



**Catherine Conroy**  
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. May 5, 2015** 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.

**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.**

**Special Use Permit**

**ZB2015-006** Special Use Permit to allow for a nonconforming use related to a proposal to reoccupy a vacated gasoline filling station at 390 Second Ave, a B-2 Zone, ID 80.71-10-7. Applicant is BMS LLC, 9 Nash Place, Albany, NY 12205

**Major Area Variance**

**ZB2015-008** Major Area Variance to allow for a setback deficiency related to a proposal to construct a carport at 443 1<sup>st</sup> Street, an R-4 Zone, ID 111.44-1-25. Applicant is Michael Rozycki, 443 1<sup>st</sup> Street, Troy, NY 12180

**ZB2015-009** Major Area variance to allow for a setback deficiency related to a proposal to construct an addition at 244-246 3<sup>rd</sup> Street, an R-4 Zone, ID 101.77-8-38. Applicant is Neil Palone, 18 2<sup>nd</sup> Street, Troy, NY 12180.

**Use Variance**

**ZB2015-007** Use Variance to allow for a nonconforming use related to a proposal to reoccupy a vacated ice cream shop located at 302 9<sup>th</sup> Street, an R-2 Zone, ID 101.23-2-9. Applicant is Adiel Abzuid, 2201 6<sup>th</sup> Troy, NY 12180

**ZB2015-010** Use Variance and Major Area Variance to allow for a nonconforming use with a parking deficiency related to a proposal to occupy a vacant storefront with a woodworking facility at 274 4<sup>th</sup> Street, an R-4 Zone, ID 101.77-9-1. Applicant is Sarah Vadney, 360 3<sup>rd</sup> Street, Troy, NY 12180.

**ZB2015-011** Use Variance to allow for a nonconforming use related to a proposal to construct an off street parking lot at 1 Brunswick Road, a B-2 Zone, ID 101.80-2-36. Applicant is Edward Gorman, PO Box 68 Hoosick Falls NY 12090.

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 ZB2015-006**

**APPLICANT:** BMS LLC

**PROJECT DESCRIPTION:**

**ZB2015-006** Special Use Permit to allow for a nonconforming use related to a proposal to reoccupy a vacated gasoline filling station at 390 Second Ave, a B-2 Zone, ID 80.71-10-7. Applicant is BMS LLC, 9 Nash Place, Albany, NY 12205

Per Section 285-59 of the Zoning Ordinance, *Gasoline Filling Station* is a special use in the B-2 Zone. The applicant will require a Special Use Permit to allow for a gasoline filling station

**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.

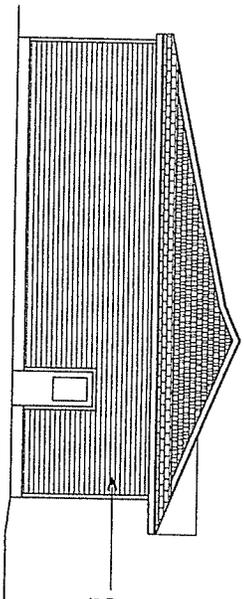
B3. The Special Use Permit is not expected to impair the public health, safety, convenience, aesthetic or environmental quality of the surrounding neighborhood

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

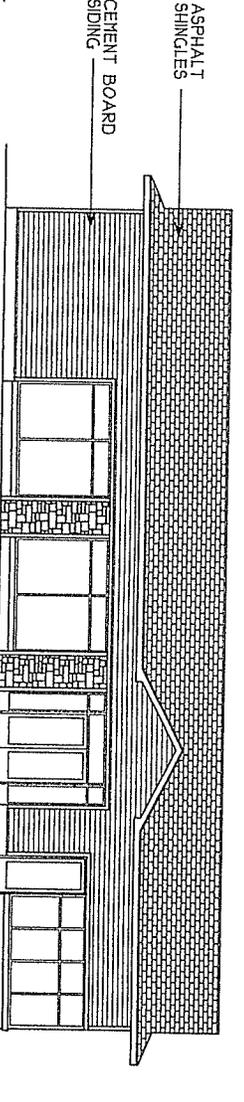
**APPROVALS NEEDED:**

**Special Use Permit to allow for a nonconforming use to reoccupy a gasoline filling station vacant for more than a year and one day.**

**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.



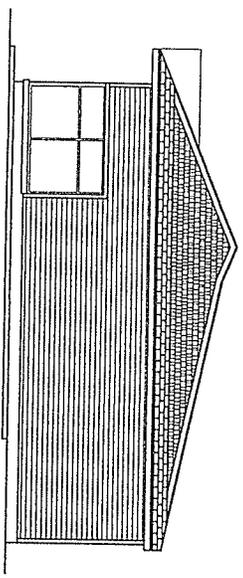
SIDE (WEST)



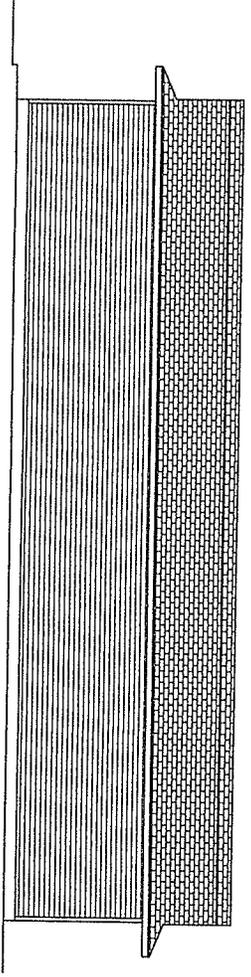
ASPHALT  
T  
SHINGLES

CEMENT BOARD  
SIDING

FRONT (2nd AVE)



SIDE (109TH ST)



REAR (NORTH)

BUILDING ELEVATIONS

SCALE: 3/32" = 1'-0"

390 2nd AVE  
TROY, NY



**STAFF REPORT ZB2015-008**

**APPLICANT:** Michael Rozycki

**PROJECT DESCRIPTION:**

**ZB2015-008** Major Area Variance to allow for a setback deficiency related to a proposal to construct a carport at 443 1<sup>st</sup> Street, an R-4 Zone, ID 111.44-1-25. Applicant is Michael Rozycki, 443 1<sup>st</sup> Street, Troy, NY 12180

**Per Section 285-70** of the Zoning Ordinance, the required side and rear setback shall be no less than 3 feet. The applicant proposes no setback therefore is deficient 3 feet. The applicant will require a Major Area Variance to allow for a setback deficiency of 3 feet.

**REQUEST:**

**Major Area Variance – Setback 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.

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

**APPROVALS NEEDED:**

**Major Area Variance – Setback Deficiency of 3 feet**

**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.

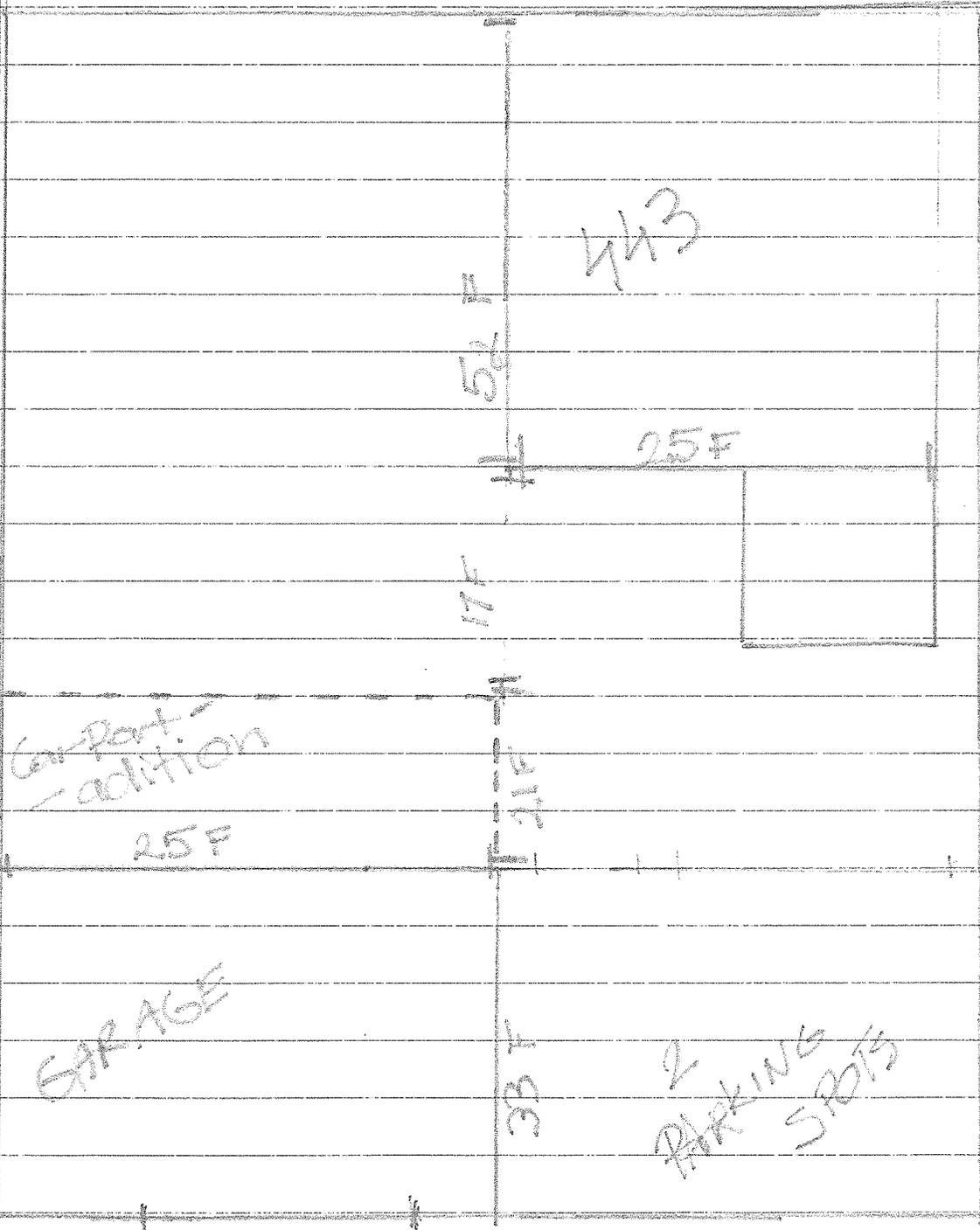


443 1st St.



443 1st St.

1st St.



Carport  
addition

443

52 F

25 F

17 F

25 F

25 F

GARAGE

33 F

2  
PARKING  
SPOTS

(A114)

I am asking for Permit to Build  
Carport Addition To My Garage 25 F  
By 21 F

**STAFF REPORT ZB2015-009**

**APPLICANT:** Neil Palone

**PROJECT DESCRIPTION:**

**ZB2015-009** Major Area variance to allow for a setback deficiency related to a proposal to construct an addition at 244-246 3<sup>rd</sup> Street, an R-4 Zone, ID 101.77-8-38. Applicant is Neil Palone, 18 2<sup>nd</sup> Street, Troy, NY 12180.

Per Section 285-55 of the Zoning Ordinance, the required rear setback shall be 20 feet. The applicant proposes 6.5' setback therefore is deficient 13.5 feet. The applicant will require a Major Area Variance to allow for a setback deficiency of 13.5 feet.

**REQUEST:**

**Major Area Variance – Setback 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.

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

**APPROVALS NEEDED:**

**Major Area Variance – Rear Setback Deficiency of 13.5 feet**

**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.

## Re: 244-246 Third Street rear setback variance request

### Owners:

Neil Pelone  
201 River Street  
Apartment 1  
Troy, NY 12180

Dylan Turek  
1 Ashland Place  
Troy, NY 12180

### Property Stats:

ZONING:	R-4
FRONT SETBACK:	10'
REAR SETBACK:	20'
SIDE SETBACK:	10' TOTAL (BOTH SIDES)
MAXIMUM LOT COVERAGE:	60%
TAX ID:	107.77-8-38

### Project Description:

The work being contemplated is to build a one story wood frame addition of about 16'x32' (512 sqft) to the existing two story brick building (about 800 sqft footprint). The project would need a variance for the rear yard setback to be at 6' when zoning requires 20'.

The existing building has three units; two downstairs and one upstairs which are currently occupied. The two units downstairs are less than 400 sqft each and are rented as studio apartments. The addition is intended to increase the amount of living space for these units. One of the unit's living space will be increased from 328 square feet to 584 square feet and the other unit will be increased from 366 square feet to 622 square feet. No additional units are to be added and the addition is not visible from the Adams Street.

Site plan sketches and photos attached.

**PROPOSED STATS:**

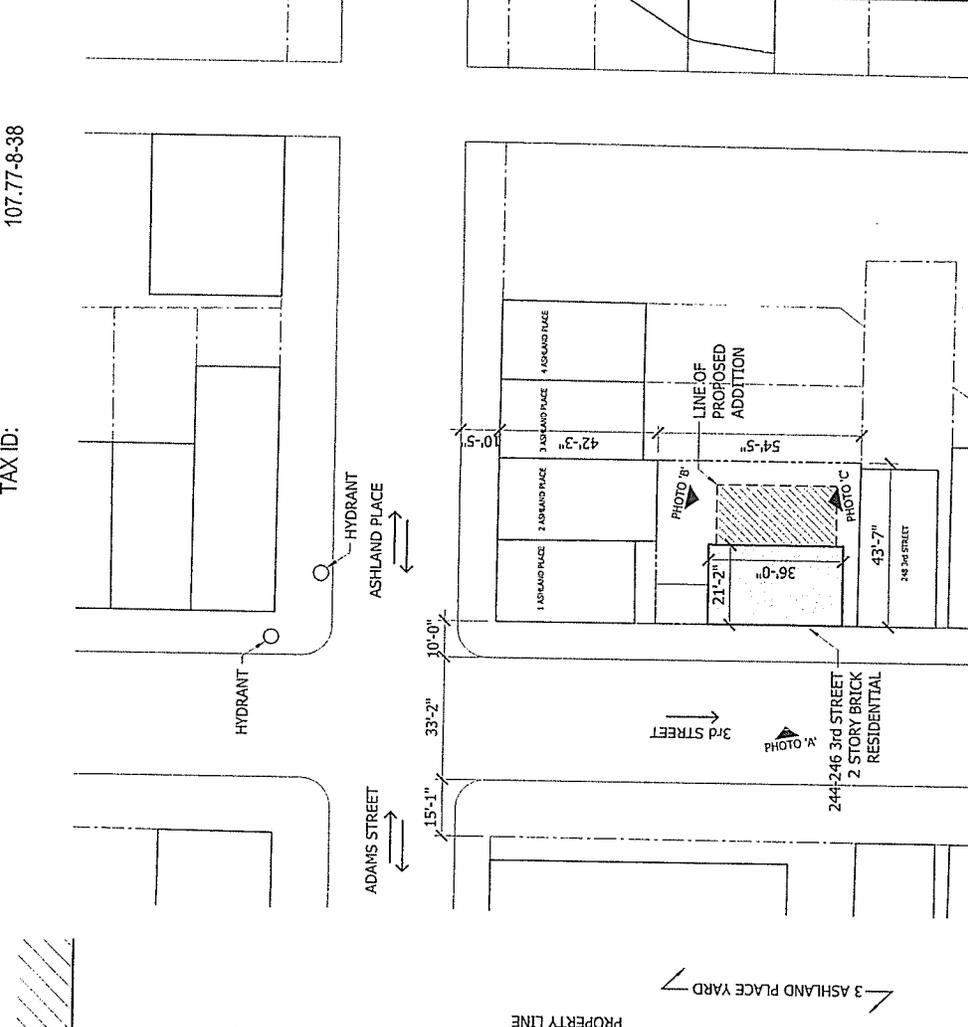
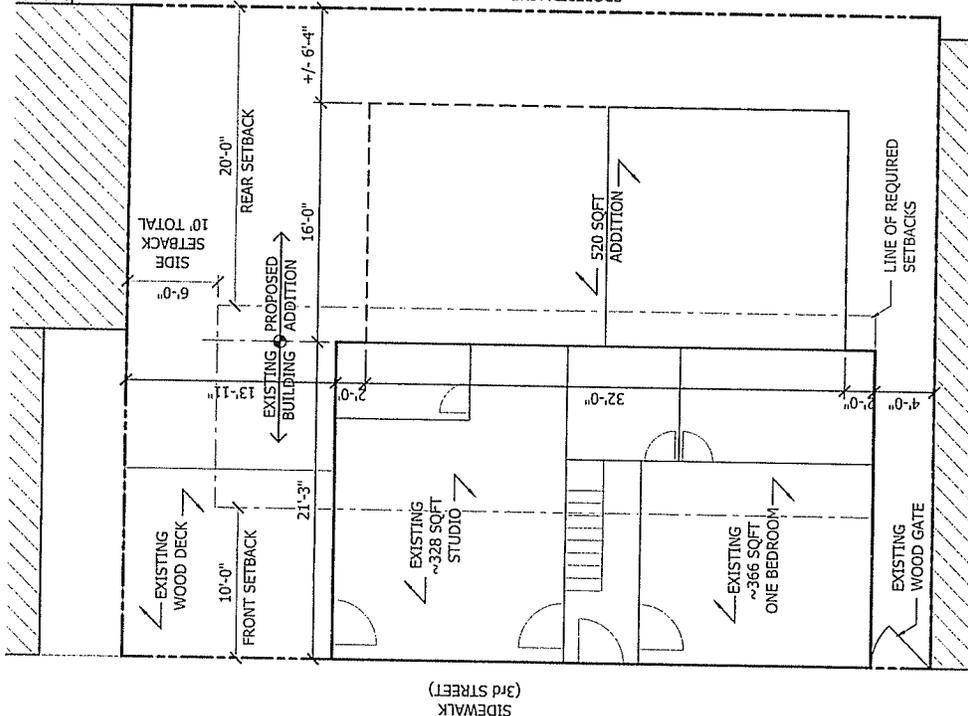
PROPOSED ADDITION: ~520 SQFT  
 PROPOSED BUILDING FOOTPRINT: ~1281 SQFT  
 PROPOSED LOT COVERAGE: 51.9%

**EXISTING STATS:**

EXISTING LOT AREA: ~2,488 SQFT  
 EXISTING BUILDING FOOTPRINT: ~761 SQFT  
 EXISTING LOT COVERAGE: 31%

**ZONING - R-4:**

FRONT SETBACK: 10'  
 REAR SETBACK: 20'  
 SIDE SETBACK: 10' TOTAL (BOTH SIDES)  
 MAXIMUM LOT COVERAGE: 60%  
 TAX ID: 107.77-8-38

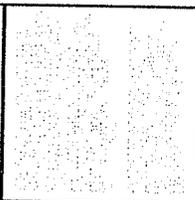


2 BUILDING & YARD PLAN  
 SCALE: 1/8" = 1'-0"  
 NORTH

1 SITE PLAN SKETCH  
 SCALE: 1/32" = 1'-0"  
 NORTH

THIS IS NOT A SURVEY

SEAL



OWNER

CONTRACTOR

PROJECT

244-246 3rd Street  
 Addition  
 TROY, NY 12180

DRAWING

SITE PLAN  
 SKETCH

DATE

3/27/15

PROJECT NUMBER

0041

N P A R C H

NEIPELOE ARCHITECTURE PLLC  
 Architecture Design & Planning  
 18 2nd Street  
 Troy, NY 12180  
 518.262.3911  
 NEIPELOE@NPARCH.COM

SP1

SEA

OWNER

CONTRACTOR

PROJECT

244-246 3rd Street  
Addition  
TROY, NY 12180

DRAWING

### SITE PHOTOS

DATE

3/27/15

PROJECT NUMBER

0041

N  
P  
A  
R  
C  
H

NEL PELONE ARCHITECTURE PLLC  
Architecture, Design & Planning

18 2nd Street  
Troy, NY 12180  
518.282.3911  
NELPELONE@NPARCH.com

# SP2

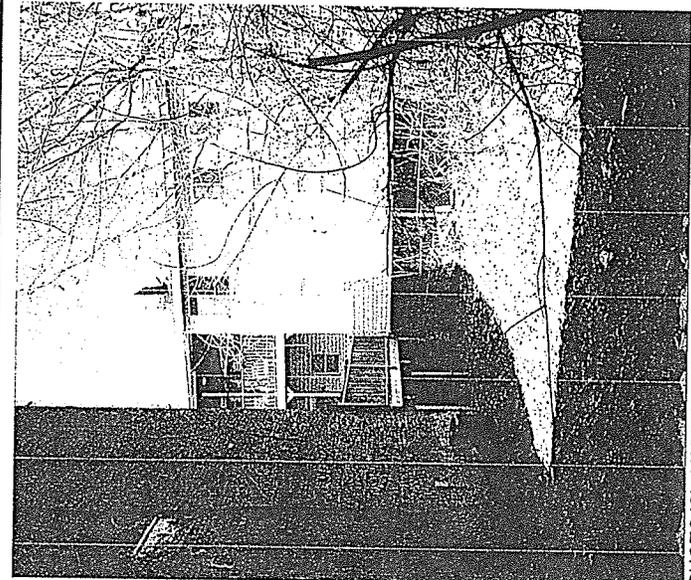


PHOTO C - YARD (FACING NORTH)

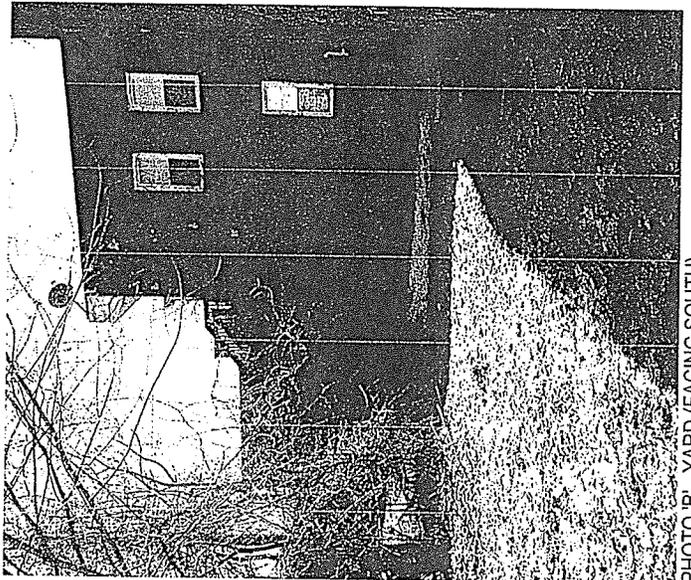


PHOTO B' - YARD (FACING SOUTH)

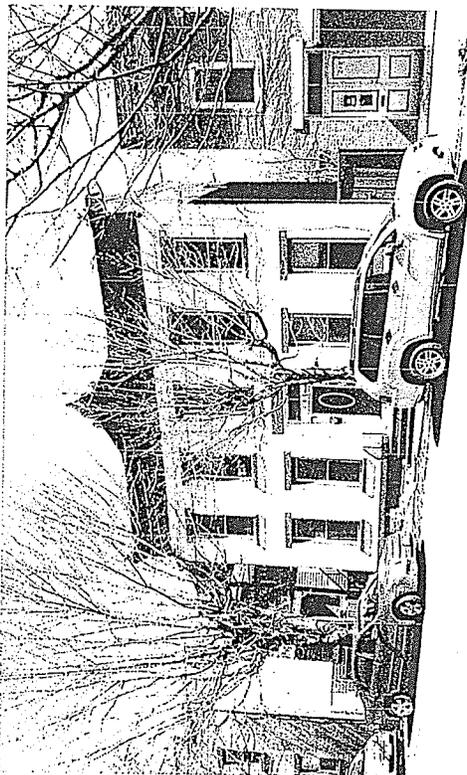


PHOTO 'A' - FRONT

**STAFF REPORT ZB2015-007**

**APPLICANT:** Adiel Abzuid

**PROJECT DESCRIPTION:**

**ZB2015-007** Use Variance to allow for a nonconforming use related to a proposal to reoccupy a vacated ice cream shop located at 302 9<sup>th</sup> Street, an R-2 Zone, ID 101.23-2-9. Applicant is Adiel Abzuid, 2201 6<sup>th</sup> Troy, NY 12180

Per Section 285-53 of the Zoning Ordinance, *takeout food (ice cream)* is not a listed allowed use in the R-2 Zone. The applicant will require a USE VARIANCE to allow for the operation of a nonconforming use.

**REQUEST:**

**USE VARAIANCE**

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.

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

**APPROVALS NEEDED:**

**USE VARIANCE to allow for nonconforming use (take out food)**

**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.



**STAFF REPORT ZB2015-010**

**APPLICANT:** Sarah Vadney

**PROJECT DESCRIPTION:**

**ZB2015-010** Use Variance and Major Area Variance to allow for a nonconforming use with a parking deficiency related to a proposal to occupy a vacant storefront with a woodworking facility at 274 4<sup>th</sup> Street, an R-4 Zone, ID 101.77-9-1. Applicant is Sarah Vadney, 360 3<sup>rd</sup> Street, Troy, NY 12180.

Per Section 285-55 of the Zoning Ordinance, (*woodworking facility*) is not a listed allowed use in the R-4 Zone. The applicant will require a USE VARIANCE to allow for the operation of a nonconforming use.

Per Section 285-91 of the Zoning Ordinance woodworking facility (light industry) requires 1.25 spaces per employee. The applicant proposes 2 employees therefor is required 3 spaces. The applicant provides no off street spaces therefore is deficient 3 spaces. The applicant will require a Major Area Variance to allow for a 3 space deficiency.

**REQUEST:**

**USE VARAIANCE**

**MAJOR AREA 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 appelland 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.

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:**

**USE VARIANCE to allow for nonconforming use (woodworking facility)**

**MAJOR AREA VARIANCE to allow for a 3 space deficiency**

**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.

Women + Her Wood LLC  
360 3rd Street  
Troy NY 12180

Sarah@sarahvadney.com

### **Site Plan Elements Listing**

1. a. 274 4th Street, Troy N.Y. 12180
- b.
- c.
- d. R-4
- e.101-77-9-1

2. Woman + Her Wood LLC  
360 3rdStreet  
Troy N.Y 12180

Empire Residence  
Po box 580293  
Flushing NY 11358

4. See drawing

5. See Drawing

6. a.
- b. Commercial space with adjoining 6 apartment units.
- c.

7. See drawing
- a.
- b.

- c. Residential and comercial
- d. Brick

**8.** My name is Sarah Vadney. I am a South Troy resident and the proud owner of a small developing Antique and Architectural Restoration business. I am looking to use the space as a retail space for antique furniture and local art. I hope to help encourage more business development of the area as well as enrich the immediate community. I'm very excited about this venture. I am going to be open primarily by appointment only in the beginning phase. I hope to have a maximum occupancy of 20 people.

**9.** I propose no changes to the current sidewalk.

**10.** No landscaping proposed.

**11.** No sign plan at this time.

**12.** See Drawing

- a. On street parking illuminated by pre-existing street lights.
- b. On street parking
- c. On street Parking
- d. None
- e. None
- f. None
- g. Pre-existing City Draines
- h. City Street

**13.** See drawing

**14.** None

**15.** none at this time.

**16.** None

**17.** Through the basement of the building.

**18.** no change to trash.

**19.** I will be utilizing pre existing fire protection.

**20.** I will attach.

**21.** None

SEAL

OWNER

CONTRACTOR

PROJECT  
274 4th Street  
TROY, NY 12180

DRAWING  
SITE PLAN  
SKETCH

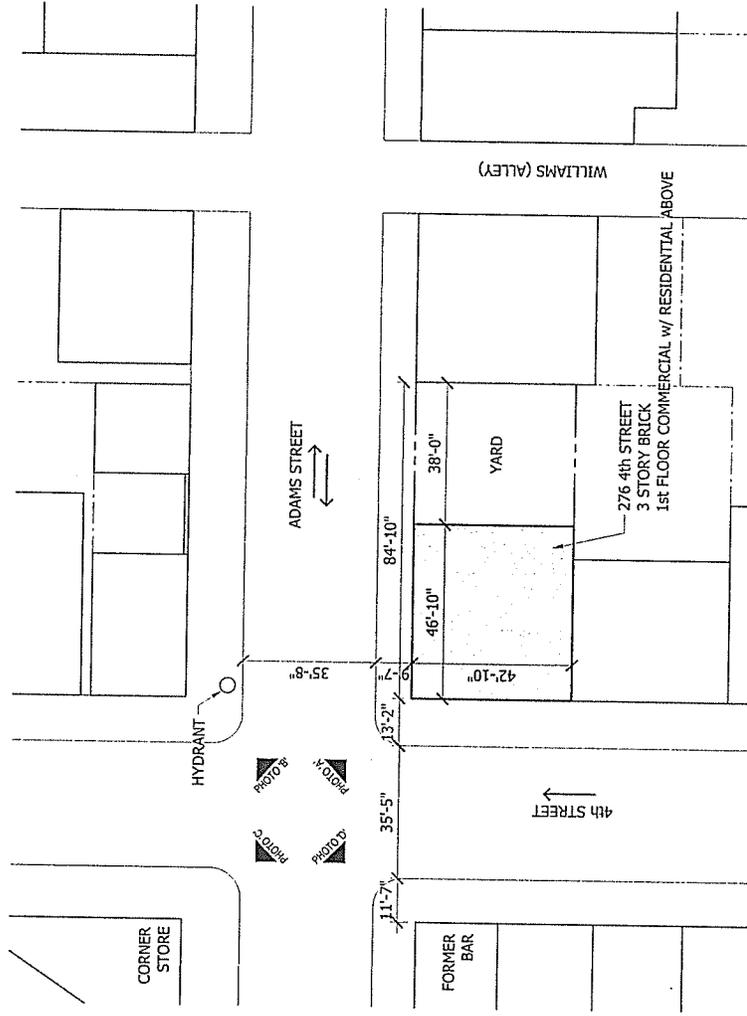
DATE  
3/26/15

PROJECT NUMBER  
1527

N P A R C H  
NEIL PELONE ARCHITECTURE PLLC  
Architecture, Design & Planning  
18 2nd Street  
Troy, NY 12180  
518.236.3911  
NEILPELONE@NPARCH.COM

SP1

274 4th Street  
PROPOSED +/- 2,000 sqft RETAIL SPACE (1st FLOOR)



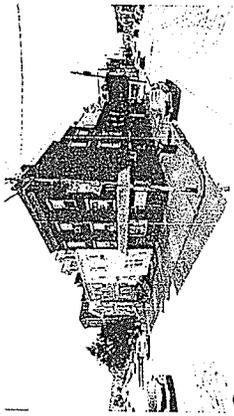
THIS IS NOT A SURVEY



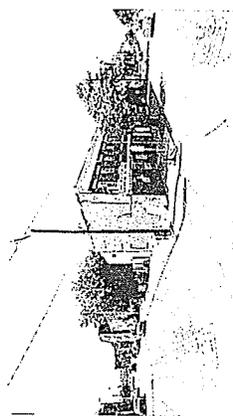
1 SITE PLAN SKETCH

SCALE: 1/32" = 1'-0"

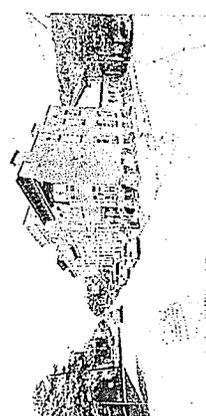
Address: 274 4th Street  
Tax ID: 101-77-9-1  
Zoning: R-4



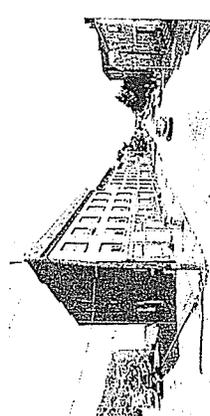
Ⓒ ADAMS & 4th - SOUTHWEST CORNER



Ⓒ ADAMS & 4th - NORTHWEST CORNER



Ⓒ ADAMS & 4th - NORTHEAST CORNER



Ⓒ ADAMS & 4th - SOUTHEAST CORNER

**STAFF REPORT ZB2015-011**

**APPLICANT:** Edward Gorman

**PROJECT DESCRIPTION:**

**ZB2015-011** Use Variance to allow for a nonconforming use related to a proposal to construct an off street parking lot at 1 Brunswick Road, a B-2 Zone, ID 101.80-2-36. Applicant is Edward Gorman, PO Box 68 Hoosick Falls NY 12090.

**Per Section 285-59** of the Zoning Ordinance, (*parking lot primary use*) is not a listed allowed use in the B-2 Zone. The applicant will require a USE VARIANCE to allow for the operation of a nonconforming use.

**REQUEST:**

**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.

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

**APPROVALS NEEDED:**

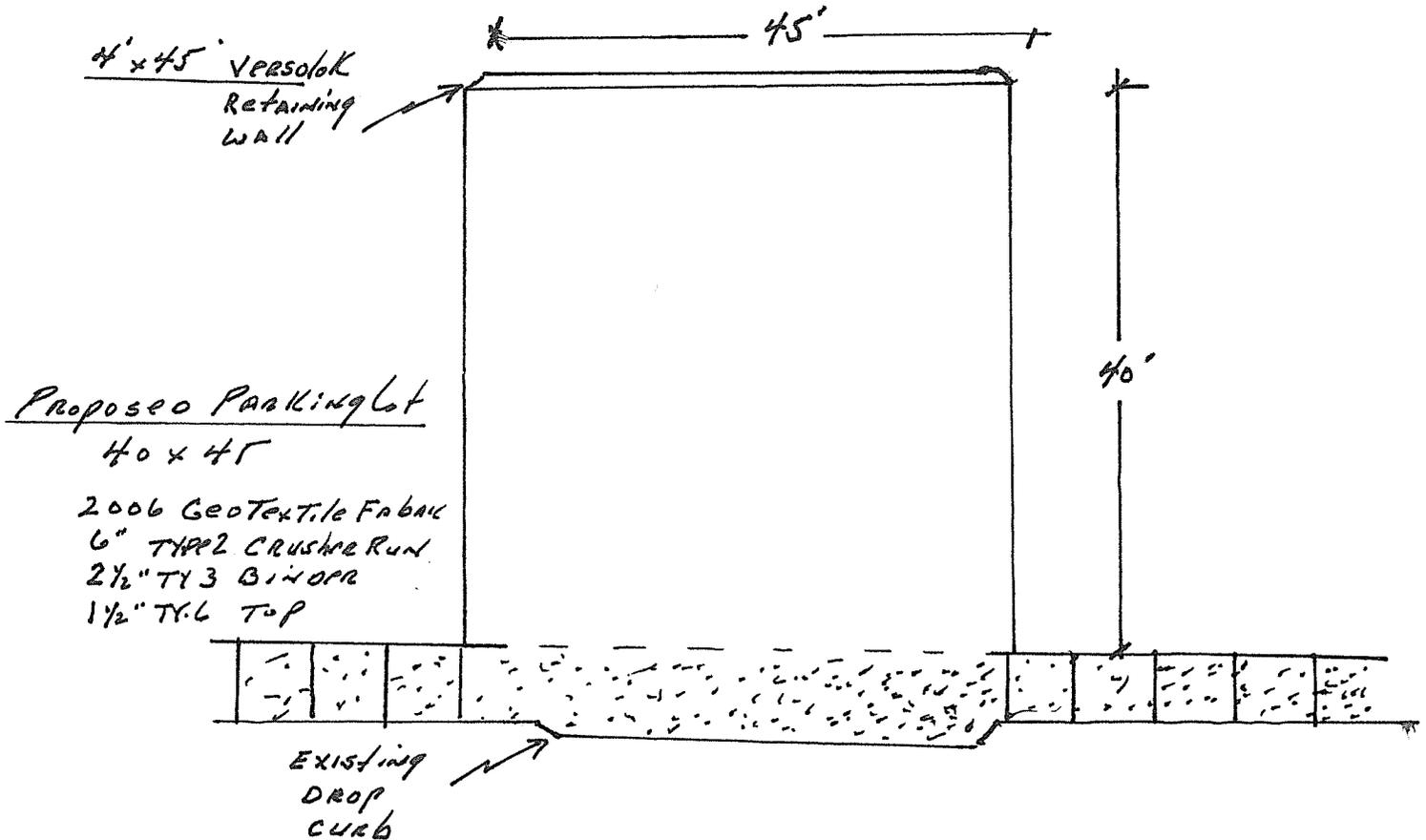
**USE VARIANCE to allow for nonconforming use (parking lot as primary use)**

**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.



#1 BRUNSWICK ROAD

Troy, N.Y. 12180



BOB TALHAM INC.

71 BRUNSWICK ROAD

TROY, N.Y. 12180

518-235-0267

1 Brunswick  
Road  
Troy, N.Y.  
12180



