

**City of Schenectady
Board of Zoning Appeals
Meeting Minutes
August 3, 2022**

I. CALL TO ORDER

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. ATTENDANCE

PRESENT: James Gleason, Chair; David Connelly; Brendan Keller; Mary D’Alessandro-Gilmore; Helene Lester; Matthew Smith, Senior Planner; Chris Marney, Assistant Corporation Counsel; Sylvia Jimison, Development Staff.

EXCUSED: Fred Clark; Nora Garrett, Zoning Officer

III. CONFLICT OF INTEREST CHECK

None.

IV. APPROVAL OF MEETING MINUTES

Motion by Mr. Connelly, seconded by Ms. D’Alessandro-Gilmore, to approve the Minutes of the July 6, 2022 meeting as submitted.

Motion carried unanimously.

V. APPLICATIONS: OLD BUSINESS

- A. AIK Property Group, LLC** requests an area variance for 1101 and 1107 Barrett Street and 519 South Avenue (tax parcel #'s 39.57-4-29, 30 and 32), located in a “C-4” Downtown Mixed-Use Commercial District, to allow for nine (9) off-street parking spaces where 13 are required, pursuant to Section 264-44 B of the zoning ordinance.

Mr. Gleason announced there will be no public comment for AIK Property Group, LLC because application was previously submitted. The board wants to hear from applicant.

Ms. Pam Swanigan said she was present to address the concerns for the easement, the right of way, and how to make sure it remains in place. The perpetual easement requires that if changes are made the easement will go away. The City would need to sign-off for

any changes made to the easement. She also stated that the Planning Commission would be submitting a letter of support to the Board of Zoning Appeals.

Mr. Gleason asked if there were any questions from the board and **Mr. Keller** wanted to know if the City have right to enforce easement and/or best use for land.

Mr. Marney stated the City developed the easement and any modifications to the easement will need city approval.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

None.

SEQR RESOLUTION

Motion by Mr. Connelly, seconded by Mr. Keller, to to declare this project a Type II SEQR Action.

Motion carried unanimously.

AREA VARIANCE APPROVAL

Motion by Mr. Connelly, seconded by Mr. Keller, to approve the area variance with the following condition:

1. The easement presented at the meeting, and approved by the City of Schenectady Law Department, be entered into and maintained as a condition of the variance approval.

And based on the following findings of fact:

1. No undesirable change will 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 does not constitute a self-created difficulty.

Motion carried unanimously.

- B. AIK Property Group, LLC** requests an area variance for 1052 and 1062 Barrett Street and 608 South Avenue (tax parcel #'s 39.65-2-33.1, 34 and 35.1), located in a

“C-4” Downtown Mixed-Use Commercial District, to allow for five (5) off-street parking spaces where 24 are required, pursuant to Section 264-44 B of the zoning ordinance.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

None.

SEQR RESOLUTION

Motion by Mr. Connelly, seconded by Mr. Keller, to declare this project a Type II SEQR Action.

Motion carried unanimously.

AREA VARIANCE APPROVAL

Motion by Mr. Connelly, seconded by Mr. Keller, to approve the area variance with the following condition:

1. The easement presented at the meeting, and approved by the City of Schenectady Law Department, be entered into and maintained as a condition of the variance approval.

And based on the following findings of fact:

1. No undesirable change will 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 does not constitute a self-created difficulty.

Motion carried unanimously.

V. APPLICATIONS: NEW BUSINESS

- A. **Charlie Attar** requests an area variance for 104-112 Erie Boulevard (tax parcel #'s 39.78-1-1. 2., 39.79 - 1-2.1.,4.1,4.2,5.1), located in a “C-4” Downtown Commercial District, to allow for 214 onsite parking spaces where 249 onsite parking spaces are required, pursuant to Section 264-44 Schedule F.

Applicant represented the owner of 104-112 Erie Blvd. he stated the major portion of the property at interstate 890 is by the easement. He went on to provide the historic

background about the building, such as it was the old Visiting Nurses Building for 70 years and the Edison building will remain in place and tax credits will be sought after.

The major concern is to provide adequate parking for tenants. He stated many people are using alternative transportation such as bicycling to work or rental cars.

The applicant used a parking study (Parking Institute) to determine the number of parking spaces needed and it was determined that a 166-unit building would require 1.5 parking spaces that equates to 249 parking spaces needed. The applicant stated although this was the calculation, that the building would only require 214 and would be willing to bank some parking spaces to create green space.

Mr. Gleason asked if there were any comment from the public to approve or oppose the project.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

None.

SEQR RESOLUTION

Motion by Mr. Connelly, seconded by Ms. D’Alessandro-Gilmore, to declare this project a Type II SEQR Action.

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 will 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 does not constitute a self-created difficulty.

Motion carried unanimously.

- B. Sameer Gadwah** requests a use variance for 1318 State Street (tax parcel # 49.67-4-1.1), located in a “C-2” Mixed Use Commercial District, to allow the operation of an auto body repair establishment where it is not permitted, pursuant to Schedule B of the zoning ordinance.

Mr. Gadwah indicated he wants to open a body shop and was approved to build a body shop. He said he had an auto sales business at the site, but due to Covid-19 it was too expensive to sale cars. He said the area is zoned for a garage, but not a body shop. The Commissioners asked if there will be a spray paint booth and the applicant replied, yes.

Miracle Miles for Cars was referenced as one of the businesses in the area by the Commissioners.

Mr. Gleason asked if there were any questions or anyone in favor or oppose of the project.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

None.

SEQR RESOLUTION

Motion by Mr. Connelly, seconded by Mr. Keller, to declare the project as an unlisted action and to adopt a Negative Declaration 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 property can yield a reasonable return with the allowed uses.
2. The alleged hardship is not unique and does apply 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.

- C. James and Jerri Lynn Cook** request an area variance for 6 North Street (tax parcel #39.55-2-11), located in a “RH-2” Stockade Historic Residential District, to allow for a setback of three (3) feet where five (5) feet is required, pursuant to Schedule C of the zoning ordinance.

Mr. James Cook wants to put a room off of the kitchen for his wife. He wants to put a room at back of the house 30 by 50. This change to the house is so that his wife can have access to downstairs because the stairs in the house has become a challenge for her. It will be almost the same dimensions as the kitchen, living room, dining room, with the

same area as the kitchen. The addition would not be seen from the street. The room will follow the same line as the existing kitchen.

Mr. Gleason asked if 2 feet could be shaved from the layout.

Dan representing the client responded, that the homeowner wants to keep the historic presence to the building is 300-year-old home. He also stated the wife has a mobility issue.

Mr. Gleason asked if there were any comment from the public to approve or oppose the project.

Matt Smith stated the Heritage Foundation had questions and submitted an email to him.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

None.

SEQR RESOLUTION

Motion by Mr. Connelly, seconded by Ms. Lester, to declare the project as an unlisted action and to adopt a Negative Declaration 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. Keller, seconded by Mr. Connelly, to approve the area variance with the following condition:

1. The applicant shall obtain Historic Commission approval prior to any work being started.

And based on the following findings of fact:

1. No undesirable change will 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 does not constitute a self-created difficulty.

Motion carried unanimously.

D. Steve Cimino, Jr. requests a use variance for 2037 Wabash Avenue (tax parcel # 48.60 2-51), located in an “R-2” Two Family Residential District, to allow for a three- unit residential dwelling where a maximum of two residential units are permitted, pursuant to Schedule A of the zoning ordinance.

Mr. Cimino requested 3unit use for property in an “R-2” zoned two family residential district. He located the property on the city website and purchased it and has been working with the City’s Home Coordinator. He will be putting new windows and a roof onto the building. He will do most of the work himself. He plans to make each unit with 3 bedrooms for families to rent. The building is 4,000 square feet.

Mr. Gleason asked if there were any comment from the public to approve or oppose the project.

One comment from the public, a neighbor that lived near the building was concerned about the parking and stated the property has been vacant for a long time.

Matt Smith, Senior Planner, stated 5 parking spaces will be needed for the project.

Mr. Gleason added there is adequate parking and **Mr. Keller** was concerned for the expense for the construction of the project.

PUBLIC COMMENTS IN FAVOR

Dean Shepler from 2030-32 Wabash had concerns about parking demand from the proposed project. He stated that he was conflicted because he would like to see the property redeveloped but was concerned about how much parking would be needed. After receiving confirmation that the property had adequate parking for the number of units proposed, he was in favor of the project.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

None.

SEQR RESOLUTION

Motion by Mr. Connelly, seconded by Ms. D’Alessandro-Gilmore, to declare the project as an unlisted action and to adopt a Negative Declaration 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 APPROVAL

Motion by Mr. Connelly, seconded by Ms. D’Alessandro-Gilmore, to approve the use variance with the following condition:

1. The proposed project requires site plan approval pursuant to §264-90(F).

And based on the following findings of fact:

1. The property cannot yield a reasonable return with the allowed uses.
2. The alleged hardship is unique and does not apply to a substantial portion of the neighborhood.
3. The character of the neighborhood will not be altered.
4. The alleged hardship is not self-created.

Motion carried 4 in favor, 1 opposed (Mr. Keller)

VI. OTHER BUSINESS

None.

VII. ADJOURN

Motion by Mr. Connelly to adjourn the meeting at 7:55 pm.