



**COMMON COUNCIL MEETING
PLANNING, ECONOMIC DEVELOPMENT AND LAND USE
Alfredo Balarin, Chair**

DATE: WEDNESDAY, NOVEMBER 19, 2025

TIME: 5:30PM

LOCATION: Council Chambers-2nd Floor, City Hall

LIVESTREAM: YouTube— <https://www.youtube.com/@albanycommoncouncil>
Facebook— <https://www.facebook.com/albany.commoncouncil>

TOPICS OF DISCUSSION:

- **RESOLUTION 130.111.25R (BALARIN)**
A RESOLUTION OF THE COMMON COUNCIL REAPPOINTING JODI SMITS ANDERSON AS A MEMBER OF THE SUSTAINABILITY COMMISSION
- **ORDINANCE 25.101.25 (ANANE)**
AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY BY CHANGING THE ZONING CLASSIFICATION OF THE PARCEL KNOWN AS 540 MYRTLE AVENUE (TAX MAP PARCEL NO. 65.77-2-47) FROM RESIDENTIAL TWO-UNIT (R-2) TO RESIDENTIAL MULTI-UNIT (R-M) AND AMENDING THE ZONING MAP ACCORDINGLY
- **REVIEWING THE HISTORIC RESOURCES COMMISSION'S HOLLAND AVENUE TUDOR HISTORIC DISTRICT RECOMMENDATION**

PUBLIC COMMENT PERIOD: YES

Council Member Balarin, on the behalf of the Committee on Planning, Economic Development & Land Use, introduced the following:

RESOLUTION 130.111.25R

A RESOLUTION OF THE COMMON COUNCIL REAPPOINTING JODI SMITS ANDERSON AS A MEMBER OF THE SUSTAINABILITY COMMISSION

WHEREAS, the Common Council of the City of Albany has the authority, pursuant to the Section 42-133 of the Code of the City of Albany, to appoint members of the Sustainability Commission; and

WHEREAS, the term of such Commission members shall be for three years and this term expired on June 30, 2025;

NOW, THEREFORE, BE IT RESOLVED, that Jodi Smits Anderson is hereby reappointed as a member of the Sustainability Commission for a term expiring June 30, 2028.

To: Shaniqua Jackson, City Clerk

From: Alyssa Kamara, Junior Policy Analyst

Re: Common Council Legislation
Supporting Memorandum

Date: September 30, 2025

Sponsor: Council Member Balarin o/b/o Planning Committee

RESOLUTION 130.111.25R

TITLE

A RESOLUTION OF THE COMMON COUNCIL REAPPOINTING JODI SMITS ANDERSON
AS A MEMBER OF THE SUSTAINABILITY COMMISSION

GENERAL PURPOSE OF LEGISLATION

To reappoint Gabriella Cebada Mora to the Sustainability Commission.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Anderson's term ended on June 30, 2025. They have expressed interest in re-appointment to the board for another 3-year term. This resolution is necessary to re-appoint Anderson for another term.

FISCAL IMPACT(S)

None.

Council Member Anane introduced the following:

ORDINANCE 25.101.25

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY BY CHANGING THE ZONING CLASSIFICATION OF THE PARCEL KNOWN AS 540 MYRTLE AVENUE (TAX MAP PARCEL NO. 65.77-2-47) FROM RESIDENTIAL TWO-UNIT (R-2) TO RESIDENTIAL MULTI-UNIT (R-M) AND AMENDING THE ZONING MAP ACCORDINGLY

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

Section 1. Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany, and the Official Zoning Map, are hereby amended to change the zoning classification of property known as 540 Myrtle Avenue from Residential Two-Unit (R-2) to Residential Multi-Unit (R-M), said property being more particularly described as follows:

The parcel of land situates in the City of Albany, County of Albany, and State of New York, being more particularly described as follows:

Section: 65.77

Block: 2

Lot: 47

Said premises, more commonly known as 540 Myrtle Avenue, measuring approximately 0.09± acres.

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
25TH DAY OF SEPTEMBER, 2025**

Corporation Counsel

To: Shaniqua Jackson, City Clerk

From: Brett Williams, Esq., Deputy Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: September 25, 2025

Sponsor: Council Member Anane

ORDINANCE 25.101.25

TITLE

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY BY CHANGING THE ZONING CLASSIFICATION OF THE PARCEL KNOWN AS 540 MYRTLE AVENUE (TAX MAP PARCEL NO. 65.77-2-47) FROM RESIDENTIAL TWO-UNIT (R-2) TO RESIDENTIAL MULTI-UNIT (R-M) AND AMENDING THE ZONING MAP ACCORDINGLY

GENERAL PURPOSE OF LEGISLATION

This ordinance amends the zoning map of the City of Albany by changing the zoning of 540 Myrtle Avenue from Residential Two-Unit (R-2) to Residential Multi-Unit (R-M). The parcel is directly adjacent to several parcels which are already zoned R-M.

The change proposed herein has already been approved and recommended by City of Albany Planning Board, but pursuant to General Municipal Law § 239-m(3)(ii), it is subject to review by the Albany County Planning Board.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Amendments to the zoning map and USDO require Common Council action by ordinance.

FISCAL IMPACTS

None.



NOTIFICATION OF LOCAL ACTION
RECOMMENDATION OF THE
PLANNING BOARD

CASE NUMBER: ZMA # 0020

ADDRESS: 540 Myrtle Avenue

TAX ID #: 65.77-2-47

REQUEST: Zoning Map Amendments - §375-505(20)

DESCRIPTION: Zoning Map Amendment to change the zoning classification of 540 Myrtle Avenue from R-2 Two Unit to R-M Multi-Unit

SPONSOR(S): Councilmember Owusu Anane

DATE OF DECISION: June 10, 2025

DECISION: **FAVORABLE RECOMMENDATION**

FACTS:

1. Application documents and supplemental filings of the applicant as of the date of this decision, as evidenced in the digital record for ZMA #0020
2. All plans, renderings, analyses and reports received as of the date of this decision, as evidenced in the digital record for ZMA #0020
3. All written correspondence received as of the date of this decision, as evidenced in the digital record for ZMA #0020
4. Content and testimony of the April 8, 2025 hearing and June 10th, 2025 meeting of the City of Albany Planning Board.

FINDINGS:

The Planning Board recommends that the Common Council adopt the proposed USDO Zoning Map Amendment based upon review of the complete record for ZMA #0020 and following findings of fact:

1. There is a compatible array of zoning districts in the general area. R-M directly abuts the subject property as 538 Myrtle Avenue and the parcels fronting along South Lake Avenue are zoned R-

M, there are also a couple of patches of R-M along Morris Street and Yates Street. There is an area of R-T on Park Avenue between South Lake Avenue and Quail Street interspersed with the R-2, as well as R-1M along the western side of Quail Street and Park Avenue.

2. The R-M zoning district allows for more residential uses, permitted by right and more dwelling units per parcel than R-2 and permits, as some of the conditionally permitted residential uses in the R-2 have additional footnotes which are more restrictive. Generally the civic and institutional uses align in either not permitted, conditionally or permitted by right for both R-2 and R-M.
3. Out of the uses permitted in one of the two zoning districts: 39 uses maintain the same level of allowance, 6 uses vary on the degree of allowance (ex: conditionally permitted in R-2 & permitted as-of-right in R-M). There are only 2 uses that are permitted, or allowed as an accessory use in R-M that are not permitted in R-2; dwelling, three-unit detached is permitted and recycling drop-off center is permitted as an accessory use.
4. Changing the zoning district would also alter the dimensional standards requirements. Reviewing Table 375.401.1, Residential District Dimensional Standards, this would result in some minor changes to the required setbacks (front, side and rear) from what they are now. A rezoning would also result in differences in the maximum impervious lot coverage (70% in R-2, 80% in R-M) and changes to allowable maximum height of the principal structure from 2.5 stories or 35 feet in the R-2 to 4 stories or 55 feet in the R-M, with the applicable caveat (footnote #6) that the height of any principal structure shall be limited to three stories or 35 feet in height if it's 25 feet of a side or rear lot line of an abutting R-2 zoning district. Although, there is a maximum of two dwelling units in the R-2 zoning district, whereas the R-M zoning district is permitted a maximum of 1 dwelling unit per 750 square feet gross floor.
5. There is some logic to the Zoning Map Amendment request given the subject parcel is directly adjacent to a parcel on Myrtle Ave and others along South Lake Avenue zoned R-M, as well as the purpose of each zoning district. While there is some hesitancy related to this rezoning due to the increased residential density that could result, i.e. from a single-unit to a potentially three-unit detached, the overall impact is likely to be minimal as the rezoning is for a single parcel would have limited impact on public utilities, is not in conflict with the USDO and it is directly adjacent to existing R-M district. Therefore, amending the zoning map for this parcel, 540 Myrtle Avenue, from R-2 to R-M is recommended as proposed.

VOTE:

| | | | | | |
|----------|---|------------|---|----------|---|
| For: | 5 | Ellis: | Y | Hull: | Y |
| Against: | 0 | Breidster: | Y | Khadiwi: | Y |
| Abstain: | 0 | Gailliard: | Y | | |

I, Christopher Ellis representing the Planning Board of the City of Albany, hereby certify that the foregoing is a true copy of a recommendation of the Planning Board made at a meeting thereof duly called and held on the day of June 10, 2025.

Signature:

A handwritten signature in cursive script, appearing to read 'C. Ellis', is written over a horizontal line.