

**City of Schenectady
Board of Zoning Appeals
Meeting Minutes
July 7, 2021**

I. CALL TO ORDER

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

After calling the meeting to order Mr. Connelly 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: Fred Clark; David Connelly; Mary D’Alessandro-Gilmore; Brendan Keller; Helene Lester; Avi Epstein, Neighborhood Stabilization Coordinator; Jennifer Mills, Secretary

EXCUSED: James Gleason, Chair

III. CONFLICT OF INTEREST CHECK

Ms. D’Alessandro-Gilmore recused herself from the consideration of New Business Items B and C, the applications made by Better Community Neighborhoods, Inc.

IV. APPROVAL OF MEETING MINUTES

Motion by Mr. Keller, seconded by Ms. D’Alessandro-Gilmore, to approve the Minutes of the June 2, 2021 meeting as submitted.

Motion carried unanimously.

V. NEW BUSINESS - APPLICATIONS

A. JAMES SAUERS requests area variances for 825 Lincoln Avenue (49.40-6-24), located in the R-2 Two-Family Residential Zoning District, to allow for a 647.5 square foot carport with a 2-foot side yard setback, where a maximum size of 100 square feet and a 3-foot side yard setback are required pursuant to Schedule C of the zoning ordinance.

James and Natasha Sauers presented the application.

The applicants briefly reviewed the application, stating that they had constructed the carport in 2014 and had not been aware at the time that they needed a permit. They also stated that they assumed that the contractor who installed the carport had obtained any necessary permits. The applicants stated that they use the carport for family gatherings and as a safe place for their children to play. They noted that there have been recent shootings in the neighborhood and that there are constantly cars traveling at an unsafe speed on the street.

The Board Members reviewed satellite photos of the property and noted that the carport covers the majority of the rear yard. Mr. Keller asked the applicants if they could still use their rear yard as a recreational space without the carport. Mr. Sauer stated that he would rather not do so.

PUBLIC COMMENTS IN FAVOR

Marva Isaacs, President of the Hamilton Hill Neighborhood Association and resident of 304 Duane Avenue, spoke in favor of the application, stating that she does not believe that the carport has had any negative impact on the community.

Ifreca Miller, resident of 834 Lincoln Avenue, spoke in favor of the application, stating that the carport gives the applicants a safe place to gather their family and allow their children to play.

The neighbor from 823 Lincoln Avenue spoke in favor of the application, stating that he has no objection to the carport.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

The Board members discussed the application and the concerns voiced by both the applicants and the public present about the safety of the neighborhood. They concluded that although these are valid concerns, they have no direct relation to the application before the Board. It was noted that the variance requested is over 600% more than the allowed size, and that the hardship is clearly self-created. Mr. Connelly noted that in the past the Board has required other carports to be removed which were not this large and did not cover as much of the property.

AREA VARIANCE DENIAL

Motion by Mr. Keller, seconded by Ms. Lester, to deny the area variances based on the following findings of fact:

1. This is a Type 2 SEQR.
2. An undesirable change would be produced in the neighborhood. There is already a problem with stormwater runoff on this street and the large roof of the carport only exacerbates the situation.

3. The benefit sought by the applicant can be achieved by another method. The applicant can use his rear yard for parking and for his children to play in whether or not the carport is there.
4. The variance is substantial. The carport is 647% larger than what is allowed.
5. There will be an adverse effect on physical or environmental conditions in the neighborhood. The carport creates water runoff issues and adds even more impervious surface to an area which already has drainage problems.
6. The alleged hardship is self-created. The applicants failed to seek the required permit(s) before installing the carport.

Motion carried unanimously.

B. BETTER COMMUNITY NEIGHBORHOODS, INC requests area variances for 112 Prospect Street (39.74-3-22.111), located in the R-2 Two-Family Residential Zoning District, to allow for the construction of a two-family building with a minimum lot area of 2,700 square feet, maximum lot coverage of 43%, and 2 parking spaces where a minimum lot area of 4,500 square feet, maximum lot coverage of 30%, and 3 parking spaces are required pursuant to the zoning ordinance.

Jennica Huff, Executive Director of Better Community Neighborhoods, and Reuben Hull of Labella Associates, architect for the project, presented the application.

Ms. Huff gave a brief overview of the project. She stated that this is a project that has been in development for some time and the location had been granted area variances in 2018 but since then the plans had changed due to funding adjustments.

Mr. Hull reviewed the site plans and elevation drawings and explained the reasons why the variances are needed. He noted that only 60% of BCNI residents have cars; thus, they do not believe that there will be a need for any additional parking.

PUBLIC COMMENTS IN FAVOR

David Hogenkamp of Metroplex Development Authority spoke in favor of the application. He stated that the project has been through some changes and he believes that the current plans will have the best outcomes for the community.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

The Board Members indicated that they had no objections to the application, stating that it will have a positive impact on the area and provide needed affordable housing. The question of whether or not the hardship is self-created was briefly debated. The Board Members concluded that either way the application met the balance of the criteria and it will have a positive impact on the community.

AREA VARIANCE APPROVAL

Motion by Ms. Lester, seconded by Mr. Keller, to approve the area variances based on the following findings of fact:

1. This is a Type 2 SEQR.
2. No undesirable change would be produced in the neighborhood.
3. The benefit sought by the applicant cannot be achieved by another method.
4. The variance is not substantial.
5. There will be no adverse effect on physical or environmental conditions in the neighborhood.
6. While there has been some debate about whether the hardship is self-created, it is the Board's determination that the positive effect that this project will have on the community outweighs that concern.

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

- C. BETTER COMMUNITY NEIGHBORHOODS, INC requests area variances for SBL 39.74-3-22.112, located in the R-2 Two-Family Residential Zoning District, to allow for the construction of a two-family building with a minimum lot area of 2,700 square feet, maximum lot coverage of 43% and 1 parking space, where a minimum lot area of 4,500 square feet, maximum lot coverage of 30%, and 3 parking spaces are required pursuant to the zoning ordinance.**

Jennica Huff, Executive Director of Better Community Neighborhoods, and Reuben Hull of Labella Associates, architect for the project, presented the application.

This application was discussed with New Business-Applications B.

PUBLIC COMMENTS IN FAVOR

David Hogenkamp of Metroplex Development Authority spoke in favor of the application.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

Please see New Business – Applications B.

AREA VARIANCE APPROVAL

Motion by Ms. Lester, seconded by Mr. Keller, to approve the area variances based on the following findings of fact:

1. This is a Type 2 SEQR.
2. No undesirable change would be produced in the neighborhood.
3. The benefit sought by the applicant cannot be achieved by another method.
4. The variance is not substantial.
5. There will be no adverse effect on physical or environmental conditions in the neighborhood.
6. While there has been some debate about whether the hardship is self-created, it is the Board’s determination that the positive effect that this project will have on the community outweighs that concern.

Motion carried unanimously, with Ms. D’Alessandro-Gilmore recusing herself from the vote.

- D. CHARLES CRAFT requests area variances for 771, 763, 759, and 749 Albany Street (49.25-1-23.11, 49.25-1-46, 49.25-1-47, 49.25-1-48) located in the C-4 Downtown Mixed Use Zoning District, to allow for a front setback of 242 feet, a rear setback of 1 foot, and a fence height of 6 feet, where a front setback of 0 feet, a rear setback of 5 feet, and a maximum fence height of four feet are required pursuant to the zoning ordinance.**

Charles Craft and Dave Kimmer of ABD Engineers presented the application.

Mr. Craft reviewed the application and explained his plans to expand his business on the site. He stated that the need for the variances was triggered because the City would like him to change his address from Albany Street to State Street, due to the fact that the entrance to the property is on State Street. Mr. Kimmer reviewed the site plan and pointed out where the variances are needed.

PUBLIC COMMENTS IN FAVOR

David Hogenkamp of Metroplex Development Authority spoke in favor of the application, stating that Mr. Craft’s business has been a very important part of the City for many years.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

The Board Members briefly discussed the application and indicated that they have no objection to the variances.

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. This is a Type 2 SEQR.
2. No undesirable change would be produced in the neighborhood. This project will improve the streetscape.
3. The benefit sought by the applicant cannot be achieved by another method given the nature of the pre-existing structures on the site.
4. The variance is not substantial.
5. There will be no adverse effect on physical or environmental conditions in the neighborhood. With the exception of the new addition and the subsequent site improvements, nothing on the site will change. The need for the variances comes as a result of the address changing from Albany Street to State Street.
6. The hardship is not self-created.

And with the following condition:

1. The parcels will be consolidated, and the address will be changed to a State Street address.

Motion carried unanimously.

- E. CHARLES CRAFT requests area variances for 771 Albany Street (49.25-1-23.11) located in the C-4 Downtown Mixed Use Zoning District, to install a freestanding electronic monument sign with a height of 17 feet and sign area of 81 square feet, where a maximum height of 7 feet and sign area of 25 square feet are permitted pursuant to the zoning ordinance.**

Charles Craft, Dave Kimmer of ABD Engineers, and Carly Clark of AJ Signs presented the application.

Mr. Craft explained that as part of the expansion of his business he would like to remove the existing sign and replace it a monument sign containing an electronic message board. He noted that while the sign is higher than what is allowed under the code it is significantly lower than his current pole sign.

PUBLIC COMMENTS IN FAVOR

David Hogenkamp of Metroplex Development Authority spoke in favor of the application, stating that the new sign will be a marked improvement over the existing sign and will be in keeping with the character of the neighborhood.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

The Board Members discussed the sign and reviewed the simulated photos showing it in its proposed location. They agreed that it appears to be in keeping with the scale of the surrounding buildings.

Mr. Connelly noted that the sign will still have to go before the Planning Commission for consideration of the Special Use Permit to allow the electronic message board.

AREA VARIANCE APPROVAL

Motion by Mr. Keller, seconded by Mr. Clark, to approve the area variances based on the following findings of fact:

1. This is an unlisted SEQR action with no negative impacts on the environment.
2. No undesirable change would be produced in the neighborhood. The new sign is significantly lower than the existing sign and is a newer, more attractive sign that will better identify the business. The size and scale are in keeping with the surrounding signs and buildings.
3. The benefit sought by the applicant cannot be achieved by another method. This is a unique situation in which the business is at the Albany Street side of the lot, but the entrance is on State Street. There is very limited visibility onto the property from State Street.
4. The variance is not substantial.
5. There will be no adverse effect on physical or environmental conditions in the neighborhood.
6. The hardship is not self-created.

Motion carried unanimously.

- F. HAMILTON CORNER SSP, LLC requests area variances for 922 State Street (49.33-5-32) located in the C-2 Mixed Use Zoning District, to allow for 18 residential units with a minimum lot area of 6,646 square feet, 100% impervious surface, and 0 parking spaces, where 22,500 square feet of lot area, 20% permeable surface, and 27 parking spaces are required pursuant to the zoning ordinance.**

Zishe Steve Babad, owner of the building, Chris Johnston, project manager, and Tom Cummings of Cummings Engineering presented the application.

Mr. Johnston briefly reviewed the application and explained that work had begun on the building when a stop work order was issued by the City.

The Board members noted that the application is missing significant information. They asked the applicants if they could provide further information regarding the financial projections for the project and their plans to deal with the lack of parking.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

Due to the amount of vital information missing from the application it was determined that it should be tabled pending the submittal of further material.

MOTION TO TABLE

Motion by Mr. Keller, seconded by Ms. D'Alessandro-Gilmore, to table the application as incomplete pending the submittal of further information including specific financial figures regarding how the building would fare financially with fewer units, and potential solutions to the lack of onsite parking, such as a shared parking agreement.

Motion carried unanimously.

VII. MOTION TO ADJOURN

Motion by Mr. Keller, seconded by Ms. D'Alessandro-Gilmore, to adjourn the meeting.

Motion carried unanimously.

The meeting was adjourned at 9:26 p.m.