

April 17, 2018 Zoning Board Special Meeting

McLaren called the meeting to order at 6:04 P.M.

Conroy abstained due to a recusal stemming from a conflict of interest.

ZB 2018-13 Architecture + seeks a **Use Variance, and Area Variances** for parking deficiency, lot area deficiency, and excessive density, related to a proposal to convert a vacant combined Catholic school and convent into 21 apartments and 6 apartments respectively, at **523-525 Fourth Avenue (ID 80.63-4-2)** in a **R-2 zone**.

Brian Barker of Architecture +, spoke on behalf of the applicant, who was also the seller of the parcels, St. Augustine's Church.

This case had been previously discussed at the April 3, 2017 meeting.

Previously, the zoning board had asked for financial information to prove Condition 1 for granting a Use Variance: "The land, property, structure, or building in question cannot yield a reasonable economic return if used only for a purpose allowed in the zone".

This information had been provided to the Zoning Board by Jim Conroy (real estate agent for the seller) several days prior to the meeting, in the form of a two-page document, with an attached cover letter beginning "Attached, please find the estimated project costs for the conversion of St. Augustine's school and convent into 27 apartments as proposed by Friemo Enterprises".

Barker of Architecture described some of this financial data.

Barker also passed out a tentative proposal by "Kool Instincts" entitled "St. Augustin (sp) School Apartment Conversion Proposal", with **sample** floor plans and renderings of interiors, to the zoning board members.

Barker noted that that proposal included a superintendent's apartment in the basement, as well as common areas for tenant activities.

Nobody spoke in favor of the project. (2 people had spoken in favor of the project at the April 3 meeting, both of whom were affiliated with the project.)

McLaren asked for a count of audience members who were in favor of, and opposed to, the project, respectively. She also asked how many of the respondents lived within 2 blocks of the project.

- 9 audience members were in favor, of whom 3 live within 2 blocks.
- 2 audience members, both of whom live immediately nearby, stated that they were not strictly opposed, but had concerns.

Concerns relayed (at this meeting only):

- The vacant dilapidated house currently on 532 Third Avenue is currently full of animals (skunks, opossums, rats, mice, etc.) Where will they all go, once the house and garage are demolished? Will the City of Troy or the developer do anything to ensure that all the animals do not overrun the rest of the neighborhood?
- Parking scarcity is always a concern in that neighborhood.
- The developer should have considered turning this project into senior housing, especially since it's already a "senior community".
- Disputed Pavlic's contention (made at the February 6 zoning board meeting) that areas with higher population density are always safer areas.
- 27 one-bedroom apartments doesn't necessarily mean 27 tenants. Some apartments could have more than 1 tenant, which could lead to even greater density than would initially be supposed.
- Are pets allowed? (Barker said that he doesn't know).
- Will there be a full-time property manager / superintendent living on site? (Barker said that he doesn't know (despite the fact that the Proposal specifically mentions a superintendent's apartment). But he does know that the intended superintendent's apartment will be among the 27 total apartments in this project.)
- The proposal includes only studios and 2 BR apartments, whereas at the previous zoning board meeting, Barker had stated that the project would consist entirely of 1 BR apartments.
- What is the average anticipated rent per month? (\$ 1250 per month per apartment)
- Barker had said that there would be no apartments in the basement. However, the proposal (first page) says "Additionally, a portion of the basement will be converted for the super's apartment". (Barker responded that he had misunderstood the original plan. The project will still have a total of 27 apartments, but 3 of them will be in the basement.)

McLaren asked for clarification that 532 Third Avenue will be turned into a parking lot as part of this project. Barker answered in the affirmative.

Normile then asked if the inclusion of 532 Third Street in this project makes an Area Variance for a parking deficiency redundant.

Hillary answered in the affirmative. Gonzalez concurred.

Hillary added that between the April 3 meeting and this one, the applicant had submitted a site plan for 532 Third Avenue, which she had examined and determined that no further variances are necessary, because the site plan conforms to all Zoning Code regulations as far as she could judge.

A motion to declare this project an **UNLISTED** SEQR action, with no environmental significance, advanced by McLaren, and seconded by Normile, carried by a 4-0 vote.

A motion was made by McLaren, and seconded by Normile, to APPROVE the USE VARIANCE, with the following stipulations:

- 1) The fence is to remain, and to be repaired as necessary
- 2) The applicant must maintain non-paved landscaped areas of at least 10' in depth along both streets, and 20' adjacent to the house
- 3) The lots must be consolidated
- 4) The Planning Commission will have authority to make appropriate buffering recommendations including plantings
- 5) The parking lot space (532 Third Avenue) be acquired with the building sale
- 6) The applicant coordinate pest removal with the (Rensselaer) County Health Department based on the following "findings of fact":
 - The buildings in question CANNOT yield a reasonable economic return if used only for a purpose allowed in that zone
 - The need for the actual variance was NOT necessarily caused by the applicant, we know that the enrollment in the school was down, it was necessary to sell the building, and obviously it can't be used as a 2-family house
 - I believe that from everything we've seen in the site plan review, in the site plan and all of the documentation you've gotten from the applicant, that the use shall NOT alter the essential character of the neighborhood
 - The plight of this owner IS due to unique circumstances, because it was obviously used as a school and a convent, and those uses are just not going to be replicated.

Conroy ABSTAIN

McCann YES McLaren YES Normile YES Pavlic YES

Yeses 4 Nos 0

The APPROVAL (of the USE VARIANCE), WITH 6 STIPULATIONS, CARRIED.

A motion was made by McLaren, and seconded by McCann, to APPROVE the Area Variance for a lot area deficiency, based on the following "findings of fact":

- I DON'T believe that an undesirable change will be produced in the neighborhood, again based on everything we have seen from the applicant
- The benefit sought by the applicant is NOT going to be achieved by another method at this point, which again they demonstrated pretty substantially
- And I DON'T believe that the proposed variance will have an adverse effect on the physical or the environmental conditions in the neighborhood, in part because of the stipulations that we placed on it.

Conroy ABSTAIN

McCann YES McLaren YES Normile YES Pavlic YES

Yeses 4 Nos 0

The APPROVAL (of the AREA VARIANCE FOR A LOT AREA DEFICIENCY), CARRIED.

A motion was made by McLaren, and seconded by McCann, to APPROVE the Area Variance for excessive density, based on the following “findings of fact”:

- Although the project does go substantially over the maximum density, what is allowed in that neighborhood would NOT be economically feasible
- And I DON’T believe, again based on everything that we have seen, that the variance will have an adverse effect on the physical or environmental conditions in the neighborhood.

Conroy ABSTAIN

McCann YES McLaren YES Normile YES Pavlic YES

Yeses 4 Nos 0

The APPROVAL (of the AREA VARIANCE FOR EXCESSIVE DENSITY), CARRIED.

A motion was made by McLaren, and seconded by McCann, to REMOVE from the agenda the Area Variance for a parking deficiency, due to the fact that the approved Used Variance contained a stipulation that the project include 532 Third Avenue as a parking lot.

Conroy ABSTAIN

McCann YES McLaren YES Normile YES Pavlic YES

Yeses 4 Nos 0

The REMOVAL (of the AREA VARIANCE FOR A PARKING DEFICIENCY), CARRIED.

Therefore, the project was APPROVED in its entirety.

The meeting was adjourned at 6:47 P.M.