

CITY OF ALBANY



NEW YORK

DEPARTMENT OF PLANNING AND DEVELOPMENT

PLANNING BOARD

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

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

Property Address: 60 Colvin Avenue

Project Description: Construction of a three-story, +/- 57,093 square foot mixed-use structure with 49 dwelling units and +/- 4,809 square feet of retail space, and a two-story, +/- 17,016 square foot multifamily dwelling with 14 units.

Request: Waiver to construct a driveway on Colvin Avenue, where driveways are not permitted when side streets or alleys are available by §375-4(E)(5)(c)(i) of the USDO.

Parcel ID: 53.82-1-65

Project Number: #00357

Application Number: DPR #0095

Zoning District: MU-NC (Mixed-Use, Neighborhood Center) **Public Meeting Date:** December 22, 2020

Ward: 12th

Date of Decision: December 22, 2020

Neighborhood Association: Upper Washington **Decision:** Approved

The request is Approved by the following vote:

For:	4	DeSalvo:	Y	Hull:	NIA
Against:	0	Ellis:	Y	Kuchera:	Y
Abstain:	0	Gailliard:	Y		

Applicant: 40-50 Colvin Avenue, LLC, 1 Rapp Road, Albany, NY 12203

Relevant Considerations are in the following project files: P00357 – 60 Colvin Avenue

Discussion:

In making its determination regarding a request for a Waiver, the Board shall take into consideration the benefit to the applicant if the waiver 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:

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 waiver.

An undesirable change will not be produced in the character of the neighborhood since the majority of the properties along Colvin Avenue have similar driveways and access. Taking recommendations from the Division of Traffic Engineering, the Applicant's placement of the two-way driveway on Colvin Avenue retains the character of the neighborhood and avoid potential detrimental impacts due to low visibility and traffic conflicts by not installing one

two-way access point on Anthony Street.

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than a waiver.

The Applicant could have installed one two-way driveway on Anthony Street to comply with the regulation. However, given that the Division of Traffic Engineering would not have approved of this design, the benefit sought is the only way for the Applicant to provide ingress and egress directly from the site.

3. Whether the requested waiver is substantial.

The proposed waiver is not substantial since the intent of the requirement is to ensure fewer negative traffic impacts from the installation of driveways on major roadways. Given that the Applicant has incorporated comments from and received approval from the Division of Traffic Engineering for the design of the site, the proposed design will not have a substantial impact on traffic along Colvin Avenue.

4. Whether the proposed waiver will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The application has been reviewed and approved by City departments for a design that eliminates potential traffic conflicts on Anthony Street using the proposed site configuration and has been determined to not have a negative impact on the traffic conditions on Colvin Avenue.

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 waiver.

The difficulty is not self-created since the Applicant had proposed a site layout that complied with the USDO, but was rejected by the Division of Traffic Engineering.

Based on the evidence provided, it is determined that the proposed waiver to construct a driveway along Colvin Avenue will not create an undesirable change in the character of the neighborhood or have a negative environmental or physical impact on the surrounding properties. While the Applicant physically could have constructed a two-way driveway on Anthony Street and proposed this to the Division of Traffic Engineering, the preference to have a two-way driveway on Anthony Street has shown that there are no feasible alternatives and the difficulty is not self-created.

Therefore, for the reasons and findings stated above, the Planning Board has decided to approve the waiver.

I, Albert DeSalvo, representing the City of Albany Planning Board, 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 **December 22, 2020**

Signed: Albert R DeSalvo

► 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 one (1) year of the date of signature.