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CITY OF WATERTOWN
ZONING BOARD OF APPEALS
JANUARY 20, 2021

1 ZONING BOARD:

2 SAMUEL S. THOMAS, Chairman
PATRICK HICKEY

3 ALLISON CROSSMAN (via videoconference)
BENJAMIN GRASS

4 CHRISTINE FILIPELLI

5 ALSO PRESENT:

CHRISTINA STONE, CITY ATTORNEY

6 GEOFF URDA, PLANNER

MICHAEL DEMARCO, SENIOR PLANNER

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1 MR. THOMAS: I'd like to call the Zoning
2 Board of Appeals meeting to order at 7 PM.
3 Please be aware that Allison Crossman is
4 present virtually so we do need to be cautious
5 of when we are finishing statements so we all
6 have an opportunity to express ourselves.

7 I'll begin with roll call. Allison
8 Crossman.

9 MS. CROSSMAN: Present.

10 MR. THOMAS: Patrick Hickey.

11 MR. HICKEY: Present.

12 MR. THOMAS: Christin Filippelli.

13 MS. FILIPELLI: Present.

14 MR. THOMAS: Ben Grass?

15 MR. GRASS: Here.

16 MR. THOMAS: And Samuel Thomas, myself,
17 present as chairperson. Let the record show
18 that Christina Stone, city attorney is here.
19 Geoffrey Urda, city planner. Mike DeMarco is
20 not present.

21 So we're going to continue the hearing
22 for 1222 Arsenal Street applicant is Stateway
23 Plaza Wine and Liquor LLC. This is a

1 continuation of the meeting that was held on
2 December 16th. If the applicant -- we
3 received your revised information. If you have
4 comments that you would like to make towards
5 the Zoning Board of Appeals please do so.
6 Identify your name and address for the record.

7 MR. WEISIGER: My name is Glenn Weisiger.
8 I live in Manlius, New York and on Tuesday
9 January 12th I sent Geoff Urda this email
10 letter through Geoff Urda to the city of
11 Watertown ZBA.

12 "Attached and listed below is for your
13 review and the City of Watertown ZBA to review
14 the following."

15 I attached Bargain signage exhibit which
16 includes the new sign ban under the existing
17 rooftop sign okay. You can see all of the
18 estimates that were received for the store
19 sign. Almost \$6,000. Pylon in front of the
20 store, 1,086 and the pylon Stateway Plaza sign
21 578. The City of Watertown, I have three
22 locations that we are proposing. One hundred
23 ten square feet on the sign ban below what Rite

1 Aid used. Forty-two and a half feet of the
2 double-sided pylon sign in front of the store.
3 This is most critical. And 22.3 square feet of
4 the double-sided Stateway Plaza pylon sign.
5 Total proposed square footage of the signage is
6 174.8 square feet. I attached
7 confidentially -- we had a conversation about
8 this -- Stateway Plaza Wine and Liquor L.L.C. a
9 three-year projection cash flow statement that
10 we did before the meeting on November 30th,
11 2020.

12 I have the pylon sign in front of our
13 store which is totally successful to the
14 success of the store. And I have the sign of
15 that. Since then I also sent Geoff Urda a cash
16 flow analysis without the pylon sign in front
17 of the store; okay? That's all I have.

18 (Michael DeMarco entered the room.)

19 MR. URDA: Before the board asks
20 questions, I'll quickly follow up on something
21 the applicant said. He said he had a
22 conversation with me. He noticed that he sent
23 one of those pieces confidentially, but I

1 called him shortly after to let him know that
2 once submitted as part of an application it
3 does become part of the public record in the
4 sense that if any citizens came into City Hall
5 and wanted to examine one of these application
6 files it will be in there. The applicant is
7 aware of that.

8 MR. WEISIGER: That's right.

9 MR. THOMAS: We did receive your cash
10 flow analysis without the pylon sign in front
11 of the setback store, that piece which is
12 critical in reviewing whether or not you are
13 going to yield a reasonable return based
14 upon -- your findings are without the pylon
15 sign.

16 I guess we will start with questions.
17 Are there questions by colleagues?

18 MS. FILIPELLI: I have a question. I'm
19 not sure who to ask this and maybe I should
20 know the answer to this but I just don't. We
21 couldn't vote last time because there was
22 another meeting on the 29th of December it
23 happened.

1 MR. THOMAS: Yes.

2 MS. FILIPELLI: What was that for? I'm
3 sorry. I couldn't really hear last time on the
4 meeting.

5 MR. URDA: I can answer that question for
6 you. Because this application is within 500
7 feet of a municipal boundary and because it's
8 within 500 feet of a state-maintained highway
9 we refer to the Jefferson County planning board
10 pursuant to General Municipal Law 239M. At
11 their meeting in December the Jefferson
12 Planning Board adopted a motion stating it was
13 of local concern only, which freed the local
14 board, which is you, to make a decision. But
15 the reason you couldn't vote last month was
16 because the county hadn't even seen it yet.

17 MS. FILIPELLI: Perfect. Thank you.

18 MR. THOMAS: So taking a look at this in
19 pieces, what you're proposing, and we did
20 discuss this at the last meeting, was that the
21 signage on the parapet piece, you would move
22 that to below the roof line, so it would be
23 banding across that the top of that storefront,

1 such as is Planet Fitness and I think Ollie's
2 has the same concept of things.

3 MR. WEISIGER: That's right.

4 MR. THOMAS: Now with that parapet piece
5 it concerns me. It's up a little bit high.
6 Are you planning to remove that?

7 MR. WEISIGER: We spoke to the landlord
8 and told the landlord that he has to move it.

9 MR. THOMAS: Okay. Thank you.

10 MR. HICKEY: The original overhead sign
11 that we're still talking, rooftop sign,
12 originally was 110 square feet. When you bring
13 that down, are you still going to maintain 110?

14 MR. WEISIGER: That's right.

15 MR. URDA: I'll quickly say, Mr. Hickey,
16 you are still considering the use and area
17 variance.

18 MR. THOMAS: Right exactly. Getting back
19 to -- because our first one is with the use
20 variance. One of my concerns I have with cash
21 flow analysis that you presented. It says
22 without the pylon sign in front of the store
23 setback. Realizing that you are requesting

1 this and I under that, but the business has not
2 been operating without that pylon sign. It's a
3 projection. So in trying to determine whether
4 or not it's a loss of revenue according to the
5 standards for use variance it doesn't -- in my
6 opinion, it doesn't meet that piece; that
7 you're projecting this loss but it's not
8 actually dollars and cents figures based upon
9 your being in that store and not being able to
10 yield a reasonable return because you don't
11 have that freestanding sign.

12 That is the first piece that we are
13 looking at. I know it's a little difficult
14 because you're trying to put everything
15 together here. You know, proving -- and I have
16 said this before, that a use variance is
17 difficult to demonstrate, especially with the
18 dollars and cents figures that are required.
19 You indicate a loss here, but as stated before,
20 you haven't been in the store so to show that;
21 we don't have the pylon sign, so therefore we
22 are operating at a loss.

23 Another concern that came up at the last

1 month's meeting was and I asked this question
2 of the City, if a pylon sign is, say, it were
3 granted and that would be only one allowed for
4 in that plaza that can't occur as a
5 stipulation, because each business, for
6 instance, I think there are two of them
7 there -- Ollie's and Planet Fitness -- if they
8 request a freestanding sign, they'd have the
9 right to go through that process.

10 I spent a lot of time there the other day
11 trying to envision in using the graphic of your
12 freestanding sign. For me, I felt like in that
13 plaza I had to almost drive to the pylon sign
14 to know exactly what it was going to represent
15 because it's a large plaza and, you know, you
16 have to be aware of traffic patterns. I think
17 rooftop signage or below the roof line serves
18 as a better marker for what's in those
19 buildings. I had to get close to that pylon
20 sign in order to determine what it was supposed
21 to -- what you're proposing that it represents.
22 So that is a concern of mine.

23 It is a bit of a congested plaza. When I

1 was there, traffic was flowing in different
2 directions. You really have to be aware of
3 where you were going and what your destination
4 is to avoid a potential accident, I feel. So
5 that would be mine -- when I'm looking at that
6 pylon sign -- and you're saying you need it --
7 but yet at the same time one has to drive
8 almost to it to know what exactly it's saying.

9 It was suggested -- and I think, Mr.
10 Grass, you suggested that perhaps, because of
11 that Western Boulevard development, that
12 signage should perhaps be considered on the
13 northwest side of that building. It might
14 serve -- might be more appealing, might be able
15 to attract more customers. Is that something
16 that you have thought about?

17 MR. WEISIGER: We thought about it and
18 looked at it and decided we can't have it. Jim
19 will explain.

20 MR. MALONE: Jim Malone, also from
21 Manlius, New York. This would -- the pylon
22 sign would actually serve the purpose of
23 showing from both entrances to the plaza. When

1 we drove in there tonight, you can't even see
2 our storefront until you actually get past
3 Planet Fitness and take the turn into the
4 shopping center, but you can see the pylon from
5 when you come in. It would also serve the
6 purpose of the people coming in from the other
7 side.

8 As far as putting a sign up on the other
9 side of the building, we're already incurring a
10 \$6,000 expense to make a new sign to bring down
11 the Rite Aid Liquors on the top to be under the
12 roof line, which was great, but I don't think
13 it would be in our best interest to spend
14 another \$6,000 to put up a sign on other side
15 of the building where we would have traffic
16 coming in, but not as much as the other side of
17 the plaza.

18 MR. THOMAS: I know we're not supposed to
19 be talking about the area variance, but I have
20 to ask this question. You're saying it was
21 difficult to identify your business. I didn't
22 think the pylon sign that was helpful in my
23 opinion. But would your rooftop sign be

1 lighted?

2 MR. WEISIGER: Yes, the rooftop sign
3 would be lighted and the pylon sign would be
4 lighted.

5 MR. THOMAS: What other forms of
6 advertising are you going to utilize to promote
7 your business?

8 MR. WEISIGER: A billboard is very
9 important and newspaper.

10 MR. THOMAS: I'm assuming social media.

11 MR. MALONE: Social media, yeah, of
12 course.

13 MR. THOMAS: Have you looked into
14 billboarding?

15 MR. WEISIGER: That's right. We called
16 and look into it.

17 MR. THOMAS: Okay.

18 MR. MALONE: For billboard on the 81?

19 MR. THOMAS: So billboarding is being
20 considered. I don't know what the cost of
21 billboarding is but then we were looking at an
22 alternative signage on the northwest side,
23 you're saying that would be cost prohibitive.

1 MR. WEISIGER: On the northwest side,
2 it's very small and shrunk down and the traffic
3 cannot see coming in. It wouldn't -- the
4 dollars spent on the sign wouldn't weigh as
5 much as a pylon sign would.

6 MR. URDA: I want to clarify something.
7 I think the building extents straight
8 north-south so the side would be straight north
9 for the record.

10 MS. FILIPELLI: I have another question.
11 Mr. Urda probably already took care of this.
12 But you're saying double sided, is that the
13 21.25 or something on one side and 21 on the
14 other side?

15 MR. WEISIGER: That's right.

16 MS. FILIPELLI: Ms. Stone, you would
17 probably know. When I was reading the code
18 something in what I was reading, it doesn't
19 count for both sides or is that only a sandwich
20 boards?

21 MS. STONE: It counts for both sides,
22 doesn't it?

23 MR. URDA: I believe it counts for both.

1 Yes, the 21.25 on each side yields the 42.5 you
2 see on the sheet.

3 MS. FILIPELLI: Okay. Because I read
4 something about the sandwich board.

5 MR. URDA: This is referring to the one
6 the shape of our placards that you see on
7 sidewalk out in front of a sidewalk cafe. You
8 see them a lot.

9 MS. STONE: You put out in the morning
10 and take in at night.

11 MS. FILIPELLI: The other thing I thought
12 I read and you can clarify for me, if it's used
13 for advertising of specials it doesn't count
14 against sign, that usage.

15 MR. URDA: Right. If a restaurant was
16 like Vito's will have their daily specials on
17 the chalk board inside. If they had their
18 daily specials on a sandwich board outside,
19 chicken wrap with curry, that wouldn't count.

20 MS. FILIPELLI: So could they put on the
21 specials of the week on the pylon sign or would
22 that -- that would not work?

23 MR. URDA: I'm not really sure if that

1 code applies to properties classified as
2 restaurants or if it extends to other forms of
3 retail.

4 MS. FILIPELLI: That would take them down
5 to their -- underneath their number of the
6 square footage.

7 MR. URDA: Again that's the area
8 variance.

9 MS. STONE: Have to advertise, put their
10 name and like whatever wine of the week
11 whatever.

12 MS. FILIPELLI: But if they did that, it
13 would take them below the number.

14 MS. STONE: No, they would still have --
15 they had to advertise their name, put their
16 name on it, that would count as a sign and not
17 as a special.

18 MS. FILIPELLI: Okay. So if they just
19 put the specials. If they put wine three
20 bottles for 18 or whatever, like that. That
21 wouldn't count against them, square footage.

22 MS. STONE: I would have to look at the
23 code. I think it might be even more difficult

1 for them changing it.

2 MR. WEISIGER: Our sign would look like
3 this.

4 MS. FILIPELLI: I'm just trying to think
5 of alternatives for you guys.

6 MR. WEISIGER: Yeah.

7 MR. THOMAS: Further questions?

8 MR. GRASS: Sir, will the rooftop sign
9 that you've now said you're going to move down,
10 is that still going to be on the facade of
11 where it is or is it going to be more centered
12 on the actual store itself.

13 MR. WEISIGER: It will be right on this.

14 MR. GRASS: So right under the existing
15 one.

16 MR. WEISIGER: Yeah.

17 MR. GRASS: Okay.

18 MR. THOMAS: It appears to me that
19 hearing what my colleagues here are talking
20 about concerning the pylon sign, I don't
21 believe there is strong support for that. You
22 know, that will go to a vote for determination.
23 I know we spoke at length about the issue. I

1 have served on this board for a number of years
2 I feel the sign ordinance in the City of
3 Watertown allows for some -- a bit of
4 flexibility, the highest amount is 200 square
5 feet. Other communities it's much less. Pylon
6 signs are not always allowed.

7 We have always tried to hold the line on
8 signage. It can be excessive and it can be an
9 overload especially for vehicle traffic. As I
10 said before, I feel the location of that sign,
11 had to come right up on it to figure out where
12 it was. It was during -- it was during -- it
13 was a sunny day to find -- to determine its
14 location.

15 I feel when a business such as this, that
16 it is a destination purchase. One may chose
17 to -- they will have their particular brands
18 that they know stores will carry. I'm sure
19 once you have established that here in the
20 community that should do well. I'm not quite
21 sure that a pylon sign is going to make or
22 break this establishment. I mean commend you.
23 I think it's great you're coming to our

1 community to provide this thing, but yet at the
2 same time, looking at a pylon sign, especially
3 in this area, I don't feel is going to make a
4 significant difference in sales.

5 MS. FILIPELLI: I have a question. What
6 if you were to not use the main sign of the
7 plaza. What if you were not to use that.
8 Frankly, when I saw that sign -- the Stateway
9 Plaza, half of them are wrong, half of them are
10 broken. It's not an attractive sign at all.
11 Was that something you could consider?
12 Keeping -- if you kept the pylon for them, but
13 they didn't use the one on the actually plaza.

14 MR. MALONE: That is what we were just
15 discussing and we're kind of going back and
16 forth on that issue.

17 MR. URDA: Allow me to say something
18 quickly. So the variance is for a second
19 freestanding sign on the same parcel. So in
20 the potential future that you are both
21 suggesting the applicant would still need the
22 benefit of a use variance. Their sign would
23 still be the second physical freestanding sign

1 on one parcel in addition to the Stateway Plaza
2 sign on the south end. The board would have
3 the authority to grant such a variance but it
4 still would need to be a variance.

5 MS. STONE: I think the board has to look
6 at if that pylon sign wasn't there because it
7 shouldn't be there. Right? When Right Aid
8 left, Rite Aid Liquors left, that sign should
9 have come down. What you're looking at is if
10 they wanted to put up a sign there. Just
11 because there is a sign there should have no
12 factor in your discussion for the legal
13 standard for the use variance. Allison didn't
14 hear that because I wasn't able to give you a
15 mic.

16 Did Allison hear that?

17 MS. CROSSMAN: I heard my name, but I
18 didn't hear what was said. What was that?

19 MS. STONE: I said that you should look
20 at it as if that pylon sign it not even there.
21 And that if you grant the use variance then you
22 would be putting a new sign so to speak.

23 MS. CROSSMAN: I think I heard, which I

1 have been familiar with is it's only one
2 freestanding sign per parcel, not per business.
3 They can't use -- if they chose not to utilize
4 the pylon sign that's existing, the large one
5 for that plaza, we would still have to grant
6 the variance for them to construct or utilize
7 the existing freestanding sign that they are
8 proposing to use.

9 MR. URDA: That's correct.

10 MS. STONE: That's correct.

11 MR. WEISIGER: Rite Aid's lease is still
12 operating. Rite Aid's lease is still going.
13 It goes to January 2024.

14 MS. STONE: In my opinion the tenant
15 there and occupying it even though they are
16 paying the rent, they're duly obligated,
17 they're still not occupying it. So that's why
18 you have to get a use variance.

19 MS. CROSSMAN: Is the liquor license for
20 Rite Aid still in existence that was occupying
21 the space with the lease or did that become
22 eliminated when they left the space?

23 MR. WEISIGER: The liquor license is

1 terminated.

2 MS. CROSSMAN: It was terminated.

3 MR. WEISIGER: Yes.

4 MS. FILIPELLI: So are you subletting
5 from Rite Aid?

6 MR. WEISIGER: Yes. Number 6 I state,
7 Stateway Plaza is a sublease under Rite Aid
8 lease which expires January 1st, 2024.

9 MR. THOMAS: So to clarify this, if they
10 chose not to use the Stateway Plaza directory
11 sign, if you will, they're still asking for
12 that freestanding sign, which requires -- the
13 pylon sign which requires a use variance.

14 MS. STONE: Yes. Unfortunately, yes.

15 MR. THOMAS: Very good. On the Stateway
16 Plaza directory sign, it will pretty much say
17 what you're looking -- what have you here on
18 the --

19 MR. WEISIGER: That's right. That's
20 right.

21 MR. THOMAS: The colors are well stated.
22 I can recall in some of our variance requests
23 when colors such as this have been used, it

1 actually -- the signage has been increased but
2 hasn't, but it looks larger to the eye. So
3 that is -- you know, hopefully that with
4 capture the attention of others.

5 MR. GRASS: I agree, Sam, because with
6 that sign not being lit very well, some of the
7 darker sign that are the Stateway plaza sign it
8 is difficult to read the signs, some of the
9 darker ones. With those colors there, I think
10 those will stand out quite a bit more.

11 MR. THOMAS: We are not supposed to vote
12 on colors and so forth, but at the same time
13 some of variance that we have looked at in the
14 past, you know, utilizing contrasting colors
15 can be helpful. You are going to be on the
16 lower right-hand corner is easier. It's within
17 eyesight when you're approaching that plaza.
18 It's more readily accessible or easier to view
19 as opposed to being at a higher level where
20 someone can get lost in all of the signage.

21 Are there further comments or questions?
22 Ms. Stone?

23 MS. STONE: I have nothing further to

1 say.

2 MR. THOMAS: Are we comfortable in
3 looking at a vote this evening for this use
4 variance request before we move on to the area
5 variance request?

6 MS. CROSSMAN: I have a quick question
7 about the voting. Is it all or nothing?
8 Meaning, if we do grant the use variance that
9 means we do grant the increase in the signage
10 or if you don't grant the use variance we also
11 don't grant the increase in the extra sign
12 surface?

13 MR. URDA: You will consider them
14 separately. If you vote yes on the use
15 variance then you would consider the full
16 amount in the area variance. If you voted no
17 on the use variance, you would only be
18 considering sign one and sign three on the area
19 variance. So it will reduce the number of
20 square footage you would be considering when
21 you did vote on the area variance, if you voted
22 no on the use variance.

23 MS. CROSSMAN: Sorry, that was a little

1 muffled, but to make sure I understand, the
2 area variance -- if we were to vote no for the
3 use variance, the area variance may not be
4 required if that pylon sign were to be
5 eliminated from the maximum footage?

6 MR. URDA: No, it would still be required
7 because they would still exceed 122 square
8 feet.

9 MS. CROSSMAN: Okay.

10 MR. URDA: They would be a 132.3. They
11 would be over by 11.3 square feet.

12 MS. CROSSMAN: You said 142.3.

13 MR. URDA: 132.3. 110 plus 22.3 would be
14 the main sign on their front roof line and the
15 pylon sign the front of the plaza.

16 MS. CROSSMAN: Okay.

17 MR. THOMAS: Further questions?

18 From the applicants?

19 MR. MALONE: No.

20 MR. WEISIGER: No.

21 MR. THOMAS: Before we vote we will have
22 to have a motion to close the public hearing
23 for the use variance request.

1 MR. HICKEY: Motion to close the public
2 hearing.

3 MR. THOMAS: I need a second.

4 MS. FILIPELLI: I second.

5 MR. THOMAS: All in favor?

6 (All signaled aye.)

7 MR. URDA: You also have a SQER form,
8 part 2 of the SQER. You will have to consider
9 that before you can vote on the use variance.

10 MR. THOMAS: I thought we were going to
11 do that after the area variance.

12 MR. URDA: You will have to consider the
13 two as a whole action so you're not segmenting
14 the environment review. You do need to
15 complete the form before you can vote.

16 MR. THOMAS: We'll begin that now. It's
17 the short environment access form part two of
18 impact assessment.

19 Please answer no or small impact may
20 occur, moderate to large impact may occur.
21 Oftentimes it's nay or yeah.

22 Will the proposed the action create a
23 material conflict with an adopted land use plan

1 or zoning regulations?

2 No.

3 Will the proposed action result in the
4 change in the use or intensity of use of land?

5 No.

6 Will the proposed action impair the
7 character or quality of the existing community?

8 No.

9 Will the proposed action have an impact
10 on the environment, environmental
11 characteristics that cause the establishment of
12 a critical environmental area?

13 No.

14 Will the proposed action result in an
15 adverse change in existing level of traffic or
16 affecting existing infrastructure for mass
17 transit, biking or walkway?

18 No.

19 Will the proposed action cause an
20 increase in the use of energy and fail to
21 incorporate reasonably available energy
22 conservation or renewable energy opportunity?

23 No.

1 Will the proposed action impact A,
2 existing public private water supplies?

3 No.

4 B, public private wastewater treatment
5 utilities?

6 No.

7 Will the proposed action impair the
8 character or quality of the important historic
9 archeological, architectural or aesthetic
10 resources?

11 No.

12 Will the proposed action result in
13 adverse change in natural resources? Example:
14 Wetlands, water bodies, brown water, air
15 quality, flora and fauna?

16 No.

17 Will the proposed action result in an
18 increase in the potential for erosion,
19 flooding, or drainage problems?

20 No.

21 Will the proposed action create a hazard
22 to environmental resources for human health?

23 No.

1 MR. URDA: Hold on that to sheet. When
2 we get to the end.

3 MR. THOMAS: You have to read that you.

4 MR. URDA: You have to make a motion to
5 adopt the a negative declaration pursuant to
6 SEQR.

7 MR. THOMAS: Mr. Hickey.

8 MR. HICKEY: I move that we adopt the
9 resolution findings that the proposed variance
10 will have no significant adverse effects or
11 environmental impacts.

12 MR. THOMAS: Motion to accept.

13 MS. FILIPELLI: I'll motion to accept.

14 MR. THOMAS: All in favor.

15 (All signaled aye.)

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

17 I will bring with the voting process. In
18 request for a use variance petition or a second
19 freestanding sign at the newly proposed
20 Stateway Plaza Wine and Liquor Store located at
21 1222 Arsenal Street at the Stateway Plaza
22 shopping center as being considered by the
23 Zoning Board of Appeals.

1 The second freestanding sign that is
2 being proposed is already in place and existed
3 for many years by the previous occupant, the
4 former Rite Aid Liquor Store. It is a detached
5 whole sign located in on the northwest corner
6 of the building. Since it is of nonconforming
7 status, the sign does not have a grandfather
8 status. It can only be approved by use
9 variance, which in most cases is very difficult
10 to prove.

11 Therefore, the use variance for a
12 42-square-foot second freestanding sign has
13 been given the following consideration:

14 The applicant provided projected cash
15 flow analysis indicating that without the
16 second freestanding sign in front of their
17 store a reasonable return cannot be achieved on
18 an annual basis. While income versus expenses
19 are presented, the figures show a projected
20 loss of about \$53,150. I do not consider this
21 information as proof that reasonable return
22 cannot be made from the zoning requirements or
23 in other words that the store has not been in

1 operation without a second freestanding sign.

2 The applicant feels that the location of
3 the store is unique since it is not highly
4 visible as it's located at the end -- as an end
5 building of that plaza, which also houses
6 Ollie's Discount Store and Planet Fitness.
7 There's also a large empty storefront in the
8 middle of this building. However, the sign for
9 the building is located below the roof line
10 also proposed for the wine and liquor store.

11 The parapet sign of 110 feet will be
12 moved just below the roof line. This will
13 allow for uniformity with the existing
14 storefront. The pylon sign would also provide
15 for advertising for the business. The recess
16 entry to the wine and liquor store is an
17 advantage, I feel offers form of protection
18 especially in adverse weather conditions, the
19 building configuration of that plaza should not
20 hamper the visibility.

21 As stated before, but the applicants are
22 not comfortable with this request, that on the
23 north -- advertising instead of a pylon sign

1 could be considered on the north wall of the
2 business and it may be advantageous for those
3 traveling in a westerly direction. I do not
4 feel these are unique conditions that affect
5 this property or the nearby area. I do not
6 feel the additional freestanding sign will
7 alter the character of the plaza. It is too
8 far away to be seen from Arsenal Street.
9 Furthermore, it's difficult to see the
10 freestanding sign when entering or exiting the
11 plaza. One must be, from my experience, to be
12 in close proximities and not to be distracted
13 or overwhelmed by traffic patterns when
14 determining what that signage is actually
15 representing.

16 Lastly, the applicant has the right to
17 apply for a use variance to seek relief to
18 signage regulations. In this case they're
19 fully aware of potential outcomes and have
20 chosen not to establish a business in this
21 location until a decision is granted about the
22 request. Although there's not strong evidence
23 supporting or demonstrating the need for a use

1 variance, I do not feel the alleged difficulty
2 was self-created. However, I'm voting no to
3 use variance request for additional
4 freestanding sign for the Stateway Plaza Wine
5 and Liquor Store.

6 Lastly, it will also be setting a
7 precedent for additional freestanding signs, it
8 could create unnecessary and excessive
9 advertising in this plaza and I feel could pose
10 potential safety hazards. I feel this business
11 attracts mainly destination shoppers which will
12 most likely rely on alternative types of
13 advertising such as Internet, fliers and an
14 array of media outlets. Thank you.

15 Mr. Hickey.

16 MR. HICKEY: This is in regard to item
17 563, 564 of 1222 Arsenal Street. It's
18 concerning a second freestanding sign that is
19 detached from the building on a pole, 42.5
20 square foot pylon sign. In the use variance it
21 does required all four items to be granted in
22 order to grant a variance.

23 The first is a financial piece. The

1 store currently is not in operation. The
2 business profit and loss statement that have
3 been reviewed are actually subject to some open
4 interpretation since the store has not been in
5 operation. I do not consider the financial
6 piece something that would take great deal of
7 merit.

8 The uniqueness of the property, it does
9 set back visibly from the other stores in the
10 area. It's on the end of the plaza. So I
11 believe that uniqueness can be seen.

12 It does not change the character of the
13 neighborhood at all. This is business strip
14 that the store would likely be placed into.

15 I do not consider it to be a hardship.
16 Since the pylon sign is not grandfathered from
17 prior use, it really cannot be considered so
18 the use variance as requesting that a sign be
19 built basically and for those considerations, I
20 vote yes to the use variance.

21 MR. THOMAS: Thank you, Mr. Hickey.
22 Allison.

23 MS. CROSSMAN: In regards to the use

1 variance 563 for 1222 Arsenal Street to allow
2 multiple freestanding signs on a single parcel.
3 I under the concerns regarding visibility that
4 the applicant has shared but unfortunately
5 after reviewing the information provided, I do
6 not believe that it meets the criteria for the
7 use variance to allow an extra freestanding
8 sign. I am sorry, I vote no to the use
9 variance. Thank you.

10 MR. THOMAS: Mr. Grass.

11 MR. GRASS: In response to case number
12 563, a use variance to allow a multiple
13 freestanding signs on a single parcel. City
14 code section 310-52.2 states that it is
15 intended to protect property values create more
16 attractive economic and business atmosphere and
17 to protect the physical appearance of the
18 community. Whenever there's regulation there's
19 always some level necessary hardship and
20 inconvenience shared by all the community. In
21 this case, I do not believe that the applicants
22 have proven hardship and for case 563, I vote
23 no.

1 MR. THOMAS: Thank you.

2 MS. FILIPELLI: In regards to No. 563 to
3 keep the suspense I'm voting yes. And I think
4 the main sticking point for me is that you are
5 subletting. Kind of a moot point, but I think
6 because you are subletting it that I think --
7 I'm sorry that you didn't get it, but I do for
8 the financial reason I know advertising works
9 and that's unfortunate. My question I guess
10 going forward would be, what is going to
11 happen? We are just going to have a blank sign
12 there now? It is a unique spot where are you,
13 and I don't like -- personal preference, I
14 don't like Stateway Plaza sign. It's not very
15 good. And really hardship is you're subletting
16 it, so if I were to have read the lease that
17 I'm sure you read is that you were going in to
18 2024 and that would have protected this. So
19 I'm sorry, I'm voting, yes, but I'm sorry.

20 MR. THOMAS: With three no votes and two
21 yes votes for the use variance, the use
22 variance has been denied.

23 You raised a good question about will

1 this sign remain as an empty sign.

2 Does the zoning board -- can we look at
3 that as removal of that pylon sign if the --

4 MS. STONE: I can talk to code and
5 identify that it should be removed. As I said,
6 the previous need when COVID hit and they
7 haven't gotten to address that and other
8 problems.

9 MR. URDA: Another issue is I think the
10 property owners are from Quebec and the border
11 has been closed for the last year. I do
12 understand there's a local property manager
13 based in the U.S.

14 Ms. Stone is right, code enforcement
15 should have informed the property owners to
16 take it down 11 months ago.

17 MS. FILIPELLI: Can I just ask one
18 question and this is for my information. When
19 do the signage like change? Obviously the
20 pylon was already there. So when it was --
21 when the code was changed do we know when that
22 was changed? Like, how could this have -- like
23 it's already there. So if they're lease is up

1 in 2024 -- if Rite Aid was still there. I'm
2 not asking for this case. If it's up in
3 2024 --

4 MS. STONE: If it's the same tenant, they
5 get to enjoy that grandfather status. Once
6 they stop utilizing that premises, it's not
7 like a building with the use. That's not
8 allowed. It's only a year. There is no time
9 period. Once they stop it, then it's not
10 grandfathered any longer so.

11 MS. FILIPELLI: I guess I'm more
12 confused. They're subletting it.

13 MS. STONE: That has no nothing to do
14 with it.

15 MR. URDA: The lease is separate from the
16 zoning ordinance, which governs signage. This
17 is a completely hypothetical example, but if
18 you owned a restaurant then the neighborhood
19 that your restaurant is in is subsequently
20 rezoned as commercial or, excuse me,
21 subsequently rezoned as residential you can
22 continue operating that restaurant in that
23 residential zone until you cease. It's

1 grandfathered as Ms. Stone said.

2 Most uses like a restaurant in a
3 residential zone, once the operation ceases
4 there's still 12 months to reestablish it
5 before it loses that grandfather status. The
6 legal technical term for it is legal
7 nonconforming, but it's written specifically
8 into the zoning ordinance with signs. The
9 grandfathered signs there isn't the 12-month
10 grace period. At some point in the past the
11 signage was legal and then it at some point the
12 zoning ordinance did change which made it
13 illegal and Rite Aid was able to continue with
14 the illegal amount because it was
15 grandfathered. Does that answer the question?

16 MS. FILIPELLI: It does. Okay. I'm
17 just -- the subletting thing is really what is
18 the kicker for me.

19 MR. THOMAS: Good questions.

20 MR. URDA: This does bear slightly on the
21 applicants area variance. You will no longer
22 be considering 174.8 because the second
23 proposed sign, front freestanding sign is no

1 longer relevant. You will be considering the
2 rooftop sign, which we now know is on the
3 front, but it is still 110.

4 MR. MALONE: It's 6 by 18.

5 MR. URDA: It's 108 plus 22.3. You will
6 be considering 130.3 square feet. The maximum
7 allowable is 122. So it's an increase of 8.3
8 square feet is the number that you will be
9 considering when you consider the area
10 variance.

11 MR. THOMAS: We'll move on to the area
12 variance to increase the maximum allowed sign
13 surface area, again for 1222 Arsenal Street
14 Stateway Plaza Wine and Liquor Store L.L.C.

15 Well, obviously our area variance request
16 is very minimal and I'm very pleased that
17 you're moving that parapet sign to below the
18 roof line. Are there questions? Comments? If
19 there are none, City's position?

20 MR. URDA: The City takes no position.

21 MR. THOMAS: Thank you. Then may I
22 motion to close the hearing for the area
23 variance request?

1 MR. HICKEY: Motion to close the public
2 hearing for the area variance.

3 MS. FILIPELLI: I second.

4 MR. THOMAS: All in favor?

5 (All signaled aye.)

6 MR. THOMAS: I will begin. Although the
7 requested variance is only now 8.3 square feet
8 for reasons stated in the use variance request
9 I do not feel it will have an adverse impact on
10 the neighborhood or district. There are no
11 environmental impacts. Furthermore, the
12 removal of the parapet signage enhances the
13 curb appeal for this and other businesses
14 located in the plaza. I do not feel it's a
15 self-created difficulty. I'm voting yes to the
16 area variance request allowing for 8.3 square
17 feet of additional signage for 1222 Arsenal
18 Street Stateway Plaza Wine and Liquor Store.

19 You are saying they are going to remove
20 the parapet sign. Should there be a
21 stipulation like within six months after they
22 commence the lease that that will be removed or
23 is that something that codes will handle?

1 MR. URDA: The board is empowered to
2 grant reasonable conditions, so it's within
3 your power to determine an appropriate
4 timeframe.

5 MS. STONE: From my position, they
6 don't -- the tenant doesn't own that sign that
7 goes with the property as a fixture. It's
8 really the owner. Mr. Urda said before. But
9 they do have local property management. I
10 think they're out of Syracuse. So there is no
11 reason why the property management can't take
12 care of that even though the owners are in
13 Canada. You can make it a condition, but
14 really can't make it a condition for the
15 tenant. They don't -- they don't own that
16 sign. So I think it's unreasonable that they
17 would be required to do that.

18 MR. THOMAS: Thank you. Mr. Hickey.

19 MR. HICKEY: This is in regards to the
20 area variance for 1222 Arsenal Street with
21 removal of the pylon sign it's reduced square
22 footage from 174 square foot down to 130 square
23 foot. One hundred twenty-two is the maximum

1 store frontage that they can have, eight
2 percent overage. I vote yes.

3 MR. THOMAS: Thank you.

4 Mrs. Crossman.

5 MS. CROSSMAN: In regard to the area
6 variance 564 for 1222 Arsenal Street to
7 increase the maximum sign surface from 122 feet
8 to 130.3. I votes yes. Thank you.

9 MR. THOMAS: Okay. Thank you. Mr.
10 Grass.

11 MR. GRASS: Case 564 area variance
12 increase the maximum allowed sign surface area,
13 given the outcome of the use variance I vote
14 yes to increase -- to allow them to go over the
15 maximum allowed amount.

16 MR. THOMAS: Thank you. Mrs. Filipelli.

17 MS. FILIPELLI: This is in regard to file
18 number 564. I vote yes and I would like to
19 thank you guys for taking into account moving
20 the sign. I know this is costing you guys a
21 lot to do this. I have also been encouraged to
22 read up on the code to see if you can use that
23 other sign.

1 MR. THOMAS: We have five yes votes and
2 your area variance has been granted. Thank you
3 for your time and patience with this process.

4 MR. MALONE: Thank you for your time
5 also.

6 MR. URDA: I have a question for Ms.
7 Stone. Would the sign that's need to come
8 below the roof line, is there any enforcement
9 mechanism for that because that was originally
10 part of use variance last month. They withdrew
11 that request only because they volunteered to
12 bring it down. Does the City have any
13 enforcement mechanism?

14 MS. STONE: If the owner doesn't take it
15 down, then the City will bring an action
16 requiring them to take it down. I guess if the
17 new tenants if you are moving in putting that
18 sign on the store frontage that there is no
19 need for it, that it comes down. You obviously
20 know who the property manager is.

21 MR. WEISIGER: Yes.

22 MR. MALONE: Yes.

23 MR. URDA: I'll be mailing you a copy of

1 both decision forms. I'll get them out
2 tomorrow.

3 MR. WEISIGER: Thank you.

4 MR. MALONE: Thank you.

5 MR. THOMAS: We are going to move on to
6 the next case I need to read the Notice of
7 Public Hearing Request for variance of the
8 zoning ordinance of the City of Watertown.

9 Notice is hereby given that the Zoning
10 Board of Appeals of the City of Watertown, New
11 York will meet on January 20th, 2021, at 7:00
12 at the City Council Chamber on the third floor
13 of City Hall for the purpose of hearing one
14 variance request. Variance request no. 565 is
15 for the property located at 154 Thompson
16 Boulevard being parcel no. 13-06-413.000
17 submitted by Daniel Maguire to vary the
18 regulations of Section 310-16 of the zoning
19 ordinance pertaining to side yard setback
20 requirements. All those interested may appear
21 and be heard on the subject. This will be a
22 hybrid in person/virtual meeting with the
23 option to participate remotely using the online

1 teleconferencing platform GoToMeeting or attend
2 at City Hall. If you wish to attend virtually
3 please contact the planning department prior to
4 the meeting at (315)785-7441 or
5 planning@watertown-newyork.gov no later than
6 4:00~PM on Tuesday January 19th, 2021. The
7 city staff will e-mail a personalized
8 invitation and instructions in advance of the
9 meeting that will allow access to the virtual
10 meeting room. If you wish attend in person
11 please note that all visitors to City Hall will
12 need to sign in upon arrival and wear a mask at
13 all times while in the building. Copies of the
14 request are available for public inspection and
15 copying by contacting the planning department
16 at the phone number or e-mail stated above. In
17 addition the public may submit comments prior to
18 the hearing by US Mail to the City of Watertown
19 Planning and Community Development Department
20 245 Washington Street, Room 305 or by e-mail to
21 planning@watertown-newyork.gov and any comments
22 received will be appended to the hearing
23 record. This is dated January 12th, 2020.

1 Geoffrey Urda, planner.

2 We will proceed with number 3, 565 area
3 variance to reduce the side yard setback
4 location at 154 Thompson Boulevard.

5 Are you Mr. Daniel Maguire?

6 MR. MAGUIRE: I am.

7 MR. THOMAS: Please state your name.

8 MR. HICKEY: Can I make a comment. I'd
9 like to make a comment that I personally did a
10 site visit at 154 Thompson Boulevard. I did
11 take a few pictures that I had given to the
12 council members and I believe you also got an
13 e-mail concerning these. I will give this to
14 the applicant so he can see what we are looking
15 at.

16 MR. URDA: Chairperson, I wish to state
17 for the records that the City received no
18 requests to participate virtually tonight. The
19 only out reach the City received was from the
20 neighbor who fronts on the Green Street and
21 backs up to Mr. Maguire property and she wanted
22 to make sure that nothing was going to be built
23 across the property line. And of course

1 nothing would be so.

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

3 Mr. Maguire, you may proceed.

4 MR. MAGUIRE: Well, it's pretty cut and
5 dry. We are going to expand the garage from 18
6 wide to 24-feet wide. If we come in on the
7 5-foot line, it's going to put the garage about
8 a foot to a foot and a half away from the deck
9 and that access to the backyard. It's not
10 really very pleasing looking at what you need
11 plus I think it would be a fire hazard if one
12 of the two structures caught on fire, it would
13 able to jump to other structures.

14 MR. THOMAS: So if you kept it in the
15 same footprint it would present that?

16 MR. MAGUIRE: Right.

17 MR. THOMAS: May I ask what type of
18 roofing material will you be using?

19 MR. MAGUIRE: Asphalt.

20 MR. THOMAS: Asphalt shingles?

21 MR. MAGUIRE: Yes.

22 MR. THOMAS: Is there a second story to
23 this garage?

1 MR. MAGUIRE: It's going to be -- have
2 a -- added truss gable on it. So there will be
3 a small second story to it.

4 MR. THOMAS: Will you have access like a
5 stairway.

6 MR. MAGUIRE: Yeah, I'll put a stairway
7 in.

8 MR. THOMAS: What would that be used for?

9 MR. MAGUIRE: Just for storage.

10 MR. THOMAS: Okay.

11 MR. MAGUIRE: Lawn furniture.

12 MR. THOMAS: Thank you, Mr. Hickey, for
13 providing the pictures for the previous
14 applications and this application. It very
15 helpful.

16 Are you there going to be rain gutters on
17 this?

18 MR. MAGUIRE: Yeah.

19 MR. THOMAS: And in the picture that has
20 been supplied here I see is that staked out at
21 5 feet.

22 MR. MAGUIRE: No, it's the actual
23 property line.

1 MR. THOMAS: Okay.

2 MR. MAGUIRE: And showing in the 2.9 feet
3 off the line right now.

4 MR. THOMAS: So to the extent I guess
5 this would be -- looking at it, it would be the
6 east wall?

7 MR. MAGUIRE: Yes.

8 MR. THOMAS: And then go out to 2.5 and
9 that.

10 MR. MAGUIRE: That wall would stay right
11 where it is right now. When I rebuilt. I want
12 to keep it exactly where it is. I don't need
13 to move over on the line. Just keep it where
14 it is?

15 MR. THOMAS: This wall right here?

16 MR. MAGUIRE: Yes.

17 MR. THOMAS: I thought you were going to
18 be moving it further to the --

19 MR. MAGUIRE: No, just in the same
20 footprint that it's in.

21 MS. FILIPELLI: I was confused by that
22 too. On the picture I thought that as well. I
23 thought you were moving to that.

1 MR. MAGUIRE: No. That's the property
2 line and I want to keep it right where it is.

3 MR. THOMAS: So right now it's 2.75 feet
4 side yard setback according to the application,
5 Mr. Urda?

6 MR. URDA: That's what the applicant
7 communicated.

8 MR. THOMAS: I was concerned about the
9 back piece. Does it satisfy the rear setback
10 which is supposed to be 3 feet?

11 MR. URDA: It's supposed to be 3.

12 MR. MAGUIRE: And I'll be 5 feet off of
13 it.

14 MR. THOMAS: All right. We don't have to
15 worry about that. The height of the garage, is
16 that satisfying requirements?

17 MR. URDA: There would be no issue with
18 the height.

19 MR. MAGUIRE: It would be the exact same
20 height as the garage of the next-door
21 neighbor's.

22 MR. THOMAS: Does your neighbor have a
23 garage.

1 MR. MAGUIRE: Yes. They built -- the
2 previous neighbor before that built one about
3 20 years ago?

4 MR. THOMAS: It's further away. It's
5 not -- I didn't -- when I am driving by I
6 didn't --

7 MR. MAGUIRE: It was quite a ways away
8 from the --

9 MR. HICKEY: It's further. It has quite
10 a bit of grass area between his driveway and
11 the garage that is behind the house.

12 MR. THOMAS: Is this going to be a wooden
13 structure, metal structure?

14 MR. MAGUIRE: Wooden. It will have two
15 or three levels of concrete block and then I'll
16 build with the wood.

17 MR. THOMAS: I noticed in this photo the
18 fencing here seems to match with that neighbor.

19 MR. MAGUIRE: Yes, that's his fencing. I
20 allowed them to put the fence up to the garage.

21 MR. THOMAS: And beyond the fence is the
22 rear setback?

23 MR. MAGUIRE: Yes.

1 MR. HICKEY: Mr. Maguire.

2 MR. MAGUIRE: Yes.

3 MR. HICKEY: You said you're going from
4 an 18-foot wide to a 24-foot wide.

5 MR. MAGUIRE: Yes.

6 MR. HICKEY: How many feet separate
7 between -- putting the garage on the same
8 footprint that it is now, how many feet would
9 you have between the end of the 24-foot and
10 your deck?

11 MR. MAGUIRE: If I keep it where it is
12 now?

13 MR. HICKEY: Right, where it's now.

14 MR. MAGUIRE: Roughly 3 to 3½ feet.

15 MR. URDA: Mr. Hickey, I will quickly
16 note, because the widths are different as
17 indicated in the staff memo, the footprint
18 largely overlaps but because the widths are
19 different it's impossible for them to be
20 identical that's why we can't treat it as if
21 it's identical.

22 MR. THOMAS: So actually since the widths
23 are different, but it falling on that same

1 footprint as the old garage the side yard
2 setback.

3 MR. URDA: In other words, if the new
4 garage were to be exactly the same footprint
5 down to the inch, the applicant wouldn't need a
6 variance. Because the footprint is different,
7 it is not the same structure as was there
8 before so that's why you're treating like a new
9 structure.

10 MR. HICKEY: And my point was that if we
11 wanted that garage to have a 5-foot side
12 setback you would loss any space you have got
13 between the garage and the deck.

14 MR. MAGUIRE: Right. Right.

15 MR. HICKEY: That was my point I was
16 trying to make.

17 MR. THOMAS: Was there consideration
18 about perhaps reducing the size of the garage.

19 MR. MAGUIRE: Well, I would have to if I
20 don't get this variance. I just kind of would
21 like to be the same as the neighbor's. I think
22 it would look better. Our houses are
23 identical. I thought it better for the garage

1 and I would like the space.

2 MR. THOMAS: Just making a note. Please
3 ask questions.

4 MR. MAGUIRE: I also have a letter from
5 the next-door neighbor stating they would
6 approve of the new variance if you did it.
7 They have no objection to it.

8 MR. HICKEY: Mr. Maguire, could you bring
9 that up please?

10 MR. MAGUIRE: Yup.

11 (Mr. Maguire complying with request)

12 MR. THOMAS: I will take a moment to read
13 this. It's addressed to the City of Watertown
14 Planning Board, 245 Washington Street,
15 Watertown, New York. To whom it may concern:
16 Our name are Casey Clevenger and Sidney Bail
17 and we reside 158 Thompson Boulevard,
18 Watertown, New York. We understand our
19 neighbors Daniel and April Maguire are in the
20 process of building a new garage. We
21 understand the new structure will be the same
22 distance from our property line, approximately
23 2 feet 9 inches as the old structure. We have

1 no objection to the new structure and its
2 location in relation to our property line as
3 stated above.

4 Sincerely, Casey Clevenger and Sidney
5 Bail.

6 If there are no further questions, City's
7 position, Mr. Urda?

8 MR. URDA: The City takes no position.

9 MR. THOMAS: Ms. Stone?

10 MS. STONE: From the city attorney, we
11 have no concerns either.

12 MR. THOMAS: Thank you. Mrs. Crossman,
13 we're most likely going to close the public
14 hearing, did you have any questions? She's
15 probably not hearing me.

16 MS. CROSSMAN: I'm sorry. I couldn't
17 quite hear that. I don't have any questions.

18 MR. THOMAS: We are going to close the
19 public hearing. I wanted to check in with you
20 to see if you had questions that perhaps were
21 not clarified or were easily understood in our
22 discussion.

23 MS. CROSSMAN: I have no further

1 questions. Thank you.

2 MR. THOMAS: Okay, thank you. Then may I
3 have a motion to close the public hearing?

4 MR. HICKEY: Make a motion to close the
5 public hearing.

6 MR. THOMAS: Can I have a second?

7 MS. FILIPELLI: Second.

8 MR. THOMAS: All in favor?

9 (All signaled aye.)

10 MR. THOMAS: Patrick could you begin,
11 because my notes are messy. I need to work on
12 this.

13 MR. HICKEY: Sure. This is in regards to
14 file no. 565 for 154 Thompson Boulevard
15 requesting a decrease in the side yard setback
16 from 5 feet down to 2 feet 9 inches based on
17 their next-door neighbor's letter to the
18 planning board. Again, we have five different
19 requirements in an area variance.

20 A dimensional alteration being proposed
21 resulting in that structure that we not be
22 seriously out of place in the neighborhood,
23 dealing with the garage behind their property.

1 Alternatives open to the applicant that are
2 lawful going from an 18-foot garage to a
3 24-foot garage within his property. The
4 reasonable judgment is whether the non
5 conforming being proposed is too great. We
6 usually have a 15 percent rule. It's requested
7 5-foot to 2.25 is a 45 percent reduction of the
8 minimum side yard setback. It is greater than
9 we normally would review. Potential impact of
10 drainage, traffic circulation, dust, effect on
11 emergency services do not apply and I don't
12 consider it is a self-created difficulty
13 because of the fact that we are replacing an
14 existing structure and only because we are
15 exceeding the footprint of the original
16 structure is the concern that it would need an
17 area variance for this. I feel he has
18 structurally given enough information for us to
19 make a valid point and consideration. I think
20 the fact that we can visually see his side of
21 his garage over the existing footprint already
22 does not meet a 5-foot setback requirement and
23 he needs this variance simply because we are

1 changing the footprint. I vote yes to the area
2 variance 565 for 154 Thompson Boulevard.

3 MR. MAGUIRE: Thank you.

4 MR. THOMAS: Mrs. Crossman?

5 MS. CROSSMAN: We are at area variance
6 565 at 154 Thompson Boulevard. The proposal is
7 to reduce the side yard setback to 2.75 from
8 the minimum of 6 feet. This is consistent with
9 the existing garage and I don't believe this
10 will have a negative effect on the neighborhood
11 at all. In fact I think it will only bring
12 positive things for the neighborhood and for
13 the property value. So I vote yes to the area
14 variance. Thank you.

15 MR. THOMAS: Thank you. Mr. Grass.

16 MR. GRASS: File Number 565. It's an
17 area variance to reduce the side yard setback.
18 I believe that demolishing the existing garage
19 and increasing its footprint is not an
20 undesirable addition to the neighborhood. The
21 existing garage is in poor condition. The
22 additional square footage of the garage will
23 increase the value of the property. I vote yes

1 to allow the reduction of the side yard
2 setback.

3 MR. THOMAS: Thank you.

4 MS. FILIPELLI: For area variance no. 565
5 at 154 Thompson, I'm voting yes. I applaud you
6 for bettering your neighborhood and thank you
7 for taking those old structures.

8 MR. MAGUIRE: Thank you.

9 MR. THOMAS: Lastly me. I have
10 considered the following for the area variance
11 petition to reduce the side yard setback on
12 east side of the property located at 154
13 Thompson Boulevard. This is needed to demolish
14 an existing detached garage that measured 19 by
15 20 feet and to construct new garage 24 by 36
16 feet. This request is in a Residential A
17 neighborhood. The applicant Mr. Daniel Maguire
18 states that the present garage is structurally
19 unsound and needs to be replaced. According to
20 the memorandum for this petition the proposed
21 location for the new garage is in the same
22 footprint as the original garage or 2.75 feet
23 from the property line. Therefore, the

1 requested variance of 2.25 feet which
2 represents 45% could be considered substantial
3 only because we are working with smaller
4 numbers. He indicates that he will be using
5 asphalt roofing which negates concerns for the
6 possibility of snow load going on to neighbor's
7 property. Also placing this garage at the
8 present footprint that he is seeking will allow
9 him greater distance in access to his yard from
10 an existing deck and also reduces the potential
11 for hazards because of the present -- if he
12 were to maintain a distance that was in
13 compliance or 5 feet from that property line.
14 I do not feel that this will be a detriment to
15 the neighborhood, nor do I feel that it's a
16 self-created hardship. Therefore, I am voting
17 yes to your area variance requests. You have
18 five yes votes and your area variance has been
19 approved.

20 MR. MAGUIRE: Thank you very much.

21 MR. THOMAS: Mr. Urda.

22 MR. URDA: I'll be mailing your decision
23 in the mail tomorrow. You should get it by

1 Monday.

2 MR. MAGUIRE: Thank you very much. I
3 appreciate your time.

4 MR. THOMAS: Okay. Thank you. Any
5 further business?

6 I would like everyone to know perhaps you
7 read this. Virginia Burdick, who chaired this
8 committee for many years and also served as a
9 zoning board member more than 25 years ago, her
10 daughter passed away this past week and resided
11 with her. So our thoughts and prayers are with
12 Virginia. Virginia was a very dedicated loyal
13 member of this board who, despite any difficult
14 situation that may be going on in her home, she
15 usually showed up for the meeting and forged
16 ahead. I wanted to inform you I believe the
17 calling hours and things have been held in
18 private.

19 May I have a motion to close the hearing.

20 MR. HICKEY: I make a motion to close the
21 hearing.

22 MR. THOMAS: A second.

23 MS. FILIPPELLI: Second.

1 MR. THOMAS: All in favor.

2 (All signaled aye.)

3 MR. THOMAS: Thank you.

4 (The meeting concluded at 7:55 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 63,
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 15th day of February 2021.

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

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