

**City of Schenectady  
Board of Zoning Appeals  
Meeting Minutes**

*June 2, 2021*

**I. CALL TO ORDER**

Mr. Gleason called the meeting to order at 6:30 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; Brendan Keller; Helene Lester; Avi Epstein, Neighborhood Stabilization Coordinator; Jennifer Mills, Secretary

**EXCUSED:** Fred Clark; Mary D'Alessandro-Gilmore

**III. CONFLICT OF INTEREST CHECK**

None.

**IV. APPROVAL OF MEETING MINUTES**

Motion by Mr. Connelly, seconded by Ms. Lester, to approve the Minutes of the May 5, 2021 meeting as submitted.

*Motion carried unanimously.*

**V. NEW BUSINESS - APPLICATIONS**

**A. ABD ENGINEERS, LLP on behalf of HIGHBRIDGE BROADWAY, LLC requests area variances for 356 Broadway (49.23-2-4.112), located in the C-4 Downtown Mixed Use Zoning District, to allow for the construction of a five-story office building with a 62 foot front setback where a 0 foot front setback is allowed, and 30 parking spaces located in front of the building, where parking must be located entirely to the rear of the building pursuant to Schedule C and 264-49F (3)(a) respectively.**

John Roth of Highbridge Broadway, LLC, and Luigi Palleschi of ABD Engineers presented the application.

Mr. Roth briefly explained the project and Mr. Palleschi reviewed the site plans. They explained that due to contamination along the building’s street frontage it must be built setback from the sidewalk. Mr. Roth noted that because they are losing some of the parking needed by their future client by setting the building back on the lot, they have added two rows of parking in front of the building.

The Board members discussed the proposal and how the parking could potentially impact the walkability of the area. The applicants pointed out that the sidewalk will be maintained across the site except for the driveway curb cut, and that they would be providing fencing and landscaping to help extend the feeling of the street wall. It was noted that the building directly across the street has a similar setback, thereby perhaps helping to mitigate the impact of the proposed setback here.

**PUBLIC COMMENTS IN FAVOR**

None.

**PUBLIC COMMENTS IN OPPOSITION**

None.

**CONTINUED DISCUSSION**

The Board Members indicated that they understand the need for the variance, and do not feel that the setback will have a negative impact on the surrounding area.

**SEQR RESOLUTION**

The Planning Commission adopted a Negative Declaration at their May 26, 2021 meeting.

*Motion carried unanimously.*

**AREA VARIANCE APPROVAL**

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

1. No undesirable change would be produced in the neighborhood. Pedestrian traffic will not be impacted as the sidewalk will stay intact across the front of the site.
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.

*Motion carried unanimously.*

- B. ABD ENGINEERS, LLP on behalf of BETHESDA HOUSE requests an area variance for 917 State Street (49.34-1-25), located in the C-2 Mixed Use Commercial Zoning District, to construct a new facility with 26 supportive housing units and office space with a total lot area of 20,916 sq. ft. where a minimum lot area of 35,500 sq. ft. is required pursuant to Schedule C of the zoning ordinance.**

Luigi Palleschi of ABD Engineers and Mike Roth of SRG Architects presented the application.

Mr. Palleschi briefly reviewed the application. He explained that Bethesda House had chosen this site because of its proximity to their existing location across the street. He noted that this location will allow them to share staff and services efficiently across the two sites. Mr. Roth explained that Bethesda House needs this many units and a building of this size to make the project viable for their programs and funding.

**PUBLIC COMMENTS IN FAVOR**

None.

**PUBLIC COMMENTS IN OPPOSITION**

None.

**CONTINUED DISCUSSION**

The Board Members indicated that they had no objections to the application, noting that the project will help improve the neighborhood by offering much-needed services.

**SEQR RESOLUTION**

The Planning Commission adopted a Negative Declaration at their May 19, 2021 meeting.

*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 would be produced in the neighborhood. The services offered at this site will improve the quality of life in the neighborhood.
2. The benefit sought by the applicant cannot be achieved by another method. This location of this site across the street from the existing

Bethesda House facility will allow the organization to share services and staff efficiently and effectively between the two buildings.

3. There will be no adverse effect on physical or environmental conditions in the neighborhood.
4. The variance is not substantial.

*Motion carried unanimously.*

**C. LUGMAN MOHAMED requests a use variance for 1744 Albany Street (49.84-1-8), located in the R-2 Two Family Zoning District, to allow for a four (4) unit apartment building where a maximum of two (2) units is allowed pursuant to Schedule A of the zoning ordinance.**

Lugman Mohamed presented the application.

Mr. Mohamed briefly reviewed the application and explained that he recently bought the property from the City and would prefer to have four units in the building so that he could realize a better return on his investment.

**PUBLIC COMMENTS IN FAVOR**

None.

**PUBLIC COMMENTS IN OPPOSITION**

Mr. Epstein stated that he had received a phone call from Ms. Steenrod of 1742 Albany Street stating that she is opposed to the variance because she feels that four units is an inappropriate density for this building and the surrounding neighborhood.

**CONTINUED DISCUSSION**

The Board Members stated that there had not been enough information presented by the applicant to make the case that a use variance was needed to realize a reasonable return. They also noted that the hardship was clearly self-created as the applicant knew that he was not buying a four-unit building when he purchased it.

**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.*

**USE VARIANCE DENIAL**

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

1. The applicant has not demonstrated that the property cannot yield a reasonable return within the allowed uses.
2. The alleged hardship is not unique and applies to a substantial portion of the neighborhood.
3. The character of the neighborhood will be altered.
4. The alleged hardship is self-created.

*Motion carried unanimously.*

**VII. MOTION TO ADJOURN**

Motion by Mr. Connelly, seconded by Ms. Lester, to adjourn the meeting.

*Motion carried unanimously.*

The meeting was adjourned at 7:49 p.m.