



City of Albany
Board of Zoning Appeals
Application

RECEIVED
5/1/13

This application must be filed with the Department of Development and Planning, Land Use Division at 200 Henry Johnson Boulevard, Albany, New York 12206, (518-445-0754). Applications are not considered to be complete until all supplemental documents and fees are received. (See attached instructions.) Planning Office staff shall determine the completeness of applications before scheduling the case before the Board of Zoning Appeals. Notice of public hearing shall be mailed to the applicant, adjacent property owners, and other interested parties. The applicant or his/her representative shall appear at the public hearing to substantiate the application.

REGARDING THE PREMISES AT 1411 Washington Avenue

APPLICANT Edward Martino
ADDRESS 231 Hadley Road CITY Wynantskill STATE NY ZIP 12198
PHONE 518 892 1342 EMAIL emartino@hotmail.com

I, the undersigned APPLICANT, hereby state that the information and facts set forth in this application are true to the best of my knowledge and belief.

SIGNED [Signature] DATE 4.27.13

AUTHORIZED AGENT
AFFILIATION
ADDRESS
PHONE EMAIL STATE ZIP

I, the undersigned APPLICANT, hereby authorize the agent to bring the application herein before the Board of Zoning Appeals of the City of Albany.

SIGNED DATE

PROPERTY OWNER The University Club of Albany
ADDRESS 1411 Washington Ave CITY Albany STATE NY ZIP 12210
PHONE 518 463 1151 EMAIL matthew-badaluce@hotmail.com

I, the undersigned OWNER, hereby authorize the applicant to bring the application herein before the Board of Zoning Appeals of the City of Albany.

SIGNED [Signature] DATE 4/30/13

- REQUEST: [ ] SPECIAL USE PERMIT [ ] PARKING LOT PERMIT
[ ] USE VARIANCE [ ] INTERPRETATION
[ ] AREA VARIANCE [ ] ADMINISTRATIVE APPEAL

Is the property within 500 feet of a municipal boundary, State or County property, road, park or facility, or other recreation area? Yes [ ] No [X] If yes, the submission will require review by the Albany County Planning Board.

Does any state officer or any officer or employee of the City of Albany or County of Albany have any affiliation with or interest in the applicant or this application? Yes [X] No [ ] If yes, set forth the name, address, and nature and extent of the affiliation or interest of an officer / employee.

Warren Abriel - is currently the President of the Board of Directors
Deputy Fire Chief

## **AREA VARIANCE STANDARDS**

Applications for area variances must be based on some extraordinary topographic condition or other physical condition inherent in the parcel (for example: exceptional narrowness, shallowness, shape or area). This condition must prohibit or unreasonably restrict the use of the land and/or building.

- ~ When considering a request for an area variance, the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

[1] 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.

[2] Whether the **benefit sought** by the applicant can be **achieved** by some method feasible for the applicant to pursue, **other than an area variance**.

[3] Whether the requested area variance is **substantial**.

[4] Whether the proposed variance will have an **adverse effect or impact** on the physical or environmental **conditions** in the neighborhood or district.

[5] Whether the alleged difficulty was **self-created**, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance.

### **[1] DESCRIPTION OF CONDITIONS**

(Describe topographic condition or other physical condition of the property and the manner by which this condition restricts use):

*The City of Albany approved a Use Variance on 3/13/13 to allow applicant to convert 4,000 sq. ft. carriage house behind the University Club into four dwelling units. The proposed Area Variance is needed to divide the property and allow private entry into the building. The courtyard between the two buildings is landscaped and has a six foot fence, providing privacy. The only physical change will be the removal of one ten foot section of fence and the construction of a set of stairs to the courtyard adjacent to the carriage house. This new entrance will not adversely affect the neighborhood or produce →*

**[2] BENEFIT TO APPLICANT**

(Please describe why the proposed project cannot be achieved without an area variance):

The subdivision of the courtyard is necessary to create a separate entrance for the four unit dwelling. Without an Area Variance a legal subdivision cannot be created.

**[3] SUBSTANTIAL**

(Please describe why you feel the proposed project is not substantial in nature):

The proposal is not substantial in nature. The only alterations will be removing a section of fencing and constructing a set of steps. The courtyard will be split approx. 75-25 and maintain its existing use for both parties.

**[4] CHARACTER OF NEIGHBORHOOD**

(Please describe how the proposed use would be compatible with the existing neighborhood and would not negatively impact traffic patterns, general safety, architectural character, property values, and the atmosphere of the area):

Although the area is zoned commercial, it is not atypical of such a district, being intertwined with a surrounding urban fabric and predominantly residential use. Restoring the exterior of the carriage house, including new windows and courtyard improvements, coupled with the addition of affluent tenants, will add to the architectural character and improve the neighborhood.

**[5] SELF-CREATED**

Were you aware of the requirements of the City of Albany Zoning Ordinance at the time of purchase of the property?  Yes  No

If you answered no to this question, did you use the services of an attorney? Yes  No

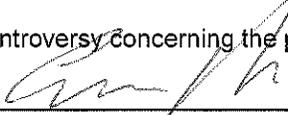
SHORT ENVIRONMENTAL ASSESSMENT FORM

INSTRUCTIONS:

In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies research or other investigations will be undertaken.

ENVIRONMENTAL ASSESSMENT

- 1. Will the project result in a large physical change to the project site or physically alter more than 10 acres of land?..... \_\_Yes  No
- 2. Will there be a major change to any unique or unusual landform found on this site?..... \_\_Yes  No
- 3. Will project alter or have a large effect on an existing body of water?..... \_\_Yes  No
- 4. Will project have a potentially large impact on groundwater quality? \_\_Yes  No
- 5. Will project significantly affect drainage flow or air quality?..... \_\_Yes  No
- 6. Will project affect any threatened or endangered plant or animal species... \_\_Yes  No
- 7. Will project result in a major adverse impact on air quality?..... \_\_Yes  No
- 8. Will project have a major effect on visual character of the community or scenic views or vistas known to be or important to the community?... \_\_Yes  No
- 9. Will project adversely impact any site or structure of historic, prehistoric or paleontological importance or any site designated as a critical environmental area by a local agency?..... \_\_Yes  No
- 10. Will project have a major effect on existing or future recreational opportunities? \_\_Yes  No
- 11. Will project result in major traffic problems or cause a major impact on existing transportation systems?..... \_\_Yes  No
- 12. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbances as a result of the project's operation?..... \_\_Yes  No
- 13. Will project have any impact on public health or safety?..... \_\_Yes  No
- 14. Will project affect the existing community by directly causing a growth? in permanent population of more than 5% over a one-year period or have a major negative effect on the character of the community or neighborhood?..... \_\_Yes  No
- 15. Is there any public controversy concerning the project?..... \_\_Yes  No

PREPARER'S SIGNATURE:  TITLE: project manager  
REPRESENTING: \_\_\_\_\_ DATE: 4.27.13



CITY OF ALBANY  
DIVISION OF ENGINEERING

ONE CONNERS BOULEVARD  
ALBANY, NEW YORK 12204-2514  
T: 518.434.5670 F: 518.434.5696  
www.albanyny.org

GERALD D. JENNINGS  
MAYOR

NICHOLAS D'ANTONIO  
COMMISSIONER

April 25, 2013

Virginia A. Wink, Office Manager  
Hershberg & Hershberg  
18 Locust Street  
Albany, New York 12203

**Re: Proposed Property Subdivision  
Washington Avenue (141)**

Dear Ms. Virginia:

Please be advised that the proposed property subdivision application that you submitted for the above referenced property has been denied by the City of Albany Planning Department for the following reasons:

1. Proposed lot does not meet minimum lot size requirements and results in a non-conforming lot.

If you wish to pursue this subdivision, please obtain an area variance from the board of zoning and appeals. Once a variance is obtained please resubmit a complete package including a copy of the variance to resume the subdivision application. If you should have any questions or need any additional information, please contact our office.

Very truly yours,

Fahad N. Mir  
Engineering Division - DGS

cc: Randall J. Milano, P.E., City Engineer  
Doug Melnick, Director of Planning  
Jeffery V. Jamison, Director, Buildings & Regulatory Compliance  
Regina Love, Treasurer's Office

## Narrative

141-B Washington Avenue is currently owned by The University Club of Albany and was once used as a Health Club Annex. Built in the 1880's as a carriage house to the original George Amsdell mansion, the two-story brick building has a significant historical and commercial value to the downtown Albany neighborhood and community. The Club put the building up for sale in August of 2011 with the hopes of finding a buyer that would repurpose the annex in a way that would make a positive contribution to the neighborhood, while preserving its architecture and synergy with the mansion property. The applicant's proposal to repurpose the building by creating four high-end loft apartments was approved by the City of Albany with a Use Variance on 3/13/13 to change the current C-O zoning.

The Amsdell mansion carriage house represents a unique and significant property to the downtown neighborhood. There are no other buildings known to the applicant in this well established neighborhood that is not being used to its potential. The applicant's proposal to develop four high-end loft apartments will add commercial and social value by bringing affluent tenants to a neighborhood teeming with history, art, culture and commerce.

With the Institute of Art and History, the Capitol building, state office complex, various non-profit and state association headquarters, and numerous restaurants and shopping in the surrounding blocks, converting this historic building into lofts will compliment the neighborhood and help drive the downtown economy. With only four units, it will have a negligible impact on traffic. There is ample off street parking available. Restoring the building's exterior, including improving the courtyard and installing windows, will add to the architectural character of the neighborhood. Further, bringing in affluent tenants will increase the neighborhood's property values and help position downtown as a premier place to live, work and play. There will be no environmental impact in the surrounding neighborhood.

The Area Variance is necessary to create a legal subdivision of the property: an approximate 75-25 percent split of the courtyard between the main building and carriage house. The courtyard is landscaped and has a six foot wood fence along the Dove Street property line, thus creating a private space. The only physical alternation of the courtyard visible to the public will be the removal of a section of fencing and the construction of a set of steps to create a separate entrance for the new four unit dwelling.



MAP OF THE SUBDIVISION OF PROPERTY AT:

**No.141 WASHINGTON AVENUE**

STREET ADDRESS AS SHOWN ON TAX ROLLS

TAX DIST. NO. \_\_\_\_\_ SHEET NO. \_\_\_\_\_  
 CURRENT WARD NO. \_\_\_\_\_

ASSESSMENT ROLL INFORMATION  
 ADDRESS TAX DIST. PAGE LINE NO. PARCEL NO.

APPROVED \_\_\_\_\_ DATE \_\_\_\_\_

CITY ENGINEER \_\_\_\_\_

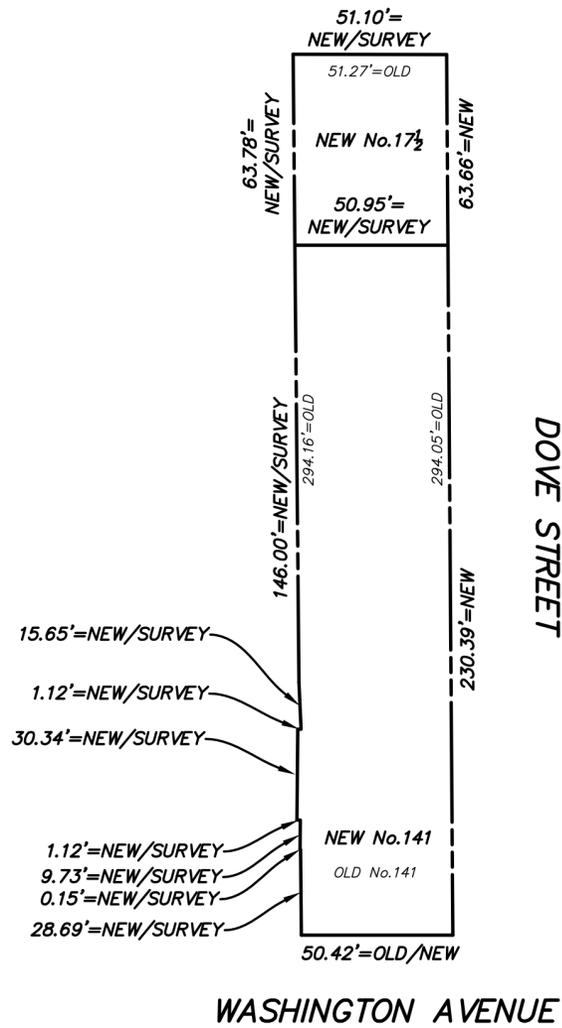
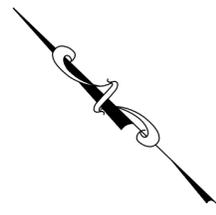
CITY TREASURER'S OFFICE \_\_\_\_\_

DIRECTOR OF BUILDINGS AND REGULATORY COMPLIANCE \_\_\_\_\_

DIRECTOR OF PLANNING \_\_\_\_\_

ALBANY COUNTY DIRECTOR OF  
 REAL PROPERTY TAX SERVICE \_\_\_\_\_

FOR DIVISION OF ENGINEERING OFFICE USE ONLY



SCALE: ONE INCH TO 40 FEET

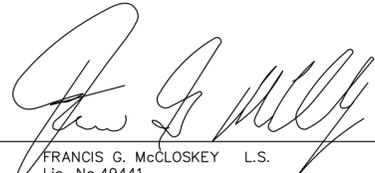
————— DENOTES RESUBDIVISION LINE

- - - - - DENOTES ORIGINAL SUBDIVISION LINE

SHOW OLD STREET NUMBER SCREENED, THUS 25

SHOW NEW STREET NUMBER SOLID, THUS 25



BY:   
 FRANCIS G. McCLOSKEY L.S.  
 Lic. No.49441