



FOR STAFF USE ONLY	
Project #:	CUP #:

CONDITIONAL USE PERMIT APPLICATION

Part 1. Application Notes

A Conditional Use Permit is required for a property with a proposal for a use listed in the Permitted Use Table in Section 375-3(B) as a conditional use for a zone district. Conditional uses are those uses that have potential unforeseen impacts or unique form and require a careful case-by-case review of their location, design, configuration and impact to determine the desirability of permitting their establishment on any particular site.

1. The Planning Board reviews the application and makes its decision based on the standards in Section 375-5(E)(16)(c).
2. The Planning Board may impose conditions to ensure that the proposed use meets these standards and any other applicable provisions of the USDO.
3. A public hearing is required for all conditional use permit applications.
4. If approved, the conditional use is approved only for the portions of the property specified in the application.
5. In addition to meeting the requirements of the USDO, the proposal may be subject to other City ordinances, including but not limited to Chapter 133 (Building Construction), and may be subject to disapproval if not proposed in compliance with these articles.

Note: A pre-application meeting is available upon request prior to submitting this application.

Part 2. General Information

Proposed Conditional Use: **CONVENIENCE STORE W/ VEHICULAR FUELING STATION**

Building Area to be Occupied (sq. ft.): **2204 SF**

Outdoor Site Area to be Occupied (sq. ft.): **0**

Other Uses at the Site: **CONVENIENCE STORE**

Has any portion of the land been the subject of a conditional use permit previously? Yes No If yes, state the case number(s) of the conditional use approval(s):

GAS SERVICE STATION W/ FUELING PUMPS

Part 3. Project Description

Project Description (*Describe what the proposed use is and how it will operate, including hours and days of operation, number of employees, number of clients, parking and loading requirements, etc.*):

On the existing 10,000 sq. ft. lot there will be a 2,204 sq. ft. convenience store and three fueling pumps, resulting in fueling spots for six vehicles total. Parking for 10 store customers will be provided (7 spaces are required), as well as installation of bicycle racks.

Loading will be from the surface front door, and hours of the operation will be Monday through Sunday, 6 a.m. to 12 a.m.

Number of Employees: **4**

Maximum Occupancy: **25**

Hours of Operation:	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	6AM-12AM	6AM-12AM	6AM-12AM	6AM-12AM	6AM-12AM	6AM-12AM	6AM-12AM

County Permit(s) Required:

State Permit(s) Required:

Federal Permit(s) Required:

Part 4. Consistency with Neighborhood and Development Pattern

A. Describe why the proposed location was chosen for the establishment of the conditional use being sought:

The location was previously a gasoline station and had vehicular fueling apparatus. The fueling apparatus was removed in 2008 and the convenience store has remained. The gas pumps can be reinstalled in the same location as they were previously.

B. Describe how the proposed use is consistent with the existing and planned development within the immediate area:

The gas station / convenience store is already an established part of the neighborhood, and complements the surrounding civic, commercial, and residential land uses. The Capital South End Neighborhood Plan recommends redevelopment of this site, in conjunction with the DMV and County services buildings, as a mixed-use commercial (particularly grocery) and housing project. However, the applicant has not been approached by the City, County, or any other redevelopment entity about purchasing the parcel as part of a larger redevelopment project. Therefore, this project would not affect existing or planned development.

Part 5. Fiscal and Environmental Impacts

A. Describe the nature, scope and duration of work to be undertaken in order to establish the use:

The rehabilitation of the existing 1,803 sq. ft. building, construction of a 401 square foot addition, façade improvements, sidewalk improvements, relocated curb cut on South Ferry Street, and installation of three gas pumps would be completed within six months after permit approval.

B. Describe any impacts the proposed conditional use will have upon the adjacent properties, and if and how they will be mitigated:

There will additional traffic to the site because of the new gas pumps, and possibly additional customers to the convenience store because of the gas purchases and expansion/enhancement of the store building. However, at most only six cars could purchase fuel at one time, and they are able to access and exit the property through four entry points, reducing potential queuing at any one ingress/egress. The availability of gas and enhanced retail options will be a benefit to the surrounding neighborhood and adjacent properties.

C. Indicate any of the following operational characteristics (from Section 375-4(J)(1), Operating Standards) that will be generated by the proposed use

(check all that apply):

Electromagnetic radiation

Emissions

Glare

Hazardous materials

Materials and waste handling

Noise

Nuclear Radiation

Odors

Vibration

Smoke

N/A

For all checked boxes please describe the source, and explain how it will be mitigated as part of this application.

Emissions: Construction of the proposed new gas station facilities would result in a temporary addition of pollutants to the local airshed caused by soil disturbance, dust emissions, and combustion pollutants from on-site construction equipment. The construction period is anticipated to be short (six months total) and best management practices will be used to limit dust migration offsite. Long-term operations of the project would produce air emissions through vehicular trips to and from the project. Vendor supply deliveries are anticipated to be at most three trips per day, five days per week. Vendors will be encouraged to limit vehicle idling at the site.

Hazardous materials: The construction and use of the proposed gas station would not be expected to generate hazardous waste or create the routine transport, use, or disposal of hazardous materials. All gasoline and diesel fuel will be stored in underground storage tanks. Fuel storage would follow specific protocols for handling, transporting, and storing the fuel onsite. Once the project is constructed, there would be continued maintenance of the storage tanks. Spill containment materials will be present onsite and appropriate spill response measures would be immediately taken upon occurrence of a spill.

Noise: Any short-term noise impacts to neighboring properties during construction (e.g., from earth moving equipment and power tools) would be limited to daytime hours as allowed by the City. The primary source of long-term noise in the area is from existing vehicular traffic on South Pearl and South Ferry Streets. The existing convenience store already contributes to ambient noise levels in the area through customer vehicular traffic. The proposed gas station amenities would not result in a substantial increase in ambient noise levels above existing levels.

C. Describe the volume of refuse expected to be generated by the use, and the means of storage and disposal:

All refuse generated by customers and on-site operations will be contained within on-site waste receptacles.

E. Are there any public funds from any source being used to improve the site or for the operation of the conditional use?

No.

F. Are any unplanned public infrastructure or service improvements required as a result of an approval of the proposed conditional use (e.g., street repaving, sewer upgrade, storm drainage improvements, etc.)?

No.

G. Indicate whether there is an increase or decrease in impervious surface area as a result of the proposal:

There will be a slight decrease.

Part 6. District and Use Standards

A. Explain how the proposed conditional use is consistent with the purposes and objectives of the zone district in which it is located:

The proposed project meets the purpose of the MU-FS district, which is to promote “redevelopment in the South End area... by encouraging a vibrant mix of residential and nonresidential uses.”

B. Describe how the use complies with the Use Specific Standards applicable to that use, as enumerated in Section 375-3(C) of the USDO:

Convenience Retail: The owner will keep all required information on file with the Police Department and Department of Buildings and Regulatory Compliance. All required safety upgrades per Section 375-3(C)(4) will be installed and maintained (e.g., surveillance camera system, drop safe) and all signage and solid waste requirements will be followed (e.g., No Loitering sign, unobtrusive trash receptacles, etc.)

Vehicle Fueling Station: The redesigned curb cut on South Ferry Street will not be more than 25 feet in width. A variance application has been submitted to retain both existing curb cuts on South Pearl Street. All exterior light sources will be stationary and shielded/recessed and directed downward.

Part 7. Public Impact

A. Will the proposed use generate any unique or elevated need for police, fire or emergency services?

No.

B. Describe the type of traffic the use is expected to generate and indicate which days and between what hours the peak period of use occurs.

The project will generate vehicular and pedestrian traffic. The peak period of use is on weekdays from 6 p.m. to 9 p.m.

C. Describe if the use will be served by commercial delivery vehicles, the anticipated number of deliveries per day and where the vehicles will park:

Supply trucks will deliver five days a week, not exceeding three deliveries per day. They will park onsite.

D. Indicate the type of parking facilities available to the use and if off-site, the distance from the property:

There would be ten on-site spaces available, with adjacent street parking available if needed.

E. Describe any proposed changes to curb cuts, streets, sidewalks and connections to public spaces (e.g., removal of curb cuts, improving crosswalks, installation of wider sidewalks, removal of any sidewalk, etc.):

The curb cut on South Ferry Street will be moved forward toward South Pearl Street, to facilitate access to the gas pumps. The curbs and sidewalks will be altered accordingly.

F. Describe how building entrances are connected to sidewalks, parking areas, and other pedestrian facilities:

There is one building on-site and the entrance is located on South Pearl Street (in the front of the store). The building is connected to sidewalks along South Pearl and South Ferry Streets by on-site paved surfaces.

G. Describe any changes that are required to bring the property into compliance with the ADA Standards for Accessible Design:

No changes are proposed, as the existing standards will be maintained.

H. Are there any planned changes to utility provisions (water, sewer, electric, etc.)?

No.

Part 8: Necessity and Desirability of Service

A. Describe how the proposed use is the use in the interest of the public convenience:

Without the requested variances and CUP, minor façade improvements to the existing retail building could occur, but no other enhancements to the property would be possible. Expanded retail and gasoline/diesel amenities could not be offered to the South End neighborhood. An opportunity to reinvest in and revitalize this property on South Pearl Street would be lost. Therefore, the proposed project would provide a necessary and desirable service that is in the interest of the public convenience and will contribute to the general welfare of the surrounding neighborhood.

B. Describe any similar or identical uses in the area, their size and location:

There are none in the immediate vicinity. The closest similar uses are the Albany 5 Star on 354 South Pearl Street and Stewart’s Shop on 164 Morton Avenue.

C. Please indicate any positive public health and safety impacts or improvements of the proposed use:

The rehabilitation and façade improvements would significantly improve the aesthetics of the site. Lighting and increased security measures may help to mitigate existing vandalism and other crime-related activities in the area, and may help encourage other neighborhood property owners to revitalize their properties.

Part 9: Submittal Requirement Checklist

	Required Documents	Hard Copies	Electronic Submission (.pdf) (Required Document Name)
A. Required for All Conditional Use Permit Applications			
<input checked="" type="checkbox"/>	Master Application Form	1	Master Form
<input checked="" type="checkbox"/>	Owner Consent Form	1	Owner Consent
<input checked="" type="checkbox"/>	Conditional Use Permit Application Form	1	CUP
<input checked="" type="checkbox"/>	Color photographs of the property in context with surrounding properties, on printed paper	1	Photos
<input checked="" type="checkbox"/>	Site plan, drawn to scale	1	Site Plan_[YYYY]_[DD]_[MM]
<input checked="" type="checkbox"/>	Floor plan, drawn to scale	1	Floor Plan_[YYYY]_[DD]_[MM]
<input checked="" type="checkbox"/>	Elevations for all new buildings and additions	1	Elevation_[YYYY]_[DD]_[MM]
<input type="checkbox"/>	Application fee [\$50] – Payable to <i>Treasurer, City of Albany</i>		
B. Voluntary or Upon Request			
<input type="checkbox"/>	Environmental Assessment Form as required by SEQR	1	EAF
<input checked="" type="checkbox"/>	Project Narrative	1	Project Narrative
<input type="checkbox"/>	Federal, state, county, or local licensing paperwork	1	Licensing Paperwork
<input type="checkbox"/>	Any additional information determined to be necessary by the Chief Planning Official	1	[Document Name]