

**City of Schenectady
Board of Zoning Appeals
Meeting Minutes**

May 5, 2021

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

III. CONFLICT OF INTEREST CHECK

None.

IV. APPROVAL OF MEETING MINUTES

Motion by Mr. Connelly, seconded by Ms. D'Alessandro-Gilmore, to approve the Minutes of the April 7, 2021 meeting as submitted.

Motion carried unanimously.

V. NEW BUSINESS - APPLICATIONS

A. JOSHUA JASINSKI requests an area variance for 1655 Nott Street (40.54-2-24), located in the R-1 Single Family Zoning District, to allow for a 24'x 24' (576 square foot) garage where a maximum square footage of 520 is permitted pursuant to Schedule C of the zoning ordinance.

Joshua Jasinski presented the application.

Mr. Jasinski briefly reviewed the application and explained that he and his wife would like to build a new garage in their backyard, which will be

accessed from a driveway at the rear of his property. He stated that they would like to build the garage from a kit and that the size of the garage they have chosen is the closest to the allowed square footage that they can find.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

The Board Members indicated that they had no objections to the application and agreed that the amount of the variance sought is not substantial, as it is a requested increase of approximately 10%.

SEQR RESOLUTION

Motion by Mr. Connelly, seconded by Ms. D’Alessandro-Gilmore, to declare this project a TYPE 2 SEQR action, with no significant adverse impacts on the environment.

Motion carried unanimously.

AREA VARIANCE APPROVAL

Motion by Mr. Connelly, seconded by Ms. D’Alessandro-Gilmore, to approve the Area Variance based on the following findings of fact:

- 1. No undesirable change would 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.

B. GOMATTIE NANDALALL requests area variances for 1129 Seventh Avenue (49.55-2-20), located in the R-2 Two-Family Residential Zoning District, to install a 710.5 square foot shed that is 16.5 feet tall where a 330 square foot shed with a height of 12 feet is allowed pursuant to Schedule C of the zoning ordinance.

Gomattie Nandalall and her husband Bissham Nandalall presented the application.

Ms. Nandalall briefly reviewed the application. She stated that she and her husband built the shed in 2020 at a time when they believed that City Hall was not open and thus, they thought that they were unable to obtain the required

permits. She noted that the shed is about 75% complete. Mr. Epstein stated that there were violations issued on the property in 2019, thus the timeline stated by the Nandalalls does not match that of the City departments. The applicants stated that they use the shed for religious gatherings and for storing Mr. Nandalall's equipment for his contracting business.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

The Board Members continued to discuss the application. Mr. Keller stated that the area variance is substantial, and that regardless of when the shed was built and violations were issued by the City the applicants should have known they needed a permit to build the shed, particularly since they stated that Mr. Nandalall is a contractor, and if they had any question about whether or not City Hall was open they could have remedied the situation with a phone call. The Board members agreed. Mr. Connelly stated that the Board had denied several structures like this in the past, and that he did not believe that a case had been made to support a different decision in this case. The Board concurred.

SEQR RESOLUTION

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

Motion carried unanimously.

AREA VARIANCE DENIAL

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

1. An undesirable change would be produced in the neighborhood.
2. The benefit sought by the applicant can be achieved by another method.
3. The variance is substantial. The proposed shed is over 200% of the maximum allowed square footage and over 30% higher than the maximum allowed height.
4. There will be an adverse effect on physical or environmental conditions in the neighborhood.
5. The alleged hardship is self-created.

Motion carried unanimously.

C. JOHN KLIMES on behalf of SEFCU requests area variances for 3200 Balltown Road (60.32-2-30.1), located in the C-2 Mixed Use Commercial Zoning District, to allow for two (2) new wall signs in addition to the two (2) that are already on the building. The maximum number of signs allowed for a corner lot is two (2) pursuant to 264-61 (A)(2) of the zoning ordinance.

Terry Meisner of Saxton Design Group presented the application.

Mr. Meisner briefly reviewed the application and explained that SEFCU would like to add two signs which would inform customers that there are alternatives to the drive-thru service, as they have been having problems with excessive stacking of vehicles waiting for drive-thru tellers.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

The Board Members continued to discuss the application. Mr. Gleason stated that while at busy times he has observed cars stacking in the parking lot which sometimes spill out onto Balltown Road, he believes that there are many other ways that SEFCU could inform customers of the alternative services available other than doubling their amount of signage. Mr. Keller noted that the variance requested is substantial, and he agrees that it is unnecessary. The other Board Members agreed.

SEQR RESOLUTION

Motion by Mr. Keller, seconded by Mr. Connelly, to adopt a Negative Declaration on this unlisted action pursuant to SEQR 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 DENIAL

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

1. An undesirable change would be produced in the neighborhood.
2. The benefit sought by the applicant can be achieved by another method.
3. The variance is substantial. The proposed signs are double the amount allowed.

4. There will be an adverse effect on physical or environmental conditions in the neighborhood.
5. The alleged hardship is self-created.

Motion carried unanimously.

VII. MOTION TO ADJOURN

Motion by Mr. Connelly, seconded by Ms. D'Alessandro-Gilmore, to adjourn the meeting.

Motion carried unanimously.

The meeting was adjourned at 7:08 p.m.