

RECEIVED
5/1/13

City of Albany
Board of Zoning Appeals
Application

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

APPLICANT Boys & Girls Clubs of Albany

ADDRESS 21 Delaware Ave. CITY Albany STATE NY ZIP 12210
PHONE 518-462-5528 EMAIL lmhunter18@gmail.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 4/21/13

AUTHORIZED AGENT _____
AFFILIATION _____
ADDRESS _____ CITY _____ STATE _____ ZIP _____
PHONE _____ EMAIL _____

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 City School District of Albany

ADDRESS Academy Park CITY Albany STATE NY ZIP 12207
PHONE 518-475-6000 EMAIL _____

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 4/30/2013

- 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 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 No If yes, set forth the name, address, and nature and extent of the affiliation or interest of an officer / employee.



20 Corporate Woods Blvd.
Albany, New York 12211
tel: 518 462 0300
fax: 518 462 5037
www.girvinlaw.com

Kristine Amodeo Lanchantin
Partner
kal@girvinlaw.com

April 29, 2013

Brad Glass
Albany Zoning Board of Appeals
The Office of Land Use Planning
200 Henry Johnson Blvd.
Albany, NY 12210

Re: **Sunshine School, Albany, NY**

Dear Brad:

Please be advised that we represent the Albany City School District. The District is the current owner of the "Sunshine School" located at 164 Delaware Avenue in Albany.

The property is currently under contract with the Boy's and Girl's Club of Albany. The Boy's and Girl's Club is in need of a zoning variance in order to operate its programs from the Sunshine School building.

As the seller of the property, we are writing to provide our consent to allow the Boy's and Girl's Club to request a variance so that it may use the Sunshine School for its lawful purposes.

If you need anything further from us or have any questions, please feel free to contact me.

Very truly yours,

GIRVIN & FERLAZZO, P.C.

By:

Kristine Amodeo Lanchantin

KAL;jlf

USE VARIANCE STANDARDS

Applications for use variances **must** be based on alleviating a clearly demonstrable hardship, as opposed to a special privilege of convenience sought by the owner. Furthermore, the hardship must be specific to the land or building, NOT personal circumstance, and must not generally apply to land/buildings throughout the neighborhood.

- When considering a request for a use variance, the Board shall require a showing by the applicant that applicable zoning the regulations have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board that for each and every permitted use under the zoning regulations for the particular district where the property is located:

[1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as **demonstrated by competent financial evidence.**

[2] The alleged hardship relating to the property in question is **unique**, and does not apply to a substantial portion of the district or the neighborhood.

[3] The requested use variance, if granted, **will not alter the essential character of the neighborhood.**

[4] The alleged hardship **has not been self-created.**

[1] DESCRIPTION OF HARDSHIP

(Describe the features or conditions of the property that restrict reasonable use/return of the property under current zoning regulations)

The Boys & Girls Clubs of Albany does not fit within the permitted use as identified by the Land Conservation District. Currently there is a developed site with a building constructed for public use that is no longer needed for that purpose. The current building was owned by the Albany City School District and the district has no interest in continuing usage of that building as it was originally intended. The Boys & Girls Clubs of Albany is a private not-for-profit organization seeking to utilize the property and all structures for the purposes of youth development services including preschool, after school programs for ages 5-12 and a drop-in teen services program for ages 13-19.

As a nonprofit organization we are not looking to seek a financial return on the property. All income generated by the Boys & Girls Club is immediately utilized to fulfill our mission.

Please answer the following questions to show that the current property owner is being deprived of all economic use or benefit from the property in question under the applicable zoning regulations. The deprivation must be established by **competent financial evidence**. Please attach supporting documents (i.e. mortgage documents, tax bills, rental agreements, etc).

Estimated cost of the proposed improvements/alterations to the property that necessitates the variance(s)? \$ 337,938

How was this estimate determined? The estimate was determined based on facility inspections by BBL Construction Services as well as through the needs identified by the Boys & Girls Clubs of Albany.

When was the property purchased? A Contract for Sale is attached to the application. Property transaction is pending.

Purchase price for the property: \$155,000

What is the present value of the property? 155,000

Source of Valuation Property appraisal complete by Caryn Zeh Appraisals

Original amount of mortgage(s): No mortgage will be held on the facility

Mortgage Holder(s): _____

Interest Rate(s): _____

Term of Mortgage(s): _____

Is your property currently for sale?

Yes No (If No, please continue with question k)

1. How long has the property been for sale? _____

2. How has it been advertised? _____

3. How many offers have been made for the property and for how much?

4. Is the property listed with a realtor? Yes No

If Yes, please name the realtor: _____

Have you previously tried to sell your property?

Yes No (If No, please continue with question l)

1. How much were you asking for the property? _____

2. How long was the property for sale? _____

3. How was it advertised? _____

4. How many offers were made for the property and for how much?

5. Was the property listed with a realtor? Yes No

If Yes, please name the realtor: _____

Explain how you would be negatively affected in an economic or financial way if you did not obtain the variances requested. Please do not comment on your personal financial situation. Your answer must address economic circumstances related to the property and its present inability to provide you with a **reasonable** financial return under the present zoning regulations.

Current zoning would preclude the Boys & Girls Clubs of Albany from utilizing the property for our intended purpose of offering youth development services. The Boys & Girls Clubs of Albany is a nonprofit organization not seeking an economic return on the investment.

[2] UNIQUENESS

(Please describe how the alleged hardship is unique to the property in question and does not apply to a substantial portion of the district or neighborhood)

The building located on the property has been unoccupied since November 2010. An existing facility on site complicates any use for Land Conservation circumstances. In addition, a vacant building in that section of the neighborhood bordering Lincoln Park has become a target for vandalism and will continue to be seen as such a target until occupied and monitored.

[3] 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)

This property is located next to the Thomas O'Brien Academy of Science & Technology Elementary School, across the street from Hackett Middle School and bordering the Lincoln Park property on Delaware Avenue. The ability for a Boys & Girls Club to be located in this area will provide opportunities for structured youth activities during the hours where children are not in school. Occupancy of the property will also assist in monitoring park properties where children tend to "hang out" with no adult supervision. The Boys & Girls Club is designed to serve the entire community and makes every effort to maintain a controlled environment both in and out of the facility. We find that children and families respect the organization and, as a result, will respect the building and all surrounding property. Boys & Girls Clubs programming will increase visibility by offering outdoor activities at the basketball courts, tennis courts, playground areas as well as the surrounding greenspace.

[4] 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

Did you obtain a copy of the Certificate of Occupancy or Letter of Zoning Compliance prior to your purchase of the property? Yes No

Did you use the services of an attorney? Yes No

There is a current Contract for Sale enacted between the City School District of Albany and the Boys & Girls Clubs of Albany. The sale is currently pending.

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 | X No |
| 2. | Will there be a major change to any unique or unusual landform found on this site? | Yes | X No |
| 3. | Will project alter or have a large effect on an existing body of water?..... | Yes | X No |
| 4. | Will project have a potentially large impact on groundwater quality? | __ Yes | X No |
| 5. | Will project significantly affect drainage flow or air quality?..... | Yes | X No |
| 6. | Will project affect any threatened or endangered plant or animal species... | __ Yes | X No |
| 7. | Will project result in a major adverse impact on air quality?..... | Yes | X 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 | X 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 | X No |
| 10. | Will project have a major effect on existing or future recreational opportunities? | __ Yes | X No |
| 11. | Will project result in major traffic problems or cause a major impact on existing transportation systems?..... | Yes | X No |
| 12. | Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbances as a result of the project's operation? | Yes | X No |
| 13. | Will project have any impact on public health or safety? | Yes | X 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 | X No |
| 15. | Is there any public controversy concerning the project? | Yes | X No |

PREPARER'S SIGNATURE: *John DeWitt* TITLE: *Executive Director*



GERALD D. JENNINGS
MAYOR

CITY OF ALBANY
DIVISION OF BUILDING & REGULATOR COMPLIANCE
CITY HALL -- ROOM 303
ALBANY, NEW YORK 12207
PHONE (518) 434-5165 FAX (518) 434-6015
WWW.ALBANYNY.ORG

JEFFERY V. JAMISON
COMMISSIONER

April 24, 2013

Boys & Girls Club of Albany
21 Delaware Avenue
Albany, NY 12210

Re: **1 Lincoln Park (Sunshine School)**
Application Number: **66765**

Dear Sir:

On **April 17, 2013**, you made an Application for work at the above referenced property involving:
Conversion to a boys & girls club facility to serve 4-19 year age children for education, sports, arts, life skills, technology leadership, and recreation.

The property is located in an area which is zoned LC.

This Application has been examined for compliance with the applicable provisions of the Zoning Ordinance of the City of Albany.

That review revealed that the proposed work will not comply with the following provisions of the Zoning Ordinance: **REQUIRES A USE VARIANCE. 375-80A Principal Permitted Uses. Proposed uses for the boys & girls club are not listed permitted uses in an LC zoning district.**

Therefore, your Application of 4/17/13 is hereby **DENIED** pursuant to Sections 375-59 and 375-9(d) of the Zoning Ordinance.

These objections may be addressed by filing revised plans reflecting conditions which comply with the requirements of the Zoning Ordinance. In the alternative, this Denial may be appealed to the Board of Zoning Appeals on forms available from the Office of Planning and Neighborhood Development, 200 Henry Johnson Blvd. *This appeal must be filed completely with the Office of Planning and Neighborhood development within thirty (30) days of the date of this letter. Should this cause of Denial be resolved by successful Appeal, a full set of construction documents prepared by a NYS licensed architect or engineer may be required to be submitted to this office prior to a Building Permit being issued.*

For the Commissioner,

Vincent DiBiase
Deputy Chief Inspector

cc: Planning Office

1. **Narrative** - A project narrative is required that describes, in detail, the nature of the appeal or approval being sought as well as other relevant information *such as*

- description of existing/proposed structures and defining features of the property

The Sunshine site property sits on 3.4 acres of land bordering Lincoln Park and the Albany City School District's Thomas O'Brien Academy of Science & Technology Elementary School. The property includes green space, picnic areas, and a parking lot at the entrance of the building and is off the road from the intersection of Delaware and Holland Avenues. The property also includes an existing two story building structure, formerly used as Central Registration for the Albany City School District. The building includes a basement which houses the heating systems as well as 5 separate rooms and a main floor which includes 7 program/classrooms, one kitchen, reception area, office area and large room to serve as a gymnasium.

The Boys & Girls Clubs of Albany is looking to purchase the facility and its surrounding property. Currently the site is zoned for public use under the Land Conservation District. As a private not-for-profit organization the Boys & Girls Clubs of Albany is seeking approval for a Use Variance seeing that the Sunshine School is no longer being used as a public educational institution.

The Boys & Girls Club is looking to utilize the existing building to provide a neighborhood-based youth recreation, education and cultural center for Albany County residents. Programs will focus on education, career development, arts, character and leadership development, health and life skills, and sports, fitness and recreation.

- description of proposed alterations to the buildings and/or property

The Sunshine facility has been vacant since November 2010 and as a result has suffered extensive roof damage as well as damages to walls, windows, flooring and ceiling tiles. Crumbling walkways are also surrounding the entrance to the building. Facility improvements will include a total roof replacement, upgraded electrical systems, repairing of stair rails, replacement of windows, ceiling tile replacements, upgrade to all fire safety and protection systems, outdoor perimeter lighting, HVAC upgrades, and improvement of general building conditions.

- property's most recent use and relevant history

Up until November 2010 the facility and surrounding property were used by the Albany City School District as their Central Registration Offices. The facility has been vacant since this time.

- number of required, existing and proposed off-street parking spaces

There is a parking lot currently located at the front entrance to the facility. This parking lot will remain in-tact and is easily capable of providing off-street parking for 10-15 vehicles which is enough to meet daily needs.

- proposed bicycle parking (number of spaces and location)

While bike racks will be installed at the front entrance to the facility, there will not be a major focus on facility and property upgrades to expand this option.

- business plan, hours of operation, number of employees: full time, part time, etc.

The mission of the Boys & Girls Clubs of Albany is to inspire and enable all young people, especially those who need us most, to realize their full potential as productive, caring and responsible citizens. The organization is one of the oldest Boys & Girls Clubs in the country meeting the changing needs of children in the community since 1891. Today we continue to provide diverse programs, a safe environment and support for children ages 4-19. Reaching more than 1,000 children in 2012 and an average of 100 youth served daily, the organization has a great opportunity to address the most challenging issues facing young people today including gang involvement, diminished academic performance amidst poverty, alcohol and other drug use and abuse, poor health and nutrition, and an overall lack of positive role models and guidance. 97% of our youth served qualified for free/reduced meals in school and 86% of our youth reside in single-parent households.

The Boys & Girls Clubs of Albany operates Monday-Friday from 2:30-9:00pm with extended hours during school vacations and summer months. Special event programming is offered on weekends where you can find anything from family-oriented events to basketball tournaments taking place in the facility. The organization also operates seven Universal Pre-K classrooms within facilities owned and operated by the Albany City School District.

A youth development strategy is used in all of our programming that fosters the senses of belonging, influence, competence and usefulness building confidence and self-esteem in members. All programs focus on providing a Formula for Impact for all children that follows a pattern which takes young people who need us most and provides them with an outcome-driven Club experience focusing on key elements of youth development, high yield learning activities, targeted programs and regular attendance so that our children achieve academic success, develop skills in character and leadership and live active, healthy lifestyles.

The organization operates all programs with a staff of 24 individuals including an Executive Director, Director of Operations, Bookkeeper, 2 Program Directors, 7 Preschool Teachers, and 11 support staff. All positions are full time with the exception of the Bookkeeper and 5 support staff positions. In addition, over 20 different volunteers are working during the after school hours to support all program delivery services. Of these positions, 10 will be located within the Sunshine facility.

- proposed storage and removal of waste and/or recyclables

The Boys & Girls Clubs of Albany utilizes County Waste for waste and recyclable collections. The company will provide a large trash container for use that will be kept on site at an agreed upon location without jeopardizing the overall image of the property and facility.

The basement area of the facility will be used for indoor storage of supplies and equipment as well as program usage.

- proposed site improvements - ex. - landscaping, lighting, signage, etc.

The Boys & Girls Clubs of Albany has been working with BBL Construction Services as well as the Office of Children & Family Services on the proposed site improvements. Improvements will include a total roof replacement, upgraded electrical systems, repairing of stair rails, replacement of windows, ceiling tile replacements, upgrade to all fire safety and protection systems, outdoor perimeter lighting, HVAC upgrades, total kitchen renovation and improvement of general building conditions.

- possible environmental impacts - ex - storm water, noise, traffic, glare, dust, etc.

There are no potential environmental impacts that have been identified at this point the existing building structure will remain the same.

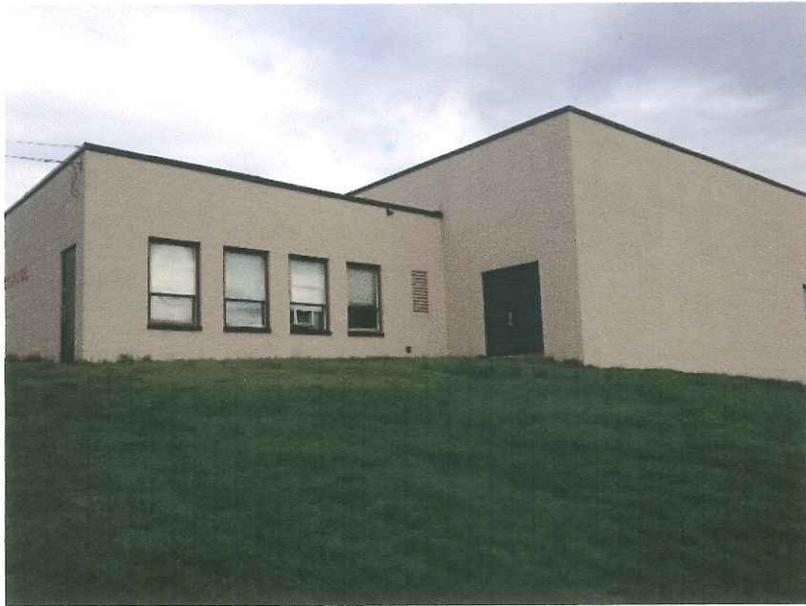
- mitigation of any impacts, ex. – screening

N/A

- other information that may be pertinent or unique to the proposed project

A Boys & Girls Club located at the Sunshine facility will provide much-needed community revitalization to the Lincoln Park, Delaware Avenue and Park South neighborhoods. This is located in an area of the city that is next to an elementary school and across the street from a middle school. The park is often a location where children dismissed from school go to "hang out." Local neighbors of the park often complain that there are loud parties, residents do not show any pride or caring towards the property and children are often left unsupervised. All of these factors can lead to crime, vandalism and increased arrest rates. The Boys & Girls Club located at this facility will become an integral part of the local community. As a neighborhood-based organization, we aim to provide a safe place for children who feel as though this is their home-away-from-home. In fact for many children the Boys & Girls Club is often felt as the only true home they have. Caring and respect for a facility such as this will also create an element of caring and respect for the surrounding property, resulting in decreased vandalism as well as an increased sense of community pride.





TAX MAP No. 76.10-1-3
LANDS N/F OF
CITY OF ALBANY

TAX MAP No. 76.10-1-2
LANDS N/F OF
CITY SCHOOL DISTRICT
OF ALBANY
SUNSHINE SCHOOL

LANDS TO BE
RETAINED BY THE
CITY SCHOOL DISTRICT
OF ALBANY
SUNSHINE SCHOOL
11,244 SF
0.26 Acres

LANDS TO BE
CONVEYED TO THE
CITY OF ALBANY
135,673 SF
3.11 Acres

PUBLIC SCHOOL No. 24
(FOURTH SCHOOL)

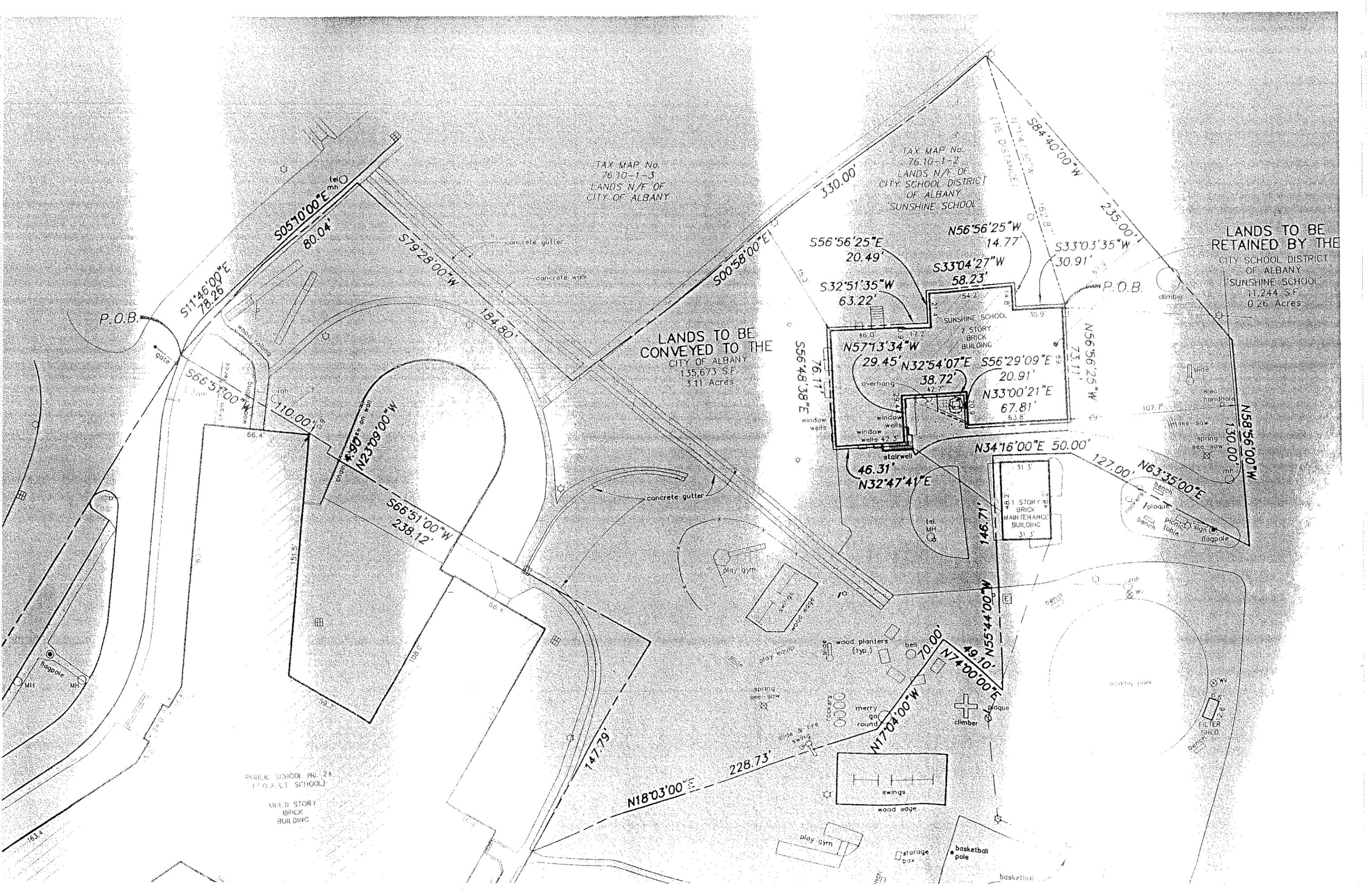
MULTI STORY
BRICK
BUILDING

SUNSHINE SCHOOL
2 STORY
BRICK
BUILDING

1 STORY
BRICK
MAINTENANCE
BUILDING

swings

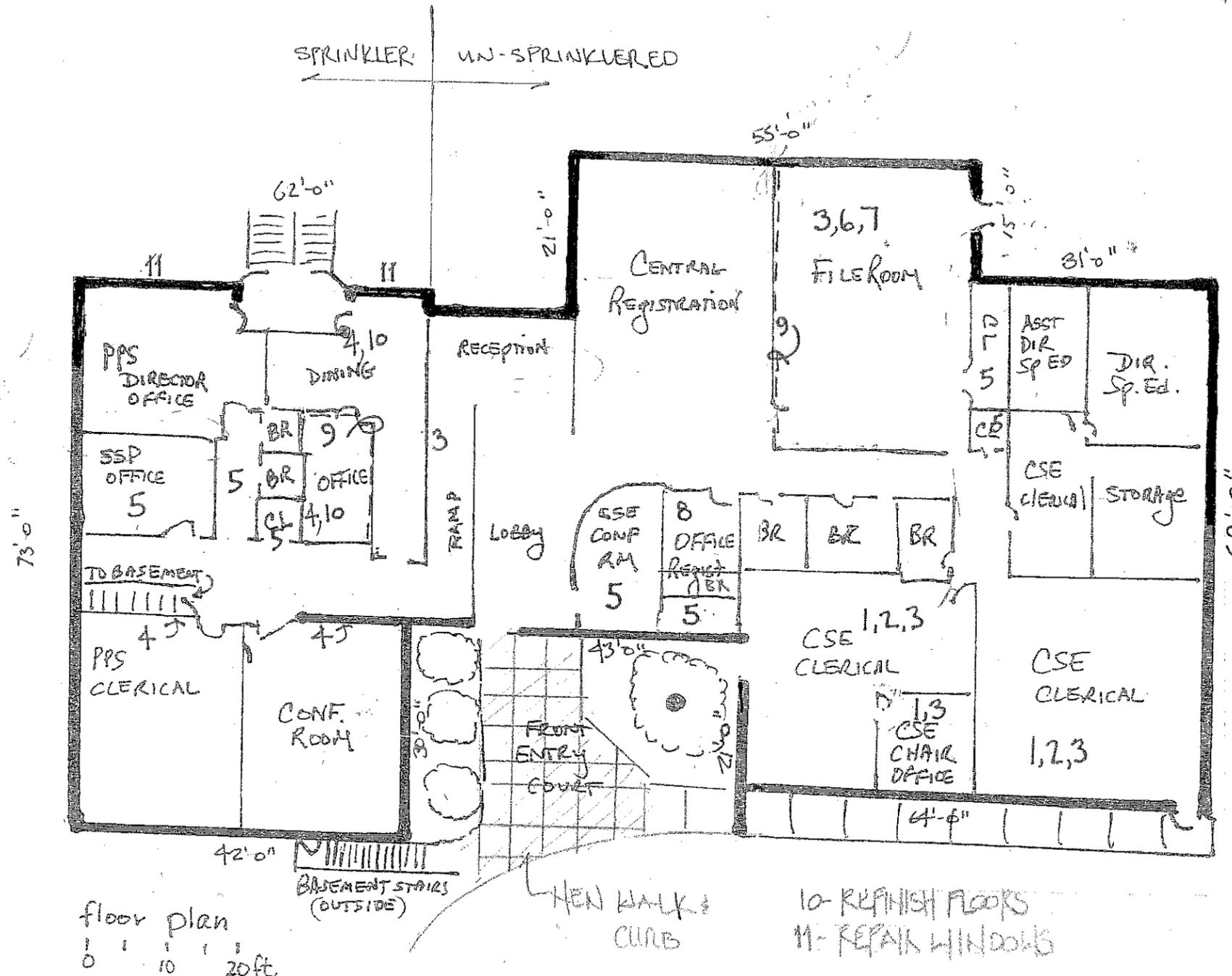
FILTER
SHED



Sunshine School

Albany, NY

DATE: 6.12.12



floor plan
0 10 20ft

PARKING LOT

- KEY
- 1- NEW CEILING TILE - GRID TO REMAIN
 - 2- NEW VOT
 - 3- PAINT WALLS
 - 4- PATCH & PAINT DAMAGED WALL/CLG
 - 5- NO WORK
 - 6- NEW LIGHTS
 - 7- NEW SPORTS FLOOR FUR TO REMAIN - CLEAN
 - 8- NEW CARPET
 - 9- REMOVE HALL

CONTRACT FOR PURCHASE AND SALE OF REAL ESTATE

Date: May __, 2012

1. IDENTIFICATION OF PARTIES TO THE CONTRACT

a. **Seller** - The Seller is Albany City School District with offices at Academy Park, Albany, New York 12207 ("Seller" or "District").

b. **Purchaser** - The Purchaser is The Boys and Girls Club of Albany, Inc. with offices at 21 Delaware Avenue, Albany, New York, ("Purchaser").

2. PROPERTY TO BE SOLD

The property which the Seller is agreeing to sell and which the Purchaser is agreeing to purchase is the Sunshine School, located in Lincoln Park, located at 1 Lincoln Park, in the City of Albany, New York. The property is more particularly shown and described in Exhibit A. The property includes all the Seller's rights and privileges to all land, streets, and roads annexed to, and on all sides of the property, including but not limited to, direct vehicular and pedestrian access to Delaware Avenue.

3. PURCHASE PRICE

The purchase price is One Hundred Fifty Five Thousand and 00/100 (\$155,000.00) Dollars.

The Purchaser shall pay the purchase price as follows:

a. \$ 10,000.00 deposit on or before May 21, 2012

b. \$ 145,000.00 in cash or certified check at closing

c. \$ 155,000.00 TOTAL PRICE

In the event the transfer does not occur, Purchaser shall be entitled to a refund of the deposit.

4. ITEMS INCLUDED IN SALE

All fixtures currently in the premises are represented to be owned by Seller, free from all liens and encumbrances, and are included in the sale "as is," on the date of this offer. All other property shall be removed and the building shall be left empty and "broom clean".

5. CONTINGENCY

a. The sale is specifically contingent upon approval of the voters of the Albany City School District, approving the terms of the sale as set forth herein. The vote shall take place on May 15, 2012. Should the proposition fail, the Seller shall have the option of either cancelling the contract or placing the proposition on the ballot again at the November election. Should the vote fail twice, the contract shall be canceled, null and void.

b. The Purchaser's obligations hereunder are specifically contingent upon the following occurring no later than July 31, 2012 or as later agreed to by the parties: (i) the sale of the property owned by the Purchaser located at 21 Delaware Avenue, Albany, NY, to the City of Albany; (ii) Purchaser obtaining all necessary zoning and other approvals and authorizations to use and occupy the property in accordance with applicable laws; (iii) Purchaser determining, in its reasonable discretion, that any covenants, conditions, restrictions or easements of record or otherwise are acceptable and will not adversely affect Purchaser's intended use or occupancy of the property; and (iv) Purchaser determining, in its sole discretion, that the vehicular and pedestrian access rights, including the described area, to be conveyed, are acceptable.

6. RECORDING AND LEGAL FEES

All recording fees, expenses of drawing papers and any other expenses to be incurred in connection with this purchase and sale, shall be paid by the individual parties.

7. TITLE AND SURVEY

A fee title insurance policy, shall be obtained at the expense of Purchaser. The Seller shall cooperate in providing any available survey, abstract of title or title insurance policy information, without cost to Purchaser. The Purchaser shall pay the cost of updating any survey or the cost of a new survey.

8. CONDITIONS AFFECTING TITLE

Subject to paragraph #5 above and except as set forth below, the Seller shall convey and the Purchaser shall accept the property subject to all covenants, conditions, restrictions and easements of record and zoning and environmental protection laws so long as the property is not in violation thereof, provided that nothing in this paragraph renders the title to the property unmarketable.

9. SELLER'S COOPERATION

Seller will cooperate with Purchaser, to the extent such cooperation is deemed reasonable by the Seller, in order to enable the Purchaser to obtain all approvals in a timely manner.

10. CONDITION OF THE PROPERTY

The buildings on the property are sold "as is" without warranty as to condition. The Purchaser agrees to take title to the buildings "as is" and in their present condition, subject to use,

wear and tear and natural deterioration between this date and the date of closing of title. However, in the case of any destruction within the meaning of the provisions of Section 5-311 of the General Obligations Law of the State of New York (the "Uniform Vendor and Purchaser Risk Act") that section shall apply.

11. DEED

The property shall be transferred from Seller to Purchaser by means of a Bargain and Sale Deed with Covenants Against Grantor's Acts, furnished by the Seller. The deed and real property transfer gains tax affidavit will be properly prepared and signed so that it will be accepted for recording in Albany County.

12. TAX AND OTHER ADJUSTMENTS

Adjustable expense, if any, shall be apportioned as of the date of transfer of title.

13. TRANSFER OF TITLE

The transfer of title to the property from Seller to Purchaser will take place at the office of Seller's attorney. The closing shall take place within thirty (30) days of satisfaction of the contingencies set forth in paragraph #5 above, unless otherwise agreed by the parties.

14. DEPOSITS

It is agreed that the deposit by the Purchaser shall be held in escrow by the Seller's Attorney until the Closing or sooner termination of this contract. The Purchaser will receive credit on the total amount of the deposit toward the purchase price.

15. NOTICES

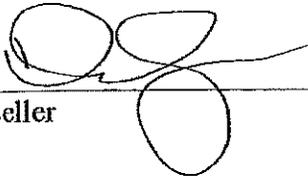
All notices contemplated by this agreement shall be in writing, delivered by certified or registered mail, return receipt requested, postmarked no later than the required date, or by personal service by such date.

16. ENTIRE AGREEMENT

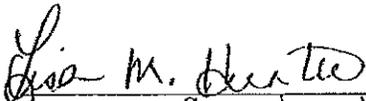
This contract contains all agreements of the parties hereto. There are no promises, agreements, terms, conditions, warranties, representations or statements other than contained herein. This Agreement shall apply to and bind the heirs, legal representatives, successors and assigns of the respective parties. It may not be changed orally.

17. APPLICABLE LAW

This contract shall be construed and interpreted in accordance with the laws of the State of New York.



Seller



Purchaser *Executive Director*

Purchaser's attorney is:

Greg Faucher, Gilberti, Stinziano, Heintz & Smith, P.C., 111 Washington Avenue Suite 600,
Albany, New York 12210

Phone number: (518) 476-2001

Seller's attorney is:

Kristine Lanchantin, Girvin & Ferlazzo, 20 Corporate Woods Blvd, Albany, NY 12207

Phone number: (518) 462-0300



**BOYS & GIRLS CLUBS
OF ALBANY**

Boys & Girls Clubs of Albany
21 Delaware Avenue
Albany, New York 12210
Tel 518-462-5528
Fax 518-462-5540
www.bgcalbany.com

Officers

Heather Orth
President

Adam Conway
Vice President

Susan Lynne Sommers
Secretary

Howard Architzel
Treasurer

Board of Directors

Craig Apple
Christopher Bombardier
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Advisory Board

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Randolph Collins
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Vernon Hinson
John Kearney
Britany Orlebeke
Susan Radzynski
Bruce Shultis
Teresa Spadafora
Dan Thomson

Executive Director

Lisa M. Hunter

April 24, 2013

Mr. Brad Glass
City of Albany
Department of Development & Planning
Division of Land Use Planning
200 Henry Johnson Blvd.
Albany, NY 12210

Dear Mr. Glass:

Please accept the attached Board of Zoning Appeals Application on behalf of the Boys & Girls Clubs of Albany. The following application pertains to the Sunshine School located at Lincoln Park. The Boys & Girls Clubs of Albany is currently under a Contract for Sale to purchase the building and attached property, which is currently owned by the City School District of Albany. A copy of the "Contract for Sale" is included with the attached application.

Please feel free to contact me directly should you have any questions or require further information.

Sincerely,

Lisa M. Hunter
Executive Director

GREAT FUTURES START HERE.



A United Way Agency