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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. January 6, 2015** 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.

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.

Major Area Variance

ZB2014-032 Major Area Variance to allow for a parking deficiency related to a proposal to convert a vacant restaurant into apartments (25) at 285 Second Street, an R-4 Zone, ID111.28-2-2. Applicant is Nolan Engineering, 105 Lake Hill Road, #19 Burnt Hills, NY 12027.

Special Use Permit

ZB2014-033 Special Use Permit to allow for a nonconforming use related to a proposal to construct an accessory structure as a primary use on a vacant lot at 443 Second Street, an R-4 Zone, ID 111.44-6-5. Applicant is Steven Quick, 1 Rodger Drive Latham NY 12110.

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

Catherine Conroy, Chairperson

Andrew Petersen, Executive Secretary

STAFF REPORT ZB2014-032 *UPDATED*

APPLICANT: Nolan Engineering

PROJECT DESCRIPTION:

ZB2014-032 Major Area Variance to allow for a parking deficiency related to a proposal to convert a vacant restaurant into apartments (25) at 285 Second Street, an R-4 Zone, ID111.28-2-2. Applicant is Nolan Engineering, 105 Lake Hill Road, #19 Burnt Hills, NY 12027.

Per Section 285-55 of the Zoning Ordinance, each new unit requires 2 parking spaces. The applicant proposes 25 units therefore is required 50 spaces. The applicant provides 31 spaces therefore are deficient 19 spaces. The applicant will require a Major Area Variance for a deficiency of 19 spaces.

- Previously the applicant petitioned for a variance requiring a 38 space deficiency.

REQUEST:

Major Area Variance to allow for a parking deficiency

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:

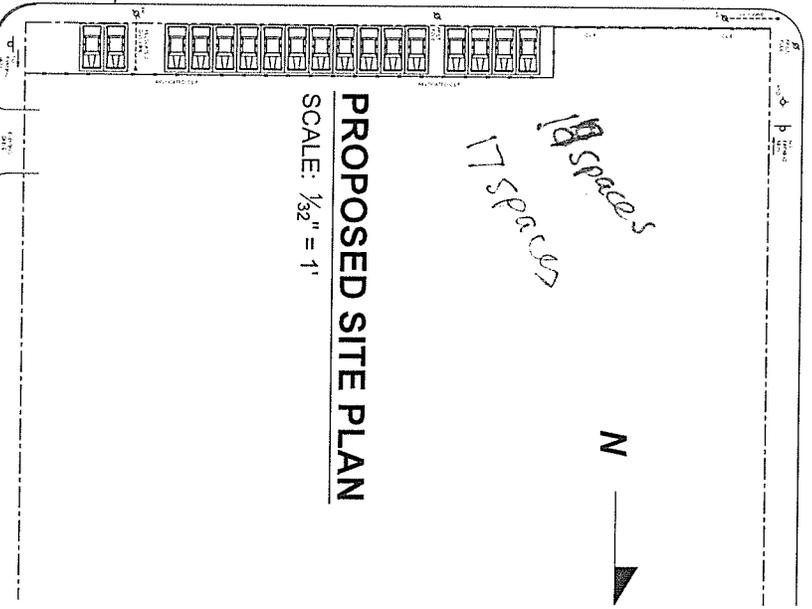
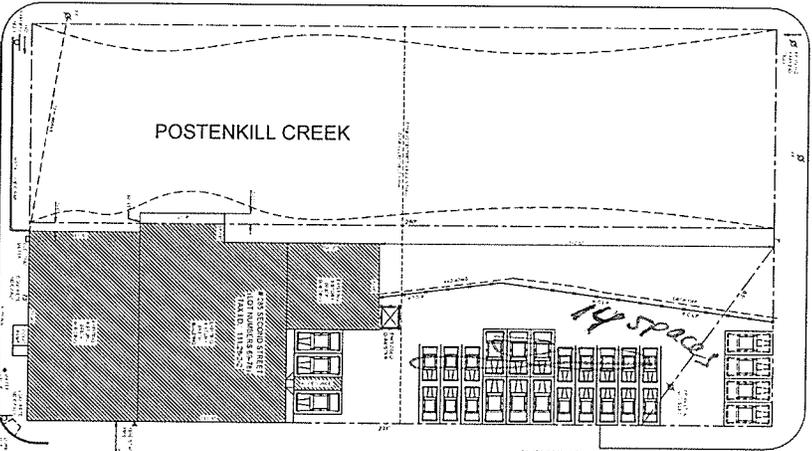
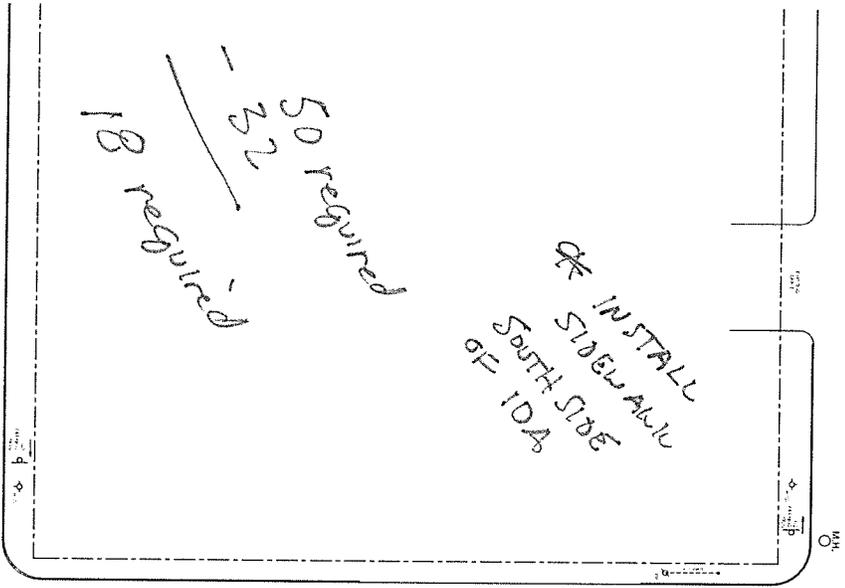
- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other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

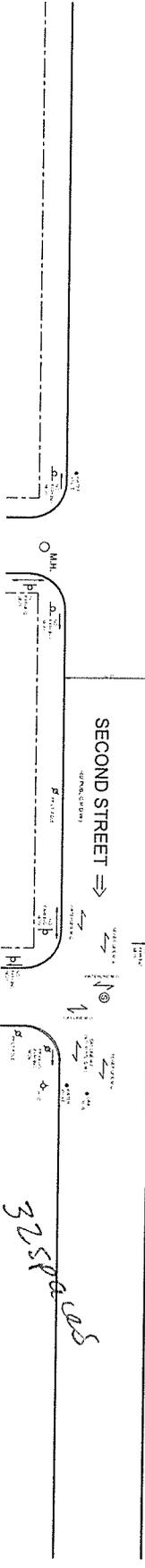
Major Area Variance to allow for a parking deficiency of 19 spaces.

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.

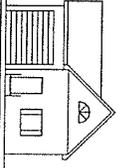


PROPOSED SITE PLAN

SCALE: 1/32" = 1'



NOLAN ENGINEERING, PLLC



RICHARD E NOLAN, STRUCTURAL ENGINEER
 NYS REGISTERED PROFESSIONAL ENGINEER LC#083929
 105 LAKE HILL RD. #19 BURNT HILLS, NY 12027 PH 518-380-3190

RICH@THOROUGHHOMEINSPECTIONS.COM
 WWW.THOROUGHHOMEINSPECTIONS.COM

WARNING:
 IT IS A VIOLATION OF
 NEW YORK STATE
 EDUCATION LAW FOR ANY
 PERSON, UNLESS ACTING
 UNDER THE DIRECTION OF
 A LICENSED PROFESSIONAL
 ENGINEER, TO PREPARE
 ANY WAY ANY PLANS,
 SPECIFICATIONS, PLATS OR
 REPORTS TO WHICH THE
 SEAL OF A PROFESSIONAL
 ENGINEER HAS BEEN
 APPLIED.

APPROVALS	DATE	PROPOSED SITE PLAN
DRAWN BY T.W.S.	12/9/14	PROPOSED SITE PLAN
ENGINEER RICH NOLAN		
CUSTOMER RUBIN		SIZE T REV JOB NO
PROJECT		SCALE AS INDICATED SHEET

STAFF REPORT ZB2014-033

APPLICANT: Steven Quick

PROJECT DESCRIPTION:

ZB2014-033 Special Use Permit to allow for a nonconforming use related to a proposal to construct an accessory structure as a primary use on a vacant lot at 443 Second Street, an R-4 Zone, ID 111.44-6-5. Applicant is Steven Quick, 1 Rodger Drive Latham NY 12110.

Per Section 285-55 of the Zoning Ordinance, accessory structures must be incidental to a primary structure of use. The applicant proposes to construct an accessory structure as a primary use requiring a Special Use Permit.

REQUEST:

Special Use Permit to allow for a nonconforming use

Special Use Permit

Because of their unique characteristics some uses must be considered on an individual basis. Such "Special Uses" may be permitted only upon authorization by the Z.B.A. subject to certain conditions & safeguards. Such Special Uses shall comply with the provisions of this section (3.305-B).

The Z.B.A. can approve the Special Use Permit if the applicant can demonstrate compliance with the standards of 3.305, B, 1, 2 & 3.

- 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

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

APPROVALS NEEDED:

Special Use Permit to allow for a nonconforming use (8 bay 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.

