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CITY OF WATERTOWN  
ZONING BOARD OF APPEALS  
MAY 20, 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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1           MR. THOMAS: I'd like to call the Zoning  
2 Board of Appeals meeting to order. Please be  
3 aware, as we spoke about last time, that we  
4 should pause after making a statement in order  
5 that we have accurate recordings by Mary Beth  
6 Burnham our court reporter. So I'd ask that we  
7 all try to adhere to that. Maybe a hand raise.  
8 I think pausing and a hand raise would you  
9 helpful in this way in which we are conducting  
10 business. I'm going to begin with roll call.  
11 Allison Crossman.

12           Did -- Allison? She's here I see here.  
13           Patrick Hickey?

14           MR. HICKEY: Present.

15           MR. THOMAS: Christine Filippelli?

16           MS. FILIPELLI: Present.

17           MR. THOMAS: Benjamin Grass?

18           MR. GRASS: Present.

19           MR. THOMAS: And Sammuel Thompson

20 chairperson is present.

21           Let the record show that Christina Stone,  
22 city attorney; Jennifer Voss, senior planner,  
23 Geoffrey Urda, planner; Michael Lumbis planning

1 and community director are also present.

2 I'll just take a moment to read the  
3 notice that we are meeting this evening  
4 Wednesday, May 20, 2020. This will be a  
5 virtual meeting held using online  
6 teleconferencing platform GoToMeeting. And at  
7 the meeting the following agenda items will be  
8 discussed. Number one, Case Number 558 a use  
9 variance to allow to two-family dwelling in a  
10 Residential A District, location: 507 Holcomb  
11 Street, applicant: William Monica and Case  
12 Number 559 area variance to reduce the minimum  
13 lot size per unit in a Residence A District  
14 location, also 507 Holcomb Street.

15 Again, we will take each use variance  
16 separately because I feel there are topics,  
17 there are questions that should be addressed.  
18 But first we would look at the use variance  
19 piece. And thank you, Mr. Monica, for  
20 submitting all of that detailed information  
21 concerning our last -- questions that were  
22 raised at our last meeting.

23 If you'd like to begin, Mr. Monica, by

1           stating your name for the record and address  
2           then you can add comments if you wish and then  
3           we'll entertain questions by members of the  
4           zoning board.

5                     MR. ENGLISH-MONICA: I'm John  
6           English-Monica.

7                     MR. MONICA: And I'm Bill Monica.

8                     MR. ENGLISH-MONICA: We are at 146 Keyes  
9           Avenue, Watertown, New York 13601.

10                    MR. THOMAS: Is there additional  
11           information you'd like to present to the Zoning  
12           Board this evening?

13                    MR. ENGLISH-MONICA: Well, I was --  
14           basically I was asked to -- for one thing, to  
15           do kind of a cross analysis of what it would  
16           take to renovate as it is, is a duplex versus  
17           renovation -- a conversion into a single-family  
18           dwelling unit and then I was also asked to do  
19           an analysis of how much we expected as far as  
20           income goes for a single-family dwelling unit  
21           versus a duplex.

22                    And what I found is to convert it would  
23           be a 36 percent increase in the cost. There

1 are things that need to be done there if we  
2 were to convert it that are beyond my skills.  
3 Converted as a duplex, I was going to be doing  
4 all the work. A friend of mine was going to  
5 help me out, but do all the work myself. So  
6 there really wasn't going to be any hiring of  
7 any contractors, but because there are these  
8 load bearing walls that split the two units  
9 there would a substantial increase to have that  
10 addressed.

11 And I did do some research, if we did  
12 convert it it would probably be four bedrooms,  
13 two and a half bath. And what I found in the  
14 area was -- see if I can find that -- about  
15 1900 to maybe 2250 a month. That's in  
16 Watertown. That's what I could find on Zillow  
17 for an equivalence single-family home and as  
18 far as renting it out as a three-bedroom, one  
19 and a half bath with all the amenities that we  
20 would be providing, including built-in internet  
21 for all the rooms, all the appliances, washer,  
22 dryer, dishwasher, refrigerator, stove, garbage  
23 disposal, over-the-range microwave, things like

1           that, we expect to get \$1500 a month for -- per  
2           unit.

3           MR. THOMAS:   So the duplex would  
4           consistent of three bedrooms and one and a half  
5           bath at about \$1500 a month.  One question I  
6           had, would the tenant have to pay for utilities  
7           or is that an additional -- is that in addition  
8           to above the rent?

9           MR. ENGLISH-MONICA:  The tenant would pay  
10          the utilities too.  We have --

11          MR. THOMAS:  With that include --

12          MR. ENGLISH-MONICA:  Go ahead.  I didn't  
13          hear you, Sam.

14          MR. THOMAS:  Oh, I'm sorry.  Would that  
15          include electrical and gas only or does that  
16          also include water?

17          MR. ENGLISH-MONICA:  It would include all  
18          three.  The --

19          MR. THOMAS:  Okay.  Thank you.

20          MR. ENGLISH-MONICA:  -- tenant would pay  
21          all three.  Actually, we have a two-bedroom  
22          unit with, again all the same appliances that I  
23          just mentioned, and the tenant there are pay

1           1,000 -- yeah, and it's only one bath and we  
2           have tenants there paying \$1000 a month plus  
3           they are paying all their own utilities. For a  
4           second floor unit.

5           MR. THOMAS: Okay. Thank you. Do you  
6           have a timeline for completion?

7           MR. ENGLISH-MONICA: Well, before we were  
8           put on hold, we were hoping to have this done  
9           by probably the beginning of the fall and now  
10          we're probably delayed by about two and a half  
11          months. So unfortunately it looks like  
12          probably by the winter which is really the  
13          worse time that you really want to try to rent  
14          because nobody wants to move in the winter, but  
15          it looks like probably what we're going to be  
16          stuck with after. Yeah, December, January  
17          probably now.

18          MR. THOMAS: Now it's my understanding  
19          that in December of 2019 you paid the back  
20          property taxes and acquired ownership of the  
21          house. The total tax bill was well \$1,455, in  
22          that range; am I correct on assuming that?

23          MR. MONICA: No. Back in the end of



1 November Mr. Robert Best [ph] approached me,  
2 he's a friend of mine. He purchased it at city  
3 auction I want to say back in 2013. And they  
4 started -- well, they let it sit for a while  
5 then they went in and they gutted it and they  
6 did stuff they shouldn't. So the beginning of  
7 December 2019 he had called me because we own  
8 the property next door and offered to sell it  
9 to us for \$4,000.

10 MR. THOMAS: Okay. Thank you. For both  
11 properties you paid a total of \$4,000, the Ten  
12 Eyck Street property and the Holcomb Street  
13 property combined?

14 MR. ENGLISH-MONICA: No, the Ten Eyck  
15 Street property we've owned since 2012. We --

16 MR. THOMAS: Okay.

17 MR. ENGLISH-MONICA: -- 507 Holcomb  
18 Street property and that's what we paid \$4,000.

19 MR. THOMAS: Okay. Thank you.

20 MR. URDA: Patrick.

21 MR. HICKEY: Geoff, did you want to say  
22 something?

23 MR. URDA: No, just keep going.

1 MR. HICKEY: Okay.

2 MR. THOMAS: Are there other questions by  
3 the zoning board members? Patrick, your hand  
4 is raised.

5 MR. HICKEY: Thank you. Thank you. I do  
6 have a codes question and I guess, Geoff,  
7 you're probably going to be the person to go  
8 to. Did codes go through this property for  
9 foundation work and establishing that the home  
10 had not deteriorated so it could be  
11 reestablished as a house?

12 MR. URDA: I cannot speak whether or not  
13 codes did any foundation studies, but code  
14 enforcement had been working with John and Bill  
15 for some time before it got to my attention and  
16 it seemed as though they were ready to move  
17 forward other than the zoning issue. I don't  
18 know if John or Bill want to share anything  
19 about what they talked about with code  
20 enforcement.

21 MR. HICKEY: Okay. Let me get specific  
22 John and Bill.

23 MS. STONE: I can just add to what was

1 done -- regarding what was done structural  
2 issues. Codes will not give an opinion on the  
3 structure. They're going to require the  
4 property owner to get a structural evaluation  
5 by a licensed engineer and if there was any  
6 issue with the structure that's what -- that  
7 would have been required. So I'm sure the  
8 applicants can attest whether or not they were  
9 required to provide such a study.

10 MR. HICKEY: Okay. John and Bill, let me  
11 ask one question and then maybe you will be  
12 able to answer both, what you want to say and  
13 want I'm trying to find out all at the same  
14 time. I took a photograph of the driveway side  
15 (showing photograph) and I don't know if  
16 everybody can see that or not, but what I'm  
17 concerned with is this back end on the driveway  
18 side, be the Ten Eyck side. This (indicating)  
19 corner appears to have not only stone wall that  
20 has come away from the foundation, but also  
21 some pretty major cracks in the stonework  
22 itself and it almost appears that the cladding  
23 of the woodwork is separated and dropped from

1           what the side of the house building is in  
2           existence on the side. I'm concerned that you  
3           might have some pretty unstable frame and  
4           foundation in that area of the property. It  
5           also, if you look way up at the top, the top  
6           where the roof is attached to the side of the  
7           building appears to be pulling away from the  
8           house itself. So if you want to, you know,  
9           have any discussion concerning what you've done  
10          as far as proving that the foundation is all  
11          right or what you're planning on doing to the  
12          foundation, that would ease my mind a little  
13          bit.

14                   MR. MONICA: Yes, we did have a  
15          structural eval done of the property and we  
16          also had -- you're required to have blueprints  
17          drawn up and this was back in January.

18                   The corner that you're talking of is a  
19          cosmetic foundation. The interior foundation  
20          is solid. And as far as where it is pulling  
21          away up top, what you pointed out, is the  
22          previous owner, there was a large additional on  
23          the back of that structure that the previous

1 owner took down. He caused some damage, but we  
2 had since resecured that. And when Scott  
3 Weston was the engineer that we hired and walk  
4 through the building, he did give me a letter  
5 saying that it is structural sound and the  
6 foundation was good and that is on file with  
7 the code office.

8 MR. HICKEY: That's fine as far as I'm  
9 concerned.

10 MR. THOMAS: You stated that you've  
11 already completed approximately \$20,000 in  
12 renovation projects; is that correct, but  
13 stopped because of the -- because of the  
14 variance requirement?

15 MR. ENGLISH-MONICA: Yes, as soon as we  
16 found out that we had to get the variance, we  
17 completely stopped everything there.

18 MR. MONICA: Yes, we had put in all new  
19 windows. We had to do a lot of structural  
20 work. We bought two new furnaces. We had  
21 ductwork ran. And that's where the expense has  
22 incurred. There is, however, four windows that  
23 we did not install, because we were changing

1 the size of them. So in order to do that we  
2 have to have a permit, so we had the windows  
3 purchased and sitting inside the building, but  
4 we didn't dare put -- do anything without  
5 having is the legal documents to do so.

6 MR. THOMAS: Okay. Thank you. Other  
7 questions by zoning board members?

8 What I would -- how do people feel about  
9 voting on the use variance piece this evening?  
10 I know there are questions about the area  
11 variance that need to be settled but  
12 remembering there are -- keep in mind there are  
13 two variances required here. Do members of the  
14 board feel inclined to want to vote on the use  
15 variance this evening?

16 MR. URDA: Sam, before you check with the  
17 board members on that, we do have one member of  
18 the public here tonight. And I think it would  
19 be appropriate to ask her if she wants to say  
20 anything before you start voting.

21 MR. THOMAS: Okay. Very good. We won't  
22 close that hearing unless there's agreement to  
23 vote. I only see the first name is Sharon.

1 Sharon, if you would like, you're welcome to  
2 speak on the matter of the use variance this  
3 evening.

4 MS. BLEEHAUS: I would be delighted if  
5 they fix the property up. It's just been  
6 neglected for a long, long time and I told Mr.  
7 -- told the nice man that I was really glad to  
8 see someone about to fix up the place. That's  
9 all I have to say.

10 MR. THOMAS: Sharon, I forgot to ask,  
11 could you, please, state your name and address  
12 for the record?

13 MS. BLEEHAUS: Okay. My name is Sharon  
14 Bleehaus and I live at 516 Holcomb Street  
15 across the street from the property in  
16 question.

17 MR. THOMAS: Okay. Thank you.

18 Geoff, are there other members of the  
19 public that would like to offer an opinion on  
20 this evening's use variance request?

21 MR. URDA: Ms. Bleeause is the only one  
22 to reach out to me to ask to be invited and no  
23 other members of the public reached out to me

1 with any comment.

2 MR. THOMAS: Okay. Before we proceed,  
3 Ms. Stone, do you have comments about the use  
4 variance?

5 MS. STONE: I have no other comments from  
6 what I've addressed at the last meeting.

7 MR. THOMAS: Okay. Are there questions  
8 about --

9 MS. STONE: Mr. Grass, might have had --  
10 he had his hand up at one point. I don't know  
11 if he has a question.

12 MR. GRASS: I did, thank you.

13 MR. THOMAS: Mr. Grass go ahead.

14 MR. GRASS: Good evening, gentlemen.  
15 Just a question, the last time we spoke I had  
16 asked a question about the parking and what  
17 your plans were as far as the parking plan.  
18 And I want to say it was stated that there  
19 would be an easement or right-of-way from the  
20 neighboring property that you own; is that  
21 correct?

22 MR. ENGLISH-MONICA: Yes, that is  
23 correct.



1           MR. GRASS:  So in looking at the  
2           properties, and I drove by today and was  
3           scoping them out a little bit, the 577 or is it  
4           277 on Ten Eyck?

5           MR. MONICA:  277.

6           MR. GRASS:  That's the other property  
7           that you own; correct?

8           MR. ENGLISH-MONICA:  Correct.

9           MR. GRASS:  So could you explain, does  
10          that property line butt right up against the  
11          driveway for the neighboring apartment  
12          building?  I just -- I couldn't picture how  
13          there would be a driveway through there.

14          MR. MONICA:  We have there's two driveway  
15          to the 277 building.  And they're next to each  
16          other, so that there's two things of parking  
17          there.  You actually did if you wanted to park  
18          behind one -- the parking -- the driveway  
19          towards 507-509 is right up next to 277's  
20          building.  There's parking -- the driveways  
21          were side by side.  We had when we purchased  
22          it, we took down two large trees that were in  
23          bad shape and there's now room for parking out

1           behind the 507, 509 side and parking facing  
2           toward 277 Ten Eyck side. We average -- we had  
3           a friend of ours come over and measure and we  
4           averaged could get at least six, if not eight  
5           vehicles parking.

6           MR. GRASS: Okay. That's where I was  
7           confused. I was under the understanding that  
8           the driveway would come off from the Ten Eyck  
9           side in behind both the properties. I see. I  
10          could picture it better now.

11          MR. MONICA: Yeah, back when we purchased  
12          the building in 2012 in order for the bank to  
13          approve the mortgage, I had to lease two spots  
14          from the neighboring building at -- on Ten Eyck  
15          Street. With us purchasing the 507 Holcomb, I  
16          won't have to do that any longer. And I do  
17          want to do a survey of both properties. I  
18          think that there's -- I don't know if the fence  
19          line that I have on 277 Ten Eyck Street is  
20          that's -- because it's an old fence. I don't  
21          know if it's like 18 inches off the property  
22          line. You know, what I'm saying? Like do I  
23          own 18 inches on the other side of that fence.

1           And if I do it's right down the center of the  
2           driveway we could actually drive through if we  
3           need to.

4                   MR. GRASS:   Right.

5                   MR. ENGLISH-MONICA:   Those two  
6           properties, the 277 property and the one right  
7           next door to it on Ten Eyck Street, both those  
8           properties used to be owned by the same person  
9           and that driveway was --

10                   MR. MONICA:   Right.   The two properties  
11           were owned by -- lost the land the lawyer  
12           handling the estate sold the one building on  
13           Ten Eyck next to 277.   It used to be at -- that  
14           it was in the deed, abstract or whatever said  
15           it had rights to use that parking and then when  
16           it was sold from the estate it was not carried  
17           through.

18                   MR. GRASS:   I see.   I guess my only other  
19           question in regards to the parking and whatnot  
20           is, what would have to be filed and whatnot to  
21           combine the driveways?   Is there any process  
22           with codes or anything like that before both  
23           those properties would be married together

1 almost.

2 MR. MONICA: You have to ask Ms. Stone.  
3 I'm not sure.

4 MS. STONE: Geoff, did you want to say  
5 something first?

6 MR. URDA: I should clarify that the Ten  
7 Eyck Street property is a four-unit dwelling  
8 and zoning ordinance does require off-street  
9 parking for a four-unit dwelling. So that  
10 explains to me why, in 2012, the bank had the  
11 requirement of leasing the two other spaces, so  
12 that it could meet the off-street parking  
13 requirement of a four-unit building.

14 The zoning ordinance does not require any  
15 off-street parking for a two-unit dwelling. So  
16 while it might advantageous to a landlord to  
17 offer tenants parking, there's nothing in the  
18 zoning ordinance that requires it for a  
19 two-unit parcel. As far as if you were ever to  
20 combine the two, you would then have six units  
21 on the -- on one property, which would carry  
22 then a seven space parking requirement for that  
23 property, but a bigger issue would be, you

1           would then have two principal structures on one  
2           parcel, which is illegal and creates a whole  
3           other issue. But I just wanted to get that on  
4           the record as far as the Ten Eyck Street parcel  
5           and Holcomb the subject parcel are different in  
6           that the Ten Eyck parcel with four units  
7           requires parking per zoning and a two-unit  
8           parcel does not.

9           MR. MONICA: And I believe last month  
10          when we are talking Ms. Stone had said  
11          something about getting right of use or right  
12          of -- I don't want to combine the two  
13          properties, but I want to put it so that if I  
14          ever sold one and not the other, which I can  
15          never anticipate doing, that that parking would  
16          still carry through so that it would never mess  
17          up one property or the other as far the parking  
18          goes.

19          MR. THOMAS: Go ahead.

20          MS. STONE: Yes, what would be required  
21          would be what's called an easement and a  
22          right-of-way to allow for the use of parking  
23          for both properties. So it depends -- it

1           actually goes to what the area variance -- and  
2           also the use variance as well, but what might  
3           be beneficial for the board is if you could  
4           draw a diagram about how many parking spots on  
5           each property and how the traffic would flow in  
6           and out, might be helpful for them to kind of  
7           visualize and would be able to create what  
8           your -- your easement language and that would  
9           be something you need to record in the  
10          Jefferson County clerk's office and that would  
11          go with your -- with your property. So that  
12          would -- like if you were ever to sell one of  
13          the properties or both of the properties, both  
14          properties would be burdened with this easement  
15          and right to use the other property for parking  
16          purposes. And if you combine the two  
17          properties, as Mr. Urda said, I mean that's  
18          just going to create another application for a  
19          use variance.

20                 MR. MONICA: Yeah, that's not something I  
21          want to get into. I don't want to combine and  
22          we don't ever anticipate selling them, just  
23          like a retirement, so once we're dead our

1 family members can worry about it because that  
2 is who getting it.

3 MS. STONE: Right. And easement runs  
4 with the land, so it doesn't matter who the  
5 next owner would be. It still would be  
6 burdened by that easement.

7 MR. GRASS: The term easement was the  
8 lingo that I was looking for. Not the marrying  
9 the actual properties together, but that --  
10 that sheds a lot more light on it for me.  
11 Thank you.

12 Sam, no further questions.

13 MR. THOMAS: For the applicants, there  
14 would be that stipulation in the area variance  
15 request of getting an easement or a  
16 right-of-way, is that something that you would  
17 pursue?

18 MR. MONICA: Absolutely.

19 MR. THOMAS: Thank you.

20 MR. MONICA: I can start working on that  
21 tomorrow, if I can get into an office.

22 MR. THOMAS: Going back to use variance  
23 request, I would like to poll -- poll the board

1 members to see if they are comfortable in  
2 considering a vote at least on the use variance  
3 request and then we can continue the  
4 conversation about the area variance request.

5 Mrs. Crossman? I'm sorry. I can't hear  
6 her. Are you comfortable pursuing the use  
7 variance request?

8 (Ms. Crossman gives a thumbs up action.)

9 MR. THOMAS: Thank you. I got it.

10 Okay, Mr. Hickey?

11 MR. HICKEY: I'm ready to vote.

12 MR. THOMAS: Mr. Grass?

13 MR. GRASS: Yes, sir, I'm prepared to  
14 vote.

15 MR. THOMAS: Okay. Ms. Filippelli, would  
16 be willing to pursue the use variance request?  
17 Yes or?

18 (Ms. Filippelli gives a thumbs up  
19 action.)

20 MR. THOMAS: Okay, well, since we're  
21 having trouble with audio with Allison and  
22 Christine and I know these use variances  
23 requests do have to answer stipulations within



1 the law, should we still continue with that  
2 Ms. Stone, Mr. Urda? What's your feeling about  
3 it or can they just simply vote yes or no?

4 MR. URDA: They could vote yes or no if  
5 they wanted to, but a couple of other options  
6 if we can't get the audio ironed out on  
7 GoToMeeting, they each would be able to call in  
8 just as you have --

9 MR. THOMAS: Okay.

10 MR. URDA: -- and we could get audio that  
11 way.

12 MR. THOMAS: Would you like to do the  
13 call in piece and then we'll proceed that way?

14 (Ms. Crossman and Ms. Filipelli indicate  
15 a positive response)

16 MR. THOMAS: Okay. Very good. Get  
17 this -- if you -- do people need time to  
18 prepare their statements?

19 MR. URDA: Christine is shaking her head,  
20 so she is ready and it looks like Allison is  
21 dialing in and shaking her head.

22 MR. THOMAS: Well, I'll go first. I'll  
23 go first. I wanted to ask you about that. Are

1 we doing that at the end of the area variance  
2 request or are we going to do that now?

3 MR. URDA: You need to do that now,  
4 because you need to consider the two requests  
5 as a whole action, so you need to do --

6 MR. THOMAS: Okay. All right. So before  
7 we begin, we're going to have to close the  
8 public meeting. Can we have a motion?

9 MR. HICKEY: Motion to close.

10 MR. THOMAS: Okay. That would be for the  
11 use variance request at 507-509 Holcomb Street.  
12 May we have a second on the motion?

13 MR. GRASS: Second it.

14 MR. THOMAS: May we begin with a short  
15 environmental assessment form? Oh, boy.  
16 Patrick? Patrick?

17 MR. HICKEY: Yeah.

18 MR. THOMAS: Would you like to read that  
19 please?

20 MR. HICKEY: Sure. You want me to go  
21 through each item?

22 MR. THOMAS: Yes.

23 MR. HICKEY: Will the proposed action

1 create a material conflict with an adopted land  
2 use plan or zoning regulation? No, small  
3 impact or moderate to large impact?

4 MR. THOMAS: No.

5 MR. HICKEY: Second: Will the proposed  
6 action result in a change in the use or  
7 intensity of use of land?

8 MR. THOMAS: No.

9 MR. HICKEY: Third: Will the proposed  
10 action impair the character or quality of the  
11 existing community?

12 MR. THOMAS: No.

13 MR. HICKEY: Number four: Will the  
14 proposed action have an impact on the  
15 environmental characteristics that cause the  
16 establishment of a critical environmental area?

17 MR. THOMAS: No.

18 MR. HICKEY: Number five: Will the  
19 proposed action result in an adverse change in  
20 the existing level of traffic or affect  
21 existing infrastructure for mass transit,  
22 biking or walkway?

23 MR. THOMAS: No.

1                   MR. HICKEY: Number six: Will the  
2 proposed action cause an increase in the use of  
3 energy and it fails to incorporate reasonably  
4 available energy conservation or renewal energy  
5 opportunities?

6                   MR. THOMAS: No.

7                   MR. HICKEY: Number seven: Will the  
8 proposed action impact existing public or  
9 private water supplies?

10                  MR. THOMAS: No.

11                  MR. HICKEY: Public or private wastewater  
12 treatment utilities?

13                  MR. THOMAS: No.

14                  MR. HICKEY: Number eight: Will the  
15 proposed action impair the character or quality  
16 of important historic, archeological,  
17 architectural or esthetic resources?

18                  MR. THOMAS: No.

19                  MR. HICKEY: Number nine: Will the  
20 proposed actions result in an adverse change to  
21 normal resources? Example wetlands, water  
22 bodies, groundwater, air quality, flora and  
23 fauna?

1 MR. THOMAS: No.

2 MR. HICKEY: Number 10: Will the  
3 proposed action result in an increase in the  
4 potential for erosion, flooding or drainage  
5 problems?

6 MR. THOMAS: No.

7 MR. HICKEY: And Number 11: Will the  
8 proposed action create a hazard to  
9 environmental resources or human health?

10 MR. THOMAS: No.

11 We have a motion, Patrick, please?

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

16 MS. CROSSMAN: Second. Allison.

17 MR. THOMAS: All in favor?

18 (All signaled aye)

19 MR. THOMAS: Very good. Thank you. Now  
20 we'll proceed with voting. I'll begin and then  
21 we'll have each board member state their  
22 responses.

23 The applicant has applied for use

1           variance, excuse me, at 507-509 Holcomb Street  
2           to vary the zoning district regulations section  
3           310-4 of the City Codes. This variance request  
4           is to allow for an originally built two-family  
5           dwelling in Residential A zoning district to  
6           continue to exist as a two-family dwelling.  
7           The structure remains in its original form and  
8           was constructed as a duplex in 1880 and has  
9           had -- it has been occupied as a duplex until  
10          2009 when the house was vacated. Since it was  
11          vacant for more than one year, it lost its  
12          nonconforming status and now will be required  
13          to be converted to a one-family home in order  
14          to be in compliance with Residential A zoning  
15          regulations. One should note that the City did  
16          not adopt the zoning regulations until 1959.

17                 The granting of a use variance is  
18                 difficult to prove as the applicant must  
19                 demonstrate that he or she is deprived of all  
20                 economic use or benefit from the property. In  
21                 other words, it means that the applicant cannot  
22                 yield a reasonable return for any use that is  
23                 permitted within the zoning code or, in this

1 case, a Residential A neighborhood.

2 I've reviewed and considered the  
3 financial information provided by the  
4 applicant. As previously requested, cost  
5 estimates were provided which compared  
6 differences between converting the house into a  
7 single-family home and maintaining it as a  
8 duplex. A detailed estimate describing  
9 structural conversion to a single-family home  
10 from basement to attic is approximately  
11 \$17,376. The cost for maintaining and  
12 renovating their sides of the duplex is  
13 approximately \$44,504 when comparing these  
14 figures, the cost of converting a duplex to a  
15 single-family home is significantly greater by  
16 approximately \$26,000 or an increase of 36%.  
17 The applicants did state they would be  
18 completing most of the work themselves but may  
19 need to use outside contractors. Of course,  
20 these costs have the potential of being  
21 significantly greater due to unforeseen  
22 problems, which often arise in most home and  
23 building projects -- renovation projects. The

1 duplex shall consists of three and a half --  
2 three bedrooms and one and a half bathroom and  
3 is slated to be a rental fee of \$1500 per  
4 month, which is reflective of the current  
5 market value.

6 On the other hand, a conversion to a  
7 single-family home consisting of four bedrooms  
8 and two and a half baths would be in the range  
9 of \$1900 to \$2200. For each option the  
10 structural, updated internet usage, appliance  
11 and the renter will be responsible for the  
12 utilities. Other expenses should also be taken  
13 into account and into consideration, such as  
14 taxes, which will most likely increase over  
15 time and ongoing building and grounds  
16 maintenance. There are costs associated for  
17 engineering blueprints. The assessed value for  
18 this property is \$54,000. The applicants  
19 required -- acquired this structure in December  
20 of 2019 for payment of \$4,000. They've already  
21 invested \$20,000 in remodeling expenses.

22 For either a one or two-family home, I do  
23 feel that in due time the applicant could yield



1 a reasonable return for the property should  
2 responsible renters consistently occupy the  
3 premises over an extended period of time. I do  
4 not feel that this is a self-created hardship.

5 The applicants began communicating with  
6 the codes enforcement office in January and  
7 were assured they would obtain building  
8 permits. They were also told that it was  
9 permissible for them to pursue work on the  
10 house so long as it was not covered up. As it  
11 needed to be inspected. Blueprints were  
12 submitted on January 26<sup>th</sup>, 2020, was stated  
13 that the City had 30 days to review the  
14 blueprints. The applicants met with the code  
15 enforcement officials on February 26<sup>th</sup> and as  
16 recommended that some modifications were needed  
17 to be made to the blueprints. However, at that  
18 time it was not mentioned that variances were  
19 required. Changes were submitted the next day  
20 or on February 27<sup>th</sup> and it wasn't until  
21 March 6<sup>th</sup> that they were informed that a  
22 variance was needed to rehabilitate a duplex in  
23 a Residential A neighborhood. Work on this was

1           then suspended by the property owners. This  
2           property which was originally build as a  
3           single-family home 104 years ago has remained  
4           as a -- was originally built -- I'm sorry -- as  
5           a duplex has remained as a duplex since its  
6           construction. Although it is located in a  
7           Residential A neighborhood, it is the only  
8           house on the 500 block of Holcomb that is not a  
9           single-family home. However, there are many  
10          homes in surrounding neighborhoods that were  
11          once single-family dwellings that were  
12          converted to apartments houses, boarding  
13          houses, et cetera. These conversion were most  
14          likely due to economic challenges of  
15          maintaining a large home and demographic  
16          changes. On this block of Holcomb Street the  
17          conditions for this home are unique, that is  
18          the only duplex in that neighborhood.

19                 I do not feel that this duplex will  
20                 negatively alter the character of the  
21                 neighborhood or be disruptive. Attempts were  
22                 made to renovate this house in 2016. It  
23                 stopped and the new owners plan to upgrade the

1 structure, which will be an enhancement to the  
2 neighborhood. I vote yes to the use variance  
3 request for 507-509 Holcomb Street.

4 Mr. Hickey, are you prepared to vote?

5 MR. HICKEY: I am.

6 MR. THOMAS: Okay. You may proceed.

7 MR. HICKEY: This is in regard to Use  
8 Variance Number 558 for 507-509 Holcomb Street  
9 to allow a two-family residence in a  
10 Residential A zone neighborhood. The claimant  
11 have supported the need to do actual dollars  
12 with their submission to us concerning a duplex  
13 versus a single-family residence. It does show  
14 a cost increase between a single-family  
15 residence from a duplex of about 36%. The  
16 property value was purchased for 54,000 at a  
17 considerable savings -- that was the value of  
18 the house. They only paid 4,000, have supplied  
19 at least \$20,000 in material and have  
20 relatively flat rates as far as renting whether  
21 it's a duplex at \$1500 a month or up to \$2200  
22 for a single-family residence.

23 I do not feel that the neighborhood will

1 be materially changed, since it has already  
2 been a duplex since the 1880s and lost its  
3 status simply due to it becoming vacant. And I  
4 don't consider that they exceeded the  
5 unnecessary hardship rule, since they had begun  
6 the work and then were told after the work had  
7 started that they needed to stop. They did  
8 stop. And so I vote yes for the Use Variance  
9 558 for 507-509 Holcomb Street.

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

11 MS. CROSSMAN: Can you hear me?

12 MR. THOMAS: Yes.

13 MS. CROSSMAN: In regards to Use Variance  
14 Number 558 for the property located at 507  
15 Holcomb Street, I believe that the applicant  
16 have proven that they cannot realize a  
17 reasonable return by modifying the house so  
18 that it would be a single-family dwelling.  
19 They have showed in the financials that they  
20 reported that converting it to a single-family  
21 home would, of course, cost more than  
22 continuing to maintain it as a duplex and a  
23 return on investment as a single-family home

1           would be substantially less than that of a  
2           duplex. The hardship relating to the property,  
3           I believe, is unique, because as previously  
4           mentioned, the property was constructed as a  
5           duplex. Whereas, many of the homes that are  
6           now operated as apartments in the surrounding  
7           neighborhood were single-family homes that were  
8           converted to apartment after the fact due to  
9           economic strain in the community.

10                   As far as the request for the variance,  
11           if granted, I do not believe it will alter the  
12           essential character of the neighborhood.  
13           Again, it has been operating as a duplex since  
14           its construction and I do not believe that the  
15           alleged hardship is self-created because, again  
16           as previously mentioned, the applicants upon  
17           finding that a use variance would be required  
18           in order to operate the building as a duplex,  
19           they ceased construction on it and did not  
20           continue investment into it until they were  
21           granted use variance. So in regards to this  
22           use variance, I vote yes. Thank you.

23                   MR. THOMAS: Thank you. Ms. Filippelli.

1 MS. FILIPELLI: Hi, can you guys hear me?

2 MR. THOMAS: Yes.

3 MS. FILIPELLI: Perfect. Okay, Hi. I  
4 would like to vote yes on Use Variance Number  
5 558. I love the history of the property. I  
6 love that it's going to be remodeled and  
7 reused -- used for some wonderful new neighbors  
8 in the area and I really enjoyed Sharon's  
9 support of this. I think it's super important  
10 for neighbors to be onboard with any  
11 renovations and what a wonderful way to welcome  
12 people to our town with neighbors like Sharon,  
13 so I vote yes.

14 MR. THOMAS: Thank you.

15 Mr. Grass.

16 MR. GRASS: Yes, so in regards to  
17 petition 558 I don't have a whole long thing  
18 prepared this evening, but I appreciate the  
19 gentlemen investing back in the city and  
20 wanting to improve a property that's been  
21 neglected and I don't feel that having a duplex  
22 in that neighborhood will hinder anything at  
23 all and I'm glad that it's actually welcomed by

1 the neighborhood -- or neighbors in the  
2 adjoining property, so I vote yes as well.

3 MR. THOMAS: Thank you. You have five  
4 yes votes, zero no votes, so your use variance  
5 has been granted. Congratulations.

6 It's my understanding with the use  
7 variance piece that you can then continue to  
8 proceed with work on the structure. And  
9 Mr. Urda would assist you with the necessary  
10 permit process I understand.

11 Okay. Now in regards to the area  
12 variance request, we have had quite a bit of  
13 conversation about acquiring an easement. I  
14 was confused also. I was under the assumption  
15 that the easement would be looked at at 267 Ten  
16 Eyck Street, the property which would be to the  
17 east and north of 507-509 Holcomb Street. And  
18 I may have lost a bit of this conversation, but  
19 I just had a question for the applicant would  
20 ever consider pursuing that? If you've already  
21 stated it, then I apologies for not retaining  
22 that piece of information. It is a bit  
23 landlocked out there and that was just my

1 concern and but I do understand we are not  
2 voting on parking spaces, but we are looking at  
3 a significant area variance request.

4 MR. MONICA: Yes, we would definitely do  
5 the easement as soon as the Covid restrictions  
6 have lifted. I would contact the lawyer that  
7 did the closing on that property and have the  
8 easement drawn up and put -- and filed with  
9 county clerk.

10 MR. THOMAS: Just so I'm clear, you're  
11 speaking about the easement that runs to your  
12 property on the corner of Ten Eyck and Holcomb;  
13 correct?

14 MR. MONICA: Yes.

15 MR. THOMAS: Okay. All right. Very  
16 good. Because I noticed when I was back  
17 there -- I did look because it helps to get a  
18 good visual image of what we are observing. I  
19 saw there was like a wire fence and part of it  
20 was removed gaining access to 267 [sic] Ten  
21 Eyck Street. And I think in the future, if you  
22 are planning, you know, to -- if you can't gain  
23 access to that driveway, then probably some



1 form of a barrier would have to be put up just  
2 so it doesn't become a point of contention for  
3 that particular homeowner.

4 Oh, yes, go ahead, Mr. John  
5 English-Monica.

6 MR. ENGLISH-MONICA: I just want to  
7 clarify a couple of things too. We are talking  
8 about the property on the board of Ten Eyck and  
9 Holcomb Street because you keep referring to  
10 267 but the property is actually 277.

11 MR. THOMAS: Right.

12 MR. ENGLISH-MONICA: So we are not going  
13 to be -- I just -- the property on 267 has no  
14 involvement in anything that we are doing. It  
15 will be the property at 277, which is the  
16 corner of Ten Eyck and Holcomb Street and the  
17 property at 507 which is the one that's in  
18 question. That is where the easement is going  
19 to be.

20 MR. THOMAS: Correct.

21 MR. MONICA: Can I add to that?

22 MR. THOMAS: Mr. Urda.

23 MR. MONICA: The wired fence you were

1           questioning, Mr. Thomas, that fence belongs to  
2           the 507 Holcomb Street.

3                   MR. THOMAS:  Oh.

4                   MR. MONICA:  And we had this pretty large  
5           tree taken down.  It did take up part of that  
6           fence.  It's an old fence.  And in the future  
7           we do plan on putting up some kind of barrier  
8           between the two once we do a survey of the  
9           property.

10                   MR. THOMAS:  Okay, thank you.

11                   Mr. Urda, you had a comment?

12                   MR. URDA:  Yes, I'm going to -- I think I  
13           can may be clear up some of the confusion for  
14           the whole group.  Everyone wish me luck,  
15           because I'm going to share my screen for a  
16           moment.  I have the GIS map on another window  
17           with parcel lines.  Now sharing is not really  
18           the problem.  It will be unsharing it again,  
19           but here goes nothing.  And share.  So can  
20           everyone see the satellite?  Somebody say yes  
21           if you can see it.

22                   MR. THOMAS:  Yes.

23                   MR. ENGLISH-MONICA:  Yes.

1 MR. MONICA: I can see it.

2 MR. URDA: Okay. So this (indicating) is  
3 the subject property and the applicants also  
4 own this (indicating) property. This is the  
5 277 property. And this is the 267 property  
6 that Sam mentioned. And Sam was under the  
7 impression, and I will admit that I was at  
8 first under the impression, that the easement  
9 would have been to provide access this way  
10 (indicating) to the back and to the space here  
11 (indicating). But as I understand it, the  
12 easement will be for this (indicating) property  
13 to allow use of this (indicating) side of the  
14 shared driveway to access the back. So let me  
15 see if I can get everyone back here and unshare  
16 the screen. There we go. Is everyone back to  
17 normal?

18 MR. THOMAS: Yes. We're all back. Good  
19 work.

20 MR. URDA: So to, John and Bill, I'm  
21 completely accurate in everything I just  
22 illustrated?

23 MR. ENGLISH-MONICA: Yes.

1 MR. MONICA: Absolutely.

2 MR. URDA: Does that help everybody else?

3 MR. THOMAS: I have a question for  
4 Ms. Stone. Would you advise us to vote on this  
5 this evening or should that be delayed until  
6 the easement is in writing? But I know it's  
7 difficult to get easements to go through the  
8 legal process because of the shutdown and so  
9 forth.

10 MS. STONE: I would recommend that if you  
11 were to make it a condition upon the approval  
12 of the area variance that you wait until you  
13 can see it and look at it and make sure that it  
14 is what you want. It fits with what you're  
15 looking for and that's why I suggested perhaps  
16 that applicant provide a diagram of how many  
17 parking spaces are going to go with each  
18 property and that way the easement can be  
19 better framed and specified as to so many  
20 parking spaces for the Ten Eyck Street property  
21 and so many parking spaces for the Holcomb  
22 Street property so that there is no issues or  
23 concerns in the future. And most attorneys are

1           working. The clerk's office is open for  
2           recording documents, so, you know, there really  
3           shouldn't be any problems with getting that  
4           looked at and drafted.

5           MR. THOMAS: Do the applicants feel they  
6           could have that prepared for the next meeting,  
7           which would be Wednesday June 17<sup>th</sup>? And we  
8           could then -- if that is presented to us at  
9           least the weekend before and we have a few days  
10          to look at it and hopefully vote on it on  
11          Wednesday June 17<sup>th</sup>. Yes. Mr. Monica?

12          MR. MONICA: Yes, my question to that is,  
13          you know, I -- I understand what everyone is  
14          asking for and I have no problems with  
15          providing that, but then, you know, we're still  
16          on hold because I'm not going to put any money  
17          into this building until I have everything I  
18          need. You know I don't want to put like  
19          another \$30,000 in and then be told that we  
20          can't do this. You know, and the longer we're  
21          put off, I mean we're going to be  
22          February/March before we can have anything  
23          completed over there as far as being renting.

1 I would me more than willing to call the  
2 attorney's office tomorrow and have them do the  
3 easement and have them just filed. I will pay  
4 for that. I mean that's a nonissue. It was  
5 already -- when the two property were divided  
6 it was already two on one side and three on the  
7 other. Now utilizing more with the trees down,  
8 like I said, you know, said that six, eight  
9 parking spots I'd be more than happy to draw  
10 that up tomorrow and e-mail it to Geoff and  
11 send it out to you. I don't want to have to  
12 wait another whole month before we start work  
13 on this building. It's costing us money in  
14 utilities, taxes, loan payment.

15 MR. THOMAS: Thank you. Mr. Urda, you  
16 had your hand raised?

17 MR. URDA: Yes, I think this is actually  
18 a question for Ms. Stone. But as far as if the  
19 ZBA were to vote with the easement as a  
20 condition what are the specific things that  
21 they would look for if the applicants were to  
22 do it tomorrow and e-mail it to me and then I  
23 e-mailed it to the ZBA members tomorrow

1           afternoon, what are the things they need to see  
2           in it and is it possible that if they voted  
3           with a condition that that condition was worded  
4           strongly enough to give the City protection  
5           that you would expect the ZBA to look for?

6           MS. STONE: I would recommend that if  
7           that's the condition that the ZBA is going to  
8           impose that the vote not be taken tonight.  
9           Because it's easier said than done and then  
10          people have great intentions and then they just  
11          don't do it and then the burden would be on the  
12          City to then commence an action to enforce the  
13          conditions set forth by the ZBA. So, I mean, I  
14          know it's 30 days, but it is only 30 days and I  
15          think that's a reasonable condition that the  
16          board should be asking for. So I would not  
17          recommend that you vote tonight until you see  
18          that there is language drafted for the easement  
19          for the benefit and burden of both properties.  
20          So that's my opinion and that's my advice.

21          MR. THOMAS: Mr. Hickey, your hand is up.

22          MR. HICKEY: We have sat down before and  
23          had a meeting that was not every, you know,

1           once a month. If that paperwork is finished to  
2           the satisfaction of the City, can't we have a  
3           mini meeting and just vote on -- after -- after  
4           we get the language of that easement and just  
5           do it and not have to wait a whole month?

6           MR. THOMAS: A special meeting before the  
7           June 17<sup>th</sup> designated meeting. Mr. Urda,  
8           there are legalities with that piece and what  
9           would -- what would be -- the people are able  
10          to have a meeting before June 17<sup>th</sup> how and  
11          with the appropriate paperwork with the  
12          easement and right-of-way are documented and  
13          the drawings of the parking, how soon could we  
14          have a meeting with your posting legal notices  
15          and so forth?

16          MR. URDA: The legal notice only needs to  
17          be published once and that was done last month  
18          of the April ZBA meeting. We sent out letters  
19          this month as a courtesy due to the virtual  
20          nature of these meetings, but it's not a  
21          requirement. So in theory it could be as soon  
22          as tomorrow night, but I would caution the  
23          Board that if the board wanted to hold a



1 special meeting, they should ask Ms. Burnham  
2 her availability. Even if a meeting only  
3 lasted five minutes, she would still need to  
4 record it.

5 MR. THOMAS: Thank you. Ms. Burnham,  
6 what would be the timeframe for you to be  
7 present at a special meeting?

8 (Off-the-record discussion.)

9 MR. URDA: I was just going to say that  
10 there is no law that states it has to be at  
11 7~PM either. If you only needed to get the  
12 board together for 10 minutes, it could be at  
13 any time of day, so if there's -- it really  
14 just depends on getting a mutually available  
15 time.

16 MR. THOMAS: I'm flexible at any time  
17 that people could accommodate during the day,  
18 if the applicants are able to be present.  
19 First, we probably should look at a day before  
20 deciding on a time.

21 Mr. Monica, would you be able to get the  
22 necessary information in -- this is  
23 Wednesday -- would next Wednesday be too soon

1 for you to have a vote?

2 MR. MONICA: I can call the lawyer's  
3 office tomorrow morning and have them start  
4 work on it and I will have John and I go over  
5 soon and get the drawings and get it sent to  
6 Mr. Urda.

7 MR. THOMAS: So Mr. Urda -- oh,  
8 Mr. Lumbis.

9 MR. LUMBIS: I guess I would like  
10 Ms. Stone to clarify whether or not you would  
11 like to see a draft of both the drawing and the  
12 easement or whether you would like to see that  
13 filed as well officially with the clerk's  
14 office?

15 MS. STONE: Well, I would like to see at  
16 least a draft and then perhaps it's filed, or  
17 you know, before the meeting. I would like to  
18 look at it, make sure it's going to comply with  
19 what I would think the board is looking for.  
20 Just to make sure that each, as I said, each  
21 property both burdened and benefited by this  
22 parking easement and access I should say to the  
23 parking.

1           MR. THOMAS: Okay. So looking at a week  
2           should we or do we more time than that,  
3           Ms. Stone? Would you suggest perhaps a bit of  
4           a later date meeting?

5           MS. STONE: I would say at least a week  
6           and a half. I know the applicants have to meet  
7           with their attorney and, you know, give the  
8           attorney time to draft it. I mean it's not  
9           anything that is a difficult document to  
10          prepare. It's just, you know, I'm sure they  
11          need a day or two to draft it.

12          MR. THOMAS: So perhaps we should be  
13          looking at the week of June 1<sup>st</sup>, which is a  
14          week and a half?

15          MS. STONE: Mr. Lumbis had something to  
16          say.

17          MR. LUMBIS: I was just going to suggest  
18          that we don't necessary have to set the date  
19          and time right now. Perhaps let the applicants  
20          talk with their attorney, get the map prepared  
21          and then we could work with them to discuss a  
22          couple of different times and then poll the  
23          board in a couple of days to see if a

1 particular day say a week, week and a half from  
2 now would work.

3 MR. MONICA: That would work for us.

4 MR. THOMAS: I think that's an agreeable  
5 solution. So we'll be looking at perhaps, if  
6 the paperwork is submitted and then determine,  
7 once it's reviewed what would be the best  
8 possible date to conduct -- to conduct the area  
9 variance piece to this case. Mr. Hickey, your  
10 hand it up.

11 MR. HICKEY: On June 4<sup>th</sup> to the 6th I  
12 will be out off town, so if we could do it  
13 before the 4th that would probably work.

14 MR. THOMAS: Okay. Just reminding people  
15 we'd need a quorum. We now have five board  
16 members so that would require at least three  
17 people to present. As Mr. Urda mentioned, it  
18 doesn't necessarily have to be at 7:00 in the  
19 evening.

20 Mr. Monica or Mr. English?

21 MR. ENGLISH-MONICA: I just wanted to say  
22 that as soon as we can get the drawings done  
23 for the layout for the parking lot and we get

1 the easement dealt with like as soon as that is  
2 done we'll contact you -- we'll sent it up to  
3 Mr. Urda.

4 MR. THOMAS: Okay. Thank you. Are there  
5 further questions?

6 Very good, if there are no further  
7 questions or comments, then we like make a  
8 motion to leave this public hearing open until  
9 the next meeting date. Is there agreement to  
10 that? May I have a motion?

11 MR. HICKEY: Motion to leave the public  
12 hearing open.

13 MR. THOMAS: May I have second on the  
14 motion?

15 MR. GRASS: Second.

16 MR. THOMAS: All in favor.

17 (All signaled aye.)

18 MR. THOMAS: And may I have motion to  
19 adjourn?

20 MR. HICKEY: Motion to adjourn.

21 MR. THOMAS: Second?

22 MS. CROSSMAN: Second.

23 MR. THOMAS: All in favor. Very good.

1 Thank you.

2 (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 3 to 54,  
 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 2nd day of June 2020.

13 Mary E. Burnham  
 14 Mary E. Burnham, Court Reporter

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