

**City of Schenectady
Board of Zoning Appeals
Meeting Minutes
January 5, 2022**

I. CALL TO ORDER

Mr. Gleason called the meeting to order at 6:30 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.

II. ATTENDANCE

PRESENT: James Gleason, Chair; David Connelly; Brendan Keller; Helene Lester; Avi Epstein, Zoning Officer

ABSENT: Fred Clark, Mary D'Alessandro-Gilmore

III. CONFLICT OF INTEREST CHECK

None.

IV. APPROVAL OF MEETING MINUTES

Motion by Mr. Connelly, seconded by Mr. Keller, to approve the Minutes of the December 1, 2021 meeting as submitted.

Motion carried unanimously.

V. APPLICATIONS

- A. DePaul Properties, Inc.** requests an area variance for 914, 918, 924, 932, 938, 944, 956 and 1002 Crane St. (49.47-1-10 through 49.47-1-15, 49.55-1-2.11 and 49.55-1-4.1), located within the C-2 Mixed Use Commercial zoning district, to provide 50 parking spaces where a minimum of 71 is required pursuant to §264-44(B) of the zoning ordinance.

Dan Brocht of LaBella presented the application. Mr. Brocht explained that this variance was for the total number of parking spaces that would be located on site. The applicant reviewed the drawings and outlined the connections and parking spaces as currently configured why the reduction from 71 to 50 parking spaces was submitted.

Mr. Brocht explained that the Planning Commission was in favor of this reduction in overall parking and that based on current utilization rates the project should need no more than 50 parking spaces. This calculation is set on a 60-70% parking utilization rate. Mr. Brocht noted that the parking spaces could also be banked, in that if a need for additional spaces were to arise, they could always building more on the current site.

The applicant also noted that the fencing and landscaping would be enhanced based on the neighbors and other resident's input.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

Members of the Board agreed that this reduction in parking spaces was a positive thing and that an area variance was appropriate.

SEQR RESOLUTION

This project and Unlisted Action was previously issued a Negative Declaration under SEQR.

AREA VARIANCE APPROVAL

Motion by Mr. Keller, seconded by Mr. Connelly, to approve the area variance based on the following:

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.

Motion carried unanimously.

B. Bohler Engineering MA, LLC on behalf of McDonalds requests area variances for 1675 Union St and 1017 Dean St (50.31-2-15 & 50.31-2-16), located in the C-2 Mixed Use Commercial and R-1 Single Family Residential zoning districts respectively, to allow for the following: **(1)** an 8.1ft rear transitional yard setback where 15ft is required, **(2)** an 84.6% impervious surface coverage in the C-2 district where a maximum of 80% is allowed and, **(3)** a 76%

impervious surface coverage in the R-1 district where a maximum of 70% is allowed.

Steve Wilson of Bohler Engineering presented the application(s). He noted that this application was largely a scaled back version of what previously was presented to the Planning Commission over a year ago.

Mr. Wilson reviewed the drawing and highlighted each variance needed for their project to move ahead. He mentioned that the encroachment would not be more than what is already pre-existing. The same would be true for the max impervious coverage. Mr. Wilson noted that the site would be adding more permeable and green space to the site.

Mr. Connelly, asked if they were grandfathered as is and what would need to be brought into compliance. Mr. Epstein clarified that since the project was renovating the site and improvements were being made to the exterior and parking areas triggers the need to bring everything into compliance with the zoning code as it is today.

Mr. Wilson stated that two parcels will be consolidated into one upon receiving all approvals from Zoning and Planning.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

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 variances based on the following findings of fact:

1. No undesirable change will be produced in the neighborhood. Property is currently legally nonconforming. The variances being granted would bring the property closer to compliance.
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.

Conditions: Project must obtain final Site Plan Approval from the Planning Commission. The two parcels must be consolidated.

Motion carried unanimously.

VII. MOTION TO ADJOURN

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

Motion carried unanimously.

The meeting was adjourned at 7:05 p.m.