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**ZONING BOARD OF APPEALS
COMMON COUNCIL CHAMBERS - CITY HALL
SEPTEMBER 13, 2016 5:00 PM**

ZBA Case No.: 44-16
524 LaFayette Street
Applicant: Park Outdoor Advertising
Owner: Park Outdoor Advertising

Zone: CH
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 convert a billboard to digital format at the above referenced property.

The applicant is proposing to convert an existing billboard sign to the digital format used at other locations throughout the City. In accordance with Section 2-29-348 of the Zoning Ordinance of the City of Utica, illumination shall be steady in nature, not flashing, moving or changing in brilliance, color or proximity, therefore, the applicant will be required to receive an area variance for the movement of the text.

ZBA Case No.: 45-16
2516 Genesee Street
Applicant: Jack & Simon Eisenbach
Owner: Julia Herbowy

Zone: OPR
Use Variance
Area 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 establish a mixed use property at the above referenced location.

The applicant is proposing to house two businesses which will be a professional video production studio/animation studio. Each will employ one person with the occasional use of an independent contractor. The hours of operation will primarily be 9:00 am – 5:00pm.

The rear of the building will be open for lease for a legal conforming use in accordance with Section 2-29-232 of the Zoning Ordinance of the City of Utica. The second floor of the property will remain residential.

In accordance with Section 2-29-232 of the Zoning Ordinance of the City of Utica, there shall be a maximum of two (2) professionals allowed per lot, regardless of the size of the lot and provided that the density standards are maintained. Therefore the applicant will require an area variance in order to have the third professional office.

ZBA Case No.: 46-16
1168 McQuade Avenue
Applicant: Frank Vescera
Owner: Frank Vescera

Zone: RT-1
Use Variance/Area Variances

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 establish a sign/print shop at the above referenced property.

The applicant is proposing to operate a sign/print shop with an office and retail space in this building which was previously used as a dry cleaning and retail business. The proposed hours of operation will be Monday – Saturday 8:00 am – 8:00 pm and Sunday 9:00 am – 12:00 pm. There will be one to three employees.

The applicant has explained that there are several commercial businesses in the immediate neighborhood and this would not alter the essential character of the neighborhood.

The applicant is requesting an area variance in order to erect two signs on the front of the building which will be 2' x 6' (12 sf) each along with one sign on the south side of the building.

In accordance with Section 2-23-124 of the City of Utica Code of Ordinance, the minimum distance between curb cuts shall be not less than 10 feet measured at the inside of the sidewalk. The applicant is proposing to install a curb cut and create a driveway for parking approximately 2' from the adjacent driveway. The applicant will be required to receive an area variance for the proposed curb cut.

In accordance with Section 2-29-447 of the Zoning Ordinance of the City of Utica, when a commercial use adjoins a residential district, a solid six-foot high fence, measured above the existing grade, shall be erected along any lot line that adjoins said residential district. The applicant will be required to erect such fence if these variances are approved.

The two parcels will be required to be consolidated through the City of Utica's Engineering Department.

ZBA Case No.: 47-16	WITHDREW APPLICATION	Zone: I-1
201 Leland Avenue CTM #319.5-1-31		Use Variance
Applicant: Utica Urban Renewal Agency		
Owner: Utica Urban Renewal Agency		

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 allow for the sale of the property to an entity that proposes to operate a concrete and ready mix plant at the above referenced property.

The applicant is proposing to sell the land to a private entity who has proposed to operate a bituminous concrete and 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.

The applicant has cited the environmental condition of the property, including the Environmental Easement and other engineering controls on the site, as the hardship which limits the uses for this particular site that further limits the ability to realize a reasonable return. Based on the intensity of the other uses surrounding the site, the applicant does not believe that the proposed use alters the essential character of the neighborhood. Finally, as the agent for the City of Utica responsible for returning properties taken through tax foreclosure to the tax rolls, the Utica Urban Renewal Agency (owner of the property) did not create this hardship.