



ALBANY COUNTY PLANNING BOARD
NOTIFICATION

RECOMMENDATION DATE: December 16th, 2021

Case #: 01-211203873
Applicant: **Project #00424 - 1053 Broadway**
Project Location: 1053 Broadway
Tax Map Number: 65.16-4-1
Referring Agency: City of Albany Zoning Board of Appeals
Considerations: Rehearing of Area Variance: 375-402(1)(c)(vii)(G)(4) - to allow for a front deck to extend into the right-of-way or any easement in a Mixed-Use, Form-Based zoning district. Area Variance: 375-402(2)(c)/Table 375-402.1 - to allow for construction of a front

ACPB Recommendation: Disapprove

1. The City of Albany should address the public health and safety concerns expressed by Surpass Chemical Company, Inc. regarding the tractor trailer route that is dangerously close to the proposed deck.
2. The proposed ADA complaint ramp is to be located next to Surpass' scale house driveway which potentially exposes customers on the deck to heavy industrial traffic containing hazardous materials from the diesel exhaust.
3. The city should consider the undesirable changes to the character of the neighborhood due to the presence of industrial use in close proximity.
4. In determining whether to grant an area variance, the zoning board of appeals should take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

Advisory:

Gopika Muddappa, Senior Planner
Albany County Planning Board

NOTE:

- This recommendation is rendered in compliance with applicable requirements of Section 239 of New York State General Municipal Law. Final determination on this matter rests with the appropriate municipal body.
- A recommendation of "APPROVE" or "MODIFY LOCAL APPROVAL" should not be interpreted as a recommendation by this body that the referring agency approve the matter referred. Such recommendation does not indicate that this body has reviewed all local concerns; rather the referral has met certain countywide considerations. Evaluation of local criteria is the responsibility of the referring agency.
- General Municipal Law Section 239 requires that the local agency notify the county within thirty days of its final action. Please use the OFFICIAL NOTICE OF LOCAL ACTION form that is attached for this purpose.
- General Municipal Law Section 239 sets forth the procedural requirements for taking local action contrary to the County Planning Board's recommendation of objection or conditional approval.
- Albany County is required to submit a Municipal Separate Storm Sewer System Permit (MS4) (No. GP-0-10-002) Notice of Intent (NOI) to comply with the NYS DEC permit for the control of wastewater and stormwater discharges in accordance with the Clean Water Act. Construction Activity Permit No. GP-0-1-001 issued by NYSDEC is also required for activity with soil disturbances of one acre or more. The law is required by the Clean Water Act to control point source discharges to ground water as well as surface waters.

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In compliance with Article 12-B, Section 239 of New York State General Municipal Law, this serves as official notification to the Albany County Planning Board of the action taken on the application described above.

LOCAL ACTION ON ACPB RECOMMENDATION:

- AGREED WITH COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE
- OVER-RULED COUNTY PLANNING BOARD RECOMMENDATIONS TO MODIFY OR DISAPPROVE

LOCAL DECISION ON PROJECT:

- PROJECT APPROVED
- PROJECT DISAPPROVED

VOTE RECORDED: _____ DATE OF LOCAL ACTION: _____

Set forth the reasons for any action contrary to the ACPB recommendations (use additional sheets if needed):

SIGNED: _____ TITLE: _____