

CITY OF OGDENSBURG
ZONING BOARD OF APPEALS

APPROVED MINUTES FOR
MARCH 22, 2022

Members Present: Chairman Flynn, Chris Lalone, Malcolm Casselman, Melissa Bresett, Steve Schlieter
Members Absent: none
Staff Present: Andrea Smith, Director of Planning and Development, Ron Dulmage, Code Enforcement

ALL RECORDS ARE KEPT ACCORDING TO NYS STATUTE.

4:31 PM Chairman Flynn called to order the regular meeting of the Zoning Board. This meeting was held in person and also allowed for remote participation via webinar using Go To Webinar ID: 938-010-555.

1. **Call to order** – Chairman Flynn introduced members of the board; staff also introduced themselves. Chairman Flynn noted that the meeting would follow an agenda and then outlined the variance review process. He stated that the ZBA is a five-member board and any approval requires 3 affirmative votes.
2. **Approval of previous minutes** – Chairman Flynn noted that previous minutes from September 28, 2021 required review. Motion by Mr. Casselman to approve the minutes from September 28, 2021 as submitted, second by Mr. Lalone. All members voted in support to accept the minutes as presented 5/0.
3. **Correspondence** –
 - (a) Ex-Parte Communication – Mr. Lalone disclosed that he had met with Mr. Hosmer earlier that day to review the full-scale set of drawings. Mr. Lalone added that he did not discuss the application with Mr. Hosmer in detail. There was nothing further by other members to disclose.
 - (b) Written Communication – Ms. Smith read aloud the 239-m report from the County Planning Offices. The letter is attached to these minutes.
4. **Public Hearing**
 - (a) Variance Requests, Public Hearing – 17 Main Street, Area Variance Applicant requests relief of §221-51 C (1) and H: dimensions for parking and handicapped parking. Receiving no public comment either in person or remote, Chairman Flynn closed the public hearing at 4:34 PM.
5. **New Business** –
 - (a) **17 Main Street**, Area Variance: Applicant, Mr. William Hosmer/City of Ogdensburg. Chairman Flynn asked the Applicant to review the request. Mr. Hosmer replied that he and his partners have proposed to develop the River Street Brewing Company in response to the City’s request for development proposals for the city-owned property at 17 Main Street. The proposal is for the

1 development of a 2,500 square foot brewery with site improvements including on-site parking,
2 stormwater management, and an outdoor biergarten on a .58-acre portion of the parcel, approximately
3 210’x124’. In accordance with standards for on-site parking we are required to provide 28 parking
4 spaces, two of which are handicap accessible and two additional loading spaces. To meet these
5 requirements and comply with on-site stormwater management, we are seeking relief of the city’s design
6 standards for the dimensions of on-site parking per §221-51.

7 Discussion: Mr. Casselman inquired if there could be any spaces in the overall layout that we 10’x20’,
8 adding there are many larger vehicles. Mr. Hosmer replied that the proposal seeks to balance the need to
9 provide for stormwater management since we can not connect to the City’s combined system. He also
10 noted that the Planning Board requires screening along W. River Street in front of the parking area which
11 makes the larger spaces even more difficult.

12 Ms. Smith stated that the Applicant is proposing to provide 24 9’x20’ parking spaces, 2 8’x20’ ADA
13 spaces with an 8’ maneuvering isle and 2 loading spaces. The loading spaces do not require a variance
14 and the ADA spaces will comply with Federal standards, the isle will exceed the 5’ minimum. She
15 further stated that the calculation of parking is based on capacity of: 75 inside + 16 upper deck + seating
16 for 12 biergarten there would be 103 total occupancy requiring 28 spaces. Alternatively, the Board could
17 consider an area variance for the number of spaces required if you are not inclined to support relief of the
18 dimensional standards as requested.

19
20 Chairman Flynn asked if there was a motion from the Board.

21
22 Mr. Casselman moved to approve the variance as requested relieving the minimum design
23 standards for on-site parking as prescribed by §221-51 C(1) and §221-51 H allowing for
24 standard parking spaces measuring 9’x20’ and handicapped parking spaces measuring 8’x20’
25 with an 8’ shared maneuvering isle, second by Ms. Bresett.

26
27 Chairman Flynn asked if Ms. Smith would read the resolution.

28
29 **RESOLUTION**

30
31 CITY OF OGDENSBURG ZONING BOARD OF
32 APPEALS

33
34 **2022-001**

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36 AREA VARIANCE TMN 48.078-4-4.11

37
38 **WHEREAS**, an application has been filed with the Zoning Board of Appeals of the City of
39 Ogdensburg, St. Lawrence County, New York (“the Board”) seeking a Variance under Chapter
40 221 entitled Zoning on site parking spaces shall measure 10’x20 and handicap spaces shall
41 measure 12’x20’ are required; and

42
43 **WHEREAS**, the Applicant, William Hosmer, requests 9’x20’ parking spaces and 8’x20’
44 parking spaces with an 8’ shared maneuvering isle for handicap spaces for 17 Main St.,
45 Ogdensburg, New York; and,
46

1 **WHEREAS**, the Board, acting on said application, duly advertised in the Watertown Daily
2 Times and sent written notice to all persons listed in the petition as owning property within 100
3 feet of the premises in question and held a public hearing on said application, today, March 22,
4 2022. All those desired to be heard were heard and their testimony duly recorded at this hearing;
5 and

6
7 **WHEREAS**, in accordance with 239-m requirements, the application is subject to review by
8 the St. Lawrence County Planning Offices and was returned for local action with no findings
9 of County-wide significance on March 8, 2022; and

10
11 **WHEREAS**, the Ogdensburg Zoning Board Appeals, as Lead Agency conducting SEQR has
12 determined this a Type II Action under SEQRA pursuant to 6 NYCRR 617.5(c)(17) and is not
13 subject to further environmental review; and

14
15 **WHEREAS**, Members of the Board are familiar with TMN 48.078-4-4.11 and the area in
16 which the proposed relief of §221-51 C (1) and §221-51 H is sought; now therefore,

17
18 **BE IT RESOLVED**, that the Zoning Board of Appeals makes the following Findings of Fact
19 and Conclusions of Law in this matter:

20
21 Ms. Smith read aloud the following:

22
23 **1. Whether an undesirable change will be produced in the character of the**
24 **neighborhood or a detriment to nearby properties will be created.**

25 *This test requires the Board to consider such things as the undesirable changes and*
26 *potential impacts on neighboring property values and character.*

27 Staff Comment: §221-51 C (1) – The request for parking spaces measuring 9’x20’ will
28 not result in any detriment to nearby properties. The reduction in dimensions will allow
29 the Applicant to meet the required minimum parking spaces that are required per OMC
30 §221-51 G (3)(b) and reduce demand for street parking.

31 §221-51 H – The Applicant requests to reduce the required handicap parking
32 standards to 8’x20’ which is consistent with federal ADA parking standards, further,
33 the 8’ maneuvering isle exceeds federal standards which prescribes a minimum of 5’.

34 **2. Whether the applicant can achieve his goals via a reasonable alternative which**
35 **does not involve the necessity of an area variance.**

36 *This test charges the Board to investigate whether there is a reasonable construction*
37 *or alternative to the proposal the applicant has made. For example, can the structure*
38 *be placed so the existing zoning regulations would allow such construction without*
39 *the need for a variance?*

40 Staff Comment: For both §221-51 C (1) and §221-51 H the Applicant does have the
41 physical space to provide parking spaces that meet the local design standard.
42 However, doing so will increase stormwater runoff and the required greenspace to
43 provide for adequate stormwater management. As proposed the parking spaces will

1 meet all applicable federal standards while balancing the need to meet minimum
 2 parking standards and stormwater management.
 3 *the Applicant can not connect to the City’s combined storm/sewer lines under our
 4 current DEC consent order and the City’s long term control plan looks to reduce
 5 flows at all combined sewer overflows (CSOs).

6 **3. Whether the variance is substantial.**

7 *The third test requires the Board consider how substantial is the variance in physical*
 8 *terms- i.e. to what degree will the regulations be varied.*

9 Staff Comment: §221-51 C (1) – The request to reduce the width from 10’ to 9’ for
 10 parking is not substantial.

11 §221-51 H – The request to reduce the width from 12’ to 8’ for handicap parking will
 12 meet or exceed federal design standards for accessible parking and is therefore not
 13 substantial.

14 **4. Whether the variance will have an adverse impact on physical or**
 15 **environmental conditions in the neighborhood or district.**

16 *The fourth test requires the Board look closely at the purely physical nature of the*
 17 *proposal. Included here should be questions relating to such elements as drainage,*
 18 *runoff, noise, traffic patterns, access for emergency vehicles, impact on utility*
 19 *services, and effect on any sensitive environmental concerns.*

20 Staff Comment: For both §221-51 C (1) and §221-51 H the combined request will
 21 reduce sheet flow from impervious surfaces thereby increasing greenspace which will
 22 be used to collect stormwater in-turn reducing demand on the City’s combined
 23 storm/sewer in this portion of the City and minimizing the overall impact on the
 24 environment.

25 **5. Whether there has been any self-created difficulty.**

26 *The fifth test requires the Board to assess whether the request for the variance has*
 27 *been triggered by a situation or difficulty which the owner has created himself. If so,*
 28 *the Board must weigh that fact against the owner, but need not (as in the case of the*
 29 *use variance) deny relief altogether.*

30 Staff Comment: For both §221-51 C (1) and §221-51 H the hardship is self-created
 31 but this alone shall not be sufficient to constitute denial.

32
 33 At the request of the Board, Ms. Smith presented the staff recommendation:
 34 In balancing the benefit to the Applicant against the detriment to the health, safety, and
 35 welfare of the neighborhood, staff finds that the request will not result in any potentially
 36 undesirable impacts, all federal standards will be achieved and the benefit of greater
 37 greenspace for stormwater management outweighs any potential detriments. Therefore, in
 38 accordance with NYS standards for granting variances staff recommends approval as
 39 requested.

40
 41 No further discussion, Chairman Flynn asked Ms. Smith to call the roll.

42

Moved:	Casselmann				
Second:	Bresett				
VOTE	Aye	Nay	Abstain	Absent	Reason

Chairman Flynn	X				I agree with the staff recommendation.
Ms. Bresett	X				I agree with the staff recommendation.
Mr. Lalone	X				I agree with the staff recommendation.
Mr. Casselman	X				I agree with the staff recommendation.
Mr. Schlieter	X				I agree with the staff recommendation.
Vacant (alt.)					

1
 2 Based on the above Findings of Fact, and after reviewing the application, sketches and plans at
 3 this meeting, testimony at the hearings, and other documents submitted by the Applicant, the
 4 Board determines that the proposed area variance requesting relief of §221-51 parking standards
 5 is approved as requested, 5 yay, 0 nay, 0 abstain, 0 absent, the request is approved 5/0.
 6

7 Ms. Smith explained that the request had been approved. She further noted that variances are valid
 8 for 6 months and building permits would be required and could be obtained from the Code Office
 9 following conclusion of the site plan approval and property transfer. Ms. Smith asked if the
 10 applicant had questions, the Applicants replied no, and thanked the board.

11 **2022 Calendar of Meeting Dates** - Ms. Smith noted that since the Board has not met since
 12 September, the 2022 meeting dates require review and approval. She presented the following
 13 meeting dates, largely keeping to the previous schedule of the fourth Tuesday at 4:30 PM. She did
 14 specifically note that she has a conflict with the May 2022 “regular date” and asked the Board to
 15 consider the calendar as presented with the regular May meeting held one week earlier on May
 16 17th. The Board agreed that date was fine.

17 Motion by Mr. Casselman to accept the 2022 meeting dates as proposed, second by Mr. Lalone.
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OGDENSBURG ZONING BOARD OF APPEALS	
2022 REGULAR MEETING DATES	2022 SUBMISSION DEADLINE
Tuesday, January 25, 2022	Monday, January 3, 2022
Tuesday, February 22, 2022	Monday, January 31, 2022
Tuesday, March 22, 2022	Monday, February 28, 2022
Tuesday, April 26, 2022	Monday, April 4, 2022
Tuesday, May 17, 2022	Monday, April 25, 2022
Tuesday, June 28, 2022	Monday, June 6, 2022
Tuesday, July 26, 2022	Tuesday, July 5, 2022
Tuesday, August 23, 2022	Monday, August 1, 2022
Tuesday, September 27, 2022	Tuesday, September 6, 2022
Tuesday, October 25, 2022	Monday, October 3, 2022
Tuesday, November 22, 2022	Monday, October 31, 2022
Tuesday, December 27, 2022	Monday, December 5, 2022

19
 20 No further discussion, Chairman Flynn asked Ms. Smith to call the roll.

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Moved:	Casselman			
Second:	Lalone			
VOTE	Aye	Nay	Abstain	Absent
Chairman Flynn	X			
Ms. Bresett	X			
Mr. Lalone	X			
Mr. Casselman	X			
Mr. Schlieter	X			
Vacant (alt.)				

2

3 The 2022 calendar is approved as presented, 5 y^ay, 0 n^ay, 0 a**b**stain, 0 a**b**sent (5/0).

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6. Old Business

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(a) Annual Training Requirements - Ms. Smith reviewed the annual training requires for new members and existing members as described in the Ogdensburg Municipal Code §221-83 B (6). She reviewed online options through Department of State Division of Local Governments. No action was required.

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7. Member Comments

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(a) None

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8. Adjournment – Motion by Mr. Casselman to adjourn the meeting, 2nd by Mr. Lalone. Meeting adjourned at 5:10 PM by a vote of 5/0.

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Next REGULAR Meeting Date: Tuesday, April 26, 2022 at 4:30 PM

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