

City of Albany's

7th Ward News

From Councilmember Cathy Fahey

Legislation is Introduced to Turn Back Spot Zoning at 41 Holland Avenue Citizens Plan to File Article 78 Lawsuit

On Feb 6, as Councilmember of the 7th Ward, I introduced legislation to change the zoning of 41 Holland Ave back to Commercial Office. This follows shortly on the heels of last term's Council vote in favor of a zone change at 41 Holland Avenue from Commercial Office to Commercial Highway at their December 20 meeting, paving the way for a 14,000 sq. ft. drive thru Walgreen Pharmacy and a 8,000 sq. ft. Panera Bread to be built.

The legislation is warranted given last year's large public out cry, when over 50 citizens spoke in opposition to the re-zoning at Council meetings and Planning Committee Meetings and over 125 neighbors signed petitions objecting to the spot zoning* as illegal and not in the best interest of the public. Helderberg, Delaware, New Scotland –Woodlawn, Lincoln Park and Hudson Park Neighborhood Associations as well as the citywide Council of Area Neighborhood Associations (CANA) have drafted resolutions against the zone change.

* *Spot zoning is the rezoning of a single lot or parcel held by a single owner that would permit land uses not available to the adjacent properties or parcels. It is considered the antithesis of planned zoning and illegal in many cases. Spot-zoning is typically considered lawful only if the rezoning of a single parcel is found to be consistent with the community's land use policies, if it complies with the community's comprehensive plan (which Albany DOES NOT have) or if it is found to advance the health, safety and welfare of the community.*

Citizens for Responsible Zoning is filing an Article 78 law suit against the city. Donations towards the cost of litigation may be sent to:

Citizens for Responsible Zoning c/o 27 Summit Ave. Albany, NY 12209. Checks made to *Citizens for Responsible Zoning*.

**Voice your opinion at
Albany City Hall!**

**Public Hearing and
Council Mtg:
Monday, March 20, 7pm**

How will the zone change affect Albany's neighborhoods?

Neighbors who live adjacent to the land parcel are specifically concerned about increased trash, late night hours of operation, increased traffic and the proximity to Hackett Middle School. The zone change would allow for ANY type of development you see along upper Central Avenue – used car lots, fast food restaurants, etc.

Neighbors are concerned about the precedent that is set by this spot zoning and that other land parcels may eventually be zoned Commercial Highway changing the character of Holland Avenue and undermining nearby neighborhood business districts and the quality of life.

There are five pharmacies (two of which are independently owned) in neighborhood commercial zones within a two mile radius of the Holland Avenue corridor, all of which are subject to stringent requirements regarding building design and hours of operation. The Holland Avenue parcel's Commercial Highway zoning designation allows fewer restrictions with regard to size, design and hours of operation creating an unfair advantage over business districts in adjacent neighborhoods. The former Commercial Office Zoning designation allows for retail (including pharmacies and restaurants) with specific size and design restrictions that complement other development along Holland Avenue and nearby neighborhoods.

Questions? Contact Cathy Fahey at 482-6159 or cathyfahey7@yahoo.com