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CITY OF WATERTOWN
ZONING BOARD OF APPEALS
JUNE 17, 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'm calling the Zoning Board
2 of Appeals meeting to order of the City of
3 Watertown at approximately 7 PM. I said let's
4 be aware of the format of this evening's
5 meeting, as it is virtual, will require that
6 each person speak one at a time, perhaps
7 raising our hand or pausing at the end of a
8 sentence would be helpful so Mary Beth Burnham,
9 our court reporter, can take accurate notes.
10 I'd like to begin with role call.

11 Allison Crossman? Allison Crossman?

12 Okay, she's not having sound. Are others
13 hearing Allison?

14 MR. URDA: No.

15 MR. THOMAS: Does somebody want to text
16 her and perhaps she can phone in? Okay, she
17 sees -- I will continue on. Patrick Hickey?

18 MR. HICKEY: Present.

19 MR. THOMAS: Christine Filippelli?

20 MS. FLIPIANI: Present.

21 MR. THOMAS: Benjamin Grass?

22 MR. GRASS: Present.

23 MR. THOMAS: I, Samuel Thomas,

1 chairperson, present. And let the record show
2 that Christina Stone, city attorney; Jennifer
3 Voss, senior planner; Geoffrey Urda, planner
4 and Mike Lumbis planning and community director
5 are also present.

6 This is a continuation of the hearing for
7 the area variance request for 507-509 Holcomb
8 Street, which we last spoke about on May 20th
9 and we'll continue with that hearing for the
10 area variance request.

11 Allison, before we start, are you -- can
12 you give me -- acknowledge that Allison
13 Crossman is present?

14 MS. CROSSMAN: Yes, I'm here.

15 MR. THOMAS: I have acknowledged that
16 Allison Crossman is present.

17 Okay, why is everyone freezing? Hello?
18 Can you hear me?

19 THE REPORTER: Yes.

20 MR. THOMAS: Okay. Very good.

21 Okay, we have -- we requested an easement
22 and we received one last week. An updated
23 easement that was provided to us this afternoon

1 and if our applicants Mr. Monica or
2 Mr. English-Monica would like to speak about
3 that we could start our meeting, but again
4 please state your name for the record and your
5 address?

6 (The reporter interrupted the hearing)

7 MR. THOMAS: Mike?

8 MR. LUMBIS: Geoff, can you hit the
9 record button please.

10 MR. URDA: Yes.

11 MR. LUMBIS: Thanks.

12 MR. MONICA: Okay. John Monica. The
13 last meeting requested that we provide the
14 diagram of -- at the last meeting you requested
15 an easement where the driveway is for the
16 parking lot so that both properties have
17 lifetime use of the driveway and the parking
18 lot, so, we've obtained that the original
19 version was -- might not as complete as it
20 could have been, but we submitted a newer
21 version that our lawyer put together earlier
22 today.

23 MR. THOMAS: I'm assuming -- has everyone

1 had a chance to look at that revised version?

2 Okay, I'm seeing nods of yes.

3 Ms. Stone, we were having a discussion
4 about it, does the revised version, I would ask
5 your opinion on that.

6 MS. STONE: Yes, I've had an opportunity
7 to look at the second easement and it does
8 address the parking and the ingress and egress
9 on the driveway.

10 I just had a few questions with regards
11 to the easement and then the location -- the
12 boundary locations for the applicants. Do you
13 guys know where your boundary line that divides
14 the two properties actually is?

15 MR. MONICA: Yes.

16 MS. STONE: Where in proximity to the
17 driveway is the boundary line for Holcomb
18 Street?

19 MR. ENGLIS-MONICA: It's right up the
20 center.

21 MS. STONE: So each property --

22 MR. ENGLIS-MONICA: Originally it was two
23 driveways that was side by side that was split

1 at the fence. Took the fence down and cut down
2 a couple of trees to make one giant driveway.

3 MS. STONE: Okay. So you're going to say
4 that the boundary line dividing the two
5 properties run to the center of the one single
6 driveway now?

7 MR. ENGLIS-MONICA: Yes.

8 MS. STONE: Okay. The other -- so I
9 think that's important, you do have reciprocal
10 easement between the two properties since
11 you're stating that the boundary line runs
12 through the center of that driveway. It should
13 benefit and burden both properties.

14 The second question I had in dealing with
15 the easements itself, you might want to have
16 something regarding the cost to maintain and
17 repair the driveway, it's going to be borne by
18 -- equally by both properties -- both
19 properties. I know you guys both owned
20 property now, but in the future if you were to
21 sell one or to sell both of them that probably
22 should be addressed.

23 MR. ENGLIS-MONICA: It looks as far as

1 the maintenance and all that, it looks like
2 items number one and two both -- I think the
3 last lines says it.

4 MS. STONE: It says a right to repair but
5 it doesn't talk about who is going to pay for
6 it and that's usually -- that's usually when
7 people run into squabbles. Well, it needs to
8 be repaved or blacktopped or, you know,
9 something and then whose going to pay for it,
10 you know.

11 Something about that the driveway portion
12 of the -- of the area should be clear and
13 unobstructed and no blocking. You might want
14 to add that. In -- in what about snow removal?
15 Snow removal. And then I didn't know if you
16 really wanted to talk about the parking
17 designation because it looks like from your
18 diagram you're going be able to have one car
19 directly behind the Holcomb Street property and
20 then the other five along the Ten Eyck Street
21 property; is that correct?

22 MR. ENGLIS-MONICA: That's -- yes.

23 MS. STONE: Yeah, I didn't know if you

1 really wanted to designate -- I mean that's up
2 to you guys, you know, if you were to sell
3 Holcomb Street, would you allow Holcomb Street
4 property to park on the Ten Eyck Street
5 property? I really commend you for getting
6 this revised and I think it's pretty -- it
7 pretty much does the -- has the intent of what
8 I think the Board was looking for.

9 MR. ENGLIS-MONICA: Okay.

10 MR. THOMAS: First, Ms. Stone --

11 MS. STONE: Yes.

12 MR. THOMAS: -- question. So we had a
13 concern about the first easement needing
14 revisions, which that has been provided for.
15 Obviously, that's what we've been -- that's
16 what we required and for this area variance
17 request. The other piece is that you mentioned
18 about maintenances cost for snow removal and
19 upgrades if the parking -- if the parking lot
20 needs to be repaired in some way. Who, in the
21 future, one or the property piece is sold
22 should that be a stipulation in this or is that
23 just an item of information that you've

1 prepared for the applicants.

2 MS. STONE: That would be -- that would
3 be up to them as the applicant and the owners
4 of the property, whether or not you want to
5 revise even further, to go into more details to
6 spell out the rights and regulations of each
7 property would -- what would you expect from
8 each property.

9 You know, right now they own it, so
10 they're not going to argue with each other
11 about whether or not -- who's going to pay for
12 snow removal and who can park where, but in the
13 future if you were to sell both properties or
14 one property that could be an issue.

15 MR. THOMAS: So as far as the mutual
16 driveway easement is concerned, it satisfies
17 what we were looking for at this point without
18 further --

19 MS. STONE: Yes.

20 MR. THOMAS: -- amendment?

21 MS. STONE: Yes.

22 MR. THOMAS: Okay. Very good. Before we
23 proceed are there other questions by zoning

1 board members or city planning?

2 MS. CROSSMAN: I do just have one
3 question. Can everyone hear me?

4 MR. THOMAS: Yes.

5 MS. CROSSMAN: I know that the easement
6 was supposed to be filed with the clerk; is
7 this correct? Is that how that works?

8 MR. ENGLIS-MONICA: It was filed today.

9 MS. CROSSMAN: Okay -- remains that
10 Christina has recommended that it would be just
11 a replacement of what's been filed at the
12 point.

13 MS. STONE: Yes, they could amend it in
14 the future.

15 MS. CROSSMAN: That was all.

16 MR. THOMAS: Other questions by zoning
17 board members, for the planning, city attorney?

18 If there are no further questions, are
19 zoning board members prepared to vote if
20 there's no further comments by City or by our
21 city attorney, city planning?

22 Mr. Urda?

23 MR. URDA: I don't have a question. I'll

1 just make one comment for the record, for
2 eternity, is that you guys do not need to
3 consider a SEQR tonight because you considered
4 the SEQR at the last meeting and this would be
5 the part of whole action. Which I think
6 everybody knows, but I just wanted that to be
7 on the record.

8 MR. THOMAS: Okay. Thank you.

9 Are board members prepared to meet or
10 vote?

11 Okay, very good. I would proceed and
12 please keep in mind the -- the stipulations for
13 area variance as you're responding in your
14 vote.

15 The decision to reduce the minimum lot
16 size per household to establish a two-family
17 dwelling at 507-509 Holcomb Street has been
18 presented by Mr. John English Monica and
19 Mr. William Monica.

20 The existing structure has lost its
21 grandfathered status having been vacant since
22 2009. According to City Code section 310-13 a
23 minimum of 7,500 square feet for a household

1 and for this two-family residence at least
2 15,000 square feet would be needed to allow for
3 a two-family dwelling. The parcel at 507-509
4 Holcomb Street is 4,029 square feet, which is
5 73.14% reduction of lot size requirement.

6 I've considered the following for this
7 area variance request since this is a
8 landlocked property the benefits of the
9 applicant cannot be achieved by some other
10 means. However, the owners at 507-509 Holcomb
11 Street also own the adjacent property directly
12 the north at 277 Ten Eyck Street, which hosts
13 apart of a common driveway shared between the
14 two properties. They have provided recently
15 amended driveway easement and assigned a
16 forever permanent right-of-way and easement for
17 ingress, egress and parking for motor vehicle,
18 foot, on, over, through and across both pieces
19 of driveway property. Furthermore, the
20 easement also states provisions for says
21 necessary maintenances.

22 I do view this as a self-created
23 difficulty, as the owners knowingly purchased

1 these properties with restricted yard for
2 parking availability and a percentage of
3 reduction for this area variance request is
4 substantial. Due to limiting parking, it would
5 be the responsibility of the property owners to
6 convey and assign particular parking spaces for
7 two perspective tenants. However, they are
8 able to accomplish rehabilitation plans it will
9 be an asset to the neighborhood. There does
10 not appear to be environmental problems
11 associated with the area variance request.
12 Since there is limited space snow removal
13 should be attempted in such a way that it
14 minimizes potential parking problems.

15 I vote yes to the area variance request
16 at 507-509 Holcomb Street with a stipulation
17 that the provisions and the easement dated the
18 17th day of June 2020 are strictly enforced.

19 Okay. Thank you.

20 Mr. Hickey, are you prepared to vote?

21 MR. HICKEY: I am.

22 This is in regard to 507-509 Holcomb
23 Street. It's an area variance 559 reducing the

1 minimum lot size. The property lost its
2 grandfather status in 2009. And there are five
3 points in an area variance that we need to
4 discuss.

5 The first is that the dimension
6 alteration is not seriously out of place in the
7 neighborhood. The residence has always been a
8 duplex and is remaining so.

9 The second point, is we find that there
10 is no other alternative that are financially
11 feasible for that property such as conversion
12 to a single-family home would not be
13 financially economically.

14 The third point, is somewhat substantial
15 and that is our 15% rule. The property would
16 be built and zoned correctly, should be about a
17 15,000 square foot parcel. It is a 4,029
18 square foot parcel, which is a 37% reduction.
19 However, this property is landlocked. It has
20 been and has always been a duplex and the
21 outside dimensions of the property are not
22 going to change. I find no impact concerning
23 drainage, traffic, dust, noise, odor or

1 emergency services.

2 I personally don't consider this to be a
3 self-created difficulty, since we have
4 established that this property was a duplex
5 right along. We are still establishing. The
6 house configuration is the same as it has
7 existed and I vote yes for the area variance
8 number 559.

9 MR. THOMAS: Thank you.

10 Ms. Crossman.

11 MS. CROSSMAN: In regards to area
12 variance request at 507 Holcomb Street,
13 variance request number 559. I agree with the
14 comments made by Mr. Thomas and Mr. Hickey,
15 though the requested variance is substantial I
16 don't believe that there are any other
17 alternatives that make sense due to the parking
18 area of the property, landlocked, and that the
19 property as we've already determined is in fact
20 operated as a duplex. So as long as the
21 stipulation of the permanent right-of-way
22 through 277 Ten Eyck Street remain in effect, I
23 vote yes to the area variance number 559.

1 MR. THOMAS: Thank you. I would ask as
2 -- before that when you are voting to make sure
3 that the easement piece is added to however or
4 whatever -- however you should decide to vote
5 on this particular stipulation.

6 Mr. Grass.

7 MR. GRASS: Yes.

8 In regards to file 559, 507-509 Holcomb
9 Street, I want to thank the property owners for
10 their patience as we work through and overcome
11 our current COVID situation. That's hopefully
12 is winding down. After reviewing the easement
13 and the provided parking diagram, and
14 considering this property was already a duplex
15 I have no worries that it is becoming a duplex
16 again would negatively effect the cities
17 municipalities or the neighborhood, I vote yes
18 in granting the easement -- for the area
19 variance, excuse me.

20 MR. THOMAS: The stipulation of the
21 easement correct.

22 MR. GRASS: Yes, sorry.

23 MR. THOMAS: Mrs. Filippelli.

1 MS. FLIPIANI: Hi, I am voting yes for
2 variance 559 as long as the easement is
3 followed which was filed today and I wish you
4 guys the best of luck.

5 MR. THOMAS: Thank you.

6 The area variance has been -- will be
7 granted as you have five yes votes and zero no
8 votes. I wish you the very best on your
9 project. And it will be and I'm sure when
10 you're finished or you met your goals this will
11 be an asset to our city and neighborhoods.

12 Thank you. And again, thank you for your
13 patience in having to go through this process,
14 which is far different from everything that
15 we've experienced in recent years.

16 And Mr. Urda, you will guide
17 Mr. English-Monica and Mr. Monica in the
18 followup and -- piece so they can begin their
19 renovation project.

20 MR. URDA: Yes, I'm glad you brought that
21 up, because I will be e-mailing everyone the
22 decision form first thing in the morning. The
23 sooner I get all five signatures the sooner I

1 can take it to code enforcement and get them
2 moving. So everyone keep an eye on your
3 e-mails. Thank you.

4 Now I'd like also to thank John and
5 William for their patience for the last three
6 months.

7 MR. ENGLIS-MONICA: Thank you.

8 (The reporter asked for clarification.)

9 MR. MONICA: Thanks everyone and I
10 appreciate everyone's time and when we do have
11 the duplex done, as like we did with our Ten
12 Eyck Street when we finish then we'll have an
13 open house. And we will get ahold of Geoff so
14 we can invite everyone to tour through.

15 MR. THOMAS: Thank you. We look forward
16 to that. If there are no questions or comments
17 from the board, may I have a motion to close
18 the meeting? Somebody?

19 MS. CROSSMAN: I'll like a motion,
20 Allison.

21 MS. FLIPIANI: Second.

22 MR. THOMAS: All in the favor?

23 (All signaled aye.)

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MR. THOMAS: Thank you. And have a great evening.

(The meeting concluded at 7:19 PM.)

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 20,
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 13TH day of July 2020.

13 _____
14 Mary E. Burnham, Court Reporter

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