

**City of Schenectady**  
**Board of Zoning Appeals**  
**Meeting Minutes**  
*September 2, 2020*

**I. CALL TO ORDER**

Mr. Connelly called the meeting to order at 6:35 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. 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:** David Connelly; Mary D' Alessandro-Gilmore; Brendan Keller; Helene Lester; Avi Epstein, Neighborhood Stabilization Coordinator; Jennifer Mills, Secretary

**ABSENT:** James Gleason, Chair; Fred Clark

**III. CONFLICT OF INTEREST CHECK**

None.

**IV. APPROVAL OF MEETING MINUTES**

Motion by Ms. D' Alessandro-Gilmore, seconded by Mr. Keller, to approve the Minutes of the August 5, 2020 meeting as submitted.

*Motion carried unanimously.*

**V. NEW BUSINESS - APPLICATIONS**

**A. DAMIEN PINTO-MARTIN on behalf of REDBURN DEVELOPMENT LLC formally withdraws their request for 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. The applicant has submitted a shared parking agreement to meet the City parking requirements.**

Mr. Epstein explained that Redburn Development has formally withdrawn their request for an area variance for parking because they are in the process of finalizing a shared parking agreement that will allow them to provide the required spaces. He stated that the parking will be accommodated across State Street on a site that Redburn owns and will be within the required distance. Mr. Epstein noted that the City will be involved in the agreement as a third party.

- B. JONATHAN WOCHER on behalf of SPEEDWAY requests area variances for 1108 State Street (49.50-4-1.11), located in the C-2 Mixed Use Commercial Zoning District, to allow for a front setback that is greater than 10 feet, two freestanding signs, three canopy signs, and total aggregate sign area greater than 150 SF, which is not allowed pursuant to the Zoning Ordinance.**

Mr. Epstein noted that the Board is unable to consider this application until the Planning Commission declares itself Lead Agency for SEQR review at their September meeting.

**MOTION TO TABLE**

Motion by Mr. Keller, seconded by Ms. Lester, to table the application pending the Planning Commission declaring that they will act as lead agency for SEQR review.

*Motion carried unanimously.*

- C. JENNIFER HOWARD on behalf of STEWART's SHOPS CORP requests area variances for 1751 & 1757 Van Vranken Avenue (39.43-2-48 & 39.43-2-49) located in the C-2 Mixed Use Commercial Zoning District, to allow for the front entrance to be located on the side of the building facing the gas dispensers where the entrance is required to face the street, 2 wall signs where 1 is allowed, and an 8'10" tall freestanding sign that exceeds the maximum allowed height of 7' pursuant to Schedule C of the Zoning Ordinance.**

Mr. Epstein noted that the Board is unable to consider this application until the Planning Commission declares itself Lead Agency for SEQR review at their September meeting.

**MOTION TO TABLE**

Motion by Mr. Keller, seconded by Ms. D'Alessandro-Gilmore, to table the application pending the Planning Commission declaring that they will act as lead agency for SEQR review.

*Motion carried unanimously.*

**D. BYRON DIAZ requests an area variance for 1 Cheltingham Avenue (49.70-1-10) located in the R-1 Single Family District, to allow for a minimum lot area less than 5,000 SF for the rehabilitation of an existing structure into a townhouse which requires that each townhouse be located on a separate lot area of 5,000 SF pursuant to the Zoning Ordinance.**

Dan Gaudio appeared before the Board on behalf of Mr. Diaz.

Mr. Gaudio briefly reviewed the application and explained that since Mr. Diaz was denied a use variance to use the house on the site as a two-family residence, he has decided to instead construct two townhouse units which are required to be on their own lots. He stated that because the townhouses will use the same footprint as the existing structure the front unit would have a very small lot due to its proximity to the street, while the rear unit would have a much larger lot that would encompass the current back-yard area. He noted that parking would be on the rear lot but shared via an agreement.

The Board Members discussed the size of the requested variance and explored alternative lot lines which might help to reduce the size of the variance requested. It was noted that adjusting the lot lines could trigger the need for more variances as minimum setbacks might not be met. After some discussion it was determined that the application would be tabled to allow Mr. Gaudio to speak with Mr. Diaz about potentially amending the application, with the goal being revise the proposed lot lines to enlarge the front lot and minimize the size of the variance requested.

**PUBLIC COMMENTS IN FAVOR**

None.

**PUBLIC COMMENTS IN OPPOSITION**

None.

**MOTION TO TABLE**

Motion by Mr. Keller, seconded by Ms. D'Alessandro-Gilmore, to table the proposal to allow the applicant to revise the proposed lot lines and decrease the size of the variance requested.

*Motion carried unanimously.*

**VII. MOTION TO ADJOURN**

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

*Motion carried unanimously.*

The meeting was adjourned at 7:11 p.m.