

**City of Schenectady  
Board of Zoning Appeals  
Meeting Minutes  
February 5, 2020**

**I. CALL TO ORDER**

Mr. Gleason called the meeting to order at 6:30 p.m.

After calling the meeting to order Mr. Gleason explained to the members of the public present how the consideration of the applications would proceed. He stated that the applicants would have an opportunity to make their presentation to the Board, followed by any members of the public who would like to speak in favor of the application. Next any members of the public in opposition to the application would be invited to speak, followed by any further discussion or questions the Board Members wished to put forth prior to the vote. He added that after the initial presentation of the proposal the applicant would not be given another opportunity to comment unless directly questioned by a Board Member.

**II. ATTENDANCE**

**PRESENT:** James Gleason, Chair; David V. Connelly; Fred Clark; Mary D'Alessandro-Gilmore; Brendan Keller; Helene Lester; Avi Epstein, Neighborhood Stabilization Coordinator; Jennifer Mills, Secretary

**ABSENT:** Krystina Smith

**III. CONFLICT OF INTEREST CHECK**

None.

**IV. APPROVAL OF MEETING MINUTES**

Motion by Mr. Connelly, seconded by Ms. D'Alessandro-Gilmore, to approve the Minutes of the November 6, 2019 meeting as submitted.

*Motion carried unanimously.*

**V. NEW BUSINESS - APPLICATIONS**

**A. JADELL WHITFIELD on behalf of Robert J. Savoca requests an area variance for 1361 Lower Broadway (49.37-2-12) located in the M-1 Light Industrial Zoning District, to allow for a restaurant with 1 parking space where a minimum of 9 is required pursuant to Schedule F of the Zoning Ordinance.**

Jadell Whitfield presented the application.

Mr. Whitfield explained that he plans to open a restaurant on the site where his mother previously operated a bar. He stated that he can count one available on-street parking space according to the Code, and there is no

available parking on the property. Mr. Epstein explained that when Mr. Whitfield went before the Planning Commission for site plan consideration it became apparent that due to the change of use of the property an area variance would be required.

Mr. Keller asked Mr. Whitfield if there is any space on the lot to add parking. Mr. Whitfield stated that there is not. Mr. Keller asked if Mr. Whitfield was aware of any complaints about parking when his mother was previously operating a bar on the site. Mr. Whitfield stated that there had been some complaints from the adult bookstore that bar patrons were parking in their lot, but he stated that he anticipates having a different clientele and there are many parking spaces available on the street. Mr. Gleason asked Mr. Whitfield what his proposed hours of operation are. Mr. Whitfield responded that he would like to be open from 3 p.m. to 11 p.m. Monday through Thursday, and 3 p.m. to 3 a.m. Friday and Saturday.

**PUBLIC COMMENTS IN FAVOR**

None.

**PUBLIC COMMENTS IN OPPOSITION**

None.

**CONTINUED DISCUSSION**

Mr. Keller stated that with the ample on-street parking and limited businesses in the area he did not object to the variance or foresee parking being a problem. Mr. Gleason agreed, stating that businesses have operated on this site for many years and relied only on street parking. The other Board Members concurred.

**SEQR RESOLUTION**

Motion by Mr. Connelly, seconded by Mr. Keller, to declare the project a Type 2 SEQR action, with no significant impacts on the environment.

*Motion carried unanimously.*

**AREA VARIANCE APPROVAL**

Motion by Mr. Keller, seconded by Ms. D’Alessandro-Gilmore, to approve the Area Variance based on the following findings of fact:

1. No undesirable change will be produced in the neighborhood. There are many on-street parking spaces available on the street and the only other open businesses on the street have their own large parking lots.
2. The benefit sought by the applicant cannot be achieved by another method. The building covers most of the lot and there is no available room to add any parking spaces.
3. The variance is not substantial.

4. There will be no adverse effect on physical or environmental conditions in the neighborhood. The business has operated as a bar for many years with parking only available on the street, and there have been very few complaints from neighbors regarding the parking. In addition, there will be no impervious surface added to the area as the parking spaces on the street are already available.
5. The alleged hardship is not self-created. The location of the building on the site and lack of parking spaces onsite has been an existing condition for many years.

*Motion carried unanimously.*

**B. PRAAB SHARAN MAAN requests Area Variances for 281 Altamont Avenue (49.66-3-7) located in the C-2 Mixed Use Zoning District, to allow for a freestanding sign to be erected with a 2 foot setback from the corner where a 20 foot setback is required pursuant to Schedule I of the Zoning Ordinance.**

Matthew Kusewicz from Matthew Signs presented the application.

Mr. Kusewicz explained that his clients would like to put the new sign where the old one is currently located. He stated that if it were to be moved back within the allowable setback it would be in the middle of the parking lot. Mr. Connelly asked Mr. Epstein if the new sign in this location would interfere with the site lines of traffic entering and exiting the site. Mr. Epstein stated that it would not.

Mr. Kusewicz stated that when he had recently visited to the site and remeasured the new sign it became apparent that it will be partially blocked by the nearby utility box on the utility pole. He asked if he would have to submit another application if his applicants would like to make the sign higher so that it would be above the utility box. Mr. Epstein stated that a higher sign would be a separate application.

**PUBLIC COMMENTS IN FAVOR**

None.

**PUBLIC COMMENTS IN OPPOSITION**

None.

**CONTINUED DISCUSSION**

Mr. Keller stated that it appears that the sign would be a hazard if moved to within the allowable setback. He noted that the new sign will meet Code in size and height and thus will be a major improvement on the site. The other Board Members agreed.

**SEQR RESOLUTION**

Motion by Mr. Connelly, seconded by Mr. Clark, to declare the project a Type 2 SEQR action, with no significant impacts on the environment.

*Motion carried unanimously.*

**AREA VARIANCE APPROVAL**

Motion by Mr. Keller, seconded by Mr. Connelly, to approve the Area Variance based on the following findings of fact:

1. No undesirable change will be produced in the neighborhood. The proposed sign will be placed where the current sign has been located for many years.
2. The benefit sought by the applicant cannot be achieved by another method. If the sign is placed within the allowed setback it would be in the middle of the parking lot and would be a hazard to traffic on the lot.
3. The variance is not substantial. It does not increase the existing non-conformity and the new sign will be more closely aligned with the current code in height and size.
4. There will be an adverse effect on physical or environmental conditions in the neighborhood. The sign will be in the same place where it has existed for many years without a negative impact.
5. The alleged hardship is not self-created. The location of the building on the site and the layout of the parking lot has not changed in many years.

*Motion carried unanimously.*

**VII. MOTION TO ADJOURN**

Motion by Mr. Connelly, seconded by Mr. Keller, to adjourn the meeting.

*Motion carried unanimously.*

Meeting was adjourned at 7:12 p.m.