

Zoning Board of Appeals Meeting Notes

September 5, 2017

Present: Cathy Conroy, Jack McCann, Katie Spain-McLaren, Jeff Nesich, John Normile
The meeting was called to order by Chair Conroy at 6:00 p.m.

ZB 2016-21 JHM, LLC requests an **appeal** of prior determination by a city official that the November 1, 2016 **Use Variance** approval granted to **520 Fifth Avenue** remains valid.

Motion: **Table**

Motioned by: McCann

Seconded by: Nesich

5-0 Carried (Votes to table do not need an individual vote)

ZB 2017-41 **Annul and rescind** July 11, 2017 approvals for **1 Monument Square** and consent to Planning Commission acting as Lead Agency for Type 1 SEQR review.

Steven Strichman (Commissioner of Planning) explained that the Zoning Board, on July 11, 2017, should not have acted on Zoning Variances for signage at one Monument Square. The action was improperly heard as an unlisted action, when it is in fact a Type 1 action. The Planning Commission will review application as Lead Agency Department for this Type 1 review with a coordinated review and has sent a letter of intent to act as lead to all involved agencies, including the Zoning Board. The Planning Commission will host a special meeting on September 12, 2017, to review the project.

Motion: **Annul and rescind** July 11, 2017 approvals for **1 Monument Square**; designate the Troy Planning Commission as lead agency for a SEQR determination

Motioned by: Nesich

Seconded by: McCann

Verdict: Conroy: Yes McCann: Yes McLaren: Yes Nesich: Yes Normile: Yes

5-0 Carried

ZB 2017-48 Unity House of Troy, Inc. requests a **Use Variance**, and an **Area Variance** to allow for insufficient curb cuts and/or driveway access widths, for **304 Eighth Street**, related to a proposal to create a parking lot for 2 two-unit residences on an adjacent parcel, in an R-2 zone.

Bryan Davis of BBL Construction described the project: Unity House recently purchased a property adjacent to a public park (south side) and a row of buildings which it already owns (north side), on a busy street in an R-2 zone. It demolished the residential building and garage on this property, and is turning it into a parking lot for 8 cars, to serve the parcel to the immediate north. Two separate 10 foot wide driveways currently exist and Unity House plans to connect them, without widening, to form a U-shaped, one-way driveway. Unity House stated that a one-way continuous driveway is safer than two separate blind driveways from which cars have to back out onto busy Eighth Street.

The zoning code (§ 285-83.A.5) mandates that “Curb cuts and/or driveway access widths at property lines shall be at least 20 feet but no more than 46 feet wide”.

Conroy asked why the project cannot have 20 foot wide curb cuts instead of the 10 foot wide curb cuts that the applicant proposes:

Davis answered that:

- a) Most of the driveway already exists in a 10 foot configuration, and it would be easier to keep it the way it is than to change it.
- b) The driveway will be one-way, and the zoning code does not differentiate between one-way and two-way driveways.

Conroy asked who lives in the adjacent parcel next door which will be served by the parking lot. Davis answered that elderly Unity House clients live in the adjacent parcel.

There were no speakers in favor or opposition

SEQRA: Type II

Motioned by: McLaren

Seconded by: Nesich

SEQRA Vote: **5-0 Carried** (SEQR votes do not need an individual vote)

Motion: Approve Use Variance and Area Variance

Motioned by: Nesich

Seconded by: Normile

Verdict: Conroy: Yes McCann: Yes McLaren: Yes Nesich: Yes Normile: Yes

5-0 Carried

ZB 2017-49 Bob Bedard requests a **Use Variance** for **2238-2246 Twelfth Street (alternatively known as 2247 Thirteenth Street)**, related to a proposal to transform an 8-classroom daycare facility in the rear of a church school into creative studios for artists to produce art, and offer educational programs to the public, in a R2 zone.

Bob Bedard, the applicant, described the project. He has already purchased the property. Except for replacing windows to be more energy-efficient, his organization plans no construction changes to the property, and will not change the “building footprint”.

This parcel actually contains 4 buildings: a large church, a school building in back of the church, a separate building which used to be a “rectory” or “parsonage”, and a separate 3-car garage. Conroy asked if the church is included. Bedard explained that the proposed project only involves the school building, although the church and rectory/parsonage will be addressed in the future, under separate applications.

Kate Hammill of Weathered Wood, who is associated with this project, stated that the applicant organization has tentative plans to host public shows in the church.

There were no speakers in favor or opposition, however, 8 artists affiliated with the project were in the audience to help answer questions if necessary.

SEQRA: Type II

Motioned by: McLaren

Seconded by: Nesich

SEQRA Vote: **5-0 Carried** (SEQR votes do not need an individual vote)

Motion: **Approve Use Variance**

Motioned by: Nesich

Seconded by: McCann

Verdict: Conroy: Yes McCann: Yes McLaren: Yes Nesich: Yes Normile: Yes

5-0 Carried

Normile made a motion to adjourn, which was seconded by McCann.