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JOHN B. DUCHARME

**VIA E-MAIL**

**bza@albanyny.gov**

July 23, 2021

City of Albany Board of Zoning Appeals  
200 Henry Johnson Boulevard  
Albany, New York 12210

Re: Surpass Chemical Company, Inc.'s ***Opposition*** to Application AV#0079;  
Druthers' request for an area variance to construct a 13-foot wide, 110 foot  
long deck in the public right of way along Bridge Street.

Members of the Board of Zoning Appeals:

On June 23, 2021, I submitted a letter to you on behalf of my client, Surpass Chemical Company, Inc., ("Surpass"), in opposition to the above-referenced application of Druthers Brewing Company II, Inc., ("Druthers"). During the June 23, 2021 public hearing, Chairperson, Richard Berkley, included my letter in the public record. See, 1:34:45-1:34:51 of meeting video on Youtube.

The purpose of this letter is threefold: (1) I will set forth how the applicant has failed to meet the elements necessary for the BZA to grant Druthers' application following the comments made by Druthers' representative, Christopher Martell, during the said public hearing, as well as in his July 7, 2021 letter to the BZA; (2) I will rebut those comments made by Mr. Martell; and (3) I will preserve for the record the BZA's failure to provide Surpass with timely notice of the public hearing, and the unfair manner in which it treated Surpass during that public hearing.

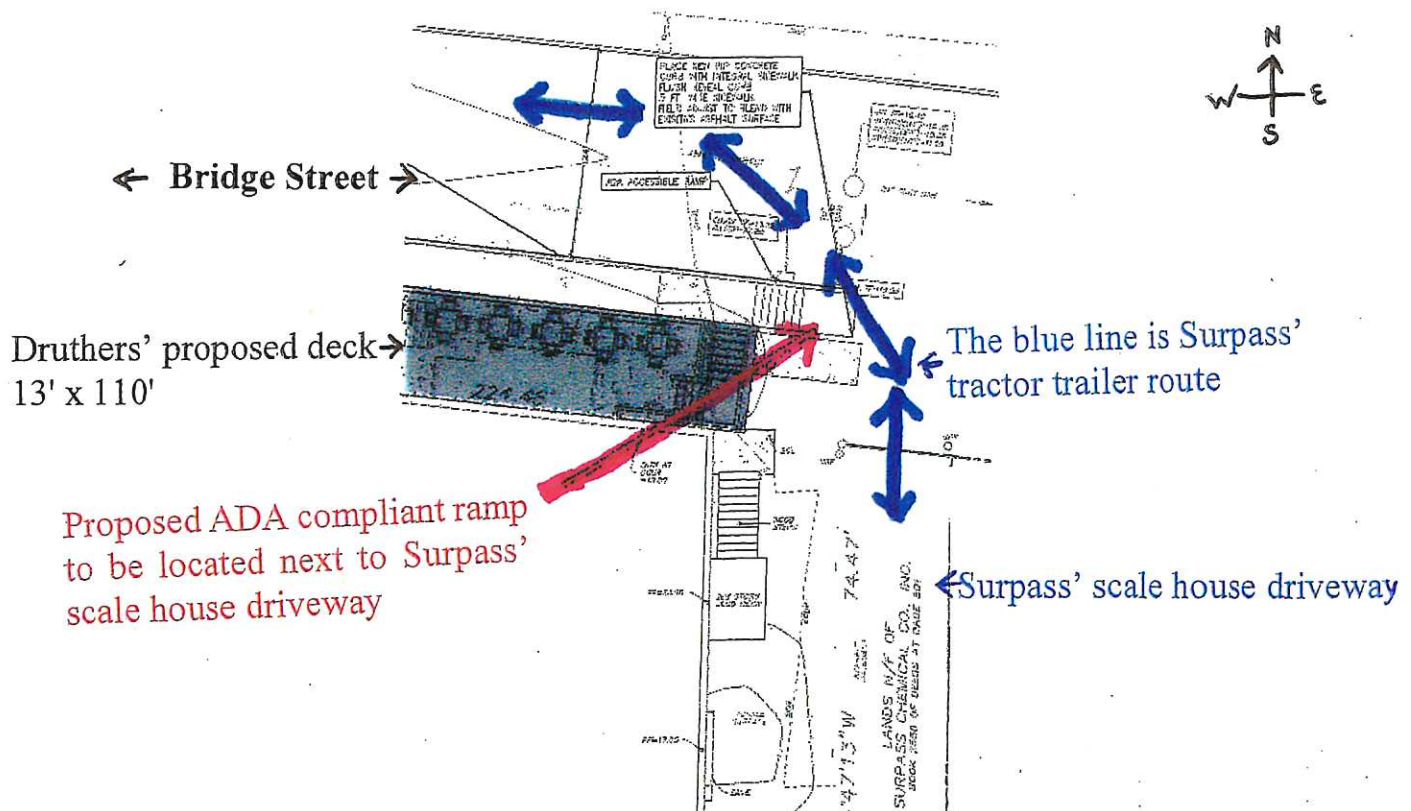
I respectfully request that all members of the BZA be provided with this letter and that it be included in the public record for the July 28, 2021 meeting of the BZA.

**Point I**  
**Druthers Has Failed to Meet the Elements**  
**Necessary for the BZA to Grant its Application**

The General City Law provides the BZA with the statutory authority to grant area variances under limited circumstances. General City Law §81-a(4)(a). In making its determination, the BZA must take into consideration the benefit to the applicant (Druthers), if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community (including Surpass), by such grant. General City Law §81-a(4)(b).

**Surpass' Public Health & Safety Concerns**

Surpass continues to have serious public health and safety concerns with Druthers' proposal to construct a 13-foot wide, 110 foot long deck in the public right of way along Bridge Street, which will seat approximately 60 patrons and bring them in very close proximity to Surpass' large tank trucks used to transport chemicals which frequently travel along Bridge Street. According to Druthers' proposed plan, the eastern end of its deck will have an ADA compliant ramp constructed near Surpass' very busy tractor trailer scale house driveway. This is illustrated by the following excerpt from Druthers' proposed plan which includes explanatory notes added by Surpass:



Over the course of any given day between 10 and 30 tractor trailers travel in and out of Surpass' scale house driveway. The BZA must take a hard look at the inherent dangers of permitting both: (a) Druthers staff to work on this deck; as well as (b) the public to drink, dine, and walk in such close proximity to both Bridge Street, an industrial thoroughfare, and Surpass' busy access point to its scale house driveway.

The following photograph depicts a typical scene along Bridge Street during which a large Surpass tank truck used to transport chemicals drives in very close proximity to where Druthers' proposed exterior deck will be constructed in route to Surpass' scale house driveway.



Permitting Druthers' staff and 60 restaurant patrons onto an exterior deck creating, in essence, a roadside café, and exposing them to heavy industrial traffic will not create a safe and healthy environment for anyone working or sitting on the proposed deck or walking in this area.

The federal Occupational Safety & Health Act mandates that Druthers must provide its employees a place of employment free from recognized hazards that are likely to cause them harm. 29 U.S.C. §654(a). The federal Occupational Safety & Health Administration ("OSHA"), has promulgated regulations setting forth the "permissible exposure limits" for both noise, 29 CFR §1910.95, as well as the hazardous materials contained in diesel exhaust, 29 CFR §1910.1000. These regulations will, in all likelihood, be violated by the noise and exhaust created by the persistent truck traffic which will travel within feet of Druthers proposed exterior deck absent protective equipment like that provided to employees working on airport tarmacs.

The greater vehicle and pedestrian traffic caused by Druthers' proposed exterior expansion will significantly increase the risk Surpass faces in transporting chemicals through the Bridge Street area. Surpass submits that it would be reckless for the BZA to grant Druthers' pending application and expose residents and Surpass' drivers to this potentially hazardous situation. As such, the BZA must deny Druthers' application.

**Druthers' Proposed Large Exterior Deck Will Create an Undesirable Change in the Character of the Established Industrial Neighborhood**

In making its determination, the BZA must consider whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance. General City Law §81-a(4)(b)(i). Druthers' property at 1053 Broadway is located in the "Mixed-Use Formed-Based Warehouse District" ("MU-FW"). See, USDO §375-204(7). While the purpose of the MU-FW District is to allow for a greater variety of building reuse and encourage the redevelopment of the Warehouse District, the BZA is expressly charged with "*protecting the continued viability of the existing industrial uses that are included in and surround that area.*" See, USDO §375-204(7)(b), emphasis added.

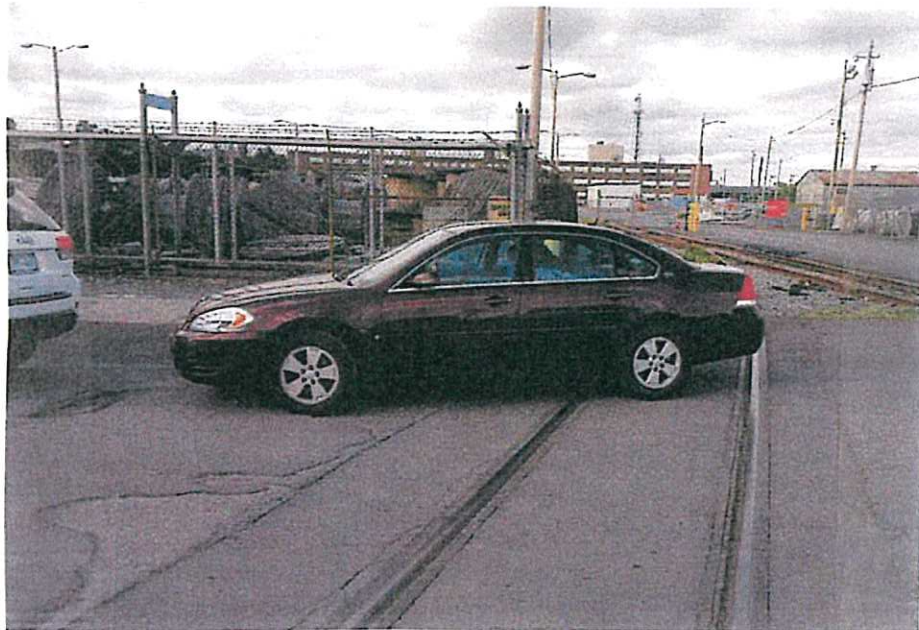
The character of Druthers' and Surpass' neighborhood is industrial. Druthers' brewery/restaurant/bar is located in close proximity to Surpass' and National Grid's industrial facilities, as well as unprotected commercial railroad tracks over which large trains regularly transport chemicals in bulk to Surpass' facilities.

Currently Druthers' patrons drink and dine inside the building which houses its brewery/restaurant/bar. The proposed large exterior deck will significantly alter the character of the neighborhood by adding two new entrance points (west and east side of the deck), and cause increased pedestrian traffic to and from those entrance points. The deck will change a normal brick and mortar restaurant/bar operation into a roadside café environment. It will increase the number of people walking on both Bridge Street and the surrounding sidewalks. It will place Druthers' employees and patrons in even closer proximity to Surpass' and other companies' large tractor trailers.

During Mr. Martell's June 23, 2021 presentation, he stated that Druthers' exists and is now an established part of the neighborhood operating next to Surpass. See, 41:19-41-30 of meeting video. However, Druthers' and the BZA must also acknowledge that Surpass has been in business operating as a chemical company in

this industrial area for over 100 years. It was Druthers who elected to construct and operate its brewery/restaurant/bar in an industrial area complete with heavy tractor trailer traffic and unprotected commercial railroad tracks over which large trains regularly transport chemicals in bulk to Surpass' facilities. Surpass, Druthers and the BZA must now strive to protect all parties' property, business, and the public from unintended consequences which can arise when incompatible uses (i.e. a brewery/restaurant/bar and a large chemical company) operate as neighbors. Granting Druthers' pending application will exacerbate an already dangerous situation. It will permit Druthers to substantially expand its current use as a brewery/restaurant/bar operating from inside its building, to operating outside that building on a large exterior deck. This will place Druthers' employees and patrons mere feet away from large, loud, tank trucks which emit diesel exhaust on them and haul tens of thousands of pounds of chemicals and other hazardous materials. The BZA should not sacrifice the safety of Druthers' employees and patrons so a for-profit business can make more money.

An undesirable change will be produced in the character of this industrial neighborhood by granting Druthers' application. If approved, it will cause a substantial increase in vehicular and pedestrian traffic as well as parking. The proposed large exterior deck will permit 60 restaurant patrons to dine outside in this industrial neighborhood, consume alcohol, and then walk along Bridge Street and across the dangerous, unprotected railroad tracks. Surpass representatives have observed Druthers' patrons illegally parking their vehicles on these railroad tracks, as documented by the following photograph.



They have observed Druthers' patrons leave the restaurant and attempt to walk across these railroad tracks both when they were clear of trains and while trains were traveling on the tracks as documented by the below photograph.



Mixing intoxicated people with industrial truck traffic, unprotected railroad tracks, and moving freight trains is never a good idea. If the BZA were to grant Druthers' application, and permit it to construct a 13-foot wide, 110 foot long deck in the public right of way along Bridge Street, which will seat approximately 60 patrons, the BZA will further exacerbate this already dangerous situation.

**Druthers Has Not Established Any Harm Which  
Necessitates the Consideration of Alternatives to Remedy**

In making its determination, the BZA must consider whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance. General City Law §81-a(4)(b)(ii). It should not be overlooked that in December 2013, Druthers applied to the BZA for a use variance seeking permission to operate a commercial brewery and small tasting room in the building located at 1053 Broadway. See, Case # 1-14, 4158. The "Project Narrative" which accompanied the Application stated that "[s]ales from the tasting room are needed to ensure adequate cash flow during the early phases of third-party distribution" from the commercial brewery. Druthers' application for the variance was approved by the BZA permitting a small tasting room as an accessory use to the commercial brewery. Druthers then renovated its 1053 Broadway Building into a brewery/restaurant/bar which appears to be much larger than the small tasting room presented in its application for a use variance. Druthers' unauthorized expansion of its small tasting room into a large restaurant/bar has contributed greatly to the traffic, pedestrian, and parking problems on and around Bridge Street. Now Druthers is

seeking to further expand its unauthorized use by constructing a 13-foot wide, 110 foot long deck which will seat approximately 60 patrons. The BZA should not continue to condone Druthers' failures to comply with the initial approval of its use variance which authorized a small tasting room as an accessory use to the commercial brewery. There is no "dollars and cents" proof in the record supporting Druthers' requested expansion of its "small tasting room" and establishing that it is still needed to ensure adequate cash flow from the commercial brewery.

### **Druthers' Requested Variance is Substantial**

In making its determination, the BZA must consider whether the requested area variance is substantial. General City Law §81-a(4)(b)(iii). Druthers' application seeking a variance which will permit it to construct a 13-foot wide, 110 foot long deck covering the entire area dedicated to a sidewalk along Bridge Street, which will seat approximately 60 patrons, would constitute a substantial variance.

### **Druthers' Proposed Variance Will Have An Adverse Effect on the Neighborhood**

In making its determination, the BZA must consider whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood. General City Law §81-a(4)(b)(iv). If the BZA were to grant Druthers' pending application, it will have adverse effects and impacts on the physical and environmental conditions in the neighborhood for the reasons articulated by Surpass in the record before the BZA.

### **Druthers' Alleged Difficulty Is Self-Created**

In making its determination, the BZA must consider whether the alleged difficulty was self-created. General City Law §81-a(4)(b)(v). As is set forth above, the record before the BZA is wholly void of any "dollars and cents" proof that Druthers' requested expansion of its "small tasting room" is needed to ensure adequate cash flow from the commercial brewery. As such, Druthers has not established any difficulty which would justify the BZA granting Druthers a variance. In addition, during Mr. Martell's June 23, 2021 presentation to the BZA, he conceded that any such difficulty was "one hundred percent self-created." See, 58:33-58:35 of meeting video.

It is respectfully submitted that the facts in the record before the BZA establish that the detriment which Surpass and the surrounding neighborhood will suffer as a result

of granting Druthers' application *far exceed* the financial benefit Druthers may obtain by expanding its non-conforming restaurant into the public right-of-way. As such, the BZA must deny Druthers' application.

## Point II

### Surpass' Comments in Rebuttal to Druthers June 23, 2021 Presentation

During Mr. Martell's June 23, 2021 presentation to the BZA, he stated several times that the parking issue on Bridge Street could be easily avoided if Surpass tank trucks took a different route to Surpass' scale house driveway. He acknowledged that Surpass tank trucks access this driveway using the route depicted in the below photograph. See, 37:30-37:35 of meeting video.

### *Established Surpass Tank Truck Route*



The red line on the above photograph depicts Surpass' normal, well-established tank truck route. Its tank trucks exit Interstate Route 787, and then travel south on Broadway. When the Surpass tank truck arrives at Bridge Street, it turns left onto Bridge Street. It travels down Bridge Street, by Druthers and then turns right onto Surpass' scale house driveway. Surpass' large chemical trucks have successfully traveled this route for decades in a safe and efficient manner.



## *Druthers' Proposed Surpass Tank Truck Route*



During Mr. Martell's June 23, 2021 presentation to the BZA, he claimed that instead of turning left onto Bridge Street from Broadway, Surpass tank trucks could travel to Tivoli Street, then to Mill Street, then take a left onto Bridge Street. See, 37:36-37:46 of meeting video. The red line on the above photograph depicts Mr. Martell's proposed Surpass tank truck route. He would have Surpass' tank trucks exit Interstate Route 787, and then travel south on Broadway, past Bridge Street. Each tank truck would take a left turn onto Tivoli Street, then a left turn on Mill Street, then a left turn on to Bridge Street, and then a left turn into Surpass' scale house driveway.

During Mr. Martell's June 23, 2021 presentation, he opined that it would be easy for Surpass to drive "a couple hundred extra yards" to access the scale house driveway from the east side of Bridge Street. See, 37:47-37:50 of meeting video. As the foregoing photographs establish, Mr. Martell's proposed Surpass tank truck route would require the chemical trucks to travel far more than "a couple hundred extra yards." Surpass measured the extra distance its drivers would be forced to travel and it is actually 0.53 miles per truck when traveling Mr. Martell's proposed route versus the route Surpass has safely used for decades. In other words, each Surpass tank truck would be forced to travel more than one-half mile per run, (20 runs/day, 5 days a week, 52 weeks a year). Surpass' management has calculated that the greater time and distance for each chemical truck would cost it approximately \$90,000.00 per year in additional overhead costs. Moreover, it will increase Surpass' safety concerns and exposes the community to enhanced risk.

It is unfair for the BZA to burden Surpass with this additional risk and expense so that Druthers can construct a non-conforming 13-foot wide, 110 foot long deck in the public right of way along Bridge Street to benefit its private, for-profit restaurant.

### **Surpass' Employee Parking on Bridge Street**

Mr. Martell opined that Surpass did not travel along his proposed chemical truck route because its employee vehicles parked on Bridge Street prevented it. See, 37:55-38:00 of meeting video. This is not the case. As is set forth above, for safety and costs concerns, Surpass' goal is to keep its chemical trucks on the road for as little time and distance as possible. Mr. Martell's proposed chemical truck route would not accomplish Surpass' goal.

Moreover, Surpass employee vehicles do not impact driving on Bridge Street. Instead, what does impact Surpass's ability to get into its scale house driveway from the east side of Bridge Street is what is called the west loading dock. The below image is the Google street view of the area discussed by Mr. Martell during his presentation to the BZA at its June 23, 2021 public hearing, see, 38:09-39:00 of meeting video, but with blue outlines now showing where a trailer is typically parked.



That trailer is parked within the blue lines virtually every day of the year. The storage it provides is essential to Surpass' business and it cannot be relocated. It was atypically not present on the day that this photograph was taken. Its size and location prevents Surpass drivers from accessing the scale house driveway from the east side of Bridge Street as shown by the following photograph.



When the trailer is typically present, as depicted above, it is impossible for the tank trucks to turn left from the east side of Bridge Street onto Surpass' scale house driveway. This is one of only three loading docks at Surpass' facility and it is vital to make transfers to Surpass' other facility. Relocating it would cause Surpass to incur significant expense.

Surpass employees have parked on Bridge Street across from Surpass' facility for decades. After Druthers opened, and parking issues began to arise in the "no parking" zones across from Druthers, Surpass attempted to work directly with the City *via* Mark Eagan from the Chamber of Commerce. A meeting was held with the Mayor, Sarah Reginelli, and Brad Glass from Capitalize Albany. As Surpass began to explain the parking issues with Druthers' patrons the conversation quickly turned to how Surpass employees park. Surpass explained that it outgrew the available parking on Bridge Street almost 50 years ago and its employees have been parking as they have for that 50 year period without objection from anyone.

Nevertheless, after the meeting Surpass decided to try an experiment and had all of its employees park along Broadway in the areas recently opened up to parking by the City. Surpass employees then walked from Broadway, down Bridge Street, to Surpass' facility. Unfortunately, those responsible to maintain the sidewalks along this route did not always fulfill their obligations and the sidewalks were often not cleared of snow and ice, particularly at 2:00 to 4:00 a.m., when many of Surpass' employees go to work. This increased the potential for injuries. In addition, instead

of Surpass employees parking in their normal spots across from Surpass' facilities, Druthers patrons took those same spots. Gaining nothing but increased safety concerns, Surpass employees resumed parking where they always have to save them the unnecessary walk.

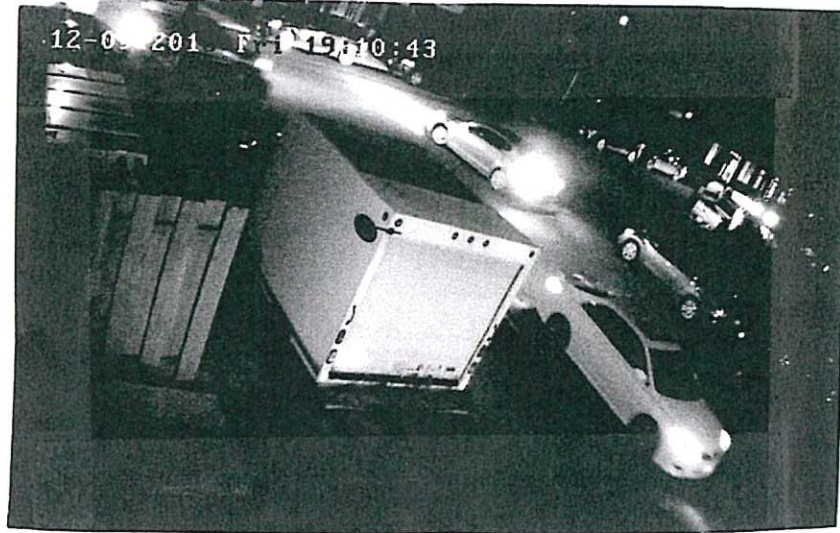
***Druthers' Proposed "No Parking" Zone on  
All of Bridge Street Would Not Resolve Surpass' Issues***

During Druthers' presentation to the BZA on June 23, 2021, Mr. Martell claimed that Surpass' problems with having its tank trucks travel along Bridge Street could be resolved if the City made a "no parking" zone along the entirety of Bridge Street. See, 35:33-36:00 of meeting video. Surpass disagrees with Mr. Martell's statement for the following four reasons.

First, as is set forth above, Mr. Martell's proposed solution would require all of Surpass' employees to park along Broadway, and then walk from Broadway, down Bridge Street, to Surpass' facility. Surpass fully expects that those responsible to maintain the sidewalks along this route will not fulfill their obligations to clear them of snow and ice, particularly at 2:00 to 4:00 a.m., thereby increasing the potential for injuries to Surpass' employees who will be forced to walk along dangerous sidewalks.

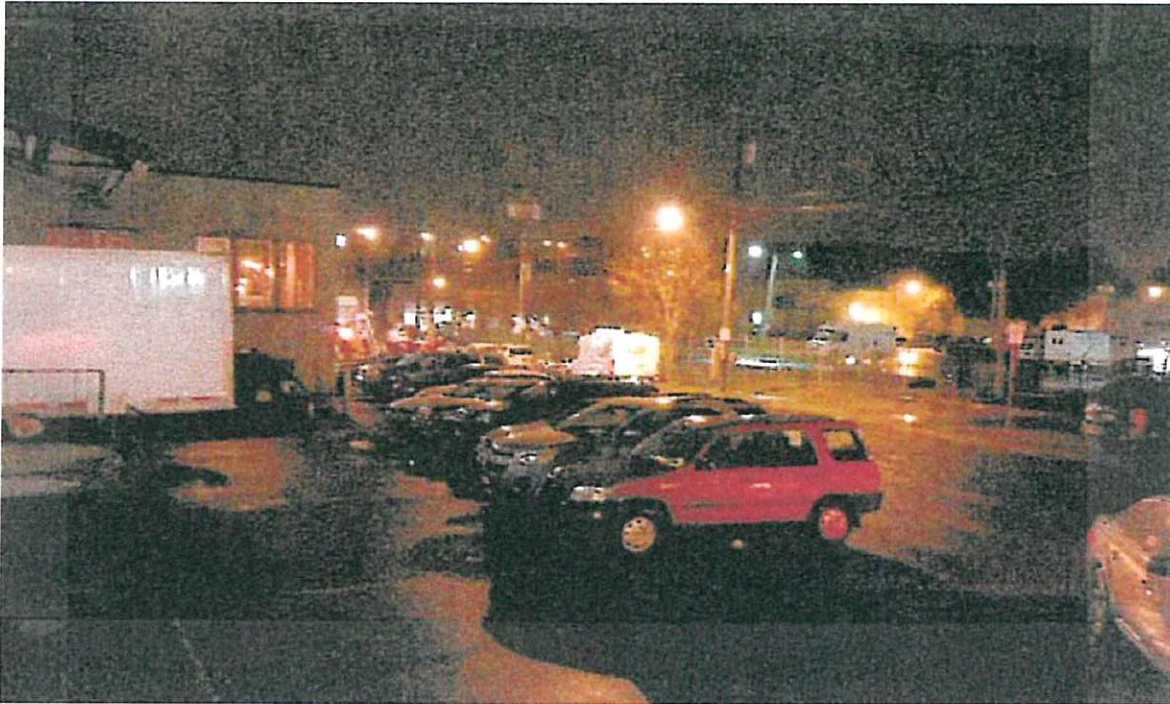
Second, Mr. Martell's proposed solution will eliminate most of the quick access parking for Druthers and the businesses along Broadway. Mr. Martell's plan is wholly dependent on the "no parking" zone along the entirety of Bridge Street actually being enforced by the City. After years of witnessing the City's neglect in enforcing the already existing "no parking" zones along Bridge Street, despite Surpass' repeated pleas that the City do so, Surpass has lost all faith that the City will do so now. The following photographs document Druthers' patrons' ongoing illegal parking practices along Bridge Street at all hours of the day and night.





Third, the initial use variance approval issued by BZA on January 8, 2014, required that Druthers repair and restore the sidewalk which fronted Bridge Street. See, Case # 1-14, 4158. Its obligation in this regard was not complied with, nor was it enforced by the BZA. The following two photographs document that the former sidewalk which fronted Bridge Street was never repaired and restored by Druthers, but rather is used as a parking area. Pedestrians now use Bridge Street for the sidewalk.





In Mr. Martell's July 7, 2021 letter, he states that Druthers' current proposal calls for "the construction of a 5-foot wide sidewalk along Druthers so that customers visiting Druthers have no reason to walk across Bridge Street ..." making it "safer for the entire community." He also estimates that Druthers will spend in excess of \$65,000 to construct the sidewalk. As is stated above, the BZA already made this sidewalk construction a condition of Druthers' January 8, 2014, use variance approval. Surpass is left to question why Druthers has ignored this requirement for more than 7-years, and the BZA never sought to enforce it, leaving a condition which even Mr. Martell now concedes is less safe for the entire community. The BZA must now compel Druthers to construct this sidewalk independent of its current application for another variance.

The initial use variance approval also required that a parking and traffic control plan be completed with Druthers and the City's Division of Traffic Engineering. There is no evidence that this important condition of approval was ever complied with or enforced by the BZA.

Fourth, even if there was no parking along Bridge Street, Druthers would still cause the street to be blocked with delivery vehicles providing supplies to the restaurant. This is illustrated with the following photograph which shows that while no vehicles are parked in the "no parking" zones along Bridge Street, the road is blocked by delivery trucks servicing Druthers.



**Point III**  
**The BZA and City Have Treated Surpass**  
**Unfairly with Respect to Druthers' Application**

Surpass objects to the unfair and improper manner in which the BZA conducted the June 23, 2021 public hearing. On June 1, 2017, the City of Albany adopted its USDO which provides that variance applications (including Druthers' pending application) require the City to provide published, mailed and posted notices of all public hearings. See, Table 375-502.1 (Summary of Development Review Procedures).

The USDO addresses the requirements of a mailed notice. It provides that all such notices shall be mailed at least 10 days before the public hearing to all owners of property located in whole or in part within 250 feet of the boundaries of the property that is the subject of the public hearing, as shown on the most recent tax assessment roll. See, §375-504(6)(c)(ii)(B).

Surpass owns the property which adjoins Druthers' property on the southeast side along Bridge Street and is within the 250 foot buffer set forth above. As such, Surpass was legally entitled to receive notice of the June 23, 2021 public hearing to address Druthers' pending application for a variance. The BZA was legally obligated to mail Surpass notice of this public hearing at least 10 days before it was conducted. On Friday, June 18, 2021, Surpass received notice of the June 23, 2021 public hearing, a copy of which is attached hereto as **Exhibit A**. The notice is clearly post-marked June 15, 2021. It was mailed to Surpass only 8 days before the June 23, 2021 public hearing. The BZA violated USDO §375-504(6)(c)(ii)(B) by failing to mail the

notice at least 10 days before the public hearing was conducted.<sup>1</sup> This prejudiced Surpass by providing it very limited time to analyze Druthers' application and thereafter prepare and submit its opposition. After the BZA provided Surpass legally deficient notice of the public hearing, the BZA proceeded to conduct the hearing in an unfair and biased manner.

The BZA's Rules of Procedure mandate that the applicant (in this case Druthers) be in attendance at the public hearing and make a presentation in support of its application. See, Section 6.2 of the BZA's Rules. During the June 23, 2021 public hearing, no representative of Druthers was present when its application was called by the BZA. Chairperson Berkley stated that if no representative appeared, then the BZA could deny the application. See, 1:35 of meeting video. Instead of doing so, the Chairperson Berkley moved the application to the end of the agenda. See, 3:30 of meeting video. At that point, the City's Department of Planning and Development employee, Luis Roldan, took it upon himself to call Mr. Martell, the representative of Druthers. See, 29:50 of meeting video. Mr. Martell appeared shortly thereafter, apologized and stated that he calendared the meeting for Thursday, June 24, 2021. See, 30:09 of meeting video. Clearly, absent Mr. Roldan efforts, no representative of Druthers would have appeared and its application was subject to denial.

Thereafter, the allocation of time for speakers was grossly inequitable and in violation of the BZA's Rules which provide:

The presiding Board member may announce reasonable time limitations and registration requirements for speakers so that all may have an opportunity to be heard.

(i) Except where a speaker's allotted time must be shortened so that all may have an opportunity to be heard, speakers shall be allotted the following:

(a) Applicants may have ten (10) minutes to present their case.

(b) Members of the public may have three (3) minutes to present their remarks.

(c) Council Members may have six (6) minutes to present their remarks.

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<sup>1</sup> Surpass remains upset with the City's failure to timely provide it with notice of public hearings related to the applications submitted by Druthers. As is set forth in my June 23, 2021 letter, Surpass never received any notice from the City regarding any public hearings to address Druthers' December 2013 application for a use variance. Absent this notice, Surpass did not appear and comment in opposition to Druthers' 2013 application.



(d) Applicants may have five (5) minutes for rebuttal.

(ii) Any speakers' allotted time may be extended by majority vote of the Board members in attendance. See, Rule 7.3.

The BZA permitted Mr. Martell to speak for more than 29-minutes on behalf of Druthers. See, 30:09-59:18 of meeting video. No one stated that they were timing his presentation, nor did Mr. Roldan or the BZA hold him to the 10-minute rule as set forth above.

Surpass was the only member of the public which registered with the BZA to speak regarding Druthers' application. When it came time for Surpass to make its comments in opposition, Mr. Roldan and the BZA Chair strictly held me to the 3-minute rule. See, 1:30:10-1:33:55 of meeting video. When I requested more time to address Druthers' 29 minute presentation, the Chair unilaterally denied my request. See, 1:33:155 of meeting video. Although the BZA's rules state that my allotted time may be extended by majority vote of the Board members in attendance, the Chair did not offer the other BZA members the opportunity to vote on my request.

Surpass objects to the discriminatory treatment which it received from the BZA to date, especially when juxtaposed to the favorable treatment given to Druthers. Surpass owns property and has been paying taxes to the City for more than 100 years. It employs more than 50 individuals, many of whom live and pay their taxes in Albany. Surpass expects that the BZA will hear its substantial safety and parking concerns regarding Druthers' application, and treat it fairly in this process.

Thank you for your consideration of the foregoing.

Respectfully submitted,

**DuCHARME CLARK, LLP**



John B. DuCharme

JBD:nb

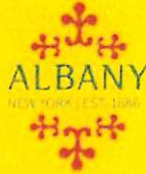
Enclosure

cc: Hon. Kathy M. Sheehan, Mayor, *via* David Galin, Chief of Staff  
Hon. Kelly Kimbrough, Ward 4 Representative to the Common Council  
Leonard J. Smith, President of Surpass

# **EXHIBIT “A”**

received  
06/18/21

**CITY OF ALBANY**  
BOARD OF ZONING APPEALS  
200 HENRY JOHNSON BLVD | SUITE 3  
ALBANY, NEW YORK 12210-1550



SURPASS CHEMICAL CO INC,  
1254 BROADWAY  
ALBANY, NY 12204



### LEGAL NOTICE • CITY OF ALBANY BOARD OF ZONING APPEALS

Notice is hereby given that a public hearing will be held before the Board of Zoning Appeals via Zoom teleconference pursuant to Governor Cuomo's executive order 202.1 and Mayor Sheehan's emergency order 315-1b on Wednesday, June 23<sup>rd</sup> at 6:00 p.m., upon the application of Druthers Brewing Company II, Inc., regarding the premises located at 1053 Broadway, submitting before the Board of Zoning Appeals, an application for the construction of a +/-1,430 square foot porch in the public right-of-way, when §375-402(G)(4) does not permit the construction of a porch within the public right-of-way, with the request being more particularly described in said application filed with the Department of Planning and Development.

You are receiving this notice because you have been identified as the primary owner of a property located within 250 feet of the address that is the subject of the above application.

All persons wishing to be heard in favor of or in opposition to the proposal will have such opportunity prior to the hearing. Written comments must be submitted via email to [BZA@AlbanyNY.gov](mailto:BZA@AlbanyNY.gov), or to the address on the reverse of this notice. This application may have more than one appearance before the Board of Zoning Appeals.

Application documents are available in electronic format on the City's website at <https://selfservice.albanyny.gov/development-review>. Register in advance for this webinar by using link: [https://us02web.zoom.us/webinar/register/WN\\_pFY2JhMQdWKBCRlhRkSHQ](https://us02web.zoom.us/webinar/register/WN_pFY2JhMQdWKBCRlhRkSHQ) Questions can be directed to (518)465-6066

RICHARD BERKLEY, CHAIRMAN