



# CITY OF UTICA

Department of Urban & Economic Development  
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**ZONING BOARD OF APPEALS  
COMMON COUNCIL CHAMBERS - CITY HALL  
JANUARY 12, 2016 5:00 PM**

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ZBA Case No.: 01-16  
901 Sherman Drive  
Applicant: Fr. Saba Shofany  
Owner: Diocese of Newton

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Zone: RS-1  
Area Variance

Pursuant to Section 2-29-67(d)(1) of the Zoning Ordinance of the City of Utica, the applicant is seeking an area variance in order to legitimize the installation of a parking area at the above referenced property.

The applicant has installed a parking area for three handicap parking spaces on the Armory Drive side of the church. In accordance with Section 2-29-382 of the Zoning Ordinance of the City of Utica, in properties adjoining residential districts, parking is prohibited in all front yards. The applicant is seeking an area variance to legitimize the parking area in the front yard of the church.

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ZBA Case No.: 57-15  
33 Faxton Street  
Applicant: Bwe Htoo  
Owner: Bwe Htoo

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Zone: RM-1  
Area Variance

Pursuant to Section 2-29-67(d)(1) of the Zoning Ordinance of the City of Utica, the applicant is seeking an area variance in order to construct an enclosed porch at the above referenced property.

The applicant is proposing to construct a 12'4" x 20'4" enclosed porch on the side of the home. In accordance with Section 2-29-174 of the Zoning Ordinance of the City of Utica, the minimum required rear yard setback is 20'. The applicant is seeking an area variance for the reduction in the rear yard setback to 4'4".

In accordance with Section 2-29-174 of the Zoning Ordinance of the City of Utica, the minimum required side yard setback is 10'. The applicant is seeking an area variance for the reduction in the side yard setback to 7'.

The applicant has received review and approval from the City of Utica Scenic and Historic Preservation Commission.

No representation on behalf of the application was present at the December meeting. The Board voted to table the application because the Zoning Board of Appeals does not approve zoning requests in the absence of the applicant or a designated representative until the Board has had an opportunity to discuss the project with the applicant or his/her designated representative. This applicant will be afforded the opportunity to discuss the project.

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ZBA Case No.: 61-15  
644 Bleecker Street  
Applicant: Kuo Cheng Lee  
Owner: Kuo Cheng Lee

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Zone: CN  
Area Variance

Pursuant to Section 2-29-67(d)(1) of the Zoning Ordinance of the City of Utica, the applicant is seeking an area variance in order to install signage at the above referenced property.

The applicant is proposing to install a 4' x 8' (32 sf) on the front of the business and a 4' x 40' (160 sf). Both signs will read EZ Bottle Return. In accordance with Section 2-29-340 of the Zoning Ordinance of the City of Utica the maximum size allowed for facial signs in a Neighborhood Commercial zoning district is 40sf. The applicant is requesting an area variance for the proposed 192 sf of facial signs on the building.

No representation on behalf of the application was present at the December meeting. The Board voted to table the application because the Zoning Board of Appeals does not approve zoning requests in the absence of the applicant or a designated representative until the Board has had an opportunity to discuss the project with the applicant or his/her designated representative. This applicant will be afforded the opportunity to discuss the project.

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ZBA Case No.: 48-15  
327 Bleecker Street  
Applicant: Bruce Adib-Yazdi  
Owner: Frank Cotrupe

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Zone: CCBD  
Area Variance

Pursuant to Section 2-29-67(d)(1) of the Zoning Ordinance of the City of Utica, the applicant is seeking an area variance in order to reduce the parking requirements at the above referenced property.

The applicant is proposing to convert the property to a multi-family housing development. They are proposing 49 housing units total. In accordance with Section 2-29-383 of the Zoning Ordinance of the City of Utica, the minimum number of off-street parking spaces required for multi-family dwellings is one and one-half (1 ½) spaces per unit. The applicant is seeking an area variance in order to reduce the required parking spaces from 73 to 49 spaces.

The applicant has explained that ten of the units will be set aside for Office for People with Developmental Disabilities who most likely will not have vehicles.

Bruce Adib-Yazdi of the Vecino Group presented the application to the Board at the October meeting of the Zoning Board of Appeals. He stated that the company's tag line is "Housing for the Greater Good" and that is what they truly provide. Mr. Adib-Yazdi explained that 60% of the units will be people at 50% Average Median Income (AMI). ARCO Management Company will be on site to manage the property.

Frank Cotrupe, owner of the property, spoke in favor of the application. He felt it will be positive development in downtown.

David Bonacci, a resident of Bleecker Street spoke regarding the project. He stated that he wasn't against the project, however, he was against the granting of the area variance. He stated that he felt that they would definitely need more than one space per unit, not to mention the spaces for staff parking. In the plan, there are no allowances for snow storage in the winter. Mr. Bonacci suggested that the applicant at least propose 1.25 spaces per unit which would bring them to about 61 spaces for the development. He stated that Central Fire Station is right across the street and with additional on street parking this could cause congestion for the emergency vehicles. He also suggested that the applicant speak to the NYS Department of Transportation

in regard to the Oriskany Street project because this may create additional parking on the other side of the property.

Joseph Burke stated that the building has been listed for nomination on the National Register of Historic Places. While area variances such as this one would be listed as an unlisted action under SEQRA, because SHPO has at least determined this building to be eligible for listing on the National Register, the project must be considered a Type I action and requires a coordinated review with SHPO, HCR, OPWDD.

At the October meeting of the Zoning Board of Appeals, Joseph Burke made a motion to identify this project as a Type I action requiring coordinated review. He further moved that the Zoning Board be declared Lead Agent for this project and instructed Planning staff to conduct a coordinated review and table any further review of the area variance until such time that the coordinated review has been completed. Marianne Brooks seconded the motion which was unanimously approved by all voting members present, (Joseph Priore and Bill Phillips were absent).

Rick Manzardo, representing the Vecino Group represented the applicant at the meeting. He explained that twelve (12) of the units will be designated for disabled residents who typically do not drive or have cars. He explained that they will have a contract with a local contractor for snow removal from the site.

Ricardo Mauro of 335 Bleecker Street spoke in opposition to the variance. He explained that there are other parcels for sale in the area that may be utilized for parking rather than occupying the on-street parking that other merchants on the street depend on for their clientele. He stated that the applicant hasn't provided any proof of hardship in order for the variance to be granted.

The Board voted to close the public hearing for this application.

The Board voted to table the application to allow adequate response time for the SEQR coordinated review process.