

August 22, 2014

Mr. Laura Cohen
131 Onderdonk Avenue
Albany, NY 12208

Dear Ms. Laura Cohen,

Below is a copy of your initial FOIL request submitted to the City of Albany on June 20, 2014. Directly below each record requested is my response to your request.

Under the New York Freedom of Information Law, N.Y. Pub. Off. Law sec. 84 et seq., I am requesting an opportunity to obtain or inspect copies of public records held by the Albany Common Council that relate to the proposed apartment development on 241 South Allen Street by 241 South Allen Street Holdings LLC. This is known to the City of Albany Department of Development and Planning as Case #5-14, 912. The requested records include, but are not limited to, all public minutes, reports, studies, correspondence, notes, discussions, applications, etc. relevant to the developer and his agents and the Albany Common Council and its members, as well as intra-agency records.

Regarding the aforementioned records requested. All records that exist regarding the response above have been attached. If any records were not included consider it a denial as those records do not exist.

This request includes, but is not limited to:

1. Relevant Common Council meeting minutes prior to 2013, which are not posted on the City of Albany website (2013-2014 minutes are posted on the site)

Due to the voluminous nature of this portion of your request we are willing to set up an appointment to view/inspect the meeting minutes (in electronic format) from 2002-2012.

2. Minutes of the August 28, 2013 meeting of the Committee on Planning, Economic Development and Land Use regarding Ordinance Number 40.82.13 in relation to rezoning the properties located at 241 South Allen Street, 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue and the portion of the former Dale Place adjacent to 261 South Allen Street and 70 Onderdonk Avenue

The minutes of this committee meeting and public notice are attached.

3. Records relating to the mailing sent to all property owners within 200 feet of 241 South Allen Street to provide notice of the final public hearing on the proposed re-zone on September 16, 2013, pursuant to Section 375-30 of the City Code, including but not limited to the recipient addresses, a copy of the notification, and date sent

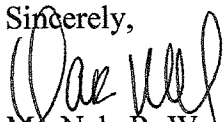
This portion of your request is denied, as no such records exist.

Any person denied access to records may appeal the denial in writing within 30 days. Such appeals should be addressed to:

Appeals Officer
Andrew Wood
City Hall, Room 202
Albany, NY 12207

Please specify the provisions of the law under which you are filing the appeal. An appeal must be decided in writing within 10 business days of the receipt of the notice of appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Nala R. Woodard", written over a faint, illegible stamp or background.

Mr. Nala R. Woodard
Records Access Officer

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR City of Albany	2. PROJECT NAME South Allen Street/Onderdonk Avenue Zoning Change
3. PROJECT LOCATION: Municipality Albany County Albany	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) South Allen Street -- 241 Onderdonk Avenue -- 38 through 70 Portion of former Dale Place	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Change of zoning designation to permit desirable development.	
7. AMOUNT OF LAND AFFECTED: Initially 1.766 acres Ultimately Same acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly Action is change of zoning designation	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: City of Albany	Date: 8/28/13
Signature: <u>Brian M. O'Brien</u>	

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 II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 No

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination

City of Albany Common Council

 Name of Lead Agency

Carolyn McLaughlin
 Print or Type Name of Responsible Officer in Lead Agency

Carolyn McLaughlin
 Signature of Responsible Officer in Lead Agency

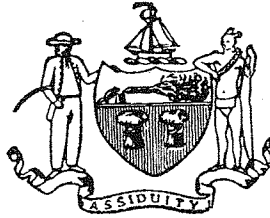
8/28/13
 Date

 President

 Title of Responsible Officer

D. T. Jordan
 Signature of Preparer (if different from responsible officer)

Reset



**NOTICE OF
SPECIAL COMMON COUNCIL MEETING**

Notice is hereby given that the Common Council will conduct a Special Council Meeting on Wednesday, June 12, 2013 at 6:00PM in the City Court Room – 2nd Floor – City Hall

Resolution Number 40.62.13R

RESOLUTION OF THE COMMON COUNCIL ENACTING A HOME RULE MESSAGE TO THE NEW YORK STATE LEGISLATURE REQUESTING THE ENACTMENT OF SENATE BILL NO. 2342-A / ASSEMBLY BILL NO. 4717-A ENTITLED: "AN ACT TO AUTHORIZE THE CITY OF ALBANY TO DISCONTINUE THE USE OF CERTAIN LANDS AS PARK LANDS AND TO DEDICATE NEW PARK LANDS"

Anyone wishing to be heard will have an opportunity to do so at the time and place stated. The proposed comprehensive plan is also available for public review at the Office of the City Clerk.

There will be a period for public comment limited to the Resolution aforementioned. No other items will be considered.

**Nala R. Woodard
Clerk of the Common Council**

ALBANY COMMON COUNCIL MINUTES OF A SPECIAL MEETING

Monday, June 12, 2013

The Common Council was convened at 7:00 p.m. and was called to order by Council President McLaughlin.

The roll being called, the following answered to their names: Council Members Bailey, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig, and Sano.

Also present were the following staff: Cashawna Parker, Nala Woodard, Barbara Samel and Patrick Jordan.

Council Member Fahey led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

There being no speakers, the President declared the public comment period closed.

CONSIDERATION OF RESOLUTIONS

Council Member Sano offered RESOLUTION NUMBER 40.62.13R, asked for passage and a roll call thereon:

RESOLUTION OF THE COMMON COUNCIL ENACTING A HOME RULE MESSAGE TO THE NEW YORK STATE LEGISLATURE REQUESTING THE ENACTMENT OF SENATE BILL NO. 2342-A / ASSEMBLY BILL NO. 4717-A ENTITLED: "AN ACT TO AUTHORIZE THE CITY OF ALBANY TO DISCONTINUE THE USE OF CERTAIN LANDS AS PARK LANDS AND TO DEDICATE NEW PARK LANDS"

RESOLVED, that a Home Rule Message is hereby enacted and directed to the New York State Legislature requesting the enactment of Senate Bill No. 2342-A and Assembly Bill No. 4717-A entitled:

"AN ACT to authorize the City of Albany to discontinue the use of certain lands as park lands and to dedicate new park lands."

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Bailey, Commisso, Conti, Fahey, Golby, Herring, Igoe, Konev, O'Brien, Rosenzweig and Sano

Affirmative 11 Negative 0 Abstain 0

ADJOURNMENT

President Pro Tempore Conti made a motion to adjourn. President McLaughlin, hearing no objections, stated that the meeting was adjourned.

A true record of the Common Council Minutes of June 12th, 2013.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL

Council Member Sano introduced the following:

Resolution Number 40.62.13R

RESOLUTION OF THE COMMON COUNCIL ENACTING A HOME RULE MESSAGE TO THE NEW YORK STATE LEGISLATURE REQUESTING THE ENACTMENT OF SENATE BILL NO. 2342-A / ASSEMBLY BILL NO. 4717-A ENTITLED: "AN ACT TO AUTHORIZE THE CITY OF ALBANY TO DISCONTINUE THE USE OF CERTAIN LANDS AS PARK LANDS AND TO DEDICATE NEW PARK LANDS"

RESOLVED, that a Home Rule Message is hereby enacted and directed to the New York State Legislature requesting the enactment of Senate Bill No. 2342-A and Assembly Bill No. 4717-A entitled:

"AN ACT to authorize the City of Albany to discontinue the use of certain lands as park lands and to dedicate new park lands."

To: Nala R. Woodard, City Clerk
From: Patrick K. Jordan, Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: June 7, 2013

RESOLUTION NUMBER 40.62.13R

TITLE

RESOLUTION OF THE COMMON COUNCIL ENACTING A HOME RULE MESSAGE TO THE NEW YORK STATE LEGISLATURE REQUESTING THE ENACTMENT OF SENATE BILL 2342-A / ASSEMBLY BILL NO. 4717-A ENTITLED: "AN ACT TO AUTHORIZE THE CITY OF ALBANY TO DISCONTINUE THE USE OF CERTAIN LANDS AS PARK LANDS AND TO DEDICATE NEW PARK LANDS"

GENERAL PURPOSE OF LEGISLATION

TO ENACT A HOME RULE MESSAGE REQUESTING THAT THE NEW YORK STATE LEGISLATURE PASS LEGISLATION ALLOWING THE CITY TO REMOVE THE PARKS DESIGNATION OF A PIECE OF CITY-OWNED PROPERTY AT 241 SOUTH ALLEN STREET.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

RULES OF THE NEW YORK STATE LEGISLATURE REQUIRE THE ENACTMENT OF A HOME RULE MESSAGE PRIOR TO THE PASSAGE OF SPECIAL LEGISLATION OF THIS MANNER.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A.

FISCAL IMPACT(S)

N/A

STATE OF NEW YORK

4717--A

2013-2014 Regular Sessions

IN ASSEMBLY

February 8, 2013

Introduced by M. of A. FAHY -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of Albany to discontinue the use of certain lands as park lands and to dedicate new park lands

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subject to the provisions of this act, the city of Albany,
2 located in the county of Albany, is hereby authorized, acting by and
3 through its common council and upon such terms and conditions as deter-
4 mined by such common council, to discontinue the use as park lands the
5 lands more particularly described in section two of this act and to
6 transfer such lands, at fair market value, which are no longer needed
7 for park purposes for use in connection with the development of property
8 for independent senior garden apartments.

9 § 2. The authorization contained in section one of this act shall only
10 be effective on the condition that the city of Albany acquire and dedi-
11 cate as parklands the lands described in section four of this act, such
12 land to be used for park purposes. If the replacement lands are less
13 than the fair market value of the lands being alienated, the city of
14 Albany must dedicate the difference for the acquisition of additional
15 parkland and/or for capital improvements to existing parkland.

16 § 3. The lands authorized by this act to be discontinued as park lands
17 are as follows:

18 All that tract, piece or parcel of land situate, lying and being in
19 the City of Albany, County of Albany, State of New York, more partic-
20 ularly described as follows:

21 Beginning at a point on the southeasterly side of South Allen Street
22 60 feet northeasterly from the corner of South Allen Street and Dale
23 Place and running thence northeasterly along said southeasterly side of
24 South Allen Street a distance of 390 feet to a point, thence southeast-

EXPLANATION--Matter in ***italics*** (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD01958-04-3

1 erly along the southerly line of lot 252 as shown on map of Allen Street
2 Terrace referenced below, 100 feet, running thence northeasterly on a
3 line parallel to South Allen Street 60 feet to the south line of lot 165
4 on said map, thence southeasterly 98 feet to the northwest side of
5 Onderdonk Avenue, thence running southwesterly along the northwesterly
6 side of Onderdonk Avenue 510 feet to the northerly line of Dale Place,
7 running thence northwesterly along the said northerly line of Dale Place
8 98 feet, thence northeasterly on a line parallel to South Allen Street
9 60 feet, thence northwesterly 100 feet to the southeasterly side of
10 South Allen Street, the point and place of beginning.

11 Said parcels being lots 166 to 182 on Onderdonk Avenue and Lots 239 to
12 251 fronting on South Allen Street as shown on map or plan of Allen
13 Street Terrace, made by A.L. Eliot, C.E. dated March 8, 1911 and filed
14 in the Albany County Clerk's Office in Book 25 as Map 750, said lands to
15 be removed from park purposes.

16 Containing 2.04 acres, more or less.

17 § 4. The lands to be acquired and dedicated as parkland are all that
18 tract, piece or parcel of land situate, lying and being in the City of
19 Albany, County of Albany, State of New York, more particularly bounded
20 and described as follows:

21 Beginning at a point on the northerly street line of North Third
22 Street distant 173.50 feet westerly from the westerly street line of
23 North Pearl Street; running thence northerly and parallel to the westerly
24 street line of North Pearl Street for a distance of 212.00 feet to a
25 point of bend; thence northwesterly with an interior angle of 214
26 degrees, 46 minutes for a distance of 125.38 feet to a point which is
27 105.00 feet westerly from and at right angles to the easterly lot line
28 of the property of William P. Van Rensselaer Estate Corporation, reputed
29 owners; thence easterly with an interior angle of 55 deg. 14 minutes for
30 a distance of 105.00 feet to the said easterly lot line of William P.
31 Van Rensselaer Estate Corporation; thence southerly with an interior
32 angle of 90 deg. along the said easterly lot line and parallel to the
33 westerly street line of North Pearl Street for a distance of 315.00 feet
34 to the northerly street line of North Third Street; thence westerly with
35 an interior angle of 90 deg. along the northerly street line of North
36 Third Street for a distance of 33.50 feet to the point and place of
37 beginning.

38 All that tract, piece or parcel of land situate, lying and being in
39 the City of Albany, County of Albany, State of New York, more partic-
40 ularly bounded and described as follows:

41 Beginning at a point in the northerly street line of North Third
42 Street located 173.50 feet westerly along said street line from its
43 intersection with the west line of North Pearl Street, running thence
44 northerly and parallel to the westerly street line of North Pearl Street
45 for a distance of 212.00 feet to a point of bend; thence northwesterly
46 with an interior angle of 214 deg. 46' for a distance of 125.38 feet to
47 a point; thence easterly a distance of 105.00 feet; thence N 24 deg. 29'
48 58" E for a distance of 112.64 feet to the south line of lots fronting
49 on Lawn Avenue; thence N 65 deg. 30' 02" W along the south lines of said
50 lots 260.0 feet to the southwest corner of premises known as 42 Lawn
51 Avenue; thence S 24 deg. 29' 58" W a distance of 427.64 feet to a point
52 on the north line of North Third Street; thence S 65 deg. 53' 38" E
53 along the north line of North Third Street 226.50 feet to the point of
54 beginning. Containing 2.20 acres more or less.

55 § 5. If the park land that is the subject of this act has received
56 funding pursuant to the federal land and water conservation fund, the

1 discontinuance of park land authorized by the provisions of this act
2 shall not occur until the municipality has complied with the federal
3 requirements pertaining to the conversion of park lands, including
4 satisfying the secretary of the interior that the discontinuance will
5 include all conditions which the secretary of the interior deems neces-
6 sary to assure the substitution of other lands shall be equivalent in
7 fair market value and recreational usefulness to the lands being discon-
8 tinued.
9 § 6. This act shall take effect immediately.

STATE OF NEW YORK

2342--A

2013-2014 Regular Sessions

IN SENATE

January 16, 2013

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when
printed to be committed to the Committee on Local Government --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

AN ACT to authorize the city of Albany to discontinue the use of certain
lands as park lands and to dedicate new park lands

(Text same as A.4717-A)

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A4717A/S2342A REVISED MEMO 06/06/2013

SPONSOR: Assembly: Fahy Senate: Breslin

TITLE OF BILL: An act to authorize the city of Albany to discontinue the use of certain lands as park lands and to dedicate new park lands

PURPOSE OR GENERAL IDEA OF BILL:;

To allow the City of Albany to alienate a small under utilized pocket park and sell it so it can be developed and the property put back on the tax rolls.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1- authorization of the alienation

Section 2 - conditions of alienation regarding replacement value

Section 3- delineates the property to be alienated

Section 4 - description of replacement property

Section 5 -outlines conditions that need to be met for parkland alienation to take effect

Section 5 - effective date

JUSTIFICATION:

To allow the city to replace a small pocket park - where the majority of the property is well below street level and contains forest and overgrowth - to sell it so it can be developed into independent senior garden apartments. The city will dedicate new city park lands equal to or greater than fair market value to the lands being alienated.

PRIOR LEGISLATIVE HISTORY:

2012;A10578-A/S7606-A

FISCAL IMPLICATIONS:

None to the State

EFFECTIVE DATE:

This act shall take effect immediately

Common Council Member Sano introduced the following, which was approved:

Resolution Number 78.92.13R

RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE

WHEREAS, Ordinance 40.82.13 was introduced by the City of Albany Common Council on August 19, 2013, which proposed rezoning the properties located at 241 South Allen Street from Single-Family Medium-Density District (R-1B) and Land Conservation District (LC) and 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue from Single-Family Medium-Density District (R-1B) and the portion of the right-of-way formerly known as Dale Place, measuring approximately thirty (30) feet in width by approximately one hundred ninety eight (198) feet in length, adjacent to 261 South Allen Street and 70 Onderdonk Avenue to Multifamily Low-Density Residential District (R-3A), and

WHEREAS, the City of Albany has prepared a short Environmental Assessment Form (short EAF), in conjunction with said proposed rezoning; and

WHEREAS, the action is preliminarily classified as an Unlisted action and is subject to the provisions of the State Environmental Quality Review Act ("SEQRA"), as set forth in Environmental Conservation law Article 8, and its implementing regulations; and

WHEREAS, the Common Council is the most involved agency and, as such, is the most appropriate Lead Agency to conduct a review of the plan in accord with SEQRA regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany shall coordinate review of the proposed rezoning of the properties located at 241 South Allen Street, 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue and the portion of the right-of-way formerly known as Dale Place, adjacent to 261 South Allen Street and 70 Onderdonk Avenue and hereby declares itself lead agency pursuant to and under SEQRA.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

To: Nala R. Woodard, City Clerk
From: Patrick K. Jordan, Senior Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: September 6, 2013

RESOLUTION NUMBER 78.92.13R

TITLE

RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE

GENERAL PURPOSE OF LEGISLATION

To act as lead agency under SEQRA for the review of the proposed rezoning of 241 South Allen Street, 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue and the portion of the right-of-way formerly known as Dale Place, adjacent to 261 South Allen Street and 70 Onderdonk Avenue

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

As the agency determining whether a rezoning of the properties is appropriate, the Common Council should also be responsible for determining the environmental impact of the proposed action under SEQRA.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

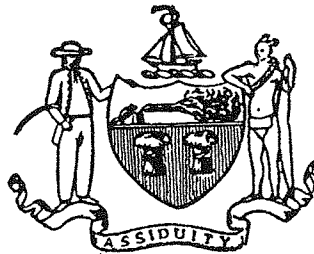
N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

N/A

FISCAL IMPACT(S)

N/A



COMMON COUNCIL COMMITTEE MEETING
PLANNING, ECONOMIC DEVELOPMENT AND LAND USE
Daniel Herring, Chair

DATE: Thursday, August 16, 2012

PLACE: City Court Room 209 – 2nd Fl. City Hall

TIME: 5:00PM

TOPIC OF DISCUSSION/CONSIDERATION:

Ordinance Number 31.81.12

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 229, 231, 241, 251, 253, 257 AND 259 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE IN THE CITY OF ALBANY IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO JAMES J. AND MARY E. GOOGAS

PUBLIC COMMENT PERIOD: Yes

Common Council Committee Report

Planning, Economic Development and Land Use

August 16, 2012

City Court Room (2nd floor)

City Hall

Committee Members Present: Daniel Herring and James Sano
Committee Members Absent: Ronald Bailey, Catherine Fahey and John Rosenzweig
Council Members Present: Dominick Calsolaro

City Personnel Present: Patrick Jordan, Assistant Corporation Counsel
Invited Guest:

Agenda Item: Ordinance Number 31.81.12

Council Member Herring (Chair) convened the meeting stating members present and city personnel present.

Points of Discussion

- The Googas' need something from the City of Albany to present to HUD to begin process of purchasing land
- Chair suggested drafting a resolution to present to HUD and this ordinance will stay in Committee
- The resolution would authorize the City of Albany to enter into negotiations for the purchase of the properties
- Corporation Counsel will draft the resolution

There was no further discussion. A motion was made. The meeting was adjourned.

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, August 20, 2012

The Common Council was convened at 7:00 p.m. and was called to order by Council President McLaughlin.

The roll being called, the following answered to their names: Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano, and Smith.

Also present were the following staff: Cashawna Parker, Nala Woodard, and Patrick Jordan.

Council Member Calsolaro led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Marlon Anderson, 491 Livingston Avenue, Albany, NY (Cabaret Permits);
2. John Gonzalez, 307 Belgrade Street, Troy, NY (Cabaret Permit 2:00am Restrictions);
3. John Wolcott, 344 Sheridan Avenue, Albany, NY (Historic Preservation/Authority Sharing);
4. Shawn Gillie, 307 Belgrade Street, Troy, NY (Cabaret Permit 2:00am Restrictions);
5. Stephen DiNigris, 2100 M. St. NW Ste. 170, Washington D.C. (Cabaret Permits);
6. Paul Bliss, 177 Southern Boulevard, Albany, NY (Cabaret Permit Restrictions);
7. Andrea Wilkinson, 960 Sterling Road, Rensselaer, NY (Cabaret Permit Denial);
8. Richard Berkley, 342 Hudson Avenue, Albany, NY (Cabaret Permit 2:00am Restriction);
9. Brian Miller, 167 South Main Avenue, Albany, NY (Cabaret Permits);
10. Michael Kohn, 5 Crestwood Court, Albany, NY (Cabaret Permits).

There being no further speakers, the President declared the public comment period closed.

APPROVAL OF MINUTES

President Pro-Tempore Conti made a motion to approve the minutes of the June 4, 2012 and June 18, 2012 meetings, which was approved by a unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

The local laws on the agenda were held at the request of President Pro-Tempore Conti.

REPORTS OF STANDING COMMITTEES

Public Safety – Chairwoman Smith stated that the committee would be meeting on August 23, 2012 to have a discussion with Albany Police Department Chief Steven Krokoff on the mid-year budget status.

General Services, Health and Environment – Chairman O'Brien stated that the committee would be meeting on August 29, 2012 to receive a mid-year budget update from the Department of General Services.

CONSIDERATION OF ORDINANCES

Council Member Smith offered ORDINANCE NUMBER 30.81.12 (AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO 450 NORTH PEARL STREET OVER, UPON AND UNDER A PORTION OF THE CITY RIGHT-OF-WAY OF NORTH PEARL STREET IN THE CITY OF ALBANY), which had been previously introduced, and asked for passage and a roll call vote thereon.

The ordinance passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Conti, Fahey, Freeman, Golby, Herring, Jenkins-Cox, Igoe, Konev, O'Brien, Rosenzweig, Sano, and Smith

Affirmative 14 Negative 0 Abstain 0

The remaining ordinances on the agenda were held at the request of President Pro-Tempore Conti.

CONSIDERATION OF RESOLUTIONS

President Pro-Tempore Conti asked and received majority consent to add RESOLUTION NUMBER 54.82.12R to the agenda, which was approved by unanimous voice vote.

Council Member Sano introduced RESOLUTION NUMBER 54.82.12R, and asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE CITY OF ALBANY TO ENTER INTO NEGOTIATIONS WITH JAMES J. AND MARY E. GOOGAS AND M & J PROPERTIES, LLC FOR THE PURCHASE OF THE CITY-OWNED PROPERTIES KNOWN AS 229, 231, 241, 251, 253, 257 AND 259 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE IN THE CITY OF ALBANY

BE IT RESOLVED, that the Mayor and the various departments of the City of Albany are hereby authorized and empowered to enter into negotiations with James J. and Mary E. Googas and M & J Properties, LLC for the purchase of the City-owned properties known as 229, 231, 241, 251, 253, 257 and 259 South Allen Street, 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue and the portion of Dale Place adjacent to 261 South Allen Street and 70 Onderdonk Avenue in the City of Albany.

RESOLVED, that the Common Council does not relinquish any of its property rights or statutory authority or discretion over these properties by means of this resolution.

RESOLVED, that this resolution shall take effect immediately.

The resolution passed by the majority vote of the following Council Members:

Affirmative – Bailey, Calsolaro, Conti, Fahey, Golby, Herring, Jenkins-Cox, Igoe, Konev, O'Brien, Rosenzweig, Sano, and Smith

Negative – Freeman

Affirmative 13 Negative 1 Abstain 0

The remaining resolutions on the pending agenda were held at the request of President Pro-Tempore Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS

NONE.

ADJOURNMENT

President Pro-Tempore Conti made a motion to adjourn. President McLaughlin, hearing no objections, stated that the meeting was adjourned.

A true record of the Common Council Minutes of August 20th, 2012.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL



COMMON COUNCIL COMMITTEE MEETING
PLANNING, ECONOMIC DEVELOPMENT AND LAND USE
Daniel Herring, Chair

DATE: Wednesday, August 28, 2013

PLACE: City Court Room 209 – 2nd Fl. City Hall

TIME: 6:00PM (Or Immediately Following Caucus)

TOPIC OF DISCUSSION/CONSIDERATION:

Resolution Number 69.82.13R

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ALISON BATES AS A MEMBER OF THE PLANNING BOARD

Ordinance Number 40.82.13

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE TO MULTIFAMILY LOW DENSITY RESIDENTIAL DISTRICT (R-3A) AND AMENDING THE ZONING MAP ACCORDINGLY

PUBLIC COMMENT PERIOD: Yes

Common Council Committee Report

Planning, Economic Development and Land Use

August 28, 2013

City Court Room (2nd floor)

City Hall

Committee Members Present: Daniel Herring (Chair), James Sano, Ronald Bailey, Catherine Fahey

Committee Members Absent: John Rosenzweig

Council Members Present: Lester Freeman, Jacqueline Jenkins-Cox, Anton Konev

City Personnel Present:

Invited Guest:

Agenda Item:

Chair convened the meeting stating members present

Points of Discussion:

- Another piece to the plan for the senior citizen home
- Have alienated the playground
- Have to rezone the land so the project can move forward
- There was no opposition to the alienation

A motion was made for a positive recommendation

- Masters degree in urban planning at SUNY
- Worked for a consulting agency
- Works for Senate in transportation, waterfront development, road bridges throughout NYS
- Interested in these type of projects in the City of Albany
- Feels her education and professional experience can contribute to the Planning Board
- Lived in Troy for 4 years and has been in Albany for 2 years
- Does not believe in preservation just for preservation sake
- If someone wants to preserve a house they should take into consideration changes that are not strict preservation
- Discussion on the brewery project and seeing both sides of the situation
- Discussion on moving to a neighborhood that's zoned one way
- Have looked at the 2030 Comprehensive Plan
- Had some dealings Capital District Planning Association
- Discussion on demolitions needing to be approved by the planning board
- Discussion on parking lots in residential districts
- Parking and traffic big concerns with regard to planning
- Discussion on smart parking which Cities may choose to have parking minimums or maximums – Cambridge, MA benefited from the parking minimums
- Discussion on commuting versus driving

A motion was made for a favorable recommendation. All members present were in favor
Meeting was adjourned.

**ALBANY COMMON COUNCIL
MINUTES OF A REGULAR MEETING**

Monday, September 16, 2013

The Common Council was convened at 7:00 p.m. and was called to order by Council President McLaughlin.

The roll being called, the following answered to their names: Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Igoe, Jenkins-Cox, Konev, Rosenzweig, and Sano.

Also present were the following staff: Cashawna Parker, Nala Woodard, Barbara Samel and Patrick Jordan.

Council Member Igoe led the Pledge of Allegiance.

PUBLIC HEARING

Clerk to the Common Council Nala Woodard read the notice of the public hearing on Ordinance Number 40.82.13 (**AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE TO MULTIFAMILY LOW DENSITY RESIDENTIAL DISTRICT (R-3A) AND AMENDING THE ZONING MAP ACCORDINGLY**). The following persons spoke:

1. Robert G. Porter, 564 Park Avenue, Albany, NY

There being no further speakers, the President declared the public hearing closed.

PUBLIC COMMENT PERIOD

1. Jesse Calhoun (Support Resolution 80.92.13R);
2. Lynn Jackson, 223 South Swan Street, Albany, NY (Support Resolution 80.92.13R);
3. Andres Rivera, 20 Corlear Street, Albany, NY (Public safety);
4. Helene Brown, 562 Park Avenue, Albany, NY (Bedbugs);
5. Manon Robishaud, 43 Watervliet Avnue, Albany, NY (Bedbugs);
6. Robert Porter, 564 Park Avenue, Albany, NY (Bedbugs).

President Pro Tempore Conti made a motion to extend public comment for an additional 30 minutes, which was approved by unanimous voice vote.

7. Judd Feinman, (Bedbugs/Ordinance 47.92.13 in relation to the definition of family);
8. Asaf Elkayam, Washington Avenue, Albany, NY (Bedbugs/Ordinance 47.92.13 in relation to the definition of family).

There being no further speakers, the President declared the public comment period closed.

CONSIDERATION OF LOCAL LAWS

The local laws on the agenda were held at the request of President Pro Tempore Conti.

REPORTS OF STANDING COMMITTEES

Human Resources and Human Rights – Chairperson Fahey stated that the committee met on September 11, 2013 to discuss Local Law C-2010 in relation to city employee residency requirements, which will be held for further discussion. She stated that there was discussion on the EEO in relation to the make up of the City workforce, APD recruitment efforts, AFD recruitment efforts and diversity training.

General Services, Health and Environment – President Pro Tempore Conti stated that the committee would be meeting on September 24, 2013 to discuss Ordinance Number 46.92.13 in relation to bedbugs.

REPORTS OF AD HOC COMMITTEES

Park South Ad Hoc Committee – Chairperson Conti stated that the ad hoc committee would be meeting on September 25, 2013 to discuss Ordinance Number 44.91.13 (MC) in relation to amendments to the Park South Urban Renewal Plan.

CONSIDERATION OF ORDINANCES

President Pro Tempore Conti on behalf of Council Member O'Brien introduced ORDINANCE NUMBER 45.92.13, which was referred to the Planning, Economic Development and Land Use Committee:

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF 182 NORTH ALLEN STREET FROM ONE- AND TWO-FAMILY FAMILY RESIDENTIAL DISTRICT (R-2A) TO NEIGHBORHOOD-COMMERCIAL DISTRICT (C-1) AND AMENDING THE ZONING MAP ACCORDINGLY

The City of Albany, in City Council convened, does hereby ordain and enact:

Section 1. Chapter 375 of the Code of the City of Albany (Zoning) and the Official Zoning Map are hereby amended to change the zoning classification of 182 North Allen Street from One- and Two-Family Family Residential District (R-2A) to Neighborhood-Commercial District (C-1), said properties being more particularly described as follows:

All that parcel of land situated in the City of Albany, County of Albany and State of New York, identified on the tax map as follows:

Parcel 1
Section: 64.36
Block: 1
Lot: 70

Said premises more commonly known as 182 North Allen Street measuring 30.00' by 150.00'

Section 2. The Council finds and declares that this action is an “Unlisted” action under Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder (SEQRA), and directs that coordinated review be conducted for the determination and establishment of Lead Agency.

Section 3. This Ordinance shall take effect immediately.

Council Member Sano introduced ORDINANCE NUMBER 46.92.13, which was referred to the General Services, Health and Environment Committee:

AN ORDINANCE AMENDING CHAPTER 231 (HOUSING) OF THE CODE OF THE CITY OF ALBANY TO IN RELATION TO BEDBUGS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Section 231-93 of Chapter 231 of the Code of the City of Albany is hereby amended to read as follows:

Section 231-93. Infestation and screening.

- A. Grounds, buildings and structures shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall meet the generally accepted Health Department practice and shall be in accordance with the manufacturer’s specifications.
- B. Where the potential for rodent infestation exists, windows and other openings in basements and cellars shall be appropriately ratproofed with wire or other suitable materials.
- C. From May 1 to November 1, entrance to residential buildings shall be provided with self-closing-type devices, or screens and windows or other openings used for ventilation shall be appropriately screened. Screens shall not be required in rooms located sufficiently high in the upper stories of multiple dwellings as to be free of mosquitoes, flies and other flying insects.
- D. The exterior of every structure used for human habitation shall be so maintained as to be vermin- and rodent-free. Where rodent or vermin problems exist, all exterior windows, doors and other openings two feet above ground level and below shall be screened or protected with acceptable wire mesh or other approved materials. Defects, cracks or holes shall be tightly sealed to prevent the entrance of vermin and rodents.
- E. When a bedbug infestation has been identified by the Division of Buildings and Codes, it is the responsibility of the owner to provide pest control services within ten days after mailing of the written notice of violation, by a pest management professional until such time that no evidence of infestation can be found. When necessary the dwelling unit directly above and below the affected unit and common areas shall also be treated if evidence is found on these premises or when treatment is necessary to prevent the spread. The property owner shall submit a written record of treatment to the Division of Buildings and Codes.

Section 2. This ordinance shall take effect immediately.

Council Member Konev introduced ORDINANCE NUMBER 47.92.13, which was referred to the Planning, Economic Development and Land Use Committee:

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE DEFINITION OF FAMILY

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Section 375-7 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

FAMILY –

(1) Shall mean:

(a) One, two [~~or~~], three or four persons occupying a dwelling unit; or

(b) [~~Four~~] Five or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.

(2) It shall be presumptive evidence that [~~four~~] five or more unrelated persons living in a single dwelling unit do not constitute the functional equivalent of a traditional "family."

Section 2. This ordinance shall take effect immediately.

Council Member Conti asked for passage of ORDINANCE NUMBER 42.91.13 (AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO A PORTION OF 78 MORRIS STREET IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE OWNER OF 80 MORRIS STREET), which had been previously introduced.

The ordinance passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Igoe, Jenkins-Cox, Konev, Rosenzweig, and Sano.

Affirmative 12 Negative 0 Abstain 0

The remaining ordinances on the agenda were held at the request of President Pro Tempore Conti.

CONSIDERATION OF RESOLUTIONS

Council Member Sano introduced RESOLUTION NUMBER 78.92.13R, and asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE

WHEREAS, Ordinance 40.82.13 was introduced by the City of Albany Common Council on August 19, 2013, which proposed rezoning the properties located at 241 South Allen Street from Single-Family Medium-Density District (R-1B) and Land Conservation District (LC) and 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue from Single-Family Medium-Density District (R-1B) and the portion of the right-of-way formerly known as Dale Place, measuring approximately thirty (30) feet in width by approximately one hundred ninety eight (198) feet in length, adjacent to 261 South Allen Street and 70 Onderdonk Avenue to Multifamily Low-Density Residential District (R-3A), and

WHEREAS, the City of Albany has prepared a short Environmental Assessment Form (short EAF), in conjunction with said proposed rezoning; and

WHEREAS, the action is preliminarily classified as an Unlisted action and is subject to the provisions of the State Environmental Quality Review Act ("SEQRA"), as set forth in Environmental Conservation law Article 8, and its implementing regulations; and

WHEREAS, the Common Council is the most involved agency and, as such, is the most appropriate Lead Agency to conduct a review of the plan in accord with SEQRA regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany shall coordinate review of the proposed rezoning of the properties located at 241 South Allen Street, 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue and the portion of the right-of-way formerly known as Dale Place, adjacent to 261 South Allen Street and 70 Onderdonk Avenue and hereby declares itself lead agency pursuant to and under SEQRA.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Igoe, Jenkins-Cox, Konev, Rosenzweig and Sano

Affirmative 12 Negative 0 Abstain 0

Council Member Sano introduced RESOLUTION NUMBER 79.92.13R, and asked for passage and a roll call vote thereon:

RESOLUTION HONORING PATRICIA BRADY-DANZIG FOR HER CONTRIBUTIONS TO THE CITY OF ALBANY THROUGH MUSIC

WHEREAS, Patricia Brady-Danzig has maintained an international career, performing in the major concert halls of Europe as well as our own Carnegie Hall; and

WHEREAS, Patricia Brady-Danzig was awarded an Honorary Doctorate of Humane Letters from The College of St. Rose, Albany, New York, the first music graduate to be so honored; and

WHEREAS, Patricia Brady-Danzig established PBD Associates, Inc. a music foundation formed to aid the careers of outstanding young classical musicians from both here and abroad; and

WHEREAS, Patricia Brady-Danzig has a facility named after her at The College of St. Rose, Albany, New York; and

WHEREAS, Patricia Brady-Danzig has donated her time to hold numerous master classes and recitals for the benefit of The College of St. Rose; and

WHEREAS, Patricia Brady-Danzig has donated the D'Arcy Brady Stage at the college's Massry Center for the Performing Arts in memory of her parents; and

WHEREAS, Patricia Brady-Danzig musicianship has been praised by music critics in Spain, Italy, Ireland and Romania, as well as the United States; and

WHEREAS, Patricia Brady-Danzig was awarded the Symbol Star of Romania, presented to her by the President of Romania, in recognition of her musical and philanthropic efforts in that country; and

WHEREAS, Patricia Brady-Danzig has recently published a children's book, "Fabrizio's Fable" written in English and Italian; and

WHEREAS, Patricia Brady-Danzig is co-sponsoring "Fabrizio the Musical" to be performed by the orchestra of The College of St. Rose at the college's Massry Center for the Arts on October 12, 2013; and

WHEREAS, Governor Andrew M. Cuomo has praised the efforts of Patricia Brady-Danzig for promoting the heritage of the Italian-American community in the Capital District.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council congratulates and commends Patricia Brady-Danzig on her many musical and philanthropic accomplishments, and further congratulates her on the great honors and international prestige she has brought to her alma mater, The College of St. Rose, Albany, New York.

Resolution Number 79.92.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig and Smith.

Council Member Konev introduced RESOLUTION NUMBER 80.92.13R, which was held:

RESOLUTION OPPOSING THE INDEFINITE MILITARY DETENTION WITHOUT TRIAL OF ANY PERSON, INCLUDING US CITIZENS

WHEREAS, the Constitution of the United States is the foundation of our nation's rights and freedom, and the basis of our representative democracy, and the indefinite military detention of any person without trial violates the 5th and 6th amendments of the Constitution of the United States, Article III of the Constitution of the United States and the Posse Comitatus Act; and

WHEREAS, it can be argued that the indefinite military detention without trial of any person, including U.S. citizens, could be allowed by Sections 1021 and 1022 of the National Defense Authorization Act (NDAA), passed by strong bipartisan majorities and signed by President Obama on December 31, 2011; and

WHEREAS, Albany City is not a "battlefield" subject to the "laws of war;" and

WHEREAS, Federal Judge Katherine Forrest has ruled Section 1021 of the 2012 NDAA is unconstitutional before that well reasoned decision was overturned by the Second Circuit based on a legal technicality unrelated to the merits of the case; and

WHEREAS, the U.S. Supreme Court has ruled that neither Congress nor the President can constitutionally authorize the detention and/or disposition of any person in the United States, or citizen of the United States "under the law of war" who is not serving "in the land or naval forces, or in the Militia, when in actual service in time of War or public danger."

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany acting in the spirit and history of our community, does hereby declare that we:

Strongly affirm our loyalty to the rights and liberties enshrined within the Constitution of the United States, including the Fifth Amendment right to due process and the Sixth Amendment right to trial;

Instruct all our public agencies to decline requests by federal agencies acting under detention powers granted by the NDAA that could infringe upon residents' freedom of speech, religion, assembly, privacy, or rights to counsel;

Expect all federal and state law enforcement officials acting within the City to work in accordance with local law, and in cooperation with the Albany Police Department, by allowing any detainees among Albany's residents or visitors access to a trial, counsel and due process, as provided by Article III of the Constitution of the United States; and

Request that our United States Congressman and Senators monitor the implementation of the NDAA and actively work for the repeal of the NDAA's detention provisions to restore fundamental rights and liberties embodied in the Constitutions of the Commonwealth and the United States.

BE IT FURTHER RESOLVED, that the Clerk of this Council forward copies of this resolution to United States Senators Kirsten Gillibrand and Charles Schumer and United States Representative Paul Tonko.

The remaining resolutions on the agenda were held at the request of President Pro Tempore Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS

Council Member Konev discussed disenfranchisement and confusion of voters on Election Day because of split neighborhoods and election site changes. He discussed low voter turnout. He stated that he did not believe Administrative Services was keeping a database of applicants and the refusal of the Acting Commissioner to do so. He discussed applicants being discouraged by the application process for employment.

Council Member Golby agreed with Council Member Konev on his Election Day concerns. She discussed that she spoke with Denise Kelley, the City Registrar, to verify which portion of the Dutch Quad is located in the City of Albany.

Council Member Calsolaro discussed concerns and issues that have come up since Albany County took over the whole election process. He agreed with Council Members Konev and Golby on the disenfranchisement concerns. He discussed inspector of elections not knowing how to operate the voting machine for disabled voters and voting sites not being opened at noon.

Council Member Sano discussed issues he had in his ward on Election Day. He discussed a resident that has been voting for years that was not on the rolls and that the voting site is no longer within walking distance. He discussed the need for Albany County to find alternative voting sites.

Council Member Rosenzweig reported no voting issues in his ward.

Council President McLaughlin discussed an inspector of elections who was listed as felon on the rolls even though he has been an inspector for years. She suggested having conversations with the Albany County Board of Elections and inviting the election commissioner to a Common Council Caucus.

ADJOURNMENT

President Pro Tempore Conti made a motion to adjourn. President McLaughlin, hearing no objections, stated that the meeting was adjourned.

A true record of the Common Council Minutes of September 16th, 2013.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL

Council Member Sano introduced the following, which was approved:

Ordinance Number 40.82.13

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE TO MULTIFAMILY LOW DENSITY RESIDENTIAL DISTRICT (R-3A) AND AMENDING THE ZONING MAP ACCORDINGLY

The City of Albany, in City Council convened, does hereby ordain and enact:

Section 1. Chapter 375 of the Code of the City of Albany (Zoning) and the Official Zoning Map are hereby amended to change the zoning classification of the properties located at 241 South Allen Street from Single-Family Medium-Density District (R-1B) and Land Conservation District (LC) and 70 Onderdonk Avenue, 68 Onderdonk Avenue, 66 Onderdonk Avenue, 64 Onderdonk Avenue, 62 Onderdonk Avenue, 60 Onderdonk Avenue, 44 Onderdonk Avenue, 42 Onderdonk Avenue, 40 Onderdonk Avenue, 38 Onderdonk Avenue from Single-Family Medium-Density District (R-1B) and the portion of the right-of-way formerly known as Dale Place, measuring approximately thirty (30) feet in width by approximately one hundred ninety eight (198) feet in length, adjacent to 261 South Allen Street and 70 Onderdonk Avenue to Multifamily Low-Density Residential District (R-3A), said properties being more particularly described as follows:

All that parcel of land situated in the City of Albany, County of Albany and State of New York, identified on the tax map as follows:

Parcel 1
Section: 64.74
Block: 4
Lot: 21

Said premises more commonly known as 241 South Allen Street measuring 210.00' by 198.00'

Parcel 2
Section: 64.74
Block: 4
Lot: 28

Said premises more commonly known as 70 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 3
Section: 64.74
Block: 4
Lot: 29

Said premises more commonly known as 68 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 4
Section: 64.74
Block: 4
Lot: 30

Said premises more commonly known as 66 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 5
Section: 64.74
Block: 4
Lot: 31

Said premises more commonly known as 64 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 6
Section: 64.74
Block: 4
Lot: 32

Said premises more commonly known as 62 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 7
Section: 64.74
Block: 4
Lot: 33

Said premises more commonly known as 60 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 8
Section: 64.74
Block: 4
Lot: 34

Said premises more commonly known as 44 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 9
Section: 64.74
Block: 4
Lot: 35

Said premises more commonly known as 42 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 10
Section: 64.74
Block: 4
Lot: 36

Said premises more commonly known as 40 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 11
Section: 64.74
Block: 4

Lot: 37

Said premises more commonly known as 38 Onderdonk Avenue measuring 30.00' by 98.00'

Parcel 12

Said premises being the portion of the right-of-way formerly known as Dale Place, measuring approximately thirty (30) feet in width by approximately one hundred ninety eight (198) feet in length, adjacent to 261 South Allen Street and 70 Onderdonk Avenue.

Section 2. The Council finds and declares that this action is an "Unlisted" action under Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder (SEQRA), and directs that coordinated review be conducted for the determination and establishment of Lead Agency.

Section 3. This Ordinance shall take effect immediately.

**APPROVED AS TO FORM
August 9, 2013**

Corporation Counsel

TO: Nala R. Woodard, City Clerk
FROM: Patrick K. Jordan, Senior Assistant Corporation Counsel
RE: Request for Common Council Legislation
Supporting Memorandum
DATE: August 8, 2013

ORDINANCE NUMBER 40.82.13

TITLE

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE TO MULTIFAMILY LOW DENSITY RESIDENTIAL DISTRICT (R-3A) AND AMENDING THE ZONING MAP ACCORDINGLY

GENERAL PURPOSE OF LEGISLATION

Change of zoning designation to allow for a possible future use. The new zone change would enable the properties to be developed for their highest and best use.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Changing the zoning to match the adjacent properties in the neighborhood is the best manner in which to facilitate future development.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

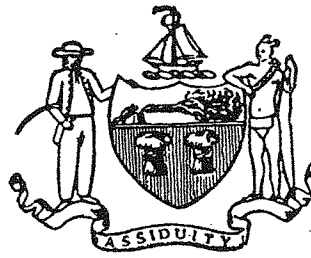
N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

N/A

FISCAL IMPACT(S)

Increased taxable value if sold.

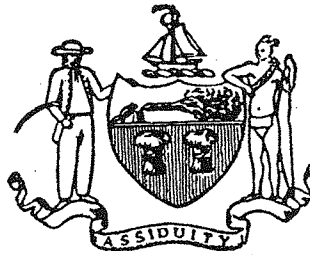


AGENDA
OF THE
ALBANY COMMON COUNCIL
Monday, September 16, 2013

THE COMMON COUNCIL MEETS THE FIRST AND THIRD MONDAY OF EACH
MONTH AT 7:00 P.M. IN THE COMMON COUNCIL CHAMBERS.

ORDER OF BUSINESS:

Roll Call
Welcome
Pledge of Allegiance
Moment of Silence
Public Hearing (1)
Public Comment Period (30 Minutes)
Approval of Minutes from Previous Meeting
Consideration of Local Laws
Communications from the Mayor, Department Heads and
Other City officials
Consideration of Vetoes
Presentation of Petitions and Communications
Reports of Standing Committees
Reports of Ad Hoc Committees
Consideration of Ordinances
Consideration of Resolutions
Additional Public Comment Period (30 Minutes)
Miscellaneous or Unfinished Business
Adjournment



NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held in the Common Council Chambers, City Hall, Albany, New York at 7:00 p.m. on **Monday, September 16th, 2013**, on the following Ordinance:

ORDINANCE NUMBER 40.82.13

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE TO MULTIFAMILY LOW DENSITY RESIDENTIAL DISTRICT (R-3A) AND AMENDING THE ZONING MAP ACCORDINGLY

Anyone wishing to be heard will have an opportunity to do so at the time and place stated.

NALA R. WOODARD
Clerk of the Common Council

LOCAL LAWS HELD

1. CALSOLARO

LOCAL LAW A-2010*

A LOCAL LAW AMENDING VARIOUS SECTIONS OF THE CODE OF THE CITY OF ALBANY TO ELIMINATE THE POSITION OF COMMISSIONER OF PUBLIC SAFETY AND REFERENCES TO THAT POSITION* Referred to the Law, Buildings and Code Enforcement Committee

2. CALSOLARO

LOCAL LAW B-2010*

A LOCAL LAW AMENDING ARTICLE XLIV (GENERAL PROVISIONS) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE CIVILIAN POLICE REVIEW BOARD AND MULTIPLE COMPLAINTS AGAINST AN OFFICER* Referred to the Public Safety Committee

3. CONTI, HERRING

LOCAL LAW D-2010*

A LOCAL LAW AMENDING SECTION 603(D) OF THE CITY OF ALBANY CHARTER IN RELATION TO THE AUTHORITY OF THE BOARD OF ESTIMATE AND APPORTIONMENT TO TRANSFER BUDGETED FUNDS* Referred to the Finance, Taxation and Assessment Committee

4. KONEV

LOCAL LAW L-2010*

A LOCAL LAW AMENDING THE SECTION 802 OF THE CITY OF ALBANY CHARTER IN RELATION TO CHARTER REVISION* Referred to the Council Operations and Ethics Committee

5. KONEV

LOCAL LAW M-2010*

A LOCAL LAW AMENDING ARTICLE 4 (LEGISLATIVE BRANCH) OF THE CHARTER OF THE CITY OF ALBANY IN RELATION TO APPROVAL OF CONTRACTS* Referred to the Council Operations and Ethics Committee

6. ROSENZWEIG

LOCAL LAW C-2010*

A LOCAL LAW ESTABLISHING A RESIDENCY REQUIREMENT FOR ALL CITY EMPLOYEES* Referred to the Human Resources and Human Rights Committee

ORDINANCES INTRODUCED

- 45.92.13 AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF 182 NORTH ALLEN STREET FROM ONE- AND TWO-FAMILY FAMILY RESIDENTIAL DISTRICT (R-2A) TO NEIGHBORHOOD-COMMERCIAL DISTRICT (C-1) AND AMENDING THE ZONING MAP ACCORDINGLY
- 46.92.13 AN ORDINANCE AMENDING CHAPTER 231 (HOUSING) OF THE CODE OF THE CITY OF ALBANY TO IN RELATION TO BEDBUGS
- 47.92.13 AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE DEFINITION OF FAMILY

ORDINANCES HELD

1. BAILEY

ORDINANCE 48.41.10*

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MULTIFAMILY DWELLINGS AND REGISTERED SEX OFFENDERS* Referred to the Law, Buildings and Code Enforcement Committee

2. CALSOLARO

ORDINANCE 6.11.10*

AN ORDINANCE AMENDING ARTICLE II (SOURCE SEPARATION OF RECYCLABLES) OF CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO COMPREHENSIVE MANDATORY RECYCLING* Referred to the General Services, Health and Environment Committee

3. CALSOLARO

ORDINANCE 8.12.10*

AN ORDINANCE AMENDING ARTICLE IX (BUILDING CONSTRUCTION AND REGULATION) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY. *Referred to the Law, Buildings and Code Enforcement Committee

4. CALSOLARO

ORDINANCE 44.71.11*

AN ORDINANCE AMENDING ARTICLE II (EXTERIOR MAINTENANCE, SAFETY, SANITATION AND APPEARANCE) OF CHAPTER 151 (COMMERCIAL STANDARDS) AND ARTICLE XIX (OFF-STREET PARKING AND LOADING REQUIREMENTS) OF CHAPTER 375 (ZONING) IN RELATION TO COMMERCIAL PARKING LOTS* Referred to the Planning, Economic Development and Land Use Committee

5. CALSOLARO

ORDINANCE 52.92.11*

AN ORDINANCE AMENDING ARTICLE IV (UNSAFE BUILDINGS) AND ARTICLE IX (BUILDING CONSTRUCTION AND REGULATION) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO UNSAFE BUILDINGS* Referred to the Law, Buildings and Code Enforcement Committee

6. CONTI

ORDINANCE 40.31.10*

AN ORDINANCE AMENDING CHAPTER 54 OF THE CODE OF THE CITY OF ALBANY IN RELATION TO ETHICS AND FINANCIAL DISCLOSURE* Referred to the Council Operations and Ethics Committee

7. CONTI

ORDINANCE 60.51.10*

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO AUTHORIZING RESIDENTIAL PARKING COOPERATIVES IN CERTAIN ZONING DISTRICTS* Referred to the Planning, Economic Development and Land Use Committee

8. CONTI, KONEV

ORDINANCE 85.82.10*

AN ORDINANCE AMENDING ARTICLE II (TRAFFIC REGULATIONS) OF CHAPTER 359 (VEHICLE AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MARKINGS FOR FIRE HYDRANTS* Referred to the Law, Buildings and Code Enforcement Committee

9. CONTI

ORDINANCE 34.41.13*

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO USES WITHIN C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICTS* Referred to the Planning, Economic Development and Land Use Committee

10. CONTI

ORDINANCE 41.91.13*

AN ORDINANCE AMENDING ARTICLE VIII (RESIDENTIAL PARKING PERMIT SYSTEM) OF CHAPTER 359 (VEHICLE AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO VISITOR PERMITS* Referred to the Ad Hoc Committee on Residential Permit Parking

11. CONTI

ORDINANCE 42.91.13

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO A PORTION OF 78 MORRIS STREET IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE OWNER OF 80 MORRIS STREET

12. CONTI

ORDINANCE 44.91.13(MC)*

AN ORDINANCE AMENDING THE PARK SOUTH URBAN RENEWAL PLAN AND PLANNED DEVELOPMENT OVERLAY DISTRICT (PSPDOD) CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY* Referred to the Ad Hoc Committee on Park South

13. FAHEY

ORDINANCE 13.12.10*

AN ORDINANCE AMENDING ARTICLE XVII (GENERAL AREA, YARD, HEIGHT AND LANDSCAPING REGULATIONS) OF CHAPTER 375 (ZONING) IN RELATION TO FRONT YARDS* Referred to the Planning, Economic Development and Land Use Committee

14. FAHEY

ORDINANCE 47.81.11*

AN ORDINANCE AMENDING ARTICLE XIV (SPECIFIC USE REGULATIONS) OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO FARMERS' MARKETS* Referred to the Planning, Economic Development and Land Use Committee

15. GOLBY

ORDINANCE 79.71.10*

AN ORDINANCE AMENDING ARTICLE II (PRELIMINARY REQUIREMENTS) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO BARRICADE PERMITS* Referred to the Law, Buildings and Code Enforcement Committee

16. HERRING

ORDINANCE 22.31.11*

AN ORDINANCE AMENDING PART 13 (PLANNING BOARD OF THE CITY OF ALBANY) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN ORDER TO AMEND THE TERMS OF OFFICE* Referred to the Planning, Economic Development and Land Use Committee

17. IGOE

ORDINANCE 2.11.10*

AN ORDINANCE ESTABLISHING A NEW CHAPTER 225 (HEATING) OF THE CODE OF THE CITY OF ALBANY* Referred to the Law, Buildings, and Code Enforcement Committee

18. IGOE, CONTI

ORDINANCE 63.51.10*

AN ORDINANCE AMENDING ARTICLE III (TOW-TRUCK OWNERS AND OPERATORS) OF CHAPTER 353 (VEHICLES FOR HIRE) OF THE CODE OF THE CITY OF ALBANY* Referred to the Law, Buildings and Code Enforcement Committee

19. IGOE

ORDINANCE 20.22.11*

AN ORDINANCE AMENDING ARTICLE I (GENERAL) OF CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO FIRE HYDRANTS* Referred to the Law, Buildings and Code Enforcement Committee

20. IGOE

ORDINANCE 23.32.11*

AN ORDINANCE AMENDING ARTICLE I (GENERAL) OF CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO DISPLAYING WARES IN FRONT OF PROPERTY* Referred to the Law, Buildings and Code Enforcement Committee

21. KONEV

ORDINANCE 41.31.10*

AN ORDINANCE AMENDING CHAPTER 54 (FINANCIAL DISCLOSURE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO GIFTS TO UNIFORMED EMPLOYEES* Referred to the Council Operations and Ethics Committee

22. KONEV

ORDINANCE 46.41.10*

AN ORDINANCE AMENDING CHAPTER 54 (FINANCIAL DISCLOSURE) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW PART II REGARDING ANTI-NEPOTISM IN THE CITY OF ALBANY* Referred to the Council Operations and Ethics Committee

23. KONEV

ORDINANCE 56.42.10*
(As Amended)

AN ORDINANCE AMENDING CHAPTER 115 (ANIMALS) OF THE CODE OF THE CITY OF ALBANY TO ADD A NEW ARTICLE IX ENTITLED "ANIMAL EXHIBITIONS"* Referred to the Law, Buildings and Code Enforcement Committee

24. KONEV

ORDINANCE 57.42.10*

AN ORDINANCE AMENDING CHAPTER 54 (FINANCIAL DISCLOSURE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EMPLOYEES SUBJECT TO FINANCIAL DISCLOSURE AND REQUIRED DISCLOSURE* Referred to the Council Operations and Ethics Committee

25. KONEV

ORDINANCE 58.42.10 *

AN ORDINANCE AMENDING ARTICLE VI (GRAFFITI) OF CHAPTER 255 (PEACE AND GOOD ORDER) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PENALTIES FOR GRAFFITI AND TO ADD A NEW OFFENSE OF CARRYING A GRAFFITI INSTRUMENT* * Referred to the Law, Buildings and Code Enforcement Committee

25. KONEV

ORDINANCE 66.52.10*

AN ORDINANCE AMENDING CHAPTER 359 (VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PARKING TO BLOCK SIDEWALKS OR STAIRS AND IN RELATION TO THE PENALTY THEREFORE* Referred to the Law, Buildings and Code Enforcement Committee

26. KONEV

ORDINANCE 69.52.10*

AN ORDINANCE AMENDING CHAPTER 255 (PEACE AND GOOD ORDER) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW ARTICLE X TO BE ENTITLED "ANTI-GANG RECRUITMENT"* Referred to the Public Safety Committee

27. KONEV

ORDINANCE 59.111.11*

AN ORDINANCE AMENDING CHAPTER 151 (COMMERCIAL STANDARDS) OF THE CODE OF THE CITY OF ALBANY* Referred to the Law, Buildings and Code Enforcement Committee

28. KONEV, BAILEY

ORDINANCE 35.101.12*

AN ORDINANCE AMENDING PART 3 (CABARETS) OF CHAPTER III (AMUSEMENTS) OF THE CODE OF THE CITY OF ALBANY* Referred to the Planning, Economic Development and Land Use Committee

29. KONEV

ORDINANCE 43.91.13*

AN ORDINANCE AMENDING SECTION 353-28 (MAINTENANCE AND INSPECTION OF TAXICABS) OF CHAPTER 353 (VEHICLES FOR HIRE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO A TAXICAB BILL OF RIGHTS* Referred to the Law, Buildings and Code Enforcement Committee

30. O'BRIEN

ORDINANCE 31.42.11*

AN ORDINANCE AMENDING ARTICLE XXIII CHAPTER 1 OF THE CODE OF THE CITY OF ALBANY (PLANNING) IN RELATION TO PROCEDURES OF THE PLANNING BOARD* Referred to the Planning, Economic Development and Land Use Committee

31. ROSENZWEIG, IGOE

ORDINANCE 1.11.10*

AN ORDINANCE ESTABLISHING A NEW CHAPTER 261 (PLUMBING) OF THE CODE OF THE CITY OF ALBANY* Referred to the Law, Buildings, and Code Enforcement Committee

32. SANO, FAHEY

ORDINANCE 3.11.10*
(As Amended)

AN ORDINANCE AMENDING SECTION 307-7 (GENERAL PROHIBITIONS) OF CHAPTER 307 (SIGNS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO CHANNEL SIGNS* Referred to the Planning, Economic Development and Land Use Committee

33. SANO, FAHEY

ORDINANCE 11.12.10*

AN ORDINANCE AMENDING ARTICLE XIV (SPECIFIC USE REGULATIONS) OF CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO SATELLITE DISH ANTENNAS* Referred to the Planning, Economic Development and Land Use Committee

34. SANO, KONEV

ORDINANCE 32.51.11*

AN ORDINANCE AMENDING SECTION 231-91 (OPEN AREAS) OF CHAPTER 231 (HOUSING) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO OUTDOOR FURNITURE* Referred to the Law, Buildings and Code Enforcement Committee

35. SANO

ORDINANCE 35.52.11*

AN ORDINANCE AMENDING ARTICLE I (GENERAL) OF CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO BLOCKING TRAFFIC SIGNAGE* Referred to the Law, Buildings, and Code Enforcement Committee

36. SANO

ORDINANCE 31.81.12*

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 229, 231, 241, 251, 253, 257 AND 259 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE IN THE CITY OF ALBANY IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO JAMES J. AND MARY E. GOOGAS* Referred to the Planning, Economic Development and Land Use Committee

37. SANO

ORDINANCE 35.42.13*

AN ORDINANCE AUTHORIZING CERTAIN PROJECTS BY THE CITY OF ALBANY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$200,000.00 AND AUTHORIZING THE ISSUANCE OF \$200,000.00 SERIAL BONDS OF SAID CITY TO PAY THE COST THEREOF (ENERGY CONSERVATION IN CITY BUILDINGS)* Referred to the Finance, Taxation and Assessment Committee

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE TO MULTIFAMILY LOW DENSITY RESIDENTIAL DISTRICT (R-3A) AND AMENDING THE ZONING MAP ACCORDINGLY* Referred to the Planning, Economic Development and Land Use Committee

RESOLUTIONS INTRODUCED

- 78.92.13R RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE
- 79.92.13R RESOLUTION HONORING PATRICIA BRADY-DANZIG FOR HER CONTRIBUTIONS TO THE CITY OF ALBANY THROUGH MUSIC
- 80.92.13R RESOLUTION OPPOSING THE INDEFINITE MILITARY DETENTION WITHOUT TRIAL OF ANY PERSON, INCLUDING US CITIZENS

RESOLUTIONS HELD

1. CALSOLARO, O'BRIEN

RESOLUTION 31.51.13R*

RESOLUTION OF THE COMMON COUNCIL REQUESTING THAT TITLE 28-BB OF THE NEW YORK STATE PUBLIC AUTHORITIES LAW, CREATING THE NEW YORK STATE CONVENTION CENTER AUTHORITY, BE AMENDED TO RECONSTITUTE THE CONVENTION CENTER AUTHORITY AS THE REBUILD ALBANY CONSTRUCTION AUTHORITY* Referred to the Planning, Economic Development and Land Use Committee

2. COMMISSO

RESOLUTION 22.41.13R(MC)

RESOLUTION URGING THE CITY OF ALBANY SCHOOL BOARD TO INSURE CONVENIENT ACCESS TO AND CONSISTENCY OF POLLING PLACES FOR VOTERS

3. COMMISSO

RESOLUTION 68.82.13R

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH THE OWNER OF 73 ORCHARD AVENUE FOR THE USE AND OCCUPANCY OF A PORTION OF THE CITY RIGHT-OF-WAY ADJACENT TO SAID PROPERTY

4. FAHEY

RESOLUTION 2.11.10R(MC)
(As Amended)

RESOLUTION OF THE COMMON COUNCIL URGING THE STATE LEGISLATURE TO ENACT CHARTER SCHOOL FUNDING RELIEF AND TO IMPOSE A SPECIFIC LIMIT ON THE ENROLLMENT OF STUDENTS IN CHARTER SCHOOLS FOR THE CITY OF ALBANY SCHOOL DISTRICT

5. FREEMAN

RESOLUTION 18.22.10R*

RESOLUTION OF THE COMMON COUNCIL REQUESTING AUTHORITY FROM THE NEW YORK STATE LEGISLATURE TO IMPOSE A COMMUTER TAX OF ONE THIRD OF ONE PERCENT IN THE CITY OF ALBANY* Referred to the Finance, Taxation and Assessment Committee

6. KONEV

RESOLUTION 60.82.11R*

RESOLUTION SUPPORTING ALBANY COUNTY RESOLUTION NO. 343 PETITIONING THE NYS LIQUOR AUTHORITY TO PROHIBIT OFF-PREMISES LIQUOR SALES IN THE COUNTY DURING CERTAIN HOURS* Referred to the Law, Buildings and Code Enforcement Committee

7. ROSENZWEIG

RESOLUTION 72.91.13R*

RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING JOSEPH R. CUNNIFF TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD* Referred to the Council Operations and Ethics Committee

**ALBANY COMMON COUNCIL
MINUTES OF A REGULAR MEETING**

Monday, October 7, 2013

The Common Council was convened at 7:00 p.m. and was called to order by Council President McLaughlin.

The roll being called, the following answered to their names: Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Igoe, Konev, O'Brien, Rosenzweig and Sano.

Also present were the following staff: Cashawna Parker, Nala Woodard, Barbara Samel and Patrick Jordan.

Council Member Igoe led the Pledge of Allegiance.

President Pro Tempore Conti made a motion to change the order of business to allow for the consideration of RESOLUTION NUMBER 84.101.13R, which was approved by unanimous voice vote.

President Pro Tempore Conti asked and received majority consent to add RESOLUTION NUMBER 84.101.13R to the pending agenda, which was approved by unanimous voice vote.

Council Member Bailey introduced RESOLUTION NUMBER 84.101.13R, and asked for passage and a roll call vote thereon:

Resolution Number 84.101.13R

RESOLUTION COMMEMORATING THE 40TH ANNIVERSARY OF THE ARBOR HILL ELEMENTARY SCHOOL

WHEREAS, in 1973, the doors of the Arbor Hill Elementary School were opened; and

WHEREAS, the School was inspiring as well as architecturally startling when it opened its doors and was a first in many areas in our community. It serves as the core and heart of the neighborhood; and

WHEREAS, the sidewalk to the school lead down to and completely over the roof of the school, integrating the neighborhood and families into the school and melding together old and new neighborhoods; and

WHEREAS, the school had no traditional classrooms and featured an open design where each level is reached by a continuously skylighted "circulation spine." When it opened it was unlike any school anywhere. The primary purpose of the passageway was to expose children of all ages to the various activities of the entire student body as they travelled through such diverse facilities as art studios, printing shops, science and botany labs, model shops and exhibit areas; and

WHEREAS, educationally it was equally innovative with children grouped by age rather than in the traditional grades and grouped again according to their abilities; and

WHEREAS, the school put Albany in the educational forefront and the Corning administration spearheaded the effort and encouraged the innovative approach; and

WHEREAS, the first principal was Edmond O'Neal, thereafter followed by Linda Jackson-Chalmers, Robert White, and the current principal, Rosalind Gaines-Harrell; and

WHEREAS, the Arbor Hill building was redesigned and rededicated in 2010, with renovations to the floors and the installation of classroom walls and doors to support new methods for preparing students with 21st century skills, while maintaining the original open school architecture, including an astounding well-lit entrance.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council congratulates the school on 40 years of educational service to the students of Arbor Hill and for its impact on the neighborhood, the city, and the countless students it has graduated.

BE IT FURTHER RESOLVED, that a copy of the resolution suitably engrossed be transmitted to the Arbor Hill Elementary School for their celebration on October 18, 2013.

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Igoe, Konev, O'Brien, Rosenzweig and Sano

Affirmative 11 Negative 0 Abstain 0

Resolution Number 84.101.13R was co-sponsored by Council Members Calsolaro, Commisso, Conti, Fahey, Golby, Igoe, Konev, O'Brien, Rosenzweig and Sano.

PUBLIC HEARING #1

Clerk to the Common Council Nala Woodard read the notice of the public hearing on Ordinance Number 50.101.13 (AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON OCTOBER 1, 2013, FOR FISCAL YEAR 2014). The following individuals spoke:

1. Katherine Sheehan, City of Albany Treasurer;
2. Marlon Anderson, 491 Livingston Avenue, Albany, NY;
3. Willie White, 3 Lincoln Square, Albany, NY.

There being no further speakers, the President declared the public hearing closed.

PUBLIC HEARING #2

Clerk to the Common Council Nala Woodard read the notice of the public hearing on Ordinance Number 44.91.13 (MC) (AN ORDINANCE AMENDING THE PARK SOUTH URBAN RENEWAL PLAN AND PLANNED DEVELOPMENT OVERLAY DISTRICT (PSPDOD) CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY). The following individuals spoke:

1. Dan Hershberg (Presentation and overview on behalf on developer);
2. Rich Rosen, Albany Medical Center/Tri-City Rentals;
3. Susan Holland, Historic Albany Foundation, 89 Lexington Avenue, Albany, NY;
4. Marlon Anderson, 491 Livingston Avenue, Albany, NY;
5. Dennis Gaffney, 51 Lawnridge Avenue, Albany, NY;
6. Michael McGovern, 116 Morris Street, Albany, NY;

7. Andrew Harvey, 271 Myrtle Avenue, Albany, NY;
8. Kimberly Alvarez, 83 Bohl Avenue, Albany, NY;
9. Joseph McGovern, 116 Morris Street, Albany, NY;
10. Daniel Plaat, 187 Elm Street, Albany, NY;
11. Vincent Riguso, 13 Beach Avenue, Albany, NY.

There being no further speakers, the President declared the public hearing closed.

PUBLIC COMMENT PERIOD

1. Charles Robinson, 407 Livingston Avenue, Albany, NY (Oppose proposed rehabilitation center on Second Street);
2. Mark Robinson, 13 Lexington Avenue, Albany, NY (Oppose proposed rehabilitation center on Second Street);
3. Tracy Birmingham, Albany, NY (Oppose proposed rehabilitation center on Second Street);
4. Jonathan Capra, 847 New Scotland Avenue, Albany, NY (Resolution Number 80.92.13R in relation to opposing the indefinite military detention without trial of any persons);
5. Sylvia Jordan, 13 Lexington Avenue, Albany, NY (Oppose proposed rehabilitation center on Second Street);
6. Beverly Padgett, Third Street, Albany, NY (Oppose proposed rehabilitation center on Second Street);
7. John Wolcott, 344 Sheridan Avenue, Albany, NY (Historic preservation);
8. Marlon Anderson, 491 Livingston Avenue, Albany, NY (Oppose proposed rehabilitation center on Second Avenue).

President Pro-Tempore Conti made a motion to extend public comment for 30 additional minutes, which was approved by unanimous voice vote.

9. Robert Rodrigo, 2900 Cedar Mill Drive, Acworth, CA (Resolution Number 80.92.13R in relation to opposing the indefinite military detention without trial of any persons);
10. Jesse Calhoun, (Support Resolution Number 80.92.13R in relation to opposing the indefinite military detention without trial of any persons);
11. John Cirrin, 532 Madison Avenue, Albany, NY (Resolution Number 80.92.13R in relation to opposing the indefinite military detention without trial of any persons and invitation to NYCLU event);
12. Roger Markovich and Sandy Levine, United Tenants (Ordinance Number 46.92.13 in relation to bedbugs);
13. Jessica Semon, 180 Washington Avenue, Albany, NY (Resolution Number 80.92.13R in relation to opposing the indefinite military detention without trial of any persons);
14. Robert Porter, 564 Park Avenue, Albany, NY (Resolution Number 80.92.13R in relation to opposing the indefinite military detention without trial of any persons);
15. Dan Hogan, 155 Third Street, Albany, NY (Resolution Number 80.92.13R in relation to opposing the indefinite military detention without trial of any persons);
16. Steve Downs, 26 Dinmore Road, Selkirk, NY (Resolution Number 80.92.13R in relation to opposing the indefinite military detention without trial of any persons);
17. Doug Bullock, Albany County Legislator, Albany, NY (Resolution Number 80.92.13R in relation to opposing the indefinite military detention without trial of any persons);
18. John Amiden, 25 Melrose Avenue, Albany, NY (Resolution Number 80.92.13R in relation to opposing the indefinite military detention without trial of any persons).

There being no further speakers, the President declared the public comment period closed.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

President Pro Tempore Conti made a motion to approve the minutes of the June 3, 2013, June 17, 2013 and the July 1, 2013 meetings, which was approved by unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

The local laws on the agenda were held at the request of President Pro Tempore Conti.

REPORTS OF STANDING COMMITTEES

Council Operations and Ethics – Chairperson Conti stated that the committee would be meeting on October 10, 2013 to discuss Ordinance 49.101.13 in relation to PEGA OB membership.

General Services, Health and Environment – Chairperson O’Brien stated that the committee met on September 24, 2013 to discuss Ordinance Number 36.92.13 in relation to bedbugs. The ordinance was amended and referred out of committee with a positive recommendation.

REPORTS OF AD HOC COMMITTEES

Ad Hoc Committee on Permit Parking - Chairperson Conti stated that the committee met on September 30, 2013 to discuss Ordinance Number 41.91.13 in relation to visitor permits, which was referred out of committee with a favorable recommendation.

Park South Ad Hoc Committee – Chairperson Conti stated that the ad hoc committee met on September 25, 2013 to discuss Ordinance Number 44.91.13 (MC) in relation to amendments to the Park South Urban Renewal Plan. The committee had a preliminary presentation and set a meeting tentatively for October 29, 2013.

CONSIDERATION OF ORDINANCES

Council Member Sano introduced ORDINANCE NUMBER 48.101.13, which was referred to the Parks, Recreation and Family Services Committee:

AN ORDINANCE AMENDING CHAPTER 252 (PARKS AND RECREATION) OF THE CODE OF THE CITY OF ALBANY TO IN RELATION TO PARK HOURS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subsection A(13) of Section 251-5 (Rules and Regulations) of Chapter 251 (Parks and Recreation) of the Code of the City of Albany is hereby amended to read as follows:

§ 251-5 Rules and regulations.

(13) The parks will be open to the public daily during the months of May, June, July, August, September and October, from sunrise to 11:00 p.m., and during the other months of the year from sunrise to 10:00 p.m. The Commissioner of the Department of General Services and the Commissioner of Parks and Recreation shall have the authority to amend these hours when necessary for the parks overseen by the particular Commissioner.

Section 2. This ordinance shall take effect immediately.

Council Member Rosenzweig introduced ORDINANCE NUMBER 49.101.13, which was referred to the Council Operations and Ethics Committee:

AN ORDINANCE AMENDING PART 38 (PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY REGARDING BOARD MEMBERSHIP

The City of Albany, in common Council convened, does hereby ordain and enact:

Section 1. Subsections A and B of Section 42-376 of Part 38 of Chapter 42 of the Code of the City of Albany are amended to read as follows:

§ 42-376. Membership; term; compensation; vacancies.

A. The "PEGAOB" shall be composed of eleven voting members, four of whom shall be appointed by the Common Council and two of whom shall be appointed by the Mayor. The term of each member so appointed shall be three years; provided, however, that of the initial members two appointed by the Common Council shall serve for a one year term; one appointed by the Common Council and one appointed by the Mayor shall serve for a two year term; and one appointed by the Common Council and one appointed by the Mayor shall serve for a three year term. The remaining members of the Board shall be composed of the following: one representative from the Albany City School District; one representative from the College of Saint Rose; one representative from the New School of Radio and Television; one representative from the [~~Capitalize Albany Corporation~~] Albany Community Development Agency; and one representative from the Albany Public Library District.

B. [~~The six~~] A minimum of four of the six members appointed by the Common Council and the Mayor shall be residents of the City of Albany and possess knowledge and interest in promoting public access cable television in the City of Albany. One Council appointment and one Mayoral appointment to the Board may reside outside of the City of Albany if said appointee provides a unique and desired expertise and commitment to the cause of public access television in Albany In making such appointments, the Common Council and Mayor shall endeavor to reflect the community diversity of the City of Albany.

Section 2. This ordinance shall take effect immediately.

Council Member Sano introduced ORDINANCE NUMBER 50.101.13, which was referred to the Finance, Taxation and Assessment Committee:

AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON OCTOBER 1, 2013, FOR FISCAL YEAR 2014

The City of Albany in Common Council convened, does hereby ordain and enact:

Section 1. The budget as presented by the Mayor on October 1, 2013, is hereby adopted as and for the Budget of the City of Albany for fiscal year 2013.

Section 2. It is hereby ordered and directed that the sums set forth therein as expenditures are hereby appropriated in the amounts and for the several departments, offices and purposes specified therein.

Section 3. It is further hereby ordered and directed that the sums set forth therein as revenues and the moneys necessary to be raised by tax in addition thereto to pay the expenses of conducting the business of the City shall be and are hereby applicable in the amounts specified for the purpose of meeting said appropriations.

Section 4. This ordinance shall be effective immediately.

Council Member Calsolaro introduced ORDINANCE NUMBER 51.101.13, which was referred to the Planning, Economic Development and Land Use Committee:

AN ORDINANCE AMENDING PART 4 (HISTORIC RESOURCES COMMISSION) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO DEMOLITION REQUIREMENTS IN HISTORIC DISTRICTS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Subsection B of Section 42-94 of Article XII of Chapter 42 of the Code of the City of Albany is hereby amended by adding a new subsection (4) to read as follows:

(4) A minimum of 50% of construction and demolition debris generated from applicable construction or demolition projects shall be diverted from disposal to landfills through recycling, reuse and diversion programs. The structure must be photographed and measured prior to demolition and the owner shall submit to the Commission a report after the demolition documenting the portion of the debris that was diverted to the landfill.

Section 2. This ordinance shall take effect immediately.

Council Member O'Brien introduced ORDINANCE NUMBER 52.101.13, which was referred to the Law, Buildings and Code Enforcement Committee:

AN ORDINANCE AMENDING CHAPTER 323 (STREETS AND SIDEWALKS) OF THE CODE OF THE CITY OF ALBANY BY ADDING A NEW ARTICLE VIII REGARDING TO STREET SIDE MEMORIALS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Chapter 323 of the Code of the City of Albany is hereby amended by adding a new Article VIII to be entitled "Street Side Memorials"

§ 323-100 Findings.

The Common Council finds it is important to establish a procedure to ensure safe and unobstructed streets and sidewalks. The Council recognizes that spontaneous outpourings of grief may follow a sudden and unexpected tragic incident occurring on a city street or sidewalk that may result in the erection of a street side memorial to the victim(s). These memorials may take on a variety of sizes, forms and styles and be composed of various items such as pictures, candles, boxes, stuffed animals,

letters, trinkets, mementos, etc. To preserve the public health and safety of residents and visitors, the free passage of pedestrian and vehicular traffic on public streets and sidewalks must be ensured.

§ 323-101 Definitions.

STREET SIDE MEMORIAL

A commemorative site that arises in the aftermath of a tragic event that occurred on or near a public street or sidewalk that may include the creation of a tribute or remembrance on that public street or sidewalk.

GHOST BIKE

A bicycle painted all white and placed near an accident site that occurred on a public street or sidewalk that resulted in the death of a bicyclist.

§ 323-102 Rules and regulations.

A. The Department of General Services is responsible for the maintenance of the public streets and sidewalks in the City of Albany and endeavors to keep them free from obstructions, thereby ensuring the free passage of pedestrian and vehicular traffic. To maintain that responsibility and be cognizant of public grief or mourning after a tragic event, the Department shall:

1. Following the reporting of a street side memorial Department personnel shall periodically observe the site for any signs of neglect, disrepair or public health and safety violations that demand a need for immediate cleanup or removal in order to ensure the free flow of traffic or to maintain public health and safety.
2. Fifteen days following the Department's physical observation of a street side memorial, Department personnel shall post a notice at the site advising observers that the memorial will be removed by the Department in thirty days.
3. Upon the passing of the posted thirty days the removal or dismantling of the street side memorial shall commence. All items will be collected and stored by the Department for a period of thirty days following collection in order for family, friends or contributors of the memorial to collect said items. Upon the expiration of the thirty days of storage all unclaimed items shall be recycled or destroyed.

B. Memorial bicycles, commonly known as "Ghost Bikes" will be excluded from these regulations provided that each Ghost Bike is properly maintained in accordance with this Article. An identifying placard or bicycle basket shall be permit on the bicycle frame but all other items placed near or on a Ghost Bike will be subject to this Article. Ghost Bikes shall not be attached to City-owned trees in such a manner that could physically harm a tree. Ghost Bikes are not permitted to be attached to utility poles or utility infrastructure without the written consent of the utility company that owns said pole or infrastructure.

Section 2. This ordinance shall take effect immediately.

President Pro Tempore Conti made a motion to change the order of business to allow for the consideration of Resolution Number 81.101.13R, which was approved by unanimous voice vote.

Council Member Sano introduced RESOLUTION NUMBER 81.101.13R, and asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL ISSUING A NEGATIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE

WHEREAS, Ordinance 40.82.13 was introduced by the City of Albany Common Council on August 19, 2013, which proposed rezoning the properties located at 241 South Allen Street from Single-Family Medium-Density District (R-1B) and Land Conservation District (LC) and 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue from Single-Family Medium-Density District (R-1B) and the portion of the right-of-way formerly known as Dale Place, measuring approximately thirty (30) feet in width by approximately one hundred ninety eight (198) feet in length, adjacent to 261 South Allen Street and 70 Onderdonk Avenue to Multifamily Low-Density Residential District (R-3A); and

WHEREAS, the Common Council declared itself Lead Agency for coordinated review at a public meeting held on September 16, 2013 in connection with the proposed rezoning; and

WHEREAS, the Common Council received a short Environmental Assessment Form (short EAF), in conjunction with said proposed rezoning; and

WHEREAS, the proposed rezoning was the subject of a Public Hearing held by the Common Council on September 16, 2013, where public comment was received; and

WHEREAS, the action is subject to the provisions of the State Environmental Quality Review Act ("SEQRA"), as set forth in Environmental Conservation law Article 8, and its implementing regulations; and

WHEREAS, the rezoning is determined to be an Unlisted action pursuant to SEQRA; and

WHEREAS, the record demonstrates that the rezoning will not have a significant adverse environmental impact, and that a Negative Declaration of Environmental Significance should be issued.

NOW, THEREFORE, BE IT RESOLVED, that based upon the review and consideration of the short Environmental Assessment Form and public comments, the Common Council finds and declares the action to be Unlisted pursuant to the New York State Environmental Conservation Law, and its implementing regulations, and having duly considered the entire record before it, declares that the rezoning the properties located at 241 South Allen Street from Single-Family Medium-Density District (R-1B) and Land Conservation District (LC) and 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue from Single-Family Medium-Density District (R-1B) and the portion of the right-of-way formerly known as Dale Place, measuring approximately thirty (30) feet in width by approximately one hundred ninety eight (198) feet in length, adjacent to 261 South Allen Street and 70 Onderdonk Avenue to Multifamily Low-Density Residential District (R-3A) has no potentially significant adverse impacts upon the environment, as that term is defined in SEQRA, will not require the preparation of a full Environmental Impact Statement and therefore issues a Negative Determination of Environmental Significance.

RESOLVED, that this resolution shall take effect immediately

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Igoe, Konev, O'Brien, Rosenzweig and Sano

Affirmative 11 Negative 0 Abstain 0

Council Member Conti offered ORDINANCE NUMBER 41.91.13, moved to amend and as amended asked for passage and a roll call vote thereon:

AN ORDINANCE AMENDING ARTICLE VIII (RESIDENTIAL PARKING PERMIT SYSTEM) OF CHAPTER 359 (VEHICLE AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO VISITOR PERMITS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Section 359-73 (Definitions) is amended by adding thereto the following new definitions:

RESIDENT, TRANSIENT

An individual currently residing with in the parking area based on the submission of adequate documentation in accordance with the provisions of this article for a temporary period not to exceed eight months.

TRANSIENT RESIDENTIAL PARKING PERMIT

An authorization allowing a transient resident individual to park a vehicle operated by such person for a period of time within a prepaid parking permit area without regard to the two-hour limitation on streets requiring display of a parking permit.

Section 2. Section 359-77 (Issuance of visitor parking permits) is amended to read as follows:

- A. Upon application and purchase of a residential parking permit, a resident of a prepaid parking permit area [shall receive] may purchase not more than one visitor parking permit per household for use within the prepaid parking area for which a permit is issued in accordance with § 359-76 of this article; provided, however, that a resident of a prepaid parking permit area not purchasing a residential parking permit may purchase a visitor parking permit in accordance with the provisions of this article. [A] Transient residents and nonresident business/property [owner] owners shall not be entitled to a visitor parking permit.
- B. A visitor permit issued in accordance with this section shall include a unique code assigned by the City Clerk upon issuance that will facilitate the identification of the name and address of the permit holder.
- C. A visitor permit issued in accordance with this article is for use by visitors to a resident within the parking permit area, any other use is a violation of this article.

Section 3. Section 359-79 (Fees) is amended to read as follows:

- A. The City Clerk shall collect the following fees at the time a permit is issued:

- (1) Residential parking permit: [~~\$25~~] \$20.
- (2) [~~Nonresident business/property owner permit: \$25.~~] Transient residential parking permit: \$15.
- (3) [~~Visitor permit: \$10.~~] Nonresident business/property owner permit: \$25.
- (4) [~~Replacement/transfer permit: \$10.~~] Visitor permit:
 - (i) \$5 when purchased by a resident purchasing a residential parking permit;
 - (ii) \$10 when purchased by a resident not purchasing a residential parking permit.
- (5) Replacement/transfer permit: \$10.

B. All fees shall be credited to the general fund of the City.

Section 4. Section 359-81 (Penalties for offenses) is amended to read as follows:

- A. Any vehicle parked in the permit area in violation of this article may be issued a fifty-dollar parking ticket.
- B. No resident or nonresident business owner shall permit a nonresident to use a residential or nonresident business permit issued to a resident or nonresident business owner or aid a nonresident in any way in obtaining a parking permit. No resident shall allow for the use, sale or transfer of a visitor permit in violation of the authorized uses under this article. Violation of the terms of this section shall be punishable by a fine not to exceed \$250 and/or suspension of residential parking permit privileges for a period not to exceed six months.

Section 5. This ordinance shall take effect immediately.

The ordinance passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Igoe, Konev, O’Brien, Rosenzweig and Sano

Affirmative 11 Negative 0 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 40.82.13 (AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE TO MULTIFAMILY LOW DENSITY RESIDENTIAL DISTRICT (R-3A) AND AMENDING THE ZONING MAP ACCORDINGLY), which had been previously introduced, and asked for passage and a roll call vote thereon.

The ordinance passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Igoe, Konev, O’Brien, Rosenzweig and Sano

Affirmative 11 Negative 0 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 31.81.13 (AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO 229, 231, 241, 251, 253, 257 AND 259 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE IN THE CITY OF ALBANY IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO JAMES J. AND MARY E. GOOGAS), which had been previously introduced, and asked for passage and a roll call vote thereon.

The ordinance passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Igoe, Konev, O’Brien, Rosenzweig and Sano

Affirmative 11 Negative 0 Abstain 0

Council Member Sano offered ORDINANCE NUMBER 46.92.13, moved to amend, and as amended asked for passage and a roll call vote thereon:

AN ORDINANCE AMENDING CHAPTER 231 (HOUSING) OF THE CODE OF THE CITY OF ALBANY TO IN RELATION TO INFESTATIONS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Section 231-93 of Chapter 231 of the Code of the City of Albany is hereby amended to read as follows:

Section 231-93. Infestation and screening.

- A. Grounds, buildings and structures shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall meet the generally accepted [~~Health Department practice~~] practices of the industry and shall be in accordance with the manufacturer’s specifications.
- B. Where the potential for rodent infestation exists, windows and other openings in basements and cellars shall be appropriately rat proofed with wire or other suitable materials.
- C. From May 1 to November 1, entrance to residential buildings shall be provided with self-closing-type devices, or screens and windows or other openings used for ventilation shall be appropriately screened. Screens shall not be required in rooms located sufficiently high in the upper stories of multiple dwellings as to be free of mosquitoes, flies and other flying insects.
- D. The exterior of every structure used for human habitation shall be so maintained as to be vermin- and rodent-free. Where rodent or vermin problems exist, all exterior windows, doors and other openings two feet above ground level and below shall be screened or protected with acceptable wire mesh or other approved materials. Defects, cracks or holes shall be tightly sealed to prevent the entrance of vermin and rodents.
- E. When a pest, bedbug or other insect or rodent infestation, as defined in Section 308 of the New York State Property Maintenance Code, has been identified by the Department of Buildings and Regulatory Compliance after a routine inspection by the Department, or inspection after the

Department receives a complaint of an infestation, the Department shall contact the premises owner and require the owner to provide proof of extermination/pest control services. [If the owner of a multiple occupancy premises provides a proper showing that the premises were leased/rented to a tenant clean and free of pests, insects or rodents, and that the owner has properly secured the exterior of the building and maintained the property's common areas free of pests, insects or rodents, then the occupant of the infested dwelling unit/premises shall be responsible for extermination fees.] When determined by a professional exterminator, the dwelling unit(s) in direct proximity to the affected unit and common areas shall also be treated if evidence of infestation in these areas is found. The occupant of a one-family rental dwelling shall be responsible for the costs associated with any extermination on the premises. No tenant shall willfully refuse to comply with reasonable written instructions from a landlord, pest control operator or the Department of Buildings and Regulatory Compliance to prepare the dwelling unit for remediation of an infestation of pests, insects or rodents, including bed bugs, provided that such instructions are given to an adult member of the tenant household such that the tenant household has a reasonable opportunity to comply, and in all cases at least 48 hours prior to remediation. Property owners of rental properties, or their agents, or the professional pest control service company hired by the property owner shall provide a copy of a report for the services rendered electronically to the Department of Buildings and Regulatory Compliance.

Section 2. This ordinance shall take effect immediately.

The ordinance passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Igoe, Konev, O'Brien, Rosenzweig and Sano

Affirmative 11 Negative 0 Abstain 0

The remaining ordinances on the agenda were held at the request of President Pro Tempore Conti.

CONSIDERATION OF RESOLUTIONS

Council Member Fahey introduced RESOLUTION NUMBER 82.101.13R, which was held:

A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF A CLERK TYPIST II POSITION IN THE DEPARTMENT OF ADMINISTRATIVE SERVICES, PERSONNEL OFFICE

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any personnel titles or salary changes that occur in the City of Albany outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, it is recognized that the needs of the Department of Administrative Services, Personnel Office requires a Clerk Typist II position to assist with the many tasks required by the Personnel Office staff.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the creation of the Clerk Typist II position within the Department of Administrative Services, Personnel Office.

Council Member Fahey introduced RESOLUTION NUMBER 83.101.13R, and asked for passage and a roll call vote thereon:

RESOLUTION DECLARING OCTOBER 20-26, 2013 AS “FREEDOM FROM WORKPLACE BULLIES WEEK”

WHEREAS, the City of Albany has an interest in promoting the social and economic well-being of its employees and citizens; and

WHEREAS, that well-being depends upon the existence of healthy and productive employees working in safe and abuse-free environments; and

WHEREAS, surveys and studies have documented the stress-related health consequences for individuals caused by exposure to abusive work environments; and

WHEREAS, abusive work environments can create costly consequences for employers, including reduced productivity, absenteeism, turnover, employee health-related expenses and if left unchecked, costly litigation; and

WHEREAS, protection from abusive work environments should apply to every worker, and not limited to legally protected class status based only on race color, gender, national origin, age, or disability.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council hereby proclaims October 20-26 “Freedom from Workplace Bullies Week.”

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Igoe, Konev, O’Brien, Rosenzweig and Sano

Affirmative 11 Negative 0 Abstain 0

Resolution Number 83.101.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano and Smith

President Pro Tempore Conti asked for and received majority consent to add Resolution Number 85.101.13R to the pending agenda, which was approved by unanimous voice vote.

Council Member Fahey introduced RESOLUTION NUMBER 85.101.R, and asked for passage and a roll call vote thereon:

RESOLUTION DECLARING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, domestic violence is a serious crime that affects people of all races, ages, gender, and income levels; and

WHEREAS, domestic violence is widespread and affects over four million Americans each year; and

WHEREAS, one in three Americans have witnessed an incident of domestic violence; and

WHEREAS, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity; and

WHEREAS, only a coordinated community effort will put a stop to this heinous crime; and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany proclaims the month of October as Domestic Violence Awareness Month and urge the citizens of Albany to work together to eliminate domestic violence from our community.

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Igoe, Konev, O’Brien, Rosenzweig and Sano

Affirmative 11 Negative 0 Abstain 0

Resolution Number 85.101.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano and Smith

Council Member Konev offered RESOLUTION NUMBER 80.92.13R, moved to amend, and as amended asked for passage and a roll call vote thereon:

RESOLUTION OPPOSING THE INDEFINITE MILITARY DETENTION WITHOUT TRIAL OF ANY PERSON, INCLUDING US CITIZENS

WHEREAS, the Constitution of the United States is the foundation of protecting our nation’s rights and freedom, and the basis of our representative democracy, and the indefinite military detention (military or civilian) of any person without trial violates the 5th and 6th amendments to the Constitution , as well as Article III thereof, and

WHEREAS, it can be argued that the indefinite military detention without trial of any person, including citizens of the United States, could be allowed by Sections 1021 and 1022 of the National Defense Authorization Act (NDAA) signed by President Obama on December 31, 2011, although the President's signing statement disagrees with the addition of the detention language to the statute and the President has indicated that such detentions will not occur within the United States, and

WHEREAS, City of Albany is not a “battlefield” with its residents and visitors subject to "detention under the law of war"; and

WHEREAS, the United States Supreme Court has ruled that neither Congress nor the President can constitutionally authorize the detention and/or disposition of any person in the United States, or

citizen of the United States "under the law of war" who is not serving "in the land or naval forces, or in the Militia, when in actual service in time of War or public danger;" or in subsequent cases as "part of or supporting forces hostile to the United States or coalition partners" and who have "engaged in an armed conflict against the United States" while "in a *foreign* combat zone;"

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany acting in the spirit and history of our community, does hereby declare that we:

Strongly affirm our loyalty to the rights and liberties enshrined within the Constitution of the United States, including the Fifth Amendment right to due process and the Sixth Amendment right to trial;

Recognize that the City of Albany is not a "battlefield," and its citizens and constitutionally-protected persons are not currently subject to "detention under the law of war";

Expect all federal and state law enforcement officials acting within the City of Albany to work in accordance with the Constitution of the United States by assuring that any person subject to detention be afforded access to a trial, counsel and due process, including under the Fourth, Fifth, and Sixth Amendments to the Constitution and Article III thereof;

Request that our United States Congressional representatives monitor the implementation of Sections 1021 and 1022 of the NDAA as signed into law on December 31, 2011 and actively work for the repeal of the NDAA's detention provisions, and expressly prohibit the application of "detention under law of war" except as to lawful combatants as defined by treaties under the internationally recognized law of war, to safeguard the fundamental rights and liberties embodied in the Constitutions of the State of New York and the United States; and

BE IT FURTHER RESOLVED, that the Common Council of the City of Albany requests copies of this resolution, suitably engrossed, be transmitted to New York State Governor Andrew Cuomo, the New York State Legislative representatives of the City of Albany, New York State Attorney General Eric Schneiderman, United States President Barack Obama, United States Senators Kirsten Gillibrand and Charles Schumer and United States Representative Paul Tonko.

**Note: Council Member Konev spoke on this resolution prior to passage.*

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Igoe, Konev, O'Brien, Rosenzweig and Sano

Affirmative 11 Negative 0 Abstain 0

Resolution Number 80.92.13R was co-sponsored by Council Members Fahey and Golby.

MISCELLANEOUS AND UNFINISHED BUSINESS

None.

ADJOURNMENT

President Pro Tempore Conti made a motion to adjourn. President McLaughlin, hearing no objections, stated that the meeting was adjourned.

A true record of the Common Council Minutes of October 7th, 2013.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL

Council Member Sano introduced the following, which was approved:

Resolution Number 81.101.13R

RESOLUTION OF THE COMMON COUNCIL ISSUING A NEGATIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE

WHEREAS, Ordinance 40.82.13 was introduced by the City of Albany Common Council on August 19, 2013, which proposed rezoning the properties located at 241 South Allen Street from Single-Family Medium-Density District (R-1B) and Land Conservation District (LC) and 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue from Single-Family Medium-Density District (R-1B) and the portion of the right-of-way formerly known as Dale Place, measuring approximately thirty (30) feet in width by approximately one hundred ninety eight (198) feet in length, adjacent to 261 South Allen Street and 70 Onderdonk Avenue to Multifamily Low-Density Residential District (R-3A); and

WHEREAS, the Common Council declared itself Lead Agency for coordinated review at a public meeting held on September 16, 2013 in connection with the proposed rezoning; and

WHEREAS, the Common Council received a short Environmental Assessment Form (short EAF), in conjunction with said proposed rezoning; and

WHEREAS, the proposed rezoning was the subject of a Public Hearing held by the Common Council on September 16, 2013, where public comment was received; and

WHEREAS, the action is subject to the provisions of the State Environmental Quality Review Act ("SEQRA"), as set forth in Environmental Conservation law Article 8, and its implementing regulations; and

WHEREAS, the rezoning is determined to be an Unlisted action pursuant to SEQRA;
and

WHEREAS, the record demonstrates that the rezoning will not have a significant adverse environmental impact, and that a Negative Declaration of Environmental Significance should be issued.

NOW, THEREFORE, BE IT RESOLVED, that based upon the review and consideration of the short Environmental Assessment Form and public comments, the Common Council finds and declares the action to be Unlisted pursuant to the New York State Environmental Conservation Law, and its implementing regulations, and having duly considered the entire record before it, declares that the rezoning the properties located at 241 South Allen

Street from Single-Family Medium-Density District (R-1B) and Land Conservation District (LC) and 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue from Single-Family Medium-Density District (R-1B) and the portion of the right-of-way formerly known as Dale Place, measuring approximately thirty (30) feet in width by approximately one hundred ninety eight (198) feet in length, adjacent to 261 South Allen Street and 70 Onderdonk Avenue to Multifamily Low-Density Residential District (R-3A) has no potentially significant adverse impacts upon the environment, as that term is defined in SEQRA, will not require the preparation of a full Environmental Impact Statement and therefore issues a Negative Determination of Environmental Significance.

RESOLVED, that this resolution shall take effect immediately.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Igoe, Konev, Rosenzweig, Sano and Smith

Affirmative 11 Negative 0 Abstain 0

Clerk of the Common Council

President of the Common Council

Mayor

Date

I, Nala Woodard, City Clerk and Clerk of the Common Council, do hereby certify that Resolution Number 81.101.13R was passed at a meeting of the Albany Common Council on October 7th, 2013.

In Affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this 8th day of October 2013.

Clerk of the Common Council

To: Nala Woodard, City Clerk
From: Patrick K. Jordan, Senior Assistant Corporation Counsel
Re: Request for Common Council Legislation
Supporting Memorandum
Date: September 27, 2013

RESOLUTION NUMBER 81.101.13R

TITLE

RESOLUTION OF THE COMMON COUNCIL ISSUING A NEGATIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEORA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTIES LOCATED AT 241 SOUTH ALLEN STREET, 70, 68, 66, 64, 62, 60, 44, 42, 40 AND 38 ONDERDONK AVENUE AND THE PORTION OF THE FORMER DALE PLACE ADJACENT TO 261 SOUTH ALLEN STREET AND 70 ONDERDONK AVENUE

GENERAL PURPOSE OF LEGISLATION

Acting as Lead Agency and pursuant to SEORA regulations the Council has not found any adverse environmental impacts related to the rezoning and the Council may issue a Negative Determination of Environmental Significance.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

These actions are required under SEORA.

EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE

N/A

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

N/A

FISCAL IMPACT(S)

N/A