

**Schenectady Board of Zoning Appeals
Minutes
February 1, 2023**

I. CALL TO ORDER

Commissioner Mr. Gleason called the meeting to order at 6:29 p.m.

After calling the meeting to order Mr. Gleason explained to the members of the public 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. The meeting is being recorded.

II. ROLL CALL

PRESENT: James Gleason, Chair; Mary D'Alessandro-Gilmore; Helene Lester, Fred Clark, Chris Marney, Assistant Corporation Counsel, and Sylvia Jimison, Development Staff.

III. EXCUSED: Austin Erickson, Assistant Planner, and Commissioner Mr. Brendan Keller

Assistant Corporation Counsel Chris Marney facilitated meeting in Austin Erickson's absence.

IV. CONFLICT OF INTEREST CHECK

None.

V. APPROVAL OF MEETING MINUTES

January 4, 2023 Minutes was not approved.

VI. Applications: Old Business – none

VII. Applications: New Business

- A. Ahmad Ziauddin** requests an area variance for 1818 State Street (tax parcel # 60.47-1-2), located in a “C-5” Business District to not have landscaping on the south side of the lot pursuant to Section 264-43 D.

Mr. Jeff Leyland came before the commission, as a representative for Mr. Ahmad Ziauddin, stated that he was in negotiations with the owner of the property, Mr. Ahmad Ziauddin to purchase the building with certain contingencies, and wanted to make sure that he could make the site into a tire store for wheels and brakes - that will be the focus of services. There will be no oil changes or car sales.

He was instructed to request a variance for the 10 feet of landscaping between the commercial district and the residential.

However, the way the building is laid out in the parking lot in the back it would not be feasible, according to Mr. Leyland. In addition, it's cost prohibitive to dig up the parking lot and put in 10 feet of landscaping.

He stated he met one neighbor on the south side of the building and the neighbor said they would be happy if a white vinyl fence, like a wall, and it's a little elevated as it goes along the property lines. The neighbor currently have one eight-foot section of fence on their side, which he thought in the application which the architect filled out and said it will remain.

He stated he want to remove the fence because they can put two cars next to each other if that fence isn't there, rather than to move vehicles around.

If requested would be agreeable to going to the edge of the building, which kind of naturally then creates another barrier for the property. It would keep people from cutting through the yard and would agree to do that.

Commissioner Ms. D'Alessandro-Gilmore requested to see photo for back of lot, but the photo shown only showed the front side of building. Mr. Leland showed blue print layout of building and where the fence would be installed.

Commissioner Mr. Connelly asked about the parking and applicant said the parking would be for 6 to 10 employees. The hours of operation will be Monday through Friday, 8 a.m. – 5 p.m. and might be there Saturday and Sunday. He said that the business is a 25 year old franchise with 165 locations in 30 states now, and they keep strict standards do as far as appearance and upkeep of a property.

The Southeast side of the building will be will be used for deliveries and some overhead doors with 4 or 5 bays – will be used like a drive through.

Commissioner Mr. Gleason asked if there were any questions from the public in favor or oppose, and there were none, so closed comment portion of the meeting to the public.

Mr. Leland had an additional question, as a potential new owner, would he need to come back and revisit the plan?

Commissioner Mr. Gleason stated, that the plan is contingent upon what the application stated for the Board of Zoning Appeal. Commissioner Gleason then called for a motion.

SEQR RESOLUTION

Motion by Commissioner Mr. Connelly, seconded by Commissioner D’Alessandro-Gilmore, to declare this project a TYPE 2 SEQR action, with no significant adverse impacts on the environment.

Motion carried unanimously.

AREA VARIANCE APPROVAL

Motion by Commissioner Connelly, seconded by Commissioner Ms. D’Alessandro-Gilmore, to grant the area variance based on the following findings of fact:

1. No undesirable change will be produced in the neighborhood as most adjacent properties have similar driveways.
2. The benefit sought by the applicant cannot be achieved by another method. This is the only location on the property where an off-street parking space can be placed.
3. The variance is not substantial. The request is less than a 3-foot deviation from the code.
4. There will not be an adverse effect on physical or environmental conditions in the neighborhood.
5. The alleged hardship is not self-created.
6. Vinyl fence to be put in place.

Motion carried unanimously.

B. John Roth (Highbridge890 LLC) requests an area variance for 586 Broadway (tax parcel #49.31-1-18.11), located in a “M-1” Light Manufacturing and Warehousing District to install three signs pursuant to Section 264-61 K. Schedule I.

C. John Roth (Highbridge890 LLC) requests an area variance for 586 Broadway (tax parcel #49.31-1-18.11), located in a “M-1” Light Manufacturing and Warehousing District to install an 8’ fence pursuant to Section 264-32 B. Schedule D.

D. John Roth (Highbridge890 LLC) requests an area variance for 142 Van Guysling Ave (tax parcel #49.31-1-32.1) located in a “M-1” Light Manufacturing and Warehousing District to install an 8’ fence pursuant to Section 264-32 B. Schedule D.

Commissioner Mr. Gleason stated for the applicant to address the three different variances at the same time.

Dave from ABD Engineers representing F.W. Webb HVAC came before the commission and said he was asking for 3 signs where only 2 signs are allowed and 8-foot fencing for outdoor storage. The fence will be installed at the main building, there is an existing fence there now and to replace it with a nicer fence. Will use space as outdoor storage yard. There will be no showroom and wholesale pick-up for contractors.

He said F.W. Webb had recently purchased two properties and purchased a portion of the city's right-of-way. He stated he had been to the Planning Board and that they support the project.

The fence will have privacy slats and there will be landscaping on the Broadway side of the building. Materials like pipes and plumbing will be left outside for storage.

Commissioner Mr. Gleason asked if comments from the public in favor or oppose of the project.

Mr. Ray Gillen, Commissioner of Economic and Development, Metroplex, said previously a nuclear engineering company had been in the building, but moved to Texas, because there is not a lot of nuclear plants in the Northeast anymore and the building was vacant. He said, he was really thrilled to recruit F.W. Webb to the area. They have been in business since 1860's and have more than 1,000 employees in the northeast. They are a well-regarded company. The company will be a great addition to the Broadway Commerce Park and compliments Marcellus appliances.

Mr. Gillen went on to say, "the fact that Webb is interested in this building and has already led us to have other companies interested in clustering around them. We have a strong interest right now in the former Cappiello dairy manufacturing plant nearby. So, we really think this is going to help bring the whole area up. It will create 12 jobs, and create sales tax, and fills in empty buildings never could have imagined building right at the gateway to downtown. So, we're really thrilled to have this company with a great history. Also, we had a unanimous vote from the City Council to sell them some property on Van Guysling. A great reception from the planning commission. I respectfully ask for you to help us bring this new company to scale. Thank you."

Commissioner Mr. Gleason asked if there were additional public comments and there were none, so he closed the public comment portion for the project. Moved for a motion for the project.

SEQR RESOLUTION

Motion by Commissioner Mr. Connelly, seconded by Commissioner D'Alessandro-Gilmore, to declare this project a TYPE 2 SEQR action, with no significant adverse impacts on the environment.

Motion carried unanimously.

AREA VARIANCE APPROVAL

Motion by Commissioner Connelly, seconded by Commissioner Ms. D'Alessandro-Gilmore, to grant the area variance based on the following findings of fact:

- 1.No undesirable change will be produced in the neighborhood as most adjacent properties have similar driveways.
- 2.The benefit sought by the applicant cannot be achieved by another method. This is the only location on the property where an off-street parking space can be placed.
3. The variance is not substantial. The request is less than a 3-foot deviation from the code.
4. There will not be an adverse effect on physical or environmental conditions in the neighborhood.
5. The alleged hardship is not self-created.
6. 3 signs to be put in place and 2- 8-foot fences, Schedule B (586 Broadway and 142 Van Guysling)

Motion carried unanimously.

E. Brandywine Park Associates II LLC requests an area variance for 100 Bigelow Ave (tax parcel # 49.67-3-5.2), located in a “C-5” Business District to convert “crescent drop off” into 6 compact parking spaces pursuant to Section 264-49 F. (3).

F. Brandywine Park Associates II LLC requests an area variance for 100 Bigelow Ave (tax parcel #49.67-3-5.2), located in a “C-5” Business District to allow for a 10’ parking lane width pursuant to Section 264-43 C. (1) Schedule E.

Mr. Sam Finnerman with Hudson Realty came before the commission representing the applicant and requested 2 area variances to convert the crescent in front of building for parking – instead of 12 feet to 10 feet, for safety for parents and children when they are dropped off for the Headstart program.

The design will be better and safer to drop off kids. The slanted parking spaces are more compatible with building across the street with a very similar function.

Commissioner Mr. Connelly asked if there were curve cuts there, will there be a directional arrow?

Mr. Fetterman responded, drivers will come in on Southside and exit on North side of building. The goal is to make safer for parents and the children.

He said, “the Board of Education stopped busing children. So now the parents have to drop the children off at the site. it'll be better for the parents and safer for them and their children. So, what they're really proposing to do is in a question in the front, which you have a picture, which was originally designed as a bus dropped, they want to convert that into six staff parking spaces for compact cars, and so you won't have a lot of traffic and if come in the morning and basically be all day type parking. The variances zone is really to allow parking in front and having to extend 12 feet behind the parking space”.

Commissioner Mr. Gleason asked if anyone was in favor or oppose of the project. There were none. He called for a motion.

SEQR RESOLUTION

Motion by Commissioner Mr. Connelly, seconded by Commissioner D’Alessandro-Gilmore, to declare this project a TYPE 2 SEQR action, with no significant adverse impacts on the environment.

Motion carried unanimously.

AREA VARIANCE APPROVAL

Motion by Commissioner Connelly, seconded by Commissioner Ms. D’Alessandro-Gilmore, to grant the area variance based on the following findings of fact:

- 1.No undesirable change will be produced in the neighborhood as most adjacent properties have similar driveways.
- 2.The benefit sought by the applicant cannot be achieved by another method. This is the only location on the property where an off-street parking space can be placed.
3. The variance is not substantial. The request is less than a 3-foot deviation from the code.
4. There will not be an adverse effect on physical or environmental conditions in the neighborhood.
5. The alleged hardship is not self-created.

Motion carried unanimously.

G. St Luke’s Catholic Church requests the following area variances for 1235 State St. (tax parcel # 49.51-3-45.111), located in a “C-2” Mixed Use Commercial District for an additional freestanding sign that is already on the property pursuant to Section 264-61 A. (2)

H. St Luke’s Catholic Church requests the following area variances for 1235 State St. (tax parcel # 49.51-3-45.111), located in a “C-2” Mixed Use Commercial District for the shape of an existing sign already on the property pursuant to Section 264-61 C. (2)

I. St Luke’s Catholic Church requests the following area variances for 1235 State St. (tax parcel # 49.51-3-45.111), located in a “C-2” Mixed Use Commercial District for the shape of an existing sign already on the property pursuant to Section 264-61 C. (2)

J. St Luke’s Catholic Church requests the following area variances for 1235 State St. (tax parcel # 49.51-3-45.111), located in a “C-2” Mixed Use Commercial District for an additional freestanding sign to be built on the property pursuant to Section 264-61 A. (2).

K. St Luke's Catholic Church requests the following area variances for 1235 State St. (tax parcel # 49.51-3-45.111), located in a "C-2" Mixed Use Commercial District for the height of the new sign of 10.5' pursuant to Section 264-61 K. Schedule I.

L. St Luke's Catholic Church requests the following area variances for 1235 State St. (tax parcel # 49.51-3-45.111), located in a "C-2" Mixed Use Commercial District for the maximum square footage of the new sign of 47.9' pursuant to Section 264-61 K. Schedule I.

Commissioner Mr. Gleason instructed the applicant to present the 6 applications at once as the previous applicants had done.

Ms. Cany Clark came before the commission representing the applicant to install a digital sign. She designed a digital sign within the code requirements. She made sure it matched block and had a picture to share with the commissioners. She also stated she presented a landscaping plan for shrubs to the Planning Board.

She said that the signs were designed in a very specific way so that they would be more interactive with pedestrian traffic. That's why they are right angles so that you can see the sign as you're walking by could also see the sign as you're walking into the church. They were installed in the spring of 2002 when we get an interior renovation of the church. She had no idea a variance would be needed. The signs will be installed near the church and will be perpendicular to State Street.

Commissioner Mr. Gleason asked if anyone was in favor or oppose of the project. There were none. He called for a motion.

SEQR RESOLUTION

Motion by Commissioner Mr. Connelly, seconded by Commissioner D'Alessandro-Gilmore, to declare this project a TYPE 2 SEQR action, with no significant adverse impacts on the environment.

As applied for, agenda items G, H, and I -Type 2 SEQR/new signs and height.

Motion carried unanimously.

AREA VARIANCE APPROVAL

Motion by Commissioner Connelly, seconded by Commissioner Ms. D'Alessandro-Gilmore, to grant the area variance based on the following findings of fact:

- 1.No undesirable change will be produced in the neighborhood as most adjacent properties have similar driveways.
- 2.The benefit sought by the applicant cannot be achieved by another method. This is the only location on the property where an off-street parking space can be placed.
3. The variance is not substantial. The request is less than a 3-foot deviation from the code.

4. There will not be an adverse effect on physical or environmental conditions in the neighborhood.
5. The alleged hardship is not self-created.

Motion carried unanimously.

I. Other Business - none

VII. Adjourned at 7:23 p.m. motion by Commissioner Ms. Lester and seconded by Commissioner Mr. Connelly.