

ZONING BOARD OF APPEALS

JANUARY 16, 2018 MEETING MINUTES

**Present:** Chairman Ron Nolland, Scott DeMane, Kathleen Insley,  
Katie Francisco (Alt.), Steve Sullivan  
Joe McMahon, Building Inspector

**Absent:** Kellie Porter

**Also Present:** Hannah Dyer  
William Dickerson & Amanda Dagley, NBZ LLC  
Aaron Ovios, Robert Sutherland, PC  
Rob Boire, TRB Development

Mr. Nolland called the meeting to order at 7:05 PM. The following items were on tonight's agenda.

<b>APPEAL</b>	<b>APPLICANT</b>	<b>REQUEST</b>
2150	HANNAH DYER 5214 NORTH CATHERINE	CLASS B VARIANCE REQUEST TO CHANGE 2 APARTMENT RESIDENCE TO 4 APARTMENT RESIDENCE WHICH WILL NOT MEET THE OPEN SPACE REQUIREMENT, PAVES TOO CLOSE TO PROPERTY LINE AND DOES NOT MEET MINIMUM LOT SIZE
2152	ANDREA & GIANPASQUALE MINARDI 103 OAK STREET	CLASS B VARIANCE INSTALL POOL WHICH ENCROACHES ON SIDE YARD SETBACK
2153	NBZ LLC 26 CITY HALL PLACE	SPECIAL USE PERMIT REQUEST TO OPERATE A RADIO STATION WHICH IS NOT ALLOWED IN A CENTRAL BUSINESS DISTRICT
2154	TRB DEVELOPMENT 460 MARGARET STREET	CLASS B VARIANCE REQUEST TO SUBDIVIDE INTO LOTS 1,2,3, RESULTING IN LOT 1 ENCROACHING ON SIDE YARD SETBACK
2155	TRB DEVELOPMENT 460 MARGARET STREET	CLASS B VARIANCE REQUEST TO SUBDIVIDE INTO LOTS 1,2,3, RESULTING IN LOT 2 ENCROACHING ON SIDE YARD SETBACK AND NOT MEETING OPEN SPACE REQUIREMENTS

- |      |  |   |
|------|--|---|
| 2156 | TRB DEVELOPMENT<br>460 MARGARET STREET | CLASS B VARIANCE<br>REQUEST TO SUBDIVIDE INTO LOTS 1,2,3,<br>RESULTING IN LOT 3 ENCROACHING ON SIDE<br>YARD SETBACK, REAR YARD SETBACK AND NOT<br>MEETING OPEN SPACE REQUIREMENTS |
| 2157 | TRB DEVELOPMENT<br>460 MARGARET STREET | SPECIAL USE PERMIT<br>REQUEST IS TO SERVICE ALCOHOL IN AN RC-1<br>DISTRICT  |

Mr. Nolland advised there are no conflicts with any board member being within 500' of any of the above appeals other than Ms. Insley, who has a conflict with the appeals for 460 Margaret Street due to a professional client relationship.

Any application can wait for a full board.

They will hear the agenda in order as stated.

The **first** item heard was Appeal #2150, Hannah Dyer for a Class B Variance requesting to change a 2 apartment residence to a 4 apartment residence which will not meet the open space requirements, paves too close to property line and does not meet minimum lot size.

Mr. Nolland stated at the pre-meeting, they went through her new plan. They thought the new plan would need a variance for open space. The requirement needed is 50% but she has only provided 45%. But with further examination for a 3 unit building the open space requirement is only 45%. The only other item needed are building plans showing the creation of the 45% open space. So no variances were needed.

The **second** item heard was Appeal #2153, NBC LLC, 26 City Hall Place for a Special Use Permit to operate a radio station which is not allowed in a central business district.

MLD comments were read into the record requesting load data to see if electrical is adequate. .

Ms. Dagley spoke about a possible mural, which needs to be approved by City Council.

Special Use Permits are a matter of right unless affecting the neighborhood.

They will broadcast from that location. It bounces from their antenna to Beekman Towers. The signal is transmitted from Lyon Mountain to Beekman Tower. The signal from Durkee is not as strong as the signal received from Lyon Mountain.

Trinity Church comments were read into the record. They will resolve any problems that the church may have.

{7:12 PM}

Ms. Dagley spoke about FCC requirements. This is FM. Mr. Dickerson explained how the signals work. The current signal comes from 14 Durkee Street and they have had no problems issues from neighbors.

Mr. Nolland asked if they had plenty of power in building. Mr. Dickerson advised the beauty of digital radio requires a fraction of the power needed and used.

Hours of operation were questioned. People will be there 24 hours a day. Real people will be there from 6:00 AM to midnight.

*LONG FORM SEQR:*

*By Mr. DeMane, seconded by Mr. Sullivan*

*FOR APPEAL. #2153 THE LFS AFTER REVIEW OF IT THEY DECLARE NO SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT*

*ALL IN FAVOR: 5*

PUBLIC COMMENTS:

There being none, Mr. Nolland then closed the PH portion of the meeting.

*MOTION SUP:*

*By Mr. DeMane, seconded by Ms. Insley*

*FOR APPEAL #2153, SPECIAL USE PERMIT TO CREATE BROADCAST STUDIO AT 26  
CITY HALL PLACE AND GRANT THE SUP*

*ALL IN FAVOR: 5*

*OPPOSED: 0*

*MOTION PASSED*

MINUTES:

*By Ms. Insley, seconded by Mr. DeMane*

*TO APPROVE THE NOVEMBER 20, 2017 MINUTES*

*ALL IN FAVOR                    3*  
*(Mr. DeMane, Mr. Nolland, Ms. Insley)*

MOTION:

*By Mr. Sullivan, seconded by Ms. Francisco*

*One change by Ms. Insley that the Shaughnessy name needed to be corrected under Racine appeal.*

*TO APPROVE THE MINUTES FOR DECEMBER AS CORRECTED BY MS. INSLEY*

*ALL IN FAVOR:                    4*  
*(Mr. Nolland, Mr. DeMane, Mr. Sullivan, Ms. Francisco)*

Ms. Insley then left the meeting

The third item heard was the 460 Margaret Street Appeals.

{7:24 PM}

The Planning Board has approved the Long Form SEQR for this subdivision.

Mr. Ovios said nothing has changed. The project is exactly the same as a year and a half ago. The lender asked to create separate lots for separate buildings. The phasing has not changed at all. With previous plan there were variances needed. By creating this subdivision the need for those variances goes away.

The difficulty now is side yard setbacks. Each of the lots has deficiencies.

The overall green space for this facility is just under the 40% last year but one lot has a lot more than another. From an overall site plan it's the exact same project.

The parcels all bound together with a reciprocal agreement. The easement agreement is like the Tall Pines agreement. This has been forwarded to City Council and Infrastructure Division.

Engineering comments were read into record. Mr. Ovios explained this was for the mean-high-water line. Other comments were discussed.

[Discussion by Mr. Ovios and Nolland and Board about setbacks, front yards, not changing anything, deficiencies on the 3 lots, dumpster enclosure.]

#### PUBLIC COMMENTS:

There being none, Mr. Nolland closed the Public Hearing portion for these appeals.

Mr. Nolland advised this is the same plan as approved before. It's a bit different than Tall Pines, that being a PUD. He feels comfortable with this plan.

Mr. DeMane asked about the easement. Mr. Ovios said that will be filed in County Clerk office and goes with the land. It will be a restrictive covenant and deeded right.

Mr. Ovios said they resubmitted the SUP, which had been already granted on 10/19/2015. All Board members and applicant then agreed this needed to be approved again. This will get rid of any "grey" area. The property approved by the previously approved SUP will no longer exist.

Mr. Boire said the SUP will be for only Lot 3.

MOTION APPEAL #2154:

*By Mr. DeMane, seconded by Mr. Sullivan*

*IN REGARDS TO APPEAL #2154, TRB DEVELOPMENT LLC 460 MARGARET STREET A YES VOTE IS TO APPROVE THE VARIANCE FOR SIDE YARD SET BACK BASED ON THE PLAN DATED 11/17/2017 PART OF PACKAGE AND BASED ON ASSUMPTION OTHER 3 VARIANCES (2155, 2156, 2157) ARE ALSO APPROVED*

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

MOTION APPEAL #2155:

*By Mr. DeMane, seconded by Mr. Sullivan*

*IN REGARDS TO APPEAL #2155, TRB DEVELOPMENT LLC AT 460 MARGARET STREET, VARIANCE A YES VOTE IS TO APPROVE THE VARIANCE FOR SIDE YARD SET BACK AND MINIMUM OPEN SPACE REQUIREMENTS BASED ON THE PLAN DATED 11/17/2017 PART OF PACKAGE ALSO CONTINGENT ON (2154, 2156, 2157) ALSO BEING APPROVED*

ALL IN FAVOR: 4

OPPOSED: 0

MOTION PASSED

MOTION APPEAL #2156

*By Mr. DeMane, seconded by Ms. Francisco:*

*IN REGARDING APPEAL #2156, TRB DEVELOPMENT LLC 460 MARGARET STREET VARIANCE FOR SIDE YARD SET BACK, REAR YARD SETBACK AND MINIMUM MEETING OPEN SPACE AS DELINEATED ON DRAWING DATED 11/17/2017 PART OF PACKAGE AND CONTINGENT UPON (2154, 2155, 2157) A YES VOTE IS TO APPROVE*

ALL IN FAVOR: 4

OPPOSED: 0



*MOTION PASSED*

*MOTION APPEAL #2157*

*By Mr. DeMane, seconded by Ms. Francisco:*

*IN REGARDING 2157, TRB DEVELOPMENT LLC 460 MARGARET STREET SPECIAL USE PERMIT PERMISSION TO SERVE ALCOHOL IN AN RC-1 DISTRICT, A YES VOTE IS TO APPROVE*

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

{7:45 PM}

The **last** item heard was Appeal #2152, Andrea & Gianpasquale Minardi, 103 Oak Street for a Class B Variance to install pool which encroaches on side yard setback.

Mr. McMahon said the application can speak for itself but did not recommend this be voted on tonight.

*MOTION:*

*By Mr. DeMane, seconded by Ms. Francisco*

*REGARDING APPEAL #2152, ANDREA AND GIANPASQUALE MINARDI, 103 OAK STREET TO POSTPONE FOR UP TO 2 MEETINGS ON THE BOARD'S BEHALF BECAUSE THEY DO NOT KNOW WHAT THEIR POSITION IS.*

*ALL IN FAVOR: 4*

*OPPOSED: 0*

*MOTION PASSED*

Motion to Adjourn:

*By Mr. DeMane, seconded by Mr. Sullivan*

Adjourned at 7:50 PM

For the purpose of this meeting, this meeting was NOT recorded on the VIQ system. This is a true and accurate copy and transcription of the discussion and for a more detailed discussion, see the recording.

Denise Nephew  
Secretary  
Zoning Board of Appeals