

September 11, 2018 – Zoning Board of Appeals – Meeting Minutes

ZB 2018-26 The Community Builders, Inc. seeks Area Variances for 244-246 First Street (100.84-6-10) to construct an 84-unit apartment building with no front and side setbacks (10' required) and 111 parking spaces (164 required).

Melissa Cherubino: The Community Builders were asked by Planning Commission to further reduce by 15 parking spaces to a total of 96 spaces, with 15 land banked spaces if needed in the future. They will reserve them in case there is a need in the future. Despite the city's recommendation, the Community Builders' proposal seeks to keep the inward facing park, linear parking lot, and has kept the ground-level design without façade penetrations. The applicant can't meet the setback requirements if they are meant to match the adjacent building characteristics.

Public Comments: No community members spoke in favor of the proposed project, three spoke in opposition including Sid Fleisher and Sam Chiappone, who represented Osgood and Little Italy Neighborhood Associations, respectively. Their concerns argued the proposed project would have undesirable impacts on the community. These included traffic, parking, property value, not fitting the neighborhood's façade and structure size characteristics, and safety.

Catherine Conroy (Chair) asked attendees for a show of hands: 7 opposed, 2 in favor

Cherubino claimed most Community Builder tenants at similar sites only have one vehicle per unit and pointed out the bus stop one block away. The applicant's claim of improved walkability referred primarily to creating new sidewalks, though, and claimed the "wall would create a safe environment". She explained the breakdown of units and how their residents are looking for places to live where they are not car-reliant.

The Board decided, if approved, the ZBA could determine if the land banked parking spaces needed to be converted to usable parking.

SEQRA (Unlisted): McLaren moved to approve, Pavlic 2nded, all voted yes.

Variance: Pavlic moved to approve, McCann 2nded.

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

Variances for parking and setbacks **APPROVED** 4-1, with condition that the City/ZBA can determine if land-banked parking spaces need to be converted.

ZB 2018-34b Hudson Terrace Management LLC seeks Area Variances for 221 Stow Avenue (ID 122.28-1-27.1) to construct a 36-unit apartment building, with 23.3 units per acre (21.5 units per acre allowed).

Richard Nolan (project manager): said Hudson Terrace has met with the neighbors, as suggested by the ZBA, and has incorporated many of the neighbors' requests into the updated plans. They have moved the building off the crest of the hill, reduced the project from 55 to 36 units, and reduced the height to 3.5 stories. They still require variances for road frontage- the existing buildings do not even meet the requirement. Claimed this will not create an undesirable change, and that most neighbors will not even notice a difference. Claimed hardship since required frontage cannot be achieved logistically. Claimed new building will improve neighborhood character.

Judd Feinman (property owner): We have already replaced rotted picnic table, and added stop sign and crosswalk- at the neighborhood's request. With the additional units, we will have a full-time office, cameras, and low-level lighting. The proposed building is 50 feet from any neighboring building, and we will install Thuja Green Giant Arborvitae trees to create a wall of greenery.

Public Comments: No residents spoke in favor, 4 spoke in opposition. Residents were concerned about the impact the project would have on their property value and quality of life. More specifically concerns

surrounding, runoff from the new building, since it has been problematic for the existing buildings, density, traffic, maintenance, and removal of vital greenspace were voiced. Most notably, a current resident gave insight that the existing units are in poor condition.

Nolan: Their stormwater engineer would be working on the project closely to ensure it meets today's code, which is more strict than the original project's codes.

Feinmann: Admitted traffic was an issue, but the proposal would have a minimal impact. He referred back to the fast-growing trees to mitigate the concerns surrounding character.

McCann: Voiced concerns about strain/impact on sewer system, and emergency vehicle access in the winter.

Normile: Wanted to ensure, upon approval, they would install the security cameras and new windows in the existing buildings.

McLaren: Wanted to ensure the runoff would be addressed upon new construction.

Conroy: Voiced concerns about current condition of existing buildings and decided **conditions** would need to be created for the cameras, trees, runoff, and windows.

SEQRA: Passed Unanimously.

Variations: Conroy motions to approve

Stipulations: All windows will be replaced on existing buildings, security cameras once full time office is there, lighting, drainage/runoff, sidewalk will be created at the driveway entrance (instead of painted crosswalk).

Pavlic 2nds, votes yes. McCann: yes McLaren: yes Normile: no Conroy: yes

Variations **APPROVED** 4-1 with **stipulations**.

ZB 2018-45 & 46 Habitat for Humanity seeks Area Variations for 79 Fifth Avenue and 81 Fifth Avenue (ID 90.46-2-6), each to construct a 1-unit residence, with a 4' front setback (10' required), side setbacks of 0' and 2' (10' required), and 0 parking spaces (2 required).

Fred Darguste (Habitat for Humanity): Explained they are changing the density from two family homes to one family owner-occupied homes, and seeking variations to keep new construction consistent with the neighborhood. He claimed all the homes use on-street parking, and their project will be consistent. Lowering the density will reduce the need.

Public Comments: One resident spoke in opposition, although in favor of the overall project, she was upset about the parking.

Darguste: Urban neighborhoods, unfortunately, sometimes have parking challenges, but the tradeoff is more homeowners who will be caring about the neighborhoods.

SEQRA (Type II): Passed Unanimously

Variations: Normile makes a motion to approve, 2nded by McLaren

Pavlic: yes. McCann: yes McLaren: yes Normile: yes Conroy: yes

Variations **APPROVED** 5-0

ZB 2018-50 Habitat for Humanity plans to demolish an existing structure and construct a new 1-unit residence at 13-15 Cross Street (ID 111.68-3-26). Seeks a Special Use Permit to allow for first floor residences and Area Variance for 6' side setback (10' required).

Darguste: Explains this project will help complete the project on Burden Street, and will be a single family, single level home for someone with a physical disability. It will be ADA compliant, and tailored once a homeowner is determined (6-8 months prior to construction). Setbacks will match neighboring buildings.

No public comments

SEQRA (unlisted): Passed Unanimously

Variations: McLaren makes a motion to approve, 2nded by Normile

Normile: yes

Pavlic: yes

McCann: yes

McLaren: yes

Conroy: yes

Variations **APPROVED** 5-0

ZB 2018-48 Arakelian Development Co. LLC plans a mixed-use redevelopment at 750 Second Avenue (ID 80.40-2-1) with 151 apartments and is seeking a Use Variance to allow for a community center and an Area Variance for 117 parking spaces (177 required).

Roger Keating (Chazen Co, project manager): Explains project, seeking to repurpose the existing the building for mixed use, keeping their business in the building, with two small commercial storefronts, with apartment units on floors 2-6. Use variance to use existing carriage house for “community space” for building residents to use, and the property is split by two different zones. Looking to expand the parking and create 10 land-banked parking at the request of Planning. Also noted the there is adequate on-street parking.

Public Comments: No residents in favor, two opposed. Concerns about rent and *who* will be living in the building and parking.

Keating: Ensured it would have high standards for the residents, since the family will be occupying the building. “They’re not going to want *undesirables* in there for sure, because they’re going to be in the building!”

Darryl Often (Project management): “... a lot of the one bedroom units, which I know of, some of the street rents are like, \$650, ...the three bedrooms behind us are you know 1000 bucks. We’re going to have any rents that go below those levels; this is not a public housing project. I’ll let the housing authority do the public housing projects... I do not want to say anything on record that’s going to suggest we’re going to violate fair housing laws. We’re really pitching this as workforce housing...”

SEQRA (unlisted): Approved Unanimously

Variations: McLaren makes a motion to approve, 2nded by McCann

Normile: yes

McLaren: yes

McCann: yes

Pavlic: yes

Conroy: yes

Variations **APPROVED** 5-0