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# CITY OF UTICA

URBAN & ECONOMIC DEVELOPMENT

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BRIAN THOMAS, AICP  
COMMISSIONER

**ZONING BOARD OF APPEALS  
COMMON COUNCIL CHAMBERS - CITY HALL  
JULY 12, 2016 5:00 PM**

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ZBA Case No.: 29-16  
13-15 Herkimer Road  
Applicant: Dominic Pavia  
Owner: House of the Good Shepherd

Zone: CN  
Area Variance

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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 provide additional parking at the above referenced property.

The applicant is proposing to add additional parking on the southwest corner of the property along Herkimer Road. These additional spaces will encroach into the front yard setback of the property. An area variance will be required for the reduction in the front yard setback. The applicant is also proposing parking for approximately 24 cars on the parcel on the corner of Northern Road and Manor Place. An area variance will be required for the reduction in the front yard setback along Manor Place. In accordance with Section 2-29-191 of the Zoning Ordinance of the City of Utica, the front yard setback in a Neighborhood Commercial zoning district is 10 feet or the average of the street.

In accordance with Section 2-29-387 of the Zoning Ordinance of the City of Utica, along each property line of the zoning lot a planting strip of four feet minimum width or the equivalent screening using an earth berm or fence detail, shall be provided between said property line and the off-street parking facilities. A planting screen or hedge of not less than three feet in height shall be provided and maintained on a continuing basis within the planting strip, except that such screen or hedge shall not obstruct or obscure sight lines necessary for vehicular movement across pedestrian walkways or sidewalks.

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ZBA Case No.: 30-16  
125 Proctor Blvd.  
Applicant: James Stasaitis  
Owner: James Stasaitis

Zone: RS-1  
Area Variance

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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 a shed at the above referenced property.

The applicant is proposing to install a 12' x 12' (144 sf) shed in the rear of the property. In accordance with Section 2-29-491 of the Zoning Ordinance of the City of Utica, 100 sf is the maximum allowable size for an accessory structure in a residential zoning district. The applicant is seeking an area variance in order to increase the size of the shed to 144 sf.

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ZBA Case No.: 31-16  
417 Elmhurst Avenue  
Applicant: Jennifer Barr  
Owner: Jennifer Barr

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Zone: RS-2  
Area Variances

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 an above ground pool and a fence at the above referenced property.

The applicant is proposing to install an above ground pool approximately 3' from the property line on Burth Place. This will leave approximately 16' from the edge of the road to the pool. The applicant is proposing to erect a 6' high wood stockade fence approximately 1' from the property line or 13' from the edge of the pavement.

In accordance with Section 2-29-601 of the Zoning Ordinance of the City of Utica, the swimming pool shall be erected only on the same lot as the principal structure and only in the rear yard or side yard in relation to the principal structure or accessory structure attached to the principal structure. Because this parcel is a corner lot, it is considered to have two front yards. The applicant will be required to receive an area variance for the location of the pool.

In accordance with Section 2-29-447 of the Zoning Ordinance of the City of Utica, all solid fences measuring more than three (3) feet high are prohibited in the front yard. Therefore, the applicant will be required to receive an area variance for the height and location of the fencing.

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ZBA Case No.: 32-16  
401 Williamsburg Road  
Applicant: Crystal Cadrette  
Owner: Crystal Cadrette

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Zone: RS-2  
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 a porch at the above referenced property.

The applicant is proposing to construct a 12' x 15' covered porch in the front of the home. In accordance with Section 2-29-172 the minimum front yard setback in a Residential Single-Family zoning district is 25' where the applicant is proposing approximately 12' from the front property line. The applicant will be required to receive an area variance for the reduction in the front yard setback.

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ZBA Case No.: 33-16  
1207 Georgetown Avenue  
Applicant: Michael DeFilippo  
Owner: Michael DeFilippo

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Zone: RS-2  
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 addition at the above referenced property.

The applicant is proposing to construct a 8' x 20' addition in the front of the home. In accordance with Section 2-29-172 the minimum front yard setback in a Residential Single-Family zoning district is 25' where the applicant is proposing approximately 18' from the front property line. The applicant will be required to receive an area variance for the reduction in the front yard setback.

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ZBA Case No.: 34-16  
1404 Genesee Street  
Applicant: C. Lewis Tomaselli Architects  
Owner: Catholic Charities

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Zone: OA  
Special Use Permit/Area Variance

Pursuant to Section 2-29-68 of the Zoning Ordinance of the City of Utica, the applicant is seeking a special use permit and an area variance in order to operate a mission at the above referenced property.

The project will require substantial rehabilitation to accommodate the emergency shelter program with 13 beds, as defined as a mission in accordance with the Zoning Ordinance of the City of Utica. This will require a Special Use Permit from the Zoning Board of Appeals.

The shelter will be for runaway and homeless at risk male youths. There will be staff on site at all times with counseling and family meeting space located on the accessible first floor and staff office space located on the second and third floor. The third floor is also being considered for transitional apartment space.

The existing off-street parking will be re-striped to conform to the City's parking requirements, including the addition of a handicap drop off zone at the rear entry of the building, some new sidewalks and landscaping. The parking lot is accessed through a driveway off Genesee Street on Catholic Charities adjoining property.

A new entry canopy will be added to the rear of the building for new accessible entry to provide protection from the elements. This addition will require an area variance for the reduction in the side yard setbacks from 20' to 12'-9" and 17'-5".

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ZBA Case No.: 35-16  
1534-1536 Howard Avenue  
Applicant: Robert Pujols  
Owner: Robert Pujols

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Zone: RT-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 erect a fence at the above referenced property.

The applicant is proposing to erect a 6' high wood stockade fence approximately 12" from the inside edge of the sidewalk.

In accordance with Section 2-29-447 of the Zoning Ordinance of the City of Utica, all solid fences measuring more than three (3) feet high are prohibited in the front yard. Therefore, the applicant will be required to receive an area variance for the height and location of the fencing.

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ZBA Case No.: 36-16  
201 Leland Avenue CTM #319.54-1-1  
Applicant: Riccellii-Northern LLC  
Owner: City of Utica

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Zone: I-1  
Use Variance

Pursuant to Section 2-29-67(d)(2) of the Zoning Ordinance of the City of Utica, the applicant is seeking approval of a use variance in order to operate a concrete and ready mix plant at the above referenced property.

The applicant is proposing to operate a bituminous concrete and proposed ready mix plant. The operation will employ 30 people. The proposed hours of operation are 7:00 am – 7:00 pm Monday-Friday and 7:00 am – 3:00 pm on Saturdays. Nights and weekend operations as specific contracts require.

The surrounding areas are zoned Light Industrial. This type of use is permitted in a Heavy Industrial (I-2) zoning district, however, the only I-2 zoning district in the City of Utica is the area encompassed by the Brewery.

**TYPICAL BITUMINOUS CONCRETE MIX PLANT:**

- Feed: 10' X 14' Five compartment Cold Feed System
- Screen/Conveyor: 5' X 12' Single deck scalping screen with 30"X60' inclined conveyor, with weigh belt
- Drum: Relocatable drum 8' X 40', ½" Corten liner (burner end) and ½" A36 steel (remainder of drum), 200hp variable frequency drive motor
- Burner: Low NOx
- Green System (Warm mix)
- Baghouse: 66,800CFM relocatable, horizontal cyclone
  - 14" X 24' dust transfer screw
- Silo System:
  - 2-200 Ton with batchers and automated load out
  - 36" traverse chain, 36" single drag chain feed
  - Blue Smoke Recovery system
- Controls: Automated mixing, batching, and load out controls
- Scale: 100 ft, 200 ton capacity
- Recycle: 2 – 8' X 14' recycle bins, 4" X 12" grizzly, 42" belt feed, 30" X 40' incline transfer conveyor, 4' X 8' single deck screen, 30" X 50' drum conveyor
- AC Binder Tanks: 1-25,000 gal. (Polymer modified), 1-25,000 gal. (Standard Binder), with vapor recovery.

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ZBA Case No.: 25-16  
214 Rutger Street  
Applicant: Harvey A. Lape  
Owner: Harvey A. Lape

Zone: OA  
Area Variance

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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 erect a fence at the above referenced property.

A 60" tall ornamental fence will be installed from the southwest corner of the house to the southwest corner of the garage which is proposed to be constructed in the near future. This fence will have two gates on of which will be 36" wide for the private sidewalk that runs parallel to the rear of the property and a second 14' wide center-opening driveway gate.

In accordance with Section 2-29-447 of the Zoning Ordinance of the City of Utica, all open fences measuring more than four (4) feet high are prohibited in the front yard. Therefore, the applicant will be required to receive an area variance for the height and location of the fencing.

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ZBA Case No.: 27-16  
Catherine Street CTM #319.19-1-24  
401 Culver Avenue  
Applicant: Frank J. Cotrupe  
Owner: Frank J. Cotrupe

Zone: CC  
Use Variance

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Pursuant to Section 2-29-67(d)(2) of the Zoning Ordinance of the City of Utica, the applicant is seeking approval of a use variance in order to operate an auto-related business at the above referenced property.

The applicant is proposing to operate an auto sales business at this location. Trucks and other vehicles for the

applicant's produce business will be serviced at this location.

The structure has lent itself as an auto use in the past for several businesses. The building has four overhead doors.

In accordance with Section 2-29-233 of the Zoning Ordinance of the City of Utica, the Auto Overlay (A-O) District protects and enhances older City neighborhoods along major and secondary thoroughfares or proximate to commercial and employment centers by regulating automobile uses and their potential impacts. The A-O District permits automobile-related commercial uses, such as vehicle service stations, repair stations and sales/rental operations.

This property is located in a Community Commercial zoning district but is not located within the City of Utica's Auto-Overlay district, therefore, the applicant is applying for a Use Variance in order to operate this type of business at this property.

Frank Cotrupe presented the application to the Board on June 14, 2016. He stated that the parking lot will be paved. There will be approximately 10 or more employees at this location. The applicant is proposing approximately 15-25 cars on site for sale.

The applicant submitted an estimate from Promised Land Builders in order to convert the structure into another allowed use within the Community Commercial zoning district. The estimate was for \$156,000 for an office building. Mr. Cotrupe stated that the building currently has a waste oil furnace which would need to be converted for any other type of use at this location. An estimate from David Reinhardt was \$12,065.81 for this service. A letter from Zangrilli Engineering was submitted which stated the building, in its present condition, is stable and sound.

A letter of support was submitted by John Amodio of Beechgrove Auto. Also, approximately 11 people were in attendance at the meeting in support of the application.

Paul Bannister, Pastor of Lighthouse Baptist Church at 701 Kossuth Avenue spoke in support of the application citing that it is great to encourage new businesses in the City of Utica.

Robert Butler also spoke in support of the application stating that the applicant is proposing to improve the building and blacktop the parking area which will improve the neighborhood.

Raymond Shanley, Esq. spoke on behalf of his client, Jerry Zenzillo of 412 Culver Avenue. He requested that the application be tabled and adjourned because the notice in the newspaper was facially defective and felt that not enough information was provided to indicate that this property is the one in question.

Jerry Zenzillo of 412 Culver Avenue spoke against the proposal and stated that this location is not within the Auto Overlay for the City of Utica. He said several others have been interested in expanded their businesses for auto related uses and have been denied. He stated that this location was never auto repairs or sales open to the public.

Pablo Giaco of St. Anthony Street spoke against the project and objected to the increased traffic and stated that the building is falling apart.

Gregg Hacker of 1921 Bleeker Street spoke in opposition to the proposal and stated there is possible contamination at this site and had concerns regarding the increased traffic this business will create in this area.

Kathryn Hartnett, Attorney for the Board, spoke to the Board and recommended that the Board table the application until the next regularly scheduled meeting.

The Board voted to table the application until the next regularly scheduled meeting.