



**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 December 3, 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.

**ZB2013-022** Minor Area variance to allow for the construction of ground mounted solar panels at 20 Gurley Avenue, an R-1 Zone, ID 80.49-5-4. Applicant is New York Light Energy, 830 Loudon Road, Latham, NY 12110.

**ZB2013-023** Use Variance to allow for a nonconforming use related to a proposal to add overnight boarding to an existing dog daycare at 23 Lilac Lane, an R-2 Zone, 112.83-2-20. Applicant is Ruth Phillips, 23 Lilac Lane, Troy, NY 12180

**ZB2013-024** Major Area Variance to allow for a nonconforming sign related to a proposal to construct a sign at 1981 15<sup>th</sup> Street, an INST Zone, ID101.55-1-6. Applicant is Jonathan Underwood, 1981 15<sup>th</sup> Street, Troy, NY 12180

**ZB2013-025** Use Variance to allow for a nonconforming use related to a proposal to operate a private membership club at 720 6<sup>th</sup> Ave, an R-3 Zone, ID 80.41-7-2. Applicant is John Kalamant, 720 6<sup>th</sup> Ave, Troy, NY 12182

**ZB2013-026** Major Area Variance to allow for a rear setback deficiency related to a proposal to construct a convenient store at 9 112<sup>th</sup> Street, a B-2 Zone, ID 80.63-6-10. Applicant is Stewarts Shops, POBOX 435 Saratoga Springs NY 12866. **REMOVED**

**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 ZB2013-022**

**APPLICANT:** New York Light Energy

**PROJECT DESCRIPTION:**

**ZB2013-022** Minor Area variance to allow for the construction of ground mounted solar panels at 20 Gurley Avenue, an R-1 Zone, ID 80.49-5-4. Applicant is New York Light Energy, 830 Loudon Road, Latham, NY 12110.

Per Section 285.52 of the Zoning Ordinance, accessory structures allowed in the R-1 Zone must be accessory to an incidental allowed use (single family home). The applicant proposes an accessory structure to a commercial use requiring a Minor Area Variance

**REQUEST:**

**Minor Area Variance to allow for an accessory structure**

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

**Minor Area Variance Requirements:**

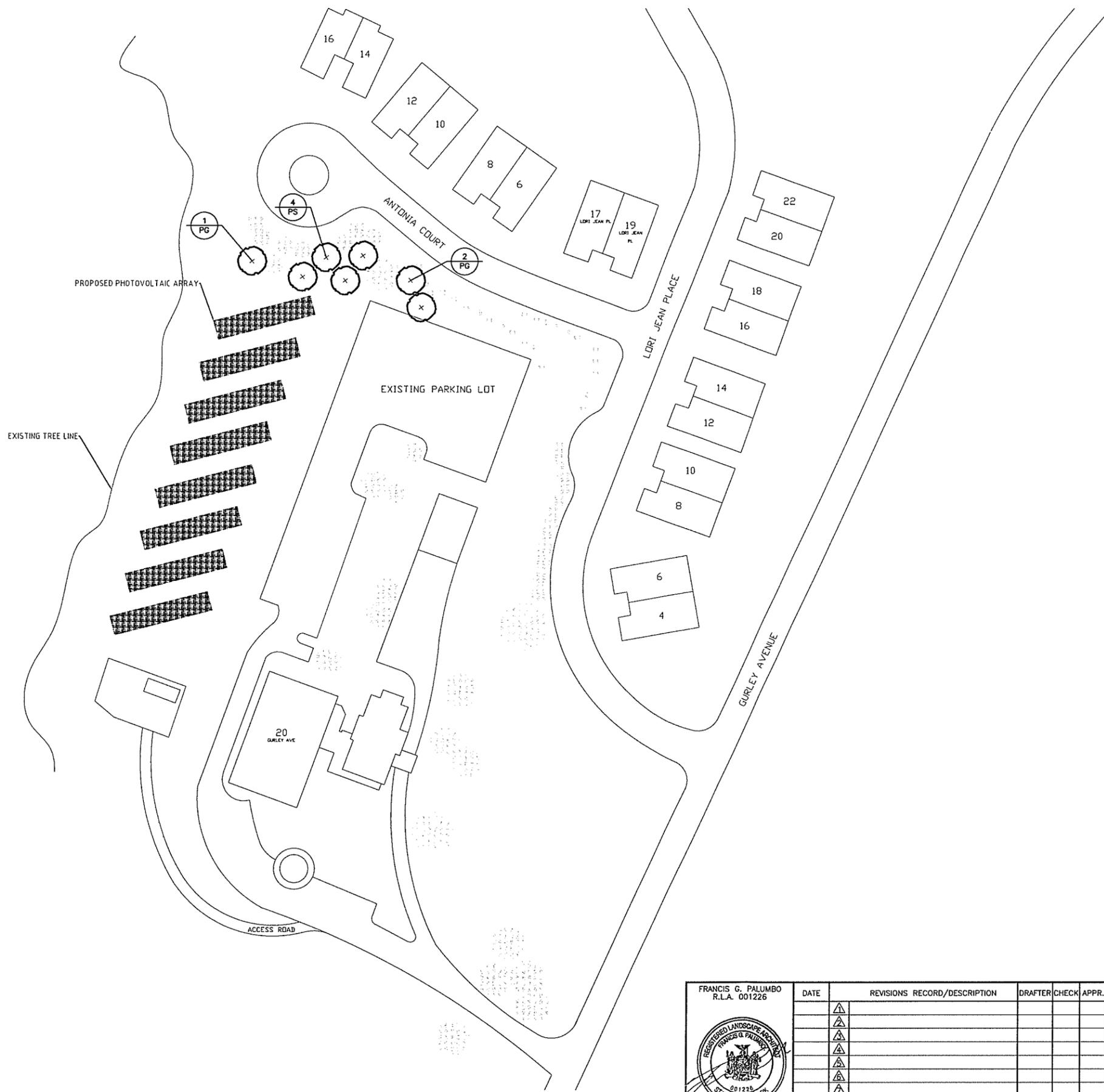
Authorization by the Z.B.A. that allows a specified use in a zone district including restricted locations on the lot or within the structure in which the specified use is not allowed by this ordinance. In order to qualify for a use variance, an appellant must provide evidence for the record that a legal 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:**

**Minor Area Variance to allow for an accessory structure**

**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.



**SITE LANDSCAPING PLAN NOTES:**

1. TOPSOIL, SEED AND ESTABLISH LAWN IN ALL DISTURBED AREAS.
2. ALL SUBSTITUTIONS OF PLANT MATERIALS MUST BE APPROVED BY LANDSCAPE ARCHITECT OR ENGINEER BEFORE INSTALLATION, AND AFTER AWARD OF BID.
3. LANDSCAPE ARCHITECT ACCEPTS NO RESPONSIBILITY FOR DAMAGE TO PROPERTY OR PERSONAL INJURY OCCURRING DURING CONSTRUCTION OR THEREAFTER. CONTRACTOR IS RESPONSIBLE FOR ALL APPLICABLE INSURANCES.
4. ALL EVERGREEN PLANTS SHALL BE WILT-PROOFED IN LATE FALL USE ACCORDING TO MANUFACTURER'S INSTRUCTIONS.
5. ALL MULCHED PLANTING BEDS SHALL BE EDGED WITH SPADE TO ALLOW FOR MIN. OF 4" OF LAWN TOPSOIL SHALL BE PLACED ADJACENT TO MULCHED BED EDGE. ALL LAWN AREAS SHALL RECEIVE 4" OF TOPSOIL, IN ACCORDANCE WITH SPECIFICATIONS.
6. CONTRACTOR IS RESPONSIBLE FOR LOCATING ALL UTILITIES PRIOR TO DIGGING. LOCATIONS SHOWN ON UTILITY PLANS ARE APPROXIMATE. CONTACT OWNER OR GENERAL CONTRACTOR FOR PLANS.
7. MULCH MATERIAL SHALL BE A HARDWOOD SHREDDED BARK MULCH DELIVERED IN BULK FORM. SAMPLES TO BE APPROVED BY OWNER. INSTALL AT A MIN. OF 3" IN BEDS, ISLANDS AND AROUND TREES. INSTALL MULCH WITHIN 3 DAYS OF PLANT INSTALLATION.
8. PLACE WEED FILTER FABRIC OVER GROUND AROUND BASE OF ALL EVERGREEN AND DECIDUOUS SHRUBS AND TREES IN THOSE AREAS TO BE MULCHED.
9. WEED FILTER FABRIC MATERIAL SHALL BE NONWOVEN GEOTEXTILE, TYPAR 3301 OR EQUAL PLACED OVER SOIL AND AROUND PLANTS PRIOR TO MULCHING.
10. CONTRACTOR SHALL BROADCAST GRANULAR SLOW-RELEASE PRE-EMERGENT HERBICIDE, PER LABEL DIRECTIONS, PRIOR TO INSTALLING WEED FABRIC AND MULCH.
11. CONTRACTOR SHALL ADJUST PLANTINGS AROUND HYDRANTS, LIGHT POLE BASES, AND OTHER UTILITIES SO AS NOT TO CONFLICT WITH ACCESS OR USE. CONSULT ENGINEER FOR PLACEMENTS.
12. PLANT MATERIALS SHALL BE GUARANTEED TO BE IN VIGOROUS, HEALTHY GROWING CONDITION FOR A PERIOD OF ONE YEAR AFTER COMPLETION OF LANDSCAPE INSTALLATION. SEE SPECIFICATIONS FOR MAINTENANCE REQUIREMENTS. SUBMIT GUARANTEE IN WRITING TO OWNER.
13. ALL DECIDUOUS TREES ISOLATED IN LAWN AREAS SHALL BE MULCHED WITH 4" DIA. CIRCLE. EDGE TO MINIMIZE INTRUSION OF LAWN.
14. ALL PLANT MATERIALS INSTALLED PURSUANT TO THIS SITE DEVELOPMENT PLAN SHALL CONFORM TO THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1-1986) OF THE AMERICAN ASSOCIATION OF NURSERYMEN OR EQUIVALENT RECOGNIZED STANDARD AND SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH ACCEPTED INDUSTRY PRACTICE.

**PLANTING SCHEDULE**

KEY	QTY.	BOTANICAL NAME COMMON NAME	SIZE	ROOT	SPACING	REMARKS
TREES						
PG	3	PICEA GLAUCA WHITE SPRUCE	6'-7" HL	B&B	As Shown	
PS	4	PINUS STROBUS EASTERN WHITE PINE	6'-7" HL	B&B	As Shown	

FRANCIS G. PALUMBO  
R.L.A. 001226



DATE	REVISIONS RECORD/DESCRIPTION	DRAFTER	CHECK	APPR.	UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW.

**U.W. MARX SITE LANDSCAPE PLAN**

20 GURLEY AVE, TROY, NY

CITY OF TROY RENSSELAER COUNTY, NEW YORK

**C.T. MALE ASSOCIATES**  
Engineering, Surveying, Architecture & Landscape Architecture, P.C.

50 CENTURY HILL DRIVE, LATHAM, NY 12110  
518.786.7400 • FAX 518.786.7299



**SL**

SHEET 1 OF 1  
DWG. NO: 13-0459

**STAFF REPORT ZB2013-025**

**APPLICANT:** John Kalamant

**PROJECT DESCRIPTION:**

**ZB2013-025** Use Variance to allow for a nonconforming use related to a proposal to operate a private membership club at 720 6<sup>th</sup> Ave, an R-3 Zone, ID 80.41-7-2. Applicant is John Kalamant, 720 6<sup>th</sup> Ave, Troy, NY 12182

**Per Section 285.55** of the Zoning Ordinance, private membership clubs are not allowed in the R-4 Zone. The applicant proposes a private membership club therefore will require a USE Variance to allow for a nonconforming use.

**REQUEST:**

**USE Variance to allow for a nonconforming use**

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

Use Variance

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.

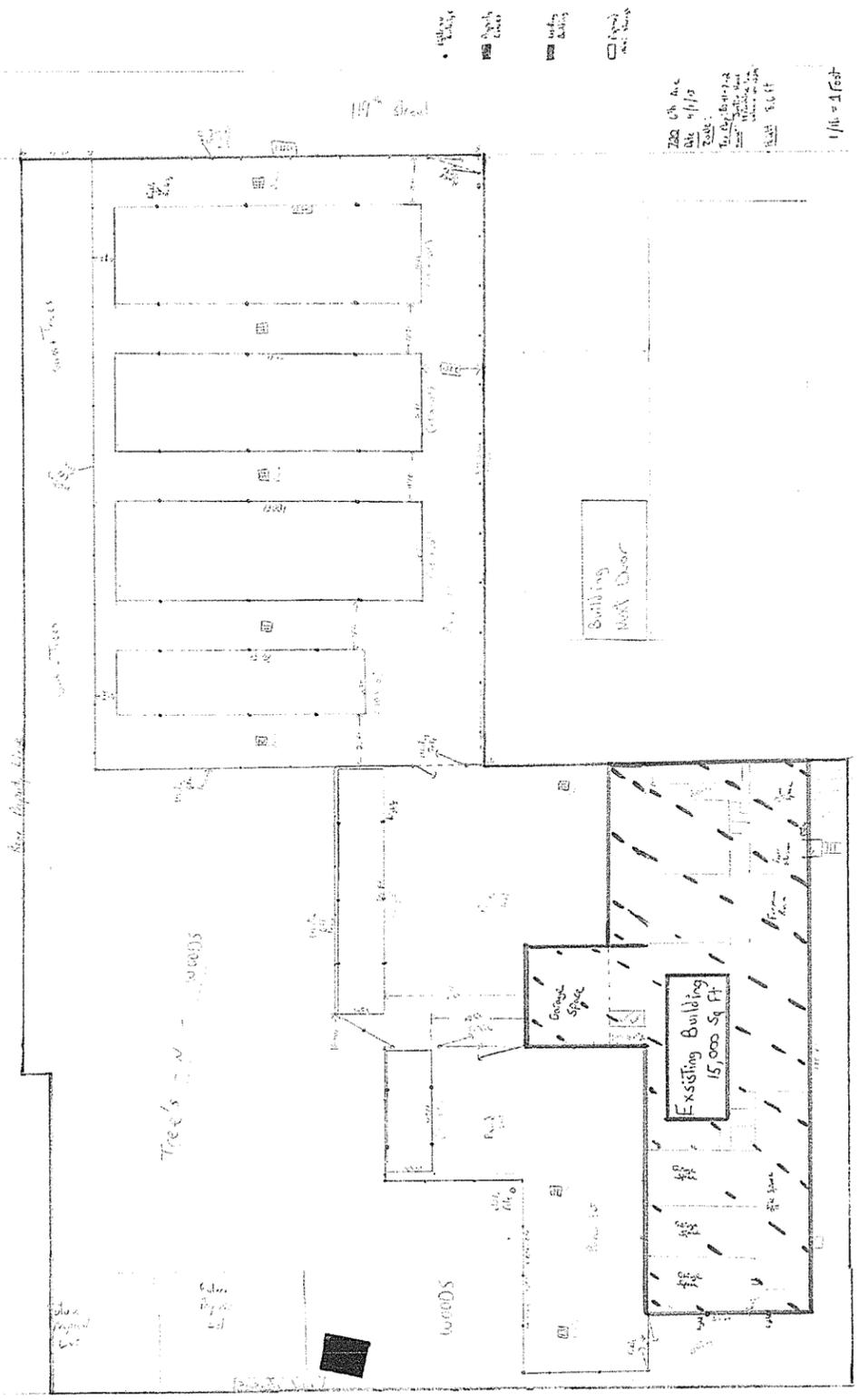
**APPROVALS NEEDED:**

**USE Variance to allow for a private membership club**

**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.



← North



**STAFF REPORT ZB2013-024**

**APPLICANT:** Jonathan Underwood

**PROJECT DESCRIPTION:**

**ZB2013-024** Major Area Variance to allow for a nonconforming sign related to a proposal to construct a sign at 1981 15<sup>th</sup> Street, an INST Zone, ID101.55-1-6. Applicant is Jonathan Underwood, 1981 15<sup>th</sup> Street, Troy, NY 12180

**Per Section 285.105** of the Zoning Ordinance, Identifications signs are prohibited unless part of a larger comprehensive signage plan. The applicant proposes an identification sign not part of a comprehensive plan. Signage is for Fraternity. Applicant will require a Major Area Variance to allow for an identification sign in the INST Zone.

**REQUEST:**

**Major Area Variance to allow for identification sign**

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

**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:*

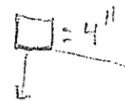
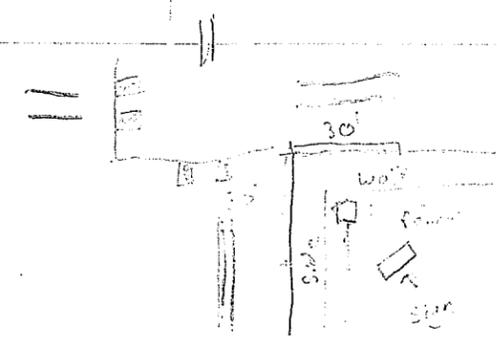
- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other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

**APPROVALS NEEDED:**

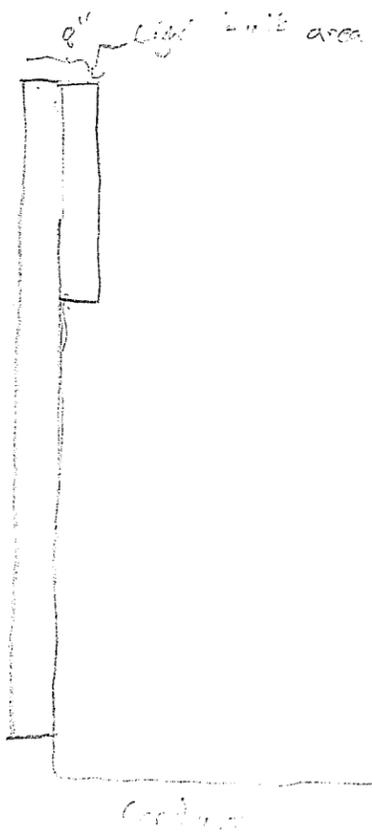
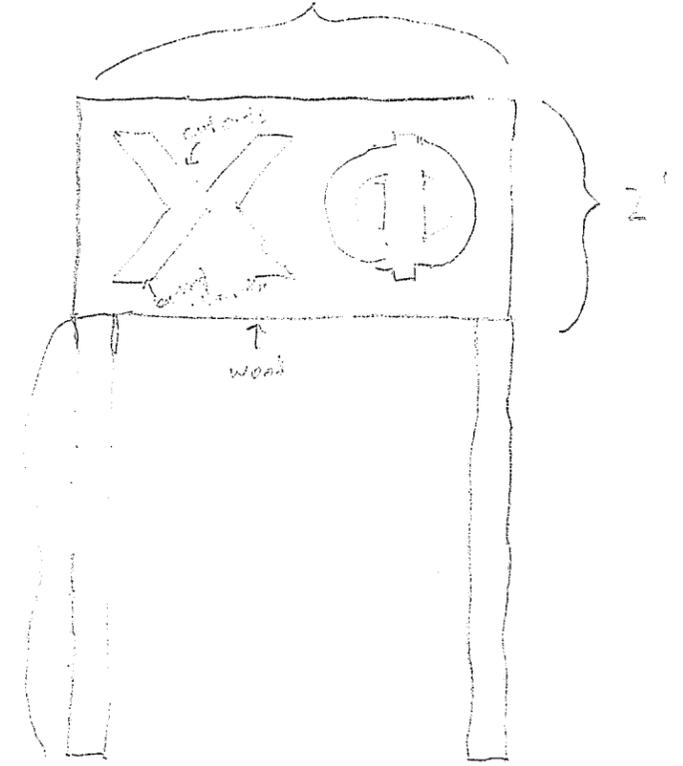
**Major Area Variance to allow for identification sign**

**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.

20251 - AN UNRECORDED COPY OF THE ORIGINAL  
DRAWING - NOT VALID FOR CONSTRUCTION  
DATE: 10/20/2010 10:00 AM



4'



**STAFF REPORT ZB2013-023**

**APPLICANT:** Ruth Phillips

**PROJECT DESCRIPTION:**

**ZB2013-023** Use Variance to allow for a nonconforming use related to a proposal to add overnight boarding to an existing dog daycare at 23 Lilac Lane, an R-2 Zone, 112.83-2-20. Applicant is Ruth Phillips, 23 Lilac Lane, Troy, NY 12180

Per Section 285.53 of the Zoning Ordinance, the USE *Dog Care Facility* is not an allowed use. The applicant was previously approved for this USE March 2012. The applicant is proposing to add overnight boarding, requiring a USE Variance.

**REQUEST:**

**Use Variance to allow for a nonconforming use**

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

**Use Variance**

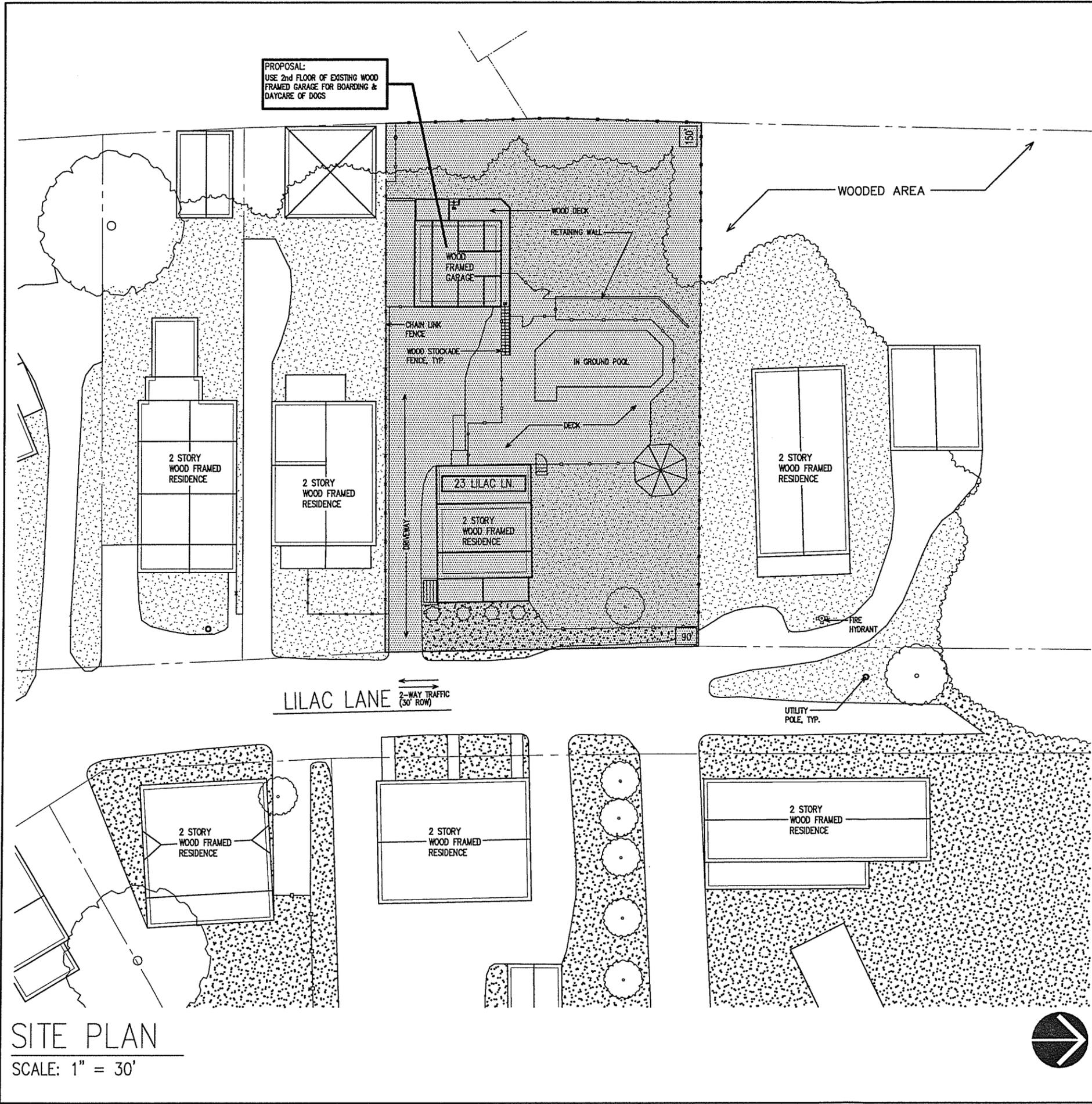
Authorization by the Z.B.A. that allows a specified use in a zone district including restricted locations on the lot or within the structure in which the specified use is not allowed by this ordinance. In order to qualify for a use variance, an appellant must provide evidence for the record that a legal 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:

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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 overnight boarding**

**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 :** 23 Lilac Lane  
Troy, NY 12180

**Applicant :** Laura Bloomfield  
23 Lilac Lane  
Troy, NY 12180

**Owner :** Same as applicant

**Tax Map #:** 112.83-2-20

**Zoned:** R-2 - Two Family Residential

**Lot Characteristics:**

Lot Dimensions: N-150', S-150', E-90', W-90'  
Lot Area: 13,240 SF +/- (.30 Acres)

Setbacks:	Required	Existing
Front	20'-0"	14'-0"
Rear	30'-0"	98'-0"
Sides	10'-0" total	62'-0" total

Min. Lot Area: 5,800 SF 13,240 SF  
Min. Lot Width @ Building Line: 50'-0" 90'-0"  
Max. Lot Coverage %: 50% 12%  
Building Height: 35'-0" max NA

**Building Type:** 2-story wood framed residence

**Current Property Use:** Residence/dog boarding & daycare

**Proposal :** Room to Run Doggie Daycare:  
Use second floor of wood framed garage for boarding & daycare of dogs

**Parking :** Required - 2 parking spots  
Proposed - 2 parking spots

**Garbage Removal:** Via City

**Surface Drains:** Existing

**Snow Removal:** To be stored on site

**Signage:** None proposed

**Lighting:** Building mounted

**Hours of Operation:** Monday - Friday, 7AM-6PM

All new taps into City water and sewer lines are to be done by City personnel using approved materials supplied by the applicant. The applicant will reimburse the City for labor and equipment costs associated with the utility taps.

This plan is based on information provided by the applicant, available Sanborn 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.

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

PROJECT: ZONING AND PLANNING APPLICATION FOR:  
**23 LILAC LANE  
TROY, NY 12180**  
CLIENT: LAURA BLOOMFIELD

DATE: 02/14/12  
DRAWN BY: EC  
REVISIONS: 10/30/13

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

SHEET:  
**SPI**  
JOB: 124,018

**SITE PLAN**  
SCALE: 1" = 30'

