



CITY OF ALBANY
DEPARTMENT OF DEVELOPMENT & PLANNING

GERALD D. JENNINGS
Mayor

MICHAEL J. YEVOLI
Commissioner

BOARD OF ZONING APPEALS

Wednesday, April 10, 2013
ACTIONS TAKEN

Members Present: Apostol; Moran; Ray; Tucker-Ross; Viele

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Case # 10-11, 2078

Conditional review of the case of Tierra Farm Coffee Roaster, LLC regarding the premises located at 1038-1040 AKA 1036 Madison Avenue and relative to a conditionally approved Special Use Permit pursuant to §375-27 and §375-71C of the City of Albany Zoning Ordinance that allowed for the addition of alcohol service to an existing coffee shop. Restaurants serving alcohol are a special permit use in the C-1 Neighborhood Commercial zoning district and the Special Use Permit was granted subject to a review in six (6) months time.

Approved
Vote: 5-0

Case # 10-11, 2082

Conditional review of case of Shogun Restaurant / Frank Lee regarding the premises located at 457 Madison Avenue and relative to conditionally approved Special Use Permits pursuant to §375-27 and §375-71C of the City of Albany Zoning Ordinance that allowed for the establishment of a restaurant serving alcohol with take-out and delivery service. Restaurants serving alcohol and take-out and delivery restaurants are special permit uses in the C-1 Neighborhood Commercial zoning district and the Special Use Permit was granted subject to a review in six (6) months time.

Approved
Vote: 5-0

Case # 3-13, 4082

The case of Ontario Real Estate Inc. regarding the premises located at 106 Ontario Street requesting a Use Variance pursuant to §375-26 and §375-64A of the City of Albany Zoning Ordinance to allow for the establishment of a grocery store in a +/- 1,000 square foot commercial space. The proposed grocery store is not a permitted use in the R-2A One- and Two-Family Residential zoning district.

Approved w/Conditions
Vote: 5-0

CONDITIONS

- **Hours of operation shall be limited to 6AM – 11PM.**
- **The applicant shall submit a plan for façade improvements and signage that complies with C-1 District Design Guidelines set forth in §375-46, to be approved by Planning Staff.**

Case # 3-13, 4086

The case of 28 Thatcher, LLC regarding the premises located at 28 Thacher Street AKA 927 Broadway requesting a Use Variance pursuant to §375-26 and §375-75A of the City of Albany Zoning Ordinance to allow for the establishment of a concert hall in a +/- 9,500 square foot commercial warehouse space. The proposed concert hall / tavern is not a permitted use in the C-M Light Industrial zoning district.

Denied

Vote: 5-0

Case # 4-13, 4090

The case of Barton Associates c/o Omni Management Group, Ltd. regarding the premises located at 2 Clara Barton Drive requesting a Parking Lot Permit pursuant to §375-174 of the City of Albany Zoning Ordinance to allow for a 27-space expansion of an existing 192-space parking lot. Authorization of the Board is required for the parking, storage or garaging for more than four (4) vehicles.

Approved

Vote: 5-0

Case # 4-13, 4091

The case of 651-663 Central Avenue, LLC c/o Lewis Sign Co., LLC regarding the premises located at 663 Central Avenue requesting an Area Variance pursuant to §307-7B of the City of Albany Sign Ordinance to allow a 3.41' x 4.25' electronic message center on a freestanding sign. No sign is permitted to be illuminated or contain flashing, intermittent rotating or moving lights except to show time and/or temperature.

Approved w/Conditions

Vote: 5-0

CONDITIONS

- **The electronic message board shall be limited to on-premises advertising only.**
- **The applicant shall consolidate the tax parcels that comprise the site.**

Case # 4-13, 4095

The case of Rain Restaurant / Frank Lee c/o Keith Cramer, Architect regarding the premises located at 259 Lark Street requesting a Special Use Permit pursuant to §375-27 and §375-72C of the City of Albany Zoning Ordinance to allow for the establishment of a restaurant. The proposed restaurant is a special permit use in the C-O Commercial Office zoning district.

Approved w/Conditions

Vote: 5-0

CONDITIONS

- **Hours of operation shall be limited to 6AM – 11PM.**