

S T A T E O F N E W Y O R K
COUNTY OF JEFFERSON

-----x
ZONING BOARD OF APPEALS

PUBLIC HEARING

#602

Area Variance to increase the maximum setback
in Residential District
-----x

245 Washington Street
Watertown, New York 13601
Wednesday, March 19, 2025

B E F O R E:

Chairperson:

Samuel S. Thomas

Board Members:

Adam Ruppe
James Corriveau
Molly Farrell

Senior Planner:

Geoffrey Urda

City Planner:

Joseph Albinus

City Attorney:

(Not present)

REPORTED BY:

Tiffany-Jo Ponce, RPR
Court Reporter

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1 CHAIRPERSON THOMAS: I'd like to call the
2 Zoning Board of Appeals meeting to order for the
3 City of Watertown, New York.

4 Before we get started, I'd like to
5 welcome Molly Farrell --

6 MS. FARRELL: Hello.

7 CHAIRPERSON THOMAS: -- our newest board
8 member. She will not be voting tonight, but this
9 will be her first meeting.

10 So welcome, Molly.

11 MS. FARRELL: Thank you.

12 CHAIRPERSON THOMAS: Begin with
13 attendance.

14 Adam Ruppe?

15 MR. RUPPE: Here.

16 CHAIRPERSON THOMAS: James Corriveau?

17 MR. CORRIVEAU: Here.

18 CHAIRPERSON THOMAS: Molly Farrell?

19 MS. FARRELL: Here.

20 CHAIRPERSON THOMAS: I, Samuel Thomas,
21 present. And let the record show that Joseph
22 Albinus, Planner, is here, along with Geoffrey
23 Urda, Senior Planner, is also present at tonight's
24 meeting.

25 I'd like to take a moment to read the

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1 Notice of Public Hearing Request for the variance
2 of the Zoning Ordinance of the City of Watertown.

3 Notice is hereby given that the Zoning
4 Board of Appeals of the City of Watertown,
5 New York, will meet on Wednesday, March 19, 2025,
6 at 7:00 p.m. in the City Council Chambers on the
7 Third Floor of City Hall, 245 Washington Street,
8 Watertown, New York, for the purpose of hearing one
9 area variance, Variance Request Number 602, for the
10 property located at 196 Duffy Street, being Parcel
11 Number 9-14-116.000, submitted by the applicant,
12 John T. Burt, to vary the regulations of
13 Section 310-21 of the zoning ordinance pertaining
14 to front-yard setback requirements in a residential
15 district.

16 This meeting is open to the public.
17 Copies of the above request are available for
18 public inspection by contacting the planning
19 department at the phone number given in this
20 notice. It's dated March 4, 2025, authored by
21 Joseph Albinus, Planner.

22 Now, I see, tonight, we have some -- we
23 are going to continue -- well, open the public
24 hearing because we were unable to do that.

25 But if you have any additional

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1 information you would like to present, please
2 approach the microphone, state your name for the
3 record and your address.

4 MR. BURT: Nothing's -- nothing's
5 changed. Nothing's changed.

6 CHAIRPERSON THOMAS: Okay. Thank you.
7 Colleagues, do you have any -- any
8 questions that you would like to entertain?

9 MR. RUPPE: Yeah, I do have one.

10 In your letter, you said that if you move
11 the house forward, you would have to move the
12 driveway over and that would cut down some trees.
13 I noticed in the pictures, there's also a tree
14 behind where you want to build the house. Would
15 that have to be removed for your construction?

16 MR. BURT: No. No.

17 MR. RUPPE: And if you did go forward,
18 why would you have to move the driveway over? It
19 looks like it's not exactly a straight line. Is
20 that why?

21 MR. BURT: Well, part of it is that's at
22 a slant, that frontage, and I want to be off
23 Basil's -- if you remember Basil.

24 MR. RUPPE: Yeah.

25 MR. BURT: I want to be off his line far

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1 enough to where I can put an addition, a porch, on
2 that far side. And if I come forward, that puts me
3 kind of sliding the house over.

4 MR. RUPPE: Okay. Yeah. I just wanted
5 to clarify that. Thank you.

6 MR. BURT: Yeah.

7 MS. FARRELL: So, in looking at this
8 colored picture, the house sitting in that area,
9 that looks like it's clear grass? Like, there's a
10 single tree, there's the driveway, and the house is
11 going to be --

12 MR. BURT: No. It is going to be --
13 that's Basil's house in the picture.

14 MS. FARRELL: This -- yeah.

15 MR. BURT: And it will be more up in that
16 over clearing right there (indicating).

17 MS. FARRELL: Okay. Thank you.

18 CHAIRPERSON THOMAS: Other questions?

19 Mr. Urda, Mr. Albinus, City's position?

20 MR. ALBINUS: No questions on my end.

21 CHAIRPERSON THOMAS: Okay. So this will
22 be, obviously, a simple case -- or a case of an
23 area variance. Okay.

24 MR. BURT: She -- when we were here
25 before --

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1 CHAIRPERSON THOMAS: Oh, yeah. We're
2 going to get to that.

3 Before we close the public hearing, if
4 there are others that would like, from the
5 neighborhood, to voice their opinions about the
6 case or -- please feel free to approach the
7 microphone.

8 AUDIENCE MEMBER: No. Just here for
9 support.

10 AUDIENCE MEMBER: Yeah. We don't mind if
11 he puts it back.

12 AUDIENCE MEMBER: Yeah.

13 AUDIENCE MEMBER: It doesn't bother us.

14 CHAIRPERSON THOMAS: So what I'm hearing
15 is that you're, obviously, in support of the area
16 variance.

17 AUDIENCE MEMBER: Yes.

18 CHAIRPERSON THOMAS: From City Planning,
19 after the notices went out to neighbors, did you
20 receive any phone calls?

21 MR. ALBINUS: I did not receive any phone
22 calls or emails.

23 CHAIRPERSON THOMAS: Okay. Very good.

24 We don't have to do the short form SEQR;
25 correct?

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1 MR. URDA: Type II action.

2 CHAIRPERSON THOMAS: Okay. So we will
3 vote. I would just -- we'll go to -- I need a
4 motion to close tonight's meeting.

5 But before we do that, I'd ask that when
6 it's time to vote, you try to recall the standards
7 for an area variance. It should be in your
8 response.

9 Okay. May I have a motion to close
10 the --

11 MR. CORRIVEAU: I'll make a motion to
12 close the hearing.

13 MR. RUPPE: Second.

14 CHAIRPERSON THOMAS: All in favor?

15 MR. CORRIVEAU: Aye.

16 CHAIRPERSON THOMAS: Very good. I'll
17 begin. Bear with me.

18 A petition was filed by Mr. John Burt to
19 reduce the required setback requirements for a
20 proposed single unit dwelling on a vacant lot at
21 196 Duffy Street. According to the City of
22 Watertown City Ordinance, Section 310-21 requires
23 that there be a maximum front-yard setback to the
24 average of other buildings on the same street or,
25 in this case, 13.6 feet.

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1 MR. URDA: That's correct.

2 CHAIRPERSON THOMAS: Yeah.

3 The applicant proposes to construct a new
4 house on the property that would be a setback of
5 40 feet from the Duffy Street right-of-way. The
6 code also requires that the rear-yard setback be at
7 least 10 feet from the nearest property line and
8 the setback be a minimum of 5 feet. The setbacks
9 aren't in compliance, along with the square footage
10 of the parcel.

11 This area variance request by the
12 applicant, in order to allow for a 40-foot setback
13 for a driveway, will allow for the preservation of
14 trees that are now on the lot. This represents a
15 294 percent increase of the maximum front-yard
16 setback in a residential district.

17 Although the requested variance of the
18 front-yard setback is substantial for this -- for
19 the property listed at 196 Duffy Street, I do not
20 feel it will have a negative impact on the
21 neighborhood. Should the applicant be in
22 compliance with the code, the removal of several
23 trees would be needed in order to accommodate a
24 driveway. This would reduce the value of the
25 property while compromising the natural beauty of

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1 street of the neighborhood.

2 The proposed home will be constructed in
3 such a way that it will not be in a straight row or
4 in line with the other houses that are already on
5 the street.

6 Now, in February, I drove down Duffy
7 Street to view the property in question. The width
8 of the roadway was very narrow, could only
9 accommodate, in the winter, one lane of traffic.
10 The snowbanks, which were high and wide and in some
11 cases were at the front wall of several of the
12 houses on this street. It didn't -- I don't
13 believe that a larger city plow would be able to
14 clear the snow for the street due to the width of
15 the roadway.

16 In reviewing -- in reviewing this
17 request, it would be nearly impossible for the
18 applicant to consider the preservation of the trees
19 by some other means. Therefore, there are no
20 environmental impacts. However, the preservation
21 of the trees will have a positive impact on the
22 neighborhood.

23 The homes on the street were constructed
24 long ago and setback requirements were most likely
25 not established at that time. Although the changes

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1 in the front-yard setbacks are not possible for
2 obvious reasons, I do not feel that this is a
3 self-created difficulty. Since this is the last
4 available lot on the street, the required setback
5 requirement could pose potential problems, as noted
6 in my response. There's already a home on the
7 street with a 55 front-yard setback, which seems, I
8 feel, to enhance the value of the house and of --
9 that seems to enhance the value of that particular
10 property.

11 There does not appear to be any
12 detriments or adversity to the neighborhood with
13 this 40-foot setback. Therefore, I vote yes to the
14 requested setback, 40 feet, proposed construction
15 of a driveway at 196 Duffy Street.

16 Mr. Ruppe?

17 MR. RUPPE: Yeah. I agree with
18 everything you said there. I don't see any
19 undesirable change. It doesn't look like you have
20 any other options. Numerically, it's substantial,
21 but, in context, I went down there again earlier
22 today, and the house across the street has a
23 similar design. The garage next to it is a similar
24 setback. I think it's going to blend right in on
25 that dead-end.

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1 So in their case, it's substantial, but I
2 don't think it's going to have any negative affect
3 on that environment. And in the presence of the
4 trees and the existing driveway, none of that's
5 self-created. So I have no reason to say no, and I
6 want to say yes, so that is my vote.

7 CHAIRPERSON THOMAS: Thank you.

8 MR. CORRIVEAU: I see no negative impacts
9 at all, and I support it.

10 CHAIRPERSON THOMAS: Okay. So we have
11 three yes votes. Of course, there's an abstention
12 so, therefore, the area variance has been granted.

13 MR. BURT: Yay.

14 CHAIRPERSON THOMAS: And you'll need to
15 speak to Mr. Albinus regarding follow-up procedures
16 so you can proceed with the construction of your
17 home.

18 What is the date that you're anticipating
19 to have everything done?

20 MR. BURT: This is a process kind of
21 because, right now, we live in the city, and I'm
22 finishing touching up things on our house. And our
23 intent is to sell our house so, hopefully, when we
24 buy the modular that's going in, we have no
25 mortgage.

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1 CHAIRPERSON THOMAS: Oh, okay.

2 MR. BURT: So I'm hoping to put ours on
3 the market about May time frame. They're telling
4 me there's about a four-month turnaround, but she
5 might differ with that because she just did the
6 same thing on the street (indicating). And -- so
7 hopefully before winter.

8 CHAIRPERSON THOMAS: Okay. Well, best
9 wishes in your project.

10 MR. BURT: Yeah. Well, right now, we're
11 going round and round with National Grid, so ...

12 MRS. BURT: Tell them they wanted to cut
13 down Basil's tree.

14 MR. BURT: Yeah. They wanted to cut
15 Basil's tree down. He's got that pine tree. And
16 so I went over to talk to them, and he says, "Oh,
17 my God, John. They can't cut my tree down. I
18 planted that when I was 15 years old."

19 So I had to get National Grid back over
20 there, and now they're going to run it down on the
21 opposite side of the street and bring it across,
22 but just all stuff ...

23 CHAIRPERSON THOMAS: You're saving a tree
24 in the process. That's always a good thing.

25 MR. BURT: I like that tree, too. It's

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1 kind of nice.

2 MRS. BURT: It's 50 years old.

3 MR. BURT: Yeah.

4 MRS. BURT: I mean, what would Niagara
5 Mohawk think of that? I mean, come on. You've got
6 nothing else? Give us a second option. Why did we
7 have to ask them and not have a second option, you
8 know ...

9 CHAIRPERSON THOMAS: Are there any
10 further questions by board members or comments that
11 you would like to make concerning any business that
12 needs to come before the zoning board of appeals?

13 Planning department?

14 Okay. So may I have a motion to close
15 tonight's public hearing?

16 MR. RUPPE: So moved.

17 MR. CORRIVEAU: I'll second it.

18 CHAIRPERSON THOMAS: All in favor?

19 MR. CORRIVEAU: Aye.

20 CHAIRPERSON THOMAS: Okay. Very good.

21 Thank you.

22 MR. BURT: Thank you.

23 AUDIENCE MEMBER: Thank you.

24 *(Proceedings concluded.)*

25

REPORTER'S CERTIFICATE

I, TIFFANY-JO K. PONCE, RPR, Senior Court Reporter and Notary Public in and for the State of New York, do hereby certify:

That the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that the witness was duly sworn or affirmed to testify to the truth; that the testimony and/or proceedings were stenographically recorded by me and transcribed under my supervision.

That the foregoing transcript contains a full, true, and accurate record of all the testimony and/or proceedings held on March 19, 2025.

That I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND this 20 day of March, 2025.



TIFFANY-JO K. PONCE, RPR
Senior Court Reporter