

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

-----x  
ZONING BOARD OF APPEALS

PUBLIC HEARING

#597

Use Variance to allow front-yard parking in  
the Residential District  
-----x

245 Washington Street  
Watertown, New York 13601  
Wednesday, January 24, 2024

B E F O R E:

Chairperson:

Samuel S. Thomas

Board Members:

Adam Ruppe  
Morgan Mayer  
James Corriveau  
Timothy Virkler

Senior Planner:

Jennifer Voss

City Planner:

Sharlice Bonella

City Attorney:

Christina Stone, ESQ.

REPORTED BY:

Tiffany-Jo Ponce  
Court Reporter

## ZONING BOARD OF APPEALS

1 CHAIRPERSON THOMAS: I'd like to call the  
2 Zoning Board of Appeals meeting to order for the  
3 City of Watertown. We'll begin with attendance.

4 Morgan Mayer?

5 MS. MAYER: Present.

6 CHAIRPERSON THOMAS: James Corriveau?

7 MR. CORRIVEAU: Present.

8 CHAIRPERSON THOMAS: Tim Virkler?

9 MR. VIRKLER: Present as well.

10 CHAIRPERSON THOMAS: I, Samuel Thomas,  
11 Chairperson, is present. Adam Ruppe may be joining  
12 us. He's also a board member. Jennifer Voss is  
13 present, Senior Planner, along with  
14 Christina Stone, who represents our city  
15 corporation counsel for zoning board of appeals,  
16 and also Planner Sharlice Bonello.

17 And I'd like to take a moment to read the  
18 Notice of Public Hearing, Request for Variance of  
19 the Zoning Ordinance of the City of Watertown.  
20 Notice is hereby given that the Zoning Board of  
21 Appeals of the City of Watertown, New York, will  
22 meet on Wednesday, January 24, at 6:00 p.m. in the  
23 City Council Chambers on the Third Floor of City  
24 Hall for the purpose of hearing one variance  
25 request.

## ZONING BOARD OF APPEALS

1                   Variance Request Number 597 is for the  
2                   property located at 810 Morrison Street, being  
3                   Parcel Number 1-05-113.000, submitted by Candy and  
4                   Richard Marquette to vary regulations of  
5                   Section 310.37 of the City of Watertown Zoning  
6                   Ordinance to allow front-yard parking in a  
7                   residential district.

8                   The meeting is open to the public.  
9                   Copies of above request are available for public  
10                  inspection by contacting the planning department at  
11                  the phone number above, which is 785-7741, or email  
12                  at [planning@watertown-ny.gov](mailto:planning@watertown-ny.gov). This is dated  
13                  January 16th, 2024, authored by Jennifer Voss,  
14                  Senior Planner.

15                  We'll begin tonight's meeting. Most  
16                  likely, there will not be a vote this evening, but  
17                  we'll begin by gathering information, asking  
18                  questions, and those that are from, perhaps, the  
19                  neighborhood will have a chance to speak at this  
20                  hearing. And the hearing can remain open until the  
21                  zoning board deems -- deems it appropriate to bring  
22                  closure to that. But I don't believe that will  
23                  happen this evening.

24                  But if the applicants, Mr. and  
25                  Mrs. Marquette, if one would approach the

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1 microphone. State your name for the record and  
2 your address.

3 MS. MARQUETTE: Candy Marquette,  
4 810 Morrison Street, Watertown, New York.

5 CHAIRPERSON THOMAS: Excuse me? Ma'am, I  
6 wasn't hearing that correctly.

7 MS. MARQUETTE: You need my name again?

8 CHAIRPERSON THOMAS: Yes. No, I caught  
9 that. But if you would present the information  
10 that is pertinent to this case, that would be  
11 appreciated.

12 MS. MARQUETTE: Yeah. We're here  
13 because, for the past 30 years, we've had to park  
14 out front of our house because there's -- the  
15 driveway is -- is very small, and we just have done  
16 it. And now that I'm disabled, it's even harder to  
17 get down the driveway. Especially, like, at the  
18 wintertime, the ice falls off on my car. It broke  
19 my window and hit my roof, and the people next door  
20 wouldn't pay for it. They said it was an act of  
21 nature.

22 So we just been parking out front. So  
23 we're not blocking the sidewalk. We're not  
24 blocking any kind of water --

25 *(The court reporter interrupts for*

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1                   *clarification.)*

2                   AUDIENCE MEMBER: Hydrant.

3                   MS. MARQUETTE: Yeah. Or like the --  
4                   there's -- right at the end of our street on the  
5                   corner that we have, and he cleans that out all the  
6                   time (indicating). He keeps it clean so that the  
7                   water goes down.

8                   We have a 5-foot metal fence -- chain  
9                   fence that goes around the first two properties.  
10                  And our pool is on the side, so you can't, like,  
11                  put a driveway in the front. If we had to take and  
12                  put in another driveway, we'd have to go all the  
13                  way down to the back second line and put it there.  
14                  And both my husband and -- I'm disabled on Social  
15                  Security, and he gets Social Security, and we have  
16                  our grandchildren that we're taking care of. They  
17                  live with us, and we're very limited income.

18                  We just had to put up the new fence  
19                  because our dog was getting out and we were going  
20                  to get in trouble for him getting out.

21                  CHAIRPERSON THOMAS: And how long have  
22                  you lived at that residence?

23                  MS. MARQUETTE: Thirty-one years. And  
24                  we've parked the same --

25                  CHAIRPERSON THOMAS: Yeah. I did drive

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1 by there and I -- it's the parcel on the corner  
2 which fronts Morrison Street, and you have property  
3 that fronts Snell --

4 MS. MARQUETTE: Right.

5 CHAIRPERSON THOMAS: -- I believe. And I  
6 did see the swimming pool to the left on Snell.

7 MS. MARQUETTE: Right.

8 CHAIRPERSON THOMAS: And you do realize  
9 that front-yard parking, obviously, is not -- is  
10 not allowed in the city. We'll need to hear this  
11 case and walk through it piece by piece to gather  
12 information.

13 Is there anything else that you would  
14 like to state concerning --

15 MS. MARQUETTE: We don't want to  
16 inconvenience anybody, but I had a heart attack and  
17 I had a stroke. At the same time, I was septic and  
18 almost died in June 29, and the ambulance couldn't  
19 get down the driveway to -- they had to put me in a  
20 chair to get me out of the house to get me down the  
21 driveway. So -- and I don't know if something like  
22 that's going to happen again.

23 CHAIRPERSON THOMAS: I know when I went  
24 by and was observing the property, because it's  
25 also good to get the lay of the land so I can

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1 definitely have a good understanding of what you're  
2 presenting, that -- that driveway, I do understand,  
3 is very, very narrow.

4 And in the picture, you present a truck.  
5 I'm not sure if a regular car or smaller vehicle,  
6 obviously, have maybe a little more room, but it's  
7 pretty landlocked there.

8 MS. MARQUETTE: Yeah.

9 CHAIRPERSON THOMAS: I do understand  
10 that.

11 MS. MARQUETTE: You can't open the doors.

12 CHAIRPERSON THOMAS: Now, when you park  
13 your car -- obviously, this is the driveway  
14 (indicating).

15 MS. MARQUETTE: The drive --

16 CHAIRPERSON THOMAS: Yeah, right there.  
17 So it's coming in front of the house, and that's a  
18 driveway. And it's -- and it's not fronting the  
19 house, but it's on the corner (indicating).

20 MS. MARQUETTE: Right.

21 CHAIRPERSON THOMAS: And then I see  
22 where --

23 That piece is permissible; correct? I  
24 mean, parking in front of your house, as long as it  
25 doesn't come near -- it's not fronting the house?

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1 MS. VOSS: Yeah, as long as you're in  
2 your driveway.

3 CHAIRPERSON THOMAS: Yeah. Okay. And  
4 then -- so there are two other vehicles, and one  
5 looks like it's to the left of that truck, and then  
6 there's a red vehicle. There's actually three --

7 MS. MARQUETTE: Yeah.

8 CHAIRPERSON THOMAS: -- okay, that are up  
9 there. Okay. Just so I have clarification.

10 Are there other questions that board  
11 members wish to entertain?

12 MS. MARQUETTE: I brought pictures of the  
13 ice and snow and stuff hanging from the -- our  
14 neighbor's house, too.

15 CHAIRPERSON THOMAS: So ...

16 MR. VIRKLER: Mr. Chairman, I have a  
17 couple questions.

18 CHAIRPERSON THOMAS: Sure.

19 MR. VIRKLER: Thank you for coming  
20 tonight, ma'am. I know it takes some courage to  
21 get up there and talk to a bunch of strangers.

22 How many people live in your house? Is  
23 it just you and your husband?

24 MS. MARQUETTE: Four.

25 MR. VIRKLER: Four?



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1 MS. MARQUETTE: My two granddaughters and  
2 us.

3 MR. VIRKLER: And so the vehicles that  
4 Chairman Thomas referenced, are those always there,  
5 or were they just visiting on the day the picture  
6 was taken?

7 MS. MARQUETTE: No, those are there. The  
8 sad thing about it is I just bought the Camaro, and  
9 then I -- a month later, I had the stroke.

10 MR. VIRKLER: And I just have a couple  
11 more questions for you. You referenced a pool on  
12 the side. Is that a pool that you use in the  
13 season, or is that not maintained or ...

14 MS. MARQUETTE: Oh, yeah. We have  
15 grandkids, and they're in it every day.

16 MR. VIRKLER: Okay. I know kids love  
17 pools, so that's a great place in the summer.

18 MS. MARQUETTE: We'll have the whole  
19 neighborhood over.

20 MR. VIRKLER: Yep. It looks like it's  
21 centrally located, too.

22 And just a final question. In your  
23 application, I know that you referenced parking in  
24 the street in the past, but you said that wasn't an  
25 option anymore. Can you talk about that?

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1 MS. MARQUETTE: Well, Arnold Street got  
2 curbing, so it's not as wide. So, like, Tiffani  
3 has -- they have a hard time pulling out because it  
4 being not wide and stuff like that (indicating).

5 But we park over there so that we don't  
6 have to worry about people going around us and  
7 we're not blocking in the street.

8 MR. VIRKLER: Okay. No further  
9 questions, Mr. Chairman.

10 CHAIRPERSON THOMAS: So what I'm seeing  
11 of the three vehicles in the picture here are --  
12 those are -- sorry. Those are vehicles that belong  
13 to your household?

14 MS. MARQUETTE: Yes.

15 CHAIRPERSON THOMAS: It looks like  
16 another vehicle is parked out in the street, which  
17 is permissible. Is that -- do you recall, is that  
18 part of your household, too?

19 MR. MARQUETTE: The black truck? Yeah.

20 MS. MARQUETTE: No. We only have the  
21 black truck, the gray Camaro, and the Corvette.

22 CHAIRPERSON THOMAS: Okay.

23 MS. MARQUETTE: That's all we have.

24 CHAIRPERSON THOMAS: All right. So  
25 that's just somebody parking --

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1                   *(Sotto voce discussion between Mr. and*  
2                   *Mrs. Marquette.)*

3                   MS. MARQUETTE: I said the black truck.

4                   CHAIRPERSON THOMAS: Yeah. It's gray or  
5                   black. It's looks like --

6                   MS. MARQUETTE: I think it is a separate  
7                   time.

8                   CHAIRPERSON THOMAS: Okay.

9                   MS. MARQUETTE: He wasn't -- we weren't  
10                  sure what we were doing wrong because, like, right  
11                  out where -- like, we park in the driveway, but  
12                  sometimes, we can park on the side of the road in  
13                  the summertime and stuff. So we didn't know where  
14                  we were parking wrong, so that's why he put that  
15                  picture in.

16                 CHAIRPERSON THOMAS: And I see that the  
17                  driveway pertaining where the truck is parked, and  
18                  then to the -- to the left, there is a parking  
19                  space that was created for another vehicle? I  
20                  mean, because it's parked in front of the corner --  
21                  of the front line of the house. Did you --

22                 MS. MARQUETTE: We didn't put in  
23                  anything. It was there when we bought the house.

24                 CHAIRPERSON THOMAS: Okay. So that's --  
25                  okay. Just trying to understand it.

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1                   And then you have -- you shimmy your way  
2                   into this particular space (indicating)?

3                   MS. MARQUETTE: Right.

4                   CHAIRPERSON THOMAS: Okay.

5                   MS. MARQUETTE: In the summertime, we can  
6                   park in the driveway partway, but we're still,  
7                   like, obstructing, you know.

8                   CHAIRPERSON THOMAS: So -- yeah. I  
9                   can -- where you can at least open and get access  
10                  to your vehicle through the door.

11                  MS. MARQUETTE: Right.

12                  CHAIRPERSON THOMAS: I see the pool shows  
13                  up in this picture (indicating). I went by -- I  
14                  wish I had more time that day -- and I did notice  
15                  that. But it looks like on Snell Street, at least  
16                  to get one of the cars off the parcel here in the  
17                  front yard, that there's a strong possibility that  
18                  you could create parking.

19                  MS. MARQUETTE: Where?

20                  CHAIRPERSON THOMAS: On Snell Street  
21                  where the pool is, it would be to the right of the  
22                  pool. You know, you own -- do you own that corner  
23                  lot where the pool is?

24                  MS. MARQUETTE: Yes.

25                  CHAIRPERSON THOMAS: Yeah. Okay. I was

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1 just thinking that, perhaps, that would be  
2 something, you know, because this red car is like  
3 an extension already of a nonconforming use. And  
4 so I was thinking that the -- like, on Snell  
5 Street, maybe to get at least one of these vehicles  
6 out of your front yard, you can create a parking  
7 space on that corner lot.

8 And I don't think it should interfere  
9 with the pool, especially if it's just getting your  
10 car -- it only needs to be really large enough to  
11 get your car off the street and off the sidewalk  
12 and onto your private property.

13 MS. MARQUETTE: But it's not on the  
14 sidewalk.

15 CHAIRPERSON THOMAS: No, no. I'm talking  
16 on Snell Street.

17 MS. MARQUETTE: Oh.

18 CHAIRPERSON THOMAS: Yeah. There would  
19 be the possibility of, perhaps, creating a parking  
20 area there for a vehicle, so long as it doesn't --  
21 you know, you go behind the sidewalk so you're not  
22 blocking and --

23 MS. MARQUETTE: On the -- on that side,  
24 there is no sidewalk.

25 CHAIRPERSON THOMAS: Oh, okay.

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1 MS. MARQUETTE: On Snell Street.

2 CHAIRPERSON THOMAS: Yeah. There isn't?

3 MS. MARQUETTE: But there's not -- it's  
4 like wires from the pole that go down, so we can't  
5 park on that.

6 CHAIRPERSON THOMAS: Okay. Well, I'll  
7 have to take a look closer. I mean, is there a  
8 wire -- like a utility pole there?

9 MS. MARQUETTE: Yeah.

10 CHAIRPERSON THOMAS: Okay. Questions?

11 MS. MAYER: I just have one question.

12 So is the expectation that you'll just  
13 continue parking on the grass, or is there going to  
14 be an extension of the pavement?

15 MS. MARQUETTE: There's pavement there.

16 MS. MAYER: Okay.

17 MS. MARQUETTE: The pavement has always  
18 been there that we're parking in, except maybe the  
19 Corvette doesn't have it. But the gray car is on  
20 the -- there's always been that --

21 MS. MAYER: Yeah, yeah. I see that from  
22 the picture, but I do see the Corvette is parked in  
23 the grass. Will there be an expansion of the  
24 pavement or just continue to park on the grass?

25 MS. MARQUETTE: If we have to, we could

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1       probably put -- make it gravel.

2               MS. MAYER:   Okay.

3               MS. MARQUETTE:   That, we could afford,  
4       you know, instead of ripping down the fence.  We'd  
5       have to take out the curb because there's a whole  
6       curb down that one side that does not have, like, a  
7       inlet for you to pull up on to go into the yard or  
8       anything like that.

9               MS. MAYER:   Thank you.

10              MS. MARQUETTE:   Yes.

11              CHAIRPERSON THOMAS:   Other questions?

12              MR. CORRIVEAU:   Yeah.  I've got a couple,  
13       Sam.

14              The violation that the code officer sent  
15       you to start this whole thing rolling references a  
16       parked trailer in the front of the house.

17              MS. MARQUETTE:   There was never a trailer  
18       there.

19              MR. CORRIVEAU:   Okay.  Did you see that  
20       in the notice?

21              MS. MARQUETTE:   Well, we saw it, and  
22       we're like, what?  Where -- because it's just the  
23       cars.  That's why he thought that maybe they  
24       thought it was out front, you know, on the road.

25              MR. CORRIVEAU:   So there never was a

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1 trailer there at any time?

2 MS. MARQUETTE: No. When they sent us  
3 the thing, my grandson took his car out so my  
4 husband could put his car in.

5 MR. CORRIVEAU: Was the front yard -- the  
6 asphalt of the driveway and the front yard, was  
7 that increased at some time in the recent past, or  
8 is this the way that asphalt's been for 30 years,  
9 too?

10 MS. MARQUETTE: Yeah.

11 MR. CORRIVEAU: Okay.

12 CHAIRPERSON THOMAS: It looks like the  
13 City recently did reconstruction of the street  
14 because of the curb.

15 MS. MARQUETTE: They made it -- yeah,  
16 they put the curbs up.

17 MR. CORRIVEAU: Does the driveway lead in  
18 the back to any parking, or what's at the end of  
19 the driveway in the back?

20 MS. MARQUETTE: The backyard.

21 MR. CORRIVEAU: Just the backyard?

22 MS. MARQUETTE: And a fence for the dogs.

23 MR. CORRIVEAU: Is there room for parking  
24 back there?

25 MS. MARQUETTE: No. Not really, not



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1 really. It's even -- to even try to get down  
2 there, you've got to try not to hit either side of  
3 the house.

4 MR. CORRIVEAU: Oh, it's real narrow. I  
5 saw that at that end.

6 MS. MARQUETTE: Yeah. Well, it's even  
7 narrower than you think it is because about this  
8 much more is their property (indicating).

9 MR. CORRIVEAU: Yeah. I was curious,  
10 where is the property line itself?

11 MS. MARQUETTE: Yeah. It's most of the  
12 driveway.

13 MR. CORRIVEAU: Is on your property?

14 MS. MARQUETTE: Yeah.

15 MR. CORRIVEAU: There's a little bit of  
16 it that belongs to the other house?

17 MS. MARQUETTE: Yes. We keep it clean  
18 and everything, but yeah.

19 MR. CORRIVEAU: Okay.

20 MS. MARQUETTE: If you go out back, you  
21 can see that our fence goes -- like, it goes over  
22 this way because of their property when they park  
23 there (indicating).

24 MR. CORRIVEAU: Okay.

25 *(Sotto voce discussion in audience.)*

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1 CHAIRPERSON THOMAS: Excuse me. One  
2 person at a time. Thank you.

3 Are there other questions that the board  
4 would like to entertain?

5 MR. CORRIVEAU: Yeah. I've got one, but  
6 it's more for the planning department. I suppose  
7 that's fair game.

8 This little sketch that's in the code in  
9 this section, 310.37, is interesting. It allows a  
10 20-foot-wide maximum driveway coming off the  
11 street.

12 MS. VOSS: In the front.

13 MR. CORRIVEAU: But off the street,  
14 20-foot-wide max, it says. Is that wide enough to  
15 put two cars on?

16 MS. VOSS: It is not. And that  
17 front-yard parking allowance, currently in the  
18 code, is only when you don't have room for a  
19 driveway on the parcel. When there's no other room  
20 on the parcel for a car to fit, then we'll allow  
21 for that 20-by-10-foot space in the front of the  
22 home --

23 MR. CORRIVEAU: Yeah. I saw that.

24 MS. VOSS: -- for front-yard parking.

25 MR. CORRIVEAU: That narrative's in

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1       there.

2                   MS. VOSS:   Right.

3                   MR. CORRIVEAU:   But the sketch is in here  
4       as well.

5                   MS. VOSS:   Yeah.

6                   MR. CORRIVEAU:   It's got a 20-foot-wide  
7       max for the driveway itself.

8                   MS. VOSS:   Oh, for the driveway.

9                   MR. CORRIVEAU:   Yeah.

10                  MS. VOSS:   Yeah.   That's just a -- your  
11       driveway could be wider.

12                  MR. CORRIVEAU:   Could be 20 feet wide?

13                  MS. VOSS:   Yeah.

14                  MR. CORRIVEAU:   Could it be 20 feet wide  
15       coming off the street and then that bounds to a  
16       narrower dimension leading to the rear of the  
17       house?

18                  MS. VOSS:   Yeah.   But it can't be -- you  
19       can't park in front of the house.   It could be wide  
20       enough, but as long as you weren't parking in front  
21       of the front facade of your home.

22                  MR. CORRIVEAU:   That was the next  
23       question.   I saw that in the code, too.

24                  MS. VOSS:   Right.

25                  MR. CORRIVEAU:   You're never supposed to

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1 park your car, even on your driveway, in front of  
2 the front facade of the property.

3 MS. VOSS: Right. So your -- if your  
4 driveway goes the length -- we're not really going  
5 to enforce it if you're actually in your driveway  
6 and you're parked at the end of it, for whatever  
7 reason: If you have company over or if you don't  
8 want, you know, snow to fall. If you're in the  
9 driveway adjacent to your house, that's fine.

10 We just don't want you to create a  
11 driveway that has you parking in front of the front  
12 facade of your home.

13 MR. CORRIVEAU: It pushes it all quite  
14 back behind the front facade. That's a liability,  
15 too.

16 MS. VOSS: Right.

17 CHAIRPERSON THOMAS: Mrs. Voss, if one is  
18 encaved in the front of the house, but does not use  
19 it for parking and -- because that does exist in  
20 the city. Is that permissible?

21 MS. VOSS: I do not believe so, but I  
22 can't verify that answer.

23 CHAIRPERSON THOMAS: Because I know there  
24 was a little controversy about that, if you could  
25 find that out by the next meeting.

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1 MS. VOSS: Absolutely.

2 CHAIRPERSON THOMAS: Other questions?

3 Thank you.

4 Mrs. Voss --

5 MS. VOSS: Yes?

6 CHAIRPERSON THOMAS: -- position?

7 MS. VOSS: I have nothing further.

8 MS. STONE: I just wanted to point to the  
9 board that the applicant has to show that they  
10 cannot realize a reasonable rate of return, unless  
11 the use variance is granted. And I don't believe  
12 there's been anything in the applicant's  
13 information that gives any dollars-and-cents proof,  
14 especially in -- and there's also another lot on  
15 Snell Street, and I don't know if that other lot is  
16 also owned by the applicants.

17 So their application is lacking because  
18 they don't have the dollars-and-cents proof.

19 CHAIRPERSON THOMAS: Yeah. That's the  
20 piece to a use variance, besides other -- there are  
21 four presenting factors. And the test for granting  
22 a use variance is that the applicant -- sometimes  
23 it's difficult to understand, and planning can,  
24 perhaps, provide clarification for you on that as  
25 you go through the process.

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1           But it says that under the applicable  
2 zoning regs, the applicant is deprived of all  
3 economic use or benefit from the property. This  
4 means that he or she cannot yield a reasonable  
5 return for any use that is permitted by zoning.  
6 It's tough to prove. The argument is that the  
7 proposed use can obtain a much grater profit, is  
8 not a valid form of hardship, a hardship created by  
9 the action of the applicant.

10           Parking can be realized as self-inflicted  
11 hardship and, in this situation, a use variance  
12 should not be granted. They're -- and that's the  
13 piece that's lacking, what would it take or what  
14 would be the dollars-and-cents figures that you  
15 would need --

16           And if I'm not saying this correctly,  
17 please provide the clarification.

18           -- to -- for us to probably look at,  
19 could another space for parking be allowed.

20           Now, this is kind of a little bit  
21 atypical situation; does exist at various places  
22 through the city. And I have been through this  
23 where people have extended -- you know, because  
24 they're landlocked and they've extended the  
25 driveways. And you said that your piece to the

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1 left of that driveway was there when you purchased  
2 the home.

3 But going on and looking at the next  
4 vehicle, the red vehicle, that, as I said earlier,  
5 is an extension of nonconforming use; therefore,  
6 you want to look at all possible options to see  
7 whether or not it's doable to create another  
8 parking space on your property. And that's why I  
9 referenced Snell Street. You indicated there is a  
10 utility pole. I must have missed it when I was  
11 going through there. And that there are no  
12 sidewalks.

13 But the sidewalk issue is probably  
14 something that, you know, you don't have control  
15 over. It's whether or not the city chooses to  
16 place sidewalks there. A utility pole would be  
17 another difficult one to look at because,  
18 obviously, it goes with the utility companies.

19 Am I saying this correctly, or are we  
20 missing pieces here? Because I would like the  
21 applicant to truly understand what is required of  
22 their petition.

23 And the other pieces are, you know, is  
24 this unique to your property, or does it apply to  
25 the entire neighborhood that there are no available

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1 parking because everything is landlocked and  
2 whether or not it's disruptive, or does it -- does  
3 it impede the character of the neighborhood, or  
4 does it create like a negative situation: You  
5 know, front-yard parking and there's cars all over  
6 the place, and sometimes that's not always what the  
7 city wants to achieve in trying to -- to enforce  
8 this ordinance.

9 Does that seem clear?

10 MS. MARQUETTE: Yeah. There's only three  
11 vehicles. Had I known now I was going to have the  
12 stroke, I probably wouldn't have bought it.

13 CHAIRPERSON THOMAS: I would suggest at  
14 this point -- this is my feeling. I have not had  
15 conversations with my colleagues. But, you know, I  
16 can accept the idea that you have had extension  
17 that you claim, allegedly, this has been in place  
18 for quite some time.

19 MS. MARQUETTE: Since we bought the  
20 house.

21 CHAIRPERSON THOMAS: But the third  
22 vehicle, which is smack in the middle of the house,  
23 is not permissible, and so I want to be clear on  
24 that. You know, I know it's tough in these  
25 landlock situations, and people -- you know, these



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1 neighborhoods are probably constructed long before  
2 the invent of the automobile and garages and  
3 driveways and things like that.

4 So -- but still, we have this and it does  
5 go on throughout the city. And if somebody  
6 presents that information to code, it's -- code has  
7 to, you know, enforce that particular ordinance,  
8 so ...

9 And if you were to pursue the piece about  
10 increasing the size of the parking area, then what  
11 you would probably -- what you would need to do is  
12 get estimates and I -- what would it cost and where  
13 could I place another vehicle on the property that  
14 I own. That's why I was suggesting, you know, the  
15 Snell Street piece. And Mr. Corriveau mentioned,  
16 you know, can you drive all the way to the back of  
17 the house and, perhaps, you know, create a parking  
18 space there.

19 And I would think you would want it to  
20 be, like, large enough to create a turnaround so  
21 you could back up and go forward, instead of, you  
22 know, you've got the narrow drive and trying to  
23 maneuver --

24 MS. MARQUETTE: I've already hit the  
25 house.

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1                   CHAIRPERSON THOMAS: Yeah. I would, too.  
2                   It's not -- it's hard. You know, and this has  
3                   existed in our neighborhood, too, in the  
4                   neighborhood that I reside in, the same kind of  
5                   thing. And some people have made -- you know,  
6                   here's a question: Is there alternative parking  
7                   areas in your neighborhood? Because that -- that  
8                   was something that I know one particular person has  
9                   found.

10                  MS. MARQUETTE: No, there's really not.  
11                  I think we all have parking problems. Because a  
12                  couple people park their cars, like, in front of  
13                  their house like we do.

14                  CHAIRPERSON THOMAS: In -- okay. Yeah.  
15                  And is not permissible. And this is complaint  
16                  driven.

17                  MS. MARQUETTE: Yes, I know.

18                  CHAIRPERSON THOMAS: So if somebody  
19                  reports that -- and I've seen it in all the  
20                  neighborhoods. It's very frustrating and it  
21                  doesn't look good where people have ample space for  
22                  parking, but they choose not to. And so what -- a  
23                  resident or citizen has the right to go forward and  
24                  voice that to city code.

25                  But, Mrs. Voss, just to clarify what

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1       you're saying, when one does not have any space for  
2       parking, you can create like a 20-by-10?

3               MS. VOSS: Correct. If there's no other  
4       space on the parcel for a driveway adjacent to the  
5       house, then you can -- it's permissible to park in  
6       front of the house.

7               CHAIRPERSON THOMAS: And that's -- is  
8       that -- because I saw that in the rewrite of the  
9       code.

10              MS. VOSS: Correct.

11              CHAIRPERSON THOMAS: So that's new.

12              MS. VOSS: Yes.

13              CHAIRPERSON THOMAS: Because, before,  
14       there was nothing.

15              MS. VOSS: Right. But there are parcels  
16       where the parcel lines are on either side of the  
17       house and there's no way to create a driveway. So  
18       we wanted to make sure in that instance, people  
19       still had somewhere to put their car.

20              CHAIRPERSON THOMAS: Mm-hmm. Because,  
21       otherwise, it could lead to abandonment, and that's  
22       a whole other issue.

23              So if there are no further --

24              Ms. Bonello, do you have anything you  
25       would like to add?

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1 MS. BONELLO: (Shaking head side to  
2 side.)

3 CHAIRPERSON THOMAS: If there are no  
4 further --

5 MS. STONE: There's people in the  
6 audience.

7 CHAIRPERSON THOMAS: I know. Yeah. But  
8 if there are no further comments, we're going to  
9 continue the public hearing by offering the  
10 opportunity for residents to speak and you're --  
11 we'll just keep this hearing open.

12 I saw a hand up?

13 MS. DESORMEAU: Yeah. I just had a  
14 question.

15 CHAIRPERSON THOMAS: Sure. Would you  
16 please approach the microphone and state your name  
17 and address for the record.

18 MS. DESORMEAU: Tiffani Desormeau,  
19 T-I-F-F-A-N-I. Last name is Desormeau.

20 Okay. I don't need it.

21 So my first question is, so we don't take  
22 into consideration the weather? Because all of  
23 these homes, they have icicles on there, so a lot  
24 of us, they -- we share a driveway, so you can't  
25 even park down the driveway, is my first -- that's

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1 one statement that I have, basically.

2 And then the other was, are you saying  
3 that they can't extend their driveway for their  
4 vehicle? Is this what we're saying, that they can  
5 only have two? You can't extend it?

6 CHAIRPERSON THOMAS: Well, that's for the  
7 proof of the use variance, but the ordinance is  
8 stated such that you cannot park in front of the  
9 house.

10 MS. DESORMEAU: So there's no in between  
11 somewhere that, in the winter seasons, there's  
12 exceptions, or are we just talking summer or ...

13 MS. VOSS: No. It's year round. There's  
14 no exceptions for weather in the zoning ordinance,  
15 unfortunately.

16 MS. DESORMEAU: Well, I just wondered as  
17 far as parking. We know -- I bought the other lot.  
18 I used to share a driveway, like their house. And  
19 our mirrors would touch -- like kiss the house on  
20 both sides, just to get through to the back, so I  
21 understand.

22 I didn't even know that's why we were  
23 here, so this is all new to me, and I didn't know  
24 the rules, I guess, the laws. So that was just my  
25 question. I just asked why they couldn't -- I

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1 mean, a paving company, I just didn't know why he  
2 couldn't extend it one car length. But you're  
3 telling me so many feet, and this and that.

4 MS. VOSS: Well, it can't be in front of  
5 the house. That's why they're here tonight, is  
6 because the zoning ordinance says that you can't  
7 park in front of the house. You have to park  
8 beside or behind your house, and they've been  
9 parking in front of their house, which is not  
10 allowed.

11 So they have applied for a use variance  
12 to allow that, and they basically have to prove  
13 that they have no other way to park.

14 MS. DESORMEAU: Okay. So say they own  
15 the property in the back, hypothetically -- I'm not  
16 sure.

17 Do you guys own the property in the back  
18 where your garden is?

19 MS. MARQUETTE: Yeah.

20 MS. DESORMEAU: Okay. Can they cut a  
21 space out for a driveway there and park whatever  
22 way they want back there?

23 MS. VOSS: Yeah, they can do that.

24 MS. DESORMEAU: Well, that would be the  
25 cheapest thing to do, is just to cut out your

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1 20-foot driveway in the back lot -- well, as an  
2 option. I'm just asking questions.

3 MS. VOSS: Yeah. That would be allowed  
4 because it's not in front of the house. It would  
5 be in the rear of the house.

6 MS. DESORMEAU: And they can do whatever  
7 they want back there because it's their yard?

8 MS. VOSS: Correct.

9 MS. DESORMEAU: As long as they're so  
10 many feet from the --

11 *(Sotto voce discussion in audience.)*

12 I know, but I just thought I'd ask. I'm  
13 just trying to get this straight. But I'm just  
14 talking about the other vehicles, maybe.

15 Okay. Thank you. I just had a couple  
16 questions.

17 MS. VOSS: You're welcome.

18 MS. MARQUETTE: I'm sorry. I didn't get  
19 to ask you about that -- about the thing out front  
20 of the house, the trailer. Yeah, something about a  
21 trailer being out front of my house?

22 CHAIRPERSON THOMAS: Yeah. I don't -- I  
23 don't have --

24 MS. STONE: I think that the codes  
25 department may have had misinformation when they

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1 sent you the letter.

2 MS. MARQUETTE: Oh, okay. That's just  
3 what I wanted to make sure, because I was like, I  
4 don't know if it's real. But I assumed they parked  
5 there sometime and we didn't know it.

6 CHAIRPERSON THOMAS: Now, a neighbor had  
7 suggested -- was not sure. It was just a  
8 suggestion about cutting out a space in the  
9 backyard, if you so choose to do that, instead of  
10 looking at Snell Street.

11 I would -- this is a tough time of the  
12 year to try and do any kind of construction, and  
13 then you have heavy snow that may impede what a  
14 contractor would have to do, because they might not  
15 see everything -- you know, the lay of the land,  
16 how level it is, those kinds of things.

17 But in doing so, the board would ask that  
18 you would submit an estimate for that. A  
19 contractor's estimate would need to be submitted  
20 with any of that monetary information.

21 MS. MARQUETTE: Okay.

22 CHAIRPERSON THOMAS: So that's the piece  
23 that -- we could not vote on this until at least we  
24 could see that. And I want to go back there again  
25 and take a good look at what I -- it was not a good



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1 day and the wind was blowing and it was  
2 post-hurricane. But there was no snow, and that's  
3 what I needed to see. And I don't know why I  
4 missed that utility pole, but ...

5 So everybody is clear on that? Okay.

6 Are there others that would like to speak  
7 on behalf of this case? You're very welcome to.

8 AUDIENCE MEMBER: Just here to see what  
9 was going on. We live across the street from them.

10 CHAIRPERSON THOMAS: Well, you're all  
11 taxpayers, and you're very welcome to be here.  
12 It's nice to have neighbors show up.

13 So I am inclined to feel that this car,  
14 the third car, we'll call it, it's red in this  
15 picture.

16 MS. MARQUETTE: Corvette.

17 CHAIRPERSON THOMAS: I'm not comfortable  
18 with that at all because that is right smack in the  
19 front of the house. I understand your dilemma with  
20 the truck or any vehicle going between those two.

21 Sir?

22 MR. MARQUETTE: I keep that car there  
23 because I've got to keep it plugged in because it's  
24 all electric. If I don't plug it in, the battery  
25 goes dead and I can't get in it. I have to break a

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1 window to get in it. So I keep it out there so I  
2 can plug it in in the winter, keep it charged.

3 CHAIRPERSON THOMAS: But that's --

4 *(Board Member Ruppe enters the meeting.)*

5 CHAIRPERSON THOMAS: Let the record show  
6 that Adam Ruppe is present.

7 So what you're saying is that -- is it a  
8 Corvette?

9 MR. MARQUETTE: Yeah. I keep it plugged  
10 in in the winter because I have to keep the battery  
11 charged. Take the battery out of it and everything  
12 goes dead and I can't get in. I would have to  
13 break a window somehow or try to open it to get in  
14 it, and all electric. Everything's electric  
15 and ...

16 CHAIRPERSON THOMAS: Well, you know, with  
17 that, being that it's an electric --

18 MR. MARQUETTE: I don't park it there in  
19 the summer.

20 CHAIRPERSON THOMAS: Then you can  
21 consider, if the board grants that extension of  
22 that space of just maybe moving -- maybe this is  
23 the car that needs to not be there and then you  
24 move your car over so you would have access to  
25 electricity (indicating).

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1 MS. MARQUETTE: The Camaro, switch them  
2 out.

3 CHAIRPERSON THOMAS: Does it seem clear  
4 what the zoning board is requesting of you?

5 MS. MARQUETTE: Yes. You want some  
6 estimates of how much it's going to cost to take --  
7 to put a --

8 CHAIRPERSON THOMAS: A parking space.

9 MS. MARQUETTE: Yeah. I'm sorry. I  
10 just -- my brain and my mouth sometimes don't work  
11 together.

12 CHAIRPERSON THOMAS: No, that's fine.

13 MS. MARQUETTE: To put a new driveway on  
14 the left side of the house or down the left side.

15 CHAIRPERSON THOMAS: South Snell Street  
16 or in the back of your house.

17 MS. MARQUETTE: Right.

18 CHAIRPERSON THOMAS: Okay.

19 MS. MARQUETTE: So we need to get  
20 estimates of that and how much it would cost or  
21 even in the back going --

22 *(Sotto voce discussion was held off the*  
23 *record.)*

24 MS. MARQUETTE: I know that. I know.

25 CHAIRPERSON THOMAS: I believe our next

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1 scheduled meeting -- we usually meet on the third  
2 Wednesday of the month and, as you know, last week  
3 was not doable because of the weather. And I  
4 believe our next meeting is scheduled for  
5 Wednesday, because it's on the third -- the 21st of  
6 February?

7 MS. VOSS: Yeah.

8 Does Adam have any questions?

9 CHAIRPERSON THOMAS: Yeah. Do you have  
10 any questions on this case?

11 MR. RUPPE: I will catch up with the  
12 transcript.

13 CHAIRPERSON THOMAS: Okay. Well, I'm  
14 glad you're here.

15 And so we'll look at that. If you --  
16 now, as far as this hearing is concerned, we have  
17 to do an environment quality review act. It's  
18 standard procedure. Once that is finished, then  
19 the hearing can remain open, but only for 62 days.

20 So this can -- we can extend it, if you  
21 feel you don't have enough time and the way that  
22 weather is and you want to be a part of this and  
23 the contractor needs to see the land which he is --  
24 he or she is working with, then you may want to  
25 say, "Well, we don't want to come back in

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1 February." I'm just suggesting. It's up to you.  
2 You know, "We need extra time." You're very  
3 welcome to do that. Because it is -- because  
4 instead of the typical -- what is it, four weeks?  
5 Three weeks?

6 MS. VOSS: It's four weeks until the next  
7 meeting.

8 CHAIRPERSON THOMAS: Usually, it's four  
9 or five, so that's just for your knowledge. If you  
10 have questions, you can get clarification.  
11 Mrs. Voss is handling this case, so she would be  
12 the person to go to.

13 If there are no further questions or  
14 comments, I'd like to make a motion to close the  
15 meeting.

16 MS. MARQUETTE: I have a thing -- we got  
17 sent a paper saying that we were fined \$300 for  
18 having another car out there.

19 MS. VOSS: That's something that you'll  
20 have to take up with the code enforcement office.

21 MS. MARQUETTE: But the car wasn't there  
22 when they gave us the fine.

23 MS. VOSS: Okay. You'll -- you'll have  
24 to call the contact information on the code's  
25 office, and I can check with them tomorrow about

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1       that also.

2               MS. MARQUETTE:   Okay.

3               MR. VIRKLER:   I would second the motion.

4               CHAIRPERSON THOMAS:   Second the --

5               MS. STONE:   Are you going to make a  
6       motion to continue the public hearing?

7               CHAIRPERSON THOMAS:   Yeah.   We're going  
8       to keep the public hearing open, and so may I have  
9       a motion for that?

10              MR. VIRKLER:   I will make a motion to  
11       keep the hearing open.

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

14              MR. CORRIVEAU:   I'll second.

15              CHAIRPERSON THOMAS:   All in favor?

16              MS. MAYER:   Aye.

17              MR. CORRIVEAU:   Aye.

18              CHAIRPERSON THOMAS:   Okay.   Very good.  
19       May I have a motion to close the meeting?

20              MS. MAYER:   I would move to close the  
21       meeting.

22              CHAIRPERSON THOMAS:   I'll second that.  
23       All in favor?

24              MR. CORRIVEAU:   Aye.

25              MR. VIRKLER:   Aye.

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1 MS. MAYER: Aye.

2 CHAIRPERSON THOMAS: Very good. Well,  
3 thank you for coming out tonight and for being  
4 patient with our meeting.

5 *(Whereupon the proceedings were*  
6 *adjourned.)*

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## REPORTER'S CERTIFICATE

I, TIFFANY-JO K. PONCE, Official 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 January 24, 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 31 day of January, 2024.



TIFFANY-JO K. PONCE  
Official Court Reporter

TIFFANY-JO PONCE  
Court Reporter