



**Jay Vandenburg**  
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**Zoning Board of Appeals**  
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Zoning Board of Appeals of the City of Troy, New York will conduct a REGULAR PUBLIC HEARING starting at **6:00 P.M.** on **Tuesday October 2, 2012** in the Second Floor conference room A of TROY CITY HALL to act upon the following requests for approvals and appeals from decisions made by the Bureau of Code Enforcement of said City of Troy.

**Major Area Variance**

**ZB2012-028** Major Area Variance to allow for a parking deficiency related to a proposal to occupy a vacant church building with a neighborhood market and rentable space at 230 Second Street, an R-4 Zone, ID 100.84-5-4.1 Applicant is Tom Boglino, PO Box 405 Brookhaven, NY 11719.

**ZB2012-029** Major Area Variance to allow for a parking deficiency related to a proposal to occupy a vacant bar / restaurant with a community center and headquarters for non for profit YES at 275 4<sup>th</sup> Street, an R-4 Zone, ID 101.77-8-5. Applicant is Barbara Whipple ESQ, 817 Madison Ave, Albany, NY 12208

**ZB2012-030** Major Area variance to allow for two uses on a single lot related to a proposal to construct a commercial addition to a single family home at 1 Winslow Ave, a B-3 Zone, ID111.60-9-23. Applicant is Sam Win, 1 Winslow Ave, Troy, NY 12180.

**Additional information regarding the above listed actions is available in the Department of Planning and Community Development located on the Second floor Troy City Hall, 1776 Sixth Avenue, Troy, New York 12180. Telephone: 279-7168. Office Hours are from 8:30 A.M. to 4:30 P.M. weekdays. Any persons having any interest in the above listed matters will be heard at said time and place.**

As required by Americans with Disabilities Act, auxiliary aids and services are available upon request. Please give one-week advance notice for services needed.

City of Troy Zoning Board of Appeals

Jay Vandenburg, Chairperson

Andrew Petersen, Executive Secretary

**STAFF REPORT ZB2012-028**

**APPLICANT:** Tom Boglino

**PROJECT DESCRIPTION:**

**ZB2012-028** Major Area Variance to allow for a parking deficiency related to a proposal to occupy a vacant church building with a neighborhood market and rentable space at 230 Second Street, an R-4 Zone, ID 100.84-5-4.1 Applicant is Tom Boglino, PO Box 405 Brookhaven, NY 11719.

**Per Section 285-791** of the Zoning Ordinance, The use, *market / assembly space* requires a total of 25 spaces. The applicant provides 6 spaces in an adjacent lot. The applicant will require a Major Area Variance to allow for a parking deficiency of 19 spaces.

**REQUEST:**

**Major Area Variance** to allow for a parking deficiency.

**Major Area Variance**

In order to have a project approved that requires that an Area Variance be granted by the Z.B.A. all applicants must prove "Practical Difficulty" as it applies to the project.

*In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:*

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (3) Whether the requested area variance is substantial;
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

Based on the information provided by the applicant there are no other zoning deficiencies or violations

**APPROVALS NEEDED:**

**Major Area Variance** to allow for a parking deficiency.

**SEQRA:** Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.

ANTIQUE  
ATTI'SIAN

SECOND STREET  
1-WAY TRAFFIC  
(60' ROW)

PARKING TROYS AND STREET MARK

EXISTING CURB CUT

48'

CONCRETE SIDEWALK (TYP)

BRICK ST

TROYS MARKET  
ENTRANCE

8-13 TAP EASEMENT  
TO BOGLINO  
& PARKING SPOTS

46'-6"

13

12

11

10

9

8

7

6

TAP INC  
ASPHALT  
PARKING  
LOT

CAR

20

19

18

17

PROPOSTED  
TROYS MARKET  
230 2ND STREET  
TROY NY

MASONRY  
CHURCH

ENTRANCE

EXISTING 6' CHAIN  
LINK FENCE

DUMPSTER  
CATCH BASIN

130'

DOOR

ENTRANCE  
BASEMENT

FRANKLIN  
ALLEY

ASPHALT PAVED ALLEY  
(20' ROW)

UTILITY POLE W/  
STREET LIGHT (TYP)

EXISTING BUILDING  
MOUNTED HALOGEN  
FLOOD LIGHT

6" CAST IRON  
SOIL LINE

EXISTING 4' HIGH  
BROUGHT IRON

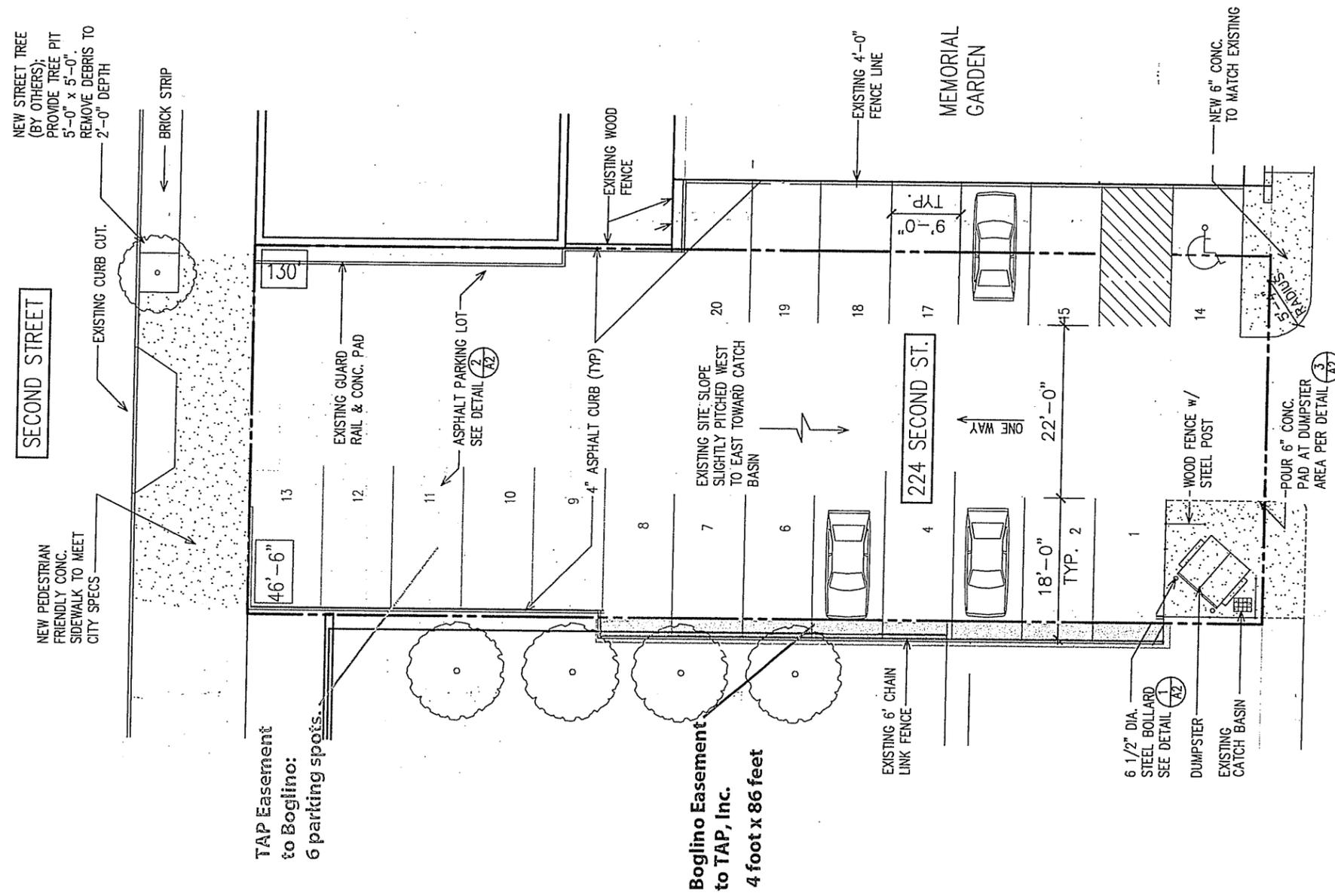
26"x40" BRICK SEWER

+1'-7"

3'-7"

MASONRY DETAILING

DIMENSIONS TAKE PRECEDENCE OVER SCALE.  
 CONTRACTOR TO FIELD VERIFY ALL CONDITIONS  
 AND DIMENSIONS AND IS RESPONSIBLE FOR SAME



NORTH

SITE PLAN

SCALE: 1/16" = 1'-0"

SHEET:  
**SPI**  
 JOB: 913,020.05

**TAP**  
 TROY ARCHITECTURAL  
 PROGRAM, PC  
 210 RIVER ST.  
 TROY, NY 12180  
 (518) 274-3050

DATE: 01/25/11  
 DRAWN BY: BG  
 REVISIONS:

PROJECT: RECONFIGURATION & REPAVING AT:  
**224 SECOND STREET**  
**TROY, NY 12180**  
 CLIENT: TAP, INC.

TITLE:  
**Boglino Plan 2**  
 (Widened Lot)  
 SCALE: 1/16" = 1'-0"

**STAFF REPORT ZB2012-029**

**APPLICANT:** Barbara Whipple ESQ

**PROJECT DESCRIPTION:**

**ZB2012-029** Major Area Variance to allow for a parking deficiency related to a proposal to occupy a vacant bar / restaurant with a community center and headquarters for non for profit YES at 275 4<sup>th</sup> Street, an R-4 Zone, ID 101.77-8-5. Applicant is Barbara Whipple ESQ, 817 Madison Ave, Albany, NY 12208

**Per Section 285-791** of the Zoning Ordinance, The use, *community space / restaurant* requires 1 space per 100 square feet. The applicant proposes 1800 square feet. therefore 18 off street parking spaces are required. The applicant provides 3 off street parking spaces therefore is deficient 15 spaces. The applicant will require a Major Area Variance to allow for a parking deficiency of 15 spaces.

**REQUEST:**

**Major Area Variance** to allow for a parking deficiency.

**Major Area Variance**

In order to have a project approved that requires that an Area Variance be granted by the Z.B.A. all applicants must prove "Practical Difficulty" as it applies to the project.

*In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:*

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (3) Whether the requested area variance is substantial;
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

Based on the information provided by the applicant there are no other zoning deficiencies or violations

**APPROVALS NEEDED:**

**Major Area Variance** to allow for a parking deficiency.

**SEQRA:** Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.





**STAFF REPORT ZB2012-030**

**APPLICANT:** Sam Win

**PROJECT DESCRIPTION:**

**ZB2012-030** Major Area variance to allow for two uses on a single lot related to a proposal to construct a commercial addition to a single family home at 1 Winslow Ave, a B-3 Zone, ID111.60-9-23. Applicant is Sam Win, 1 Winslow Ave, Troy, NY 12180.

**Per Section 285-60** of the Zoning Ordinance, the applicant will require a Major Area Variance to allow for a commercial unit located on the same parcel as a residential unit.

**REQUEST:**

**Major Area Variance** to allow for two principle uses on a single lot

**Major Area Variance**

In order to have a project approved that requires that an Area Variance be granted by the Z.B.A. all applicants must prove "Practical Difficulty" as it applies to the project.

*In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the area variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:*

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
- (3) Whether the requested area variance is substantial;
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

Based on the information provided by the applicant there are no other zoning deficiencies or violations

**APPROVALS NEEDED:**

**Major Area Variance** to allow for two principle uses on a single lot

**SEQRA:** Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.

