

Apr. 3. 2012 10:32AM

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 12206, (518-445-0754). Applications are not considered to be complete until all supplemental documents and fees are received. (See attached instructions.) Planning Office staff shall determine the completeness of applications before scheduling the case before the Board of Zoning Appeals. Notice of public hearing shall be mailed to the applicant, adjacent property owners, and other interested parties. The applicant or his/her representative shall appear at the public hearing to substantiate the application.

REGARDING THE PREMISES AT 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 3tarchitects
 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.

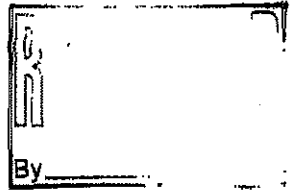
I, the undersigned owner, hereby authorize the applicant to bring the application herein before the Board of Zoning Appeals of the City of Albany.

X SIGNED [Signature] DATE 03/29/2012

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 03/29/2012

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

PREPARER'S SIGNATURE: *[Signature]* TITLE: *[Signature]*
 REPRESENTING: *Dr. Yusuf Dincer* DATE: *28 March '12*

SPECIAL USE PERMIT STANDARDS

Special permit uses are those that have some special impact or unique form which require a careful case by case review of their location, design, configuration, and impact to determine, against fixed standards, the desirability of permitting their establishment on any particular site.

- ~ When considering a request for a special use permit, the Board shall take into consideration the following:

[1] Whether the use is **listed as a permitted special use** in the appropriate zoning district.

[2] Will not have an undue adverse effect upon adjacent property, the **character of the neighborhood** and surrounding areas, **traffic conditions, parking, utility facilities** or other matters affecting the public health, safety, welfare or convenience.

[3] Operations in connection with the proposed use will **not be more objectionable** to nearby properties by reason of noise, fumes, vibration, illumination, etc., than the operations of any permitted use **not** requiring a special use permit.

[4] Will be served **adequately by essential public facilities** and services or **that the applicant will be responsible for providing such services.**

[1] DESCRIPTION OF USE

(Describe the proposed use):

Proposed use pertains to the tenant for the first floor of
423-25 Madison Ave. The Owner is requesting a permit for the
sale of alcohol within the context of an upscale diner (only
very limited alcoholic beverage choices will be served to
complement the food menu), and permission to operate business
24hrs Thur-Sat as described below.

- For commercial establishments, please complete the following:

- a) Number of customers per day: 120+/-
- b) Number of employees: 20-30
- c) Days/Hours of operation: 6am - 12midnight Sun-Wed; 24hrs Thur-Sat
- d) Hours of deliveries: M-F 9am-5pm
- e) Frequency of deliveries: Less than once a month Monthly
Biweekly Weekly X Several times a week Daily

[2] CHARACTER OF NEIGHBORHOOD

(Please provide evidence/information, which demonstrates that the proposed use will not substantially impact the nature and character of the surrounding neighborhood):

The restaurant will be primarily serving upscale dining fare, which is similar in use to surrounding establishments.

[3] OBJECTIONABLE USES

(Please explain how the proposed use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking/double parking, utility facilities, and other matters affecting the public health, safety, and general welfare):

The proposed restaurant is located in an active commercial area of the neighborhood where vehicle access and noise will be less of an impact on the surrounding residential area since the establishment will be primarily relying on pedestrians for patronage. The restaurant will also be similar in regards to utility usage to neighboring

[4] OBJECTIONABLE USES

(Please explain why your proposed use will not be more objectionable than would a use permitted by the Zoning Ordinance. Specifically, will your proposed use create any nuisances by generating noise, odors/fumes, and glare from lighting):

The restaurant will be focused on the serving of food within the confines of the building and therefore will not generate noise outside (no patio, outdoor eating, etc.). Any cooking fumes will be vented through the roof, three stories above grade. Lighting is minimal, and will primarily come from the interior through any glazing in exterior walls.

[5] ADEQUATE SERVICE OF FACILITIES

(Please demonstrate to the Board that the proposed use will be adequately served by storm drainage, water, sanitary sewers, off-street parking, access to city streets to handle projected traffic volumes, fire and police protection, schools, and refuse disposal, as these services are relevant to your project):

Site has access to City water, storm and sanitary sewer systems along Madison Avenue. Access to Madison Avenue is adequate for traffic volumes. City fire, police protection, garbage collection is well served.

SUPPLEMENTAL DOCUMENTS - NARRATIVE**Reason for Variance**

The tenant will be establishing an upscale diner to provide food and a limited beer and wine selection to accompany the menu, and be open 24 hours Thursday-Saturday. Therefore, they are requesting two special use permits.

Existing Structure

The current structure will be wood-framed, masonry clad 3-storey structure plus partial basement. The tenant seeking the special use permit will occupy the first floor commercial space and basement.

Recent Use

Previous uses included a restaurant and bar.

Existing Right-of-Ways, Easements, or Restrictive Covenants

None

Business Plan

See attached.

Proposed Storage and Removal of Waste and Recyclables

See plan. There will be waste receptacles located in a proposed fenced and gated area at the rear of the building.

Possible Environmental Impacts

All proposed exterior conditions will reflect previously approved impacts to storm-water, site circulation, and urban wildlife. Cooking fumes will be vented through the roof, 35+/- feet above grade. Patrons will be inside (no exterior seating, patios, or bands playing outside, etc.) and will not pose a noise issue to surrounding neighbors.

Mitigation

None proposed unless deemed necessary by neighbors, Historic Resources Commission or the Board of Zoning Appeals.

Existing Conditions Photos



View looking south-east at 423-25 Madison Ave.
across Lark Street



View looking south at 423-25 Madison Ave.
south across Lark Street



View looking North-east into 423-25 Madison Ave.
Court-yard from Madison Avenue sidewalk



View looking north at 423-25 Madison Ave. from
Madison Avenue sidewalk

SUPPLEMENTAL DOCUMENTS - NARRATIVE



Above Images: Proposed structure to house 1st floor tenant as previously approved by City of Albany municipalities.

Business Plan for Larson's

"Home of the world's famous English muffin burger"

Tim Turano
518.859.2404
tim.turano@sbcglobal.net

Information provided in this publication is the sole property of the E.A.T. Group, LLC. Copying and dissemination of the materials contained herein without permission of the E.A.T. Group, LLC. is prohibited.

Larson's will focus on serving hearty breakfast, flat top fried English muffin burgers, homemade frozen custards and homemade pies

Larson's serves only fresh local ingredients to give you a mouthwatering experience.

Open from the crack of dawn until late in the evening, Larson's prides itself on great food and friendly service in a small and cozy environment.

Sit down, relax and enjoy.

Mission Statement:

The E.A.T. Group has been formed to provide value for our customers and a fair profit for our investors.

The main objective is to provide the highest quality product available in an atmosphere that caters to and focuses on customer satisfaction.

Our Goal is to exceed the customer's expectation on every level.

Facility:

E.A.T. Group, LLC is currently considering a space available in the, to be completed Larson building, located at 423 Madison Ave., Albany, New York 12210. Larson's hours of operation will be 6 a.m. to midnight Sunday through Wednesday and 24 hours Thursday through Saturday.

Larson's will offer a limited menu provided in this packet.

In addition to the location at 423 Madison Ave., the E.A.T Group sees great value and success in implementing the use of a mobile kitchen to create an additional stream of revenue.

The mobile kitchen would be utilized year round providing the Larson's menu in a variety of locations i.e. Alive at Five, farmers markets, private events and the Plaza near the Capital. Using this business model would allow a larger group of people to experience what Larson's has to offer which in turn would lay the groundwork for potential expansion into other areas of the East Coast.

Products and Services:

The E.A.T. Group's main objective is to simply serve the best tasting food available, creating a must-eat location by using fresh local ingredients, cross utilizing products, and creating a primarily homemade limited menu.

Offering this type of quality at the price point outlined on the menu will be offset by tight labor and inventory as well as exploring every possible avenue to increase volume and revenue.

The Menu E.A.T. has created for Larson's affords the opportunity to focus on quality rather than quantity. E.A.T. believes it can gain, maintain, and satisfy customers for life by providing unforgettable food and superior friendly service.

Given the current economic climate, E.A.T. has done extensive research on what is working in the marketplace and what isn't. An abundance of restaurant owners are moving away from their high-end ventures and into the burger and shake concept

with huge success. Market trends in restaurant magazines continue to publish articles regarding America's hunger for great burgers.

In addition to capitalizing on food and service, the E.A.T. Group believes revenue can be captured through merchandising. E.A.T. plans to offer limited apparel to its clientele, focusing on quality tee shirts and sweatshirts for sale. This will give the added bonus of free marketing, and will allow Larson's to quickly develop its identity.

Marketing and Strategy:

The E.A.T. Group is fully aware of the difficulty in the economy today, which is why our current focus is on affordable food. Gone are the days of corporate expense accounts, disposable income, and hefty savings. America is tightening their belt; however, people still want to get out of the house, have a good meal, avoid cooking, and socialize. While the space in Larson's is limited, the expansion of hours will allow people to come and enjoy a great meal almost anytime, day or night.

Larson's location is in one of the most popular areas in Albany with a solid bar business in the evening and a neighborhood feeling during the day. E.A.T. believes that this can become one of the most popular spot in the area.

The E.A.T. Group plans to capitalize on community events, social media, merchandising, and branding. Working with the local community to become a fixture in the Albany landscape will be a key component in the building of a successful business venture. This will be an ongoing focus for Larson's.

The E.A.T. Group plans to participate in as many charity events as possible throughout the Capital Region and the outlying areas by developing strong ties to local officials and local residents. The E.A.T. Group also plans to develop a significant presence on the web through social media by the use of Twitter, Facebook, Foursquare, and E-mail. This keeps us in constant contact with our clientele and focus on building relationships through technology.

Organization and Management:

Tim Turano has been part of the restaurant industry for thirty years starting out as a teenager cleaning bars in his hometown of Milwaukee, Wisconsin. Through the years, Tim has worked at some of America's top restaurants and with some of the world's most accomplished chefs. As a result of moving his way up the ranks to General Manager of various establishments, Tim has an understanding of all facets of the industry. With this vast experience, Tim has the knowledge to control costs, train staff, and create inventive and viable ways to capture an audience and sustain a great product.

Operations

Restaurant

Based on the size of the venue, Tim will oversee all daily operations including quality control, staffing, training, purchasing, design, and public relations.

To provide the best work environment possible, Larson's also plans to offer complete benefit packages to all full time employees, consisting of health insurance, life insurance and 401k.

A comprehensive set of policies will be implemented and followed by all employees to ensure consistency across the board.

Mobile Kitchen

Larson's also plans to operate a mobile kitchen year round, purchasing permits for the following venues: The State Capital Plaza, Alive at Five, Farmers Markets, and all and any catered events. All products for the mobile kitchen will come directly from Larson's and be prepared on the mobile kitchen.

Larson's

"Home of the world's famous English muffin burger"

(E.A.T. Group, LLC)

Eggs any style 6.00

3 Farm fresh eggs served with toast and hash browns

Corned Beef Hash and Eggs 11.00

Homemade corned beef hash and farm fresh eggs served with toast

Biscuits and gravy 11.00

House made biscuits with cream based sausage gravy and 2 eggs any style

Eggs Benedict 11.00

3 Poached eggs with Canadian bacon served on English muffin with a hollandaise sauce and hash browns

3 Egg Vegetarian Omelet 10.00

New York State cheeses, farm fresh eggs, mushrooms, onions and peppers, served with hash browns and toast

3 Egg Bacon Omelet 10.00

Oscar's Bacon®, New York State cheeses and mushrooms, served with hash browns and toast

Buttermilk Pancakes 7.00

Homemade buttermilk pancakes served with fresh fruit and Vermont maple syrup

Lemon Ricotta Pancakes 8.00

Served with powder sugar, raspberry syrup and lemon zest

French Toast 8.00

Fresh Brioche baked bread, dusted with powdered sugar and cinnamon, served with fresh fruit and Vermont maple syrup

Steel cut Oatmeal 5.00

Served with brown sugar, heavy cream and fresh fruit

Homemade Granola Yogurt Parfait 7.00

Local yogurt, house made granola and fresh fruit

Homemade croissants

Plain 3.00

Chocolate 3.75

Almond 3.75

Broccoli and cheese 3.75

Ham and cheese 3.75

Sides

Bacon 4.00

Canadian bacon 4.00

Ham 4.00

Sausage 4.00

Home Fries 2.50

Fried Flat-Top Burgers on a toasted English Muffin

100% Ground sirloin, served with New York State cheese, fried onions and Larson's Secret Sauce

Single	4.50
Double	7.00
Triple	9.50
Quad	12.00

Larson's daily salad or sandwich special
MP

Larson's Thin Crust Pizzas

12" \$11.00- \$21.00

14" \$12.00 - \$24.00

Thin crust pizza with house made sauce, mozzarella cheese and your choice of the following toppings: meatball, sausage, pepperoni, bacon, mushrooms, black olives, broccoli, tomatoes, spinach, avocado, arugula,

House-made chicken noodle soup

House-made chili

Gourmet daily soup special

*All soups and chili come with warm sour dough bread

8 oz. 12 oz.

6.00 9.00

Sides

French Fries 2.50

Chili Cheese Fries 4.50

Hash Browns 3.00

Oscar's® smoked bacon 4.00

Homemade Frozen Custard

Vanilla
Chocolate
Flavor of the Day
Single Dip 3.00
Double Dip 4.00
Triple Dip 5.00

Sundaes

Turtle sundae: Junior \$4.00 Regular \$6.00
Caramel, Hot Fudge, Pecans, 1 Cherry
Hot fudge royal: Junior \$4.00 Regular \$6.00
Bananas, Hot Fudge, Pecans, 1 Cherry
Banana split: Junior \$5.00 Regular \$7.00
Bananas, Pineapples, Strawberries, Marshmallow, Jimmies, Chopped Nuts, Cherries
Scotch Jimmy Treat: Junior \$4.00 Regular \$6.00
Bananas, Jimmies, Butterscotch, 1 Cherry

Shakes, Malts and Floats

5.00

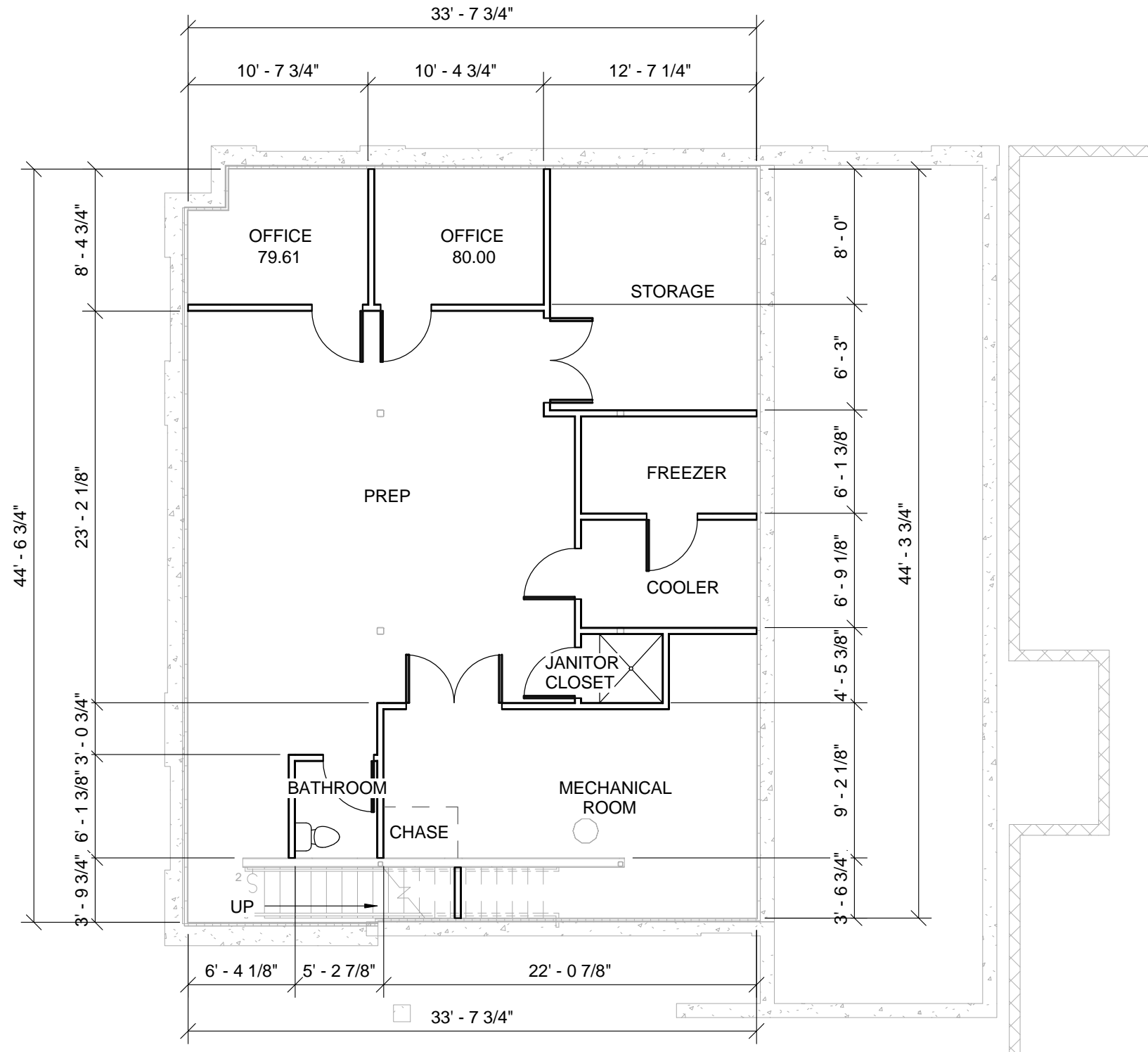
Homemade Pies of the Day

Slice 5.00

Beverages

Bottled Soda 3.00
Iced Tea 2.00
Lemonade 2.50
Coffee/Tea 1.75

Local Craft Beers 4.00



LARSON RESTAURANT

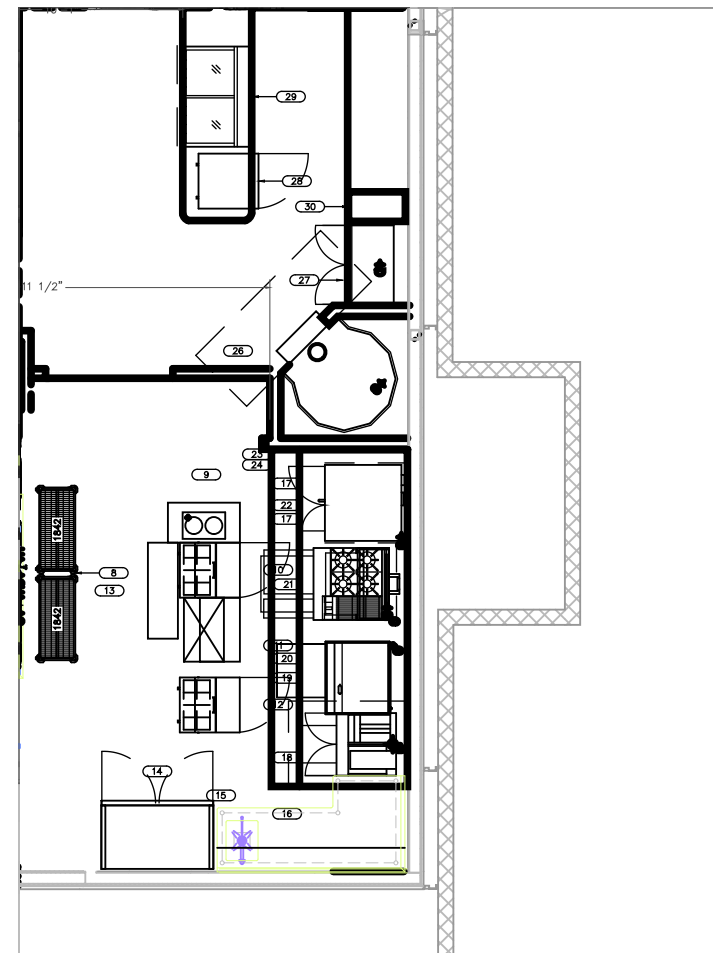
BASEMENT

Date: 03/28/12

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



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Date: 03-28-12
Scale: 1/8" = 1'-0"



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