RECEIVED 5/16/13

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 329 2nd Ave, Albany, NY 12209

APPLICANT Mastafa Nagi

ADDRESS 1184 Clinton Ave. CITY Albany STATE NY ZIP 12206

PHONE 518-364-7985 FAX NUMBER

AUTHORIZED AGENT

AFFILIATION

ADDRESS CITY STATE ZIP

PHONE FAX NUMBER

PROPERTY OWNER Quinde Mirnia

ADDRESS 315 2nd Ave, 2nd Fl. CITY Albany STATE NY ZIP 12209

PHONE 518-985-0033 FAX NUMBER

OTHER TO BE NOTIFIED

ADDRESS CITY STATE ZIP

PHONE FAX NUMBER

REQUEST:
- ✓ SPECIAL USE PERMIT
- __ USE VARIANCE
- __ AREA VARIANCE
- __ INTERPRETATION
- __ PARKING LOT PERMIT
- __ OTHER

ZONING CLASSIFICATION R2A TAX LOT ID NUMBER

EXISTING USE / # OF UNITS 2 Floor

PROPOSED USE / # OF UNITS First Floor Retail

OCCUPANCY STATUS (FULLY OCCUPIED / PARTIALLY OCCUPIED / VACANT) Partially occupied

REQUESTED PUBLIC HEARING DATE: Any Date / First Available

PROJECT TIME FRAME: Any time TOTAL PROJECT COST:

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.

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 X [signature] DATE 5-9-13

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 X [signature] DATE 5-9-13

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):

I will open a Convenience store. This store will sell Cigarettes, Groceries, and Soft drinks and Deli Sandwiches

- For commercial establishments, please complete the following:
  a) Number of customers per day: 150
  b) Number of employees: 1
  c) Days/Hours of operation: 7:00 AM - 11:00 PM
  d) Hours of deliveries: Between 8-12 M-F
  e) Frequency of deliveries: ___Less than once a month ___Monthly ___Biweekly ✓Weekly ___Several times a week ___Daily

[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 neigborhood is a mix of residential and commercial building. I am attaching signatures from local residents that they would like to ~~ren~~ have a convenience store near them

[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):

This project will not affect the the current structure of property. It will not change the character neighborhood nor parking or ~~double~~ traffic.

[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 store will only use approved marketing material: neon lights and signs. There is no noise involved in this business. In addition, I will strictly ~~an~~ enforce NO LOITERING policy. I will also install Cameras to help this enforcement

[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):

Most of Traffic required for this business will be foot traffic. For deleveries, I will make sure that Vendors trucks are properly parked.

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: [illegible] TITLE: Applicant

REPRESENTING: _____ DATE: _____

GERALD D. JENNINGS
MAYOR

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

JEFFERY V. JAMISON
COMMISSIONER

March 26, 2013

Al Saraf Basil
131 Central Avenue , Apt.2
Albany, NY 12206

Re: 329 Second Avenue
Application Number: 66556

Dear Sir:

On **March 18, 2013**, you made an Application for work at the above referenced property involving: **Conversion to a grocery store**.

The property is located in an area which is zoned **R-2A**.

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. 375-64A Principal Permitted Uses. Proposed grocery store is not a listed permitted use in an R-2A zoning district**.

Therefore, your Application of 3/18/13 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

Project Narrative

I am seeking a use variance for the property located at 329 Second Avenue in Albany, New York. The existing space is currently available for lease. I have signed a lease agreement with the current owners. About four years ago, the existing property was a convenience store. I would like to open a new convenience store. The hours of operation will be 8a.m. to 11 p.m. The number of employees will be two full-time. In order to accommodate the needs of the people in the community, this store will be open on holidays. The store is designed to cater to the needs of the people in the community. The convenience store will stock a range of everyday items such as groceries; milk, bread, cheese, eggs, toiletries, soft drinks (hot and cold beverages), canned goods, microwaveable foods, tobacco products, newspapers, batteries, light bulbs, cleaning products, detergents, etc. The convenience store will provide a service to the people in this community. This store will enable the customer to get whatever they may need at their convenience. In order to comply with the building and safety codes, I have made the following improvements: hired an electrician to fix the electrical wiring, replaced the glass in front of the store, replaced the floors, windows, and ceiling. I have also obtained a building permit for this property. Off-street parking is available. However, the convenience store is within walking distance and available to the people in the community. The location of the store will not cause or have any environmental impacts/mitigation impacts.

MARKET DELI
GROCERY • SNACKS • PHONE CARDS • SODA • FRUIT
VEGETABLES • CIGARETTES & MORE...
2ft
6 Feet
sign
2ft
4ft
sign

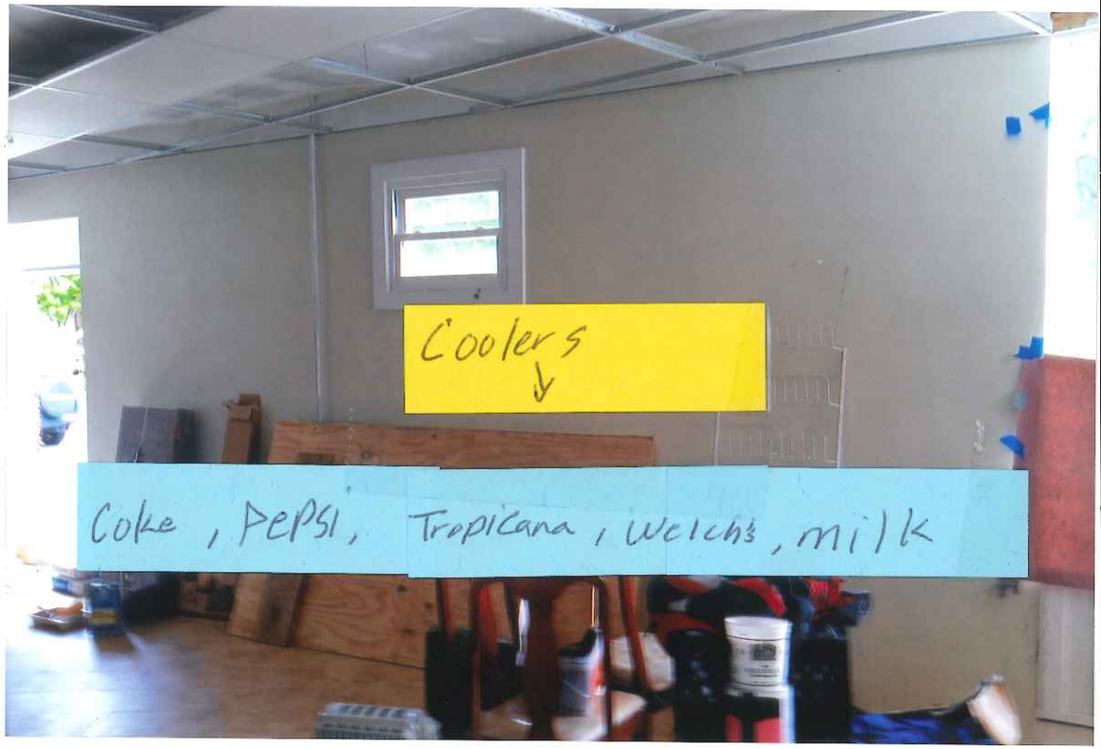
sign
2ft
4ft
emergency door
main door

cy door

Main Door

HURLBUT ST
00859
ONE WAY

double sided
Shelf


Coolers
Coke, Pepsi, Tropicana, Welch's, milk

bathroom

Counter
Deli

GERALD D. JENNINGS
MAYOR

CITY OF ALBANY
DEPARTMENT OF BUILDINGS & REGULATORY COMPLIANCE
CITY HALL – ROOM 303
ALBANY, NEW YORK 12207
PHONE (518) 434-5995 FAX (518) 434-6015
WEBSITE: WWW.ALBANYNY.GOV

JEFFERY V. JAMISON, ESQ.
COMMISSIONER

April 10, 2013

QUINDE, MIRNIA
315 SECOND AVENUE
ALBANY, NY 12209

Property: 329 SECOND AVE
Unit: BUILDING
Tax ID #: 05100

NOTICE OF VIOLATION AND ORDER TO ABATE

Please Take Notice that the property at 329 SECOND AVE was inspected by the Department of Buildings & Regulatory Compliance on 03/08/2013 in accordance with Ordinance Number 51.82.98 which governs the maintenance of vacant buildings.

Please Take Further Notice that violation(s) of the NYS Property Maintenance Code and/or the NYS Fire Code and/or the Code of the City of Albany were found as detailed in the attached Inspection Report.

You Are Hereby Ordered to correct these violations by 05/02/2013. A re-inspection for the property has been scheduled for 05/02/2013 at 9:00-10:30am to verify the correction of all violations. Any requests for an extension must be made in writing and received at least three (3) business days before this scheduled re-inspection.

In the Event of Your Failure to Comply with the terms of this Notice and Albany City Code, the City of Albany may seek all remedies available in law and equity in a court of proper jurisdiction. If convicted, you will be subject to both civil and criminal penalties.

Very truly yours,

JEFFERY V. JAMISON, Esq.
Commissioner

Encl.

GERALD D. JENNINGS
MAYOR

CITY OF ALBANY
DEPARTMENT OF BUILDINGS & REGULATORY COMPLIANCE
CITY HALL – ROOM 303
ALBANY, NEW YORK 12207
PHONE (518) 434-5995 FAX (518) 434-6015
WEBSITE: WWW.ALBANYNY.GOV

JEFFERY V. JAMISON, ESQ.
COMMISSIONER

April 10, 2013

QUINDE, MIRNIA
315 SECOND AVENUE
ALBANY, NY 12209

Property: 329 SECOND AVE
Unit: BUILDING
Tax ID #: 05100

Dear QUINDE, MIRNIA:

This letter is to confirm that you have been identified as the owner or agent of a vacant building located on the premises known as 329 SECOND AVE within the City of Albany, or you have been identified as an entity having a financial interest in said property. Section 133-78 of the Albany City Code provides that every building must be registered vacant within thirty (30) days of that building becoming vacant, and that such building must be maintained in such a manner to safeguard the safety, health and welfare of the community. That is, all vacant buildings within the City of Albany must be properly secured and maintained in accordance with the provisions of the Code of the City of Albany. The Code is available to read online at www.albanyny.gov.

Enclosed please find a Notice and Order for the vacant building referenced above, along with a Vacant Building Registration Form. The premises must be registered immediately. You must properly secure and maintain the vacant building in accordance with the Code. Additionally, a bond is required in the amount of $10,000.00 (minimum), or a greater amount that represents the cost of your renovation, rehabilitation, or demolition plan. The enclosed Notice and Order, issued by the Department of Buildings & Regulatory Compliance, is hereby putting you on notice that you are currently in violation of the Code of the City of Albany, and that you **must immediately** seek to come into compliance.

Finally, the Vacant Building Registration Form must be completed and returned in its entirety, signed and dated, and returned to the Department of Buildings & Regulatory Compliance along with a check in the proper amount made payable to the City of Albany.

Thank you for your time and attention to this matter.

Very truly yours,

Jeffery V. Jamison, Esq.
Commissioner

Encl.

City of Albany

Division of Building and Codes

This placard must remain posted in a conspicuous place on premises while work is in progress. This permit expires by limitation within one year from time of issuance.

Building Permit

has been issued to:

Luis Uruchima

permitting the construction of:

Replace Windows, Sheetrock & Install New Floors

at the location listed below in the City of Albany, NY:

329 Second Avenue

All work shall be executed in strict compliance with approved plans, application, the Building Code, Zoning Ordinance and all other governing ordinance and regulations. The building permit does not constitute authority to build in violation of any Federal or State regulations.

REQUEST FOR INSPECTION MUST BE MADE 24 HOURS BEFORE REQUIRED BY CALLING THE DIVISION OF BUILDING AND CODES AT (518) 434-5165.

Date Issued: *3/26/2012* **Inspector:** *V. DiBiase*

Do not proceed beyond these points until countersigned below by the Inspector.

Footing before pouring concrete	-
Foundation before backfill	-
Framing before lathing	-
Insulation Inspection	-
Final Inspection	-

THE APPROVED PLANS MUST BE KEPT ON THE SITE DURING THE ENTIRE OPERATION.

Permit No. *51948* Application No. *63587*

Date: 05/09/2013

Department of Development and Planning
Land Use Division
200 Henry Johnson Blvd
Albany, NY 12206

Subject: 329 2nd Ave, Albany, New York 12209
Tax ID#: 05100

To Whom It May Concern:

Enclosed please find Board of Zoning Appeals Application along with required supporting documentations.

I would like to request that this application to be scheduled for the next Board of Zone meeting. My sense of the community is that they are in support of the new business.

The owner of the building and I would like to mention to the board members that we will adhere to any requirement(s) or recommendation(s) the board feels fit for this location.

We appreciate your kind consideration with this matter.

Applicant: (Mastafa Nagi): _____
484 Clinton Ave
Albany, NY 12206
518-364-7985

Property Owner (Quinde Mirnia): _____
315 2nd Ave, 2nd Floor
Albany, NY 12209
518-966-0033