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Zoning Board of Appeals Minutes Tuesday, December 5, 2017

ZB 2017-58 Chris Ferraro requests a Use Variance and Area Variances for lot area deficiency and excessive density, related to a proposal to convert a 2-unit residence to a 3-unit residence, at 17 101st Street (ID 90.47-4-31) in an R-2 zone.

APPROVED 5-0 (Conroy, McCann, McLaren, Nesich, Normile)

1 person opposed the proposal stating that the neighborhood should be less densified, instead of more densified and that the applicant has owned other properties in Troy, and has not maintained them in good condition

ZB 2017-61 Jovane Rosa requests a Use Variance and Area Variances for parking deficiency, lot area deficiency, and minimum lot width deficiency related to a proposal to institute a used car lot (no building) on a vacant parcel in at 2916 Fifth Avenue (ID 90.70-7-13) in an R-4 zone.

DENIED 5-0 (Conroy, McCann, McLaren, Nesich, Normile)

It was determined that the applicant failed to demonstrate that: the land, property, structure, or building in question can/cannot yield a reasonable economic return if used only for a purpose allowed in the zone

No office would be located on the lot, only cars. Business relating to this usage would be conducted at the applicant's house, which is nearby.

Two speakers opposed the proposal on grounds that it would depreciate the prices of nearby properties, that it will become a junkyard and that the the criteria for a Use Variance hasn't been met.

ZB 2017-62 1844 Land Development, LLC requests a Use Variance and Area Variances for a parking deficiency, rear setback deficiency, excessive density, and excessive building height, related to a proposal to construct 4 residential buildings on a vacant parcel, with 12 units apiece, for a total of 48 residential units, at 171 Oakwood Avenue (ID 90.56-2-3) in an R-1 zone.

CLOSED PUBLIC HEARING AND TABLED CASE UNTIL JANUARY 9, 2018
5-0 (Conroy, McCann, McLaren, Nesich, Normile)

On February 4, 2016, the Zoning Board granted the applicant received a Use Variance to construct 20 attached 1-unit condominiums (each with 3 bedrooms), and an Area Variance for setback deficiencies and a lot size deficiency and side setback deficiencies, at the same address (ZB 2016-01). On March 23, 2016, The Planning Commission granted Site Plan Approval to the same project (PC 2016-01), contingent upon the conditions that the applicant: a) Coordinate with the Frear Park Conservancy on where hiking trails will be located; b) File a subdivision

map with Rensselaer County. After much consideration, the applicant decided that this proposal was infeasible, mainly due to the recent Troy property tax increases, and decided to abandon it.

Applicant has returned with a different proposal for this address: 4 apartment buildings containing 12 apartments apiece, for a total of 48 apartments with 32 one-bedroom apartments and 16 two-bedroom apartments.

Four speakers opposed the proposal for the following reasons: Project will depreciate the prices of nearby properties, project will worsen the already excessive traffic on Oakwood Avenue, outdoor lighting, if excessive, may disturb people's peace and sleep, dense housing developments often tend to have more public safety issues than do sparser neighborhoods, the case involves a self-created hardship, parking variance would result in a parking shortage, and that residents in search of parking spaces will park in his/her parking lot, project requires too many variances, the project will ruin the character of the neighborhood.

Applicant's responded that lighting will be minimal, there will be a natural buffer around the project, the height of the proposed apartments is lower than the height of the formerly proposed condominiums.

Applicant's clarifications of board questions:

- Rents will be "competitive, but market price", around \$ 1300 - \$ 1500 per month per apartment

ZB 2017-63 Richard Kimball requests the following for 18 112th Street (ID 80.63-13-2), in a B-2 zone.

- Use Variance for an architectural salvage business
- Special Use Permit to allow for a residential use on the first floor
- Area Variances for a parking deficiency, rear setback deficiency, and excessive lot coverage.

APPROVED 5-0 (Conroy, McCann, McLaren, Nesich, Normile)

One speaker was in support of the proposal because there is plenty of on-street parking in the area.

ZB 2017-64 Wilma and Miguel Rosa request Area Variances for a lot area deficiency, excessive density, and a parking deficiency related to a proposal to create a second residential unit in the basement of an existing 1-unit house at 89 Seventh Avenue (ID 90.47-5-5) in a R-2 zone.

WITHDRAWN

ZB 2017-65 David Klem requests Area Variances for a lot size deficiency and front setback deficiency related to a proposal to convert the second floor of an accessory structure (garage) into a dwelling unit, on a parcel with a pre-existing 1-unit house, at 39 Sheridan Avenue (ID 112.70-4-13) in a R-2 zone

APPROVED 5-0 (Conroy, McCann, McLaren, Nesich, Normile)

ZB 2017-66 Illuminati Holdings, LLC requests a Use Variance and Area Variances for a lot area deficiency, and excessive density, related to a proposal to convert a church into 11 or 12 apartments, each with 4 bedrooms, at 144 Ninth Street (ID 101.39-6-11) in a R-2 zone.

DENIED 5-0 (Conroy, McCann, McLaren, Nesich, Normile)

It was determined that the applicant failed to demonstrate that:

- a) the land, property, structure, or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone
- b) The use shall alter the essential character of the neighborhood, nor depreciate aesthetic or property values of the locality.

The church is currently vacant and deemed to be in good structural condition, although the plumping has been stripped by thieves. It contains no asbestos. It is for sale on the open market. This project would put in on the tax rolls for the first time ever.

The proposal involves 11 or 12 market rate apartments, each with 4 bedrooms. Although the applicant (Illuminati Holdings) is not technically affiliated with RPI (Rensselaer Polytechnic Institute), the apartments will be marketed only to RPI students, and nobody else.

One person spoke in support of the project stating that the church cannot be maintained as a church.

Nine people spoke in opposition for the following reasons: The church could be redeveloped for something other than housing, student housing can be noisy and chaotic, project will change the neighborhood character, a concern that greenspace may be paved to create parking spaces, increases in traffic, the applicant has not proven hardship, the neighborhood needs more owner-occupants, 48 bedrooms is excessive, the building has been on the market for such a short time, that the applicant cannot realistically prove the hardship that it cannot be used for any conforming purpose,

Applicant's rebuttals to opposition: There will always be a need to house RPI students in Troy, because zoning is R-2, any other suitable use for a former church will also need variances, some of those in opposition are opposed mainly because they themselves were unsuccessful in purchasing the building, applicant will ensure that the project is well-maintained, applicant plans to keep the existing greenspace

Applicant's clarifications of board questions:

- o applicant does not yet own the building
- o project is expected to cost about \$ 1,000,000
- o density could be reduced from 11 or 12 to 9 or 10 apartments, but not to a lower density than that
- o The building will have 4 entrances/exits
- o A comprehensive site plan has not yet been completed yet