request at

1           322 Broadway Avenue West. I'll begin.

2           Ms. Kristen Rigabar, property manager at  
3           322 Broadway Avenue West, is requesting a use  
4           variance to allow for an aboveground swimming  
5           pool in the front yard of a principal  
6           residential building located at a residential  
7           A -- resident A neighborhood.

8           This is a very unique petition as the  
9           backyard of 322 Broadway Avenue West fronts  
10          Brett Street to the southeast. Since the rear  
11          yard faces and fronts Brett Street, the zoning  
12          ordinance treats this as a space -- this space  
13          as a front yard. Thus it's legal  
14          classification is considered a second front  
15          yard and the petitioner has no legal rear yard  
16          for an aboveground swimming pool as defined as  
17          an accessory structure.

18          The evidence needed for a use variance is  
19          very difficult to prove. For this particular  
20          case, providing financial information, in the  
21          applicant cannot yield a reasonable return from  
22          any permitted zoning use or, in other words,  
23          that a property is incapable of earning a

1 reasonable return in their initial in --  
2 initial investment is not relevant to this  
3 application. The only investment is that of a  
4 swimming pool and necessary equipment that is  
5 needed to maintain its operations.

6 It should be noted that the swimming pool  
7 has already been installed -- but it is  
8 seasonal -- by the resident tenant prior to  
9 this hearing. This occurred before Ms. Rigabar  
10 or it -- unknowingly to Ms. Rigabar when she  
11 was in the process of pursuing the application.

12 According to zoning ordinance and as  
13 previously stated, the physical layout of this  
14 property is quite unique which makes it illegal  
15 to have a pool. However, I feel this portion  
16 of the property in the rear of the home and the  
17 backyard is bordered and clearly defined by  
18 fencing. The northwest side of Brett Street,  
19 which nearly ends at the rear of 244 Broadway  
20 Avenue West, is a dead-end street with no  
21 curbing or sidewalks. The placement of a  
22 seasonal aboveground swimming pool in the rear  
23 of 244 Broadway Avenue West will not pose a

1           detriment to the health, safety and welfare of  
2           the community and there is fencing which  
3           protects it from potential intruders.  
4           Furthermore, it will not alter or disrupt the  
5           essential character of the neighborhood if the  
6           routine maintenance of the pool is performed in  
7           a responsible manner. Furthermore, the pool  
8           must meet the 20-foot setback from Brett  
9           Street.

10                   A resident in the neighborhood did voice  
11           concern about water discharge from the pool and  
12           requested that it not flow onto neighboring  
13           properties. This can cause potential problems  
14           as pool water usually contains high  
15           concentration of chlorine and other chemicals  
16           which would be harmful to plants and animals.  
17           Ms. Rigabar has stated this evening that the  
18           pool water discharge will take place when the  
19           chemicals have dissipated from the pool  
20           following its disuse.

21                   The yard is enclosed with a fence and the  
22           pool meets the side-yard setback. A reminder,  
23           again, that the 20-foot setback must exist from

1           Brett Street.

2                         Since this pool is already in place, I do  
3           feel that it's a self-created hardship. I'm  
4           voting yes to the requested use variance along  
5           with -- for a seasonal aboveground swimming  
6           pool, is -- and defined as an accessory  
7           structure for 322 Broadway Avenue West with the  
8           stipulations that water released from the pool  
9           does not flow onto nearby properties. This can  
10          be accomplished in a variety of ways and I feel  
11          that Ms. Rigabar must inform the tenants of  
12          this requirement. Furthermore, this situation  
13          should be monitored in order to prevent  
14          potential problems to nearby properties.

15                        Additionally, the location of a pool must  
16          be a setback of 20 feet from Brett Street and  
17          code enforcement does reserve the right to  
18          measure the 24 -- the 20-foot distance for  
19          compliance.

20                        Thank you.

21                        Mr. Hickey, you may proceed with your  
22          vote.

23                        MR. HICKEY: Yes. This is in regard to



1           No. 562, a use variance for 322 Broadway Avenue  
2           West for a variance -- a use variance for a  
3           pool above ground in the -- their second front  
4           yard. This is their residence and yet -- and a  
5           pool that is between Broadway Avenue West and  
6           Brett Street. This aboveground pool is  
7           approximately 176 square feet.

8                     The first point is a reasonable return.  
9           I don't feel that they have met their -- their  
10          burden concerning reasonable return. The  
11          property value reduced when the in-ground pool  
12          was destroyed and filled in, and I do not  
13          believe a temporary seasonal pool will increase  
14          the value of that property. The pool itself is  
15          not unique.

16                    The neighbors apparently do not have an  
17          issue with a -- with the pool, barring drainage  
18          of the pool seasonally and it is within the  
19          character of the neighborhood. However, I -- I  
20          have a problem with it being a self-created  
21          hardship, and the -- the owner of the property  
22          is not the person who is going to be  
23          controlling this. It's not an in-resident

1 owner, it is renter controlled, and -- and  
2 we've already mentioned things about the  
3 drainage issue. However, the original pool was  
4 in place 20 to 25 years ago. To -- filling it  
5 in and was attempting to create a pool that  
6 actually has already been built, I think that  
7 does make it a self-created hardship. The pool  
8 and the fencing around it would have been lost  
9 with the grandfather clause even though the  
10 neighbors don't seem to have a problem with it.

11 This is a very unusual problem as far as  
12 two front yards, but I vote no for No. 562 use  
13 variance for 322 Broadway.

14 MR. THOMAS: Thank you.

15 Mrs. Crossman?

16 MS. CROSSMAN: In regards to file  
17 No. 562, for the use variance to allow a  
18 swimming pool in the front yard of 322 Broadway  
19 Avenue West, I find this to be a very unique  
20 situation that we've encountered with this  
21 property and it's interesting to learn that the  
22 zoning in our city actually recognizes two  
23 front yards at this property. I find that to

1           be, again, unique in itself, so I don't believe  
2           that this is a self-created hardship.

3                        So the tenants had already put the pool  
4           up at the property. I certainly would not have  
5           expected that the property would have two front  
6           yards, so I -- I really don't blame them for  
7           that. I think it's something that they learned  
8           after the fact, based on the comments that  
9           we've heard, so I -- I think that now they're,  
10          of course, going through this process to try to  
11          gain approval for it and I don't think that  
12          should be held against them.

13                       I think that it's -- that so long as the  
14          pool remains in the front yard of the property  
15          that is on the southeast Brett Street front  
16          yard, I believe that it's not going to alter  
17          the characteristics of the neighbor --  
18          characteristics of the neighborhood. I don't  
19          see any issues with that so long as the  
20          drainage is addressed, as we've discussed  
21          during this meeting, so that it does not  
22          discharge into neighbors' property, and so I  
23          vote yes to the variance to allow the pool.

1 Thank you.

2 MR. THOMAS: Okay. Thank you.

3 Mr. Grass?

4 MR. GRASS: Yes. Thank you, Sam.

5 File No. 562, 322 Broadway Avenue West,  
6 is a use variance to allow an accessory in a  
7 front yard.

8 This is a unique situation with the two  
9 front yards, as already talked about numerous  
10 times. However, with a pre-existing pool and  
11 the area as being fenced, it's clear to me that  
12 it is a backyard.

13 Seems like a very involved neighborhood  
14 with decent or good communication between the  
15 neighboring properties and the property  
16 management company. That being said, I'm sure  
17 the upkeep of the pool and the drainage will be  
18 done in a respectable manner to the  
19 neighborhood. I vote yes.

20 MR. THOMAS: Thank you.

21 Mrs. Filippelli?

22 MS. FILIPPELLI: Thank you, Sam.

23 I am voting yes to file No. 562 for a use

1 variance to allow a swimming pool in the front  
2 yard. I think it's wonderful that all the  
3 neighbors are involved and I hope everybody  
4 gets to enjoy the pool.

5 MS. RIGABAR: Thank you.

6 MR. THOMAS: Thank you.

7 MS. RIGABAR: I haven't even been to this  
8 pool.

9 MR. THOMAS: Ms. Rigabar, there's -- that  
10 is four yes votes, the one no vote, so your  
11 variance has been granted. I would ask,  
12 though, as stated I -- I stated a stipulation  
13 about drainage and it, I would hope, would be  
14 written into the decision form that it would be  
15 done in a proper way.

16 MS. RIGABAR: Absolutely. I will -- I  
17 will oversee that throughout.

18 MR. URDA: Yes. And, Sam, I will see to  
19 it that as you and Mrs. Crossman had  
20 incorporated language about drainage in your  
21 decisions, I will incorporate that in decision  
22 form as well as Mr. Morgan's request to have  
23 the decision form specify that the southeast

1           portion of the property, the Brett Street side  
2           the variance applies to. So both of those will  
3           be spelled out in the decision form that you  
4           all receive tomorrow to sign.

5                   MR. THOMAS: Okay. Well, thank you very  
6           much.

7                   Mr. Urda, how would you like to proceed  
8           with -- with the decision so that the  
9           applicants that we heard this evening would be  
10          able to move forward and in a more timely  
11          manner with -- want to do that electronically  
12          -- okay. Very good.

13                   MR. URDA: So per the -- the immediate  
14          benefit of the applicants, all three of them --  
15          I know they'd like to begin their projects --  
16          we will treat these for the immediate future  
17          the same as we've treated the other decisions  
18          that the ZBA has voted on during the quarantine  
19          in that we'll do it digitally. I will e-mail  
20          out both decisions -- decision forms for the  
21          cases I process and I will leave it to Ms. Voss  
22          to handle the decision form for the case she  
23          processed. However, moving into the future, at

1           some point I would like to arrange a date for  
2           ZBA members to come in to city hall so that for  
3           all these cases where we have five different  
4           decision forms, each with just one signature on  
5           them, that ultimately for the permanent record  
6           each case should have a single decision form  
7           with five signatures.

8                        So for that -- it -- for the benefit of  
9           the applicants, we'll take care of it digitally  
10          this week, but for posterity and for the  
11          permanent legal record, ultimately we will have  
12          to create a signature day.

13                       MR. THOMAS: Thank you, Mr. Urda.

14                       If there is no further business that  
15          needs to come before the zoning board of  
16          appeals, there are no hands raised.

17                       Oh, and Ms. Rigabar, you would have to  
18          meet with Mr. Urda to -- to get -- for the  
19          legality of the permit which will go as to --  
20          which will -- will be approved through code and  
21          planning.

22                       MS. RIGABAR: Yes, sir. I'll call.

23                       MR. THOMAS: Very good.

1           MR. URDA: I will be in touch with you  
2           tomorrow, Kristen. As I told Mr. Fiorentino  
3           first, a variance request, I always prepare the  
4           decision forms the next morning and I always  
5           communicate with code enforcement the next  
6           morning so they'll be aware that your variance  
7           went through.

8           MS. RIGABAR: Well, yeah. Thank you  
9           all --

10          MR. THOMAS: Do we have a -- thank --  
11          thank you. Thank -- thank you to everyone for  
12          your participation this evening and your  
13          patience through three variance requests.

14          Do we have a motion to close this  
15          evening's meeting?

16          MR. HICKEY: Motion to close.

17          SPEAKER: Second in closing.

18          MR. THOMAS: All in favor?

19          (All signaled aye.)

20          (The meeting concluded at 8:34 PM)

21

22

23



1 STATE OF NEW YORK )

2 COUNTY OF ST. LAWRENCE )

3 I, Mary Elizabeth Burnham, a court reporter in the  
4 state of New York, do hereby certify that the foregoing  
5 meeting was taken before me, in the cause, at the time  
6 and place, as stated in the caption hereto, at Page 1  
7 hereof; that the foregoing typewritten transcription of  
8 the meeting, consisting of pages number 2 to 88,  
9 inclusive, was produced to the best of my ability of  
10 said.

11 IN WITNESS WHEREOF, I have hereunto subscribed my  
12 name, this the 4th day of August 2020.

13   
14 Mary E. Burnham  
15 Mary E. Burnham, Court Reporter  
16  
17  
18  
19  
20  
21  
22  
23