



Jay Vandenburg
Chairperson
Phone (518) 279-7168
Fax (518) 270-4642

William Dunne
Commissioner
Phone (518) 279-7166
Fax (518) 270-4609

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 April 3, 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

ZB2011-031 Major Area Variance to allow for parking deficiency relate to a proposal to occupy a vacant church building with a Community Resource Center at 196 3rd Street, a R-4 Zone, ID101.69-10-21. Applicant is TAP, 210 River Street, Troy, NY 12180.

ZB2012-012 Major Area Variance to allow for a (2) rear setback deficiencies related to a proposal to construct 2 single family homes at 58 Brookview Ave, an R-2 Zone, ID 112.83-3-18.111. Applicant is Kevin Vandenburg, 430 9th Ave, Troy, NY 12182.

ZB2012-014 Major Area Variance and Special Use Permit to allow for a nonconforming use with a parking deficiency related to a proposal to convert a residential use into an advocacy center at 131 6th Ave an R-2 Zone, ID 90.39-5-19. Applicant is Start Children's Center, 76 Pawling Ave, Troy, NY 12180.

Use Variance

ZB2012-013 Use Variance to allow for a nonconforming use related to a proposal to construct an outdoor entertainment patio at 102 – 104 3rd Street, a B-4 Zone, ID 101.61-6-21. Applicant is David Gardell, 104 3rd Street, Troy, NY 12180.

ZB2012-015 Use Variance to allow for a nonconforming use related to a proposal to occupy a vacant storefront with a tattoo parlor at 455 – 471 Fulton Street, a B-4 Zone, ID101.45-7-4. Applicant is Jeremy Hazel, PO Box 1350 Bennington VT 05201.

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 ZB2011-031

APPLICANT: TAP

PROJECT DESCRIPTION:

ZB2011-031 Major Area Variance to allow for parking deficiency relate to a proposal to occupy a vacant church building with a Community Resource Center at 196 3rd Street, a R-4 Zone, ID101.69-10-21. Applicant is TAP, 210 River Street, Troy, NY 12180.

The applicant proposes to occupy the vacant St. Mary's Church as a Community Center to serve the Washington Park area. The location will be staffed by a part time employee. Building upkeep will be financed by rental fees. The owners and operators of the structure will be Friends of Washington Park.

Per Section 285-91 of the Zoning Ordinance the use Community Cultural Facility requires 1 space per 100 SF of floor space. The applicant proposes to occupy approximately 8300 SF therefore will require 83 spaces. The applicant provides 3 spaces. The applicant will require a Major Area Variance to allow for a parking deficiency of 80 spaces.

PLANNING BOARD HISTORY: None

PRIOR ZONING BOARD HISTORY: Withdrawn, August 2011

REQUEST:

Major Area Variance to allow for a parking deficiency of 80 spaces.

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 for parking deficiency.

SEORA: 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.

GENERAL NOTES:

Property: 195 3rd Street & 229 4th Street
 Troy, NY 12180
 Applicant: Friends of Washington Park/ George Regan
 Owner: 195 3rd St. - Owned by Albany Diocese. Sale to Friends of Washington Park pending zoning approval.
 229 4th St. - Friends of Washington Park
 Tax Map #: 101.08-10-17
 Zoned: R4-Urban Neighborhood Residential, Med-High Density
 Lot Characteristics:
 Lot Dimensions: N-120', S-120', E-25', W-25'
 Lot Area: 3,000 SF +/- (.069 Acres)

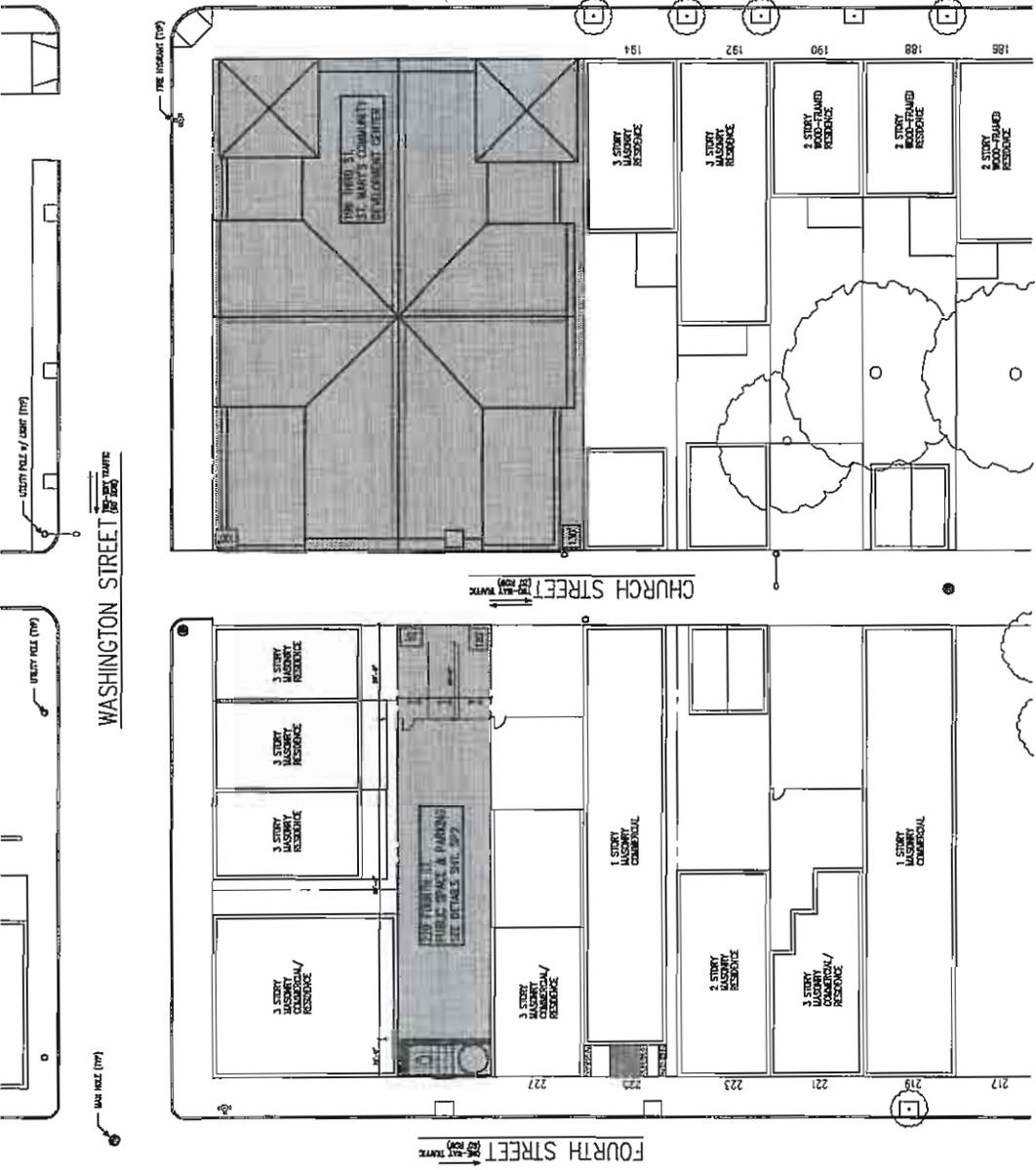
Required	Existing or Proposed
1,000 SF per unit (residences)	195 3rd St. 229 4th St. 13,070 SF (Exist.)
4,000 SF (commercial)	100'-0" 25'-0" (Exist.)
15' per unit (residences)	94% (Exist.) 0% (Exist.)
40' (commercial)	
60%	

Min. Lot Area: 195 3rd St. - Vacant former church.
 229 4th St. - Vacant land
 Min. Lot Width: 100'-0" (Exist.)
 Max. Lot Coverage: 94% (Exist.) 0% (Exist.)
 Current Property Use: 195 3rd St. - Vacant former church.
 229 4th St. - Vacant land
 Proposal: Use of 195 3rd St. - Two offices will be used on the 1st floor as administrative support area for the campaign to reuse the church building to save the building & enhance the livability of Washington Park. The basement will be used for occasional fundraising events primarily to raise funds for the continued upkeep of building. At such times a temporary parking permit will be requested for use of the Market Square parking area from the City of Troy.

Use of 229 4th St. - Landscaping on 4th St. and parking spots for St. Mary's Community Development Center on Church Street.
 3 parking spots off of alley (Church Street)

Garbage Removal: No existing by city
 Surface Drains: Existing surface drainage conditions to remain.
 Snow Removal: Snow to be stored at the rear of the lot
 Lighting: To be mounted on east elevation (alley side)

This plan is based on information provided by the applicant, available Southern Nassau, Rensselaer County Tax Maps, and limited field measurements. A survey was not performed. These plans are not intended to provide the information necessary to obtain a Building Permit.



TITLE: REVISED & RESUBMITTED -
 SITE PLAN & GENERAL NOTES
 SCALE: 1"=30'-0"

PROJECT: ZONING AND PLANNING APPLICATION FOR:
 ST. MARY'S COMMUNITY DEVELOPMENT CENTER
 195 3RD ST. & 229 4TH ST.
 TROY, NY 12180
 CLIENT: Friends of Washington Park/ George Regan

DATE: 1/27/14
 DRAWN BY: EC
 REVISIONS: 2/20/12



SHEET:
 SPI
 JOB: 13.010

SITE PLAN
 SCALE: 1:30
 REF. NORTH

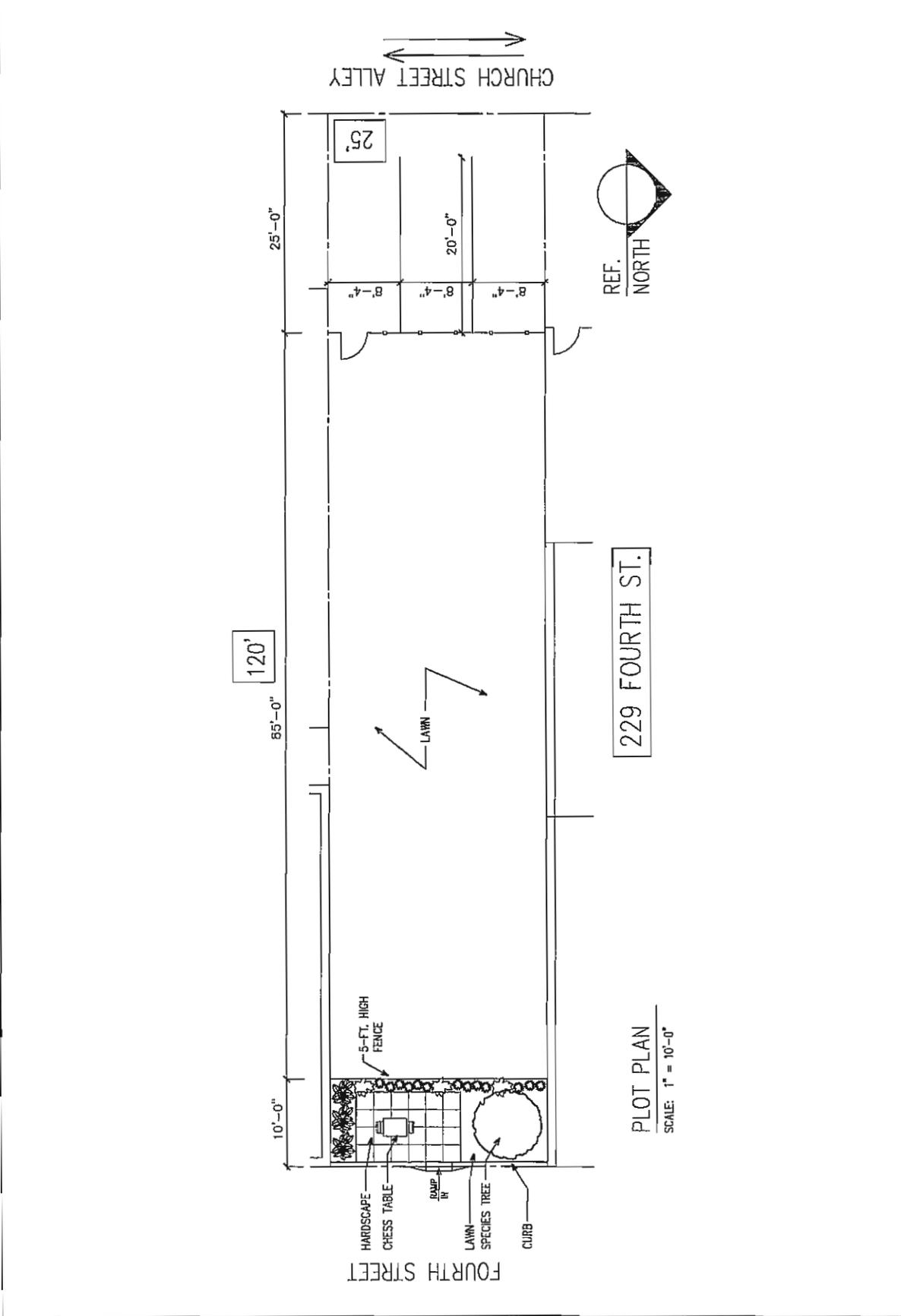
TITLE: REVISED & RESUBMITTED -
 SCALE: 1/4"=1'-0"
 229 4TH ST. PLOT PLAN

PROJECT: ZONING AND PLANNING APPLICATION FOR:
 ST. MARY'S COMMUNITY DEVELOPMENT CENTER
 146 3rd St. & 229 4th St.
 TROY, NY 12180
 CLIENT: Friends of Washington Park/ George Rogan

DATE: 7/5/11
 DRAWN BY: EC
 REVISIONS: 3/20/12

TROY ARCHITECTURAL
 PROGRAM, PC
 210 RIVER ST.
 TROY, NY 12180
 (518) 274-3000

SHEET:
 SP2
 JOB: 113.010



229 FOURTH ST.

PLOT PLAN
 SCALE: 1" = 10'-0"

CHURCH STREET ALLEY

FOURTH STREET



120'

85'-0"

25'-0"

25'

20'-0"

8'-4"

8'-4"

8'-4"

5-FT. HIGH FENCE

HARDSCAPE

CHESS TABLE

RAMP

LAWN

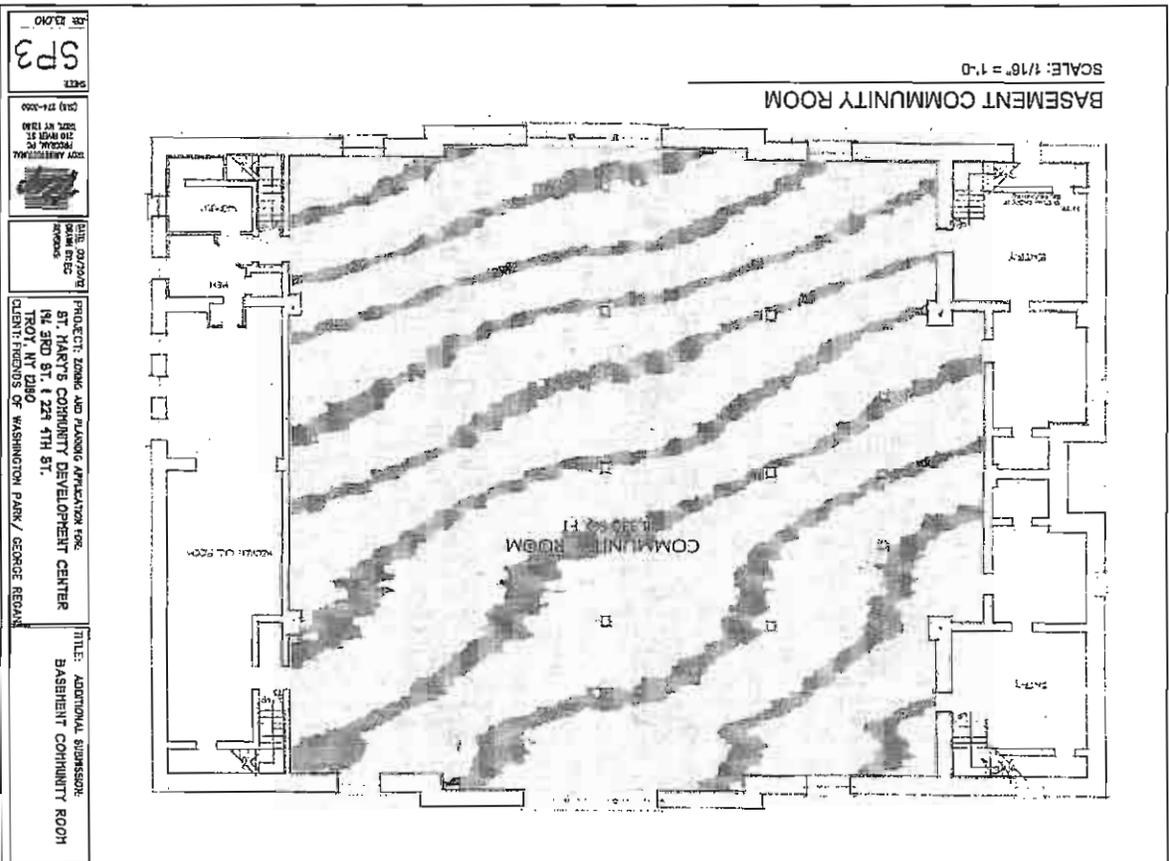
SPECIES TREE

CURB

LAWN

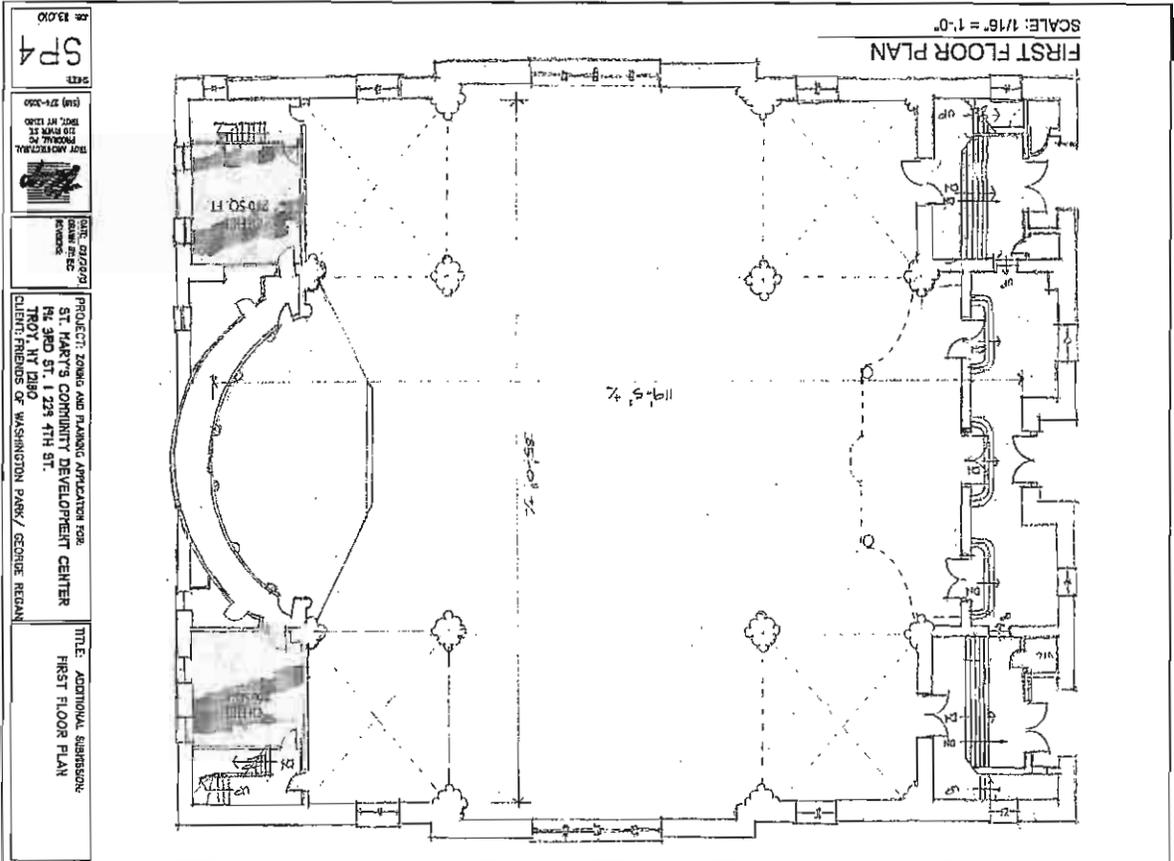
REF.

NORTH



SCALE: 1/16" = 1'-0"
 BASEMENT COMMUNITY ROOM

SHEET NO. **SP3**
 DATE: 02/20/07
 PROJECT: ZONING AND PLANNING APPLICATION FOR
 ST. MARK'S COMMUNITY DEVELOPMENT CENTER
 94 3RD ST. & 229 4TH ST.
 TROY, NY 12180
 CLIENT: FRIENDS OF WASHINGTON PARK / GEORGE REGAN
 TITLE: ADDITIONAL SUBMISSION
 BASEMENT COMMUNITY ROOM



FIRST FLOOR PLAN

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

SP4

TRAY ARCHITECTURAL
 220 BURN ST
 WASHINGTON DC 20001
 (202) 371-3200

DATE: 02/22/01
 DRAWN BY: JSC
 CHECKED BY: JSC

PROJECT: ZONING AND PLANNING APPLICATION FOR
 ST. HART'S COMMUNITY DEVELOPMENT CENTER
 143 AND ST. 1 224 4TH ST.
 TROY, NY 12180
 CLIENT: FRIENDS OF WASHINGTON PARK / GEORGE REGAN

TITLE: ADDITIONAL SUBMISSION
 FIRST FLOOR PLAN

STAFF REPORT ZB2012-012

APPLICANT: Kevin Vandenburg

PROJECT DESCRIPTION:

ZB2012-012 Major Area Variance to allow for a (2) rear setback deficiencies related to a proposal to construct 2 single family homes at 58 Brookview Ave, an R-2 Zone, ID 112.83-3-18.111. Applicant is Kevin Vandenburg, 430 9th Ave, Troy, NY 12182.

The applicant proposes to subdivide a lot and construct 2 single family homes.

Per Section 285-77 of the Zoning Ordinance, the required rear setback is 30 feet. The applicant proposes one house rear setback of 23' and the second house rear setback 9' therefore the applicant is deficient 7' and 20.5' respectfully. The applicant will require a Major Area Variance to allow for a rear property setback deficiency of 7 feet on lot 1 and 20.5 feet on lot 2.

REQUEST:

Major Area Variance to allow for (2) rear setback deficiencies.

Major Area Variance Requirements:

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 (2) rear setback deficiencies.

SEORA: 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 ZB2012-014

APPLICANT: Start Children's Center

PROJECT DESCRIPTION:

ZB2012-014 Major Area Variance and Special Use Permit to allow for a nonconforming use with a parking deficiency related to a proposal to convert a residential use into an advocacy center at 131 6th Ave an R-2 Zone, ID 90.39-5-19. Applicant is Start Children's Center, 76 Pawling Ave, Troy, NY 12180.

The applicant proposes to convert a non for profit residential facility into a non for profit advocacy center.

Per Section 285-53 of the Zoning Ordinance, non for profit facility is a Special Use Permit in the R-2 Zone. The applicant will require a Special Use Permit to allow for a nonconforming use in the R-2 Zone.

Per Section 285-91 of the Zoning Ordinance, not for profit facility requires 1 space per 1000 sf. The applicant is proposing to occupy approximately 2000SF therefore the applicant will require a parking deficiency for 2 spaces.

REQUEST:

Major Area Variance to allow for nonconforming use.

Special Use Permit to allow for a parking deficiency.

Major Area Variance Requirements:

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.

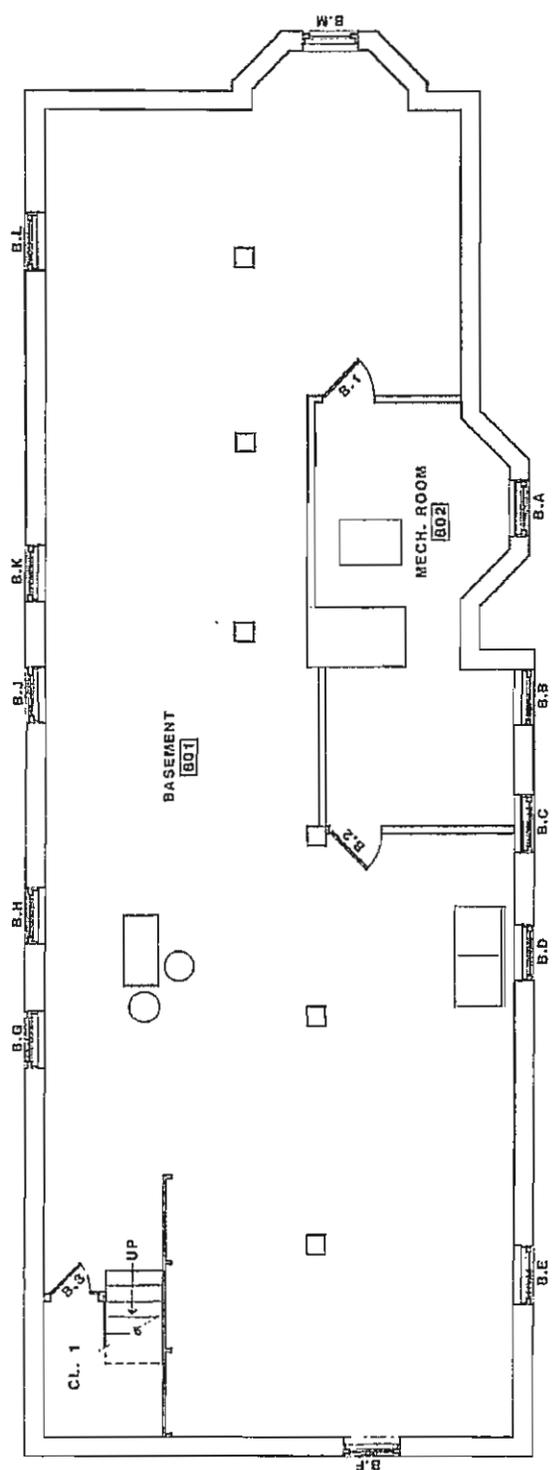
Based on the information provided by the applicant there are no other zoning deficiencies or violations

APPROVALS NEEDED:

Major Area Variance to allow for nonconforming use.
Special Use Permit to allow for a parking deficiency.

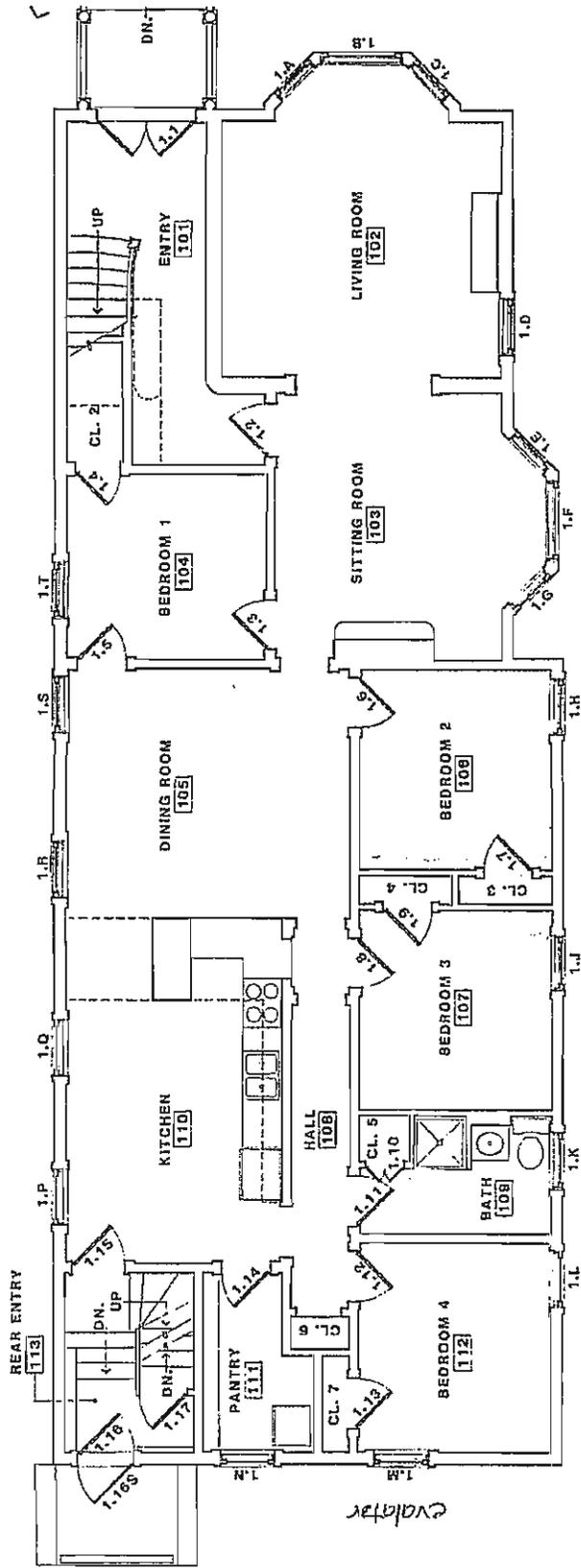
SEORA: Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.





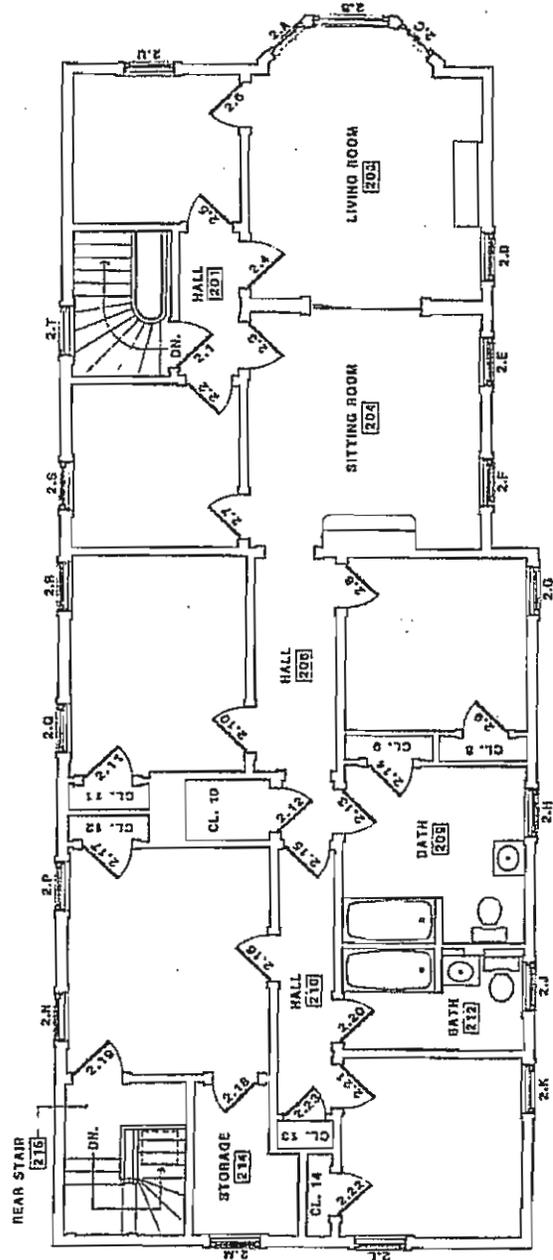
BASEMENT PLAN





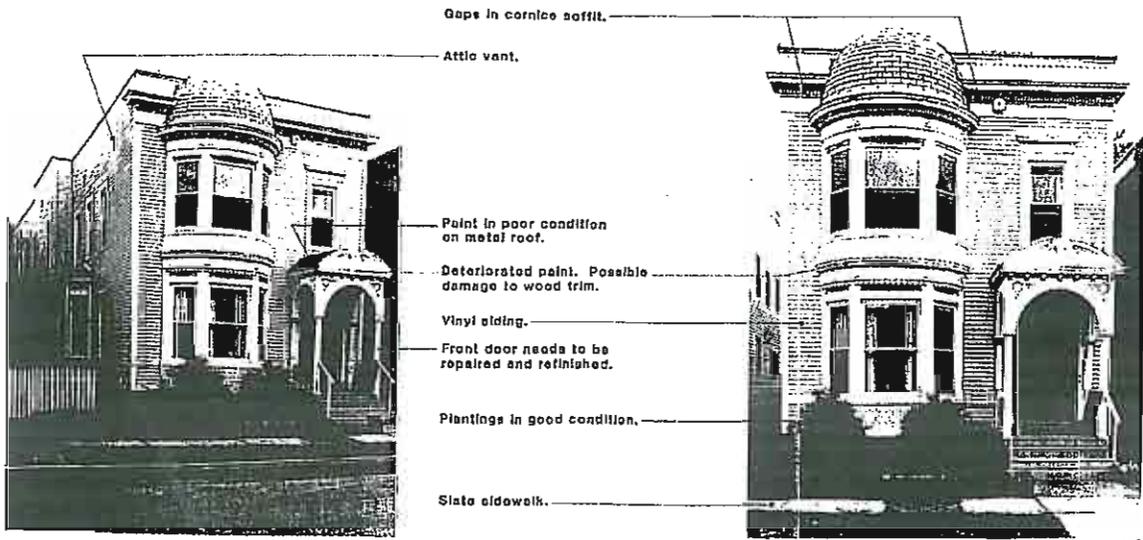
FIRST FLOOR PLAN





SECOND FLOOR PLAN





Left Side / Front Elevation

Front Elevation



Attic vents.

Roof overflow scupper.

Parging and exterior foundation
brick in poor condition on all sides.

Concrete block patio in
poor condition.

Concrete walk in fair condition.



Right Side / Rear Elevation

Rear / Left Side Elevation

STAFF REPORT ZB2012-013

APPLICANT: David Gardell

PROJECT DESCRIPTION:

ZB2012-013 Use Variance to allow for a nonconforming use related to a proposal to construct an outdoor entertainment patio at 102 – 104 3rd Street, a B-4 Zone, ID 101.61-6-21. Applicant is David Gardell, 104 3rd Street, Troy, NY 12180.

The applicant proposes to construct an outdoor patio behind both 102 and 104 3rd Street.

Per Section 285-61 of the Zoning Ordinance, *Outdoor Patio / Entertainment*, is not listed allowed use. The applicant will require a USE Variance to allow for a nonconforming use.

REQUEST:

Use Variance to allow for a nonconforming use.

Use Variance Requirements:

Authorization by the Z.B.A. that allows a specified use in a zone district including restricted locations on the lot or within the structure in which the specified use is not allowed by this ordinance. In order to qualify for a use variance, an appellant must provide evidence for the record that a legal hardship would occur in the absence of such use variance. The Z.B.A. shall not grant a use Variance unless the applicant provides conclusive evidence to prove:

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.

APPROVALS NEEDED:

Use Variance to allow for a nonconforming use.

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.

GENERAL NOTES:

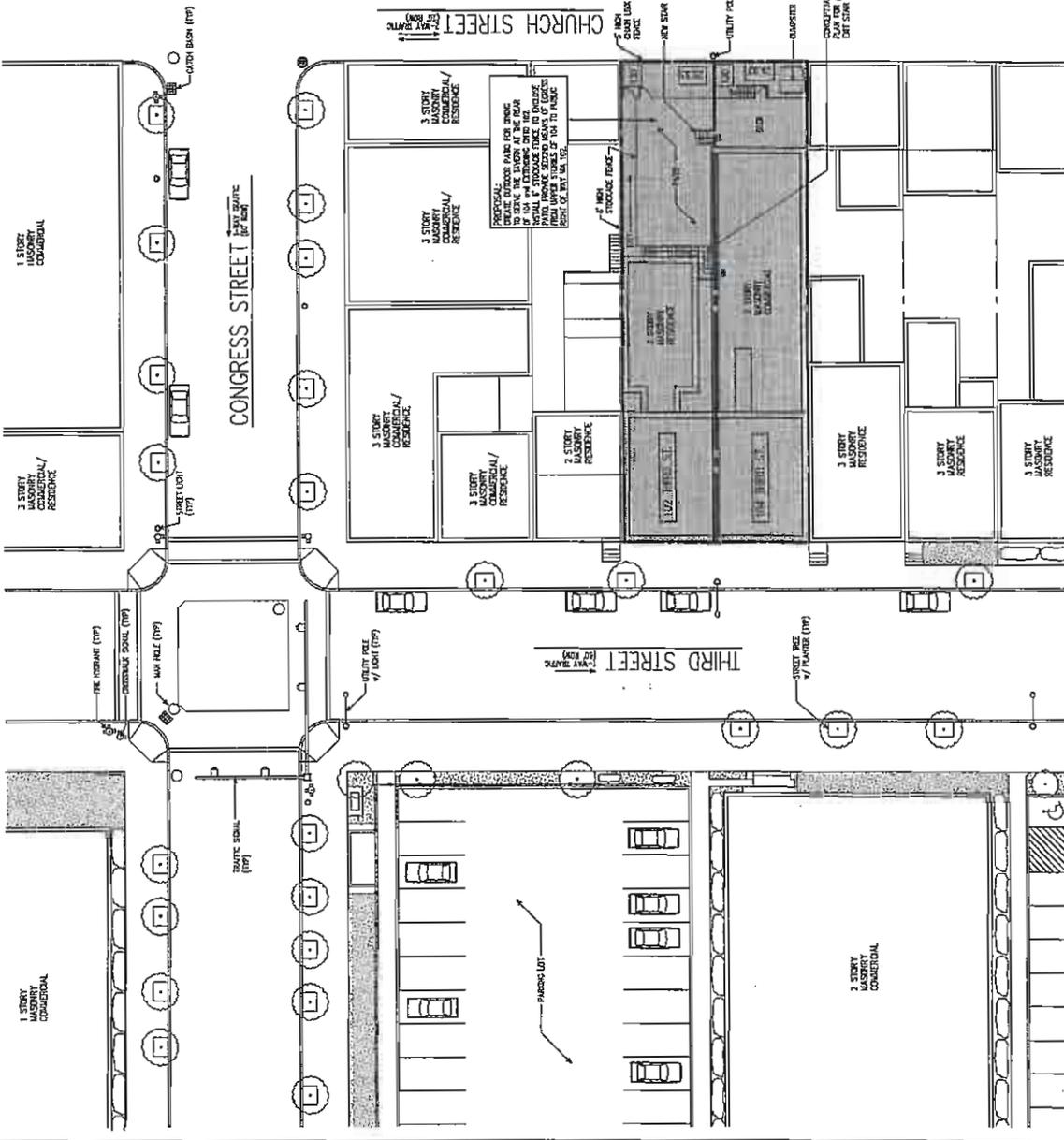
Property : 102-104 3rd Street
 Troy, NY 12180
 Applicant : Dave Gardell
 324 Congress Street
 Troy, NY 12180
 Owner : Same as applicant
 Tax Map # 101.61-6-21 (102 3rd St.)
 101.61-6-20 (104 3rd St.)
 Zone: B4-Central Commercial

Lot Characteristics:
 Lot Dimensions (102): N-130', S-130', E-25.33', W-25.33'
 Lot Dimensions (103): N-130', S-130', E-24.92', W-24.92'
 Lot Area (102): 3,293 SF +/- (.07 Acres)
 Lot Area (104): 3,240 SF +/- (.07 Acres)

Setbacks:	Required for new	Existing #102	Existing #104
Front	0'	0'	0'
Rear	20'-0"	53'-0" +/-	18'-0" +/-
Sides	0'	0'	0'
Min. Lot Area:	None	3,293 SF	3,240 SF
Min. Lot Width:	None	25.33'	24.92'
Min. Lot Depth:	130'	130'-0"	130'-0"
Max. Lot Coverage %	80%	84%	51%

Building Type: 102 - 3-story brick w/ 3-story frame addition
 104 - 3-story frame w/ 1-story masonry addition.
 Use: 102 - Office and two family residence.
 104 - Tavern
 Proposal : Create outdoor patio for dining to serve the tavern at the rear of 104 and extending onto 102. Install 6' stockade fence to enclose patio. Provide second means of egress from upper stories of 104 to Public Right of Way via 102.
 Parking : On-street parking
 Garbage Removal: Dumpster of rear with private pick-up.
 Surface Drains: Employ pervious pavement and use catch basin to retain water on site.
 Signage: Existing signage to remain.
 Lighting: Add "dark sky" building mounted light fixtures to light upper story egress.
 Hours of Operation: Sun - Thurs till 11 PM
 (Patio) Fri - Sat till midnight

This plan is based on information provided by the applicant, available from maps, Rensselaer County Tax Maps, and limited field measurements. A survey was not performed. These plans are not intended to provide information necessary to obtain a Building Permit.



SCALE: 1" = 30'-0"
 TITLE: PROPOSED SITE PLAN

PROJECT: PLANNING APPLICATION FOR:
 102-104 THIRD STREET
 TROY, NY 12180
 CLIENT: DAVE GARDELL

DATE: 03/07/12
 REVISIONS:
 DRAWN BY: EC
 TROY ARCHITECTURAL PROGRAM, PC
 210 MARKET ST.
 TROY, NY 12180
 (518) 274-3050

SHEET:
 SPI
 JOB: 083,004,02

PROPOSED SITE PLAN
 SCALE: 1" = 30'

STAFF REPORT ZB2012-015

APPLICANT: Jeremy Hazel

PROJECT DESCRIPTION:

ZB2012-015 Use Variance to allow for a nonconforming use related to a proposal to occupy a vacant storefront with a tattoo parlor at 455 – 471 Fulton Street, a B-4 Zone, ID101.45-7-4. Applicant is Jeremy Hazel, PO Box 1350 Bennington VT 05201.

The applicant proposes to occupy a vacant storefront with a tattoo parlor.

Per Section 285-61 of the Zoning Ordinance, the use tattoo parlor is not an allowed use. The applicant will require a USE VARIANCE to allow for a Tattoo Parlor in the B-4 Zone.

REQUEST:

Use Variance to allow for a nonconforming use.

Use Variance Requirements:

Authorization by the Z.B.A. that allows a specified use in a zone district including restricted locations on the lot or within the structure in which the specified use is not allowed by this ordinance. In order to qualify for a use variance, an appellant must provide evidence for the record that a legal hardship would occur in the absence of such use variance. The Z.B.A. shall not grant a use Variance unless the applicant provides conclusive evidence to prove:

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.

APPROVALS NEEDED:

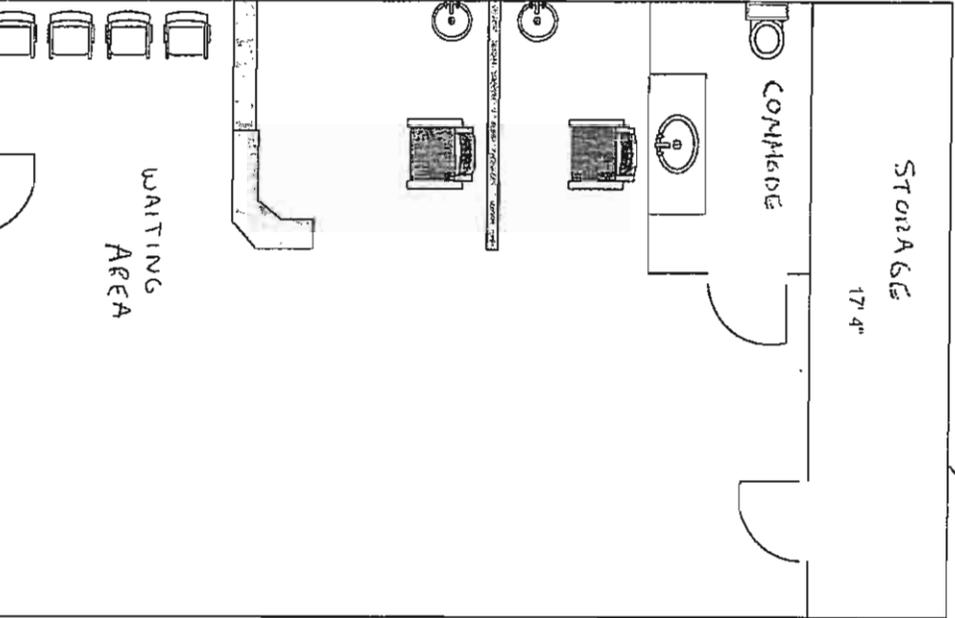
Use Variance to allow for a nonconforming use.

SEORA: 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.

VACANT

VACANT

10' 0"



STORAGE
17' 4"

COMBO

WAITING
AREA

38' 4"

10' 0"

