

ZONING BOARD OF APPEALS

PUBLIC HEARING

#595

## Use Variance to expand a legal nonconforming two-unit dwelling use in the Downtown District

City Hall  
245 Washington Street  
Room 304  
Watertown, New York 13601  
Wednesday, January 3, 2024  
5:30 p.m. – 6:00 p.m.

B E F O R E:

Chairperson: Samuel S. Thomas

Board Members: Timothy Virkler  
Morgan Mayer  
Adam Ruppe  
James Corriveau

City Planner: Geoffrey Urda

Corporation Counsel: Christina Stone, Esq.

Planning & Community  
Development Director: Michael A. Lumbis

Reported by: Taryn D. Leonard, RPR

TARYN D. LEONARD, RPR

## ZONING BOARD OF APPEALS

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

4 We'll begin with roll call.

5 Tim Virkler?

6 TIMOTHY VIRKLER: Here.

7 CHAIRPERSON THOMAS: Morgan Mayer?

8 MORGAN MAYER: Here.

9 CHAIRPERSON THOMAS: James Corriveau?

10 JAMES CORRIVEAU: Here.

11 CHAIRPERSON THOMAS: Adam Ruppe?

12 ADAM RUPPE: Here.

13 CHAIRPERSON THOMAS: I, Samuel Thomas,  
14 Chairperson, is present.

15 We also have representing Planning is  
16 Geoffrey Urda and Ms. Christina Stone who is with  
17 Corporation Counsel and Mr. Mike Lumbis, director  
18 of -- of many programs.

19 And we -- this is a continuation of a  
20 hearing that we held in December, on the 20th. And  
21 it's our third meeting date on this particular  
22 request. It's for a Use Variance to expand a legal  
23 nonconforming two-unit dwelling use in the Downtown  
24 District. The location is 312 Gotham Street. And  
25 the applicant is Michael J. Contryman who owns that

## ZONING BOARD OF APPEALS

1 particular property.

2 And, sir, you're not Mr. Contryman --

3 ADAM PITTAVINO: No, I'm not.

4 CHAIRPERSON THOMAS: -- but you were here  
5 last time. If you could state your name for the  
6 record and --

7 ADAM PITTAVINO: Adam Pittavino.

8 CHAIRPERSON THOMAS: -- your affiliation.

9 ADAM PITTAVINO: Sorry. What was that? I  
10 overtalked.

11 CHAIRPERSON THOMAS: And your affiliation.

12 ADAM PITTAVINO: Adam Pittavino. I'm  
13 representing Adam Contryman.

14 CHAIRPERSON THOMAS: Very good.

15 Well, I know last time we requested to send  
16 in questions relating to the Use Variance. I  
17 think -- Use Variance, as we said before, are very  
18 challenging to prove, especially when you're looking  
19 at dollars and cents figures, that the property  
20 cannot yield a reasonable return.

21 So I do know that fellow Board Members will  
22 have questions, and we'll entertain some of those and  
23 make -- and then decide where we need to go from  
24 there, okay?

25 So one thing I saw here, and it comes out

## ZONING BOARD OF APPEALS

1 very clear thanks to Mr. Urda, is the average  
2 investment to date is stated as 190,000. Is that  
3 since his purchase of the property, I believe, in  
4 2003 for \$25,000?

5 ADAM PITTAVINO: Yes.

6 CHAIRPERSON THOMAS: Okay. So that's what  
7 he has put into it.

8 All right. Oftentimes, with Use  
9 Variances -- and I think this was not mentioned  
10 before -- that in the past, duplication of receipts  
11 are important. I don't know if he can produce that  
12 type of information. And he's -- he's decided to go  
13 with an attached garage.

14 What kind of attached garage -- which will  
15 be part of the house. Will that have a door on it,  
16 or is it just like a carport?

17 ADAM PITTAVINO: No, it'll have doors.

18 CHAIRPERSON THOMAS: Okay. Mr. Urda, maybe  
19 you can help me with this. The city taxable value is  
20 at 79,700; is that correct? Is that on the  
21 assessment rolls?

22 I didn't look it up. I can --

23 GEOFFREY URDA: I confess, I didn't bring  
24 the assessment sheet with me, but the assessment data  
25 that I e-mailed to all of you will have current

## ZONING BOARD OF APPEALS

1       assessment data. I could get it on my phone in a  
2       matter of 30 seconds, if you want it.

3               CHAIRPERSON THOMAS: Okay. Yeah. Well, it  
4       will take me forever so ...

5               And you also included some additional  
6       information about average water quarter, just  
7       reminding everyone that would be times four, so  
8       you're looking at excess of \$600. And lawn care is  
9       something -- the tenants, I understand, are  
10      responsible for the lawn care which is a bit of a  
11      postage stamp, but he takes care of snow removal.

12              ADAM PITTAVINO: Yes.

13              CHAIRPERSON THOMAS: Okay. Okay. And  
14      that's about \$500 a year, the snow removal?

15              ADAM PITTAVINO: Yep.

16              CHAIRPERSON THOMAS: Okay. And the reason  
17      why he wants that attached garage is to mitigate  
18      potential problems with accidents and so forth which  
19      most likely are more prone in the winter -- during  
20      the winter months?

21              ADAM PITTAVINO: Yes.

22              CHAIRPERSON THOMAS: Okay. The roof  
23      replacement I thought was -- he's -- anticipation of  
24      that seven to ten years.

25              How old is that roof right now, do you

## ZONING BOARD OF APPEALS

1 know?

2 ADAM PITTAVINO: That roof's over ten years  
3 old.

4 CHAIRPERSON THOMAS: Oh, okay.

5 GEOFFREY URDA: Chairperson Thomas, total  
6 assessment 2023, 79,700.

7 CHAIRPERSON THOMAS: Okay. Exactly. Okay.  
8 Thank you.

9 I thought the cost for replacement was a  
10 little bit low. I've -- you know, we've all gone  
11 through this. And it seems like costs are  
12 skyrocketing at least from my experience. And then  
13 water heaters are -- seem to be okay.

14 So, Mrs. Stone, if you're looking at an  
15 assessment of 79,700, and then we have the figures  
16 that were presented with us, is that 79,700, is that  
17 what we would be looking at in discrepancies between  
18 what the investment has been or anticipated to be?

19 CHRISTINA STONE: Well, he was to put it on  
20 the market, he's stating that the estimated value.  
21 So if he was to put it on the market today, that the  
22 estimated value would be about \$140,000.

23 CHAIRPERSON THOMAS: Oh, okay.

24 CHRISTINA STONE: So I would -- I would  
25 look at 140 over the 79,7-.

## ZONING BOARD OF APPEALS

1                   CHAIRPERSON THOMAS: Mr. Ruppe, you had  
2                   shared in conversation about some of these home sales  
3                   in that particular neighborhood; that they're all  
4                   over the place. And it's a tough neighborhood. I  
5                   applaud him for what he is trying to achieve here,  
6                   but if you want to comment on that. I just thought  
7                   it was quite interesting.

8                   ADAM RUPPE: Yeah. I didn't write it down,  
9                   and I should have. But the house next to it sold  
10                  just a couple years ago for, I think it was, 110.  
11                  And this is also available on the city records.  
12                  Mr. Urda's provided the current. But there's also  
13                  one down the block which sold for over 200. That's  
14                  different being an apartment building; whereas, this  
15                  one is a two-unit building, so they're not directly  
16                  comparable.

17                 CHAIRPERSON THOMAS: Is that probably at  
18                 305?

19                 ADAM RUPPE: I think so.

20                 CHAIRPERSON THOMAS: Yeah, because I  
21                 noticed somebody -- it looked like it changed hands  
22                 and they were trying to do some rehab with that.

23                 But, still, I think the figures still come  
24                 in low, you know, and that's the piece that's very  
25                 difficult. And, you know, we're willing to work with

## ZONING BOARD OF APPEALS

1       you. We don't have to make a decision tonight. I'm  
2       sorry that this is going on so long, but Use  
3       Variances are not easy.

4               I mean, does he have a loan out on this?

5               ADAM PITTAVINO: No, I don't believe so.

6               CHAIRPERSON THOMAS: Okay. I just  
7       wondered --

8               ADAM PITTAVINO: No.

9               CHAIRPERSON THOMAS: -- because the  
10       interest would count and so forth.

11              Are there questions?

12              ADAM RUPPE: I believe we can look at the  
13       present value if someone were to purchase the  
14       property today to do a hypothetical. The evidence of  
15       interest on that would be in consideration, because  
16       if the current owner feels he's not making a return,  
17       one of his options would be to sell it, and the new  
18       buyer would look at all that stuff in the budgets to  
19       determine the value.

20              CHAIRPERSON THOMAS: But the other piece,  
21       too, he's earning an income of -- because it's a  
22       rental, which is fine, but there is an income. And  
23       when I was doing the math, I think it's -- it was  
24       more than -- maybe it was more than 20 grand --  
25       20,000 a year, if I'm not -- maybe I'm mistaken.



## ZONING BOARD OF APPEALS

1                   MORGAN MAYER: I can see if I can find it  
2                   for you.

3                   GEOFFREY URDA: So I would just like to add  
4                   that the no reasonable return -- a reasonable return  
5                   isn't just being able to flip the property for what  
6                   you paid for it or more than what you paid for it.  
7                   Wanting to continue operating it as a duplex is a  
8                   reasonable return, because he's, you know, earning  
9                   rent off the property. And parking is really part of  
10                  a duplex use. Like I mentioned at the last meeting,  
11                  this was legal under the previous zoning in the  
12                  zoning district it was in for many, many years, and  
13                  it's zoned now Downtown now. And irony of our zoning  
14                  is that we've -- we tried to write it to make it so  
15                  that people could rehabilitate duplexes without  
16                  variances. This property just happens to be in the  
17                  one zoning district that prescribes more intense,  
18                  more dense housing, in that it wants three or more --  
19                  or requires three or more.

20                  And, really, although, the ZBA, obviously,  
21                  has the four hardship tests it needs to consider; no  
22                  reasonable return being one of them, the question you  
23                  as a board really are tasked with is, is the zoning  
24                  ordinance imposing an undue hardship on this  
25                  applicant. That's really what you're asking

## ZONING BOARD OF APPEALS

1 yourselves.

2 ADAM RUPPE: Well, we could ask you. In  
3 the applicant's opinion, what would be a reasonable  
4 return, and is he getting one right now?

5 ADAM PITTAVINO: I think he is, yes.

6 CHAIRPERSON THOMAS: So the question then  
7 which you have referred to is whether or not --

8 GEOFFREY URDA: I mean, I will just give a  
9 quick example. For me, as a homeowner, a reasonable  
10 return is living in the house that I bought.

11 CHAIRPERSON THOMAS: Right.

12 GEOFFREY URDA: So it's not necessarily  
13 that I make money off it. Just living in it is the  
14 reasonable return.

15 And, in this case, for Mr. Contryman, his  
16 reasonable return is being able to continue to rent  
17 it as a marketable duplex. And I think in this case  
18 his project is aimed at continuing to obtain that  
19 reasonable return.

20 ADAM PITTAVINO: Yes.

21 CHAIRPERSON THOMAS: The 190,000 investment  
22 since his purchase of this home, is that -- is that  
23 counted in this, Mr. Urda?

24 I'm just --

25 GEOFFREY URDA: That's really up to the

## ZONING BOARD OF APPEALS

1 ZBA's judgment.

2 CHAIRPERSON THOMAS: Okay.

3 GEOFFREY URDA: I mean, it certainly is  
4 significant investment, but it's not my judgment to  
5 make.

6 CHAIRPERSON THOMAS: Thank you.

7 CHRISTINA STONE: I think the board has to  
8 take the numbers that the applicant has provided and  
9 make -- make your own decision on whether or not it  
10 fits the requirements --

11 CHAIRPERSON THOMAS: Okay.

12 CHRISTINA STONE: -- of the Use Variance.  
13 And if you're not comfortable and want more  
14 information, you certainly as a board can do that.  
15 If you're comfortable with the information provided,  
16 then, you know, again, you can vote tonight.

17 CHAIRPERSON THOMAS: I mean, at this point,  
18 how do you feel about it?

19 JAMES CORRIVEAU: I'm ready to vote.

20 CHAIRPERSON THOMAS: Mr. Ruppe?

21 ADAM RUPPE: I could vote on it now, yeah.

22 CHAIRPERSON THOMAS: Morgan?

23 MORGAN MAYER: Yeah, I could vote.

24 CHAIRPERSON THOMAS: I'm torn about this,  
25 but I applaud this applicant for going in there and

## ZONING BOARD OF APPEALS

1       trying to stabilize this home. And it's a tough  
2       neighborhood. I don't know if it'll exist in the  
3       next ten years, because there's so many properties  
4       that have been demolished, and that's a concern of  
5       mine, because they're turning into vacant lots and  
6       parking areas that are not well groomed.

7               Do you want to vote this evening?

8               I know, Mr. Virkler, you said you're  
9       abstaining, of course.

10              TIMOTHY VIRKLER: Yes.

11              GEOFFREY URDA: Chairman, one last item I  
12       might give you for thought, if you're weighing your  
13       decision on whether to vote, is if you -- one of the  
14       other hardship tests, the impact to the neighborhood.  
15       If this zoned Downtown, the prescribed residential,  
16       you know, what would ultimately fit on a block like  
17       that if it was undeveloped would be a four- or  
18       five-story apartment building that would go with, you  
19       know, the same size and scale of the State Office  
20       Building. So as far as the impact on the  
21       neighborhood, the impact is that you have one parcel  
22       where a variance runs with the land to have two units  
23       instead of three or more. It's basically a less  
24       intense use than what would be prescribed Downtown.  
25       That doesn't mean that a future owner couldn't build

## ZONING BOARD OF APPEALS

1 a four-story 30-unit apartment building there if they  
2 acquired all those parcels.

3 CHAIRPERSON THOMAS: Okay. Well, if there  
4 are no further questions, position by the City,  
5 Mr. Urda?

6 GEOFFREY URDA: Nothing further from the  
7 City other than that if you would like to vote,  
8 you'll have to consider the SEQR form.

9 CHAIRPERSON THOMAS: Are the people  
10 prepared to start with the SEQR, or would you --

11 CHRISTINA STONE: Yeah. I just want to  
12 chime in. I have nothing further to add either, but  
13 you're going to have to close the public hearing and  
14 then do the SEQR.

15 CHAIRPERSON THOMAS: Okay. And, Mr. Ruppe,  
16 are you comfortable with this?

17 ADAM RUPPE: Yes.

18 CHAIRPERSON THOMAS: Morgan?

19 MORGAN MAYER: Yes.

20 CHAIRPERSON THOMAS: Okay. I lead a motion  
21 then to close the public hearing before we begin the  
22 SEQR.

23 MORGAN MAYER: I would move to close the  
24 public hearing.

25 CHAIRPERSON THOMAS: May I have a second?

## ZONING BOARD OF APPEALS

1 ADAM RUPPE: Second.

2 CHAIRPERSON THOMAS: Very good.

3 All in favor?

4 MORGAN MAYER: Aye.

5 JAMES CORRIVEAU: Aye.

6 CHAIRPERSON THOMAS: Very good.

7 Okay. Well, we can move back.

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

11 Please answer in unison.

12 Will the proposed action result in the  
13 change in the intensity of the use of land?

14 MORGAN MAYER: No.

15 CHAIRPERSON THOMAS: Okay. Will the  
16 proposed action impair the character or quality of  
17 the existing community?

18 MORGAN MAYER: No.

19 CHAIRPERSON THOMAS: No.

20 Will the proposed action have an impact on  
21 the environmental characteristics that caused the  
22 establishment of a Critical Area, CA -- CEA?

23 MORGAN MAYER: No.

24 CHAIRPERSON THOMAS: Will the proposed  
25 action cause an increase in the use of energy and it

## ZONING BOARD OF APPEALS

1 fails to incorporate reasonably available energy  
2 conservation or renewable energy opportunities?

3 MORGAN MAYER: No.

4 CHAIRPERSON THOMAS: No.

5 Will the proposed action result in adverse  
6 change in the existing level of traffic or affect  
7 existing infrastructure for mass transit, biking, or  
8 walkway?

9 MORGAN MAYER: No.

10 CHAIRPERSON THOMAS: No.

11 And will the proposed action impact  
12 existing: A, public/private water supplies; B,  
13 public/private wastewater treatment utilities?

14 MORGAN MAYER: No.

15 CHAIRPERSON THOMAS: No.

16 Will the proposed action impair the  
17 character or quality of important historic,  
18 archaeological, architectural, or aesthetic  
19 resources?

20 No.

21 Will the proposed action result in an  
22 adverse change to natural resources; example,  
23 wetlands, waterbodies, groundwater, air quality,  
24 flora, and fauna?

25 MORGAN MAYER: No.

## ZONING BOARD OF APPEALS

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

4 No.

5 Will the proposed action create a hazard to  
6 environmental resources or human health?

7 MORGAN MAYER: No.

8 CHAIRPERSON THOMAS: No.

9 I need to then make a motion on the  
10 determination of the SEQR -- SEQR Assessment.

11 I move that we adopt a resolution finding  
12 that the proposed variance will have no significant  
13 adverse effects or environmental impacts. May I have  
14 a motion on that -- first on it?

15 MORGAN MAYER: I would make that motion.

16 CHAIRPERSON THOMAS: Mr. Ruppe?

17 ADAM RUPPE: I'll second.

18 CHAIRPERSON THOMAS: All in favor?

19 MORGAN MAYER: Aye.

20 JAMES CORRIVEAU: Aye.

21 CHAIRPERSON THOMAS: Okay. Very good.

22 All right. We -- I need a few minutes to  
23 just kind of look at my information, if that's okay.

24 Thank you.

25 Mr. Urda, before this neighborhood was



## ZONING BOARD OF APPEALS

1           zoned, was that a residential city?

2                   GEOFFREY URDA: It was limited business in  
3           the old zoning --

4                   CHAIRPERSON THOMAS: Oh, okay.

5                   GEOFFREY URDA: -- but a duplex would have  
6           been allowed in limited business.

7                   CHAIRPERSON THOMAS: Okay. Ready to vote.  
8           Thank you for waiting. And we can proceed.

9                   The petition for a Use Variance request to  
10          expand a legal nonconforming two-unit dwelling  
11          recently zoned as a Downtown Development District --  
12          in the Downtown Development District. The existing  
13          primary structure property --

14                   GEOFFREY URDA: Sam, could you talk into  
15          your microphone?

16                   CHAIRPERSON THOMAS: Oh, I'm sorry.  
17          Microphone is not on, so we'll start over then.

18                   Got to get this.

19                   The petition for a Use Variance request to  
20          expand a legal nonconforming two-unit dwelling  
21          recently zoned as being in the Downtown Development  
22          District. The existing primary structure on the  
23          property per the definition of the zoning ordinance:  
24          A Use Variance is difficult to prove as the applicant  
25          must show that he or she is deprived of all economic

## ZONING BOARD OF APPEALS

1 use or benefit of the property. In other words, it  
2 seems that a reasonable return cannot be realized for  
3 those -- for that which is permitted in zoning.

4 That an applicant proposes to construct a  
5 two-story building addition that -- that would  
6 include a garage on the ground floor and a new indoor  
7 room for one apartment dweller on the right-hand side  
8 of the building.

9 Initially, there was a detached three-stall  
10 garage, but the applicant was required to remove it  
11 as it was deemed unsafe.

12 Therefore, the proposed definition  
13 represents an expansion of an existing primary use  
14 two-unit dwelling which is a legal nonconforming use  
15 having only granted by a Use Variance.

16 Mr. Contryman states that having a master  
17 suite in one bedroom will increase the value of the  
18 property. Initially, that cost was \$62,000. Since  
19 the initial submission of financial figures, he has  
20 included removal -- debris removal, \$500; taxes to  
21 include county, school, city, 2,2 -- nearly \$2,200;  
22 the taxable value is 9,700 [sic] with the potential  
23 of a home being 140,000 -- being sold at  
24 approximately \$140,000. He purchased this house in  
25 2003 for 25,000 but has invested \$190,000 since that

## ZONING BOARD OF APPEALS

1 initial purchase. He will be receiving rental  
2 income, and it is anticipated that will be a  
3 reinvestment in the property.

4 Most importantly, this neighborhood is at  
5 risk of minimally existing in the coming years.  
6 There have been many demolished homes and apartment  
7 buildings; one which had burned, and it was quite  
8 large, that have become vacant parcels or unsightly  
9 empty lots or unfinished parking areas. There are  
10 several other homes that are not in satisfactory  
11 condition and the concern about their future. The  
12 market value of these homes as stated this evening is  
13 quite variable and some are not realizing the full  
14 market value as what others are exceeding -- other  
15 parcels are exceeding that.

16 I anticipate there will be, as in any  
17 construction projects, unanticipated costs. It  
18 always happens. And -- and it could be, you know,  
19 burdensome to the homeowner. He is slightly  
20 increasing the living space in the dwelling. His  
21 rents, I believe, are -- are satisfactory. And the  
22 attached garage hopefully will be an aid for those  
23 that may need it in order to avoid adverse weather  
24 condition.

25 I do not find this to be a detriment to the

## ZONING BOARD OF APPEALS

1 neighborhood but -- but will be an improvement for  
2 the homeowner and tenant along with neighbors. I do  
3 not feel this is a self-created difficulty. For some  
4 reason, the owner did not initially provide financial  
5 information which is an important piece to -- to a  
6 use Variance Request, but upon that -- upon us asking  
7 for it, it has been provided.

8 I, therefore, vote yes to the Use Variance  
9 at --

10 Is it 212?

11 GEOFFREY URDA: 312.

12 MORGAN MAYER: 312.

13 CHAIRPERSON THOMAS: -- 312.

14 It should be 112. It used to be Jay  
15 Street.

16 Mr. Ruppe?

17 ADAM RUPPE: Yeah. A Use Variance is a  
18 very strict standard. The applicant must show that  
19 there is -- the zoning regulations have caused  
20 unnecessary hardship as demonstrated, and this is  
21 written in the code, this formula, upon self-check.  
22 And I'm going to read them backwards.

23 One of them is a -- the -- the problem is  
24 not self-created. And I find that this problem is  
25 not self-created. The owner is trying to do

## ZONING BOARD OF APPEALS

1 everything right over the years. The zoning law  
2 changed. The projects happened when it happened.  
3 And this is why we have a Zoning Board of Appeals.  
4 It's to look at unique situations and make a  
5 determination.

6 The next item is that it will not alter the  
7 essential character of the neighborhood. And this  
8 proposed expansion is simply to take what's already  
9 there and make it better. This house has been there  
10 for over 150 years. And it's difficult to imagine  
11 that maintaining an old house like that would cause  
12 trouble to the essential character of the  
13 neighborhood, but I would -- it is part of the  
14 essential character of that neighborhood.  
15 Additionally, the City's comprehensive plan includes  
16 a vision for Downtown that has less surface parking  
17 and the opportunity for people to live, work, and  
18 play in the Downtown zone. And this proposed action  
19 through the variance would work towards that plan,  
20 not against it.

21 The third test is the uniqueness. Is this  
22 a unique situation to this property, or is it in  
23 problems of the zoning law as a whole? And I find  
24 that this is unique to this specific property.  
25 There's very few 150-year-old duplexes in the

## ZONING BOARD OF APPEALS

1 Downtown zone. And the rest of the ordinances as  
2 written accounts well for this.

3 So then the fourth test, and this one is  
4 written, the applicant must show a lack of reasonable  
5 return as demonstrated by accounting and financial  
6 evidence, and this is for each and every permitted  
7 use of the property. Over the last few meetings, we  
8 looked at a number of permitted uses.

9 We could knock down half the house and  
10 build a garage in there so it wouldn't expand the  
11 footprint, that this would be permitted as part of  
12 the legal nonconforming use. That, obviously, is not  
13 going to work while they destroy the living space and  
14 have -- and launch this perhaps.

15 We looked at a conversion to a  
16 three-dwelling unit which would also be permitted  
17 under the zoning regulation, but that also doesn't  
18 work due to the layout of this building and what it  
19 would mean to expand it. He showed significant  
20 expense in the previous spreadsheet shown to us. We  
21 looked at the possibility of an attached garage, but  
22 this does not. This would be an additional expense,  
23 less benefit, so that this fails to give us a  
24 reasonable return.

25 And then the difficult one is status quo.

## ZONING BOARD OF APPEALS

1                   And earlier today you said that he is  
2                   looking at a reasonable return as is. And his  
3                   numbers back that up. However, I want to take into  
4                   account the risk of the future. Like Mr. Thomas  
5                   said, there is a significant risk in this  
6                   neighborhood of things going downhill. City code  
7                   requires that all property owners, including those of  
8                   legal nonconforming uses, maintain the property in  
9                   good condition so it doesn't cause any detriment to  
10                  the health, safety, and welfare of the neighborhood.

11                  And to do that means, sometimes you have to  
12                  do an expansion. Once the house is sold, there's  
13                  significant risk of unexpected costs. There's  
14                  significant risk of injury when walking across the  
15                  icy driveway as it is now.

16                  And, as such, I think that he has shown a  
17                  lack of reasonable return in the upcoming future,  
18                  which I'm going to take into consideration to vote  
19                  yes.

20                  CHAIRPERSON THOMAS: Okay. Thank you,  
21                  Mr. Ruppe.

22                  Mr. Corriveau?

23                  JAMES CORRIVEAU: I vote yes.

24                  CHAIRPERSON THOMAS: Okay. Thank you.

25                  Ms. Mayer?

## ZONING BOARD OF APPEALS

1 MORGAN MAYER: I agree with the analysis  
2 presented by my fellow Board Members as well as the  
3 Chairman, and I do vote yes.

4 CHAIRPERSON THOMAS: Well, we have four yes  
5 votes, one abstention. Mr. Virkler is just joining  
6 us, and so he did not hear the previous hearings.

7 And your variance is granted.

8 Mr. Urda, should he then speak with you?

9 GEOFFREY URDA: Yep.

10 Although, I believe he will be staying here  
11 as he has an item on the agenda at the Planning  
12 Commission meeting that will start momentarily.

13 CHAIRPERSON THOMAS: Okay.

14 GEOFFREY URDA: I only ask that you stay  
15 long enough to sign this decision form and the SEQR  
16 form before you make way for the Planning Commission.

17 CHAIRPERSON THOMAS: One quick note.

18 I want to welcome Mr. Virkler to the Zoning  
19 Board of Appeals.

20 TIMOTHY VIRKLER: Thank you.

21 CHAIRPERSON THOMAS: And we also appreciate  
22 the time that Christin Filippelli has served on the  
23 board for the past five years.

24 And welcome --

25 TIMOTHY VIRKLER: I'm glad to be here.



## ZONING BOARD OF APPEALS

1 CHAIRPERSON THOMAS: -- aboard.

2 Okay. Great. Two attorneys -- three

3 so ...

4 Are there further questions before we

5 adjourn the meeting?

6 MORGAN MAYER: No.

7 CHAIRPERSON THOMAS: May I have a motion of

8 adjournment?

9 MORGAN MAYER: I would move to adjourn this  
10 meeting.

11 CHAIRPERSON THOMAS: May I have a second on  
12 the motion?

13 ADAM RUPPE: Second.

14 CHAIRPERSON THOMAS: All in favor?

15 MORGAN MAYER: Aye.

16 JAMES CORRIVEAU: Aye.

17 CHAIRPERSON THOMAS: Okay. Very good.

18 Thank you.

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## REPORTER'S CERTIFICATE

I, TARYN D. LEONARD, RPR, Court Reporter, and  
Notary Public in the County of Jefferson, 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 January 3, 2024.

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 4th day of January, 2024.

TARYN D. LEONARD  
TARYN D. LEONARD, RPR  
Court Reporter

TARYN D. LEONARD, RPR