

February 6, 2018 Zoning Board Meeting Minutes

Ms. Conroy called the meeting to order at 6:06 PM. She stated that there were only 4 members present, and that if two members were in opposition to any application, it would not pass.

Roll call

ZB 2017-70 Capital Roots seeks Area Variances for a parking deficiency, front setback deficiency, rear setback deficiency, and side setback deficiency, related to a proposal to renovate and expand its existing building, add a new greenhouse, add 2 new parking lots, and add additional parking on existing spaces (for a total of 44 new parking spaces), on the following five (5) parcels:

- **594-598 River Street (ID 101.22-2-14) (HWD)**
- **604 River Street (ID 101.22-2-18) (HWD)**
- **8 Jay Street (ID 101.22-6-2) (HWD)**
- **2525 Fifth Avenue (ID 101.22-6-3) (B-5)**
- **2540 Fifth Avenue (ID 101.22-7-1) (B-5)**

Eric Davenport of LEAP Architecture, and Jim Connors of Chazen Companies, both spoke on behalf of the applicant.

The project will create 2 new parking spaces and a small amount of parking on the other 3 project sites. The main building site will contain an incubator kitchen, community space, hub distributions, central market location, and staff parking. The greenhouse site will include 3 energy-efficient greenhouse modules and a small parking lot.

The applicant cannot conform to the zone setback requirements, because they need the greenhouse modules to be a certain length and orientation for maximum solar efficiency. It was noted that most of the surrounding buildings also violate the zone setback requirements.

In response to a question from John Normile, Jim Connors said that the project would add sidewalks, and at least one crosswalk.

There was no public comment.

A motion by McLaren, seconded by Normile that the project is determined to be a **Type 1** action, with a negative declaration of environmental significance passed by a 4-0 vote.

A motion to **Approve** the **Use Variance** was made by Mr. Normile, and seconded by Ms. McLaren, on the grounds that:

- a) An undesirable change will NOT be produced in the character of the neighborhood.
- b) Injury to nearby properties will not be created by granting variance

Conroy: Yes McCann: Yes McLaren: Yes Normile: Yes

The variance was APPROVED 4-0.

ZB 2018-01 United Armenian Calvary Congregational Church requests a Use Variance, and Area Variances for a lot area deficiency and excessive density, related to a proposal to convert a church into 8 apartments, with a combined total of 27 bedrooms and 13 parking spaces, at 144 Ninth Street (ID 101.39-6-11) in a R-2 zone.

Michael Ginsberg, who is not the applicant, but who is the proposed buyer and developer, described the project. His presentation included a Power Point presentation.

A similar project, ZB 2017-66, had been proposed on December 5, 2017 for the same location. The difference is that ZB 2017-66 involved 12 apartments, with an expected 48 tenants, and ZB 2018-01 involves 8 apartments, with an expected 27 tenants. And tenants are The purchaser presented the project, as well as the realtor and an attorney for the purchaser. They presented arguments that the proposal will not create a negative impact, that it is unfeasible to redevelop except as an apartment building, that it is not feasible to develop as a single or two family house, and that the hardship was not created by the congregation that owns the property. ,

10 people spoke in opposition to the project arguing that the character of the neighborhood will be negatively impacted, the density is too high, the hardship is self-created, and that it can successfully be used for a different use.

A motion made by McLaren and seconded by Normile determining this is an **UNLISTED** action, with a negative declaration of environmental significance was approved 4-0.

A motion to **DENY** the Use Variance was made by Mr. Normile, and seconded by Ms. McLaren, on the grounds that:

- a) The land, property, structure, or building in question CAN yield a reasonable economic return if used only for a purpose allowed in the zone, because the zone was changed to R-2 by the city.

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

Conroy explained her decision on the fact that:

- 1) the applicant made a concerted effort to meet with the neighbors, and reduced his proposed occupancy by almost 50 %
- 2) the property has been vacant for so long, the neighbors have had adequate time to think of an alternate use, before it even went on the market
- 3) As Jim Conroy said, he hasn't received sufficient interest from potential buyers with alternate uses in mind

McCann explained his decision on the fact that:

- a) The project was downscaled by 50 %
- b) The applicant reached out to a lot of people to see if they wished to buy it

The motion to DENY failed on a 2-2 vote.

At this, per Red Griffin's advice, they decided to table it, pending legal advice from the City's Corporation Counsel.

A motion to TABLE, made by Conroy, seconded by McCann, succeeded on a 4-0 vote.

The project was TABLED.

ZB 2018-02 Brian Burns requests Area Variances to allow for a minimum lot width deficiency and a parking deficiency, related to a proposal to convert a 2 bedroom apartment into a 3 bedroom apartment, with no off-street parking, at 153 Fifth Avenue (ID 90.39-4-12) in a R-4 zone.

Joe Dana, project architect described the project on behalf of the applicant.

Nobody in the audience spoke in favor of the project, spoke in opposition to the project, or asked any questions about the project.

Per a motion by McLaren, seconded by McCann:

The project was determined to be a **Type 2** SEQR action, with a negative declaration of environmental significance, by a 4-0 vote.

A motion to **Approve** the **Area Variance** was made by Mr. Normile, and seconded by Mr. McCann, on the grounds that:

- a) An undesirable change WILL NOT be produced in the character of the neighborhood.
- b) Detriment to nearby properties will not be created by granting this area variance

Conroy: Yes McCann: Yes McLaren: Yes Normile: Yes

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

The project was APPROVED.

ZB 2018-03 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 11 units apiece, for a total of 44 residential units, at 171 Oakwood Avenue (ID 90.56-2-3) in an R-1 zone.

This project was WITHDRAWN.

The meeting was ADJOURNED.