

## Schenectady Board of Zoning Appeals

### Minutes

May 3, 2023

#### I. CALL TO ORDER

**Commissioner Mr. Gleason** called the meeting to order at 6:31 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, David Connelly, Brendan Keller, Austin Erickson, Chris Marney, Assistant Corporation Counsel, and Sylvia Jimison, Development Staff.

III. EXCUSED: Fred Clark

#### IV. CONFLICT OF INTEREST CHECK

None.

#### V. APPROVAL OF MEETING MINUTES

The minutes were approved for the April 5, 2023, meetings. The motion was made by **Commissioner Connelly** and seconded by **Commissioner Keller**.

*Motion carried unanimously.*

IV. **Applications: Old Business – None**

## **V. Applications: New Business**

**A. 500 State Street Association LLC** requests an area variance for 500 State St. (tax parcel 39.80-2-18.11), located in a “C-4” Downtown Mixed-Use District to allow three attached signs, where one per tenant is allowed, pursuant to Section 264-61 K. Schedule I.

**B. 500 State Street Association LLC** requests an area variance for 500 State St. (tax parcel 39.80-2-18.11), located in a “C-4” Downtown Mixed-Use District to allow 330 square feet of signage, where 150 square feet is allowed, pursuant to Section 264-61 A. (1).

**Commissioner Gleason presented the two area variances together, comments will be made together for the variances, but will be voted on separately.**

**Mr. Joe Perniciaro** came before the board to request area variance for three signs. The three signs are needed for two businesses that are operating out of one space. In addition, for directional purposes so patients can be directed to parking area. One sign will be placed at Clinton and State to direct patients to entrance of the eye doctor - Ophthalmic Consultants of the Capital Region (OCCR).

Sign one will be for the practice, sign two will be for optical shop and sign 3, a small general directional sign.

**Mr. Perniciaro** stated the following, in regard to the first variance, “So sign one is for the practice, sign two is for the separate business, the optical shop. That's the reason for two signs. [Sign three is] just a small projecting sign right above State Street entrance. Because, you know, again, historic building, we had to work with the conditions as they were parking is in the rear. If somebody were to come around Clinton Street and turn the corner on state, you need to be able to see right away, where's the entrance to my doctor. And that's the purpose of that third sign there just a small blade sign of sticks out, over State Street. Or if you park somewhere else on State Street, and you were walking, you need to be able to see from a distance [to know where] the entrance to the eye doctor.”

**Mr. Perniciaro** was joined by **Ms. Rhonda Tipton** who is a tenant at OCCR. The applicant asked if the Board wanted her to speak or if he should explain the second variance. The Chair said to move onto the second.

**Mr. Perniciaro:** “The second one is to allow for more than three hundred square feet of signage on the whole building. Sort of plays into the first request as well, four tenant building OCCR, Ortho New York, New York Nephrology, and then what was Bank of America. If you hadn't heard that space, Bank of America has vacated. We have very exciting news, the owners of The Nest just up the street would go into the second location called Milla, submit a training restaurant, so I'm sure, just planning work we'll be back for with them. So, we got a four-tenant building on a corner of State and Clinton, it actually has entrances on all four sides. So, Lafayette on the left, Smith in the back and Clinton and State in front. You know, so, in order to direct traffic in a downtown, we need to have sufficient signage and three hundred square feet just wasn't enough, once we go into it. We have a comprehensive signage plan in front of you in order to direct all four streets, different entrances, different tenants, we just need a bit more than three

hundred square feet. I think it's a good plan, the comprehensive signage plan, I don't think it's too much. You know, each tenant needs their own sign, we need to have some building signage."

He went on to clarify that, the actual building "500 State Street" also required a sign for navigation purposes.

**Commissioner Keller** asked the applicant to go through the ten marked signs that are present on the submitted site plan. The applicant went over the signs in detail to the satisfaction of the Board.

**Rhonda Tipton** expressed how important the signage is for older patients to be directed into the building and where parking is for the building. There are also mobility issues for some of patients, clear signage for health and vision is important.

**Commissioner Lester** asked if the only parking for the building was in the back. **The applicant** responded that they have one-hundred and two parking spots in the back.

**Commissioner Keller** asked if there will be a separate entrance for ortho? **Rhonda Tipton** responded, there are two entrances. There is a door sign to guide people and there is retail space that will be open on Saturdays, the entrance is treated as two separate entities.

#### **PUBLIC COMMENTS IN FAVOR**

**Mr. Ray Gillen**, Schenectady's Metroplex Development Authority, stated in favor of the project, "yes, it right! These medical practices are leaving the cities for suburban medical office parks that are huge. We're very grateful that working with Redburn, we're able to save Ortho which has 100 great paying jobs and these two other medical practices, keep them in the city. Keep them downtown.

We did this bank building which was vacant for years after a senior daycare program left there. It's a historic rehab and now we've got a tenant as you probably read in the paper for Ortho New York buildings. So, it's kind of a win-win. They're struggling right now. You ask the key question, parking. We've just made our parking lot behind Proctor's available to the three practices. They were greatly, greatly relieved because there's a lot of people and the good thing is you come off Broadway and you're there at the building. Ortho is busy and these practices are busy places...

...it's a great story because so many people are coming downtown and so many doctors and high paid jobs and staff are, are staying in our community. And now we have the restaurant coming which best operators, Caitlin and her husband and operate the Nest so we really appreciate consideration. There has been confusion, they need better signage to direct people. There are three practices now that could have easily just left the community. And we're very grateful that they stayed. It's been a struggle. These first few months...So I appreciate you respectfully ask for your consideration of this project. Thank you."

#### **PUBLIC COMMENTS IN OPPOSITION**

None.

#### **RESOLUTION**

**Commissioner Keller**, the board grants the area request area variance request for 500 State Street to allow three attached signs, one per tenant is allowed pursuant to section 264- 61 K schedule one. Seconded by **Commissioner Connelly**. I make this motion based on the following findings of facts, 1, 2, 3,4,6, 6, and 7.

*The variance is granted temporarily while current tenants occupy space and variance will be void when tenants vacate the space.*

### **SEQR RESOLUTION**

The application was declared to be a Type II SEQR Action which requires no further actions to take place.

### **AREA VARIANCE APPROVAL**

1. An undesirable change will not be produced in the neighborhood.
2. The benefit sought by the applicant cannot be achieved by another method.
3. The variance is not substantial.
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.*

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*Conditions: The variance is granted temporarily while current tenants occupy space and variance will be void when tenants vacate the space.*

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*Motion carried unanimously.*

**VI. Other Business - none**

**VII. Adjourned 6:57 p.m. Commissioner Gleason made motion to adjourn and seconded by Commissioner Ms. D'Alessandro-Gilmore**