

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

-----x
ZONING BOARD OF APPEALS

PUBLIC HEARING

#603

Area variance to increase the allowed sign
surface area.

-----x
ZONING BOARD OF APPEALS

PUBLIC HEARING

#604

Use variance to allow a multiunit dwelling
in a residential district.

-----x
ZONING BOARD OF APPEALS

PUBLIC HEARING

#605

Area variance to increase the maximum
unbuilt frontage.

-----x
ZONING BOARD OF APPEALS

PUBLIC HEARING

#606

Area variance to reduce the required façade
transparency.

-----x

245 Washington Street
Watertown, New York 13601
Wednesday, May 21, 2025

B E F O R E:

Chairperson: Samuel S. Thomas

Board Members: Adam Ruppe
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 and begin
3 with attendance.

4 I, Samuel Thomas, present.

5 James Corriveau is absent.

6 Molly Farrell?

7 MS. FARRELL: Present.

8 CHAIRPERSON THOMAS: Adam Ruppe?

9 MR. RUPPE: Present.

10 CHAIRPERSON THOMAS: And let the record
11 show that Joseph Albinus, who's a planner, is here,
12 along with Senior Planner Geoff Urda.

13 And I will read the Notice of Public
14 Hearing Request for Variances of the Zoning
15 Ordinance of the City of Watertown.

16 Notice is hereby given that the Zoning
17 Board of Appeals of the City of Watertown,
18 New York, will meet on Wednesday, May 21, 2025, at
19 7:00 p.m. in City Council Chambers on the Third
20 Floor of City Hall for the purpose of hearing four
21 variance requests.

22 Variance Request Number 603 is for the
23 property located at 1283 Arsenal Street, being
24 Parcel Number 9-22-101.111, submitted by Serianni
25 Signs for an increase in the allowed surface area.

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1 Variance Request Number 604 is for the
2 property located at 510 Curtis Street, Parcel
3 Number 2-03-200.000, submitted by Aladin Umar to
4 allow a three-unit dwelling in a residential
5 district.

6 Parcel Number 7-06-119.100, 319 Coffeen
7 Street; Parcel Number 7-06-118.000, 327 Coffeen
8 Street; Parcel Number 7-06.117.000 in a section of
9 203 Massey Street, Parcel Number 7-0-1. -- I'm
10 sorry -- 101.00, submitted by Charles Marshall of
11 Stewart's Shops, Corporation, Variance Request
12 Number 605 is for ground floor front façade
13 transparency.

14 All hearings may be adjourned, if
15 necessary. The public -- the meeting is open to
16 the public. Copies of the above request are
17 available for public inspection by contacting the
18 planning department at (315)778-85 -- 785-7741 or
19 by email at planning@watertown-ny.gov. And this
20 was authored by Geoffrey Urda, our senior planner.

21 And first on the agenda is area variance
22 request be allowed sign surface area; location,
23 1283 Arsenal Street; applicant, Serianni Signs.

24 If you would like to approach the
25 microphone, you can please state your name, address

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1 for the record, and who you're representing. And,
2 also, you then can proceed forward with your
3 presentation.

4 MR. SERIANNI: Sounds great. My name is
5 Paul Serianni representing Serianni Signs and Blare
6 Signs out of California. We are from 453 Brown
7 Road, Frankfort, New York 13340, just a little bit
8 east of Utica. Frankfort is like, where's that, on
9 the map. Anyway, so, yeah, it was a nice two-hour
10 drive in the rain getting here. Thank you very
11 much.

12 So, yeah, what they're looking to do, as
13 you know, Burlington is looking to be competitive
14 with everyone else around them, and they spent some
15 time with us surveying the area around and, of
16 course, there are several signs that are on the
17 back of this facility that would equate to what
18 they are requesting. So it's not as though they're
19 looking for any favors or any gimmes. They believe
20 it's an even-keel across the board when it comes to
21 the sign presence within the area in the retail
22 area.

23 So that's the gist of it, pretty much.
24 If you have any more input for me, feel free to
25 ask.

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1 CHAIRPERSON THOMAS: I understand,
2 according to the application, your monument sign is
3 19.5 square feet, and that would be the sign out
4 that faces -- well, runs parallel to Arsenal
5 Street, and then front façade building sign is
6 179.5 square feet, and the back façade building
7 sign is 68.5 square feet.

8 MR. SERIANNI: Yes, sir.

9 CHAIRPERSON THOMAS: So we're total,
10 267.5 square feet, which is why you're here. It's
11 over by 33 percent, or 67.5 feet.

12 MR. SERIANNI: Yes, sir.

13 CHAIRPERSON THOMAS: Now, I went by there
14 today and other times. The back wall, you have not
15 attached a sign to it yet, have you?

16 MR. SERIANNI: No, sir.

17 CHAIRPERSON THOMAS: Okay. Now, for
18 the -- for the front -- I noticed Burlington is one
19 of the first big box stores there in the Price
20 Chopper plaza, and you made reference to other
21 stores, but each case needs to stand on its own
22 merit.

23 And their signage up there now, is that
24 what you -- you know, is that something you put up
25 and now we're expecting a variance? I just -- I'm

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1 a little confused by that.

2 MR. SERIANNI: Well, I believe that,
3 obviously, they have no choice but to put a sign up
4 front --

5 CHAIRPERSON THOMAS: Right.

6 MR. SERIANNI: -- and have it maximized
7 as much as possible. They have a space -- the
8 pylon sign, of course, they would, of course,
9 choose to take that. But, again, I just believe
10 that they're trying to make a presence there and
11 have everyone know.

12 81, obviously, is an excellent highway
13 for them for the exposure of their store, which
14 would really -- obviously helping their sales out,
15 you know, they believe. And, again, they're just
16 looking to have a fair shake at the sign presence
17 within the area and the complex. So ...

18 CHAIRPERSON THOMAS: Is the front façade
19 building sign that's presently there, is that 179.5
20 square feet?

21 MR. SERIANNI: I believe it is.

22 CHAIRPERSON THOMAS: Okay. So that's
23 already in place.

24 MR. SERIANNI: Yep. Yes, sir.

25 CHAIRPERSON THOMAS: All right.

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1 Now, the monument sign -- I've had issues
2 with this for years -- you can't see it when you're
3 driving down Arsenal Street. It runs parallel to
4 the road, and you have to turn and it's dangerous.

5 MR. SERIANNI: It's an odd -- I agree.

6 CHAIRPERSON THOMAS: Yeah, every monument
7 sign I've ever seen --

8 MS. FARRELL: It's perpendicular.

9 CHAIRPERSON THOMAS: Yeah, it's
10 perpendicular to the road. So when you're
11 driving -- in fact, the other day, I was like, you
12 know, who's going to -- they have all of that
13 listed up there, I see, on the --

14 MR. SERIANNI: Yes.

15 CHAIRPERSON THOMAS: -- on the thing, you
16 know. That's a lot of information. I think it's
17 insane, truthfully.

18 MR. SERIANNI: Well, I guess it's kind
19 of -- this one is kind of a grandfathered thing,
20 that why would they not -- I agree with you
21 100 percent. The idea about signs practicality of
22 it, if it's a really close passing towards it, it
23 should be a double-sided sign. If the sign exists
24 far from the road, it would make sense with a
25 one-sided sign facing, as long as there's no

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1 obstruction left to right.

2 CHAIRPERSON THOMAS: And I do -- I
3 noticed that, like, whenever you're coming off 81,
4 it's double-faced so you can -- it's probably
5 serving more of a purpose when you're coming off
6 that exit ramp on Arsenal Street --

7 MR. SERIANNI: Yeah, yeah. Sure.

8 CHAIRPERSON THOMAS: -- versus looking at
9 it going down Arsenal, which, to me, I think
10 creates -- that's a dangerous situation to be
11 distracted by that.

12 MR. SERIANNI: Yeah.

13 CHAIRPERSON THOMAS: So -- and your
14 overage is --

15 MR. SERIANNI: Well, if you want, you can
16 ask for it to be torn down and then we would be all
17 set.

18 CHAIRPERSON THOMAS: Well, you know, I
19 wish that there was something that -- and we've had
20 other variance requests in that plaza. I think the
21 last one being Ollie's, and there was a -- I
22 noticed that you put that in your application --

23 MR. SERIANNI: Yes, sir.

24 CHAIRPERSON THOMAS: -- because that's at
25 the far end of the plaza. And I think there was

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1 Pet Supplies. That's on the other side. So there
2 have been some requests and some variances in cases
3 like that.

4 But you are one of the -- you know, your
5 building comes right at you when you're driving in.
6 You can -- I think it's a great thing you've moved
7 inside of the city. I think that that's a real
8 positive -- you know, it's good for us.

9 MR. SERIANNI: Sure, sure.

10 CHAIRPERSON THOMAS: But at the same
11 time, though, I -- you know, I am concerned
12 about -- that's significant, in my --

13 MR. SERIANNI: Is it?

14 CHAIRPERSON THOMAS: Yeah, it is. So,
15 you know, you want to think in terms of how can
16 that be pared-down, from my opinion. I can't speak
17 for my colleagues.

18 MR. SERIANNI: Sure, sure.

19 CHAIRPERSON THOMAS: They can ask --

20 MS. FARRELL: But it looks like other
21 stores have signs that face 81 --

22 MR. SERIANNI: Yes.

23 MS. FARRELL: -- like TJ Maxx, Pet
24 Supplies, and Dollar Tree. They all have signs
25 that face 81.

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1 MR. SERIANNI: Yes, ma'am.

2 MS. FARRELL: Have you totaled up, like,
3 the square footage of those signage compared to
4 the --

5 MR. SERIANNI: I'm not -- I don't think
6 we captured every one, to be honest with you. I
7 think there were just a couple that we compared.
8 We can do some more research, if you would like for
9 us to --

10 MS. FARRELL: I guess I would be curious
11 to see, like, in terms of scale, the size of the
12 letters, how much bigger the Burlington sign would
13 be. I mean -- I mean, I know it's a longer word
14 than, say, Pet Supplies --

15 MR. SERIANNI: Yeah.

16 MS. FARRELL: -- so it's going to be
17 bigger because of that, but --

18 MR. SERIANNI: Yeah. And letter height
19 obviously plays a role in all that good stuff, for
20 sure, and visibility and impact. There's a lot of
21 factors, how much impact there is compared to being
22 further back, less bold letters, smaller letters.
23 So we felt that was an appropriate size.

24 I don't feel like it's oversized. You
25 know, if you look at the left-hand and right-hand

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1 side of that -- of that part of the structure
2 building, there's plenty of negative space.
3 There's white space there. So they're not trying
4 to fill out the whole thing. That was basically a
5 medium compared to some of the other stores,
6 visually, that we had seen and looked at, and that
7 was somewhat of a medium that we felt was a fair --
8 fair size compared to the others.

9 MS. FARRELL: Yeah. I mean, it needs to
10 be readable from the highway.

11 CHAIRPERSON THOMAS: And I notice you
12 have the sign "Wow" down there.

13 Like, if that were to be eliminated,
14 would -- Mr. Urda, that would decrease the total
15 signage?

16 MR. ALBINUS: Yes, it would. By, I
17 think, a couple square feet, but it would still be
18 a --

19 CHAIRPERSON THOMAS: Overage.

20 MR. ALBINUS: Yeah. It would still be
21 over the 50 percent, I believe.

22 MR. SERIANNI: You know, if you don't
23 like the "Wow" or something --

24 CHAIRPERSON THOMAS: No. I'm just trying
25 to find ways to decrease the amount of signage.

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1 MR. SERIANNI: Got you. Got you.

2 CHAIRPERSON THOMAS: You know, I've been
3 on the zoning board for a long time, and we always
4 try to control the signage, especially on Arsenal
5 Street, because, you know, after a while, it's a
6 lot of signage pollution --

7 MR. SERIANNI: Sure.

8 CHAIRPERSON THOMAS: -- and it's -- you
9 know ...

10 MR. SERIANNI: Yeah. Everybody's
11 fighting for sign space and being noticed and all
12 that, and I totally understand.

13 CHAIRPERSON THOMAS: And we have a
14 liberal ordinance of 200 square feet. That's quite
15 a bit of signage that one is allowed.

16 How many Burlington stores are there,
17 nationally?

18 MR. SERIANNI: You know, I'm not sure.
19 I'm so sorry I don't know the answer.

20 CHAIRPERSON THOMAS: Because I'm sure
21 they'd have to adhere to all different --

22 MR. SERIANNI: I believe this is a newer
23 subcopy, "Deals, brands, and wow." I think it's
24 their latest, because the last one we did do for
25 them, that was not on there. It's just, obviously,

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1 a marketing program for them.

2 CHAIRPERSON THOMAS: Yeah.

3 MR. SERIANNI: Other than -- but if you
4 asked, "Well, can you remove that," I'm pretty sure
5 their answer will be yes. If we can put the sign
6 up, they would be happy to work with you a little
7 bit or whenever you -- you ask, you know. Or
8 reduce the sign size a little bit.

9 CHAIRPERSON THOMAS: That would be
10 helpful.

11 MR. SERIANNI: You know, if -- we're
12 happy with something. I'm sure they would be happy
13 with something. So if you said, "Okay. Let's
14 reduce the sign by 20 percent," I'm sure it will
15 still -- it could still be read. It just may not
16 be quite as impacting as they want, you know, as I
17 said, compared to the others.

18 But, listen, something is better than
19 nothing, and maybe they would consider to be happy
20 losers, you know, on that one that they didn't get
21 the full shot, but --

22 CHAIRPERSON THOMAS: Well -- and I think
23 most people in this community, because they've been
24 talking about how Burlington has relocated to the
25 Price Chopper plaza.

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1 And, you know, and it's been, you know,
2 from what I -- from -- in my service, it's been a
3 positive response.

4 MR. SERIANNI: Great.

5 CHAIRPERSON THOMAS: People are happy
6 about it. So I don't know if the signage is
7 really -- at this point in time is going to play a
8 great deal of -- of -- it's going to have a great
9 impact.

10 The other thing, too, with that pylon
11 sign, you know, you want something off of 81 and
12 you have -- you have it on your -- you want it on
13 the back of your building, I take it.

14 MR. SERIANNI: Yeah. Their only concern
15 is is when you got a series of signs together, you
16 tend to sometimes blend in --

17 CHAIRPERSON THOMAS: Right.

18 MR. SERIANNI: -- you know, and with all
19 the different logos on there, it gets a little
20 busy. And I think, you know, it becomes a little
21 bit of a collage and not nearly as impacting,
22 noticed, that that's one of their concerns as well
23 is, you know, when you've got a bunch of them,
24 yeah, it's something, but it's -- for them, they
25 just don't feel like it's -- it's -- they almost

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1 considered not doing that, to be honest with you,
2 because of -- because of the reason you had said.
3 And it's just a little bit busy and an odd length.

4 As you can see, the name had to be
5 somewhat small for the upper, lower case letter of
6 the G, and, of course, the heart's a little big,
7 too, but that's even a little small in there. So
8 they kind of lose that impact as well, left to
9 right, compared to the other ones. Staples may be
10 the same.

11 CHAIRPERSON THOMAS: You know, with all
12 the places -- not that I've traveled a lot, but
13 that's one of the few places I know where the
14 sign -- the pylon sign runs parallel to the road.
15 And I was going -- you know, everyone goes up
16 and -- at least I have been up and down Arsenal,
17 and I was looking today and I turned quickly back,
18 because if I were new in town, I wouldn't --

19 MR. SERIANNI: You'd lose it you.

20 CHAIRPERSON THOMAS: Yeah, you do lose
21 it.

22 MR. SERIANNI: It's too late. It's
23 almost too late by the time you notice it, and you
24 don't want to look back and, you know, possibly
25 cause any accident or ...

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1 CHAIRPERSON THOMAS: Yeah. It is. I
2 don't know how it just -- I don't understand --

3 MR. SERIANNI: I say we just take it
4 down.

5 CHAIRPERSON THOMAS: Yeah. Well, if you
6 want to, if you can, that's taking away almost
7 20 square feet of signage.

8 MR. SERIANNI: I do understand
9 completely.

10 CHAIRPERSON THOMAS: And if you could
11 reduce down that front sign, if there's --

12 MR. SERIANNI: Oh, their front store, you
13 mean, or this sign, this sign?

14 CHAIRPERSON THOMAS: Well, yeah, the
15 signs on the front and, perhaps -- well, I don't
16 know how far you can reduce the sign on the front.

17 MR. SERIANNI: Yeah. I -- I would
18 doubt -- I mean, there's a possibility they would
19 consider doing that.

20 CHAIRPERSON THOMAS: Okay.

21 MR. SERIANNI: But I think they would
22 probably just consider a smaller one on the back if
23 you want to --

24 MS. FARRELL: Yeah. I think reducing the
25 sign on the front of store is unnecessary because

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1 it's already there, for one thing.

2 MR. SERIANNI: Yeah. It costs a lot of
3 money.

4 MS. FARRELL: (Unintelligible) sign.

5 CHAIRPERSON THOMAS: But you know what?
6 We can consider that as self-created hardship
7 because you put the sign up without the variance.
8 The variance should --

9 Am I correct on that?

10 MR. SERIANNI: Maybe not well thought
11 out.

12 MR. URDA: I'll answer that. So all the
13 signage they have now is allowed now because they
14 are under 200 square feet as it stands now. The
15 front sign here and the pylon sign add up to less
16 than 200, so it's all fully permitted, fully legal.

17 CHAIRPERSON THOMAS: But -- but with the
18 additional signage that you're requesting -- and
19 we're trying to keep a cap on that -- it might be,
20 you know, worth your while if, you know -- and
21 variances are -- that's why we're a relief board
22 and they can -- they can be granted, but you want
23 to think in terms of the back end and possibly
24 reducing that down.

25 MR. SERIANNI: Okay.

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1 CHAIRPERSON THOMAS: Whatever -- you
2 know, either the front or the back.

3 MR. SERIANNI: Yeah. The front probably
4 won't change a ton.

5 CHAIRPERSON THOMAS: I mean, it comes
6 right at you. You're driving and it's like, oh,
7 there's Burlington.

8 MR. SERIANNI: I mean, honestly, I mean,
9 that obviously is for -- hopeful some drive by and
10 the people coming into the complex that -- the
11 other one, I believe, is -- isn't saying don't come
12 into -- isn't saying "come into my store right
13 now." I think they're trying to capture future
14 possible clients or, you know, whatever you call
15 them for retail.

16 But I think it's more for -- to capture
17 future -- future business, not current. So I think
18 that's what their idea is on that one is, with 81,
19 it's a huge -- it's obviously a great highway for
20 advertising. Obviously, it's -- it's just
21 something they just feel like they need. And,
22 again, it's just -- you know, if -- you know, they
23 look around and see what everyone else has and,
24 like, "Hey, if they've got it, why can't I?" And
25 it's one of those deals, I think, honestly,

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1 overall. And I think they're just trying to --
2 they would like it to be fair.

3 And you make a good point with 81 and,
4 you know, they want it maxed out. They tried -- I
5 think they actually tried to put that in there and
6 it was denied originally on the application. They
7 wanted to do that, and they said, you're over,
8 they're going to have to take it away, and if you
9 want to apply, you can apply. So they did
10 originally ask and, obviously, that's where we
11 stand today and why we're here right now.

12 But, yeah, I'm not one to go back and
13 forth and argue that we've got to get the sign.
14 But, you know, again, if you'll work with them a
15 little bit, maybe give them a certain amount in the
16 back that -- you know, off of what it is, maybe
17 you'll give them 70 or 80 percent of what they're
18 asking, I think they would -- like I said, I think
19 they would like to try to move forward with it, if
20 that's a possibility.

21 Now, with that being requested, do we
22 have to redo the process all over again?

23 MR. URDA: If the zoning board of appeals
24 grants the variance, you would submitted a new sign
25 permit application up to the amount that the ZBA

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1 granted you, and code enforcement would then issue
2 you the sign permit.

3 MR. SERIANNI: Okay. So I won't have to
4 drive up here again to do this, is what I'm asking?

5 MR. URDA: Well, it depends on if the ZBA
6 votes tonight.

7 MR. SERIANNI: Okay.

8 MR. URDA: You know, if they table it,
9 you'll probably have to come back -- you or
10 somebody familiar with the application would have
11 to come back to attend that second meeting.

12 If they reached a decision, you know, you
13 or somebody that -- anyone that can pull a sign
14 permit, if someone locally could pull that, you
15 wouldn't need to drive up.

16 MR. SERIANNI: Yeah. I, obviously, don't
17 have anybody local, unfortunately.

18 MR. URDA: Even if they were to vote on
19 everything you asked for, you'd still be looking at
20 coming back up for, you know, a sign permit.

21 MR. SERIANNI: Okay. Well, it is what it
22 is. Listen, I mean, he's from Saratoga Springs, so
23 that's a little bit farther than I am, so I'm not
24 going to complain too much here.

25 CHAIRPERSON THOMAS: And, plus, if you're

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1 going to do, you know, some changes with the
2 signage, then we would have something to work from.
3 And if you could submit that -- I believe our next
4 meeting is Wednesday, June 11th.

5 MR. URDA: June 11th, which is a week
6 earlier than the normal date. But June 11th will
7 be the next meeting. It's a Wednesday also. It
8 will be at 7 p.m.

9 CHAIRPERSON THOMAS: I want to note that
10 it would be difficult for me to vote a yes on how
11 this is presented right now. And because we're
12 only three board members present, we would need to
13 have three in agreement.

14 MR. SERIANNI: Yeah.

15 CHAIRPERSON THOMAS: So ...

16 MR. SERIANNI: No twisting your arm? You
17 know, nothing like that?

18 CHAIRPERSON THOMAS: But if you could
19 have that -- you know, some updated information to
20 us, Mr. Urda, would the Wednesday is -- well, the
21 4th --

22 MR. ALBINUS: June 11th.

23 CHAIRPERSON THOMAS: Yeah, June 11th is
24 the meeting. So if we could have --

25 MR. ALBINUS: Oh, if we could have it by

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1 May 30th or 29th, I'd say, because we'll be mailing
2 it on the 30th.

3 CHAIRPERSON THOMAS: Is that going to be
4 enough time for you?

5 MR. SERIANNI: I think. You know, it's
6 basically just rescaling and -- scaling it down.

7 What -- what percentage or size would you
8 like to see it requesting?

9 CHAIRPERSON THOMAS: Well, that's a tough
10 question. That's a really hard -- I mean, I don't
11 want to speak on behalf of my colleagues, but do
12 others have suggestions?

13 MS. FARRELL: Well, I think if I was
14 Burlington, the way to scale this down would be to
15 get rid of their branding, the "Deals, Brands, and
16 Wow," and just have it say Burlington, because that
17 is almost 20 square feet.

18 MR. SERIANNI: So you're suggesting
19 leaving up "Deals, Brands, and Wow"?

20 MS. FARRELL: If Burlington's okay with
21 that; otherwise, they would just need to scale down
22 the entire thing.

23 MR. SERIANNI: Scale everything down,
24 yep.

25 MS. FARRELL: Because if you think

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1 67 square feet is too much --

2 CHAIRPERSON THOMAS: I'm not the deciding
3 factor.

4 MS. FARRELL: Yeah.

5 CHAIRPERSON THOMAS: I'm a facilitator.

6 MS. FARRELL: Yeah.

7 CHAIRPERSON THOMAS: But, you know, it --
8 you know, I think by scaling it back, you probably
9 want some square footage on this. I'll throw it
10 out, say, 20 square feet. That would be doable,
11 according to my eyes.

12 MR. RUPPE: I think I would say the
13 smallest still accomplishes the goal of being read.

14 MS. FARRELL: Right. That's also what I
15 was thinking.

16 MR. SERIANNI: Yeah. I'm just afraid --
17 like, for example, a 20-square-foot would basically
18 reduce that down from 21-foot, 6-inches to
19 basically 2-foot by 10-foot, and I would be afraid,
20 to be honest with you, that wouldn't be worth it to
21 them. It would be really small, and it would
22 really look small on the back of that building.

23 CHAIRPERSON THOMAS: Well, then the other
24 thing you might want to consider, too, is the pylon
25 signage, which is, what, 19 square feet?

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1 MR. SERIANNI: So do we -- do we cover
2 that up or something?

3 CHAIRPERSON THOMAS: Well, I don't know
4 how they operate in that plaza, what they would --
5 if you said, hey, we would rather have, for
6 instance, a rear sign, as opposed to a pylon sign.
7 It would be up to the owners of the plaza to -- but
8 that would have to come off, if you so choose
9 that -- if you want that as an option.

10 MR. SERIANNI: Got you. Okay. So if
11 that was --

12 MS. FARRELL: So --

13 MR. SERIANNI: If that was removed, you
14 think this full size would -- would be close to the
15 square footage allowance, then? I -- let's see.
16 I'm trying to think what size that is.

17 MS. FARRELL: I have a question.

18 MR. SERIANNI: I think --

19 MS. FARRELL: Do you have any data on
20 readability based on distances? Like standard
21 readability for size of signs based on distance
22 from the rear?

23 MR. SERIANNI: The (unintelligible)
24 distance?

25 MS. FARRELL: Yeah.

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1 MR. SERIANNI: I don't have it handy.
2 There is such a thing. I'm happy to submit that
3 with --

4 MS. FARRELL: Yeah. Because I feel like
5 that's your justification for the size of your
6 sign. Like, how big does the sign need to be to be
7 readable from the highway?

8 MR. SERIANNI: Right.

9 MS. FARRELL: Because if it's not
10 readable from the highway, there's no point in
11 putting the sign up. And --

12 MR. SERIANNI: Yes, ma'am.

13 MS. FARRELL: -- I can see the pylon is
14 useful because it is the entranceway to the plaza,
15 and everybody else in the plaza has their name on
16 that sign.

17 MR. SERIANNI: Yeah, yeah. So it's a --

18 MS. FARRELL: So --

19 MR. SERIANNI: -- catch-22 or ...

20 MS. FARRELL: -- I almost feel like we
21 need more justification for the size of the sign.

22 MR. SERIANNI: Okay. All right. So
23 we've got a couple options.

24 So going back to the 20 square feet,
25 you're saying that's -- that's what you're --

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1 CHAIRPERSON THOMAS: Well -- I --

2 MR. SERIANNI: -- maximizing on.

3 CHAIRPERSON THOMAS: -- I'm putting that
4 out. I'm only speaking for myself, that I would
5 see as a way to reduce that down a bit. You would
6 still need a variance, obviously, because you would
7 be over.

8 MR. SERIANNI: Yes, sir.

9 CHAIRPERSON THOMAS: But what would that
10 be? 33 percent. It would probably take it down
11 into about the 20 -- mid-20 percent range.

12 MR. SERIANNI: Okay.

13 CHAIRPERSON THOMAS: For overage.

14 MR. SERIANNI: So do you mind me -- I
15 don't mean to try to over-, you know, ride you, but
16 do you mind asking the other board members what
17 their thoughts are?

18 CHAIRPERSON THOMAS: Oh, sure. Yeah.
19 I'm only one person.

20 MR. SERIANNI: I know you've been here a
21 long time. You've got seniority and all that good
22 stuff.

23 CHAIRPERSON THOMAS: No, no. I'm just --
24 I'm the chairperson, but it's -- it's a -- it's a
25 board that everybody's opinion matters, so ...

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1 MR. SERIANNI: Well, we appreciate that,
2 and I'm not trying to give you a hard time. I
3 just --

4 MS. FARRELL: I would say that I would be
5 curious to know the justifications to the size of
6 the sign, like in terms of readability and how the
7 size of this sign compares to the signs on the
8 other buildings that face 81, because I don't think
9 Burlington needs to have a sign that's way bigger
10 than everybody else's sign on the back of the
11 building.

12 MR. SERIANNI: Which I --

13 *(The court reporter admonishes the*
14 *parties to speak one at a time.)*

15 MS. FARRELL: So it just adds more
16 justification for the size of the signage to the
17 application.

18 MR. SERIANNI: Sure. So you would like
19 me to get more distances that are currently there
20 from the road and the sizes of those signs?

21 MS. FARRELL: Yeah.

22 MR. SERIANNI: You would like me to get
23 all those? Okay. All right.

24 MR. RUPPE: Yeah. I'm thinking basically
25 the same thing. I feel like the existing sign uses

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1 the entire budget, and that one counts against you
2 because that says self-inflicted in my mind, that
3 they should have budgeted ahead for the sign in the
4 back.

5 So you can make up for that by asking for
6 the minimum necessary. And I don't know what
7 number that is, but if you can explain whatever you
8 decide, that this is the minimum necessary to -- to
9 do the business, to be able to be seen from the
10 road --

11 MR. SERIANNI: Okay.

12 MR. RUPPE: -- I think that would account
13 well.

14 MR. SERIANNI: So, basically, we're
15 looking at size and impact and just worth
16 completing the job based on the visibility. Okay.
17 So I understand where you're coming from. Thank
18 you very much for your input and --

19 CHAIRPERSON THOMAS: We'll keep this
20 hearing open.

21 MR. SERIANNI: -- I guess we'll go to
22 work here.

23 MS. FARRELL: I would say one more thing.
24 I also would have Burlington, as essentially the
25 applicant, consider dropping the extra branding.

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1 Like, think about what they need from the sign. I
2 don't think they necessarily need all of their
3 branding on the sign on the back of the building.

4 MR. SERIANNI: Okay.

5 MS. FARRELL: Because in the end --

6 MR. SERIANNI: Yep. Yep. I've got that
7 highlighted, to remove that. And I think with the
8 combination of losing "Deals, Brands, Wow,"
9 bringing Burlington maybe down to -- instead of
10 21 feet, maybe 16 feet or something along those
11 lines, then maybe we can get on board with you
12 guys.

13 So I appreciate your time, and I guess
14 I've got no more rebuttal tonight.

15 CHAIRPERSON THOMAS: And we'll -- I need
16 a motion to keep the public hearing open.

17 MS. FARRELL: I'll make the motion.

18 MR. RUPPE: And I'll second.

19 CHAIRPERSON THOMAS: All in -- so the
20 public hearing will be kept open.

21 If, for some reason, you're not able to
22 make that June 11th deadline, please inform
23 planning department.

24 MR. SERIANNI: I absolutely will.
25 June 11th. Same time, 7 p.m.?

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1 CHAIRPERSON THOMAS: Yes. And you'll be,
2 obviously, given notice of that.

3 MR. SERIANNI: Okay. Well, I appreciate
4 your time.

5 MR. ALBINUS: And just to reiterate, if
6 you want to make the June 11th meeting, we'll need
7 the materials by --

8 MR. SERIANNI: The 29th.

9 MR. ALBINUS: Yep.

10 MR. SERIANNI: Yes, sir. Thank you.

11 CHAIRPERSON THOMAS: Thank you very much.

12 MR. SERIANNI: All right. Thank you very
13 much. Everyone have a good night, and have a safe
14 trip home, everybody.

15 CHAIRPERSON THOMAS: All right. Thank
16 you. Thanks for coming.

17 MR. SERIANNI: Thank you.

18 CHAIRPERSON THOMAS: Okay. Next on the
19 agenda is Number 2, Case Number 604, a use variance
20 request to allow a multifamily dwelling in a
21 residential district; location, 510 Curtis Street;
22 applicant, it's Aladin Umar.

23 MR. UMAR: Aladin Umar, yes, sir.

24 CHAIRPERSON THOMAS: Okay. Thank you.
25 Sir, if you would state your name for the record

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1 and what you are proposing to do, and then we will
2 have questions.

3 We most likely, as we stated -- this is a
4 use variance, so we need dollars-and-cents figures
5 showing that it's not feasible for you to get -- as
6 you pointed out in your application, to have a
7 two-unit home. And we would probably vote -- vote
8 on it at the next meeting, June 11th, because we're
9 only three members, so we have to have unanimous
10 consent to grant a variance. With four, it would,
11 of course, require three yes votes to go forward.

12 But we can hear your application tonight
13 and answer questions.

14 MR. UMAR: Thank you. My name is Aladin
15 Umar. I'm the owner of 510 Curtis Street, New York
16 13601. You know, I applied for the use variance
17 for my property because, I purchased the property,
18 I did so with the understanding that it was a
19 three-apartment unit, and my intention was to rent
20 out the other two units to have cover for the
21 mortgage, maintenance, and utility expenses.

22 Unfortunately, after finalizing the
23 purchase of the property, I was informed by my
24 friend that property was legally classified as a
25 duplex. This misunderstanding has had severe

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1 financial consequences for me and my family.

2 Inability to realize a reasonable return.
3 Since the purchase of the property, I have had to
4 face overwhelming financial hardship. Last year, I
5 had a major flood in my basement, caused -- which
6 caused extensive damages, leading to the
7 replacement of two water heaters and significant
8 repairs.

9 Shortly after that, I had -- from the
10 same rain we had the storm, I had to replace some
11 part of my roof. My insurance company only
12 partially covered those expenses, leaving me to --
13 to finance the balance with my credit cards, which
14 I'm really struggling right now to pay off.

15 Moreover, I also have a tenant -- because
16 I live on the down floor of the apartment, so I had
17 a tenant in the apartment, one of the units. We
18 will -- this fell behind on the rents nearly seven
19 months, and they later vacated the property. And
20 then I was in training, so I didn't know when they
21 moved out, and they still owe me to today.

22 In addition to the ongoing maintenance
23 costs, mortgage payment, and more utility bills
24 originally between 650 and \$1,000, my financial
25 situation has become unsustainable. Without the

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1 ability to rent the third existing unit, I cannot
2 realize a reasonable return.

3 The hardship is unique to the property.
4 This hardship is unique to my property. The third
5 unit, which was previously an old garage, had
6 already been remodeled into a separate apartment by
7 the prior owner before I purchased the property.
8 I've made no modifications or any new
9 constructions. This condition existed when I
10 bought the property. A few other property in the
11 neighborhood shared this same unit -- share the
12 same unique situation, making my hardship distinct
13 and not general to the area.

14 No alterations to the neighborhood
15 character. Granting this variance would not alter
16 the essential character of the neighborhood. The
17 third unit already exists and fully integrated into
18 the property. No physical changes or expansions or
19 any new construction would take place. I have
20 proven this application will simply allow me to
21 live and pay rent on an already existing apartment
22 without impacting the look, feel, or density of the
23 surrounding community.

24 Hardship was self-created. The hardship
25 was not self-created. I acted in good faith at the

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1 time of the purchase, based on the information
2 available to me. It was only after the closing
3 that I learned of the later classification issue.
4 The additional hardships from the flooding, tenant
5 defaults, and high ongoing expenses were completely
6 beyond my control.

7 Today, I serve in the US Army, and
8 although it is a great honor to serve, my income is
9 modest. My wife currently stays home full time to
10 care for our two young children, ages six months
11 and two years. We're a family of four relying
12 solely on my military income. Approval of this
13 variance will provide critical financial relief and
14 stability for my family during a very difficult
15 time.

16 I humbly request that you approve my
17 application and take into consideration the severe
18 financial hardship, the unique circumstance of my
19 property, the lack of impact on the neighborhood,
20 and the fact that my hardship was not self-created.
21 I am simply seeking the opportunity to live and
22 rent an existing unit and preserve my family's
23 home. God bless you for this time and service to
24 our community.

25 CHAIRPERSON THOMAS: Thank you.

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1 MR. UMAR: Thank you.

2 CHAIRPERSON THOMAS: Questions?

3 MS. FARRELL: Yeah. I have a question.

4 Where would the third tenant park? Is there enough
5 parking?

6 MR. UMAR: Yes, ma'am, there's enough
7 parking. So the square footage of my property I
8 have -- can I go closer?

9 MS. FARRELL: Yeah, yeah. If you could
10 point to where each is, that would be helpful.

11 MR. UMAR: So I have this parking right
12 here, and I also have a straight line, like a
13 single car -- at least three single car, like
14 single line can park right here behind the building
15 (indicating). So it doesn't encroach into my
16 neighbor's property. So I have enough parking
17 for -- I can get, like, four cars in here, then
18 three here strung in a line (indicating).

19 CHAIRPERSON THOMAS: For three-units, how
20 many parking spaces? Is it like one and a half per
21 unit?

22 MR. ALBINUS: Could you repeat the
23 question?

24 CHAIRPERSON THOMAS: Yeah. The question
25 would be how many parking spaces does -- does

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1 Mr. Umar need if he were to have, you know, three
2 units there?

3 MR. URDA: I'll take this one.

4 MR. ALBINUS: Thank you.

5 MR. URDA: In the -- make sure this is --
6 so in the residential district, you need one for
7 every unit up to a maximum of six. It's different
8 than all the other districts. I just want to make
9 sure I'm not leaving anything out.

10 Well, I can tell you his maximum is six.
11 So minimum, one per dwelling. So the simple would
12 be, legally, he would be required to have three,
13 maximum of six.

14 MS. FARRELL: So he has plenty of
15 parking.

16 MR. URDA: Yeah.

17 CHAIRPERSON THOMAS: I noticed the front
18 yard -- and I don't know when this happened.

19 Mr. Urda, I can't recall the changes in
20 the zoning ordinance, but paving on the front yard
21 is not -- still allowed or is allowed or ...

22 MR. ALBINUS: It is currently not
23 allowed. For the -- unless --

24 CHAIRPERSON THOMAS: Okay. You can't
25 park in the front yard, of course, unless there is

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1 a variance for that. But I just noticed -- and you
2 have a very short space between the sidewalk and
3 the front --

4 MR. UMAR: On the front.

5 CHAIRPERSON THOMAS: -- porch. You
6 couldn't put a car in there.

7 MR. UMAR: Oh, no. No. I had a small
8 garden in there. So, right now, I'm just trying
9 to -- yeah. Right there, yeah. So I don't have
10 any -- that place is not for parking. So you mean
11 right here (indicating)?

12 CHAIRPERSON THOMAS: Yeah. Yeah. I
13 noticed that was blacked over, blacktopped over.

14 MR. UMAR: Yeah. So you have parking
15 there on the other side. So no one parks there
16 (indicating).

17 CHAIRPERSON THOMAS: Okay. I saw four
18 mailboxes on the house on the porch. I thought I
19 saw four. How many units are being occupied now?
20 Two? Yours and ...

21 MR. UMAR: Two units: Mine and the other
22 one.

23 CHAIRPERSON THOMAS: And the piece in the
24 back -- the piece in the back, you're looking to --

25 MR. UMAR: Yes. This one here is

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1 already -- it used to be an old garage, but now
2 there's an apartment in there.

3 CHAIRPERSON THOMAS: Okay. It used to be
4 a garage?

5 MR. UMAR: Yeah, it used to be an old
6 garage.

7 CHAIRPERSON THOMAS: You know, and I was
8 thinking about Curtis Street with the changes in
9 the zoning, which took place a couple of years ago,
10 if I'm correct. Was it 2023, it was adopted?

11 MR. ALBINUS: Yeah.

12 CHAIRPERSON THOMAS: What was the
13 original zoning for that? Was it a B or a C?

14 MR. ALBINUS: I -- I did not double-check
15 before --

16 CHAIRPERSON THOMAS: Because in Bs and
17 Cs, if I can recall, you know, you could have three
18 units, and that's probably where you found out that
19 that -- now it's two because it's R2. Everyone is
20 a residential --

21 MS. FARRELL: Yeah. They have it in the
22 scaling sort of for the residential zones under the
23 old zoning.

24 CHAIRPERSON THOMAS: We don't have
25 single-family zones anymore. I'm just mumbling to

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1 myself.

2 So that's one of my questions because,
3 you know, I know that neighborhood a little bit,
4 not -- you know, just passing through and over the
5 years. I think there were more than two units that
6 were allowed. But with the zoning changes now, I
7 need clarification of that.

8 MS. FARRELL: And so that's not
9 grandfathered in?

10 CHAIRPERSON THOMAS: No.

11 MS. FARRELL: So if it was legal under
12 the old zoning --

13 CHAIRPERSON THOMAS: How long has that
14 been -- because my other question, too, if it's
15 been vacant for -- has it been vacant for more than
16 a year?

17 MR. UMAR: Yeah. More than.

18 MR. URDA: Residence C was the former
19 zoning.

20 CHAIRPERSON THOMAS: Okay. C. And that
21 would even allow up to four units.

22 Can you explain, Mr. Urda, how do we --
23 and I don't have my revisions here. Now, was it
24 R2, we were only allowed two units?

25 MR. URDA: So there is currently one

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1 residential district in our current zoning. So we
2 did away with the three different residential
3 districts -- A, B, and C -- and created one single
4 residential district that allows up to two, by
5 right. So there's no place in the city that is
6 single-family zoning anymore. Duplexes allowed
7 everywhere.

8 But the maximum in the one residential
9 district, the single residential district is two
10 units. So we did away with the B and the C. This
11 was a C, and had it been a three -- had it, you
12 know -- had it been on record as a three, it would
13 be -- it would be grandfathered now. It would be
14 legal nonconforming.

15 MS. FARRELL: That was my question.

16 MR. URDA: But because it was and is
17 classified as a two, the legal change to three
18 would have needed to happen when it was still zoned
19 Res C.

20 So in other words, the previous owners --
21 and I'll emphasize the previous owner -- when
22 converting from a two to a three, would have been
23 responsible for notifying the city. And it would
24 have been allowed because three was allowed in
25 Res C. And then now, it would be grandfathered.

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1 What's really at issue is the previous
2 owner created a third dwelling, and even though it
3 would have been legal under RC, they never -- they
4 never informed the city of it, so the assessment
5 has been classifying it as a two this whole time.
6 It's classification is a two, and our level, we're
7 powerless to change that on our own.

8 MS. FARRELL: So the applicant, Aladin,
9 is the victim, essentially, of the previous owner's
10 shortsightedness, effectively.

11 MR. URDA: I've got to choose my words
12 carefully here. I think it would have been
13 incumbent upon the seller to disclose that it was
14 legally classified as a two prior to the closing.
15 That is as much as I'm comfortable really saying.

16 CHAIRPERSON THOMAS: So because of that
17 now, obviously, he needs a use variance.

18 MR. URDA: To rent the third unit, yes,
19 he needs a use variance now. Because it's -- the
20 conversion from a two to a three would happen in
21 2025, for all legal purposes, despite the previous
22 owner's conversion of that space into a unit under
23 the old zoning without the proper notifications,
24 yeah.

25 CHAIRPERSON THOMAS: So if you -- for

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1 instance, everything that's under an R2 now.

2 MR. URDA: Well, there is no R2 now.
3 There's just R.

4 CHAIRPERSON THOMAS: R. So if you're
5 looking at a 6,000-square-foot home -- and several
6 of them exist in the city -- that type of structure
7 is only allowed two units?

8 MR. URDA: So --
9 Go ahead, Joseph.

10 MR. ALBINUS: Correct. By right, any
11 place that is zoned residential is only allowed a
12 maximum of two dwelling units. Anything more than
13 that, they will have to go to the ZBA.

14 CHAIRPERSON THOMAS: Okay. Thank you.

15 MR. ALBINUS: Unless it was previously
16 more than that, because we do have a classification
17 for multiunit preexisting, and that's for more
18 than -- more than two. But since it wasn't
19 initially filed as multiunit by the previous owner,
20 it isn't in that category.

21 MR. RUPPE: That said, it was a matter of
22 public record that it was filed as a two-unit
23 building; right?

24 MR. ALBINUS: Yes.

25 MR. RUPPE: Is the building wired with

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1 city electrical meters or water meters or anything
2 of that sort, or was it only two?

3 MR. UMAR: I'm sorry, sir?

4 MR. RUPPE: Does the building have two or
5 three or just one electric meter attached to it?

6 MR. UMAR: It has one electric meter
7 attached to it, and we have them sub -- sub-meters
8 for each apartment.

9 CHAIRPERSON THOMAS: How many bedrooms
10 would you have in that third unit if it were
11 granted?

12 MR. UMAR: So it's -- what do you call
13 it? It's a one bedroom, and it has living room,
14 bathroom, and it has a smaller room as well. So
15 you can't really call them two bedrooms. It's
16 going to be a one bedroom.

17 CHAIRPERSON THOMAS: So could be two if
18 you wanted that.

19 MR. UMAR: Yeah. The room is so small.
20 Probably more like a storage.

21 MR. RUPPE: As to the character of the
22 neighborhood, this driveway abuts the large Curtis
23 Street apartments building, which has several
24 units. Are there other three-or-more-unit
25 buildings on this block as well?

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1 MR. URDA: Is there a question in there?

2 MR. RUPPE: Yeah. Are there other units
3 that's more than two dwellings on -- in this
4 general neighborhood? Because I know there's
5 Curtis Street Apartments right there, which has a
6 great many and other -- others in here, too.

7 Basically, what I'm asking is is the
8 neighborhood itself already accustomed to this
9 level of density?

10 MR. URDA: Well, I guess the answer to
11 that, I could open the zoning map here. The Curtis
12 Street apartments here, this is zoned planned
13 campus. And then across the street is zoned
14 neighborhood mixed use.

15 Moving up, you know, the length here, the
16 opposite side of the street is at a view of the
17 entire block. A neighborhood mixed use would allow
18 a three or a four, by right.

19 MR. RUPPE: Okay.

20 MR. URDA: When creating the map in
21 steering committee, I can tell you, we did go
22 parcel by parcel where it was challenging. And I
23 think, probably, this side got zoned residential
24 for a couple reasons: One is that -- I'm just
25 clicking down now -- one family, one family, two

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1 family, one family, one family, and that's part of
2 Curtis.

3 Because all of the houses on this side of
4 the street were either ones or twos, and by zoning
5 this residential, instead of NMU, it kicks into
6 play additional landscape buffer requirements if
7 the planned campus zoned parcel was ever
8 redeveloped into something else, other than
9 apartments.

10 CHAIRPERSON THOMAS: So the entire
11 street, Mr. Urda, is a residential?

12 MR. URDA: Not quite. So if you look at
13 the map --

14 CHAIRPERSON THOMAS: Okay.

15 MR. URDA: -- the yellow is residential.
16 The blue is planned campus, and that's the
17 apartment complex that Adam mentioned. The
18 opposite side of the street is neighborhood mixed
19 use. If I zoom out --

20 CHAIRPERSON THOMAS: That would be on
21 West Main.

22 MR. URDA: Yeah. If I zoom out a little
23 bit, you can see the larger cluster of NMU parcels
24 there. That's LeRay Street right there. And so
25 these are parcels that back up to ones that are

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1 front on LeRay.

2 And I think the short answer to Adam's
3 question is, yes, there is additional density in
4 the neighborhood. It just might not be on these
5 five or six other parcels that share the east side
6 of Curtis with the applicant's parcel.

7 And I also wanted to quickly clarify
8 something from the question about five minutes ago.
9 Something like a 6,000-square-foot building, akin
10 to what you would see on the 1 or 200 blocks of
11 Clinton Street, there is a clause in here called
12 residential adaptive reuse preexisting. And
13 without getting into the sausage-making process
14 right now, it has a mechanism for taking
15 exceedingly large, older buildings and allowing
16 more than two. But I don't think that really
17 applies in this case.

18 MS. FARRELL: What's the blue?

19 MR. ALBINUS: The blue is planned campus.

20 MS. FARRELL: Okay. So that's the
21 apartment complex?

22 MR. ALBINUS: Yep. And the -- the stuff
23 in the middle, that kind of parkish --

24 MR. URDA: It's all one parcel.

25 MR. ALBINUS: Oh, oops. My bad.

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1 MR. RUPPE: I'm comfortable saying that
2 this wouldn't alter the essential character of this
3 neighborhood, so that's a point that's made.

4 MS. FARRELL: I agree with that.

5 CHAIRPERSON THOMAS: Would you repeat
6 that, please?

7 MR. RUPPE: I think that this variance
8 would not affect the essential character of this
9 neighborhood.

10 CHAIRPERSON THOMAS: Yeah, I would agree
11 with that, too.

12 MS. FARRELL: Out of curiosity, do you
13 know the last time the third apartment was rented?

14 MR. UMAR: I don't know. I can't really
15 say because when I bought the property, I only had
16 one tenant already in the top apartment, so ...

17 MS. FARRELL: And how many years have you
18 owned the house?

19 MR. UMAR: I bought it in 2021.

20 CHAIRPERSON THOMAS: You have alluded to
21 the fact that you've had a lot of expenses with
22 this parcel.

23 MR. UMAR: Yes, sir.

24 CHAIRPERSON THOMAS: And if that could be
25 broken down, that would be helpful, even if you

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1 have a mortgage, those mortgage payments, because
2 we have to -- it has to be demonstrated, and it
3 might be difficult, that you cannot yield a
4 reasonable return from any use that is permitted by
5 the zoning. Meaning that, you know, your mortgage
6 payments. You mentioned you had expenses from
7 floods. I thought I heard water heaters had to be
8 replaced --

9 MR. UMAR: Yeah. From the flood.

10 CHAIRPERSON THOMAS: -- roofing. Yeah.
11 So all of those things should be itemized and
12 listed in the application. It would help us,
13 because that's probably the main piece here that
14 we're looking at.

15 I have to agree, I don't feel it's -- you
16 know, as far as the -- it's not going to alter the
17 character of the neighborhood. I was surprised
18 that there's so many single-family homes in that --
19 on Curtis Street. The houses are quite large, at
20 least viewing at the -- you know, over the weekend
21 when I was driving up and down the street a few
22 times.

23 So that would be -- you know, do I seem
24 clear on that? I'm never -- I'm not sure if --

25 Mr. Urda, if you want to add to that, or

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1 Mr. Albinus?

2 MR. ALBINUS: I think you got it right.
3 They do -- I -- I'm from Hamilton, Ohio, and,
4 usually houses like that over there were, like,
5 subdivided, and they do kind of give that vibe.

6 CHAIRPERSON THOMAS: Mm-hmm.

7 But I mean as far as the expense piece is
8 concerned, is that something that you -- do you
9 feel comfortable of what we're requesting or what
10 we need demonstrating that, you know, you're not
11 getting a reasonable return on the property because
12 of all the incurred things that you mentioned.

13 MR. URDA: What the board is asking is
14 pretty much what you've written here as your answer
15 to Number 1, you've written a narrative. He's just
16 asking for more of the numbers.

17 MR. UMAR: Okay.

18 MR. URDA: You've got your utility bills
19 in there, but he's basically saying, you know,
20 what's your mortgage payment, what were you
21 collecting in rent, what would the third unit rent
22 for? You know, basically show us -- they want to
23 see the numbers that kind of --

24 MR. UMAR: Okay.

25 MR. URDA: -- show that hardship, that

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1 kind of show that inability to get the return.

2 MR. UMAR: Okay. Can I show some -- I
3 should have some on my phone online or ...

4 CHAIRPERSON THOMAS: Well, if you want to
5 put that information together --

6 MR. UMAR: Okay.

7 CHAIRPERSON THOMAS: -- and then present
8 it to the planner, and then we can go forward. And
9 then June 11th, we're meeting again, and I would
10 think that, by that time, we could make a decision,
11 if board members/colleagues are comfortable in
12 doing so.

13 MR. ALBINUS: Yeah. And we -- the
14 planning department would need that information by
15 May 29th.

16 MR. UMAR: All right.

17 CHAIRPERSON THOMAS: Does that give you
18 enough time, Mr. Umar?

19 MR. UMAR: Next -- next month, I'll be in
20 training, so I will be in Virginia, so ...

21 MR. URDA: Do you have somebody familiar
22 with your application that would be able to attend
23 on your behalf?

24 MR. UMAR: Yeah. Probably -- yeah, I'll
25 probably look for someone. Yeah, the person that

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1 was supposed to come here today, he just bailed out
2 on me. I thought he was already on his way here.
3 So when I got the call, I had to rush off from
4 work, so ...

5 Yeah, I'll probably look for someone to
6 do that. Thank you.

7 CHAIRPERSON THOMAS: Okay. Yeah. That
8 would be important, just if -- and you can send a
9 rep if you're unable. You know, training, I know,
10 can be difficult. It could be on base. You can be
11 sent away to wherever.

12 So we'll meet again. We'll keep this
13 public hearing open. If you feel that this is not
14 doable on June 11th, you know, we can meet again
15 and keep this hearing open. We have to -- we have
16 to have a meeting 62 days after the public meeting
17 is closed, but let's just keep it open. But if,
18 for some reason, if you run into challenges with
19 that, we can move forward into the month of July,
20 if it's necessary for you to accommodate, you know,
21 your military obligations and so forth.

22 MR. UMAR: Yes, sir. If it's possible,
23 yes, July is great.

24 CHAIRPERSON THOMAS: Would you prefer
25 July?

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1 MR. UMAR: Yeah. I would be back by
2 July.

3 CHAIRPERSON THOMAS: Okay. And that
4 would be -- oh, God. When is -- the 4th is on a
5 Wednesday. The 16th?

6 MS. FARRELL: Mm-hmm.

7 CHAIRPERSON THOMAS: Would that work for
8 you?

9 MR. UMAR: Yeah, that works for me.

10 CHAIRPERSON THOMAS: Okay. So we'll
11 table this until July 16th.

12 MR. UMAR: Thank you very much.

13 CHAIRPERSON THOMAS: And if you need more
14 time after that, just let planning know.

15 MR. UMAR: No. July will be great. So
16 when am I supposed to -- do I still send in
17 those ...

18 CHAIRPERSON THOMAS: Probably by
19 Thursday, the July 3rd, because the 4th is a
20 holiday.

21 MS. FARRELL: But he can send it in
22 earlier than that. I believe that's what he's
23 asking.

24 CHAIRPERSON THOMAS: Oh, whenever you
25 can.

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1 MR. ALBINUS: Yeah. As long as it's
2 July 3rd or before, it will be in time.

3 MR. UMAR: Okay. That works.

4 MR. ALBINUS: Or I guess, technically, I
5 should say Wednesday, the 2nd, because we'll have
6 to do the mailings on that Thursday. So as long as
7 it's by July 2nd.

8 MR. UMAR: 2nd. Okay.

9 MR. URDA: I would recommend, if you
10 think it's something that's easy for you to put
11 together, just put it together and send it to
12 Joseph before you go to training, and then it will
13 just be submitted.

14 MR. UMAR: Okay. Okay. That's great. I
15 will do that. Thank you.

16 CHAIRPERSON THOMAS: Mr. Urda or
17 Mr. Albinus, were there any calls? Because I know
18 that we have these variances that neighbors
19 sometimes ...

20 MR. ALBINUS: There was none for this
21 application.

22 CHAIRPERSON THOMAS: Okay. Very good.
23 So no concerns or questions were posed to planning.
24 Very good.

25 And then -- so we'll meet again, if

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1 that's okay, Wednesday, July 16th.

2 MR. UMAR: 16th.

3 CHAIRPERSON THOMAS: May I have a motion
4 to keep the public hearing open?

5 MS. FARRELL: I'll make the motion.

6 MR. RUPPE: And I'll second.

7 CHAIRPERSON THOMAS: All in favor?

8 MR. RUPPE: Aye.

9 MS. FARRELL: Aye.

10 CHAIRPERSON THOMAS: Very good.

11 Thank you, sir.

12 MR. UMAR: Thank you very much.

13 MS. FARRELL: Thank you.

14 CHAIRPERSON THOMAS: Okay. Number 3 and
15 4 are for Number 605 and 606, an area variance to
16 increase the maximum unbuilt frontage; location,
17 319 Coffeen Street, presently 229 Massey Street
18 North. And then Number 606, area variance to
19 reduce the required façade transparency; location,
20 future 319 Coffeen Street, which is presently
21 229 Massey Street, 319 Coffeen Street, 327 Coffeen
22 Street.

23 The planning department and accounting
24 will be reviewing the application at their next
25 meeting and so, therefore, we cannot vote.

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1 But I do understand you need a lead
2 agency, that the zoning board has to look at the
3 planning commission being the lead agency.

4 MR. URDA: That's correct. For both
5 variances. Because the whole action is tied
6 together with the special use permit and site plan
7 and subdivision, all of it amounts to a single,
8 whole action. Staff's recommendation is the
9 planning commission is the most appropriate lead
10 agency, since they'll be granting site plan
11 approval, and then the ZBA would be an involved
12 agency.

13 So, yes, before the night's over, if the
14 ZBA would be willing to adopt a motion
15 acknowledging the planning commission as lead
16 agency and declaring itself an involved agency,
17 that would be the next -- that would be part of the
18 process.

19 CHAIRPERSON THOMAS: Okay. Thank you.

20 Sir, if you'd like to state your name for
21 the record and corporation you're representing.

22 MR. MARSHALL: Sure. My name's
23 Chuck Marshall. I'm the director of real estate
24 for Stewart's Shops.

25 So, I mean, as you guys are aware, we're

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1 currently operating our store, our facility at
2 229 Massey Street. And we've acquired the first
3 property on Coffeen Street and then have the second
4 property on Coffeen Street under contract with a
5 portion from 203 Massey, and then after, you know,
6 subdivision, all the -- all the pieces will combine
7 into one parcel.

8 The gentleman that was here before left.
9 He was curious -- he lives at 331 Coffeen, and he
10 has an easement through the existing driveway. He
11 was concerned what the development would do to the
12 easement, but easements are nontransferable or
13 non- -- you can't eliminate them without both
14 parties. So his easement rights will be
15 maintained, and I just wanted to put that on the
16 record because he was concerned that it's relevant
17 to the overall development scheme.

18 We're here tonight for basically two
19 variances. Variance 1 is the build-out. So we
20 don't meet the requirements for the length of
21 build-out put for the zone. The -- it says the
22 maximum unbuilt (unintelligible) --

23 MS. FARRELL: Sorry.

24 MR. MARSHALL: -- should be 24 feet.

25 That's okay.

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1 And that's 310-21(D)(10). And what
2 that -- the problem for us, as you can see, is we
3 have -- with the gasoline filling, we have a
4 circulation area that has to be achieved between
5 the canopy and the frontage on both Coffeen and
6 Massey. So that's why it's not -- that one's not
7 achievable.

8 And then the second variance we're here
9 for is a transparency variance. So the code calls
10 for 40 percent transparency on the street with the
11 frontage. We have a -- we requested a Coffeen
12 Street address by bringing the -- that elevation is
13 actually incorrect. I'm glad I brought my paper.

14 We went to a ramp, instead of the stairs.
15 It's more -- it's handicap accessible, and there's
16 also less maintenance associated with the ramp
17 because if -- particularly, shoveling. Not
18 maintenance per se, but less liability.

19 So to the right of the lowest roof,
20 that's the -- our version of back-of-house stuff.
21 That's where our compartmentalized cooler is. Our
22 bathrooms are back there. And because of that, we
23 can't have transparency. What we've done in the
24 past was done some faux windows, but in speaking
25 with Geoff and reviewing the code, transparency

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1 requires it be, you know, see-through, not just --
2 not just vandal glass or something of the nature.

3 So those are the two variances we're
4 seeking. I'll answer any questions you have.

5 MS. FARRELL: My primary question is what
6 alternative analysis was done?

7 MR. MARSHALL: Yeah. So the only real
8 alternative analysis --

9 Geoff, if you could slide to the other
10 elevation.

11 So this frontage is 29 percent
12 transparent, and the other one's 20.

13 MS. FARRELL: Mm-hmm.

14 MR. MARSHALL: If you rotated the
15 building to put that side of the building to face
16 Coffeen Street, you would have a larger amount of
17 transparency on that -- on the Coffeen Street side.

18 The problem is is that when you put that
19 side of the building facing Coffeen, you lengthen
20 the Coffeen Street side, and what that does is that
21 pushes the driveway closer to Massey Street. And
22 there's a turn lane and a straight lane there, so
23 you don't want to do that. You want to keep the
24 driveway as far away from the intersection as
25 possible.

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1 So the orientation we've come up with is
2 the most appropriate, and just in this instance we
3 have it, we're not going to meet the 40 percent
4 requirement.

5 One of the other things, and I was
6 talking to a friend of mine that lives up here,
7 when you stand at approximately 203 Massey and
8 look -- I guess it would be northwest, there's
9 11 -- it's either 11- or 14-foot elevation
10 difference through the site. So the -- you know,
11 Coffeen Street dives and Massey Street rises, so
12 it's literally 14 feet across.

13 So the back of the store is going to be,
14 you know, somewhat higher than -- you know, this
15 gentleman, we were explaining to this gentleman,
16 you know, he's going to see a lot of foundation,
17 which, in a way, is good.

18 CHAIRPERSON THOMAS: Is 203 Massey
19 Street, is that -- would that be considered,
20 like -- because it, you know, closer to the corner
21 of Coffeen because it's a --

22 *(The court reporter interrupts for*
23 *clarification.)*

24 CHAIRPERSON THOMAS: 203 is -- it's
25 alluded to in your application. Now, is that a

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1 piece of property that's near the corner?

2 MR. MARSHALL: So it's a -- it's a
3 portion of the parcel identified as 203 Massey.

4 CHAIRPERSON THOMAS: Oh, okay.

5 MR. MARSHALL: So it's tied to the Hops
6 Spot.

7 MS. FARRELL: It's their parking lot.

8 MR. MARSHALL: It's their parking lot.

9 CHAIRPERSON THOMAS: Oh, okay.

10 MR. MARSHALL: So we have a contractual
11 agreement to purchase approximately 50 feet to
12 enable a development to proceed.

13 CHAIRPERSON THOMAS: Okay.

14 MS. FARRELL: And then in your
15 application, it says one house is going to be
16 demolished, but it looks like there's really two.

17 MR. MARSHALL: It's two.

18 CHAIRPERSON THOMAS: Hasn't one already
19 been demolished?

20 MS. FARRELL: Yeah.

21 MR. MARSHALL: That was what I thought.

22 CHAIRPERSON THOMAS: But it was white?

23 MR. MARSHALL: Yes. It was the one
24 that -- yeah, like you can see there (indicating).
25 We purchased that last year, and we were just able

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1 to get it demoed before this full redevelopment was
2 contemplated.

3 As you see, it's notched into our parking
4 lot and building, effectively. So regardless if we
5 did the whole development or not, we were going to
6 utilize that one property.

7 CHAIRPERSON THOMAS: When is your
8 anticipated opening date?

9 MR. MARSHALL: It's a -- it's a sliding
10 question. We had hoped it would be November of
11 this year, but it looks like it will be potentially
12 pushed. You guys get winter faster than we do.

13 CHAIRPERSON THOMAS: Yeah. That's true.
14 I know that you were making comparisons
15 to Washington Street. Now, that's like a 1-foot
16 elevation.

17 MR. MARSHALL: Right. Yeah. But the
18 premise is the same, right, like bring the building
19 all the way to the street. So there's no -- the
20 setbacks -- we meet all the setbacks, but having a
21 Coffeen Street address, we meet all the setback
22 requirements. And, you know, Washington Street, I
23 just think, was a great -- that's a great project.
24 So we make the -- you know, the analysis because we
25 want people to see that it will be a street-facing

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1 entrance. I know it will be higher because of the
2 elevation difference, but it will -- it will have
3 an entrance on that side.

4 CHAIRPERSON THOMAS: Okay. There was
5 another piece in here. I don't know if I can find
6 it. It alluded to, like -- I need that explained.
7 The 900 square feet -- or 900 percent. It had to
8 do with the gas island.

9 MR. URDA: All right. So you're asking
10 about the unbuilt frontage?

11 CHAIRPERSON THOMAS: Yes.

12 MR. URDA: Yes. I can explain, because I
13 understand 900 percent sounds like a significant
14 variance, and percentage-wise, it is. But I'll
15 turn on the zoning for a second.

16 The purple here -- or I guess it's more
17 hot pink -- is urban mixed use, and it is meant to
18 be a downtown transition zone, sort of a transition
19 from the most intense downtown development to the
20 residential and then arterial development as you
21 radiate out.

22 And a lot of UMU parcels are like these
23 that you see on Arsenal Street. They're deeper,
24 thinner parcels. And then the maximum unbuilt
25 frontage of 24 is not an accident. That's what it

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1 would take to have a two-way drive-out. The goal
2 of the UMU is to still have buildings pushed out to
3 the sidewalk, as the applicant said, for an urban
4 feel.

5 But we also don't want -- the urban
6 design term for this would be missing teeth, or
7 gaps, in the urban fabric where you have, you know,
8 again, in narrower parcels like this, building,
9 building, building, 70-foot gap for a parking lot
10 or something, building, building (indicating). And
11 so that's why the maximum unbuilt frontage of 24 is
12 there.

13 The goal for UMU is to also have parking
14 in the back. So on all of these other longer,
15 thinner, deeper UMU parcels that permeate these,
16 you know, streets that radiate out from downtown
17 where you see all this hot pink, that urban design
18 description, that form-based code, makes a lot of
19 sense.

20 This is a -- I would say, a unique parcel
21 in UMU. The resultant parcel here is going to be
22 far bigger and wider than a typical UMU parcel, and
23 it's just sort of impractical for them to build out
24 all but 20 feet of this Coffeen Street frontage
25 with building. Even if it weren't for the gas

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1 canopies, that would be difficult.

2 So that -- that 900 percent that you came
3 up with is taken by essentially measuring from what
4 would be this corner of the new parcel, you know,
5 out to here and saying, is it feasible to really
6 build up all but 24 feet of that? So the unbuilt
7 is that amount divided by 24. That's why it comes
8 up to 900 percent.

9 Looking at their -- this is the one I
10 wanted. You know, the percent that's considered
11 built is this, and then the pump islands themselves
12 are actually considered built. And then the rest
13 of it, basically this, this, and then out here, is
14 the unbuilt part (indicating).

15 But the -- that was all kind of to
16 explain why that requirement exists in the UMU on
17 what would be a typical UMU parcel, and then this
18 is certainly not your typical UMU parcel.

19 Sorry if that was long-winded.

20 CHAIRPERSON THOMAS: Oh, no. I know when
21 you read it, it's significant, but when you explain
22 it, it's ...

23 MR. URDA: Rewriting the zoning ordinance
24 was a three-and-a-half year task, and not
25 everything in it is explainable in 10 seconds.

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1 MS. FARRELL: I have a question. Why
2 does Stewart's want to redesign this shop?

3 MR. MARSHALL: The existing layout is
4 inefficient, you know, in its orientation. We've
5 gone to larger buildings. The way the canopy's
6 angled today, not necessarily the best presentation
7 for flow in and out.

8 So our business is really driven by a
9 turnover in customers, and this will enable faster
10 turnover through the -- through the lot.

11 MS. FARRELL: There is a lot more
12 parking.

13 MR. MARSHALL: Yeah. No, I think
14 Stewart's bought Pond Fair in 1992 or -- it was
15 either 1992 or 2002, and we've gone through and
16 somewhat historically tried to redevelop. This is
17 one of the last ones that hasn't been, you know,
18 completely redeveloped. I know there was some work
19 to it, but we're -- you know, we're seen in
20 Washington Street and Great Bend, Black River, you
21 know, trying to remove ourselves from the legacy
22 locations.

23 CHAIRPERSON THOMAS: Will the parking lot
24 be -- as far as the incline -- I can't remember.

25 MR. MARSHALL: Yeah. The grade here is

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1 going to be pretty tricky. There's going to be,
2 like, a little bit of this. You're going to
3 flatten out around the gas canopy, and then the
4 building, obviously, sits about, you know, flush,
5 we'll call it, to the canopy.

6 But to get up to -- you're going to need
7 the stairs to get up on the Coffeen Street side.
8 And then Massey will be -- because they're all
9 pull-in pay -- pull-in parking spots. So the
10 grading plan should have been provided to you, just
11 to show you what the elevations are.

12 MR. URDA: It's right here.

13 MR. MARSHALL: Yeah. So this is 4 -- I
14 think it's 466.

15 MR. URDA: I can zoom in if you want,
16 Chuck.

17 MR. MARSHALL: Yeah, please.

18 Yeah. So that's proposed to be 466.
19 Then the canopies, you know, 460. So you're 6 feet
20 through here, and then you're only a foot from here
21 to here (indicating). So that's how you're able to
22 get that pull-in parking.

23 But then on the -- if you go to the
24 Coffeen Street side, you know, that's 453. So from
25 here, here, to here is 13 feet.

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1 MS. FARRELL: Mm-hmm.

2 CHAIRPERSON THOMAS: Further questions?

3 MR. RUPPE: No. I'm satisfied.

4 MS. FARRELL: I'm satisfied, too.

5 CHAIRPERSON THOMAS: It's easier when
6 it's explained than having to read this.

7 MR. MARSHALL: Yeah. It's not -- I mean,
8 unless you, unfortunately, you know -- I don't know
9 what you guys do professionally, but this is all I
10 do, so ...

11 CHAIRPERSON THOMAS: I was pleased to
12 see, too, that you wanted to keep some of the
13 existing trees in the back.

14 MR. MARSHALL: Yeah. No, I ...

15 CHAIRPERSON THOMAS: Because I think
16 that's important, especially when you're on that
17 corner and it, you know, can look pretty bleak at
18 times.

19 MS. FARRELL: Is all of the vegetation
20 along Massey Street serving essentially as a
21 stormwater retention area, where that flower garden
22 is?

23 MR. MARSHALL: No. Almost all of it will
24 be underground.

25 MS. FARRELL: The stormwater retention?

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1 MR. MARSHALL: Yeah.

2 MS. FARRELL: So it's not the vial swale.
3 It's just --

4 MR. MARSHALL: No, no, no. We have --
5 some of the roof drains may go there. The storm
6 water isn't fully designed. With the petroleum, we
7 actually don't do rain gardens and stuff like that
8 because we're a hot spot. So, no, we don't -- we
9 don't do vial swales and stuff like that.

10 MS. FARRELL: Okay. No permeable
11 pavement for the same reason, then?

12 MR. MARSHALL: No, right.

13 CHAIRPERSON THOMAS: And the gas ends
14 will essentially be like the Washington Street?

15 MR. MARSHALL: Yeah, in look. Washington
16 Street only has two. This will have four. But in
17 appearance, it will be the same.

18 CHAIRPERSON THOMAS: That's a busy
19 location over there. You have to hit it at the
20 right time if you're -- because it's just -- the
21 traffic is in and out, and one has to be very
22 careful.

23 MS. FARRELL: Well, to me, this feels
24 like the Copenhagen Stewart's, which I stop at a
25 lot, because I work for the State, and when coming

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1 back home, that's often the last gas station. And
2 before the redevelopment, it felt very cramped
3 and --

4 MR. MARSHALL: Yeah. That --

5 MS. FARRELL: -- that same lot, now it
6 feels very spacious. I feel like this redesign
7 doesn't say anything to that Stewart's because it
8 gives you a lot -- a lot of freedom of movement and
9 a lot more parking than it has currently.

10 MR. MARSHALL: For a store that isn't
11 effectively a redevelopment in the store, because
12 the store -- the store didn't get touched. I mean,
13 it got like façade upgrades and the window to see
14 gas and stuff like that.

15 MS. FARRELL: Right.

16 MR. MARSHALL: But that, for just a gas
17 upgrade, is probably, like, one of the better
18 projects.

19 MS. FARRELL: Yeah.

20 MR. MARSHALL: That -- that needed it.
21 That was awful.

22 MS. FARRELL: It definitely makes it flow
23 much better.

24 MR. MARSHALL: Yeah.

25 MS. FARRELL: So I kind of feel this will

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1 have the same effect. Because, like you said, that
2 Stewart's, the parking lot becomes kind of a
3 nightmare when there's more than four people there
4 because it gets really crowded, and I think this
5 layout solves that.

6 MR. MARSHALL: Yeah. I don't -- I mean,
7 I like to tell people, you know, I'm smarter than I
8 am, but the business is really driven by -- you
9 know, it's a convenience store, both in its nature
10 for what it offers, but also, if you can't get in
11 and out, you're not going to stop.

12 MS. FARRELL: Right.

13 CHAIRPERSON THOMAS: Very good.

14 We do need that motion for the planning
15 department to be the lead agency.

16 MR. URDA: Planning commission.

17 CHAIRPERSON THOMAS: Commission. Sorry.

18 MR. URDA: Yeah. I don't want to be the
19 lead agency.

20 CHAIRPERSON THOMAS: So I'd like to make
21 a motion that the planning commission will be the
22 lead agency on this application for Stewart's at
23 319 Coffeen Street, 327 Coffeen Street.

24 MR. URDA: And you're also declaring your
25 own role as an involved agency.

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1 MS. FARRELL: I second your motion.

2 CHAIRPERSON THOMAS: All in favor?

3 MR. RUPPE: Yes.

4 MS. FARRELL: Yes.

5 CHAIRPERSON THOMAS: Very good.

6 MR. MARSHALL: Just a -- I guess a
7 question on sequence, when's the planning board
8 meet?

9 MR. URDA: So the county planning board
10 will meet on the last Tuesday of the month, so that
11 is in six days. And at the county planning board
12 meeting, they'll make their finding of local
13 concern only pursuant to 239-m. That will free up
14 this body to vote at its June meeting, which is --
15 you might have overheard from previous
16 applications, it's a week early. It's June 11th.

17 And then our planning commission, just
18 talking with you and the rest of your team, it
19 looks like you're preferring -- you're targeting
20 July 1, rather than June 2nd, as the day for site
21 plan, subdivision, and special use permit.

22 MR. MARSHALL: So then your July meeting
23 will be, like, the 9th?

24 MR. URDA: Well, this board -- you would
25 most likely be done with this board on June 11th.

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1 And then July 1 would be the city's planning
2 commission meeting in July.

3 MR. MARSHALL: So the -- yeah. The only
4 concern I have is deferring lead agency status, you
5 can't --

6 MR. URDA: The planning will -- can vote
7 on the 2nd to declare itself lead agency --

8 MR. MARSHALL: Oh, okay.

9 MR. URDA: -- so you're still covered on
10 that. You don't need to be present for that.

11 MR. MARSHALL: Okay. Yep. No, that's
12 all.

13 CHAIRPERSON THOMAS: Very good.

14 MR. URDA: Yeah. I'm not going to ask
15 you to drive three hours each direction just to
16 drive back.

17 MR. MARSHALL: I've just got to make sure
18 if the neg dec happens or not.

19 MR. URDA: Yeah. Well, the -- I can
20 guarantee you, the planning commission won't
21 actually make a neg dec till the same night they
22 vote on all three applications. So they'll declare
23 themselves lead agency, but they won't actually --

24 MR. MARSHALL: So, yeah, that's what I'm
25 saying. So you can't -- this board can't issue its

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1 determination until the neg dec --

2 MR. URDA: Well, this board, as an
3 involved agency, would just communicate to the
4 planning commission anything they want considered
5 in the -- in the final consideration.

6 MR. MARSHALL: Okay.

7 MR. URDA: So it's still -- the time line
8 doesn't get compromised.

9 MR. MARSHALL: So June 11th will be the
10 next meeting?

11 MR. URDA: June 11th for this board;
12 July 1 for the planning commission. And then,
13 yeah, the SEQR time line stays intact.

14 If this board does have any comments as
15 an involved agency for the planning commission, you
16 know, I can even report those on June 2nd
17 independent of you having to drive up here.

18 MR. MARSHALL: I'd prefer -- I mean, I'm
19 a fan, but I'll stay home that night.

20 MR. URDA: Yeah.

21 CHAIRPERSON THOMAS: And it's my
22 understanding, because of the couple of variances
23 that were involved, we're not going to segment
24 that. We'll just do our SEQR as ...

25 MR. URDA: Well, you'll -- instead of

ZONING BOARD OF APPEALS

1 filling out a Part 2, what you'll do is, if you
2 have any outstanding concerns, you know, you'll --
3 you'll give them to us. We'll report them to the
4 planning commission. The planning commission is
5 the board that actually fills out that Part 2.

6 CHAIRPERSON THOMAS: So we're good. So
7 it's a matter of just voting --

8 MR. URDA: For you, yeah. It's just a
9 matter of the county having its finding of local
10 concern only, and then writing up your decision
11 forms for June 11th.

12 CHAIRPERSON THOMAS: Very good.

13 MR. MARSHALL: Thank you for your time.

14 MS. FARRELL: Thank you.

15 CHAIRPERSON THOMAS: Mm-hmm.

16 May I have a motion -- is there further
17 receipts that one would like to ...

18 MS. FARRELL: I don't think so.

19 CHAIRPERSON THOMAS: Then may I have a
20 motion to close tonight's meeting?

21 MS. FARRELL: I'll make that motion.

22 CHAIRPERSON THOMAS: All in favor?

23 MR. RUPPE: Aye.

24 CHAIRPERSON THOMAS: Very good.

25 Thank you.

ZONING BOARD OF APPEALS

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(Proceedings adjourned.)

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REPORTER'S CERTIFICATE

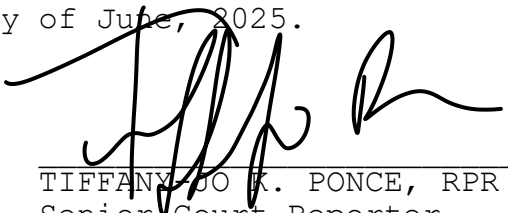
I, TIFFANY-JO K. PONCE, RPR, Senior Court Reporter and Notary Public in and for the State of New York, do hereby certify:

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 May 21, 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 13 day of June, 2025.



TIFFANY-JO K. PONCE, RPR
Senior Court Reporter