

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, December 7, 2015

The Common Council was convened at 7:00 p.m. and was called to order by President McLaughlin.

The roll being called, the following answered to their names: Council Members Bailey, Commisso, Conti, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher and O'Brien.

Also present was the following staff: Nala Woodard, Barbara Samel and Patrick Jordan.

Council Member Conti led the Pledge of Allegiance.

PUBLIC HEARING

Clerk to the Common Council Nala Woodard read the notice of the public hearing on ORDINSNACE NUMBER 49.112.15 (AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY REGARDING WAREHOUSE DISTRICT OVERLAYS) and the following persons spoke:

1. Chris Spencer, Direct of the Albany Planning Department

There being no further speakers, the President declared the public hearing closed.

PUBLIC COMMENT PERIOD

1. Michael Dudek, 18 Stephen Street, Albany, NY (President Obama's immigration plan);
2. Stephen Shafer, 8 Mynherse Street, Saugerties, NY
3. Diana Wright, 36 Summit Avenue, Albany, NY (Oppose NYS Thruway Authority as lead agency for Pilgrim Pipeline Project);
4. Betty Head, 111 Lincoln Avenue, Altamont, NY (Support DEC as lead agency for Pilgrim Pipeline Project);
5. Carol Tansey, 115 Krumkill Road, Albany, NY (Support DEC as lead agency for Pilgrim Pipeline Project);
6. Gregory Bell, 536 Providence Street, Albany, NY (SEQRA lead agency for Pilgrim Pipeline Project);
7. Vincent Riguso, 13 Beach Avenue, Albany, NY (Resolution 83.121.15R 9Homestead rates));

President Pro Tempore made a motion to extend public comment period for an additional 30 minutes, which was approved by unanimous voice vote.

8. Mark Schaffer, 213 Jefferson Street, Apt. 1, Albany, NY (Pilgrim Pipeline Project);
9. Tina Lieberman-Cohen, 30 Aspen Circle, Albany, NY (Pilgrim Pipeline Project);
10. Roger Downs, 353 Hamilton Street, Albany, NY (Pilgrim Pipeline Project).

There being no further speakers, the President declared the Public Comment Period closed.

President Pro Tempore made a motion to recess for five (5) minutes, which was approved by unanimous voice vote.

The meeting was reconvened.

CONSIDERATION OF LOCAL LAWS:

The local laws on the pending agenda were held at the request of President Pro Tempore Conti.

REPORTS OF STANDING COMMITTEES:

Public Safety – Chairperson Golby stated that the committee will be meeting on December 14, 2015 to discuss the GIVE Program with the Albany Police Department and to discuss Ordinance 38.42.15 9MC) in relation to police statistics.

Human Resources and Human Rights – Chairperson Fahey stated that the committee met today to interview an applicant to the Commission on Human Rights and have two additional meetings set up to interview the remainder of the applicants.

CONSIDERATION OF ORDINANCES

Council Member O’Brien introduced ORDINANCE NUMBER 52.121.15, which was referred to the Planning, Economic Development and Land Use Committee:

AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY REGARDING THE ADDITION OF TRADE SCHOOLS TO THE LIGHT INDUSTRIAL DISTRICT ZONE

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

Section 1. Subsection A of Section 375-75 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

§ 375-76. C-M Light Industrial District.

A. Principal permitted uses shall be as follows:

(38) Trade schools

Section 2. The Council finds and declares that this action is a Type I action under Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder (SEQRA), and directs that coordinated review be conducted for the determination and establishment of Lead Agency.

Section 3. This ordinance shall take effect immediately.

The remaining Ordinances on the pending agenda were held at the request of President Pro Tempore Conti.

CONSIDERATION OF RESOLUTIONS

Council Member Kimbrough introduced RESOLUTION NUMBER 82.121015R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE CREATION OF THE WAREHOUSE DISTRICT OVERLAYS

WHEREAS, Ordinance 49.112.15 was introduced by the City of Albany Common Council on November 16, 2015, which proposes to create overlay districts within the City of Albany; and

WHEREAS, Ordinance 49.112.15 proposes to create two small scale zoning overlays known as the Warehouse District Commercial Overlay and the Warehouse District Residential and Commercial Overlay which are intended to provide for additional use options within a targeted area of the neighborhood; and

WHEREAS, the City of Albany has prepared a Full Environmental Assessment Form (FEAF), in conjunction with said proposed overlay zoning; and

WHEREAS, the action is preliminarily classified as a Type 1 action and is subject to the provisions of the State Environmental Quality Review Act (“SEQRA”), as set forth in Environmental Conservation law Article 8, and its implementing regulations; and

WHEREAS, the Common Council is the most involved agency and, as such, is the appropriate Lead Agency to conduct a review of the plan in accord with SEQRA regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany shall coordinate review of the proposed creation of two small scale zoning overlays known as the Warehouse District Commercial Overlay and the Warehouse District Residential and Commercial Overlay and hereby declares itself Lead Agency pursuant to and under SEQRA.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

RESOLVED, that the City Clerk is directed to give notice of the Common Council’s declaration to act as SEQRA lead agency to all involved agencies.

The resolution passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative –Bailey, Comisso, Conti, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher and O’Brien

Affirmative 12 Negative 0 Abstain 0

Council Member Herring introduced RESOLUTION NUMBER 83.121.15R:

RESOLUTION OF THE COMMON COUNCIL ESTABLISHING THE LOCALLY-ADJUSTED BASE PROPORTIONS OF THE HOMESTEAD AND NON-HOMESTEAD CLASSES FOR PROPERTY TAX PURPOSES PURSUANT TO ARTICLE 19 OF THE REAL PROPERTY TAX LAW

WHEREAS, by Local Law No. 1-1998, the Common Council adopted the provisions of Section 1903 of the Real property Tax Law relating to the establishment of homestead and non-homestead base proportions; and

WHEREAS, pursuant to Section 1903(4) of the Real Property Tax Law, the City of Albany has amended its differential from twenty-five percent to zero percent; and

WHEREAS, pursuant to Section 1903 of the Real Property Tax Law, the locally-adjusted homestead base proportion of the City of Albany's base year assessment roll of 2015 has been determined to be 59.38 percent; and

WHEREAS, pursuant to Section 1903 of the Real Property Tax Law, the locally-adjusted non-homestead base proportion of the City of Albany's base year assessment roll of 2015 has been determined to be 40.62 percent.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby establish the existing class shares as follows:

The locally-adjusted homestead base proportion shall equal 59.38 percent and the locally-adjusted non-homestead base proportion shall equal 40.62 percent.

Council Member Commisso made a motion to amend RESOLUTION NUMBER 83.121.15R, which was seconded.

**Note: Council Members Commisso and Conti spoke on the motion to amend.*

The motion to amend RESOLUTION NUMBER 83.121.15R failed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative –Bailey, Commisso, Krasher and O'Brien

Negative – Conti, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough and Kornegay

Affirmative 4 Negative 8 Abstain 0

Council Member Herring asked for passage and a roll call vote for RESOLUTION NUMBER 83.121.15R:

The resolution passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Conti, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay and O'Brien

Negative - Bailey, Commisso and Krasher

Affirmative 9 Negative 3 Abstain 0

Council Member O'Brien introduced RESOLUTION NUMBER 84.121.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE ADDITION OF TRADE SCHOOLS TO THE LIGHT INDUSTRIAL DISTRICT ZONE

WHEREAS, Ordinance 52.121.15 was introduced by the City of Albany Common Council on December 7, 2015, which proposes to add trade schools as a permitted use within the Light Industrial District Zone (C-M) in the City of Albany; and

WHEREAS, the City of Albany has prepared a Full Environmental Assessment Form (FEAF), in conjunction with said proposed additional permitted use; and

WHEREAS, the action is preliminarily classified as a Type 1 action and is subject to the provisions of the State Environmental Quality Review Act (“SEQRA”), as set forth in Environmental Conservation law Article 8, and its implementing regulations; and

WHEREAS, the Common Council is the most involved agency and, as such, is the most appropriate Lead Agency to conduct a review of the proposal in accord with SEQRA regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany shall coordinate review of the proposed addition of trade schools as a permitted use within the Light Industrial District Zone and hereby declares itself Lead Agency pursuant to and under SEQRA.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

RESOLVED, that the City Clerk is directed to give notice of the Common Council’s declaration to act as SEQRA lead agency to all involved agencies.

The resolution passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative –Bailey, Commisso, Conti, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher and O’Brien

Affirmative 12 Negative 0 Abstain 0

Council Member Herring introduced RESOLUTION NUMBER 85.121.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL ISSUING A POSITIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA) AND THE REGULATIONS PROMULGATED THEREUNDER AND REQUIRING THE PREPARATION AND SUBMISSION OF AN ENVIRONMENTAL IMPACT STATEMENT IN CONNECTION WITH THE REZONE ALBANY PLAN

WHEREAS, the City of Albany has prepared a Full Environmental Assessment Form (FEAF) in conjunction with the proposed adoption of the ReZone Albany Plan; and

WHEREAS, the Common Council declared itself Lead Agency for coordinated review at a public meeting held on September 2, 2015 in connection with the proposed ReZone Albany Plan; and

WHEREAS, the proposal is classified as a Type I action and is subject to the provisions of the State Environmental Quality Review Act (“SEQRA”), as set forth in Environmental Conservation law Article 8, and its implementing regulations.

NOW THEREFORE BE IT RESOLVED, upon review and consideration of the Full Environmental Assessment Form, the Common Council of the City of Albany finds and declares the proposal to be a Type I action and having potentially significant impact upon the environment hereby issues a Positive Declaration.

BE IT FURTHER RESOLVED, that Common Council requires the preparation and submission of an Environmental Impact Statement in connection with the ReZone Albany Plan.

RESOLVED, that this resolution shall take effect immediately.

The resolution passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative –Bailey, Commisso, Conti, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher and O’Brien

Affirmative 12 Negative 0 Abstain 0

President Pro Tempore Conti asked and received majority consent to add Resolution Number 86.121.15R to the pending agenda, which was approved by unanimous voice vote.

**Note: Council Member O’Brien spoke on the motion to add Resolution 86.121.15R to the pending agenda.*

Council Member Kornegay introduced RESOLUTION NUMBER 86.121.15R (MC), asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL URGING THE NYS THRUWAY AUTHORITY TO ALLOW DESIGNATION OF THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION AS LEAD AGENCY FOR THE PROPOSED PILGRIM PIPELINE

WHEREAS, the NYS Thruway Authority has declared intent to assume lead agency status on the proposed Pilgrim Pipeline under the New York State Environmental Quality Review Act (SEQRA) and the Mayor of the City of Albany has by letter dated December 7, 2015 requested that the NYS Department of Environmental Conservation act as lead agency; and

WHEREAS, the proposed pipeline will affect the entire state and there are numerous potential areas of environmental concern including construction and operation within “sites of concern,” impact on clean water aquifers and public water supply wells, impact on endangered species, agricultural resources, and state visual resources. The impact is not limited to Thruway Authority property; and

WHEREAS, the DEC is in the best position to analyze these potential impacts including identifying environmental justice areas. Public notice and hearings on environmental justice would be required by DEC but would not be required should the Thruway Authority be designated lead agency; and

WHEREAS, the DEC can provide the most thorough environmental review for a project of this size affecting numerous municipalities and requiring expertise in various environmental areas.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany urges the New York State Thruway Authority to allow the New York State Department of Environmental Conservation to act as lead agency on the proposed Pilgrim Pipeline under the New York State Environmental Quality Review Act.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Commissioner Robert Megna of the NYS Thruway Authority and Commissioner Basil Seggos of the NYS Department of Environmental Conservation.

**Note: Council Members Kornegay, O'Brien, Conti, Krasher, Golby, Bailey and Igoe spoke on this resolution prior to the roll call vote.*

The resolution FAILED by the following vote of all the Council Members elected voting in favor thereof:

Affirmative – Conti, Fahey, Flynn, Golby, Herring, Kimbrough and Kornegay

Present - Bailey, Igoe, Krasher and O'Brien

Affirmative 7 Negative 4 Abstain 0

The remaining Resolutions on the pending agenda were held at the request of President Pro Tempore Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS:

NONE

ADJOURNMENT

A motion was made for adjournment.

President McLaughlin stated, hearing no objections, that the Council was adjourned.

A true record of the Common Council Minutes of December 7th, 2015.

CASHAWNA PARKER
Legislative Aide to the Council