



Planning Board Public Hearing and Meeting

Date: Tuesday, December 7, 2021

Location: Teleconference and Videoconference via Zoom

Time: 6:00 PM

Public Hearing Agenda

PROJECT #00426

Application	CUP #0047
Property Address	289 Hudson Avenue
Applicant	Bill Hamel, QUAD H, LLC
Zoning District	R-T (Townhouse)
Request	Conditional Use Permit - §375-203(4)(d)(i)C & §375-5(E)(16)
Proposal	Conversion of 3,700 square feet of office space into two dwelling units.

Prior Appearance: November 23, 2021

Notes/Comments:

- The project is classified as a Type II Action based on Part 617.5(C)(11) of New York State Law and requires no further SEQRA review.
- The proposed project would not result in any changes to the existing window or door openings. Any deviations from this would require review by the Historic Resources Commission since the property is located within a Locally Designated Historic District.
- The application was referred to the Albany County Planning Board for their November 18, 2021 meeting and was deferred to local consideration.
- Since the building was originally constructed for a non-residential use, §375-203(4)(d)(i)C of the USDO allows the building to be converted to any use in the Residential or Civic and Institutional categories in the Permitted Use Table upon the issuance of a Conditional Use Permit.
- The Planning Board uses seven review standards to determine whether a Conditional Use Permit should be approved. The following list includes the Conditional Use Permit standards along with Planning Staff's determination of each of the standards:
 - i. The project is consistent with any provision of this USDO and the Albany City Code.
The project complies with all provisions of the USDO and Albany City Code.

- ii. The project would not result in a random pattern of development with little relationship to existing or planned development.
The proposed reuse of the existing building as a multi-family building would create a more consistent relationship with neighboring residential uses than the current office use. Therefore, the proposed project would not result in a random pattern of development.
- iii. The project would not cause negative fiscal or environmental impacts on adjacent properties and the surrounding neighborhood.
Planning staff has worked with the applicant to ensure the provision of an indoor trash storage area to prevent negative impacts related to trash pickup with the City right-of-way. Given the inclusion of the indoor trash storage area and the limited intensity of the proposed use, the project would not result in negative fiscal or environmental impacts on adjacent properties and the surrounding neighborhood.
- iv. The project is consistent with the purposes and objective of the zone district and character of the neighborhood in which it is located and the specific use standards applicable to the use.
The project is located in an R-T (Townhouse) zoning district. The purpose of the district is to provide for neighborhoods containing a blend of townhouse-style residences of varying sizes and configurations. While the proposed use is not a townhouse, the R-T purpose statement goes on to say that a mix of uses is permitted where the existing building typologies and built fabric of the area are consistent with such uses shown in the Permitted Use Table.

The proposed conversion of the structure from a mixed-use building with office space on the ground floor to a multi-family building is consistent with the purpose of the district.
- v. The project would not result in harmful cumulative effects or impacts of aggregate similar conditional uses.
While there are other proximate multifamily structures, the inclusion of an indoor trash storage area and the decreasing intensity of the use would not result in harmful cumulative effects or impacts on the surrounding neighborhood.
- vi. The project would not place excessive burden on public improvements, facilities, services, or utilities.
The subject property and building have existing utility connections and is located in a neighborhood that is supported by a number of public improvements, facilities, and services. The proposed conversion would not place a burden on these existing services.
- vii. The project will 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 or community.

The proposed project promotes the continued use of a contributing historic structure that will provide new housing units within close proximity to a number of major employers. Through the retention of existing historic building elements and openings, and the creation of the indoor trash storage area, the proposed project contributes to the general welfare of the surrounding neighborhood.

Recommended Action – CUP #0044: Approve

Public Meeting Agenda

PROJECT #00407

Application	DPR #0118
Property Address	17, 19, 21, and 25 Erie Boulevard
Applicant	21 Erie Assoc., LLC
Representing Agent	Jeff Buell, Redburn Development
Zoning District	MU-FW (Mixed-Use, Form-Based Warehouse)
Request	Major Development Plan Review - §375-5(E)(14)
Proposal	Conversion of an existing +/-243,000 square foot warehouse to 261 apartments and +/-9,195 square feet indoor recreational uses, and an expansion of an existing surface parking lot by +/-218 spaces.

Prior Appearances: May 25, 2021, August 30, 2021, September 28, 2021

Notes/Comments:

- The application was referred to the Albany County Planning Board for their November 18, 2021 meeting and modified local approval to include (City Planning Department Staff responses in **bold**):
 1. Review by the Albany County Department of Health for water supply, waste water discharge and other required permits. **(The ACDOH has been included in the SEQRA review and required permits will be reviewed by ACDOH. City Planning Staff agrees that the review and approval of all relevant permits is required.)**
 2. A Notice of Intent filed with the New York State Department of Environmental Conservation affirming that a Stormwater Pollution Prevention Plan has been prepared and is being implemented, or submission of a Stormwater Pollution Prevention Plan (SWPPP) that is consistent with the requirements included in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges (GP-0-15-003; May 1, 2015) for construction activities that disturb more than one acre of land. **(The Applicant has submitted a SWPPP that is being reviewed by the Department of Water and Water Supply to ensure compliance with City of Albany and DEC standards. City Planning Staff agrees that the project should meet these requirements.)**
 3. Notification to the local fire department for review and comment on emergency access and the emergency plan. **(The Application has been reviewed and approved by the Department of Fire and Fire Safety.)**
 4. The property is located in the flood zone, Approval of the site plan should be subject to requirements for building in the floodplain. The City should ensure that the flood plain management zone requirements are met for new construction. **(While the project site is located in the FP-O (Floodplain Overlay), the proposed project does not require floodproofing improvements to the building since the proposed action is an alteration of a historic structure and exempt from this requirement. This exemption can be found in the definition for Substantial Improvement in the USDO and is a standard FEMA exemption.)**
 5. A demolition review is required to ensure no hazardous materials on the proposed site. **(The proposed removal of bollards and pavement does not meet the minimum threshold requiring a Demolition Review.)**
 6. The applicant should be aware of the requirements of the Form-Based code and provide details on all proposed projects to comply with existing City of Albany form-Based code. **(§375-402(1)(b) states that the provisions of §375-402 (Form-based zoning standards) apply to all development and redevelopment in the MU-FW, MU-FC, MU-FS, and MU-FM Districts**

that involves the construction of a new principal structure on the site. No new principal structures are proposed to be constructed on-site, so the Form-Based standards do not apply to the proposed project. Additionally, it would be onerous for the proposed Applicant to provide details on all other previous projects that have been reviewed under the form-based standards of the USDO.)

- While Planning Staff concurs with the Albany County Planning Board recommended modifications #1-4, it is recommended that the City Planning Board overrule the County Planning Board recommendation based on recommendations #5 & #6.
- The Applicant is currently in the process of creating a licensing agreement with the City to address comments from the Division of Engineering related to the use of the City right-of-way as snow storage, to formalize the existing informal arrangement used by the current operator of the site, and to try and reduce the significance of the waiver request to §375-406(4)(e) of the USDO
- The Planning Board uses five review standards to determine whether a waiver should be granted. The following list includes the Waiver standards along with Planning Staff's determination of each of the standards and requested waivers:
 - i. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the waiver.
Since there is no change to existing conditions of the site, the proposed waiver would not result in an undesirable change or create a detriment to nearby properties.
 - ii. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a waiver.
While the Applicant could modify the existing parking lot to meet the requirement, the number of spaces that would be removed in the process would create conflicts in the minimum number of parking spaces required for the proposed uses and would necessitate a waiver or area variance with greater impacts. Additionally, site constraints in the rear of the property prevent expanded parking areas to reduce the need for the waiver. Finally, the Applicant is in the process of finalizing a licensing agreement for the maintenance of the City right-of-way informally used by the current tenant. The maintenance of this space by the Applicant would achieve a similar benefit to a strict compliance with the requirement and while required by the City, will reduce the significance of the waiver request. Based on these factors, the proposed waiver is the only feasible method to achieve the benefit sought.
 - iii. Whether the requested waiver is substantial.
The existing principal structure has a primary building façade that has a front setback ranging from 27.3 feet to 120.5 feet and a pre-existing use of the City right-of-way as a parking area. While a significant portion of the space between the primary building façade and the front lot line is not landscaped, the Applicant is proposed streetscape improvements beyond USDO requirements in the right-of-way that will achieve a similar effect to the requirement. Based on these factors, the proposed waiver is not substantial.
 - iv. Whether the proposed waiver will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
Since there is no change to existing conditions of the site, the proposed waiver would not result in an undesirable change or create a detriment to nearby properties.

- v. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Planning Board, but shall not necessarily preclude the granting of the waiver.

The difficulty is self-created.

- The Planning Board uses six review standards to determine whether a proposed development should be approved. The following list includes the Major Development Plan Review standards along with Planning Staff's determination of each of the standards:
 - A. The project will not create significant adverse impacts on the surrounding neighborhood, or any significant adverse impacts will be limited to a short period of time.
The application has been reviewed by City departments and has been approved by the Division of Traffic Engineering, Department of General Services, and Department of Fire and Fire Safety. Through the anticipated approval letters and requested conditions from the Division of Engineering and Department of Water and Water Supply, the proposed project will not result in any significant negative adverse impacts on the surrounding area.
 - B. The project will not create risks to public health or safety.
The proposed uses of the site do not present any safety risks to the public health or safety.
 - C. The project is consistent with any relevant prior approvals or conditions.
The project site was the subject of Board of Zoning Appeals Case #12-86,284 for an area variance to grant the construction of a 100 square foot sign 8 feet from the front lot line, which was approved on January 12, 1987. No conditions were placed on this approval.

The project site was also the subject of Planning Board Case #01-86,047 for the construction of a +/-19,600 square foot office/warehouse. The project was approved with the following two conditions:
 - ***Final parking lot drainage plans must be submitted for approval to the City Engineer's Office before a building permit is issued.***
 - ***The berm area to the east of the site shall be landscaped with a dozen 5-6 foot scotch pines and six red maples, with 2.5- 2.75 inch trunk widths, spaced intermittently. Final landscaping design to be approved the City Planning Office.***
The conditions were satisfied for this case and the site plan was stamped on February 25, 1988.
 - D. The project is consistent with the Comprehensive Plan.
The project is consistent with strategy ARCH-3 (Adaptively reuse historic and non-historic structures in brownfields remediation projects) which proactively and adaptively reuses the site as a multi-family dwelling and for indoor recreation, which will prevent the abandonment/disuse of the structure.
 - E. The project is consistent with any provisions of this USDO and the Albany City Code.
Through the granting of the waiver and the Applicant satisfying all comments from the Division of Engineering and the Department of Water and Water Supply, the project will comply with the provisions of the USDO and Albany City Code.

- F. The project complies with all requirements and conditions of any prior development permits or approvals related to the property.

As discussed under Major Development Plan Review standard C, the subject property is in compliance with all applicable prior development permits and approvals.

Recommended Action – SEQRA: Negative Declaration

Recommended Action – Waiver: Approve with Condition

CONDITION: The Applicant must receive approval from the City of Albany for a licensing agreement for the portion of the City right-of-way being used for parking, snow storage, and landscaping.

Recommended Action – DPR #0118: Approve with Conditions

CONDITION #1: The Applicant must receive approval from the City of Albany for a licensing agreement for the portion of the City right-of-way being used for parking, snow storage, and landscaping.

CONDITION #2: The Applicant must implement an Affordable Housing Compliance Plan that sells or rents at least 5% of the proposed units at prices affordable to persons earning no more than 100% of the area median income for the City of Albany.

CONDITION #3: If applicable, the Applicant must satisfy all conditions and requirements placed by the Division of Engineering. (A comment letter is anticipated to be received prior to the meeting)

CONDITION #4: If applicable, the Applicant must satisfy all conditions and requirements placed by the Department of Water and Water Supply. (A comment letter is anticipated to be received prior to the meeting.)