



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

DATE: TUESDAY, SEPTEMBER 9, 2025

TIME: 5:30 PM

LOCATION: Council Chambers-2nd Floor, City Hall

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

TOPICS OF DISCUSSION:

- **ORDINANCE 17.82.25 (BALARIN)**
AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EXCEPTIONS FOR VEHICLE FUELING STATIONS
- **ORDINANCE 18.82.25 (BALARIN)**
AN ORDINANCE REPEALING CHAPTER 303 (SIDEWALK AND OUTDOOR CAFES) OF THE CODE OF THE CITY OF ALBANY
- **ORDINANCE 20.62.24 (ROMERO)**
AN ORDINANCE AMENDING SECTION 357-74 (“ESTABLISHMENT OF A RESIDENTIAL PARKING PERMIT SYSTEM”) OF CHAPTER 359 (“VEHICLES AND TRAFFIC”) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MODIFYING THE BOUNDARIES OF THE RESIDENTIAL PARKING PERMIT SYSTEM

PUBLIC COMMENT PERIOD: YES

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

ORDINANCE 17.82.25

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EXCEPTIONS FOR VEHICLE FUELING STATIONS

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

Section 1. Paragraph (h) (Exceptions) of Subsection (4) (Legally nonconforming uses) of Section 375-506 (Preexisting development and nonconformities) of Article V (Administration and Enforcement) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

(4) Legally nonconforming uses.

(e) Damage or destruction.

(i) In the event that any structure containing a legally nonconforming use is damaged or destroyed to the extent of more than 50% of the cost of replacement of the structure, as determined by the City Tax Assessor, any reuse of the structure shall conform to all regulations of the zoning district in which it is located per this USDO.

(ii) Where any such structure is damaged or destroyed to the extent of 50% or less of the cost of replacement of the structure new, repair or restoration of such structure may be made; to enable continued operation of the nonconforming use, provided that no repairs or restorations shall be made which would create or increase any parking, yard or space and bulk nonconformity, nor shall any repairs or restoration (except in conformity with the applicable zoning district regulations) be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

(f) Repair and maintenance. Normal maintenance and repairs, including but not limited to replacement, and installation or relocation of walls, partitions, fixtures, wiring or plumbing, may be performed on mechanical systems or existing portions of any structure devoted in whole or in part to a nonconforming use.

(g) Enlargement of structure. No structure devoted in whole or in part to a nonconforming use shall be altered, enlarged or added to in any manner which would enlarge the nonconforming portion or create a new nonconformity.

(h) ~~Multi-unit dwelling exception. Any conforming multi-unit dwelling use in the R-2 or R-T Zoning District in existence on June 1, 2017, will be considered a conforming use of property notwithstanding any provisions of this USDO limiting the availability of multi-unit uses or the number of units permitted in the R-2 or R-T District in the~~

~~future.~~ Exceptions.

- (i) Multi-unit dwelling exception. Any conforming multi-unit dwelling use in the R-2 or R-T Zoning District in existence on June 1, 2017, will be considered a conforming use of property notwithstanding any provisions of this USDO limiting the availability of multi-unit uses or the number of units permitted in the R-2 or R-T District in the future.
- (ii) Vehicle fueling station exception. Any legally established vehicle fueling station use in operation as of June 1, 2025, and located within the MU-CH zoning district shall be considered a conforming use of property, notwithstanding any provisions of this USDO that limit the availability of vehicle fueling station uses in the future. Such uses may be redeveloped or expanded on the existing lot or onto an adjacent lot provided that the redevelopment or expansion brings the site into compliance with all applicable dimensional and development standards of this USDO.

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
8TH DAY OF AUGUST, 2025**

Corporation Counsel

To: Shaniqua Jackson, City Clerk

From: Brett Williams, Deputy Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: August 8, 2025

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

ORDINANCE 17.82.25

TITLE

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EXCEPTIONS FOR VEHICLE FUELING STATIONS

GENERAL PURPOSE OF LEGISLATION

To allow limited and reasonable expansion or modification of existing fueling stations in the City, which are currently constrained by strict nonconforming use provisions

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

As part of the comprehensive review of Chapter 375 undertaken in 2021, “vehicle fueling station” (commonly referred to as a gas station) was removed as a permitted or conditional use in zoning districts where it had previously been allowed. This change, aimed at reducing future brownfield impacts and aligning with the shift toward renewable fuels, was based on the finding that all neighborhoods had reasonable access to existing stations.

As a result, existing vehicle fueling stations became nonconforming uses. Chapter 375 defines a nonconforming use as “a use of a lot or a structure that was legally established prior to the effective date of [Chapter 375], but that does not conform to the current zoning regulations of the district in which it is located.” Under §375-506, nonconforming uses may continue and be transferred but may not expand, except for reasonable repair, maintenance, or reestablishment after discontinuance. Subsection (g) specifically prohibits any enlargement or alteration that would expand the nonconforming use or create new nonconformities.

Rather than reintroducing vehicle fueling stations as a permitted use in the MU-CH or other affected zoning districts, an approach inconsistent with the original legislative intent, this ordinance proposes a targeted amendment to the nonconforming use provisions. While previous legislation sought to retain existing fueling stations, it did not explicitly address whether alterations or expansions should be permitted. In certain cases, such changes may be necessary to ensure continued operation. Moreover, many older vehicle fueling stations were designed under outdated standards and are now incompatible with modern design requirements and the safe, orderly flow of vehicular and pedestrian traffic. Allowing redesign and limited expansion under appropriate conditions could yield benefits that current regulations inadvertently prohibit.

This amendment is limited to the MU-CH district, where four such stations currently exist, due to the district's commercial character and the low likelihood of adverse impacts on nearby residential uses. The MU-CH district is intended to accommodate automobile-oriented commercial development along arterial corridors. Expansions will be permissible only where they result in full compliance with the dimensional and design standards of the USDO, ensuring consistency with pedestrian safety, traffic flow, and aesthetic goals.

FISCAL IMPACTS

No immediate impacts.

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

ORDINANCE 18.82.25

**AN ORDINANCE REPEALING CHAPTER 303 (SIDEWALK AND OUTDOOR CAFES)
OF THE CODE OF THE CITY OF ALBANY**

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

Section 1. Chapter 303 (Sidewalks and Outdoors Cafes) of the Code of the City of Albany is hereby repealed.

Section 2. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
8TH DAY OF AUGUST, 2025**

Corporation Counsel

To: Shaniqua Jackson, City Clerk

From: Jason R. Thomas, Esq., Assistant Corporation Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: August 8, 2025

SPONSOR Council Member Balarin, o/b/o Planning Committee

ORDINANCE 18.82.25

TITLE

AN ORDINANCE REPEALING CHAPTER 303 (SIDEWALK AND OUTDOOR CAFES) OF THE CODE OF THE CITY OF ALBANY

GENERAL PURPOSE OF LEGISLATION

This ordinance repeals the Chapter of the Code dedicated to sidewalk and outdoor cafes, as it has been superseded and replaced by equivalent provisions within the USDO. The passage of Ordinance 5.22.22 in 2022, incorporated the elements of Chapter 303 into Chapter 375 (USDO) to streamline regulations and consolidate review procedures. Specifically, sidewalk and outdoor cafes are now governed by § 375-303(6)(m) (Use-Specific Standards) and § 375-505(18) (Revocable Right-of-Way Privilege), rendering Chapter 303 redundant.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW

Provides clarity for business owners and for enforcement purposes as it relates to how sidewalk cafes are permitted and dealt with.

FISCAL IMPACT(S)

This ordinance will not have any financial impacts.

Council Member Romero introduced the following:

ORDINANCE 20.62.24

AN ORDINANCE AMENDING SECTION 357-74 (“ESTABLISHMENT OF A RESIDENTIAL PARKING PERMIT SYSTEM”) OF CHAPTER 359 (“VEHICLES AND TRAFFIC”) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MODIFYING THE BOUNDARIES OF THE RESIDENTIAL PARKING PERMIT SYSTEM

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

Section 1. Section 359-74 (“Establishment of residential parking permit system”) of Article VIII (Residential Parking Permit System) of Chapter 359 (“Vehicles and Traffic”) of Part II (“General Legislation”) of the Code of the City of Albany is hereby amended to read as follows:

§ 359-74 Establishment of residential parking permit system.

- A. A residential parking permit system is hereby established within the following areas, as shall be further defined in accordance with Subsection B of this section:
 - (1) Zone A: those neighborhoods generally west of the Empire State Plaza and consisting of designated streets within the neighborhoods identified as Center Square, Hudson/Park, Park South and Washington Park.
 - (2) Zone B: those neighborhoods generally east of the Empire State Plaza and south of State Street and consisting of designated streets within the neighborhoods identified as Mansion and Pastures.
 - (3) Zone C: those neighborhoods generally east of the Empire State Plaza and north of State Street and consisting of designated streets within the neighborhoods identified as Ten Broeck Triangle.
- B. Zone boundaries.
 - (1) Zone A.
 - (a) Zone A shall commence beginning at a point in the center line of Robin Street where it is intersected by the center line of Morris Street; running thence northerly along the center line of Robin Street to the point of intersection with the center line of Madison Avenue; thence northerly through a portion of Washington Park to the point of intersection with the center line of the southerly end of Englewood Place; thence northerly along the center line of Englewood Place to the point of intersection with the center line of State Street; thence northerly along the center line of Robin Street to the point of intersection with the center line of Washington Avenue; thence easterly along the center line of Washington Avenue to the point of intersection with the center line of South Swan Street; thence southerly along the center line of South Swan Street to the point of

intersection with the center line of Madison Avenue; thence easterly along the center line of Madison Avenue to the point of intersection with the center line of Museum Road; thence southerly along the center line of Museum Road to the point of intersection with the center line of Park Avenue; thence westerly along the center line of Park Avenue to the point of intersection with the center line of Delaware Avenue; thence northerly along the center line of Delaware Avenue to the point of intersection with the center line of Myrtle Avenue; thence westerly along the center line of Myrtle Avenue to the point of intersection with the center line of New Scotland Avenue; thence northerly along the center line of New Scotland Avenue to the point of intersection with the center line of Morris Street; thence westerly along the center line of Morris Street to the point of intersection with the center line of Robin Street, the point and place of beginning

- (b) Not more than 2,070 on-street parking spaces shall be designated and allocated as permit parking only in accordance with this chapter on the following residential streets:

<u>Designated Street</u>	<u>Bounding Intersections</u>
Willett Street	Madison Avenue to Hudson Avenue
Willett Street	Hudson Avenue to Lancaster Street
Willett Street	Lancaster Street to State Street
Sprague Place	Western Avenue to State Street
Henry Johnson Boulevard	Spring Street to State Street
Knox Street	Madison Avenue to Dana Avenue
Knox Street	Dana Avenue to Morris Street
Knox Street	Morris Street to Myrtle Avenue
Lark Street	Dana Avenue to Morris Street
Lark Street	Morris Street to Myrtle Avenue
Dove Street	Spring Street to State Street
Dove Street	State Street to Chestnut Street
Dove Street	Chestnut Street to Lancaster Street
Dove Street	Lancaster Street to Jay Street
Dove Street	Jay Street to Hudson Avenue
Dove Street	Hudson Avenue to Hamilton Street
Dove Street	Hamilton Street to Madison Avenue
Dove Street	Madison Avenue to Jefferson Street
Dove Street	Jefferson Street to Elm Street
Dove Street	Elm Street to Irving Street
Dove Street	Irving Street to Myrtle Avenue
South Swan Street	Myrtle Avenue to Irving Street
South Swan Street	Irving Street to Elm Street
South Swan Street	Elm Street to Jefferson Street
South Swan Street	Jefferson Street to Madison Avenue

State Street	Englewood Place to Sprague Place
State Street	Sprague Place to Henry Johnson Boulevard
State Street	Henry Johnson Boulevard to Willett Street
State Street	Willett Street to Lark Street
State Street	Lark Street to Dove Street
State Street	Dove Street to South Swan Street
Spring Street	Lark Street to Henry Johnson Boulevard
Chestnut Street	Lark Street to Dove Street
Chestnut Street	Dove Street to South Swan Street
Lancaster Street	Willett Street to Lark Street
Lancaster Street	Lark Street to Dove Street
Lancaster Street	Dove Street to South Swan Street
Jay Street	Lark Street to Dove Street
Jay Street	Dove Street to South Swan Street
Hudson Avenue	South Swan Street to Dove Street
Hudson Avenue	Dove Street to Lark Street
Hudson Avenue	Lark Street to Willett Street
Hamilton Street	Lark Street to Dove Street
Hamilton Street	Dove Street to South Swan Street
Madison Avenue	New Scotland Avenue to Knox Street
Madison Avenue	Knox Street to Willett Street
Madison Avenue	Lark Street to Dove Street
Madison Avenue	Dove Street to South Swan Street
Jefferson Street	South Swan Street to Dove Street
Jefferson Street	Dove Street to Delaware Avenue
Elm Street	South Swan Street to Dove Street
Elm Street	Dove Street to Delaware Avenue
Irving Street	Dove Street to South Swan Street
Dana Avenue	New Scotland Avenue to Knox Street
Dana Avenue	Knox Street to Lark Street
Dana Avenue	Lark Street to Delaware Avenue
Morris Street	Delaware Avenue to Lark Street
Morris Street	Lark Street to Knox Street
Morris Street	Knox Street to New Scotland Avenue
Myrtle Avenue	New Scotland Avenue to Knox Street
Myrtle Avenue	Knox Street to Lark Street
Myrtle Avenue	Lark Street to Delaware Avenue
Myrtle Avenue	Dove Street to South Swan Street
Myrtle Avenue	South Swan Street to Park Avenue
Park Avenue	South Swan Street to Dove Street
Park Avenue	Dove Street to Delaware Avenue

(2) Zone B.

(a) Zone B shall commence beginning at a point in the center line Eagle Street

Matter in ~~strike through~~ to be deleted. Matter underlined is new material.

where it is intersected by the center line Warren Street; running thence northerly along the center line of Eagle Street to the point of intersection with the center line of Madison Place; thence easterly along the center line of Madison Place to the point of intersection with the center line of Philip Street; thence northerly along the center line of Philip Street to the point of intersection with the center line of Hamilton Street; thence easterly along the center line of Hamilton Street to the point of intersection with the center line of Grand Street; thence southerly along the center line of Grand Street to the point of intersection with the center line of Madison Avenue; thence easterly along the center line of Madison Avenue to the point of intersection with the center line of Green Street; thence easterly along the center line of Green Street to the point of intersection with the center line of South Ferry Street; thence westerly along the center line of South Ferry Street to the point of intersection with the center line of South Pearl Street; thence southerly along the center line of South Pearl Street to the point of intersection with the center line of Arch Street; thence westerly along the center line of Arch Street to the point of intersection with the center line of Warren Street; thence westerly along the center line of Warren Street to the point of intersection with the center line of Eagle Street, the point and place of beginning.

- (b) Not more than 525 on-street parking spaces shall be designated and allocated as permit parking only in accordance with this chapter on the following residential streets:

<u>Designated Street</u>	<u>Bounding Intersections</u>
Philip Street	Madison Avenue to Elm Street
Philip Street	Elm Street to Wilbur Street
Philip Street	Wilbur Street to Bleecker Place
Philip Street	Bleecker Place to Myrtle Avenue
Philip Street	Myrtle Avenue to Park Avenue
Philip Street	Park Avenue to Warren Street
Grand Street	Park Avenue to Myrtle Avenue
Grand Street	Myrtle Avenue to Wilbur Street
Grand Street	Wilbur Street to Elm Street
Grand Street	Elm Street to Madison Avenue
Green Street	Westerlo Street to Herkimer Street
Green Street	Herkimer Street to Madison Avenue
Madison Place	Eagle Street to Philip Street
Eagle Street	Madison Avenue to Madison Place
Eagle Street	Madison Avenue to Elm Street
Eagle Street	Elm Street to Bleecker Place
Eagle Street	Bleecker Place to Myrtle Avenue
Eagle Street	Myrtle Avenue to Park Avenue
Elm Street	Eagle Street to Philip Street
Elm Street	Philip Street to Grand Street
Wilbur Street	Philip Street to Grand Street

Bleecker Place	Philip Street to Eagle Street
Myrtle Avenue	Grand Street to Philip Street
Myrtle Avenue	Philip Street to Eagle Street
Park Avenue	Eagle Street to Philip Street
Herkimer Street	South Pearl Street to Green Street
Westerlo Street	Green Street to South Pearl Street
Westerlo Street	South Pearl Street to Trinity Place
Ash Grove Place	Trinity Place to Grand Street
Trinity Place	Ash Grove Place to Madison Avenue

(3) Zone C.

- (a) Zone C shall commence beginning at point where the center line of North Hawk Street is intersected by the center line of Clinton Avenue; running thence northerly along the center line of North Hawk Street to the point of intersection with the center line of First Street; thence easterly along the center line of First Street to the point of intersection with the center line of Saint Joseph's Terrace; thence northerly along the center line of Saint Joseph's Terrace to the point of intersection with the center line of Second Street; thence northerly along the center line of Hall Place to the point of intersection with the center line of Ten Broeck Place; thence easterly along the center line of Ten Broeck Place to the point of the intersection with the center line of Ten Broeck Street; thence northerly along the center line of Ten Broeck Street to the point of the intersection with the center line of Livingston Avenue; thence easterly along the center line of Livingston Avenue to the point of the intersection with the center line of North Pearl Street; thence southerly along the center line of North Pearl Street to the point of the intersection with the center line of Wilson Street; thence westerly along the center line of Wilson Street to the point of intersection with the center line of the point of intersection of Ten Broeck Street; thence southerly along the center line of Ten Broeck Street to the point of intersection with the center line of Clinton Avenue; thence westerly along the center line of Clinton Avenue to the point of intersection with the center line of North Hawk Street, the point and place of beginning. Zone C shall additionally include the residential addresses at 174 and 176 North Pearl Street.

- (b) Not more than 155 on-street parking spaces shall be designated and allocated as permit parking only in accordance this chapter on the following residential streets:

<u>Designated Street</u>	<u>Bounding Intersections</u>
North Pearl Street	Livingston Avenue to Wilson Street
Ten Broeck Street	Clinton Avenue to Livingston Avenue
Hall Place	Ten Broeck Place to Second Street
Street Joseph's Terrace	Second Street to First Street
Second Street	Ten Broeck Street to Hall Place

First Street	St. Joseph's Terrace to Ten Broeck Street
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- (4) A property located on the outer side of a center line zone boundary shall be deemed within a zone.

C. The Residential Parking Permit Area Map is on file with the City Clerk.

Section 2. This ordinance shall take effect 30 days from final passage.

**APPROVED AS TO FORM THIS
7TH DAY OF JUNE, 2024**

Corporation Counsel

To: Shaniqua Jackson, City Clerk

From: Jake Eisland, Research Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: June 6, 2024

Sponsor: Council Member Romero

ORDINANCE 20.62.24

TITLE

AN ORDINANCE AMENDING SECTION 357-74 (“ESTABLISHMENT OF A RESIDENTIAL PARKING PERMIT SYSTEM”) OF CHAPTER 359 (“VEHICLES AND TRAFFIC”) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO MODIFYING THE BOUNDARIES OF THE RESIDENTIAL PARKING PERMIT SYSTEM

GENERAL PURPOSE OF LEGISLATION

This ordinance expands the zones of Albany’s Residential Parking Permit System.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

Home rule approval has already been granted by the state. However, to actually change the boundaries of the parking zones, council action is needed. This legislation will use the Authority granted by the state to determine where those additional spots will be made available.

FISCAL IMPACT

None