



CITY OF ALBANY  
DEPARTMENT OF DEVELOPMENT &  
PLANNING  
200 HENRY JOHNSON BOULEVARD  
ALBANY, NEW YORK 12206  
TELEPHONE (518) 445-0754  
FAX (518) 434-5219

GERALD D. JENNINGS  
MAYOR

MICHAEL J. YEVOLI  
COMMISSIONER

## **BOARD OF ZONING APPEALS**

### **ACTIONS TAKEN Wednesday, March 10, 2010**

**Members Present: Apostol; Cronin; Moran; Ray**

**Case # 3-10, 1821**

The case of Philip Stein and Christopher Soden d/b/a Pepper Jacks, LLC regarding the premises located at 192 North Allen Street requesting Special Use Permits pursuant to Sections 375-27, 375-71A and 375-71C of the City of Albany Zoning Ordinance to allow for the establishment of a take-out and delivery restaurant with hours of operation until 12AM. The proposed take-out and delivery restaurant is a special permit use and exceeds the permitted closing hours of 11PM in the C-1 Neighborhood Commercial zoning district.

**Approved w/Conditions**

**Vote: 4-0**

**CONDITIONS**

- **The property shall adhere to C-1 District Design Guidelines for all exterior work.**
- **The applicant shall adhere to the provisions of §375-107A(1)(b) relative to storage of trash at the premises.**

**Case # 3-10, 1822**

The case of Verizon Wireless regarding the premises located at 84 Holland Avenue requesting a Special Use Permit pursuant to Sections 375-27F and 375-94 of the City of Albany Zoning Ordinance to allow for the replacement and addition of six (6) antennas and the addition six (6) coax cables to an existing telecommunications installation. The proposed alteration is an expansion of an existing special permit use in the C-O Commercial Office zoning district.

**Approved**

**Vote: 4-0**

**Case # 3-10, 1824**

The case of John Norton regarding the premises located at 831 Chestnut Street requesting Area Variances pursuant to Sections 375-26, 375-64D and 375-175 of the City of Albany Zoning Ordinance to allow for the construction of a two (2)-family dwelling with a lot depth of 90.75 feet and parking within the required front yard. A minimum lot depth of 100 feet is required and parking in the required front yard prohibited in the R-2A One- and Two-Family Residential zoning district.

**Denied**

**Vote: 4-0**

**Case # 3-10, 1825**

The case of John Norton regarding the premises located at 837-839 Chestnut Street requesting Area Variances pursuant to Sections 375-26, 375-64D and 375-175 of the City of Albany Zoning Ordinance to allow for the construction of a two (2)-family dwelling with a lot depth of 90.75 feet and parking within the required front yard. A minimum lot depth of 100 feet is required and parking in the required front yard prohibited in the R-2A One- and Two-Family Residential zoning district.

**Denied**

**Vote: 4-0**

**Case # 3-10, 1826**

The case of Katrinella's Bistro regarding the premises located at 123.5 Madison Avenue requesting a Special Use Permit pursuant to Sections 375-27 and 375-71C of the City of Albany Zoning Ordinance to allow for the change of use from a restaurant to a restaurant serving alcohol. The proposed restaurant serving alcohol is a special permit use in the C-1 Neighborhood Commercial zoning district.

**Approved w/Conditions**

**Vote: 4-0**

**CONDITIONS**

- **The applicant shall receive a Certificate of Appropriateness from the Historic Resources Commission for any exterior work.**
- **Alcoholic beverage shall be served via table service only and shall be subordinate to the provision of food service at the establishment.**

**Case # 3-10, 1832**

The case of Albany Housing Authority regarding the premises located at 41 North Swan Street requesting a Use Variance pursuant to Sections 375-26 and 375-71A of the City of Albany Zoning Ordinance to allow for the establishment of a multi-media recording studio in a vacant storefront. The proposed recording studio is not a permitted use in the C-1 Neighborhood Commercial zoning district.

**Approved w/Conditions**

**Vote: 4-0**

**CONDITIONS**

- **The applicant shall receive a Certificate of Appropriateness from the Historic Resources Commission for any exterior work.**

## **PENDING CASES**

### **Case # 2-10, 1818**

The case of Star Roofing and Restoration regarding the premises located at 20 Colvin Avenue requesting a Use Variance pursuant to Sections 375-26 and 375-72A of the City of Albany Zoning Ordinance to allow for the change of use to a roofing contractor. The proposed warehouse and office space for a roofing contractor is not a permitted use in the C-O Commercial Office zoning district.

**Approved w/Conditions**

**Vote: 4-0**

### **CONDITIONS**

- **The use of tractor-trailers at the site or for deliveries to the site shall be prohibited.**
- **The applicant shall be limited to the parking of two (2) vehicles in the rear of the building at any given time.**
- **The applicant shall adhere to the provisions of §375-107A(1)(b) relative to the storage of trash at the premises.**

## **OTHER BUSINESS**

### **Case # 3-10, 1837**

Motion to consent to Planning Board acting as SEQRA Lead Agency for the case of The Brighter Choice Foundation, Inc regarding the premises located at 395 Elk Street and 116 North Lake Avenue and the proposed construction of a 50,000 +/- square foot charter school and two (2) accessory parking lots, 33 and 45 spaces in size.

**Motion Carried**

**Vote: 4-0**