

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

-----x
ZONING BOARD OF APPEALS

PUBLIC HEARING

#613

Area variance to increase the minimum rear-yard
setback in a neighborhood mixed use district
-----x

ZONING BOARD OF APPEALS

PUBLIC HEARING

#614

Area variance to reduce the minimum landscaped
buffer requirements along a street right-of-way
(ROW) and along side property lines
-----x

ZONING BOARD OF APPEALS

PUBLIC HEARING

#615

Area variance to increase the maximum front-yard
setback in an urban mixed use district
-----x

ZONING BOARD OF APPEALS

PUBLIC HEARING

#616

Area variance to waive the requirement of
Section 310-50 that pedestrian access from
the sidewalk not cross a drive-through exit
lane
-----x

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

-----x
ZONING BOARD OF APPEALS

PUBLIC HEARING

#617

Area variance to increase the maximum unbuilt
frontage allowance in an urban mixed use district
-----x

ZONING BOARD OF APPEALS

PUBLIC HEARING

#618

Area variance to decrease the minimum landscaped buffer
requirement along a street right-of-way (ROW)
-----x

245 Washington Street
Watertown, New York 13601
Wednesday, April 15, 2026

B E F O R E:

- Chairperson: James Corriveau
- Board Members: Adam Ruppe
Anthony Velasquez
Lance Evans
- Senior Planner: Geoffrey Urda
- City Planner: Joseph Albinus
- City Attorney: Joseph V. Frateschi, Esq.
- REPORTED BY: Tiffany-Jo Ponce, RPR
Court Reporter

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1 CHAIRPERSON CORRIVEAU: All right. We've
2 got 7:00 here. Let's call this session to order.
3 I'll start with roll call.

4 Adam Ruppe?

5 MR. RUPPE: Here.

6 CHAIRPERSON CORRIVEAU: Anthony
7 Velasquez?

8 MR. VELASQUEZ: Present.

9 CHAIRPERSON CORRIVEAU: Lance Evans?

10 MR. EVANS: Here.

11 CHAIRPERSON CORRIVEAU: And myself, James
12 Corriveau, so we have a quorum.

13 And I'll introduce the folks that are
14 here. We have got Senior Planner Geoff Urda, City
15 Planner Joseph Albinus, our attorney, Joseph
16 Frateschi, and our court reporter, Tiffany Ponce.

17 We've got six variances ahead of us
18 tonight, and they're all a continuance from the
19 hearings we had last month, so there's no new
20 hearings tonight. But we'll continue the ones we
21 already opened up, and we'll take these in order.

22 So let's start with Main Street, 925 Main
23 Street, Number 613. And I'd invite the applicant,
24 if you want to say anymore to us about it, you have
25 the opportunity right now.

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1 TOM ROSS: Yeah. I don't have anything
2 further. I think this was discussed last month.

3 The one variance we're requesting here is
4 a rear-yard setback. That's at 5 feet. That is a
5 variance. I believe this was just recently
6 approved through the planning commission contingent
7 on tonight's meeting, and the one consistency with
8 that is removal of that kind of delapidated
9 overhang canopy.

10 So I don't have any further updates,
11 unless you guys have any questions.

12 CHAIRPERSON CORRIVEAU: Any further
13 questions from the board members?

14 MR. RUPPE: No.

15 CHAIRPERSON CORRIVEAU: All right.
16 Anybody else from the public want to speak to it?

17 All right. Let's call for a vote.

18 Adam?

19 MR. RUPPE: For an area variance, our
20 criteria is: Whether there's an undesirable change
21 in the character of the neighborhood or detriment
22 to nearby properties, and here, we certainly don't
23 see any; whether the benefit sought, which is a
24 subdivision here, can be achieved by some other
25 feasible method, the answer is no; whether it's

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1 substantial, again, it's a small one; and adverse
2 effects on the physical or environmental conditions
3 of the neighborhood, again, no; and whether it's
4 self-created, yes, but that's not a deal-breaker
5 here.

6 So my vote is yes to grant the variance.

7 CHAIRPERSON CORRIVEAU: Lance?

8 MR. EVANS: I would agree with everything
9 Adam said, so it wasn't a deal-breaker for me
10 either.

11 So I vote yes.

12 CHAIRPERSON CORRIVEAU: Anthony?

13 MR. VELASQUEZ: I wrote: Give that the
14 parcel will be divided into two separate parcels
15 with no physical changes to the property or the use
16 of the property being proposed, as well as having
17 no environmental concerns, I will be voting in
18 favor.

19 I wish to thank the applicant and the
20 other stakeholders involved for your time and
21 effort in preparing the materials and giving us the
22 necessary information.

23 CHAIRPERSON CORRIVEAU: And you can put
24 me down for a yes vote.

25 So the variance has been approved and

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1 granted. You'll get your paperwork from the
2 planners here shortly, I'm sure.

3 MR. URDA: It'll be on its way.

4 And I just want to also state for the
5 transcript that the planning commission adopted a
6 negative declaration for this in its meeting
7 earlier in April. So if somebody in the future is
8 reading the transcript and wondering about that,
9 that was adopted by the planning commission acting
10 as lead agency.

11 CHAIRPERSON CORRIVEAU: So let's move on
12 to 614. This is 111 Breen Ave.

13 Anybody want to speak to that one?

14 TOM ROSS: Hi, again. Tom Ross from
15 Storino Geomatics.

16 We did discuss this one last week. This
17 is actually requesting three separate area
18 variances for the landscape buffer requirement
19 within the code.

20 Our goal is really to still meet the
21 landscape buffer, just not the width requirement.
22 So we plan to have the tree space as required by
23 zoning code. It's just simply asking -- if you
24 remember the plan, there's a proposed combined
25 parking situation, shared parking, so that would be

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1 a 0-foot, obviously, across the parking lot with
2 parking, so we can't have any buffer there, so that
3 would be --

4 MR. URDA: It's up there, Tom, if you
5 need it.

6 TOM ROSS: Oh, yeah. It would be
7 100 percent buffer. In the front the DOT
8 right-of-way, it's 15 feet. I don't remember off
9 the top of my head, but it's about 50 percent
10 variance request there, just to allow us to align
11 with the parking lot and make that seamless
12 transition for vehicular access.

13 MR. URDA: You're at exactly 50, Tom; 7.5
14 out of 15.

15 TOM ROSS: Perfect.

16 And then the one on the westerly side of
17 the property, we're requesting 8.7 feet, I believe.
18 So that's about 13 percent, if my memory and math
19 is correct, on that side.

20 And as I noted, the landscaping will
21 still meet every other part of the code. It just
22 won't meet the width of the buffer. So tree
23 requirements at 20-foot or 40-foot on center, we're
24 going to meet, things of that nature.

25 So with that, I think that's all I had as

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1 an update, unless there's questions.

2 CHAIRPERSON CORRIVEAU: The planning
3 commission is done with this one as well?

4 MR. URDA: The applicant has not applied
5 for a site plan yet, so the planning commission
6 hasn't seen this yet.

7 It was referred to the Jefferson County
8 Planning Board pursuant to 239-m of General
9 Municipal Law. The Jefferson County Planning Board
10 returned a finding that it was of local concern
11 only, and the local board -- that's you -- are free
12 to make your decision.

13 CHAIRPERSON CORRIVEAU: Any questions
14 from the board members?

15 MR. EVANS: I wasn't here last month, so
16 I did have two questions that are fairly easy, and
17 I think I understand them, but I just want to make
18 sure.

19 So the Marcy Spa entrance off of Arsenal
20 Street will stay exactly where it is, more or less
21 and give or take, and then they'll take out that
22 grassy area that's next to it, and that's -- that
23 will be the new area there. And then I'll still be
24 able to get into the same parking lot off of Breen,
25 too; right? Okay.

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1 TOM ROSS: Yeah. That's correct. The
2 real crux of this is the two business owners kind
3 of came together. Marcy Spa is really, really
4 busy, you know --

5 MR. EVANS: Yeah.

6 TOM ROSS: -- from eight to five, and
7 Pete's is really, really busy maybe from five to
8 nine. So it really makes sense to allow additional
9 parking, you know, for both businesses.

10 MR. EVANS: Yeah.

11 TOM ROSS: So that's the real crux of the
12 request here.

13 MR. EVANS: I think one of the -- I think
14 it was you that said last time, if I read it right
15 in the transcript, it's really a good, win-win
16 situation for the both of them, so ...

17 Thank you. That's all I have.

18 Thanks, Mr. Chairman.

19 CHAIRPERSON CORRIVEAU: Okay. Before I
20 call the vote, I just wanted to mention one thing
21 that I'm hoping the planning commission will look
22 at, and that's the access to -- on Arsenal Street.
23 I realized it exists today, but it's a very narrow
24 curb cut right now. It's like one-lane wide for a
25 residential driveway or something. And here, we're

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1 showing in and out, two arrows like it's a double
2 wide. There's going to be more traffic coming in
3 and out of there with Pete's customers using it, as
4 well as the access off of Breen.

5 It's not our issue here with the code or
6 anything, but from a highway standpoint, having
7 multiple entrances and exits to a major
8 thoroughfare over and above the main intersections
9 like Breen that already exist is usually something
10 to be concerned about. But, again, not our
11 purview. I'll leave it to the planning commission
12 to ...

13 MR. URDA: Staff's understanding is that
14 both businesses will be applying for a combined
15 master plan site plan approval. And if the
16 driveway widens or shifts a little bit to the west,
17 that would be a part of that.

18 And anything -- because that's a
19 New York State DOT maintained street, all of that
20 would have to be approved by New York State DOT,
21 which is the heaviest lift.

22 CHAIRPERSON CORRIVEAU: Yep. If that's
23 all in there to reiterate, that's fine.

24 All right. Let's call for the vote.

25 Adam?

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1 MR. RUPPE: Yes. Again, the criteria is
2 if this variance grants an undesirable change in
3 the neighborhood, no; whether the benefit could be
4 achieved by some other method, no; whether it's
5 substantial, and there, the answer is yes because
6 they're pretty much completely eliminating it, but
7 it won't have an adverse effect on the
8 neighborhood; and it is somewhat self-created
9 because you want to do this. But, again, I think
10 it's worth granting because the benefits outweigh
11 the costs.

12 So my vote is yes.

13 CHAIRPERSON CORRIVEAU: And, Lance?

14 MR. EVANS: Again, I agree with Adam
15 100 percent, and my vote's yes also.

16 MR. VELASQUEZ: I echo many of the same
17 sentiments. And as someone who has attempted to
18 cross Breen at 6:30 on a Thursday night, I agree
19 with the proposed parking.

20 CHAIRPERSON CORRIVEAU: And you've got my
21 vote as well. The variance is approved, and you'll
22 get your paperwork shortly. Thanks.

23 MR. URDA: And then, once again, for the
24 transcript and for anybody reading in the future,
25 the zoning board of appeals adopted a negative

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1 declaration pursuant to SEQR at its March meeting,
2 so that's why it's not appearing in this month's
3 transcript.

4 TOM ROSS: Thank you. Thank you for your
5 time.

6 MR. URDA: Thanks, Tom.

7 CHAIRPERSON CORRIVEAU: So that takes us
8 to the four variances at State Street, and we're
9 going to vote on these independently, and we'll
10 take them in order.

11 Starting with 615, this has to do with
12 the front-yard setback. Is there anything new to
13 discuss about what's proposed there?

14 KAYLA KIBLING: Hi. Kayla Kibling with
15 Barton and Loguidice representing the applicant.

16 For the front-yard setback, there's
17 nothing new on our end with the design. So unless
18 there's any further questions, I don't have
19 anything new on that.

20 CHAIRPERSON CORRIVEAU: Anyone else from
21 the public want to comment?

22 How about the board members, questions?

23 MR. RUPPE: Yeah. I'm still a bit
24 concerned about is this really the best that's
25 possible, given the turning radius to get around

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1 the building and concerns like that?

2 MR. URDA: You want the new drawing,
3 Kayla?

4 KAYLA KIBLING: Yeah, that would be
5 great. Thank you, Geoff.

6 I put together a couple of diagrams, just
7 to show what the ideal vehicle tracking paths are
8 on this site. Keep in mind, you know, there's a
9 lot of cars shown on this site. This is the
10 worst-case scenario.

11 MR. URDA: Kayla, if you want to, you can
12 pick up the microphone. You can use this TV, if
13 you want to (indicating).

14 KAYLA KIBLING: Sure.

15 So as discussed before, this inside lane
16 is for vehicles that have ordered ahead. So they
17 would pull into this window here. They would pick
18 up their order and then proceed to leave the site.

19 At the same time, on the outside lane,
20 you have vehicles that need to go to the order
21 window. They would either order and then leave,
22 and part of that would be stopping here and
23 proceeding forward when they do not see a car in
24 this area anymore (indicating).

25 So this diagram kind of shows the full

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1 picture, that radius that's needed to take the
2 U-turn around the building and the curb there. And
3 then also the -- the outside lane, that still
4 allows through traffic. Say there was a vehicle
5 that was using the outside lane here, through
6 traffic can still get around safely (indicating).

7 MR. URDA: I have a quick question;
8 although, it's more of a site plan question,
9 perhaps. But this conflict point is that stop bar
10 there, then, is to regulate that conflict point?

11 KAYLA KIBLING: Yes. And then there's
12 also striping here and, ideally, we would have
13 signage as well.

14 MR. EVANS: So, say, in the wintertime,
15 no one will see the striping, so ...

16 KAYLA KIBLING: Right. Yes. So signing
17 would be needed for that. Yeah.

18 JAKE JOHNSON: It never snows around
19 here.

20 CHAIRPERSON CORRIVEAU: So the setback
21 from the street remains the same.

22 KAYLA KIBLING: It remains the same.

23 MR. RUPPE: I see.

24 CHAIRPERSON CORRIVEAU: Any questions
25 from the board members regarding this first

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1 variance on the setback?

2 MR. EVANS: Oh, we're just talking about
3 the setback. Okay.

4 CHAIRPERSON CORRIVEAU: We'll do these
5 one at a time.

6 MR. EVANS: Yep.

7 MR. URDA: Was -- would the Chair like to
8 consider, you know, have discussion on all four and
9 then vote at the end, or do you want to have
10 discussion, vote, have a discussion, vote,
11 et cetera? Because if you wanted to do it the
12 second way, you'd have to do the SEQR before you
13 took your first vote, which I think might be worth
14 doing it the first way and having your
15 discussion --

16 CHAIRPERSON CORRIVEAU: Yeah. Let's do
17 it independently. We'll vote on each one
18 independently and we'll do the SEQR last.

19 MR. URDA: Well, I mean --

20 MR. EVANS: No. You'd have to do the
21 SEQR first.

22 MR. URDA: Yeah. You'd either have to do
23 the SEQR before you voted on any of them, or you
24 could have the discussion on all four, do the SEQR,
25 and then vote all four votes.

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1 CHAIRPERSON CORRIVEAU: I'd rather do the
2 SEQR first and get that out of the way.

3 MR. URDA: Okay.

4 CHAIRPERSON CORRIVEAU: So let's run down
5 that, knowing that all four variances are involved
6 in answering these questions here on the SEQR.

7 Will the proposed action create a
8 material conflict with an adopted land use plan or
9 zoning regulations?

10 MR. RUPPE: No.

11 MR. VELASQUEZ: No.

12 CHAIRPERSON CORRIVEAU: Anthony?

13 MR. VELASQUEZ: No.

14 CHAIRPERSON CORRIVEAU: No.

15 Will the proposed action result in a
16 change in the use or intensity of use of land?

17 MR. RUPPE: Small impact.

18 MR. EVANS: Small impact, yeah.

19 CHAIRPERSON CORRIVEAU: Small.

20 MR. EVANS: Because we've got nothing
21 there.

22 CHAIRPERSON CORRIVEAU: Will the proposed
23 action impair the character or quality of the
24 existing community?

25 MR. EVANS: No.

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1 MR. VELASQUEZ: No.

2 CHAIRPERSON CORRIVEAU: Will the proposed
3 action have an impact on the environmental
4 characteristics that cause the establishment of a
5 critical environmental area?

6 MR. VELASQUEZ: No.

7 MR. RUPPE: No.

8 MR. EVANS: No.

9 CHAIRPERSON CORRIVEAU: Will the proposed
10 action result in an adverse change in the existing
11 level of traffic or affect existing infrastructure
12 for mass transit, biking, or way walk?

13 MR. VELASQUEZ: Small impact.

14 MR. RUPPE: Yeah, small impact.

15 MR. EVANS: Yeah. I'd agree.

16 CHAIRPERSON CORRIVEAU: Will the proposed
17 action cause an increase in the use of energy or it
18 fails to incorporate reasonably available energy
19 conservation renewable opportunities?

20 MR. VELASQUEZ: No.

21 MR. RUPPE: No.

22 CHAIRPERSON CORRIVEAU: Will the proposed
23 action impact existing public/private water
24 supplies?

25 MR. EVANS: Small impact.

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1 MR. VELASQUEZ: Yeah, small impact.

2 MR. EVANS: Yeah. I mean, it's a
3 restaurant, so ...

4 CHAIRPERSON CORRIVEAU: I suppose you
5 have to have water for coffee.

6 How about the public/private wastewater
7 treatment facilities?

8 MR. EVANS: Probably less.

9 CHAIRPERSON CORRIVEAU: Hopefully. Let's
10 say no on that one.

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

15 MR. VELASQUEZ: No.

16 MR. EVANS: No.

17 CHAIRPERSON CORRIVEAU: Will the proposed
18 action result in an adverse change to natural
19 resources? Wetlands, waterbodies, groundwater, air
20 quality, flora, and fauna?

21 MR. VELASQUEZ: No.

22 MR. EVANS: No.

23 MR. RUPPE: It might be a small impact on
24 air quality.

25 MR. EVANS: Fair enough.

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1 CHAIRPERSON CORRIVEAU: Will the proposed
2 action result in an increase for the potential of
3 erosion, flooding, or drainage problems?

4 MR. RUPPE: No.

5 MR. VELASQUEZ: No.

6 CHAIRPERSON CORRIVEAU: No.

7 Will the proposed action create a hazard
8 to environmental resources or human health?

9 MR. VELASQUEZ: No.

10 MR. RUPPE: No.

11 MR. URDA: So all 11 of your answers were
12 no or small. There's no moderate or large.

13 MR. EVANS: Right.

14 CHAIRPERSON CORRIVEAU: So I need a
15 motion and a second to adopt the negative
16 declaration here.

17 MR. EVANS: So moved.

18 MR. RUPPE: I'll move. I'm sorry.

19 MR. VELASQUEZ: I'll second.

20 MR. EVANS: I'll third it.

21 CHAIRPERSON CORRIVEAU: All in favor?

22 MR. RUPPE: Aye.

23 MR. EVANS: Aye.

24 CHAIRPERSON CORRIVEAU: Any opposed?

25 Motion's carried.

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1 All right. So back to the variance
2 itself.

3 MR. EVANS: That's 615; right?

4 CHAIRPERSON CORRIVEAU: The first one,
5 615, yep, on the setback.

6 Any further questions or discussions on
7 that?

8 All right. We'll call for a vote.

9 Adam?

10 MR. RUPPE: All right. Let's go down the
11 criteria again.

12 Will it create an undesirable change in
13 the neighborhood? No.

14 Can it be achieved by some other method?
15 Here, I think the answer is no because the access
16 to the parcel is somewhat limited by existing
17 easements, and the nature of a drive-through means
18 that you really have to get the driver's side
19 window against the building to use it in this way,
20 so you're forced to put the building back more than
21 usual to drive around it. So I think the answer is
22 no.

23 Whether it's substantial, here, I would
24 say yes because it does go quite a ways back.

25 And will it have an adverse impact on the

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1 conditions of the neighborhood? No.

2 And then is it self-created? Not really
3 for this use.

4 And so I'm inclined to vote yes.

5 CHAIRPERSON CORRIVEAU: Lance?

6 MR. EVANS: Yeah. For all those same
7 reasons, I'm voting yes also.

8 CHAIRPERSON CORRIVEAU: And Anthony?

9 MR. VELASQUEZ: I am in agreement as
10 well.

11 CHAIRPERSON CORRIVEAU: And you have my
12 vote, so this variance passes.

13 And we can move on to the next, 616.
14 This has to do with the landscape buffer.

15 MR. URDA: Directing pedestrians across a
16 drive-through lane.

17 CHAIRPERSON CORRIVEAU: 616?

18 MR. URDA: Yeah.

19 CHAIRPERSON CORRIVEAU: Is it?

20 MR. EVANS: Oh, yep, it is.

21 MR. VELASQUEZ: Yes.

22 MR. EVANS: Yes.

23 CHAIRPERSON CORRIVEAU: Yeah. I think --
24 no, no. I'll ...

25 Yeah, there was a bit of confusion in my

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1 mind with the staff memos that came out and the
2 titling. I think it was a cut-and-paste kind of
3 thing because you had four variances on one
4 property.

5 MR. URDA: I can tell you, the agenda for
6 tonight lists the accurate numbering, so 616.

7 CHAIRPERSON CORRIVEAU: Okay.

8 MR. URDA: They were ordered in the way
9 that they are ordered on purpose because of how
10 each one flows into the next one.

11 CHAIRPERSON CORRIVEAU: All right. So
12 616 will be the --

13 MR. URDA: The petition -- the waiver
14 requiring of Section 310-50 that pedestrian access
15 from the sidewalk not cross a drive-through lane.

16 CHAIRPERSON CORRIVEAU: Okay. Before we
17 talk about this one, I want to get a feeling on
18 what the code language really means.

19 It's been quoted in your memo here -- I
20 assume you got it right -- pedestrians must be able
21 to enter the establishment from the parking lot or
22 sidewalk without crossing the waiting or exit
23 lanes.

24 I don't think the -- this -- this project
25 intends to have people entering this establishment.

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1 There's no sit-down dining inside. It's just a
2 walk-up window.

3 MR. URDA: There's a walk-up window, yes.
4 So that would be potentially from the sidewalk, and
5 then anybody working there who's not arriving in
6 their own vehicle could potentially be arriving by
7 foot. The zoning ordinance was written basically
8 to protect anyone arriving by foot to any
9 destination.

10 MR. EVANS: Right. Because it says must
11 be able to enter the establishment, which, I guess,
12 the worker would make sense.

13 MR. URDA: Right. So I believe I
14 referred to the Taco Bell just down the street at
15 the last meeting. This would be your ideal
16 drive-through, you know, if you were going to
17 develop it to meet everything: 12 feet off the
18 front; you know, pedestrian friendly; addressing
19 the sidewalk; the drive-through goes around the
20 back; pedestrians not directed across it.

21 The goal is not to have -- and in this
22 case, it doesn't, but if you were to flip this
23 90 degrees and the window was on the north side of
24 it, the goal is not to direct pedestrians across
25 that.

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1 MR. EVANS: Which they are now.

2 MR. URDA: Yeah. Well, which in this --
3 in this configuration, they are, but I believe the
4 ZBA, when discussing the first variance, you know,
5 really acknowledged because of the -- all the DOT
6 infrastructure right here, this T intersection,
7 access here is really difficult. I think the
8 expense they would have to go to versus the
9 easement from the adjacent parcel and the same
10 owner's ownership, you've already discussed that
11 with the first variance. So I think you've already
12 acknowledged that as a board.

13 CHAIRPERSON CORRIVEAU: All right. So
14 the language does apply to the situation here.
15 Okay. I just wanted to be clear about that.

16 MR. URDA: Yes. Yes, it does.

17 CHAIRPERSON CORRIVEAU: Anything new to
18 present in this regard on this one?

19 KAYLA KIBLING: Nothing new here. I just
20 would like to point out that it's kind of
21 unavoidable, given the desirable operation of the
22 site.

23 And, you know, also with the Taco Bell
24 site, there was still parking where you did have to
25 cross that lane when there were cars.

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1 So it's -- we're talking about foot
2 traffic that's interior to the site. You know,
3 primarily, people that are coming to use this site
4 are going to be in their car, especially in the
5 wintertime. I don't really see many people using
6 the walk-up window.

7 So just something to consider what, you
8 know, the ideal functionality and operation of the
9 site is -- it's unavoidable for that.

10 We definitely would be looking at
11 signage, striping, anything to put out for the
12 pedestrians. And then, again, just naturally the
13 speed of the vehicles on the site is going to be a
14 lot slower, stop-and-go.

15 MR. URDA: I would just be remiss to --
16 let me pull this up. This is kind of what we meant
17 by in this alignment, you are getting from the
18 sidewalk to the door, and at no point are you in
19 conflict with any vehicles. So that's kind of --
20 that's the pinnacle of what the zoning prescribes.
21 I -- and I do understand your point where if you
22 were coming from --

23 KAYLA KIBLING: Correct.

24 MR. URDA: -- over here, like if you
25 parked in your car, you're obviously walking

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1 through the access aisles after you get out of your
2 parked car. I just wanted to pull this up as an
3 example and, like, that's what would otherwise be
4 prescribed.

5 CHAIRPERSON CORRIVEAU: By the same
6 token, anybody walking down the sidewalk not
7 stopping at Taco Bell, or this coffee shop, is
8 going to cross the traffic coming out of an exit
9 lane --

10 MR. VELASQUEZ: Right.

11 CHAIRPERSON CORRIVEAU: -- by definition.
12 If you exit out on State Street, for instance.

13 MR. URDA: Yeah. Here, you would
14 (indicating).

15 CHAIRPERSON CORRIVEAU: Yeah.

16 MR. URDA: This is -- this is stop-sign
17 controlled with that stop sign.

18 CHAIRPERSON CORRIVEAU: Anyone from the
19 public have any comment regarding this one?

20 Questions?

21 MR. EVANS: Has anyone done any thoughts
22 as to the pedestrian -- because, I mean, I see a
23 lot of people on State Street walking. That's why
24 I question it. There's a lot of people who are
25 living there much closer than they are to the

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1 current Jumpin Goat on Coffeen Street. There's not
2 really a lot of dwelling places there; whereas,
3 here, you're going to have a lot of people who are
4 walking along.

5 Did you do any studies for foot traffic
6 for this? Anybody?

7 ERIK RUSSELL: (Shaking head side to
8 side.)

9 MR. EVANS: Okay.

10 KAYLA KIBLING: Not -- not up to this
11 point, no.

12 MR. VELASQUEZ: And I -- I share many of
13 the same thoughts. I do have some concerns
14 regarding the foot traffic, especially as it could
15 lead to some backups at the property.

16 But with that said, I do agree with you
17 on the low vehicle speeds. But I definitely would
18 push for the signage to indicate the pedestrian
19 crossing.

20 MR. EVANS: Can we make that part of
21 our -- or not?

22 CHAIRPERSON CORRIVEAU: I mean, we can
23 add that.

24 MR. URDA: The ZBA is empowered to grant
25 reasonable conditions. I would say -- I mean, if

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1 you're thinking of -- sorry for the engineering
2 term here -- the 11-2 sign, which is the yellow
3 diamond ...

4 MR. EVANS: Zodiac. Sorry.

5 MR. URDA: So that's -- in the MUTCD,
6 that's Sign 11-2. You know, you -- I think that's
7 a reasonable condition if the ZBA wanted to grant
8 this variance conditioned on that sign being
9 installed entirely.

10 MR. VELASQUEZ: I would be in favor of
11 requiring that on site.

12 MR. EVANS: I'd second that.

13 MR. RUPPE: I would go a little bit
14 further and say that the stop lines should also
15 have a stop sign, so if the pavement is not visible
16 for whatever reason, we know they would be stopped
17 and waiting.

18 So the signage needs to be visible all
19 times a year. It's an assumption that people won't
20 be walking up in winter, and that assumption may be
21 wrong.

22 MR. URDA: Just, Board Member, to
23 clarify, you're talking about at this -- this stop
24 bar here (indicating)?

25 MR. RUPPE: Yeah.

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1 CHAIRPERSON CORRIVEAU: Yeah. That's
2 going to present some challenges moving the snow.

3 MR. URDA: You would need to put a curbed
4 island in there, and then that would create snow
5 removal issues.

6 MR. EVANS: Yeah.

7 MR. URDA: But that is also something
8 that could be worked out at the site plan stage.

9 I mean, I think you guys are on solid
10 grounds with the 11-2 pedestrian crossing sign. I
11 think if, you know -- because, you know, that could
12 be placed somewhere like here or here where you
13 already have (indicating) --

14 MR. EVANS: Or both.

15 MR. URDA: -- current -- or both.

16 MR. EVANS: Yeah. I would favor both
17 places, just because, you know, I'm going to be
18 coming around.

19 CHAIRPERSON CORRIVEAU: Because one of
20 the challenges with the traffic is you've got
21 actually three lanes making that turn into space
22 for two, not that you're going to have continuous
23 traffic in all three of them all at the same time,
24 but nonetheless, they're there. But it's a slow
25 space, and I don't know any way around it, to be

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1 honest with you.

2 MR. VELASQUEZ: Yeah. And I know given,
3 you know, the weather warming up recently, the foot
4 traffic on State Street's been rather high in
5 recent days.

6 MR. EVANS: Yeah. And they're all going
7 to be jumping; right?

8 ERIK RUSSELL: Correct.

9 KIERA RUSSELL: That's the goal. That is
10 the goal.

11 ERIK RUSSELL: Safely.

12 KAYLA KIBLING: Yeah.

13 MR. EVANS: Safely jumping.

14 KIERA RUSSELL: Right.

15 MR. FRATESCHI: I guess, too, if I could
16 add -- and, Geoff, you can confirm this -- if it's
17 any comfort to the board, all we're doing is
18 granting a variance, if we are granting a variance.
19 It still does have to go through site plan review,
20 and part of the planning commission's
21 responsibility is to see how the pedestrian ingress
22 and egress is impacted by the vehicular ingress and
23 egress and the vehicular traffic patterns, too.

24 So just because we approve it doesn't
25 mean it's dead or done. The planning commission

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1 still has to look at the issue, too.

2 MR. URDA: That's absolutely correct.
3 All you're approving is that the applicant can have
4 a design that directs pedestrians across the
5 drive-through lane. The actual design and layout
6 of that can still be affected at the site plan
7 level.

8 One of the things I think that would
9 likely be considered at that level is that right
10 across the street at this T intersection, there's
11 an apartment building with easily over 100 units
12 that acts as a -- I think a generator of potential
13 customers that might be walking.

14 But, yes, Joseph's correct. You're not
15 approving the final design. You're only approving
16 the concept where they can direct pedestrians
17 across the drive-through lane. I think the
18 pedestrian crossing sign here and here is a very
19 reasonable condition (indicating). I think any
20 other real designs specifics can be worked out at
21 the site plan stage.

22 MR. EVANS: So the planning board will
23 see our -- our addition of the 11-2 sign?

24 CHAIRPERSON CORRIVEAU: Yep.

25 MR. URDA: Yeah.

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1 MR. EVANS: Okay.

2 MR. RUPPE: And let's not forget the
3 little striped area on the other side from the
4 parking lot, that also needs some kind of
5 protection; maybe the same sign. Because that's
6 still a drive-through entrance lane.

7 MR. URDA: I don't know. The code
8 wouldn't really prescribe it here. The variance
9 isn't for this. The variance is for this
10 (indicating).

11 This would actually be legal, per the
12 code, because it's only directing you there from
13 another internal parking space (indicating).

14 MR. RUPPE: Mm-hmm. Okay.

15 MR. VELASQUEZ: I would also imagine on
16 the west side, that striped crossing, that the foot
17 traffic would be significantly lower.

18 MR. RUPPE: Yeah.

19 JAKE JOHNSON: You mind if I make one
20 comment?

21 MR. URDA: Jake, you want to use the
22 microphone.

23 JAKE JOHNSON: I just wanted to say,
24 safety -- as a landlord, safety is my Number 1
25 concern. I always tell my staff on a daily basis

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1 at our meetings, the tenant safety trumps, you
2 know, everything.

3 With that being said, as a former
4 professional landscaper and now a house-flipper and
5 a land-fixer-upper, aesthetics are very important,
6 so you try to accomplish the safety and the
7 ascetics. So without turning this into one big
8 sign, we will -- we'll accomplish -- you know, try
9 to accomplish both. So I just wanted to say that.

10 Thank you.

11 MR. RUPPE: Yeah. I think we can be
12 flexible on the specific details, as long as the --
13 the safety concern is addressed because the code is
14 written that way for a reason, and that all
15 drive-throughs have slow traffics, so that was
16 known at the time when council adopted the code.

17 So I don't want to just ignore it
18 entirely. If we can limit the potential damage to
19 pedestrian safety, that's -- I think that's good
20 enough.

21 CHAIRPERSON CORRIVEAU: Any other
22 questions?

23 MR. EVANS: No.

24 CHAIRPERSON CORRIVEAU: All right. Let's
25 call for a vote.

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1 Adam?

2 MR. URDA: So just to be clear, because
3 I'm going to have to change the decision form,
4 you're looking for the 11-2 --

5 CHAIRPERSON CORRIVEAU: Two each.

6 THE SECRETARY: -- here and here and --

7 CHAIRPERSON CORRIVEAU: Yep.

8 MR. URDA: Okay.

9 CHAIRPERSON CORRIVEAU: Yes.

10 MR. VELASQUEZ: Yes.

11 MR. RUPPE: That works.

12 All right. So let me just run through
13 the same criteria for a lot of times now, but will
14 this create an undesirable change in the
15 neighborhood, and no. I think we're all happy to
16 see this area get in full development.

17 Whether it can be achieved by some other
18 method feasible, the answer is no for the same
19 reason that the front-yard setback's not. It's
20 just the access to the parcel and the use.

21 Whether it can be achieved by some
22 other -- sorry. I'm reading again, but ...

23 If it's substantial. This one is not
24 numeric, but because there are multiple lanes of
25 traffic, I think it is somewhat substantial.

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1 Whether it will have an adverse affect on
2 the physical or environmental conditions, no.

3 And then whether it's self-created. I
4 would say no, not -- not any more so than anything
5 else.

6 And so my vote is yes, but given the
7 condition that we do the safety signs.

8 CHAIRPERSON CORRIVEAU: Lance?

9 MR. EVANS: And I would agree, too,
10 because my biggest concern was the pedestrian
11 parts, and the safety signs, I would be all good.

12 CHAIRPERSON CORRIVEAU: Anthony?

13 MR. VELASQUEZ: I'm in agreement with the
14 condition of the two 11-2 crossing signs.

15 CHAIRPERSON CORRIVEAU: And you've got my
16 vote as well, so the variance is approved.

17 Let's move on to 617, and this is the
18 unbuilt frontage.

19 MR. URDA: Yep.

20 CHAIRPERSON CORRIVEAU: Correct?

21 This is a big variance, numerically, but
22 I don't know how you get around it either way. The
23 unbuilt frontage is so small here relative to that
24 whole property.

25 Anything new to add to that one?

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1 KAYLA KIBLING: No. I mean, ideally, the
2 idea is to keep the building as small as possible
3 so we can use the maximum footprint for vehicles on
4 the site.

5 CHAIRPERSON CORRIVEAU: Any other public
6 comment?

7 Questions from the board?

8 MR. EVANS: I've got one. It may be more
9 for Geoff than anything else.

10 The 16-foot is what we're considering the
11 frontage on this one; right?

12 CHAIRPERSON CORRIVEAU: 32.

13 MR. URDA: 32. So 16 here and 16 here
14 (indicating).

15 The updated report that --

16 MR. EVANS: -- 16.

17 MR. URDA: This is 16 (indicating).

18 MR. EVANS: Okay.

19 MR. URDA: This is 16.

20 MR. EVANS: Sorry.

21 MR. URDA: Together, it's 32.

22 The initial staff report did contain a
23 math error. The updated report I sent out in April
24 had the corrected calculations.

25 Since you weren't here last month, the

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1 board did ask me about that -- that piece of code
2 as well. Most of the parcels in the urban
3 mixed-use district are narrow, but deep parcels.
4 And then the -- you know, so this parcel is
5 atypical, and it's going to get bigger, so that
6 even makes it more atypical.

7 And the rationale behind allowing the
8 24 feet of unbuilt frontage was that for a long --
9 or for a narrow, but deep parcel with parking in
10 the back, you would need to get back there and get
11 back out. Two 12-foot drive items is 24 feet, so
12 that's your parking access to the back of a more
13 traditional UMU parcel.

14 MR. EVANS: Because Taco Bell would have
15 had the same thing; right?

16 MR. URDA: Taco bell is actually in the
17 NMU.

18 MR. EVANS: Oh, okay. Sorry.

19 MR. URDA: That's a neighborhood mixed
20 use.

21 MR. EVANS: Sorry. I thought it was the
22 same. All right. Okay. I guess I'm ...

23 CHAIRPERSON CORRIVEAU: Any other
24 questions from the board? No?

25 MR. EVANS: I'm set.

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1 CHAIRPERSON CORRIVEAU: Okay. Let's
2 vote.

3 Adam?

4 MR. RUPPE: And here we go again.

5 It is a desirable change. It is
6 substantial. It won't have an adverse impact.
7 It's a little bit self-created, but not much.

8 But then can the benefit be solved by
9 some other feasible -- yeah, is there any other way
10 to get the benefit, and the benefit is getting
11 those vehicles here, instead of backed up onto the
12 road. And I don't see a real alternative, so my
13 vote is yes.

14 CHAIRPERSON CORRIVEAU: And, Lance?

15 MR. EVANS: My vote's yes also.

16 MR. VELASQUEZ: Yes as well.

17 CHAIRPERSON CORRIVEAU: And likewise
18 myself, I vote yes. The variance is approved.

19 So that leaves us with one more, I think.
20 And that's the --

21 MR. EVANS: 618.

22 CHAIRPERSON CORRIVEAU: -- landscape
23 buffer.

24 And the number on that one, Geoff?

25 MR. EVANS: 6-1-8.

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1 MR. URDA: Yeah, 618.

2 CHAIRPERSON CORRIVEAU: 618. Okay.

3 MR. EVANS: There was no staff update
4 with that one, right, because I only had nine pages
5 that I found.

6 CHAIRPERSON CORRIVEAU: Anything new to
7 say to that?

8 KAYLA KIBLING: Nothing with the
9 requested setback. I just want to point out that
10 before, there was a discrepancy with the buffer in
11 the rear. That was -- that was looked at as 8 feet
12 before. That's been increased to 10 feet, just to
13 point out that we don't need a variance for the
14 rear setback there, the landscape buffer.

15 CHAIRPERSON CORRIVEAU: But the variance
16 we're talking about really addresses the right
17 side.

18 KAYLA KIBLING: Yes. And that has not
19 changed.

20 CHAIRPERSON CORRIVEAU: Yeah.

21 And any comment from the public?

22 Any questions from the board?

23 MR. EVANS: So that side, that's going to
24 be sidewalk there? Is that it?

25 KAYLA KIBLING: Yeah. Because, ideally,

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1 that parking would be for people that are accessing
2 the Market. Sidewalk allows safe, you know,
3 vehicle -- or foot traffic away from the through
4 lane on site.

5 And then just to point out, I mean,
6 before, this -- this lot, you know, right now, it's
7 all gravel. It's all impervious cover. We are
8 still adding buffer areas on that side. Just we
9 don't have -- we don't have the landscape buffer
10 entire label along that building.

11 MR. EVANS: So, ideally, I come and get
12 my drink and then park over there and go to the
13 Market. Is that it?

14 KAYLA KIBLING: Exactly.

15 CHAIRPERSON CORRIVEAU: Any other board
16 questions?

17 MR. VELASQUEZ: No.

18 CHAIRPERSON CORRIVEAU: All right. Let's
19 call for a vote.

20 MR. URDA: At the previous meeting, the
21 board did ask about whether or not the variance
22 would be -- would or could be applied only to this
23 segment and then the buffer requirement remain in
24 place here (indicating). That is within the
25 board's purview.

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1 But if you chose to do that, then the
2 variance would need to have a specific number of
3 linear feet back from the street that it applied
4 to. I don't know if that's something the board is
5 still interested in or not.

6 CHAIRPERSON CORRIVEAU: The application
7 is not clear enough?

8 MR. URDA: The application was for the
9 entire eastern parcel boundary. The question came
10 from the board as to whether it could be applied
11 only where it was needed. So, again, I don't know
12 if --

13 CHAIRPERSON CORRIVEAU: Okay. Well,
14 let's submit in our variance to say that it just
15 applies to the parking stalls.

16 MR. URDA: Well, you would need it here,
17 too (indicating).

18 MR. EVANS: You don't need it by the
19 shed?

20 CHAIRPERSON CORRIVEAU: The variance is
21 just where the parking exists. The other areas
22 require the landscape buffer showing where the --

23 MR. URDA: Well, you would need it right
24 here, too. Even though that's not parking stalls,
25 the sidewalk is still there (indicating).

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1 CHAIRPERSON CORRIVEAU: Well, let's just
2 approve it for the whole side and make it simple.

3 MR. RUPPE: Yeah.

4 MR. EVANS: Yeah.

5 CHAIRPERSON CORRIVEAU: Okay. Should we
6 vote?

7 MR. RUPPE: All right. Once again, our
8 criteria: Whether an undesirable change will be
9 produced, no; whether the benefit sought can be
10 achieved by some other method feasible, and the
11 benefit is access to the adjoining parcel with that
12 sidewalk, and that benefit cannot be achieved any
13 other way; whether it's substantial, yes, because
14 we're bringing it down to zero. I really do like
15 the design here where you keep it, but that's not
16 part of our -- our thing.

17 Anyway, whether it has an adverse affect
18 on the physical or environmental conditions, no.
19 And whether it is self-created, it is in their plan
20 so, to some extent, yes, but it's not a
21 deal-breaker.

22 So, again, I vote yes.

23 CHAIRPERSON CORRIVEAU: Lance?

24 MR. EVANS: Yeah. I actually think that
25 the parking spaces will be an improvement because

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1 accessing State Street Market is hard sometimes.

2 So I would vote yes also on that
3 variance.

4 CHAIRPERSON CORRIVEAU: Anthony?

5 MR. VELASQUEZ: Agreed, and I will vote
6 yes as well.

7 CHAIRPERSON CORRIVEAU: Likewise here, I
8 will vote yes, and the variance is approved.

9 And I think that's all the business for
10 tonight.

11 MR. URDA: No further business.

12 CHAIRPERSON CORRIVEAU: So I would ask
13 for a motion to adjourn.

14 MR. EVANS: So moved.

15 CHAIRPERSON CORRIVEAU: Second?

16 MR. VELASQUEZ: Second.

17 CHAIRPERSON CORRIVEAU: All in favor?

18 MR. RUPPE: Aye.

19 MR. VELASQUEZ: Aye.

20 CHAIRPERSON CORRIVEAU: We're adjourned.

21 * * *

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1 REPORTER'S CERTIFICATE

2
3 I, TIFFANY-JO K. PONCE, RPR, Court Reporter
4 and Notary Public in and for the State of New York, do
5 hereby certify:

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

12 That the foregoing transcript contains a full,
13 true, and accurate record of all the testimony and/or
14 proceedings held on April 15, 2026.

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

18
19 WITNESS MY HAND this 22 day of April, 2026.

20
21 
22 _____
23 TIFFANY-JO K. PONCE, RPR
24 Court Reporter
25