

**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 1110 MADISON AVENUE ALBANY NY 12208

APPLICANT BMT 1110 LLC

ADDRESS S SOUTH ALLEN ST CITY ALBANY STATE NY ZIP 12208

PHONE 518 428 5698 FAX NUMBER 518 729 2975

AUTHORIZED AGENT HARRIS A SANDERS ARCHITECTS PC

AFFILIATION ARCHITECT

ADDRESS 252 WASHINGTON AVE CITY ALBANY STATE NY ZIP 12210

PHONE 518 426 3544 FAX NUMBER 518 426 3328

PROPERTY OWNER BMT 1110 LLC

ADDRESS S SOUTH ALLEN ST CITY ALBANY STATE NY ZIP 12208

PHONE 518 428 5698 FAX NUMBER 518 729 2975

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 C-1 TAX LOT ID NUMBER _____

EXISTING USE / # OF UNITS TAVERN / 1 BEDROOM APARTMENT ON 2ND FLOOR

PROPOSED USE / # OF UNITS TAVERN - FIRST AND SECOND FLOOR

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

REQUESTED PUBLIC HEARING DATE: APRIL 24, 2013

PROJECT TIME FRAME: FOUR (4) MONTHS 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 Brian S. Vegliucci DATE 4/1/13

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 Brian S. Vegliucci DATE 4/1/13

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 EXISTING SECOND FLOOR APARTMENT IS ONLY
ACCESSIBLE FROM A NARROW ALLEYWAY ADJACENT
TO THE BUILDING. WE DO NOT BELIEVE THAT THIS
CURRENT CONDITION WOULD BE MARKETABLE OR
FEASIBLE FOR USE AS A MARKET RATE APARTMENT.

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)? \$ 35,000.00

How was this estimate determined? CONTRACTORS ESTIMATE

When was the property purchased? DECEMBER 2012

Purchase price for the property: 300,000 INCLUDING THE BUSINESS

What is the present value of the property? 50,000

Source of Valuation PREVIOUS OWNER

Original amount of mortgage(s): N/A

Mortgage Holder(s): N/A

Interest Rate(s): N/A

Term of Mortgage(s): N/A

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.

WE WOULD NOT BE ABLE TO ACHIEVE A REASONABLE RETURN ON THE PROPERTY BASED ON ITS CONDITION AND LIMITED ACCESS.

STATEMENT OF INCOME AND EXPENSE

APARTMENT ONLY - EXISTING 2ND FLOOR

ANNUAL INCOME:

Use	Unit Size (sq.ft; # of bedrooms)	Monthly Rent	Annual Rent
<i>APARTMENT</i>	<i>1 Bedroom</i>	<i>\$550</i>	<i>\$6,600</i>

Total Annual Income	<i>\$6,600.00</i>
Less (8%) Vacancy	<i>\$528.00</i>
Adjusted Gross Income	<i>\$6,072.00</i>

ANNUAL EXPENSES: - 2ND FLOOR

Fixed Expenses:

Taxes	<i>2,050</i>
Insurance	<i>750</i>
Average Annual Interest (on mortgage, over next five years)	<i>3,500</i>

Operating Expenses: - 2ND FLOOR

Heat	<i>125</i>
Electric	<i>75</i>
Sewer/Water	<i>300</i>
Advertising	<i>0</i>
Other:	<i>50</i>

Maintenance Expenses: - 2ND FLOOR

Repairs (attach list)	<i>500</i>
General Building Maintenance	<i>1000</i>
Other:	

Total Annual Expenses *8,350.00*

Profit or (Loss) *- 2,278.00*

TOTAL INVESTMENT: - 2ND FLOOR

Down Payment	<i>15,000.00</i>
Capital Improvements (attach list)	<i>N/A</i>
Principal paid (original mortgage less current principal balance)	<i>N/A</i>

Total Investment *15,000.00*

RATE OF RETURN:

(Profit of Loss divided by Total Investment) *N/A*

[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)

SECOND FLOOR IS ONLY ACCESSIBLE THROUGH A
NARROW ALLEYWAY. ALL OTHER NEARBY APARTMENTS
ARE DIRECTLY ACCESSIBLE FROM MADISON AVENUE.

[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)

THE PROPOSED USE IS AN EXPANSION OF AN EXISTING
TAVERN. IT IS COMPATIBLE WITH THE ADJACENT
COMMERCIAL USES ON MADISON AVENUE WHICH ARE
PREDOMINANTLY BARS AND SMALL RESTAURANTS.

[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

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):

EXPANSION OF EXISTING TAVERN INTO SECOND FLOOR AREA. THE NEW TAVERN WILL SERVE BEER, WINE AND LIGHT FARE MENU.

▪ For commercial establishments, please complete the following:

a) Number of customers per day: 75-150

b) Number of employees: 6

c) Days/Hours of operation: 7 DAYS 11AM-1AM

d) Hours of deliveries: 9 AM - 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):

THE PROPOSED USE IS AN EXPANSION OF AN EXISTING TAVERN. IT IS COMPATIBLE WITH THE ADJACENT COMMERCIAL USES ON MADISON AVENUE WHICH ARE PREDOMINANTLY BARS AND SMALL RESTAURANTS.

[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):

THE PROPOSED USE IS SIMILAR TO THE EXISTING USE AND IS SIMILAR TO THE ADJACENT PROPERTIES, WHICH CONTAIN BARS AND RESTAURANTS ALONG MADISON AVENUE. THE EXISTING UTILITIES WILL ADEQUATELY SERVE THE PROPOSED USE.

[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 AN EXPANSION OF AN EXISTING USE, PERMITTED BY THE ZONING ORDINANCE. THE PROPOSED USE WILL NOT CREATE AND NUISANCES FROM NOISE, ODORS/FUMES OR GLARE FROM LIGHTING. THERE WILL BE A NEW VENTILATION SYSTEM INSTALLED.

[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):

THE PROPOSED USE IS COMPATIBLE TO THE EXISTING USE AS DESIGNED. OFF STREET PARKING IS NOT REQUIRED IN A C-1 DISTRICT. THE EXISTING MUNICIPAL UTILITIES WILL ADEQUATELY SERVE THE PROPOSED SPACE.

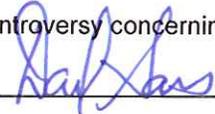
SHORT ENVIRONMENTAL ASSESSMENT FORM

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

PREPARER'S SIGNATURE:  TITLE: ARCHITECT

REPRESENTING: BMT 1110 LLC DATE: 3/30/13



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 21, 2013

BMT Management
c/o Harris A. Sanders, Architects
252 Washington Avenue
Albany, NY 12210

Re: 1110 Madison Avenue
Application Number: 66588

Dear Sir:

On **March 21, 2013**, you made an Application for work at the above referenced property involving:
Expanding existing tavern to a 2 story 1st & 2nd floor tavern.

The 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.

That review revealed that the proposed work will not comply with the following provisions of the Zoning Ordinance: **REQUIRES A USE VARIANCE. 375-71A Principal Permitted Uses. All commercial spaces established after 1993 are limited to the basement and first floors in a C-1 zoning district.**

Therefore, your Application of 3/21/13 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



GERALD D. JENNINGS
MAYOR

CITY OF ALBANY
DIVISION OF BUILDING & 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 21, 2013

BMT Management
c/o Harris A. Sanders, Architects
252 Washington Avenue
Albany, NY 12210

RE: 1110 Madison Avenue
Application Number: 66588

Dear Sir:

On **March 21, 2013**, you made an application for work at the above referenced property involving:
Expanding existing tavern to a 2 story 1st & 2nd floor tavern 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 3/21/13 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

Project Narrative:

The existing property at 1110 Madison Ave is a one- story neighborhood tavern with a one-bedroom apartment on the second floor. The proposed use is to expand the tavern up to the second floor as noted on the attached plans. The Property is in a C-1 Zone which does not require any parking on site.

The hours of operation for the tavern will be daily from 11 am – 1 am. There will be Six (6) full time employees. The waste removal will be from County Waste and the Owner has a shared dumpster that they will utilize at 1100 Madison Avenue.

The front façade will be renovated with new building mounted lighting and appropriate signage.

There will not be any impact on storm water as the proposed stair addition will replace the former dilapidated stair, and the rear yard will be maintained. There will not be any additional impact regarding any other environmental conditions including glare, traffic , noise etc.



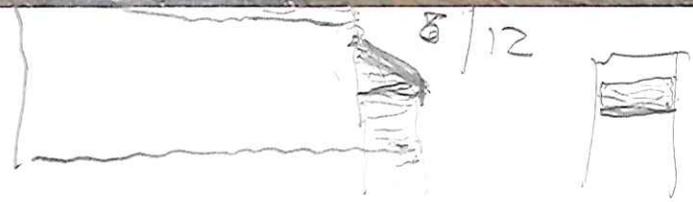
MAHAR'S

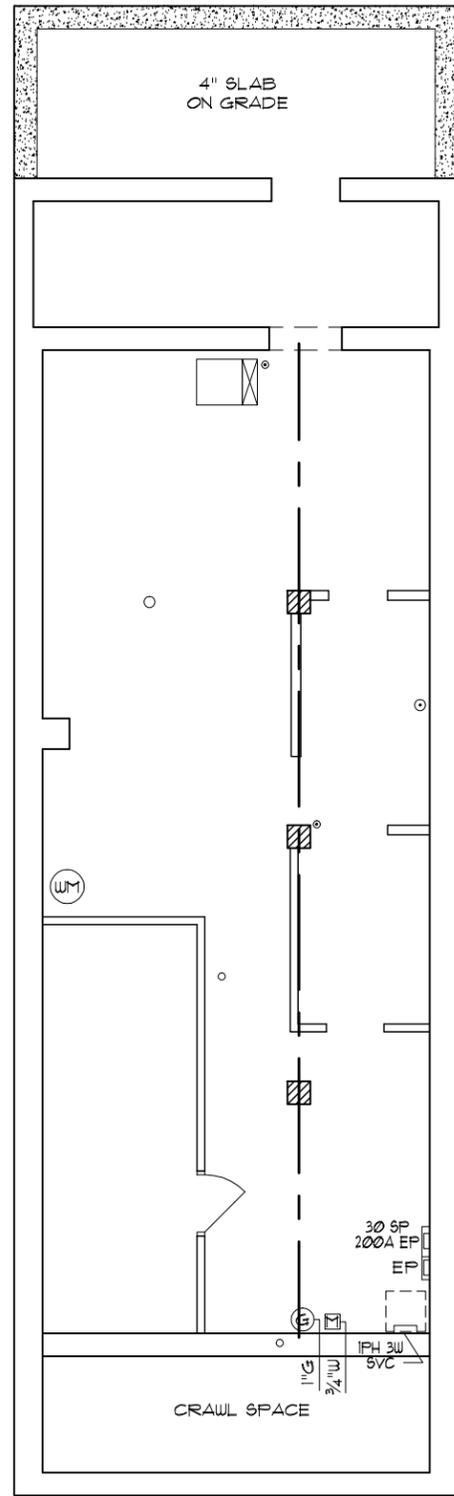
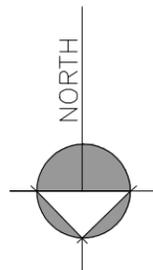
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WARSTEINER

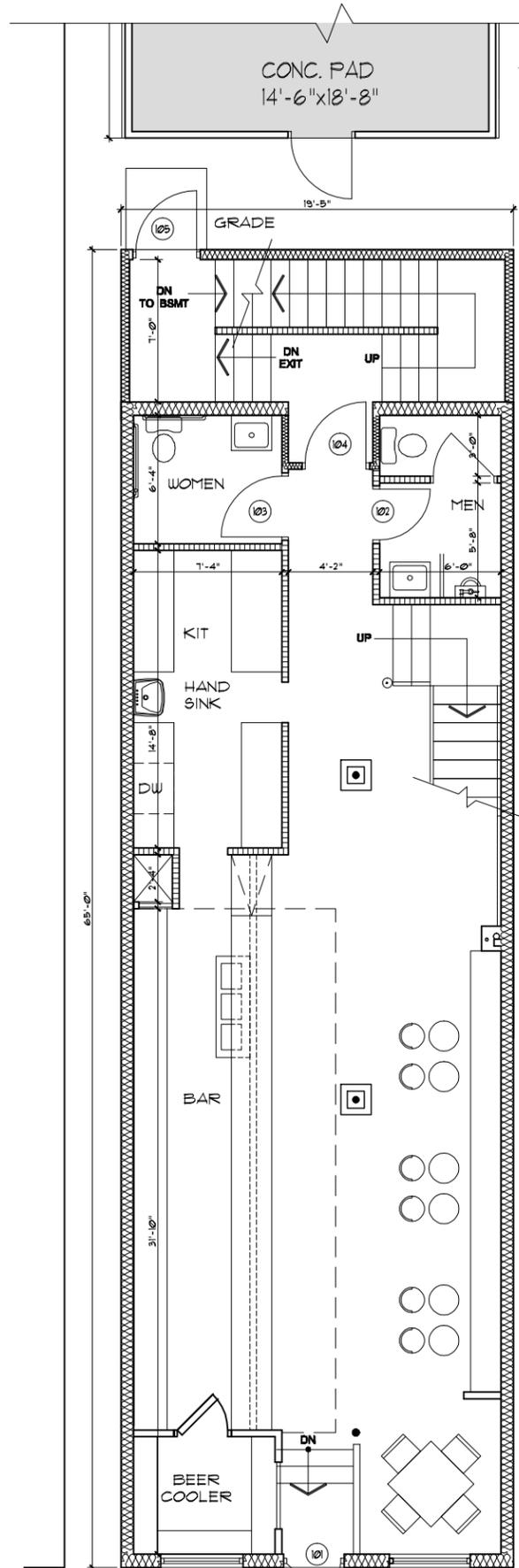
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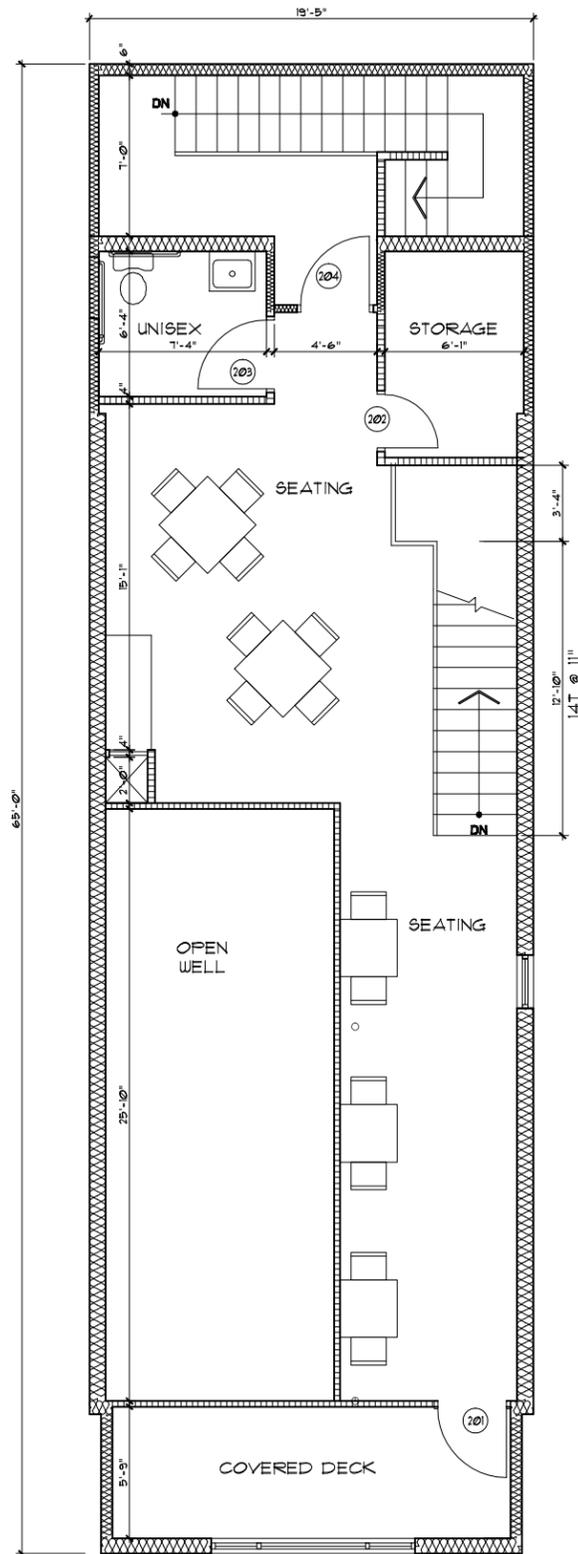




BASEMENT PLAN
SCALE: 1/8" = 1'-0"



1ST FLOOR PLAN 1,172 SF
SCALE: 1/8" = 1'-0"

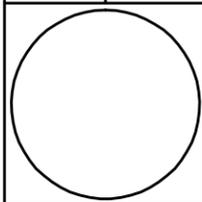


2ND FLOOR PLAN 824 SF
SCALE: 1/8" = 1'-0"

DATE: 4-1-13
DESIGNED BY:
DRAWN BY:
CHECKED BY:
SCALE: AS NOTED
NOTES:

FLOOR PLAN

HARRIS A. SANDERS ARCHITECTS, P.C.
252 WASHINGTON AVENUE, ALBANY, NEW YORK 12210
RENOVATION
MADISON POUR HOUSE
MADISON AVENUE
ALBANY, NY



SHEET NO:
A1