

## Board of Zoning Appeals Public Hearing & Meeting

Date: Wednesday, February 24th , 2021  
Location: Videoconference via Zoom  
Time: 6:00 PM

### New Business Agenda

#### Project #00400

Application(s)	<b>AV# 0065; AV#0066; AV# 0067; INT# 005; INT# 006; INT# 007</b>
Property Address	41 South Pine Avenue
Applicant	William Stanley
Representing Agent	Dan Hershberg
Zoning District	Residential, Two-Family (R-2)
Proposal	Propose to demolish and rebuild replacement porch of lower portion of columns with masonry supports and relocating steps from left offset to center offset.
Requests	<b>Area Variances</b> <ul style="list-style-type: none"><li>• <b>§375-4(G)(3)</b> – To allow the use of half pillars instead of full height pillars predominant in area; To allow the use of cylindrical pillars instead of squared pillars predominant in area.</li><li>• <b>§375-4(G)(4)(a)</b> – To allow the use of the use of masonry elements instead of the original material of wood.</li><li>• <b>§375-4(G)(4)(d)(i)</b> – To allow the reconstruction of the porch in a style that deviates from original construction design.</li></ul> <b>Interpretations relating to decision by the Chief Planning Official to deny permit based on applicability of regulations</b> <ul style="list-style-type: none"><li>• <b>§375-4(G)(3)</b> – To request the BZA interpret applicability.</li><li>• <b>§375-4(G)(4)(a)</b> – To request the BZA interpret applicability.</li><li>• <b>§375-4(G)(4)(d)(i)</b> – To request the BZA interpret applicability.</li></ul> <b>Deferred:</b> Applicant requested case deferral until March BZA public hearing.

#### Project #00401

Application(s)	<b>AV# 0068; AV# 0069; AV# 0070</b>
Property Address	961 State St
Applicant	Rebecca Franklin
Representing Agent	JSM Fence LLC
Zoning District	Residential, Two-Family (R-2)
Proposal	Installation of 169 Linear Feet of 6-foot; 100% opaque fencing and 50 Linear Feet of chain link fencing in front yard area.
Requests	<b>Area Variances</b> <ul style="list-style-type: none"><li>• <b>§375-4(F)(8)(B)(i)(A)</b> – for 169 Linear Feet of 6-feet tall, wood panel fencing when 4-feet is the maximum allowed.</li><li>• <b>§375-4(F)(8)(B)(i)(A)</b> – for 169 Linear Feet of 100% opaque, wood panel fencing where 60% is the maximum allowed.</li></ul>

- **§375-4(F)(9)(c)(ii)** – for 50 Linear Feet of chain link fencing in front yard area, where there is no chain link fencing allowed.

**Deferred:** Pending Applicant submission of additional material.

#### Project #00402

Application(s)	<b>AV# 0071; AV# 0072</b>
Property Address	899 Western Ave
Applicant	Capital Communications Federal Credit Union
Representing Agent	Thomas Wheeler (AJ Signs)
Zoning District	Mixed-Use, Neighborhood Edge (MU-NE)
Proposal	Installation of an 8-foot, 50 square foot, freestanding, monument sign.
Requests	<b>Area Variances</b> <ul style="list-style-type: none"><li>• <b>§375-4(I)(5)</b> – to allow an 8-foot-tall monument sign, where 5 feet is the maximum height allowed.</li><li>• <b>§375-4(I)(5)</b> – to allow a 50 square foot monument sign, where 32 square feet is the maximum size allowed.</li></ul>

**Deferred:** Pending Applicant submission of additional materials.

#### Project #00403

Application(s)	<b>AV# 0073</b>
Property Address	161 Washington Avenue Extension, Suite 104
Applicant	MyHotTub.com
Representing Agent	Jeremy O'Brien
Zoning District	Mixed-Use, Community Highway (MU-CH)
Proposal	Installation of a 94.7 square foot "box" wall sign.
Requests	<b>Area Variances</b> <ul style="list-style-type: none"><li>• <b>§375-4(I)(5)</b> – to allow a 94.7 square foot "box" wall sign where 32 square feet is the maximum allowed.</li></ul>

**Deferred:** Pending Applicant submission of additional materials.

## Pending Business Agenda

### Project #00372

Application(s)	<b>AV# 0059</b>
Property Address	1415 Washington Avenue
Applicant	1415 Washington Property LLC
Representing Agent	Dan Hershberg
Zoning District	Mixed-Use, Community Urban (MU-CU)
Proposal	Demolition of +/- 66,237 square foot hotel and the construction of +/- 414,580 square foot student dormitory with 240 dwelling units and a parking garage with +/- 207 automobile parking spaces.
Requests	<b>Area Variance</b> - 375-4(A)(3)(b)(i) – to allow a 107-foot front setback where 10 feet is the maximum permitted. <b>Deferred pending Planning Board SEQR determination.</b>

### Project #00371

Application(s)	<b>AV# 0060</b>
Property Address	255-271 Clinton Avenue
Applicant	Home Leasing
Representing Agent	Dan Hershberg, Hershberg & Hershberg
Zoning District	Mixed-Use, Neighborhood Edge (MU-NE)
Proposal	Construction of a parking lot with +/-38 parking spaces.
Requests	<b>Area Variance</b> - 375-4(E)(2)(b) - to allow +/- 33 parking spaces where 3 parking spaces is the maximum permitted. <b>Deferred pending Planning Board SEQR determination.</b>

### NC # 0001

Application(s)	<b>NC# 0001</b>
Property Address	36 Judson Street
Applicant	Hon. Jahmel Robinson, Common Council Representative, 5 <sup>th</sup> Ward
Zoning District	MU-NE (Mixed-Use, Neighborhood Edge)
Proposal	Board of Zoning Appeals review of a nuisance complaint.
Requests	<b>Board of Zoning Appeals Review</b> – of a December 12 <sup>th</sup> , 2019 complaint of Nuisance at 36 Judson Street to determine whether 36 Judson Street is a nuisance property. <b>Deferred:</b> Applicant in negotiations with property owner.