

HOLD HARMLESS AGREEMENT

Applicant hereby releases City of Albany Industrial Development Agency and the members, officers, servants, agents and employees thereof (hereinafter collectively referred to as the "Agency") from, agrees that the Agency shall not be liable for and agrees to indemnify, defend and hold the Agency harmless from and against any and all liability arising from or expense incurred by (i) the Agency's examination and processing of, and action pursuant to or upon, the attached Application, regardless of whether or not the application or the project described therein or the issue of bonds requested therein are favorably acted upon by the Agency, and (ii) the Agency's financing of the Project described therein; including without limiting the generality of the foregoing, all causes of action and attorneys' fees and any other expenses incurred in defending any suits or actions which may arise as a result of any of the foregoing. If, for any reason, the Applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the Applicant are unable to find buyers willing to purchase the total bond issue requested, then, and in that event, upon presentation of an invoice itemizing the same, the Applicant shall pay to the Agency, its agents or assigns, all actual costs incurred by the Agency in the processing of the Application, including attorneys' fees, if any.

(Applicant)

[Handwritten Signature]
YDSUG MORDEN

BY:

Sworn to before me this
21 day of May, 2012

[Handwritten Signature: Beth Bobel]
(Notary Public)

BETH BOBEL
Notary Public, State of New York
No. 4989793
Qualified in Rensselaer County
Commission Expires December 16, 2023

ATTACHMENT A

CREATION OF NEW JOB SKILLS

This does not include seasonal positions which will be additional servers.

Tim(Owner/operator)	\$ 78,000	\$ 78,000	\$ 78,000
Assistant	\$ 44,000	\$ 47,080	\$ 49,434
Chef	\$ 52,000	\$ 55,640	\$ 58,422
Cooks (3)	\$ 100,000	\$ 107,000	\$ 112,350
Dishwashers (2)	\$ 50,000	\$ 53,500	\$ 56,175
Night Manager	\$ 48,000	\$ 51,360	\$ 53,928
Mobile Kitchen	\$ 40,000	\$ 42,800	\$ 44,940
Delivery (3-4)	\$ 52,000	\$ 55,640	\$ 58,422
Servers (3-4)	\$ 60,000	\$ 64,200	\$ 67,410
	\$524,000	\$555,220	\$579,081

Types of Employment at the Project Site

Operating Partner:

Oversees day to day operations staffing, training, ordering, promotion.

Floor Manager:

Makes sure operation run according to guidelines set by owners, handle customers, staff, scheduling and inventory.

Assistant:

Bookkeeping, social media, permits schedule for operating partner.

Chef:

Handle back of the house operation, food cost, labor, food preparation including daily specials.

Cook Positions:

To prepare foods.

Wait staff and counter people:

To handle customers.

Dishwashers and cleaning people:

To clean the space.

ATTACHMENT B

COST/BENEFITS ANALYSIS

RE: 423/425 Madison Avenue, Albany, NY

In order for the City of Albany Industrial Development Agency (the "Agency") to prepare a Cost/Benefit Analysis for a proposed project (the "Project"), the Applicant must answer the questions contained in this Project Questionnaire (the "Questionnaire") and complete the attached Schedules. This Questionnaire and the attached Schedule will provide information regarding various aspects of the Project, and the costs and benefits associated therewith.

Since we need this Questionnaire to be completed before we can finalize the Cost/Benefit Analysis, please complete this Questionnaire and forward it to us at your earliest convenience.

PROJECT QUESTIONNAIRE

1. Name of Project Beneficiary ("Company"):	DILEK LLC
2. Brief Identification of the Project:	New 3 story building with 6 apartments & a restaurant
3. Estimated Amount of Project Benefits Sought:	
A. Amount of Bonds Sought:	\$ NA
B. Value of Sales Tax Exemption Sought	\$ 64,000
C. Value of Real Property Tax Exemption Sought	\$131,095
D. Value of Mortgage Recording Tax Exemption Sought	\$ 15,000

PROJECTED PROJECT INVESTMENT

A. Land-Related Costs	
1. Land acquisition	\$280,000
2. Site preparation	\$
3. Landscaping	\$
4. Utilities and infrastructure development	\$
5. Access roads and parking development	\$
6. Other land-related costs (describe)	\$
B. Building-Related Costs	See attached estimates
1. Acquisition of existing structures	\$
2. Renovation of existing structures	\$
3. New construction costs	\$1,087,900
4. Electrical systems	\$
5. Heating, ventilation and air conditioning	\$
6. Plumbing	\$
7. Other building-related costs (Restaurant Fit Up)	\$110,000

C.	Machinery and Equipment Costs	
1.	Production and process equipment	\$ 197,015
2.	Packaging equipment	NA
3.	Warehousing equipment	NA
4.	Installation costs for various equipment	NA
5.	Other equipment-related costs (describe)	NA
D.	Furniture and Fixture Costs	
1.	Office furniture	\$ 5,000 (est.)
2.	Office equipment	\$10,000 (est.)
3.	Computers	\$30,000 (est.)
4.	Other furniture-related costs (Restaurant Seating)	\$50,000 (est.)
E.	Working Capital Costs	
1.	Operation costs	\$1,633,512
2.	Production costs	\$ 524,000
3.	Raw materials	\$ _____
4.	Debt service	\$ _____
5.	Relocation costs	\$ _____
6.	Skills training	\$ _____
7.	Other working capital-related costs (describe)	\$ _____
F.	Professional Service Costs	
1.	Architecture and engineering	\$70,000
2.	Accounting/legal	\$40,000
3.	Other service-related costs (Marketing & Web Services)	\$40,000
G.	Other Costs	
1.	_____	\$ _____
2.	_____	\$ _____
H.	Summary of Expenditures	
1.	Total Land-Related Costs	\$ 280,000
2.	Total Building-Related Costs	\$1,197,900
3.	Total Machinery and Equipment Costs	\$ 197,015
4.	Total Furniture and Fixture Costs	\$ 95,000
6.	Total Professional Service Costs	\$ 150,000
7.	Total Other Costs	\$ 24,500
	Total Project Cost	\$1,944,415

PROJECTED PROFIT

- I. Please provide projected profit as defined by earnings after income tax but before depreciation and amortization:

YEAR	Without IDA benefits	With IDA benefits
1	\$4,801	\$19,748
2	\$5,492	\$20,887
3	\$6,263	\$22,120
4	\$7,115	\$23,448
5	\$8,052	\$24,875

PROJECTED CONSTRUCTION EMPLOYMENT IMPACT

- I. Please provide estimates of total construction jobs and the total annual wages and benefits of construction jobs at the Project:

Year	Number of Construction Jobs	Total Annual Wages and Benefits	Estimated Additional NYS Income Tax
Current Year	10 (F/T Eq.)	\$ 350,000 +/-	\$ 22,575
Year 1	4+ (F/T Eq.)	\$ 150,000 +/-	\$ 9,675
Year 2		NA	NA
Year 3		NA	NA
Year 4		NA	NA
Year 5		NA	NA

PROJECTED PERMANENT EMPLOYMENT IMPACT

- I. Please provide estimates of total number of existing permanent jobs to be preserved or retained as a result of the Project: **Not Applicable**

Year	Professional	Skilled	Semi-Skilled	Unskilled
Current Year				
Year 1				
Year 2				
Year 3				
Year 4				
Year 5				

II. Please provide estimates of total new permanent jobs to be created at the Project:

Year	Professional	Skilled	Semi-Skilled	Unskilled
Current Year				
Year 1	4	13	4	4
Year 2	4	14	5	4
Year 3	4	14	5	5
Year 4	4	15	6	5
Year 5	4	15	6	6

III. Please provide estimates for the following:

A. Creation of New Job Skills relating to permanent jobs. **Please complete Schedule A.**

IV. Provide the projected percentage of employment that would be filled by City of Albany residents:

75% +

A. Provide a brief description of how the project expects to meet this percentage:

There will be advertising via on-site and neighborhood bulletin boards, word of mouth (local), times union advertising, Craig's list, etc. All of the venues will be geared towards letting the local neighborhood know as well as the City at large.

PROJECTED OPERATING IMPACT

I. Please provide estimates for the impact of Project operating purchases and sales: NA

Additional Purchases (1 st year following project completion)	(taxable items only) \$ 40,000 +/-
Additional Sales Tax Paid on Additional Purchases	\$ 3,200 +/-
Estimated Additional Sales (1 st full year following project completion)	(additional gross revenue projection) \$ 238,972 +/-
Estimated Additional Sales Tax to be collected on additional sales (1 st full year following project completion)	(not all items are taxable) \$ 80,000 +/-

II. Please provide estimates for the impact of Project on existing real property taxes and new payments in lieu of taxes ("Pilot Payments"):

Year	Existing Real Property Taxes (Without IDA involvement)	New Pilot Payments (With IDA)	Total (Difference)
Current Year	\$ 9,760	\$ 9,760	\$ 0
Year 1	\$ 16,034	\$ 1,087	\$ 14,947
Year 2	\$ 16,515	\$ 1,119	\$15,396
Year 3	\$ 17,011	\$ 1,153	\$15,858
Year 4	\$ 17,521	\$ 1,188	\$16,334
Year 5	\$ 18,047	\$ 1,223	\$16,824
Year 6	\$ 18,588	\$ 1,260	\$17,328
Year 7	\$ 19,146	\$ 1,298	\$17,848
Year 8	\$ 19,720	\$ 5,932	\$13,788
Year 9	\$ 20,312	\$10,844	\$9,468
Year 10	\$ 20,921	\$16,045	\$4,876

- III. Please provide a brief description for the impact of other economic benefits expected to be produced as a result of the Project:

It is the hope of the owner/operator that this project will enhance the neighborhood by transforming a long neglected corner into a vibrant location of sophisticated apartments and a new restaurant anchor. The building itself will act as a gateway coming into or leaving the community. There is not a more highly visible site in these neighborhoods. With the completion of this project, it is hoped that property values in the immediate vicinity will increase, the disposable income of the new tenants will help other local businesses and it will spur upkeep investments in the immediate area of the project.



**Albany County Clerk
32 North Russell Rd.
Albany, NY 12206-1324**

Return to:

**MURRAY LAW FIRM
10 MAXWELL DR STE 100
CLIFTON PARK NY 12065**

Instrument: Deed

Document Number: 10719821 Book: 2986 Page: 1089

Grantor

YANG, HONG QUAN
YOU, YUN RONG
YANG, KENNY

Grantee

DILEK LLC

Number of Pages: 5

Amount: \$280000.00

Transfer Tax Receipt
Albany County Clerk Received:
Trans Tax # 473
.....\$1120.00

Recorded Date/Time: 08/30/2010 at 9:27 AM

Receipt Number: 599321

Note: **DO NOT REMOVE - THIS PAGE IS PART OF THE DOCUMENT **

THIS PAGE CONSTITUTES THE CLERK'S ENDORSEMENT, REQUIRED BY SECTION 316-a(5) &
319 OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK.

Thomas G. Clingan, County Clerk

4 A.Q.

*Record + Return
The Murray Law Firm P.C.
10 Maxwell Drive, Suite 100
Cliffen Park, NY 12015*

Albany County Clerk
Deed Books (Record Room)
Book 2986 Page 1090

WARRANTY DEED



THIS INDENTURE, made **JULY 13**, 2010

BETWEEN HONG QUAN YANG, YUN RONG YOU and KENNY YANG,
all residing at 88-11 Elmhurst Avenue, Apt C10, Elmhurst, New York 11373,

party of the first part, and

DILEK, LLC, a New York limited liability company, with offices at
26 Teasdale Drive, Slingerlands, New York 12159,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ONE AND 00/100
-----Dollars (\$1.00)

lawful money of the United States, and other good and valuable consideration paid by the party
of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND situate in the 16th Ward (now
Ward 5) of the City and County of Albany, State of New York, known, numbered and designated
on the 1962 Assessment Roll of the City of Albany, County of Albany and State of New York as
follows:

Ward 16. City of Albany, County of Albany, Alleged Owner: Katherine B. Ruzzo, described as
follows: Street No. 423 Madison Avenue, Lot No. --, Side North between Dove and Lark Sts.,
bounded by lands now or formerly of: North – Lark St., South – Madison Ave., East – City,
West – Lark St. Dimensions: S. 52.09 E. 50 N. 52 W. 50.04.

Being Parcel W--16--30 on List of Delinquent Taxes filed in the Albany County Clerk's Office
September 8, 1964 in an action entitled "In the Matter of Foreclosure of Tax Liens pursuant to
Article Eleven, Title Three of the Real Property Tax Law by County of Albany, New York" duly
brought in the County Court of Albany County, State of New York by the County of Albany for
the foreclosure of certain tax liens on said September 8, 1964.

Said premises being included in deed executed by Eugene P. Devine, County Treasurer of the
County of Albany, New York to County of Albany dated August 23, 1966 and recorded in the
Office of the Clerk of the County of Albany August 24, 1966 in Book 1880 of Deeds at Page 11.

Subject to 1975 State and County Taxes and 1976 Water Rents, payable January 1, 1976. Also
subject to any street and sewer assessments and the 1976-77 School Tax. Should property be
marked "exempt" on these rolls, either property or school, it shall be subject to a levy computed
in lieu of the "exempt" tax.

Albany County Clerk
Document Number 10719821
Rcvd 08/30/2010 9:27:26 AM



THE ABOVE DESCRIBED PREMISES ARE ALSO DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the City of Albany, County of Albany and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Madison Avenue with the easterly side of Lark Street; running thence northerly along the easterly side of Lark Street, 50 feet, more or less, to the southerly side of lot of ground heretofore conveyed by Thomas J. Carrick to one Mary A. Robinson; thence easterly along the southerly side of said lot conveyed to said Mary A. Robinson, 52 feet 2 inches, more or less, to lot of ground now or heretofore owned by City of Albany; thence southerly along the westerly side of said lot of ground now or heretofore owned by City of Albany and on a line parallel with the easterly side of Lark Street, 50 feet, more or less, to the northerly side of Madison Avenue; and thence westerly along the northerly side of Madison Avenue, 52 feet 2 inches, more or less, to the point or place of beginning.

SUBJECT to easements, restrictions, covenants and conditions of record, if any, affecting said premises.

THE premises are commonly known as and by Street No. 423-425 Madison Avenue, Albany, New York.

BEING the same premises conveyed to the party of the first part by deed of Baldwin T. Giminiani and Lousie Giminiani dated December 20, 2001 and recorded December 27, 2001 in the Albany County Clerk's Office in Book 2698 of Deeds at Page 1021.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants as follows:

FIRST, That the party of the second part shall quietly enjoy the said premises;

SECOND, That the party of the first part will forever WARRANT the title to said premises.

THIRD, the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In Presence of

YANG HONG QUAN
HONG QUAN YANG

YUN RONG YOU
YUN RONG YOU

Kenny Yang
KENNY YANG

STATE OF NEW YORK)
) ss.:
COUNTY OF Queens)

On July 13, 2010, before me, the undersigned, personally appeared HONG QUAN YANG, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

Alison Y. Chen
Notary Public

ALISON Y. CHEN
Notary Public, State of New York
No. 01CH5043795
Qualified in Queens County
Commission Expires May 15, 2011

STATE OF NEW YORK)
) ss.:
 COUNTY OF Queens)

On July 13, 2010, before me, the undersigned, personally appeared YUN RONG YOU, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

Alison Y. Chen
 Notary Public

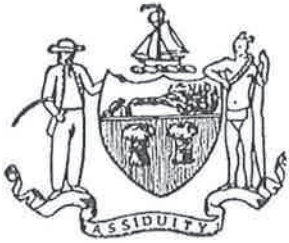
ALISON Y. CHEN
 Notary Public, State of New York
 No. 01CH5043795
 Qualified in Queens County
 Commission Expires May 15, 2011

STATE OF NEW YORK)
) ss.:
 COUNTY OF Queens)

On July 13, 2010, before me, the undersigned, personally appeared KENNY YANG, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

Alison Y. Chen
 Notary Public

ALISON Y. CHEN
 Notary Public, State of New York
 No. 01CH5043795
 Qualified in Queens County
 Commission Expires May 15, 2011



CITY OF ALBANY
DEPARTMENT OF DEVELOPMENT & PLANNING

January 20, 2012

GERALD D. JENNINGS
Mayor

MICHAEL J. YEVOLI
Commissioner

3T Architects
Attn: Scott Townsend
418 Broadway
Albany, NY 12207

Re: 423 AKA 425 Madison Avenue (PB Case #12-11, 826)

ECONOMIC DEVELOPMENT
21 Lodge Street
Albany, NY 12207
518.434.2532
(f) 518.434.9846
Development@cl.albany.ny.us

**NEIGHBORHOOD &
LONG-RANGE PLANNING**
21 Lodge Street
Albany, NY 12207
518.434.2532
(f) 518.434.9846
Albany2030@cl.albany.ny.us

LAND USE PLANNING
Board of Zoning Appeals, Planning Board,
Historic Resources Commission
200 Henry Johnson Boulevard
Albany, NY 12210
518.434.5240
(f) 518.434.5294
Planning@cl.albany.ny.us

**ALBANY COMMUNITY
DEVELOPMENT AGENCY**
200 Henry Johnson Boulevard
Albany, NY 12210
518.434.5265
(f) 518.434.5242

Dear Scott:

Enclosed please find a copy of the Planning Board's Notification of Local Action regarding the application of Yusuf M. Dincer requesting Site Plan Approval for the construction of a three-story, 6,900 +/- square foot mixed-use building. On January 19, 2012 the Board voted to approve the proposed site plan with the following conditions:

1. The applicant shall obtain final approval from the Department of Water & Water Supply.
2. The applicant shall obtain final approval from the Traffic Engineering Unit.

Once these conditions of approval are addressed and incorporated into the site plan as noted above, four (4) copies of the final site plan should be submitted to this office. These plans will be stamped as approved by the Chair of the Planning Board and distributed as follows:

- one (1) copy sent to you as the applicant's representative.
- one (1) copy retained on file by the City Planning Department.
- one (1) copy referred to both Director of Building and Codes, Jeff Jamison, Esq., and City Engineer, Deirdre Rudolph, P.E., alerting them to the fact that Site Plan Approval has been granted for this project.

Feel free to contact me at (518) 445-0754 if you have any questions regarding this matter.

Sincerely,

Bradley Glass
Senior Planner

Cc: Jeff Jamison, Esq., Director, Division of Buildings & Codes
Pat McCutcheon, Division of Engineering
William Trudeau, Traffic Engineering Unit
Maryella Bell, Department of Water & Water Supply

**NOTIFICATION OF LOCAL ACTION
DECISION OF THE CITY OF ALBANY PLANNING BOARD**

ADDRESS OF SUBJECT PROPERTY: 423 AKA 425 Madison Ave.

IN THE MATTER OF: Site Plan Approval for the construction of a three-story, 6,900 +/- square foot mixed-use building.

APPLICANT: Yusuf M. Dincer c/o 3T Architects

ADDRESS: 418 Broadway, Albany, NY 12207

CASE NUMBER: 12-11, 826

Date Received: 12/1/11

Preliminary Presentation: 12/15/11

Subsequent Presentations: 1/19/12

SEQR Class: Type 1 Action

SEQR Determination: 1/19/12

Date of Decision: 1/19/12

Vote:	For Approval:	5	Abbott:	Y	Pryor:	Y
	Against:	0	Fox:	Y	Trant:	Y
	Abstain:	0	Hancox:	Y		

Relevant Considerations:

Owner/Applicant: Dilek, LLC (Yusuf M. Dincer) / 3T Architects

Parcel size: 0.06 acres.

Property Valuation: The property is currently valued at \$225,700. The projected cost of construction of the new building is \$1,325,000.

Location: The property is located at the northeast corner of Madison Avenue and Lark Street.

Zoning: C-1 (Neighborhood Commercial). Area Variances to allow for the construction on a 2,600 square foot lot, 52-feet in depth, with a rear yard setback of zero (0) feet, lot coverage of 98.5% and zero (0) off-street parking spaces are required from the Board of Zoning Appeals. A public hearing is scheduled for 12/14/11.

Surrounding Uses: *North:* Three-story, mixed-use structures. *West:* Single-story, 7,200 square foot commercial structure (Dunkin Donuts) and parking area (NW corner). *East:* 5,765 square foot former police precinct (now office for Metroland). *South:* Four-story, 9,410 square foot structure will retail and residential uses (SW corner).

Proposed Project: The applicant is proposing to construct a three-story, 6,900 +/- square foot mixed-use building to replace an existing single-story structure at the site. Due to the small nature of the site (50'x 52'), the proposed structural footprint encompasses 98.5% of the lot. The applicant intends to secure a retail or similar tenant for the ground floor space, which is approximately 2,400 square feet in size. The retail floor area is designated to accommodate two separate tenants in the case that a single tenant cannot be secured for the lease of the entire ground floor area. There will be three, one-bedroom apartments on each of the two upper floors, ranging from 627 to 750 square feet in size. The applicant is hoping to begin construction in the spring and to finalize construction within 6 - 8 months.

Parking & Traffic: The applicant has secured a lease for six off-street parking spaces at the immediately adjacent property, 421 Madison Avenue. The project will have temporary impacts upon traffic during the construction phase. To dampen these impacts, the applicant has obtained a construction easement from the neighboring property owner. A minor increase in neighborhood traffic can be expected as a result of the new construction.

Bike/Pedestrian/Transit: The property is located at a vibrant intersection and accessible to many transit routes. A bus stop location currently exists adjacent to the south side of the building and is identified by signage. Other stop locations exist on the southeast and northwest corners of the intersection. Accommodations for pedestrians are already in place and the proposed building design is conducive to pedestrian activity.

Water/Sewer: The applicant will utilize existing sewer and water connections to the site. The building will be fully sprinklered.

Stormwater: A detention tank will be installed on site to detain accumulated storm water resulting from the increase in the building footprint and will tie into an existing combined sewer running along Madison Avenue.

Archeology: This applicant intends to retain an archeologist to be on-site at all times during excavation. Any significant archeological discoveries are subject to further review by this Board.

Landscaping: The proposed 98.5% lot coverage does not leave sufficient open areas to accommodate any landscaping treatments. Existing street trees will be protected.

Lighting: Street lighting exists in the vicinity of this property. On-site lighting will be limited to that attributed to the proposed commercial tenant and building entrances.

Solid Waste: An area for the placement of trash receptacles has been located along the east side of the proposed building.

Signage: Signage is proposed and will be designed when a commercial tenant has been secured. Review of any proposed signage is within the purview of the Historic Resources Commission.

Actions Taken:

The Board issued a **Negative Declaration** for this **Type 1 Action** as per the provisions of SEQR.

The Board **Approved** the site plan with the following conditions:

1. The applicant shall obtain final approval from the Department of Water & Water Supply.
2. The applicant shall obtain final approval from the Traffic Engineering Unit.

I, **Edward Trant** representing the Planning Board of the City of Albany, hereby certify that the foregoing is a true copy of a decision of the Planning Board made at a meeting thereof duly called and held on the day of **January 19, 2012**.

Date: **1/19/12**

Signature: *Edward R. Trant*

This is not a building permit. All building permits must be approved and issued by the Building Department prior to the start of any construction.

Prior to making an application for a Certificate of Occupancy, the applicant will be required to submit to the Building Department an "as built" site plan which depicts all elements shown on the approved site plan including but not limited to contours, landscaping, building locations, utilities paved and parking areas, signage, accessory structures and other related physical improvements.

NOTIFICATION OF LOCAL ACTION

DECISION OF THE CITY OF ALBANY BOARD OF ZONING APPEALS

► Important Note: This is not a building permit. All building permits must be approved and issued by the Division of Building & Codes prior to the start of any construction.

ADDRESS OF SUBJECT PROPERTY: 425 AKA 423 Madison Ave.

IN THE MATTER OF: Area Variances to allow for the construction of a 9,300 +/- square foot, mixed-use building with ground level commercial space and six (6) residential dwelling units on a 2,600 square foot lot, 52-feet in depth, with a rear yard setback of zero (0) feet, lot coverage of 98.5% and zero (0) off-street parking spaces.

APPLICANT: Yusuf Dincer, M.D. c/o 3T Architects

ADDRESS: 418 Broadway, Albany, NY 12207

CASE NUMBER: 12-11, 3005

DATE APPLICATION RECEIVED: 11/16/11

DATE OF HEARING: 12/14/11

DATE OF DECISION: 2/8/12

WARD: 6

DECISION: Approved

N.A.: Hudson Park

HISTORIC/ SPECIAL DISTRICT(S): Center Square/Hudson Park Historic District; Lark Street Business Improvement District

The request is Approved, by the following vote:

For: 4	Apostol: Y	Ray: Y
Against: 1	Cronin: Y	Tucker-Ross: Y
Abstain: 0	Moran: N	Viele: N/A

Site Description

The property in question is located on the northeast corner of Madison Avenue and Lark Street in a C-1 Neighborhood Commercial zoning district, the Center Square/Hudson Park Historic District and the Lark Street Business Improvement District. The 52'x 50' lot is improved with a single-story, 1,626 square foot commercial structure.

Relevant Considerations

The applicant proposes to construct a three-story, mixed use building at the site in question. The proposed construction would consist of 2,415 square feet of ground-level retail space and six residential dwelling units split amongst the upper two floors. The total proposed floor area for the building is 6,897 square feet. The new building will replace a single-story, 1,586 square foot, commercial structure currently existing at the site. Proposed demolition of the existing building was approved by the Historic Resources Commission.

The proposed use of the building is permitted within the applicable C-1 Neighborhood Commercial district. However, due to the small size of the lot in question - 52'x 50' - the applicant requires and is seeking five Area Variances. Proposed variations from applicable zoning code requirements are detailed as follows:

<u>Code</u>	<u>Required</u>	<u>Proposed</u>
Minimum lot area	3,200 sq. ft.	2,600 sq. ft.
Minimum lot depth	80 ft.	52 ft.
Maximum lot coverage	50%	98.5%

Minimum rear yard	20 ft.	0 ft.
Off-Street Parking*	11 spaces	0 spaces

*Calculation for the off-street parking requirement is based upon a traditional retail use, i.e. general retail and/or personal service uses. Some uses would require additional spaces to be provided at the time of the establishment of the future use.

The most recent use of the building was as an Indian/Pakistani Restaurant d/b/a Tandoor Palace, which operated for a limited time as an illegal tavern d/b/a Lark Street Pub. The property has extensive zoning history that is detailed as follows:

<u>Case #</u>	<u>Proposed Use</u>	<u>Decision</u>	<u>Date of Decision</u>
4-02, 597	Grocery (2AM)	Denied	5/22/02
4-02, 597*	Grocery (1-2AM)	Denied	8/14/02
10-03, 814	Restaurant w/Alcohol	Denied	11/12/03
7-04, 759	Restaurant w/Alcohol (Beer/Wine)	Approved	8/11/04
2-07, 1341	Restaurant w/Alcohol (Liquor)	Approved	2/28/07
6-09, 1723	Hours until 2AM	Approved	6/10/09
1-11, 1968	Tavern	Denied	1/26/11

*Reapplication

The current owner purchased the property on August 6, 2012 for \$280,000 and indicates that he was not personally associated with the prior uses of the premises. The building itself is a small portion of its original design as a two-story, twin row house structure. Commercial use has long been a feature of the property, with its development dating to a tavern established in the late eighteenth century. The applicant states that the existing building portion "has undergone renovations detrimental to the continuation of the typical character of the block" and retains little of its original historical character. The new building proposed to follow a precedent set by neighboring buildings in its three- to four-story height and by exceeding the allowable lot coverage stipulations, whereas the design is intended to be befitting of a property that acts as a gateway to the neighborhood.

The proposed residential units will be between 627 and 750 square feet in size, exceeding the minimum 600 square foot requirement set forth for the C-1 district. The applicant has not yet secured a tenant for the commercial space(s) and indicates that future tenants would be subject to any additional permits that may be required in pursuing their ability locate there. The C-1 district permits numerous as-of-right uses, such as bakeries, banks, charitable or religious institutions, drugstores, fraternal organizations, houses of worship, ice cream shops, personal service outlets, restaurants, retail outlets, art galleries and business services.

Parking requirements will vary depending on the commercial tenancy. As it currently stands, the proposed six apartments and 2,415 square feet of ground-level commercial space (by default, general retail and/or personal service) requires a cumulative minimum of 11 off-street parking spaces - less than that of the prior restaurant use, which required 16 spaces (793 sq. ft. / 1 per 50 sq. ft. of dining room floor area). The Board may vary the parking requirement based upon the following, as specified by the C-1 District Design Guidelines:

(d) In any C-1 District, the amount of off-street parking required may be reduced by the Board of Zoning Appeals, in consultation with the Division of Traffic Safety. Factors to be considered shall include, but are not limited to:

- [1] Availability of on-street parking.*
- [2] Pedestrian traffic and accessibility.*
- [3] Availability of transit service.*

[4] Availability of other public parking.

[5] Hours of operation.

[6] Shared parking arrangements.

The applicant has secured an agreement to lease a minimum of six parking spaces at neighboring 421 Madison Avenue. Transit service is also available at this location.

Findings

The proposed structure, despite its deviations from the given lot requirements, is consistent with the established pattern of development in the area, and arguably more so than that of the existing structure. The location of this property at a corner location, as well as its small size, greatly constrains its ability to be developed for a viable use when adhering to the applicable yard requirements designated within the ordinance. The site design is consistent with guidelines established for C-1 zoned properties and the applicant makes reasonable attempt to provide adequate transportation provisions for its tenants where no parking can be immediately accomplished on site. In sum, the requested variances are not substantial and will produce a desirable change in the immediate and surrounding area – a benefit that could not be achieved without the granting of the requested variances.

The Board finds that, in accordance with §375-26(B)(1)(a), the variance granted is the minimum necessary, and that:

- a. No undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created.
- b. The benefit sought cannot be achieved by some method feasible to the applicant other than the granting of the variance.
- c. The requested variance is not substantial.
- d. Granting the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood.
- e. The hardship may have been self-created, but this does not preclude the granting of the area variance in this circumstance.

The City of Albany Planning Board issued a negative declaration under SEQR for this Type 1 action, as the proposed construction will not result in any significant adverse environmental impacts.

I, G. Michael Apostol, representing the Board of Zoning Appeals of the City of Albany, hereby certify that the foregoing is a true copy of a decision of the Board made at a meeting thereof duly called and held on February 8, 2012.

Signed: G. Michael Apostol Date: 2/8/12

► Important Note: Unless otherwise specified by the Board, this decision shall expire and become null and void if the applicant fails to obtain any necessary zoning, building, or other permits or comply with the conditions of such decision within six (6) months of the date of signature.

EXISTING SITE CONDITIONS: MADISON AND LARK



ZONING SUMMARY

ZONE TYPE: C-1 Neighborhood Commercial District
Center Square/Hudson Park Historic District

YARD REQUIREMENTS	PROPOSED	VARIANCE
1. Minimum Lot Area: 3,200 SF	2,600 SF	Yes
2. Minimum Lot Width: 40 Feet	50 Feet	No
3. Minimum Lot Depth: 80 Feet	52 Feet	Yes
4. Maximum Lot Coverage: 50%	98.5%	Yes
5. Minimum Front and Side Yards: Zero Feet	0 Feet	No
6. Minimum Rear Yard: 20 Feet	0 Feet	Yes
7. Maximum Commercial Space: 2,500 SF	2,413 SF	No
8. Minimum Size of Dwelling Units: 600 SF	627 SF	No

423-25 MADISON AVE.

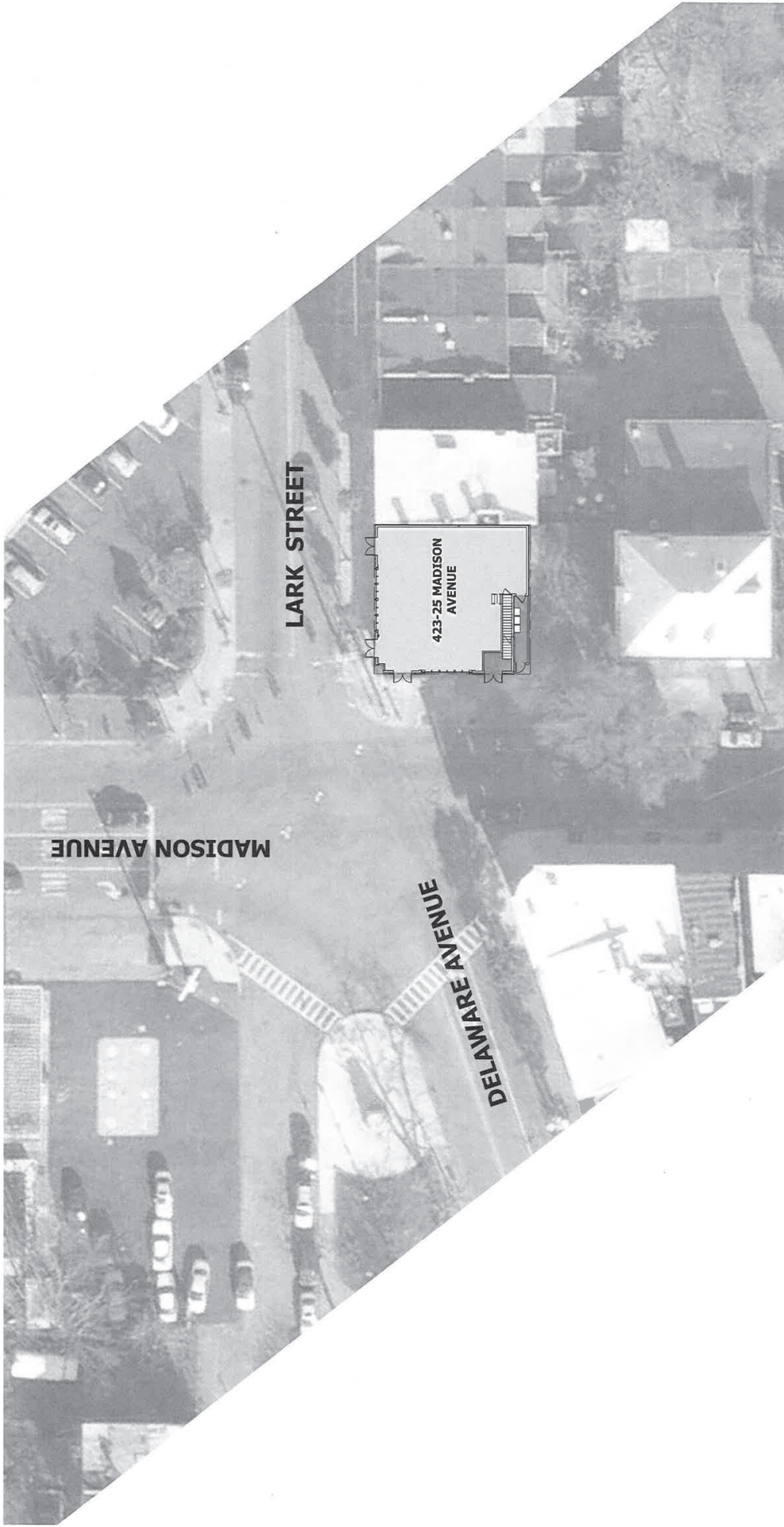
HUDSON PARK NEIGHBORHOOD

Date: 11/16/11

Scale:



3tarchitects.com



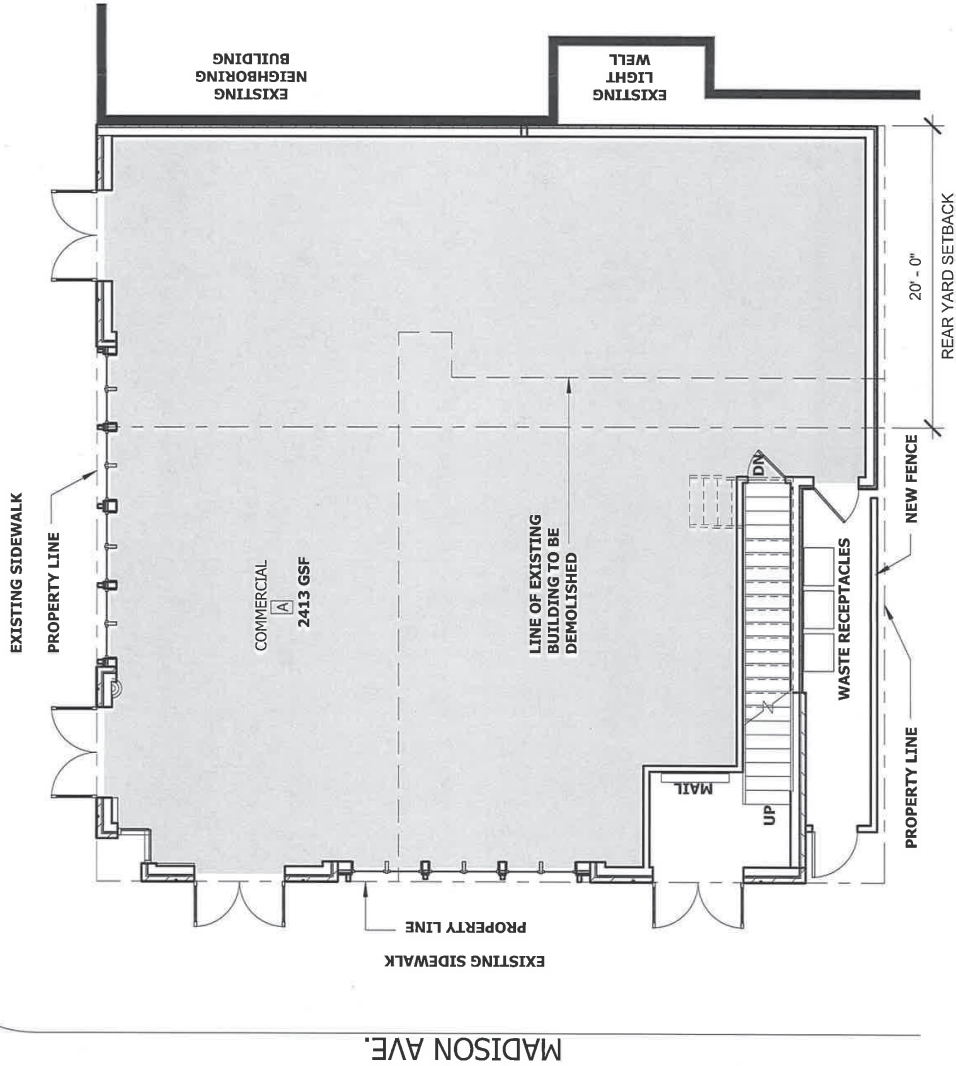
Date: 11/16/11

Scale: 1/32" = 1'-0" 3tarchitects.com

423-25 MADISON AVE.

SITE PLAN

LARK STREET



MADISON AVE.

GROSS FLOOR AREAS

BASEMENT	2413			
1ST FLOOR	2413	A	B	C
2ND FLOOR	2241	750	627	628
3RD FLOOR	2241	750	627	628
TOTAL	9308			

ZONING SUMMARY

ZONE TYPE: C-1 Neighborhood Commercial District
Center Square/Hudson Park Historic District

YARD REQUIREMENTS	PROPOSED	VARIANCE
1. Minimum Lot Area: 3,200 SF	2,600 SF	Yes
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3. Minimum Lot Depth: 80 Feet	52 Feet	Yes
4. Maximum Lot Coverage: 50%	98.5%	Yes
5. Minimum Front and Side Yards: Zero Feet	0 Feet	No
6. Minimum Rear Yard: 20 Feet	0 Feet	Yes
7. Maximum Commercial Space: 2,500 SF	2,413 SF	No
8. Minimum Size of Dwelling Units: 600 SF	627 SF	No

423-25 MADISON AVE.

1ST FLOOR PLAN & SITE INFORMATION

Date: 11/16/11

Scale: 1/8" = 1'-0"



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423-25 MADISON AVE.

2ND & 3RD FLOOR PLANS

Date: 11/16/11

Scale: 1/8" = 1'-0"



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T/ PARAPET
35' - 0"

Level 3
23' - 0"

Level 2
13' - 0"

B/ CANOPY
10' - 0"

GRADE
0' - 0"

PRECAST COPING

EXISTING STRUCTURE BEYOND

WOOD HEADERS

ALUMINUM CLAD WOOD
WINDOWS, TYP.

METAL CLAD PANELS

BRICK

BRICK SILLS, TYP.

PRECAST BAND

METAL ROOF

WOOD AND METAL CANOPY W/
METAL TIE ROD ASSEMBLY,
TYP.

PAINTED WOOD FENCE & GATE

WOOD VERTICAL STRUCTURE

PRECAST BASE

FENCE AND GATE

NOTE: ALL "WOOD" TO BE
GLULAM



Date: 11/16/11

Scale: 3/16" = 1'-0" 3tarchitects.com

423-25 MADISON AVE.

EXTERIOR ELEVATION - FROM MADISON AVE.



423-25 MADISON AVE.

EXTERIOR ELEVATION - FROM LARK ST.

Date: 11/16/11

Scale: 3/16" = 1'-0" 3tarchitects.com





423-25 MADISON AVE.

PROGRESS RENDERING

Date: 11/16/11

Scale:



3tarchitects.com



423-25 MADISON AVE.

PROGRESS RENDERING

Date: 11/16/11

Scale:



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423-25 MADISON AVE.

PROGRESS RENDERING

Date: 11/16/11

Scale:



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617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project:



Part 1



Part 2



Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☒ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared**.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Negative Declaration

Name of Action

Office of Land Use Planning

Name of Lead Agency

Ed Trant

Planning Board Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Negative Declaration

Location of Action (include Street Address, Municipality and County)

423-25 Madison Avenue

Name of Applicant/Sponsor Scott Townsend

Address 418 Broadway

City / PO Albany State NY Zip Code 12207

Business Telephone 518-618-0900

Name of Owner (if different) Yusuf M. Dincer

Address 319 Manning Blvd.

City / PO Albany State NY Zip Code 12208

Business Telephone 518-435-0842

Description of Action:

The proposed scope of work includes the demolition of the existing structures and erection of a new three story mixed-use building with a basement. The project is urban in fill intending to maximize the commercial and residential capacities of the site while also enhancing revenue potential. The proposed uses comply with the C-1 district's Principal Permitted Uses. The commercial space has 2,415 gsf. The dwelling units will be located on the second and third floors with three units on each floor totaling 6 units. The apartments range from 627 to 750 square feet for a total of 2,241 gross square feet per floor. Total Gross Floor area of the building is 6,897 square feet.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☒ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Other _____

2. Total acreage of project area: .06 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>0</u> acres	<u>0</u> acres
Forested	<u>0</u> acres	<u>0</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>0</u> acres	<u>0</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>0</u> acres	<u>0</u> acres
Water Surface Area	<u>0</u> acres	<u>0</u> acres
Unvegetated (Rock, earth or fill)	<u>0</u> acres	<u>0</u> acres
Roads, buildings and other paved surfaces	<u>.06</u> acres	<u>.06</u> acres
Other (Indicate type) _____	<u> </u> acres	<u> </u> acres

3. What is predominant soil type(s) on project site? Clay
- a. Soil drainage: ☐ Well drained _____% of site ☐ Moderately well drained _____% of site.
☒ Poorly drained 60 % of site
- b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? 0 acres (see 1 NYCRR 370).
4. Are there bedrock outcroppings on project site? ☐ Yes ☒ No
- a. What is depth to bedrock 50'> (in feet)
5. Approximate percentage of proposed project site with slopes:
☒ 0-10% _____% ☐ 10- 15% _____% ☐ 15% or greater _____%
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☒ No
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☒ No
8. What is the depth of the water table? 10 (in feet)
9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☒ No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☒ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

N/A

Identify each species:

N/A

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

☐ Yes ☒ No

Describe:

N/A

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community?

☐ Yes ☒ No

N/A

15. Streams within or contiguous to project area:

None

a. Name of Stream and name of River to which it is tributary

N/A

16. Lakes, ponds, wetland areas within or contiguous to project area:

None

b. Size (in acres):

N/A

17. Is the site served by existing public utilities? ☒ Yes ☐ No
- a. If **YES**, does sufficient capacity exist to allow connection? ☒ Yes ☐ No
- b. If **YES**, will improvements be necessary to allow connection? ☐ Yes ☒ No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 61.7? ☐ Yes ☒ No
20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

- a. Total contiguous acreage owned or controlled by project sponsor: .06 acres.
- b. Project acreage to be developed: .06 acres initially; .06 acres ultimately.
- c. Project acreage to remain undeveloped: 0% acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 0; proposed 0
- g. Maximum vehicular trips generated per hour: (upon completion of project)?
- h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially	<u>0</u>	<u>0</u>	<u>6</u>	<u>0</u>
Ultimately	<u>0</u>	<u>0</u>	<u>6</u>	<u>0</u>

- i. Dimensions (in feet) of largest proposed structure: 32 height; 50' width; 52' length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 102' ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.
3. Will disturbed areas be reclaimed ☐ Yes ☐ No ☒ N/A

- a. If yes, for what intended purpose is the site being reclaimed?

N/A

- b. Will topsoil be stockpiled for reclamation? ☐ Yes ☒ No
- c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☒ No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 0 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: 6 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 1 (number)

b. Anticipated date of commencement phase 1: 3 month 12 year, (including demolition)

c. Approximate completion date of final phase: 9 month 12 year.

d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☒ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction _____; after project is complete 6+/-

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

If yes, explain:

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount N/A

b. Name of water body into which effluent will be discharged N/A

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

If yes, explain:

N/A

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No

16. Will the project generate solid waste? ☒ Yes ☐ No

a. If yes, what is the amount per month? 50 tons

b. If yes, will an existing solid waste facility be used? ☒ Yes ☐ No

c. If yes, give name Rapp Roadlandfill ⁺; location 525 Rapp Road, Albany, NY ⁺

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☒ No

e. If yes, explain:

N/A

17. Will the project involve the disposal of solid waste? ☒ Yes ☐ No

a. If yes, what is the anticipated rate of disposal? 1 tons/month.

b. If yes, what is the anticipated site life? 100 years.

18. Will project use herbicides or pesticides? ☐ Yes ☒ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ☒ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ☒ No

21. Will project result in an increase in energy use? ☒ Yes ☐ No

If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day 600 gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ☒ No

If yes, explain:

25. Approvals Required:

		Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Site Plan Review	12/15/12
		_____	_____
		_____	_____
City, Town Zoning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Zoning Board of Appeals	12/14/12
		Area Variance	_____
		_____	_____
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
Other Local Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Historic Resources	12/7/12
		Commission	_____
		_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
State Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
		_____	_____
		_____	_____

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

<input type="checkbox"/> Zoning amendment	<input checked="" type="checkbox"/> Zoning variance	<input type="checkbox"/> New/revision of master plan	<input type="checkbox"/> Subdivision
<input checked="" type="checkbox"/> Site plan	<input type="checkbox"/> Special use permit	<input type="checkbox"/> Resource management plan	<input type="checkbox"/> Other

2. What is the zoning classification(s) of the site?

C-1 Neighborhood Commercial District

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

1560 SF x 35' HT Building

4. What is the proposed zoning of the site?

N/A

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ☒ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Urban - Commercial, Residential, Recreational

CO - Commercial Office District

C1 - Neighborhood Commercial District

C2 - Highway Office District

R2A - One and Two Family Residential District

R2C - One and Two Family Row House Residential District

LC - Land Conservation District

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? ☒ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

a. What is the minimum lot size proposed? N/A

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?

☒ Yes ☐ No

a. If yes, is existing capacity sufficient to handle projected demand? ☒ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☒ No

N/A

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Craig Church Date 12/12/11

Signature _____

Title Landscape Architect

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- ! In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO ☐ YES ☐

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<div></div>			

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

☐ NO ☐ YES

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<div></div>			

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

☐ NO ☐ YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

☐ NO ☐ YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
5. Will Proposed Action affect surface or groundwater quality or quantity? <input type="checkbox"/> NO <input type="checkbox"/> YES			
Examples that would apply to column 2			<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will require a discharge permit.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction or operation causing any contamination of a water supply system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will adversely affect groundwater.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action would use water in excess of 20,000 gallons per day.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will allow residential uses in areas without water and/or sewer services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

☐ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

☐ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

☐ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|---|--------------------------|--------------------------|--|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

☐ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

--	--	--	--

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

☐ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction activity would excavate or compact the soil profile of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
☐ NO ☐ YES

Examples that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
☐ NO ☐ YES

Examples that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

- | | 1
Small to
Moderate
Impact | 2
Potential
Large
Impact | 3
Can Impact Be
Mitigated by
Project Change |
|------------------|-------------------------------------|-----------------------------------|--|
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

☐ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • The permanent foreclosure of a future recreational opportunity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • A major reduction of an open space important to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

☐ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • Proposed Action to locate within the CEA? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

☐ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☐ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☐ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

☐ NO ☐ YES

- | | | | |
|--|--------------------------|--------------------------|--|
| • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

☐ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will cause a change in the density of land use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
☐ NO ☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

Hudson/Park Neighborhood Association

VIA ELECTRONIC MAIL

December 13, 2011

Michael Apostol, Chairman
Board of Zoning Appeals
Department of Development and Planning
21 Lodge Street
Albany, NY 12207

Re: 423 Madison Avenue – Application for Area Variances

Dear Mr. Apostol:

On June 15, 2011 and upon subsequent dates, the Hudson/Park Neighborhood Association (“H/PNA” or “Hudson/Park”) met at its regular monthly meetings to decide whether to oppose or support the grant of Area Variances by the Board of Zoning Appeals (“Board”) to 423 Madison Avenue. In accordance with Hudson/Park's zoning procedures, the matter was also posted to our neighborhood on-line discussion list so the 300+ households on that list, and the project proponents, could discuss the proposed application.

During the meeting and several months of discussion on our discussion list, a consensus emerged of overall support for the project, with some reservations concerning the lack of parking provided with the project, and in hopes the project's developer might work with CDTA to reach an accommodation on a partnership concerning an enhanced bus stop at the corner of Madison Avenue and Lark Street.

As provided for by sec. 375-26(B)(1) of the city code, the standard for approving an area variance is:

§ 375-26. Variances.
[Amended 3-15-1999 by Ord. No. 62.121.98]

...
B. *The Board shall follow the following procedures in its review of variance requests:*

(1) *Area variances.*

(a) *In making its determination regarding a request for an area variance, the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall also consider:*

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Albany, NY 12220

518.203.3793
president@hudsonpark.org

Hudson/Park Neighborhood Association

- [1] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.*
- [2] Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.*
- [3] Whether the requested area variance is substantial.*
- [4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*
- [5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board but shall not necessarily preclude the granting of the area variance.*
- (b) The Board, when granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate to alleviate the difficulty shown by the applicant and that also will preserve and protect the character of the neighborhood and the health, safety and welfare of the community.*

***** **C. Board action on a variance request.**

- ****
(2) The Board shall, in the granting of both area and use variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or the community.

The applicant's proposed project is that of a three story building, with a first floor commercial space, and three (3) residential apartments on each of the second and third floors, for a total of six apartments. The property in question is zoned C-1 commercial.

In the corridor in which the project is located, the dominant character of the buildings are R-2A and R-2C, with a commercial first floor and one or more floors of residential space above the first floor. At the corner of Lark Street and Delaware Avenue, and within 100' of the corner, there are several buildings exceeding three stories in height, which also fail to meet the required lot depth and setback and exceed the maximum lot coverage of 50% (see, sec. 375-71(D) of the city code). The application submitted to the Board asserts that the project cannot be financed without using in excess of 50% of the lot. Although the project will not provide parking for tenants, the application asserts the new use would most likely result in a diminished need for spaces as compared to that necessary for the previous sit-down restaurant. Finally, the application has shown evidence that the lot previously contained a three story building and the project (according to the submitted proposed site plans and elevations) appears likely to echo the character of the historic structures in the neighborhood.

In order to guide its deliberations on this sort of project, Hudson/Park has adopted zoning standards (see, http://www.hudsonpark.org/Hudson_Park_Zoning_Standards.pdf), which are cited in pertinent part below:

Hudson/Park Neighborhood Association

H/PNA will give consideration to whether a proposed new use (business or residential) would return an abandoned or substantially uninhabitable/unusable building to service, and the positive effect such a renovation would have upon the area

The building at the corner of 423 Madison Avenue has been vacant for an extended period of time, and is a 1-story dilapidated structure of roughly 800ftsq of commercial space. Despite its location as an “entryway” into the Lark Street neighborhood and business community, and Center Square/Hudson Park historic district the previous tenants asserted in filings to the Board that they experienced financial challenges operating the previous structure, necessitating ever intensifying sales of alcohol on site. The previous tenants business eventually failed after an unpermitted attempt to change their restaurant into a late-hours tavern.

The project proposed to the Board echoes the mixed commercial-residential uses that give the Lark Street neighborhood its unique character in Albany. Although few structures on Lark Street contain six residential units, the project’s proposed floor space will be roughly three times as large as the typical Lark Street structure. Therefore, H/PNA does not believe the project will have an adverse impact upon the physical or environmental conditions of the neighborhood, and will not harm the character of the neighborhood. Rather, the new commercial space on the first floor will be one of the largest potential retail spaces on Lark Street, which could affect the neighborhood positively in a business district that needs more diverse retail uses as opposed to more drinking establishments, tattoo parlors and head shops.

In conclusion, H/PNA believes the project meets the relevant sections of 375-26 of the City code, and our codes/zoning standard of returning an abandoned building to service, while making a positive impact upon the area. Therefore, we respectfully request the Board to look favorably upon 423 Madison’s application for area variances. We hope that when the applicant has received guidance from the HRC, in addition to the input from the neighborhood, the end result will be a newly enhanced gateway into our historic neighborhood and business district that will add to Lark Street’s reputation as a desirable destination for tourists and shoppers, while maintaining its desirability as a residential neighborhood.

Sincerely,

/s/

Richard Berkley, President
Hudson/Park Neighborhood Association

P.O. Box 2313 – Empire State Plaza
Albany, NY 12220

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December 13, 2011

Michael Apostol, Chairman
Board of Zoning Appeals
Department of Development and Planning
21 Lodge Street
Albany, NY 12207

Re: Application for Area Variances for 425 AKA 423 Madison Avenue

Dear Mr. Apostol:

On behalf of the Capitol Hill Condominium Association (CHCA) located at 409 Madison Avenue, I would like to respectfully submit this letter in support of the application of Dr. Yusuf Dincer/3T Architects requesting an Area Variance for the proposed project located at 425 AKA 423 Madison Avenue.

The application before the Zoning Board of Appeals (BZA) will allow for the construction of a 9,300 square foot mixed use building with commercial and residential space.

The CHCA recognizes the potential challenges this project could present with regard to parking and traffic in the Lark Street Community. However, we recognize the current structure, which is a one-story commercial space with limited use, has been left abandon for an extended period of time. Given the fact that this corridor is considered the entry way into the Lark Community, CHCA feels the positive impact this proposed new construction will have on the Lark Street Business District and surrounding neighborhood will out weigh the potential challenges.

Therefore, CHCA respectfully urges the BZA vote in favor of the Area Variance at its Wednesday, December 14, 2011 meeting.

Respectfully Submitted,



Kevin G. Banes
President
Capitol Hill Condominium Association

CC: Executive Board - Capitol Hill Condominium Association
Jon Browsers, CYC Management



EMPIRE HOLDINGS OF ALBANY, LLC.

21 Colvin Avenue Albany, New York 12206 P 518-225-4567

Dr. Yusuf Dincer
c/o 319 Manning Blvd.
Suite 202
Albany, NY 12208

RE: Non- Binding Letter of Intent for 423-5 Madison Avenue

Dear Dr. Dincer,

I am pleased to assist you in order to have you complete a successful project.

Should you obtain approval from the City and subsequently move forward with construction the following is summarizing the basic terms on which I am prepared to negotiate your use of use of my land at 419-421 Madison Ave, Albany:

- During the duration of the construction for your project, allow you the use of my courtyard that abuts your property immediately to the east for construction deliveries.
- Lease to you 6 parking spots to be specified upon contractual agreement located to the rear of my property.
- For an undetermined amount of time allow you the use of the curb cut located in front of my property for delivery access to your building.

This agreement is non-binding until we finalize all details and consummate a contract based on further negotiations concerning location, price & duration. Good luck with your approval process.

Sincerely,

Terra Stratton
Owner, 421 Madison Avenue



May 9, 2012

Chairman Anthony J. Ferrara
City of Albany Industrial Development Agency
21 Lodge Street
Albany, NY 12207

RE: 423-5 Madison Avenue
Owner: Dilek LLC c/o Yusuf Dincer.

Dear Chairman Ferrara and members of the IDA:

Historic Albany Foundation sends this letter in support of Dr. Dincer's application for 423 Madison Avenue for financing through the Industrial Development Agency.

423-5 Madison has been an underutilized, central corner of the Center Square/Hudson Park Historic District for many years and is at a major juncture in the city. The proposed plan to build a new structure as a mixed use project, with commercial tenants at street level and residential apartments above, fits within the scope of the neighborhood's character. When there is demolition involved as at 423 Madison Avenue (which HAF opposed and presented another alternative which the HRC voted down), we become concerned that the project can stall due to financing and that no new building will be built, once the site is cleared. The financing from IDA will aid in this process and hopefully, close the gap so that the entire project is realized.

I urge you to support the application to finance this project.

Thank you,

Susan Holland
Executive Director

cc. Bill Brandow, President, HAF Board of Directors
file

Apr. 3. 2012 10:02AM

A. 2052 P. 2

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 12208, (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 423-25 Madison Avenue, Albany, NY 12210-1713

APPLICANT	Yusef Dincer, M.D.			
ADDRESS	319 Manning Boulevard	CITY	Albany	STATE NY ZIP 12208
PHONE	518-577-9089	FAX NUMBER		
AUTHORIZED AGENT	Starchitects			
AFFILIATION	Project Architect			
ADDRESS	410 Broadway	CITY	Albany	STATE NY ZIP 12207
PHONE	518-618-0900	FAX NUMBER		
PROPERTY OWNER	Yusef Dincer, M.D.			
ADDRESS	319 Manning Boulevard	CITY	Albany	STATE NY ZIP 12208
PHONE	518-577-9089	FAX NUMBER		
OTHER TO BE NOTIFIED	N.A.			
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 65
 EXISTING USE / # OF UNITS Vacant / 6 Residential Units on Upper Floors
 PROPOSED USE / # OF UNITS Restaurant
 OCCUPANCY STATUS (FULLY OCCUPIED / PARTIALLY OCCUPIED / VACANT) Vacant (not yet constructed)

REQUESTED PUBLIC HEARING DATE: 4/26/2012

PROJECT TIME FRAME: 6/2012 - 2/2013 TOTAL PROJECT COST: T.B.D.

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 03/28/2012

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 03/28/2012

01-26-12



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

PREPARER'S SIGNATURE: [Signature] TITLE: [Signature]

REPRESENTING: Dr. Yusuf Dincer DATE: 26 March '12