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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.** on **Tuesday January 8, 2013** in the 5<sup>th</sup> Floor Planning Department Hearing Room of the 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.

**Major Area Variance**

**ZB2012-032** Major Area Variance to allow for a parking deficiency related to a proposal to convert an attic into an apartment at 74 Eagle Street, an R-4 Zone, ID101.39-10-13. Applicant is Ahmed Ali, 74 Eagle Street, Troy, NY 12180.

**Use Variance**

**ZB2012-033** Use Variance to allow for a nonconforming use related to a proposal to occupy a vacant storefront as a Buy / Sell Shop at 159 River Street, a B-4 Zone, ID 110.60-3-10. Applicant is Mathew Wistuk, 1200 19<sup>th</sup> Street, Watervliet, NY 12198. **REMOVED**

**ZB2011-045** Use Variance to allow for nonconforming uses related to a proposal to occupy a vacant commercial parcel with an auto repair and towing business at 520 5<sup>th</sup> Ave, a B-2 Zone, ID 80.64-6-19. Applicant is Jack Cox, 801 River Street, Troy, NY 12180.

**Additional information regarding the above listed actions is available in the Department of Planning and Community Development located on the Second floor Troy City Hall, 1776 Sixth Avenue, 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 ZB2012-032**

APPLICANT: Ahmed Ali

**PROJECT DESCRIPTION:**

**ZB2012-032** Major Area Variance to allow for a parking deficiency related to a proposal to convert an attic into an apartment at 74 Eagle Street, an R-4 Zone, ID101.39-10-13. Applicant is Ahmed Ali, 74 Eagle Street, Troy, NY 12180.

**Per Section 285-55 of the Zoning Ordinance** a residential unit requires 2 spaces. The applicant proposes 3 units and is required 6 spaces. The applicant provides 4 spaces therefore is deficient by 2 spaces. The applicant will require a major Area variance to allow for a parking deficiency of 2 spaces.

**PLANNING BOARD HISTORY:**

**PRIOR ZONING BOARD HISTORY:**

**REQUEST:**

**Major Area Variance** to allow for a parking deficiency

**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 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:**

**Major Area Variance** to allow for a parking 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.







## **STAFF REPORT ZB2012-033**

APPLICANT: Mathew Wistuk

### **PROJECT DESCRIPTION:**

**ZB2012-033** Use Variance to allow for a nonconforming use related to a proposal to occupy a vacant storefront as a Buy / Sell Shop at 159 River Street, an R-4 Zone, ID 110.60-3-10. Applicant is Mathew Wistuk, 1200 19<sup>th</sup> Street, Watervliet, NY 12198.

**Per Section 285-61 of the Zoning Ordinance** the use *Buy Sell Shop* is not an allowed use in the B-4 Zone. The applicant will require a Use Variance to allow for a non conforming use.

**PLANNING BOARD HISTORY:** Approved 40 3<sup>rd</sup> Street as a Buy Sell Shop in 2007 under the same ownership.

**PRIOR ZONING BOARD HISTORY:** Approved 40 3<sup>rd</sup> Street as a Buy Sell Shop in 2007 under the same ownership.

### **REQUEST:**

**Use Variance** to allow for a nonconforming use in the B-4 Zone

#### 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:

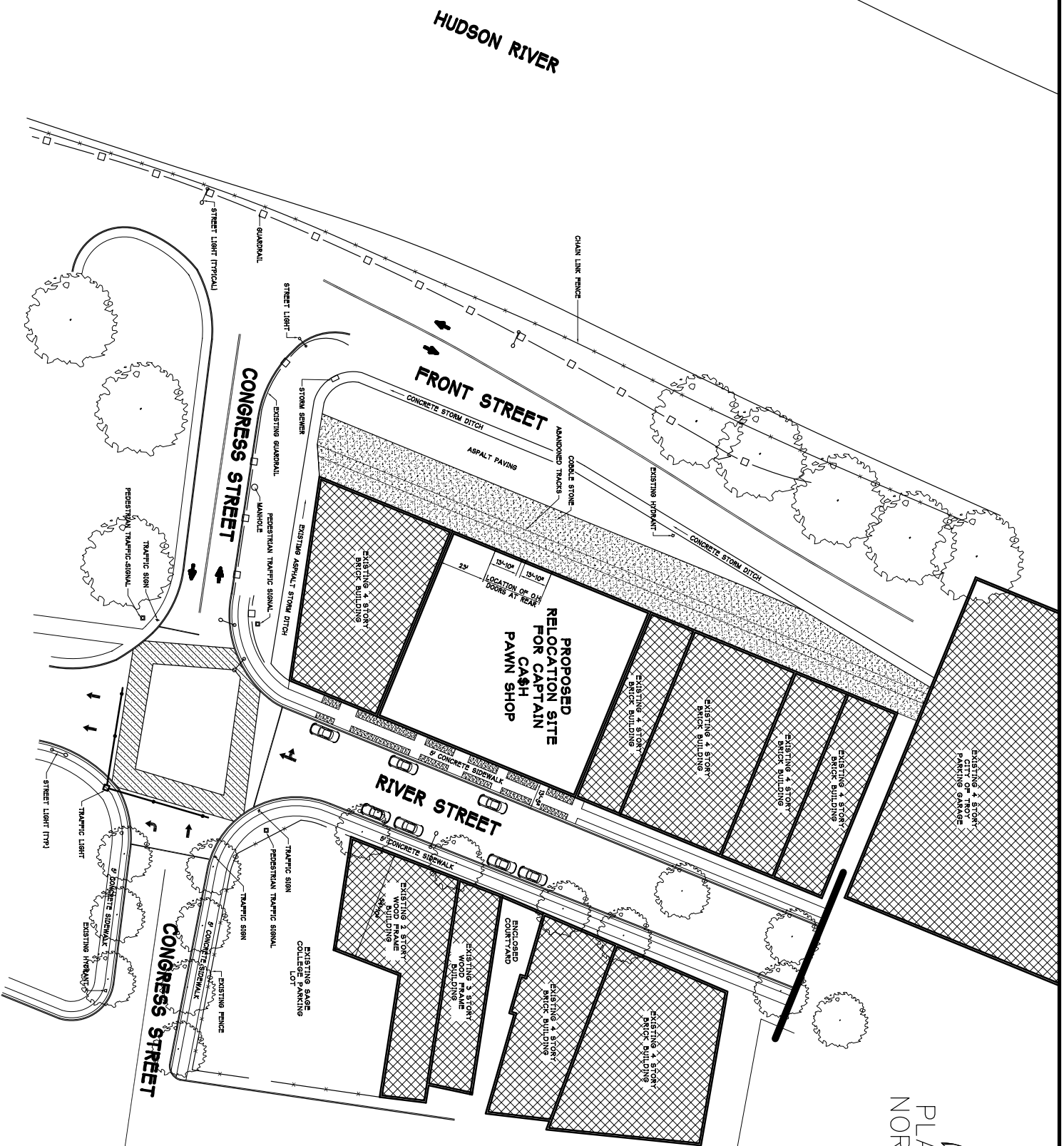
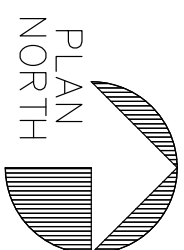
1. That the land, property, structure or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone; and
2. That the need for the variance was not caused by the applicant; and
3. That the use to be authorized by the variance shall not alter the essential 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 a nonconforming use in the B-4 Zone

**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 CASH  
40 THIRD STREET  
TROY, NEW YORK 12180

**OWNER:** SAME AS ABOVE

**ZONING:** B4 CENTRAL COMMERCIAL  
RIVERFRONT HISTORIC DISTRICT

**PROPOSED AREA OF SITE:** 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:** VACANT

**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

**GARAGE REMOVAL:** AT CURB

**SURFACE DRAINAGE:** EXISTING

**SNOW REMOVAL:** STORED AT SITE

**SIGNAGE:** TO BE DETERMINED

**STREET LIGHTING:** EXISTING

**EXISTING SITE MAP FOR 161 RIVER STREET & VICINITY**

**Project number:** 12-0002-A

**Date:** 12/18/2012

**Drawn by:** ANB

**Checked by:** MW

**CS-01**

Scale 1/64" = 1'-0"

**Urban**  
Design • Planning • Development

400 McKeeney Ave. Ext. Lft. 135  
Troy, New York 12180  
Tel (518) 961-3055  
Email: andrew@urban.com

**CAPTAIN CASH  
PROPOSED NEW LOCATION  
163 RIVER STREET  
TROY NY 12180**

No.	Description	Date

**STAFF REPORT ZB2011-045**

APPLICANT: Jack Cox

**PROJECT DESCRIPTION:**

**ZB2011-045** Use Variance to allow for nonconforming uses related to a proposal to occupy a vacant commercial parcel with an auto repair and towing business at 520 5<sup>th</sup> Ave, a B-2 Zone, ID 80.64-6-19. Applicant is Jack Cox, 801 River Street, Troy, NY 12180.

**Per Section 285-59 of the Zoning Ordinance** a special use permit is required for auto service stations.

**Per Section 285-59** A use variance is also required to operate a towing business.

**PLANNING BOARD HISTORY:**

**PRIOR ZONING BOARD HISTORY:** September 2006, Denied; September 2008 Denied; August 2009 Not Heard, November 2011 Denied.

**REQUEST:**

**Special Use Permit** to allow for an auto service station

**Use Variance** to allow for a towing business

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.

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:**

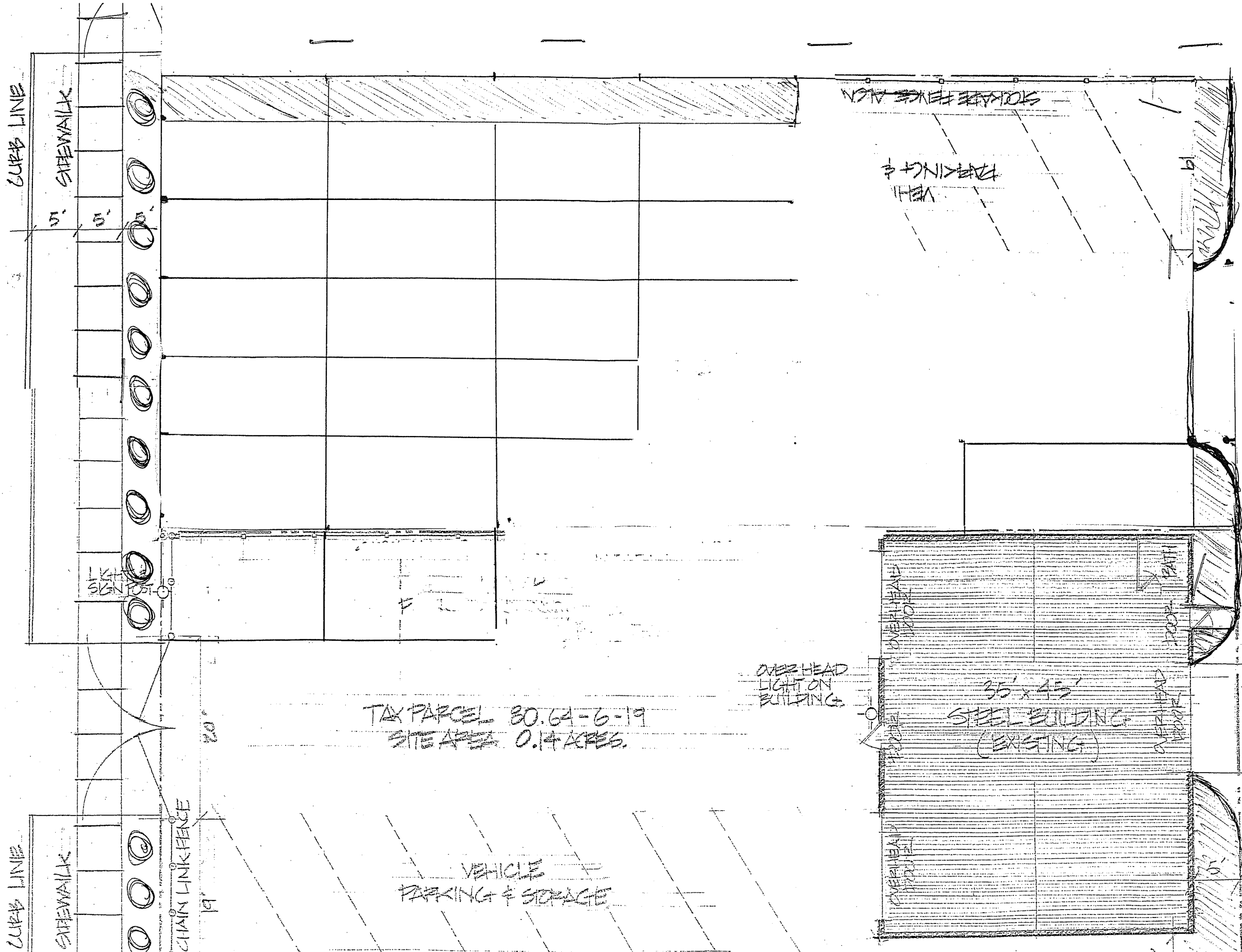
**Special Use Permit** to allow for an auto service station

**Use Variance** to allow for a towing business

**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.

FIFTH AVENUE

FIFTH



TAX PARCEL 30.64-6-19  
SITE AREA 0.14 ACRES.

VEHICLE  
PARKING & STORAGE

35' x 45'  
STEEL BUILDING  
(EXISTING)

REAR ACCESS ALLEY WAY.

10/19/16