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CITY OF WATERTOWN  
ZONING BOARD OF APPEALS  
APRIL 22, 2020

1 ZONING BOARD:

2 SAMUEL S. THOMAS, Chairman

PATRICK HICKEY

3 ALLISON CROSSMAN

BENJAMIN GRASS

4 CHRISTINE FILIPELLI

5 ALSO PRESENT:

CHRISTINA STONE, CITY ATTORNEY

6 GEOFF URDA, PLANNER

JENNIFER VOSS, SENIOR PLANNER

7 MICHAEL LUMBIS, PLANNING AND COMMUNITY DIRECTOR

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MR. THOMAS: It's 7:00. I'd like to call the Zoning Board of Appeals to meeting. Just a moment, please be aware that the virtual format of this meeting will require that each person speak one at a time. The court report court -- the court reporter, Mrs. Burnham, is required to take an accurate account of today's proceeding and there may be some difficulty with this process. It's the first time we've had to engage in a meeting such as this. So we will be patient with each other. I think we spoke the other day, if one wants to entertain a question, it might be best to raise his or her hand so that we are aware that -- it helps with the process of one person speaking at a time.

Before we begin, I would like to welcome Christin Filippelli and Mr. Benjamin Grass. They're new members to the board. We'll begin our -- our roll call. Alison Crossman?

MS. CROSSMAN: I'm Alison Crossman and I'm present.

1 MR. THOMAS: Patrick Hickey?

2 MR. HICKEY: Patrick Hickey is present.

3 MR. THOMAS: Christine Filippelli?

4 MS. FILIPELLI: Christine Filippelli  
5 present.

6 MR. THOMAS: Benjamin Grass?

7 MR. GRASS: Good evening. Benjamin is  
8 present.

9 MR. THOMAS: I, Sammuel Thomas,  
10 chairperson is present. And let the record  
11 show that Ms. Christina Stone, city attorney,  
12 and Jennifer Voss, city senior planner; Jeff  
13 Urda, planner; Mike Demarco is not present at  
14 this time and Michael Lumbis, planning and  
15 community director, are also present.

16 I want to take a moment to read the  
17 Notice of Public Hearing Request for variance  
18 of the zoning ordinance of the City of  
19 Watertown.

20 "Notice is hereby given that the Zoning  
21 Board of Appeals of the City of Watertown, New  
22 York will meet virtually on Wednesday, April  
23 22nd, 2020. A public hearing will begin at

1           7:00 via the video conference platform  
2           GoToMeeting for the purpose of hearing three  
3           variance requests. Variance request No. 557 is  
4           for the property located at 715 Eddy Street,  
5           being Parcel No. 8-01-232.000, submitted by  
6           Matthew Roy to vary regulations of Section  
7           310-35 of the zoning ordinance to allow an  
8           accessory use in a side yard.

9           "Variance Request No. 558 and 559 are for  
10          the property at 507 Holcomb Street being Parcel  
11          No. 10-17-116.00 submitted by William Monica.  
12          Variance Request No. 558 is to vary regulations  
13          of Section 310-4 of the zoning ordinance to  
14          allow a two-family dwelling in a Residential A  
15          Zoning District and Variance No. 559 is to vary  
16          Section 310-13 of the zoning ordinance to  
17          reduce the minimum lot size per household  
18          regulations in order to reestablish a  
19          two-family dwelling.

20          "Any member of the public that wishes to  
21          listen to or participate in the meeting may  
22          e-mail [planning@watertown-newyork.gov](mailto:planning@watertown-newyork.gov) or call  
23          315-785-7725 and leave a voice mail with their

1 name, e-mail address and phone number. Please  
2 e-mail or call no later than 5:00 PM on  
3 Wednesday April 22<sup>nd</sup>, 2020. City staff will  
4 e-mail a personalized invitation and  
5 instruction in advance of the meeting that will  
6 allow access to the virtual meeting room.

7 "Any member of the public wishing to  
8 address the Zoning Board of Appeals regarding  
9 either a variance request may do so at the  
10 pointed time during the public hearing. In  
11 addition, the public may submit comments prior  
12 to the hearing by US Mail to the City of  
13 Watertown, Planning and Community Development  
14 Department, 245 Washington Street, Room 304 or  
15 by e-mail to [planning@watertown-newyork.gov](mailto:planning@watertown-newyork.gov).  
16 And any comments received will be appended to  
17 the hearing record. Dated April 17<sup>th</sup>, 2020.  
18 Jeff Urda, planner."

19 So we'll move to our first case on the  
20 agenda which is Use Variance No. 557 to allow  
21 an aboveground swimming pool in a side yard  
22 location, 715 Eddy Street, applicant, Matthew  
23 Roy.

1           Mr. Roy, you may -- we'll start with you  
2 presenting your case. Afterwards members of  
3 the board may entertain questions and then we  
4 will hear the City's position on the matter and  
5 also there will be an opportunity for those who  
6 wish to comment from the general public.

7           Mr. Roy, please state your name for the  
8 record and your address.

9           MR. ROY: Sure. But before I start, I  
10 see Mr. Urda raising his hand, so I'm wondering  
11 if --

12          MR. THOMAS: Oh, okay.

13          MR. URDA: Yes, before we get started, I  
14 just wanted to say I noticed the record button  
15 in the upper left for me is white and not red  
16 and I do believe that in accordance with  
17 Executive Order that allows virtual meetings we  
18 do need to be recording.

19                 (GoToMeeting indicated: This conference  
20 will now be recorded.)

21          MR. THOMAS: Okay. Very good.

22          MR. ROY: Can everybody hear me?

23          MR. THOMAS: Yes.

1           MR. ROY: Okay. Thanks. Thank you very  
2 much everybody, Chairman Thomas and members of  
3 the ZBA. I appreciate you letting me present  
4 tonight. I just thought I'd start with giving  
5 a little bit of a historical perspective. I  
6 have lived at 715 Eddy Street since 2003. I  
7 actually grew up just a few doors down at 204  
8 Breen Avenue. My parents purchased that  
9 property back in -- in 1985. So I have lived  
10 within six doors for -- for most of my life.  
11 My parents have always had a pool at their  
12 place on -- on Breen Avenue that -- that I've  
13 been able to use, that they've used and my kids  
14 have been able to use. So I never really had  
15 use for a pool. Fast forward a little bit to  
16 now, and my parents are -- are looking to move  
17 out of my childhood house, which is -- is just  
18 too big for them, and they have actually  
19 purchased the property adjacent to mine at 153  
20 Breen Avenue. Their intent is to demolish that  
21 vacant property and -- and build a house more  
22 appropriate for what they need.

23           So my hope with the pool is -- is kind of

1 twofold. Hoping to have a pool that, not only,  
2 I and my children could enjoy, but also my  
3 parents, as -- as my new neighbors could enjoy.

4 My property is a bit unique. It's not  
5 very deep, but it's fairly wide. My house sits  
6 back so far that I just -- I don't have room  
7 behind my house to install the pool given the  
8 setback of my house, the depth of my house  
9 and -- and the total depth of the property. So  
10 my hope was to -- to be able to put it in the  
11 only other real place where it would fit, which  
12 is in my side yard, which is convenient, not  
13 only for me, but is directly adjacent to where  
14 my parents plan on putting up their new house.

15 So that's kind of where I'm at and I'm  
16 certainly welcome to answer any questions that  
17 anybody might have.

18 MR. THOMAS: I had the opportunity to  
19 view your property the other evening. And I'm  
20 glad that I had a chance to speak with Mrs. Roy  
21 because I did see, and it is a bit deceiving,  
22 about the setup of your backyard. Because it's  
23 actually a neighbor that owns that parcel and

1           you're only going back a few feet, so what I  
2           say was an extremely landlocked rear piece to  
3           the property. I know the use -- in this use  
4           variance request it was explained to me, and  
5           you did earlier, that the home will be  
6           demolished on the corner and that is -- and  
7           your family members will be rebuilding on that  
8           site. A question I have about setbacks, I'm  
9           assuming that the -- the setbacks side yard,  
10          rear yard setback are in compliance?

11                 MR. ROY: Yes, I believe it's 5 feet from  
12           the side and 3 feet from the rear or I might  
13           have those backwards, but, yes, it would -- it  
14           would meet those setbacks where I plan on  
15           having the pool installed.

16                 MR. THOMAS: Other questions from board  
17           members? Mr. Hickey?

18                 MR. HICKEY: Hi. The only question that  
19           I have, looking directly at your house, looking  
20           at your front door, is the house and the  
21           adjacent auxillary shed, are those the property  
22           that you mentioned were going to be torn down?

23                 MR. ROY: So directly as you're -- as

1           you're looking at my front door, my shed is --  
2           is in the back left-hand corner.

3                   MR. HICKEY:   Okay.

4                   MR. ROY:   And next to that is a -- a  
5           garage which leans pretty far backward.  That  
6           garage and the house next to it, are the  
7           property that my parents have already  
8           purchased.

9                   MR. HICKEY:   Excellent.  The only other  
10          thing is is there is a couple of trees and a  
11          like a wired fence that's behind that shed.  
12          Are those all going to be taken out as part of  
13          the build process for the pool?

14                  MR. ROY:   No, the -- the pool would go in  
15          front of the shed, closer to Eddy Street.  
16          The -- the fence in the back is -- is my  
17          neighbor's property and that's part of his --  
18          he has quite a large garden that he grows back  
19          there.

20                  MR. HICKEY:   Okay.  Thank you.

21                  MR. ROY:   You're welcome.

22                  MR. THOMAS:  Mr. Grass.  Unmute your  
23          microphone and you may ask a question.

1           MR. GRASS: Yeah, I was trying, Sam. It  
2 took a minute to show up.

3           Good evening, sir. How are you, sir?

4           MR. ROY: I'm doing well. And you?

5           MR. GRASS: Fine, thank you. Just a  
6 question about -- and I didn't see in the  
7 application -- are -- do you have any plans for  
8 fencing the pool itself or the yard where --  
9 where it's going to be?

10          MR. ROY: At this point it's hard for me  
11 to say with -- with the upcoming demolition of  
12 my parents' adjacent property, not really sure  
13 exactly how their house and their garage is  
14 going to be setup. For the time being, my  
15 intent was either to have a ladder that can be  
16 removed or can be locked and then pending  
17 how -- how they setup their property would  
18 determine if I would have a fence.

19          My understanding, and -- and correct me  
20 if I'm wrong, is I don't have to have one, but  
21 certainly if -- if it -- if it's needed or  
22 worked with my property setup next to my  
23 parents' setup then I would -- I would possibly

1 have a fence there.

2 MR. GRASS: Okay.

3 Ms. Stone, do you know of any -- if the  
4 regulations or standards as far as fencing  
5 aboveground pool or if the lot and the ladder  
6 will suffice.

7 MS. STONE: Yeah, I don't believe a fence  
8 is required for an aboveground pool, but I  
9 would ask the question of Mr. Roy about  
10 screening as well just for privacy. Do you  
11 plan doing any type of privacy for his pool,  
12 because it is in his side yard that is going to  
13 be visible from the street and that would be  
14 for his protection as well as, I guess, the  
15 neighbors.

16 MR. ROY: Sure, yeah, and again at this  
17 point hard for me to say what that would be  
18 until I know what the buildings next to me will  
19 look like, but unfortunately I have to take out  
20 a nice pine tree that I have in my side yard  
21 currently so the hope would be to plant either  
22 some trees or something that would give a  
23 buffer to kind of separate the pool from people

1 being able to see it from the road.

2 MS. STONE: Okay.

3 MR. THOMAS: For safety issues, if  
4 there's not fencing, do you have -- although  
5 not required, is there concern maybe about  
6 others trespassing and gaining access to the  
7 pool?

8 MR. ROY: I think if -- if I -- if I  
9 remove the ladder each night, I don't have --  
10 certainly kids could jump over the side of the  
11 pool and jump into the pool. I can't -- I  
12 can't stop that. I don't have any fears that  
13 that would happen in my neighborhood. I'm in a  
14 very close-knit neighborhood, an older  
15 demographic. I don't really have worries of  
16 that happening. Certainly if that becomes an  
17 issue well, we'll do what we have to do,  
18 whether that's come up with some different  
19 safety measures or contact law enforcement, but  
20 right off the top I don't have any of those  
21 concerns.

22 MR. THOMAS: Thank you. Other questions  
23 by board members, please raise your hand if you

1 have a question.

2 As you know this is a case of a use  
3 variance, which is my opinion the dollars and  
4 cent figures would be very difficult prove that  
5 you're not utilizing reasonable return from any  
6 use that's permitted by zoning. I'm not quite  
7 sure how we would do this for a swimming pool  
8 and I know that we have had many side yard  
9 requests for pools and for sheds. Concerning  
10 that, do you have a rough estimates about cost  
11 for installation?

12 MR. ROY: Sure. So the pool itself with  
13 installation was \$6,500. I'm going to have a  
14 little more expense in having some electrical  
15 work run out there, landscaping, trees,  
16 possible fence. I'm thinking in the realm of 8  
17 to 9,000 all in.

18 MR. THOMAS: And that shed which would be  
19 in the rear of the proposed pool, that you  
20 would use as a utility -- would that be  
21 utilities for the pool or setting up of the  
22 pump and so forth, the pump/filter.

23 MR. ROY: Most likely I think that's

1 going to be storage.

2 MR. THOMAS: Oh.

3 MR. ROY: For pool chemicals, pool toys,  
4 covers, things of that nature is what I would  
5 use the shed for.

6 MR. THOMAS: Okay. All right. Are there  
7 questions by board members?

8 If there are no questions, Ms. Stone,  
9 would you please present the City's position.

10 MS. STONE: I just had one question.  
11 Another question, Mr. Roy. Do you know what  
12 the life use of the pool would be, how long it  
13 would last?

14 MR. ROY: I don't have an actual figure.  
15 I can -- I can tell you it's -- it's the same  
16 make and model as what my parents currently  
17 have at their house. They've had their pool  
18 for better than 10 years. All they have had to  
19 do is replace the liner. The pool itself, I  
20 would say is, would be good to last another 10  
21 to 15 years beyond that. So I could easily see  
22 20 to 25 years.

23 MS. STONE: Okay. So as long as

1 maintenance is being performed, they will last  
2 -- have a longer life span?

3 MR. ROY: Yes.

4 MS. STONE: With regard to the City's  
5 position, and Mr. Urda can speak to this, but  
6 the City was going to amend its zoning and to  
7 allow side yard uses such as sheds and pools,  
8 et cetera, so I have no other further comments  
9 in regard to this application.

10 MR. THOMAS: Mr. Urda, do you have  
11 further comment?

12 MR. URDA: The planning department takes  
13 no position and has no further comment. I will  
14 confirm what Ms. Stone said. The City is in  
15 the process of writing a new zoning ordinance  
16 and side yard accessory uses becoming legal in  
17 residential districts is a preferred feature of  
18 the new zoning ordinance. Hopefully I worded  
19 that carefully.

20 MR. THOMAS: Thank you. Are there public  
21 comments, Mr. Urda, coming in for this  
22 application?

23 MR. URDA: Staff received no comments

1 related to this application.

2 MR. THOMAS: Okay. And there is nobody  
3 present at this evening's meeting who choses to  
4 comment.

5 Would zoning board members by a raise of  
6 hand -- actually, I think I will do an  
7 attendance piece on this. Would they, at this  
8 point in time, if no further information is  
9 going to be presented, we could move to close  
10 the public hearing and we will start with  
11 Mr. Hickey. Unmute, Patrick. Would you like  
12 to close the public hearing?

13 MR. HICKEY: I would like to make a  
14 motion to close the public hearing.

15 MR. THOMAS: Okay. May I have a second  
16 on that?

17 MS. CROSSMAN: Second to motion to close  
18 the public hearing.

19 MR. THOMAS: Okay. Before we begin that,  
20 are board members comfortable in voting tonight  
21 on this application?

22 MR. HICKEY: Yes.

23 MR. THOMAS: Alison and Patrick and

1           myself. What we will have to then we're  
2           closing a public hearing, we are going to  
3           conduct a part two SEQR as soon as I find that  
4           form. Here it is; okay.

5                     Please answer these questions no, small  
6           impact may occur or moderate to large impact to  
7           occur if we respond in unison, is that fine  
8           Ms. Burnham?

9                     (Off-the-record discussion.)

10                    MR. THOMAS: Most times we don't see a  
11           great deal of impact with this, so why don't we  
12           begin. I'll pose each question. If there is  
13           opposition or one field that has a moderate or  
14           large impact may occur then do indicate by  
15           raise of hand and then I will call on you;  
16           okay? If there is no raise of hand, we'll  
17           assume that it's a yes or no or small impact  
18           may occur. Is that satisfactory? Okay. Very  
19           good.

20                    Number one: Will the proposed action  
21           create a material conflict with an adopted land  
22           use plan or zoning regulations?

23                    MR. HICKEY: No.

1 MR. THOMAS: No.

2 Two, okay -- two: Will the proposed  
3 action result in a change in the use or  
4 intensity of use of land?

5 No. Three: Will the proposed action  
6 impair the character or quality of the existing  
7 community?

8 MR. HICKEY: No.

9 MR. THOMAS: No. Four: Will the  
10 proposed action have an impact on the  
11 environmental characteristics that cause the  
12 establishment of a critical environment area,  
13 CEA?

14 MR. HICKEY: No.

15 MR. THOMAS: Five: Will the proposed  
16 action result in an adverse change in existing  
17 level of traffic or affect existing  
18 infrastructure for mass transit, biking or  
19 walkway.

20 MR. HICKEY: No.

21 MR. THOMAS: No. Six: Will the proposed  
22 action cause an increase in use of energy and  
23 it fails to incorporate reasonably available

1 energy conservation or renewable energy  
2 opportunities?

3 No. Seven: Will the proposed action  
4 impact the existing, A: Public/private water  
5 supplies?

6 MR. HICKEY: No.

7 MR. THOMAS: No. B: Public/private  
8 wastewater or treatment utilities?

9 No. Number eight: Will the proposed  
10 action impair the character or quality of  
11 important historic archeological architecture  
12 or esthetic resources?

13 MR. HICKEY: No.

14 MR. THOMAS: No.

15 Nine: Will the proposed action result in  
16 an adverse change to natural resources,  
17 example, wetland, water bodies, ground water,  
18 air quality, flora and fauna?

19 MR. HICKEY: No.

20 MR. THOMAS: No.

21 Ten: Will the proposed action result in  
22 an increase in the potential for erosion,  
23 flooding or drainage problems?

1 MR. HICKEY: No.

2 MR. THOMAS: No. And No. eleven: Will  
3 the proposed action create a hazard to  
4 environmental resources or human health?

5 No.

6 Mr. Hickey, may I have a motion on that?

7 MR. HICKEY: Yes, I move that we adopt a  
8 resolution finding that the proposed variance  
9 will have no significant adverse affects or  
10 environmental impact.

11 MR. THOMAS: Thank you. May I have a  
12 second on that motion?

13 MS. FILIPELLI: Second.

14 MR. THOMAS: All in favor?

15 (All signaled aye.)

16 MR. THOMAS: Now we'll begin voting  
17 process. We will -- I will start and then,  
18 Alison, I'd ask you to follow and then,  
19 Mr. Hickey, I will call on you as each  
20 completes their -- completes their response.

21 Mr. and Mrs. Matthew Roy, who resides at  
22 715 Eddy Street, have requested use variance in  
23 order to allow them to place a pool in the

1 southeast section of their yard. According to  
2 the Zoning Ordinance Section 3- -- 310-35 an  
3 accessory structure may not occupy any required  
4 open space other than a rear yard. The  
5 applicant is seeking a use variance which is  
6 very difficult to prove. Applications often do  
7 not meet the criteria for the variance. In  
8 this particular case providing financial  
9 information that the property is incapable of  
10 earning a reasonable return under initial  
11 investment is not relevant. The proposed  
12 accessory pool meets all setback requirements  
13 of zoning ordinance. Placement of the pool  
14 will no be a detriment to the neighborhood as  
15 there is ample space in the side yard. This  
16 will allow the applicant to enjoy the use of  
17 their property without infringing on nearby  
18 neighbors.

19 Furthermore, the nearest neighbor is a  
20 relative who plans on upgrading their newly  
21 acquired property at 153 Breen Avenue which  
22 borders and is to the southeast of 715 Eddy  
23 Street. This property is not unique or

1           uncommon in the city of Watertown. There are  
2           many homes without adequate backyard space in  
3           which to place accessory structures. During  
4           the past several years the Zoning Board of  
5           Appeals has had many variance requests for side  
6           yard structures including pools. As I have  
7           stated in similar cases this particular zoning  
8           regulation should be amended and it's my  
9           understanding that it be reviewed in the near  
10          future.

11                    I do not consider this to be a  
12          self-created difficulty. This property is  
13          landlocked in the rear and the Roys had  
14          considered moving their home forward to the  
15          street in order to increase the size of the  
16          backyard, but this option was cost prohibitive.  
17          Nearly probably impossible to achieve.  
18          Furthermore, consideration was given to  
19          incorporating a part -- a portion of the parcel  
20          153 Breen Street but this would limit and  
21          compromise the new owner's planned demolition  
22          of the present home and construction of a new  
23          home and garage at that address. I vote yes to

1 the use variance request to allow installation  
2 of a pool in a southeast area of the side yard  
3 at 715 Eddy Street.

4 Mr. Hickey, are you prepared to vote?

5 MR. HICKEY: I am.

6 MR. THOMAS: You may proceed.

7 MR. HICKEY: This is in regards to File  
8 No. 557 or 715 Eddy Street. It is concerning  
9 to allow for accessory use of a side yard. It  
10 should be noted that the rear and side setbacks  
11 are within the tolerance. There are four  
12 points on a use variance. The first one being  
13 the monetary value. That monetary value is not  
14 relevant to this project. It is a pool to be  
15 added approximately -- with landscaping  
16 approximately 8 to \$9,000 and the pool itself  
17 should have a life expectancy with proper  
18 maintenance of over 20 years, to should add to  
19 the value of the property. The second is that  
20 district that this house resides in will not be  
21 materially changed by adding a pool. The third  
22 point is the neighborhood would not be altered.  
23 We would not be altering the character of the

1 neighborhood. That particular property has a  
2 piece a property on an adjoining street with a  
3 pool. It's enclosed by a fence. So pools are  
4 not unusual in this area. I examined this  
5 property this day. Noticed that no work has  
6 been done -- has begun on this particular  
7 project. So there has not been a self-created  
8 issue. No issue exists and I vote yes for file  
9 No. 557 for 715 Eddy Street to allow a use  
10 variance of a swimming pool in the side yard.

11 MR. THOMAS: Thank you, Mr. Hickey.  
12 Mrs. Crossman, you may proceeding.

13 MS. CROSSMAN: In regard to Use Variance  
14 application No. 557 presented by Mr. Matthew  
15 Roy regarding his property at 715 Eddy Street  
16 here in Watertown: He has requested to allow a  
17 swimming pool/accessory structure in the side  
18 yard the southeast side of his property. I  
19 believe that, again, as has been previously  
20 stated, the monetary aspect of the use variance  
21 application is not applicable to this  
22 particular situation. I do not believe that  
23 the use variance, if granted, will alter the

1 essential characteristics of the neighborhood.  
2 I believe that, although it's been stated it's  
3 not uncommon for properties to have larger side  
4 area at their properties that would allow for  
5 accessory structures to be placed on the side  
6 of their property, it is something in our  
7 zoning as of right now requires a use variance  
8 but as stated the plan in the near future is  
9 for that to be changed so this is a unique  
10 circumstance and the hardship is not  
11 self-created. So because of those reasons I  
12 vote yes to Mr. Roy being allowed to build his  
13 accessory swimming pool to the southeast side  
14 so long as he meets the 5-foot side yard  
15 setback requirement that code would still  
16 require.

17 MR. THOMAS: Thank you. Mrs. Crossman.

18 Ms. Filipelli, are you prepared to vote?

19 MS. FILIPELLI: I am prepared, but I'm  
20 not prepared with a monologue like everybody  
21 else. I'm so sorry.

22 MR. THOMAS: That's absolutely fine. You  
23 can -- that's not the requirement.

1 MS. FILIPELLI: Okay. Good. I --  
2 this -- so my vote will be for No. 557. I  
3 think it's wonderful that your parents are  
4 moving next door. I think it's great that you  
5 have lived in the area for so long and I look  
6 forward to you having a pool up there, so I  
7 vote yes.

8 MR. THOMAS: Thank you.

9 MS. FILIPELLI: Thanks.

10 MR. THOMAS: Mr. Grass.

11 MR. GRASS: So this will be my first vote  
12 so I'm a little nervous, but in regards to case  
13 557, it's my opinion that the essential  
14 character of the neighborhood will not change,  
15 also that the side lot is large enough to  
16 accommodate such a structure without being  
17 oversized. I also do not believe the variance  
18 would be detrimental to the public welfare or  
19 dangerous to other property or improvements to  
20 the existing neighborhood. All that being  
21 said, I vote yes.

22 MR. THOMAS: Thank you. Well,  
23 congratulations, Mr. Roy. Your use variance

1 has been granted and Mr. Urda will complete  
2 that permit process for you. Just ahead's up,  
3 if you keep your pH in balance that pool will  
4 last, so I hope you have many years of  
5 enjoyment with that.

6 Mr. Urda, I saw you place the agreement  
7 form. Mr. Urda, did you have something you  
8 want to add?

9 MR. URDA: Yes. At the end of the  
10 meeting, I would ask the five ZBA members to  
11 stay on the meeting briefly just so we can  
12 discuss and arrange how to have each of you  
13 sign the decision form as Mr. Roy is entitled  
14 to a copy -- a copy of the decision form once  
15 all the ZBA members have signed it. Normally,  
16 they would sign physically at the end of a  
17 meeting in council chambers. However, due to  
18 the nature of virtual meeting, I will have to  
19 make alternate arrangements.

20 MR. THOMAS: Mr. Roy, do you have any  
21 questions?

22 MR. ROY: I do not. I would just like to  
23 thank members of the ZBA, city staff, the city

1 attorney, I appreciate your time and your  
2 consideration.

3 MR. THOMAS: Thank you. If you chose you  
4 can continue to listen to the meeting or if  
5 you'd like you're welcome to exit.

6 MR. ROY: Great. Thank you. Thank you  
7 everyone. Thank you.

8 MR. THOMAS: Okay. Next on the agenda is  
9 case No. 558 a use variance to allow a  
10 two-family dwelling in a Residence A District  
11 location 507 Holcomb Street. The same  
12 applicant represents case No. 559, an area  
13 variance to reduce the minimal lot size per  
14 unit in a Residential A district. We are going  
15 to handle each one of these variances  
16 separately. So we'll began with the use  
17 variance for the two-family dwelling at 507  
18 Holcomb Street.

19 Mr. Monica, if you'd like you may  
20 present -- please state your name for record  
21 and your address.

22 MR. MONICA: Good evening. I'm William  
23 Monica at 146 Keyes Avenue in Watertown. My --

1 preferred to be called Bill and this myself.

2 MR. ENGLISH MONICA: I'm John English  
3 Monica. I also reside 146 Keyes Avenue,  
4 Watertown, New York.

5 MR. THOMAS: Thank you. We received the  
6 application. If you would -- if you could  
7 please review the background of the case and  
8 the point where you are to request this  
9 variance. We will start with the use variance  
10 piece first and then after that discussion is  
11 completed, we'll move on to the area variance.  
12 Tonight I do not believe that we would be able  
13 to vote on this because it is a bit complicated  
14 and I'm sure there's some additional  
15 information that will be requested of you, but  
16 if you would proceed that would be helpful.

17 MR. ENGLISH MONICA: Sure. So back in  
18 December we purchased this property. It's been  
19 vacant for over 10 years. The people hired  
20 to -- the people we bought the property from,  
21 they bought it, I believe, back in 2012 maybe  
22 2013. They completely went through it and  
23 gutted the entire place and then they just left

1           it and they haven't done anything with it  
2           since. The house was built as a duplex in  
3           again, late 1800s. I did include -- did  
4           include a floor plan more or less how it  
5           exists -- the bathrooms from the floor plan  
6           that isn't there yet. As you can see both  
7           sides of the structure are mirror images of  
8           themselves. This house was built as a duplex.  
9           And it's been owned by several people in the  
10          past as a duplex. Has not been -- had it's not  
11          gone unoccupied for long as it has, we wouldn't  
12          have had to apply for the variance, because it  
13          would have been grandfathered in, it would have  
14          been a duplex the whole, but unfortunately I  
15          think for a while it was not on the city tax  
16          rolls and then, as I said, the people before us  
17          went and got basically abandonment of the  
18          property. So what we are looking to do is  
19          we're looking to renovate the property and rent  
20          it out.

21                 MR. THOMAS: I see that you -- go ahead.  
22                 I see a hand up. Go ahead, Mr. Monica.

23                 MR. MONICA: Okay, I'd just like to add a

1           little to that. When we purchased the property  
2           back in December there was previous owners that  
3           had it and myself had done demolition on it,  
4           had taken out several main supports. So we had  
5           to go and -- nothing has been covered up. We  
6           had to like put in new supports to keep the  
7           building from falling. We got a structural  
8           eval and we also got blueprints drawn up by an  
9           engineer.

10           MR. THOMAS: I have a question about the  
11           sequence of events in this case. Obviously you  
12           purchased this at a tax auction in December  
13           of -- I'm sorry go -- could you explain that  
14           piece for me.

15           MR. ENGLISH MONICA: Sure. We actually  
16           purchased it from a private owner who had  
17           bought it at a tax auction.

18           MR. THOMAS: I need to exit for one  
19           moment. I'll return.

20           MS. STONE: We may want to take a couple  
21           of minute break since our chair has left.

22           (A recess was taken)

23           MR. THOMAS: Okay. Now you went ahead

1           and had an engineering firm provide you some  
2           detailed pieces that, in fact, document that  
3           this house is constructed as a two-family  
4           dwelling. And then you were not aware -- and I  
5           think I heard you say this -- that the house  
6           was not grandfathered -- it lost its  
7           nonconforming status because it had been  
8           abandoned for more than one year. And I think  
9           almost 10 years, but then you learned about  
10          this according to a letter that you submitted  
11          March 6<sup>th</sup>. You were informed by the code  
12          enforcement office that on March 6<sup>th</sup> you  
13          needed to go forward with submission of use and  
14          area variance requests. Is that correct?

15                 MR. MONICA: Yes, I had been working with  
16          both Verhaut [ph] and Fenerly [ph] and on the  
17          next week I had received a phone call from Dana  
18          and needed me to go to the zoning office and  
19          sign some papers. I arrived at zoning, I was  
20          then informed by Geoff that it wasn't  
21          grandfathered in; that I couldn't have a duplex  
22          in Residential A. So that is why we have  
23          submitted this request, so we can redevelop

1           this home and put it back to what it was.

2           MR. THOMAS: So when you started with all  
3           of this, the communique we were -- what I'm  
4           reading from your letter it states it wasn't  
5           until March 6<sup>th</sup> that code enforcement made us  
6           aware of the need for the variance, despite  
7           several meetings that you had with them  
8           regarding the work that you were going to  
9           proceed with on that particular property?

10          MR. MONICA: That's correct.

11          MR. THOMAS: Okay. I was just gaining  
12          that -- oh, go ahead, Mr. Monica. Go ahead.

13          MR. MONICA: I'm just wanted to say also  
14          though when I first met with them, it was two  
15          ladies over there, and they had informed me  
16          that I needed a structural eval and I needed to  
17          have it done by an engineer firm and that I  
18          needed the blueprints. So I turned around and  
19          I went and I spent \$1800 to get that done  
20          thinking that from the past I was going to  
21          receive a permit and then I had it -- I had  
22          that done. I went back over with a copy of the  
23          blueprint and handed them off and I was

1 informed then that now had to go in front of  
2 Dana and he had to do his portion of it. So  
3 Dana come out the front office and I stood  
4 there and said, I've never done this before  
5 with a vacant building. And he said, okay.  
6 And I go, okay, well, do I get my permit? And  
7 he's like, oh, no, I have up to 30 days to  
8 issue it. And I'm like, oh, okay, I didn't  
9 know. So he needed more information on the  
10 blueprint. So I contacted the engineer who  
11 required a new drawing to accommodate what was  
12 needed. And so then after I met with Geoff and  
13 did the paperwork and the application the  
14 following day is when we went into the  
15 quarantine. So this is why we've been sitting  
16 on this. We do have quite a bit of money  
17 invested in the property already and I also  
18 want to let you know that we also own the  
19 apartment building next door to that on the  
20 corner of Holcomb and Ten Eyck. 276 Ten Eyck  
21 Street.

22 MR. THOMAS: I have a question. When you  
23 learned that a use area variance was required

1           for this property, did you continue with the  
2           renovations or have you stopped?

3           MR. MONICA: I have -- we stopped that  
4           day.

5           MR. THOMAS: Okay. Just -- okay, thank  
6           you. We're just specifically speaking about  
7           the use variance request, but sometimes there's  
8           overlap. It's my understanding that this  
9           property for each side will be a  
10          three-bedroom -- it will consist of three  
11          bedrooms?

12          MR. MONICA: That's correct.

13          MR. ENGLISH MONICA: And a bathroom.

14          MR. THOMAS: Okay. And it will obviously  
15          remain as two family and you're hoping to  
16          create, quote unquote, high-end living quarters  
17          or apartment dwellings? You may proceed Mr. --

18          MR. MONICA: Yes. We are looking to  
19          do -- my philosophy to my tenants that live in  
20          the building that we own now is I would not  
21          rent out anything that I would not live in  
22          myself. Since we bought that apartment  
23          building in 2012 we have totally renovated one

1 unit and we have updated two other ones to  
2 include bathroom and kitchen, because it was  
3 like walking into is the 1950s. One unit has  
4 not been touched because my tenant has been  
5 there for years and we inherited him when we  
6 purchased the building.

7 So three out of the four apartments are  
8 now between 800 and \$1,000 per unit. When we  
9 bought the building they were at \$525 per unit  
10 because of the condition of the building. So  
11 we are looking to have a more upper scale  
12 duplex with either families and/or older  
13 couples that are looking to minimize, if they  
14 have kids in college they want to downsize  
15 their home.

16 MR. THOMAS: Question, the home that you  
17 own on Ten Eyck Street that borders this house,  
18 am I correct is that three unit triplex?

19 MR. MONICA: It's a four unit.

20 MR. THOMAS: It's a four unit; okay.

21 Very good.

22 MR. MONICA: They address on that  
23 building is 277 Ten Eyck Street is a physical

1 address but each one -- there's a mess there  
2 that we submitted -- but each one is like this  
3 271, 273, 275 and then 277 that's how they are  
4 divided up in the building.

5 I like also to add to that the 507  
6 property has got two separate water services,  
7 two separate meters or sewer system coming into  
8 the building.

9 MR. THOMAS: It's very obvious when one  
10 looks at that property, the dormers are  
11 duplicated that it was built as a two-family.  
12 I don't dispute that by any means. It's  
13 probably one of the first two-family homes, if  
14 it was, in fact, built in 1880 that existed in  
15 the city. The other property just for  
16 historical piece, that was the first location  
17 of the Samaritan Medical Center. Maybe you are  
18 aware of that. Mr. Monica.

19 MR. MONICA: Yes, actually I bought the  
20 building on the corner, because I knew it was  
21 Samaritan Hospital, the first one in Watertown.  
22 I worked at Samaritan for 32 years. It was  
23 kind of like a history thing for me. The

1 duplex behind this building was also built by  
2 Samaritan as a duplex that housed the doctors  
3 that worked at the hospital.

4 MR. THOMAS: It's an interesting point.  
5 I didn't realize that.

6 MR. MONICA: Yeah, in 1888 the abstract  
7 that I have in front of me states that the  
8 hospital sold off that 507 Holcomb Street and  
9 I'm sure that it's because they built the new  
10 hospital on Washington Street where the  
11 location is now.

12 MR. THOMAS: It's great information to  
13 know.

14 Well, are there questions by other board  
15 members about, again, we're working again on  
16 the use variance piece of this -- of this  
17 request.

18 Mr. Hickey?

19 MR. HICKEY: I think, as in any use  
20 variance, we definitely need to talk dollars  
21 and cents as far as cost of purchase, the  
22 amount of money that you have already invested  
23 in the property so far, your intended

1 improvements beyond that and a real dollars and  
2 cents on the rent. I know you said that you  
3 were looking at 800 to 1000 for rent for a  
4 different apartment complex, but we need to  
5 talk also about what your plan is for this  
6 particular item. The only other thing that I  
7 would -- I would confirm, because I, again,  
8 went to that property today, it does have two  
9 electrical services and two gas services  
10 already on the side of the building, on the  
11 south side. So as well as what Sam had  
12 mentioned by the double dormer, it is obviously  
13 setup as a duplex originally, that the problems  
14 it really comes down to, it started that way  
15 and zoning came into life, but you had that gap  
16 of time greater than a year where we lost the  
17 grandfather abilities and that's kind of why  
18 you're here. Had that clause not been in  
19 there, it would have been let's just get going.

20 So you need a few more facts developed.  
21 We would need that information and I will let  
22 Sam clue in on dates and what specifics that he  
23 is looking for, but those are some of my issues

1 of what I would need to see in order to start  
2 processing that.

3 MR. THOMAS: Before I -- before Ms. Stone  
4 speaks, just to add to what Mr. Hickey  
5 presented. When we're looking at dollars and  
6 cents figures, you know, total cost of proposed  
7 renovations, estimates are important,  
8 assessments, taxes. Obviously right now nobody  
9 is occupying your building, so you're probably  
10 having to pay some minimal utility costs. Will  
11 utilities be absorbed by the property -- by the  
12 renter?

13 MR. ENGLISH MONICA: Yes, the tenants  
14 will paying utilities.

15 MR. THOMAS: Okay. Very good. Looking  
16 at that building it almost seems the way it's  
17 constructed, you know, you have the front piece  
18 but then there's the rear piece. Is there any  
19 structural problems in that back end? It  
20 just -- it looks sad. Sometimes -- I was  
21 viewing it the other day and it almost looked  
22 like it was detaching, but I could be wrong  
23 about that. I mean are you going to -- is

1           there significant structural problems that you  
2           have to address in order to bring it into  
3           compliance.

4           MR. ENGLISH MONICA: Well, actually what  
5           it is is, the people that bought the property  
6           before us, there was -- there was an addition  
7           that had been built onto it and they tore that  
8           off. So the back wall that you're talking  
9           about is actually the original exterior of the  
10          property. It hasn't really -- it hasn't been  
11          -- the structure hasn't been undermined. It's  
12          just that it's in such rough shape, because it  
13          was part of an interior of a house and when  
14          they ripped it apart they gutted it, they  
15          uncovered the old siding, but I mean we fully  
16          intend to, you know, have it resided when we  
17          get that far.

18          MR. MONICA: Also I just wanted to answer  
19          that when Mr. Moore had the back half taken off  
20          I walked through the house when it was up for  
21          auction, because I was looking at purchases it.  
22          And they were originally -- but when they had  
23          the back half of the house ripped off they did

1           that without a permit and it was left -- they  
2           did it without a permit and it was left out  
3           open to the elements. They didn't seal it up.  
4           And so this past fall when code got involved  
5           with the property it was on the target of the  
6           zombie home and Mr. Moore had the back half  
7           covered in plastic and boarded up some  
8           doorways.

9           MR. THOMAS: Are there further questions  
10          by zoning board members? If there are no -- I  
11          recognize Mrs. Crossman, you may speak.

12          MS. CROSSMAN: Sorry, I was waving off  
13          screen and didn't realize it. As far as the  
14          dollar and cents values goes, one of my  
15          recommendations for that information would be  
16          the cost comparison, just a rough estimate  
17          converting back to a single family versus  
18          rehabbing it as a duplex. My imagination tells  
19          me that converting it to a single family is  
20          going to be more costly because structurally it  
21          is built, as we discussed, as a duplex right  
22          now. So being able to see that comparison  
23          could helpful for us to justify that. In

1           addition the loss of income. So as a  
2           single-family residence, what would you be able  
3           to charge for rent versus what you will be able  
4           to charge as a duplex. My, again, assumption  
5           would be your income is going to be improved  
6           operating as a duplex versus a single family.

7           MR. ENGLISH MONICA: Yes.

8           MR. THOMAS: Thank you. Mr. Grass has a  
9           question. You may go ahead, Mr. Grass.

10          MR. GRASS: Thank you. Just a question  
11          about this type of property. Is this a unique  
12          property or is this a unique case, the first  
13          time the City's handling something like this or  
14          are there other duplex properties that have  
15          been grandfathered in to the Residential A  
16          neighborhood?

17          MR. THOMAS: Go ahead, Mr. Urda.

18          MR. URDA: This is not the first time. I  
19          would not be able to even guess at how many  
20          buildings that were originally constructed as  
21          duplexes are in Residence A Districts around in  
22          the city. However, I do know that, I believe  
23          it was three years ago, the ZBA heard a similar

1 case with a building that was clearly built as  
2 the duplex over a century ago. So while I  
3 would not speculate as to how many of this type  
4 there are around the city, I can confirm it's  
5 not the first time a case like this has come  
6 before the ZBA.

7 MR. THOMAS: Mr. Grass.

8 MR. GRASS: Another follow-up question,  
9 and I know we are handling the case separately  
10 and it's hard not to bleed over back and forth  
11 between the two. My main concern looking at  
12 the property would be the impact of parking and  
13 how that would impact the neighborhood. Do you  
14 gentlemen have anything to say about plans for  
15 parking?

16 MR. ENGLISH MONICA: Yes, actually we are  
17 planning on having parking in the backyard.  
18 There's plenty of space to park probably five  
19 cars back there.

20 MR. MONICA: We actually, the driveway  
21 between properties side by side divided by a  
22 couple of large trees and a -- and we had  
23 Mr. Elliot come in, tree service, take two

1 trees down and we have a friend that has a  
2 backhoe he ripped fence out for us and starting  
3 grading that property to incorporate the two  
4 driveways.

5 MR. GRASS: Okay. Thank you. No further  
6 questions, Sam.

7 MR. THOMAS: Just one question. Would  
8 you consider an easement on the Ten Eyck Street  
9 property which would -- given the event that  
10 you sold that property that would gain access  
11 for the Holcomb Street property, so that they  
12 could have access to your -- that driveway on  
13 Ten Eyck to get into Holcomb. Because Holcomb,  
14 you know, is a tough Street to -- single  
15 family -- for a single family homeowner who may  
16 have more than one car or for a two-family  
17 dwelling and this high impact traffic, it may  
18 even deter people from wanting to rent because  
19 of safety issues.

20 MR. MONICA: Yes, we would absolutely do  
21 that and add that in as an easement. A little  
22 history on the Ten Eyck Street property again.  
23 We lease right now two parking spots from the

1 building next door on Ten Eyck Street.  
2 Those -- both of those buildings were once  
3 homes owned by Lance Margarna [ph]. He passed  
4 away and the estate sold the property. They  
5 sold the property next door to ours first.  
6 There used to be an easement for the two  
7 properties that was a shared driveway. When  
8 they sold it the lawyer did not incorporate  
9 that into the new owner's paperwork. So now we  
10 are actually renting two spaces over there. So  
11 with doing this with the Holcomb Street side it  
12 would actually allow us more parking on our own  
13 property for both so there's more than enough  
14 room.

15 MR. THOMAS: How many parking spaces do  
16 you have available on the Ten Eyck Street  
17 property?

18 MR. MONICA: Right now, I have three.

19 MR. THOMAS: Okay. On Ten Eyck.

20 MR. ENGLISH MONICA: Plus the one we  
21 lease.

22 MR. MONICA: Right. Right. On our  
23 property alone there are three parking spots.

1           MR. THOMAS: And then there would be two  
2 more with Holcomb, you have approximately two  
3 parking spaces available on the Holcomb Street  
4 piece?

5           MR. MONICA: Yes, behind the home we  
6 would have another five spaces that we could  
7 put in.

8           MR. THOMAS: Oh, okay. So total would be  
9 approximately, if there's three plus five would  
10 make eight; am I correct?

11          MR. MONICA: Yes.

12          MR. THOMAS: Or did I -- okay good.

13          MR. MONICA: It would actually make it a  
14 total of 7 because we going to take one them  
15 obviously to make room so people can drive down  
16 past the cars that are parked. So there would  
17 be no parking on street for one and the  
18 backyard of Holcomb Street, plus the backyard  
19 the property next door to us, which is a huge  
20 parking lot.

21          MR. THOMAS: Thank you. Further  
22 questions from zoning board members?

23                 Seeing a no raise of hand, I'm going to

1 ask Ms. Stone to present the City's decision  
2 perhaps for both the use and area variance  
3 pieces.

4 MS. STONE: Before I do that, Sam, there  
5 is a caller from the public that --

6 MR. THOMAS: Oh.

7 MS. STONE: -- may want to add their two  
8 cents.

9 MR. THOMAS: Mr. Urda, would you want to  
10 bring that caller into the public hearing?

11 MR. URDA: Sure. I see that she is  
12 logged in. So Sharon if you're still with us  
13 and would like to unmute the floor is yours.

14 MS. BLEEHAUS: Well, Mr. Monica came  
15 around with a petition --

16 MR. THOMAS: Sharon, could you please  
17 state your name for the record and your  
18 address?

19 MS. BLEEHAUS: Yes, my name is Sharon  
20 Bleehaus. I live at 516 Holcomb Street across  
21 the street from the duplex.

22 In any case, I live across the street  
23 from the duplex. I'm glad that someone is

1 finally going to fix that place up. It's been  
2 an eyesore on the block for a while, so.

3 MR. THOMAS: Do you have further comments  
4 that you would like to add?

5 MS. BLEEHAUS: Like I said, I think it is  
6 an improvement to the neighborhood. It would  
7 benefit everyone on the block I think. That's  
8 why Mr. Monica asked me to sign a petition and  
9 to attend the meeting so, I'm all for it.

10 MR. THOMAS: Thank you. There were six  
11 names submitted, but -- excuse me, seven names  
12 submitted on that petition dated March 11<sup>th</sup>,  
13 2020, that we received in the packet.

14 Mr. Urda, is there other callers that  
15 wish to participate in this public hearing?

16 MR. URDA: Go ahead, Sharon.

17 MS. BLEEHAUS: I believe Mr. Henry, he's  
18 a neighbor of mine as well, on my side of the  
19 street, so I think he's signed in.

20 MR. THOMAS: I notice a caller two. I  
21 see caller two. Caller two, you may speak.  
22 Please identify your name and address for the  
23 record.

1           MS. STONE: I think you're caller two,  
2           Sam.

3           MR. THOMAS: Okay. Go ahead, Mr. Urda.

4           MR. URDA: Planning staff did receive two  
5           requests. One from Ms. Bleehaus and then  
6           another one, but I do not see the other member  
7           of the public on the call. But there was  
8           another member of the public that did -- that  
9           did reach out to us and planning staff did --  
10          did send that member of the public the meeting  
11          information.

12          MR. THOMAS: Okay. Very good. May we  
13          proceed with Ms. Stone's -- the City's  
14          position.

15          MS. STONE: Sure. I would just like to  
16          remind the applicants the standards and the  
17          elements that they need to show for the use  
18          variance it brought up during -- beforehand,  
19          during the meeting, but the requirements for  
20          the financial piece, the dollars and cents  
21          proof, just show that you can't otherwise  
22          realize a reasonable rate of return and that  
23          the lack of return is substantial; that this

1           alleged hardship is unique and does not apply  
2           to the substantial portion of the district or  
3           neighborhood; that if granted will not alter  
4           the essential character of the neighborhood and  
5           the alleged hardship has not been self-created.  
6           If you don't have those elements, I'm sure that  
7           Mr. Urda can e-mail them to you. With regard  
8           to --

9                   MR. ENGLISH MONICA: I'm sorry.

10                   MS. STONE: Go ahead.

11                   MR. ENGLISH MONICA: No, I was going to  
12           say that would be great if Mr. Urda can e-mail  
13           all of that to me.

14                   MS. STONE: And then with regard to that  
15           is what Ms. Crossman was saying that you might  
16           want to show what you paid for the property,  
17           what it would cost to convert it to a  
18           single-family house, what your rate of return  
19           may be if you decided to sell it as a  
20           single-family house or rent it out as a  
21           single-family house versus the cost to rehab it  
22           as a duplex and what the rent that you receive  
23           as a duplex. That would go a long way of

1 showing your dollars and cents proof. With  
2 regards to the area variance, you might want to  
3 provide a diagram as to the parking, because  
4 that seems to be a biggest concern as to how  
5 many parking spots, where they would be located  
6 for the Holcomb Street versus the Ten Eyck  
7 Street and why you would need to join those two  
8 properties for shared parking and the ability  
9 to have an easement that would allow -- if you  
10 need more parking for Ten Eyck, you know, that  
11 the Holcomb Street bears that burden to share  
12 that parking. That would be helpful as well.  
13 Other than that, I have no further comments.

14 MR. THOMAS: Thank you. Questions by  
15 zoning board members?

16 Mr. Urda, do you have a question or  
17 comment?

18 MR. URDA: Planning staff takes no  
19 position, has no comment.

20 MR. THOMAS: Do the applicants feel they  
21 have an understanding of what the requirements  
22 are?

23 MR. ENGLISH MONICA: Yes, one is Mr. Urda

1           also giving me the thumbs up indicating that he  
2           would send me an e-mail so that I can have the  
3           specifics.

4           MR. THOMAS: I think, you know, as  
5           Ms. Crossman had mentioned and Ms. Stone, I  
6           think it would be advantageous just to present  
7           an estimate of potential, the contrast between  
8           two-family and one-family conversion. And I  
9           think those figures will be helpful.

10          MR. ENGLISH MONICA: Absolutely.

11          MR. THOMAS: If there are no further  
12          questions or comments from city staff or zoning  
13          board members, what we will do is -- how this  
14          would proceed is that we'll keep the public  
15          hearing open. It will not close. The next  
16          meeting is scheduled for Wednesday May 19th  
17          [sic], if I'm correct, not sure what kind of  
18          format that may be. We might be right back on  
19          a virtual meeting experience. If you need more  
20          time, the hearings can be kept open beyond May.  
21          It does not have to come to closure if the  
22          board -- the board members feel that they need  
23          more information to make an informed decision

1           that would be -- that may be part of what we  
2           will discuss at the next meeting.

3                       When a hearing is closed, just for  
4           informational purposes the Board does need to  
5           vote within 62 days of that closure. So we  
6           will continue on tentatively Wednesday,  
7           May 19<sup>th</sup> [sic]. Mr. Urda, will assist you  
8           with any questions that you have. It might be  
9           a good idea to present information to him to  
10          make sure that you have satisfied the  
11          requirements or the needs of the board.

12                      Okay, with the meeting being Wednesday,  
13          May 19<sup>th</sup>, [sic] it would be helpful probably --  
14          I know these are difficult times because -- you  
15          know, because of the social distancing  
16          requirements and it's a challenge to try and  
17          get individuals involved in projects and may  
18          not be able to. So if you want that postponed  
19          you're very welcome to have that happen. But I  
20          would hope that at least in a week's time,  
21          Wednesday May 12<sup>th</sup> [sic], that information  
22          would be submitted to Mr. Urda, so that we  
23          could review that in advance of the meeting and

1 usually it's mailed to us the weekend before.

2 MR. ENGLISH MONICA: Absolutely.

3 MR. THOMAS: Mr. Urda?

4 MR. URDA: Yes. Sam, May 19 is actually  
5 a Tuesday, so it would be Wednesday May 20th.

6 MR. THOMAS: Very good.

7 MR. URDA: Sorry.

8 MR. THOMAS: That's all right. I hope it  
9 is warmer by then. Well, if there are no  
10 further questions we will close this meeting  
11 request for both variances, not the hearing,  
12 but we will finish this.

13 And Mr. Urda, you had business for the  
14 board which we should probably talk about  
15 before we adjourn?

16 MR. URDA: Yes. Just quickly to William  
17 and John. I will follow up with an e-mail  
18 tonight once I got off this meeting and it will  
19 basically have all the four points that  
20 Ms. Stone mentioned, the four burdens of proof  
21 essentially that the board members and  
22 Ms. Stone talked about.

23 MR. ENGLISH MONICA: I appreciate that.

1 MR. URDA: Thank you, John.

2 MR. ENGLISH MONICA: And thank you all.

3 MR. THOMAS: Thank you.

4 Mr. Urda --

5 MR. URDA: Yeah.

6 MR. THOMAS: -- you want to speak about  
7 signature pieces?

8 MR. URDA: So the first variance tonight  
9 that the board did vote on I recorded the SEQR  
10 form as you completed it and I also recorded  
11 the decision form.

12 For the SEQR form, Sam, you're the only  
13 one that needs to sign that. All five board  
14 members must sign the decision form and with  
15 city hall closed to the public there is really  
16 no legal way that we can have you all come in  
17 there.

18 My thought was that via e-mail might be  
19 able to arrange individual times for the five  
20 of you potentially to stop by my apartment. I  
21 have a very spacious vestibule in the front  
22 where we can easily stand six feet apart and  
23 does have a desk for signatures, but it would

1           have to be one ZBA member at a time, I think,  
2           on our social distancing. So I'll stop talking  
3           with that and what does everyone else think?

4           MR. THOMAS: Mr. Grass.

5           MR. GRASS: I have the ability to  
6           digitally sign PDF forms. We do it all the  
7           time with work. I'm not sure if anyone else  
8           has that capability.

9           MR. URDA: It's fine with me. I would  
10          ask Ms. Stone what ink signatures are needed or  
11          will digital suffice?

12          MS. STONE: I would say digital would be  
13          okay. The other alternative if people could  
14          print -- if they have print capability just to  
15          sign it and mail it into the City. You  
16          wouldn't have to -- everyone wouldn't have so  
17          sign the same form.

18          MR. URDA: I could certainly e-mail a  
19          copy of the decision form to all five board  
20          members and if each board member wanted to sign  
21          it or if there was an order, we had an e-mail  
22          thread that all were on and once somebody  
23          signed it they can reattach the document with

1           their signature on it, so that we're  
2           progressively adding them we would end with all  
3           five signatures digitally no the same document.

4           MS. STONE: Does City Hall have a mail  
5           slot or someplace that you can put the  
6           something in?

7           MR. URDA: There is a drop box.

8           MS. STONE: Yeah.

9           MR. URDA: Only one -- you know the board  
10          members would all have to print their own form  
11          and drop them individually in the drop box.

12          MR. THOMAS: On the Sterling Street  
13          entrance on the left-hand wall, you're entering  
14          the door?

15          MR. URDA: Yes, Sterling Street entrance.

16          MR. LUMBIS: So we could -- everybody  
17          could sign those in separate counterparts, I  
18          think is the term, and then would it be  
19          necessary at some point the future when  
20          everybody is reconvened to sign -- resign it,  
21          in essence, a same document that could go in  
22          the file or are those separate signatures just  
23          fine?

1           MS. STONE: The separate signatures are  
2 just fine. We can staple them together.

3           MR. LUMBIS: Okay.

4           MS. STONE: And put that these are all  
5 signed in counterpart.

6           MR. LUMBIS: Okay.

7           MS. STONE: That is if everybody has the  
8 capability of having a printer. I know some  
9 people don't have printers at home. Does  
10 anybody not have a printer at home?

11           (No response)

12           MR. THOMAS: So that sounds like the  
13 plan. Mr. Urda will send that to us by e-mail.  
14 We'll sign and then submit in the drop box at  
15 City Hall on the Sterling Street entrance, I  
16 think it's black in color.

17           MR. URDA: I will scan the decision form  
18 tonight and I will send it out in the morning  
19 to all ZBA members.

20           MR. LUMBIS: Actually, Sam, there's a new  
21 drop box that was put in just because of the  
22 city hall being closed. It's a large gray  
23 structure probably stands about four feet tall

1 or so. It's just to the right of the door.

2 MR. THOMAS: Okay. Very good. If  
3 there's no further business we -- may we have a  
4 motion to close -- is there further business  
5 people want to bring up? We try for Wednesday  
6 May 20<sup>th</sup> -- is it May 20<sup>th</sup> for the next  
7 meeting if that's possible? Hopefully we'll be  
8 inside of City Hall, that would be nice. And  
9 if there's no further business, may I have a  
10 motion to close the meeting?

11 MR. HICKEY: A motion to close the  
12 meeting.

13 MS. CROSSMAN: Second.

14 MR. GRASS: Second.

15 MR. THOMAS: All in favor?

16 (all signaled aye)

17 MR. THOMAS: Very good. Thank you have a  
18 good evening.

19 (The meeting concluded at 8:15 PM)

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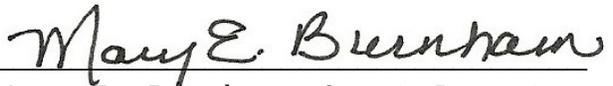
1 STATE OF NEW YORK )

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 62,  
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 8th day of May 2020.

13

  
Mary E. Burnham, Court Reporter

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<b>\$</b>	<b>7725 [1]</b> 5/23 <b>7:00 [2]</b> 3/2 5/1	<b>alter [2]</b> 26/23 53/3 <b>altered [1]</b> 25/22 <b>altering [1]</b> 25/23 <b>alternate [1]</b> 29/19 <b>alternative [1]</b> 59/13 <b>although [2]</b> 14/4 27/2 <b>always [1]</b> 8/11 <b>am [4]</b> 25/5 27/19 38/18 49/10 <b>amend [1]</b> 17/6 <b>amended [1]</b> 24/8 <b>amount [1]</b> 40/22 <b>ample [1]</b> 23/15 <b>and/or [1]</b> 38/12 <b>another [6]</b> 16/11 16/20 46/8 49/6 52/6 52/8 <b>answer [3]</b> 9/16 19/5 43/18 <b>any [17]</b> <b>anybody [2]</b> 9/17 61/10 <b>anyone [1]</b> 59/7 <b>anything [3]</b> 32/1 37/21 46/14 <b>apart [2]</b> 43/14 58/22 <b>apartment [5]</b> 36/19 37/17 37/22 41/4 58/20 <b>apartments [1]</b> 38/7 <b>APPEALS [5]</b> 1/11 3/3 4/21 6/8 24/5 <b>appended [1]</b> 6/16 <b>applicable [1]</b> 26/21 <b>applicant [4]</b> 6/22 23/5 23/16 30/12 <b>applicants [2]</b> 52/16 54/20 <b>application [9]</b> <b>Applications [1]</b> 23/6 <b>apply [2]</b> 32/12 53/1 <b>appreciate [3]</b> 8/3 30/1 57/23 <b>appropriate [1]</b> 8/22 <b>approximately [4]</b> 25/15 25/16 49/2 49/9 <b>APRIL [4]</b> 1/12 4/22 6/3 6/17 <b>April 17th [1]</b> 6/17 <b>April 22nd [1]</b> 6/3 <b>archeological [1]</b> 21/11 <b>architecture [1]</b> 21/11 <b>are [56]</b> <b>area [11]</b> <b>around [4]</b> 35/18 45/21 46/4 50/15 <b>arrange [2]</b> 29/12 58/19 <b>arrangements [1]</b> 29/19 <b>arrived [1]</b> 34/19 <b>as [66]</b> <b>ask [6]</b> 11/23 13/9 22/18 29/10 50/1 59/10 <b>asked [1]</b> 51/8 <b>aspect [1]</b> 26/20 <b>assessments [1]</b> 42/8 <b>assist [1]</b> 56/7 <b>assume [1]</b> 19/17 <b>assuming [1]</b> 10/9 <b>assumption [1]</b> 45/4 <b>at [54]</b> <b>attend [1]</b> 51/9 <b>attendance [1]</b> 18/7 <b>attorney [3]</b> 2/5 4/11 30/1 <b>auction [3]</b> 33/12 33/17 43/21 <b>auxillary [1]</b> 10/21 <b>available [3]</b> 20/23 48/16 49/3 <b>Avenue [6]</b> 8/8 8/12 8/20 23/21 30/23 31/3 <b>aware [5]</b> 3/4 3/15 34/4 35/6 39/18 <b>away [1]</b> 48/4 <b>aye [2]</b> 22/15 62/16
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