

**City of Schenectady
Board of Zoning Appeals
Meeting Minutes
March 6, 2019**

I. CALL TO ORDER

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

Prior to taking the first item on the agenda, 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 V. Connelly; Mary D'Alessandro-Gilmore; Brendan Keller; Helene Lester; Krystina Smith; Avi Epstein, Zoning Officer; Jennifer Mills, Secretary

ABSENT: Fred Clark

III. CONFLICT OF INTEREST CHECK

None.

IV. APPROVAL OF MEETING MINUTES

Motion by Ms. Smith, seconded by Mr. Keller, to approve the Minutes of the February 6, 2019 meeting as submitted.

Motion carried unanimously.

V. NEW BUSINESS - APPLICATIONS

A. JAMES COMMODORE requests an Area Variance for 216 Union Street (39.63-4-7) located in the RH-2 Stockade and C-4 Downtown Zoning Districts, to allow for a 24-foot-high accessory structure where a 12-foot-high structure is allowed pursuant to Schedule C of the Zoning Ordinance.

James Commodore presented the application.

Mr. Commodore explained that he would like to demolish the existing one-story, one and a half car garage, which is in poor repair, and replace it with a two stall, two-story garage with a small apartment on the second floor. He

stated that he and his family would like to move into the apartment while their home is undergoing major renovations. Mr. Gleason asked Mr. Commodore if he eventually plans to use the apartment as a rental unit. Mr. Commodore stated that he may decide to do so in the future, but that is not the intent behind building the garage and apartment. Ms. Smith asked if the garage is visible from Union Street. Mr. Commodore responded that it is not, but it is partially visible from Liberty Street. Ms. D'Alessandro-Gilmore asked if he had considered building a one and a half story structure, which would not require a variance. Mr. Commodore stated that they had, but that would allow the apartment area to be only 300 square feet, which would not be adequate for his family of three to live in for a year. He explained that the proposed two-story plans allow for approximately 600 square feet of living space.

Ms. D'Alessandro-Gilmore asked if there will have to be lead abatement done on the project. Mr. Commodore explained that the reason why they are planning the renovation is because their toddler daughter tested positive for lead, so every painted surface in the house must be addressed. Mr. Keller asked Zoning Officer Epstein if the height restriction is for accessory structures only. Mr. Epstein stated that it is. Ms. Smith asked Mr. Commodore how high the carriage house at 214 Union Street is. Mr. Commodore stated that it is the same height as the garage he is proposing. Mr. Keller asked Mr. Commodore if he knows the age of the existing garage. Mr. Commodore stated that he does not, but it is a cinderblock structure probably dating from the 1950s or 60s. Mr. Keller asked if him if he has been able to find any information as to what accessory structure was on the property before the existing garage. Mr. Commodore stated that he has not.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

Shail Maingi, property owner at 214 Union Street, stated that she has some concerns about the proposed design of the garage and her possible loss of privacy in her yard once it is built. Ms. Smith explained that any design issues fall under the purview of the Historic District Commission, whose approval Mr. Commodore will have to secure prior to any construction. She asked Ms. Maingi if her concerns with privacy are enough to cause her to oppose the application. Ms. Maingi stated that when weighed against the health concerns of Mr. Commodore's daughter they are not.

CONTINUED DISCUSSION

Mr. Gleason stated that he has no objection to the height of the structure, as most likely there was originally a carriage house on the property that would have been a similar height. Ms. D'Alessandro-Gilmore agreed, stating that accessory structures of this type were very common in the Stockade, and many still exist. The other Board Members agreed.

SEQR RESOLUTION

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

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. The replacement of the current garage with a carriage house style structure more in keeping with what would originally have been built on the property will most likely have a positive effect on 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 condition:

1. Prior to any demolition or construction taking place on the property the applicant must secure all necessary approvals from the Schenectady Historic District Commission.

Motion carried unanimously.

B. MICHAEL MCPARLTON requests an Area Variance for 793 State Street (49.25-3-17) & 2 Mynderse Street (49.25-3-16), to allow for a 2,200 SF addition to be constructed with a side yard setback of 11 feet where 15 feet is required.

Joe Bianchine of ABD Engineers and Surveyors and James McParlton presented the application.

Mr. Bianchine reviewed the site plan drawing and explained that the applicants would like to construct an addition to their existing facility so that they can store three more ambulances inside the building. These vehicles are currently stored outside. He stated that while only a 5-foot setback is required in the C-2 zone, part of the property abuts the R-2 Two-Family Zoning District, which requires a 15-foot setback. He added that they had tried to fit the addition on the lot in other ways that would not require the variance but were unable to configure it to do so while still being able to house the three ambulances.

Mr. Keller asked what is in the addition area now. Mr. Bianchine stated that it is paved and is used for parking. Ms. Smith asked if there is a fence along the residential property side. Mr. Bianchine stated that there is not. Zoning Officer Epstein stated that the project will require site plan approval by the Planning Commission, and they will most likely require a fence or some other type of buffer. Ms. Smith asked Mr. Bianchine if there is a sidewalk on the property. Mr. Bianchine responded that there is, and it is in good repair. He noted that the curb cuts will also not be changed, as the ambulances will be able to use the existing curb cut to access the lot and the new garage area.

Ms. Smith asked if there had been any discussion with the owner of the neighboring residential property. Mr. McParlton stated that they had approached the owner about purchasing the property, but they have thus far been unable to come to terms. He noted that the two-family house needs substantial rehab to be habitable, but the owner stated that he plans to do the rehab work. Mr. Epstein noted that no other vehicles will be allowed to park within the eleven-foot buffer. Mr. Bianchine stated that there is not adequate space to park vehicles in that area and the applicants have no plans to do so. Mr. McParlton stated that elsewhere on the lot there will be spaces for employee parking and for their handicap-access van, but the goal of the project is to have all the ambulances parked inside the building.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

Mr. Gleason stated that he has no objection to the variance as Mohawk Ambulance has been a stabilizing force in the neighborhood for years and the variance requested is minor. Mr. Keller agreed, stating that he believes the variance is a minor one and the project will have a positive impact on the neighborhood.

SEQR RESOLUTION

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

Motion carried unanimously.

AREA VARIANCE APPROVAL

Motion by Mr. Keller, seconded by Ms. Smith, 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 be no adverse effect on physical or environmental conditions in the neighborhood.

Motion carried unanimously.

VII. MOTION TO ADJOURN

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

Motion carried unanimously.

Meeting was adjourned at 7:04 p.m.