

April 17, 2007

Planning Commission

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Proceedings by Authority

State of New York,  
City of Jamestown, ss:  
Mayor's Conference Room

The regular meeting of the Planning Commission for the City of Jamestown, New York was held on Tuesday, April 17, 2007 at 3:30 p.m.

Members Present: Chairman Gregory P. Rabb, James Olson, Martha Zenns, Jeffrey Lehman and Douglas Champ

Members Absent: City Council Liaison Michael Taylor, Paul Andalora, and Jeff Nelson

Others Present: Corporation Counsel Marilyn Fiore-Nieves, Bill Rice, Amanda Bleck, and Lillian Ney

Chairman Rabb called the meeting to order.

Mr. Rabb: Just as a brief announcement, we are joined today by Council Member Ney who I think is here in anticipation of being named our liaison from the City Council. We welcome you.

### **ROBO ENTERPRISES**

Kim Carlson: I'm from Robo Enterprises and I believe what we're reviewing is the site plan that we've been working on. I assume everybody here has a copy of it. Mine is not stamped and these are just some extras that I had made. We've worked closely with Jeff and Bill to make sure that we've covered any of the concerns that may have come up and I think we're there.

Dr. Ney: What were some of the issues – since this is my first meeting? You said you were working through a few things...

Ms. Carlson: I think one of the things that they were concerned with was the grading issues – to see to it that we wouldn't have problems with excessive water and I think those have been addressed through where the curbing goes and grading a little further.

Mr. Lehman: The site's kind of built into a hill...

Dr. Ney: ...yes, I went to see it today...

Mr. Lehman: and it backs into an existing the other side of their building so...

Mr. Beichner (Robo Wash): ...steepness of the grade, and there were some parking issues. There were some concerns about vehicles not having good turning radiuses and those issues were addressed. Lighting issues were addressed, height of finished floor was addressed and it ended up we had to raise the floor another 8" to alleviate drainage problems or concerns...

Ms. Carlson: A total of 16 from the existing.

Mr. Beichner: A total of 16 from the existing building, but 8" from where we initially proposed. The green spaces we made adjustments to satisfy any concerns that there were with the green space and the plantings...

Mr. Lehman: massaged the parking a little bit...

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Mr. Beichner: Changed the parking around a little bit to allow for more room, better accessibility.

Mr. Rice: It really is an addition put on to an existing car wash – it's 30' x 70' plus, in size, and of course there's required parking spaces with that and the adjustments we had to make was really concerning the site itself. It's somewhat difficult to use because of the topography that we had to deal with so between Jeff and myself and Kim and Tom, we went through this and massaged it enough to get this so that it actually works out well with the gradings.

Ms. Zenns: That does go up to the carwash and there'll be parking here – is there like a walkway if they wanted to go from the Laundromat to the convenient store to get something, it would be...right...

Mr. Beichner: There will be eventually and it's not done yet but we're actually going to purchase the lot that adjoins our lot and that way if we wanted to put a walkway in we would be able to do that.

Ms. Zenns: Is that the one behind Anderson Cleaners?

Mr. Beichner: Right behind Arby's which...our lot is almost rectangular with the exception of the jogs near the end of our building and the additional lot will actually make the whole area squared out. That way, if we did determine a walkway is a good idea, then we can do it. There's a walkway in the other direction, but yes, there would be accessibility to the store if they wanted to get a snack or something like that.

Mr. Lehman: It doesn't really stick out – but there's a do not enter – it's really more like an exit...

Ms. Zenns: Would there be intent to have that so they could drive around there from ....

Mr. Beichner: We don't expect to use that as an exit, although the possibility is there- if somebody drives through, they could.

Ms. Zenns: But then it goes into the flow of the carwash...

Mr. Beichner: Right. That's why we don't want to use that as the main entrance or exit. You only have so many busy days a year in a carwash, but it could be a problem for ingress and egress.

Ms. Zenns: Yes. Just make sure there's signage because people will try to do that...

Mr. Beichner: Right.

Ms. Carlson: And even on that note, it would always be easier for them to go out this way to go down Brad Street rather than to come in here and try to go out onto Marion Street and go onto Foote – it's a much easier access by going out and going down Brad.

Ms. Zenns: Well, given what's there now, it'll be an improvement.

Ms. Carlson: Thank you.

Ms. Zenns: And it seems to fit into the character that is there now.

Mr. Olson; It did go through the Zoning Board either last Fall, or the Spring – I can't remember right now...

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Mr. Rice: Yes, it did. I can't recall the time either, but there was a variance that was granted for the structure to be right at the property line, and I believe there was a reduction in the cars...

Mr. Beichner: Well, initially, it was going to be a reduction in the cars but because we extended the parking lot, now we meet the requirements. So, it was just this zero lot line...

Mr. Olson: Three people attended, I believe, the one man was concerned about the grade up above, but then he seemed to be okay at the end of the meeting; the Lettieri's lived across the street and then they seemed to be okay and then the guy from Arby's who asked questions about the lot line access...and after that, those were the only few things- everybody left – everything was fine.

Ms. Carlson: And it's actually the person from Arby's that we're buying that section of lot from so...

Mr. Rabb: And I note that it says "staff recommends approval contingent upon all signage reviewed by Building Inspector and final approval of slope along west property by DPW Director."

Mr. Lehman: Yes, there's some final tweaking on the grades, but...

Mr. Rabb: Any other questions or comments from anyone? Can I have a motion to approve the Environmental Assessment Form?

Mr. Lehman moved to approve the EAF. Mr. Olson seconded the motion.

Motion carried:

Mr. Rabb: Can I have a motion to approve the site plan subject to these contingencies as stated?

Ms. Zenns moved to approve the site plan. Mr. Champ seconded the motion.

Motion carried.

### **PLANNING COMMISSION AND ZONING BOARD OF APPEALS TRAINING**

Mr. Rice: Greg and I have been working with the County and JCC for the mandatory training that's coming up. Also, Jeff sent over a resolution we have to pass at the City Council because this is a required training now for Planning and Zoning Boards that's coming up and it's required by the State now, so we'll have to fill this out as a resolution for the City Council to approve.

Mr. Rabb: Can I just ask you what that resolution commits us to?

Mr. Rice: That's just a sample – we don't have to use that – it's a sample resolution that the Planning Federation sent out.

Mr. Rabb: But, in effect, it has the City Council endorsing or requiring that we need to do this...

Dr. Ney: Isn't that part of like the budget, I mean the operating budget – I mean if it's mandatory? Well, you know, like the Fire and the Police, Jim, they always have mandatory...I was just wondering if we did need to do this, but Jim would know...

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Mr. Olson: I can take it and look at it...

Mr. Rice: We're looking at a spring-type training and June is the dates we have got the Department of State coming in to give the actual training session. The one in the southern part of the County is on the 12<sup>th</sup> of June and the 13<sup>th</sup> is in the north county in case you can't make the 12<sup>th</sup>. In the Fall time we're looking to put on additional training and I think our intention really is not just to stick with the basics, but to advance planning information to people in different levels and different subject matter. We're still working on that part of it as to what that program would be for the Fall time.

Mr. Rabb: The program on the June one is with the Department of State?

Mr. Rice: ...will be with the Department of State – they'll be the ones giving it and I believe we set the limit for the dollar value – was \$15.00 per person...pretty reasonable...you know we have to compensate...

Mr. Rabb: And, they're both going to be at JCC...

Mr. Rice: Also, the continuing education credit will be given for this too...

Mr. Rabb: JCC will give continuing ed credit, that's why we're doing it through them.

Mr. Rice: One of the things we've been toying around too is if we extend this to other subjects to see if we can get continuing education credits for the additional things, and at the end of a certain amount of credits, maybe there's a document given, a certificate of accomplishment for "x" amount of hours of Planning, so, it's a little bit more than just sitting in a session...

Ms. Zenns: How many hours is that...would that be?

Mr. Rabb: The sessions?

Ms. Zenns: The entire training, or we would still need the Fall?

Mr. Rice: I believe it's a four hour requirement per year is what you have to have for both Planning and Zoning and I believe what our session will be – the first one in June will cover that four hours.

Ms. Zenns: Okay.

Mr. Rabb: Either one will cover the four hours so you could go to the south county or the north county...

Ms. Zenns: It's the same thing.

Mr. Rice: Yes.

Mr. Rabb: And you'd get your four hours in right away and Bill and I have been working with County Planning Board because I'm member there and we're working with Don McCord, so that's the County, JCC and the City are going to help us spread the word so that there may even be people come from outside the County.

Ms. Zenns: Great.

Mr. Rabb: All the Planning Boards, Zoning Boards – they're going to need to do this.

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Mr. Rice: We do have to open it up to more than just this County because the Department of State is coming from Albany to give this so that was one of the requirements.

Dr. Ney: How are you going to let them all know – do they have an email server?

Mr. Rice: Yes, in fact I requested last week that email...

Mr. Lehman: Do you do that through Southern Tier West?

Mr. Olson: I sent information back to the County yesterday.

Mr. Rabb: Yes, the County's going to put together it's own list and we're were going to try to get the college to work with the County so we may do both email and U.S. Mail.

Mr. Rice: Southern Tier West does put on a program every year – the one that we're going to try and do is we're going to try and make it as convenient as possible. The one from Southern Tier West isn't always as convenient. Doug, I think you were the only one who was able to go to that last year...

Mr. Champ: Well, yes, they usually put on two. This year there'll be one at Houghton College that will be coming up in May and then there's a Fall one which has a lot more attendance which I've gone to the last couple of years so it does give some opportunity for increasing your educational opportunities and that may be available to anyone, but they do do those.

Mr. Rice: Their's is a daytime program...

Mr. Rabb: We're going to try to do nighttime and Saturdays, figuring that people work during the day...I mean if people want to do both, that's fine, the more training the better and if they overlap, that's okay too. I don't necessarily see us in competition...I think ours will be a tad more convenient at least for Chautauqua County people given that it will be in Jamestown at JCC and at Dunkirk at JCC and then you get continuing education credits for JCC.

Mr. Olson: I know Ellen Ditonto has already done the Zoning one through Southern Tier West...

Mr. Rice: But I think Ellen and Doug were the only ones that were able to just do it last year for those presentations so it is somewhat inconvenient because it is a daytime program that they put on.

Mr. Rabb: Any questions or comments about that?

Ms. Zenns: Will we be getting something then directly, or just hearing through our meeting?

Mr. Rice: You will be getting something directly – that was the request I put into Jim.

Mr. Champ: Well, Jim, you have to keep track of the educational credits and requirements and then probably say to the State or whoever else that the following commission members have achieved their required level of credits for securing us as Planning Commission members.

Mr. Olson: I know the Board of Assessment Review – I have to file the certificate for people. You have to take that training once every five years – I have to keep that on file and then with the County Tax Office, but I've also gotten inquiries back from the State regarding the housing inspectors and whose attended certain training and things like that, whose certified and who works here so, everything will be filed here.

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Mr. Rabb: One advantage to the JCC one is that if we get continuing education credits, we'll have some sort of certificate stating that so we can just make a copy and get it to you – that was one of the reasons we wanted to work with JCC. It's just solves a whole lot of problems that people don't have to worry about, even if some of us might help with the registration.

### **JCC HOUSING**

The other thing that we wanted to talk about briefly was with respect to the housing at JCC.

Mr. Rabb: I'm on the Housing Task Force at the college deliberately because they keep asking me questions and I know they've been working closely with Bill and maybe some others here at City Hall, and my understanding in talking with you Bill is that they're aiming to get everything in by May 1<sup>st</sup> so as to get it to us perhaps for the May meeting so they won't have to have a special meeting.

Mr. Rice: Yes. I think they're going to be able to turn around the changes on the drawings that were needed in that timeframe, at least that was the indication this morning when we met with them. We had solicited two agencies that have decision power on it for the lead agency status, and if I already received the replies that they just prefer that the Planning Commission to act in that capacity. We're all set on that part of it so we're aiming for the 15<sup>th</sup> of May for the submission to come before this body, so I think they should be able to meet that.

Mr. Rabb: I know they've been making changes to the site plan in response to meetings here at City Hall, also in response to the meetings that they've had with the Housing Task Force through the college.

Mr. Rice: Yes, the things that we had concerns with were for fire access. Those are the issues we've been addressing right now and I think we've satisfied the letter of the law, plus additional things that we feel are a positive for fighting fire or rescuing or whatever has to happen at those structures by the Fire Department. We're confident.

Mr. Rabb: Then, the only other issue was with respect to the fact that Martha and I are both employed by the college – two things to understand with that: the housing isn't going to actually be owned by the college – it's going to be owned by a development corporation that's separate from the college, but in the past when college stuff has come before the Planning Board, we've been advised by counsel that as long as Martha and I acknowledge our connection to the college, which is kind of hard not to, that we could go ahead and vote, although you would be free to abstain or say no, or ?????

Mr. Olson: If you do not have a financial attachment or a gain by it, so there's no reason to abstain.

Mr. Rabb: No. Neither Martha or I, that I'm aware of, would gain in any way from this project.

Mr. Rabb: Okay. Are there any questions or comments about the Housing?

Dr. Ney: How many units are there going to be – how many students will be housed?

Mr. Rabb: The first phase was 150 I think.

Mr. Lehman: 220 beds wasn't it?

Mr. Rabb: I thought they recommended 220, but we were phasing it in because at one point, they were going to three buildings...

Ms. Zenns: 220....

Mr. Rabb: Two separate buildings and the potential of opening a third building. It's quite a large project.

Dr. Ney: I remember when I was on the Board trying to encourage that to happen, but it took a long time because the State wasn't encouraging it.

Mr. Rabb: Well, they're still not really, but it's worked for us...

Mr. Rice: So that's the timeframe – the May meeting for that to come before you.

## **ENERGY**

Mr. Rabb: The only other issue was the energy issue that we invited the City Corporation Counsel to come and talk with us.

Mr. Champ: This community has major significant energy issues that it's not only facing now, but as a fundamental commission, we have to take a look at how we approach it, not only what's happened in the past, but what's going to happen in the future. The basic requirements that are or not in place depends on how the community wants to go about it and they're kind of haphazard maybe. Our requirements as a Planning Commission – there's really nothing in here that occasionally comes in front of the commission that definitely delineates what a demand is going to be regarding energy for a particular facility. I can glean that out. You can flush that out, we can ask questions and some of that comes out after the fact and a lot of times, the correspondence that supports the development process does not have that information on it. It doesn't even have communications that directly come back from the Board of Public Utilities. I have to ask whether that happened or didn't happen, or where are we at. Now, maybe that is a procedural issue – nevertheless, I think, in part of our responsibilities at Planning, that it would behoove us to take a look at energy and how energy impacts our community and the facilities that we ultimately approve and pass on. So I'm asking whether or not this Commission should have somewhat of a responsibility and at the same time I think be a kind of framework for the issues regarding energy and how energy is effectively used within our community. I'm not saying we are doing it right now, but I think there's always room to examine how these things come about, because this community, unlike other communities, have a lot of different things going on for it. The issue in front of it with the power generation project, the public power aspect associated with it, the district heating which is very unique to this community compared to others, and I think as we unfold, this is important for us to take a look at – what we can do and what we can't do – that's an issue that's on the table now. I think it has an interesting part for us to play and we should try to take a look and see how we want to effectively play that part, rather than every time somebody comes here – I'm the guy that asks all the questions about energy. Maybe you do that too, Bill, behind the scenes, but I mean I'd like to know what that is before whether or not it's been addressed – we talk about demand kilowatts, we talk about whether it's natural gas combustion using cubic feet – you know all this stuff comes into play in terms of overall uses of this product. It's going to be increasingly more important for us to know about these things as we go into the future.

Mr. Rice: Actually, as part of the site plan review as Jeff and Larry and I meet with the applicants, we do bring up about those things available for them, but I have a little bit of an issue when you're the BPU being part of the City, per se, is selling a product and trying to through a process that we go through, almost require them to be using the product that we're selling.

Mr. Champ: Well, if I might address that – when I say requirement, you know, it's a determination on the part of the developer what is the best way for him to actually utilize an energy resource and an application for him; however, after said that, there is an opportunity here

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for us to perhaps make sure that that development is using it wisely and effectively and has enough knowledge about the options that are available out there so that we're not playing catch-up or he is not completely aware of what's going on. All this stuff may shake itself through and it's fine that it does, but I've seen some cases where somebody is completely aware of all the implications that are available to them.

Mr. Rice: We do suggest that they do go talk to the Board of Public Utilities and we give them the names of the people to talk to so it'd be between the developer and the Board to identify those positives and negatives for them.

Mr. Rabb: So currently, you're free to recommend that they talk to the BPU, which you do and currently Doug and anybody else on the Commission, is free to ask these questions about energy and Doug often does; but the question that I have is can there be an energy component built into the site plan review process without or with changes in law that might have to come from the City Council because I think at this point, the site plan review process doesn't deal directly with it – energy and energy issues – and in order for us to do that, (and that's why we invited you Marilyn) we needed to know if legally that's even possible, and if it is possible, most likely it seems to me because it's a policy area, it would require action by the City Council. So, I think between the three of us, that sort of summarizes where we've gone maybe with this issue.

Ms. Fiore-Nieves: I don't think that you can do it as the Commission itself.

Mr. Rabb: Right.

Ms. Fiore-Nieves: The Code would have to be changed by the City Council, and I'm not even sure that that's enough. I mean, you might actually have to get some State legislative authority to do it because my understanding is that some of the site plan reviews are based on State law, not actually just what the City Code provides. So, I'm not even sure that City Council in and of themselves, would be able to provide you with the authority...

Mr. Rabb: So it could be bigger than...

Ms. Fiore-Nieves: It could be even bigger even than the City because I don't even know if the City has the authority to make those types of requirements without some type of authorization from the State or some action being taken from the State directly. I mean I don't know that for certain, but I would think that some...based on my limited knowledge of some of the applications or the requirements that come down are based on what the State provides.

Mr. Lehman: What are we asking for?

Dr. Ney: Actually, I had my hand up for a similar reason...I missed the earlier discussions about this obviously, since this is my first meeting, but surely if the intent would be an educational intent, then I don't think you need to have empowerment from the State, the Council...and if I could just do another piece before you answer that Doug, I'd appreciate it. The other thing is there was just in some newspaper, and I don't know if it was The Post-Journal this morning, or the New York Times that I read on line, or something else – there was a city in the United States that just had for their planning people – they made a policy that all new buildings, or something like that, would be lead certified or green. They didn't say they had to be – it was not a law as it were which would be a whole different matter, but they were encouraging that and so that alternative energy sources would be used, etc., etc...Lead certification does cost – you know, it makes the building cost a lot more, but they were recommending the use of as green energy as possible as a policy. It might have been a city in the west.

Mr. Rabb: Do you know how they were encouraging it though Lillian?

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Dr. Ney: I think mostly an educational thing; setting a standard. They have no way to enforce it. No, they were not requiring it.

Mr. Champ: Portland, Oregon is one of the strongest cities in this country regarding an energy plan and development process. They have it right down very succinctly in what they want to accomplish regarding...some if it as I understand, is part of a legitimate process to make a better way of using the process of energy in any type of development so that it's written into a formula so things happen very intelligently and very well. My intent was not to create a barrier process. My intent was to create not only education but to hopefully try to look at the future and how well we are going to develop this community regarding the use of energy. And, when we look at alternatives, some of that's not there yet – there's no question about it. I'm not saying it won't be in time, and if we use it in an effective way I think in terms of identifying what we're trying to have and making sure people use the newer lighting applications...I mean, I spoke one time here that one low wattage fluorescent light used over a lifetime – that's a 40 watt-60 watt light over its life expectancy, will save 500 lbs. of coal – one light. So, there's formulas out there that can show things happening in a positive way and I'm not saying we go out and say people have got to put in all these lights, but...

Dr. Ney: BPU certainly has been promoting that I would say with their whatever you call it, the TV's, the ads that come through on the bill...

Mr. Champ: Well, you know, promotion is one thing and then you have the other side of it, trying to advocate change whereby such things as rebates or wholesale buying of these type of light bulbs, get an exchange program, all this stuff, I mean you can go on and on and on with that. That depends on how far the BPU wants to take it, because we've had on one side over here, you've got those people that say the power plant shouldn't be built because you're not looking at efficiencies within the City. The BPU hasn't done enough in that aspect thereby reducing the need for generation – that's an argument that's not here, but I mean, nevertheless, I think efficiencies, energy use and all that stuff come to the plate. I don't want to muddy the waters with this – but I just think that in a Planning Commission, we have a role to play that sometimes looks at this in a different way and maybe we should be examining it; and what we can do to facilitate it, that's what I want to suggest.

Mr. Rabb: But are you still looking at making some kind of energy review or question part of the environmental assessment and site plan process?

Mr. Champ: I'd like to see something in there that addresses that specifically.

Mr. Rabb: But just asks the question, or says you've got to do this or we can't approve it – I mean...

Mr. Champ: I'm not going to say that...I mean if there was a way that that could be done to be beneficial than that...

Mr. Rabb: That might be difficult, but to make it as part of the process and ask the question, should that probably be a lot easier to do...

Ms. Fiore-Nieves: Yes. That's much easier.

Mr. Rabb: But then I'm assuming we're not really enforcing some kind of energy policy that doesn't yet exist in the City, we're just raising the question in a more formalized way than you just bringing it up at the meeting.

Mr. Champ: Yes. I mean I can always ask questions...

Mr. Rabb: ...and you should...

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Mr. Champ: ...and ask if whether or not they've looked at this and what that is and...but some of the dialogue that takes place before it comes to us...

Mr. Rabb: And that would be with Bill...

Mr. Champ: And also with the Board of Public Utilities, I think should be more clearly representative in that process. I'd like to know what the BPU feels about their energy consumption – is that legitimate – have you looked at it – you know, sometimes we get the stuff and I don't know if they've even looked at something...

Mr. Rice: I think through the SEQR process it could be included within this, but the question I have is what would be the standard that we would be trying to encourage to go towards?

Mr. Champ: The standard?

Mr. Rice: Yes. I mean, there's got to be some benchmark that you're going to say which is energy efficient as opposed to non energy efficient and that's not clear.

Dr. Ney: ...a certain goal?

Mr. Rice: Because I think in here it alludes to the environmental and I think you can include it in that. But the question becomes is where...if somebody comes in and says okay we've looked at it and we're energy efficient that's relative to something else and that's not clear yet as to where that bar really is...

Mr. Champ: Well, then that is also a possibility for us to understand what is energy efficiency. You know, I mean that determination I think is something that we have to come to grips with to some extent.

Mr. Lehman: Instead of looking at the Building Code there's a level of insulation that may be required or windows have to be a certain...

Ms. Bleck: And that was my concern – is this more of a building code issue or is it a site plan issue?

Mr. Champ: It can be both.

Mr. Rice: It can be a little of each, because there are things on a site that will impact the use of and consumption of energy if you do it correctly – I mean, placement of trees as buffering from winds...there is a component there. But again, I still have that issue which is "what are we trying to achieve and how are we going to get to that point?"

Dr. Ney: Well, what everybody's talking about sort of reminds me of what some cities have done in America and I think probably some people know about this. You know, there's a lot of mayors have signed on and City Council has made a policy statement that says something like, for an example only, by the year 2020 we will have reduced our carbon footprint by so many tons, or whatever. I mean they've got some benchmark that they put out there. That would mean, if that was going to happen, Portland and Seattle were two of the first cities to do this many years ago, then everything would try to support that vision or that policy, you know what I mean, whether it's your area, your area, or mine, or Greg's, and then you try to find out how that can be done and that has to be a very comprehensive plan.

Mr. Lehman: It gives you direction on how to get there.

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Mr. Rabb: But a policy statement like that would have to come from the City's Council as guidance to the Planning Commission...

Mr. Champ: Those cities actually have an energy management plan – I mean it's a written plan that is all encompassing to some extent and filters the thought process all the way down through site plan review, zoning amendments, everything you can imagine. If that's an important process that we need to look at, well then so be it.

Mr. Rabb: Well, I think if we want to make energy a part of the SEQR process and part of the site plan review process, it would be a whole lot better if we had policy guidance from the City Council – something to really hang our hat on. The question then is do we want to ask that of the City Council and if so, what are we asking for?

Mr. Rice: Well, the other thing that you have to think about too is – what are the economic implications for an applicant to follow what you're trying to get? There's going to be a dollar value that's going to be...

Mr. Rabb: ...we don't want to discourage development...

Dr. Ney: ...in an economic development deprived area in a sense where we're dying for more development...right...exactly...

Mr. Rice: I think you would really have to study that issue to see if there is a connotation of "x" amount of dollars added to a site plan because of it before you can really make any statements and I think it's a great thing to look for and especially in the future to do but you've got to be conscious of all the implications you can have.

Mr. Champ: Well, they all have impacts – there's no question about the economic impact, environmental impact, the energy impact, etc., etc., and I think if you look at the whole process what I think is important is that we have a handle on this. You know, how well it's being done. Is it being done up to a certain standard, are we assured that they've looked at the building codes, the requirements, I mean, green building designs are good things. I don't think anybody would say that it's a bad thing. It costs money to do it. But nevertheless, it's not a bad thing to have done.

Mr. Rice: But even simple things on the site plan, as I was saying, is the placement of trees that could make a huge difference in your energy costs.

Mr. Champ: Oh yes...

Mr. Rice: ...and as we go through site plan, I'm always conscious of that because I taught the stuff in school.

Ms. Bleck: Right, but I don't know if any of us are qualified to say for sure "yes, this is going to make it meet some kind of energy efficiency standard," so that I think we have to find some kind of a benchmark.

Mr. Rice: Exactly.

Mr. Rabb: You guys are already asking all these questions and doing all these things – the question is – do we want to go further, and if so, what? I mean, at some point we're going to have to be very specific about what we're asking a developer.

Dr. Ney: By the way, there was another article that I read in the last 24 hours somewhere – I think it was in the PJ – about the Great Lakes? Did you read that? With the global warming, they're going to be going down and the prediction is that it's going to effect substantially the

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Niagara Power Project, and the flow, and obviously the energy produced – opposite which has happened on the Coast which is flooding and too much water here. The Great Lakes are going to get dirtier and shallower and have less runoff over the Falls, I guess, so it's kind of scary. Keep things like that in mind too when you're talking about or trying to reduce the carbon footprint. I mean, this is complicated.

Mr. Rice: But this is a big issue. It's something that really needs to be studied and to find out, trying to do something at that magnitude and to help that issue and what it takes on the other finite end for a developer trying to do some of these things.

Mr. Lehman: This is just a small piece of the puzzle, I mean, you're talking energy tax credits for our dilapidated housing stock that's probably not insulated and all kinds of other things.

Mr. Champ: Across the board, there's a whole sweeping process out there to try and make things better in terms of energy. There's energy star products should be incorporated and built into somebody buying something, the rebate programs and insulation like Jeff talked about – I guess I see on one side an educational component and then somewhat of an informative process that we can utilize this energy thing as an improvement to the development – that's how I look at it. And, if it means nothing more than researching some ways and how this can be done, I'd bring it and throw it on the table because I don't think it's going to go away. I don't think...if we sit here and the Planning Commission members that come after we're here and Bill Rice retires and we're all gone, there's going to be...somebody else is going to sit back there and ask us "what did we do with this?" "How did we perform with this?" I think if we start it out now, well then we can point to maybe something in a positive way that we started a process that hopefully will be built upon. The energy thing is all going to hold us in a harmed position if we don't do it.

Mr. Rice: Like I said, I do think with the SEQR, you have that opportunity, particularly, they talk about how it meets the aims and goals of the comprehensive plan, if you specifically amended that to include something about energy conservation that issue would come beforehand. Now the question becomes "how do we improve that energy consumption at this point?" Part can be done by site plan issues that we deal with. A lot of it is done through the building code. It's more on that end of it which reduces the consumption. And then you have benchmarks right there with the Code that's already enforced by New York State and is in place. So you are really treating the energy consumption issue. I don't know if there's much more you want to go for, or additional that you want to add to that.

Mr. Champ: Well I guess if you're asking me that question – I'm for advocating a stronger role in energy planning and development for the City and whether the Planning Commission can play a part in that role, I defer it to the Corporation Counsel and the City Council and for us to make some type of overture that maybe we're not interested in, and if we are, then I would say let's go for something that makes sense.

Mr. Rabb: But I think while Marilyn can advise us on what we can do legally and Lillian can advise us with something maybe we can get away with politically, it's still up to us to be very concrete exactly what we want. Do we want to amend the City Comprehensive Plan, and if so, what's the language going to be? Do we want to amend the City Building Code and if so, what's the language going to be, so that we then can use the SEQR process, but I admit to not being an energy expert – you know a lot more about this than I do. We're going to have to start getting very concrete about what it is that we want to change so that we can do these things and they can advise us accordingly. So, you know, do you want to change the Comprehensive Plan so that there's an energy component that we can hang our hat on with the environmental and the site review plan process, and if so, what would you suggest the language be? I think that's how specific we're going to have to get and I don't know if you have any ideas on that...

Mr. Champ: Well, I have ideas...

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Mr. Rabb: ...or if you have samples where you could pull it from other plans...

Mr. Champ: Well that's part of the process that I think I'm going to have to get involved in, you know, if I'm going to be an advocate for it, and that's something I can be doing along with Bill, I believe, because I think you're exactly right when it comes to measurable effects – I mean they all encompass the thing of energy conservation and efficiencies, what are they, who does it and where do they do it. We could advocate like high efficiency boilers or you can look at lighting in terms of lighting and wattages that are assigned to a specific building. A lot of this comes into play...the insulation that goes in which has already been cited in the Codes...

Mr. Lehman: But for the new buildings, that's all certified and the architect or the engineer certifies that on the plan so that it meets energy certification...

Dr. Ney: I'm sure in the city buildings you've had an audit and we're addressing each issue as time and money permit. Right, Jeff? I mean we're moving on that.

Mr. Lehman: Right.

Ms. Zenns: Well if we're moving in that direction for the City, I mean to start with a resolution or something educational that this is similar to what we've had in terms of planting more trees – that's important in terms of the City and certainly for beautification, but also for the environmental impact it has to try and make an impression that this is the direction that we want to go in.

Mr. Rabb: Well, the Comprehensive Plan already talks about the greening of the City, the question is do we want it to be specific about energy? I wouldn't be opposed to that but then my question would be what would the language...what would it say to guide us to then take more specific steps? I think the first step would be for us as a Planning Commission to recommend, with the guidance of Corporation Counsel and the City Council, should the Comprehensive Plan be changed to include an energy component, but I think we need to be specific as to what we think that energy component should be.

Mr. Rice: I don't know, I think it might be better if it was loose in the Comprehensive Plan...

Mr. Rabb: Well, it could be loose, but I still think we have to have some specific language.

Mr. Rice: Yes, I think there has to be something directly related to energy efficiency...

Mr. Champ: There isn't anything in there now, is there?

Mr. Rice: I don't believe...

Mr. Rabb: I don't think there is – not energy per se.

Mr. Champ: ...not a reference at all, I don't believe.

Mr. Rabb: Do you have access to any plans that have that in there, like you and Lillian have been referencing Portland and Seattle...

Mr. Champ: Well, do I have right now? No. Can we find out about it? Yes.

Dr. Ney: I think I've got that information somewhere.

Mr. Rabb: We need to look at other city plans that have a specific energy component and let us as a Commission look at it in consultation with Marilyn and Lillian to see if we want to go down this path. I think you're right – I think it's a great idea and I think we should be doing it, but there's probably other cities that have already done it and put it in their plan.

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Dr. Ney: Yes, I can try to assist in pulling some information together that the Mayor and I have been reviewing for several months and I agree with the generality of the statement being a good idea and there is nobody that is going to say that energy is not important – especially going forward...

Mr. Rabb: Right and we could be an impetus for that to put it in the Plan and it could be a policy guidance for the whole city.

Mr. Champ: Well, I think if it's done intelligently and with the backing of the City Council and the legal aspects associated with it – it's a win situation. I really do. I don't want to make this thing sound like a cumbersome stone that you're throwing at everybody and you know, they're going to get hurt by it. I think in the process of trying to improve what we're trying to do really, we're asking for it now anywhere and I don't believe there is one particular document that we have that points to any of this.

Mr. Rabb: No.

Mr. Champ: You've got the Building Code over here, you've got this over here, you've got site plan, you've got this – well, why not have a document for nothing more it becomes an informative, planned process that everybody understands and this is why we're trying to advocate.

Dr. Ney: I like the educational component.

Ms. Fiore-Nieves: Well, that's kind of already in place.

Mr. Rice: The site plan part in the Zoning Code does not even allude to site design that will help energy efficiency as a goal because it gives us a direction as to ...that part is important to us.

Dr. Ney: We know about it and we recognize it's significance.

Mr. Rabb: But I think we have to have language like that in the Comprehensive Plan and to hang our hat on and then you could start asking those questions deliberately because it's there and we could ask those questions because it's there and say "look – it's part of the Plan. You have to address these issues." I think that would be step that we need to take. So, it would be really helpful to see the way it is in other city plans so that we could look at it ourselves and run it by Marilyn and talk to Lillian about it.

Ms. Fiore-Nieves: Did you say Seattle and Oregon Lillian?

Dr. Ney: Yes. Instead of the Conference of Mayors like in New York State, there's one for the whole country and it's that group that...

Mr. Rabb: The U.S. Conference of Mayors?

Dr. Ney: Yes, that's probably what it is...

Mr. Champ: They also have a National League of Cities...

Dr. Ney: Well, that actually sounds more like it and I have the information because I'm extremely interested in that you know, and as Jeff knows already.

Mr. Rabb: Well, could we ask you and Doug and anybody else that wants to do this, to try and bring the language to us?

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Dr. Ney: Yes.

Mr. Champ: We'll see what we can gather up that's out there now, at least examples of that and then try to showcase it a little bit and see how well it would conform to what this community's needs might be.

Mr. Rabb: Would the Department of State be aware of any of it?

Mr. Rice: That probably would be a good resource...

Mr. Rabb: Well, if we get it from multiple sources, we might get multiple ones and I think to look at a bunch of them would be really helpful.

Dr. Ney: That should be really interesting to go through that exercise.

Mr. Rabb: So, I think that would get us in the right direction.

There being no further business, the meeting was adjourned.

James N. Olson  
Director of Financial Services/City Clerk