

**MINUTES OF THE MEETING OF THE COUNCIL OF THE CITY OF WATERVLIET
THURSDAY, AUGUST 15, 2013 AT 7:00 P.M.**

The meeting was called to order by Mayor Michael P. Manning at 7:00 P.M.

Roll call showed that Mayor Michael P. Manning and Councilman Nicholas W. Foglia were present.

Also present from City Administration were: Mark Gleason, General Manager, Yorden Huban, Corporation Counsel and Mark R. Gilchrist.

A motion was made and seconded to dispense with the reading of the minutes and accept the City Council Minutes as written for August 1, 2013.

REPORT OF OFFICERS AND COMMITTEES

ITEM #1 – Mark Gleason, General Manager explained that at the last meeting he discussed Remote Net Metering. Mr. Gleason also has some calculations based upon 2012 numbers. Mr. Gleason explained to all in attendance that Remote Net Metering is an arrangement that allows for the kilowatt hours (KWH) generated from a power source located at a specific site to be credited towards KWH consumption at a different location. The City has excess power that is produced at the hydroelectric plant which could be offset for the street light expenses. After working the National Grid Representative for Remote Net Metering Mr. Gleason has come up with some figures based on 2012. This is just an example but it is a fairly good estimate. Mr. Gleason showed a power point presentation that showed what the City paid for its street lights. There is a \$106,000 delivery charge and a \$31,000 charge for supply for a total of \$137,000 which was paid in 2012 to light all of our streets in the City of Watervliet. Mr. Gleason showed the French's Mills Road area where the hydroelectric facility is located. The City spent \$9,600 in delivery charges and \$17,000 in supply charges. The City only used 289,600 of KWH usage. I say only because the City actually 1.9 million KWH. Whenever we wish for rainy weather in the spring it turns the turbines which produce the energy. There are times when the City does not have to utilize the power at all especially in March, April and May. During the dry months the City does have to utilize KWH. Mr. Gleason wanted to point out that the City had to use 289,000 KW just to pump the water from Guilderland to the City's water plant on Rt. 155. If the City was Net Metering in 2012 the hydro produced 1.9 million KWH. If you subtract the 289,000 KWH we actually used, then you came up with 1.6 million KWH the City has available to Net Meter. The advantage to Net Metering is that we get paid \$.03 per KWH to produce power. If you Net Meter history shows that on our account the City would get \$.06. Basically the service classification for that is the charge National Grid pays on each KW produced. National Grid charge a certain amount on each KW to pay their bill. Since they are no longer purchasing our power the City will go to Net Metering. That charge will go to the City which how Mr. Gleason figured the amount to be about \$.06 per KW. The only drawback is that you have to subtract out the delivery charge. National Grid still takes the delivery charge and supply charge.

After all the figures have been compiled that leaves the City with a total value of approximately \$73,000 of KWH. The City paid \$137,000 for street lights in 2012, if you subtract out the \$73,000, you come up with \$64,000 for street lights. Basically, Remote Net Metering increases the value of our produced energy. The City will go from being paid \$.03 per KW to getting a credit of \$.06 per KW. Mr. Gleason explained that this is still a bit complicated, these figures are very preliminary. The next step if the City does decide to participate in the Remote Net Metering Program will be to give national Grid a 30 day notice to release the City from its Power Purchase Agreement, enter into a Net Metering Agreement with National Grid and finally the City would need to designate the account or accounts to receive the credits. The City can't just jump in and out of this agreement but the City is not locked into this agreement. If the Net Metering didn't end up working out then the City can go back to purchase power. The next decision making would be if the City Council would like to go ahead with this Net Metering Process. National Grid does not want to produce the energy any more they just want to just deliver the energy.

OLD BUSINESS

PUBLIC HEARING – A Public Hearing regarding the City of Watervliet for those persons who wish to be heard regarding the new Zoning Ordinance for the City of Watervliet. (See Resolution No. 8962 which authorizes the Public Hearing).

Mayor Manning then opened the Public Hearing for comment:

Mayor Manning explained that more than a year ago the City paneled a committee to look at revising our Zoning Code. The City received a grant and hired River Street Planning to assist with the revising of the Zoning Code process. The panel consisted of residents as well as members of the Zoning Board and Planning Board along with City Staff. A whole new Section of the Code has been written. It is currently out for review by the City Planning Board. The Planning Board is continuing its deliberations. The Planning Board will be issuing its report next week. The Albany County Planning Board has commented and requested that the City make sure that the surrounding neighborhood communities know about it. Mayor Manning noted that the City has already done that. The purpose of tonight's Public Hearing is to hear officially from the public. Since this is such a broad topic Mayor Manning has requested River Street Planning who led the City's committee down the path to create the new document to give the City Council and the residents an update. Mayor Manning requested that River Street Planning provide a summary of the entire document tonight. The new Zoning document is over 200 pages in length. Mayor Manning requested that all questions wait until the end as this is a formal Public Hearing and we need to address names and addresses for the record.

Monica of River Street Planning explained that she will be highlighting the key points in the changes to the document, not to read the whole document itself. Monica noted that the Comprehensive Plan and the Waterfront Revitalization Plan documents are very important resource tools when doing a new Zoning Plan. The idea is to create a balance between property rights and responsibilities. To create an Ordinance that will be easy to read and administer for City officials, property owners and anybody who may search the website. Most original Ordinances are written with a lot of legal language in them. Most people just want to know what they can do with their property. Also, this update is trying to address the Code coming up to modern tools such as compliance issue and contradictions that have come up in the last 50 years. The original Code for the City of Watervliet was done in 1964. As a matter of structure the new Zoning replaces the entire Chapter 272 of the City Code. In terms as to how the new Zoning relates to existing development which includes plan uses and lots. Legal uses under the old Zoning may not conform to the new Zoning. As long as they were legal under the old Zoning they will be grandfathered under the new Zoning Code. Lots created prior to the effective date of the new Ordinance that might become non-conforming because they don't fit the lot size requirements for setbacks. If you are a legal non-conforming use I want to detail this for the public. You may continue to use the land for that use as long as it remains operational. You can be in operation of 12 months or more you are required to revert the property use to a conforming use. The current Zoning if you would like to change your non-conforming use to another non-conforming use it is possible that can happen. The legal status of your non-conforming legal status will carry over to the new property owner. The only other thing to know is that structures may be improved under the non-conforming use. The Site Plan Review is a new tool in the Zoning. This is a very important tool for the City, it provides a very commonly used review mechanism for the Planning Board and the City Council when considering any development other than single and two family home developments. Everything else will require Site plan Review. It will allow the Planning Board to look at the entire proposal for a project. It is in State Statute for Site Plan Review. That new Site Plan Review was incorporated into the new Zoning Code. There is a new Zoning Map which will be included in the new Zoning Code. The map is in the G.I.S. mapping system. The new Zoning Code has created new Zoning Districts. They did follow the most current parcel boundary lines. There are 4 residential districts, two single family districts and those protect the single family home areas in the City. The City has two different types of lots, smaller and larger. There is also a two family district and a multi-family district. One of the big changes here is down zone areas of the City where you still have multi zoned homes. The point was to cut down on the amount of multi-family conversion. These are the key changes to the residential districts. We have created 2 mixed use districts that are located on 19th Street and the 3rd Avenue & Rt. 32 corridor. It allows commercial and residential uses and mixed use structures for those areas. Most of these areas are residential only. As part of that we also included how you can maintain the character of the current main street character. The Light Industrial District replaces the current Manufacturing District. Some locational changes for these Light Industrial areas. We added a couple of small locations and took away of the Manufacturing. They did incorporate some buffering language for any use in the Light Industrial District. This is due to the Light Industrial being next to Residential areas.

Plan Development District is an entirely new tool for the City. It will be flexible Zoning and Development tool. It is not right now a tool that is going to be utilized or in place to be utilized when a project comes along. A Planned Development District (PDD) is where you can assemble parcels or you can take one parcel if it is large enough and re-zone an area for a specific project. With all of the uses the standards for development, the lot characteristics, the heights, the setbacks, all the use for circulation on the property, landscaping trees, outdoor lighting everything is incorporated into the Development Plan. Any environmental issue before development all gets set up before the project is agreed upon. If it is a zoning amendment it will require an act by the City Council to actually re-zone that area before that project. Once that is in place then you may go to zoning for that area. It is something the developer can come to the City Council and say they would like you to review their re-zoning for a PDD. That way they can go to the Planning Board for coordinated review of the Site Plan. It would not be done separately, it would be done in one package, once complete carries forward as zoning for development allowed in that area. It will be a great tool especially for 3 or 4 parcels or a whole block. It allows you to think outside what's going to be. It's a complicated process but a great tool for the City. It creates two options you can do a mixed use development project and so if this were to be used basically a developer could come to the City Council to start a process for consideration. I wanted to let you know that we went to a table format for the zoning now you can go to Schedule A and look at the zoning district across the top and the uses on the side and see whether you are permitted for a requirement such a use permit or whether you are prohibited in that district. There is also a table for the Schedule standard lot development setback, heights, minimal lot size will all be incorporated into Schedule B, and so you can easily go and find out what you need to know. We didn't make too many changes to the lot development standards. We did reduce the minimum front and rear yard setbacks to more conforming development patterns of the City. We reduced the maximum building height in one district. Other additional standards include the overhaul the accessory use standards, there is a lot more detail there now in terms of what you can do and what uses are allowed. We addressed temporary uses, we added specific standards for principal uses like cell towers, adult uses, drive thru windows and gas stations. These types of uses typically have building issues or building impacts that would be required to go before zoning. There are also new building design standards that apply to new development. There are a few things for residential and non-residential development. They encourage the design to be more traditional in design and scale. Especially along 19th Street corridor and the Rt. 32 corridor. There are also guidelines for building and design rehab. This is a significant change to the Code. The goal is also to make the City more green friendly. We want to make sure that the landscaping is done correctly. We want to make sure that the planting installed are large enough to withstand a winter here. We updated the off street parking standards. We exempted the 19th Street and Rt. 32 corridors in terms of required off street parking. The City had a fairly small signage sections by most modern zoning standards. Most of the communities Sign Codes are reflective of what we have developed here. Heights, location and types of signs, and number of signs, temporary signs, political signs, portable signs, location, how long for signs and can signs be lit at night. Also included are new roof, pole and vehicular signs. Billboard signs will be phased out over a 5 year period.

Also recommended were height maximums, safety design and basic standards of minimizing glare. The Special Use Permit right now does not have a clear criterion for addressing those particular sections of the Code. The definitions Section has been overhauled and modernized. Monica noted that this is her overview of the new Zoning Ordinance. There is nothing written in stone as of yet. The City's Planning Board is still reviewing the document. They are definitely addressing truck traffic where there is a special permitted use. Another element being considered is in the PDD perhaps mapping two areas of the City that you would actually possibly see a PDD Project. It is targeting an area where you would really like to see this. One of the areas currently being considered is the current Price Chopper Plaza. Different parcels with different owners.

Mayor Manning noted that the Zoning Ordinance document has been on the City's website for over a month.

Councilman Foglia asked about pawn shops, wet houses things along that line. Are they addressed in the new Zoning Ordinance? Monica stated that a pawn shop has not been separated from other businesses or retailers. They have not been excluded from the definition. A wet house was also not discussed.

Councilman Foglia noted that where the Light Industrial Zones are somewhat close to the High School and Elementary School in the south end its right on the river. This needs to be looked into. I see that it has to be 450' from a school. I don't know if that is good enough. I don't know if these zones are going to work. Monica stated that the one thing with these distances is if you are going to allow them in a district you actually have to allow them in the district. You just can't say they can't be by any church or school. There is case law that has been noted to say how many feet you can maximize the courts have favored.

Councilman Foglia noted that the City has considered updating its signage regulations for a while now. Did you look into how the City's businesses conform to the new changes to the signage sections? Councilman Foglia's concern is that a lot of the businesses might not be conforming. They are going to come to the City asking to be grandfathered in or do they need to buy new signs. Monica stated that everyone that is conforming now is grandfathered. The only exception will be billboards. If you want to replace your sign you will have to follow the new Zoning Ordinance. Mark Gilchrist, Building Department Inspector explained that there are signs out there that have gone up in the last year or so that would have to come down in his opinion. Mr. Gilchrist noted a location that placed a new neon sign in the window and another location with banners. Neither of these would be allowed with the new Code. There are other businesses that have cardboard signs on the telephone poles that would have to come down. Mr. Gilchrist would like to do a sign assessment for every commercial establishment in the City. Then check to see if they obtained a permit from the City to place these signs. The new rules actually allow a bigger sized sign in the commercial properties in the City with the new rules. Most business men want as many signs as possible to enhance business.

Councilman Foglia would caution not to get too strict on the signage where every business in the City is not compliant.

Mark Gilchrist noted that in the past week the City has granted a lot of Use Variances on 19th Street. Part of that variance restricted the size of the sign. There are not a lot out there but there are a few businesses that have a lot of signs.

There being no further comments, Mayor Manning closed the Public Hearing.

NEW BUSINESS

RESOLUTION NO. 8967 – The Council of the City of Watervliet hereby approves an extension of time to the City of Watervliet Planning Board for the Report under §57-8 of the City Code until August 20, 2013. Before voting Mayor Manning explained that the Planning Board will be meeting on August 20, 2013 for the final report which has been prepared and distributed. The intent of the meeting is to vote on the document and or any further discussion or amendments. It appears all of the comments and discussion along with preliminary approvals as to what is contained in the report has been discussed. Councilman Foglia asked when does the City Council get to discuss this document. Yorden Huban, Corporation Counsel noted that nothing has been scheduled at this point. Upon motion of Councilman Foglia, seconded by Councilwoman Fogarty, this Resolution was approved and adopted.

APPROPRIATIONS AND ACCOUNTING

Robert A. Fahr, Director of Finance explained that the first budgetary workshop will be September 5, 2013. The workshop will be held at 6:00 P.M. in the J. Leo O'Brien Senior Citizen Facility. The first Department will be the Assessor/Building Department. Mr. Fahr noted that every City Council Meeting up to the actual budget presentation will have a workshop.

PUBLIC COMMENT PERIOD

Pat Falaro- 1921 6th Avenue – Watervliet, New York – Mr. Falaro discussed the demolition and asbestos abatement permits. This notice is to be displayed at the job site. Why hasn't this been done throughout the entire process? Was a permit issued to Dan's Demolition and Hauling for asbestos abatement. Has a permit for construction been issued, if so, are we going to have this one displayed. I know that when a resident renovates a home they are required to get a permit. It must be displayed during construction. Are we going to abide by City Code 197-3, Loud, Disturbing and Unnecessary Noises Enumerated? I notice there is work being done at the intersection of 19th Street and 8th Avenue at the former Cumberland Farms location. I didn't see any permit posted that doesn't mean there wasn't one. Along with the fact that were working well past 6:00 P.M. yesterday. Why hasn't anyone in the City checked on the work hours or is that OSHA's responsibility. Also, it is time for the City to enforce the Code regarding the Saturday work operations. For those of us located to close proximity to the work site have endured enough. On a different note I previously mentioned the City Bus stop located on the N/E corner of 9th Street and 3rd Avenue. The advertisement on the west wall is a hazard to vehicles that enter or cross 19th Street. I was told that I should take this issue to CDTA. I did and as usual nothing has been done. I would like to see the City get involved before there is a serious accident at this location. I also noticed this same problem at a bus stop located at 2nd Avenue and 21st Street. Thank you for your time.

William Conroy – 2517 4th Avenue – Watervliet, New York – Mr. Conroy wants to know why the City Council determined the bell tower construction contractor. Why was my bid rejected or overlooked. I submitted a bid in the amount of \$4,000. The City authorized a contract to an outsider who contracted more than my bid. I live in the City and support many community events. I also own property in the City and pay School and Property Taxes. It seems an obvious personal vendetta or personal dislike by a few here in City Hall. This is an unjustified reaction. I'm shocked and disappointed. I'm submitting a written request under the Freedom of Information Law which included any e-mail and communications. I'm also enclosing \$3.00 with this F.O.I.L. request for any necessary costs. Yorden Huban, Corporation Counsel stated that if Mr. Conroy is filing a F.O.I.L. request which you have the right to do. If you want to stop in the City Clerk's Office or if you want to submit this one tonight. The City will not take any money now due to there is no fee to file the F.O.I.L. request. If there are documents that are relevant to your request that can be disclosed then there is a fee for that. It is \$.25 per page when the F.O.I.L. request is completed. Mayor Manning stated that he didn't think there would be any because this project was not City business it was the Historical Society.

Mr. Conroy then stated that the City did donate more than ½ of the total cost. Mr. Huban would be happy to take that request without the money. Mr. Huban will date stamp this F.O.I.L. request tomorrow.

A motion was made and seconded to adjourn the meeting, the meeting was adjourned at 8:15 P.M.

Respectfully Submitted,

Bruce A. Hidley
City Clerk and Clerk to the Council