



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 January 7, 2014** in the 5th 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 8 ground mounted solar structures totaling 896 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.

ZB2013-027 Major Area Variance to allow for excessive signage related to a proposal to construct 2 signs at 1480 Sage Ave, a R-1 Zone, ID101.56-4-6. Applicant is Redmond Griffin, 22 1st Street, Troy, NY 12180.

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 ZB2013-027

APPLICANT: Redmond Griffin

PROJECT DESCRIPTION:

ZB2013-027 Major Area Variance to allow for excessive signage related to a proposal to construct 2 signs at 1480 Sage Ave, a R-1 Zone, ID101.56-4-6. Applicant is Redmond Griffin, 22 1st Street, Troy, NY 12180.

Per Section 285.99 of the Zoning Ordinance, the allowed square footage for a sign in the R-1 Zone is 2 sf. The applicant proposes 2 signs totaling 29.5 SF. The applicant is excessive 27.5 SF. The applicant will require a Major Area Variance to allow for excessive signage.

REQUEST:

Major Area Variance to allow for excessive signage

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.

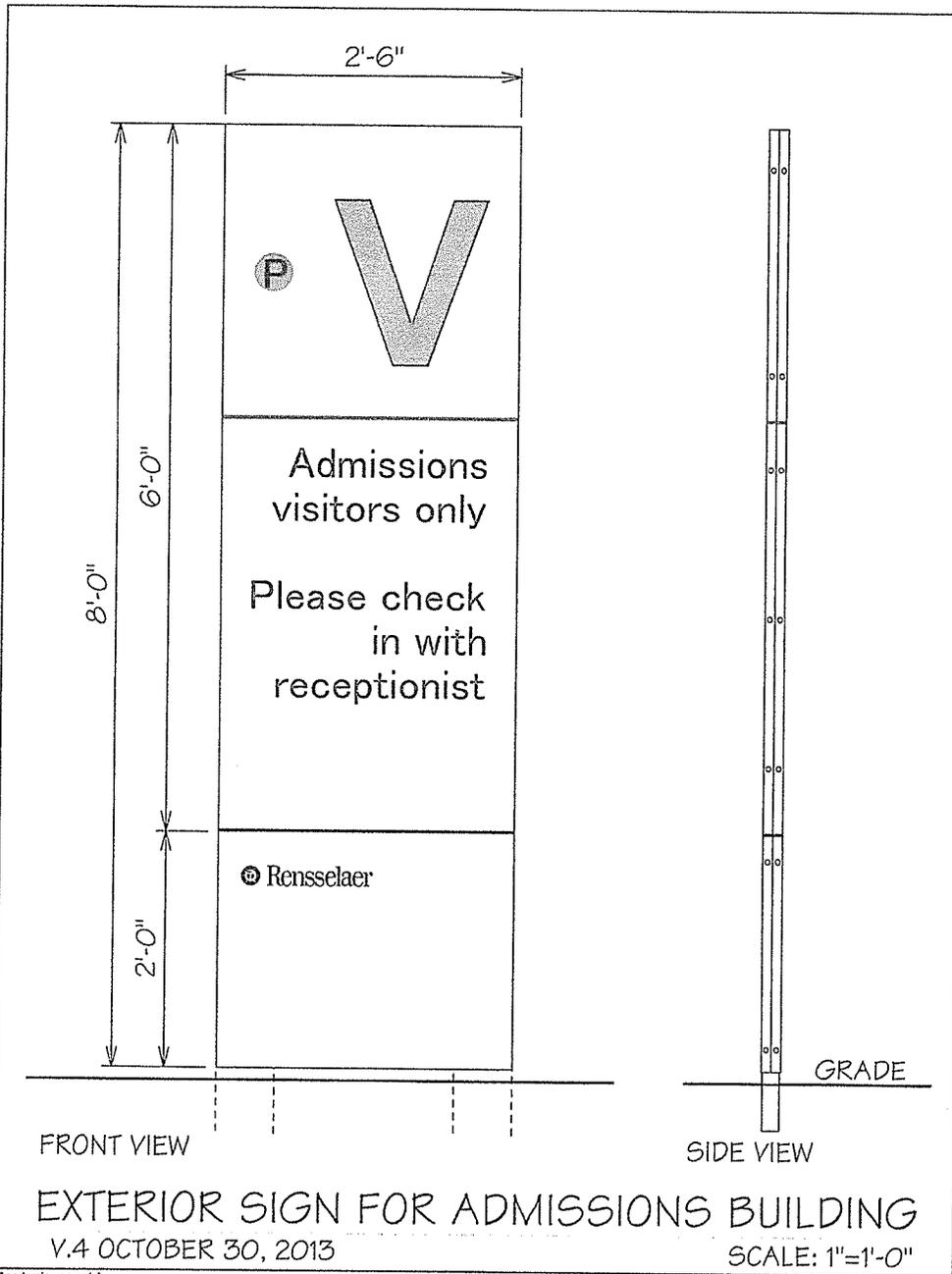
Based on the information provided by the applicant there are no other zoning deficiencies or violations.

APPROVALS NEEDED:

Major Area Variance to allow for excessive signage

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.

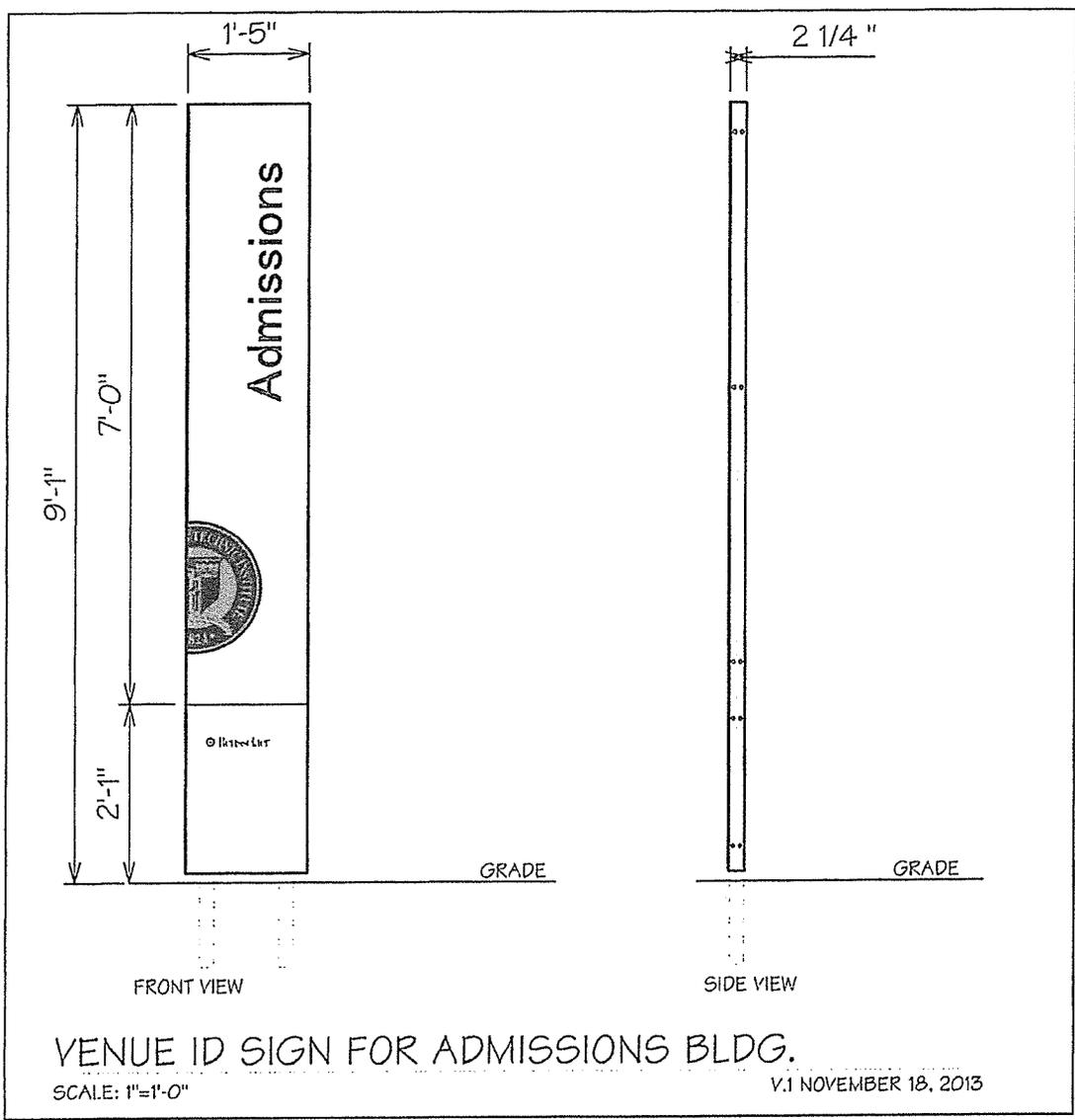
1/6



[Academic use only]

13.5

29.5



[Academic use only]

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

Minor Area Variance Requirements:

In order to qualify for a Minor Area Variance, the applicant must provide evidence of a practical difficulty by meeting the requirements of the Ordinance. Evidence supporting the applicant's request should include a letter or oral testimony from the applicant's immediately adjacent residential neighbor indicating no objection to the proposed variance.

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:

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.

Thomas V. Kenney, Jr.
Attorney at Law
65 Second Street
Troy, New York 12180

(518) 274-5221
(518) 274-5222

MEMO

TO: *Andrew Petersen*
Via e-mail: Andrew.Petersen@trovny.gov

CC: *Jay Vandenburg via e-mail: jdvanenburg@yahoo.com*
Jeffrey Nesich via e-mail: jwnesich@yahoo.com
John Normile via e-mail: jpnkal89@aol.com
John "Jack" Smith via e-mail: idman62@aol.com
Cathy Conroy via e-mail: lbgc62@yahoo.com

FROM: *Thomas V. Kenney, Jr.*
Via e-mail: tomken@nycap.rr.com

RE: *Solar Panels*

DATE: *December 5, 2013*

I hope this memo will clarify the situation re above.

The applicant wishes to install 8 ground mounted solar panels on property owned by U. W. Marx. The panels will produce solar energy for the U. W. Marx building adjacent to the panels.

The array of panels is an accessory structure to the principal use of the Marx building as an office building.

Unfortunately, the staff report had references to use variances. These references were incorrect and caused confusion. The staff report referenced also minor area variances. This was the correct reference.

The site is located in an r-1 district. Accessory uses are allowed in an r-1 district without a variance if they are incidental to an allowed use, i.e. single family residences, open spaces or home occupations. None of those apply here. This use is incidental to a commercial use and this use requires a variance.

The ordinance provides for use variances, area variances, major and area variances, minor.

Normally, an array of solar panels which are not accessory to the principal use of the property would require a use variance.

However, §285.33(E) makes an exception for accessory structures. These require an area variance, minor not a use variance. Accordingly, the proper standard of review for this application is area variance, minor not use variance.

In order to qualify for an area variance the applicant must provide:

1. Evidence of a practical difficulty in meeting the requirements of this chapter.
2. Evidence supporting the applicant's request should include a letter or oral testimony from the applicant's immediately adjacent residential neighbor indicating no objection to the proposed variance.
3. 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.
4. 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.
5. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.
6. Whether the requested area variance is substantial.
7. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
8. 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.

The portion concerning a letter or oral testimony of a neighbor is not mandatory be the reason. The application cannot be denied solely for the reason that no letter or testimony was included.

If you have any questions, feel free to contact me.

