

Zoning Board Meeting Minutes

January 9, 2018

Ms. Conroy called the meeting to order at 6:03. She stated that there were only 4 members present, and that if two members were in opposition to any application, it would not pass.

ZB 2017-62 1844 Land Development, LLC requests a Use Variance and Area Variances for a parking deficiency, rear setback deficiency, excessive density, and excessive building height, related to a proposal to construct 4 residential buildings on a vacant parcel, with 12 units apiece, for a total of 48 residential units, at 171 Oakwood Avenue, in an R-1 zone.

Jamie Easton of M.J. Engineering represented the applicant at this meeting.

Mr. Normile asked for clarification on how much of the new buildings are visible from Oakwood Avenue. Mr. Easton said he had an elevation plan, but it did not show how it was visible from Oakwood. He also stated that the Planning Commission had asked for the same, and said they may want additional screening from Oakwood Avenue. The parcel is heavily wooded at the edges, so it will only be really visible in the winter. The applicant is considering substituting evergreen trees for their originally planned deciduous trees.

Ms. McLaren stated that the Planning Commission had asked about moving parking to provide space between buildings, and Mr. Easton said that it was done that way to move the buildings away from the road.

Because the public hearing was closed at the December 5, 2017 there was no public comment.

A motion to adopt a negative declaration of environmental significance, made by McLaren and seconded by McCann, passed 4-0.

A motion to deny the variance, made by Mr. Normile and seconded by Ms. McLaren, failed on a 2-2 vote.

Conroy: No McCann: No McLaren: Yes Normile: Yes

A motion to approve the application for the Use Variance was made by Ms. Conroy, and seconded by Mr. McCann:

- a) The land will not yield a reasonable economic return if only used for a R-1 purpose.
- b) The need for the variance was not caused by the applicant.
- c) The application or the proposal will not alter the essential character of the neighborhood.

Conroy: Yes McCann: Yes McLaren: No Normile: No

This motion to approve also failed on a 2-2 vote.

Thus, the Variance was denied.

ZB 2017-67 Jamie Magur requests a Use Variance related to a proposal to operate a tattoo parlour in a vacant building at 50 King Street (ID 101.38-9-15) in a B-4 zone.

Jamie Magur, the owner of the building, spoke to present the project, stating that:

- He owns the adjacent building (50 King Street).
- This project helps extend the business district to the north.
- While a tattoo parlor is not the ideal use, it is the tenant's trade.
- The tattoo parlor will also contain a small art gallery.
- The small size of the space makes it difficult to get other types of tenants.

A member of Bethel Baptist Church had some parking questions.

Ms. Conroy and Ms. Hillary noted that the B-4 district has no parking requirement.

Ms. Conroy noted that the tattoo parlors generally do not generate significant simultaneous parking demand.

A motion to adopt a negative declaration of environmental significance, made by McLaren and seconded by Normile, passed 4-0.

A motion to approve the application for the Use Variance was made by Mr. Normile, and seconded by Ms. McLaren, based on the following findings of fact:

- a) The land, property, structure, or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone.
- b) The need for the variance was not caused by the applicant.
- c) The use shall not alter the essential character of the neighborhood, nor depreciate aesthetic or property values of the locality.
- d) The plight of the owner IS due to the unique circumstances instead of the general conditions in the neighborhood, which may reflect the unreasonable uses of the zoning ordinance itself.

Conroy: Yes

McCann: Yes

McLaren: Yes

Normile: Yes

The motion to approve succeeded on a 4-0 vote.

ZB 2017-68 Jennifer Zaccaria requests an Area Variance for a lot coverage deficiency related to a proposal to create a rear expansion to a 2-unit, 2-story residence at 57 Brunswick Avenue, in a R-3 zone.

Ms. Zaccaria, the owner, spoke. She stated that the addition is to allow for use by her extended family, but that right now it is just her, and she is renting a unit to RPI students.

In addition to a question by Ms. Conroy, she explained that the rear expansion will contain 2 new bedrooms (as well as bathrooms) on each floor. The building will go from 4 total bedrooms to 8 total bedrooms.

In addition to questions by Ms. Conroy and Mr. Normile, she replied that the building is expected to house 13 residents in the future.

Two neighbors spoke in opposition, stating that the area has gone from family owned residential to mostly college students, that there is lots of parking on lawns and bad maintenance, and that the addition to the building would put additional stress on the parking limitations of the neighborhood.

Ms. Zaccaria responded that neither her current student tenants nor her family own many vehicles.

A motion to adopt a negative declaration of environmental significance, made by McLaren and seconded by Normile, passed 4-0.

A motion to deny the application for the Area Variance was made by Ms. McLaren, and seconded by Mr. McCann:

- a) An undesirable change will be produced in the character of the neighborhood.
- b) The area variance is substantial, because it's doubling the occupancy of the house.
- c) The proposed variance will have an adverse effect on the physical or environmental conditions in the neighborhood, because of parking, and the building size vis-à-vis the lot size.
- d) The alleged difficulty was self-created by the applicant.

McLaren: Yes

McCann: Yes

Normile: Yes

Conroy: Yes

The motion to deny succeeded on a 4-0 vote.

ZB 2017-69 Justin Haas seeks a Use Variance to add a third apartment to a parcel which already has 2 apartments and 2 businesses, at 720 Sixth Avenue, in a R-1 zone.

Mr. Haas, the owner, spoke.

He explained that he has had considerable trouble finding potential commercial tenants.

In response to questions from Ms. Conroy and Mr. Normile, he said that there will be no new construction, just conversion of commercial space to residential space.

Nobody spoke in favor of or in opposition to the proposal.

A motion to adopt a negative declaration of environmental significance, made by McLaren and seconded by Normile, passed 4-0.

A motion to approve the application for the Use Variance was made by Mr. Normile, and seconded by Mr. McCann:

- a) The land, property, or building in question has been shown that it cannot yield a reasonable economic return if used only for a purpose allowed in the zone, it has been demonstrated through 5 years of vacancy.
- b) The need for the variance was not caused by the applicant; he tried to rent the space.
- c) The use shall not alter the essential character of the neighborhood, nor depreciate aesthetic or property values of the locality.

d) The plight of the owner is due to unique circumstances instead of the general conditions in the neighborhood, which may reflect the unreasonable uses of the zoning ordinance itself.

Conroy: Yes

McCann: Yes

McLaren: Yes

Normile: Yes

The motion to approve succeeded on a 4-0 vote.