



# CITY OF UTICA

## URBAN & ECONOMIC DEVELOPMENT

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### ZONING BOARD OF APPEALS COMMON COUNCIL CHAMBERS - CITY HALL AUGUST 13, 2019 5:00 PM

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ZBA Case No.: 33-19  
333 Lafayette Street (Hospital Footprint)  
Applicant: Robert C. Scholefield  
Owner: Mohawk Valley Health System

Zone: Gateway Historic Canal District/CCBD  
Area Variances

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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 area variances in order to construct a medical care center at the above referenced property.

The proposed action consists of the construction of a new 373-bed acute care medical center on the properties between NYS Route 8/12, Broadway, Columbia Street and Oriskany Street. The medical center will be 10 stories (162'-6") high, and will include the construction of access drives, surface parking lots, a helipad, a Central Utility Plant (CUP) in the existing Mohawk Medical building, and a utility/pedestrian bridge between the medical center and CUP.

The medical center building, as designed, is of the size, shape, height, and orientation required to provide the best medical care to the community. As a result of this configuration, the site chosen for the building, which will require the re-subdivision of several existing lots as well as street abandonments, the nature of an entire two-block radius will be altered.

Pursuant to the City of Utica – Gateway Historic Canal District Design Standards, “When an applicant does not follow the Design Standards, within the specified variation as set forth in the Article, the Application shall require Site Plan approval as outlined in Article XI.” The applicant received Preliminary Site Plan approval on July 18, 2019 from the City of Utica Planning Board. The project Owner has complied with SEQR process, resulting in a Final Environmental Impact Statement considered and accepted by the City of Utica Planning Board.

The applicant is requesting area variances for the following:

1. Height Variance of 92.5' – the maximum height allowed for applications which do not meet the Design Standards is 70'. The proposed building height will be 162'-6".
2. Front Yard Variance of 374.8' on west side – the maximum front yard setback allowed for applications which do not meet the Design Standards is 10'. The proposed structure will have a front yard setback of 384.8'.
3. Front Yard Variance of 273.5' on the east side – the maximum front yard setback allowed for applications which do not meet the Design Standards is 10'. The proposed structure will have a front yard setback of 283.5'.
4. Front yard Variance of 383.0' on the north side – the maximum front yard setback allowed for applications which do not meet the Design Standards is 10'. The proposed structure will have a front yard setback of 393.0'.
5. The permitted minimum building coverage is 40%. The applicant is proposing 35%.

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ZBA Case No.: 23-19  
732 Deerfield Drive East  
Applicant: Fikreta Andelija  
Owner: Fikreta Andelija

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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 deck at the above referenced location.

The applicant is proposing to construct a 10' x 12' deck on the front of their home. The house currently has a 4' x 12" cement platform at the front door. The applicant is proposing to connect this to the proposed deck. In accordance with Section 2-29-172 of the Zoning Ordinance of the City of Utica, the minimum front yard setback in a Residential Single Family zoning district is 25' where the applicant is proposing approximately 17'. 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.: 35-19  
1413 Buckley Road  
Applicant: Adisa Saric  
Owner: Adisa Saric

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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 construction of a shed at the above referenced location.

The applicant has constructed a 10' x 12' shed (120 sf) to accommodate storage needs at this residence. In accordance with Section 2-29-492 of the Zoning Ordinance of the City of Utica, the maximum size for an accessory structure in a Residential Single-Family zoning district is 100 sf. The applicant will be required to receive an area variance to increase the size of the proposed shed to 120 sf.

The shed has been placed approximately 2'7" from the side property line due to the slope of the yard. In accordance with Section 2-29-495 of the Zoning Ordinance of the City of Utica, no accessory structure or use which exceeds six feet in height shall be located closer than a distance equal to its height from any side or rear property line. Therefore, the applicant will be required to receive an area variance for the location of the shed. The height of the shed is approximately 10'.

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ZBA Case No.: 36-19  
130 Eagle Street  
Applicant: Htoo Say  
Owner: Htoo Say

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Zone: RM-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 operate a take-out restaurant at the above referenced location.

The applicant is proposing to operate a take-out food restaurant at the above referenced location. The proposed hours of operation will be seven days per week 11:00 am – 5:00 pm. Family members will be the only employees. No sit-down service will be available at this time. Ample parking is available on the lot adjacent to the structure.

The property was previously used for the operation of Hope House which served meals to homeless/low income individuals.

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ZBA Case No.: 37-19  
509 Roberts Street  
Applicant: Richard Panetta  
Owner: Fares Salem

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Zone: RT-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 operate a physical/occupational therapy office at the above referenced location.

The applicant is proposing a Pro-Bono Clinic. It will be run as part of Inertia OT/PT Services PLLC which is located at 505 Roberts Street. It will then transition to a Utica College entity by this fall semester. The usage will be quite limited, three patients at a time, and maximum of nine (9) visits a week. One (1) hour each visit for a maximum of nine (9) hours a week. There will be two students per patient. That means three people (2 students, 1 patient per visit). Therefore a maximum of nine (9) people at one time. This however, will be shared with the current clinic space at Inertia, so the likelihood of 9 people at one time at 509 Roberts is extremely unlikely. The Pro-Bono Clinic will be only operating at times when Inertia is closed. This will enable the clients to use the Inertia parking lot (which is in between 509 and 505 Roberts St). The ownership of 509 will be by a new entity (Utica PBC House LLC) formed by ten faculty members of UC and donate its use to the student run Pro-Bono Clinic. Utica PBC House LLC is not an entity of Utica College. The applicant will be required to receive a use variance in order to operate this clinic in a Residential Two-Family zoning district.

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ZBA Case No.: 38-19  
700 Utica Road  
Applicant: Eduardo Gandara  
Owner: Eduardo Gandara

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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 erect a fence at the above referenced property.

The applicant is proposing to install a 6' high solid wood fence approximately 1' 10" from the front property line at their home. 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's house sits quite far back on the parcel which restricts the applicant from having a rear yard. A shed is located in the front yard and the applicant wishes to enclose the yard around the shed to allow for the use of the grass area and to curb the children from the adjacent school from walking across her yard.

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ZBA Case No.: 39-19  
427 Elmhurst Road  
Applicant: Olivia Romanelli  
Owner: Frank Aceto

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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 erect a fence at the above referenced property.

The applicant is proposing to install a 6' high solid vinyl fence approximately 1' 6" from the front property line at their home. 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.

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ZBA Case No.: 40-19  
2609 Genesee Street  
Applicant: Justin Zalatan  
Owner: Justin Zalatan

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Zone: OPR  
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 operate a cafe at the above referenced location.

The applicant is proposing to operate a cafe in partnership with Dean Nole of Cafe Canole which will seat up to 50 people – 30 comfortable. There will be about 1-3 people at a time. The hours of operation will be Thursday – Saturday based on demand, however may increase if needed. The cafe will server alcohol and will server small plates/tapas style cuisine.

Ample parking is available on adjacent lots under the same ownership.

The applicant will be required to receive a use variance in order to operate a cafe in an Office/Professional/Residential zoning district.

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ZBA Case No.: 41-19  
1300 West Street, 14 Johnson Square and 200 Square Street  
Applicant: JCTOD Outreach, Inc  
Owner: JCTOD Outreach, Inc.

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Zone: RT-1

Pursuant to Section 2-29-67(d)(2) of the Zoning Ordinance of the City of Utica, the applicant is seeking a use variance and an area variance in order to construct three residential buildings at the above referenced locations.

The applicant is proposing the construction of three residential buildings on three parcels and associated parking at the subject locations. The proposed buildings are summarized as follows; 1300 West Street is a 51-unit apartment building; 200 Square Street is a nine unit apartment building and 14 Johnson Square id a two-unit townhouse style building.

The increased density will allow JPC to provide much needed benefits to an increased number of residents, including the elderly, single individuals and families. The project also produces housing opportunities that are sustainable and cost effective and will contribute to the well-being and further sense of community within the Cornhill neighborhood.

Variances required:

**1300 West Street:**

	<u>Required</u>	<u>Proposed</u>	<u>Variance</u>
Minimum Lot Size	127,500 sf	29,081 sf	98,419 sf
Minimum Front Yard	25 ft	0 ft	25 ft
Minimum Side Yard	10 ft	0.8 ft	9.2 ft
Maximum Lot Density	11 units/acre	51 units	40 units
Maximum Lot Coverage	45%	54%	9%
Minimum Parking Req.	76.5	15*	61.5
Maximum Bldg Height	2.5 stories	3 stories	.5 stories

\*(8) Additional shared parking spaces proposed at 16 Johnson Square

**200 Square Street**

	<b><u>Required</u></b>	<b><u>Proposed</u></b>	<b><u>Variance</u></b>
Minimum Lot Size	22,500 sf	4,720 sf	17,780 sf
Minimum Front Yard	25 ft	0 ft	25 ft
Minimum Side Yard	10 ft	5.6 ft	4.4 ft
Minimum Rear Yard	25 ft	3.9 ft	21.1 ft
Maximum Lot Density	1.84 units/acre	9 units	7.16 units
Maximum Lot Coverage	45%	81%	36%
Minimum Parking Req.	13.5	0	13.5
Maximum Bldg Height	2.5 stories	3 stories	.5 stories

**14 Johnson Square**

	<b><u>Required</u></b>	<b><u>Proposed</u></b>	<b><u>Variance</u></b>
Minimum Lot Size	6,000 sf	2,000 sf	4,000 sf
Minimum Front Yard	25 ft	0 ft	25 ft
Minimum Side Yard	10 ft	4.9 ft	5.1 ft
Minimum Rear Yard	25 ft	10ft	15ft
Maximum Lot Density	.78 units/acre	2 units	1.22 units
Minimum Lot Depth	100 ft	50ft	50ft
Maximum Lot Coverage	45%	70%	25%
Minimum Parking Req.	4	0	4