



Planning Board Public Workshop, Meeting, and Hearing

Date: Tuesday, January 11, 2022

Location: Teleconference and Videoconference via Zoom

Time: 6:00 PM

Public Workshop Agenda (No Action Taken)

PROJECT #00442

Application	CUP #0047
Property Address	16,18,20 Morris Street; 353 Lark Street
Applicant	Ron Stein
Zoning District	R-M (Multifamily)
Request	Major Development Plan Review - §375-5(E)(14)
Proposal	Construction of a four-story, +/-37,260 square foot multi-family structure with 40 dwelling units.

Prior Appearance: October 26, 2021

Notes/Comments:

- The Applicant has submitted a waiver request to provide 0 off-street automobile parking spaces when 32 spaces are required by §375-405(2)(a) of the USDO. The purpose of the workshop session is to review the compliance of the application with the waiver standards, identify any concerns from the Board and members of the public, and communicate any additional information that is needed from the Applicant for the Board to act on the waiver request.
- The Planning Board uses five review standards to determine whether a waiver should be granted. The following list includes the waiver standards along with Planning Staff's determination of each of the standards and requested waivers:
 - i. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the waiver.

The omission of on-site, off-street parking would not produce an undesirable change in the character of the neighborhood. Since parking would not occupy the ground floor, the Applicant has been able to provide a design that is more consistent with the character of the existing neighborhood. While the proposed waiver may have environmental impacts on the surrounding area, there would not be a detriment to neighboring properties/buildings through the granting of the waiver.

- ii. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a waiver.

Multi-unit buildings have a base parking requirement of one off-street parking space per unit for an initial parking requirement for the project of 40 spaces. Since the project site is within ¼ mile of a transit route with a peak frequency of 15 minutes or better (CDTA Route 13), §375-405(3)(a) of the USDO permits a 20% off-street parking reduction, reducing the number of required parking spaces from 40 to 32.

Other permitted parking alternatives and adjustments in the USDO include:

- ***§375-405(3)(b): Shared parking***
- ***§375-405(3)(c): On-street parking***
- ***§375-405(3)(d): Off-site parking, and***
- ***§375-405(3)(e): Parking demand study (TDM).***

The Applicant has referenced that there are eight on-street parking spaces in front of the project site and that they are seeking a universal access agreement with CDTA as part of a Transportation Demand Management Plan (TDM). A copy of the universal access agreement and TDM plan was requested on December 28th and has not been provided. For the eight on-street parking spaces count towards the parking requirement, the Applicant would have to request to have the application be reviewed under the new zoning code, since the previous code only allows a reduction in mixed-use and special purpose zoning districts. The option to have the application be reviewed under the new zoning code has not been sought by the Applicant.

For the off-site parking adjustment, the Applicant could submit evidence of at least a two-year lease agreement for a legal parking lot within 300 feet of the project site. The only larger parking areas within 300 feet of the project site are the Market 32 Parking Lot at 40 Delaware Avenue and the City Right-of-Way used as parking for Hackett Middle School. The Applicant has not provided evidence that they have attempted to seek parking agreements with either Market 32 or the City for these parking spaces.

Based on these factors, there are still other methods available to the Applicant to reduce the size of the requested waiver and achieve the same benefit.

- iii. Whether the requested waiver is substantial.

The requested waiver is quantitatively substantial, being a 320% deviation from the current requirement. The Applicant could provide additional information through a TDM plan to demonstrate that the waiver would not be substantial or request to have the application reviewed under the current USDO to reduce the substantiality of the request. Based on the current information provided, the requested waiver is substantial.

- iv. Whether the proposed waiver will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Without evidence provided through a parking demand study and TDM plan, it unclear if the proposed waiver would create any negative impacts on the conditions of the surrounding area through an increase of new on-street parking from proposed residents.

- v. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Planning Board, but shall not necessarily preclude the granting of the waiver.

The difficulty is self-created.

Public Meeting Agenda

PROJECT #00450

Application	DR #0118
Property Address	276 Central Avenue
Applicant	North Islamic Trust
Zoning District	MU-FC (Mixed-Use, Form-Based Central Avenue)
Request	Demolition Review - §375-5(E)(17) SEQRA – Lead Agency Declaration
Proposal	Demolition of the front façade of the subject property.

Prior Appearance: None.

Notes/Comments:

- The proposed application would remove the existing Central Avenue façade of the building and replace the façade as part of a larger renovation of the mosque at the subject property.
- Along with the Demolition Review application, the project has three area variance applications for:
 - §375-407(4)(a): Original materials shall be retained, maintained, repaired or uncovered wherever possible and to the maximum extent feasible.
 - §375-407(4)(f)(i): Original roof forms, profiles, and cornices shall be maintained to the maximum extent practicable.
 - §375-407(4)(g)(i): Original window and door arrangements shall be preserved to the maximum extent practicable.
- The variance requests result from the proposed removal of the existing materials and configuration to accommodate an Islamic architectural style.
- In the submitted Demolition Debris Diversion Plan, the Applicant has stated that 38% of the building materials proposed to be removed will be recycled or donated for reuse to the Salvation Army.
- The application is classified as an unlisted action under SEQRA and a lead agency declaration letter will be sent to the Board of Zoning Appeals.
- The application will be referred at a future point to the Albany County Planning Board due the subject property's proximity to a New York State designated road NY-5 (Central Avenue) and state property (289 Central Avenue).

Recommended Action - SEQRA: Declare Planning Board Lead Agency.

PROJECT #00257

Application	DPR #0045
Property Address	177,179,181,183,185,187 Quail Street; 233 & 237 Western Avenue; 694 Rear State Street
Applicant	Patrick Rafferty, Lofts at Pine Hills, LLC
Representing Agent	Daniel Hershberg, Hershberg & Hershberg
Zoning District	MU-FM (Mixed-Use, Form-Based Midtown)
Request	Concept Review of a Major Development Plan - §375-5(E)(14)
Proposal	Construction of two four-story buildings totaling +/-100,721 square feet with 83 dwelling units and +/-5,899 square feet of commercial space, and the construction of a surface parking lot with 69 parking spaces. Nine buildings totaling ±37,500 square feet are proposed to be demolished.

Prior Appearance: None (A previous iteration of this project appeared on the January 22, March 26, May 28, and June 25, 2019 agendas of the Planning Board.)

Notes/Comments:

- The chart below provides a quick summary of changes from the project that was approved on June 25, 2019 to what is currently proposed (Items highlighted in red indicate increases and items highlighted in green indicate decreases):

Changes from June 25, 2019 Approved Site Plan to Current Proposal		
Site Element	June 25, 2019 Site Plan	Current Proposal
Number of Buildings	1	2
Height	5	4
Dwelling Units	101	83
Automobile Parking Spaces	95 Garage Spaces	69 Surface Spaces
Commercial Space	+/-5,639 square feet	+/-5,899 square feet

- The approval from June 25, 2019 was granted an extension by the previous Chief Planning Official until June 25, 2020. The Applicant had submitted a second extension request to the Department of Planning and Development, along with the proposed modifications. Based on the proposed site design, Director Glass determined that the project constituted a new application.
- The Applicant has stated that geotechnical and utility constraints necessitated the modification in design.
- While the proposed project is considered a new application, a SEQRA technical memo will be prepared at a subsequent Planning Board meeting for confirmation by the Board that the proposed modifications will not result in any increased negative environmental impacts.
- The application will be referred to the Albany County Planning Board for a recommendation at a later date based on the proximity of the site to the SUNY Albany Downtown Dormitories.

Recommended Action - DPR #0045: None. This is a Concept Review.

PROJECT #00453

Application	DPR #0142
Property Address	201 Raft Street and 106 & 700 Smith Boulevard
Applicant	Richard Hendrick, Albany Port District Commission
Representing Agent	Steve Boisvert, MJ Engineering
Zoning District	I-2 (Heavy Industrial)
Request	Concept Review of a Major Development Plan - §375-5(E)(14)
Proposal	Construction of a +/-19,600 square foot structure used for heavy commercial service structure as a material receiving facility.

Prior Appearance: None.

Notes/Comments:

- The proposed project is a component of the larger wind turbine project at the Port of Albany, with the majority of the project being located in the Town of Bethlehem.
- The proposed project would include the construction of a material receiving facility and small offices. The facility would receive materials from a rail spur, store the materials outdoors, and transport the materials to Beacon Island via Normanskill Street for assembly and shipping. The proposed traffic between the site in Albany and Bethlehem would only use Port of Albany roads.
- Based on the initial application review by Planning Staff on December 16, 2021, the applicant will be submitting a lot modification application, request to have the application be reviewed under the new zoning code, and submit waiver applications for certain streetscape & landscaping standards.
- The Applicant held a public information meeting on December 21, 2021 at the Salvation Army Campus of Hope to provide information for residents of the South End. As part of the December 16, 2021 comment letter, Planning Staff has requested a summary of public comments received on the project.
- The Town of Bethlehem Planning Board is acting as lead agency for the project and declared lead agency in 2018. No SEQRA action is required by the City of Albany Planning Board.
- The application will be referred to the Albany County Planning Board at a future date based on the proximity of the site to the Town of Bethlehem and NY-32.
- Depending on the lot modification application submitted by the Applicant, the application may or may not need to be referred to the Albany County Planning Board.

Recommended Action - DPR #0142: None. This is a Concept Review.

Public Hearing Agenda

PROJECT #00455

Application	CUP #0051
Property Address	16 Judson Street
Applicant	Dileep S. Rathore
Zoning District	MU-NE (Mixed-Use, Neighborhood Edge)
Request	Conditional Use Permit - §375-302
Proposal	Coterminous occupation of +/-950 square feet of the ground floor of the subject property as a restaurant with an existing Specialty Retail use.

Prior Appearance: None.

Notes/Comments:

- The Applicant received an interpretation from the previous Chief Planning Official that the current use of the site as a “healthy grocery store” (The use of quotations indicates that the term has been used by the Applicant and is not defined in the USDO) was classified as a Specialty Retail Use. This interpretation has been honored by the current Chief Planning Official.
- While the current healthy grocery store has served hot food since opening, the amount of business generated through prepared food sales has necessitated the second principal use classification of a restaurant. The transition was identified when the Department of Buildings and Regulatory Compliance notified the Applicant that a grill hood must be installed in the existing kitchen facilities.
- The business has primarily sold breakfast prepared foods, including breakfast sandwiches, bagels, and pastries.
- The Planning Board uses seven review standards to determine whether a proposed Conditional Use Permit application should be approved. The following list includes the Conditional Use Permit Review standards along with Planning Staff’s determination of each of the standards:

- i. The project is consistent with any provisions of this USDO and Albany City Code.

The Applicant will need to receive building permit approval for the grill hood. The proposed project does not comply with the hours of operation requirements for the MU-NE district, since the proposed hours of operation are from 5:30 AM to 11:00 PM. The permitted hours of operation for the MU-NE district are from 6:00 PM to 11:00 PM. As mentioned under Review Standard #3, the applicant is required to get a permit from the Albany County Department of Health for food service, but has not been identified on the application form.

- ii. The project would not result in a random pattern of development with little relationship to existing or planned development.

Since the site has operated with food service in the past and the building has a history of ground floor commercial uses, the proposed project would not result in a random pattern of development.

- iii. The project is consistent with the purposes and objective of the zoning district and character of the neighborhood in which it is located and the specific use standards applicable to the use.

The project is located in the MU-NE (Mixed-Use, Neighborhood Edge) zoning district. The purpose of the district is to provide for moderate density housing options and limited mixed-use development. The proposed use would be coterminous with an existing Specialty Retail use and is not proposing to expand the commercial unit footprint, which aligns with the purpose of the zoning district for limited development.

The proposed use would be required to receive a permit from the Albany County Department of Health for food service. This permit was not identified in the submitted application.

- iv. The project would not result in harmful cumulative effects or impacts of aggregate similar conditional uses.

The closest conditional use is Coco Halal Grill (484 Clinton Avenue). Given that there is only conditional use in the immediate proximity, the proposed project would not result in harmful cumulative effects or impacts.

- v. The project would not place excessive burden on public improvements, facilities, services, or utilities.

Through the approval and installation of the grill hood, the proposed restaurant would have the appropriate improvements to not create an excessive burden.

- vi. The project will provide a necessary and desirable service that is in the interest of the public convenience and contribute to the general welfare of the surrounding neighborhood or community.

West Hill has a limited number of food options north of Clinton Avenue. While there is a convenience store with similar operating characteristics and product selection at 36 Judson Street, the use of the subject property as a Restaurant would support the continued operations of the business.

Recommended Action – CUP #0051: Defer