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ZONING BOARD OF APPEALS

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245 Washington Street
Watertown, New York 13601
Wednesday, September 16, 2026

B E F O R E:

Chairperson: James Corriveau

Board Members: Adam Ruppe
Lance Evans
Anthony Velasquez (Absent)

Senior Planner: Geoffrey Urda

City Engineer: Thomas Compo

City Attorney: Joseph V. Frateschi, ESQ.

REPORTED BY: Tiffany-Jo Ponce, RPR

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1 CHAIRPERSON CORRIVEAU: The clock says 7:00,
2 so let's begin.

3 As the ZBA chairperson, I'll call the meeting
4 to order. We'll start with the roll call.

5 Adam Ruppe?

6 MR. RUPPE: Here.

7 CHAIRPERSON CORRIVEAU: Lance Evans?

8 MR. EVANS: Here.

9 CHAIRPERSON CORRIVEAU: And I'm James
10 Corriveau, so we have a quorum tonight.

11 I'd like to introduce our staff that's joining
12 us. We've got Senior Planner Geoff Urda, City's
13 attorney, Joe Frateschi, and our court reporter,
14 Tiffany Ponce, and our engineer, Tom Compo.

15 And I'll start by reading our notice for the
16 public hearing.

17 Notice of Public Hearing, Request for Variance
18 of the Zoning Ordinance for the City of Watertown,
19 New York. Notice is hereby given that Zoning Board of
20 Appeals of the City of Watertown, New York, will meet
21 Wednesday, September 16, 2026, at 7 p.m. in the City
22 Council Chambers on the Third Floor of City Hall for the
23 purpose of hearing one new variance request. Variance
24 Request 628 for the property at 126 Winslow Street,
25 being Parcel Number 11-06-126.000, submitted by Netmat

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1 Capital, LLC, is to vary requirements of Section 310-65
2 of the zoning ordinance to allow a six-dwelling unit in
3 a residential adaptive reuse, preexisting building.

4 The hearing may be adjourned, if necessary.
5 The meeting is open to the public. Copies of the above
6 requests are available for public inspection by
7 contacting the planning department at (315)785-7741 or
8 by email at planning@watertown-ny.gov. Geoff Urda,
9 senior planner.

10 We're also going to address the continuing
11 Variance Request 624, Breen Avenue. We'll do that one
12 first. That's a continuation from last month where we
13 kept the public hearing open, and so we'll begin with
14 that. And that variance, 624, Breen Avenue, is an area
15 variance to increase the maximum lot coverage in a
16 commercial district. The zoning ordinance calls for a
17 70 percent maximum lot area coverage. The applicant's
18 submission shows 84.4 percent lot area coverage.

19 Since our 19 August ZBA meeting, some
20 additional materials have been presented for the board's
21 consideration. These include the applicant's parking
22 lot expansion drainage analysis, dated 24 August and
23 updated 28 August. Tom Ross sent a letter in, dated
24 9 September, and we've also got a letter from Laurel
25 Mendez, the nextdoor neighbor at Marcy Spa Aesthetics,

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1 undated.

2 At this time, I would invite the applicant, if
3 they wish, to come to the microphone and say what you
4 have to say tonight. Put your name and address.

5 TOM ROSS: Hi, everybody. Tom Ross, Storino
6 Geomatics over at 165 Mullin. Thank you.

7 I want to first start with -- with how this
8 project came together, a little bit of history. There's
9 two adjoining business owners, obviously, that are --
10 their peak hours are at different times. They both have
11 a parking concern, right. Obviously, Marcy Spa has
12 become quite busy. Pete's Trattoria is much busier,
13 obviously, in the evenings versus the day. So the two
14 owners got together. I think you can see the letter of
15 support from Marcy Spa when all this project kind of
16 kicked off and began. So that was really the basis of
17 the project: Shared parking; solve an issue for two
18 owners.

19 At the last meeting, there was some concerns
20 brought up by the board and also by members of the
21 public. We took a long look at all those, based on the
22 transcript. We offered a detailed drainage report
23 stamped by a professional engineer. I believe that's
24 been accepted by the city engineer, so I think the
25 drainage concerns are -- go away at this point, at least

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1 in my opinion.

2 Additionally, we did provide a letter walking
3 through -- the other good takeaway we took from the
4 meeting was the necessity of the project, I think, was a
5 little bit of a concern of the board and also the
6 public. We did some further review of that easement and
7 what that easement provides to Pete's. I think it's
8 pretty clearly laid out in the document. The easement
9 certainly is nice to have, right. I wouldn't argue that
10 for the restaurant. Certainly very nice to have that
11 easement on the adjoining property that supports the
12 business.

13 However, it doesn't guarantee anything to the
14 owner at all, right? There's nothing that says that
15 that building can't be changed to something that
16 overwhelms the parking lot from 5 to 9 p.m. and there's
17 no parking, right. There's not that says -- and I'm
18 being speculative here, but that somebody else can't
19 come in and do something else. There's no guarantee for
20 that easement, right. It offers kind of a blanket
21 easement on the parcel for parking if it's available,
22 and that's, quite frankly, what it provides, right. It
23 doesn't give any detail of guarantees, anything.

24 So by adding these parking spaces, it doesn't
25 make Mr. Puccia's business whole all over the parking

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1 across the street. We understand that. There's just
2 not enough room to make it whole, but it does hit a few
3 things, right. It gives Jeff 11 more controllable
4 parking spaces for his emerging, continuing-to-grow
5 business. It takes at least some of the clientele from
6 crossing a busy city street with liability in the
7 evenings from that parking lot across the street. So I
8 think it improves the safety of patrons and clients of
9 Mr. Puccia.

10 And I -- I think the big thing is control,
11 right. We went over and took a look at the parking lot.
12 It's in okay shape, right, but it doesn't give
13 Mr. Puccia any ability to maintain it, to improve it, to
14 do anything that would welcome his clients. So he's
15 just looking to control his parking to a better degree
16 and be able to control it on his property.

17 So that's really the takeaways that I took was
18 necessity of -- of the project; drainage, again, which I
19 think the city engineer's reviewed all the drainage
20 accounts provided.

21 And I want to kick it --

22 Peter, if you have anything --

23 Peter's with Melvin & Melvin. I think he'd
24 like to say a few words as well.

25 PETER BATTAGLIA: Good evening. My name's

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1 Peter Battaglia, attorney with Melvin & Melvin.

2 Yeah. I'm just basically going to recap
3 essentially what Tom said.

4 This is not a request to intensify the
5 property with any new use. It's a request simply to
6 make an existing commercial property more safe and
7 orderly.

8 The neighborhood in this area is already
9 classified as a commercial property, and so the project
10 just improves the organization of parking, rather than
11 changing any character of the area.

12 The outside parking easement at 120 Breen Ave.
13 is not a feasible substitute for onsite parking because
14 it's all located on a separate tax parcel owned by a
15 third party. Mr. Puccia does not own or control that
16 offsite parcel, cannot permanently guarantee customer
17 access, or prevent any future changes to that property.

18 Mr. Puccia also lacks legal control to repair,
19 repave, seal, plow, or improve the offsite parking area.
20 It is my understanding that the condition of the parking
21 area is a little deteriorated with worn asphalt, severe
22 failures, and large patches within the area. This
23 obviously creates an issue to any patrons that want to
24 go to the restaurant, and requiring patrons to access or
25 to cross Breen Avenue near the street creates an

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1 unavoidable pedestrian safety concern, particularly
2 where Mr. Puccia can't improve his onsite parking and
3 maintain control on this site.

4 An easement that the applicant cannot
5 maintain, improve, control, or guarantee is obviously
6 not a feasible, operational substitute in a safer and
7 more predictable solution to keep patrons on site,
8 reduce street crossing, and create a controlled parking
9 lot.

10 Thank you.

11 TOM ROSS: Thank you.

12 CHAIRPERSON CORRIVEAU: Any questions, Adam?

13 MR. RUPPE: Has there been an attempt to talk
14 to the owner across the street to work out a contract
15 that would guarantee some access or even to buy some of
16 that parcel?

17 TOM ROSS: It -- I'm not aware of any. I
18 still think it misses the mark somewhat on the safety
19 concern. Is it an option? Potentially, yes. But I
20 think I can -- and I don't mean to speak at all for the
21 adjoining owner, but guaranteeing certain spaces to an
22 offsite use probably does not increase its value of his
23 property, so ...

24 It hasn't been discussed. I don't mean to
25 speak for that owner, but it hasn't been talked about,

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1 no.

2 MR. RUPPE: Thank you. That's all.

3 CHAIRPERSON CORRIVEAU: Lance?

4 MR. EVANS: I have multiple questions because
5 I don't have an engineering background. So we'll start
6 with the map that's up there right now.

7 Can you explain the dotted and the solid lines
8 on there as to what exactly I'm looking at here?

9 TOM ROSS: Yeah. Can I point?

10 MR. URDA: Yeah.

11 TOM ROSS: So this is the proposed drainage
12 area plan, right. So what we looked at was the existing
13 drainage area plan with this all, obviously, is grass as
14 it is now. It's a lawn. This is the proposed condition
15 with the new parking layout.

16 The dark black lines are actually drainage
17 areas. So if a drop of water were to fall anywhere
18 here, that water would eventually get to either that dry
19 well or this dry well. So this proposed drainage area
20 goes to this dry well. I think, as we talked about last
21 month, there is a portion of this parking lot that we're
22 not able to get to that dry well, just based on slope
23 and things of that nature. That would go to the
24 existing dry well.

25 So based on this, the dashed lines are the Tc

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1 paths for the water to take. It's kind of a
2 nitty-gritty, really engineering term. But it's the
3 length of time that it takes the water to get from this
4 point to there. And it's the furthest hydraulically
5 distant point in the drainage area. So that -- when
6 that water is contributing, that is our worst-case
7 scenario, right. So that's why those dashed lines are
8 there.

9 We modeled all of this together as part of our
10 proposed drainage mapping. We obviously know the
11 elevations directly at the property line, right. So I
12 think we were able to prove that, albeit maybe there is
13 ponding here, it's all contained to Mr. Puccia's
14 property.

15 MR. EVANS: And where is the property line
16 that --

17 TOM ROSS: The property line is right here
18 (indicating).

19 MR. EVANS: Okay.

20 TOM ROSS: So we even take offsite
21 consideration, offsite from Marcy Spa because their roof
22 pitch, you know, all that water falls on the property.
23 There's a large portion of the adjoining property that
24 actually drains to this dry well. So that's the gist.
25 So we look at everything.

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1 I mean, out here at the street, there was
2 actually, coincidentally, a water main break that
3 happened right here, so there was a massive amount of
4 water. Our client had a video of that. So this is that
5 drainage right here because it's all curbed. None of
6 that water from the street enters that parking lot. I
7 don't think any of it enters -- I don't know for sure,
8 but any of it enters, because it's a curbed street, and
9 that was a significant water main break. I have a video
10 if anyone would like to see it. But that's what this
11 map is.

12 MR. EVANS: Can you scroll up one page, Geoff?
13 No. The other way. Sorry. Go down. Sorry. Go down
14 one page.

15 I don't understand what that is at all.

16 TOM ROSS: All right. So this is HydroCAD.
17 This is a drainage modeling software that's widely
18 accepted in the engineering world. Basically, any of
19 the green notes that you're going to see, that's the
20 actual drainage area.

21 MR. EVANS: Oh.

22 TOM ROSS: So we break down land cover, slope.
23 Everything's broken down in that.

24 This, the triangle, is the actual discharge
25 point. That's the dry well. So that's all modeled

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1 based on our -- per the report. Actually, it's modeled
2 more conservatively than the -- the actual perk rights
3 we had during the testing. We like to be conservative
4 with those. So I think that was -- we were getting
5 something like 20 or 25 inches per hour of fill, and I
6 think we used 10, if I'm not mistaken. I don't have it
7 right in front of me. So we did considerably use that.

8 So that's basically drainage area at the
9 discharge point. And then from that discharge point, I
10 have an elevation that the rim of that structure is
11 exceeded, and that's how we come to the point that no
12 water is exceeding the property line elevation.

13 MR. EVANS: So that was just to show us what
14 we were looking for for symbols down the road. It
15 wasn't anything -- I mean, that's not anything to do
16 with mapping itself.

17 TOM ROSS: No. This is just a hardcore
18 drainage --

19 I'm sorry. A hardcore drainage calculation.
20 Sorry.

21 MR. EVANS: And then after that, you've got
22 21 pages all labeled HydroCAD Pete's with charts and
23 graphs. Can you explain what all those represent in
24 some sort of a layman's term without -- I mean, you can
25 use small words for me.

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1 MR. URDA: Do you want any page in particular?

2 MR. EVANS: I don't care. I mean, there's --
3 there's graphs. There's charts. That's more colorful.
4 We'll use that.

5 TOM ROSS: So the page before were just the
6 inputs to the document, right.

7 MR. EVANS: Okay.

8 TOM ROSS: Or into the modeling, right. The
9 land cover, the acreage, the slopes, all of that
10 nitty-gritty that determines drainage and -- and
11 discharge and flow. These are actual hydrographs based
12 on that modeling. Like, this one is for the 1-year
13 storm, right. So we model the 1, 10, and 100. We
14 really focused on the 100 as kind of the worst-case
15 storm, right. Hypothetically, it should happen once
16 every 100 years, I think is how the DEC says it.

17 MR. URDA: 1 percent chance every given year.

18 TOM ROSS: Yeah. So we have 1 percent chance
19 to see how -- it's like 4.4 inches of rain in a 24-hour
20 period. So that was all modeled. We really looked hard
21 at the 100-year storm, and that's what our report's
22 based on.

23 MR. EVANS: Okay. Then at seven pages of
24 photos, there's a shovel in the middle of one of them,
25 and the second --

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1 TOM ROSS: So the shovel is just onsite
2 testing. That's percolation testing.

3 MR. EVANS: Right. I wasn't sure if that's
4 where the other dry well was going to be.

5 TOM ROSS: Well, it's in very close proximity
6 to where the dry well is. So be it that testing, we
7 actually pour water in, time the amount of time that it
8 takes to go 1 inch. We do that repeatedly until we get
9 it right, and then we can apply it to the amount of
10 water that's infiltrated by the dry well.

11 MR. EVANS: How many parking spaces are there
12 currently-ish?

13 TOM ROSS: I have that somewhere.

14 MR. EVANS: 26? 27? And how many will there
15 be at the end?

16 TOM ROSS: So I think the total number right
17 now is 38, if I'm not mistaken.

18 MR. URDA: 38 is the number I have.

19 TOM ROSS: And we're adding 11, so that would
20 be 49 total.

21 MR. EVANS: And then the Marcy is involved in
22 the project still; right?

23 TOM ROSS: They're still in support of this,
24 obviously. I mean, that letter just came in this week.
25 They're looking at further development that I'm not

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1 aware of.

2 MR. EVANS: Yeah.

3 TOM ROSS: My understanding, just talking to
4 our client, that they've purchased adjoining property.
5 They're looking to come, I would guess, to the city's
6 site -- or the city planning commission. One of our
7 drawings, I think we looked at it last week, was C104 in
8 the set, and that actually just shows a future
9 connection that's potential that's supported by Jeff
10 Puccia and also supported by Marcy Spa.

11 So I think the big thing is by doing this, it
12 makes both owners, you know, economically involved,
13 right, but to a lesser extent than if they had to solve
14 the problem themselves.

15 MR. EVANS: All right. Thank you. That's all
16 I've got, at least.

17 CHAIRPERSON CORRIVEAU: What's the existing
18 property's coverage -- percentage lot coverage right now
19 as it currently exists?

20 TOM ROSS: It's in that letter. I've just got
21 to take a look, so I don't tell you something wrong.

22 Currently, it's 70.5 percent. That's right on
23 page 1, Mr. Corriveau.

24 CHAIRPERSON CORRIVEAU: Okay. And the
25 calculations you came up with wanting to go

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1 84.4 percent, that was all done -- not with this
2 drainage software, but with some other AutoCAD tool?

3 TOM ROSS: That's correct. Yeah. It's all
4 AutoCAD 2023.

5 CHAIRPERSON CORRIVEAU: Okay.

6 TOM ROSS: Yeah. All the areas, all the --
7 that is all right on AutoCAD.

8 CHAIRPERSON CORRIVEAU: In the stormwater
9 report on pages 6, 9, and 12, there's a 75.57 percent
10 impervious .563-acre notation. What does that figure of
11 75 percent represent?

12 TOM ROSS: I'm sorry, sir. What page?

13 CHAIRPERSON CORRIVEAU: I'll start with
14 page 6. It's on 9 and 12 as well. It's towards the
15 bottom of the page.

16 MR. EVANS: Is that the soil report?

17 MR. URDA: Yeah.

18 CHAIRPERSON CORRIVEAU: It's the report
19 numbered page 6.

20 MR. URDA: Of the PDF?

21 CHAIRPERSON CORRIVEAU: Not the PDF. The
22 pages are numbered right in the upper right corner.

23 MR. URDA: Got you.

24 That's page 6 of the report.

25 CHAIRPERSON CORRIVEAU: No. That's not it.

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1 It's the narrative page.

2 MR. URDA: Okay.

3 MR. EVANS: I think it's the --

4 MR. URDA: Like, the --

5 TOM ROSS: Like, the area page where it's
6 shows the variance? Like these?

7 CHAIRPERSON CORRIVEAU: Yeah, yeah. It's a
8 page that looks kind of like that.

9 MR. URDA: All right. So it's a HydroCAD
10 page.

11 TOM ROSS: So it says 75 percent grass cover.
12 That one?

13 CHAIRPERSON CORRIVEAU: 75.57 percent.

14 TOM ROSS: I'm just ...

15 MR. COMPO: Right here, Tom.

16 CHAIRPERSON CORRIVEAU: It's further down,
17 Geoff. Keep going.

18 TOM ROSS: Oh, yeah. So that's a great
19 question. So as part of the drainage model, you'll see
20 at the top line there that Geoff's showing, quarter-acre
21 lots. Since we didn't have a survey of the adjoining
22 properties, HydroCAD breaks it down into quarter-acre
23 lots in an urban area. So a portion of our stuff,
24 .07 acres, was considering that.

25 So that's -- I mean, if -- the total onsite is

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1 84 percent, but when we look at the offsite stuff
2 primarily from -- I don't know the number, but on Breen
3 Ave., next door, that lowers that percentage.

4 CHAIRPERSON CORRIVEAU: Are the two dry wells
5 to function independently, or are they piped together?

6 TOM ROSS: They're not piped together, no.
7 Based on the modeling note, they do function together.
8 The proposed dry well, during a very heavy storm event,
9 may see overruns, right, and that's all within the
10 modeling. The existing dry well is directly
11 hydraulically downstream, right, so that water is caught
12 there and then that is all within consideration of the
13 report.

14 CHAIRPERSON CORRIVEAU: Okay. And on page 13,
15 there's a dotted, dashed red line labeled "link" that
16 goes between two dry wells.

17 MR. URDA: Is this it?

18 CHAIRPERSON CORRIVEAU: Yeah, right there.
19 What's that dashed red line represent?

20 TOM ROSS: So that's the flow path, right.
21 That's over land.

22 CHAIRPERSON CORRIVEAU: So that's if the new
23 dry well gets overwhelmed, it overflows to the lower
24 one?

25 TOM ROSS: Correct.

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1 CHAIRPERSON CORRIVEAU: And you mentioned the
2 water main break. That's related to that new paving you
3 see down there across Pete's driveway on --

4 TOM ROSS: I think it's --

5 CHAIRPERSON CORRIVEAU: -- the east side of --

6 TOM ROSS: It was like a waterfall right down
7 Cedar Street, from what I could tell by the video. So I
8 don't know where the water main break was. I just have
9 the video of the -- kind of the aftermath.

10 CHAIRPERSON CORRIVEAU: The pavement I've seen
11 the last couple days is right across Pete's driveway on
12 the east side of Breen Ave. right on the corner almost,
13 and I don't know what that was all about. Just curious.

14 MR. COMPO: They repaired it.

15 CHAIRPERSON CORRIVEAU: That's the water main
16 break right there?

17 MR. COMPO: Yeah. I mean, they repaired it
18 the night that it broke, but they just backfill it. So
19 they went back, I think, yesterday and they actually
20 excavated and compacted and then I believe they paved
21 it.

22 CHAIRPERSON CORRIVEAU: It's just that fair
23 share, right.

24 And then there was some recent paint striping
25 on the parking lot that's the easement from across Breen

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1 Ave. And there's 30 parking spaces that are painted
2 out, and the paint looks like it's pretty fresh within
3 the last week or two. I'm just curious, who did that?

4 TOM ROSS: I'm not aware of that.

5 Jeff, you didn't do any striping on the
6 easement parking lot?

7 JEFF PUCCIA: No. Neil Katzman did that.

8 CHAIRPERSON CORRIVEAU: The owner did it?

9 MR. URDA: Jeff, you want to introduce
10 yourself for the transcript?

11 JEFF PUCCIA: Yeah. Jeff Puccia, owner of
12 Pete's Trattoria.

13 MR. EVANS: What was your answer? I'm sorry.

14 JEFF PUCCIA: Neil Katzman did that.

15 CHAIRPERSON CORRIVEAU: Is he the property
16 owner?

17 JEFF PUCCIA: No. He had done it in the past,
18 and I think it was just maybe a seasonal thing he
19 performed.

20 CHAIRPERSON CORRIVEAU: Okay. It looks sharp.

21 Okay. And I guess the last question I've got
22 is for the city engineer. If you can come to the mic
23 and tell us what your assessment is of the storm water
24 analysis and if you support that.

25 MR. COMPO: So I reviewed the calculations and

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1 I reviewed Hayward's design, and I didn't have any
2 issues with it. In fact, the fact that they took the
3 percolation rate, which, Tom, is 30 inches per hour, and
4 actually used one-third of that in their design
5 analysis, so they actually -- instead of using 30, which
6 they could have, they factored in a one-third percent or
7 a one-third factor safety. So they went from 30 to
8 10 inches per hour. They could have used 30, but they
9 used 10, which is very conservative.

10 And looking at the calculations and looking at
11 the -- the re- -- this is engineering speak -- the reach
12 and all the subcatchments that they did, I don't have
13 any issues with it. I don't -- I did not plug any
14 numbers or calculate anything. That's -- that's
15 Hayward's responsibility, and he certified it.

16 And 100-year event, the water doesn't reach
17 the neighbor's property. There's, you know, a quarter
18 of an inch before it would actually top. We don't
19 typically design for 100-year storm events. We usually
20 do 10, maybe 25, if we're conservative. The fact that
21 this parcel meets the criteria for 100-year event, I
22 have no issues with it.

23 CHAIRPERSON CORRIVEAU: Okay. Thanks.

24 At this point, I would invite any neighboring
25 property owners of the public to come to the mic and

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1 present concerns.

2 DAVID GEURTSSEN: Good evening, gentlemen and
3 ladies. David Geurtsen, and I was here on behalf of
4 Mr. Doldo, Anthony Doldo, last month and just reviewed
5 the documentation that was presented.

6 And, you know, I -- I think, first of all, I
7 want to clarify on behalf of Mr. Doldo that he's not --
8 he didn't ask me to be here just because he's vehemently
9 opposed to this project or any expansion of the business
10 that he's been a neighbor to for many years. I think he
11 expressed what, to me, seems like a legitimate concern
12 that had not been addressed in a lot of detail prior to
13 tonight. So, you know, I just want to make that clear,
14 and I hope the board feels the same way and considers
15 his perspective as being a direct nextdoor neighbor.

16 I think the engineering part of this has been
17 addressed to a large extent and, you know, that -- the
18 drainage is really the main concern here. But I also --
19 I will -- I do want to point out, first of all, that the
20 timing of when all this was presented to the board and
21 the fact that it probably -- shouldn't have been
22 presented to the planning board prior to it now because
23 these reports were just done within the last few weeks,
24 just speaks to the way that the process evolved to leave
25 both this board and the planning board and the neighbors

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1 somewhat in the dark as to whether, you know, the
2 drainage issue had really been thought out. So I -- you
3 know, we don't mean to raise or cause offense by raising
4 this issue the last month, but it wasn't until that
5 issue was raised that I think it was really thoroughly
6 looked at.

7 You know, the other -- the other thing that I
8 want to bring up is that I just -- I still don't see a
9 lot of proof of the necessity of this -- this variance.
10 And it is an approximately 20 percent -- Mr. Urda's
11 figure -- exceedance, if you will, of the allowed
12 coverage area. To me, that's -- that's significant.
13 It's certainly not the minimis range. It's a
14 significant increase. So I think the board ought to
15 give that the consideration that they do.

16 But the other -- the other prong that -- of
17 the board's review test is whether this -- this,
18 quote/unquote, hardship even exists under the
19 circumstances. I mean, there -- there is an easement
20 for parking across the street. I don't -- I don't see
21 the proof or the evidence that that parking, coupled
22 with the 38 spots that they have on the restaurant side
23 of the street, is somehow inadequate.

24 Likewise, I don't see the -- the proof that --
25 you know, that there is an actual hazard in crossing the

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1 street. I think anybody that knows this part of town
2 knows that, you know, Cedar Street is virtually a
3 dead-end. It may go through in the back, but, you know,
4 it's not a high-traffic area. You're not taking your
5 life in your hands when you cross Breen Avenue -- I'm
6 sorry -- from experience. But I'll leave that to the
7 board to -- you know, to discern and use their own
8 judgment and experience in that regard.

9 Likewise, I mean, there's a deeded easement
10 for parking across the street. There -- yes, the -- the
11 number of spots could be somewhat subject to change if
12 that building is repurposed in some way. And I think
13 as -- as Mr. Ross alluded to with the spa, the whole
14 symbiotic relationship between the old supply house
15 across the street and the restaurant evolved the same
16 way he talked about the relationship between the spa and
17 the restaurant where one is kind of a -- more of a
18 daytime business; the other is more of a nighttime
19 business primarily. And they saw it as a good way to
20 use the same area and share a significant amount of
21 parking that could benefit both businesses without
22 interfering with each other.

23 Could that change? Yes. You know, does
24 Mr. Puccia have the right to parking there? Yes. Is
25 it -- is it as well defined as I might like to draft it?

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1 Perhaps not, but he's got some rights there. Likewise,
2 you know, the idea that he has no right to improve it
3 or -- or keep it safe from a pedestrian standpoint, I
4 don't think it's entirely accurate. I think the owner
5 of that property would be probably more than happy to
6 let him pave it, stripe it, and do whatever he wants to
7 keep it safe, light it, you know, to -- to accommodate
8 his customers if he wants to. The fact is it's not
9 really being used very much right now by anybody else,
10 the property across the street.

11 So, again, I'm just getting to the point that
12 I don't know that the necessity has really been driven
13 home here. We're not trying to kill this project or
14 kill, you know, a very notable business that's been here
15 for many years or hamper it, but just trying to actually
16 get the board to consider what's really necessary here
17 and is it necessary or is it really just, you know, a
18 nice-to-have kind of self-created dilemma, so to speak.

19 So there are some other folks here that I
20 think could speak to this. The owner of the property
21 across the street, I don't know if he intends to speak
22 or not, but he might be able to shed a little bit of
23 light on the history of the use of the property as well.

24 Thank you.

25 CHAIRPERSON CORRIVEAU: Thanks, Dave.

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1 ANTHONY DOLDO: Hi. Anthony Doldo. I'm the
2 adjoining property, 119 Breen Ave.

3 Like I said, my concern has always been just,
4 you know, the water concern because the maps -- the
5 information that they did kind of answers that question.
6 If that was done ahead of time, there probably would
7 have never been a question of the water. That's my only
8 concern.

9 Good for Jeff. Jeff does a good business. He
10 has parking. He takes care of his property. Nothing
11 against him. This isn't personal. It's just me
12 protecting, like any other property owner would.

13 You know, when you submit stuff to the
14 planning board, you know, things should be submitted in
15 whole. That's what I had to do when I built my car
16 wash. All the calculations, all the information,
17 brought everything forward and, you know, there was no
18 questions from the neighbors.

19 So, you know, this is his choice. It's his
20 property, what he wants to do. It's your choice to make
21 the decision, not mine. Again, it appears that the
22 water is not going to be an issue, and if I had known, I
23 would have been happy right from the beginning and
24 probably wouldn't have even been here.

25 As far as the parking across the street,

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1 Mr. Massey has always been very generous to -- you know,
2 if I needed to park a trailer or something over there,
3 he is a great guy to work with. He is here tonight, if
4 you did have any questions on it. But it -- I don't
5 have any reason to believe that he, you know, would
6 inhibit anybody from doing anything, unless it was
7 damaging his property. But I won't speak for him. He's
8 here.

9 So I appreciate it. Thank you.

10 CHAIRPERSON CORRIVEAU: Thanks, Anthony.

11 ANTHONY DOLDO: Yep.

12 SHAWN MASSEY: Shawn Massey. I own the
13 building at 121 Breen Avenue.

14 That parking situation has gone back years and
15 years. My father bought that building, and we knew it
16 was in the deed that he was allowed to use the parking
17 lot. It's been, you know, a pretty good relationship.
18 There's been, you know, no real issues with it.

19 You know, I was concerned a little bit when
20 they said that the condition of it could cause injury,
21 you know, so that concerned me for liability purposes.
22 If somebody was to fall on it, then it makes me think a
23 little different way because I would be liable to that
24 suit if somebody was to get hurt on it, and I never
25 thought of that angle. I feel like the parking lot is

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1 in pretty good shape. I mean, definitely could use some
2 upkeep, but overall, it's a decent parking lot.

3 But I guess that's all I have to say. And I
4 own the house at 706, so the drainage came into play for
5 me for -- that house is a rental for me, so I wasn't
6 sure how -- which way the water would go, towards the
7 salon and then over to that house. But I think the
8 drainage has been addressed. I don't foresee any
9 problems with my rental over there.

10 That's about it.

11 CHAIRPERSON CORRIVEAU: Thanks.

12 Any question from the board members for these
13 last few folks?

14 Adam?

15 MR. RUPPE: No, I don't.

16 CHAIRPERSON CORRIVEAU: Lance?

17 MR. EVANS: Just to clarify, then, Anthony,
18 you're satisfied now with the drainage?

19 ANTHONY DOLDO: Yeah. It appears from what
20 they've done, that it's going to take care of the issue.
21 And, again, that was -- that was my only concern being
22 the neighbor next door.

23 MR. EVANS: And this isn't for you, Anthony,
24 but I guess it's just general, someone -- either
25 Mr. Puccia or Mr. Massey. Mr. Puccia will still have

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1 use of the lot across the street, even if he does this
2 expansion part; right?

3 SHAWN MASSEY: Absolutely. Yeah.

4 MR. EVANS: Okay. All right. Thank you.

5 CHAIRPERSON CORRIVEAU: Anyone else?

6 TOM ROSS: I'd just like to kind of put a bow
7 on everything I just heard.

8 So I think from Mr. Massey's perspective,
9 obviously, if there's parking across the street and it's
10 controlled by Mr. Puccia, he has less liability for
11 people falling, tripping.

12 It sounds like the drainage is no longer a
13 concern.

14 And I'd just like to say, the necessity part,
15 you know, in restaurant business, it's very cutthroat.
16 He's trying to improve his business, improve his
17 customer base all the time. Controlled onsite parking,
18 I think, is a big part of that. You know, the necessity
19 part, I'm not sure that Jeff would be willing to spend
20 tens of thousands of dollars on a parking lot and
21 engineering and legal services if he didn't see it as a
22 necessity.

23 So that's all I'll say, so thank you.

24 CHAIRPERSON CORRIVEAU: Thanks.

25 All right. At this time, I would ask for a

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1 motion and a second to close this portion of the public
2 hearing.

3 MR. RUPPE: So moved.

4 MR. EVANS: Second.

5 CHAIRPERSON CORRIVEAU: All in favor?

6 MR. RUPPE: Aye.

7 CHAIRPERSON CORRIVEAU: Aye.

8 All right. Let's go through our SEQR form
9 here, the new updated version.

10 Will the proposed action create a material
11 conflict with an adopted land use plan or a zoning
12 regulation?

13 MR. RUPPE: No.

14 MR. EVANS: No.

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

18 MR. RUPPE: No. It was small.

19 MR. EVANS: Slight.

20 CHAIRPERSON CORRIVEAU: Yeah. The categories
21 here are no or small impact versus moderate to large
22 impact. It's one or the other.

23 Will the proposed action impair the character
24 or quality of the existing community?

25 MR. URDA: So what did you guys answer for

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1 Number 2? What was the consensus? No or small?

2 MR. RUPPE: No.

3 MR. EVANS: Small.

4 CHAIRPERSON CORRIVEAU: No or small.

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

7 MR. EVANS: No.

8 CHAIRPERSON CORRIVEAU: Will the proposed
9 action have an impact on the environmental
10 characteristics that cause the establishment of a
11 critical environmental area?

12 MR. RUPPE: No.

13 MR. EVANS: No.

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

18 MR. EVANS: No.

19 CHAIRPERSON CORRIVEAU: Will the proposed
20 action cause an increase in the use of energy and it
21 fails to incorporate reasonably available energy
22 conservation or renewable energy opportunities?

23 MR. RUPPE: No.

24 MR. EVANS: No.

25 CHAIRPERSON CORRIVEAU: No.

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1 Will the proposed action impact existing
2 public/private water supplies?

3 MR. EVANS: It doesn't seem to, no.

4 CHAIRPERSON CORRIVEAU: Nope.

5 Will it impact public/private wastewater
6 treatment utilities?

7 MR. RUPPE: No.

8 MR. EVANS: No.

9 CHAIRPERSON CORRIVEAU: No.

10 Will the proposed action impact the character
11 or quality of important historic, archeological,
12 architectural, or aesthetic resources?

13 MR. EVANS: No.

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

18 MR. RUPPE: No.

19 MR. EVANS: No.

20 CHAIRPERSON CORRIVEAU: Will the proposed
21 action result in an increase in the potential for
22 erosion, flooding, or drainage problems?

23 MR. EVANS: We hope not. Not supposed to.

24 CHAIRPERSON CORRIVEAU: It's got to be no or
25 small impact.

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1 MR. EVANS: No.

2 CHAIRPERSON CORRIVEAU: Somewheres in there.

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

5 MR. EVANS: No.

6 MR. RUPPE: No.

7 CHAIRPERSON CORRIVEAU: Is the potentially
8 affected disadvantaged community identified as having
9 comparatively higher burdens or vulnerabilities by the
10 disadvantaged communities assessment tool?

11 MR. URDA: That one's no.

12 MR. EVANS: No.

13 Thank you.

14 CHAIRPERSON CORRIVEAU: Will the proposed
15 action cause or increase a pollution burden within a
16 disadvantaged community?

17 MR. EVANS: No.

18 CHAIRPERSON CORRIVEAU: I don't think so, no.

19 So, at this point, I would ask for a motion
20 and a second to make a negative declaration pursuant to
21 SEQR requirements.

22 MR. EVANS: So moved.

23 MR. RUPPE: Second.

24 CHAIRPERSON CORRIVEAU: All in favor?

25 MR. EVANS: Aye.

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1 CHAIRPERSON CORRIVEAU: All right. It passes.
2 That's the negative declaration. Puts that to rest.

3 One other piece of business on this one
4 tonight that I want to throw out to the owners,
5 approving a variance here requires three votes, three
6 positive votes. We have a five-member board. One
7 position is vacant. It has been for some time, and the
8 fourth position couldn't make it tonight. So it's down
9 to the three you see here. And we have a quorum.
10 That's a legal quorum.

11 But to pass the variance, you're going to need
12 a unanimous vote tonight if we go forward and vote. As
13 such, I would like to offer the applicant the option to
14 request a delay in the voting until next month when we
15 are likely to have our four currently assigned board
16 members present; thereby, improving the odds for
17 approval, maybe. Otherwise, the voting tonight will
18 require a unanimous vote with all three of us voting yes
19 to approve the variance.

20 And I don't know right now how these two guys
21 are going to vote. I've got my own mind made up. Okay?
22 So it's kind of a -- I don't know what you want to call
23 it -- rolling the dice kind of thing, but I'm going to
24 give you the option to ask for a postponement if that
25 doesn't delay your project if you're going to build it.

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1 If you're going to build this fall, I would say go for
2 the vote tonight, and we'll see how the chips fall, but
3 I would like to give you that option in that regard.

4 TOM ROSS: Can I just ask one question to the
5 city attorney? If this vote is no, can it be
6 resubmitted?

7 MR. FRATESCHI: Yeah. You can submit a
8 variance as many times as you want, sure. So you could
9 resubmit an application.

10 TOM ROSS: So if this was no, I could resubmit
11 for the next submission.

12 MR. FRATESCHI: Correct. You'd have to pay an
13 additional fee and -- yeah. Yeah. I mean, the -- the
14 likelihood of the same board voting differently on the
15 same application as well. But, yeah, you -- we can't
16 stop you from submitting an application again.

17 TOM ROSS: So there's really, at least from my
18 point of view, no value in waiting.

19 MR. URDA: Like he said, you would have to
20 submit another application, so you'd be out another --

21 TOM ROSS: Right. It's an application fee and
22 a little bit of paperwork, but ...

23 MR. COMPO: What about another public hearing,
24 would you have to have another public hearing?

25 MR. FRATESCHI: Yep. It would start the

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1 process over.

2 MR. URDA: Yeah, you'd have to have another
3 public hearing. So you'd send out another round of
4 letters to all the property owners within 200 feet, etc,
5 you would schedule a new public hearing with a new
6 notice in the Watertown Daily Times. It would be
7 treated like a brand-new application again.

8 TOM ROSS: So just remind me, I think,
9 generally, these variances, the public hearing and
10 approval can be held on the same night in one meeting, I
11 believe?

12 MR. FRATESCHI: Yeah. That is true. If the
13 board wanted to have a public hearing -- it's obviously
14 at the pleasure of the board, but that is possible.

15 TOM ROSS: All right. Can you just give me
16 one minute?

17 CHAIRPERSON CORRIVEAU: Sure.

18 TOM ROSS: Thank you.

19 So the applicant's comfortable with you guys
20 voting tonight. Thank you.

21 CHAIRPERSON CORRIVEAU: Vote tonight?

22 TOM ROSS: Yes. Thank you.

23 CHAIRPERSON CORRIVEAU: Okay. We'll do
24 exactly that.

25 So I'll call the vote, and I'll start with

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1 Lance.

2 MR. EVANS: Area variances are granted as long
3 as we can answer the following questions for a
4 satisfaction: Will the character of the neighborhood be
5 altered; can the benefit be achieved by other means; is
6 the request unique to the property and not a substantial
7 request; is there any environmental impact; and finally,
8 is it self-created? And I should note that you don't
9 have to have yeses on all of those for this to be
10 approved, so -- or noes or whatever.

11 On the first of the essential character, I
12 don't believe this will change the character of the
13 neighborhood. I don't believe anyone has even suggested
14 that it would.

15 The benefit could be achieved, however, by
16 making -- by working with Mr. Massey across the street
17 to upgrade the 120 Breen Avenue lot. I realize the lot
18 would still not be controlled by Mr. Puccia, and the
19 argument is made that his patrons would have to cross a
20 busy street to access the lot. I haven't seen a traffic
21 study, but I think the street is fairly quiet when I am
22 there. However, I can understand the desire to control
23 one's own destiny.

24 If this goes through, Mr. Puccia will gain
25 11 spaces and still be able to use the 120 Breen

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1 parking, so it's really the best of both worlds in that
2 case.

3 On the question of uniqueness request, I
4 believe the answer is yes. It is, however, substantial
5 in that it will not only impact Mr. Puccia's business,
6 but also Ms. Mendez's over at the Marcy Spa. We're led
7 to believe that Ms. Mendez's expansion could be in
8 jeopardy if this does not go through. By the parties
9 request, we need to consider that impact tonight will
10 have on the neighborhood business.

11 The most important factor that I believe in
12 this is the environmental, and that was what sort of
13 held it up until tonight, actually, was the
14 environmental. So based on what we've heard from
15 Mr. Compo, the city engineer, this is a conservative
16 estimate, and it meets the criteria for a 100-year
17 event. And I believe that Mr. Compo said that they
18 don't do much usually beyond the 25-year events, so this
19 is -- this is beyond that.

20 In addition, Mr. Doldo doesn't appear to have
21 any issue with drainage as presented now.

22 The final question is whether this is
23 self-created. I would say it's a definite yes.
24 Obviously, if Mr. Puccia was not trying to expand his
25 parking, we would not be here tonight. However, I don't

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1 think this is a factor in approving or not approving the
2 request.

3 Having said all that, I approve the variance.

4 CHAIRPERSON CORRIVEAU: Adam?

5 MR. RUPPE: Yes. Again, going through those
6 same ones, I also agree that this is a self-created
7 hardship. The parking lot expansion is your choice.
8 You still do have an alternative. However, since
9 it's -- there are benefits that weigh against that. So
10 that's not necessarily a no. We don't want to punish a
11 successful business.

12 Will it have an adverse effect on the physical
13 environmental? We talked about that. I think there's
14 absolutely a fair question to ask about the drainage.
15 And now that we've seen the engineering analysis,
16 answering those questions is part of asking it, so we
17 appreciate the engineer's opinions on this, but it
18 sounds like that's taken care of. So I do not believe
19 it will be an adverse effect on the physical
20 environmental area.

21 Is this a substantial request? And I have to
22 say yes to that. And in isolation, we might look at
23 this one variance and say, well, it's only 20-whatever
24 percent. But this is the part of a project we talked
25 about for some time, including setbacks and other

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1 things. And the total effects of this is what lends the
2 buffer that might have been there to help water and
3 other problems is now gone, and now we can cover more on
4 this lot. So I do think it's substantial, but does --
5 is that enough to say no? Well, let's look at the other
6 ones.

7 Is there essential change to the
8 characteristic or detriment to neighboring properties?
9 And, here, I think the answer is no. It's part of a
10 commercial corridor. We're talking about right up
11 alongside Arsenal Street, much of which front-yard
12 parking that's perfectly allowed in a commercial zone,
13 and it's an expansion for what we already have. So I do
14 not think that it's going to be an essential change.

15 And then the question of is there another
16 alternative? And it's certainly possible they can keep
17 using that parking across the street. To my memory,
18 it's been that way for decades. I believe it's been a
19 very long time, and it seems to work.

20 I think the pedestrian safety is exaggerated.
21 Sure, Arsenal Street's busy, but Breen Ave. really
22 isn't. Usually, you can spend lots of time sitting
23 there and not see very many cars.

24 But the -- the question of control over the
25 property and the synergy of the Marcy Spa, those are

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1 things that are not answered by across the street. So
2 is there an alternative, I would say, yes, partially
3 but, no, not completely. And it's not our place on this
4 board to tell a business what you want to do with your
5 property isn't worth doing. That's their decision to
6 make. So I don't think that's a deal-breaker either.

7 So overall, it's -- it's pretty close to 50-50
8 on these things, but we can look at the balance of that
9 and say I think it fits just enough to say yes and grant
10 this variance.

11 CHAIRPERSON CORRIVEAU: Okay. Looking at
12 those five elements of the area variance, I would say
13 this: The variance will not create an undesirable
14 change in the character of the neighborhood. The
15 flooding detriment to adjacent properties has a very
16 remote potential to occur, based on upon engineering
17 we've seen. The applicant obtained a professional
18 engineer's storm water analysis detailing no off-site
19 flooding from the project for a 100-year storm. The
20 city engineer, another licensed professional, agrees.

21 The neighboring tenant at 710 Arsenal, Laurel
22 Mendez from Marcy Spa, endorses the applicant's project
23 making the neighborhood a bit more attractive and
24 cohesive as a business district. The essential
25 character and nature of the surrounding community will

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1 remain unchanged.

2 The applicant's benefit is ground within the
3 ownership of the land to be developed. Reliance on the
4 parking easement at 120 Breen Ave., another owner, is
5 simply not as superior to building on their own
6 property. Providing additional customer parking such
7 that fewer patrons will have to park at 120 Breen Ave.
8 and then cross Breen Ave., often after dark, to access
9 the bar and restaurant is an appropriate development
10 objective.

11 I don't think the variance request is that
12 substantial. It is 20 percent, but when you look at the
13 range there, you know, the zoning allows 70 percent lot
14 coverage is available. The applicant's asking for 84.4,
15 which is about halfway up to the maximum of 100 percent
16 if you wanted to pave the whole parcel, and so it's
17 halfway there.

18 The physical environmental neighborhood
19 conditions will not suffer an adverse affect. I believe
20 the neighborhood or district conditions would be much
21 like the current development, except improved.

22 The need for a variance is self-created,
23 clearly, as the owner chooses to develop this portion of
24 the property. However, this does not preclude granting
25 an area variance, and I vote yes.

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1 So the variance passes.

2 MR. FRATESCHI: Actually, can we put a bow on
3 it? I just want to make sure that the resolution is
4 phrased correctly.

5 So based upon the answers given on the record,
6 as well as the testimony provided, the exhibits
7 submitted, the ultimate question for the board and the
8 ultimate resolution the board is making is that the
9 benefit to the applicant outweighs the detriment to the
10 community granting the variance.

11 So does anyone want to make that motion at
12 this time, that the benefit to the applicant outweighs
13 the detriment to the community; thereby, granting the
14 variance?

15 MR. EVANS: I'll -- I'll make that motion
16 based on what you said.

17 MR. RUPPE: And I'll second that.

18 CHAIRPERSON CORRIVEAU: All in favor?

19 MR. EVANS: Aye.

20 MR. RUPPE: Yes.

21 CHAIRPERSON CORRIVEAU: Motion passes.

22 All right. Let's move on, and we'll talk
23 about Variance 628, 126 Winslow Street. Here, we've got
24 the use variance to allow a six-dwelling residential
25 adaptive reuse, preexisting building in a residential

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1 district.

2 And I would invite the applicant to come on
3 forward to present this petition. Come to the
4 microphone and state your name and address.

5 NOAH TAYLOR: Good evening. Noah Taylor, I'm
6 one of the owners. My brother, Mark, and I own this
7 property.

8 And the request here is that -- so we
9 purchased this property a couple of years ago, and it
10 was operating as a six-unit. It was operating as a
11 six-unit. We underwrote this property. We financed
12 this property as a six-unit. We were told that it was
13 converted to a six-unit a long time ago with the
14 approval of codes and such. We don't have proof of
15 that. Obviously, that's not true, as we have no record
16 of that at the city.

17 We were told in August, I believe, that it's
18 nonconforming. We immediately and voluntarily removed
19 those two units from use. And the ultimate goal here is
20 just to return those two vacant units, which is causing
21 a financial hardship on our entity and our company, just
22 to be returned to those.

23 And, you know, in the application that we
24 submitted, we outline that there's no -- there's no
25 construction to be -- to be done to this property.

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1 There's no change. There's no change to the
2 environment. There's no change to the land. There's no
3 change to the water and sewer that's been used for many
4 years. And like I said, we're just trying to get back
5 to the use that we underwrote it at and the use that
6 makes it viable for our company.

7 CHAIRPERSON CORRIVEAU: Any questions, Adam?

8 MR. RUPPE: No questions. I thought your
9 written submission was really well done.

10 NOAH TAYLOR: Thank you.

11 CHAIRPERSON CORRIVEAU: Lance?

12 MR. EVANS: I always have questions. You know
13 that.

14 NOAH TAYLOR: Sure do.

15 MR. EVANS: Though they're fairly easy because
16 you answered most of them.

17 If all six units are rented, you feel that you
18 will be able to meet all the expenses and all that?

19 NOAH TAYLOR: Yeah. So the expenses the first
20 two years have been a little bit more than we expected.
21 However, at the end of this year, losing the
22 owner-finance note, which was pretty significant, it's
23 going to be around 15,000 for this year in total. These
24 two units, the rent generated from that is 21,000. So
25 if you move both those needles, yes, it is. It's

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1 marginal. It's not like we're making out like kings or
2 anything. We're just -- you know, we're a small
3 business. We have a few dozen rentals that we take
4 great pride in and try to benefit the community by
5 really maintaining these properties. And if you drive
6 by this particular building and continue to drive down
7 the street, you'll see that it's extremely
8 well-maintained.

9 MR. EVANS: Well, and I did do that, and I
10 did -- I did see -- you know, it looks very well on the
11 outside. You didn't know when I was coming by, so you
12 hadn't done something there.

13 Are the units all about the same size, then,
14 about 800 square feet? 750? 800?

15 NOAH TAYLOR: Yeah. So there's four
16 one-bedrooms, one studio, and one two-bedroom.

17 MR. EVANS: All right. Thank you.

18 CHAIRPERSON CORRIVEAU: I have no questions.
19 Your application, as Adam said, was very thorough and
20 leaves me with no questions for you. So thanks.

21 NOAH TAYLOR: Okay.

22 CHAIRPERSON CORRIVEAU: Anyone else from the
23 public and the neighborhood want to speak?

24 DON OSBORN: Don Osborn, I live at 138. It's
25 not a concern. It's just a question.

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1 There's, I believe, four units in there now?

2 NOAH TAYLOR: Four units that are currently
3 occupied.

4 DON OSBORN: And the police are up there one
5 to three times every week, without question. And my
6 only concern is if you put two more units in there --
7 the one guy that I'm thinking from the -- but, again, my
8 concern -- not even a concern. It's a question, is if
9 you put two more units in there, is it going to create
10 even more problems with the police?

11 NOAH TAYLOR: Can I come up and answer?

12 DON OSBORN: Yeah.

13 CHAIRPERSON CORRIVEAU: Please.

14 NOAH TAYLOR: Very valid concern. There is
15 one problem tenant that is rented out with Thrive
16 currently. We're working through trying to resolve that
17 issue with that tenant who you mentioned.

18 I'm not aware of any calls beyond from him.
19 Like, he is the sole proponent of that. So absolutely
20 understand the concern. We're aware of it, and we're
21 trying to work through it by getting him to a different
22 accommodation.

23 DON OSBORN: That would be my only concern.
24 If I thought that fellow was leaving, it would be -- I
25 wouldn't have any problem with it. I believe it was

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1 four in there now.

2 NOAH TAYLOR: Yes.

3 DON OSBORN: But if -- there's room for two
4 more apartments?

5 NOAH TAYLOR: Yeah. There's two vacant
6 sitting --

7 DON OSBORN: Oh, there's two vacant now?

8 NOAH TAYLOR: Yeah.

9 DON OSBORN: Oh. Well, like I said is that's
10 my only concern because, as I mentioned, I had -- two
11 weeks ago, I had six policemen with this guy on my front
12 lawn. So, I mean, if he were gone, I would have no --
13 no complaints at all. If -- if you people approve it,
14 that would be fine with me.

15 CHAIRPERSON CORRIVEAU: Well, let's hope
16 that's the outcome and the owner can take care of the
17 one misbehaving tenant.

18 Any other questions from the board?

19 MR. EVANS: No.

20 CHAIRPERSON CORRIVEAU: All right. So I'd ask
21 for a motion and a second to close the public hearing.

22 MR. RUPPE: So moved.

23 MR. EVANS: Second.

24 CHAIRPERSON CORRIVEAU: All in favor?

25 MR. RUPPE: Yes.

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1 MR. EVANS: Aye.

2 CHAIRPERSON CORRIVEAU: Aye. The hearing's
3 closed.

4 And let's go through the SEQR form once again
5 for Winslow Street.

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

9 MR. RUPPE: No.

10 MR. EVANS: No.

11 CHAIRPERSON CORRIVEAU: Will the proposed
12 action result in a change of the use or intensity of the
13 use of land?

14 MR. EVANS: No.

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

18 MR. EVANS: No.

19 MR. RUPPE: No.

20 CHAIRPERSON CORRIVEAU: Will the proposed
21 action have an impact on the environmental
22 characteristics that cause the establishment of a
23 critical environmental area?

24 MR. RUPPE: No.

25 MR. EVANS: No.

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1 CHAIRPERSON CORRIVEAU: Will the proposed
2 action result in an adverse change in the existing level
3 of traffic or affect existing infrastructure for mass
4 transit, biking, or walkway?

5 MR. RUPPE: No.

6 MR. EVANS: No.

7 CHAIRPERSON CORRIVEAU: Will the proposed
8 action cause an increase in the use of energy and it
9 fails to incorporate reasonably available energy
10 conservation or renewable energy opportunities?

11 MR. EVANS: No.

12 CHAIRPERSON CORRIVEAU: Will the proposed
13 action impact existing public/private water supplies?

14 MR. RUPPE: No.

15 MR. EVANS: No.

16 CHAIRPERSON CORRIVEAU: No.

17 Will it impact public/private wastewater
18 treatment utilities?

19 MR. EVANS: No.

20 CHAIRPERSON CORRIVEAU: Will the proposed
21 action impair the character or quality of important
22 historic, archeological, architectural, or aesthetic
23 resources?

24 MR. EVANS: No.

25 CHAIRPERSON CORRIVEAU: No.

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1 Will the proposed action result in an adverse
2 change to natural resources: Wetlands, waterbodies,
3 groundwater, air quality, flora, and fauna?

4 MR. RUPPE: No.

5 MR. EVANS: No.

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

9 MR. EVANS: No.

10 MR. RUPPE: No.

11 CHAIRPERSON CORRIVEAU: Will the proposed
12 action create a hazard to environmental resources or
13 human health?

14 MR. EVANS: No.

15 MR. RUPPE: No.

16 CHAIRPERSON CORRIVEAU: Is the potentially
17 affected disadvantaged community identified as having
18 comparatively higher burdens or vulnerabilities by the
19 disadvantaged community assessment tool?

20 MR. EVANS: No. No.

21 CHAIRPERSON CORRIVEAU: Will the proposed
22 action cause an increase of a pollution burden within a
23 disadvantaged community?

24 MR. EVANS: No.

25 CHAIRPERSON CORRIVEAU: No.

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1 Okay. I'd ask for a motion and a second to
2 call for a negative declaration pursuant to SEQR.

3 MR. EVANS: So moved.

4 MR. RUPPE: Second.

5 CHAIRPERSON CORRIVEAU: All in favor?

6 MR. RUPPE: Yes.

7 MR. EVANS: Aye.

8 CHAIRPERSON CORRIVEAU: Aye.

9 All right. We vote on it, and there's a
10 negative declaration. Thank you.

11 So now I'll call for a vote on the variance
12 itself to allow a six-dwelling unit in a residential
13 adaptive reuse for a preexisting building a residential
14 district.

15 Adam?

16 MR. RUPPE: Well, like I said, there's a
17 written application. I thought it was well done. You
18 made a strong case. You addressed the reasonable return
19 question by showing us the actual numbers and
20 projections. You showed -- like you said, it's a
21 marginal change, but losing money versus gaining money
22 is certainly what we're looking for there, so that's a
23 yes.

24 The hardship is related to the property in a
25 unique way, yes. It's an existing building for a

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1 special reuse.

2 The use variance, if granted, will not alter
3 the essential character of the neighborhood. No. That
4 building's been there a long time. It's part of the
5 neighborhood, and maintaining it would prevent damage to
6 that area.

7 And also, I do not believe this hardship was
8 self-created.

9 So my vote is yes to grant it.

10 CHAIRPERSON CORRIVEAU: Lance?

11 MR. EVANS: I won't go through the criteria
12 again like I did in the last one.

13 I did -- as I said earlier, I went to
14 126 Winslow and looked at the building. It seems to be
15 well-kept. It doesn't appear any different on the
16 outside than any other houses in your area. Therefore,
17 I don't think the character of the neighborhood would be
18 affected by allowing the change.

19 It seems obvious that the benefit of a change
20 breaking even could be achieved by increasing rent;
21 however, as Mr. Taylor points out, this is what's in
22 line with the market rate that he's charging right now,
23 and increasing it could cause more vacancies or more
24 turnover, which obviously does not help the bottom line
25 at all.

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1 Similarly, his other alternative would be
2 cutting expenses, but that could cause deterioration of
3 property value and increase property void, which is also
4 undesirable. That leads me to conclude that the benefit
5 cannot be achieved in any other way.

6 The request is not substantial, nor will there
7 be an increase in environmental impact. As Mr. Taylor
8 states, it was being used as a six-family prior to the
9 sale, and this was an unpermitted use. It appears that
10 no one objected prior to that use either.

11 Finally, on the question of whether this is
12 self-created, if the person or entity that made this
13 into six units was in front of us, I would say yes. But
14 in this case, Netmat bought the property believing it to
15 be a six-family. One could argue that prior to
16 purchase, they could have researched the history and the
17 code; however, they believed the property was as
18 presented.

19 My vote is to allow the use of this as a
20 six-unit property.

21 CHAIRPERSON CORRIVEAU: The applicant has
22 demonstrated he cannot realize a reasonable return
23 without this use variance. In fact, the property just
24 forward operates at a significant loss currently. I see
25 the hardship is unique. It does not apply to a

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1 substantial portion of the district in the neighborhood.
2 The residential district includes predominantly one- and
3 two-bedroom unique, but essential dwellings. However,
4 these very large preexisting residential structures are
5 not the norm and deserve unique consideration as
6 residential adaptive reuse preexisting buildings within
7 a residential district.

8 Granting this variance will not alter the
9 essential character of the neighborhood or would remain
10 as currently exists to no changes to the structure.

11 The hardship was not self-created by the
12 property owner. The six-unit configuration predates the
13 current ownership. Upon learning of the zoning
14 violation, the owner limited the property to just four
15 units to come into compliance at the time.

16 So my vote is yes to grant the variance
17 tonight.

18 Anything else? All right. I would ask for a
19 motion --

20 MR. URDA: You can close the agenda.

21 CHAIRPERSON CORRIVEAU: I would ask for a
22 motion to adjourn.

23 MR. RUPPE: So moved.

24 MR. EVANS: Moved.

25 MR. RUPPE: Second.

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1 CHAIRPERSON CORRIVEAU: All in favor? Aye.

2 MR. EVANS: Aye.

3 MR. RUPPE: Yes.

4 CHAIRPERSON CORRIVEAU: We're done.

5 MR. URDA: But you can't leave, because you've
6 got to sign some papers.

7 *(Proceedings concluded.)*

8

9 C E R T I F I C A T I O N

10

11

12 I, TIFFANY-JO PONCE, RPR, Court Reporter
13 and Notary Public in and for the State of New York, DO
14 HEREBY CERTIFY that I attended the foregoing
15 proceedings, took stenographic notes of the same, that
16 the foregoing is a true and correct copy of same and the
17 whole.

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24 Dated: September 30, 2026

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TIFFANY-JO PONCE, RPR
Court Reporter