

**City of Schenectady  
Board of Zoning Appeals  
Meeting Minutes  
September 7, 2022**

**I. CALL TO ORDER**

Mr. Gleason called the meeting to order at 6:32 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. The meeting is being recorded.

**II. ATTENDANCE**

**PRESENT:** James Gleason, Chair; David Connelly; Brendan Keller; Mary D’Alessandro-Gilmore; Fred Clark; Matthew Smith, Senior Planner; and Sylvia Jimison, Development Staff.

**EXCUSED:** Helene Lester; Chris Marney, Assistant Corporation Counsel

**III. CONFLICT OF INTEREST CHECK**

None.

**IV. APPROVAL OF MEETING MINUTES**

Motion by Mr. Connelly, seconded by Mr. Clark, to approve the Minutes of the August 3, 2022 meeting as submitted.

*Motion carried unanimously.*

**V. APPLICATIONS:**

- A. 31 Lafayette, LLC** requests an area variance for 31 Lafayette Street (tax parcel # 39.73-1-17), located in a “C-4” Downtown Commercial District, to allow for 50 on-site parking spaces where 69 parking spaces are required, pursuant to Section 264-44 B, Schedule F of the zoning ordinance.

Sarah Mailloux, architect for the project, stated that zoning requires 69 parking spaces and she is requesting a variance to allow 50 parking spaces. The project will be about 80% studio/1 bedroom units, and 20% 2-bedroom units. The parking will be on the ground floor of the building.

**PUBLIC COMMENTS IN FAVOR**

None.

**PUBLIC COMMENTS IN OPPOSITION**

None.

**CONTINUED DISCUSSION**

None.

**SEQR RESOLUTION**

Motion by Mr. Connelly, seconded by Ms. D'Alessandro-Gilmore, to declare this project a Type II SEQR Action.

*Motion carried unanimously.*

**AREA VARIANCE APPROVAL**

Motion by Mr. Keller, seconded by Connelly, to approve the area variance as submitted.

And 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. Schenectady Municipal Housing Authority** requests an area variance for 2450 Van Vranken Avenue (tax parcel #'s 30.84-2-1.1 and 1.2), located in a "C-2" Mixed Use Commercial District and an "R-3" Multi-Family Residential District, to allow for onsite directional signs with a height of 4 feet-6 inches and a size of 5.15 square feet where the code allows a 4-foot sign with a maximum size of 2 square feet, pursuant to Section 264-63 C of the zoning ordinance.

Applicant for the project, Ms. Sarah Mailloux architect, requested a variance for signage. She stated Phase I of the project was completed last year and hoping to match signage for Phase II of the project.

**Mr. Keller** asked the applicant why 4 feet instead of required inches? The applicant responded because there are different buildings throughout the complex, for a total of 4 signs.

**Mr. Gleason** asked if there were additional questions and if the public oppose or in favor of the project.

**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 this project a Type II SEQR Action.

*Motion carried unanimously.*

**AREA VARIANCE APPROVAL**

Motion by Mr. Keller, seconded by Mr. Connelly, to approve the area variance as submitted.

And 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.*

- C. **Chris Spraragen** requests an area variance for 530 Franklin Street (tax parcel # 39.80-1-1), located in a “C-4” Downtown Commercial District, to allow for two attached signs on the side of the building where one sign is permitted, pursuant to Section 264-61 Schedule I of the zoning ordinance.

Carly Clark, a representative for AJ signs, appeared before the board. She explained that the applicant was proposing a sign next to the door for information about the school and to identify the entrance to the school. The applicant passed a printout around for the commissioners to see what the sign would look like.

There was a lot of discussion amongst the commissioners about the signage. Mr. Connelly had concerns about the size and Ms. D’Alessandro-Gilmore wanted to know the advantage to having the phone number on the sign. Mr. Keller’s concern was wanting to have a second sign, since it will set a precedent for future requests. Mr. Chris Lunn, Codes Department Director, stated he would need to know student’s entrance for emergency personnel and how to get to the third floor of the building. Mr. Connelly stated that he believed the sign could be categorized as a directional sign. Mr. Smith stated that having a phone number and logo on the sign would constitute advertising and therefore would not be considered directional. He stated that he could clarify that with the Corp. Counsel’s office.

**AREA VARIANCE DECISION**

Motion by Mr. Keller, seconded by Mr. Clark, to table the project.

*Motion carried unanimously.*

- D. Union Triangle Development Corp.** requests an area variance for 832 Union Street (tax parcel # 39.74-2-8), located in a “R-3” Multi-Family Residential District, to allow for three residential units on a lot that is 3,910 square feet and the required lot size is 6,750 square feet, pursuant to Section 264 Schedule C of the zoning ordinance.

Mr. Peter Della Ratta, owner of the property, appeared before the board. He indicated that he has the property under contract to sell. He explained that he received a Special Use Permit to operate an office out of the garage several years ago but was never told he needed a variance. He stated that now that he would like to convert the office to a residential unit, he needs to obtain a variance. He explained that the owner would be living in the garage unit as a requirement of the FHA Loan that the property be owner-occupied.

Mr. Gleason asked if there were additional questions and if the public oppose or in favor of the project.

**PUBLIC COMMENTS IN FAVOR**

None.

**PUBLIC COMMENTS IN OPPOSITION**

None.

**CONTINUED DISCUSSION**

None.

**SEQR RESOLUTION**

Motion by Mr. Connelly, seconded by Ms. D’Alessandro-Gilmore, to declare this project a Type II SEQR Action.

*Motion carried. Mr. Keller abstained.*

**AREA VARIANCE APPROVAL**

Motion by Mr. Connelly, seconded by Ms. D’Alessandro-Gilmore, to approve the area variance as submitted.

And 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 does not constitute a self-created difficulty.

*Motion carried. Mr. Keller abstained.*

**E. Christopher C. Marney and Christopher W. White** request an appeal of the Zoning Interpretation and Decision for 2 North Ferry Street, (tax parcel #39.63-2-46.1), located in an “RH-2” Stockade Historic Residential District, pursuant to Article 5-A of General City Law.

Attorney Libby Coreno appeared for property owners Christopher C. Marney and Christopher W. White and presented a PowerPoint presentation for the commissioners about their application.

The applicant’s attorney is requesting that these items be addressed:

- 1) Reverse the decision issuing the certificate of occupancy and any other decision that states the property is in compliance with the zoning ordinance.
- 2) Interpretation that the driveway is not a legally established preexisting parking area.
- 3) Reversal to close out paving permit.
- 4) A determination that the paving is graded in a manner that sheds water onto the neighboring property and is therefore in violation of the zoning ordinance.

After the presentation, the board was in agreement with the relief that the applicant was requesting. Mr. Keller had some due process concerns because the new owner of the property was not notified of the filed BZA application. Ms. D’Alessandro-Gilmore agreed that the new owner should be contacted before the board makes a decision.

**APPEAL & REQUEST FOR INTERPRETATION DECISION**

Motion by Ms. D’Alessandro-Gilmore, seconded by Mr. Keller, to table the project.

*Motion carried unanimously.*

**V. Other Business - None**

**VI. Adjourn** 8:20 p.m. Mr. Gleason motioned to adjourn and Ms. D’Alessandro-Gilmore seconded the motion.

*Motion carried unanimously.*