

This meeting is being held in accordance to Governor Cuomo's Executive Order and other Federal and State Orders that impact in-person attendance at public meetings, if applicable orders expire or are revoked before January 6, 2021, this will be an in-person meeting in City Hall, please check our website and Facebook for updates. Please submit your public comment via email [commoncouncil@albanyny.gov](mailto:commoncouncil@albanyny.gov) or on our website <https://www.albanyny.gov/Government/CityOfficials/CommonCouncil.aspx> by **January 6, 2021 12pm**. These comments will be shared with members and/ or read for the record at the meeting. The meeting will be held using Zoom and streamed through the Albany Common Council's Facebook. To stream this video please visit: <https://www.facebook.com/albany.commoncouncil>. If we experience any technical difficulties on Facebook, the video will be streamed to YouTube: [https://www.youtube.com/channel/UC-rQHp1fBLPcdk\\_4N6J4XbQ](https://www.youtube.com/channel/UC-rQHp1fBLPcdk_4N6J4XbQ)



## **COMMON COUNCIL MEETING**

### **PLANNING, ECONOMIC DEVELOPMENT AND LAND USE COMMITTEE**

**Cathy Fahey, Chair**

**DATE: Wednesday, January 6, 2021**

**TIME: 5:30 p.m.**

**TOPIC(S) OF DISCUSSION/CONSIDERATION:**

**LOCAL LAW M of 2020**

**A LOCAL LAW AMENDING PART 4 (HISTORIC RESOURCES COMMISSION) OF ARTICLE XII (GENERAL PROVISIONS) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO APPOINTMENTS TO THE HISTORIC RESOURCES COMMISSION AND THE JURISDICTION OF SUCH BODY TO REVIEW EMERGENCY ACTIONS WITHIN HISTORIC RESOURCES OVERLAY DISTRICTS AND FURTHER PROVIDING FOR A REPORT ON EMERGENCY DEMOLITION AND STABILIZATION PROCEDURES**

**ORDINANCE 21.92.20**

**AN ORDINANCE AMENDING ARTICLE IX (BUILDING CONSTRUCTION REGULATION) AND ARTICLE XIA (VACANT BUILDING REGISTRY) OF PART 2 (BUILDING CONSTRUCTION) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EMERGENCY BUILDING ACTIONS IN HISTORIC DISTRICTS**

**PUBLIC COMMENT PERIOD: YES**

**Council Members Conti, Fahey and Doesschate noticed the introduction of the following:**

**Local Law M of 2020**

**A LOCAL LAW AMENDING PART 4 (HISTORIC RESOURCES COMMISSION) OF ARTICLE XII (GENERAL PROVISIONS) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO APPOINTMENTS TO THE HISTORIC RESOURCES COMMISSION AND THE JURISDICTION OF SUCH BODY TO REVIEW EMERGENCY ACTIONS WITHIN HISTORIC RESOURCES OVERLAY DISTRICTS AND FURTHER PROVIDING FOR A REPORT ON EMERGENCY DEMOLITION AND STABILIZATION PROCEDURES**

**BE IT ENACTED** by the Common Council of the City of Albany as follows:

**Section 1. Paragraph (5) of subsection A of section 42-85 of Part 4 of Article XII of Chapter 42 of the Code of the City of Albany is amended, and new subparagraphs (a) and (b) are added, to read as follows:**

(5) ~~A vacancy~~ Vacancies occurring in the membership of the Commission shall be filled ~~by a person appointed by the Mayor for the unexpired term~~ as follows:

- a. Upon the expiration of a term of membership, the Mayor shall appoint or re-appoint a person for the new term within thirty (30) days of the expiration of the term, with the advice and consent of the Common Council, in accordance with this subsection.
- b. When a vacancy in the membership of the Commission occurs for any cause during a term of membership, the Mayor shall appoint a person to serve the remainder of such term within thirty (30) days of the vacancy, with the advice and consent of the Common Council, in accordance with this subsection

**Section 2. Subsection B of section 42-85 of Part 4 of Article XII of Chapter 42 of the Code of the City of Albany is amended by adding a new paragraph (13) to read as follows:**

(13) Review of emergency actions within historic resources overlay districts under section 133-55 of Article IX of Chapter 133 of this Code and may periodically make such recommendations with regard to the policy and procedure thereunder to the Mayor and the Common Council. Such review shall be a standing agenda item at each meeting of the Commission.

**Section 3. The Historic Resources Commission established under Part 4 of Article XII of Chapter 42 of the Code of the City of Albany shall review and assess the policy and procedures related to emergency actions taken under section 133-55 of Article IX of Chapter 133 of the Code of the City of Albany with regard to structures within historic resource overlay districts established under Part 4 of Article XII of Chapter 42 of the Code of the City of Albany. No later than 180 days after the effective date of this local law, the Commission shall submit a report of its findings and any recommendations with regard thereto to the Mayor and Common Council.**

**Section 4. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.**

**APPROVED AS TO FORM THIS  
10<sup>TH</sup> DAY OF SEPTEMBER, 2020**

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**CORPORATION COUNSEL**

**To:** Danielle Gillespie  
**From:** Council Member Richard Conti  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** September 10, 2020

**Local Law M of - 2020**

**SPONSORS** Council Members Conti Fahey, and Doesschate

**TITLE**

A LOCAL LAW AMENDING PART 4 (HISTORIC RESOURCES COMMISSION) OF ARTICLE XII (GENERAL PROVISIONS) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO APPOINTMENTS TO THE HISTORIC RESOURCES COMMISSION AND THE JURISDICTION OF SUCH BODY TO REVIEW EMERGENCY ACTIONS WITHIN HISTORIC RESOURCES OVERLAY DISTRICTS AND FURTHER PROVIDING FOR A REPORT ON EMERGENCY DEMOLITION AND STABILIZATION PROCEDURES

**PURPOSE**

To strengthen the Historic Resources Commission's oversight of emergency building demolitions and stabilizations in historic district neighborhoods.

**SUMMARY**

Section 1 amends sec. 42-85(A)(5) of Chapter 42 to establish a timeframe within which a vacancy on the HRC is filled.

Sec. 2 amends sec. 42-85(B) of Chapter 42 by adding a new paragraph (13) to review of emergency building and stabilization actions under the HRC's oversight function.

Sec. 3 requires the HRC to review and assess the policies and procedures related to emergency building demolitions and stabilizations with regard to structures in historic districts and to submit a report with findings and recommendations to the Mayor and Common Council.

Sec. 4 provides for an effective date.

**JUSTIFICATION**

The Common Council established the HRC to preserve, protect and nurture Albany's historic infrastructure. Included under the HRC's jurisdiction are "Certificates of Appropriateness" for structural modification or demolitions in certain instances. Emergency demolitions or stabilizations under the Building Code are not subject to HRC review. It is appropriate that the HRC exercise a certain level of oversight and review of the policy and procedures of such actions within historic districts. The amendments made by this local law would establish HRC policy

oversight and allow them to periodically make recommendations. An accompanying ordinance would provide that the HRC have access to relevant information including engineering reports. Additionally, this local law is intended to assure that appointments to the HRC are submitted to the Common Council on a timely basis for confirmation. This is essential part of the Council's oversight function when members serve significantly beyond their term of appointment.

**FISCAL IMPACT**

Minimal.

**EFFECTIVE DATE**

Upon final passage, public hearing and filing with the Secretary of State.

**Council Members Conti, Fahey, and Doesschate introduced the following:**

**ORDINANCE 21.92.20**

**AN ORDINANCE AMENDING ARTICLE IX (BUILDING CONSTRUCTION REGULATION) AND ARTICLE XIA (VACANT BUILDING REGISTRY) OF PART 2 (BUILDING CONSTRUCTION) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EMERGENCY BUILDING ACTIONS IN HISTORIC DISTRICTS**

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

**Section 1. Subsections A and B of section 133-55 of Article IX of Chapter 133 of the Code of the City of Albany are amended, and a new subsection E is added, to read as follows:**

A. Whenever the Commissioner finds that a violation of this Part 2 exists which, in his opinion, requires immediate action to abate a direct hazard or an immediate danger to the health, safety or welfare of the occupants of a building or of the public, the Commissioner may, without prior notice or hearing except as provided in Subsection B of this section, take any action authorized herein which is reasonably necessary to abate or remove the condition. A direct hazard or an immediate danger to the health, safety or welfare of the occupants of a building or of the public shall exist when utilizing the time periods and notice otherwise provided under this Code would cause an immediate and irreparable danger to life, health or property.

B. Such action may include but is not limited to demolition of the building or structure, vacating the occupants of the premises and of surrounding premises, closing of public or private streets or rights-of-way, termination of utility service, erection of barricades and other protections and the performance of physical work on the premises. Demolition of the building or structure shall only be used as a last resort when no other method will serve to protect the occupants or the public from a direct hazard or immediate danger. In the event that the Commissioner shall order a demolition under this section, the Commissioner shall make a reasonable attempt to notify the property owner prior to the demolition. The notification shall in no way impair the ability of the Commissioner to demolish the building or structure.

E. Whenever an action is proposed to be taken under this section within an historic resources overlay district established in accordance with section 375-2(F)(1) of Chapter 375 of this Code the Commissioner shall immediately notify members of the Historic Resources Commission established under Part 4 of Article XII of Chapter 42 of this Code prior to such action. Such notification shall include transmittal of any structural or engineering reports, and the Commissioner's findings and considerations which are the basis of any action.

**Section 2. Section 133-78.6 of Article XIA of Part 2 of Chapter 133 of the Code of the City of Albany is amended to read as follows:**

§ 133-78.6. Quarterly reports.

The chief building official shall submit a quarterly report not later than January 15, April 15, July 15 and October 15 of each year to the Mayor ~~and~~, Common Council and Historic Resources Commission established under Chapter 42 of this Code containing not less than the following information:

A. The number of buildings in the City declared vacant in each category set forth in § 133-78.3E(2) under the provisions of this article; and

B. The number of vacant building registrations filed or annually renewed with the Department of Buildings and Regulatory Compliance within each category; and

C. The number of vacant building registrations in each category by historic resources overlay districts established in accordance with section 375-2(F)(1) of Chapter 375 of this Code both by individual district and total for all such districts. In addition, such quarterly report shall include the number of buildings by historic resources overlay district subject to an emergency demolition or stabilization in accordance with section 133-55 of this chapter for the reporting quarter and in the preceding quarter.

**Section 3. This ordinance shall take effect thirty (30) days after its enactment.**

**APPROVED AS TO FORM THIS  
10<sup>TH</sup> DAY OF SEPTEMBER, 2020**

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**Corporation Counsel**

**To:** Danielle Gillespie, City Clerk  
**From:** Council Member Conti  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** September 10, 2020

**SPONSORS** Council Members Conti, Fahey, and Doesschate

**ORDINANCE 21.92.20**

**TITLE**

AN ORDINANCE AMENDING ARTICLE IX (BUILDING CONSTRUCTION REGULATION) AND ARTICLE XIA (VACANT BUILDING REGISTRY) OF PART 2 (BUILDING CONSTRUCTION) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO EMERGENCY BUILDING ACTIONS IN HISTORIC DISTRICTS

**PURPOSE**

To strengthen oversight of emergency demolition and stabilization actions in historic district neighborhoods.

**SUMMARY**

Section 1 amends sec. 133-55(A) and (B) of Chapter 133 and adds a new subsection (E) to establish standards of a finding of “direct hazard” which is the basis of an emergency action under the building code and to additionally require notification to the Historic Resources Commission of any emergency action to be taken within an historic district and to require the transmittal of structural or engineering reports related thereto.

Section 2 amends sec. 133-78.6 of Chapter 133 in relation to Quarterly Vacant Building Registry Reports to require additional information with regard to building registrations in historic districts and to require the transmission of such reports to the Historic Resources Commission.

Section 3 provides for an effective date.

**JUSTIFICATION**

A significant number of emergency building demolitions are occurring in historic neighborhoods without a consistent review of impacts on those neighborhoods. This ordinance, along with a separate proposed local law, seeks to provide the Historic Resources Commission with the resources necessary to review such actions and policies. While the proposed amendments do not require prior approval of the HRC for emergency actions, by providing the Commission resources to assess such actions it can impact future policy. The amendments proposed in this ordinance and



a separate local law are part of a larger discussion that needs to take place regarding the preservation of Albany's historic fabric.

**FISCAL IMPACT**

Minimal.

**EFFECTIVE DATE**

Thirty (30) days after enactment.