



# SPECIAL USE PERMIT STANDARDS

Special permit uses are those that have some special impact or unique form which require a careful case by case review of their location, design, configuration, and impact to determine, against fixed standards, the desirability of permitting their establishment on any particular site.

~ When considering a request for a special use permit, the Board shall take into consideration the following:

[1] Whether the use is listed as a permitted special use in the appropriate zoning district.

[2] Will not have an undue adverse effect upon adjacent property, the character of the neighborhood and surrounding areas, traffic conditions, parking, utility facilities or other matters affecting the public health, safety, welfare or convenience.

[3] Operations in connection with the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, illumination, etc., than the operations of any permitted use not requiring a special use permit.

[4] Will be served adequately by essential public facilities and services or that the applicant will be responsible for providing such services.

## [1] DESCRIPTION OF USE

(Describe the proposed use):

A Primarily take out + delivery Fish-n-Chips  
Ice Cream, Hot dogs + Hamburgers. We will offer  
4 to 6 stools for seating

▪ For commercial establishments, please complete the following:

a) Number of customers per day:

b) Number of employees:

c) Days/Hours of operation:

d) Hours of deliveries:

e) Frequency of deliveries:  Less than once a month  Monthly

Biweekly  Weekly  Several times a week  Daily

100+  
4 to 5

11:30 AM to 3 AM

8 AM to 1:30 AM

**[2] CHARACTER OF NEIGHBORHOOD**

(Please provide evidence/information, which demonstrates that the proposed use will not substantially impact the nature and character of the surrounding neighborhood):

The Surrounding businesses all stay open past 11, It is in a commercial zone, mixed use area

**[3] OBJECTIONABLE USES**

(Please explain how the proposed use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking/double parking, utility facilities, and other matters affecting the public health, safety, and general welfare):

Businesses in close proximity are all open till 3am. It is mainly a business area with minimal apartments and parking is a little tight but most customers will be walk-up or delivery

**[4] OBJECTIONABLE USES**

(Please explain why your proposed use will not be more objectionable than would a use permitted by the Zoning Ordinance. Specifically, will your proposed use create any nuisances by generating noise, odors/fumes, and glare from lighting):

The proposed use is permitted just want to stay open past 11pm; no noise will be generated by business and hopefully the odor will be excellent lighting from any signage will be shut off at close of business

**[5] ADEQUATE SERVICE OF FACILITIES**

(Please demonstrate to the Board that the proposed use will be adequately served by storm drainage, water, sanitary sewers, off-street parking, access to city streets to handle projected traffic volumes, fire and police protection, schools, and refuse disposal, as these services are relevant to your project):

There will be no increase in water or sewer issues that would affect city municipalities refuse disposal will be picked up 2 times a week by a city approved company.

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.

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

PREPARER'S SIGNATURE: John Mamm TITLE: OWNER

REPRESENTING: Munchies on Madison DATE: 4-4-2013



GERALD D. JENNINGS  
MAYOR

CITY OF ALBANY  
DIVISION OF BUILDINGS & REGULATORY COMPLIANCE  
CITY HALL – ROOM 303  
ALBANY, NEW YORK 12207  
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JEFFERY V. JAMISON  
COMMISSIONER

March 25, 2013

John Marincic  
6392 Zorn Road  
Albany, NY 12203

**RE: 848 Madison Avenue**  
**Application Number: 66574**

Dear Sir:

On **March 20, 2013**, you made an application for work at the above referenced property involving:  
**Conversion to take-out fish fry and ice cream shop with hours of operation past 11:00PM.**

This property is located in an area which is zoned **C-1**.

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

That review has revealed that the proposed work will require

- Common Council Approval (375-186)
- Parking Lot Permit (375-174)
- Site Plan Approval (375-33)
- Special Use Permit (375-27)
- Approval by Historic Resources Commission (42-83)

Therefore, your application of 3/20/13 cannot be granted at this time until the approvals indicated above have been granted and all zoning issues are resolved.

Application for the required review(s) may be made on forms available from the Office of Planning & Neighborhood Development, 200 Henry Johnson Blvd. *Applications for the required review(s) must be filed completely with the Office of Planning and Neighborhood development within thirty (30) days of the date of this letter. Upon successful approval(s) required above, 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

## Narrative – Special Use Permit

Munchies on Madison (referred to as "we") , are a company situated at 848 Madison Avenue, Albany NY. The nature of our business is a fast food entity, selling hot food, ice cream and baked goods. We are seeking a special use permit to be allowed to conduct business from 11am until 3am of the next day, seven days per week. We feel this is necessary due to the nature of our business, and for us to maximize sales potential.

The first floor of 848 Madison Avenue, was formerly a tanning salon. which closed in early March of 2013. This building is in a C-1 area, and is zoned for the use which we are intending. A business , similar in nature to us "Madison Pizza" , which is located next door , is allowed to open until 3am, so therefore, we wish to have the same facility granted to us.

There will no structural work performed on this property. We will be adding equipment to the location such as, Ice cream machines, cookers, sinks, freezers, refrigerators, bakery cases , (no baking on site), exhaust hood, and fire suppression system.

Additional parking will not offered, regular street parking will remain in place.

No new exterior lighting will be added. The current signage in place will be modified to reflect the new business entity.

Waste will be stored at the back of the building in a specially designated area for a maximum period not to exceed 90 hours. Waste will be collected by a designated vendor and placed on the street for collection in approved containers.

There is no foreseen adverse impact to the environment or the neighborhood as a cause of our operation, or issue of this special use permit.



*Sensory Bodies*

518-482-8204  
MYSTICAN  
MYSTIC  
SPRAY  
TANNING

FREE  
TANNING  
For Every 1st  
Spray on Lock  
Returns a week  
FREE  
TANNING

I LOVE NEW YORK  
PIZZA  
Of Madison