



ROBERT M. PALMIERI
MAYOR

CITY OF UTICA

URBAN & ECONOMIC DEVELOPMENT

1 KENNEDY PLAZA, UTICA, NEW YORK 13502
PH. 315-792-0181 | FAX. 315-797-6607

BRIAN THOMAS, AICP
COMMISSIONER

**ZONING BOARD OF APPEALS
COMMON COUNCIL CHAMBERS - CITY HALL
AUGUST 9, 2016 5:00 PM**

ZBA Case No.: 37-16
1211 Lansing Street
Applicant: Senad Duratovic
Owner: Senad Duratovic

Zone: RT-1
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 erect a fence at the above referenced property. The applicant is also seeking an area variance for the construction of a porch at the above referenced property.

The applicant is proposing to erect a 6' high wood stockade fence approximately 2' from the inside edge of the sidewalk. In accordance with Section 2-29-581 of the Zoning Ordinance of the City of Utica, visibility requirements for corner lots - no obstruction to vision, other than an existing building, post, column or tree, exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between the points along such street lot lines 30 feet distant from their points of intersection.

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.

The applicant is also proposing to construct a 10' x 12' porch which will be approximately 15' from the front property line. In accordance with Section 2-29-173 of the Zoning Ordinance of the City of Utica, the minimum front yard setback in a Residential Two-Family zoning district is 25', therefore the applicant will be required to receive an area variance for the construction of the porch.

ZBA Case No.: 38-16
116 Laurel Place
Applicant: James Learned
Owner: James Learned

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 expand the size of an existing curb cut at the above referenced property.

In accordance with Section 2-23-123 of the City of Utica Code of Ordinance, no curb cut, opening or section broken out or removed shall exceed 20 feet for residential purposes. The applicant is proposing to consolidate the two curb cuts at the street grade of the driveway. The two aprons will be consolidated and replaced with concrete to create a 29' curb cut at the street. Therefore, the applicant is seeking an area variance in order to increase the size of the curb cut to 29' where 20' is permitted.

ZBA Case No.: 39-16
489 Van Ellis Road
Applicant: Mary Ann Astour
Owner: Mary Ann Astour

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 install a fence at the above referenced property.

The applicant is proposing to install a 5' high white vinyl picket style fence approximately 1' from the front property line on the Deerfield Drive Ease side of the home, however, it will still be approximately 21' from the edge of the pavement.

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.

ZBA Case No.: 40-16
808 Buchanan Road
Applicant: Anthony Gulisano
Owner: Anthony Gulisano

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 garage and install a fence at the above referenced property.

The applicant is proposing to construct a 32' x 32' (1,024 sf) pole barn style garage with one overhead door at the above referenced property. In accordance with Section 2-29-495 of the Zoning Ordinance of the City of Utica, a garage in a Residential Single Family zoning district shall not exceed 616 sf. The applicant will require an area variance for the increase in the size of the garage. The applicant has stated that he owns an ATV, motorcycle, lawn tractors, lawn carts and tools which he would like to store in the garage along with his vehicles. The two adjacent lots will be required to be consolidated and the applicant is proposing to remove the existing garage.

The applicant is also proposing to replace the existing chain link style fence around the perimeter of the vacant lot with a 6' stockade wood dog-eared style fence. The applicant will install the new proposed fence approximately 6.5' back from the existing location in the front of the property to remove it from the City right-of-way.

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.

ZBA Case No.: 41-16
2636 Dunham Road
Applicant: Claudet Samuels
Owner: Claudet Samuels

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 construction of a porch at the above referenced property.

The applicant has constructed a 6' x 7' porch on the side of the home at the above referenced property. In accordance with Section 2-29-171 of the Zoning Ordinance of the City of Utica, the minimum side yard setback in a Residential Single-Family zoning district is 15'. The applicant has approximately 4' from the side property line, therefore, the applicant will be required to receive an area variance for the reduction of the side yard setback.

ZBA Case No.: 42-16
1009 York Street
Applicant: Jessica Hoage
Owner: Jessica Hoage

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 legitimize the installation a fence at the above referenced property.

The applicant has installed a 6' high wood stockade fence on the inside edge of the sidewalk. In accordance with Section 2-29-581 of the Zoning Ordinance of the City of Utica, visibility requirements for corner lots - no obstruction to vision, other than an existing building, post, column or tree, exceeding 30 inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between the points along such street lot lines 30 feet distant from their points of intersection.

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.

ZBA Case No.: 43-16
401 South Street
Applicant: Ahmad Hassan
Owner: Ahmad Hassan

Zone: CN
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 neighborhood convenience store at the above referenced property.

In accordance with Section 2-29-4 of the Zoning Ordinance of the City of Utica, a Neighborhood Convenience Store is defined as any retail sales business of less than 6,000 square feet of gross floor area per floor which specializes in providing household products and foods and may also provide for any or all of the following as an accessory use: the sale and/or rental of audio/video recordings of any format, provided that an adult-oriented business is specifically prohibited; the preparation and sales of delicatessen sandwiches and foods; and the use of no more than two amusement devices such as pinball machines, video games or other similar devices. Neighborhood convenience stores shall not include the dispensing of gasoline or other motor vehicle fuels.

In accordance with Section 2-29-605 of the Zoning Ordinance of the City of Utica, neighborhood convenience stores shall be special permit uses within the Neighborhood Commercial (C-N) Zoning District. No such use shall be located within 2,000 linear feet of a similar existing use regardless of the zoning district in which such existing use is located and measured from lot line to lot line. As part of the application for a special use permit to the Zoning Board of Appeals, the applicant shall submit a development plan that addresses the following: days/hours of operation; hours of deliveries and services (i.e., trash removal, snow plowing, etc.); provisions for parking, both on- and off-street; provisions to manage and regulate potential impacts of use, including but not limited to: litter and refuse by store patrons, excessive noise, loitering, crime prevention; signage, including both permanent and advertising/promotional signage; staffing; landscaping; and a building floor plan.

The applicant is currently operating a smoke shop at this location and was seeking to sell other food products as accessory to this use, however was denied by the Codes Department.

The proposed hours of operation will be 8:00 am to 10:30 pm. On street parking will be utilized for the customers. The applicant is proposing to sell candy items, snacks, cold and hot drinks, lotto tickets, ice cream products, tobacco products; middle eastern items such as dairy products, bread, frozen foods, pickles, olives, dates, hummus, kibbeh, tabbouleh, clothing, oils and incense and hookahs and pipes.

The applicant is seeking an Area Variance to waiver from the 2,000 linear feet requirement. The applicant has

demonstrated that there are several convenience stores in the immediate area; one directly across the street.

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

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.

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

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.