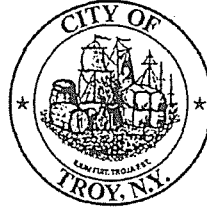




Wm. Patrick Madden
Mayor

Monica Kurzejeski
Deputy Mayor



Steven Strichman
Commissioner of Planning

Phone: (518) 279-7166
steven.strichman@troyny.gov

Zoning Board of Appeals
433 River St., Ste. 5001
Troy, New York 12180

MEETING MINUTES (DRAFT)

The Zoning Board of Appeals of the City of Troy, New York, conducted a public hearing at 6:00 P.M. on Wednesday, January 5th, 2022, via Zoom conferencing, to act upon the following requests for approvals and appeals from decisions made by the Bureau of Code Enforcement of the City of Troy.

6:00 PM – Meeting called to order

Board Members in Attendance

Catherine Conroy (CC), Marc Pallozzi (MP), Katie McLaren (KM), John Normile (JN), Jack McCann (JM)

Also in Attendance

Andy Brick (Planning and Zoning Attorney), Aaron Vera (City Engineer), Steve Strichman (Commissioner of Planning), Dash Chrisner (Executive Secretary)

Administrative Items

Adoption of Meeting Minutes from December 1st by Resolution

- MP motioned to approve Meeting Minutes from December 1st. KM seconded:

	Absent	Yes	No	Abstain	Recused
Cathy Conroy		X			
John Normile	X				
Jack McCann		X			
Marc Pallozzi		X			
Katie McLaren		X			

- Motion to approve Meeting Minutes from December 1st passed 4-0.

New Business

PLZBA 2021 0077 – Cemetery Road & Gurley Avenue (80.42-2-1 THRU 19) [P: Planned Development]
Area Variances – minimum lot area: 2,500 sq. ft. per unit (5.17 acres required, 5.007 proposed) and minimum lot width at front building line: 20 ft. per unit (1,800 ft. frontage required, 1,123.62 proposed) – SEQR (Unlisted)
Keystone Homes, Inc. is proposing to construct ninety (90) units in three (3) four-story buildings (30 units in each building). The applicant proposes ninety (90) units where 87.2 units are allowed on the 5.007 acre lot. The applicant also seeks relief of 676.38 ft. from the minimum lot width at the front building line.
The applicant is represented by Nicholas Costa, P.E. of Advance Engineering and Land Surveying, PLLC.

- John Normile in attendance at 6:12PM
- Applicant presentation.
- Board member comments and questions to applicant.

- Request for public comment. Public comment generally in opposition.
 1. Karen and John Casale, 52 Lori Jean Pl
 2. Angela Lupe, has friends near Diamond Ridge
 3. Tina Reydorf, 49 Gurley Ave
 4. Joe Roberts, 4 Lori Jean Pl
 5. Elizabeth Young, Red Rock Rd
 6. Shirley Albright, 43 Lori Jean Pl
 7. Jim Spear, 62 Lori Jean Pl
 8. Anthony Catricala, Red Rock Rd
 9. Bill Decker, 49 Lori Jean Pl
- Commissioner deliberation.
- Applicant response.

- KM motioned for a Negative Declaration (SEQR) of this Unlisted action. JN seconded:

	Absent	Yes	No	Abstain	Recused
Cathy Conroy		X			
John Normile		X			
Jack McCann		X			
Marc Pallozzi		X			
Katie McLaren		X			

- **Motion for a Negative Declaration (SEQR) of this Unlisted action passed 5-0.**

- CC motioned for Area Variance (minimum lot area) approval. JN seconded:

	Absent	Yes	No	Abstain	Recused
Cathy Conroy		X			
John Normile		X			
Jack McCann		X			
Marc Pallozzi		X			
Katie McLaren		X			

- **Motion for Area Variance (minimum lot area) approval passed 5-0.**

- CC motioned for Area Variance (minimum lot width) approval. JN seconded:

	Absent	Yes	No	Abstain	Recused
Cathy Conroy		X			
John Normile		X			
Jack McCann		X			
Marc Pallozzi			X		
Katie McLaren			X		

- **Motion for Area Variance (minimum lot width) approval passed 3-2.**

PLZBA 2021 0078 – 443 Fifth Avenue (80.71-4-15.2) [B-2: Community Commercial]

Special Use Permit (tavern in the B-2) and Area Variance (parking deficiency of 32 spaces) – SEQR (Unlisted)

The applicants, Jeff and Melissa Jackson, are proposing to open a bar and restaurant titled “The Empire Lounge.” In the B-1 and B-2 districts, taverns are allowed if a Special Use Permit is obtained.

- Applicant presentation.
- Board member comments and questions to applicant.
- Request for public comment. Public comment generally in favor.
 1. Frank Mavin, North Central Solidarity Group
 - In support of proposal.
- Commissioner deliberation.
- Applicant response.

- KM motioned for a Negative Declaration (SEQR) of this Unlisted action. JN seconded:

	Absent	Yes	No	Abstain	Recused
Cathy Conroy		X			
John Normile		X			
Jack McCann		X			
Marc Pallozzi		X			
Katie McLaren		X			

- **Motion for a Negative Declaration (SEQR) of this Unlisted action passed 5-0.**

- KM motioned for Special Use Permit (tavern in the B-2) approval. MP seconded:

	Absent	Yes	No	Abstain	Recused
Cathy Conroy		X			
John Normile		X			
Jack McCann		X			
Marc Pallozzi		X			
Katie McLaren		X			

- **Motion for Special Use Permit (tavern in the B-2) approval passed 5-0.**

- MP motioned for Area Variance (parking deficiency of 32 spaces) approval. JN seconded:

	Absent	Yes	No	Abstain	Recused
Cathy Conroy		X			
John Normile		X			
Jack McCann		X			
Marc Pallozzi		X			
Katie McLaren		X			

- **Motion for Area Variance (parking deficiency of 32 spaces) approval passed 5-0.**

PLZBA 2021 0078 – 443 Fifth Avenue (80.71-4-15.2) [B-2: Community Commercial]
Zoning Determination (appeal) – SEQR (Type II)

The applicants, Jeff and Melissa Jackson, wish to appeal the determination made by the City of Troy Code Enforcement officials that this facility classifies as a tavern, and is instead a restaurant.

- Appeal is withdrawn by the applicant.

PLZBA 2021 0079 – 78-80 Havermans Avenue (101.77-11-4)
[R-4: Urban Neighborhood Residential, Medium- to High-Density]

Area Variances – minimum rear setback: 20 ft. (20 ft. required, 3 ft. proposed), maximum lot coverage: 60% (1,020 sq. ft. required, 1,385 proposed), minimum green space: 25% (425 sq. ft. required, 315 sq. ft. proposed), minimum lot area: 1,000 sq. ft. per unit (3,000 sq. ft. required, 1,700 sq. ft. existing), minimum front setback: 10 ft. (0 ft. existing), minimum side setbacks: 10 ft. total of both sides (3 ft. combined existing), off-street parking, residential: rehabilitation, one space per existing unit (3 spaces required, 0 spaces existing) – SEQR (Type II)

The applicant, Neil Pelone, proposes to renovate an existing three-unit (approx. 1,920 sq. ft.) apartment building and add a two-story wood-framed addition (approx. 450 sq. ft. footprint) on the rear of the building. The unit count will remain the same. The applicant seeks relief of 17 ft. for the minimum rear setback, 365 sq. ft. of the maximum lot coverage, and 110 sq. ft. of the minimum green space.

- Applicant presentation.
- Board member comments and questions to applicant.
- Request for public comment. No public comment.
- Commissioner deliberation.
- Applicant response.

- KM motioned for Area Variance(s) approval. JN seconded:

	Absent	Yes	No	Abstain	Recused
Cathy Conroy		X			
John Normile		X			
Jack McCann		X			
Marc Pallozzi		X			
Katie McLaren		X			

- **Motion for Area Variance(s) approval passed 5-0.**

JN motioned to adjourn at 7:40 PM. MP seconded:

	Absent	Yes	No	Abstain	Recused
Cathy Conroy		X			
John Normile		X			
Jack McCann		X			
Marc Pallozzi		X			
Katie McLaren		X			

Motion to adjourn meeting at 7:40 PM passed 5-0.

Dashiell.Chrisner

From: Angie Lupe <oifloops@gmail.com>
Sent: Wednesday, January 5, 2022 11:37 AM
To: zoningboard
Subject: Zoning meeting. Disabled vet needed extra 30mins to submit. Please read

Hi. I am a paralyzed, tbi, ptsd Iraq vet now with a form of ALS called PLS. I am so deeply troubled by this building proposal that this is hard for me to write. You see there are many reasons why it's wrong and I will touch on few.

The last thing we need is more construction and buildings. We keep taking the homes of wildlife for pure greed. People get enraged when animals disperse but you are causing it and torturing and killing them. As a combat vet, we value all life more. When I came home I literally pulled worms from puddles so they wouldn't die. I can't get out much so it is therapeutic to watch the birds and wildlife from my windows. What you are proposing will take that solace and lifeline away from my comrades. The are of proposal is also home to multiple senior living communities and will throw them in a whirlwind. It is also near sacred cemetery land rich in history.

To disturb this land will cause so much more harm than good. As soldiers we gave our bodies and minds to fight for what is right FOR YOU. I respectfully ask you to have the courage to do what's right here!

Thank you for listening to this and your veteran community.

Respectfully,
Angela Lupe

Dashiell.Chrisner

From: Kathryn Roberto <kathryn21roberto@gmail.com>
Sent: Wednesday, January 5, 2022 12:19 PM
To: zoningboard
Subject: Jan 5 Public Meeting comments

Good afternoon,

I am writing to you to express my concern and to protest the proposed building ideas for this community.

I just recently purchased a home in this area and absolutely love the scenery wildlife and quiet feel of the neighborhood. I moved from an apartment building which rented to individuals of all walks of life and it was not a safe place to live. The over abundance of people in one area as well as careless individuals speeding through parking lots and down roads, made it a very undesirable place to live.

I moved out of the apartment complex to obtain a quieter, safer life for myself and my family. Adding such a complex to this area wouldn't definitely change the various benefits of this community as well as increase the danger for walkers, children, pets and even wildlife.

I Implore you to deny the building of this 100 unit apartment complex!

Increasing traffic to and from this complex would very much decrease the beauty of the secluded neighborhood we have grown to love. Additionally being in such close proximity to the cemetery is quite disrespectful to individuals visiting deceased family and wishing for a peaceful time during their visit.

There are plenty of abandoned warehouses, buildings, houses and even parking complexes that should either be re-purposed and utilized or demolished and that land be repurposed for such a massive apartment complex.

Namely, on and around River Street.

I truly hope logical reasoning and judgment is used in this important decision that will negatively affect the residence of this beautiful neighborhood.

Thank you for your time.

Kathryn Roberto

Dashiell.Chrisner

From: STEFANIE DISTEFANO <ssteff812@aol.com>
Sent: Tuesday, January 4, 2022 4:51 PM
To: zoningboard
Subject: Cemetery rd & Gurley ave project

Categories: 01_ZBA

Dear Sir or Madam:

I am writing regarding PLZBA [2021 0077](#), which is known as the Cemetery Road and Gurley project.

I am a resident on Lori Jean Place in Troy, NY and I have many different issues with the project I wish to share with you.

The first and most important issue I have is, I have moved here to help my diagnosed medical conditions for anxiety, depression and PTSD. My residence and its location is a peaceful, quiet place. I chose this residence for those reasons and to help with my medical conditions. Another reason I enjoy my residence is that I get to see wild animals come and go from my backyard which further assists in relieving my medical issues.

Since receiving the notification of this meeting I have not been able to sleep and have been restless. I have contacted my treating physicians at the VA hospital to notify them of this situation. If this project were to go through, (use and noise of big machinery and excessive vibrations), this will severely impact my medical conditions and will destroy the very reason I purchased this home.

Because of my medical conditions, I have been prescribed a service dog. His name is Grey. He will constantly be trying to comfort me and not understand what is happening, because of the impact this project (noise and vibrations) will have on my life. This will impact his ability to treat me for my conditions and impact his abilities and health as well.

Furthermore, it may not have been uncovered by your surveys for this project, but the hill in my backyard and my neighbor's backyards along Gurley Ave have an issue. I called the city and they came to look at the sewer grate the was falling in , in my backyard and that was all they did. I had someone come fix it. The project may not only be affected, but more importantly, my property and grounds will be affected by the construction from this project. To further explain my point, I have a sewer grate in my backyard that has been continually sinking into the ground. I contacted the City of Troy and they are aware and on notice of this situation. There is already an issue that has been under construction for months on Lori Jean Pl. Will this happen with Gurley?

I would like you to reconsider your decision regarding this project. If you continue with this project and if there is an issue with our hills and the sewer line and more importantly my health and that of my service dog, I would like to know that you are on notice regarding these issues and will be responsible for the causation of such damages, along with the City of Troy.

Everything that I love about my home and mental health is being taken away, so please reconsider the impact you will have moving forward with your project. In addition to contacting you directly, I plan on contacting my veterans groups, which I am active in, as well as the media to shed light on these issues and concerns. I thank you for your time and attention to this letter.

Respectfully,

Stefanie DiStefano

Cc: Sen Chuck Schumer

Cc: Sen Kiersten Gillibrand

Cc: Sen Paul Tonko

Cc: Governor Holcomb

Cc: Jerry Gretzinger channel 13 news

Sent from my iPhone

Dashiell.Chrisner

From: Michael palladino <oldmj46@gmail.com>
Sent: Monday, January 3, 2022 6:48 PM
To: zoningboard
Subject: PLZBA20210077

Categories: 01_ZBA

We sent to you yesterday a note objecting to the planned development at Cemetary Rd &Gurley Ave. We did not get any acknowledgement that you received the e-mail. We hope you understand that we will be impacted in a negative way if this project is allowed to continue. Please take this under consideration. Respectfully ,
Mike and Pat Palladino. 12 Lori Jean Pl. Troy.

Dashiell.Chrisner

From: Marci Roberto <marcizebrowski@gmail.com>
Sent: Monday, January 3, 2022 9:32 AM
To: zoningboard
Subject: PLZBA 2021 0077

Categories: 01_ZBA

Hello,

I am writing in response to a letter I received about a development/apartment complex going up at Cemetery Road and Gurley Avenue. I am writing to OPPOSE this construction.

This is a quiet, low traffic residential area with an abundance of wildlife. The main reason we (and our neighbors) moved to this area was because of those qualities. Putting in an apartment complex will increase the traffic to such an extent that this will no longer be a safe neighbor to take a walk, ride a bike, or for children to play. More traffic means more chances for accidents. Please take safety into account.

There is also a cemetery only a few yards away. It would be an incredible insult to the families of those buried there--and soon to be buried there--to add so much traffic that it would impede being able to find peace while visiting deceased loved ones.

Please consider moving this complex to a more populated area that could handle the increase in people and traffic, and not damage the landscape or wildlife. There are plenty of abandoned/unused lots all over Troy that would far better suit this type of building project. River Street, for example, has many buildings and/or parking structures that are unused/under used and could easily be transformed into a complex.

This is our HOME. Please do not sign off on this and make it no longer a safe place to live. This is our first home and we just moved here in July 2021--we bought a home to get AWAY from apartment complexes and the dangerous people that can live there. We only lived in that complex for a year and a half, but we lived in two different buildings due to having to move because of a dangerous resident in our original building. After only living in the new building for a few months, cops suddenly showed up and we were evacuated--because a resident of That building put a bomb in someone's car and they had to send a bomb-robot in to investigate.

More people = more crime.

Please consider OUR safety and move this construction elsewhere.

Thank You,
Marci Roberto
resident of Red Rock Road (just off of Gurley)



Virus-free. www.avast.com

Dashiell.Chrisner

From: jturbo1956@aol.com
Sent: Sunday, January 2, 2022 3:41 PM
To: zoningboard
Subject: PLZBA 2021 0078 443 5th ave Troy NY

Categories: 01_ZBA

Members of the Planning Commission,

Good day; my name is Gerald Halse and I own 2 properties on this block. Less than a stone throw from the proposed "Lounge". I am writing to express several concerns I have with this idea.

First and foremost; my biggest concern is the safety and well-being of my fellow neighbors. We are a tight-knit group of "retirement-aged" (elderly) citizens. The thought of disturbances and/or nuisances coming from this establishment; is what worries me the most. No one around here is looking for any trouble with whatever crowd this bar brings in.

Secondly what would the operating hours be? Taking into consideration a good portion of the neighbors close to the proposed lounge, are elderly; most of our bedtimes may be considered early to some. Also, as you know, parking is a premium in most areas of our city; and to allow a business like this to open and not have ANY parking spaces for its patrons, will surely cause unnecessary parking headaches for the residents already living here.

Another question. How many patrons would be allowed inside? The building is not very big. One would think that not being able to seat too many customers, it may not be worthwhile or profitable. Not that their profits are any concern of mine; ultimately, I am concerned about the characters that may be frequenting the bar.

I only received notice of this hearing less than 2 weeks ago. About the same time as I was woken about 2:00 in the morning to an argument that was happening on the sidewalk outside my front door. After mostly inaudible, escalated voices; something did catch my ear. Someone mentioned the new bar down the street; and how there were no problems with whoever was arguing, until they started having drinks at the bar. Now obviously this may be hearsay to you; but I will assure you that I know what I heard.

Now, I was unaware of a new bar that had opened near me recently. In fact, there hasn't been a new bar opened near me. The only thing I can think of is that The Empire Lounge is already serving. I know I could be wrong; but I am just going by what I know I heard.

All I can do is advocate for myself and my fellow neighbors. Please take careful consideration when determining if this bar is really a good idea for our City. Do we really want another establishment possibly being cause for our already over-worked and stretched too thin Police force? Their jobs are already difficult enough as it is. Let's not contribute to it by allowing this Lounge to come to fruition.

Thank You,
Gerald Halse
458 5th Ave
Troy NY 12182
518.233.1136
518.301.9352

Dashiell.Chrisner

From: Michael palladino <oldmj46@gmail.com>
Sent: Sunday, January 2, 2022 1:02 PM
To: zoningboard
Subject: PLZBA2021 0077 Cemetery Rd.& Gurley Ave.(80.42-2-1THRU 19)

Categories: 01_ZBA

My wife and I strongly object to the city of Troy giving variances for the proposed building project. This new complex will change the dynamics of our neighborhood forever. Our property values will be affected in a very negative way at the same time our property taxes will not be reduced. We moved here because of the quiet neighborhood and despite the high taxes. Now the area will be overpopulated And our taxes will still be high. We have worked very hard to maintain our house and safeguard our investment. This developer stands to make a lot of money at our expense and the city of Troy will be complicit in this thievery. My wife and I will feel betrayed by the city we have lived in for most of our lives. We do not object to the pursuit of profits. We do object when those profits effect our lives and our future property value. Respectfully , Michael and Patricia Palladino...12 Lori Jean Pl. Troy.

Dashiell.Chrisner

From: michael palladino <michaelpalladino71@gmail.com>
Sent: Wednesday, January 5, 2022 4:06 PM
To: zoningboard
Subject: Meeting re. Cemetery rd.&Gurley ave.

Categories: 01_ZBA

Ave. Wife and I strongly object to the construction of the apartment complex. It does not fit the neighborhood of private single family homes. It will bring down the value of all the homes in the area....thankyou...Mike and Pat Palladino,12 Lori Jean Pl Troy

Troy Zoning Board of Appeals
433 River St, Ste. 5001
Troy, NY 12180

Ladies and Gentlemen;

This is feedback directed to your advertised meeting regarding zoning variances requested by the builders of the planned development on Cemetery Road and Gurley Avenue, PLZBA 2021 0077. As the board that represents the HOA that is the westerly abutting property, we would like to voice our opposition to this and any other variances asked for from this developer.

First, we should speak historically about our contacts with Keystone Builders. We were offered several meetings and even a walking tour with the builder of this property. We expressed our opinion about the size and scope of the project but were assured that it would fit within the bounds of the property. The builder has been more than transparent with our group.

Recently, we have had a road closure on Lori Jean Pl. following a hillside failure. It has taken months to repair the poorly constructed and engineered bank that gave way causing an 8-10 foot dropping off of the sidewalk. The road has remained closed and is closed today. Fortunately, there were no dwellings impacted directly by this landslide, but it has caused concern within our development. We are the homeowners located at the bottom of the hill that the proposed development would rest on.

Some of our residents have spoken against the first variance for parking. As a community, we were against the PILOT suggested to the County IDA. We feel that much has been asked to make this project fit the space. Perhaps it is time to stop making exceptions to the zoning rules that limit scope, size and population stacking that would happen on this parcel. Keystone lacks the width; square footage and their plan exceeds the number of units for the acreage and the front width at the building line. It seems to us, as an HOA, that the project is too large for the parcel that it is planned to go on. There has been no study that demonstrates the traffic impact on Cemetery and with Lori Jean closed, we have seen the difficulty pulling right from Cemetery onto Gurley and the intrusion into traffic coming up Gurley towards Northern Drive.

This is a population dense project that appears too large for the proposed property and variances from zoning ordinances designed to protect the neighborhood should be enforced and the builder should be following them, not designing a project too large, too dense, and too populated for the piece of property. Please deny their request for a variance on these and any other requests moving forward.

Sincerely,

Bordaile Estates HOA
PO Box 283
Waterford, NY 12188
boardeestates@gmail.com

Zoning Board of Appeals
433 River St, Ste 5001
Troy NY 12180
5 January 2022

RE: PLZBA 2021 0077

To Whom It May Concern -

I wish to go on record opposing the variance requested by Keystone Homes, Inc.

The reduction of every square foot of green space increases the potential for non-permeable surfaces to be constructed on spaces that once provided surfaces for infiltration of surface runoff. Once permeable surfaces are so drastically reduced, there should be an engineered re-examination of the entire site plan's surface drainage plan.

What is the justification for this reduction of the minimum lot width at the front building line? The builder has already received a variance for far fewer parking spaces for the complex than what the city plan had adopted in its model for future building. Reducing the footprint of the construction site must mean changes to the site plan itself:

1. Will the buildings be closer together?
2. Will the size of parking spaces be reduced in size (even by inches per space)?
3. How will this impact the actual construction activity that will take place on the site?

This shrewd strategy of getting approval for building then asking for multiple variances and special considerations (such as tax relief and reduction) is reprehensible, and one has to speculate about whether it was the intention of the builder and investors all along to take this path? Surely all shortcomings of the building site could have been addressed in one appeal, not scattered over several months. Consistent public scrutiny of these non-congruent requests is difficult to maintain and unfair to the residents of surroundings neighborhoods who stand the most to lose.

It goes without saying that I've been opposed to this project from its inception. The slope failure on Lori Jean Place is testament to the importance of considering surface runoff and ground water migration. Slope, proximity to bedrock and loss of permeable surfaces in this area are only going to exacerbate already existing problems for local residents on both sides of Gurley Avenue.

Sincerely,
Shirley S. Albright
43 Lori Jean Place
Troy, NY. 12182