

October 16, 2006

Planning Commission

Proceedings by Authority

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

A Public Hearing for the Urban Design Plan for the City of Jamestown, New York was held on Tuesday, October 16, 2006 at 3:30 p.m.

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

Members Absent: Jeffrey Lehman and City Council Liaison Michael Taylor

Others Present: Bill Rice, Dave Leathers, Emmett Tempas, Amanda Bleck and Bill Wright

Chairman Rabb called the meeting to order.

BOARD OF PUBLIC UTILITIES – OPERATIONS CENTER

Mr. Leathers: We've got a couple of things to review this afternoon. The first one will be in relation to the preliminary work that's going on related to our Operation Center design. It's expected as we go through the process of the CFE Clean Coal Project that we will continue to communicate and involve the Planning Commission and as we've been going through our environmental permitting in the SEQR processes to this point, we've got to a point where in early September I approached Bill and just wanted to get a dialogue going as to where we're at in the project and what's facing us in the coming months. Emmett Tempas from RW Larson has come and the Operations Center is progressing on the preliminary design. Emmett came and provided the BPU Board in August timeframe a general overview of where we are in the preliminary planning and I thought it would be a good idea to go over that with the Planning Commission and then we'll talk a little bit about where we are in the permitting and draft the EIS process.

Mr. Tempas: The site is at the corner of Harrison Street and Winsor Street – I think everybody's probably fairly aware of that. It's zoned manufacturing. The front yard's setback and the side yard setbacks I believe are 10 feet. The rear yard is 10 feet but there's a question. It is abutting a residential district at the back, but there's a use between the two of the railroad. So, even if it is the 50' separation, we would meet that as well so we believe that the site conforms with the minimum standards for zoning that we have. We have just the proper number of parking spots – we don't have any extras. This is an elite project – we are going to go for an elite certified, which means that we meet certain environmentally friendly requirements set up by the United States Green Building Council and one of them is that we don't provide any extra parking spots. They don't want to develop anymore paved property in the United States of America than they have to, so that's one of them that we're going for. Storm water management – we've started some preliminary discussions with our engineering with the DEC. This site was fully developed about five years ago, from my understanding and from the DEC's understanding. It was building from one end to the other so our previous existing condition is going to be a fully impervious surface, so anything that we do will be more pervious so our storm water management systems are going to be fairly simple. We don't have to jump through any sort of retaining structures and/or ponds, or any of that stuff. We've got a couple of future improvements up here in this upper corner if we ever do need to develop some more parking, we would do that. This lay down space across the street currently is perceived as being future and then these parking spaces across the street are also conceived as being in the future. I don't believe the BPU owns those pieces yet, I don't know where that stands...

Mr. Leathers: No. The BPU owns none of the land. There are options on the majority of the parcels and there's eminent domain...

October 16, 2006

Mr. Wright: Well, there's anticipated that there will be an eminent domain on the property that's currently owned by JNK, the Shuver's.

Mr. Leathers: ...and three parcels on the south side....and that's one that would remain if we did not reach agreement on an option and decided that we would not pursue that land.

Mr. Tempas: So we have entrances – one entrance on Winsor and two entrances on Harrison Street. Most of the customer parking would be in this area – this would be employee parking and then the service bays would be back in this area. Lay down space here...and then possibly future lay down space across the street.

Mr. Leathers: Just again, as we go through this and we're communicating, I think the intent is that this is public process and we're seeking input. Some of the input we got in the scoping process was a concern for the parking across the street and having customers or employees having to walk across Harrison Street so...that type of stuff as we go through this process gets incorporated into the scoping documents ultimately and the environmental impact statement, so that's again the process that we're going through.

Mr. Rice: There's two things. Can you talk a little bit about the parking that we're talking about – are you talking about a pervious type of surface that drainage goes through it?

Mr. Tempas: No. Currently it's just asphalt paving – there's a possibility of some snow melt and if it was put into this area here that would be concrete.

Mr. Rice: One other thing you need to be conscious of too is the potential for the riverwalk coming through – that's something that's been in the works since 1980's. There's documents about the riverwalk. We don't know where it's potentially going to go in this area, if it's going to hug the river or if it's going to go down streets. We haven't even studied it to that point, but just be very conscious that that is a potential.

Mr. Rabb: Well, that's going to be one of my questions because I didn't know where in this area the riverwalk was supposed to be, although you'd think it would be along the river.

Mr. Rice: As much as possible...

Mr. Rabb: Yes. I mean, that's what I was wondering if any thought was given to putting in pieces of the riverwalk since we're going through all this work...

Mr. Tempas: We haven't considered it yet. The existing plans for the riverwalk, from my understanding, doesn't extend to the site today. Not yet. Does it come close?

Mr. Rice: The intention is to bring it all the way through the City from one end to the other, and at the eastern section of the City we have to study where it can go – primarily it should go against the river's bank.

Mr. Rabb: Well, especially since you've got basically a public project here and its not asking a private developer to accommodate the riverwalk, it just seems to me logical to think about incorporating that into this project. That's kind of a big piece of the river.

Mr. Rice: But, that's something we should be working together on as to where...

Mr. Leathers: Well, we can talk about that. Right now, there's not funding that has been found to put parks along the riverwalk or to spruce up the riverwalk as part of this project. I think ultimately, you know, we can talk about that and look at that. Also, to do a spot without plans for either side of it may be premature. I don't think there's anything in here that would prohibit...

October 16, 2006

Mr. Wright: I think the intention is that with each of the projects and each of the properties that we've concerned, they've been on the river – all three of them. And, I think the intention as Dave said, was not to do anything in furtherance of the riverwalk, but as you can see, all of the setbacks from the river are significant, and would anticipate the combination of the riverwalk going through – but there is no money in the budget to do anything in furtherance of the riverwalk project like there will be at the main power plant.

Mr. Rice: Sometimes, it's a little deceiving as you see, because you've really got to work at the top of a bank and not just at the river's edge because that could be an incline.

Mr. Wright: Right. I think you'll find that it's huge because the banks are quite steep.

Mr. Rice: You say you have an issue with the possibility of people crossing Harrison Street as a way to get from the potential customer parking to the facility?

Mr. Leathers: It was never intended to be customer parking. It was more overflow or employee parking. It was highlighted during the scoping process. It was safety issue. What I was trying to highlight is that through this process, we've "accepted" comments and we've tried to incorporate them in as changes as we go forward. So that's why the parking is up towards Winsor Street instead of south of Harrison Street. That shaded area is not planned to be parking – it's available if for whatever reason there's ever a need for that and the decision is made to do that.

Ms. Zenns: It was there previously?

Mr. Tempas: The previous reiterations of this drawing have parking in this area and through the comments that were taken in the scoping process, it was decided that it would be moved up here.

Ms. Zenns: Now, where your hand is now, is that near where that building was that burned?

Mr. Tempas: Yes. One of the other comments that was made was that this road used to come up here close to the railroad and the underpass and somebody thought that might be an unsafe viewing distance so in response to the comment, we brought the road to the entrance down so that you have a little bit better sight distance.

Ms. Zenns: That doesn't free up any more space that was intended space to begin with?

Mr. Tempas: No. It doesn't free up any more space....

Ms. Zenns: And, on the corner, which is not accounted for– there's a private garage on it now.

Mr. Wright: Well, we don't control that...

Ms. Zenns: That was never included?

Mr. Wright: Correct.

Mr. Nelson: Curiosity – why would you want to leave that parcel that has the dwelling...on it?

Ms. Zenns: Isn't that where the bar was?

Mr. Leathers: No.

October 16, 2006

Mr. Wright: In each of the cases where we approached these landowners in an attempt to get options on their property, we found most of them very willing to sell and that goes here and the other area that we tried down by the river – Clinton Street area. There was a property owner in there who had – I guess you'd call it a beyond a monetary intention to his property – and didn't want to sell it. And, rather than making a public stink about it, we determined that it wasn't a necessary property and that we would leave it and we negotiated with the property owner, we talked about long term contracts where we can buy it when he dies, we talked about all kinds of various options, and he was not interested in alienating the property at this time. So, we determined that it was better off not to have the fight. I'd like not to have the fight with JNK as well, but that's a property that I think we can deem that is necessary for the project, whereas the small residence was not.

Mr. Leathers: This is not the Jeremy's site with the bar/restaurant...that site was highlighted in the paper.

Mr. Tempas: They were the first ones to sign the option.

Mr. Wright: After making the public stink they signed it for exactly what we had offered... which was its assessed value.

Mr. Tempas: A preliminary look at what the thing is going to look like. We're talking about a brick structure – this is the main office building, this would be the operations part where the engineers and the general managers all work. This part here is more the utilitarian part of the building where the meter truck and the meter service area would be and then from here down would be mostly vehicle storage. A little bit of masonry along the bottom over here, but then a full masonry structure here. This would be Harrison Street side, this would be the back side, this would be the approach from this direction from here to that corner.

Ms. Zenns: So, all vehicles would be indoor storage – is that the intent, or is that more for maintenance than.....

Mr. Leathers: No, if you look at the third line down all the way over to the right, I think that there's some maintenance that could go on in there...

Mr. Tempas: Yes. This would be a maintenance and a storage facility. This would be mostly storage.

Mr. Leathers: Mostly the larger trucks, the line trucks, the waste water vehicles – off to the left 2/3 of the way are the meter vans. There will be some other vehicles that will be outside, but not many – pickup trucks, vans...

Mr. Tempas: The majority of the big trucks will be inside.

Mr. Leathers: Almost all vehicles will be inside.

Mr. Rice: The lay down spaces that you get on both sides of Harrison Street, you've got vegetation as a buffer all the way around it. Can you address that a little bit as to what the size of those trees, it's more shrubs...

Mr. Tempas: They are shown in full growth potential, so obviously day one it wouldn't be that big. The other thing is the budget is fairly tight and we are going in on day one with just seeding and we're going to take an alternate bid for landscaping – so depending on bid day how things come in, we may or may not have a lot of plantings on the project. The BPU does have an annual budget for purchasing landscaping and trees, and if it's not able to be accommodated in that initial bid, then they would to annually add trees as they could. We are going to have a landscape architect do a landscape planting plan and he actually developed these original

October 16, 2006

concept sketches, and we'll probably follow through somewhat in that capacity. They do intend on moving some of the roses that are across the front – Sue Jones loves the roses, so we're going to try and move some of those.

Mr. Leathers: We're going to make her promise to come back and take care of them....

Mr. Tempas: The hope is to be able to plant the building very nice.

Mr. Leathers: The landscaping plan has been cut back significantly so there's some funding provided in the project, and I would say that over a period of years, it would be improved.

Mr. Rice: But the Zoning Code requires a certain amount of landscaping, but this seems to exceed that, but it's great that you're trying to buffer the lay down areas and separate that from others, so maybe there's a way to do it as a plan staggered over or phasing over a number of years.

Mr. Tempas: The last thing that I have is a very preliminary schedule. We're off the mark a little bit from when this thing was produced, but it's fairly accurate. We're hoping to have another submittal of documents – it was supposed to happen last week, but it didn't happen this week and we're going to be approximately 60% done with our drawings and then another one probably around 11/15 – middle of next month – and then the final at the end of December. Now, we haven't talked about the process, I guess. That's the one of the reasons that we're here today. What involvement are you folks going to have? Do we bring stuff back – how do we run it through the mill?

Mr. Rabb: Well, are you asking just with respect to the Operations Center or

Mr. Leathers: Yes. I mean I think we need to go through the process, or want to go through the process but both facilities, you know, this is advancing and so I think we want to understand – how do we match up as documentation is progressed, or do you want to wait until the point where it's been through so called "final reviews" within the BPU organization and give you adequate time to review that, or would you prefer to have some preliminary documentation and go back and forth and...

Mr. Rabb: But are we talking about the Operations Center as well as the Power Plant?

Mr. Tempas: Just the Operations Center.

Mr. Leathers: The schedule that Emmett just put out is for the Operations Center.

Mr. Rabb: Right. But when you're asking the general question about our input...

Mr. Leathers: It applies to both.

Mr. Rabb: Yes. That is what I would think. There may be some ideas that members of the Commission have – depending on how much work comes before us, because we never know, I think the more we're involved, the better, so that we can come up with ideas as you're moving along, but I'd defer to other members of the Commission and see what they have to say.

Mr. Nelson: I think something with this larger scope like this too, it's better to be in there early, even for us, I mean for the staff, they're going to have a lot more direct involvement and the more we know and understand, the better educated we are to go along and it makes the end process of having an acceptable plan a lot easier to achieve.

Mr. Rice: The timeframe for the review process which you have here – can you put that....

October 16, 2006

Mr. Tempas: This is more of a design schedule than it is a total project schedule. I would say the total project schedule is more closely related to the SEQR than this. This is just our process for getting the drawings done. We would be ready to submit a final set probably in January for you folks. The question is – this is the first talk that we've had. This is a preliminary review for you folks. Do you want to have something intermediate to a final set of documents and what should it be?

Mr. Rice: The way we handle site plan review is you come before staff and we sit systematically in a number of different meetings. We start from the basics, learn what the direction is so we can say yes, this is the smart way to do this. And some of the concerns, we can bring back and forth, go on to the next level, come back in and talk to us again so we can actually respond to some of the different levels as we're going. We can also keep the Planning Commission abreast to that as we're going. I mean if that's what you want to do...

Mr. Rabb: Well, I think that's what Jeff was talking about – the idea of keeping us included as we go along.

Mr. Rice: ...until January as a time frame to deal with this, so I think we could easily do it through that time frame.

Mr. Rabb: It doesn't leave us a lot of meetings since this is October, but...

Mr. Lathers: So, between now and January, work through some of the detail stuff, the preliminary drawings with the staff...and then staff will coordinate with the Commission and...

Mr. Rice: Is that satisfactory to you?

Mr. Rabb: Well, it would be satisfactory to me, especially if you, as the City Planner, said that it's time to come to the Commission, that would be me and I don't want to speak for everybody here....

Mr. Nelson: That's the way I looked at it too. I don't think as a Planning Commission member, I really wouldn't want to see the next three meetings to be tied up with this, so you know, we need to have staff going through it and it's just to be educated even what comes from you, so...over time, just so we have an understanding of what is going on. This is a large project and it's just easier to absorb it over time than what it is to just get it all at once.

Mr. Rice: The design by committee doesn't work – let's put it that way.

Mr. Rabb: Well, I don't think that's what we would do....but I think Jeff's right – given the magnitude and size of this project, the more involved we are...I can't think of anything...but especially if you put the two things together – the Plan and the Operations Center, we're never going to see a project like this at the Planning Commission again – I can't imagine...nor have we seen anything this big before. I mean, this is a unique situation.

Mr. Nelson: There's a lot to understand.

Mr. Rice: Bring us on board and we'll work out the direction and details, and then we'll come before Planning and update you as to where things stand...

Ms. Zenns: And you don't want surprises in January either.

Mr. Leathers: I agree. And again, it's why we wanted to come here and more than say this is what we have- it's more to initiate a dialogue and understand, you know, what's the best way to go forward.

October 16, 2006

Mr. Rice: The time frame on the plant itself – have you got a handle as to what that is?

Mr. Rice: Yes. The same process could happen with that too.

Mr. Leathers: The same process, I would hope will happen with that...I'll say it's going to be at least six months lag to this process here.

Mr. Rice: So, you're looking probably maybe by January 2008 would be the time frame, maybe February...

Mr. Leathers: I mean, we're trying to get done as much as possible and we are cognizant of permitting process and the SEQR process, and the public comment periods, and you know there's steps in that process that we need to go through and I don't think we ever want to get too far out in front of this proposed project...

Mr. Wright: Dave, let's just talk a little bit about why they can't happen together – just by the nature of this project. The Operations Center has to lead because the current Operations Center is anticipated to be demolished for the construction of the new plant; therefore, when we're putting our limited efforts into this project, along with doing all the environmental permitting and SEQR work that we're doing, any additional time has been devoted to get this project going – it has to lead. And then the actual plant will follow after that. Honestly, it makes economic sense to, if you have to lead with something, it makes economic sense to be working on the less expensive of the two options – you're not actually doing the design of the plant, we'll stress this and stress it again and again today, that until the SEQR is done and until the air permitting is done by both the EPA and the DEC, there is no project, so we're somewhat at monetary risk by going forward, but at the same time you would have to do that, or you would just never get this off the ground. So...if you're at risk, you go risk the smaller part of your project. Does anybody see anything that was glaring on what was presented today that you'd like to make comment on at this point? We talked a little bit about the riverwalk – that's something that maybe was glaring.

Mr. Champ: This area in the rear that abuts the railroad and the retaining wall, is that posing a construction problem for you in any way?

Mr. Tempas: The retaining wall part of it – it's more of a monetary problem...

Mr. Leathers: ...decision making is to – how you want to design that and spending less money takes away more of that useable space...

Mr. Champ: So that, your connection with the railroad in terms of their easement and their right-of-way has no problem regarding the layout of this project?

Mr. Leathers: That's correct.

Mr. Champ: And that area in the rear, is that going to be a fenced off...do you perceive this being a fenced off property?

Mr. Tempas: There's a fence that...secure gate in this area and a fence around the perimeter to here. This is the open ended side. Just the place where the trucks and the equipment will be parked if used properly. And the lay down area and all the pieces and parts that somebody could possibly walk off with.

Ms. Zenns: And there is a walkway or a sidewalk coming from that parking area?

Mr. Leathers: Correct.

Ms. Zenns: And that would be taken care of by BPU – snow removal and all that.

October 16, 2006

Mr. Rice: The retaining wall you're talking about – that abuts the property line? Where's it located within this – is it this one?

Mr. Tempas: This is the existing retaining wall – the one that we've proposed is not on this document right here. We're still undecided as to what we're doing...to capture all the properties that they possibly could, the retaining wall would start here and extend west and then come south for a short period here. It's an expensive structure. It's the minimal amount of property that's going to be achievable. That's the question. We're hoping to come to resolution fairly soon.

Mr. Rice: And that wall is a necessity?

Mr. Tempas: It's not. No. Do you want to gain this much more useable ground for spending these dollars? That's the question. It's not necessary.

Mr. Leathers: Well, I think we've talked to, sorry to interrupt, we've talked to different departments and the line trucks, the drivers and tried to understand the turning radius of the trucks that they need and safety, and there's a lot that's been taken into account, and if you don't have that retaining wall, then you're sloping down and you're taking away some of that useable space, so to me it's a decision making process that's going on. The retaining wall, I would say, is not ridiculously expensive, but it is costly. So, you go through that and that's what we're going through and no decisions have been made on it. There may be an idea that comes up that works perfectly and costs less, I mean, we'll get excited and move on.

Mr. Tempas: It could be anything from no retaining wall to quite a bit of retaining wall, I mean if it works either way, it's just that it might work a little bit better one way or the other.

Mr. Champ: This area also was a Brownfield site?

Mr. Tempas: No.

Mr. Champ: It was not? At no time?

Mr. Tempas: No. At no time. At no time was it ever designated as a Brownfield site. There was...and it doesn't appear on this drawing, but there is a little spot of contaminated soil right there. It was identified in the environmental phase II, phase I...somewhere in there. Somewhere they found a piece of oil soaked dirt – I think it's 20 x 50 and 3' deep or something like that.

Mr. Wright: That testing was done actually back at the time of the demolition of the building and when the property was under control of Jamestown, or the IDA.

BPU – DRAFT ENVIRONMENTAL IMPACT STATEMENT

Mr. Leathers: We had some preliminary discussions with Bill and Greg and I think the decision was made to provide a little bit of a condensed version. Are there members that are not in attendance?

Mr. Rice: Jeff Lehman is not here. He does have a copy of the big version anyway because he's on the BPU Board.

Mr. Leathers: So, if there's, as you said Jeff already has a copy, if there's other copies that are required, no problem – just let us know. I think the intent is not to overwhelm with the huge books, but there's a significant amount of work that's gone into this. If I can just briefly talk you through the process and where we're at...Earlier this year, the BPU Board approved, it went through City Council, the support resolution, the air permits, the air permits that went into the EPA for federal review and the DEC for state review – those have been going on back and forth with

October 16, 2006

both of those agencies as far as their comments and our responses, dialogue, communication, formal comments and responses that we give back to them. Our intent is that we hope that towards the end of this year and the beginning of 2007, that we would be working through them issuing their draft permits in trying to get to a point where we finalize that early in 2007. The draft Environmental Impact Statement – we've been working with the BPU Board since April/May. They received a preliminary copy in June. We gave them an updated, what we call pre-draft version in September. The intent right now is that the BPU Board will most likely vote on the draft of the Environmental Impact Statement a week from today. If that doesn't happen, it will be on November 14th. Assuming that they vote next week, which is October 24th, there will be legal notifications, notice in the EMB – kind of a formal announcement – beginning the public comment period on this document. What's in front of you is a pre-draft. It is not even a draft document. Once the Board approves it, it becomes a draft of the Environmental Impact Statement and starts the comment period. We envision that comment period going through the month of November and the first week of December. We're tentatively planning a Public Hearing on December 7th. There's 10-14 days after that period, additional public comment, before we can even think of revising, completing and putting the document back in front of our Board to get this to a final state. So, what we wanted to do was get the document in front of City Council, which I did last night, and get it in front of the Planning Commission so that you had adequate time to look at it and be involved in this process. I would say that there's different ways that we can go forward. Obviously, we look for and want your involvement and feedback on the document. There's a lot of work that's gone into it, I would never say that it's a perfect document, and I'm sure that there's going to be a lot comments that we receive in that 45 day period approximately that's going to make it a better document. There is a lot of work that's gone into it. Our intent is that if you have feedback, that we develop a method or a form to get that back to us so we can understand it and have a dialogue. What I provided in this condensed version is prior to this Section 2, there's a Table of Contents, there's a list of acronyms, there's a page of other information. Prior to Section 2 is the Executive Summary. I would recommend that you start with that because it gives a complete overview of the document. I've included Sections 2, 4, and 5. Section 2 is basically a project description, project overview. Section 4 is impacts around proposed actions and mitigation. For those with the big books, Section 3 defines a lot of the environmental, regulatory requirements. Section 4 kind of mirrors it and provides impacts and potential mitigation and Section 5 in your documents talks about reasonable alternatives. If you have this condensed version, and you want any other sections, any of the appendices, I'd recommend that you go to Bill and get back to me. We can either go through the book you have or we can provide more information, but I think the intent was to give you some of the basic parts of the document to go through as a guide.

Mr. Rice: We met earlier and we felt that this was probably the best way of approaching it because it is rather overwhelming when you're dealing with documents this large. You've got the basics of the project in more of a condensed form and gives you the idea of the total impact of it.

Mr. Leathers: Again, the larger books were given to City Council members last night. The intent right now is that we would come back to City Council on November 6th, which is their first meeting in November. Council President Calamunci, instead of sending it to a committee, requested that we communicate with the entire Council as we go through it, so most likely on November 6th, our environmental consultant will come, hit some highlights and ask what questions there are and anytime during that process, we'd be happy to go work with, sit, talk with the Council members, and then November 20th we would expect the support resolution for the draft document be voted on by Council, so I think that your understanding of that process and involvement, per se, will be appreciated as you go through this. The document is not being approved as a final environmental impact statement. This is a draft. This draft, as I said, goes through a public comment period, a Public Hearing, and by all means, this Commission is part of that.

Mr. Rice: So, this will be a month long?

October 16, 2006

Mr. Leathers: It's really more than that. I think there's going to be five weeks prior to the Public Hearing and 10-14 days after the Public Hearing before that public comment period closes. So, I would say it's in excess of 45 days. I think the minimum requirement is 30 days, and you are in advance of that. This is a pre-draft and so it's really not a public document at this point in time so I ask that you keep that in consideration as well.

Mr. Rabb: And, earlier you said that when the Board of the Board of Public Utilities approves this pre-draft, it becomes a draft.

Mr. Leathers: Correct.

Mr. Rabb: But then you said, in November it goes before the City Council and they take a vote on it?

Mr. Wright: But what he called that was a support resolution.

Mr. Rabb: Okay. We're just to vote on the support resolution – it doesn't do anything else to it other than to say that we support the draft statement.

Mr. Wright: Not at all. Nope. For those people obviously, their biggest part from the BPU's perspective is that they have to the bonding and funding for this. We did talk last Friday – it would be our pleasure that the Planning Board also review the document and make some type of support resolution as well. Now whether that's something you do or don't do, it's certainly not required at this point in time, but in order to work with us, it would be a nice thing for the Board of Public Utilities to have. The DEC will basically be doing the same thing – they won't have a support resolution, but they've been provided with preliminary copies of this document as well and they've been working along...so if we could get – what we'd like to do – is get the support of the most important involved agencies throughout the process, rather than treating the Planning Board, for example, as just another citizen that can comment only through the public comment period. We would intend that we would create some better way to communicate than that, and I don't know what it's going to be. But we can even attend a meeting and discuss the concerns with the document, whatever it is, throughout the comment period.

Mr. Rabb: So, to summarize that, the City Council will have a vote on a resolution whether or not to support the draft statement and then there's the possibility that if the Commission so chooses, we could do something similar.

Mr. Wright: That's correct. And, I don't know if we can sit here and say the City Council will do it...that's what we would like to see happen. That's what I believe the BPU has asked them to do.

Mr. Leathers: Well, I think we've tried to involve them throughout the process. At this point, I think the resolution is that yes, this is an adequate draft.

Mr. Wright: That's all the BPU's resolution will be – accepting this as a draft?

Mr. Leathers: If there's feedback about some of the specifics related to – we don't like this part or what'd you think about that part – that type of input should really come as part of that public comment period and if we need to participate in other ways to get that, then we're more than willing to do that.

Mr. Rice: And, of course, I would assume that the City Council would look favorably on this Board and Commission to support this more – specifically in the site plan issues - and how this interfaces with the surrounding area. I think they would feel much more comfortable if you had a good feeling and a letter of support for the project. They'd probably look more favorably on it, not feeling as comfortable as this Board is dealing with it all the time.

October 16, 2006

Mr. Wright: Well, this may be one of your larger environmental impact statements that you've reviewed – picture from their perspective – they may not have reviewed the Environmental Impact Statements at all, so I'm sure that they will look to your Board for support and some guidance.

Mr. Champ: Do you foresee potential for the City Council wanting some interpretation from the Planning Commission before they authorize a resolution for the draft approval?

Mr. Wright: Do you have any feel for that? I don't. I don't know if they would actually turn to you – I mean, I know they would turn to the BPU. It might be wise to have Planning Board members at the November meeting of City Council when the document has gone through some detail.

Mr. Leathers: I think that's a good idea and I don't know if you'd have that discussion with Council President Calamunci, or you know, you come to some agreement on...

Mr. Rice: We haven't had any discussion at this point. I don't think it would be a bad idea for people from Planning to be at that meeting...

Mr. Wright: Well, what is the link between this Board and City Council?

Mr. Rabb: Well, there is a City Council Liaison...Michael Taylor.

Ms. Zenns: He's not here today.

Mr. Rabb: But, Councilman Ventura and Councilman Dolce have been our liaisons in the past but Michael Taylor is the current one and they come when they can. Did the City Council President indicate why he didn't want to go through Committee but rather go through the full body?

Mr. Leathers: No.

Mr. Rabb: Well, that's his preference.

Mr. Leathers: I think he may change his mind – I mean that was more as he was communicating last night...

Ms. Zenns: Aside from the scope, for a Committee to try and explain all of it would be very difficult – better to get it firsthand, I would think.

Mr. Rabb: But they're still planning to do their vote on November 6th.

Mr. Leathers: No. November 6th is when we would come back and talk to some of the highlights of the document and see what questions there are. November 20th would be the voting session.

Mr. Rabb: Okay. So the 6th is an information session?

Mr. Leathers: Yes.

Mr. Rabb: So then as many of us could be there as possible.

Mr. Wright: I think that is a very good idea.

Mr. Rice: Can you send us an email with times and dates and all that stuff and I'll make sure it gets to the Planning Commission inviting them to it?

Mr. Olson: Yes.

Mr. Leathers: And, I think it's a difficult time for you and for Council as they go through their budgeting period. I give each and all of them a lot of credit when the air permit came out, the air permit document and application which was not quite as big as this, for the most part – there was a lot of questions and they do go into it and try to understand that detail. So, I know there was one-on-one meetings with some of them...

Mr. Champ: I would hope that City Council would utilize the Planning Commission as a knowledge base to further enhance their understanding, if necessary, and also to participate in the process because individuals on the Board have been through the site plan review process, minor ones compared to this, but nevertheless, the aspects to perceive themselves are somewhat the same in terms of making sure that the issues at hand are understood, so I would hope City Council would reciprocate and understand that as, I think, being a very good way of interpreting some of this stuff.

Mr. Rabb: I think as many of us as can be there at that meeting on the 6th show up – they would welcome our input. I can't see that as being a problem.

Mr. Rice: One nice thing – when you get to the Plan itself, you've already got an Urban Design Plan that has looked at some of these issues and how it interfaces together so there's a way to mesh this together very simply.

Mr. Wright: Yes. And the timing of that is interesting that this was in process by the time that they started working so they fully know what's going to be on the other side of the road.

Mr. Rice: Yes. And, that's good too because it really breaks the ice as to how these interface and come together, so that I think is going to be a positive for you.

Mr. Wright: Yes. I agree. The timing in that couldn't have been better.

Mr. Leathers: And again, if there's specific questions on any of the details of the document, I can be your point person and we can spend individual time with each and everyone of you if you desire just to answer questions or try to elaborate on what's in here, why it's in here, how we developed it to this point; and so, between now and November 6th, if you have questions, contact me and I'll try to get the appropriate together with me.

Mr. Champ; What's your extension?

Mr. Leathers: 661-1664 – dleathers@jamestownbpu.com

Mr. Champ: Well, I just personally want to say to the BPU folks - the individual and the architect - I think the Planning Commission appreciates all the effort in coming forward like this. It's a great way of starting this process of understanding and it's very commendable that you take that initiative to do that. In the past we've seen some projects, not at this level of course, that haven't made that overture. So, I appreciate this.

URBAN DESIGN PLAN

Mr. Rabb: I think the only other item of business we have, although it's an important one, is with respect to the Urban Design Plan. At this point, other than any further discussion, I think the only thing we're looking for is a vote to recommend approval to the City Council.

Mr. Rice: There is one thing that I sort of wanted to touch on a little bit is the actual triggering of when this occurs – when the review for the urban design begins.

Mr. Rabb: Okay.

Mr. Rice: If we look at just the zoning, there's certain things that trigger when Planning deals with a site plan project. The rest is supposed to be going through staff level depending on what it is. If it's a new business that's been lapsed for a year, then we get involved with it. If it's not, there's a continuation and something is being taken place like a façade renovation, it may just be Larry that looks at this. When you deal with the Urban Design, you're dealing with aesthetic issues and the question becomes, should the trigger be everything that happens within the geographic area of the downtown and the waterfront – is triggered by staff level minimally, and then maybe Planning at a certain other triggering level. So that's one of the things that we've got to be very conscious of is we're trying to improve, not only the site plan but the aesthetics of the site plans, when does that take effect? Is there something we should think about as a recommendation? I just talked to the Department of State as a possibility and one of the things we could do is take the geographic area of the two and set the limits as to either amending the Code or defining when those things are being reviewed by minimally staff, and then what's the triggering for the Planning Commission to deal with some of these things.

Mr. Rabb: But that would be incorporated into this Plan?

Mr. Rice: Either in the Plan somehow or we do it as an amendment to the Zoning to define within these zones...

Mr. Rabb: But wouldn't it make sense to make that part of the implementation section of the Plan – the approach you're recommending?

Mr. Rice: Well, we could do it in a couple of different ways. Either we do it there, but it should be referenced in some way in the Zoning – maybe an overlay, or both.

Mr. Nelson: The other thing we're looking at though, is if we follow at all what the consultants decide.....20-20+ years thought, so in some ways, the more it specifically ends up in the Zoning Code, guiding it, gives it more permanency – cannot just be ignored.

Mr. Rice: I sort of lean towards the Zoning Code and the Zoning Map as maybe an overlay in those areas saying when anything happens within this area, it triggers this – going back to this...and that gives us two that you automatically have to go back to that document to review.

Mr. Rabb: So we would be doing at least two things today then. One would be approving the Plan, recommending the approval. The other one would be recommending the change to the Zoning Code along the lines that you mentioned.

Mr. Rice: Yes. Something that we need to define when it takes shape, when it is enforced. Because the way it is right now, it just says it's supplements the zoning, but if you go back to the Zoning Code right now, there's a triggering time as to the magnitude of the project and usually does by 12 cars, x amount of square footage, something of that nature, that the Planning Commission deals with, as well as staff, depending what it's triggering levels are. But what happens about the projects that are not a new use – it's a re-vamping of an exterior façade – how does that take place within this and how does that interface with that somehow? Because that's usually on Larry Scalise's shoulders as to saying what's appropriate/what's not. Staff doesn't even bother with it – that only is the Building Inspector. Is that sufficient? Or is it something else that we try to cover more – a bigger area of things?

Mr. Rabb: Do you have a recommendation as to what that triggering would be? I'm assuming you're not saying that anything that falls within the geographic area that this covers – then it would have to be something beyond that.

Mr. Rice: I think it needs to be something beyond this...maybe what we have as the triggering points right now in Zoning is fine, but maybe we have to modify the Zoning Map and say, as an overlay within the downtown area and the waterfront area – that those triggers become...it triggers not only just the Zoning and the Site Plan, but also triggers the Urban Design Requirements.

Mr. Nelson: Can I say something? I don't see why a guy like Larry Scalise who's also a designer/architect has surely a suitable level – I don't know how to describe it because everybody's level is a little bit different of good design. It works one way if it's somebody like that who's the Building Inspector. It works another way when it's not. And depending on one's taste in the way things have occurred, there are some things in the City, some of them are outside of this downtown, that turned out great. And had there been somebody more involved with design looking at what you did (as an example) with the Best Western, what you were able to add to that can make a huge difference as to what the outcome is.

Mr. Rice: And, you've got to remember – it's a 20 year plan...

Mr. Nelson: So, if you've got somebody further down the road whose real forte is strictly technical, how does it read out of the book, as compared to having this overlay of knowledge of design like Larry does, if you leave it to chance that someone like that would pick it up after Larry has gone somewhere else – that could be foolish and give you a bad result in some places and you get the wrong result sometimes architecturally, it really has not just an effect on one project – it effects probably a lot of things that might go on around it as to how they turn out. So I'm for more tightening it up in a lot of ways when the Planning Commission or staff has the ability to say, you know, this could be handled very well by you, or whatever, and just do this, but I think it's better if that decision is made about a given project rather than left it to chance.

Mr. Rice: Well, it seems to me that the guidelines themselves cover the aesthetic issue of how to do it. Sometimes there is an interpretation of some of that, but to me it's more of when is this triggered? I think that needs to be defined a little bit better. There is a trigger mechanism on where site plan is warranted in the Zoning Code right now, but maybe we need to say "okay within this area that it automatically triggers the review by the Urban Design guidelines.

Mr. Nelson: Giving an example of my experiences, which are very limited with architecture and so on, there's a long space between what is here in terms of design and what ends up on a set of working drawings.

Mr. Rice: Sure.

Mr. Nelson: And it's the working drawings that are going to determine what you see up there. Not necessarily what's in here.

Mr. Rice: Yes. I mean that gives a direction but the specifics is what you really translate the direction into the final design.

Mr. Nelson: Yes, and that's the way I tend to think.

Ms. Zenns: My concern is that if you start doing that, you may discourage changes where we're putting more hoops and levels of paperwork and regulations. I just don't know exactly what it is when you say geographic area than what specifically would they be looking at changing to then trigger our looking into it, or someone else, if it's fairly minor – although it might make it different aesthetically, they may not want to go through the hoops of doing even that minor change because of all the work that might be involved. So, I get the geographic, what I'm not sure about the other in terms of the changes that would then trigger our involvement to where your office is involved or Larry. So, would you be more specific?

October 16, 2006

Mr. Nelson: What's important is when you take this to the developer's side. One of the things that can be very, very important is to be assured, if you will, to at least some level, of the type of design that's going to come out of something, and where you're trying to invest. You know, one of the guidelines is say "yes, this is the parameters that everything that's going on down there is going to fit into." Those parameters can be extremely important to someone. A lousy example, but nevertheless – a lot of places that haven't had zoning codes. I saw a place and I heard the story about it. The people had close to a half a million dollars in a house in an area where there was no zoning codes – out in the country. And what goes in next to it, a trailer park that went downhill in a hurry. The place sold for like \$250,000. People took a horrible bath. You know, an example that's quite far away from an issue like this, but it demonstrates the importance a lot of times of being able to not only have the building you're working with or the sculpture you're working with, but everything else around it really fitting and supporting what you're trying to do. If it doesn't, you can go in and try to do something nice and get something that's kind of lousy next to it, and start to deteriorate the investments that everybody has in that area. When I look at the urban design, the Urban Design Plan is, I think, to be successful given the market and everything that we really have here, it has to be done extremely well to work.

Ms. Zenns: And using an analogy of a trailer park going in is a big change. I mean, that would trigger a site plan. But if a store is looking at store fronts, they're going to change the size of the window in the front – I mean, I don't know, would that trigger it? If it triggered it, why bother to do it even though aesthetically it might look better; now I've got to worry about is it going to take me three months, instead of getting it done next week, the cost – if they don't like it, they want this changed – well, I'm not going to bother to do it – I mean what kinds of change would trigger – that's my concern. If it's any and all changes, no I don't think we should do that, but where do you make that distinction?

Mr. Nelson: It might be better though to leave it to fall....

Ms. Zenns: What wouldn't?

Mr. Nelson: .and let the staff then work it out as to do we need to spend a lot of time on this...

Mr. Rice: Well, I think maybe the Zoning Code the way it is, is specific enough and we just defined it – if it's implying it by the guidelines anyways,

Mr. Rabb: Yes, but you were recommending getting even more specific with this overlay approach which is something that would trigger...

Mr. Rice: That's more saying that it's taking the zoning and re-enforcing what that's saying; in other words, in both documents it's re-enforcing each one. This tells you in there that within zone C-4, these things apply. What I'm saying is that maybe we need to signify that on the Zoning Map – and say within this geographic area the urban design guidelines are in effect. The triggering point may be fine as to what we have in the Zoning Code, if you look at the 12 spaces...x amount of square footage is when the Planning Commission gets...

Mr. Rabb: But you wouldn't touch the triggering...

Mr. Rice: Maybe the triggering is fine just the way it is.

Mr. Rabb: Zoning Code to say that this now applies to the geographic area?

Mr. Rice: Yes. It would just be saying that in this overlay you're in, that this...

Mr. Rabb: You would make an amendment to the Zoning Code, so we would have to recommend that to City Council.

October 16, 2006

Mr. Rice: Yes. It's just a way of making sure that anybody's that touching the Zoning Code and not seeing this, that they have something else that they have to look at...

Mr. Rabb: They would have to look at both.

Mr. Rice: Yes. At both.

Mr. Rabb: The triggering mechanism would stay the same?

Mr. Rice: I think maybe the triggering might be fine the way it is...

Mr. Rice: Well, when it comes to Martha, it all depends if that's an historic structure then SHPPO takes over...

Mr. Rabb:one of the things that could kick in, but I think I would prefer leaving the triggering mechanism as it is but recommending that the Zoning Code be changed so that this now applies to that overlay...

Mr. Rice: Just put an overlay on the map.

Ms. Zenns: That is very generalized so...

Mr. Rabb: Well it is, but it still has...

Ms. Zenns: ...it's not as constricting...

Mr. Rabb: Well, there's some specifics in there...

Ms. Zenns: Yes.

Mr. Nelson: In some ways, you don't want to tie it up too tight because you get a limited amount of design and then at the other side, you don't want it so loose that you end up with something that you really don't want.

Mr. Rabb: Well, this approach might steer us between....

Mr. Nelson: Well, that's the thing – I don't think you can put it in words today that necessarily affects something in 20 years or even five.

Mr. Rice: I mean that's the other thing – this needs to be something that's always monitored the results. Are we making what we're trying to do here a reality, and if not, what do we need to maybe tighten a little bit, or loosen, depending on what the results are that we're getting.

Mr. Nelson: See, there are working documents. I think we need to approach them right off the bat – this is something we have right now, and five years from now, we may end up with something a little bit different. You're in there and spotting things through it just like you do with this document (the Comprehensive Plan)...there are things that change.

Mr. Rice: Most definitely.

Mr. Nelson: That's like planning, I suppose...Planning goes on forever. It never ends – it's not like an end in itself.

Mr. Rice: You're dealing with an environment that's changing out there. What this is calling out is the Plan itself is giving you a direction. It's giving you certain things that they're saying you

really need to do to first help your economy and create the value in what you have, and that's going back to what you were talking about – to maintain value in a certain way. And the guide is saying – this is how you can do this. If you look at these concepts here and apply them to sites, this is how you maintain that value. And that's what it really should be. When you get down to specifics, and it's true, I mean, it's how you interpret certain things between the direction and the final result is what quality level you're going to be getting out of this. And, the example you cited, that could have gone even farther – a much better approach to that and making that an even higher value to the project. But how you interpret it and where you can actually get the economics to work out, sometimes are not the same, so you have to be able to give that little bit of give and take.

Mr. Rabb: Unfortunately it isn't math.

Mr. Champ: That was a wonderful explanation of I guess why we're involved in the planning process. It's supposedly to use the documents as...that have been studied and have been looked at and evaluated and expertise has been hired to create this Urban Design Plan and as we go through that process, I guess it opens up either voids or it opens up great potentials that need to be submitted together, and what I look at the whole reason for doing all the planning to begin with is to try to come up with the more acceptable way of making something happen; you know, that doesn't have countermeasures that have long lasting negative impacts. The requirements of zoning, of course, we understand what they are and why they should be in place, and in some places they will argue why they shouldn't be in place. But nevertheless, the City has a zoning ordinance and the zoning ordinance is there for a variety of major reasons that can be argued for a long period of time, but the Urban Design Plan now has come into play. Much money and much time has been spent on it, but I think if it's going to work properly, and we've created this area of great interest so that investment can be made, improvements can be made, people will more appreciate it than if what you're saying needs to be done to make that greater enhancement. Whether it be an overlay, which I agree with – that should be a designated way of looking at it and we should go forward with it. You know, we should not be afraid of incorporating something that ultimately would be a better approach than what we're doing now. Otherwise, we might as well have not done it to begin with.

Mr. Nelson: But, I think the other thing that's important in planning...it makes the ongoing plan and evaluations, stay the course or whatever, so important is from having been around doing this since about 1965, including being at City Hall, you know, some of the other experiences that I've had is including being on this Planning Commission. Look at all the plans that have been put in place over the years, and I'm not knocking any of them. When they were defined, they were defined under legitimate reasons, good evaluation, good forethought and a variety of things. But they're not here – they either weren't done or they've been put up and knocked down, or whatever, because things all around changed. And, that's the biggest thing we have to deal with all the time is change. So often you set a plan, you get down the road a ways – this isn't going to work, this is something we didn't think of, or jeepers, who ever thought that the federal government was going to revise the way they were going to fund this, or whatever...It's something that's going to constantly occur. None of this is like cast in concrete – nothing is going to affect anything with it...So, it's not a bad thing, it's just something we have to live with.

Mr. Rice: There's one other thing at staff level we've been contemplating too, is maybe adding an appendix of definitions. I think it would be very helpful. It's one thing for an urban designer to talk to another urban designer – there's a connection that they have just by the connotation that they're using...but to help define it to the average person is....

Mr. Rabb: Who's going to come up with the appendix?

Mr. Rice: Greg Lindquist and I, I think, are going to More Greg because I understand where they're coming from in a lot of things, it's just like second nature...

October 16, 2006

Mr. Rabb: You would basically do the appendix?

Mr. Rice: Yes. We would do it in conjunction with Goody Clancy and David's...I've talked to him about it and he felt it was a good idea...there's a term in there that in some ways was new to me. I had an idea of what they were talking about – water sheet...It's in one of the graphics, but they have to do water sheet plans, and it's really dealing with that base of water areas to what activities you're trying to encourage in that area and they actually do plans. But things of that nature – gateway – what does gateway mean? How do you define it? But if there's terms in there that maybe that you feel need to be defined, jot them down and let us know, because we'll start working on those things, but I think it would be very helpful to add an appendix like that.

Mr. Rabb: I agree. But that wouldn't require any action from us. You have the spare time don't you?

Mr. Rice: Amanda does.

Mr. Rabb: Yes, I didn't hear Amanda say she wanted to do it, so....

Mr. Rice: And you probably won't. We thought it might be a good way to help a better understanding of what's really being said. You know, some people will take that document and look at it very literally. You've got to back up and say this is the direction that they're trying to tell you do, and it's appropriate to do certain things, or maybe other things will just be as appropriate. There's certain things in there that need to be done like one of the biggest things that they are saying to you is, not only make the waterfront an add-on area to the downtown, but they're saying that in a certain part of that downtown, that waterfront needs to be part of the downtown.

Mr. Nelson: Oh, so it's a connecting link to the neighborhoods.

Mr. Rice: Yes. And those are the things they are trying to tell you – how you do that is the next level of design commitment that you take, and the site plan issues.

Mr. Nelson: This is...when you and I talked before is, say a plan of connections... connections just keep reaching out from where you start.

Mr. Rice: A conversation I had today on the riverwalk is to – if you look at the riverwalk it's just stringing along the river and is fine; where you place certain things along that river is fine, but the problem is, you start analyzing it on how to connect the neighborhoods – those points start to be more defined as to where it's appropriate for us not to put a bridge across the river. You've got to look outside that immediate area to really make those determinations. And that's the key as to what they're saying to you there. So...it's really defining those things and not just looking through a tunnel. You've got to look outside of that. Reconnect those areas – the downtown, waterfront, the neighborhoods, ...

Mr. Nelson: ...and the parks...

Mr. Rice: Yes, and the parks...

Mr. Nelson: I just didn't want...I kind of added that on...didn't want you to think we were done with just the downtown...

Mr. Rice: Oh no. That's just the beginning.

Mr. Champ: The sequence of events by authorizing the Urban Design Plan to go forward to City Council by our approval and City Council ultimately approving it, the next events taking place after that – do you have any thoughts about what's going to happen?

October 16, 2006

Mr. Rice: Once it's in place?

Mr. Champ: Well, what kind of actions are going to be going on with this Plan?

Mr. Rabb: The Plan called for a celebration of the adoption, and we're a little behind on that, but I would think that would have to be the first thing once the City Council adopts it.

Mr. Rice: Well, another thing that's going to be taking place too, and we've been working on this for a number of years, is the LWRP. That also is a waterfront document or plan.

Mr. Champ: Stick that acronym in your glossary of terms.

Mr. Rice: Yes. Local Waterfront Revitalization Plan has been going on for some years, and one of the reason why we kind of put that on the back burner is getting this document to start looking at a broader picture as to what's appropriate on the waterfront, and I kind of slowed that down for some time getting this to be our basis for completing the LWRP. Now, we've got a direction, we've identified some projects that they want to see, it's a matter of melding the policies that the State is looking up for waterfront access and a number of other things that they're looking for and putting them together. Now, we've got the basis to continue that on. That'll be another thing that we need to get done.

Mr. Nelson: So, we need a resolution now that basically recommends the adoption of this Plan? Secondly, recommends that it be incorporated into the Zoning Ordinance...

Mr. Rice: We could just say as an overlay to the map...You could indicate about the appendix if you feel that's a good idea – just say that you recommend something like that being done...

Mr. Rabb: Which appendix are you talking about?

Mr. Rice: The definitions.

Mr. Rabb: Okay.

Mr. Nelson: Is that the resolution then? That is all we need to do?

Mr. Rice: Yes. I think it's anybody else have any comments?

Mr. Rabb: Two separate resolutions.

Mr. Nelson: So the first one is to...

Mr. Rabb: That we recommend that the City Council adopt the Urban Design Plan.

Jeffrey Nelson: So moved.

Mr. Champ: Seconded.

Mr. Rabb: Any other discussion? All those in favor please said aye.

Carried: 6 ayes, 0 nays

Mr. Rabb: The second resolution was that we would recommend to the City Council (would we be saying amending the zoning code or adding to the zoning code might be a better way) that they amend the Zoning Code by incorporating an overlay document for the geographic area covered by the Urban Design Plan...Could I have a motion to that effect?

October 16, 2006

Mr. Nelson: So moved.

Mr. Champ: Seconded.

Mr. Rabb: Any other discussion? All those in favor please said aye.

Carried: 6 ayes, 0 nays

Mr. Champ: On the date that the City Council gets our resolution, would somebody from the Planning Commission be there in case there's any need for that, or is that not necessary, or...

Mr. Rice: I don't know if it's necessary, but, I mean, staff can go up...

Jim Olson: They have a work session next week, their formal meeting this month is the 30th...

Mr. Rice: But see, there has to be an environmental that goes along with the...before they can adopt it, so we have to start preparing an environmental for them too to work on. The SEQR has to go along with this.

Mr. Rabb: ...change of the Zoning Code for the Plan, so...

Mr. Rice: It actually probably will be for both – be a separate one for each...but they're linked together...

Mr. Rabb: So they're not going to be able to take action on this right away.

Mr. Rice: But the first time that they would see it probably would be the 30th if we get it done that quickly.

Mr. Nelson: So they would actually be saying yes we'll go along with this, do the SEQR and send that out.

Mr. Olson: The 30th is the formal meeting so it would be the work session after that – the 6th.

Ms. Zenns: But then the BPU is there that evening?

Mr. Rice: I think the best thing is to have the SEQR done and accompany the document.

Mr. Nelson: Can you do that in short form?

Mr. Rice: I don't think so. I think the trigger for that is greater than the ...

Ms. Zenns: Aren't any of the downtown ones long form?

Mr. Rice: I think they're all...especially when the geographic area's that large.

Mr. Nelson: I was just thinking about the short amount of time there is...

Mr. Rabb: So there is a possibility of the fact that City Council get this the same evening as the BPU?

Mr. Rice: Possibly.

Mr. Champ: All the more reason for us to show up.

October 16, 2006

Mr. Rabb: Yes. I mean, as many of us can should be there on the 6th – it looks as though we may have lots to do.

Mr. Rice: We have a lot of staff level to do for putting that environmental together and depending on how fast we can get that out...

Mr. Rabb: Is there any other business to come before the Commission? Could I have a motion to adjourn please?

Ms. Zenns: I move to adjourn.

There being no further business, the meeting was adjourned.

James N. Olson
Director of Financial Services/City Clerk