

**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 259 LARK ST
 APPLICANT RAIN RESTAURANT C/O FRANK LEE - SHOGUN 457 MADISON AV.
 ADDRESS TBA - SAME CITY ALBANY STATE NY ZIP _____
 PHONE 894-0900 FAX NUMBER _____
 AUTHORIZED AGENT KEITH CRAMER
 AFFILIATION ARCHITECT
 ADDRESS 95 HURSTAN CITY ALBANY STATE NY ZIP 12208
 PHONE 438-8352 FAX NUMBER _____
 PROPERTY OWNER RYAN JANKOW
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 PHONE 631-793-8537 FAX NUMBER _____
 OTHER TO BE NOTIFIED _____
 ADDRESS _____ CITY _____ STATE _____ ZIP _____
 PHONE _____ FAX NUMBER _____

REQUEST: SPECIAL USE PERMIT INTERPRETATION
 USE VARIANCE PARKING LOT PERMIT
 AREA VARIANCE OTHER _____

ZONING CLASSIFICATION _____ TAX LOT ID NUMBER _____
 EXISTING USE / # OF UNITS _____
 PROPOSED USE / # OF UNITS _____
 OCCUPANCY STATUS (FULLY OCCUPIED / PARTIALLY OCCUPIED / VACANT) _____

REQUESTED PUBLIC HEARING DATE: _____
 PROJECT TIME FRAME: 6-8 MONTHS TOTAL PROJECT COST: \$150,000

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 [Signature] DATE _____

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 MAR 18, 2013
KEITH CRAMER FOR FRANK LEE

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):

RESTAURANT WITH SMALL FULL BAR
INSIDE SEATING ONLY
7-DAY OPERATION

For commercial establishments, please complete the following:

- a) Number of customers per day: 80-120
- b) Number of employees: 10 MAX SHIFT
- c) Days/Hours of operation: MON - THURS 11AM - 10 PM, FRI + SAT 11-11:00, SUN 12-10 PM
- d) Hours of deliveries: 10-12 AM & 2-4 PM
- 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):

THERE ARE MANY RESTAURANTS & BARS ON THE STREET
INCLUDING DIRECTLY ACROSS, BOTH STREETS

[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):

WE WILL BE THE SAME USE & SAME HOURS AS MANY
NEIGHBORING PROPERTIES

WE HAVE PARKING LOT ON SITE FOR OUR USE OF 13 CARS

[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):

SAME USE & HOURS AS MANY NEIGHBORS
NO NOISE, NO LIVE MUSIC
NO NEW AREA LIGHTING PROPOSED

[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):

2 DRIVEWAYS WITH ONE-WAY TRAFFIC FLOW

13 PRIVATE PARKING SPACES FOR OUR USE

MORE SPACES AVAILABLE NEARBY AVAILABLE TO RENT

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?..... | <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 <u>or</u> 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: *Frank Lee* TITLE: ARCHITECT
 REPRESENTING: FRANK LEE DATE: MAR 18, 2013
RAIN RESTAURANT OWNER



GERALD D. JENNINGS
MAYOR

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

JEFFERY V. JAMISON
COMMISSIONER

March 15, 2013

Ryan Jankow
7 Grant Court
Guilderland, NY 12084

RE: 259 Lark Street
Application Number: 65005

Dear Sir:

On **July 13, 2012**, you made an application for work at the above referenced property involving:
Conversion to 1st floor restaurant.

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

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 7/13/12 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

Special Use Permit Application
Board of Zoning Appeals
City of Albany

March 18, 2013

Narrative:

Address: 259 Lark Street, Albany, NY 12201

Applicant: Rain Restaurant c/o
Frank Lee, Shogun Restaurant
457 Madison Ave., Albany, NY 12201
(518) 729-5727 Cell 894-0900

Contact/Agent: Keith Cramer, Architect
95 Hurst Ave. Albany, NY 122208
(518) 438-8352 Office, Cell 867-6363

Site Zoning: C-1

Site Acreage: 0.25 Ac (10,836 sf)

This Variance is sought to allow Applicant to operate a restaurant in his preferred location, the Lark Street business district. Owner currently has the successful Shogun Restaurant nearby on Madison Ave.

Owner needs Variance to attract a long-term, stable tenant.

Description of Existing Site: Current First Floor is empty and has been gutted by the Owner. Building is 2-story, steel-framed, concrete block and brick building, and first floor has full fire sprinkler system...

First floor is 3290 SF of commercial rental space.

Second floor is four newly renovated apartments by the property Owner.

17 space asphalt parking lot with 2 driveways.

Proposed Project: First floor to be fully renovated to become a restaurant with small alcohol bar. Add rear door for safety exit & deliveries.

Tenant proposed no alterations to the street facades other than the addition of window awnings, new doors in the existing openings, and one wall sign.

Seating area for 124 customers. Maximum 10 employees per shift (4 full-time, 6 part-time).
Hours: Mon-Thur 11:00am-10:00pm, Fri. & Sat. 11:00am-11:00pm, Sun. 12:00pm-10:00pm
No negative environmental impacts.

Keith Cramer
Agent/Architect



259 LARK ST.



