

**NOTIFICATION OF LOCAL ACTION  
DECISION OF THE CITY OF ALBANY BOARD OF ZONING APPEALS**

► Important Note: This is not a building permit. All building permits must be approved and issued by the Division of Building & Codes prior to the start of any construction.

ADDRESS OF SUBJECT PROPERTY: 875 New Scotland Rd.

IN THE MATTER OF: Parking Lot Permit to allow for an 18-space parking lot as accessory to the construction of a 2,984 square foot convenience store and gasoline service station.

APPLICANT: Stewart's Shops Corp.

ADDRESS: PO Box 435, Saratoga Springs, NY 12866

CASE NUMBER: 10-10, ~~1984~~ 1935

DATE APPLICATION RECEIVED: 9/29/10

DATE OF HEARING: 10/28/10

DATE OF DECISION: 12/22/10

WARD: 8

DECISION: Approved w/Conditions

N.A.: N/A

HISTORIC/ SPECIAL DISTRICT(S): N/A

RECEIVED  
2011 JAN -3 PM 4:05  
OFFICE OF THE CITY CLERK  
ALBANY, N.Y.

The request is Approved, by the following vote:

For: 6	Apostol: Y	O'Connor: NIA	Viele: Y
Against: 0	Cronin: Y	Ray: Y	
Abstain: 0	Moran: Y	Tucker-Ross: Y	

**Site Description**

The property in question is located on the west side of New Scotland Avenue between Crescent Drive and Hemlock Lane in an R-1B Single-Family Medium-Density Residential zoning district. The 114'x 318' lot is improved with a single-story, 2,250 square foot commercial structure.

**Relevant Considerations**

The applicant is proposing the replacement and reorientation of an existing convenience store and gasoline service station. The existing 2,250 square foot building and four gasoline bays will be replaced with a 2,984 square foot building and eight gasoline bays. The number of allocation parking spaces will also increase from 17 or 26, with both numbers being inclusive of spaces positioned at the gasoline bays.

The property is located in an R-1B zoning district and the proposed use would traditionally require a Use Variance approval to permit the use. However, the applicant applied for and obtained a Use Variance to permit the proposed construction in 1995. As the whole site is thus approved for the suggested use, the proposed reorientations of the structures thereon have been deemed not subject to Board review.

The reorientation of the site will entail the repositioning of the structure accommodating the convenience store to the far south of the site, as opposed to its current location at the center west portion of the site. This is likely to accommodate the proposed gasoline bays, the details of which are specified above. The applicant does require a Parking Lot Permit to allow for the proposed expansion and modification of the existing parking area:

*§ 375-174 Development and maintenance of parking and loading areas.*

*Authorization of the Board shall be required for parking, storage or garaging for more than four vehicles. Every parcel of land used in whole and in part as a public or private parking area or*

*loading area, including a commercial parking lot and automobile or trailer sales lot, shall be developed and maintained in accordance with this article.*

Permitted hours of operation, concluded upon in a prior zoning appeal, are 6AM-11PM.

**Findings**

The proposed parking is appropriate to serve the proposed use, which was established by the granting of a Use Variance in a prior appeal. The parking spaces and configuration conforms to the requirements of Article XIX of the City Zoning Ordinance. Reasonable conditions shall ensure that the proposed parking area does not adversely impact adjacent properties.

The Board hereby authorizes the Parking Lot Permit, as per §375-174.

**CONDITIONS**

- **The property shall be screened effectively from the adjacent dwellings, to include the installation of an eight (8)-foot fence and appropriate landscaping to provide screening, and to be reviewed approved by the Director of Planning.**
- **The applicant shall receive Site Plan Approval from the City Planning Board.**

The Board hereby issues a negative declaration under SEQR for this unlisted action, as the proposed construction will not result in any significant adverse environmental impacts.

I, G. Michael Apostol, representing the Board of Zoning Appeals of the City of Albany, hereby certify that the foregoing is a true copy of a decision of the Board made at a meeting thereof duly called and held on **December 22, 2010.**

Signed:  Date: 12/22/10

► Important Note: Unless otherwise specified by the Board, this decision shall expire and become null and void if the applicant fails to obtain any necessary zoning, building, or other permits or comply with the conditions of such decision within six (6) months of the date of signature.