

**City of Schenectady**  
**Board of Zoning Appeals**  
**Meeting Minutes**  
*August 5, 2020*

**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; Mary D'Alessandro-Gilmore; Brendan Keller; Helene Lester; Krystina Smith; Avi Epstein, Neighborhood Stabilization Coordinator; Jennifer Mills, Secretary

**ABSENT:** Fred Clark

**III. CONFLICT OF INTEREST CHECK**

None.

**IV. APPROVAL OF MEETING MINUTES**

Motion by Ms. D'Alessandro-Gilmore, seconded by Mr. Connelly, to approve the Minutes of the July 1, 2020 meeting as submitted.

*Motion carried unanimously.*

**V. NEW BUSINESS - APPLICATIONS**

**A. CITY MISSION OF SCHENECTADY requests an area variance for 429 Hamilton Street (39.80-3-16) located in the C-4 Downtown Mixed Use Zoning District, to allow for an off-premises sign that is 310 square feet where off-premises signs are prohibited and 150 square feet of signage is allowed pursuant to the Zoning Ordinance.**

Tim Castle appeared before the Board.

Mr. Castle briefly reviewed the application and explained the program, which will allow the City Mission to grow fresh produce year-round inside the container. He explained that the standard wrap on the container is considered signage and thus a variance is required.

**PUBLIC COMMENTS IN FAVOR**

None.

**PUBLIC COMMENTS IN OPPOSITION**

None.

**CONTINUED DISCUSSION**

The Board members discussed the application, noting that the signage will not have a negative impact on the environment but will instead bring awareness to the program. They noted that the surrounding properties that will be most impacted by the sign are owned by the City Mission.

**SEQR RESOLUTION**

Motion by Ms. Smith, seconded by Mr. Connelly, to declare the project a Type 2 SEQR action, with no significant adverse impacts on the environment.

*Motion carried unanimously.*

**AREA VARIANCE APPROVAL**

Motion by Ms. Smith, 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.  
Although the sign is large the majority of the surrounding properties are owned by the City Mission.
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.
5. The alleged hardship is not self-created.

And with the following condition:

1. The variance is limited to the signage on the Freight Farm shipping container that is the result of a partnership between the City Mission and SEFCU.

*Motion carried unanimously.*

- B. ABD ENGINEERS on behalf of TOM LYNCH requests area variances for 27, 31, & 35 Waldorf Place (49.42-5-24, 25, & 26) located in the C-2 Mixed Use Commercial Zoning District, to construct a storage building**

**with a front setback of 76.4 feet and 90.7% impervious space where a 10 foot maximum front setback and 20% permeable surface are required pursuant to Schedule C of the Zoning Ordinance.**

Tom Lynch and Luigi Palleschi of ABD Engineers appeared before the Board.

Mr. Lynch briefly discussed the project and Mr. Palleschi reviewed the site plan. He noted that more green space will be added to the site and the stormwater drainage will be addressed.

**PUBLIC COMMENTS IN FAVOR**

None.

**PUBLIC COMMENTS IN OPPOSITION**

None.

**CONTINUED DISCUSSION**

The Board members discussed the application and indicated that they had no objection to the variances.

**SEQR RESOLUTION**

Motion by Ms. Smith, seconded by Mr. Connelly, to declare the project a Type 2 SEQR action, with no significant adverse impacts on the environment.

*Motion carried unanimously.*

**AREA VARIANCE APPROVAL**

Motion by Ms. Smith, seconded by Mr. Connelly, to approve the Area Variances 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 be no adverse effect on physical or environmental conditions in the neighborhood.
5. The alleged hardship is not self-created.

*Motion carried unanimously.*

- C. KEMRAJ SHIVPRASHAD requests area variances for 1461 State Street (49.68-5-1) located in the C-2 Mixed Use Commercial Zoning District, to allow for the construction of a commercial building with one dwelling unit on a lot that has a frontage of 35 feet and a lot area of 3,990 square feet where a 40 foot frontage and 4,250 lot area are required pursuant to Schedule C of the Zoning Ordinance.**

Kemraj Shivprashad appeared before the Board.

Mr. Shivprashad briefly reviewed the application and explained that he is under contract to buy this property from the City, but the lot does not have sufficient frontage and is not large enough to build on.

Mr. Epstein noted that the purchase contract with the City has been approved by the City Council and is contingent on the applicant obtaining the necessary variances. He also noted that due to the size of the lot variances would be required to build anything on it.

**PUBLIC COMMENTS IN FAVOR**

None.

**PUBLIC COMMENTS IN OPPOSITION**

None.

**CONTINUED DISCUSSION**

The Board Members indicated that they had no objection to granting the variances.

**SEQR RESOLUTION**

Motion by Ms. Smith, seconded by Mr. Connelly, to declare the project a Type 2 SEQR action, with no significant adverse impacts on the environment.

*Motion carried unanimously.*

**AREA VARIANCE APPROVAL**

Motion by Ms. Smith, seconded by Mr. Connelly, to approve the Area Variances 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 be no adverse effect on physical or environmental conditions in the neighborhood.
5. The alleged hardship is not self-created.

And with the following conditions:

1. The transfer of the property from the City of Schenectady to Mr. Shivprashad is necessary for the variance to be valid.
2. The applicant will receive site plan approval from the City Planning Commission prior to beginning any construction on the property.

*Motion carried unanimously.*

**D. DAMIEN PINTO-MARTIN on behalf of REDBURN DEVELOPMENT LLC requests an area variance for 501 State Street (39.72-4-14) located in the C-4 Downtown Mixed Use Zoning District, to allow for a 49 unit apartment building to provide 0 off-street parking spaces where 73 parking spaces are required pursuant to Schedule F of the Zoning Ordinance.**

Damien Pinto-Martin appeared before the Board.

Mr. Pinto-Martin briefly reviewed the application and explained that given the demographics of their usual renters Redburn Development does not anticipate that there will be a problem renting the units with no onsite parking available. He noted that there are many paid parking alternatives available downtown, as well as significant on-street parking, particularly during off-peak times such as nights and weekends.

The Board Members and Mr. Pinto-Martin discussed whether Redburn had investigated subterranean parking on the site. Mr. Pinto-Martin stated that they had explored the idea, but it would not be feasible either from an engineering or a financial standpoint. He noted that adding another off-site parking lot specifically for this project to the downtown area would not be in keeping with the City's goals for the downtown district. Shared parking agreements with Metroplex were also discussed.

**PUBLIC COMMENTS IN FAVOR**

Letters in support of the application from the following were entered into the record:

Brooke Spraragen, owner of 430 Franklin Street  
Jayme B. LaHut, Executive Director, Metroplex Development Authority

The following spoke in favor of the application at the meeting:

David Hogenkamp, Project Director for Metroplex Development Authority and Executive Director of the Capital Region Land Bank  
Chris Spraragen, owner of 430 Franklin Street

**PUBLIC COMMENTS IN OPPOSITION**

Letters in opposition to the application from the following were entered into the record:

Joseph Galu, President, The Museum of Prints and Printmaking, 150 Barrett Street  
Ron Suriano II, resident of Barrett Street and the owner of Moisture Salon and Clinton Street Groomery  
Dan Hickey, owner, 513-517 State Street  
Ketura Vics, resident of 122 Jay Street

The following spoke in opposition to the application at the meeting:

Ketura Vics, resident of 122 Jay Street  
Charles Semowich, downtown business owner  
Kathleen Toombs, owner of 157 Barrett Street where her law practice is located  
Ron Suriano II, resident of Barret Street and owner of Moisture Salon and Clinton Street Groomery  
Sara Mae Pratt, owner of Puzzles Café on State Street  
Ronald DuCharme, owner of the Clinton Street Pub at 159 Clinton Street

**CONTINUED DISCUSSION**

The Board Members discussed the idea of shared parking agreements and if a smaller variance for less parking spaces might be more acceptable, i.e. if shared parking could be guaranteed for at least a portion of the required 73 slots. Mr. Epstein noted that if a shared parking agreement is secured for all of the required spaces a variance would not be necessary. After further discussion it was decided that the application would be tabled to give the applicants time to submit further information regarding possible shared parking, or other alternatives.

**SEQR RESOLUTION**

Motion by Mr. Connelly, seconded by Mr. Keller, to declare the project a Type 2 SEQR action, with no significant adverse impacts on the environment.

*Motion carried unanimously.*

**MOTION TO TABLE**

Motion by Mr. Keller, seconded by Ms. Smith, to table the application pending the submittal of further information.

*Motion carried unanimously, with Mr. Gleason absent from the vote.*

**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 8:54 p.m.