

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

-----x
ZONING BOARD OF APPEALS

PUBLIC HEARING

#598

Area Variance to increase the allowed sign
surface area
-----x

245 Washington Street
Watertown, New York 13601
Wednesday, June 19, 2024

B E F O R E:

Chairperson:

Samuel S. Thomas

Board Members:

Adam Ruppe
Morgan Mayer
James Corriveau
Timothy Virkler

City Planner:

Geoffrey Urda
Sharlice Bonello

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. We'll
3 first begin with roll call.

4 I, Samuel Thomas, Chairperson, is
5 present.

6 James Corriveau?

7 MR. CORRIVEAU: Present.

8 CHAIRPERSON THOMAS: Morgan Mayer?

9 MS. MAYER: Present.

10 CHAIRPERSON THOMAS: Adam Ruppe?

11 MR. RUPPE: Present.

12 CHAIRPERSON THOMAS: Timothy Virkler?

13 MR. VIRKLER: I'm present as well.

14 CHAIRPERSON THOMAS: Let the record show
15 that Sharlice Bonello, Planner, is present,
16 Mr. Geoffrey Stone -- I'm sorry, Mr. Geoffrey Urda,
17 Planner, is present, and Christina Stone, City
18 Attorney, is also here.

19 I'd like to take a moment to read the
20 Notice of Public Hearing, Request for Variance of
21 the Zoning Ordinance of the City of Watertown.
22 Notice is hereby given that the Zoning Board of
23 Appeals of the City of Watertown, New York, will
24 meet on Wednesday, June 29 [sic], 2024, at
25 7:00 p.m. in the City Council Chambers on the Third

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1 Floor of City Hall for the purpose of hearing one
2 variance request.

3 Variance Request Number 598 is for the
4 property located at 1248 Washington Street, being
5 Parcel Number 14-13-101.001, submitted by Dan Gill
6 of Gill Creative Industries, LLC, on behalf of DRZ,
7 Incorporated, to increase the allowed sign surface
8 area.

9 The meeting -- this hearing may be
10 adjourned, if necessary. The meeting is open to
11 the public. Copies of the above request are
12 available for public inspection by contacting the
13 planning department at the phone number above or
14 given in this correspondence or by email at
15 planning@watertown-ny.gov. Dated June 10, 2024,
16 authored by Geoffrey Urda, Planner.

17 And if the applicant would please
18 approach the microphone, state your name for the
19 record. And if you would present the application,
20 and then we will then entertain questions by
21 members of the zoning board.

22 MR. GILL: Good evening. My name is Dan
23 Gill. I'm representing Gill Creative Industries,
24 essentially Jreck Subs.

25 I'm assuming that everyone has all the

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1 same paperwork in front of them that I have here
2 for what we're looking to do?

3 CHAIRPERSON THOMAS: Mm-hmm.

4 MS. MAYER: Yes.

5 MR. GILL: I'm not really sure what you
6 need me to start with here.

7 CHAIRPERSON THOMAS: If you would like to
8 go through and give an explanation of each piece to
9 your -- to this proposed signage, you know, that
10 would be probably the way to begin this.

11 MR. GILL: Okay. Well, I guess I'll
12 start with my cover letter. That pretty much was
13 my explanation for what brought us here tonight.

14 In the event that we have a client come
15 to our company and request signage, I've been doing
16 this since 2001 with Tom, and we've always used the
17 same formula for everything, all of 2 square foot
18 of signage is allowed per linear foot of building
19 frontage for a building. And I have never come
20 across anything any different than that, so we've
21 always done our planning with our clients to adhere
22 to that formula.

23 So the people from Jrecks are -- put this
24 proposal together for -- to renovate this building
25 on Washington Street. And when we started to

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1 approach the signage, we basically drew up what we
2 felt was going to be necessary for signage and then
3 did the calculation to ensure that we were going to
4 be inside what was allowed, thinking that I was
5 well inside of what I would have thought was 152
6 square feet.

7 As I have in the cover letter here, if I
8 can find that, because that building is 48-by-28,
9 so I figured that we had about 152 to work with,
10 and we came in well under that. So we went ahead
11 with our planning, submitted the permit as I
12 normally would to Dana, and then I got the phone
13 call that this has been reduced down to 20 in this
14 area for what this is zoned at.

15 So he and I have talked about what's
16 happened here and how some things have changed.
17 And it was denied, so we did a little bit of
18 research on some of neighboring businesses that are
19 there, tried to make sure that we weren't looking
20 to do something that was really outrageous there
21 and decided -- the client really feels like they
22 need this much signage to fit into that area, to
23 improve the looks of this building, to modernize
24 the way that they're doing all their stores across
25 the state, and just really very hopeful that they

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1 can keep everything uniform with the other stores
2 that we've already done.

3 We've done one in Massena. We've done a
4 couple in Syracuse, one in Central Square, and
5 they're adapting all of the new Jreck Subs
6 locations to this. This is what they're going for,
7 so I was hoping that we can -- we can satisfy them.

8 CHAIRPERSON THOMAS: Now, these current
9 zoning, as you probably learned by putting in the
10 application, allows for 20 square feet --

11 MR. GILL: Yes.

12 CHAIRPERSON THOMAS: -- in this
13 particular district, which was changed to
14 neighborhood mixed-use.

15 And, Mr. Urda, that -- that zoning
16 ordinance was approved -- was it January of 2023 or
17 thereabouts?

18 MR. URDA: February 22, 2023.

19 CHAIRPERSON THOMAS: And you were not
20 aware of that, because I recall that there were
21 several public hearings that were posted by the
22 City and would, you know, affect a business such as
23 yours, as you already know --

24 MR. GILL: Yeah. Very much.

25 CHAIRPERSON THOMAS: -- that. I think,

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1 previously, it was zoned neighborhood business and
2 allowed 75 square feet of signage?

3 MR. URDA: Correct. So for
4 clarification, it wasn't just that parcel that
5 changed. The City adopted a completely new zoning
6 ordinance in 2023, replacing the previous
7 ordinance, which dated to 1959, so it came with
8 brand-new districts and a brand-new map.

9 Neighborhood mixed-use is the approximate
10 descendent of the old neighborhood business
11 district. They are not identical, but they are
12 similar in purpose.

13 Chairperson Thomas is correct, in the old
14 neighborhood mixed-use district, 75 was the
15 maximum. So you would have calculated the 2 square
16 feet for every linear foot of frontage up to the
17 maximum of 75 in the old NMU district. And then
18 the majority of that segment of Washington Street
19 is zoned and NMU today. The rest of Washington
20 Street is a mixture of downtown, urban mixed-use,
21 and planned campus district.

22 CHAIRPERSON THOMAS: Thank you.

23 Does that seem clear now?

24 MR. GILL: Yep.

25 CHAIRPERSON THOMAS: Maybe it has been

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1 explained to you since this.

2 MR. GILL: It has been since this, that
3 got explained to me that that has changed.

4 MR. URDA: That was all for the record.

5 MR. GILL: Yeah, yeah.

6 So in the way that I've always dealt with
7 this is through the channels: Make your plans,
8 apply for the permit. And in -- I haven't -- I
9 can't recall ever a time coming and applying for a
10 permit and getting refused in such a -- such a cut.
11 We may have be a little over like, oh, you're over
12 by two.

13 We've always kind of thought, pretty much
14 everything was maxed out at 200. Like I've never
15 had a client that could have more than 200 square
16 feet inside the city. And I didn't even realize
17 that there was different -- different upholds.
18 I've never run across it in 20 years -- 25 years.

19 CHAIRPERSON THOMAS: But even under the
20 old ordinances, there were differences in what you
21 would apply for --

22 MR. GILL: Sure.

23 CHAIRPERSON THOMAS: -- when you were
24 looking for commercial industry --

25 MR. GILL: But just --

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1 CHAIRPERSON THOMAS: -- or just a regular
2 business.

3 MR. GILL: So had this been prior to the
4 February 22 of '23, we would have come in here at
5 65.85, and this would have been passed and I would
6 have wrote a check for \$75, and we would have put
7 the signs up. So that's -- this is new to me. I
8 wasn't aware that these things had changed, and
9 this is the first time that we've run into a
10 problem with putting what we feel is modest signage
11 on the business.

12 CHAIRPERSON THOMAS: Well, you know, at
13 the same time, it's new for the zoning board, too,
14 because we're now getting to work with the new
15 ordinances and updates and so forth. So we'll
16 probably need to ask some questions.

17 But one of my comments would be that you
18 had stated that Jreck Sub, which I remember, goes
19 quite -- it's a local Northern New York company.

20 MR. GILL: Yes.

21 CHAIRPERSON THOMAS: But they're now all
22 over the place, Central New York, you mentioned
23 Syracuse and Central Square. They're going to
24 be -- those same businesses, they're still -- I
25 don't know what their signage ordinance consists

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1 of, but there will be a variety of expectations
2 that I would expect -- I would think that they
3 would have to abide by in other communities. So
4 each community most likely has something a little
5 bit different, which may be different from ours.

6 MR. GILL: Yeah. Yep. For sure.

7 CHAIRPERSON THOMAS: Looking at this,
8 now, the freestanding sign, Mr. Urda, you had
9 calculated at 14.03 square feet, as opposed to the
10 applicant's -- it's not -- it's increased by 1.55,
11 but ...

12 MR. URDA: Correct. And the -- the
13 colored drawing, which, actually, I prepared for
14 you, with the little additions there, it basically
15 goes to the section in the report that cites a
16 section of code, which is in our new zoning -- or
17 computation of sign surface area that talks about
18 within a single continuous perimeter.

19 So the green perimeter, if I can draw the
20 zoning board's attention to this drawing, the green
21 perimeter is that single continuous area. The
22 original calculation had this bus/sandwich logo,
23 the word "Jreck" and the word "Subs" calculated as
24 three individual pieces, and it did not count the
25 negative space above and below the word "Jrecks."

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1 So the -- the addition of 1.55 square feet is
2 simply that negative space within the green outline
3 of the single continuous perimeter.

4 MR. GILL: Yes. We discussed that.

5 MR. URDA: So if there's any questions
6 about that, myself or Mr. Aikins can answer that.

7 MR. CORRIVEAU: I've got one on that.
8 When I read that piece of the zoning marked
9 computing it, it talks about the surface area shall
10 include any frame or other material or color
11 forming an integral part of the display or
12 differentiating such sign from the background
13 against which it is placed.

14 So would it not include the border that
15 you drew around there, you know, this maroon with
16 the semicircle on top and the little place down
17 here (indicating)?

18 MR. URDA: I will defer that question to
19 City Code Enforcement Supervisor Dana Aikins.

20 MR. AIKINS: Good evening. My name's
21 Dana Aikins. I'm the code enforcement supervisor.

22 Many of these don't get to you because we
23 do maximize through these rules the amount of
24 square footage that we can use. Previous to the
25 very few updates we did in the last zoning, we were

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1 allowed to do those individually. This zoning, we
2 asked because this sign ordinance wasn't that old.
3 I want to say it might have been like 2017. We
4 were very familiar with it. We felt like it met
5 the times.

6 So other than a few definitions including
7 this, the sign ordinance didn't change, but the
8 district's did and the amount of square footage you
9 could get in the districts did. So if you compare
10 the old to the new, that's really -- we have
11 districts that we didn't have before, but are
12 similar, and new quantities were assigned to those.

13 So in this case, planning and code
14 enforcement worked together, and with Dan, to try
15 to determine this. And if you go into "structure"
16 in the definitions and further parts of the sign
17 ordinance, the frame itself, if it's not an
18 integral part, it does not -- is not required to be
19 counted.

20 And in my opinion, they're not using this
21 frame in their other logos, so it, in my opinion,
22 is not integral. It's not part of any of their
23 logos. It's just a bunch of -- that's the edge of
24 the frame. They could have made it square. They
25 could have made it something else. I think

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1 originally it was this shape (indicating). Dan
2 would have to talk to this. They were trying to
3 minimize it, thinking that it was part. But in the
4 definition of structure and sign, the frame is not
5 counted.

6 MR. CORRIVEAU: And so that bold line
7 around the perimeter is just the outline of the
8 sign itself?

9 MR. AIKINS: Yes.

10 MR. CORRIVEAU: Okay.

11 MR. AIKINS: It would be like the steel
12 frame that's holding kind of the white section.
13 And I think our interpretation of the code, the
14 little bit of gray area that we have, is we don't
15 want to penalize people for an area that's really
16 not signage or integral. And there's got to be a
17 judgment call somewhere. In this case, it's what
18 is integral? So I've determined that that's part
19 of the sign frame in our discussions internally and
20 with the sign provider.

21 MR. CORRIVEAU: That helps. Thanks.

22 CHAIRPERSON THOMAS: So in other words,
23 the signage that is calculated, as Mr. Urda had
24 pointed out, would be in this green, bold area;
25 correct?

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1 MR. AIKINS: Correct.

2 CHAIRPERSON THOMAS: And it's going to be
3 a double-faced sign on both sides?

4 MR. AIKINS: Correct.

5 CHAIRPERSON THOMAS: And that's only
6 counted as 14. -- it's only counted once; correct,
7 Mr. Urda?

8 MR. URDA: (Nodding head up and down.)

9 CHAIRPERSON THOMAS: Okay. Very good.
10 Thank you.

11 Well, it is excessive, and it's running
12 about 134.25 percent over what the zoning ordinance
13 allows for the neighborhood mixed-use area. I
14 mean, in -- perhaps, probably a way to look at
15 this -- I can't recall the former building, because
16 I know you've done a lot of renovations, but was
17 there a piece on Barben Avenue that allowed a
18 customer access? Or it looks like -- it looks
19 like -- you know, this piece here on the -- I guess
20 the south elevation --

21 MR. GILL: I believe that's a window.

22 CHAIRPERSON THOMAS: Oh, okay. That's a
23 window? So people can order through that window?

24 MR. GILL: (Shaking head side to side.)

25 CHAIRPERSON THOMAS: Oh, you can't? Oh,

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1 okay.

2 MR. GILL: I don't believe so, no. It's
3 not a drive-through or anything of that nature.

4 CHAIRPERSON THOMAS: Oh, okay. All
5 right.

6 MR. AIKINS: They have pulled a building
7 permit, and that is just a window. It's not a
8 take-out window where you can order.

9 CHAIRPERSON THOMAS: Okay. Thank you.
10 Because I'm trying to think of ways that -- I think
11 we have to be realistic about this. You know,
12 20 square feet is -- that's a big challenge. But
13 if we could reduce some of the signage, because one
14 of my concerns is, right now, it would be hard to
15 vote in favor of an ordinance like this when you
16 have -- when you're running greater than
17 100 percent, and I'm only speaking on behalf of
18 myself and maybe colleagues have a different
19 opinion on the matter.

20 But, you know, that's excessive, and
21 I'm -- and I don't recall if there ever was -- I
22 just can't remember, you know, what the old
23 building looked like.

24 MR. GILL: Yeah.

25 CHAIRPERSON THOMAS: Was there ever

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1 signage on the south elevation?

2 MR. GILL: Yeah. The actual pylon pole
3 sign on State Street -- or Washington Street -- I'm
4 sorry -- is a direct replacement. That's exactly
5 the same. And then the signage that was on the
6 existing building was all in awning form. The
7 whole building was covered with awnings. Big,
8 green, ugly awnings.

9 MR. CORRIVEAU: Now, Geoff, help me out
10 with this 20 square feet. Why was such a low
11 number put into the zoning? What was the
12 objective?

13 MR. URDA: So the intent of the low
14 number, the best way to explain it, is that the
15 other arterials in Watertown -- i.e. Washington,
16 State, Mill, LeRay, Main Street West, Coffeen --
17 the goal was not to have those streets become like
18 Arsenal Street. That was the intent.

19 Now, as far as the amount of 20 and how
20 it's worked in practice since the adoption of zone
21 ordinance, I think planning staff would certainly
22 acknowledge the need to reevaluate that number, as
23 far as its practicality. I would not speculate
24 what that might go to. I certainly wouldn't say it
25 would go all the way back to 75, but I do believe

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1 staff, you know, has understood, as this has
2 entered practice over the last year and four
3 months, a need to reevaluate that number of 20.

4 But the -- the intent was always to
5 control signage on all of our other high-traffic
6 radial streets to avoid an outcome like the last 30
7 to 40 years has produced on Arsenal Street.

8 MR. CORRIVEAU: Thanks.

9 CHAIRPERSON THOMAS: The rationale makes
10 complete sense. I think excessive signage can be
11 difficult to view.

12 But Washington Street and this particular
13 corridor, you want people, I feel, to know where
14 they're going because you have all the -- you have
15 three school buildings, probably 4 to 5,000
16 students traversing that area, along with vehicular
17 and pedestrian traffic, and it's a bit of chaos
18 there in the morning.

19 I mean, what would be Jreck Sub hours of
20 operation? I don't know if that's a fair question.

21 MR. GILL: I wouldn't hold this exactly.
22 I'm not an employee, but I think they are open from
23 10 a.m. until maybe 10 p.m.

24 MR. RUPPE: On the old building design,
25 there's a freestanding sign, plus there's one here.

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1 And if this is a direct replacement, they would
2 have totaled to about 20 square feet in total;
3 correct (indicating)?

4 MR. GILL: No. I don't have that exact
5 measurement.

6 MR. AIKINS: If it was a direct
7 replacement?

8 MR. RUPPE: Yeah.

9 MR. AIKINS: I want to say we were in the
10 45 to 50 square foot existing.

11 And on a side note, the way we have
12 avoided coming to this board previously is that if
13 you are just refacing the signs you have, you're
14 allowed to keep the old numbers. In this case,
15 they -- they're removing everything they have. So
16 that's -- this is why, in this district, it's the
17 first one that we're running into. And we do let
18 people know that -- if they come to us in with
19 enough notice that, before they take the signs
20 down, if they're only refacing the signs that were
21 there, they would be allowed that previous number.

22 MR. CORRIVEAU: The existing freestanding
23 sign that's there now, it's a whole different logo,
24 obviously. It's got a different diagram. It looks
25 to be about 4-foot square?

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1 MR. GILL: That's 5-by-6 as well.

2 MR. CORRIVEAU: It's 5-by-6?

3 MR. GILL: Yes.

4 MR. CORRIVEAU: How's that stack up with
5 the perimeter dimensions of the new one?

6 MR. GILL: This was always 5-by-6, but
7 that was by design, to keep it at the same --

8 MR. CORRIVEAU: Size.

9 MR. GILL: -- number, yes.

10 CHAIRPERSON THOMAS: When you say
11 "5-by-6," are you referring to that sign being 30
12 square feet by --

13 MR. CORRIVEAU: Two-sided.

14 MR. GILL: Yes, sir.

15 CHAIRPERSON THOMAS: Two-sided.

16 MR. CORRIVEAU: That's the freestanding
17 one that's out by the sidewalk.

18 CHAIRPERSON THOMAS: So, actually, you've
19 reduced the size of the freestanding sign.

20 MR. GILL: Yes. We've taken some area
21 away from that, yes.

22 CHAIRPERSON THOMAS: Okay. So that's
23 been reduced. I mean, is there, you know -- and I
24 know you're representing the company, you know, and
25 you're doing the signage --

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1 MR. GILL: Yes.

2 CHAIRPERSON THOMAS: -- piece and I'm
3 sure it's a difficult task.

4 But, like, I'm looking at that south
5 elevation, and there's a window there, and it
6 appears to me like it was a serving piece there. I
7 mean, I understand they probably want that southern
8 exposure to Jreck Sub, but I don't know how
9 necessary that signage is, or maybe reducing down
10 the building signage a little to some degree?

11 Did I -- okay -- okay. The freestanding
12 sign is 30 square feet, the one that goes across
13 the east elevation. You know, perhaps,
14 consideration to maybe reducing that piece down
15 along -- and I don't really know if that side
16 facade mounted sign that's 22 square feet, is it
17 really --

18 MR. GILL: The thing that we deal with so
19 often with signage is that it -- it appears to be
20 much smaller when it's put on the building than it
21 is. We deal with this with clients a lot. They
22 say, "I want a really big sign on the building,
23 like a 4-by-8," and we build those signs for them,
24 put them on the side of the building, and they're
25 like, "It's not big enough," because it's just --

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1 it appears to be so small, as Mr. Corriveau was
2 thinking that the sign that's out there was much
3 smaller than it is.

4 MR. CORRIVEAU: Yeah.

5 MR. GILL: A building this size,
6 everything is proportionate, really, to what that
7 probably looks correct, aesthetically, on that
8 building.

9 MR. CORRIVEAU: As you've got those
10 building signs shown and rendered here, are those
11 to scale, those dimensions?

12 MR. GILL: Yeah. Very, very close, very
13 close, yes.

14 MR. CORRIVEAU: Okay.

15 MS. MAYER: So correct me if I'm wrong,
16 but I think I heard you say that part of your goal
17 is conformity with other remodels located around --

18 MR. GILL: Correct.

19 MS. MAYER: -- Central New York. So I --
20 I guess I kind of agree. Is there really a point
21 to a second sign on the side of the building,
22 besides that uniformity?

23 MR. GILL: In any of the buildings that
24 we're doing on a corner lot, they generally are
25 this big. We are in the middle right now of a new

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1 construction in Carthage, and that's also on a
2 corner, and that building will represent this one
3 exactly in Carthage.

4 MS. MAYER: Okay.

5 MR. GILL: Anything on a corner.

6 This particular building here, right
7 beside them would be Kinney Drugs and then the
8 shopping plaza where the Piggly Wiggly and most
9 places are. This just brings a whole new
10 visibility from that side, because this is wide
11 open there and you wouldn't notice that signage on
12 the front of the building from that side. To me,
13 very much the same as what they have at Dunkin.

14 MR. VIRKLER: Just for a point of
15 clarification, though, on your letter, we see the
16 Kinneys and Dunkin, and -- but those are in
17 compliance; right? Those were not variance issues?

18 MR. URDA: Those are grandfathered.

19 MR. VIRKLER: Okay.

20 MR. URDA: I know that's a colloquial
21 term. "Legal nonconforming" is the exact term.

22 Those were all conforming under the old
23 code. I'll vouch that Kinney's is. I'd actually
24 have to research if Dunkin got a variance or not.
25 I could research that, if you wanted.

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1 But at this point, it's safe to say
2 they're all grandfathered.

3 MR. VIRKLER: Okay.

4 MR. RUPPE: The freestanding sign would
5 be, you know, right about here in the red where
6 it's not shown?

7 MR. GILL: Correct.

8 MR. RUPPE: So if you were coming from
9 that direction, you should be able to see the back,
10 which does make this a little bit redundant,
11 (indicating).

12 CHAIRPERSON THOMAS: Because I do feel
13 that -- peeking off from that point that that
14 freestanding sign does serve in identifying the
15 location. So about the -- so I'm not sure if that
16 building signage appears, to me, to be redundant
17 and, perhaps, should be considered for removal.

18 MR. CORRIVEAU: I'm more in favor of
19 removing the freestanding sign, to be honest with
20 you. If there's a bunch of them down there, as you
21 mentioned, Dunkin, Kinney's, and what have you.
22 But as you heard earlier, this is a high-trafficked
23 area with a lot of pedestrians. Freestanding signs
24 that are so close to the travel way are a
25 distraction to drivers in some regard. This one is

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1 right on the sidewalk there.

2 I even wonder if it overhangs the
3 property line. I'm not getting a surveyor out
4 there to check that, but I'm just saying it's that
5 close, which is another element in our zoning here
6 is they shouldn't be extended over the property
7 line, the sign.

8 But, also, the freestanding sign wasn't
9 described as much detail. Is it to be illuminated?

10 MR. GILL: Yes.

11 MR. CORRIVEAU: Okay. That was missing
12 in the application.

13 MR. GILL: I don't know. Well, it was in
14 my permit application.

15 MR. CORRIVEAU: Okay.

16 MR. GILL: That's illuminated
17 freestanding.

18 MR. CORRIVEAU: I didn't see it in the
19 letter.

20 MR. GILL: I didn't include that in the
21 letter. It is in the original sign permit.

22 MR. CORRIVEAU: And are you going to
23 retain the foundation and steel columns that's
24 there now?

25 MR. GILL: Yes. All the foundation work

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1 will stay. The contractor is the general
2 contractor that's there right now, and they're
3 blacktop and they're prettying things up over
4 there. They're spending some money making ...

5 MR. CORRIVEAU: Yeah, no question about
6 that. And the upper part will be the existing
7 frame, 5-by-6?

8 MR. GILL: No. That would be a new
9 construction.

10 MR. CORRIVEAU: That's all new.

11 MR. GILL: Yeah. New modern, stronger,
12 safer shape.

13 MR. CORRIVEAU: It'll be the shape of the
14 one you've got here or still a 5-by-6 --

15 MR. GILL: It's not -- it won't be the
16 shape of what we're showing, but that's the overall
17 dimension. It would be the same as the one that's
18 there.

19 MR. CORRIVEAU: Okay.

20 CHAIRPERSON THOMAS: Personally,
21 freestanding signs are helpful in heavily traveled
22 corridors, such as that. How many times I've
23 missed Kinney's to go there and I go right by it,
24 turn around, come back.

25 MS. STONE: So the side sign -- this is

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1 going to be lighted, but it's not indicated on the
2 front of the building?

3 MR. GILL: Yeah. Everything is
4 internally illuminated.

5 MS. STONE: Okay. Because that's not
6 shown as being lighted. So all of the sides are
7 supposed to be lighted. Okay.

8 MR. GILL: Correct.

9 MS. STONE: And the other question is who
10 is the owner? You have DRZ in the application for
11 the variance, but then you have Fresh Start
12 Franchise for the application for the sign permit.

13 MR. GILL: I can only imagine that they
14 probably have a property company, I would assume.

15 MR. URDA: City assessment records
16 indicate DRZ, and that is generally the default.

17 MS. STONE: And is it -- you probably
18 don't -- are these franchised still, or are they
19 owner operated by one company now?

20 MR. GILL: This particular store, to my
21 knowledge, has been acquired by corporate.

22 MS. STONE: Okay.

23 MR. GILL: This will be a corporate
24 store, I think.

25 MR. AIKINS: Yeah. So per the building

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1 permit, the property owner is DRZ, which is
2 probably the same people as the franchisee in this
3 case.

4 MS. STONE: Right.

5 MR. AIKINS: But I'm guessing they're
6 running everything with regards to building signage
7 through the franchisee name.

8 MS. STONE: Okay. I just --

9 MR. GILL: I can only speculate that's
10 the real estate --

11 MS. STONE: Well, I know in the past that
12 these were all franchises. But then they had, you
13 know, some issues in the past, so I didn't know
14 whether it's all corporate owned now or there's
15 still franchisees.

16 MR. GILL: We deal with Jake Renzi, and
17 Jude is a big partner in the Renzi. Jake is our
18 go-to person. And they, from what I know about it,
19 have taken this over, I think, maybe three years
20 ago, somewhere along there. This is a new regime
21 of Jrecks Subs --

22 MS. STONE: Right.

23 MR. GILL: -- from, I think, what you're
24 thinking about.

25 MS. STONE: Well, I know they've had some

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1 issues in the past.

2 MR. GILL: Yeah. There hasn't been any
3 issues since.

4 MR. AIKINS: Prior to the building
5 permit, the franchising property was acquired or
6 taken back by corporate, from what I understand
7 and --

8 MR. GILL: That's my understanding, too.

9 MR. AIKINS: -- they came in for
10 information regarding the building permit months
11 before that actually happened. So they waited
12 until that -- to start this remodel.

13 CHAIRPERSON THOMAS: They've had a lot of
14 publicity on this remodel, too, since its closure
15 and its reconstruction on various media sites, I've
16 noticed. So I think, being a resident within the
17 city, most people, I think, are aware that Jrecks
18 is at this location, and I think it's on Arsenal
19 Street, too, I've seen, or maybe I'm mistaken.

20 So that's added advertising. I mean,
21 it's an old company name that -- it's been around,
22 I think, since the 60s, so most people have
23 awareness of where it is.

24 MR. AIKINS: So I don't have a comment on
25 total square footage, but with regards to the size

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1 of the building that we're talking about, you are
2 afforded additional signage or square footage
3 because you're on a corner lot in this case, right,
4 so -- so not only can he count the frontage along
5 Washington, but he can also count the frontage up
6 to the limit, right.

7 He gets -- each property gets 2 feet per
8 square footage. The linear footage in this case is
9 the front and the side of the building. He's well
10 over -- they're well over the total, if you
11 calculate it that way, but you're allowed 2 feet up
12 to that limit. So, say, if this was 100 square --
13 say, they were allowed 200 -- 2 feet, he would be
14 allowed 2 feet for the 26-by-48 --

15 Is that what it was?

16 MR. GILL: Yes. Yeah.

17 MR. AIKINS: -- normally, but the
18 restriction really is the 20 in this case.

19 CHAIRPERSON THOMAS: Right. So you're
20 capped at 20, but that times two would be the front
21 and the side; correct?

22 MR. AIKINS: Yes. If the total allowed
23 it, they can use both those numbers. In this case,
24 our limiting factors to just this maximum of 20.

25 CHAIRPERSON THOMAS: Got it.

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1 Other comments?

2 MR. VIRKLER: I guess Attorney Stone or
3 Mr. Urda, what is legal standard for applying for a
4 use variance?

5 MS. STONE: It's an area variance. It
6 requires an area variance because they're --
7 they're allowed the signs. It's just they're only
8 allowed 20 -- the 20, not the 66.85245 they're
9 proposing.

10 MR. RUPPE: Just a follow-up on that,
11 generally speaking, though, if we think the
12 ordinance is poorly written, that is not a
13 justification for the variance; right?

14 MS. STONE: You're stuck with the law of
15 what you have. So if you think that the applicant
16 has met their burden for an area variance, then you
17 can grant it, or you can provide conditions, or as
18 Mr. Thomas has proposed, maybe taking some of the
19 signage away, reducing it.

20 MR. VIRKLER: I don't want this to sound
21 too critical, but am I correct in understanding
22 that the only real argument you have is that you
23 misunderstood what the right regulations were?

24 MR. GILL: I wasn't aware of the new
25 regulations.

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1 MR. VIRKLER: Okay.

2 MR. GILL: Like I said, since 2001, I've
3 been applying for sign permits, and I've always
4 used the calculation of 2 square feet per linear
5 foot. And then on a corner, as Dana was saying,
6 it's times two. So, always, my first question is,
7 "What's the size of your building?" And then I
8 obviously verify it.

9 This one being 48-by-28, you're allowed
10 152, aiming under 200. That's always been my
11 standard of thinking.

12 MR. VIRKLER: I understand.

13 MR. GILL: So I put the permit across
14 only to receive a phone call that I was wrong, and
15 it was just a change.

16 MR. URDA: To answer Mr. Virkler and
17 Mr. Ruppe's questions more directly, an area
18 variance criteria, in making its determination, the
19 zoning board of appeals shall take into
20 consideration the benefit to the applicant if the
21 variance is granted as weighed against the
22 detriment of the health, safety, and welfare of the
23 neighborhood or community by such grant.

24 In making such determination, the board
25 shall also consider: One, whether an undesirable

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1 change will be produced in the character of the
2 neighborhood or detriment to nearby properties will
3 be created by granting the variance; two, whether
4 the benefits sought by the applicant may be
5 achieved by some method -- some other method
6 feasible for the applicant to pursue, other than an
7 area variance; whether the area variance is
8 substantial; whether the proposed variance will
9 have adverse affect or impact on the physical or
10 environmental conditions in the neighborhood or
11 district; and, five, whether the alleged difficulty
12 was self-created, which consideration shall be
13 relevant to the zoning board of appeals, but shall
14 not necessarily preclude the granting of area
15 variance.

16 So I know that's a mouthful, and I went
17 slow, but that's sort of the direction you get from
18 New York State, which empowers you to grant relief.

19 CHAIRPERSON THOMAS: I don't feel
20 comfortable in approving this because what I'd like
21 to see at this point in time -- and I'm speaking as
22 one person, but if colleagues feel differently,
23 that's okay, too -- that you would go back,
24 perhaps, and speak to DRZ, the representatives
25 there, and, perhaps, there, they would consider

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1 reducing down some of the signages. Because I know
2 it's a restrictive ordinance and we understand -- I
3 understand that, but it comes in at an excessive
4 rate.

5 MR. GILL: Under the new standards, yes.

6 CHAIRPERSON THOMAS: Yeah, it does.

7 MR. GILL: On the old standards, it would
8 have been at 75. We would have been inside of.

9 CHAIRPERSON THOMAS: But we have --

10 MR. GILL: I understand.

11 CHAIRPERSON THOMAS: Yeah, you understand
12 that we have to make decisions based upon the
13 present zoning ordinances.

14 But if others on the board would like to
15 have offer comments, that would be appreciated.

16 MR. CORRIVEAU: I would like just to get
17 more of the philosophical underpinnings of the
18 zoning in general. You mentioned that zoning prior
19 to this one was from, what, the 50s or 60s?

20 MR. URDA: 1959.

21 MR. CORRIVEAU: Yeah. So we're coming on
22 a long, long time, and we ended up with an Arsenal
23 Street, so to speak. This zoning is now the law of
24 the land, and the objective is to, 50 years down
25 the road from today, not have an Arsenal Street

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1 again, so to speak. Is that --

2 MR. URDA: I would agree with everything
3 you've said.

4 MR. CORRIVEAU: Okay.

5 MR. URDA: As I mentioned before -- and
6 I'll reiterate it for the record -- I think staff
7 would acknowledge the number -- the 20 square foot
8 number probably is -- not probably -- does merit
9 reevaluation, and I believe at some point, that
10 will be an advance to city council in the form of a
11 zoning amendment.

12 I don't know when that will be. I don't
13 know if that will be this calender year or next
14 year, but we certainly acknowledge that 20 is
15 probably not the appropriate number for that
16 district. But as I also said a few moments ago,
17 that doesn't mean 75 is either, and I'm not really
18 going to speculate where it would land.

19 But the intent was always to avoid the
20 outcome you saw on Arsenal Street, but this
21 particular number is aggressive.

22 MR. CORRIVEAU: And beyond the
23 publication date of the zoning, which is a year
24 old, plus a bit, the sign ordinance prior to this,
25 that had been around a while.

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1 Dana, you mentioned that had a number in
2 it, too?

3 MR. AIKINS: I believe that's 2017. I'm
4 just going by --

5 MR. URDA: Well, the previous signs were
6 still governed by zoning. So 1959 would have been
7 the origin date. The last amendment to it was
8 2017.

9 MR. CORRIVEAU: What happened then in
10 terms of this -- this zone in the maximum 20 feet?
11 Was that put into play in 2017?

12 MR. URDA: No. Neighborhood mixed-use
13 has been 75 square feet -- or was 75 square feet
14 for many more years than just 2017 before that --
15 that code ended in 2023.

16 MR. CORRIVEAU: With this. Got it.

17 CHAIRPERSON THOMAS: Mr. Urda, that also
18 applies, you know, the 75 square feet, to the
19 neighborhood -- what used to be the neighborhood
20 business on upper State Street?

21 MR. URDA: So anything currently zoned
22 neighborhood mixed-use is subject to the limit of
23 20. So other districts in the current zoning
24 ordinance, downtown, which is essentially the old
25 downtown district, but slightly expanded as a limit

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1 of 50; urban mixed-use, which is essentially your
2 downtown transition zone and all the roads that
3 radiate out from downtown, also has a limit of 50.
4 And then commercial, planned campus, industrial are
5 the ones that are at 200.

6 CHAIRPERSON THOMAS: Well, I'm glad to
7 hear that. Perhaps, the 20 square feet will be
8 examined to determine whether or not it's a number
9 you want to increase or remain the same. But what
10 you're saying is 75 square feet, most likely, it
11 won't go back to that.

12 MR. GILL: The number of towns that we
13 permit through -- we also do a lot of work for
14 Kinney Drugs, and they're all over the place.
15 There's 102 of those.

16 The calculations has always -- the towns
17 that are the most favorable towards the signage is
18 that some sort of calculation based on the size of
19 the building. It's the most fair way to calculate
20 how much you're allowed. It's a percentage, based
21 on -- based on that. I've always really admired
22 Watertown because of that. It's such an easy
23 formula; how big's your building?

24 MR. URDA: It is an easy formula. The
25 intent of the caps are that a building with, say, a

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1 300 linear foot frontage wouldn't get 600 square
2 feet. So I agree. Staff certainly agrees that the
3 2 square feet for every linear foot of frontage
4 calculation is a very easy calculation. The intent
5 of the caps are just so that extraordinarily wide
6 buildings will --

7 MR. GILL: And I agree with that. You
8 know, then you're not trying to put a billboard on
9 the front of this place and use up -- like 200
10 square feet on this place would be excessive
11 where -- I don't know.

12 CHAIRPERSON THOMAS: Well, it wouldn't be
13 allowed.

14 MR. GILL: What we do here daily, that
15 seems pretty fitting to that building, in our
16 design eyes.

17 CHAIRPERSON THOMAS: So how would you --
18 colleagues of the zoning board of appeals like to
19 approach this? Would you --

20 MS. MAYER: I agree with what you had
21 said about possibly taking this to see if you might
22 be able to reduce some signage because I'm
23 concerned, based on these new laws, we're going to
24 see you again if you do the State Street store, and
25 we're going to be right back in the same boat. So

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1 possibly kind of considering these new ordinances
2 so we avoid this in the future.

3 MR. GILL: What -- so State Street,
4 that's -- we might as well talk about that because
5 Jreck is -- they want to update all of these
6 stores, and this is the look that they're going
7 for. So that probably will be coming. What would
8 be the --

9 MR. URDA: I am not certain. I would
10 have to look at our zoning map, but I believe the
11 State Street store might be in the urban mixed-use,
12 which would allow up to 50 by right.

13 MR. GILL: Which would probably work at
14 that store because it's a smaller building, and
15 it's also on a corner.

16 MS. MAYER: Right.

17 MR. GILL: So I would think that that
18 signage would be smaller than this Washington one,
19 and I'm sure it will probably fall 16 feet below
20 where we are, so I think that one --

21 MS. MAYER: Okay. Makes sense, makes
22 sense.

23 MR. AIKINS: Also, to bring up that
24 point, the Arsenal Street, I'm fairly confident
25 that there will be a remodel there in the near

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1 future.

2 MR. GILL: There will be.

3 MR. AIKINS: But I don't know if
4 that's -- right offhand, is that commercial?

5 MR. URDA: Yeah. The Arsenal Street
6 location is zoned commercial, so it would be
7 allowed 200.

8 MR. GILL: Which they will never catch.

9 MR. AIKINS: I think they'll be limited
10 by the building there.

11 MR. URDA: Mr. Aikins is correct. The
12 calculation would fall below 200 and whatever the
13 calculation produced with --

14 MR. GILL: Which works. It's a really
15 good formula. It works because your amount of
16 signage falls into the size of your building. So
17 if you -- if you have a tiny, little building, you
18 have tiny, little signs. It's a really good
19 formula.

20 And the part that I like so much about it
21 is I go to other towns that don't have a standard
22 formula that way and they just kind of pull numbers
23 out, and it's so hard to deal with. This formula
24 works so well. Like you said, at State Street, I
25 think that one will work at 50, because that's a

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1 smaller building.

2 MS. MAYER: Mm-hmm.

3 MR. GILL: So the signs are going to be
4 smaller to fit the esthetic view of what the
5 building will allow. You don't want some manic
6 sign on the front of a tiny, little building. It
7 just -- that formula, over 25 years of me doing
8 this, has really faired very well for us to figure
9 this out. It's a good formula.

10 CHAIRPERSON THOMAS: But the property
11 owner does need to understand that you're going to
12 have differences between towns, differences in
13 neighborhood and the corridors --

14 MR. GILL: Well, there are, yeah. Yeah,
15 there are.

16 CHAIRPERSON THOMAS: -- Watertown being
17 an example.

18 So we would just ask that, perhaps, there
19 would be a conversation between your -- what you're
20 providing for them and --

21 MR. GILL: We actually have already had
22 that conversation prior to scheduling and paying
23 for this meeting. So that -- they feel like this
24 is the kind of signage that they need for this
25 store, as well as their market research with their

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1 other stores and other towns and everything that
2 they've done. They have a huge investment here in
3 modernizing these stores.

4 And I know Jude, he had partners here,
5 but Jude is one of our closest liaisons with all of
6 this, and he's really looking to bring this Jrecks
7 Sub thing -- he's trying to erase what you're
8 thinking of Jreck Subs (indicating).

9 MS. STONE: Oh, I never --

10 MR. GILL: Just --

11 MS. STONE: I never said it was -- Jreck
12 was a bad company --

13 MR. GILL: Nope, nope, I know.

14 MS. STONE: -- or providing a bad
15 product, but I'm from Watertown, so, you know.

16 MR. GILL: You know, it has a reputation
17 that he's trying to overcome.

18 MR. AIKINS: This wasn't the first
19 application that Dan submitted, because he went
20 through his -- he wasn't aware that the current
21 zoning changed, and his first -- I want to say that
22 the first one was 90?

23 MR. GILL: Yeah. I think that's correct,
24 yeah.

25 MR. AIKINS: Just based on raw, what they

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1 had there, and then full calculations, not reducing
2 kind of that -- that framework, he looked at the
3 zoning like you did and said, "Well, my sign frame
4 is also a part, right?" So we've cut a bunch out
5 in a way because that sign is not as verbal, but
6 the frame of the sign is not integral, and I do
7 believe he reduced -- he reduced the other two.

8 MR. GILL: We did, yeah.

9 MS. STONE: What are the other -- I mean,
10 we can talk about this all night long. What are
11 the other members thinking about -- do you want to
12 see a reduction in the signage, or are you guys --
13 I mean, because I've heard that two are looking for
14 a reduction. I don't know about the other three.

15 CHAIRPERSON THOMAS: Do we have a
16 direction of whether or not Mr. Gill needs to go
17 back to DRZ, or do you want to move forward with
18 this?

19 MR. CORRIVEAU: I kind of look at the
20 intent of the zoning and the change that was put in
21 place here. As aggressive as it may be down to 20,
22 you know, the previous zoning is 75 and now we're
23 at 67 square feet, what's proposed here. Is that
24 likely where the -- any future change may end up?
25 You can't tell.

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1 MR. URDA: Yeah, I couldn't speculate
2 what a future number would be. It would be the
3 product of discussions between planning, code
4 enforcement, likely the city council. There's too
5 many -- too many parties with input to speculate on
6 where a number would land.

7 You know, really, the best information I
8 could give the board to help them make their
9 decision tonight was, you know, what the intent was
10 and then this -- this number probably isn't
11 workable into the future.

12 MR. AIKINS: I'll go on the hot spot of
13 this one and say I think we can all deduct and
14 figure out that it's probably somewhere in the
15 range of what the neighboring zones are, up to 75,
16 because I don't think that -- it's not my feeling
17 that we'll go beyond 75. And there's some other
18 districts that are 50. I mean, we need more than
19 20. So, you know, is it 40? 50? 60?

20 CHAIRPERSON THOMAS: And I understand
21 that we need -- we're working at 20 and obviously
22 that's not realistic in this application. But,
23 yet, at the same time, that's what we're working
24 with, 20 square feet, and we're in this district.
25 So when you're doing the calculations, you have

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1 something that's three times greater --

2 MR. URDA: Right.

3 CHAIRPERSON THOMAS: -- than what is
4 allowed and --

5 MR. URDA: So I --

6 CHAIRPERSON THOMAS: -- I can't speculate
7 on what -- as Mr. Urda said, we cannot speculate on
8 what you're going --

9 MR. URDA: What I think would potentially
10 help the ZBA is, you know, we acknowledge that the
11 state guidelines do direct the zoning board of
12 appeals to consider whether a request is
13 significant, and at least in the percentage of this
14 is significant.

15 But the zoning board of appeals, you
16 know, is also tasked with determining if the zoning
17 is imposing an unfair hardship upon the applicant,
18 and I'm not going to say it is or it isn't, but
19 that is within the purview of the ZBA's discretion
20 to make that judgment.

21 MR. CORRIVEAU: You know, another way of
22 looking at this is that that freestanding sign is
23 basically being retained in its size and
24 configuration just with a new set of colors on it,
25 new graphic. What was awnings prior is now going

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1 to have some free signs on the face of the building
2 on the facade that -- that are, in some ways, more
3 trafficking than awnings would ever be.

4 So we're not taking a step in a bad
5 direction here. It just didn't comport with the
6 zoning law, numerically. And if the objective is
7 to really get down towards numbers like 20 square
8 feet or something in the future a little higher,
9 you know, 66 ain't there. You know, what's right
10 or wrong for us to do, I'm kind of -- I'm not going
11 to say not confused, but ...

12 CHAIRPERSON THOMAS: Torn.

13 MR. CORRIVEAU: Torn, yeah, yeah.

14 CHAIRPERSON THOMAS: This is a tough
15 case.

16 MS. STONE: I just want to chime in that
17 you had said early that "Our client feels that they
18 need that much signage," but they didn't provide a
19 reason or rationale or go through the requirements
20 to meet the standards of an area variance. So, I
21 guess, from legal perspective, I would be more
22 comfortable finding out why they think that that
23 much signage is necessary.

24 MR. GILL: Mm-hmm.

25 MR. URDA: I'll add something on the five

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1 tests there. In the case of a use variance, the
2 applicant must prove all the hardship tests, in
3 that for the area variance, the State's direction
4 is that the ZBA shall consider, you know, the five
5 listed tests for an area variance. So it's a
6 different bar to reach.

7 Although, to Ms. Stone's point, you may
8 wish to ask the applicant to address those pieces,
9 specifically, those five hardship tests.

10 It's really -- the board has to make its
11 own decision. Ms. Stone and I can't tell you what
12 to do.

13 MR. CORRIVEAU: Can you run down those
14 five tests again?

15 MR. URDA: Yes, I can.

16 MS. STONE: They're in Section 81-b of
17 the General City Law, and they're also in the
18 zoning law.

19 MS. MAYER: It's on page 107, if you want
20 to look at it.

21 MR. URDA: Okay. So, one, whether an
22 undesirable change will be produced in the
23 character of the neighborhood or a detriment to
24 nearby properties will be created by the granting
25 of the area variance; two, whether the benefit

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1 sought by the applicant can be achieved by some
2 method feasible for the applicant to pursue, other
3 than an area variance; three, whether the requested
4 area variance is substantial; four, whether the
5 proposed variance will have an adverse effect or
6 impact on the physical or environmental conditions
7 in the neighborhood or district; and, five, whether
8 the alleged difficulty was self-created, which
9 consideration shall be relevant to the zoning board
10 of appeals, but shall not necessarily preclude the
11 granting of the area variance.

12 And then, again, as I said a minute ago,
13 unlike a use variance where the applicant must
14 prove each and every one of the list; although,
15 it's a different list for a use variance as well,
16 in the case of the area variance, the ZBA should
17 consider those five hardship tests.

18 CHAIRPERSON THOMAS: I probably -- when
19 I'm looking at these standards, the thing that is
20 most difficult for me to -- is the -- whether the
21 requested variance is substantial, and it is
22 substantial. And I do consider it a bit of a
23 self-created difficulty because I know you were not
24 aware, at least in the letter, that zoning had
25 changed, but, yet, the burden is on you for that

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1 piece because --

2 MR. GILL: Yep. Well, in market study
3 that we would have done would be your neighboring
4 businesses that -- which Dunkin is a company that
5 has hundreds of stores across the world and you can
6 see the examples there of -- that is an insane
7 parking lot, as this property, and they have
8 multiple signage all around that for -- signs are
9 expensive, so they probably tried to limit that
10 from an expense point of view, I would think. And
11 they've gone to the -- to a pretty good extreme to
12 have signage all over that one.

13 The Kinney's fairly new. They're much
14 more than 20, much, much more, I would say, than 20
15 that would be grandfathered into that store, but
16 that's a little bit more scaled down, and in the
17 same respect to what this -- what we're trying to
18 propose here would be sliding or in between those
19 two companies that are there existing and hopefully
20 thriving.

21 CHAIRPERSON THOMAS: Mr. Ruppe, you had a
22 question?

23 MR. RUPPE: Well, just to let you know
24 what's on my mind, my thought is the number closer
25 to what the previous design was that was, what

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1 would be legal nonconforming would be a lot easier
2 to approve. So we're not growing the nonconformity
3 in any way by this, and if the previous number was,
4 you know, somewhere around 40, maybe even that's a
5 goal to shoot for.

6 MR. GILL: I thought he came in around
7 60?

8 MR. AIKINS: It was around 50. I mean,
9 we can pull the permit, I think, and look.

10 MR. GILL: And part of problem to that is
11 the old logo is more of a square than it is a
12 rectangular fashion. So it basically took up the
13 same amount of area, but it was inside the awnings.
14 So we had a square in the middle of the big awning,
15 which was the old admiral draft, old, old.

16 So it was using up a lot of real estate.
17 It just didn't have -- the logo didn't fit the same
18 way as their new look has changed that. So in
19 taking those fabric awnings down, that was their --
20 their thoughts to this. Those are attention
21 grabbing. They're a contrast of color in the
22 building. It was a green awning against a pale
23 taupe kind of color of the building.

24 So that was probably -- when that was
25 done, 20 or 30 years ago or whenever that would

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1 have been done at the existing Washington Street, I
2 think it probably used up a lot of this area. It
3 just -- it didn't -- the signage didn't fit it the
4 same way. That's all.

5 CHAIRPERSON THOMAS: Well, I think might
6 be helpful here in this case --

7 Because we could go on all evening about
8 the merits --

9 MR. GILL: Of course.

10 CHAIRPERSON THOMAS: -- of the zoning
11 law.

12 -- that, perhaps, a rationale can be
13 provided by DRZ and you could speak with them about
14 what our concerns are and their willingness to
15 reduce.

16 MR. GILL: Yeah. Again, I have had those
17 conversations since the permit.

18 CHAIRPERSON THOMAS: Yeah, I know.

19 MR. GILL: Yeah. Since the permit was
20 declined, we did have --

21 MS. STONE: You may want to tell them
22 that you also have come to the meeting and have
23 gotten some negative vibes from the board, so that
24 may sway them to reconsider --

25 MR. GILL: Yeah.

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1 MS. STONE: -- their -- you know, their
2 signage.

3 MR. VIRKLER: Just another point of
4 clarification, if the Barben facing side was
5 removed, would everything else be in compliance?
6 Is that ...

7 MR. URDA: Even without the Barben sign,
8 you would have 30.21 on the front, and then the
9 14.03 on the side, so you would have 34.24, which
10 would still be more than 20; although, the
11 percentage variance would be a lot smaller.

12 Correct. Sorry. 44.24, 44.24.

13 MR. VIRKLER: Speaking for myself, I
14 certainly would be more inclined to grant the
15 variance maybe if the Barben side was removed. You
16 still have people coming from that side that can
17 still see the main sign, the Jreck sign. That's
18 just my thought.

19 CHAIRPERSON THOMAS: I have to agree.

20 MS. MAYER: Agreed.

21 MR. URDA: If the board is leaning
22 towards tabling this application, I think it would
23 benefit the applicant if each of you -- you know,
24 if there's any information you desire from the
25 applicant's client, to let the applicant know now

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1 so that he can ask his client those questions.

2 MR. VIRKLER: No, go ahead.

3 CHAIRPERSON THOMAS: No. Just about
4 timelines, because, Mr. Urda, you mentioned you
5 were not available on July 17th. So what do we --
6 should we do, move to the 24th?

7 MR. URDA: Well, I think the very first
8 thing I'd like to see is if you had questions for
9 the applicant's client, please let him know, and
10 then we can discuss the time line for the next
11 meeting --

12 CHAIRPERSON THOMAS: I think I --

13 MR. URDA: -- or is that really --

14 CHAIRPERSON THOMAS: Yeah. I think that
15 the Barben Avenue sign is something that is
16 concerning, at least from what I'm hearing from the
17 board members. And, again, as I said, they need to
18 also provide some form of rationale to this board
19 so we can make a decision on that.

20 MR. GILL: I would have to think that,
21 probably at this point, for them -- time is of the
22 essence for them. They're looking to have a grand
23 opening sorts here at this store. It's been pushed
24 back because of other problems they've run into in
25 the middle of this remodel, I know.

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1 They were -- their original schedule was
2 to have that open by now, so they are looking to be
3 open as soon as possible. So we're hoping to be
4 able to have some signage of some sort there for
5 them when they open this business, so ...

6 CHAIRPERSON THOMAS: But we don't have
7 control over that. Okay?

8 MR. GILL: Yep. Well --

9 CHAIRPERSON THOMAS: And we've -- if they
10 are -- if you want to have that grand opening, is
11 there not a banner or something that could be
12 provided to the --

13 MR. URDA: The zoning ordinance does
14 contain provisions for temporary signage, you know,
15 while this would be pending.

16 As you mentioned and as I also
17 communicated to Mr. Gill two days ago via email, I
18 am not available the week of -- what would be the
19 regularly scheduled July zoning board of appeals
20 meeting, which would be the 17th. And I've sent
21 both Mr. Gill and yourself a list of possible
22 alternate days, of which the 24th is one, and that
23 would be fine.

24 If the zoning board of appeals wanted to
25 adjourn to the 24th, I think we would need any

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1 resubmitted materials or anything that Mr. Gill or
2 his clients wanted to submit probably no latter
3 than the 9th or 10th.

4 MR. AIKINS: A side note is temporary
5 signage is, I believe -- for this area is 65 square
6 feet for less than 30 days.

7 MR. GILL: I -- I feel like we
8 probably -- the client would -- at this point,
9 versus having to open with temporary signage and
10 those types of things, if they could get permission
11 to do the roadside sign and the sign on the front
12 at this point through this meeting would probably
13 be more beneficial to them than -- than meeting
14 again after they've opened and --

15 MR. URDA: The zoning board of appeals
16 could also entertain an early -- an early July
17 meeting, if they wished. That would step up the
18 date for my resubmissions.

19 And then I don't know what date they're
20 looking at for an opening, but as Mr. Aikins said,
21 they would be -- whatever date that is, I cannot
22 imagine it would be more than 30 days until they
23 would get a decision.

24 MR. GILL: Yeah. I just -- I don't know
25 what I would come back here with, other than -- I

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1 kind of feel --

2 MR. URDA: Would your client potentially
3 be interested in representing themselves at the
4 next meeting and come with you?

5 MR. GILL: I'm sure they would, yeah.
6 This is very important to them, so I'm sure they
7 would. I -- I guess I'm leaning more towards
8 trying to come to an agreement or conclusion of
9 what would be allowable at this point for sure so
10 we can get them signed for the opening.

11 MS. STONE: Well, I believe that the
12 board had asked for clarification of what their --
13 their need for this signage is, not that just they
14 feel it's necessary, but why did they feel it's
15 necessary before they make a decision.

16 And I think, also, it would be important
17 to have them here so they can provide clarification
18 and authorization, because you're just -- you're
19 just -- you know, unfortunately, you're just the
20 sign guy and you could say, "Oh, yeah, we'll take
21 off that Barben Avenue side sign."

22 And then they come back and say, "No.
23 That's necessary for us." You know, "We would
24 rather have a smaller front sign and then keep the
25 side sign."

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1 So, unfortunately, you can't just
2 piece -- you can't just piecemeal the application.

3 MR. GILL: Well, I feel like what we were
4 doing here today was trying to discover what was
5 going to be allowed and adhere to that. But if you
6 want -- I mean, I'm sure that they can come and be
7 a part of this.

8 MR. URDA: So earlier dates, if -- and
9 this is pending not only the applicant's ability,
10 but Ms. Stone's availability and our court
11 reporter, Ms. Ponce's availability, and, of course,
12 all of yours: July 2nd, July 3rd, July 9th,
13 July 10th are all possible dates we could work
14 with.

15 I could conceivably do next Thursday,
16 June 27th, but that's eight days from today, and I
17 don't know if that's too fast a turnaround. And I
18 don't know, again, everyone else's availability
19 that day.

20 CHAIRPERSON THOMAS: My -- I could not do
21 June 27th.

22 MR. URDA: Okay. So we would be looking
23 at July 2nd, 3rd, 9th, 10th, or the 24th. And I'll
24 stop talking and everyone else's availability will
25 dictate.

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1 MR. VIRKLER: Any of those days work for
2 me. I would prefer the 3rd.

3 MR. RUPPE: July 2nd is the Concert at
4 the Park, so the 3rd is probably a better date.

5 MS. MAYER: I would agree, the 3rd.

6 *(A discussion was held off the record.)*

7 MR. URDA: Yeah. I would say 9th or
8 10th.

9 MS. MAYER: Either would be fine with me.

10 CHAIRPERSON THOMAS: Any one of those
11 dates are fine.

12 MR. VIRKLER: Same here.

13 MR. CORRIVEAU: The 9th is good for me.

14 MR. URDA: 9th is better than the 10th
15 for you?

16 So would July 9th be acceptable to you?

17 MR. GILL: That would be fine.

18 MR. URDA: All right. Do you think that
19 you would be able to have anything to me by close
20 of business on the 2nd, so then I could get it out
21 to the board members the 3rd, and then they would
22 have six days with it?

23 MR. GILL: Yeah. We'll do whatever we
24 need to.

25 MR. URDA: All right. July 9th it is

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1 with a deadline of the 2nd for anything to come
2 back from them.

3 MR. GILL: Sure.

4 MR. RUPPE: One question I think is worth
5 asking them is what happens if we say no? What's
6 their plan? Because one of the criteria is is the
7 benefit feasible by any other means in their
8 variance, and then force them to answer that
9 question. And if there is no solution, then you
10 would have to ask why.

11 MR. GILL: Yeah. I'm not sure what they
12 will do if they're investing all this money here
13 that they can't have a sign on it. I'm not sure
14 what.

15 MR. RUPPE: Well, they can have a
16 20-square-foot sign.

17 MR. CORRIVEAU: I'd like to say one more
18 thing about the proposal and the options that have
19 been battled around here a bit. That Barben sign,
20 the narrative was highlighted as providing
21 visibility for the facility from the signage from
22 the southern vantage point. The double-sided
23 pedestal out front on the sidewalk does much the
24 same. So there's a bit of redundancy in there, and
25 if something had to go, I would think giving up

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1 that Barben sign wouldn't be a big hit for the
2 marketability of the facility of the business and
3 all the rest. Just a thought.

4 MR. GILL: I would tend to agree at this
5 point.

6 MR. URDA: Mr. Aikins and I will also
7 work to come up with exactly what was there
8 previously, and we can pull the permits, as
9 Mr. Aikins said, and we can do that in the morning.
10 I can send that to the board members tomorrow.

11 MS. MAYER: Thank you.

12 CHAIRPERSON THOMAS: Thank you. Well,
13 we'll keep this public hearing open, and at the
14 date of closure, then you have 62 days to make a
15 decision.

16 But may I have a motion to keep the
17 public hearing open?

18 MS. MAYER: I would move to keep the
19 public hearing open.

20 MR. CORRIVEAU: I'll second it.

21 CHAIRPERSON THOMAS: Second? All in
22 favor?

23 MR. VIRKLER: Aye.

24 MS. MAYER: Aye.

25 CHAIRPERSON THOMAS: Motion to adjourn

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1 until July 9th?

2 MR. URDA: 9th. I will send continued
3 reminders of that date to the board members and to
4 the applicant.

5 MS. STONE: Are there any other
6 applications coming up?

7 MR. URDA: Not that I'm aware of.

8 Have we adjourned yet, or is this all
9 still part of the transcript?

10 MR. RUPPE: Are we going for 7 p.m. on
11 July 9th?

12 I move that we adjourn this meeting to
13 July 9th at 7 p.m.

14 MR. VIRKLER: I'll second.

15 CHAIRPERSON THOMAS: All in favor?

16 MR. CORRIVEAU: Aye.

17 MS. MAYER: Aye.

18 MR. VIRKLER: Aye.

19 *(The meeting was adjourned.)*

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REPORTER'S CERTIFICATE

I, TIFFANY-JO K. PONCE, 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 June 19, 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 5 day of July, 2024.



TIFFANY-JO K. PONCE
Court Reporter