

Catherine Conroy
Chairperson



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Zoning Board of Appeals

DRAFT MEETING MINUTES

The Zoning Board of Appeals of the City of Troy, New York conducted a public hearing at **6:00 P.M.** on **January 21** on the 5th Floor of 433 River Street, to act upon the following requests for approvals & appeals from decisions made by the Bureau of Code Enforcement of the City of Troy.

Call to Order: 6:01 PM

Roll Call: Present – Board Chair Catherine Conroy (CC); Katie McLaren (KM); John Normile (JN); Gary Pavlic (GP); Jack McCann (JM)

Also Attending: Andy Brick (staff attorney); Chris Brown (acting Executive Secretary)

Old Business:

PLZB 2019-92 C&H Solutions seeks an Area Variance for 3209-3211 7th Ave (90.63-1-13) to convert a vacant 6 unit apartment into 12 units, which exceeds the maximum density and creates a parking deficiency (0 spaces proposed, 12 required). R4

CC – the ZBA had previously requested additional information regarding unit count. Asked if the applicant had supplied this information in the interim. The applicant replied that they had not.

The applicant provided the following additional meeting during the hearing:

Trash will be picked up by a private company

There will be an on-site superintendent

12 units will lead to fewer tenants due to smaller unit sizes

10 units would be a financial break-even point

Current bedrooms are too small to meet modern code requirements

Proposed unit breakdown: 7 2 bedrooms and 5 1 bedrooms

Public comment: a number of residents spoke in opposition, citing overburdened parking and ‘social chaos’ in the neighborhood, as well as the presence of already oversaturated apartment buildings, and perceived issues with refuse collection

Applicant replied that refuse would be stored in the backyard; that the proposed density is a decrease in maximum allowable density; that there is currently plenty of parking in the area; and that they could only speak to their own proposal, not the management or leasing of other buildings in the immediate area

JM – confirmed that there would be a full-time, on-site superintendent

GP – ‘at what point will this project start to realize a profit?’

Applicant: approximately 20 years

JM – expressed overcrowding concerns

Motion to Declare Project a Type II SEQR Action made by KM, seconded by JM

Motion passed 5-0

Motion to Deny Application made by JM, seconded by GP

Motion passed 5-0, defeating application

PLZB 2019-95 The Community Builders, Inc. seeks an Area Variance for 244-246 First Street (100.84-6-10) to construct an 81-unit apartment building with deficient front and side setbacks (1' front and 5' side proposed, 10' required) and 111 parking spaces (162 required).

Applicant: this is a renewal of a previously approved zoning application, however, site improvements have reduced the necessary setbacks

Public Comment: parking will be an issue; this project is not in character with the surrounding neighborhood

Applicant response: parking quantity has not changed from original application

GP – asked applicant if they had considered reducing the size of the building; also stated that other Community Builders buildings' tenants had expressed dissatisfaction with the sound dampening between units

Motion to Declare Project an Unlisted SEQOR Action made by KM, seconded by JM

Motion passed 5-0

Motion to Approve Application made by JM, seconded by KM

Motion passed 3-2; Yeas – JM, KM, CC; Nays – GP, JN

PLZB 2019-96 Robert Shaw seeks a Use Variance for 869 5th Ave (80.23-6-4) for a used car sales business. B3 Applicant appeared with the deed of sale, which the ZBA had requested the previous appearance.

CC – explained that the Comprehensive Plan specifically excludes automobile-centric uses from this part of the city

Public Comment – one resident stated that Empire Auto has been a good neighbor

multiple residents reiterated CC's comment that the Comprehensive Plan precludes automobile-centric uses from this neighborhood

Applicant argued that this parcel has been vacant for several years and that activating it will improve property values and create jobs

KM again reiterated that the Comprehensive Plan specifically prohibits this type of use in this neighborhood

Motion to Declare Project an Unlisted SEQOR Action made by KM, seconded by JN

Motion passed 5-0

Motion to Deny Application made by KM, seconded by JN

Motion passed 5-0, defeating application

New Business:

PLZB 2020-1 Timothy James seeks an Area Variance for 1277 Fifth Ave (101.69-18-1) to add an extension resulting in a rear setback deficiency (9' proposed, 40' required) and a parking deficiency.

Motion to Declare Project a Type II SEQOR Action made by KM, seconded by JM

Motion Passed 5-0

Motion to Approve Application made by JN, seconded by GP

Motion Passed 5-0

PLZB 2020-2 Vincent Riemma seeks a Use Variance and Area Variance for 3154 Sixth Ave for a mixed use structure, resulting in setback deficiencies (0' setbacks proposed) and a parking deficiency.

*Public Comment – multiple residents spoke **against** project, citing proliferation of convenience stores*

Motion to Declare Project a Type II SEQOR Action made by KM, seconded by JN

Motion Passed 5-0

Motion to Approve Application made by GP, seconded by JN

Motion Passed 4-1; Yeas – GP, JN, CC, KM; Nays – JM

Administrative: Paul Coffey seeks to appeal the ZBA for a building permit fee
Andy Brick gave an overview of Mr. Coffey's case, advised ZBA to hear Mr. Coffey's appeal, but allow himself (Mr. Brick) some time to deliberate on what is a surprisingly complex legal issue
Motion to Table Application made by JM, seconded by GP
Motion Passed 5-0

Motion to Adjourn made by CC, seconded by JM
Motion Passed 5-0
Meeting Adjourned at 7:43 pm

Additional information regarding the above listed actions is available in the Department of Planning and Community Development located on the 5th floor of Troy City Hall, 433 River Street, Troy, New York 12180. Telephone: 279-7169. E-mail: james.rath@troyny.gov. Office hours are weekdays 8:30 A.M. to 4:30 P.M.

As required by Americans with Disabilities Act, auxiliary aids and services are available upon request. Please give one-week advance notice for services needed.