

Carmella Mantello  
Mayor

Seamus Donnelly  
Deputy Mayor



## Zoning Board of Appeals

433 River St., Ste. 5001  
Troy, New York 12180

### NOTICE OF PUBLIC MEETING

Notice is hereby given that the Zoning Board of Appeals of the City of Troy, New York, will conduct a public meeting at **6:00 P.M. on Wednesday, August 7th, 2024**, in City Council Chambers, 5th Floor, City Hall, 433 River Street, to hear and decide on the proposals listed below.

The City of Troy Zoning Board of Appeals will be conducting in-person meetings, however members of the public may attend and participate virtually.

Members of the public are encouraged to submit comments prior to the meeting via email or in-person during the public comment period. All written public comment should be directed to [zoningboard@troyny.gov](mailto:zoningboard@troyny.gov) at least six (6) hours prior to the meeting. No other email address is monitored for public comment.

**6:05PM – Meeting called to order.**

#### Board Members in Attendance

Yvie Dondes (YD), Lindsay Zefting (LZ), Stephen Miner (SM)

Also, in Attendance

Rich Morrissey (Attorney), Angelina Apindem (Planning Technician)

YD motioned to appoint LZ as chairperson for the meeting, SM seconded.

Motioned to appoint LZ as chairman for the meeting passed, 3-0.

#### Administrative Item

#### **Adoption of Meeting Minutes from June 3rd, by Resolution**

- **SM motioned to approve minutes from June 3rd, YD seconded.**

	Absent	Yes	No	Abstain	Recused
Yvie Dondes		X			
Stephen Miner		X			
Jack McCann	X				
Lindsay Zefting		X			

- **Motioned to approve minutes passed 3-0.**

Written by Angie Apindem Executive Secretary. For additional information, visit: <https://www.troyny.gov/government/boards-commissions/zoning-board-of-appeals/agenda-minutes/>. As required by the Americans with Disabilities Act, auxiliary aids and services are available upon request. Please give one-week advance notice for services needed.

**New Business**

**PLZBA 2024 0027** 19 Central Ave (112.59-3-4|0.19ac| Single Family| N-II)  
Area Variance – SEQR Type II (per 617.5(c)(16))

The applicant, Jennifer Sheeran-Strope, wants to enlarge the back yard bar that already exists. The required side setback is 5 ft, applicant is proposing 2.5 ft, requesting a relief of 2.5 ft. ~~Additionally, the applicant is seeking relief from the 40% pervious coverage requirement.~~

- Applicant presentation.
- Board members deliberation and questions to applicant.
- Applicant response:
- Request for public comment: A letter from Mervin Swartz (21 central Ave) in support of the variance.

- **Findings of fact.** YD moved to approve this variance base on the following findings of fact:

- The variance will not create an undesirable change in the neighborhood as the project is an existing structure that is being expanded.
- The benefit cannot be achieved by some other means feasible.
- The requested variance is not substantial.
- The variance if granted will not have an adverse effect on the environment.
- The alleged difficulty is not self-created since the neighbor's tree collapsed on the building during the last storm.

- **YD motioned to approve area variance; SM seconded.**

	Absent	Yes	No	Abstain	Recused
Lindsay Zefting		Yes			
Stephen Miner		Yes			
Jack McCann	✓				
Yvie Dondes		Yes			

- **Motion to approve area variance passed 3-0.**

**PLZBA 2024 0030** 118 Sherman Ave (112.78-1-10| 0.74ac| Single Family| N-1)  
Area Variance – SEQR Type II (per 617.5(c)(16))

The applicant, Domenica Cioffi, is requesting relief from the following area variances for a built carport.

- The required front setback is 30 ft, carport is 22 ft from the property line, relief of 8 ft is sought.
- Side setback required is 5 ft, 4.6 ft is existing, relief of .4 ft is requested.

- Applicant presentation.
- Board members deliberation and questions to applicant.
- Applicant response:
- Request for public comment:

Written by Angie Apindem Executive Secretary. For additional information, visit: <https://www.troyny.gov/government/boards-commissions/zoning-board-of-appeals/agenda-minutes/>. As required by the Americans with Disabilities Act, auxiliary aids and services are available upon request. Please give one-week advance notice for services needed.

- Anthony Pasinella – in support of the project.
- Chris Keado-sent a public comment in opposition to the variance requested.

• **YD motioned for a Negative Declaration (SEQR) of this type II action, SM seconded.**

	Absent	Yes	No	Abstain	Recused
Lindsay Zefting		Yes			
Yvie Dondes		Yes			
Stehen Miner		Yes			
Jack McCann	X				

• **Motion for a Negative Declaration (SEQR) of this type II action passed 3-0.**

• **Findings of fact.** YD moved to approve this variance base on the following findings of facts:

- The variance will not create an undesirable change in the character of the neighborhood or be detriment to nearby properties since it's consistent with other structures.
- The benefit sought may not be achieved by some other feasible method other than the proposed variance since it's a modest very accessory structure.
- The requested variance is not substantial.
- The variance if granted will not have adverse effect on the physical environmental conditions.
- The alleged difficulty is not self-created based on the traffic situation of the street.

• **YD motioned to approve area variance; SM seconded.**

	Absent	Yes	No	Abstain	Recused
Lindsay Zefting		Yes			
Stephen Miner		Yes			
Jack McCann	X				
Yvie Dondes		Yes			

• **Motion to approve area variance passed 3-0.**

**Old Business**

**PLAZBA 2024 0017** 813 First Ave (80.24-6-1|0.12ac| R-2|N- II)  
Area Variance - SEQR Type II (per 617.5(c)(17)).

The applicant, Neil Pelone Architecture PLLC, on behalf of the owner, Joseph Navarra, is proposing to build a three-story structure on a vacant lot. The following variances are required.

- ~~The minimum principal building ground floor area required is 720 sf. 368 sf is proposed, relief of 352 sf is requested.~~

Written by Angie Apindem Executive Secretary. For additional information, visit: <https://www.troyny.gov/government/boards-commissions/zoning-board-of-appeals/agenda-minutes/>. As required by the Americans with Disabilities Act, auxiliary aids and services are available upon request. Please give one-week advance notice for services needed.

- The required distance between the proposed building and building to the south is 30 ft., 11.8 ft is proposed, relief of 18.4 ft is requested.
- The minimum front side setback is 5 ft, 0 ft is proposed, relief of 5 ft is requested.

• **YD motioned for a Negative Declaration (SEQR) of this type II action; LZ seconded.**

	Absent	Yes	No	Abstain	Recused
Lindsay Zefting		Yes			
Yvie Dondes		Yes			
Stehen Miner		Yes			
Jack McCann	X				

• **Motion for a Negative Declaration (SEQR) of this type II action passed 3-0.**

• Findings of Fact:

- The variance will not create an undesirable change in the character of the neighborhood or be detriment to nearby properties since it's consistent with other structures.
- The benefit sought cannot be achieved by some other feasible method by granting this variance to make sure we have the line of sight to the Hudson River.
- The requested variance is not substantial distance for the city when making roadway implements when the need be.
- The variance if granted will not have adverse effect on the physical environmental conditions.
- The alleged difficulty is not self-created given the constraints of the property.

• **LZ motioned to approve area variance; SM seconded.**

	Absent	Yes	No	Abstain	Recused
Lindsay Zefting		Yes			
Stephen Miner		Yes			
Jack McCann	X				
Yvie Dondes		Yes			

• **Motion to approve area variance passed 3-0.**

• **LZ motion to adjoin meeting at 6:46 pm, YD seconded.**

	Absent	Yes	No	Abstain	Recused
Lindsay Zefting		Yes			
John Normile	✓				
Jack McCann	✓				
Yvie Dondes		Yes			
Stephen Miner		Yes			

• **Motion to adjoin meeting at 6:46 pm passed, 3-0.**

## Angelina.Apindem

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**From:** chris keado <ckeado@gmail.com>  
**Sent:** Monday, August 5, 2024 2:14 PM  
**To:** zoningboard  
**Subject:** Public Meeting, 8/7/2024 - Application PLZBA 2024 0030-118 Sherman Ave

**Categories:** Orange Category

Mr. Coburn:

I have the following questions/issues with the proposed Variance application:

1. It appears that the "new" structure in question was constructed without a building permit and after the property was conveyed to the current owner. Per Chapter 141, Article 1, Section 141-4, "the erection, construction, enlargement, alteration...of any building or structure" must first obtain a building permit.

I don't believe that this structure was constructed in accordance with the Residential Code of NYS and if a building permit was received, the deficiencies would have been caught. I don't believe that this structure would have required a licensed professional's oversight, however it would have helped.

2. Per the 2020 Residential Code of New York State, this structure would not be classified as a Carport (Section R309.2-Carports) due to the fact that it is not open on two or more sides. This Garage is fully enclosed except for the opening for a garage door.

Please consider these comments in this matter.

Regards,  
Chris Keado

July 8, 2024

My name is Melvin Swartz and I own the property @ (21 Central Ave Troy NY ) next to Jennifer Sheeran – Strobe at 19 Central Ave Troy NY. I received notice of the filed Area Variance concerning the setback with the structure that is being built. I have absolutely no problem with this. I grant my permission that the Area Variance be approved. If you have any questions or concerns, I can be reached at 518-694-6241.

Thank you.

A handwritten signature in cursive script that reads "Melvin Swartz".

Melvin Swartz

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

Public Meeting - Wednesday, August 7, 2024

**PLZBA 2024 0022** 125 River St (100.68-1-1. /1|3.23ac| DMU| Downtown II)  
Area Variance -SEQRA (Unlisted).

Please consider the following:

- The project is too large for the site given the Applicant is trying to design around the ramps to the Congress Street bridge. All five of their requests for a variance arise from trying to fit the project inside of the bridge ramps.
- The project needs to slow down and go back to a design based upon the one developed through many community and planning meetings. This plan was presented to the Planning Commission in October 2020. *A rendering from that application is attached for reference.*
- I have heard three reasons that the Applicant must design with the ramps remaining. All are questionable:
  - The ramps are structural and can't be removed.
    - Only a portion of the ramps are structural. The structural portion of the ramps ends at the pylon where the structural steel ends. This needs to be confirmed as part of the Congress Street Bridge Project. *A Google Maps photo of the site showing this is attached.*
  - It is too costly to remove the ramps.
    - This can be incorporated into the Congress Street Bridge Project, which now has funding and is going to final design. I assume that this is what was planned in the October 2020 application.

- NYS DOT has a permanent easement on the ramps.
  - While this may be true, you can request the NYS DOT to declare the ramp land surplus to their needs. This also can be done as part of the Congress Street Bridge Project.
- The Applicant is requesting five variances. Granting any of these variances sets an extremely bad precedent given the fact that the salt pile is finally being moved and extensive development of the riverfront south of this site is in the works.
- I request that the Zoning Board of Appeals recommend to the Applicant that they slow down, and design based on the projected Congress Street Bridge Project.
- With the ramps removed, the added land may allow the Project to be redesigned to be in compliance with the Zoning Ordinance.
- I do feel that the Project will still have too many units and will be difficult to meet the Zoning requirements.
- What is the rush to finalize a design when a major project going through the middle of their site is about to be finalized?
- If the reason is that there are financing deadlines to meet, then this is a self-imposed hardship and not a valid reason for a zoning variance.

Respectfully submitted

Russell Brooks

37 1<sup>st</sup> Street  
Troy, NY 12180  
(518) 421-8194  
rbrooks5147@gmail.com



**Russell Brooks**  
**37 1<sup>st</sup> Street**  
**Troy, NY 12180**

**PLPC 20240010 Troy Savings Bank Music Hall**

**Zoning Board of Appeals – August 7, 2024**

**Electronic Messaging Centers (EMC)**

- The Troy Savings Bank Music Hall is located in the Downtown 1 development zone of the DMU (Downtown Mixed Use) zone. This zoning was established to ensure appropriate development in the most historic and mixed use portion of Troy. This is an area of residences, both single-family and apartments and businesses.
- EMC are strictly forbidden in this DMU zone as they are not appropriate in an area where people live.
- Even in zones where EMCs are permitted, only one per property is permitted.
  - This request from the Music Hall is asking for 17.
    - Marquee – 3 signs, one on the front and one on each side
    - Freestanding signs in the plaza. Two 4-sided signs
    - Freestanding sign in the parking lot. One 4-sided sign
    - Entry Door – one on each side (sidelights)
- Regarding the Applicant's rationale for needing EMCs, please consider the following:
  - The Troy Savings Bank Music Hall is not hard to find. It is clearly identified and if the applicant thinks it needs more identification then put up a permanent sign or banner that complies with the code.
  - As James Rath offered at the Planning Commission meeting, everyone has an EMC in their pocket. That's how we get our information about events, shows and things to do.
  - If the TSBMH is concerned about increasing attendance the most effective way is to continue to improve programming and social media outreach.

Please deny this request for a variance for Electronic Messaging Centers.

**Marquee**

- The proposed marquee is wider, projects further and has less clearance under it than permitted in the Zoning Ordinance.
  - Maximum width is 10' wider (5' to each side) than the entrance which is about 9'. This would be 19'. The marquee as drawn is 27'.
  - Maximum projection is 6' into the right -of-way. Request is for 8'-6".
    - Consider moving the marquee closer to the building.
  - Minimum clearance under is 12'. Request is for 9'.
    - Eliminate the EMC below the marquee and raise it 1'

- At the Planning Commission meeting there were concerns about how the water running off of the marquee would be handled. It is drawn to fall on the sidewalk in two locations. Architecture+ proposed something to catch the water at these two locations similar to a planter. I do not see where this has been addressed on this request for a variance.

Please require that the marquee be redesigned to comply with the Zoning Code and address the water that will run off of the marquee be dealt with so as not to create icy conditions in the winter.

Thank you

Russ Brooks