



CITY OF UTICA

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

ROBERT M. PALMIERI
MAYOR

BRIAN THOMAS, AICP
COMMISSIONER

April 1, 2020

Greetings Neighbors,

Please take notice that the City of Utica Zoning Board of Appeals will hold a Public Hearing on **Tuesday, April 14, 2020 at 5:00 pm** via Webex from Utica City Hall. In order to access this meeting go to:

<https://cityofutica.my.webex.com/cityofutica.my/j.php?MTID=m85ac254569189321991ccbd061adbfc>

Meeting number (access code): 792 440 277

Meeting password: 2nVPg9xHPv7

Join by phone

Tap to call in from a mobile device (attendees only)

[+1-408-418-9388](tel:+14084189388) United States Toll

[Global call-in numbers](#)

Join from a video system or application

Dial [792440277@cityofutica.my.webex.com](tel:792440277)

You can also dial 173.243.2.68 and enter your meeting number.

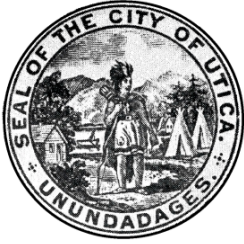
Join using Microsoft Lync or Microsoft Skype for Business

Dial [792440277.cityofutica.my@lync.webex.com](tel:792440277)

According to Section 2-29-108(3)(b) of the City of Utica Zoning Ordinance, with respect to an application for a variance or special use permit, the clerk of the board shall send written notice to all owners of property within 200 feet of the exterior boundaries of the subject property.

This letter shall serve as written notice of stated ordinance.

If you have any questions feel free to Brian Thomas at (315) 792-0181.



CITY OF UTICA

URBAN & ECONOMIC DEVELOPMENT

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

ROBERT M. PALMIERI
MAYOR

BRIAN THOMAS, AICP
COMMISSIONER

ZONING BOARD OF APPEALS APRIL 14, 2020 5:00 PM

ZBA Case No.: 09-20
1212 Fairwood Drive
Applicant: Almedina Andelija
Owner: Almedina Andelija

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 erect a fence at the above referenced location.

The applicant is proposing to install a 6' high solid vinyl fence in the front yard of the home which is located on a corner property. A maximum height of 3' is allowed for solid fences in the front yard in a Residential Single-Family zoning district. The applicant will be required to receive an area variance for the proposed height of the fence.

The applicant is proposing approximately a 40' length of fencing along the Fairwood Drive side of the home and approximately 55' length of fencing on the Parklane Drive side of the home. A shed and a play yard is located in the front yard on the Parklane Drive side of the home and the applicant wishes to enclose the yard around the shed to allow for the use of the play yard for the children.

The fence will be located on each of the front property lines. The fence will be required to be located 17.5' from the edge of the pavement on Fairwood Drive and 13' from the edge of the pavement on Parklane Drive.

ZBA Case No.: 10-20
606, 608, 614 Court St. & 611 Spring St.
Applicant: David P. Davis
Owner: David P. Davis

Zone: CN & RT-1
Use/Area Variance

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

The applicant is seeking a use variance in order to re-establish an auto-related use at the above referenced property. The applicant previously operated his business for 17 years at this location until NYS purchased the property for the Route 12 project. They now have returned a portion of the property and the applicant has purchased the neighboring property.

On September 6, 2015 the applicant received a one year extension for a previous use variance he received. However, the time has lapsed and the plan has been modified.

The applicant is proposing to construct a 40' x 60' (2,400 sf) sales building. There will be spaces for 16 cars for

sale at one time along with two employee parking spaces and one handicapped parking space. Access to the site will be from Court Street and Spring Street.

A 25' rear yard setback is required in a Neighborhood Commercial zoning district and the applicant is proposing 5'. The applicant will be required to receive an area variance for the reduction in the rear yard setback. A solid fence will be erected between the commercial and residential uses on the side and rear of the property.

This property is located in a Neighborhood 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.

In accordance with Section 2-29-233, no parking is permitted between the building and the sidewalk. The applicant will be required to receive an area variance for the seven parking spaces that are proposed between the building and the sidewalk.

In accordance with Section 2-29-608 no vehicle sales areas shall be located within 50 feet of any residential district boundary line. The applicant will be required to receive an area variance to minimize the distance between vehicle sales and the neighboring residential district.

The applicant will be required to receive review and approval of a Site Plan from the City of Utica's Planning Board.

ZBA Case No.: 11-20

1532 Erie Street

Applicant: C2C Construction Solutions, LLC

Owner: Alex Carbone

Zone: I-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 a fitness center at the above referenced property.

The applicant had proposed the construction of a 49,900 +/- square foot commercial building. The proposed plan includes a fitness center and 7 rental spaces for retail and professional offices. The plans call for 226 parking spaces, 6 of which will be reserved for handicapped drivers, to be located on both sides of the building and in the front of the building. Ingress and egress has been proposed at Oriskany Street West, as well as on Erie Street.

The applicant must apply for an area variance from the Zoning Board of Appeals for the required minimum front yard setback is 25' and they are proposing varying setbacks from 13' at the west corner to 8' and 8'6" at the mechanical room and 25' at the east corner.

The Planning Board has reviewed and completed Parts II & III of the Full Environmental Assessment Form, concluding that this project will result in no significant adverse impacts on the environment, and therefore an environmental impact statement need not be prepared. The Board identified this project to be an Unlisted Action and issued a Negative Declaration.

The Planning Board granted Final Site Plan Approval contingent upon the following conditions:

- The applicant shall receive approval from the Zoning Board of Appeals for their rear yard setback.
- A final draft of the Stormwater Pollution Prevention Plan must be submitted to the Engineering Department and receive their approval.

ZBA Case No.: 12-20
1205-1213 Mohawk Street
Applicant: Steuben West Holdings, LLC
Owner: Oneida Housing Inc.

Zone: RS-1
Use Variance

Pursuant to Section 2-29-67(d)(2) of the Zoning Ordinance of the City of Utica, the applicant is seeking a use variance in order to construct and operate a car wash at the above referenced property. The property 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 location.

The applicant is proposing to construct an automated car wash consisting of four (4) car wash bays, vending machine area, and vacuum/shampoo cleaner island. The proposed car wash will be open 24 hours/7 days a week. The applicant has stated that 80% of the operations occur between the hours of 9:30 am and 7:30 pm. They have stated that the majority of sales occur during late fall-early winter (November/December) and late winter-early spring (March/April). There will be on-site employees, however, employees will be present at the site as necessary to maintain equipment/property and re-supply machines. All operations will be within the structure and the bay doors will be closed at all times when the car wash is in use. Therefore, noise from the car wash operations will be minimum.

The proposed car wash will be constructed approximately 114' back from the front property line. The side yard setbacks will be 48' from the neighboring property to the south and 35' from the neighboring property to the north.

The property is a large parcel (approximately 2.43 acres) which is situated adjacent to a neighborhood commercial zoning district which consists of a neighborhood convenience store, shopping centers, fast food restaurants, banks and automobile repair garages.

The applicant has cited that Mohawk Street averages 7,500 vehicles daily. They feel that the proposed use will not increase traffic in the neighborhood, as the volume of traffic in the neighborhood is already high and the car wash will only draw from the daily volume of vehicles.

The applicant will install screening and buffering (fencing and vegetation), limit lighting at the property and will add landscaping to make the property attractive to the neighborhood.

The applicant is a local business and assures that they will have a daily presence at the property to ensure the property is well maintained and safe.

The applicant has provided documentation demonstrating an inability to realize a reasonable return under any of the uses in a residential single family zoning district.

The applicant is required to receive Site Plan review and approval from the City of Utica's Planning Board.