

Benefit to the Applicant if such variance is granted

Five factors make it necessary for the developer to seek 109 residential units.

1. The site cost & associated demolition & cleanup costs
2. Burying the garages lower in order to minimize the building's height
3. Providing more than the mandated number of parking spaces to ease any potential parking congestion on the surrounding streets
4. Dealing with surface water controls
5. Including commercial and community spaces as requested by neighborhood leaders.

Economic viability can only be assured by retaining 109 residential units and commercial spaces with a total height of 4 stories. The alternative of a lower building would result in having to eliminate commercial spaces entirely. Such a move would be contrary to the stated wishes of neighborhood representatives, The Development & Planning Department and the Planning Board.

Alternatively, a plan could be developed with no commercial or community spaces, allowing the garages to be higher in the ground (half story) where there would be three full stories above in full compliance. However this was determined to be unacceptable in meetings with the neighborhood association and elected officials and will not be pursued.

Detriment to the neighborhood if such variance is granted.

The construction of these apartments will not be detrimental to the neighborhood. We understand that a small number of neighbors prefer to maintain the status quo and have asked to build in the character of the neighborhood. However it is not economically viable to do so. The cost of the land and related factors prevent low density utilization. Demographic and geographic realities prohibit consideration of exclusively commercial development.

1. Will there be an undesirable change to the character of the neighborhood?

No. The development will be a positive and exciting focal point that will enhance the neighborhood. Its design is intended to make the building self sufficient relative to parking with no significant impact on neighboring streets. It's bright, contemporary styling is intended to positively contrast with the properties in the immediate vicinity. The intended commercial spaces will serve as a focal point in the neighborhood as a café/small retail store selling basic food products and as a limited service, high quality Laundromat.

The height of the buildings as proposed with a total of four levels plus a buried garage would be approximately 44' above grade. If the 90 unit plan were built as three levels plus a half story for the garage, the height would be approximately 39.5' presuming the 9' ceilings remained. It also appears that it is totally permissible to build 11' ceilings (more attractive to tenants) that would bring the 3.5 story structure to 44' in height, the same height as what is presented before you.

The difference between the viable 109 unit, four story structure with fully buried garage versus a 90 unit, three story structure with a half story counted as the garage would appear to be insignificant as it relates to its overall height. The 109 unit development as presented offers the amenities as requested by the community whereas the 90 unit development offers no such amenities.

2. Will there be a detriment to the neighboring properties by granting an area variance?

No detrimental effect is foreseen to the neighborhood.

The owner of one adjacent property, Joseph Messina at 686 Park Ave, has already stated in writing to the Planning Department that "...this development will be an enhancement to the character of the neighborhood". The other adjoining parcel is a boarded up single family property where the owners are believed to be absentee.

Other businesses, such as Capital Counseling at 650 Warren St., have applauded the proposed development as a positive step towards eliminating the prevailing blight of that block.

Neighboring properties will benefit greatly from the resulting apartment complex. The development will offer the following:

- A long sought after café/coffee shop
- A limited service Laundromat
- A community meeting space.
- There will be a reduction of storm water discharge rate from the existing property by 60%
- Sidewalks are to be uniform 5' width around the property
- The property will be park like with trees planted on the median between the sidewalk and curb every 30'. It will also include a mini park/seating area installed in the southerly embankment at Warren St & Ontario. Trees are also intended to be planted on the south side of Warren St, improving its appearance dramatically.

3. Can the benefit sought by the applicant be achieved by some method feasible for the applicant to pursue, other than an area variance?

The developer attempted to find ways to build the prerequisite number of units to maintain profitability by exploring greater lot coverage, offering fewer parking spaces and not including commercial spaces to no avail. Every effort was made to come up with a solution

that did not require a variance. Meetings were held with the Department of Development and Planning as well as the neighborhood representatives where we mutually explored the possibilities. The solution presented at this meeting represents a balance of this input and what is necessary for the developer to have a viable project.

4. Is the requested area variance substantial?

History: After several design iterations, it was suggested by Development & Planning that we utilize a traditional sloped or mansard style roof and consider the top floor as a half story with 70% utilization. When we brought that design to the planning board, they rejected it, with comments that the structure was more imposing and castle-like. The Board specifically suggested that we recreate the structure in a more modern or contemporary style with a flat roof as to compliment the neighborhood and to become more interesting.

As an aside, the contemporary 4-story style we are looking for is approximately 6' lower than the mansard roof proposed and less imposing from afar. We also understand that the half-story allowance is only applicable with a sloped roof, otherwise we would have used it with the current flat roof design.

5. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood district?

No adverse effect or impact is expected with the exception of while construction is underway. The buildings will be staged, starting with the Ontario St building, followed by the Park and Warren St buildings respectively. The intention is to keep all equipment to the inside of the development and to minimize the impact on the neighborhood except when conditions or situations require being on the outside.

6. Is the alleged difficulty self-created?

The challenge of this development is the limited land area and its cost. This property has been on the market for around 10 years with no successful buyers as stated in the attached letter from Gary DeGonza, the broker for the seller. We understand that the limitations of the zoning have been a major deterrent as more than one possible buyer had visions of a high-rise type building or other uses that were contrary to the prevailing zoning.

This difficulty is self imposed because we chose to try to take a relatively run down property that has been an eyesore and has contributed to flooding and other issues and turn it into a source of civic pride while improving the entire neighborhood's quality of life. As noted in the three attached proformas, the economics of the development prevent profitability with fewer than the proposed 109 units. The proformas illustrate the building as proposed and a 90 unit version that would be totally compliant with prevailing zoning, but does not meet the needs of the neighborhood.

It is important to note the following:

1. This design specifically reflects the explicit requests from the Pine Hills Neighborhood Association and the City of Albany Department of Planning & Development. We were first advised that the half story concept was viable and produced a mansard styled roof design.
2. The Planning Board then took that design under consideration and requested it be changed to a more contemporary appearing structure, yielding the current design. It should also be noted that the proposed flat roofline is approximately four to six feet lower than the mansard/half story design originally proposed that would have been in compliance.
3. We have learned that we are prohibited from utilizing a half story concept with a flat roofed building, once thought to be an alternative.
4. The proposed design is only four feet higher than the 90 unit concept that does not meet the community's needs. If the 90 unit concept had 10' ceilings rather than 9', the difference would be one foot.
5. We have met the requests of the majority of the neighbors by incorporating features that do not necessarily contribute to the project's viability, such as meeting space and commercial/retail spaces. To attempt to compromise that intent by requiring us to consider fewer stories is not in the best interests of the community relative to what is viable for this lot.

Without this variance, we cannot meet the needs of the immediate neighborhood, satisfy the prevailing zoning and yield a profitable development. We request that the area variance be granted in order for us to move forward.

Attachments:

History of project (narration from October 25, 2017 BZA meeting)

Letter from Joseph Messina, Owner of 686 Park St, dated July 31, 2017

Letter from Gary DeGonza, DeGonza Realty, dated October 29, 2017

Letter from Kandie J. Sawyer, Exec Director, Capital Counseling, dated October 31, 2017

Proforma #1 – 90 Units, ½ Story parking partially underground, No commercial space or neighborhood services. 3 Buildings with 30 apartments each.

Proforma #2 – 109 Units, Full story parking underground, 5,000± SF Commercial / Retail space. Two buildings with 40 apartments each, One building with 29 apartments, commercial space & tenant amenities.

Proforma #3 – 110 1 Bedroom Units, ½ Story parking partially underground, no commercial space or neighborhood services.