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BY COURIER

January 29, 2020

Mr. Luis Roldan Planner
City of Albany Dept. of Development & Planning
200 Henry Johnson Boulevard
Albany, New York 12210

RE: **Response to Letter**
Board of Zoning Appeals Application
301 South Allen Street
Albany, NY
H&H File #2019-0314

Dear Mr. Roldan:

We are in receipt of your comments labelled Board of Zoning Appeals Application, 301 South Allen Street dated 1/24/2020. Please supplement our previous application with this communication and enclosures. Comments from your letter of 1/24/2020 are shown in *italic* font and our responses are shown in **bold** font.

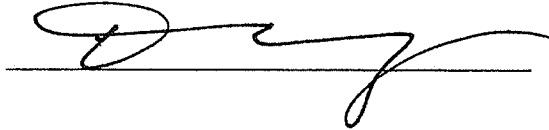
- *An application fee of \$100.00, made payable by check or money order to "City of Albany, Treasurer".*
A check in the amount of \$100 is forwarded herewith.
- *Submission of a Short Environmental Assessment Form (EAF).*
A copy of the Short Environmental Assessment Form is forwarded herewith and an electronic copy is on the USB forwarded herewith.
- *The BZA has historically required an in-depth analysis of operating characteristics in order to make an informed decision on its comparative impacts to qualify a substitution. Additional information as to why General Retail is considered a less intense land use category in addition to parking is typically required. This can include information on utility, water use, sewage, trash and other environmental factors such as vehicular and foot traffic.*
A copy of the Analysis of the Operating Characteristics is forwarded herewith and an electronic copy is on the USB forwarded herewith.

FOUNDER
Ben B. Hershberg, P.E., L.S.
(1901-2002)

PARTNERS
Daniel R. Hershberg, P.E., L.S.
Abraham F. Sofer, R.A.
Francis G. McCloskey, L.S.

If you require any additional information please feel free to contact me at your convenience.

Sincerely yours,
HERSHBERG & HERSHBERG

A handwritten signature in black ink, appearing to read 'D. Hershberg', written over a horizontal line.

Daniel R. Hershberg, P.E & L.S.

Enclosures

Ec: Anthony DeThomasis

DRH/dan/20190314 LR-BZA.doc

**Analysis of the Operating Characteristics
Proposed Conversion of Non-Conforming Use
301 South Allen Street
Albany, New York**

Applicant: 196 Washington Ave., LLC

**Prepared by:
Daniel R. Hershberg, P.E. & L.S.
Hershberg & Hershberg
18 Locust Street
Albany, NY 12203**

January 29, 2020

INFORMATION ON APPLICATION

The Applicant is 196 Washington Ave., LLC with offices at 1 Rapp Road, Albany, NY. The application is to permit the adaptive reuse of the building on No. 299 South Allen Street (Mailing Address is 301 South Allen Street). The existing building is within the R-M Zoning District. All building dimensions and setbacks conform with the requirements of the R-M Zoning District. This building is nonconforming due to its use as an office building and the lack of required parking spaces. The existing building is entirely occupied by general office space. Under the adaptive reuse plan, the applicant proposes to convert the ground and the second floor into 5 residential units which are in conformance with permitted uses under the Unified Sustainable Development Ordinance (USDO). The first floor will be occupied by For Pete's Sake, a thrift shop operated by St. Peter's Health Partnership. Exterior work will involve a new sidewalk along the sideline of the south side of the building and repaving the rear of the property for parking spaces.

REASON FOR APPLICATION TO THE BOARD OF ZONING APPEALS

With the proposed conversion from one non-conforming use to another the USDO at §375-5(F)(3)(d) states:

(d) SUBSTITUTION

No nonconforming use may be converted to a different nonconforming use unless the Board of Zoning Appeals determines that the alternative use is in the same or a less intense land use category based on Table 375-3-1(Permitted Use Table).

IMPACT ON VEHICULAR TRAFFIC

Since the thrift shop utilizes 3,000 SF, it's use should be compared with 3,000 SF of office space by the last tenants. The last tenants were two medical practices and one senior citizen's service organization, all having similar vehicular traffic impacts to a medical office building. The *Trip Generation Manual, 10th Edition (ITE)* estimates the Trip Ends during the peak AM hours of 7 to 9 AM as 11 VPH utilizing the fitted curve equation. The *Trip Generation Manual, 10th Edition (ITE)* estimates the Trip Ends during the peak PM hours

of 4 to 6 PM as 12 VPH utilizing the fitted curve equation. Since For Pete's Sake is not open during either Peak Hour Period, it generates 0 VPH peak hour movements. For Pete's Sake is open Monday through Saturday (except holidays) at the following times.

- Monday: 11 a.m. to 3 p.m.
- Tuesday - Friday: 10 a.m. to 3 p.m.
- Saturday: 10 a.m. to 2 p.m.

Therefore, this use is less intense than the previous use.

IMPACT ON PEDESTRIAN TRAFFIC

Much of the customer base is made up of employees, patients and patient families many of whom arrive at For Pete's Sake as pedestrians. Others are workers along New Scotland Avenue retail strip and neighbors many of whom also arrive as pedestrians. Since For Pete's Sake is relocating only 300 feet westerly along South Allen street there will be little impact on pedestrian traffic. Therefore, the intensity of this use is the same as the previous use.

IMPACT ON PARKING

For 9,000 SF of office space, a minimum of 36 parking spaces would be required (subject to reduction of 20% due to the proximity to public transportation or a net parking of 29 spaces). Existing parking is 7 off-street parking spaces and 3 on-street parking spaces which will be maintained under the proposed plan. Since the thrift shop utilizes 3,000 SF, it's use should be compared with 3,000 SF of office space by the last tenants. The last tenants were two medical practices and one senior citizen's service organization, all having similar parking needs to a medical office building. Utilizing the above data the parking demand from the 3,000 SF of equivalent office is 10 parking spaces. The thrift shop will require 3 parking spaces to accommodate limited staff and patrons. Therefore, this use is less intense than the previous use.

IMPACT ON STORMWATER

There will be no increase in impervious area. Therefore, the intensity of this use is the same as the previous use.

IMPACT ON SANITARY SEWAGE

Since the thrift shop utilizes 3,000 SF, it's use should be compared with 3,000 SF of office space by the last tenants. The last tenants were two medical practices and one senior citizen's service organization (Senior Hope Counseling, Inc.). The sewer demand of the two medical practices can be estimated utilizing 250 GPD per practioner¹. Senior Hope Counseling, Inc. had 3 executive staff. Usage could be estimated at 15 GPD per employee² or 45 GPD, making the total existing use at 545 GPD. Regarding the thrift shop, it is a very low water user giving their small staff & limited hours. With 3,000 SF even designed as a department store at 0.1 GPD/SF³ the computed use would be 300 GPD. Therefore, this use is less intense than the previous use.

IMPACT ON WATER USE

Since the thrift shop utilizes 3,000 SF, it's use should be compared with 3,000 SF of office space by the last tenants. The last tenants were two medical practices and one senior citizen's service organization (Senior Hope Counseling, Inc.). The water use of the two medical practices can be estimated utilizing 250 GPD per practioner⁴. Senior Hope Counseling, Inc. had 3 executive staff. Water usage could be estimated at 15 GPD per employee⁵ or 45 GPD, making the total existing use at 545 GPD. Regarding the thrift shop, it is a very low water user giving their small staff & limited hours. With 3,000 SF even designed as a department store at 0.1 GPD/SF⁶ the computed water use would be 300 GPD. Therefore, this use is less intense than the previous use.

¹ New York State Design Standards for Intermediate Sized Wastewater Treatment Works, NYSDEC, March 5, 2014, Pg. B- 18

² Ibid., Pg. B-19

³ Ibid., Pg. B-19

⁴ Ibid., Pg. B- 18

⁵ Ibid., Pg. B-19

⁶ Ibid., Pg. B-19

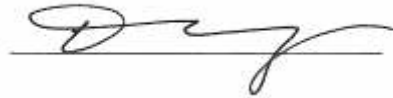
IMPACT ON TRASH

For Pete's Sake is an environmentally sensitive group and will recycle whatever trash can be handled by processors. There will be no increase in trash generation. Therefore, the intensity of this use would be the same as the previous use or might actually be less intense.

CONCLUSION

Replacing the 3,000 SF equivalent office space with For Pete's Sake thrift shop is either less intense or the same as previous uses. The proposed conversion from one non-conforming use to another would comply with USDO at §375-5(F)(3)(d).

Prepared by:

A handwritten signature in black ink, appearing to read 'D. Hershberg', written over a horizontal line.

Daniel R. Hershberg, P.E. & L.S.
HERSHBERG & HERSHBERG

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

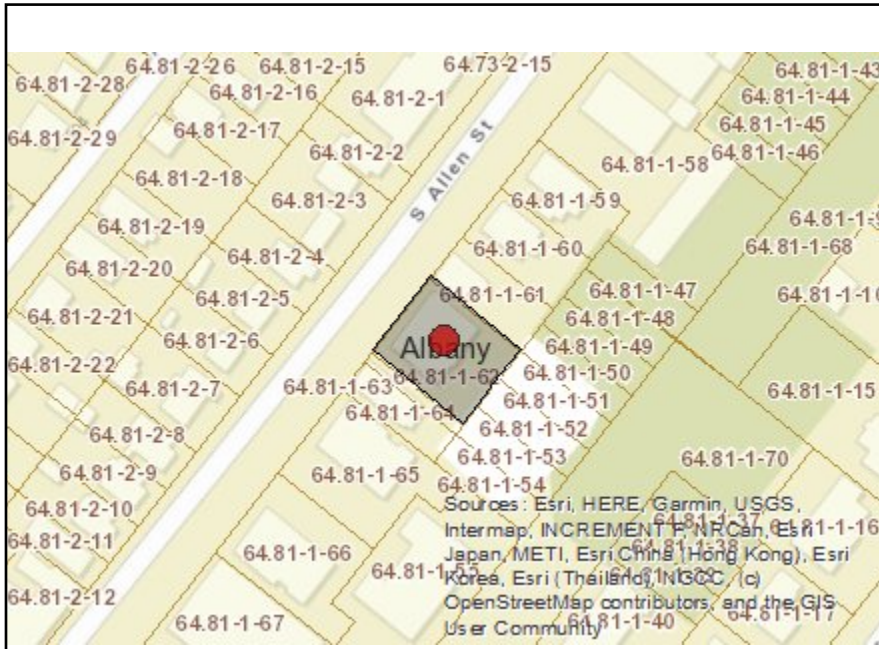
Part 1 – Project and Sponsor Information			
Name of Action or Project: 301 South Allen Street Rehabilitation			
Project Location (describe, and attach a location map): 301 South Allen Street (Tax Address 299 So. Allen Street)			
Brief Description of Proposed Action: Existing building had been occupied by 9,000 SF of office space. Proposed project will undergo interior renovations to accommodate for 5 apartment units and a thrift store which is managed by St Peters Hospital. Exterior work will involve a new sidewalk along the sideline of the south side of the building and repaving the rear of the property for parking spaces.			
Name of Applicant or Sponsor: 196 Washington Ave., LLC		Telephone: 518-857-0678 E-Mail: adtjrдетomdev@gmail.com	
Address: 1 Rapp Road			
City/PO: Albany		State: NY	Zip Code: 12203
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: BZA - Substitution of Non-Conforming Use, Building Department - Building Permit		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 0.18 acres b. Total acreage to be physically disturbed? _____ 0.01 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 0.18 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Residential - Urban <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <u>New Fixtures and Appliances will be energy efficient.</u>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe: _____ _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: 196 Washington Ave., LLC Date: 1/28/2020
Signature: Daniel R. Hershberg, P.E. & L.S.
Digitally signed by Daniel R. Hershberg, P.E. & L.S.
DN: cn=Daniel R. Hershberg, P.E. & L.S., o=Hershberg & Hershberg, ou=Managing Partner, email=dan@hershberg.com, c=US
Date: 2020.01.28 17:16:29 -05'00' Title: Engineer for the Applicant



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No