

Wm. Patrick Madden
Mayor

Monica Kurzejeski
Deputy Mayor



Steven Strichman
Commissioner of Planning

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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 meeting at 6:00 P.M. on Wednesday, February 2nd, 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.

6:05 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), Angelina Apindem (Planning Technician)

Administrative Items

Adoption of Meeting Minutes from January 5th by Resolution

- JN motioned to approve Meeting Minutes from January 5th. MP 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 January 5th passed 5-0.

New Business

PLZBA 2022 0009 – 1624 Highland Avenue (101.71-12-8) [R-3: Multiple-Family Residential, Medium-Density] Area Variance (parking deficiency of 1 space where 4 spaces are required) – SEQR (Unlisted)

The applicant, Anthony Behan, is proposing to open a grocery with a deli in a vacant storefront.

- Applicant presentation.
- Board member comments and questions to applicant.
- Request for public comment. No public comment.
- 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.**
- MP motioned for Area Variance (parking deficiency of 1 space where 4 spaces are required) approval. KM 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 1 space where 4 spaces are required) approval passed 5-0.**

PLZBA 2022 0002 – 520 Fifth Avenue (80.64-6-19) [B-2: Community Commercial]

Use Variance (used auto sales) and Special Use Permit (auto service repair) – SEQR (Unlisted)

The applicant, Michella Rizk, proposes to use this former auto service facility for used car sales and auto repair service. “Used car sales” requires a Use Variance and “auto repair service” requires a Special Use Permit. The applicant is represented by Barb Nelson, R.A., of TAP Inc.

- Counsel recusal by Andy Brick due to conflict of interest.
- Corporation Counsel Richard Morrissey represented the Zoning Board of Appeals for this proposal only.
- Applicant presentation.
- Board member comments and questions to applicant.
- Request for public comment. Public comment generally in opposition.
 1. Justin Cockx, 519 Sixth Avenue
 - 4 questions:
 - Will parking area have adequate drainage?
 - Consultant of applicant is currently working on this.
 - Will there be adequate fuel storage per City Code?
 - Applicant claims there will be no fuel storage in the property
 - Will parking area be illuminated throughout the night?
 - Applicant claims overhead lights will be shut off after operating hours.
 - Will the applicant adhere to all City Codes and be a good steward of the neighborhood after receiving a Stop Work Order?
 - Applicant claims to abide by all required City Codes.
- Commissioner deliberation.
- Applicant response.

- KM motioned for a Negative Declaration (SEQR) of this Unlisted action. JM 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 Use Variance (used auto sales) approval. JM seconded:

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

Motion for Use Variance (used auto sales) approval passed 5-0.

- MP motioned for Special Use Permit (auto service repair) approval. KM 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 (auto service repair) approval passed 5-0.**

PLZBA 2022 0007 – 199 Second Street (100.76-10-9)

[R-4: Urban Neighborhood Residential, Medium- to High-Density]

Area Variances – minimum lot width at front building line: 15 feet per unit (75 feet required, 43 proposed) and minimum side setback: 10 feet total of both sides (10 feet required, 0 proposed) – SEQR (~~Type II~~) (**Unlisted**)

The applicant, Maxwell Woolley, proposes to subdivide an existing lot (103 ft. by 130 ft.) into three separate tax parcels. Reliefs sought include thirty-two (32) feet from the minimum lot width at front building line and ten (10) feet from the minimum side setback. The applicant is represented by Barb Nelson, R.A., of TAP Inc.

- Applicant presentation.
- Board member comments and questions to applicant.
- Request for public comment. Written and verbal public comments generally in opposition, claiming that this proposal is out of character with the neighborhood and is inappropriate to the location. Written public comments received via letter or e-mail will be compiled at the end of these Minutes.
 1. Kathy Sheehan, Troy and Rensselaer County Historian, 149 Second St.
 2. Jim Martin, President of the board of the Washington Park Association of Troy, Inc., 164 First St.
 3. Garrett Hamlin, 205 Second St.
 4. Nicholas J. Faso, Esq., Cullen and Dykman LLP, representing Steven Hartman, owner of 201 Second St.
- Commissioner deliberation.
- Applicant response.

- KM motioned for a Negative Declaration (SEQR) of this Unlisted action. CC 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 width at front building line) denial. 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 at front building line) denial passed 5-0.**

- CC motioned for Area Variance (minimum side setback) denial. MP 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 side setback) denial passed 5-0.**

PLZBA 2022 0008 – 89 Fourth Street (101.53-9-11) [B-4: Central Commercial]

Special Use Permit (residence below second floor of principal structure) – SEQR (Unlisted)

The applicant, David Kropp, proposes to convert the first-floor commercial space of this property into residential.

- Applicant presentation.
- Board member comments and questions to applicant.
- Request for public comment. No public comment.
- 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 (residence below second floor of principal structure) approval. JM 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 (residence below second floor of principal structure) approval passed 5-0.**

KM motioned to adjourn at 7:11 PM. JN 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 7:11 PM passed 5-0.

February 2, 2022

Via Email Only

City of Troy
c/o Zoning Board of Appeals
433 River Street
Troy, NY 12180
zoningboard@troyny.gov

Re: PLZBA 2022 0007 – 199 Second Street

Dear Members of the Board:

I submit this letter in opposition to the application of Maxwell Wooley seeking area variances in connection with a plan to develop his property located at 199 Second Street in Troy, New York. Attorney Nicholas Faso has submitted a more formal letter of opposition on my behalf. But I also wanted to share a personal note.

On his application form, I noticed the applicant did not give a relevant answer to questions about whether the variance request would create any undesirable change in the character of the neighborhood or be a detriment to nearby properties. I will attempt to answer that here.

My family lives directly to the south of 199 2nd St. at 201 2nd St. We purchased the property, in part, for its views of the park. I have 8 north facing windows. If the ZBA grants these variances, the proposed development of the property would virtually eliminate that view and replace it with a wall. Obviously, I would not have invested a sizable chunk of my savings to rehabilitate a 19th century row house - only to look out onto the broadside of a 21st century knockoff. I understand the applicant is trying to increase the value of his property. But make no mistake, it comes at the expense of mine. Honestly, I could have never imagined such a plan would even be up for discussion. Nor could the city of Troy. There isn't an odd number between 199 and 201. Clearly, city planners had no designs on ever subdividing this lot.

When someone buys an old house in a historic neighborhood like Washington Park, I think the buyer has a reasonable expectation of permanence. Indeed, a new home has not been built in this district for at least xx years. As a neighborhood, and as a city, we typically value these pockets of tradition and make every effort to preserve them. That's one of the reasons we have zoning boards.

Furthermore, the applicant argues "closing the gap" between our houses is a benefit and would support "restoration of the historic streetscape."

To be clear, the lot in question never had a house (it was a church). So adding residences is not "restoring" anything. In fact, for most of the past century the property has been lawn and garden. A huge oak(?) tree stands in the center of the parcel as testament. That is the "historic

streetscape” known to generations. Increasing density on this site to help the applicant maximize his investment accomplishes nothing for the larger community.

Obviously, there are plenty of places in Troy where new construction and growth are needed and welcomed. But in the center of one of the most historic neighborhoods in the Capital Region is simply not the appropriate space.

For what it’s worth, I have offered to buy all (or a portion) of this greenspace for considerably more than what it would currently appraise at. The applicant has told me he is not interested. At this time, he is only interested in selling the land for whatever price a builder would offer.

I remain open to any arrangement that would guarantee this lot remain green.

I respectfully request that the ZBA deny the application.

Sincerely,

/s/ Steve Hartman

Steve Hartman
201 2nd St.
quinnandrea@mac.com
917-699-8521

NICHOLAS J. FASO
PARTNER
DIRECT: (518) 788-9416
NFASO@CULLENLLP.COM

February 2, 2022

Via Email Only

City of Troy
c/o Zoning Board of Appeals
433 River Street
Troy, NY 12180
zoningboard@troyny.gov

Re: PLZBA 2022 0007 – 199 Second Street

Dear Board Members:

This firm represents Stephen Hartman, the owner of 201 Second Street in Troy, New York. We write in opposition to application number PLZBA 2022 0007 (the “Application”) of Maxwell Wooley (“Applicant”) seeking an area variance and related relief in connection with a proposed development of the Applicant’s property located at 199 Second Street in Troy, New York (the “Property”) and immediately next to Mr. Hartman’s property. The Zoning Board of Appeals (the “ZBA”) should deny the Applicant’s request because it improperly segments review of a larger proposed development and fails to satisfy the requirements of section 81-b of the General City Law (“GCL”) and section 285-33 of the Troy City Code (“City Code”).

The Property consists of an existing, five-unit building on the north side of the parcel and an unimproved yard on the south side of the parcel. The Property is located in an “R-4” zone. A church was at one time located on what is now the yard on the south side of the Property. Mr. Hartman’s property at 201 Second Street is immediately to the south of the Property and adjacent to the yard area. As depicted in the photographs attached as **Exhibit A**, Mr. Hartman’s property (on the left side of the photographs) is improved with a single-family residence directly abutting the Property’s southern border. Mr. Hartman’s home is constructed with windows and utilities on its northerly side facing the yard area (Ex. A).

According to the application, the Applicant seeks to subdivide his property into 3 lots, with the existing five-unit building on one lot with 43 feet of frontage, and the vacant portion of the Property divided equally into two lots, each with 30 feet of frontage. The proposed development violates at least two provisions of the zoning code, including the minimum lot width of 15 feet per unit and the minimum side setbacks of 10 feet total of both sides (City Code § 285-55).

On its face, the Application seeks a variance only of the 15-foot minimum lot width per unit. It appears the Applicant has requested this variance because the proposed subdivision will reduce the width of the lot from 103 feet to 43 feet in violation of the required 15 feet per unit (*i.e.*,

75 feet total).¹ However, the plans submitted with the Application indicate that the Applicant seeks to create two additional building lots, each 30 feet in width, apparently to permit the construction of two multifamily buildings on each new lot. The Applicant has yet to obtain subdivision approval to create the additional lots. The Application also contemplates that the buildings to be constructed on the newly created lots will directly abut each other and, on the southern boundary, directly abut Mr. Hartman's property. As such, the proposed development would block the preexisting windows and utilities on the northerly side of Mr. Hartman's property. This portion of the Application violates the minimum side setbacks of 10 feet total of both sides.²

Critically, although the Application is part of this larger development effort intended to inflate the value of the Property, the Application does not expressly seek a variance from the side setback requirements. It therefore appears that the Applicant is intentionally segmenting review of the proposed development to avoid analysis of all its impacts on Mr. Hartman and the neighborhood at large. The ZBA's Notice of Public Meeting implicitly recognizes that the Applicant seeks additional relief by stating that the "[r]eliefs sought include . . . ten (10) feet from the minimum side setback."³

As discussed below, the ZBA should deny the Application's request for variances from both the minimum lot width and side setback requirements of the zoning code and, further, should refuse to consider the Applicant's proposal until it includes all aspects of the contemplated development.

A. The proposed variances will create a detriment to nearby properties

Under GCL § 81-b(4)(b)(i), the ZBA must consider whether the proposed variance would create "a detriment to nearby properties." There is no question that the proposal would be detrimental to Mr. Hartman's property because it would block the preexisting windows and utilities on the northly side of Mr. Hartman's residence. As such, the proposal would completely destroy the character of Mr. Hartman's residence by rendering the windows nonfunctional and completely obstructing light and views from the residence. In addition, the proposal would prevent access to utilities on the northerly side of the property and require Mr. Hartman to incur substantial costs to relocate the utilities.

B. The benefit sought by the Applicant can be achieved by some method other than the area variances currently sought

Under GCL § 81-b(4)(b)(ii), the ZBA must consider "whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance." The Applicant may obtain the benefit sought—development of the vacant yard—

¹ Section 1 of the Application.

² Mr. Hartman reserves his right to object to any revised proposal that purports to comply with the side setback requirements.

³ Notice of Public Meeting

through means other than an area variance. The Applicant's Property has a total of 103 feet of frontage, which would permit the Applicant to subdivide the property into two lots, one for the existing building with a frontage of 75 feet and a second lot with a frontage of 28 feet. The second lot could be improved with a single-family home in compliance with the 15 foot per unit minimum lot width or, with a *de minimis* variance of two feet, a two-family home.⁴ Thus, the Applicant can achieve the benefit of developing the vacant portion of his property without a variance or with a far less substantial variance that would minimize the detrimental impacts on Mr. Hartman and the neighborhood.

C. The requested area variance is substantial

Under GCL § 81-b(4)(b)(iii), the ZBA must consider “whether the requested area variance is substantial.” Here, the requested variance seeks to reduce the minimum lot width requirement for the existing building from 75 feet to 43 feet, which amounts to a reduction of over 54% from the standard in the City code. As such, the requested variance is substantial.

D. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood

Under GCL § 81-b(4)(iv), the ZBA must consider “whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.” With respect to the adverse effects and impacts of the proposed development on the neighborhood, Mr. Hartman incorporates by reference the objections of the Washington Park Association of Troy, Inc. (“WPA”) in its letter to the ZBA, dated February 1, 2022.

E. The alleged difficulty was self-created

Under GCL § 81-b(4)(v), the ZBA must consider “whether the alleged difficulty was self-created.” Settled New York law provides that there is a presumption of self-created hardship where the applicant had actual or constructive knowledge of the limitations on the use of the property under the zoning laws in effect at the time of the applicant's purchase of the property. Here, there is no dispute that the hardship was self-created because the Applicant purchased the property with actual or constructive knowledge of the zoning laws requiring minimum lot widths per unit and side setbacks. Indeed, the Applicant purchased the Property in 2018, long after the City adopted the current zoning code. Since the hardship was indisputably self-created, and the Applicant cannot satisfy the other factors for an area variance, the ZBA should deny the Application.

⁴ Mr. Hartman reserves his right to object to any revised proposal that purports to comply with the minimum lot width and side setback requirements by reducing the number of proposed lots.



F. The Applicant has failed to provide evidence of a practical difficulty imposed by meeting the requirements of the City's Zoning Code

Section 285-33(D) of the City Code provides that, in the case of a major area variance,⁵ “the applicant must provide evidence of a practical difficulty imposed by the meeting of the requirements of this chapter.” Here, the Applicant has utterly failed to provide any evidence of a practical difficulty imposed by meeting the requirements of the zoning code. In fact, the Application is completely silent with respect to any alleged practical difficulty. In any event, the Applicant could not show any practical difficulty because, as discussed above, there is no dispute that the Applicant may develop the vacant portion of his property without seeking area variances. Accordingly, since the Applicant has not satisfied his burden of establishing practical difficulty (nor could he), ZBA should deny the Application in its entirety.

CONCLUSION

For these reasons, Mr. Hartman respectfully requests that ZBA deny the Application. We look forward to addressing these issues during the meeting on February 2, 2022. Please contact us with any questions in the meantime.

Respectfully submitted,

Nicholas J. Faso

⁵ The requested variance is considered major because it is not for an accessory structure or a swimming pool (*see* City Code § 285-33 [E]).

February 2, 2022

195 Second Street
Troy, New York 12180

Zoning Board of Appeals
City of Troy
433 River Street
Troy, New York 12180

Dear Members of the ZBA,

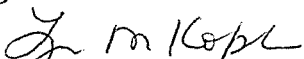
I am opposed to PLZBA 2022 0007 area variance for the side yard at 199 Second Street, a parcel in Troy's Washington Park Historic District. This is an unprecedented assault on the integrity of a shining example of historic preservation. The Park is also an example of the value of historic preservation.

I have spent the last 20 years dedicated to preserving and promoting the park as a whole as well as the contributing elements to the park. The preservation of the original paving stones on Washington Place and the stabilization of 8 Washington Place were projects that combined public & private resources to preserve the historic district.

In my decades living on the Park, no one has ever referred to the parcel formerly known as 200 Second Street as a buildable lot. It's been called a beautiful oasis in an urban setting, a great side yard and a valuable asset to 199 2nd Street. Its original use was as the side yard of 199 2nd Street. For almost 100 years it has been such.

Others have submitted letters and will present additional information in opposition to the request. I support Steve Hartman's position, and the expected comments by Kathy Sheehan, the City of Troy historian, reflect my viewpoints.

Thank you for your careful review of the request

Lynn M Kopke 

Dashiell.Chrisner

From: Erika Groff <erika.groff@gmail.com>
Sent: Tuesday, February 1, 2022 8:38 PM
To: zoningboard
Subject: PLZBA 2022 0008

Categories: 01_ZBA

We, on behalf of Maugenhard LLC, the owners of 81 4th St, are pleased to support the resolution to convert the first floor commercial space of 89 4th St to residential.

Erika and Lauren Groff
Maugenhard LLC

Dashiell.Chrisner

From: Matt <mbellis@siena.edu>
Sent: Wednesday, February 2, 2022 12:00 PM
To: zoningboard
Cc: Heather Watson; Bellis, Matthew
Subject: Comments on zoning request PLZBA 2022 0007

Categories: 01_ZBA

To the Troy Zoning Board,

We oppose zoning request PLZBA 2022 0007, the request to subdivide the lot at 199 Second St. into 3 tax parcels. The construction of new housing on the property would irrevocably change the character of the neighborhood and the block, which currently consists entirely of 100+ year-old historic structures. The historic nature positively affects property values and brings interest from film / TV shows, both of which stand to be negatively affected by new construction. It should be noted that the interest from film / TV companies in the unique historic buildings in Troy benefits the city as a whole, and not solely the Washington Park neighborhood.

Matt Bellis and Heather Watson
203 Second St.

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Matt Bellis
Siena College
mbellis@siena.edu
Pronouns: he, him, his
(work) 518-783-4171

Dashiell.Chrisner

From: Justin Cockx <justincockx@gmail.com>
Sent: Wednesday, February 2, 2022 11:53 AM
To: zoningboard
Subject: PLZBA2022 0002 520 Fifth Avenue

Categories: 01_ZBA

Hello to whom it may concern, my name is Mr Justin Cockx. My wife Lisa Cockx and our family reside at 519 6th Ave, Troy, Ny 12182. Our property is directly behind 520 5th Avenue. We have some concerns/questions in regards to the property's newly proposed permit and application. We would like them to be asked during the comments period of tonight's meeting. We will also be attending the zoom conference in person as well.

They are as follows:

1. Will the parking area have adequate drainage to prevent runoff and or leaching of rain water etc that may be contaminated with oil and or fuel from older vehicles that are there for service and or repair? Will the run off be prevented from getting on to the neighboring residences and or public alleyway?
2. Will there be any fule or oil storage on the property if so will there be adequate fire suppression equipment and correct storage requirements as per Troy City Code?
3. What type of lighting will be used to illuminate the parking lot and will they be off at night so as not to be disruptive or disturb the surrounding residential properties?
4. We noticed there was a stop work order on the premises how can we be assured you will not be violating Troy City Code again as this already does not represent a good steward of the neighborhood!

Sincerely Mr & Mrs Cockx
519 6th Ave, Troy, Ny 12182.

Dashiell.Chrisner

From: sridler@nycap.rr.com
Sent: Wednesday, February 2, 2022 10:38 AM
To: zoningboard
Subject: PLZBA 2022 0007 - 199 Second Street (100.76-10-9)

Categories: 01_ZBA

My name is Stephen Ridler and I own and reside at 185 2nd St Troy NY 12180.

I object to the granting of an area variance at 199 2nd St. I feel that subdividing this property without a clear development proposal that can be assessed against zoning, site plan and historic preservation review is premature. It also seems premature in light of the current City wide rezoning and the introduction of a form based code, that may change how the lot could be developed. While the applicant can appeal to the ZBA for area variances without having to apply for a permit, it is more usual to have these issue reviewed as part of the permit process

The Washington Park neighborhood was developed over many years before zoning existed with many and varied buildings, lot sizes, lot configuration and of course frontages. The application of R4 uses and standards within the neighborhood will always be complicated, especially when you add historic district review. Here we just have variances requested that will lead to a subdivision without any consideration of future development of the site.

This garden parcel is an essential component of the current character of the neighborhood and has matured over the more than 100 years since the former church was demolished. It is an important component of the streetscape, providing openness and light to the neighborhood. The character of the neighborhood known by local residents has always included the open lot which has been associated with the mansion that it adjoins. Any development on this parcel will also impact neighboring properties both of which have unobstructed side windows. The neighborhood is also a National Register District that was established during the period in which this lot was an open lot. It would seem appropriate that the SHPO and the City's historic preservation commission review this proposal before any appeal is considered that will result in a decision that runs with the land and not the property owner. I view the variance requested as leading to an undesirable change in the neighborhood and leading to a negative impact on the environment

The applicant was fully aware of the site constraints when the parcel was purchased and so any attempts to seek area variances is the result of a self-created difficulty. The argument that this difficulty was created in the past is not relevant to the applicants current request and as they were aware of these issues.

Dashiell.Chrisner

From: smuller1@nycap.rr.com
Sent: Wednesday, February 2, 2022 10:13 AM
To: zoningboard
Subject: ZBA Meeting Feb. 2, 2022: Written Submission Regarding Agenda Item 2022-0007

Categories: 01_ZBA

My name is Stephen Muller. I currently reside at 65 Third St. in Troy, but from 2003 to 2015 I was a resident and property owner in Washington Park. I was active in the Washington Park Association, and I am co-author of the 2017 book *Washington Park, Troy, New York: A Social History*. The book traces the origins and evolution of Washington Park.

I am submitting the following information to explain my opposition to the request in ZBA application 2022-0007 to subdivide the existing lot at 199 Second St. into two new building lots. I have three areas of concern.

First, the empty lot between 199 Second St. and 201 Second St. was created when the Park Presbyterian Church, which was built in 1855 on a large portion of the lot, was demolished in the 1920s. In the subsequent nearly one hundred years, this open space has become part of Washington Park's fabric. To lose this open space would change the nature of the existing neighborhood significantly.

I would also point out that open space has been a feature of Washington Park since its origins. In addition to Washington Park itself, the first house incorporated into the Washington Park development, 171 Second St., included an additional lot as a side yard. The three Greek Revival homes on Second St. ("Cottage Row") originally were separated by side yards. The four lots currently occupied by Park Place Apartments (formerly St. Mary's School) originally held a single house flanked by large side yards. More generally, many of the early lot owners combined and subdivided lots to create larger lots, often for side yards.

Second, all homes built in Washington Park date from before 1840 to 1890. They have over this time acquired a patina of wear from exposure to the elements. I think it would be extraordinarily difficult for the proposed infill houses to match this patina. This incongruous construction would be inconsistent with Washington Park's built environment and would detract from the existing streetscape. Furthermore, the proposed frontage of only 25 feet for one of the new lots is smaller than the standard 28-foot frontage specified in the Partition Deed of 1840 which established Washington Park. At present the only houses that have a frontage less than this are the "Gothic Row" houses (201-203-205 Second St.), which are three houses built on two standard lots. The applicant's statement that "The existing average frontage per unit in this neighborhood is roughly 8'" strikes me as totally irrelevant.

Third, and not noted on the map accompanying the application, the side yard for 199 Second St. hosts one of the most magnificent trees in Washington Park. Redeveloping this space would result in the loss of this tree, which would negatively impact the neighborhood.

For these reasons I urge you to reject this application.

Dashiell.Chrisner

From: Caitlin Horgan <caitlin07@gmail.com>
Sent: Tuesday, February 1, 2022 8:39 PM
To: zoningboard
Subject: ZBA Public Letter 199 2nd Street

Categories: 01_ZBA

Dear Zoning Board Members,

I write to you as a fourth generation Trojan and co-owner of 199 2nd Street. My great uncle, Tucker Monahan, loved Troy just like me. He served in WWII and helped people through his law firm. My great grandmother, Minnie Monahan, started the first telephone operating service. She improved communication and positively impacted the lives of Trojans. What unites us all, past and present, is our love of Troy. In all that my husband and I do, we put the people and the preservation of Troy first. I want to thank you, the members of the City of Troy, for your dedication to our great city.

I'm committed to serving others and preserving history. I was Washington Park Secretary for three years. When there were disagreements amongst members of our association, I was neutral for the sake of keeping the organization together. When the President and Vice President resigned, I planned and led our association's annual meeting, ensuring the continuity of the WPA. Many neighbors thanked me for my leadership.

I run a successful social media account highlighting our home, preservation projects and the City of Troy. Through my influence, I've attracted homeowners and renters to live on the park and throughout our city. I've helped several homeowners get apartments rented. Many neighbors have thanked me for positively promoting Troy and attracting great people.

It pained me to watch our new neighbor's contractor tare out the charming historical details of his home. It was his asset, not mine. He had every right to do what he wanted with his property, even though I disagreed. Everyone has a right to make their own decisions about their own assets within the bounds of the law.

When our neighbors had the opportunity to buy our property before we did, they walked away. They made lists of everything wrong with it. When my husband and I toured 199 2nd St., we made a list of everything right. The lot was one of the biggest pros on our list. Many neighbors remembered what an eyesore it was when we moved

in. We worked hard to improve our asset. Many people thanked us, but now they want to take away our hard work.

Thank you all for your time and consideration,
Caitlin Horgan-Woolley

I'm Garrett Hamlin. My wife, Laura Ferris, and I own 205 Second Street on Washington Park. We bought our house in 1993, and have been active members of the neighborhood for nearly 29 years. I am a registered Architect. I practiced at TAP for eight years, and I'm now Vice President of Tetra Tech Architects and Engineers in Albany. I am here tonight to speak in opposition of PLZBA-2022-07, proposed variance for subdivision of 199 Second St.

The proposed subdivision does not meet the R-4 zoning requirements for frontage or side setbacks. The Washington Park neighborhood is unparalleled in its historic character and urban design and granting a variance for this subdivision would seriously damage the unique quality of this important historic neighborhood.

The R-4 zoning requirements were established to create appropriate urban density while balancing other factors like the need for parking. While one could make the case that other properties on the block also do not meet the R-4 zoning requirements, it is important to remember that those other properties were built before the current zoning requirements were established. They were not granted variances, so to use them as a precedent to justify allowing this variance is unfounded.

I would also add that there is currently a shortage of parking in the neighborhood. Having lived here for almost three decades we know firsthand how the increased parking demand that is currently being experienced is a detriment to the neighborhood. Allowing this subdivision, which would lead to more housing units being constructed, would only exacerbate a growing parking problem.

The vacant land to the south of the applicant's house was the site of a former church building. It is likely that when church property was sold to a former owner of 199 Second St, there may have been deed restrictions or other requirements placed on the future use of that land. This question should be definitively answered before a decision to approve a variance for this subdivision is made.

If my math is correct, the proposed subdivision would create two vacant lots, each with 30' frontage. Under the R-4 zoning regulations each of these could have a 20' single family house, unless additional variances are granted for those parcels in the future. The design restrictions involved in creating 20' buildings on those lots would present even experienced and skilled architects with many challenges to develop buildings that would be appropriate for an historic neighborhood like Washington Park. It is certain that the movie industry looking for historic properties to film shows like the Golden Age in Troy would not be including shots of those buildings.

The property to the south of the vacant land being considered for subdivision is 201 Second Street. I believe it was the manse of former church. 201 Second St has numerous windows on the north façade that are original to the building. These windows provide natural light into a narrow building. The current owners of 201 Second St have just completed an extensive renovation of their property that relies on the natural light from these windows. Allowing the vacant lot to be subdivided into two parcels would irreparably harm 201 Second Street because it will allow those windows to be blocked in the future.

I believe this is a case between granting a variance to allow an owner to maximize profit, versus doing what is right to preserve the unique and historic nature of the Washington Park neighborhood. I ask that you deny this request for variance.

Washington Park Association of Troy, Inc.

February 1, 2022

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

Re: Application PLZBA 2022-0007

Dear Board Members:

The Washington Park Association of Troy, Inc. (WPAT) is an incorporated homeowners association comprised of 42 property owners, established to ensure the stewardship, maintenance and improvement of Washington Park, in perpetuity. The WPAT board of directors (the "Board") is writing to you now to express our concern with and opposition to the application for area variance for minimum lot width at front building line for the property at 199 2nd Street. The Board has heard from many members who are uniformly and firmly opposed to this application. We request you deny or table this application based on the following points.

The Washington Park historic district is arguably the most intact historic neighborhood in the city of Troy, known for its level of preservation and attention to maintaining an aesthetic begun prior to the mid-nineteenth century. The past four decades in particular have seen a passionate and dedicated group of owners invest their time and money to save these magnificent buildings from utter ruin and in some cases, scheduled demolition. They worked with what was there, restoring as much as possible, and always with pointed attention to the facades and streetscape.

The 103' wide lot that includes the building at 199 2nd Street also included a church until sometime in the 1950's when it was demolished. It has been a garden greenspace with various plantings, grass and mature trees for the past 70 years; that is the 2nd Street streetscape in that area, not 2-family infill homes that would be the only new construction on the front lot line in the entire Washington Park historic district. The replacement of this greenspace with such 2-family homes will result in an undesirable change in the character of the neighborhood and will be a serious detriment to nearby and adjoining properties. Parking is already challenging in this area and the issue would be further exacerbated by approving variances that could lead to increased housing density without a proposed parking plan.

While this agenda item lists the property as having 103' of frontage and 5 units (i.e., 75' frontage required), it can be found listed in various public records as having 97' (current tax map) of frontage and variously 4, 5 and 6 units. Latest Rensselaer County information lists 4 units and Troy lists 4 garbage fees paid. What details are correct? This discrepant information alone should be cause to remove this agenda item until the details can be verified and the public properly informed.

Comparing the application for minimum lot width variance to the frontage per unit of other properties in the area, as the applicant does in his application, is moot. It is not a valid argument to state that other properties have more units than zoned frontage. That some properties may exceed current zoning requirements is a consequence of historical circumstance. These uses are "grandfathered" into the historic nature and character of the neighborhood. The applicant purchased the subject property

fully aware of the neighborhood's historic aesthetic and with the knowledge that the subdivision he proposes was not permitted under the zoning laws. The applicant requires a variance to pursue subdivision, not for any other reason and certainly not compliance. Such a subdivision will result in a substantial change to the permitted use of the property and will adversely impact the physical and environmental conditions in the neighborhood.

Issuing this variance would be the gateway to application for subdivision. The applicant has made clear that intent and the ZBA recognizes the intent in the agenda item. Opening the door to subdivision, sale, and construction in the absence of a buyer, a detailed development proposal, and community input, is not responsible planning, especially in an historic district. Issuing a zoning variance that potentially enables a waterfall of undisclosed and unplanned activity should not happen. The application for zoning variance is premature and disrespectful to the neighbors and the historic fabric of our neighborhood. It would be irresponsible to grant such an application in the absence of a concrete development proposal for this historic property and without clearly stated conditions to protect the unique historical nature of the property and the neighborhood. It is especially appropriate for the ZBA to consider such conditions when evaluating a variance for a property in a nationally recognized historic district that is one of the true gems of the City. Because the applicant has not proposed any conditions (or even set forth any specifics of a plan) to protect the integrity of the property and its place in the neighborhood, his application must be denied.

The WPAT board is interested and committed to work with all owners to maintain the quality and continuity of the Victorian street-scape created during Troy's establishment as a technology and manufacturing leader during the industrial revolution. The uniqueness of the Washington Park neighborhood is its intrinsic value, not the creation of building lots and front property line infill. We have contacted this owner/applicant to request more time to meet with him and discuss his needs and wishes for his property. We believe that valuable options could be proposed that could meet the owner's needs while addressing the concerns of the WPAT owners at large.

We respectfully request that the ZBA deny or, at the very least, table this application for the reasons stated above. Thank you for your consideration.

Sincerely,

Jim

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