



CITY OF ALBANY  
DEPARTMENT OF DEVELOPMENT & PLANNING

GERALD D. JENNINGS  
Mayor

MICHAEL J. YEVOLI  
Commissioner

BOARD OF ZONING APPEALS

Wednesday, May 22, 2013  
ACTIONS TAKEN

Members Present: Apostol; Cronin; Moran; Ray; Tucker-Ross; Viele

 Mayor's Office of  
**Energy &  
Sustainability**  
City of Albany, NY  
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Albany, NY 12207  
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**NEIGHBORHOOD &  
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**LAND USE PLANNING**  
*Board of Zoning Appeals, Planning  
Board, or Historic Resources Commission*  
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**ALBANY COMMUNITY DEVELOPMENT  
AGENCY**  
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**Case # 3-13, 4087**

The case of Melissa Hunt regarding the premises located at 94 Grove Avenue requesting an Area Variance pursuant to §375-26 and §375-98D of the City of Albany Zoning Ordinance to allow for the installation of six (6)-foot solid fencing on a corner lot. Fences exceeding four (4) feet in height and greater than 60% solidity are not permitted to be located in any yard with street frontage in a residential zoning district.

**Approved w/Conditions**  
**Vote: 5-0; Abstained: Moran**

**CONDITIONS**

- **The applicant shall obtain a licensing agreement from the City of Albany for the use of portions of the municipal right-of-way to be encompassed by the fence.**

**Case # 5-13, 4099**

The case of Hope House Inc. c/o Greenman-Penderson, Inc. regarding the premises located at 573 Livingston Avenue requesting a Use Variance and Parking Lot Permit pursuant to §375-26, §375-76A and §375-174 of the City of Albany Zoning Ordinance to allow for the construction of a +/- 15,750 square foot, twenty (20)-bed community residence, a +/- 4,800 square foot multi-purpose recreation building and a 43-space expansion of an existing parking area. The proposed community residence is not a permitted use in the M-1 General Industrial zoning district and authorization of the Board is required for parking, storage or garaging for more than four vehicles. The use represents and expansion of that approved in Case #8-07, 1438.

**Approved w/Conditions**  
**Vote: 6-0**

**CONDITIONS**

- **The applicant shall obtain Site Plan Approval from the City Planning Board.**

**Case # 5-13, 4101**

The case of Cellco Partnership d/b/a Verizon Wireless c/o Young/Sommer, LLP regarding the premises located at 392-396 AKA 400 Delaware Avenue requesting a Special Use Permit and Area Variance pursuant to §375-26, §375-27, §375-64D and §375-94 of the City of Albany Zoning Ordinance to allow for the installation of an unmanned personal wireless service facility on the rooftop of an existing building at a height of +/- 46 feet. The proposed wireless communication facility is a special permit use in the R-2A One- and Two-Family Residential zoning district and exceeds the maximum building height of 35 feet for the district.

**Approved w/Conditions**

**Vote: 6-0**

**CONDITIONS**

- **Antennas and equipment shall be painted to match the existing building.**

**Case # 5-13, 4102**

The case of The Albany Art Room, LLC regarding the premises located at 350 New Scotland Avenue requesting a Use Variance pursuant to §375-26 and §375-64A of the City of Albany Zoning Ordinance to allow a retail art gallery and studio to occupy the +/- 3,500 square foot building at the premise. The proposed retail art gallery is not a permitted use in the R-2A One- and Two-Family Residential zoning district.

**Approved**

**Vote: 6-0**