

To whom it may concern,

I'm writing to you in regards to the recent emergency closure of Cafe Hollywood. I desire to communicate the positive impact the closure has had for me personally and our community. I own the adjoining building where my home and business Byron & Gill Mercantile are located. For many months previous to the closure on a nightly basis, the front patio would be overflowing onto the sidewalk and onto my front stoop, music blaring from customers cars where there was drinking going on from "to go" drinks taken from Hollywood even after the privilege of selling them had been taken away from eateries. Other illegal activity observed was drug use, prostitution, and drunken disorderly conduct. In addition to the aforementioned issues, there would be music blaring from patrons' vehicles till well after the bar had closed for the evening at 2 am. I have had customers express their desire to visit my shop tell me they no longer feel safe doing so because of rumors and news reports of violent incidents stemming from Hollywood. I have felt nervous and concerned for my and my five-month-old daughters' physical safety after coming home from going out to dinner and finding the sidewalk unpassable from bar overflow. Every morning the sidewalks and my front stoop would be littered with solo cups, whiskey bottles, and pizza boxes. Since Cafe Hollywoods' closure, virtually all of these issues have disappeared. The street is cleaner, it is quiet when it should be (after 11 pm) and I have had no one using my stoop as a point of sales area for illicit activity. I would even go so far as to say the annoyance of loud music from cars during the day has subsided somewhat. Overall the quality of life has improved vastly. I know I am not alone in my feelings and I hope that my neighbors will be joining me in writing to you to voice their feelings on the matter as well.

It is never my hope for a fellow business owner and neighbor to lose their livelihood, especially for a business that has been a part of Lark St. for over 30 years that I myself have frequented in years past. However, in this instance, Collins wanton disregard for the health and safety of his neighbors and former friends shows me he cares little for our community. I implore you to please keep this business closed indefinitely under its current ownership.

Siobhan Byron

Wednesday, August 11, 2021

Members of the Board of Zoning Appeals,

Thank you for your time and the opportunity to provide public opinion concerning the nuisance complaint at 275 Lark St, otherwise known as Café Hollywood.

We provide these comments on behalf of the Hudson/Park Neighborhood Association (H/PNA), Center Square Association (CSA), Washington Park Neighborhood Association (WPNA), and Park South Neighborhood Association (PSNA). It should first be stated that as neighborhood associations in the community where this business is located, we are deeply committed to fostering and supporting a community where residents and businesses co-exist. We are enthusiastic and steadfast supporters of responsible business owners within our wonderfully diverse community.

On July 27, 2021, the H/PNA steering committee met to discuss this important topic and wanted to provide our current point of view to the board for consideration this evening. We have also had the chance to speak with our neighboring associations and each are aligned with this statement being provided this evening. As the BZA meeting falls outside of our normal monthly meeting schedule, this subject will be taken up at our next full membership meeting and we will update the BZA in subsequent meetings concerning any additional comments and concerns. Since H/PNA is the home association where this business is located, they will take the lead in providing this statement.

By reviewing [§ 375-507](#) and recognizing that the original Complaint of Nuisance referenced under the 375-507 (5)(a)(i) code, we'd like to offer our perspective from property owners and residents. We have been in direct communication with many owners and residents which are also within the 200' radius from this address. We would like to bring up the following areas of concern:

1. An escalating rise in incidents at 275 Lark St which do result in APD calls to this location. These are well-documented by APD records and reported by H/PNA residents to our association. WPNA, CSA, PSNA have also field concerns from their residents and members.
2. In many other cases loud music, screaming and yelling from business patrons, and minor altercations between various groups result in calls to APD but the incident has moved away from Café Hollywood or has resolved itself before APD officers arrive on scene.
3. A number of the residents on the upper block of Hamilton St report to us that the problems referenced in points 1 and 2 are so loud and disruptive that it wakes them from their sleep or prevents members of their household from being able to go to sleep.
4. In other cases, we have observed fights that spill out onto the sidewalk and into the street, blocking safe passage for pedestrians and vehicles on Lark St. These arguments, fights, and incidents do sometimes spill over onto Hamilton St as this street provides easy access from Lark St via the ESP loop on S. Swan St.
5. In totality, the aggregate effect of the calls and complaints at this business results in severe safety and quality of life issues for all H/PNA, CSA, WPNA, PSNA residents.
6. In the near term, the constant police activity associated with this business has raised great concerns about the proper management of this business by members of our community.
7. Each of the neighborhood associations have spoken with our city partners and representatives from the Lark St BID on the points that we have outlined above.



8. Furthermore, nearby businesses have voiced justifiable concerns that there is a negative impact to their own business as a result of the poor management of Café Hollywood by its owner.

We do feel it is necessary to try and separate this property location from the mismanagement of this business by its current owner as part of our statement to the board. There has been a long tradition of successful businesses located at 275 Lark St and each association is supportive of responsible business owners within each of our boundaries.

1. It would be our preference for the BZA to remove any zoning approval for Café Hollywood and its owner, rather than acting against the property itself.
2. Members of our individual executive boards have voiced concerns that by acting against the property and not the business itself that any action taken by the BZA could potentially leave vacant a sizeable space along the Lark St corridor for up to 2 years.
3. In addition, we fear that a remedy such as an earlier closing time would not stem the pattern of complaints given that many APD calls occur between the hours of 10:00 pm and 1:00 am.
4. We also fear that the current owner could have the potential of opening a similar establishment in another part of the city, thus removing the nuisance from Hudson Park to another part of our community.

Thank you again for allowing us to comment on the nuisance complaint at 275 Lark St. Please do let us know if you have any follow-up questions for us.

With Kindest Regards,

Jeffrey B. Crumpton
President, Hudson Park NA

Jackaline Ring
President, Center Square Association



Shadi Khadivi
President, Washington Park NA

Andrew Harvey
President, Park South NA



CC: Hon. Kathy Sheehan, Albany Mayor
Hon. Richard Conti, Common Councilmember, Ward 6
David Galin, Chief of Staff for Mayor Sheehan
Shauna Collins, Executive Director, Lark Street BID



Luis Roldan

From: BZA
Sent: Tuesday, August 10, 2021 2:33 PM
To: Christine Haile; BZA
Subject: RE: 8/11/21 Agenda - 275 Lark St.

Thank You,

Your comments are received and added to the case record.

Luis Roldan
Senior Planner

City of Albany
Department of Planning and Development
200 Henry Johnson Boulevard | Albany, New York 12210
518.434.5286
LRoldan@AlbanyNY.gov

-----Original Message-----

From: Christine Haile [mailto:christine.haile@gmail.com]
Sent: Tuesday, August 10, 2021 11:11 AM
To: BZA <bza@albanyny.gov>
Subject: 8/11/21 Agenda - 275 Lark St.

Dear BZA,

Thank you for letting me know about this agenda item and the opportunity to comment.

I write in support of the application to declare 275 Lark St. a public nuisance.

I have lived at 348 Hudson Ave. for over 40 years and have enjoyed many well-run businesses, and endured a number who were detrimental to residents and the neighborhood. Cafe Hollywood, the current occupant of 275 Lark St. is in the latter category and needs to be shut down permanently for the safety and well-being of residents and other businesses.

Cafe Hollywood has been the epicenter of late-night noise, fights, unruly behavior, traffic disruption and, most recently, people carrying lethal weapons on their person. It is difficult for anyone to get a good night's sleep without being awakened by persistent shouting or ultra-decibel music from loitering vehicles. You can typically "hear the alcohol talking".

The homes nearby Cafe Hollywood include young children and their parents, retirees, and people that need to get up and go to work in the morning. The disruption to their lives has gone beyond anyone's normal patience.

I read of multiple calls being made to police regarding Cafe Hollywood. I can assure you there are many more residents whose peace is disturbed but don't bother making calls.

The owner of Cafe Hollywood was quoted on the news as saying residents just weren't used to businesses reopening after the pandemic. This says to me that he does not comprehend the situation and is not fit to run a business in this neighborhood.

I respectfully ask that you approve the application to declare 275 Lark St. a nuisance as soon as possible. We need a business at that location that respects residents and doesn't place an undue burden on local law enforcement.

Finally, no business at that address should be allowed to operate after midnight. It is just asking for trouble.

Thank you again for the opportunity to comment,

Christine Haile

Luis Roldan

From: Christopher Burnett <mrchristopherburnett@gmail.com>
Sent: Wednesday, August 11, 2021 1:42 PM
To: BZA
Subject: Cafe Hollywood Zoing Appeals

Good evening, To whom it may concern I am writing about Café Hollywood, the bar. I have owned property on Hudson Ave, directly next to the patio of Café Hollywood for almost 20 years. I have had issues with Café Hollywood for almost all of those years. I could never understand why the largest patio in Albany was in the heart of Center Square surrounded by residents. They (Café Hollywood) would stay on the patio until the bar closed, which used to be 4am. After complaining about that for years. The hours were changed and they couldn't be on the patio after 11pm. This really wasn't enforced much, mainly when I would call the bar to tell them people were on the patio after hours they would go out and get them, but they would return later.

Once we started to have a family in 2007 is when things really got worse. We would pick up our kids from daycare/school and we couldn't go into our backyard and play. We would have to play on the sidewalk. There would be people out there cursing and yelling, throwing things like food, it was just terrible and it would happen day after day.

We contacted other neighbors, Richard Conti, and Colin to have a meeting about what can be done. Colin agreed to putting up a taller fence and signs to "respect our neighbors," but it was a joke. I have found the signs in my backyard along with ashtrays, shot glasses, broken glasses, food, cigarettes and garbage.

Café Hollywood is the MAIN reason why me and my family moved. We honestly felt like there was nothing we could do to be in the backyard of our home, when the bar had people in it. It really seemed like the homeowners just didn't matter in Center Square. We would call the bar, they would come and tell people to keep it down; 5 mins later they would be yelling or throwing things over the fence.

The point of this very short summary of my many years living there is; Café Hollywood has had more than enough time to clean up its business and how it's run, but it seems like it has gotten so much worse. I currently rent my property and when my tenants leave, I ask them why and every one of them has said one of the reasons is Café Hollywood.

If you need more details, I am willing to provide. I have some videos (I think) of people throwing things over the fence along with others. I will try to send a video of Colin and his security staff pepper spraying everyone on the patio. That pepper spray then blew into our yard and then our house. I really wish I could speak at the board meeting, but I can't attend this one.

Thank you

Chris Burnett

Luis Roldan

From: chris burnett <cb1313@hotmail.com>
Sent: Wednesday, August 11, 2021 1:07 PM
To: BZA
Subject: Cafe Hollywood: Board of Zoning Appeals tonight

Please see the email below regarding the issues with Café Hollywood history..

Thank you

Chris Burnett

Sent from [Mail](#) for Windows 10

From: [Chuck Z](#)
Sent: Tuesday, April 21, 2009 7:12 PM
To: Hudson-Park@yahogroups.com
Subject: RE: [Hudson-Park] Cafe Hollywood: Patio, Use Variance, Hours issue

I sold my Lark Street residential property when I realized that business owners seem to control the area. I sympathize with you.

----- Original message from chris burnett <cb1313@hotmail.com>: -----

April 20, 2009

Richard,

I just wanted to contact you again to express my concerns about Cafe Hollywood's patio being reopened. My concerns have been mainly regarding the debris that is coming over the fence that is hazardous to my small child and my dog. Just this weekend alone I picked up two citronella candles, one shot glass, and a broken glass ash tray. My other concern was that the cursing coming from the patio would not allow me to be in my back yard with my young son.

My suggestion was to have a bouncer out there whenever clientele is utilizing the patio to monitor the situation regarding things being thrown over my fence and the inappropriate cursing easily heard throughout our family-oriented neighborhood. I suggested this to Brian,

but he didn't like this resolution and just said to call him any time there is a problem. This is not a good enough resolution in my opinion. We should not have to be awakened and have get up to make a call almost every night for the entire spring/summer season to ask them to quiet things down, or stop throwing glass onto our property.

I guess what I'm looking for is some advice from other H/P neighbors that have to live with a very large bar's (largest in Albany) deck in their back yard. I really love this neighborhood and have lived here for 7 years and plan on staying here for a while. I just wish there was some kind of an agreement that we could all reach where we could all enjoy the spring and summer days/nights outdoors.

Thanks Richard for any assistance or advice you can provide. I look forward to hearing from you.

(Attached is my original email)

Chris Burnett
366 Hudson Ave

To: hudson-park@yahoogroups.com
From: richberkley@yahoo.com
Date: Sun, 19 Apr 2009 20:24:09 -0700
Subject: [Hudson-Park] Cafe Hollywood: Patio, Use Variance, Hours issue

Hi All:

This evening (Sunday), Richard Conti and I met with the owners of Cafe Hollywood (Colin Rost & his wife, Kelly) to discuss their next steps with regard to emerging from their current position of being unable to re-open the rear patio, to a position where they could once again use the patio.

As you all remember, in March of 2007, the City of Albany instructed Hollywood that it did not have the legal right to use its rear patio, absent the receipt of a Use Variance. The argument was predicated upon the idea that Cafe Hollywood is a pre-existing nonconforming use in Hudson/Park's dominant zoning, and that such pre-existing uses can only be expanded (e.g., by adding a rear patio) by seeking and receiving a Use Variance. Otherwise, as "grandfathered" uses, they can only continue to operate as the same use w/o an expansion or other changes.

On January 14, 2009, Hollywood's application for an interpretation of the law, determining that they did not need a Use Variance, was denied. Similarly, Hollywood's alternative request, that the Board of Zoning Appeals find they had already received a Use Variance, was also denied.

In order to re-open the patio, Hollywood will need to seek and receive a Use Variance from the City, as the BZA's January 2009 decision instructed them. This is what our discussion revolved around Sunday.

In order to get things moving, Hollywood pointed out that they had addressed a number of the neighborhood's prior issues, and that they wanted to receive Hudson/Park's support before the BZA.

I pointed out that there were three things that would probably be very effective in gaining Hudson/Park's support based upon our zoning standards

(http://www.hudsonpark.org/files/Hudson_Park_Zoning_Standards.pdf)

and our prior discussions about Hollywood (<http://groups.yahoo.com/group/Hudson-Park/msearch?query=hollywood&submit=Search&charset=UTF-8>):

- 1) if they completed their movement toward operation as a "restaurant serving alcohol," rather than as a "tavern", and
- 2) if they reduced their hours of operation, and
- 3) if their reduced hours were at least consistent with Lark Street BID policy (see attached copy of Lark Street BID minutes from March 28, 2006 referencing the Hours of Operation policy)

I based these comments on our previous positions (93+ emails on the list, and a lot of discussion at several H/PNA meetings over the 2yrs since this issue first surfaced), and upon our zoning standards which provide that the neighborhood supports or forbears from opposing restaurants serving alcohol, and that we would take into account the policies of the Lark Street BID.

In response, Hollywood's owners suggested the following:

- 1) that they would apply to the City for a Use Variance based on operation as a restaurant serving alcohol (consistent with Hollywood's historic use), and
- 2) that they would be willing to limit their hours of operation to the Lark St BID's policy of 2am on weeknights and 3am on weekends -- i.e., Sun-Wed = 2am, Thurs-Sat = 3am.

I told them that I would report the discussion to the membership, and request comments so that we could reach a consensus on whether or not we believed we would support the application (bearing in mind, as always, that in the end we will analyze the application consistently with the neighborhood's consensus and the law).

So, could you please provide comments on Hollywood's offer by April 28, so that Hollywood can submit its application in time to have it heard in the 1st BZA meeting of May?

Also, since there are a number of folks who only attend the monthly meetings and do not take part via email, could you all please make an attempt to reach out to your neighbors and discuss this matter?

As always, please send comments to the list, or directly to me at richberkley@yahoo.com, or to our president pro-tem Ellen (eapicotte@aol.com).

Thanks in advance.

Richard

Richard Berkley
WRPI 91.5 FM -- Troy, NY
"Dusty Corners" radio show
Tuesdays -- 8pm to 10pm
Streamed live at <http://www.wrpi.org>
Playlists at: <http://dustycornerswrpi.blogspot.com>

Luis Roldan

From: MICHAEL HEINEL <michael.f.heinel@gmail.com>
Sent: Wednesday, August 11, 2021 10:42 AM
To: BZA
Subject: Cafe Hollywood

Good morning.

I am a long term 30 plus year residential neighbor on Hudson Ave of what was originally the Beverwyck now Café Hollywood, at 275 Lark Street.

The closure of Café Hollywood has been a relief, to the neighbors and neighborhood, the constant noise of overserved patrons, screaming on the patio and screaming on the street, almost nightly fights and arguments, as well as sick patrons vomiting and departing patrons urinating under our neighbor's stairs, (not to mention the shooting) all this behavior has now stopped since the café has been closed, in spite of the fact that other Lark Street establishments remain open. Indicating the source of the disturbances was indeed Cafe Hollywood.

In addition, Amplified music on the patio and the smoking of marijuana have been a constant problem, that has been reported but never curtailed or addressed by the owner.

When approached several years ago about the noise and bad behavior of patrons on the patio the owners response was he could buy us air conditioners for our bedrooms so we wouldn't have to hear the noise.

this total disregard for the neighbors and neighborhood has only gotten worse since the pandemic ended and the bar reopened.

We all can appreciate the fact that we live in a mixed neighborhood of businesses and residences and that life in the city can be noisy, that's why we live here, because it's lively. But the activity at Café Hollywood has become dangerous and unacceptable. I urge the Board to recognize this property as a nuisance and keep it closed.

Thank you
Michael Heinel.

Sent from my iPhone--

Michael Heinel

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M3 Realty

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Equal Housing Opportunity

Sent from my iPhone