

**City of Schenectady
Board of Zoning Appeals
Meeting Minutes
March 3, 2021**

I. CALL TO ORDER

Mr. Gleason called the meeting to order at 6:32 p.m.

Due to the closure of City Hall because of the Covid-19 Virus, the meeting was conducted online via WebEx.

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 Connelly; Fred Clark; Mary D'Alessandro-Gilmore; Brendan Keller; Helene Lester; Avi Epstein, Neighborhood Stabilization Coordinator; Jennifer Mills, Secretary

III. CONFLICT OF INTEREST CHECK

None.

IV. APPROVAL OF MEETING MINUTES

Motion by Mr. Connelly, seconded by Mr. Clark, to approve the Minutes of the January 6, 2021 meeting as submitted.

Motion carried unanimously, with Ms. D'Alessandro-Gilmore abstaining from the vote.

V. NEW BUSINESS - APPLICATIONS

A. GABRIELE VISCARIELLO requests an area variance for 2013 State Street (60.56-1-13), located in the C-2 Mixed Use Commercial Zoning District, to allow for a 14' freestanding sign where a maximum height of 10' is permitted pursuant to Schedule I of the zoning ordinance.

Gabriele Viscariello presented the application.

Mr. Viscariello briefly reviewed the application and explained that he and his wife plan to open an ice cream business similar to the type of business that has operated at this location for many years. He stated that they would like to keep the existing sign, which he believes is somewhat iconic in the area, and simply replace the faces of it with the new business name and information.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

The Board Members indicated that they had no objections to the application and agreed that the criteria for an area variance had been met by the applicants. They noted that the size of the sign is in keeping with other signs in this immediate area, and that it is unique in that it is set substantially back on the property and thus does not have any negative impact on the visibility of passing vehicles.

SEQR RESOLUTION

Motion by Mr. Connelly, seconded by Mr. Keller, to adopt a Negative Declaration on this unlisted action pursuant to SEQR based upon the review and assessment of the Short Environmental Assessment Forms Parts 1 and 2, with the Negative Declaration being set forth in Part 3 of the Short Environmental Assessment Form.

Motion carried unanimously.

AREA VARIANCE APPROVAL

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

1. No undesirable change would be produced in the neighborhood. The sign has been a fixture in this location for many years.
2. The benefit sought by the applicant cannot be achieved by another method.
3. The variance is not substantial.
4. There will be no adverse effect on physical or environmental conditions in the neighborhood. The sign is located far enough back on the property that it will not impede the visibility of passing traffic.
5. The alleged hardship is not self-created.

Motion carried unanimously.

B. SURENDRANAUTH RAMNATH requests area variances for 1115 McClyman Street (49.49-4-20), located in the R-2 Two-Family Residential

Zoning District, to allow for a minimum lot area of 3,318 sq. ft. to accommodate two (2) residential units and one (1) non-residential unit where a minimum lot area of 9,500 sq. ft. is required, and 418 sq. ft. of permeable surface where a minimum of 664 sq. ft. is required pursuant to Schedule C of the zoning ordinance.

Dan Morelli presented the application on behalf of Mr. Ramnath.

Mr. Morelli briefly reviewed the application and explained that the applicant would like to rehab the now vacant property and use it for two residential units and one office unit. He stated that his client plans to paint the exterior and clean up the grounds.

The Board Members discussed the previous use of the building, which for many years was a warehouse and office space. Mr. Morelli stated that at some point in the past there were residential units in the building. Mr. Epstein agreed, stating that there is evidence in City files that this was the case.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

The Board Members continued to discuss the application. Mr. Keller stated that the area variance is substantial, but he understands that the building is not really suited for any of the allowed non-residential uses. The Board members agreed. Mr. Connelly stated that this is a unique property in this neighborhood and as such requires special consideration. It was decided that although the variance is substantial and the hardship self-created the Board believes that the application meets the remainder of the criteria for the variances, and that the zoning environment has changed significantly since this building was constructed on the site.

SEQR RESOLUTION

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

1. No undesirable change would be produced in the neighborhood. The variances will allow the building to be rehabilitated and used as residential, which will be more in keeping with the surrounding R-2 neighborhood.
2. The benefit sought by the applicant cannot be achieved by another method.
3. The variance is substantial.
4. There will be no adverse effect on physical or environmental conditions in the neighborhood. Having the building rehabilitated and in use will have a positive impact on the area, as opposed to the current state of the building, which has sat vacant and in disrepair for many years.
5. The alleged hardship is self-created; however, this property is unique in that the zoning environment between the time it was built, and present day has changed significantly, effectively rendering the building unusable without some type of variance.

Motion carried unanimously.

VII. MOTION TO ADJOURN

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

Motion carried unanimously.

The meeting was adjourned at 7:11 p.m.