

City of Schenectady
Board of Zoning Appeals
Meeting Minutes
October 6, 2021

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; Mary D'Alessandro-Gilmore; Brendan Keller; Helene Lester; Fred Clark; Avi Epstein, Neighborhood Stabilization Coordinator
EXCUSED: David Connelly

III. CONFLICT OF INTEREST CHECK

None.

IV. APPROVAL OF MEETING MINUTES

Motion by Ms. D'Alessandro-Gilmore, seconded by Ms. Lester, to approve the Minutes of the September 1, 2021 meeting as submitted.

Motion carried unanimously.

V. NEW BUSINESS - APPLICATIONS

- A. Tiffany Bishunath** requests an area variance for 2129 Van Vranken Ave (39.28-1-8), located within the C-2 Mixed Use Commercial zoning district, to allow for a driveway with a width of 7.8ft where a minimum of 10.5ft is required pursuant to §264-43B(1) of the zoning ordinance.

Tiffany Bishunath and her father, Dhaneshwar Bishunath, presented the application.

The applicants reviewed the information and explained they would like to add a driveway to the left of the house with an additional parking area to the rear

of the building. Ms. Bishunash presented a letter of support from their neighbor, Michael Giuzio, who lives at 2131 Van Vranken. Mr. Keller questioned the dimensions provided since the driveway would be very close to the adjacent neighbor. Mr. Bishunash stated that they have 8'1" and would leave 5 inches from end of driveway to neighboring property line.

PUBLIC COMMENTS IN FAVOR

Letter submitted by Michael Giuzio of 2131 Van Vranken in support of applicants request for a driveway.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

Mr. Epstein noted that the minimum permeable surface required is 20% of the lot area. Based on the information provided by the applicants, Mr. Epstein stated that the proposal would just meet the requirements.

The commissioners noted that there are many driveways along Van Vranken that are narrower than what the code allows for. Mr. Gleason stated that the Board has granted area variances for properties with similar physical constraints so that a driveway could be established.

SEQR RESOLUTION

Motion by Mr. Keller, seconded by Mr. Clark, 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. Keller, seconded by Ms. D'Alessandro-Gilmore, to grant the area variance based on the following findings of fact:

1. No undesirable change will be produced in the neighborhood as most adjacent properties have similar driveways.
2. The benefit sought by the applicant cannot be achieved by another method. This is the only location on the property where an off-street parking space can be placed.
3. The variance is not substantial. The request is less than a 3 foot deviation from the code.
4. There will not be an adverse effect on physical or environmental conditions in the neighborhood.
5. The alleged hardship is not self-created.

Motion carried unanimously.

B. Geerdial Chatooram requests area variances for 1003 State St (49.42-5-34), located in the C-2 Mixed Use Commercial zoning district to allow for a concrete pad in the front yard and to provide 0% permeable space which is not permitted pursuant to §264-43A(1), (2) and Schedule C of the zoning ordinance.

Geerdial Chatooram presented the application to the Board.

Mr. Chatooram briefly explained that he removed the grass from the front yard and replaced it with concrete and is now seeking a variance to keep the concrete where it is. He apologized for not obtaining a permit from Code Enforcement prior to doing the work and said that he didn't know it required one at the time.

The applicant stated that his neighbor at 1000 State St also has concrete in their front yard. Mr. Chatooram noted that he wants to stop people from walking across the grass that was there and prevent people from leaving garbage in his yard.

Mr. Chatooram stated that having to remove the concrete and return the area to a permeable surface would be very costly. For this reason the applicant noted he would face a hardship. He also stated that the work done is an enhancement for the neighborhood and that it fits in with many other properties in the area and along State street.

PUBLIC COMMENTS IN FAVOR

None.

PUBLIC COMMENTS IN OPPOSITION

None.

CONTINUED DISCUSSION

Mr. Keller and Ms. Lester asked how the adjacent property at 1000 State got a permit to place concrete in the front yard. Mr. Epstein stated that 1000 State St was grandfathered and had impervious surface located in the front yard for over 20 years. A permit to redo the surface but not expand the are is allowed and was granted.

Mr. Epstein asked the applicant if he had considered other alternatives to prevent people from walking across their property such as a fence. Mr. Chatooram stated that he had not considered placing a fence in the front yard. The Board Members discussed the proposal and agreed that adding concrete

to the front yard would not prevent people from walking on their property and would likely make it a more common occurrence.

Mr. Gleason stated that this type of application has come before the Board numerous times and has been denied. He also noted that this would set a bad precedent and would simply encourage more people to do this type of work without a permit and then ask for a variance after the job is complete. The Board Members agreed and determined that sufficient evidence had not been provided to meet any of the standards required for an area variance approval.

SEQR RESOLUTION

Motion by Mr. Keller, seconded by Ms. Lester, 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 Ms. Lester, to deny the area variances based on the following findings of fact:

1. An undesirable change will be produced in the neighborhood. This would decrease the amount of permeable surface and create additional runoff issues.
2. The benefit sought by the applicant can be achieved by another method. The applicant could put up a fence or landscaping to prevent people from entering their property.
3. The variance is substantial as it would leave the property with 0% permeable space.
4. There will be an adverse effect on physical or environmental conditions in the neighborhood. The changes would increase runoff issues and could lead to parking in front of the house which is common with paved areas located in front of the house.
5. The alleged hardship is self-created. The applicant conducted the work without obtaining a permit and or asking city staff if this work is permitted.

Motion carried unanimously.

VII. MOTION TO ADJOURN

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

Motion carried unanimously.

The meeting was adjourned at 7:15 p.m.