



BY e-mail and by Courier

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January 20, 2021

Richard Berkley, Esq., Chair
and Members of the Board of Zoning Appeals
c/o Department of Development & Planning
200 Henry Johnson Blvd
Albany, NY 12210

**RE: 41 South Pine Avenue
H&H File No. 2021-0001**

Dear Mr. Berkley and Members of the Board of Zoning Appeals:

The Applicant for the approval of Application No: BLDG20-22435 believes that the decision by the Chief Planning Official should not be supported by the Board of Zoning Appeals. We forward herewith a Narrative Report to request an interpretation by the BZA regarding that decision. The Applicant believes that the three citations from the USDO should not dictate the choice of materials in a building which is not infill construction and is not in an historic overlay district.

In the event that the Board of Zoning Appeals determines not to support this finding, the Applicant requests that you consider granting area variance(s) which would permit this building permit be approved. The Applicant also requests that these two actions be listed for the same BZA meeting. Thank you for your consideration.

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

Sincerely yours,
HERSHBERG & HERSHBERG

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

Enclosure

Ec: Christopher Spencer, Planning Commissioner
Bradley Glass, Planning Director
Amy Lavine, Esq., Assistant Corporation Counsel
Erin M. Glennon, Senior Planner
Luis Rodan, Planner
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