



**Jay Vandenburg**  
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Commissioner  
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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 1, 2013** in the 5<sup>th</sup> Floor Planning Department Hearing Room of The Hedley Building, to act upon the following requests for approvals and appeals from decisions made by the Bureau of Code Enforcement of said City of Troy.

**Use Variance**

**ZB2013-018 Use Variance** to allow for a nonconforming use related to a proposal to operate a used car lot with a parking deficiency at 209 Hill Street, an R-3 Zone, ID 112.22-2-10. Applicant is Al Charland, 26 Hampton Ave, Rensselaer NY 12144

**ZB2013-019 Major Area Variance** to allow for a parking deficiency related to a proposal to convert a retail space into a residential unit at 571 1<sup>st</sup> Street, an R-4 Zone, ID 111.60-2-14. Applicant is George Barne, 571 1<sup>st</sup> Street, Troy, NY 12180,

**ZB2013-020 Use Variance** to allow for a nonconforming use related to a proposal to occupy a vacant industrial site as a transshipping facility at the foot of Madison Street, a WCD Zone, ID 111.28-4-1. Applicant is Madison Street LLC, 18 Button Road, Waterford, NY 12188.

**Additional information regarding the above listed actions is available in the Department of Planning and Community Development located on the Fifth floor Troy City Hall, 433 River Street, 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 ZB2013-018**

**APPLICANT:** Al Charland

**PROJECT DESCRIPTION:**

**ZB2013-018 Use Variance** to allow for a nonconforming use related to a proposal to operate a used car lot with a parking deficiency at 209 Hill Street, an R-3 Zone, ID 112.22-2-10. Applicant is Al Charland, 26 Hampton Ave, Rensselaer NY 12144

**Per Section 285-91** of the Zoning Ordinance, residential unit requires 1.5 spaces per existing unit and 2 spaces per newly created units. The applicant has 2 existing units and proposes an additional 2 units in the 1<sup>st</sup> floor therefore the applicant will be required to provide 7 spaces. The applicant also proposes a used car office and lot requiring a minimum of 5 spaces. Overall the applicant is required 12 spaces. The applicant provides 8 spaces therefore is deficient 4 spaces. The applicant will require a Major Area Variance to allow for a parking deficiency of 4 spaces.

**Per Section 285-54** of the Zoning Ordinance the use AUTO SALES is not allowed in the R-3 Zone. The applicant will require a USE VARIANCE to allow for a nonconforming use AUTO SALES.

**REQUEST:**

**MAJOR AREA VARIANCE to allow for a parking deficiency of 4 spaces**  
**USE VARIANCE to allow for a nonconforming use**

**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:*

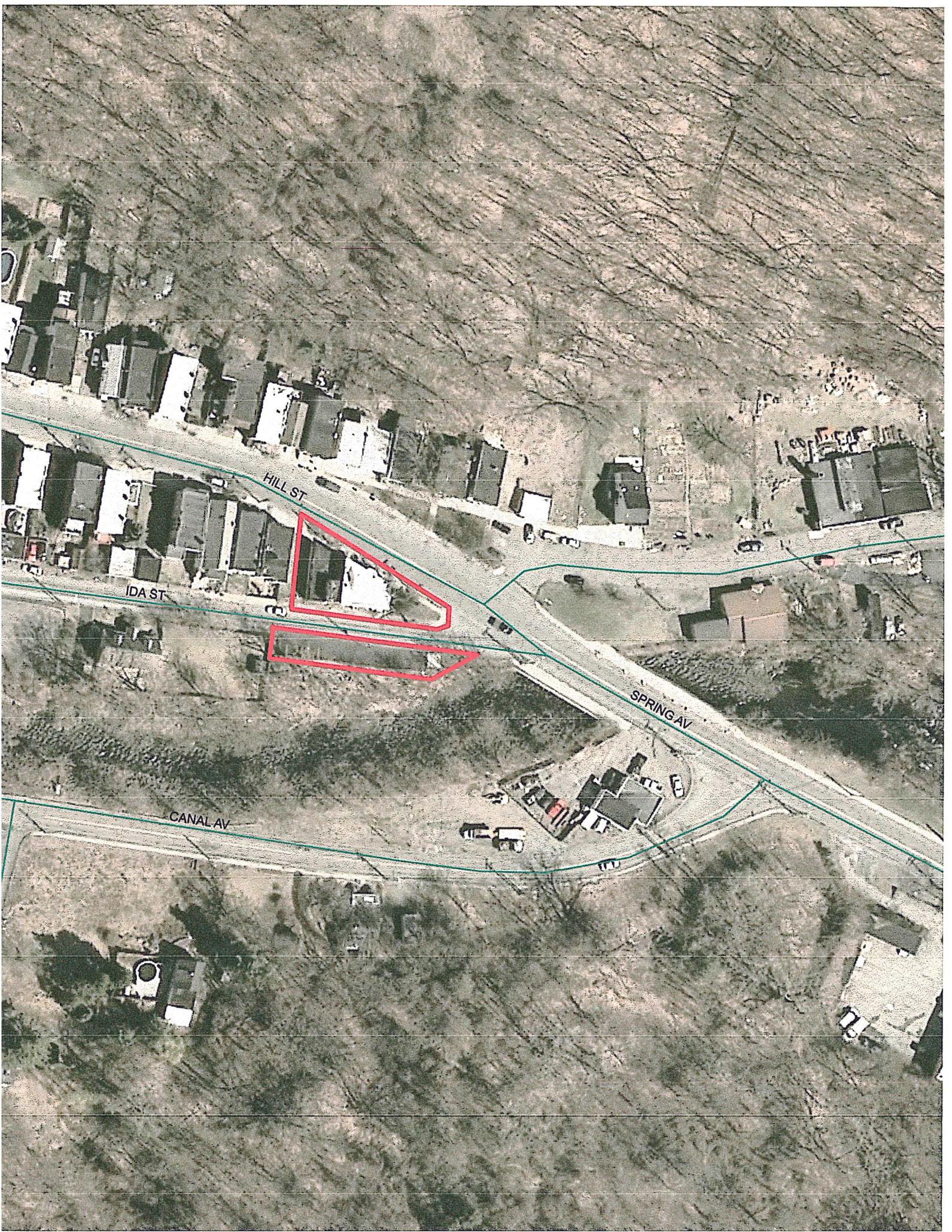
- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other 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 of 4 spaces**  
**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.



**STAFF REPORT ZB2013-019**

**APPLICANT:** George Barne

**PROJECT DESCRIPTION:**

**ZB2013-019 Major Area Variance** to allow for a parking deficiency related to a proposal to convert a retail space into a residential unit at 571 1<sup>st</sup> Street, an R-4 Zone, ID 111.60-2-14. Applicant is George Barne, 571 1<sup>st</sup> Street, Troy, NY 12180,

Per Section 285-91 of the Zoning Ordinance, residential unit requires 1.5 spaces per existing unit and 2 spaces per newly created units. The applicant has 5 existing units and proposes an additional 1 unit in the 1<sup>st</sup> floor therefore the applicant will be required to provide 10 spaces. The applicant provides 0 spaces therefore is deficient 10 spaces. The applicant will require a Major Area Variance to allow for a parking deficiency of 10 spaces.

**REQUEST:**

**MAJOR AREA VARIANCE to allow for a parking deficiency of 10 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 to allow for a parking deficiency of 10 spaces**

**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.



SILVER ST

DUKE ST

1ST ST

ST LUKES AV

4TH ST

MAIN ST

BURDEN AV

WINSLOW AV

CENTRE ST

**STAFF REPORT ZB2013-019**

**APPLICANT:** Madison Street LLC

**PROJECT DESCRIPTION:**

**ZB2013-020 Use Variance** to allow for a nonconforming use related to a proposal to occupy a vacant industrial site as a transshipping facility at the foot of Madison Street, a WCD Zone, ID 111.28-4-1. Applicant is Madison Street LLC, 18 Button Road, Waterford, NY 12188.

Per Section 4.202 C of the Zoning Ordinance, the USE Transshipping Facility (aggregates) is not allowed in the WCD Zone. The applicant will require a USE VARIANCE to allow for a nonconforming use.

**REQUEST:**

**USE VARIANCE to allow for a non conforming use (transshipping facility)**

**APPROVALS NEEDED:**

**USE VARIANCE to allow for a non conforming 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.

1128-4-1

**received**  
9-17-13

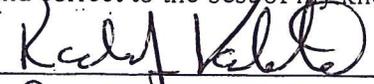
The City of Troy  
Application For Permit

Location of Work: <b>2 MADISON ST. RFP SITE, FORMER SCOLITE, HDD SITE</b>		
Property Owner: <b>R.J. VALENTE PURCHASER</b>	Address: <b>18 BUTTON RD WATERFORD NY.</b>	Phone: <b>528-4428</b>
Contractor: <b>SAME</b>	Address: <b>" 12188</b>	Phone: <b>" DEAN MARROTTA</b>

<input type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Alterations <input type="checkbox"/> Repairs <input type="checkbox"/> Siding <input type="checkbox"/> Roofing <input checked="" type="checkbox"/> Sign <input type="checkbox"/> Swimming Pool <input type="checkbox"/> Fence <input checked="" type="checkbox"/> Sitework <input checked="" type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Demolition <input type="checkbox"/> Barricade <input checked="" type="checkbox"/> Excavation <input type="checkbox"/> Other	Description Of Work: <b>REBUILD 10' GRADE WALL, STABILIZE SIZE PERIMETER BERM &amp; WALK, 1 FT. STONE CAPPING PER INTERIM SITE MANAGEMENT PLAN REVIEW, JOB SCALE TRAILER CONNECT EX. WATER SEWER LATERALS, SIGNAGE PLACARDS, PARK PULLOFF PER PLAN, INCLUDE EX. BRUNO MACHINERY SITE CLEANUP, PICNIC AREA, FUTURE BOAT RAMP</b>		
	Cellar: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	New Gross Area:	
	Construction Type: <b>PREMANUFACTURED JOB TRAILER</b>	# Of Floors: <b>1</b>	
	Building Size At Grade: <b>1446 SF</b>		
	Current Use: <b>VACANT FORMER HDD, NCD</b>	#DU:	#COM:
	Proposed Use: <b>HEAVY INDUSTRIAL USE</b>	#DU:	#COM:
	Fencing Height: <b>6 FT VINYL SECURITY</b>	Linear Feet: <b>1205' SCOLITE 518' BRUNO +</b>	

Construction Trades	Construction Cost	Contractors Information
<input checked="" type="checkbox"/> General	<b>45,000</b>	<b>PARK AREAS, WALK</b>
<input type="checkbox"/> Plumbing		
<input checked="" type="checkbox"/> Electrical	<b>45,000</b>	<b>SITE LIGHTING.</b>
<input type="checkbox"/> HVAC		
<input checked="" type="checkbox"/> Demolition	<b>100,000</b>	<b>EX. HDD STRUCTURE &amp; SCRAP AREA</b>
<input checked="" type="checkbox"/> Excavation	<b>125,000</b>	<b>NEW WALL &amp; CAPPING.</b>
<input checked="" type="checkbox"/> Other	<b>15,000</b>	<b>LANDSCAPING</b>
<b>Total:</b>	<b>330,000</b>	<b>EXCLUDES TRAILER/SCALE</b>

I hereby make application for issuance of a permit for work described above. I agree that no person will be employed without providing workers compensation and disability benefits law coverage, as required by state law, and that all applicable ordinances of the City shall be complied with. I declare. Subject to penalty of perjury that statements made herein are true and correct to the best of my knowledge.

OWNER      APPLICANT'S SIGNATURE 

CONTRACTOR      APPLICANT'S NAME (PRINT) RODDY VALENTE

OTHER      R.F.P.      DATE 9/17/2013

# R.J. Valente Companies

18 Button Road  
Waterford, N.Y. 12065

September 12, 2013

Bill Dunne, Andrew Kreshik,  
Economic Development-Coordinators  
Michael Dinova \ Purchasing Agent  
City Of Troy \ Planning Department  
City Hall 433 River Street, Suite 5001  
Troy, New York 12180

**RE: R.J. Valente Zoning-Planning Review  
(Madison Street LLC, 2 Madison Street, Troy, NY)**

Dear Sirs;

RJ Valente is pleased to submit the package application response to the award review for the former Scolite Site RFP, based on Interim Site Management Plan (i.e. IMSP) development sheet guidelines. We perceive our application to be feasible to proceed through Zoning Variance Review and Site Plan review to create over 60 new immediate jobs for South Troy, while providing economic enhancement for South Troy.

The application for Use Variance is proposed for both the 5.7 Scolite Site as well as the former Bruno Machinery Site. R.J. Valente proposes visual character improvements for all of the listed purposes for pedestrian integration, for both this site and the former Bruno property site. Further improvements to the new Madison Street Fishing pier, improvements to on-street parking, lighting, picnicking, adaptive re-use of both sites, as a vibrant industrial hub for RJ Valente import-export stone products division.

The potential for a New York Central rail spur is proposed along with multi-modal purposes, bulkhead docking, milling and pre-cast concrete products divisions of R.J. Valente Gravel Corporation. The site naturally allows for an upper staging and lower platform docking, that is anticipated to thrive with the implementation of the proposed immediate development plan for national hub transport of all raw building materials. RJ Valente is pleased to pursue all of the proposed improvements and personally work with the City of Troy to improve and commit to the Interim Site Management Plan (ISMP), and working to be approved to begin the project goals to flourish with this award.

R.J. Valente commits to the terms and conditions of the Record of Decision, and respects DEC clean up-detailing the completion of any conservation or environmental easements to proceed with this development application.

Gentleman please find attached site plan, overall Master Plan and visual rendering package of improvement potentials for not only the 5.7 acre product material hub, with the rail spur landscape-walkway improvements, but also potential for picnic area

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# R.J. Valente Companies

18 Button Road  
Waterford, N.Y. 12065

improvement along the Madison Street fishing pier, potential for a Park Pull Off Madison, with a dedicated Historic wheel Feature, landscape improvements for parking picnicking, potential for a Monroe Street boat ramp-future river access plan .

## Submission Requirement Response:

1. Development Team Identification : See RJ Valente Company Biography team.  
Dean Marotta dean @rjvalente.com 528-4428 Project Manager, Joseph Zappone Attorney 365-9752, Monarch Design Group LLC full service engineering civil, landscape architecture, [monarchdesigngroup@gmail.com](mailto:monarchdesigngroup@gmail.com), 688-8362 Ed Esposito RLA, Lawrence Levine, PE.
2. See RJ .Valente attachments submittals: Cover Survey, SP-1&1A Site Plan Layout Landscapings for both the former Scolite and Bruno Sites, SEC-1&2 Sediment Erosion Control Plans for both sites,SB1&2 Site Blow Ups of key development areas for both sites,SD-1 Thru 4 Site Details for Site Development. Overall project site plan package illustrations show combined site with Bruno Machinery parcel restoration Master Plan. Madison Street site will provide new scale house, pre-engineered trailer building, material staging–shipping receiving yard, street and canal side berming-street tree planting, walk way connection improvements, improved signage, driveway access delineation, material handler platform improvement, rail spur extension potential, product bi–bunker installation, employment strategy–hiring, renovation of Bruno facility (longer term-future part of this application), general City river front improvement, new landscape, lighting, parking implementation, respecting existing vegetation of shoreline planting reinforcement, permit review to be initiated with agency review to anticipate extended site plan approvals (future longer term review with ACOE, DEC, Department of State), extended planning of existing Fishing Pier to Waterfront Commercial District (WCD), extended planning of future boat ramp access to WCD.
3. Applicant does not feel that he is a non-conforming use. The construction materials handling ability is a natural use for this site. The enhancement improvements to the River Front, the longer term goal of access–community park with easements, creation of jobs with an economically viable applicant are all benefits consistent with the CREDC strategies and goals, City vision of improvement.
4. R.J. Valente requests Trans-shipping-Heavy Industrial Use consideration and Planning Approval be granted immediately to beginning the clean up and development named with this scope of work application for the Scolite RFP award site, with understanding that the Bruno Site as tenants will be reviewed, that continuing Site Plan and Details will evolve and be further detailed.
5. The subject Scolite property is 5.71 Ac's, Tax Map 111.28-4-1, was formerly the Rensselaer Iron Works Site circa 1846-1888.The City Of Troy is currently the responsible party for the DEC–SAC Contract to maintain the ISMP, with the sale

# R.J. Valente Companies

18 Button Road  
Waterford, N.Y. 12065

being successfully conveyed to R.J. Valente, along with the Contract responsibilities. The City Of Troy provided Alta Survey base Map to forward site planning, yet also to include the Ludlow Valve Parcel situated at the north west corner of the parcel. Additionally, R.J. Valente has acquired the former Bruno Machinery 5 Ac. Site improvement for immediate zoning and planning re-use.

6. Regarding the Site Application, per the terms of the RFP, the Site Proposal includes:

- Park Pull Off at at the Project Entrance at the southeast corner of the property. (3) benches, new lighting, asphalt walk link along the canal, a contributed wheel feature with historic references to the former site, double security fence to safely allow pedestrians to walk along the railroad and around the canal walk and back along Madison Street walkway to the fishing pier at the end.

- Proposed DEC approved capping of the existing site area consistent with the terms of the Interim Site Management Plan (ISMP),and SAC Contract with the City Of Troy with proposed 1 foot imported material capping.

- Development to clean and order the Site Yard Area

- Development of the Canal Walk and Fence System that links the Ludlow Valve Site around to the fishing pier ,which allows for the additional remaining State Funding. A painted walkway area will demarcate connection along Madison Street.

- Consistent with the ISMP, maintenance operations of R.J. Valente are proposed to perform within the established program:

- Develop Engineering Controls (EC) for Sediment Erosion-See SEC1&2

- Proceed s of 60' Lower Platform improvement to be utilized on site as perimeter berm placement calculated to be 1657 CYDS.

- Perimeter Berms to be stabilized with a minimum of conservation grade plantings, with clean earth capping and wood chipping from tree pruning operations on site.

- A perimeter stone drainage swale Detail shown on 4/SD3 is proposed around the end of the yard sheet flow, and at the base of the improved perimeter berms.

- A double chain link ,black vinyl coated fence will be installed on each side of the 5ft. wide asphalt pedestrian "canal walk".The 6ft. fence is proposed at the property side ,and the 4 ft. fence is proposed at the outside rail roadside or the canal side. The Schematic Sections are shown on Detail Sheet SD3. The public access from Madison St. and along the Canal is proposed to be built as a dedicated easement to be determined with the City of Troy as a condition to the site plan approval.

- The proposed shoe box lighting fixtures with the downward shields are shown along the SP-1 layout Plan. The proposed lights and the 5ft. walk are proposed to be apart of the dedicated easement .Other lighting along Madison are proposed along each of (2) driveways for safe site access. During Construction the (2) driveways will be stabilized stone per SEC plan requirement, and then paved with asphalt per schedule detail on SD-1.

# R.J. Valente Companies

18 Button Road  
Waterford, N.Y. 12065

- The day to day operations of R.J. Valente Port Ventures are proposed as trans-shipping-heavy industrial use. A variance is being sought for use within the WCD Zone. See plan attachments for both properties.
- Additional Site Improvement amenities included on this application are the expansion of (2) BBQ stations, (4) picnic benches, at the 1100 SF area of crushed stone over fabric, proposed at the south end of the existing fishing pier.
- R.J. Valente since obtaining the former Bruno Machinery site, also includes the variance request for heavy industrial use within the WCD Zone.
- The 5 Ac. Bruno Site and the 5.7 Ac. Scolite Site are proposed as R.J. Valente ,Port Ventures, Troy NY. The Bruno property is proposed to be cleaned and maintained immediately. A conceptual future boat ramp is depicted on SB-2.R.J. Valente requests potential pursue ACOE/DEC Permits and future site plan review for the boat ramp located at the end of Monroe Street. R.J. Valente similarly plans to pursue NY Central Rail Spur potential connection along the east Bruno property side. R.J. Valente requests Rail Permit Extension development with NY Central ,& further site plan review at the some future time.
- The Site Statistics for the SP-1 for the RFP Site is as follows: Non fixed structures like the scale house will not require any Vapor Remediation. The Scale House is an elevated trailer over a concrete slab utilizing existing planned sewer and water laterals to be connected per SD2 details. The scale house is 1446 SF(.033 AC)(.58%)
- The existing concrete slabs will remain consistent with the ISMP. SP-1 shows 98,625 SF (2.26 AC.) 39.58%. The remaining Lot is proposed as yard gravel shown to be 148,669 Sf(3.41AC)59.84% of site. Respecting exiting fringe trees and in addition with any new planted berm landscaping , the application will add green space at the perimeter site.

Along with this application, R.J. Valente agrees to accept the maintenance analysis requirements of the ISMP. The proper notifications of all operations , including the rebuilding of the deteriorated 10Ft. headwall , shown on SP-1 as a hatched 1657 CYD area at the lower 60' platform area is proposed. No monitoring wells are to be decommissioned without express review of the DEC . No other disturbances are anticipated with this proposal. Consistent with the ISMP and the Record of Decision (ROD), R.J. Valente will perform monthly Engineering Inspections for the first year, permitted under the DEC/SAC.R.J. Valente will require that the former 2009 barge permit , allowing River Front Shipping Transport , will be extended for proposed requested use .The former permittee was Hudson Deepwater Development (HDD) .R.J. Valente will contact agency reviews for any on-going responses named on page 12 of the ISMP. R.J. Valente proposes to install informational sign placards at the Park Pull Off-Wheel dedicated Feature, and also signs at the end of the Canal walk , memorializing the former Ludlow Valve Site .See graphic attachments. The sign replacement proposal for the Bruno Machinery Building is proposed to be the same dimensional size as the existing letters , and reads as follows: R.J. Valente ,Port Ventures, Troy NY.

R.J. Valente requests approval of uses for both the former Scolite and Bruno properties, site plan approval for the Scolite RFP Site, AKA the former HDD Site , with a follow up of

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# R.J. Valente Companies

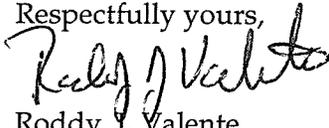
18 Button Road  
Waterford, N.Y. 12065

any further future defined tenant plans for the Bruno property review, as on-going review.

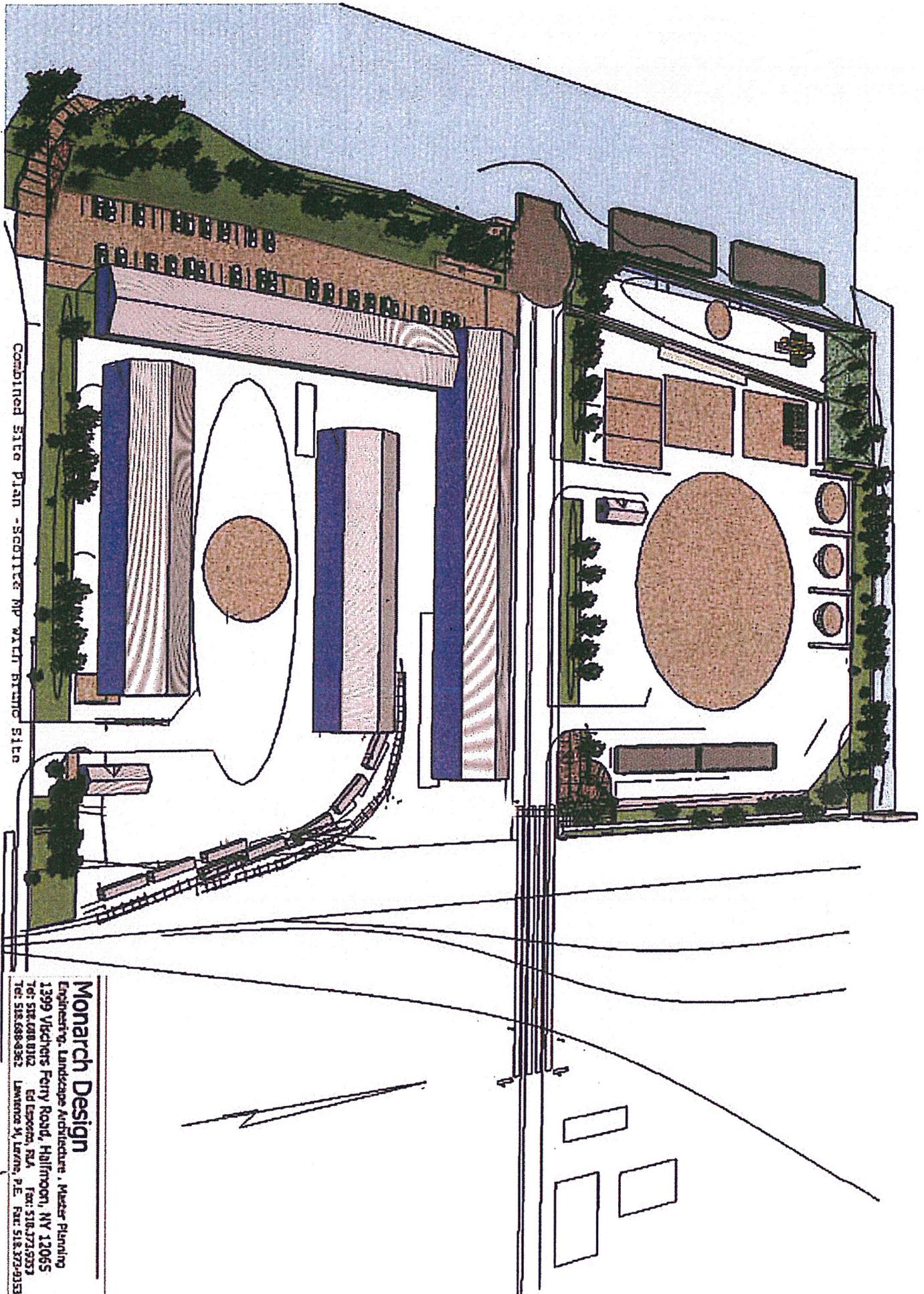
To proceed, R.J. Valente requests the opportunity to extend the permit use of the Bulkhead Barge loading area, to remain able to pursue ACOE /DEC permits on a future boat ramp area at the lower Bruno Site, be granted the ability to develop the potential for NY Central Railway Spur Line at the Bruno site, and remain in good standing with a contingent approval review with the City of Troy Zoning and Planning Commissions.

We hereby submit zoning-planning application review ,

Respectfully yours,



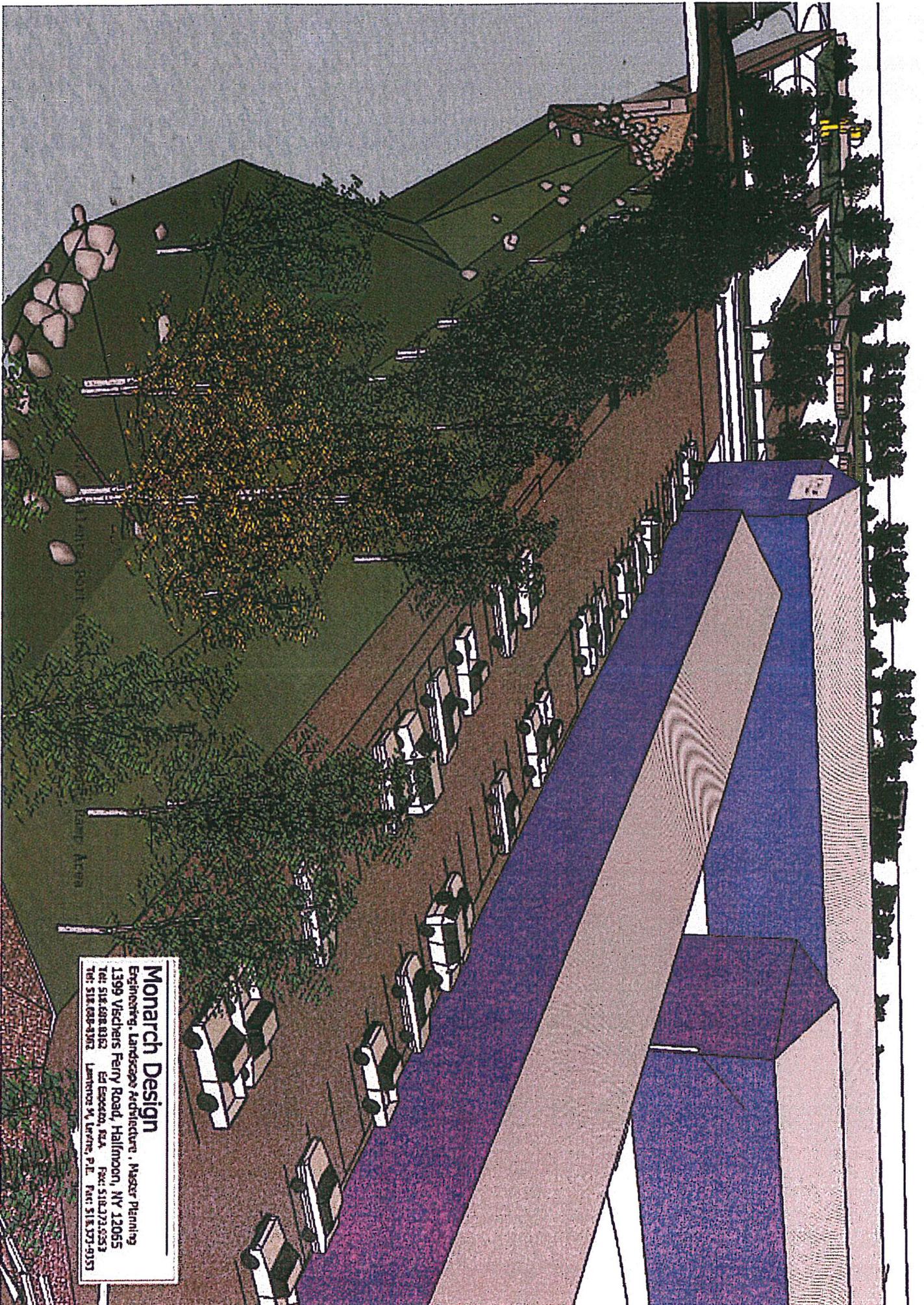
Roddy J. Valente  
CEO, RJ Valente Companies



Combined Site Plan - Scotts NP with BIRMO Site

**Monarch Design**

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