

Council Member O'Brien introduced the following:

RESOLUTION NUMBER __.__.21R

RESOLUTION OF THE COMMON COUNCIL REGARDING THE STATUS OF ANTHONY STREET AS A PORTION OF WESTLAND HILLS PARK

WHEREAS, on December 22, 2020, the City of Albany Planning Board approved a site plan for the commercial development of 60 Colvin Ave which approval allows, for the first time, direct commercial access from 60 Colvin Ave to Anthony Street; and

WHEREAS, Anthony Street was created, simultaneous on City of Albany right of way, with the development of Westland Hills Park as an access to and from Westland Hills Park and has existed solely for that purpose for over the past five decades; and

WHEREAS, simultaneous with the creation of Anthony Street, a large concrete monument marking its location as the entrance to Westland Hills Park, was erected at the corner of Anthony Street and Colvin Ave. The entrance has never been marked with a sign as Anthony Street or marked with any sign as would a normal street be so marked; and

WHEREAS, on January 12, 2021, the Albany Common Council, through its leadership, notified the Albany Chief Planning Officer that the whole of Anthony Street is included as part of Westland Hills Park according to a map of Westland Hills Park which was submitted by the City of Albany to the New York State Department of Environmental Conservation in 2006 as part of an Environment Restoration Program grant application. (See Attachment One); and

WHEREAS, other documents regarding the creation of Westland Hills Park have been requested from the City of Albany and the Albany Hall of Records but have not been made available; and

WHEREAS, in order for parkland to be used by a non-public entity for a purpose other than parkland, a municipality must receive prior authorization from the New York State Office of Parks, Recreation and Historic Preservation in the form of legislation enacted by the New York State Legislature and approved by the Governor. That not having been done, the Albany Planning Board has no authority to grant commercial use of Anthony Street to the developer of 60 Colvin Ave (See Attachment Two); and

WHEREAS, the New York State Comptroller pursuant to the New York State Constitution Article V, Section 1 and New York State General Municipal Law Article 3 has the authority regarding the public trust of parkland and authority over enforcement of principles and procedures of municipal parkland alienation, having conducted audits and enforcement functions for that purpose; and

WHEREAS, the City of Albany Planning Board has issued a decision allowing a portion of a part of Westland Hills Park to be used for a commercial purpose without undertaking any of the formal park alienation process;

NOW THEREFORE BE IT RESOLVED, the Common Council requests that the New York State Comptroller review the process by which the City of Albany Planning Board has given access to a portion of Westland Hills Park for use by a private commercial development and undertake any necessary enforcement action to correct such violations of law as may exist.

BE IT ALSO RESOLVED, that the Albany City Clerk shall forward a copy of this Resolution to the Office of the New York State Comptroller with the referenced attachments thereto.

To: Danielle Gillespie, City Clerk
From: John-Raphael Pichardo, Esq., Research Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: January 20, 2021

SPONSOR Council Member O'Brien

RESOLUTION NUMBER

TITLE

RESOLUTION OF THE COMMON COUNCIL REGARDING THE STATUS OF ANTHONY STREET AS A PORTION OF WESTLAND HILLS PARK

GENERAL PURPOSE OF LEGISLATION

To prevent the taking of any portion of Westland Hills Park for the purposes of allowing a commercial development on the neighboring land at 60 Colvin Ave absent proper procedures for park alienation.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

See body of text.

FISCAL IMPACT(S)

Savings to the City of Albany to compensate for negative impacts to a parkland