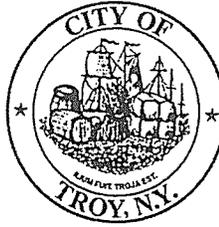


Wm. Patrick Madden
Mayor

Chris Nolin
Deputy Mayor

Catherine Conroy
Chair



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 meeting at 6:00 P.M. on **Wednesday, July 06, 2022**, in City Council Chambers, 5th Floor, City Hall, 433 River Street and 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), Katie McLaren (KM), John Normile (JN), Marc Pallozzi (MP).

Also in Attendance

Alaina Finan (Zoning Attorney), Aaron Vera (City Engineer), Angelina Apindem (Planning Technician).

Administrative Items

Adoption of Meeting Minutes from June 1st by Resolution

- KM motioned to approve Meeting Minutes from June 1st. JN 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 June 1st passed 4-0.

New Business

PLZBA 2022 0062 806-814 River Street (90.62-3-39, 90.62-3-41, 90.62-3-42, 90.62-3-43| R-4 Urban Neighborhood Residential.
Area Variance-SEQR Unlisted.

The applicant, Habitat for Humanity Capital District, on behalf of the owner, Troy Community Land bank, is proposing to subdivide four vacant lots into six lots. The following variances are sought for each lot:

- Front setbacks required is 10 ft, 2 ft is proposed, relief of 8 ft.
- Side setback required is 10 ft, 3.79 ft is proposed, relief of 6.21 ft.
- Two (2) parking spaces are required, none provided, relief of 2 spaces.
- The maximum height required is 40-60 ft, 35 ft proposed, relief of 5 ft.

Application was redrawn by the applicant.

- JN motioned to tabled item indefinitely. MP seconded:

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

- Motion to tabled item indefinitely passed 4-0

PLZBA 2022 0068- 561-565 Congress St. (101.80-2-44 |0.22 ac. | B-2: Community Commercial).
Special Use Permit (per § 285-58(C)(7)) and Area Variance- SEQR Type II (per 617.5(c)(18))

The applicant, Adam Wilke, is proposing to convert the existing store fronts on 561, 563 and 565 Congress St into three (3) residential units. This request will result in 11 residential units in total. The following variances are sought:

- Special Use Permit; residence below the second floor of the principal structure.
- Eleven (11) parking spaces are required, none are provided, relief of Eleven (11) parking spaces.
- Applicant presentation.
- Board member comments and questions to applicant.
- Request for public comment.
 - Jan Sieminigowski claims residential use for this property is good since no business wants to stay without parking spaces being provided.
- Commissioner deliberation.
- Applicant response
- KM motion for the approval of special use permit and area variance. MP seconded:

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

Motion for a special use permit approval a passed 4-0

Approval passed with the stipulation that; the applicant goes to planning commission for site plan approval.

PLZBA 2022 0071 – 70 Oakwood Ave- (90.79-6-16 | 0.08 ac | R-2: Two - Family Residential)
Use Variance – SEQR Unlisted

The applicant, Robert Chartier on behalf of the owner, Frank Alonso proposes to convert a Two-Family Residential property into a Three-Family Residential property. The following variances are sought:

- Use Variance: Change in use from Two-Family Residential to a Three-Family Residential.
- Maximum density required is twelve (12) units per acre, thirty-eight (38) units per acre are proposed, relief of twenty- six (26) units per acre.
- Parking spaces required are three (3), none is provided, relief of three (3) spaces

- Applicant presentation.
- Board member comments and questions to applicant.
- Request for public comment.
- Commissioner deliberation.
- Applicant response.

- MP motion to table item to next meeting for proof of financial hardship JN seconded

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

- Motion to table item to next meeting for proof of financial hardship passed 4-0.

PLZBA 2022 0064 -519 Congress St (101.79-3-37 | 0.08 ac | B-2: Community Commercial)
Use Variance – SEQR Unlisted.

The applicant, Jan Sieminigowski, is proposing to use vacant land as a restaurant, tavern and nightclub with more than 50 customers at one time, requiring a use variance.

- Applicant presentation.
- Board member comments and questions to applicant.
- Request for public comment. Public comment generally in favor.
 - Denise- Prospect Ave- claims Jan's improvement of parcels in the area has prevented the dumping of garbage in the area.
- Commissioner deliberation.
- Applicant response

- MP motion to table item for proof of financial hardship. JN seconded

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

- Motion to table item to next meeting for proof of financial hardship passed 4-0.

PLZBA 2022 0065- 0 Smart Court (112.67-1-1.1, 112.67-1-1.2 | 0.17 ac | R-2: Two - Family Residential).
Use Variance – SEQR Unlisted.

The applicant, James & Jennifer Strope is proposing to install a 30' x 50' steel garage and a row of storage bins on a vacant land, requiring a use variance.

- Applicant presentation.
- Board member comments and questions to applicant.
- Applicant response

ZBA denied the request to reconsider on this application. ZBA did not have the power to reconsider on the same application which was denied in 2017.

PLZBA 2022 0072 - 274 4th St (101.77-9-1 | 0.09 ac | R-4: Urban Neighborhood Residential).
Use Variance – SEQR Unlisted.

The applicant, Tiffany Degraffenreid, is proposing to utilize the storefront of 274 4th St as a boutique, requiring a use variance.

- Applicant presentation.
- Board member comments and questions to applicant.
- Request for public comment.
- Applicant response
- Proposal tabled to next meeting for proof of financial hardship

• **CC motioned to adjourn at 7: 39 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 7:39 PM passed 4-0.

From: [Jona Favreau](#)
To: [zoningboard](#)
Subject: 0 Smart Court (112.67-1-1.1, 112.67-1-1.2 | 0.17 ac | R-2: Two - Family Residential). Use Variance – SEQR Unlisted
Date: Wednesday, July 6, 2022 12:46:50 PM

Good afternoon,

My apologies for the late communication - I was under the impression that I would have received a zoning variance letter in the mail, but it never came.

I have concerns regarding the variance request mentioned above at 0 Smart Court. I'd like to keep this area zoned residential, as the number of families in the area with small children are increasing and the increased traffic down this road concerns me. I personally walk this road daily with my 2 year old and don't want to see increased traffic to and from the storage units.

I also have concerns because the current occupants disregard stop signs. I don't want to make it personal because I personally don't know these applicants, but I have seen them / employees (marked vehicles) almost hit others and speed out onto Spring Ave. I've noticed their vehicles parked on Pawling Ave. overnight - that seems more like a reasonable spot for this type of construction and vehicle activity.

I won't be able to make this evening's meeting, please confirm this email will be included.

Jona

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Jona Favreau (she/her/hers)

From: lunasea23@aol.com
To: johnsm5@rpi.edu; [zoningboard](#)
Subject: PLBZA 2022 0068 - 561 - 565 Congress St
Date: Tuesday, July 5, 2022 2:28:42 PM

To City of Troy Zoning Board of Appeals,

Regarding the request for relief of the required number of parking spaces for this project, I must point out that, currently vehicles are routinely parked on sidewalks and occasionally blocking driveways on Brunswick Avenue. This has been an ongoing problem and the granting of the applicant's request would exacerbate it greatly.

For that reason, this request should be denied.

Thank you

George Johnson

From: [Joe DeGiorgio](#)
To: [zoningboard](#)
Subject: PLZBA 2022 0065 - Use Variance
Date: Tuesday, July 5, 2022 10:05:43 AM

To Whom It May Concern:

Please note this email as a comment to not recommend the implementation of the use variance request in the subject line (0 Smart Court), due to potential negative effects on the east side neighborhood and its residents.

This area is zoned residential, and as a resident of this neighborhood, my wife and I would prefer that it remains that way. The applicants of the variant run a business in our neighborhood, and have already cleared land on Smart Court for commercial use, despite requests to not proceed.

Our main concern, other than displacing the animals that have already been affected by the clearing of the land, is the increased truck and dump truck traffic that is already prevalent on Spring Avenue. A large garage and storage bins guarantees more traffic, pollution, and noise in a serene neighborhood that has already been inundated with those elements.

We are also concerned these structures would affect the character of our neighborhood, and affect future property values for residential homes. This property could be used for the original purpose of our beautiful neighborhood, such as a new two family home that would offer housing in a time where it is in short supply.

I appreciate your attention here, and implore the zoning board and planning commissioner to keep our neighborhood beautiful (and residential), and dismiss this request that would affect quality of life on the east side.

Many thanks,

Joe DeGiorgio

<http://joedegiorgio.com>

degiorgio.jr@gmail.com

(518) 469-6132

From: [Michelle McMahon](#)
To: [zoningboard](#)
Subject: PLZBA 2022 0065 (0Smart Court)
Date: Wednesday, July 6, 2022 11:53:57 AM

I'm writing on behalf of the proposed steel garage and storage bins being proposed on 0 smart court, I am not in favor of this in my neighborhood.

This company has been running their commercial business in a residential neighborhood for years and we don't need this more permanent.

There are dump trucks in and out, business trucks, excavators it's just not appropriate for the area, the road in and out is small and the neighborhood is quite.

Thank you for your time.

From: [Richard C. Herrick](#)
To: [zoningboard](#); [Angelina.Apindem](#)
Subject: PLZBA 2022 0065- 0 Smart Court PLEASE CONFIRM RECEIPT
Date: Saturday, July 2, 2022 2:22:59 PM
Importance: High

PLZBA 2022 0065- 0 Smart Court (112.67-1-1.1, 112.67-1-1.2 | 0.17 ac | R-2: Two - Family Residential). Use Variance – SEQR Unlisted.

The applicant, James & Jennifer Strope is proposing to install a 30' x 50' steel garage and a row of storage bins on a vacant land, requiring a use variance.

My name is Richard Herrick and I reside at 29 Desson avenue, Desson is the street across the street from Smart Ct.

I WISH TO GO ON RECORD IN OPPOSITION TO GRANTING ANY USE OR OTHER VARIANCES FROM THE ABOVE LISTED PROJECT. THE USE VARIANCE HARDSHIP IS SELF CREATED BY THE APPLICANT.

THE APPLICANT HAS NOT PROVEN

[1] that the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

No evidence has been submitted. and clearly the applicant could build a home on the lots and keep within current zoning.

[2] That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

[3] That the requested Use Variance, if granted, will not alter the essential character of the neighborhood;

A change in use at the site would most certainly alter the essential character of the neighborhood and constitute SPOT ZONING and

[4] That the alleged hardship has not been self-created.

The "hardship clearly is being self created

IT MUST BE NOTED THAT THE ZONING BOARD REJECTED A USE VARIANCE REQUEST AT THIS SITE A FEW SHORT YEARS AGO!!

thank you and please insure that all zba members receive a copy

**richard herrick
29 desson ave
troy ny 12180**

From: [donna clement](#)
To: [zoningboard](#)
Subject: PLZBA 2022 0065- 0 Smart Court
Date: Sunday, July 3, 2022 7:58:07 PM

To whom it may concern. This is in regards to the area on Smart Ct being looked at for a 50x30 structure along with storage units.

As a lifelong member of the east side I feel this is an awful use for this land. Our quiet neighborhood will not fair well with the increase in traffic and noise created by this. This will greatly affect our property values and the safety of our children playing in the area. This area is not appropriate for commercial use. Thank you. Donna

[Sent from Yahoo Mail for iPhone](#)

From: [Frank Torrales](#)
To: [zoningboard](#)
Subject: PLZBA 2022 0068 - Concerns and Objection
Date: Wednesday, July 6, 2022 11:50:42 AM

To whom it may Concern at the Zoning Board,

I, Frank Torrales owner of 571 Congress object to this request to have an additional residence permit allowed without having the available 11 parking spaces required. There is already an issue with parking going back since Congress Street redo project which took away all the street parking we once had on Congress.

The congestion created on Brunswick by the lack of parking on Congress has made some residents park on the sidewalks of Congress St and Brunswick. Also well large amount of garbage accumulates from those current tenants makes this area look bad and is an eye sore.

I object to adding new residences to a location that has not been well kept and with no parking available for their current and any additional tenants.

Please reject

Frank Torrales
518-805-5923

From: [Debi](#)
To: [zoningboard](#)
Subject: Variance for Strobe
Date: Wednesday, July 6, 2022 12:06:26 PM

To Whom it may concern.

I reside in the residential area that will be affected by any variance approved for Strobe's steel garage and storage bins on Smart Court. I am opposed to any change of the building code/zone in this area as there are many other zoned areas for construction vehicles and storage units.

Other points to examine include pollution and noise from the construction vehicles as well as the safety of the residents and their children. There are also concerns regarding the lack of input from the city engineers regarding the effect on the water table to the natural springs and environment.

Please consider the residents' concerns regarding this matter.

From: [Taylor Loccisano](#)
To: [zoningboard](#)
Subject: Variance on Smart Ct. PLZBA 2022 0065
Date: Wednesday, July 6, 2022 4:49:10 PM

Hello,

My husband and i recently purchased 346 Spring Avenue and moved in on July 1st. One of the reasons we purchased in this east side neighborhood was due to how quiet it was and how nice and forested the yard/ surrounding neighborhood was. We recently were informed of a proposal of a variance to permit a commercial structure near our property. If this is allowed to go through the truck traffic on Spring Ave would increase, along with noise levels. Our quiet back yard would be filled with the loud noise of construction traffic. We are also concerned about the value of the house we just purchased. There are plenty of commercial areas in Troy for this building. This neighborhood is not the correct fit. Please don't let this continue.

Thank you for your consideration,
-Taylor & Matteo Loccisano
(346 Spring Avenue)