Catherine Conroy
Chairperson
Phone (518) 279-7168
Fax (518) 270-4642

THE CITY OF
TROY

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. June 2, 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

ZB2015-017 Major Area Variance to allow for an additional primary structure on a parcel related to a proposal to occupy the upper floor of a carriage house as a studio at 27 2nd Street, a B-4 Zone, ID 101.53-7-6. Applicant is Kerry Fagan, 27 2nd Street, Troy, NY 12180.

ZB2015-019 Major Area Variance to allow for a parking deficiency related to a proposal to construct 2 additional dwelling units at 1 Irving Place, an R-4 Zone, ID 100.76-2-3. Applicant is Alexander Ferrer, 349 3rd Street, Troy, NY 12180.

Minor Area Variance

ZB2015-018 Minor Area Variance to allow for a setback deficiency related to a proposal to construct an accessory structure at 543 1st Street, an R-4 Zone, ID 111-60-2-4. Applicant is Brian Houle, 543 1st 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 as a convenient store located at 302 9th Street, an R-2 Zone, ID 101.23-2-9. Applicant is Adiel Abzuid, 2201 6th Troy, NY 12180.

ZB2015-012 Use Variance to allow for a nonconforming use related to a proposal to occupy the ground level of a structure with residential units at 501 Broadway, a B-4 Zone, ID101.54-3-1. Applicant is Redmond Griffin, 22 First Street, Troy, NY 12180

ZB2015-013 Use Variance to allow for nonconforming use related to a proposal to construct a drivweway/parking lot as a principle use on a lot at 352 9th Street, an R-2 Zone, ID 90.79-5-51. Applicant is Lorraine Kellogg, 348 9th Street, Troy, NY 12180.

ZB2015-014 Use Variance to allow for a nonconforming use related to a proposal to occupy the ground level of a structure with a residential unit at 80 Ferry Street, a B-4 Zone, ID 101.61-11-2. Applicant is Richard Kiernan, 82 Ferry Street, Troy, NY 12180.

ZB2015-015 Use Variance to allow for a nonconforming use related to a proposal to convert a vacant church into storage / office space at 184 4th Street, a B4 Zone, ID101.61-12-14. Applicant is GMDM LLC 187 4th Street, Troy, NY 12180.

ZB2015-016 Use Variance to allow for a nonconforming use related to a proposal to permanently locate a storage/shipping container at 159 River Street, a B-4 Zone, ID 100.60-3-10. Applicant is Mike Wistuk, 159 River Street, Troy, NY 12180.

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 ZB2014-017

APPLICANT: Kerry Fagan

PROJECT DESCRIPTION:

ZB2015-017 Major Area Variance to allow for an additional primary structure on a parcel related to a proposal to occupy the upper floor of a carriage house as a studio at 27 2nd Street, a B-4 Zone, ID 101.53-7-6. Applicant is Kerry Fagan, 27 2nd Street, Troy, NY 12180.

Per Section 285-67 of the Zoning Ordinance, each lot may have 1 principle structure. The applicant proposes to occupy the upper floor of a carriage house with a office making the accessory structure primary structure and creating 2 primary structures on a single lot requiring a Major Area Variance.

REQUEST:

Major Area Variance to allow for lot characteristic 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.

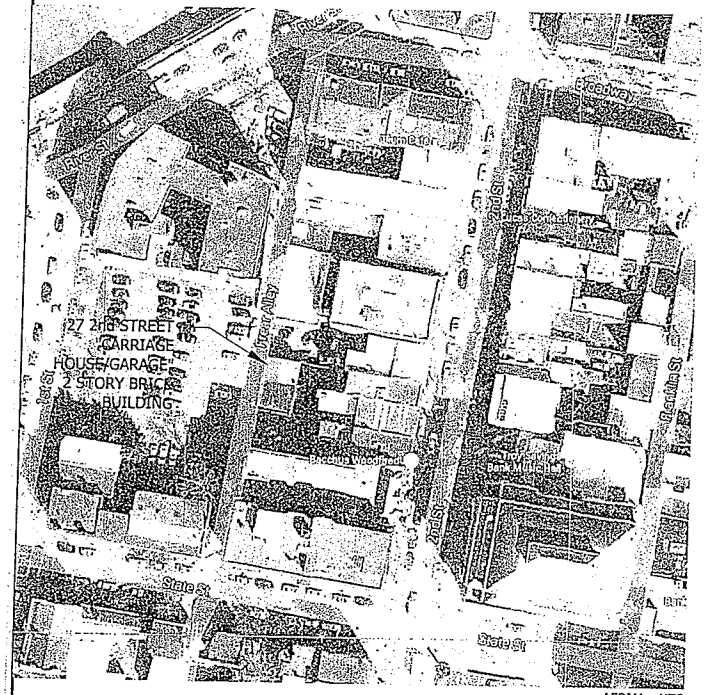
Based on the information provided by the applicant there are no other zoning deficiencies or violations.

APPROVALS NEEDED:

Major Area Variance to allow for lot characteristic deficiency (2 principle strucutres)

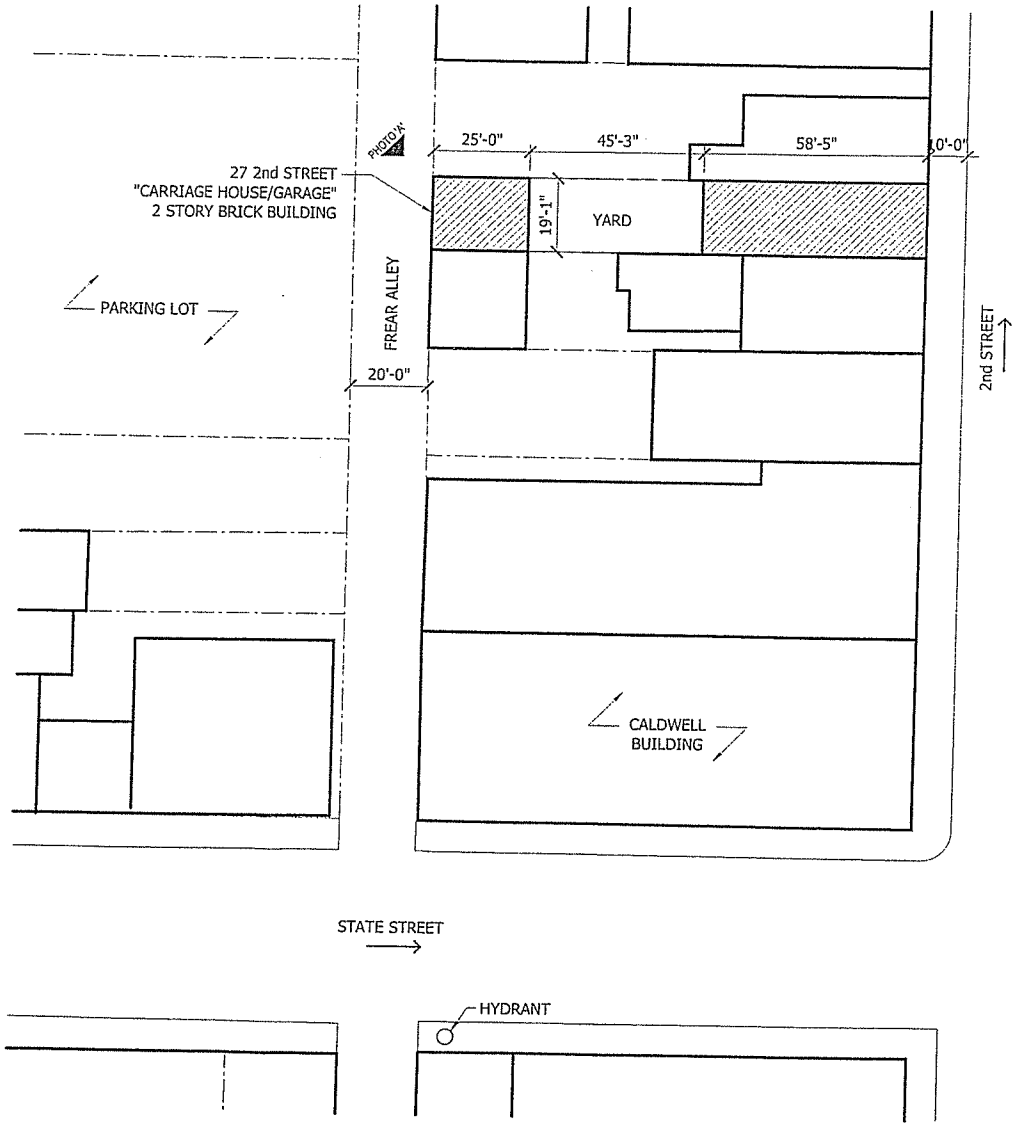
SEQRA: Staff recommends that the Board find this proposal to be an UNLISTED action with sufficient information available upon which to make a determination that the project is not expected

to cause significant environmental impact. No local agencies are involved and no State or Federal agencies are involved.



AERIAL - NTS

Ⓐ VIEW OF CARRIAGE HOUSE FACING SOUTH FROM FREAR ALLEY



Address: 27 2nd Street
Tax ID: 90.46-1-19
Zoning: B-4

THIS IS NOT A SURVEY

1 SP1 SITE PLAN SKETCH
SCALE : 1/32" = 1'-0"

North

SEAL

OWNER

CONTRACTOR

PROJECT
27 2nd Street
TROY, NY 12180

DRAWING
SITE PLAN SKETCH

DATE
5/5/15

PROJECT NUMBER
1540

N P ARCH
NEIL PELONE ARCHITECTURE PLLC
Architecture, Design & Planning
18 2nd Street
Suite 1R
Troy, NY 12180
518.326.3911
NEILPELONE@NPARCH.com

SP1

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STAFF REPORT ZB2014-019

APPLICANT: Alexander Ferrer

PROJECT DESCRIPTION:

ZB2015-019 Major Area Variance to allow for a parking deficiency related to a proposal to construct 2 additional dwelling units at 1 Irving Place, an R-4 Zone, ID 100.76-2-3. Applicant is Alexander Ferrer, 349 3rd Street, Troy, NY 12180.

Per Section 285-55 of the Zoning Ordinance, each residential unit requires a minimum lot area of 1000 sf. The applicant proposes 6 units therefore is required 6000 sf. The applicant provides 2400 sf therefore is deficient 3600 SF. The applicant will require a Major Area variance to allow for a lot size deficiency of 3600 SF

Per Section 285-91 Each existing unit requires 1 space. Each unit requires 2 spaces. The applicant has 4 legal units requiring 4 spaces and proposes to legalize 2 new units requiring 4 spaces for a total of 8 spaces. The applicant provides 0 spaces therefore is deficient 8 spaces. The applicant will require a Major Area Variance to allow for a parking deficiency of 8 spaces.

REQUEST:

Major Area Variance to allow for deficient lot size.
Major Area Variance to allow for 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:

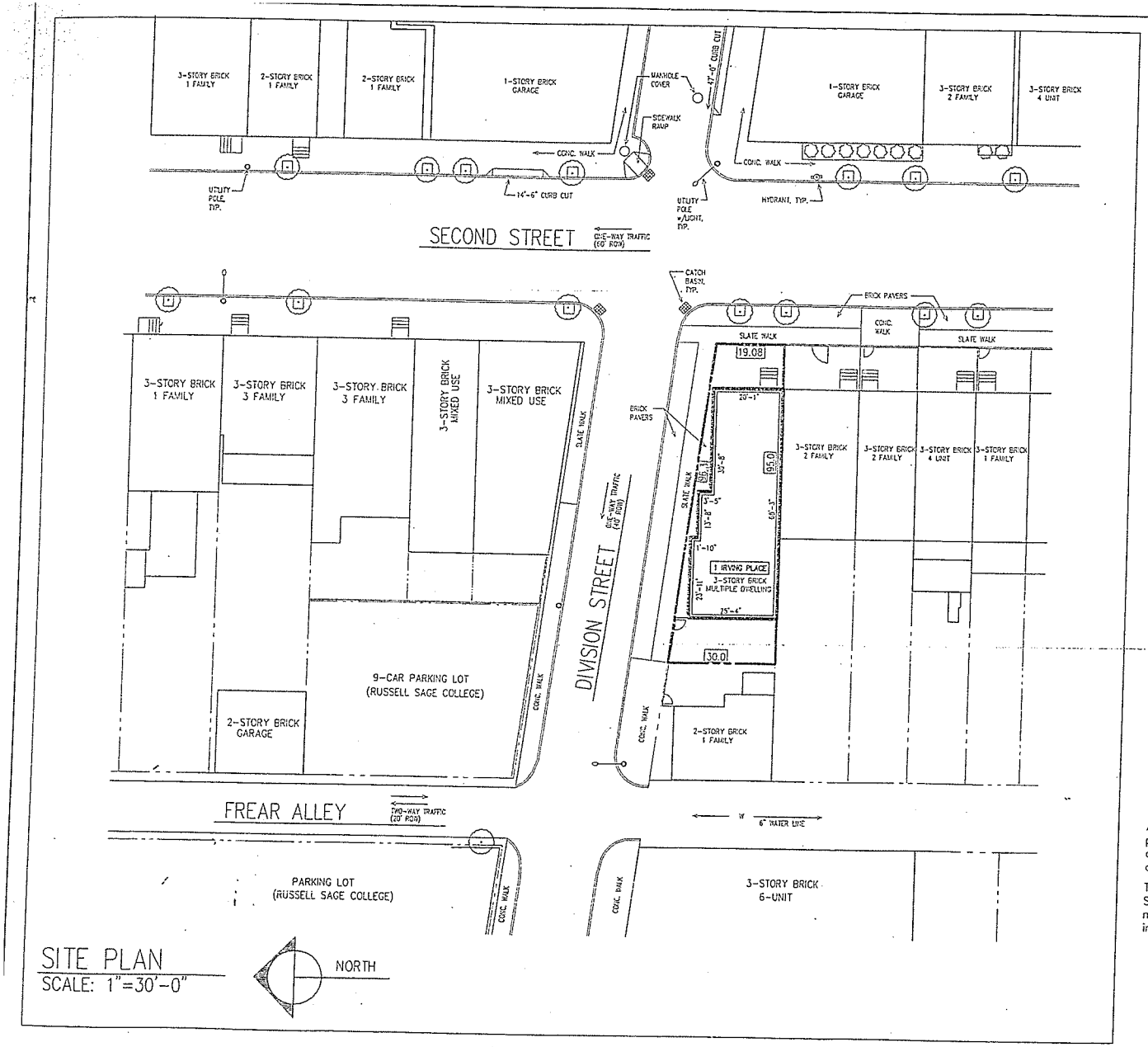
(1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
(2) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other 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 deficient lot size (3600 SF)
Major Area Variance to allow for parking deficiency of 8 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.



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

GENERAL NOTES:

Property: 1 Irving Place
Troy, NY 12182

Applicant: Alex Ferrer
349 3rd St., P.O. Box 281
Troy, NY 12181

Owner: Same as applicant

Tax Map #: 100.76-2-3

Zoned: R-4, Urban N'hood Residential, Med-Hi Density

Lot Characteristics:

Lot Dimensions: N-96.3' S-95.0', E-19.08', W-30'

Lot Area: 2,421 SF +/- (0.06 Acres)

Setbacks:	Required	Existing Conditions
Front	*10'-0"*	*13'-3"*
Rear	*20'-0"*	*13'-8"*
Sides	*10'-0" total of both sides*	*1'-3"*
Min. Lot Area:	4,000 SF	2,421 SF
Min. Lot Width	40'-0"	13'-3"
Max.Lot Coverage %	60% (25% green space)	64%
Building Height:	40'-0" to 60'-0"	Existing

Building Type: 3 Story Brick

Current Property Use: Multiple Dwelling

Proposal: Obtain approval for two (2) apartments which had been created by a previous owner without approval, transforming an approved 4-unit building into a 6-unit.

Parking: No space on site to accommodate off-street parking. Four (4) spaces required for new units; none proposed.

Garbage Removal: Via City of Troy

Surface Drains: Existing

Snow Removal: To be stored on site

Signage: No new signage proposed.

Lighting: No new exterior lighting proposed.

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:
1 IRVING PLACE
TROY, NY
CLIENT: ALEX FERRER

DATE: May 13, 2015
DRAWN BY: EKS
REVISIONS:

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

SHEET: SP1

JOB: 153.006

STAFF REPORT ZB2015-018

APPLICANT: Brian Houle

PROJECT DESCRIPTION:

ZB2015-018 Minor Area Variance to allow for a setback deficiency related to a proposal to construct an accessory structure at 543 1st Street, an R-4 Zone, ID 111-60-2-4. Applicant is Brian Houle, 543 1st Street, Troy, NY 12180

Per Section 285-55 of the Zoning Ordinance, the side setback requirement for an accessory structure in the R-4 Zone is 3 feet. The applicant provides 2 feet on each side therefore is deficient 1 foot on each side. The applicant will require a Minor Area Variance to allow for a setback deficiency of 1 foot.

REQUEST:

Minor Area Variance (side setback)

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:

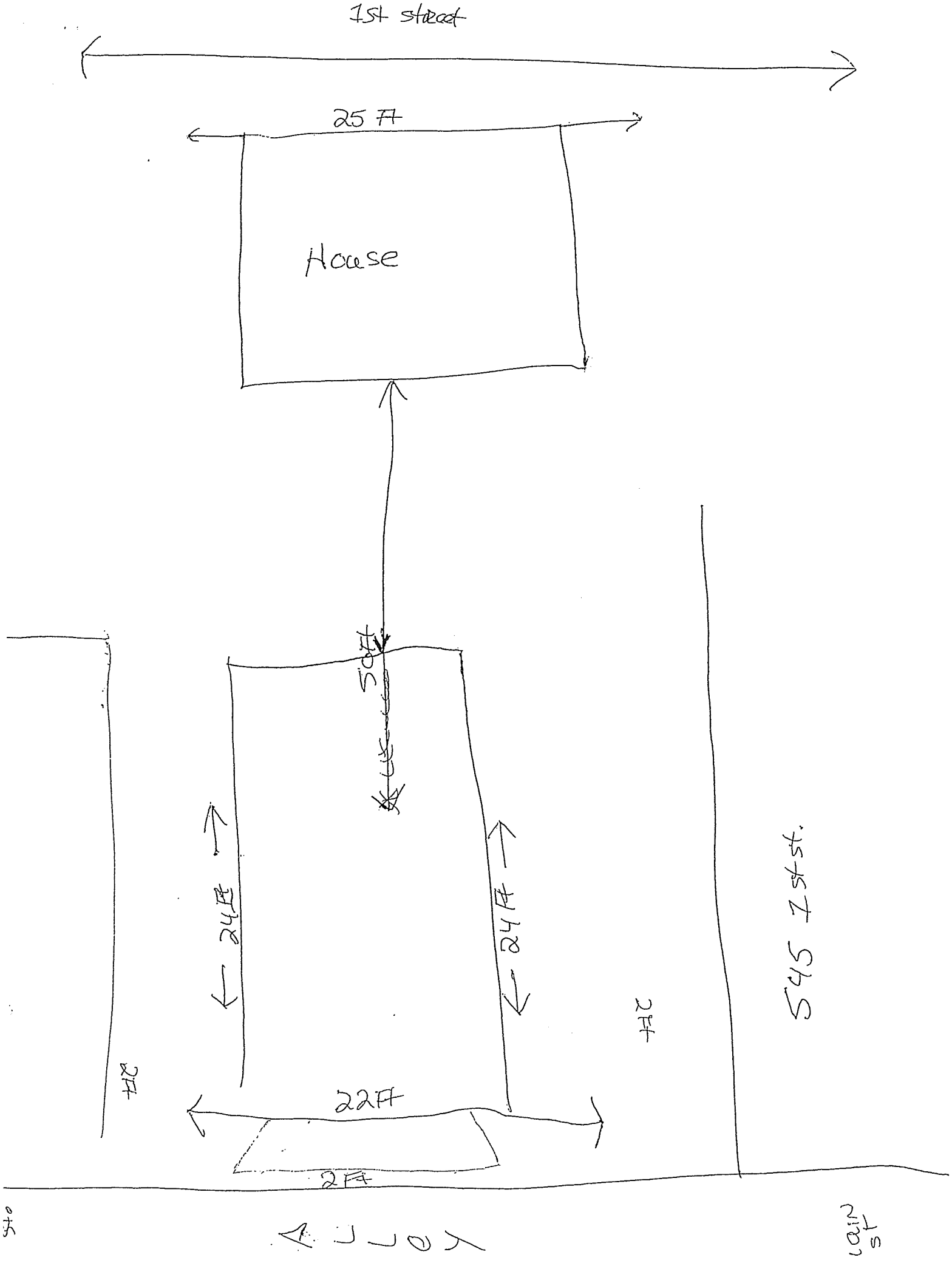
1. That the land, property, structure or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone; and
2. That the need for the variance was not caused by the applicant; and
3. That the use to be authorized by the variance shall not alter the essential 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.

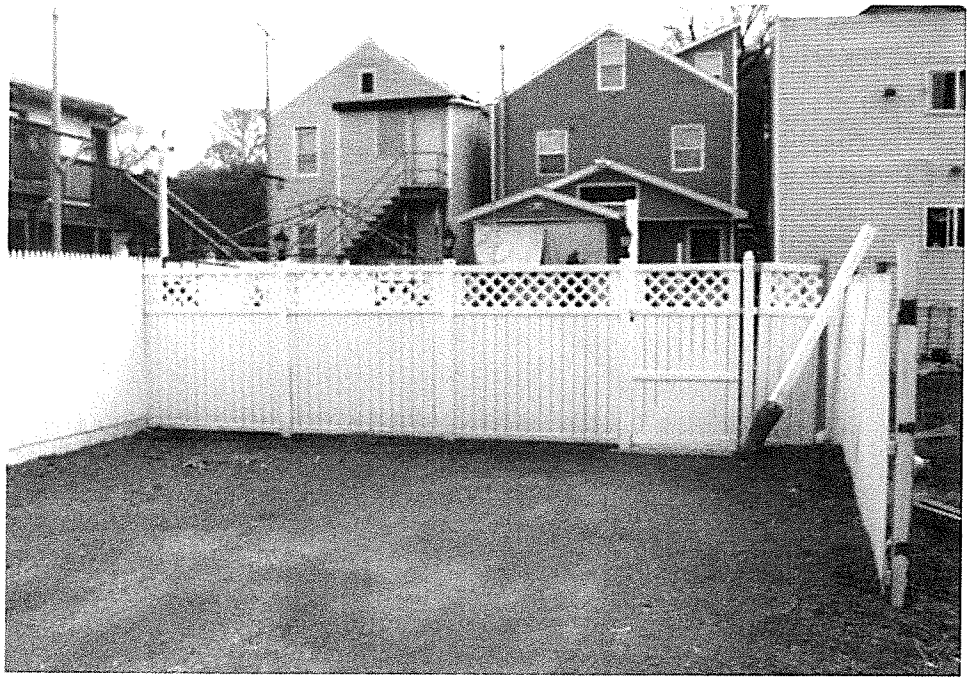
Based on the information provided by the applicant there are no other zoning deficiencies or violations.

APPROVALS NEEDED:

Minor Area variance to allow for a side setback deficiency of 1 foot

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.


1st street
25 ft
House
50ft
24ft
24ft
2ft
22ft
2ft
2ft
545 7th st.
1st
north

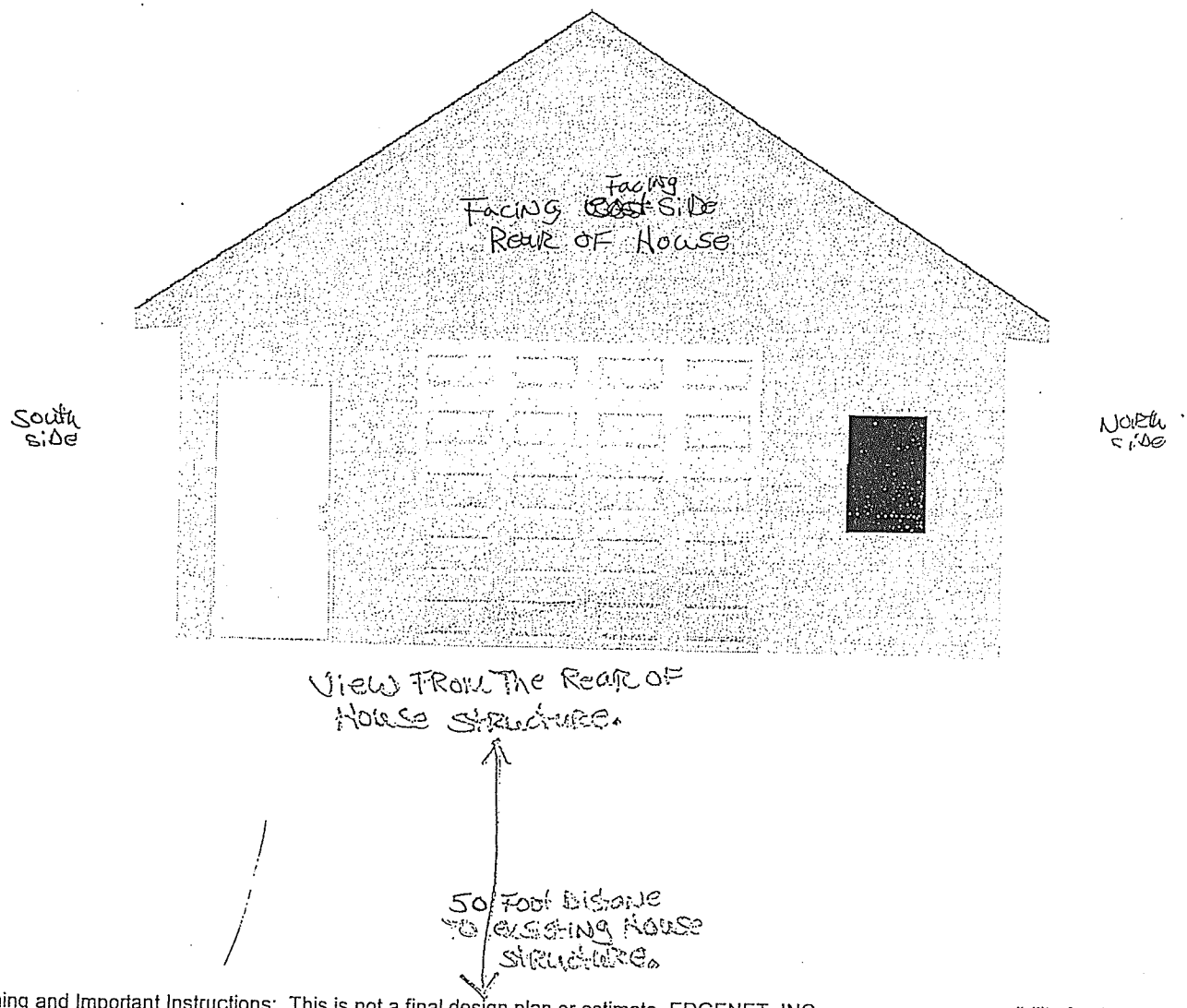


543 - 1st St 4/27/15

Brian Houle 543 1st Troy NY 12180
518) 858-6966

Pro Garage Design™

3D View



Warning and Important Instructions: This is not a final design plan or estimate. EDGENET, INC. assumes no responsibility for the correct use or output of this program. All information contained on this page is subject to the terms in the disclaimer located at the end of this document.

Advertencia e instrcciones importantes: Esto no es un plan ni una estimación final del diseño. EDGENET, INC. no asume ninguna responsibilidad del uso o de la salida correcto de este programa.Toda la información contenida en esta página está conforme a los términos en la negación, situada en el extremo de este documento.

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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 as a convenient store located at 302 9th Street, an R-2 Zone, ID 101.23-2-9. Applicant is Adiel Abzuid, 2201 6th Troy, NY 12180.

Per Section 285-53 of the Zoning Ordinance, *convenience store 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:

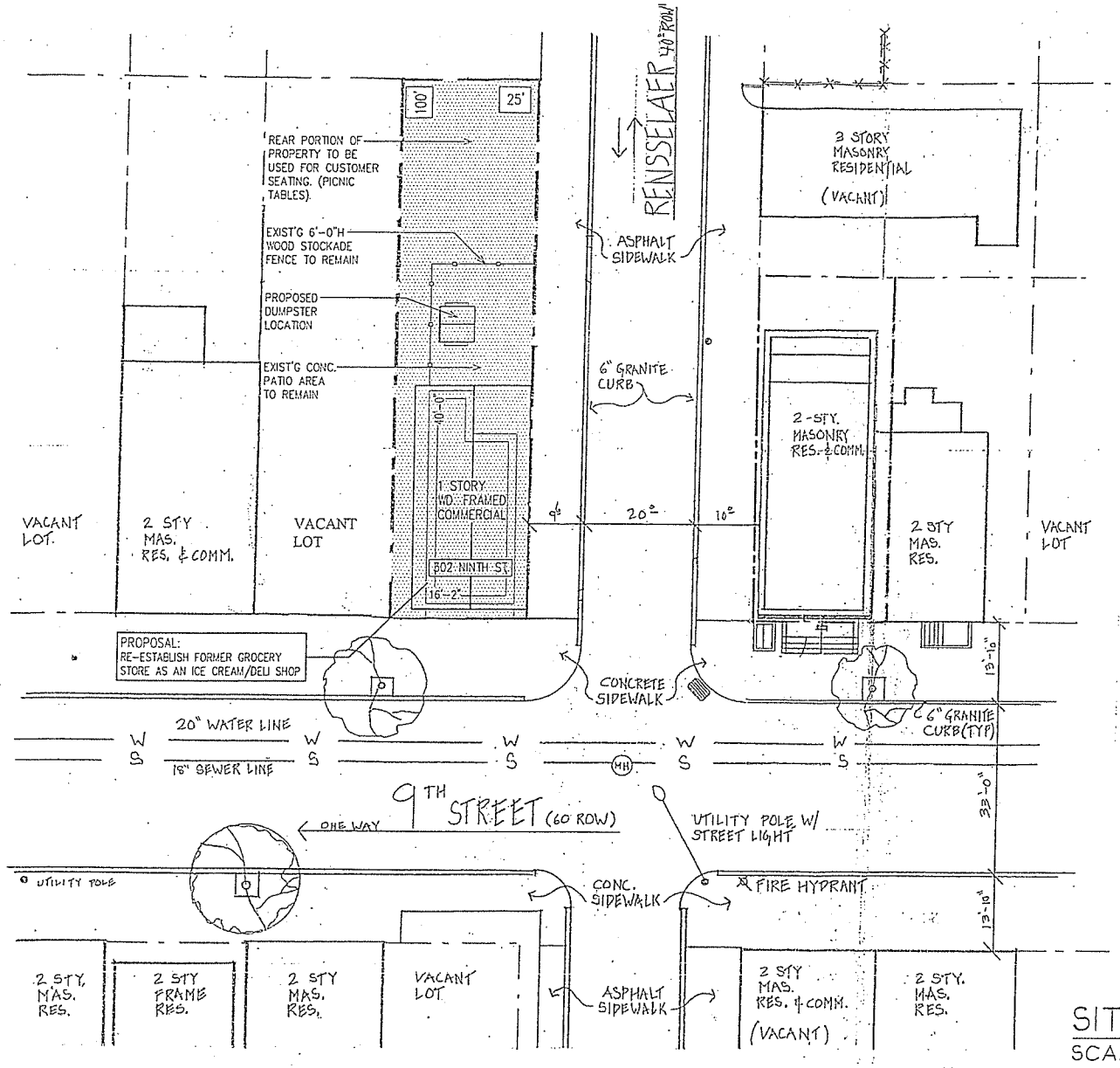
1. That the land, property, structure or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone; and
2. That the need for the variance was not caused by the applicant; and
3. That the use to be authorized by the variance shall not alter the essential 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 (convenience store)

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.



GENERAL NOTES:

Property:	302 9th Street Troy, NY 12180
Applicant:	Adel Abuzaid 844 River Street Troy, NY 12180
Owner:	Same as applicant
Tax Map #:	101.23-2-9
Zoned:	R-2, Two Family Residential

Lot Characteristics:

Lot Dimensions:	N-100', S-100', E-25', W-25'
Lot Area:	2,500 SF +/- (.06 Acres)

Setbacks:	Required	Existing
Front	*20'-0"*	*3'-0" +/-*
Rear	*30'-0"*	*58'-0" +/-*
Sides	*5'-0" each side or 10'-0" on one side*	*6'-0" +/-*
Min. Lot Area:	5,800 SF	2,500 SF
Min. Lot Width	50'-0"	25'-0"
Max.Lot Coverage %	50%	23%
Building Height:	35'-0" max	9'-3"

Building Type:	1 story wood framed commercial building
Current Property Use:	Vacant
Proposal:	Re-establish former grocery store as an ice cream/deli shop.
Parking:	Existing on-street parking on Rensselaer & 9th streets.
Garbage Removal:	Via private contractor
Surface Drains:	Existing
Snow Removal:	To be stored on site
Signage:	One building-mounted sign on 9th St. face to read: "American Deli" To conform to zoning regulations.
Lighting:	Existing exterior building-mounted lighting to remain
Hours of Operation:	7 AM - 10 PM / 7 Days a week

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.

SITE PLAN

SCALE: 1" = 20'-0"

TITLE: SITE PLAN
SCALE: 1"=20'-0"

PROJECT: PLANNING APPLICATION FOR:
302 NINTH STREET
TROY, NY 12180
CLIENT: ADEL ABUZAID

DATE: 4/1/15
DRAWN BY: EC
REVISIONS:

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

SHEET: SP1

JOB: 153.014

STAFF REPORT ZB2015-012

APPLICANT: Redmond Griffin

PROJECT DESCRIPTION:

ZB2015-012 Use Variance to allow for a nonconforming use related to a proposal to occupy the ground level of a structure with residential units at 501 Broadway, a B-4 Zone, ID101.54-3-1. Applicant is Redmond Griffin, 22 First Street, Troy, NY 12180

Per Section 285-61 of the Zoning Ordinance, *first floor residential* is not a listed allowed use in the B-4 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:

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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.

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 (first floor residential)

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 ZB2015-013

APPLICANT: Lorraine Kellogg

PROJECT DESCRIPTION:

ZB2015-013 Use Variance to allow for nonconforming use related to a proposal to construct a drivweway/parking lot as a principle use on a lot at 352 9th Street, an R-2 Zone, ID 90.79-5-51. Applicant is Lorraine Kellogg, 348 9th Street, Troy, NY 12180.

Per Section 285-53 of the Zoning Ordinance, *driveway/ parking as a principle use* is not a listed allowed use in the R-2 Zone. The applicant will require a USE VARIANCE to allow for 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:

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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.

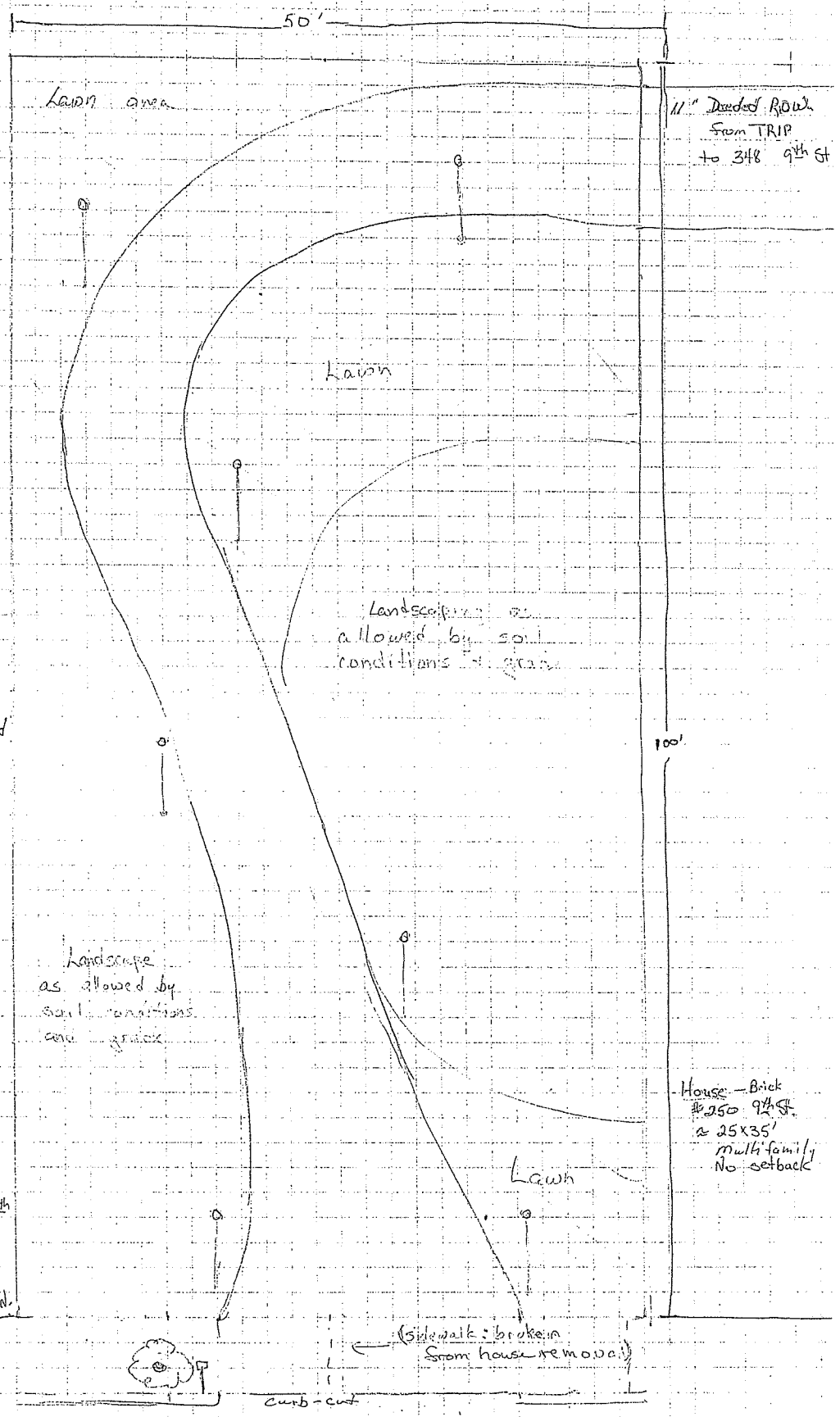
Based on the information provided by the applicant there are no other zoning deficiencies or violations.

APPROVALS NEEDED:

USE VARIANCE to allow for nonconforming use (driveway / parking lot)

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.

Rear of lots are undeveloped.



Driveway to be built in accordance to City setbacks and engineering specs.

Asphalt over native crushed shale.

Landscaping to be done with minimal water requirements and soil stabilization considered.

Light poles will be powered with underground utilities in accordance to NYS electrical code.

Scale 1/8" → 1' (1 block = 2 feet)

12' elevation change from front of lot to top of proposed driveway ≈ 15% grade.

Block Garage 256 9th
No setback
≈ 25x25
Rear of lot is undeveloped.

Driveway Site Plan 2 City Lots - total 100' x 50'
#252-254 9th Street
Bruce + Lorraine Kellogg
5-7-15
#381700 90.79-5-51

STAFF REPORT ZB2015-014

APPLICANT: Richard Keirnan

PROJECT DESCRIPTION:

ZB2015-014 Use Variance to allow for a nonconforming use related to a proposal to occupy the ground level of a structure with a residential unit at 80 Ferry Street, a B-4 Zone, ID 101.61-11-2. Applicant is Richard Kiernan, 82 Ferry Street, Troy, NY 12180.

Per Section 285-61 of the Zoning Ordinance, *first floor residential* is not a listed allowed use in the B-4 Zone. The applicant will require a USE VARIANCE to allow for 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:

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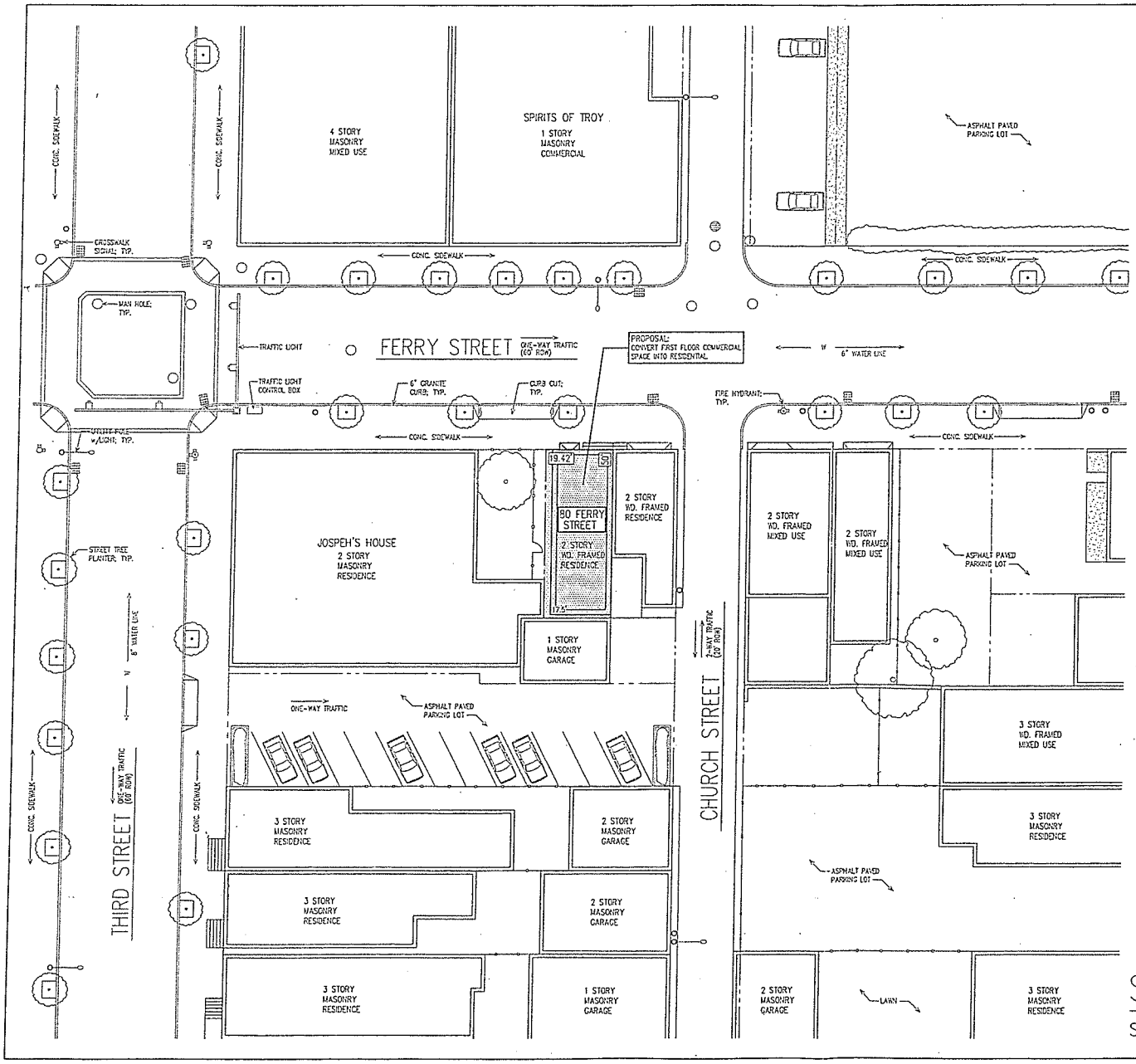
4. That the plight of the owner is due to unique circumstances & not to the general conditions in the neighborhood, which may reflect the unreasonable uses of the zoning ordinance itself.

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 (first floor residential)

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.



GENERAL NOTES:

Property: 80 Ferry Street
Troy, NY 12180.

Applicant: Richard Kiernan
82 Ferry Street
Troy, NY 12180

Owner: Same as applicant

Tax Map #: 101.61-11-2

Zoned: B-4, Central Commercial

Lot Characteristics:

Lot Dimensions: N-19.42', S-19.42', E-50', W-50'

Lot Area: 971 SF +/- (.02 Acres)

Setbacks:	Required	Existing
Front	*N/A*	*0'-0"*
Rear	*20'-0"*	*0'-0"*
Sides	*N/A*	*3'-0" +/-*
Min. Lot Area:	N/A	971 SF
Min. Lot Width	N/A	19.42'
Max.Lot Coverage %	80%	90%
Building Height:	80'-0" max	Existing

Building Type: 2 story wood framed building

Current Property Use: Vacant

Proposal: Convert first floor commercial space into residential.

Parking: Off-street parking - N/A

Garbage Removal: Via city

Surface Drains: Existing

Snow Removal: To be stored on site

Lighting: Existing building mounted

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.

SITE PLAN

SCALE: 1:30

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

PROJECT: ZONING APPLICATION FOR:
80 FERRY STREET
TROY, NY 12180
CLIENT: RICHARD KIERNAN

DATE: 4/15/15
DRAWN BY: EC
REVISIONS:

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

SHEET: SP1

JOB: 153,016

STAFF REPORT ZB2015-015

APPLICANT: GMDM LLC

PROJECT DESCRIPTION:

ZB2015-015 Use Variance to allow for a nonconforming use related to a proposal to convert a vacant church into storage / office space at 184 4th Street, a B4 Zone, ID101.61-12-14. Applicant is GMDM LLC 187 4th Street, Troy, NY 12180.

Per Section 285-61 of the Zoning Ordinance, *warehouse / storage* is not a listed allowed use in the B-4 Zone. The applicant will require a USE VARIANCE to allow for 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 (warehouse / storage)

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 ZB2015-016

APPLICANT: Mike Wistuk

PROJECT DESCRIPTION:

ZB2015-016 Use Variance to allow for a nonconforming use related to a proposal to permanently locate a storage/shipping container at 159 River Street, a B-4 Zone, ID 100.60-3-10. Applicant is Mike Wistuk, 159 River Street, Troy, NY 12180.

Per Section 285-61 of the Zoning Ordinance, *storage/shipping container* is not a listed allowed use in the B-4 Zone. The applicant will require a USE VARIANCE to allow for 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:

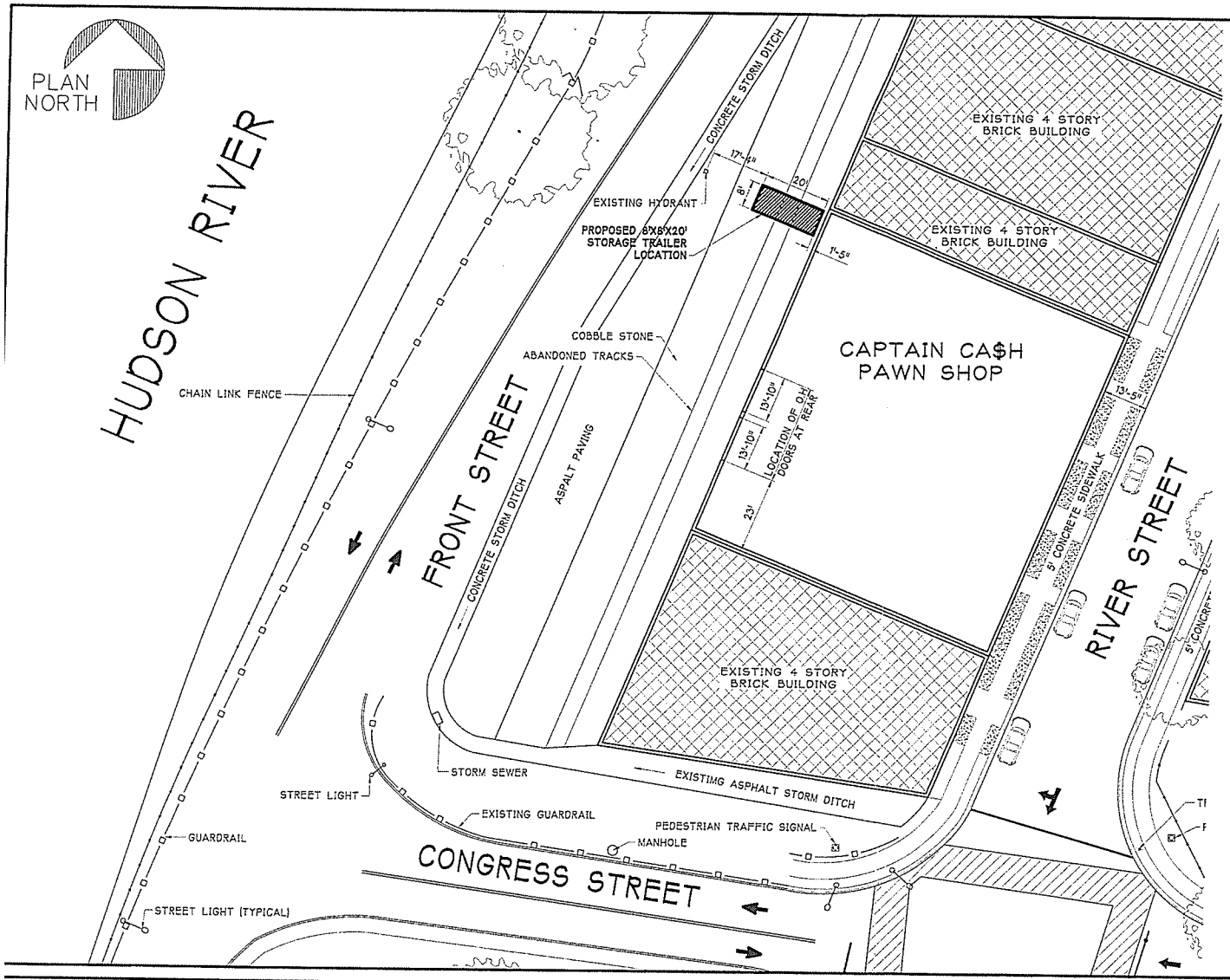
1. That the land, property, structure or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone; and
2. That the need for the variance was not caused by the applicant; and
3. That the use to be authorized by the variance shall not alter the essential 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 (storage / shipping container)

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.



ZONING DATA

PROPOSED ADDRESS:	163 RIVER STREET TROY, NEW YORK 12180
APPLICANT:	CAPTAIN CA$H 40 THIRD STREET TROY, NEW YORK 12180
OWNER:	SAME AS ABOVE

ZONING:		B4 CENTRAL COMMERCIAL RIVERFRONT HISTORIC DISTRICT
PROPOSED AREA OF SITE:		EXISTING
		EXISTING
BUILDING SETBACKS:	FRONT	EXISTING
	REAR	EXISTING
	SIDE	EXISTING
OFF STREET PARKING	REQUIRED	NOT APPLICABLE
	PROVIDED	NOT APPLICABLE
FLOOR AREA RATIO OF SITE:		NOT APPLICABLE
MAX. FLOOR AREA RATIO:		NOT APPLICABLE

PROPERTY DATA

CURRENT PROPERTY USE:	RETAIL STORE
PROPOSED USE:	RETAIL STORE
PROPOSED OCCUPANCY GROUP:	MERCANTILE
EXISTING CONSTRUCTION TYPE:	HEAVY TIMBER
CODE ALLOWANCE FOR MAXIMUM HEIGHT:	85 FEET
OCCUPANCY:	
MAX. NO. OF STORIES ALLOWED BY CODE	5
MAX. AREA ALLOWED BY CODE:	74,000 SQ. FT.
MULTI-STORY/AREA PER FLOOR	N/A
SINGLE STORY/AREA	N/A
ACTUAL NUMBER OF STORIES:	4
PROPOSED NUMBER OF STORIES OCCUPIED:	1
ACTUAL OCCUPIED AREA HEIGHT:	11'-6" FT.
PROPOSED OCCUPANCY AREA:	4804.57 SQ. FT.
☐ NEW CONSTRUCTION (GARAGE)	
■ EXISTING BUILDING	
GARBAGE REMOVAL:	AT CURB
SURFACE DRAINAGE:	EXISTING
SNOW REMOVAL:	STORED AT SITE
SIGNAGE:	TO BE DETERMINED
STREET LIGHTING:	EXISTING

Urbane
DESIGN • PLANNING • DEVELOPMENT

189 7TH AVE
Troy, New York 12180
Tel (518) 9513055
Email anbearch@mail.com

CAPTAIN CA$H
STORAGE TRAILER LOCATION
163 RIVER STREET
TROY NY 12180

No.	Description	Date

EXISTING SITE MAP FOR 163 RIVER STREET & VICINITY

Project number	15-004
Date	4/16/2015
Drawn by	ANB
Checked by	MW

CS-01

Scale 1/32" = 1'-0"