

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

-----x  
ZONING BOARD OF APPEALS

PUBLIC HEARING

#608

Use variance to allow a self-storage facility  
in a commercial district

-----x  
ZONING BOARD OF APPEALS

PUBLIC HEARING

#609

Use variance to allow an accessory use in a  
front yard

-----x

245 Washington Street  
Watertown, New York 13601  
Wednesday, August 20, 2025

B E F O R E:

Chairperson:

Samuel S. Thomas

Board Members:

Adam Ruppe  
James Corriveau  
Molly Farrell  
Lance Evans

Senior Planner:

Geoffrey Urda

City Planner:

Joseph Albinus

City Attorney:

(Not present)

REPORTED BY:

Tiffany-Jo Ponce, RPR  
Court Reporter

## ZONING BOARD OF APPEALS

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

4 We'll first start by attendance in  
5 alphabetical order.

6 Mr. James Corriveau?

7 MR. CORRIVEAU: Here.

8 CHAIRPERSON THOMAS: Mr. Lance Evans?

9 MR. EVANS: Here.

10 CHAIRPERSON THOMAS: Molly Farrell,  
11 absent.

12 Mr. Adam Ruppe?

13 MR. RUPPE: Here.

14 CHAIRPERSON THOMAS: I, Samuel Thomas,  
15 Chairperson, is present, along with Geoffrey Urda,  
16 Senior Planner, and Mr. Joseph Albinus, Planner.

17 And this is a continuation of two  
18 hearings for Case Number 608 and 609: 608 being a  
19 use variance to allow for a self-storage facility  
20 in a commercial district at 144 Eastern Boulevard;  
21 and Number 609 is a use variance to allow an  
22 accessory use in a front yard, location,  
23 1165 Arsenal Street, the applicant being Randall --  
24 oh, no. We have two names that are the same on --

25 The applicant's name for 1165 Arsenal

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1 Street?

2 MR. URDA: Oh, we messed that up on the  
3 agenda? MasTec Network Solutions is the correct  
4 one.

5 CHAIRPERSON THOMAS: Well, first, we'll  
6 hear from 144 Eastern Boulevard.

7 Mr. Soggs, if you would like to ...

8 MR. SOGGS: Sure. Good evening.

9 CHAIRPERSON THOMAS: I had a chance to  
10 read through that extensive materials, so that was  
11 helpful.

12 MR. SOGGS: Yeah. Well, again -- and I  
13 think that my application really stands with just  
14 what's been submitted in terms of the  
15 documentation.

16 I guess the only thing I'll add is a  
17 quick, little story that I have been trying to  
18 start businesses in order to fill this building  
19 because I've gotten that desperate relative to the  
20 vacancies. So the one thing that I tried to do  
21 over the last year is to put a liquor store in. I  
22 couldn't attract anybody, so I went and applied for  
23 a liquor license and was turned down because the  
24 State of New York has determined that Watertown has  
25 more than enough liquor stores as it is.

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1           So even if I had been -- even if I wanted  
2           to do it, I still can't. And it's kind of the rub  
3           and really the nub of that whole analysis is it's  
4           not that we are turning down or walking away from  
5           opportunities that exist within the zoning law.  
6           It's that this zoning law is so restrictive that  
7           it's making it impossible to operate that property.

8           I'm happy to answer any questions that  
9           you may have, but that's pretty much --

10           CHAIRPERSON THOMAS: If you could -- you  
11           have 13 available rental spaces; is that correct?

12           MR. SOGGS: Well --

13           CHAIRPERSON THOMAS: I mean, I was  
14           looking at the application. That's what I recall.

15           MR. SOGGS: Again, I don't count it that  
16           way. I deal with properties in terms of square  
17           footage. The appraiser was doing what he said  
18           based on square footage in terms of vacancy. I  
19           don't -- that's not divided up into -- I think,  
20           right now, it's divided up into a total of  
21           14 spots, so I don't have 13 vacant. If that's  
22           somewhere sneaked into the application, that --  
23           that's erroneous.

24           CHAIRPERSON THOMAS: I think I saw the  
25           percentage of --

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1 MR. SOGGS: 31 percent vacant is the  
2 existing number that's there. And that's actually  
3 including, for example, the restaurant supply,  
4 which sits on the -- the end cap closest to Eastern  
5 Boulevard. They're not even open yet, but we're  
6 counting them, but ...

7 So we're about basically a third empty,  
8 and we've been at least a third empty for four,  
9 five years. And, you know, some of the sections  
10 like where the restaurant supply, Video to Roll was  
11 the last tenant, to give you a little historical  
12 context for everybody.

13 CHAIRPERSON THOMAS: A special use permit  
14 was granted in 2013. I failed to ask you a  
15 question. It wasn't acted upon for a self-storage  
16 facility.

17 MR. SOGGS: I found a tenant --

18 CHAIRPERSON THOMAS: Oh.

19 MR. SOGGS: -- so it wasn't -- it wasn't  
20 necessary. The self-storage is not a choice I'm  
21 making because I feel like I have any other  
22 choices. This is -- and you can see, in 2013, I  
23 looked at this -- this particular use of this  
24 property for that for well over a decade and have  
25 tried -- you know, we ended up attracting the VA

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1 back in 2013, so I didn't need to convert stuff to  
2 self-storage.

3 Unfortunately, after the VA's time line  
4 went with that vendor, they moved to another  
5 contractor who went elsewhere.

6 CHAIRPERSON THOMAS: Mr. Evans, you posed  
7 a question -- and, perhaps, we want to include this  
8 in our responses -- about maintaining only 32,000  
9 square feet for the self-storage facility.

10 Mr. Urda, if that -- if --

11 Oh, go ahead, Mr. Albinus.

12 MR. ALBINUS: Yes. For that, you're able  
13 to grant the minimum relief needed for that, so you  
14 can specify that zoning be at 32,500 square feet.

15 MR. SOGGS: Would it be a problem to  
16 think of it in terms of -- and I'm not going to  
17 turn down a variance that would have 32,000 square  
18 feet. That's what I've asked for. But as someone  
19 who likes flexibility and opportunity, leaving the  
20 rest of the center and able to do it within the  
21 confines of the existing structure, not building  
22 new buildings, not putting little metal, you know,  
23 huts around within the shopping center structure,  
24 that would be -- it would be helpful to me to have  
25 that use variance already be approved.

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1 But does it expire? I mean ...

2 MR. ALBINUS: The use variance goes for,  
3 like --

4 MR. SOGGS: You said -- for the entire  
5 structure.

6 MR. ALBINUS: I believe it would  
7 expire --

8 MR. URDA: No. Variances run with the  
9 land.

10 MR. SOGGS: Okay.

11 MR. URDA: So even if you were to sell,  
12 as long as this is our zoning ordinance 10 owners  
13 100 years from now, the variance would run with the  
14 land.

15 The ZBA is empowered, and is directed by  
16 the state, guidance to grant the minimum variance  
17 necessary, so it would be the ZBA's purview and the  
18 four of you that would determine whether it would  
19 be for the 32,000, as Mr. Soggs has requested, or  
20 for, you know, the square footage of this entire  
21 building, or for some amount in between those  
22 amounts. And that's not really our place to advise  
23 you on.

24 CHAIRPERSON THOMAS: I understand.

25 Now, just for clarification purposes, if

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1 we were to grant the variance for 32,000 square  
2 feet and he wanted to utilize the entire building  
3 down the road, would that require, then, another  
4 use variance?

5 MR. URDA: Yes. It would need another  
6 variance to supersede this one.

7 CHAIRPERSON THOMAS: Okay.

8 MR. URDA: But, like I said, you can  
9 determine whatever that appropriate amount of  
10 square footage is that you want to grant it for.

11 CHAIRPERSON THOMAS: Mm-hmm. Well, thank  
12 you.

13 Mr. Evans, I'm sure have you comments  
14 about that.

15 MR. EVANS: I have a couple of questions.  
16 The thirty-two, five, let's go with that one at the  
17 moment.

18 MR. SOGGS: Sure.

19 MR. EVANS: What percent of the plaza is  
20 that?

21 MR. SOGGS: That's roughly a third.

22 MR. EVANS: That's the 31 percent,  
23 based --

24 MR. SOGGS: That's -- yeah. We're a  
25 little over 31 percent vacant right now because



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1           that 31 percent included Real Deals, which is a --

2                   MR. EVANS:   Yes.

3                   MR. SOGGS:   -- was a percentage that just  
4           closed.

5                   MR. EVANS:   Yeah.

6                   MR. SOGGS:   So the real -- the actual  
7           number today stands closer to 43 percent, because  
8           they've closed, than it was at the time.

9                   And this plan that I've put forward for  
10          the thirty-two, five is for three specific spaces.  
11          They're the former VA space.  There was a gym right  
12          next to the VA space, and then the Real Deal space  
13          right next to -- right adjacent it.  So it would be  
14          those three -- those three boxes.

15                  MR. EVANS:   Okay.  I think the gym space  
16          was a discount store.  I want to say Ames, but I  
17          may be wrong.

18                  MR. SOGGS:   I think it was originally  
19          built as an Ames.

20                  MR. EVANS:   Yeah.  That's how old I am.

21                  MR. SOGGS:   Yeah.  By Michael Falcone of  
22          Pioneer, if you want to know the ...

23                  MR. EVANS:   My other question is:  In the  
24          packet that you gave us, the appraiser included  
25          your exclusive authorization to

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1 lease/sell/exchange.

2 MR. SOGGS: Yes.

3 MR. EVANS: And I noted that that expired  
4 back in 2021. Have you been renewing that?

5 MR. SOGGS: That's been renewed -- that's  
6 been renewed annually.

7 MR. EVANS: Because --

8 MR. SOGGS: Dominic Pavia is my best  
9 friend and my son's godfather.

10 MR. EVANS: Okay.

11 MR. SOGGS: So if the paperwork is  
12 shotty, it's --

13 MR. EVANS: Well, no. It's not that. I  
14 just wanted to make sure that the -- because you  
15 stated you've been continuously marketing --

16 MR. SOGGS: Yeah. No, we haven't yet.

17 MR. EVANS: -- and obviously, if it  
18 expired, it wouldn't -- it wouldn't be continuously  
19 marketed anymore. Okay.

20 MR. SOGGS: Yeah. Matter of fact, Pavia  
21 still has signs up over there.

22 MR. EVANS: And that is for -- yeah. It  
23 looks like it's for whatever space that you have  
24 available that --

25 MR. SOGGS: I mean, bring us any -- bring

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1 us anybody that makes sense in that building.

2 MR. EVANS: Okay.

3 CHAIRPERSON THOMAS: Thank you.

4 So I saw, then, since 2021, there was an  
5 active -- you were active in trying to market the  
6 facility.

7 MR. SOGGS: Well, we've been marketing  
8 it. The difference was I changed the structure of  
9 my business, then I no longer had staff.

10 CHAIRPERSON THOMAS: Mm-hmm.

11 MR. SOGGS: So I started using  
12 third-party vendors. Pavia had always done some  
13 work for me, so they just got the exclusive right  
14 to do all of my -- all of my stuff.

15 CHAIRPERSON THOMAS: Makes sense.

16 Other questions by members of the zoning  
17 board of appeals?

18 MR. RUPPE: The packet had some  
19 comparisons to Arsenal Street plazas, but it didn't  
20 include two, which I think are somewhat similar to  
21 this, and that's the Piggly Wiggly one on  
22 Washington Street, or the Seaway Plaza, Route 11  
23 north.

24 Do you know how well you compare to them?

25 MR. SOGGS: Again, I didn't look at

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1 occupancy rates in town. That was -- that was  
2 something that I just -- that Frank had put  
3 together, the appraiser put together. I know that  
4 the occupancy rates -- for example, we just had --  
5 over where Tractor Supply is just lost Big Lots, so  
6 you've got another big-box space that's come in.

7 I know that there is at least  
8 50,000 square feet vacant in State Street Plaza  
9 right now. You just -- you see the -- you drive  
10 over there, whether it's the old JOANN's --

11 MR. EVANS: Stateway Plaza.

12 MR. SOGGS: Stateway.

13 MR. EVANS: Yeah.

14 MR. SOGGS: Excuse me. I apologize.  
15 Either the JOANN's, you know, that kind of sits off  
16 by itself or some of the main inline stuff.  
17 It's -- retail's overbuilt right now in most of the  
18 northeast.

19 MR. EVANS: I think Washington Street  
20 plaza is just about full. I think there's that  
21 keep --

22 CHAIRPERSON THOMAS: The mall is -- it  
23 just seems very vacant.

24 MR. EVANS: Yeah.

25 I would agree with you, Adam, that --

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1 CHAIRPERSON THOMAS: Things have changed.

2 MR. EVANS: -- probably better a  
3 comparison would have been Northland -- or the one  
4 out on --

5 MR. ALBINUS: Seaway.

6 MR. EVANS: Seaway Plaza -- thank you --  
7 and --

8 MR. SOGGS: Okay. Seaway, that has the  
9 bowling alley on Route 11 and --

10 MR. EVANS: Yeah. Yeah. Grand Union --

11 MR. SOGGS: I'm not sure what's in there  
12 still. I know the Kinney's was in there. I  
13 thought they were going to do a freestanding --

14 MR. EVANS: Kinney's is gone.

15 MR. URDA: That's what he's talking  
16 about.

17 MR. EVANS: Yeah. Grand Union is in  
18 there. I was just there yesterday. There's a  
19 Chinese food restaurant in there? Does that sound  
20 familiar?

21 MR. SOGGS: Yeah. Again -- but I think  
22 the bowling alley was closed. It's been closed --

23 MR. EVANS: No.

24 MR. SOGGS: -- for an extended period of  
25 time.

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1 MR. EVANS: It's open now. Well, there  
2 were lights last night, at least.

3 CHAIRPERSON THOMAS: But then there's  
4 also a very large space that sits empty on the east  
5 end of that plaza.

6 MR. EVANS: Yeah.

7 CHAIRPERSON THOMAS: It was, I believe, a  
8 church. They've since moved.

9 MR. EVANS: Oh, they have?

10 CHAIRPERSON THOMAS: I go by on the way  
11 to work. It's just -- it's pretty sad.

12 MR. EVANS: It was the Rock Church or  
13 something, yeah.

14 CHAIRPERSON THOMAS: Yeah. It's pretty  
15 sad.

16 MR. RUPPE: I think, generally, State  
17 Street isn't what it used to be. There's a  
18 Walgreens that recently closed out that way, too.

19 MR. EVANS: Mm-hmm.

20 MR. SOGGS: Yeah. You know, Rite Aid's  
21 gone that were down -- that became Dollar Tree.  
22 Walgreens is gone. You know, it's Kinney country,  
23 so it's okay. They're still here.

24 CHAIRPERSON THOMAS: You know, I think,  
25 in Gouverneur, they had a Rite Aid in --

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1 MR. SOGGS: Oh, yeah, yeah. And they  
2 called it Kinney.

3 CHAIRPERSON THOMAS: And people -- "I'm  
4 not going there," so they kind of shut down and  
5 then Kinney's bought the building. But I can be --  
6 I date myself because I do remember signage  
7 variances requested by Walgreens on State Street in  
8 2006 and other kinds of things, and now they're all  
9 gone. And I think a Rite Aid, we granted a  
10 variance there, and that's not there anymore,  
11 so ...

12 MR. EVANS: Yeah, Walgreens just over on  
13 Arsenal Street. But you're losing a tenant --

14 MR. SOGGS: Yeah. That's --

15 MR. EVANS: -- from the credit union.  
16 The credit union bought --

17 MR. SOGGS: That's a credit union that's  
18 actually in the little freestanding building is the  
19 one that bought the --

20 CHAIRPERSON THOMAS: The Walgreens.

21 MR. SOGGS: -- the Walgreens and will be  
22 moving over there in about a year when they're done  
23 realizing how much money it costs to build a back  
24 branch. It's going to be --

25 MR. RUPPE: The front little building

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1 that used to be the Watertown Savings Bank, they  
2 moved across the street, too, and it's been empty a  
3 long time.

4 MR. SOGGS: Oh, yeah. That -- see, PJ  
5 owned that, and then I think he flipped it to the  
6 doctor, the eye doctor who's there. He was going  
7 to put in something for himself and then never did.

8 CHAIRPERSON THOMAS: Yeah. They were  
9 before zoning, too.

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

11 MR. ALBINUS: We take no position.

12 CHAIRPERSON THOMAS: Okay. Understood.

13 Any comments from -- or concerns when you  
14 had to -- nothing from the neighborhood?

15 MR. ALBINUS: (Shaking head side to  
16 side.)

17 CHAIRPERSON THOMAS: Okay. Very good.

18 Okay. Well, I'll begin -- we'll do the  
19 short form assessment and then we'll close the  
20 hearing and then vote.

21 So please answer no or yes for moderate  
22 to large impact. Hang on one second, please.

23 Number 1, will the proposed action create  
24 a material conflict with the adopted land use plan  
25 or zoning regulations? No. Please, everyone



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1 answer.

2 MR. CORRIVEAU: No.

3 CHAIRPERSON THOMAS: Will the proposed  
4 action result in the change or use or intensity of  
5 use of land?

6 MR. CORRIVEAU: No.

7 MR. EVANS: No.

8 CHAIRPERSON THOMAS: No.

9 Will the proposed action have a critical  
10 impact on the environmental characteristics that  
11 cause the establishment of a critical environmental  
12 area (CSEA) -- (CEA)? I'm sorry. No.

13 MR. CORRIVEAU: No.

14 MR. EVANS: No.

15 CHAIRPERSON THOMAS: Will the proposed  
16 action result in an adverse change in the existing  
17 level of traffic or affect existing infrastructure  
18 for mass transit, biking, or walkway?

19 MR. EVANS: No.

20 MR. CORRIVEAU: No.

21 CHAIRPERSON THOMAS: No.

22 Will the proposed action cause an  
23 increase in the use of energy and it fails to  
24 incorporate reasonable available energy  
25 conservation or renewable energy opportunities?

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1 No.

2 MR. EVANS: No.

3 CHAIRPERSON THOMAS: Will the proposed  
4 action impact existing, A, public/private water  
5 supplies?

6 MR. EVANS: No.

7 CHAIRPERSON THOMAS: No.

8 B, public/private wastewater treatment  
9 facilities? No.

10 MR. EVANS: No.

11 CHAIRPERSON THOMAS: Will the proposed  
12 action impair the character or quality of important  
13 historical, archeological, architectural, or  
14 aesthetic resources? No.

15 MR. CORRIVEAU: No.

16 MR. EVANS: No.

17 CHAIRPERSON THOMAS: Will the proposed  
18 action result in an adverse change into natural  
19 resources? Example, wetlands, waterbodies,  
20 groundwater, air quality, flora or fauna?

21 MR. EVANS: No.

22 MR. CORRIVEAU: No.

23 CHAIRPERSON THOMAS: No.

24 Will the proposed action result in an  
25 increase in the potential for erosion, flooding, or

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1 drainage problems? No.

2 MR. CORRIVEAU: No.

3 CHAIRPERSON THOMAS: Will the proposed  
4 action create a hazard to environmental resources  
5 or human health?

6 MR. CORRIVEAU: No.

7 CHAIRPERSON THOMAS: No.

8 I need a resolution to adopt the findings  
9 of the short -- short environmental assessment  
10 form. I move that we adopt a resolution finding  
11 the proposed variance will have no significant  
12 adverse effects or environmental impacts.

13 MR. RUPPE: Second.

14 CHAIRPERSON THOMAS: All in favor?

15 MR. EVANS: Aye.

16 MR. CORRIVEAU: Aye.

17 CHAIRPERSON THOMAS: Okay. Very good.

18 Now we'll make a motion to close the  
19 public hearing, and then we'll --

20 MR. EVANS: So moved.

21 MR. RUPPE: Second.

22 CHAIRPERSON THOMAS: All in favor?

23 MR. CORRIVEAU: Aye.

24 MR. EVANS: Aye.

25 CHAIRPERSON THOMAS: And then we'll start

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1 the voting procedures.

2 Please keep in mind to answer your vote  
3 in accordance with the stipulations for a use  
4 variance request.

5 During the past decade, shopping habits  
6 have drastically changed with the advent of online  
7 shopping, leaving brick-and-mortar stores with  
8 unoccupied spaces.

9 A petition presented by Mr. Randall  
10 Soggs, property owner of Northland Plaza,  
11 144 Eastern Boulevard, request that a large portion  
12 of this plaza, approximately -- it should say a  
13 third of the plaza, or 32,000 square feet, be  
14 converted into a self-storage facility. A special  
15 use permit was granted in 2013, but not acted upon  
16 because there was a potential for a tenant to go  
17 into that space.

18 Having self-storage facilities are  
19 prohibited in a planned -- accepted planned campus  
20 or industrial district. Currently, I guess it's  
21 43 percent of the plaza's empty, and there are  
22 13 available rental spaces. Mr. Soggs has  
23 diligently tried to market the spaces, but there  
24 have not -- there have been few takers. He's  
25 presented very detailed description of present

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1 tenants and some perspective tenants who could  
2 utilize the store front: Some would be  
3 appropriate; others would not qualify.

4 Under the present conditions, the  
5 applicant cannot utilize a reasonable return on his  
6 investment with just over half of the spaces being  
7 rented. A substantial investment would have to be  
8 made into renovating the space, but a tenant could  
9 choose not to -- could choose to exit after  
10 renovations were completed or accomplished. This  
11 plaza enjoys available parking for tenants and  
12 customers.

13 When taking into account general  
14 maintenance, property taxes, insurance, lack of  
15 tenants, it's obvious that Mr. Soggs is not  
16 yielding a reasonable return. He purchased the  
17 property 20 years ago for \$3 million and, according  
18 to the information that he presented, he would need  
19 an 8 percent return on that investment, or \$240,000  
20 a year.

21 Am I correct on that?

22 MR. SOGGS: I would love that, yeah. I  
23 think it's in a parentheses right now. That's the  
24 problem.

25 CHAIRPERSON THOMAS: Given the present

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1       circumstance of retail, I do not view this as a  
2       self-created hardship, nor will the variance have  
3       an essential or detrimental effect on the  
4       neighborhood. The hardship seems to apply only to  
5       this property, but there are other properties  
6       within the city that are, you know, in north, east,  
7       west, south -- maybe with the exception of the  
8       south side, that are experiencing the similar  
9       hardships.

10               I vote yes to the requested use variance  
11       with the stipulation that 32,000 square feet of  
12       space be converted into a self-storage facility,  
13       and that should be noted.

14               MR. URDA: Thirty-two, five.

15               MR. EVANS: Thirty-two, five.

16               CHAIRPERSON THOMAS: Okay. That's fine.  
17       And an additional conversion space would require  
18       another application for a use variance.

19               I vote yes.

20               MR. URDA: Joseph had one other question.  
21       In the previous meeting, there was a question about  
22       whether that thirty-two, five would apply to the  
23       ground floor or to the footprint, and I believe the  
24       ZBA's intent, it's total square footage, that you  
25       wouldn't have a second floor of thirty-two, five

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1 covered by this; in other words, we would give them  
2 65.

3 So it's thirty-two, five on the ground  
4 floor on the storefront store, which Mr. Soggs has  
5 requested?

6 CHAIRPERSON THOMAS: Okay. Very good.

7 MR. URDA: I'm asking. I'm not telling.

8 MR. EVANS: That's what -- that was my  
9 thought, too. If he added 32,500 square feet on  
10 the top, and he wanted to do something else with  
11 it, then he'd have to also get --

12 MR. URDA: You can stipulate the variance  
13 applies to ground floor square footage. So, in  
14 other words, thirty-two, five of ground floor  
15 space.

16 CHAIRPERSON THOMAS: I agree to that,  
17 32,500 for the ground floor space.

18 Mr. Ruppe?

19 MR. RUPPE: Yeah. I agree that you've  
20 demonstrated that the zoning law has caused you  
21 unnecessary hardship. You've gone through a long  
22 list of available uses and how none of those have  
23 given you a reasonable return on investment. You  
24 shall not -- the main problem here is unique to the  
25 property, and I don't believe this will alter the

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1 essential character of the neighborhood, given the  
2 limitation of the square footage and half of that  
3 building, at least, is still going to be retail  
4 space, hopefully, going forward. And, no, you  
5 can't control the economy, so that's not  
6 self-created.

7 So I would also vote yes with the same  
8 stipulations of the square footage.

9 CHAIRPERSON THOMAS: Mr. Corriveau?

10 MR. CORRIVEAU: I vote yes.

11 CHAIRPERSON THOMAS: Mr. Evans?

12 MR. EVANS: I vote yes with the  
13 thirty-two, five for the self-storage facility, and  
14 I look forward to seeing what you do with it.

15 CHAIRPERSON THOMAS: Well, we have four  
16 yes votes for your area variance, one absent, and,  
17 therefore, your area variance request has been  
18 granted.

19 MR. SOGGS: Thank you very much,  
20 everybody.

21 CHAIRPERSON THOMAS: And you can speak to  
22 Mr. Albinus about follow-up with permits.

23 MR. SOGGS: We'll be in touch with  
24 drawings and --

25 MR. ALBINUS: Yeah.



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1 MR. SOGGS: But I've got a whole ways to  
2 go on that one. Thank you. Great first step,  
3 though. I appreciate it.

4 MR. ALBINUS: Have a good night.

5 MR. EVANS: Are there any other  
6 regulatory permits he's got to have?

7 MR. URDA: He's going to need a building  
8 permit for any interior modifications, like walls  
9 and stuff, but --

10 MR. EVANS: The planning board gets  
11 involved in that or ...

12 MR. URDA: Nope, the planning board  
13 doesn't get involved. This was -- I should use the  
14 mic.

15 This was initiated by a denied zoning  
16 compliance certificate. He now has the variance he  
17 needs to take care of that. He won't need planning  
18 commission approval. He will need a building  
19 permit because, to build all those units in there,  
20 he's going to need to put walls in there. He will  
21 need a certificate of occupancy. You know, code  
22 enforcement will also make sure it meets building  
23 code, fire code, et cetera. So he does have  
24 additional --

25 MR. EVANS: Yeah. I figured he --

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1 MR. URDA: -- approvals.

2 MR. EVANS: Nothing else for one of the  
3 boards.

4 MR. URDA: Correct. That's correct. It  
5 can all be done at the staff level now.

6 MR. EVANS: Great.

7 CHAIRPERSON THOMAS: Are we ready to move  
8 on to Case Number 509 --

9 MR. EVANS: 609.

10 CHAIRPERSON THOMAS: 609. Okay. Fine.  
11 609, for ALDI's, located at 1265 [sic] Arsenal  
12 Street, and there's been a request -- a use  
13 variance request for the -- they want to have some  
14 electric vehicle --

15 MR. McINTYRE: Yes.

16 CHAIRPERSON THOMAS: -- outlets there.

17 So you may proceed, if you have any  
18 information you would like to present.

19 MR. McINTYRE: Well, I wasn't able to get  
20 anything from National Grid like you requested, so  
21 I provided my own company's pricing for what it  
22 would cost between the two locations, and I  
23 presented it to Mr. Urda and ...

24 CHAIRPERSON THOMAS: I saw, like, the  
25 cost to move it to the back end --

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1 MR. McINTYRE: Yeah.

2 CHAIRPERSON THOMAS: -- of the property  
3 was, like, 9 -- well, close to \$20,000 --

4 MR. McINTYRE: Yeah.

5 CHAIRPERSON THOMAS: -- versus \$6,000 if  
6 you were to attach it to a power pole towards the  
7 front.

8 MR. McINTYRE: Yeah. It's basically a  
9 closer location from our equipment to their pole  
10 versus the back lot, and we would have to go to  
11 basically the neighbor's parking lot to ...

12 CHAIRPERSON THOMAS: And it's for two  
13 outlets; correct?

14 MR. EVANS: Two EV.

15 MR. McINTYRE: So two dispensers, four  
16 outlets. So four parking spots would be covered,  
17 but just two stand-up units would be ...

18 CHAIRPERSON THOMAS: Questions?

19 MR. RUPPE: What's the expected lifetime  
20 and maintenance cost of the two options?

21 MR. McINTYRE: I -- we don't have any  
22 kind of maintenance contract with the company that  
23 is having us install them, so I wouldn't know where  
24 to even answer that. They should last for, you  
25 know, 10, 15 years, provided technology doesn't

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1 advance anymore, and that changes constantly,  
2 so ...

3 If they're going to be doing any  
4 upgrades, it won't be anything but replacing one  
5 unit for another one, so -- but I don't see that  
6 happening anytime soon.

7 But as far as maintenance goes, again,  
8 that's -- it should be maintenance-free, really.  
9 Changing out a circuit board, if need be, sometime  
10 in the future if something goes bad or -- but that  
11 wouldn't cost the city anything. It wouldn't cost  
12 ALDI's anything. It would be just ...

13 CHAIRPERSON THOMAS: Now, you were able  
14 to move it out of that intersection. That's the  
15 most important --

16 MR. McINTYRE: Yeah.

17 CHAIRPERSON THOMAS: -- piece.

18 MR. McINTYRE: So I slid the two power  
19 cabinets to the second parking spot and slid the  
20 dispensers a couple spots down.

21 MR. URDA: So just to be clear -- I'll  
22 jump in quickly for a second -- this is 40 feet  
23 measured from either direction strictly applied.  
24 This is the second parking spot. This very top  
25 northwest corner of this space is still in the

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1 triangle, so I think, you know, these -- I think  
2 putting them in that space is fine. I think you'll  
3 probably just have to shift them about 5 feet south  
4 from where they are in this picture, and I think  
5 they would still fit fine in that space.

6 I would recommend that the planning -- or  
7 that ZBA, when granting the variance, grant it with  
8 the condition that anything be outside the sight  
9 triangle, as required by 310.92. But I think this  
10 alignment would work.

11 MR. McINTYRE: And the equipment isn't as  
12 wide as the spots.

13 MR. URDA: Yeah.

14 MR. McINTYRE: It's just the depiction,  
15 so we might only be --

16 MR. URDA: ALDI's isn't planning to still  
17 use this last space as a spot, is it, or are they?

18 MR. McINTYRE: Probably not.

19 MR. URDA: Okay.

20 MR. McINTYRE: We'll probably have to put  
21 some kind of bollards on that side.

22 MR. URDA: Yeah. So, in essence, they  
23 could, you know, go as far south as they needed to.  
24 Like I said, this is the key piece. So as long as  
25 they were basically here and here, it's fine

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1 (indicating).

2 MR. MCINTYRE: Okay.

3 CHAIRPERSON THOMAS: So what you're  
4 saying, Mr. Urda, they need to be out of that 40 --

5 MR. URDA: Right. They need to be out of  
6 this shaded area, and Staff would just recommend,  
7 if the ZBA chose to grant the use variance, that it  
8 be written into the decision that it be outside  
9 this shaded area.

10 CHAIRPERSON THOMAS: Okay. So even that  
11 little piece --

12 MR. URDA: It's --

13 CHAIRPERSON THOMAS: -- to the  
14 northwest --

15 MR. URDA: It is 100 percent matter of  
16 safety as far as --

17 CHAIRPERSON THOMAS: Right.

18 MR. URDA: -- any obstruction in the  
19 sight triangle is a great way to get a car T-boned.

20 CHAIRPERSON THOMAS: Okay. So it needs  
21 to come out of that.

22 MR. URDA: Yeah. And, like I said, it's  
23 not a heavy lift from -- from this drawing where  
24 Staff has drawn the triangle to what the applicant  
25 has, I mean, it's a lesser -- it's less feet than

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1 my wingspan.

2 CHAIRPERSON THOMAS: Mm-hmm.

3 MR. McINTYRE: Could you scroll back down  
4 to the triangle?

5 MR. URDA: Yep.

6 MR. McINTYRE: So we might be able to  
7 put, like, one here and one here (indicating).

8 MR. URDA: Yeah. That would be fine.

9 MR. McINTYRE: And --

10 MR. URDA: You can orient it however you  
11 want it, however ALDI's needs it. It's just a  
12 matter of being out of the --

13 MR. McINTYRE: As long as I can get a  
14 copy of that --

15 MR. URDA: Yeah, yeah. I can email it to  
16 you tomorrow morning.

17 MR. McINTYRE: That way both spots are  
18 kind of taken, and we'll just have to put bollards  
19 around the equipment.

20 MR. EVANS: I know you've done these  
21 other places. I can't remember the other place  
22 that you had shown us.

23 MR. McINTYRE: Down in Pulaski.

24 MR. EVANS: Pulaski. Okay. So you have  
25 taken winter into effect with that and -- because

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1 Arsenal Street gets very -- the state comes along  
2 with their big plows and really plows down Arsenal  
3 Street to --

4 MR. MCINTYRE: Yeah.

5 MR. EVANS: I worked in a business  
6 further down Arsenal Street, and we had trouble  
7 clearing our sidewalk, those on Arsenal Street,  
8 because the state would just plow the --

9 MR. MCINTYRE: Yeah.

10 MR. EVANS: -- the stuff right in.

11 So that won't affect the charging  
12 stations, then?

13 MR. MCINTYRE: It shouldn't, no.  
14 They're -- they're enclosed. They're weatherproof,  
15 so provided they don't get knocked over by the  
16 impact of it, but that's -- that shouldn't be a --  
17 a problem.

18 CHAIRPERSON THOMAS: Is there a  
19 sidewalk -- there's a margin, and then isn't there  
20 a sidewalk on Arsenal Street?

21 MR. EVANS: Yeah. There's both.

22 CHAIRPERSON THOMAS: Oh.

23 MR. EVANS: Yep. Yep.

24 CHAIRPERSON THOMAS: Okay.

25 MR. EVANS: There's the sidewalk, and



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1       then it -- it's easier to see in the sight  
2       triangle, almost, I think. But there's the  
3       sidewalk there.

4               CHAIRPERSON THOMAS: I drive by there,  
5       like everybody else, three or four times a week  
6       and ...

7               MR. EVANS: Well, I've discovered that if  
8       you're coming out of the Price Chopper plaza, you  
9       can actually come up behind the plaza that Price  
10      Chopper -- the end of Price Chopper and end up on  
11      Haney Street.

12              CHAIRPERSON THOMAS: Oh, yeah.

13              MR. EVANS: And so I did that the other  
14      day, just to see what I was looking at for this.

15              I understand why you have the sight  
16      triangle, by the way, much better now that I  
17      actually sat there and tried to get onto Arsenal  
18      Street. You don't want to see the other problems  
19      coming, so ...

20              CHAIRPERSON THOMAS: Okay. Other  
21      questions by colleagues?

22              MR. EVANS: I mean, I understand that  
23      ALDI's wants to do this. I guess I'm still -- I'm  
24      still on the -- the self-created hardship. I mean,  
25      it sort of is self-created because they're --

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1       they're the ones that are trying to do this,  
2       but ...

3               CHAIRPERSON THOMAS:  And it's really not  
4       required.

5               MR. EVANS:  It's not required for them  
6       because they're an existing business.

7               MR. URDA:  That's correct.

8               MR. EVANS:  Yes.

9               MR. URDA:  If that were a vacant parcel  
10       today and they were developing the store from  
11       scratch, the zoning would require them to install  
12       EV chargers.  But they have the option not to  
13       because they are grandfathered, having been built  
14       before the adoption of this code.

15              MR. EVANS:  I think that's an asinine  
16       thing in the code, too, by the way, but that's just  
17       me.  What do I know?  So ...

18              MR. RUPPE:  So my big concern with this  
19       is the -- for an area variance, you have to show a  
20       lack of reasonable return for all permitted uses,  
21       and one of those permitted uses is the status quo.  
22       So is ALDI in any risk of having to close that  
23       store?  Are they losing money?

24              MR. McINTYRE:  No.  It's more of a way to  
25       get people in, I guess, customers.  People that do

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1 already shop there that have EVs, they just have  
2 the luxury of plugging in while they're shopping.  
3 It's more of that -- along the lines of that.

4 CHAIRPERSON THOMAS: Yeah. To be  
5 truthful, when you compare, like, 19,000 or 20,000  
6 versus 6,000, and then you're running a large  
7 grocery store -- and then ALDI's is busy  
8 constantly, I mean, from the time it opens, I  
9 think, until the time it closes -- I mean, I think  
10 of not yielding a reasonable return, that, without  
11 this, it would be difficult for the business to  
12 continue to exist.

13 MR. RUPPE: Yeah. The city assesses that  
14 parcel at \$1.8 million, and a \$13,000 difference  
15 over ten years of equipment seems insignificant.

16 CHAIRPERSON THOMAS: Other questions?

17 MR. CORRIVEAU: On that subject there,  
18 you know, we don't really know what ALDI's has in  
19 this project. ALDI's is not the applicant. The  
20 builder is.

21 CHAIRPERSON THOMAS: Yeah.

22 MR. CORRIVEAU: I'm pretty confident that  
23 there's a lot of public money in putting in these  
24 chargers, whether it's a rebate from National Grid,  
25 something by the State of New York Public Service

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1 Commission, or something from the state themselves  
2 to push the energy or whatever it may be. I would  
3 be surprised if ALDI has a lot of skin in the game  
4 when it comes to this project, but ...

5 Because when you look at the investment  
6 we're talking about here, if they were to finance  
7 the entire thing --

8 *(Court reporter interrupts for*  
9 *clarification.)*

10 MR. CORRIVEAU: If they were to finance  
11 this whole project, I don't think ALDI's would make  
12 any money on it at all.

13 MR. EVANS: Yeah. I don't know how much  
14 you charge for a charge.

15 MR. CORRIVEAU: Well, there's one I saw  
16 out there months ago and it was 35 cents a  
17 kilowatt-hour. That's simply the price of  
18 electricity, what I pay at home.

19 CHAIRPERSON THOMAS: The rates are only  
20 going up.

21 MR. CORRIVEAU: Mm-hmm.

22 CHAIRPERSON THOMAS: Mr. Urda, is there  
23 city's -- are there other questions, I should first  
24 say, from board members?

25 MR. EVANS: I don't think I have any

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1 other questions.

2 CHAIRPERSON THOMAS: City's position?

3 MR. URDA: The city takes no position.

4 CHAIRPERSON THOMAS: And did you receive  
5 any concerns from ...

6 MR. URDA: No comments from any neighbors  
7 or land owners.

8 CHAIRPERSON THOMAS: All right. Well,  
9 we'll start as we did before with the short  
10 environmental assessment form, and just please  
11 answer yay or nay to that.

12 We'll begin with Number 1. Will the  
13 proposed action create a material conflict with an  
14 updated [sic] land use plan or zoning regulations?  
15 No.

16 Will the proposed action result in a  
17 change to the use or intensity of the land? No.

18 MR. CORRIVEAU: No.

19 MR. EVANS: Yes.

20 CHAIRPERSON THOMAS: Yes?

21 MR. EVANS: Read it again.

22 CHAIRPERSON THOMAS: Will the proposed  
23 action result in a change in the use or intensity  
24 or --

25 MR. EVANS: Okay. No. Yeah.

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1 CHAIRPERSON THOMAS: All right.

2 MR. EVANS: I misunderstood.

3 CHAIRPERSON THOMAS: Will the proposed --  
4 stop me if it doesn't seem clear, please.

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

7 MR. EVANS: No.

8 CHAIRPERSON THOMAS: No.

9 Will the proposed action have an impact  
10 on the environmental characteristics that cause the  
11 establishment of a critical environmental area  
12 (CSEA) -- CEA? I keep saying that.

13 MR. CORRIVEAU: No.

14 MR. EVANS: What's CBA?

15 CHAIRPERSON THOMAS: Critical  
16 environmental area.

17 MR. EVANS: Oh, okay. Got it.

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

23 MR. EVANS: No.

24 CHAIRPERSON THOMAS: As long as it comes  
25 out of that area.

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1 MR. EVANS: As long as it comes out of  
2 the triangle, yes.

3 CHAIRPERSON THOMAS: Will the proposed  
4 action increase the use of energy and it fails to  
5 incorporate reasonably available energy  
6 conservations or renewable energy opportunities?

7 MR. EVANS: It will increase the energy,  
8 but I don't know enough about it, whether it would,  
9 so I'll say no.

10 CHAIRPERSON THOMAS: Will the proposed  
11 action impact existing public/private water  
12 supplies? No.

13 Will the proposed action impact existing  
14 public/private wastewater treatment?

15 MR. EVANS: No.

16 CHAIRPERSON THOMAS: No. In utilities.  
17 No.

18 Will the proposed action impair the  
19 character or quality of the important historic  
20 archaeological, architectural, aesthetics  
21 resources? No.

22 MR. EVANS: No.

23 CHAIRPERSON THOMAS: Will the proposed  
24 action result in an adverse change to the natural  
25 resources? Examples, wetlands, waterbodies,

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1 groundwater, air quality, flora and fauna?

2 MR. EVANS: No.

3 CHAIRPERSON THOMAS: No.

4 MR. CORRIVEAU: No.

5 CHAIRPERSON THOMAS: Will the proposed  
6 action result in an increase in the potential for  
7 erosion, flooding, or drainage problems?

8 MR. EVANS: No.

9 CHAIRPERSON THOMAS: No, I don't believe  
10 so.

11 And will the proposed action create a  
12 hazard to environmental resources or human health?  
13 No.

14 MR. EVANS: No.

15 CHAIRPERSON THOMAS: So I'll just read it  
16 again, the statement regarding I move that we adopt  
17 a resolution finding that the proposed variance  
18 will have no significant adverse effects or  
19 environmental impacts.

20 May I have a --

21 MR. CORRIVEAU: I'll second that.

22 CHAIRPERSON THOMAS: Okay. All in favor?

23 MR. CORRIVEAU: Aye.

24 CHAIRPERSON THOMAS: Okay. Very good.

25 MR. EVANS: Aye.



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1 CHAIRPERSON THOMAS: This is a tough one.  
2 I have been wrestling with this. I don't want to  
3 start the voting.

4 Who would like to volunteer to go first?

5 MR. CORRIVEAU: I'll go first.

6 CHAIRPERSON THOMAS: Okay.

7 MR. CORRIVEAU: But I just have to say,  
8 it's a tough one in the sense that the zoning of  
9 what goes on in a front yard, think of residential  
10 streets in the front yard as an accessory  
11 structures and what have you, and, here, you've got  
12 a commercial district with all kinds of stuff going  
13 on.

14 MR. URDA: If it helps the ZBA, I can  
15 clarify a couple pieces of code if you're  
16 struggling with their meanings.

17 So the code will read as it was written  
18 in my memo from a couple of months ago, the section  
19 governing accessory structures, basically says they  
20 can't be in the front. They have to be in the side  
21 or the rear, and this is in the front.

22 The -- if you go to this, these are --  
23 the cabinets clearly are structures. You know,  
24 they require building permits. The chargers  
25 themselves also require building permits, but I am

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1 not the one that would answer why a charger  
2 requires a building permit. That is -- codes has  
3 determined they meet the definition of a structure,  
4 which I could read, if you need it. These do  
5 clearly meet it.

6 MR. EVANS: Can you read that?

7 MR. URDA: I sure can. Give me just a  
8 second.

9 So the definition of a structure is any  
10 object constructed, installed, or placed on the  
11 land or connected to a shoreline, such as an  
12 antenna, building, sign, tank, fence, pole, pool,  
13 wind turbine, and any fixtures, additions, and  
14 alterations thereto. Construction must be more  
15 than 6 inches above grade or in excess of  
16 100 square feet in gross floor area or over  
17 100 feet in height to be considered a structure.  
18 Landscaping features, driveways, and parking areas  
19 shall not constitute structures.

20 So the construction here is the one  
21 that's 6 inches above grade. The two cabinets are  
22 clearly structures. It's up to interpretation if  
23 the EV chargers are structures, but they do require  
24 the building permits.

25 So the fact that they are clearly an

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1        accessory to the primary grocery store use of the  
2        property makes them an accessory and, thus,  
3        prohibited by the front-yard accessory structure  
4        prohibition.

5                But bear in mind as you make your  
6        decision, if it, you know, enters your thinking,  
7        that's the definition of a structure.

8                Accessory structure is also defined: An  
9        accessory structure is a structure that is  
10       associated with and incidental to the principal  
11       building on the same lot. Accessory structures are  
12       subordinate in area, extent, or purpose to the  
13       principal building.

14               MR. CORRIVEAU: And charging stations are  
15       becoming a fact of life in a lot of retail parking  
16       lots, whether it's a hotel or a store like this or  
17       a mall or wherever. So we're going to see more of  
18       this sort of thing.

19               And, as you say, if they were building  
20       ALDI's tomorrow, they would have to put them in,  
21       so ...

22               MR. URDA: Just to be clear, if ALDI's  
23       were to build -- if, say, the land was vacant and  
24       they were building the store tomorrow, they would  
25       be required to put them in. But if they wanted to

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1        fulfill that requirement by putting them here, they  
2        would still be in front of this board tonight.

3                MR. CORRIVEAU: Exactly.

4                CHAIRPERSON THOMAS: Okay. So your vote?

5                MR. CORRIVEAU: I vote yes.

6                CHAIRPERSON THOMAS: Okay. Mr. Ruppe?

7                MR. RUPPE: I think the applicant has  
8        failed to demonstrate after, each and every  
9        permitted use under the zoning regulation, that  
10       they cannot realize a reasonable return because the  
11       existing status quo is a permitted use and we have  
12       not seen any change there. Therefore, I feel  
13       obligated to say no.

14               CHAIRPERSON THOMAS: I'll go next.

15               I did not feel the cost was significant  
16       between when you're looking at ALDI's -- and I know  
17       you're not representing the grocery store, and it  
18       was not 19 -- \$19,800 versus \$6,000 -- \$6,000 would  
19       be for the front of the store. I don't feel that  
20       the financial piece was satisfactorily met.

21               I also feel this is a self-created  
22       hardship. I do not feel it would have an impact on  
23       the neighborhood, and so for -- therefore, I am  
24       going to vote no.

25               MR. EVANS: I guess I'm last.

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1 I'm going to go with Adam and Sam on the  
2 same reasoning. It's -- I don't -- I think it's  
3 not self-created, and I'm not entirely sure why it  
4 has to be in the front like that, as opposed to the  
5 side. I realize the cost difference, but the rest  
6 of it.

7 As Jim says, we're seeing more and more  
8 chargers. I guess that will be the way of the  
9 future with a lot of things, but they aren't  
10 usually right on the street like that.

11 So, yeah, I'm going to vote no, so ...

12 CHAIRPERSON THOMAS: So we have three no  
13 votes, one yes vote, one absentee; therefore, the  
14 use variance has not been granted for 1265 Arsenal  
15 Street, ALDI's.

16 MR. EVANS: Geoff, just a quick question.  
17 If they decide to go through the back lot, they  
18 don't even need a use variance then, do they?

19 MR. URDA: That's correct. If -- if  
20 ALDI's chose -- and I understand that it would cost  
21 them about \$13,000 more, according to -- you know,  
22 to what the applicant submitted. But if they were  
23 to put them back here, they would get a zoning  
24 compliance certificate and a building permit, and  
25 they could build them.

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1 And to be -- wow. That's big.

2 To be clear --

3 I wish this wasn't this big. And I wish  
4 it wasn't blocking, but ...

5 -- it can really be anywhere behind this  
6 line. This line extrapolates to the edge there, so  
7 the front of the building facade is where the front  
8 yard is defined from. So they would be able to put  
9 an EV charger anywhere back here by right tomorrow.  
10 But it obviously would cost them more money, as  
11 Mr. McIntyre has laid out.

12 MR. MCINTYRE: It's just getting power to  
13 it. That's the reason why it's got it going to --

14 MR. CORRIVEAU: In regards to the power,  
15 one thing I asked about last month but didn't bring  
16 up yet tonight, is that power line that's on the  
17 east side of the property, which you're not  
18 using --

19 Go back to the overhead view.

20 MR. EVANS: Not that one, but the  
21 other -- the one between ALDI's and the plaza.

22 MR. CORRIVEAU: Yeah.

23 MR. URDA: Here?

24 MR. CORRIVEAU: Yes. You can see the  
25 pole right behind the bank. I think it's a bank --

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1 MR. EVANS: Yes.

2 MR. CORRIVEAU: -- that's over there.  
3 You see a three-phase bank up on the pole. Push it  
4 down the hill the other way.

5 MR. EVANS: Towards -- towards --

6 MR. CORRIVEAU: Yeah. Right there.  
7 There's a power line, a three-phase line that comes  
8 off Arsenal Street. There's the three-phase bank.  
9 There's the three little, gray dots right off the  
10 corner of that building that kind of hang over the  
11 parking lot.

12 MR. EVANS: Yeah.

13 MR. CORRIVEAU: You see where it is?

14 MR. URDA: Oh, wow. That's not what I  
15 meant to do. I meant to -- if you want to pass  
16 this around to Jim.

17 MR. CORRIVEAU: And I'm not trying to  
18 take it out on the building. I know that National  
19 Grid can be difficult to work with sometimes,  
20 but --

21 MR. URDA: You can X out of the  
22 measurement, if you want, and that'll bring you  
23 back to the --

24 MR. CORRIVEAU: Right here is their last  
25 pole on a three-phase line that's tapped off the

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1 same main line on Arsenal Street. It terminates  
2 right there, an overhead bank with three  
3 transformers that feeds this facility. And they  
4 could stick your power transformer anywhere on the  
5 ALDI property over here and then feed off of  
6 theirs, as opposed to coming all the way across  
7 from the western side of the property.

8 You follow me?

9 MR. McINTYRE: Yeah. It's just --

10 MR. CORRIVEAU: If they're willing to.

11 MR. McINTYRE: They're not. That's the  
12 problem.

13 MR. CORRIVEAU: National Grid sucks.  
14 I've got it.

15 MR. McINTYRE: We've already tried that,  
16 and this is the design they wanted to go with  
17 and ...

18 MR. CORRIVEAU: That's that.

19 MR. McINTYRE: I know.

20 MR. CORRIVEAU: That's too bad.

21 MR. EVANS: "They," being ALDI's, or  
22 "they," being National Grid?

23 MR. McINTYRE: National Grid.

24 MR. EVANS: Okay.

25 MR. McINTYRE: Because they're paying for



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1 that portion of the project, and if it's going to  
2 cost them over X amount of dollars, it's just --  
3 they're not interested.

4 I'll obviously take the rejection to them  
5 and see what they can do, but ...

6 MR. CORRIVEAU: I don't know how far  
7 ALDI's property line goes over to that side. Is it  
8 the white line?

9 MR. URDA: This is the property line  
10 right here (indicating).

11 MR. CORRIVEAU: So they could put that  
12 transformer on ALDI's property 10 feet away from  
13 the pole. How could it cost them more?

14 MR. McINTYRE: Well, it's got to get from  
15 this side --

16 MR. CORRIVEAU: From there --

17 MR. McINTYRE: -- to the parking lot --

18 MR. CORRIVEAU: -- the secondary side --

19 MR. McINTYRE: Yeah.

20 MR. CORRIVEAU: -- going out to the  
21 charger is the longer one, for sure.

22 MR. McINTYRE: It's either we're going to  
23 pull the whole parking lot up or we've got a  
24 directional boring to get to it or ...

25 MR. CORRIVEAU: It wouldn't be for the

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1 350 feet that was described coming from the western  
2 side.

3 MR. MCINTYRE: Well, I was coming from  
4 the back parking lot. Instead of drilling or  
5 excavating the parking lot, I just went along the  
6 grass lines to the back of the parking lot.

7 So it's 175 from the pole to the back.  
8 We would have to do two runs. So that's the  
9 measurement that I went with. To dig up the  
10 parking lot, that's going to cost even more.

11 CHAIRPERSON THOMAS: To do an underground  
12 type?

13 MR. MCINTYRE: Directional boring to  
14 underground, but, again, that's astronomical  
15 pricing, so ...

16 MR. RUPPE: I'm curious, if the permit  
17 were attached to the existing building, would that  
18 constitute a new structure or a modification to the  
19 existing one?

20 MR. URDA: I mean, if the plugs were  
21 literally right on the wall of ALDI's, it would be,  
22 at that point, part of the primary structure.

23 MR. RUPPE: That's something they might  
24 consider.

25 MR. MCINTYRE: There's just no parking

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1 spots on that side.

2 MR. URDA: Yeah, there's no parking  
3 spaces there. That's drive aisle. They would have  
4 to reconfigure, in essence, this to, I think,  
5 probably have the drive aisle be here and then the  
6 spaces here (indicating). They would have to grind  
7 all that paint and then re-stripe it on this side,  
8 but you would be able to install chargers into the  
9 wall with it, you know, being part of the primary  
10 structure.

11 CHAIRPERSON THOMAS: Thank you.

12 Other comments concerning before we close  
13 the meeting?

14 May I have a motion to close the zoning  
15 board of appeals meeting?

16 MR. CORRIVEAU: So moved.

17 CHAIRPERSON THOMAS: All in favor?

18 MR. EVANS: Second -- or yeah.

19 MR. RUPPE: Yeah.

20 MR. EVANS: Yeah. Good.

21 *(Proceedings concluded.)*

22

23

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## REPORTER'S CERTIFICATE

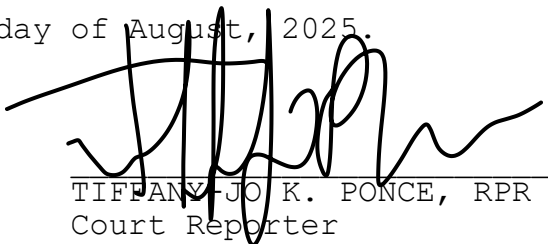
I, TIFFANY-JO K. PONCE, RPR, Court Reporter  
and Notary Public in and for the State of New York, do  
hereby certify:

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 August 20, 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 28 day of August, 2025.



TIFFANY-JO K. PONCE, RPR  
Court Reporter