



## Planning Board Public Hearing and Meeting

**Date:** Tuesday, February 22, 2022

**Location:** Teleconference and Videoconference via Zoom

**Time:** 6:00 PM

## Public Hearing Agenda

### PROJECT #00438

<b>Application</b>	<b>DPR #0136; CUP #0048</b>
<b>Property Address</b>	329 North Pearl Street
<b>Applicant</b>	Philip Morris, Capital Repertory Theatre
<b>Representing Agent</b>	Weston & Sampson
<b>Zoning District</b>	MU-CU (Mixed-Use, Community Urban)
<b>Request</b>	Conditional Use Permit Review - §375-5(E)(16) Major Development Plan Review Waiver - §375-5(E)(14) Major Development Plan Review - §375-5(E)(14)
<b>Proposal</b>	Construction of a surface parking lot with 44 parking spaces.

**Prior Appearance: November 23, 2021**

### Notes/Comments:

- The project was referred to the Albany County Planning Board for their February 17, 2022 meeting and was deferred to local consideration.
- The Department of Water and Water Supply is still reviewing the application, with the majority of comments consisting of minor corrections.
- The proposed principal use of the property as a surface parking lot requires a Conditional Use Permit. The following section includes the use-specific standards of §375-303(4)(g)(v)(C) of the USDO and Planning Staff's determination (in bold) of how the application complies with the requirements:
  - C. In the MU-CU zone district, no Conditional Use Permit shall be approved unless it is determined that the proposed parking lot:
    1. Responds to a demonstrable parking need of the use or uses of a nearby property to be served, as evidenced by factors, including, but not limited to, recent or proposed investment in and improvements to the nearby property that will result in or has resulted in increased tenancy or patronage, and whether the use has otherwise provided the minimum parking required pursuant to Section 375-405(2)(a) or is anticipated to be used by other nearby properties; (**Complies. The proposed parking lot will serve the recently opened Capital Repertory Theatre, which occupied a formerly vacant building, and provides seating for +/-410 spectators. The Capital Repertory Theatre does not provide parking on-site and during the Conditional Use Permit review process in 2019, proposed a plan to address off-street parking requirements that**

**included:**

- i. **Free parking in the Quackenbush Garage (Capacity: 900 spaces) with a free CDTA shuttle;**
- ii. **15 parking spaces for staff at 251 North Pearl Street (Ida Yarbrough Homes);**
- iii. **On-street parking and parking data collected in 2015, and**
- iv. **Creating a surface parking lot at 329 North Pearl Street in the future.**

**The proposed construction of the surface parking lot will help support the Capital Repertory Theatre as part of this plan.**

2. The closest lot line for the proposed parking lot is no more than 300 feet from a lot line of the property to be served; **(Complies. The proposed parking lot is located +/-280 feet from the side lot line of Capital Repertory Theatre.)**
  3. The property or properties to be used for the parking lot have been vacant or underutilized for at least five years and have no other immediate prospects for development; **(Complies. The property has been vacant for more than five years and there are no immediate prospects for development within the next ten years.)**
  4. For properties with a depth of 100 feet or greater, is designed in such a way that it does not foreclose the possibility of liner buildings being constructed along any street frontages, to the greatest degree practicable; and **(Complies. The proposed parking lot is constructed to be used for the next ten years. Given these construction methods, opportunities for future construction of a liner building/s along North Pearl Street and/or Colonie Street is possible.)**
  5. Does not result in the demolition of buildings or structures having an economically viable use or reuse, as determined pursuant to the provisions of 375- 505(7) (Demolition Review) or a 375-505(4) Major Certificate of Appropriateness, whichever applies. **(Complies. No buildings are proposed to be demolished as a result of the construction of the proposed parking lot.)**
- The Planning Board uses seven review standards to determine whether a Conditional Use Permit should be approved. The following list includes the Conditional Use Permit standards along with Planning Staff's determination of each of the standards:
    - i. The project is consistent with any provision of this USDO and the Albany City Code. **The project complies with all provisions of the USDO and Albany City Code.**
    - ii. The project would not result in a random pattern of development with little relationship to existing or planned development. **In the surrounding area, there are other civic and institutional uses that are supported by larger surface parking lots. Given that these parking lots exist and the parking lot is proposed to serve the proximate Capital Repertory Theatre, the proposed project would not result in a random pattern of development.**
    - iii. The project would not cause negative fiscal or environmental impacts on adjacent properties and the surrounding neighborhood. **Based on the proposed use and proposed construction methods to limit flooding and erosion, the proposed project would not result in negative fiscal or environmental impacts on adjacent properties and the surrounding neighborhood.**

- iv. The project is consistent with the purposes and objective of the zone 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 an MU-CU (Mixed-Use, Community Urban) zoning district. The purpose of the district is to provide for a wide variety of retail, residential, and commercial uses intended to serve an area larger than a specific neighborhood in an urban setting characterized by relatively small blocks.***  
  
***The proposed surface parking lot supports a regional civic and institutional use. While the subject property is located on a larger block, the proposed use meets the objective of the zoning district and meets the relevant use specific standards, as discussed in the compliance with §375-303(4)(G)(v)(C) of the USDO.***
- v. The project would not result in harmful cumulative effects or impacts of aggregate similar conditional uses.  
***While there are other parking lots in the surrounding area, the proposed scale and design of the proposed parking lot would not result in harmful cumulative effects or impacts.***
- vi. The project would not place excessive burden on public improvements, facilities, services, or utilities.  
***Based on the proposed use and design, the project would not place excessive burden on public improvements, facilities, services, or utilities.***
- vii. The project will provide a necessary and desirable service that is in the interest of the public convenience and will contribute to the general welfare of the surrounding neighborhood or community.  
***The proposed project supports the parking needs of the Capital Repertory Theatre and reduces the number of cars parked on City streets. Given the close proximity to the Theatre, the parking lot will contribute to the general welfare of the surrounding neighborhood.***
- 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:
  - 1. 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.  
***Relocating the existing curb cut along North Pearl Street as opposed to locating the parking access on Colonie Street would not result in an undesirable change in the character of the neighborhood. The visual attributes of the proposed parking lot will not change as a result of the curb cut location.***
  - 2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a waiver.  
***The Applicant investigated multiple configurations to reduce or eliminate the need for the proposed waiver. Given that the site has significant grade changes, archaeological sensitivity, and the current condition of Colonie Street is poor, the proposed waiver is the only feasible method to achieve the benefit sought.***
  - 3. Whether the requested waiver is substantial.  
***The requested waiver is not substantial since the site currently has a curb cut along North Pearl Street and the Applicant is proposing to relocate the curb cut that will result in a less impactful, lower-intensity design for the site in terms of grading and archaeological disturbance.***

4. Whether the proposed waiver will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.  
***Locating the site access to North Pearl Street would reduce potential vehicular conflicts that are likely to occur on Colonie Street. While North Pearl Street is a more trafficked road, the location of the curb cut does not conflict with existing uses and curb cuts at neighboring properties.***
  5. 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.***
- The Planning Board uses six review standards to determine whether a proposed development should be approved. The following list includes the Major Development Plan Review standards along with Planning Staff's determination of each of the standards:
    - A. The project will not create significant adverse impacts on the surrounding neighborhood, or any significant adverse impacts will be limited to a short period of time.  
***The application has been reviewed by City departments and has been approved by the Division of Engineering, Department of Fire and Fire Safety, and Division of Traffic Engineering. Through the anticipated approval letters from the Department of General Services and Department of Water and Water Supply, the proposed project will not result in any significant negative adverse impacts on the surrounding area.***
    - B. The project will not create risks to public health or safety.  
***The proposed use of the site does not present any safety risks to the public health or safety.***
    - C. The project is consistent with any relevant prior approvals or conditions.  
***The project site was the subject of Board of Zoning Appeals Case #10-04,997 for a parking lot permit to allow for the construction of 120 parking spaces accessory to a new 86,000 square foot commercial center. The two conditions that were placed on the approval were:***
      - 1. The applicant shall receive Site Plan Approval from the City of Albany Planning Board.***
      - 2. The applicant shall receive all necessary approvals and permits from the Division of Building and Codes.***  
***The Applicant did not satisfy the conditions of approval since a site plan approval was not received from the Planning Board. Since the proposed project was not constructed, there are no relevant prior approvals or conditions.***
    - D. The project is consistent with the Comprehensive Plan.  
***The project is consistent with strategy LU-3 (Vacant and abandoned properties reuse) by reusing a currently vacant site to help support an existing civic and institutional use.***
    - E. The project is consistent with any provisions of this USDO and the Albany City Code.  
***Through the granting of the waiver, approval of the Conditional Use Permit, and anticipated approval from the Department of General Services Department of Water and Water Supply, the project will comply with the provisions of the USDO and Albany City Code.***
    - F. The project complies with all requirements and conditions of any prior development permits or approvals related to the property.  
***There are no relevant prior development permits or approvals related to the property.***

**Recommended Action – SEQRA: Negative Declaration**

**Recommended Action – CUP #0048: Approve**

**Recommended Action – DPR Waiver: Approve**

**Recommended Action –DPR #0136: Approve**

**PROJECT #00457**

Application	<b>CUP #0053; DPR #0147</b>
Property Address	1048 Central Avenue
Applicant	Ryan Blatt, 1048 Central Ave ALB LLC
Zoning District	MU-NC (Mixed-Use, Neighborhood Center)
Request	Conditional Use Permit Review - §375-505(6) Major Development Plan Review - §375-505(3)
Proposal	Change of use of the subject property from indoor recreation or entertainment to a restaurant.

**Prior Appearance: February 1, 2022**

**Notes/Comments:**

- The proposed project would convert an existing pool hall into an establishment with fifteen food preparation stations that would support takeout/delivery businesses.
- Since the proposed change of use would not result in an increase of required parking by more than 50%, additional parking does not need to be created or established off-site.
- The project was referred to the Albany County Planning Board for their February 17, 2022 meeting and modified local approval to require review by the Albany County Department of Health for food service and other required permits.
- The project is still under review by City Departments.

**Recommended Action – CUP #0053 & DPR #0147: No Action.**

## Public Meeting Agenda

**PROJECT #00450**

Application	<b>DR #0118</b>
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)
Proposal	Demolition of the front façade of the subject property.

**Prior Appearance: January 11, 2022**

**Notes/Comments:**

- The proposed application would remove the existing Central Avenue façade of the building and replace the deteriorating 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 Historic Albany and the Salvation Army.
- The application is classified as an unlisted action under SEQRA and a coordinated review has occurred with the Board of Zoning Appeals.
- The application was referred to the Albany County Planning Board for their February 17, 2022 meeting and modified local approval to include a note that Demolition Review is required to ensure no hazardous materials are present.
- The Planning Board can use one or all of the thirteen review criteria listed in §375-5(E)(17)(c) to determine whether structures should be demolished. The following list includes the relevant Demolition Review standards along with Planning Staff’s determination of each of the standards:

viii. The details of the development plan and proposed use, and the timeframe within which the applicant intends to commence the proposed redevelopment of the site.

***The proposed replacement of the deteriorated building façade provides the Applicant an opportunity to replace the façade with an Islamic architectural style that is more consistent with the use of the site as a mosque. Since the façade is the only portion of the building being replaced, the proposed demolition does not create a visual gap in the streetscape and would result in immediate reuse, which would avoid negative impacts on the adjacent properties and streetscape.***

x. The condition of the structure, the economic viability of rehabilitation, and whether the building or structure can be rehabilitated or reused.

***The existing façade has significant deterioration which has prompted the proposed project. The majority of building will continue to be reused and architectural building elements are proposed to be donated to Historic Albany and other local organizations. Through the reuse of the building and elements through donation, the proposed demolition project mitigates negative impacts traditionally associated with other demolition projects.***

**Recommended Action - SEQR: Negative Declaration**  
**Recommended Action – DR #0118: Approve with Condition**

**CONDITION: Prior to the issuance of building permits, the Applicant must receive approval from the Board of Zoning Appeals for the three area variance applications related to the compliance with §375-407(4)(a), §375-407(4)(f)(i), and §375-407(4)(g)(i) of the USDO.**

**PROJECT #00345**

Application	<b>DPR #0145</b>
Property Address	244 State Street (AKA 90 South Swan Street)
Applicant	Man Realty LLC
Zoning District	MU-CU (Mixed-Use, Community Urban)
Request	Major Development Plan Review - §375-505(3)
Proposal	Conversion of a +/-44,916 square foot office building into 61 dwelling units and a +/-490 square foot café (restaurant).

**Prior Appearance: February 1, 2022 Workshop (A previous iteration of this project appeared on the June 22, 2020, August 25, 2020, and September 29, 2020 agendas of the Planning Board.)**

**Notes/Comments:**

- Based on consultation with the Office of the Forester, the proposed number of street trees will be reduced from 9 to 6 to ensure appropriate clearance and support the longevity of the street trees.
- The application was referred to the Albany County Planning Board at their February 17, 2022 meeting and modified local approval. The following includes the recommendations from the Albany County Planning Board along with Planning Staff responses to the recommendations:
  1. Review by the Albany County Department of Health for water service. **(Given that the proposed change of use would only increase the daily sanitary sewage usage by 2,005 gallons, when 2,500 gallons is the threshold for review for a sewer extension, the review by ACDOH is not required.)**
  2. Review by the Albany County Department of Health for food service. **(Agreed.)**
  3. The local fire department should be notified to evaluate for public safety, emergency services access, water availability and any sprinkler system that may be required by building code. **(Agreed. The application has been referred and approved by the Department of Fire and Fire Safety.)**
  4. The proposed use of the building for residential units and restaurants will create high demand for parking. The City should look at ways to provide additional parking for the site. **(The Applicant is not required to provide off-site parking as part of the proposed project. Given that this is not required and the Applicant has stated that they are pursuing leases with One Commerce Plaza for parking in the evening, the Applicant has satisfied all parking requirements of the USDO.)**
- The Planning Board uses six review standards to determine whether a proposed development should be approved. The following list includes the Major Development Plan Review standards along with Planning Staff's determination of each of the standards:
  - A. The project will not create significant adverse impacts on the surrounding neighborhood, or any significant adverse impacts will be limited to a short period of time.  
***The application has been reviewed by City departments and has been approved by the Division of Engineering, Division of Traffic Engineering (with conditions) and Department of Water and Water Supply. Through the anticipated approval letters from the Department of General Services and Department of Planning and Development based on an updated application submission prior to the meeting, the proposed project will not result in any significant negative adverse impacts on the surrounding area.***
  - B. The project will not create risks to public health or safety.  
***The proposed use of the site does not present any safety risks to the public health or safety.***
  - C. The project is consistent with the Comprehensive Plan.  
***The project is consistent with strategy LU-3 (Vacant and abandoned properties reuse) by reusing a currently vacant site to help support an existing civic and institutional use.***
  - D. The project is consistent with any provisions of this USDO and the Albany City Code.  
***Through the anticipated approvals by the Department of General Services and Department of Planning and Development, the proposed project is consistent with the provisions of the USDO and Albany City Code.***

**Recommended Action – DPR #0145: Approve with Conditions**



**CONDITION #1: Prior to the issuance of Building Permits, the Applicant must receive approval from the Office of the Forester for the installation of shade trees within the City right-of-way.**

**CONDITION #2: Prior to the issuance of a temporary or full Certificate of Occupancy, the Applicant must implement an Affordable Housing Compliance Plan.**

**CONDITION #3: Prior to the issuance of a temporary or full Certificate of Occupancy, the proposed rooftop mechanical installations shall be screened in accordance with §375-406(8)(b) of the USDO.**