

**City of Schenectady
Board of Zoning Appeals
Meeting Minutes
June 1, 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; Fred Clark; Matthew Smith, Senior Planner; Nora Garrett, Zoning Officer; Chris Marney, Assistant Corporation Counsel.

EXCUSED: Mary D’Alessandro-Gilmore, Helene Lester.

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 April 6, 2022 meeting as submitted.

Motion carried unanimously.

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V. APPLICATIONS

- A. Hometown Health Centers** request an area variance for 1108 State Street (49.50-4-1.11), located in a “C-2” Mixed Use Commercial zoning district, to allow for an 84.5% impervious surface area, where a maximum of 80% impervious is permitted pursuant to Section 264 Schedule C of the zoning ordinance.

Alex Renzi, architect for the project, presented the application on behalf of Hometown Health Centers. The applicant stated he was requesting an area variance for the total impervious surface. He explained that he further reduced the total impervious surface to 82.5% from the initial submission of 84.5%.

Commissioner Gleason asked if the footprint of the existing Rite Aid building was increased. Mr. Renzi stated that he did increase it by enclosing the existing drive-thru canopy and expanded the front building entryway.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

Members of the Board agreed that the request was not substantial and that an area variance was appropriate.

SEOR 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.

AREA VARIANCE APPROVAL

Motion by Mr. Connelly, seconded by Ms. Lester, 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. Hometown Health Centers** requests an area variance for 1108 State Street (49.50-4-1.11), located in a “C-2” Mixed Use Commercial zoning district, to allow for a front yard setback of 76 feet, where a maximum front yard setback of 10 feet is permitted pursuant to Section 264 Schedule C of the zoning ordinance.

Alex Renzi, architect for the project, presented the application on behalf of Hometown Health Centers. The applicant stated he was requesting an area variance for the setback requirements. He explained that he improved upon the

existing setback by expanding the front entryway, bringing the setback closer to the front lot line by 10 feet.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

Board members agreed that there isn't much to be done because it is an existing building.

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.

AREA VARIANCE APPROVAL

Motion by Mr. Connelly, seconded by Mr. Keller, 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. There will not be an adverse effect on physical or environmental conditions in the neighborhood.
4. The alleged hardship is not self-created.

Motion carried unanimously.

- C. John Roth, owner of 224 State Street,** requests an area variance for 224 State Street (39.71-3-5.1), located in a "C-4" Downtown Mixed-Use zoning district, to allow for 54 parking spaces where a maximum of 40 parking spaces is permitted, pursuant to Section 264-44 of the zoning ordinance.

James Easton from EP Land Services represented the owner of the property. He explained that Highbridge Prime also owns the Electric City Apartments next door and they have had a hard time filling the commercial units due to the lack of parking. He stated that the lot at 224 State has a building currently on it that will be demolished and replaced with a 5-story 24-unit residential building. He stated

that there will be a two-level parking deck in the rear. He explained that a parking agreement has been drafted for the two properties to share the parking being constructed at 224 State.

Mr. Keller asked if the Electric City Apartments building had been granted a variance due to insufficient parking. Mr. Easton stated that he did not know why there were only 100 spaces provided for 110 units. The board took a brief break while Mr. Smith researched what type of approval was provided to Electric City Apartments. Mr. Smith returned and stated that no variance was issued as far as he can tell.

Mr. Keller stated that he was concerned that the city is not a party to the shared parking agreement and that would make it difficult for the city to enforce should the lot be sold. Mr. Marney stated that he believes the board could approve the variance with a condition that the parking agreement meet the satisfaction of the Corporation Counsel's office.

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.

AREA VARIANCE APPROVAL

Motion by Mr. Keller, seconded by Mr. Connelly, to grant the use 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. Specifically, that this variance is increasing the parking spaces for the tenants of two buildings.

And with the following condition:

1. There will be a validly executed parking agreement between 224 and 236 State St. that includes the City as an interested party to the satisfaction of the Corporation Counsel's office.

Motion carried unanimously.

D. L&B State Street Properties requests an area variance for a sign at 2200 Maxon Road (30.84-1-1.1), located in an "M-1" Light Manufacturing and Warehousing zoning district, to allow for a 3-sided sign, where a 2-sided sign is permitted, pursuant to Chapter 264-61C(2) of the zoning ordinance.

Christopher Haskell from AJ Sign presented the application and stated that there is a safety concern due to the amount of traffic that the business receives and visitors not being able to see the sign. He explained that given the location of the business and the orientation of the sign, a three-sided sign would help alleviate the safety concerns.

Lukas Crowder, third generation owner of Educational Vistas appeared before the board and stated that his company works with about 575 school districts from across the state and have been at this location for approximately three years. He stated that he has heard from a lot of the couriers that travel to his location that they've missed the entrance, had to slam on the brakes, or in some instances reversed up Van Der Bogart Street.

Mr. Smith explained that the notice that was sent out only identified the area variance request for the 3 sides, and that the consideration for the two-foot height variance would have to be re-submitted separately at a future meeting. Mr. Crowder stated that would be okay, and that he will work on the design to see if they will move forward with a 9-foot sign, or redesign it and bring it into compliance without the need for a variance.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

Mr. Keller stated that the request seems ok to him, but is a little weary of a stampede of additional requests from surrounding businesses if this is approved. Mr. Marney advised that any approval includes specific language as to why they're granting it in this instance.

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.

AREA VARIANCE APPROVAL

Motion by Mr. Keller, seconded by Mr. Connelly, to grant the use 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. Specifically, that the applicant is on a corner lot and traffic is frequently coming down Van Der Bogart St. where visibility is limited.
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.

- E. Geeta Jagiah** requests a use variance to operate a poultry meat slaughtering facility at 714 Broadway (49.31-1-34.1), located in an “M-2” Manufacturing and Warehousing zoning district, where meat slaughtering is not permitted pursuant to Section 264 B of the zoning ordinance.

Dan Morelli from Morelli Design and Construction appeared before the board to represent the owner. He explained that the business had operated previously under the prior administration. He stated that the business closed when the owner developed cancer, and is now looking to reopen, but slaughterhouses are not allowed by zoning. He stated that if it weren't for the fact that the business was previously operating, the owner wouldn't be applying for the variance.

Mr. Marney asked a clarifying question as to whether the applicant has any copies of prior approvals that allowed the business to operate. Mr. Morelli stated that he doesn't have anything officially, other than Daily Gazette articles stating that the prior administration had allowed the business to operate. Mr. Marney stated that he looked through the records for a variance or ordinance that would have allowed the business to operate, and found an ordinance from 2005 that prohibits the keeping of livestock in the city. Mr. Morelli stated that there was a compromise with the city council at that time that would have excluded this business and allow them to keep livestock. Mr. Smith asked Mr. Morelli if he had any documentation confirming this. Mr. Morelli stated that he did not, only the Daily Gazette articles.

Mr. Marney stated that slaughterhouses were prohibited in this district from at least 2005 prior to the current owner obtaining title, and there is no evidence that a use variance was approved at that time that would have allowed the business to operate at that time.

Mr. Keller stated that this type of use is inconsistent broadly speaking with the direction that the city is going and is prohibited, and therefore doesn't see a path forward for this approval.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

None.

SEQOR 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 APPROVAL

Motion by Mr. Keller, seconded by Mr. Connelly, to deny the use variance based on the following findings of fact:

1. An undesirable change will be produced in the neighborhood.
2. The benefit sought by the applicant can be achieved by another method.
3. The variance is substantial.
4. There will be an adverse effect on physical or environmental conditions in the neighborhood.
5. The hardship is self-created.

Motion carried unanimously.

VII. MOTION TO ADJOURN

Motion by Mr. Connelly, seconded by Mr. Keller, to adjourn the meeting.

Motion carried unanimously.

The meeting was adjourned at 7:45 p.m.