

**Catherine Conroy**  
*Chairperson*



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## **Zoning Board of Appeals**

### **MEETING MINUTES**

**MAY 28, 2019**

**Roll Call: Present: Chair Catherine Conroy (CC),, Katie McLaren (KM), John Normile (JM), Gary Pavlic (GP)**

**Absent: Jack McCann**

**PLZB 2019-34** Imran Sadiq seeks a Special Use Permit for 3076 Sixth Ave (90.63-8-1) to convert an existing bodega to office and storage space. R-4 Zone

Applicant (IS) explained he owns three retail shops and would like to use this location as storage and an office space to manage the other sites.

CC brought up concerns about cars parked on the lawn/grass. JN brought up concerns about sidewalks in disrepair.

IS explained how they are only leasing, and do not own the property. He also explained he and one other employee would be the only people there regularly.

JN and CC asked about the location of the dumpster, IS said it would be moved off the sidewalk.

No members of the public spoke in favor or against the proposal.

Motion to declare negative SEQR declaration made by KM, seconded by GP.

Motion carries with a 4-0 vote.

Motion made to **grant** variance by JN with a stipulation that a change in tenancy must return to the board, seconded by KM.

Motion carries with a 4-0 vote.

**PLZB 2019-35** Troy Area United Ministries Inc. seeks an Area Variance for 392 Second St (111.36-8-27) to construct an addition to the principal structure for storage and truck access with a rear setback deficiency (24.5' proposed, 40' required), side setback deficiency (3' proposed, 30' required), and exceeding the maximum lot coverage (77% proposed, 50% maximum). R-4 Zone

David Benjamin (DB) and Brian Thompson (BT) from TAUM's Project Committee represented the project, explaining the need for the additionally space for TAUM's furniture program. DB mentioned the plans to plant a garden and install a cistern, collecting rainwater from the addition and using it to water plants.

Sid Fleisher from 384 2<sup>nd</sup> St spoke in support of the project. No members of the public spoke in opposition.

Motion to declare negative SEQR declaration made by KM, seconded by JN.

Motion carries with a 4-0 vote.

Motion made to **grant** variance by GP, seconded by JN.

Motion carries with a 4-0 vote.

**PLZB 2019-36** Joseph Lynch seeks an Area Variance for 335 Fourth St (112.21-3-5) to convert the second level of an existing garage into a single family dwelling unit with a parking deficiency (1 space proposed, 3 required). R-4 Zone

No members of the public spoke in favor or against the proposal.

Motion to declare negative SEQR declaration made by KM, seconded by GP.

Motion carries with a 4-0 vote.

Motion made to **approve** the variance by JN, seconded by GP.

Motion carries with a 4-0 vote.

**PLZB 2019-37** The Troy Community Land Bank seeks an Area Variance for 791 River St (90.62-6-8) to construct a mixed use building (1st floor neighborhood commercial, 2<sup>nd</sup> & 3<sup>rd</sup> floor with 1 single family unit each) in place of the existing structure with a parking deficiency (4 proposed, 7 required), deficient lot area (3016 sq ft proposed, 6000 sq ft required), front building line deficiency (25.17' proposed, 40' required), setback deficiencies (0' front & 5' side proposed, 10' & 10' required). R-4 Zone

Tony Tozzi represented the applicant with architect Adam Petela. TT explained the reasoning or goals for the project.

James Rath (Executive Secretary) and Andy Brick (Counsel) explained allowable uses in the R-4 to the board.

Motion to declare negative SEQR declaration made by KM, seconded by JN.

Motion carries with a 4-0 vote.

Motion made to **approve** the variance by GP, seconded by JN.

Motion carries with a 4-0 vote.

**PLZB 2019-38** Daniel Sanders seeks a Use Variance and Area Variance for 523-525 Fourth Ave (80.63-4-2) to amend an approval granted on 4/17/18, for 4 additional dwelling units, resulting in a parking deficiency of 4 spaces. R-2 Zone

Daniel Sanders (DS) representing the case, explained the project was previously approved for 27 units and parking spaces, but is now looking to increase the number of units to 31.

CC explained how she recused herself during the previous application, due to her affiliation with St.

Augustine's, but no longer has a conflict of interest since the property has been sold. CC questioned the need to add more apartments and discussed issues with maintenance.

DS explained the reasoning for adding 4 units is rooted in the need for historic tax credits through NYSHPO. The number of beds is similar to the initial proposal, but the number of units is increasing. This would help the applicant keep the character of the building.

CC suggested tabling the case until June, so the applicant could return with financial information.

**PLZB 2019-39** Solar Energy Resources seeks a Use Variance for 142 Mann Ave (112.-4-7) to install a 70 kW ground mount solar array. CON Zone

Morgan Kennedy (MK) from Solar Energy Resources represented the proposal for a solar array.

Paul Coffey from St. Joseph's and Jane Snay from 521 4<sup>th</sup> St spoke in favor of the project. No members of the public spoke in opposition.

Motion to declare negative SEQR declaration made by KM, seconded by JN.

Motion carries with a 4-0 vote.

Motion made to **approve** the variance by JN, seconded by GP.

Motion carries with a 4-0 vote.

**PLZB 2019-40** R. Wells Covington Packard seeks a Special Use Permit for 184 Fourth St (101.61-12-14.1) to allow residential occupancy on the first floor of the lot's principal structure. B-4 Zone

Ann Bair represented the applicant and explained the applicant is seeking a special use permit to occupy the structure while he is renovating the building, since he currently resides in Greene County. The applicant is seeking to convert the structure into an undetermined use, potentially a bed and breakfast or a museum/gallery space.

GP asked if he would come back to the board when he determines the use. Bair clarified he would come to the board if needed, but it is unlikely a non-conforming use would be sought.

CC proposed granting the special use permit for two years, expiring in June 2021, which was included as a stipulation.

Motion to declare negative SEQR declaration made by KM, seconded by JN.

Motion carries with a 4-0 vote.

Motion made to **approve** the variance by GP with the 24 month time frame (expires June 30, 2021) seconded by KM.

Motion carries with a 4-0 vote.

JN made a motion to adjourn, seconded by CC.

City of Troy Zoning Board of Appeals  
Catherine Conroy, Chairperson                      James Rath, Executive Secretary