

IN THE MATTER OF THE APPEAL FROM AN ADMINISTRATIVE DECISION OF THE
CHIEF PLANNING OFFICIAL DATED SEPTEMBER 4, 2018 DENYING A LEGALLY
NONCONFORMING USE CERTIFICATE REGARDING 122 JEFFERSON STREET TO THE
CITY OF ALBANY BOARD OF ZONING APPEALS

The applicant and property owner, Anthony J. Catalano, purchased the Jefferson Firehouse located at 125 Jefferson Street with intention to rehabilitate the vacant and neglected structure. After commencing his rehabilitation and renovation efforts, Mr. Catalano learned that the property located at 122 Jefferson Street was being used as a parking lot. During the day, when workers were actively salvaging the Jefferson Firehouse, parking on the street was problematic at best. 122 Jefferson Street had a legal curb cut permitting vehicular access and had been used as a parking lot for many years. The City of Albany Assessors records from 2006 to 2010 listed the property as a small parking garage. The garage occupied a portion of the lot and vehicles were parked inside and outside of the structure. The structure was demolished in 2011 thus permitting parking on the entire lot. From 2011 thru 2013 Mr. Catalano rented space in the parking lot for his contractors to park their vehicles while working on the Firehouse. During this time Mr. Catalano confirmed with the City of Albany Traffic Engineering office that the lot was used for parking. Because the entrance, or curb cut, was often blocked by vehicles parked upon the street, Mr. Catalano requested that a no parking sign be posted at the curb cut. In response, traffic engineering posted the sign. The sign was not posted consistent with the prior structure as found by Christopher P. Spencer in his denial that brings us to the BZA. The structure was long gone when the sign was posted.

During the rehabilitation of 125 Jefferson Street, Mr. Catalano was advised by city officials that obtaining parking as an accessory use to the firehouse would be prudent. Bradley Glass, as President of the Hudson Park Neighborhood Association, wrote to Mr. Catalano cautioning him about the lack of off street parking for the use of the Firehouse. (Exhibit A) Mr. Richard Berkley, also as President of the Neighborhood Association, wrote a letter to the BZA regarding the future use of the Firehouse in which he states "we urge the Applicant (Mr. Catalano) to negotiate parking for the property with owners of nearby available space". (Exhibit B) Mr. Catalano did exactly what was suggested to him. The lot at 122 Jefferson, with an existing curb cut and the established use of the parking of motor vehicles, is the only available lot in the neighborhood suitable for parking.

In 2016 the Applicant received a parking ticket for parking a commercial vehicle in the lot at 122 Jefferson Street. After establishing that the vehicle was in fact not a commercial vehicle, the ticket was dismissed with the advice and consent of the City of Albany Legal Department. Employees of the City of Albany explained to Mr. Catalano that the only violation was the fact that the vehicle was commercial. It was then determined, with the consent of the City, that the parking of a non-commercial vehicle upon the lot at 122 Jefferson Street was not illegal. The documents associated with this precedent are attached to the application presented to the Planning office and submitted herewith.

The denial dated September 4, 2018 recites several matters to attempt to establish that the lot in question is not a parking lot. However, the findings of the Chief Planning Official ignores the simple fact that the parking of Motor Vehicles upon the lot at 122 Jefferson Street, whether inside a small parking garage, inside or adjacent to an auto repair shop or adjacent to other commercial uses has been an ongoing use for many years. The City of Albany has acquiesced to the use of this lot for parking motor vehicles for many years and has confirmed the legal use for parking by the actions of Traffic Engineering, Department of Law, Building Department and City Court.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "James D. Linnan".

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