

CITY OF ALBANY



NEW YORK

ALBANY COMMON COUNCIL

www.albanyny.gov

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January 12, 2021

Christopher Spencer
Chief Planning Officer
Albany Planning Department
200 Henry Johnson Blvd
Albany, NY 12210

RE: Planning Board Decision Regarding 60 Colvin Ave File #00357

Dear Mr. Spencer,

On December 22, 2020 the City of Albany Planning Board approved a major development plan proposal at 60 Colvin Ave. A written decision based on the verbal decision has not yet been issued. We believe that the Planning Board project approval contained several errors as noted in the following.

The process by which the Board granted waivers for access for the rear parking lot was improper

The Board approved a direct connection from the parking lot to Anthony Street, a street which was constructed simultaneous with the construction and dedication of Westland Hills as a park. For over fifty years Anthony Street has existed solely as an access to Westland Hills Park with a permanent 12ft high concrete monument at the entrance to Anthony St marking it as the entrance to the park. We are awaiting a copy of documents relating to the construction of park, including Anthony Street, which have been requested from the City Engineer. We note that the zoning map in effect up until the passage of the USDO in 2017 color coded in green the south side of Anthony Street (then Roseland Street). We also note that in 2006 the City of Albany applied to the NY State Dept of Environmental Conservation for Environmental Restoration Funds. With that application the City of Albany submitted a map of the park that included all of Anthony Street.

The residents of the Upper Washington Ave Neighborhood Association have asked that any access to Anthony St not be granted until the documents which provided for the construction of Anthony St as a park entrance be retrieved from archives, provided to the public, and be examined to determine whether they provide an explicit or implied dedication to park purposes. If such dedication is found to exist, either by the many years exclusive use of the road for park

access, or by language or marking of dedication, then the granting to the private developer of access to Anthony Street is beyond the power of the Planning Board to grant.

The process by which the Board granted a waiver to the green space requirement was improper

The Uniform Sustainable Development Ordinance (USDO) Chapter 375-4(E) requires that 30% of the site be devoted to planted green space for “landscaping, screening and buffering”. The Board improperly allowed a green roof to make up for landscaping, screening and buffering. Neither did the Board recite any necessity for the waiver nor comply with the criterion for granting such waiver in accord with USDO Chapter 375-5(E)(14) Section 1.

The record contains no written traffic analysis by the Albany Traffic Engineering Division

Despite the lack of such traffic impact analysis, the Board approved ingress and egress on a drive way sandwiched between two three story buildings which sit approximately ten feet from the curb and abut directly on the sidewalk. The Board approved vehicle ingress and egress (left as well as right turns) despite the fact that exiting vehicles would have to be on the sidewalk before gaining a clear view of Colvin Ave traffic.

The Board proceeding was not simulcast as required by law

Therefore, we request that you review whether the actions of the Albany Planning Board approving the development plan for 60 Colvin Ave Case file #00357 met the criterion set forth in Section 375-5(E) (Major Development Plan Review) of Chapter 375 (USDO) of the Code of the City of Albany. We look forward to the opportunity to discuss this matter with you.

Very Truly yours,



KELLY KIMBROUGH
Albany Common Council President Pro Temp



VIRGINIA FARRELL
Albany Common Council Majority Leader

CC: Mayor Kathy Sheehan

Attachments: Albany Zoning Map before 2017

<https://www.albanyny.gov/files/City%20Zoning%20Map.pdf>

Letter to Planning Board from Upper Washington Ave Neighborhood Association noting creation of Anthony Street for park purposes as well as other problems with the site plan

Request to City Engineer for documents relating to the construction of park, including Anthony Street

2006 Memo to NYSDEC regarding Environmental Restoration Grant Program funds for Westland Hills Park containing a map showing all of Anthony Street as within the boundaries of Westland Hills Park

Recording of the Planning Board December 22, 2020 meeting