



**Jay Vandenburg**  
Chairperson  
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**Zoning Board of Appeals**

**Harry Tutunjian**  
Mayor  
Phone (518) 270-4401  
Fax (518) 270-4609

September 17, 2008

Jack Cox Jr.  
P.O. Box 119  
Troy, N.Y. 12180

Dear Mr. Cox:

At the REGULAR MEETING of the City of Troy Zoning Board of Appeals held on September 16, 2008, the Zoning Board Members reviewed case number **ZB2008-049, Use Variance and Special Use Permit** to allow for your proposal to occupy the current site and building at 520 Fifth Ave, in the City of Troy, as a automotive repair shop, auto body shop, used cars sales and towing business. After due consideration of same with respect to the Zoning Board's duties and responsibility in this matter, the Zoning Board of Appeals voted to **Deny** both the following requests:

1. **Use Variance to allow for a multiple businesses (used car sales, auto service and maintenance shop, auto body shop and towing business) to operate on the same property.**
2. **Special Use Permit to operate an auto service station.**

The **Denial** of both variance requests were based on and due to the applicant's failure to produce any evidence, testimony or documentation, whatsoever, for the Board to consider and evaluate in their deliberations when determining whether or not to approve or deny the variances. The burden of proof rests with the applicant and in this matter, the applicant failed to provide the Board with any proof to support the requests for a Use Variance or a Special Use Permit, as defined herein below.

The Zoning Board of Appeals made its determination based upon Article 5A of the General City Law and the Troy City Code.

The following considerations for a **Use Variance**:

1. That the land, property, structure or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone; and
2. That the need for the variance was not caused by the applicant; and
3. That the use to be authorized by the variance shall not alter the essential character of the neighborhood, nor depreciate aesthetic or property values of the locality; and

4. That the plight of the owner is due to unique circumstances & not to the general conditions in the neighborhood, which may reflect the unreasonable uses of the zoning ordinance itself.

The Zoning Board of Appeals made its determination based upon the following considerations for a **Special Use Permit**:

- B1. No substantial injury to the value of the surrounding property values.
- B2. Applicant does meet the landscaping & screening criteria established for Special Use Permits.
- B3. The Special Use Permit is not expected to impair the public health, safety, convenience, aesthetic or environmental quality of the surrounding neighborhood.

Should you have any questions relevant to this matter, please contact me at your earliest convenience.

Sincerely,

Sondra Little  
Commissioner of Planning & Economic Development  
270-4589

cc: Code Enforcement, City Clerk

**ZB2008-050** Major Area Variance to allow for excessive letter size on a proposal to construct a sign at 14 King Street, in a B-4 Zone, ID 101.37-3-6. Applicant is Sign Studio, 1 Ingalls Ave, Troy NY 12180. **TABLED at request of applicant**

Dear Mr. Fraccola:

At the REGULAR MEETING of the City of Troy Zoning Board of Appeals held September 16, 2008, the Zoning Board Members reviewed the above referenced application. After due consideration of same with respect to the Zoning Board's responsibility in this matter, the applicant requested this proposal be **TABLED to allow the applicant time to seek written authorization for third party representation for the owner.**

Should you have any questions relevant to this matter, please contact me at your earliest convenience.

Sincerely,

Sondra Little  
Commissioner of Planning & Economic Development  
270-4589

cc: Code Enforcement, City Clerk

Dear Mr. Mehra:

At the REGULAR MEETING of the City of Troy Zoning Board of Appeals held on September 16, 2008, the Zoning Board Members reviewed case number **ZB2008-054, Major Area Variance** to allow for your proposal to open a neighborhood clothing store at 3109 Sixth Ave with a 4 space parking deficiency. After due consideration of same with respect to the Zoning Board's responsibility in this matter, the Zoning Board of Appeals voted to **Deny** the following requests:

3. **Major Area Variance** to allow for a 4 parking space deficiency.

The Zoning Board of Appeals determined that the applicant did not provide sufficient information to evaluate the following considerations for a Major Area Variance:

- (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.

Should you have any questions relevant to this matter, please contact me at your earliest convenience.

Sincerely,

Sondra Little  
Commissioner of Planning & Economic Development  
270-4589

cc: Code Enforcement, City Clerk

**ZB2008-055** Major Area Variance to allow for a lot size and lot width deficiency related to a proposal to sub-divide a piece of land into 2 parcels at 8 Berkeley Street, in a R-1 Zone, ID 123.26-2-3. Applicant is Eric Miorin, 8 Berkeley Street, Troy NY 12180. **APPROVED with stipulations**

Dear Mr. Miorin:

At the REGULAR MEETING of the City of Troy Zoning Board of Appeals held September 16, 2008, the Zoning Board Members reviewed the above referenced application. After due consideration of same with

respect to the Zoning Board's responsibility in this matter, it was voted to declare the proposal to be an Unlisted action under SEQRA, issue a negative declaration, and **APPROVED with stipulations** the following:

1. **Major Area Variance to allow for a 2,200 square foot lot size deficiency on LOT 2.**
2. **Major Area Variance to allow for a 20 foot square foot lot width deficiency on LOT 2.**

**STIPULATION:** 1. **The new structure to be constructed on sub-divided parcel shall be limited to a single-family dwelling only.**

If you are in agreement with the above stipulation, please sign on the line below and return to our office. If you do not agree to the terms listed above please call our office so that we may discuss your concerns with you.

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Applicants Signature

Prior to commencing any work on, or use of the property relative to this approval, you are hereby directed to:

Obtain a Work Permit from the Bureau of Code Enforcement within **SIX (6) MONTHS** of the August 19, 2008 Zoning Board meeting date, or the decision will automatically expire, necessitating that you file a complete, new application.

Should you have any questions relevant to this matter, please contact me at your earliest convenience.

Sincerely,

Sondra Little  
Commissioner of Planning & Economic Development  
270-4589

cc: Code Enforcement, City Clerk

**ZB2008-056** Use Variance to allow for a non-conforming use on a proposal to open up a wood working facility at 651 Third Ave, in a R-3 Zone, ID 80.48-6-7. Applicant is Piotr Wozniak, 14 Hopkins lane, Troy NY 12182. **TABLED at request of applicant**

Dear Mr. Wozniak:

At the REGULAR MEETING of the City of Troy Zoning Board of Appeals held September 16, 2008, the Zoning Board Members reviewed the above referenced application. After due consideration of same with respect to the Zoning Board's responsibility in this matter, the applicant requested this proposal be **TABLED to allow the Planning Department staff to confirm prior uses in the building.**

Should you have any questions relevant to this matter, please contact me at your earliest convenience.

Sincerely,

Sondra Little  
Commissioner of Planning & Economic Development  
270-4589

cc: Code Enforcement, City Clerk

**ZB2008-057** Major Area Variance to allow for a front and side set back deficiency related to a proposal to construct an enclosed Front porch and a carport at 4 Carroll Place, in a R-1 Zone, ID 112.39-4-6. Applicant is Frank Vroman, 4 Carroll Place, Troy NY 12180. **APPROVED**

Dear Mr. Vroman:

At the REGULAR MEETING of the City of Troy Zoning Board of Appeals held September 16, 2008, the Zoning Board Members reviewed the above referenced application. After due consideration of same with respect to the Zoning Board's responsibility in this matter, it was voted to declare the proposal to be an Unlisted action under SEQRA, issue a negative declaration, and **APPROVED** the following:

3. **Major Area Variance to allow for a front set back deficiency of 12 feet.**
4. **Major Area Variance to allow for a side setback deficiency of 3 feet.**

Prior to commencing any work on, or use of the property relative to this approval, you are hereby directed to:

Obtain a Work Permit from the Bureau of Code Enforcement within **SIX (6) MONTHS** of the August 19, 2008 Zoning Board meeting date, or the decision will automatically expire, necessitating that you file a complete, new application.

Should you have any questions relevant to this matter, please contact me at your earliest convenience.

Sincerely,

Sondra Little  
Commissioner of Planning & Economic Development  
270-4589

cc: Code Enforcement, City Clerk