

- 68 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

ROLL CALL:

MR. WOJCIK, MR. MAHONEY, MR. JUDGE, MR. DUNNE, MR. KROGH, MRS. COLLIER, MS. MESSICK, MR. ARMET, MRS. MAHAR DERGURAHIAN

PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE

LOCAL LAW NO. 4

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER JUDGE

**LOCAL LAW NO. 4 (INTRO #4) FOR 2004 REPEALING CHAPTER 71 "PLANNING COMMISSION"
OF THE CODE OF THE CITY OF TROY, NEW YORK.**

Part 1: Chapter 71 "Planning Commission" (Adopted by the City Council of the City of Troy 3-1-1973 as Art. I of Sub-Part C of Part I of the Code (L.L. No. 1-1951, adopted 5-8-1951). Amendments: Section 71-2 (Amended by L.L. No. 17-1978; L.L. No. 1-1986; L.L. No. 10-1995); Section 71-4 (Amended by L.L. No. 1-1986); Section 71-10 (Amended by L.L. No. 1-1986).

THE ENTIRETY OF CHAPTER 71 "PLANNING COMMISSION" IS HEREBY REPEALED.

Approved as to form, May 27, 2004

John P. Hicks, Corporation Counsel

LOCAL LAW NO. 4 PASSED – AYES: 7 NOES: 2 (Dunne/Mahoney)

To Mayor, 6/16/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

LOCAL LAW NO. 5

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER JUDGE

**LOCAL LAW NO. 5 (INTRO #5) FOR 2004 REPEALING SECTION C-89 OF THE CODE OF THE
CITY OF TROY**

§C-89. City Planning Commission [Amended by L.L. No. 14-1978, §1].

There shall be a City Planning Commission of nine members appointed by the Mayor in accordance with Chapter 71, Planning Commission of the Code of the City of Troy. The Commission shall have all powers and shall perform all the duties of a City Planning Commission as prescribed by said chapter; **IS REPEALED IN ITS ENTIRETY.**

Approved as to form, May 27, 2004

John Hicks, Corporation Counsel

LOCAL LAW NO. 5 PASSED – AYES: 7 NOES: 2 (Dunne/Mahoney)

To Mayor, 6/16/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

LOCAL LAW NO. 6

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER COLLIER

**LOCAL LAW NO. 6 (INTRO #6) FOR 2004 ENACTING AND CREATING A CITY PLANNING BOARD
PURSUANT TO GENERAL CITY LAW ARTICLE 3, SECTION 27(1).**

- 69 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

Chapter 72

PLANNING BOARD

**ARTICLE I
Definitions**

§ 72.6. Rules and Regulations.

§ 72-7. Public records.

§ 72.1. Definitions

**ARTICLE II
City Planning Board**

**ARTICLE III
City Map, Comprehensive Plan
and Subdivision Plats**

§ 72.2. Established; appointments.

§ 72.8 City Map.

§ 72.3. Special authorization and Powers.

§ 72.9. Comprehensive Plan.

§ 72.4. Organization.

§ 72.10. Submission of proposed City projects.

§ 72.5. Removal of members.

§ 72.11. Approval of plats.

**ARTICLE I
Definitions**

§ 72-1. Definitions.

- A. As used in this article, the following terms shall have the meanings indicated:
- CITY MAP – The official map of the City of Troy in existence at the time this article goes into effect, as modified from time to time, showing the location and width of streets in the City in use as public streets as well as the lines of future streets and future street widening and extension.
- BOARD – The City Planning Board.
- COUNTY CLERK – The Clerk of the County of Rensselaer.
- COURSE – The direction of a line of a boundary and/or of a description.
- EASEMENT – An authorization by a property owner for the use by another and for a special purpose of any designated part of his/her property and/or any feature in connection therewith.
- FINAL PLAN – The recommended subdivision map which must be approved by the Planning Board before it can be filed for record with the County Clerk.
- LOT – A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.
- OWNER – Any and all persons whose consent is necessary to the filing of a subdivision map and to the making of the dedications of land or other property shown therein and to pass a clear title thereto.

- 70 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

PRINT – May be a blueprint, photostat, lithoprint or other copy which reproduces exactly the original tracing from which it was made.

STREET – Includes street, avenue, terrace, road, alley, lane, highway, boulevard, concourse, parkway, culvert, sidewalk, crosswalk, viaduct and every class of public road, square and place.

SUBDIVISION – A lot, tract or parcel of land to be divided into two or more lots or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or building development, including all changes in street or lot lines.

TOPOGRAPHIC MAP – A map showing grade elevations by contour lines and the location of important material and other subjects.

- B. The Planning Board's interpretation, by majority vote shall be final as to the meaning of any definition, statement, requirement, rule, etc., in connection with rules and regulations promulgated by it and/or any application thereof.

**ARTICLE II
City Planning Board**

§ 72-2. Established; appointments.

Pursuant to General City Law Article 3, Section 27(1) (a) a planning board consisting of Five (5) Board members is hereby established. The City Planning Board members shall be appointed by the Mayor. The total number of members of the Board shall be five members. The term of office for each Board Member shall be three (3) years, but initial membership appointments shall be pursuant to City Law Art. 3, Sec. §71 (4), the Mayor may also appoint Five (5) alternates to the planning board members. These alternates may serve in the absence of a board member pursuant to General Law Art. 3, Section 27(16). In a Mayoral Election year, and in the event of a board vacancy, the Mayor may not appoint anyone to fill the vacancy during the months of November or December of that election year. Alternate board members must be used.

If a vacancy shall occur, other than by expiration of term, it shall be filled by appointment for the unexpired term. The Mayor may at the time fill vacancies on such Board for the unexpired term and may also remove any member of such Board for misconduct, incompetency or neglect of duty. Each member of such Board shall hold over after the expiration of his/her term until his/her successor shall have been duly appointed and qualified. Each member of the Board, before beginning his/her term of office, shall file in the office of the City Clerk the constitutional oath of office. The municipal officials on such Board shall not by reason of membership thereon forfeit their right to exercise the powers, perform the duties or receive the compensation of the municipal office held by them during such membership.

§ 72-3. Special authorization and powers.

In addition to the powers and duties defined in General City Law, Article 3, Section 27, the Planning Board is hereby authorized and empowered to examine any and all subdivisions and developments within this municipality that have been recorded in the County Clerk's office without the approval of the Planning Board since April 20, 1945, which subdivisions have lots therein which are occupied by structures to the extent of 10% or less of the total area of said subdivision. The Planning Board shall reexamine such subdivisions and developments and treat them as new subdivisions, making such changes in streets, etc., that it deems best for the public health, safety and general welfare, where in its judgment such changes may be effected without working undue hardship upon the individual person. The Board shall also have the power to enact a set of rules and regulations which in its opinion and experience it shall deem proper for the administration of the Board.

§ 72-4. Organization. [Amended by L.L. No. 1-1986]

**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

- A. The Mayor shall appoint a Chair, Vice Chair, and a Secretary annually, from the members of the board. The City Engineer shall act as Executive Secretary for the Board, shall attend every meeting, advise the board on all matters within the scope of his/her position as City Engineer, but not vote on any issue or topic.

The City Planner shall attend every board meeting and assist the Chairperson and Secretary, as directed, in the operation of the meetings and creating and maintaining the minutes and record of all the meetings.

- B. The Board shall meet at least twice a month or as needed. The Board also shall meet at the call of the Chair. Whenever three members, on at least one week's written notice, request the Chair to call a meeting of the Board, the Chair shall call such a meeting. Three (3) members shall constitute a quorum.
- C. The Board shall keep regular minutes of the business transacted at each meeting and, at the conclusion of each year, the Board shall prepare a report, in writing, to the Mayor, covering its activities and containing any recommendations it desires to make.
- D. The Board shall have the power and authority to employ experts, clerks, and secretarial assistance and to pay for their services and such other expenses as may be necessary and proper and shall prepare an annual budget for such purposes not exceeding in all the annual appropriation that may be approved by the City Council of the City of Troy.

§ 72-5. Removal of members.

Any member may be removed by the Mayor for cause and after public hearing. The standard of proof to demonstrate cause shall be a preponderance of evidence. Rules of admissibility of evidence at the hearing shall be liberally applied and constructed to allow all statements, including, but not limited to hearsay evidence. Notice of the public hearing shall be given to the board member at least three (3) days prior to the hearing. The hearing shall be held in Council Chambers, a Judicial Hearing Officer (JHO) shall be retained by the Office of Corporation Counsel for the sole purpose of maintaining order. The JHO shall conduct the hearing, in the presence of the Mayor, and the Mayor shall make the sole decision to remove the board member for cause, based upon a preponderance of the evidence, (more likely than not), standard.

§ 72-6. Rules and regulations.

- A. The Board shall be entitled to and heed the advice of the Corporation Counsel.
- B. With the advice and consent of the Board, the City Council shall adopt rules and regulations governing the subdivision of land.
- (1) Such regulations shall require that the land shown on a plat shall be of such a character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace and may provide for the proper arrangement and width of streets in relation to other existing or planned streets, and to an adopted Comprehensive Plan, for adequate, convenient and suitable open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots.
- (2) As conditions precedent to the approval of a plat, such regulations shall provide the extent to which streets, roads, highways and other public places shall be graded and improved and to which water, sewer and other utility mains, piping or other facilities, sidewalks, curbs, gutters, street signs and lighting standards shall be installed, in accordance with standards, specifications and procedures of the City Engineer, and that suitable monuments be placed at such block corners and other points as may be required by the Planning Board and/or the City Engineer.
- (3) Such regulations shall provide for the tentative approval of the plat previous to such installation, but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the Planning Board may accept a bond with surety to secure to the City the actual construction and installation of such improvements or

- 72 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

utilities and the reasonable cost of inspection on behalf of the Planning Board during such construction, at a time and according to specifications fixed by the Planning Board and in accordance with its regulations.

- (a) If any public utility company's facilities are proposed to be installed within a subdivision, the subdivider shall file with the Board satisfactory assurance that such utility company will make the installations necessary for the furnishing of its services within the time frame satisfactory to the Planning Board; the Board in its discretion may waive the bond as to the utility to be furnished.
 - (b) The term of such bond may be extended by the Planning Board with the consent of the parties thereto.
 - (c) If the Planning Board shall decide at any term of the said bond that the extent of building development which has taken place in the subdivision is not sufficient to warrant all the improvements covered by such bond or that required improvements have been installed as provided in this section and in sufficient amount to warrant reduction in the face amount of said bond, the Planning Board, after public hearing upon the same notice as required for the consideration of a plat, may modify its requirements for any or all such improvements, and the face amount of such bond shall thereupon be reduced by an appropriate amount so that the new face amount will cover the cost in full of the amended list of improvements required by the Planning Board, and any security deposited with the bond may be reduced proportionately.
- (4) In the event that any required improvements have not been installed as provided in this section within the term of such performance bond, the Mayor upon recommendation of the Board shall thereupon declare the said performance bond to be in default. The City shall enforce such bond by all appropriate legal and equitable remedies.
- (a) Upon the receipt of any sums of money collected upon said bond, the City shall install such improvements as were covered thereby and are commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such monies so received.
 - (b) In the event that any required improvements have been commenced or are being installed in violation of the provisions of the resolution of the Planning Board approving the plat and/or not in accordance with the specifications of the Planning Board's regulations as established by ordinance of the City Council, the City, in addition to other remedies, shall institute any appropriate action or proceeding to restrain, correct and/or abate such violation.
- C. It is intended by this article to grant to the City Planning Board the powers necessary for guiding and accomplishing a coordinated, adjusted and harmonious development of the City which will, in accordance with present and future needs, best promote health, safety and the general welfare as well as efficiency and economy in the progress of development. The Planning Board may vary, subject to appropriate conditions, such requirements of the regulations established as provided in this section as in its judgment of the special circumstances and conditions relating to a particular plat that are not requisite in the interest of the public health, safety and general welfare. When making its determination as to the improvements to be required, the Planning Board shall take into consideration the prospective character of the development and the allowed density of population under the applicable zoning ordinance. The Planning Board shall also hear and decide all matters upon which it is required to pass under such regulations. In addition, the Board shall adopt rules and regulations in respect to procedures before it and in respect to any subject matter over which it has jurisdiction, such rules not to be inconsistent with law.

- 73 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

§ 72-7. Public records.

The rules and regulations of the Board and the City Map and Comprehensive Plan shall be deemed public records and shall be open to public inspection at all reasonable times in the office of the Planning Department.

ARTICLE III
City Map, Comprehensive Plan and Subdivision Plats

§ 72-8. City Map.

The Bureau of Engineering shall be the custodian of the official City Map. It shall be the duty of the City Engineer to maintain the City Map and to register thereon all changes resulting from action authorized by law. The City Map shall be filed in the office of the City Engineer and certified copies thereof and of all changes thereto shall be filed in the office of the Planning Board.

§ 72-9. Comprehensive Plan.

- A. The Boards shall review and make recommendation to the City Council on the adoption of a proposed Comprehensive Plan or amendment thereto. Such Comprehensive Plan shall show desirable streets, public places, bridges and approaches thereto, viaducts, parks, public reservations, boulevards, parkways, playgrounds, roadways in parks, public buildings and structures, pierhead and bulkhead lines, docks and wharves, waterways, routes of railroads and omnibuses, locations of drainage systems, sewers, sewage treatment plants, incinerators, water conduits and other public utilities privately or publicly owned, zoning districts, aviation fields, public parking spaces, and also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing features of the plan. Such Comprehensive Plan shall also show the general layout of neighborhood units and community centers therein and the replanning of blighted areas and such other features as will provide for the improvement of the City and its further growth, protection and development and will afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health, safety and general welfare of its population. Such Comprehensive Plan may also show any of the above features in relation to areas outside the City's limits and within the County of Rensselaer.
- B. Before the Comprehensive Plan or any part thereof relating to the area within the City is adopted, the Board shall hold a public hearing or hearings. Before a modification of any part of the Comprehensive Plan is adopted, the Board may hold a public hearing or hearings. At least ten days' notice shall be given prior to the holding of such hearing by publication in the official newspaper or newspapers of the City.
- C. The various plans comprising the Comprehensive Plan, and all modifications thereof when adopted, shall be filed in the office of the Board.
- D. The recommendation of the Plan, and any part, amendment, extension, or addition thereof, shall be by resolution of the Board, carried by the affirmative votes of not less than four members.

§ 72-10. Submission of proposed City projects.

- A. Pursuant to §31 of the General City Law, the Council shall refer to the Board all proposals concerning or affecting the following:
 - (1) Any proposed addition to or change in the Official Map not initiated by the Board.
 - (2) Any proposed amendment to zoning regulations of the City or any proposed zoning regulations to replace zoning regulations existing at the time such proposal is made, if such proposed amendment or zoning regulations are not submitted by the Board.
- B. After the Board receives any such proposal, it may hold public hearing thereon, notice of which shall be published in the official newspaper or newspapers of the City at least 10 days prior thereto. If the Board fails to act on such proposal within 62 days after the Council submits it to the Board, such failure to act shall be deemed an approval.

- 74 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

However, at the time of submission of such proposal to the Board, the Council may specify a longer period, not exceeding 60 days, within which the Board may take action thereon. If the Board fails to act within such longer period, it shall be deemed to approve such proposal.

- C. The Council shall not take final action on any of the matters enumerated in Subsection A of this section until the Board has made its report thereon or the time within which the Board was required to report has expired.

§ 72-11. Approval of plats.

No plat of a subdivision of land partly or wholly within the City shall be filed with the County Clerk until it shall have been approved by the Planning Board and the approval thereof entered on the plat by the secretary thereof. Every plat approved by the City Planning Board shall, by virtue of such approval, be deemed to be an amendment of or an addition to or detail of the Comprehensive Plan and part thereof, if a Comprehensive Plan shall have been adopted prior to such approval. If a Comprehensive Plan or part thereof shall not have been adopted prior to such approval, that such plat so approved shall be incorporated in and made a part of any Comprehensive Plan thereafter adopted. Approval of a plat shall not be deemed to constitute or affect an acceptance by the public of any street or other open space shown upon the plat, however, the filing of an approved plat shall constitute an irrevocable offer of dedication by the owner of the land to the City of Troy of streets, roads or highways shown on said plat and of land shown thereon as widened areas of existing streets, roads or highways, and provided further, that where such an approved plat so filed shall amend or supersede in whole or in part the layout of streets, roads, or highways shown on a previously filed plat, such offer of dedication as to streets, roads or highways or widened areas thereof shown on such superseded plat and not shown on such amending plat shall be deemed withdrawn. Such Board shall have all the powers and be subject to all the duties of Article 3 of the General City Law in relation to such plats. It shall be the duty of the secretary of that Board to file with the County Clerk a certificate stating that the Board has been so authorized to approve plats. Such certificate shall state also that the secretary of the Board shall issue the certificate of the City on its failure to take action on a plat whenever it is necessary to issue such a certificate, pursuant to §32 of the General City Law.

Approved as to form, May 27, 2004
John Hicks, Corporation Counsel

LOCAL LAW NO. 6 PASSED – AYES: 7 NOES: 2 (Dunne/Mahoney)

To Mayor, 6/16/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

LOCAL LAW NO. 7 OF 2004

INTRODUCED BY: COUNCIL MEMBER WOJCIK AND DUNNE

SECONDED BY: COUNCIL MEMBER ARMET

**LOCAL LAW APPROVING THE ESTABLISHMENT OF THE BUSINESS IMPROVEMENT DISTRICT
("BID")**

BE IT ENACTED, by the City Council of the City of Troy, as follows:

1. The City of Troy shall adopt the establishment of a Business Improvement District pursuant to the district plan made available to the public pursuant to Resolution Number 11 of December 4, 2003 and/or presented in a public hearing conducted on April 14, 2004; and
2. This act shall become effective only upon compliance with Section 980(g) of the General Municipal Law.

Approved as to form, June 1, 2004
John Hicks, Corporation Counsel

LOCAL LAW NO. 7 PASSED – AYES: 6 NOES: 2 (DerGurahian/Collier) ABSTAIN: 1 (Mesick)

To Mayor, 6/16/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

- 75 -
SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004

LOCAL LAW NO. 8 OF 2004
INTRODUCED BY: COUNCIL MEMBER COLLIER
SECONDED BY: COUNCIL MEMBER DUNNE
LOCAL LAW ENACTING SOUTH TROY WATERFRONT ZONING

§1. South Troy Waterfront Zoning is enacted to read as follows:



South Troy
Waterfront
Zoning
Amendment

- 77 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

To be inserted into the 1988
City of Troy Zoning Ordinance

Planning & Engineering Department

Table of Contents

4.202 Waterfront Districts

- (A) Philosophy
 - 1. Waterfront Mixed Use District
 - 2. Waterfront Commercial District
 - 3. Waterfront Trade District
- (B) Definitions
- (C) Allowed Uses and Schedule
- (D) Lot Characteristics and Schedule
- (E) Landscaping and Buffering
- (F) Parking

4.304 Waterfront Overlay District

- (A) Philosophy
- (B) Definitions
- (C) Waterfront Overlay District Boundaries
- (D) Regulated Uses
- (E) Development Standards

- 78 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

South Troy Waterfront Map

4.202 Waterfront Districts

(A) Philosophy

1. Waterfront Mixed-Use District (WMD) -The purpose of this district is to encourage the redevelopment of South Troy's northern waterfront as a mixture of uses that will contribute to the City's tax base, create jobs and integrate with the natural environment of the Hudson River, the downtown, the adjacent residential neighborhood and city bicycle/ pedestrian trail systems. This shall be accomplished by providing zoning classification suitable for application to that portion of the waterfront where mixed uses including recreation, public greenspace, professional offices, multi-family residential, research and development space, and limited retail and service-related commercial activity will be permitted. Permitted commercial uses will be limited to those uses that will not compete with downtown retail activity and will provide goods and services needed by the adjacent residential neighborhood and the employees and customers of businesses located on the waterfront.
2. Waterfront Commercial District (WCD) –The purpose of this district is to encourage the redevelopment of South Troy’s central waterfront for a mixture of commercial and industrial uses that will contribute to the City's tax base, create jobs and are suited for integration with the natural environment of the Hudson River, the adjacent residential neighborhood and city bicycle/ pedestrian trail systems. This shall be accomplished by providing zoning classification suitable for application to that portion of the waterfront where uses including recreation, greenspace, research and development activities and offices, light industry activity and limited retail will be permitted. Permitted retail uses will be limited to those uses that will not compete with downtown retail activity and will provide goods and services needed by the adjacent residential neighborhood and the employees and customers of businesses located on the waterfront.
3. Waterfront Trade District (WTD) -The purpose of this district is to continue to permit the location of important industrial uses predominantly located on the South Troy Waterfront by retaining and upgrading industry facilities. This area's location near major transportation routes, eases transportation connections for businesses and

**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

removes heavy truck traffic from neighborhood streets. Access to the rail line and river for shipping purposes in this district also makes the South Troy Waterfront attractive for industrial users. New buffering and design standards for new and relocating business will ensure greater compatibility of industrial users with the adjacent residential community and city bicycle/ pedestrian trail systems.

(B) Definitions

The following definitions apply only to 4.202 Waterfront Districts

BOTTLE RECYCLING CENTER: A lot or parcel of land, with or without buildings, upon which used returnable and/or refundable beverage containers not limited to solely bottles and may include cans and other materials, are separated, sorted, stored, and or processed for shipment for eventual reuse in new products.

BUSINESS OFFICE: A room, wing or detached building housing the office of a service or sales agency, not engaged in the manufacture or sale of goods, and wherein no storage space for merchandise is permitted.

CULTURAL FACILITIES: Establishments utilized for the display of exhibits of historic, educational or cultural nature that are not operated commercially, but may have an accessory retail component.

FINANCIAL INSTITUTIONS: A building or structure utilized for the direct transactional services to the public, including the maintenance of checking and savings accounts, certificates of deposits, etc. and the providing of a related incidental financial services associated with a bank.

HOTEL/INN: A building containing a single dwelling unit in which more than four sleeping rooms are provided by the owner/occupant for compensation, for the accommodation of transient guests, with or without meals and which may have a conference center as an accessory use.

LIGHT INDUSTRIAL: A facility that designs, assembles, or processes a product from previously prepared materials, of finished products or parts, for wholesale or retail sale and operates its uses within a building or buildings. The industry does not produce high volumes of polluting wastes and is compatible with other uses of the district.

MANUFACTURING: A use engaged in basic industrial processing; having potentially dangerous, hazardous or offensive methods, or engaged in the mechanical or chemical transformation of materials or substance into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

NEIGHBORHOOD RETAIL SERVICES: A limited retail or service business operating solely on the ground floor of a principal building with a footprint of no more than 2,500

- 80 -
SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004

square feet that provides goods and services to adjacent residential neighbors. Examples of neighborhood retail establishments are grocery stores, personal care services, Laundromats, florists, pharmacies and bakeries.

PERSONAL CARE SERVICES: Establishments primarily engaged in providing services involving the care of a person such as beauty shops, barbershops, nail salons, shoe repair, other salons, and other similar uses in the care of a person.

RECREATIONAL FACILITIES, PUBLIC: Recreation facilities operated as a nonprofit enterprise by the City of Troy, any other governmental entity or any nonprofit organization and open to the general public.

RESEARCH AND DEVELOPMENT FACILITIES: A building or portion of a building in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for manufacturing or sales of products except as accessory use related to facilities.

RESTAURANT, FULL SERVICE: Any building, room, space or portion thereof where food is sold for consumption on the premises, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter where the items are consumed. A full service restaurant may provide "accessory" delivery service, take out service (except drive through facilities) and related retail sales items.

RESTAURANT, TAKE OUT: Any building, room, space, or portion thereof where food or beverage is sold for consumption on-site or off-premises within a short period of time, orders are made at either a walk-up window or counter, payment is made prior to consumption, and packaging of food is done in disposable containers, or is not a "full service restaurant." A take out restaurant may provide "accessory" delivery service, and related retail sales items, but no drive through facility will be allowed.

TRUCKING TERMINAL: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation. The terminal facility may include storage areas for trucks and building or areas for the repair of trucks associated with the terminal.

WATER-DEPENDENT USES, COMMERCIAL/ RECREATIONAL: Activities which require a location in, on, over, or adjacent to the water because the activities require access to water and the use of water is an integral part of the activity; excepting unloading and aggregate transshipping facilities. Allowed water-related uses include public and private marinas, commercial and recreational fishing facilities, boat repair, storage, and hauling facilities, tour boat and charter boat facilities, waterborne commerce, ferries, and marine educational and laboratory facilities.

WATER DEPENDENT USE, INDUSTRIAL: Activities which require a location in, on, over, or adjacent to the water because the activities require access to water and the use of water is an integral part of the activity; unloading and aggregate transshipping facilities

- 81 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

such as transferring freight between two modes of transport: from a truck to a railroad car or barge.

WAREHOUSING: A use engaged in storage distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

(C) Allowed Uses

1. Pre-existing Non-Conforming Uses (PNCU) status: All parcels affected by this zoning change will be afforded Pre-existing Non-Conforming Use (PNCU) status. The PNCU shall be allowed to continue and all business operations approved for that parcel by the Director of Code Enforcement under the direction of Corporation Council, currently in operation, are allowed to continue those business operations. The PNCU status and the business operations thereon may continue so long as the business operations are uninterrupted and continuous. In the event any business and parcel enjoying a PNCU status ceases operation for seven hundred twenty (720) consecutive days, that business and parcel loses the PNCU status.
2. Permitted uses and uses requiring a Special Use permit in Waterfront Districts are illustrated in the Primary Use Schedule 4.202 (C) 4, except as otherwise described in 4.202 (B) 2. Any use that is not permitted as of right or with a special use permit is a prohibited use.
3. The following uses, when permitted in the Northern Waterfront District (WMD) pursuant to the Primary Use Schedule 4.202 (C) 4, are only permitted as part of a multi-use development on a lot(s) when the use occupies no more than 50% of the gross square footage of the total building structure for uses (1-5), and when the use occupies no more than 30% of the gross square footage of the total development site for use (6) (Multi-family dwellings). The remaining square footage shall be occupied by one or more of the other permitted uses pursuant to this section.
 - (1) Branch banks
 - (2) Child care facilities
 - (3) Cultural facilities
 - (4) Restaurants, take-out
 - (5) Neighborhood retail
 - (6) Multi-family dwellings
4. Permitted Accessory Uses and Structure
 - a. Living or residential quarters as an accessory use including, but not limited to, security guards' quarters where such quarters are customarily provided for security and/or insurability of the premises and other residential uses directly related to the operation of the primary permitted use.
 - b. Offices for executive, administrative, and professional uses directly related to the operation of the primary permitted use
 - c. Off-street parking or loading areas

- 82 -
SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004

- d. On-site hazardous waste treatment and storage facilities
- e. Storage sheds and tool sheds.

5.

PRIMARY USE	WMD	WCD	WTD
Bottle Recycling Center	NP	NP	P
Branch Banks	P	P	NP
Business Office	P	P	P
Child Day Care Center	P	NP	NP
Cultural Facilities	P	P	NP
Dry Cleaning, retail only	P	NP	NP
Financial Institutions excluding Branch Banks	P	P	NP
Hotels/Inns	P	NP	NP
Light Industry	NP	P	P
Manufacturing	NP	NP	P
Multi-Family Dwellings	P	NP	NP
Neighborhood Retail	P	P	P
Open Space/ Greenways	P	P	P
Parking Lots or structures as separate, primary uses	NP	NP	P
Passenger Transportation Terminals, taxi stands, ferries	P	P	P
Personal Care Services	P	P	NP
Printing and Publishing	NP	P	P
Professional office	P	P	P
Recreational Facilities, public	P	P	P
Repair, Storage and sales of heavy equipment	NP	NP	P
Research and development facilities	P	P	NP
Restaurants, full-service	P	P	P
Restaurants, Take out	P	P	NP
Storage, indoor	NP	NP	P
Storage, Outdoor	NP	NP	P
Tavern and Bar	P	NP	NP
Train Stations and Bus Stations	NP	P	P
Transshipping facilities, unloading and aggregate	NP	NP	P
Trucking Terminal	NP	P	P
Warehousing	NP	NP	P
Water Dependent Uses, Commercial/Recreational	P	P	P
Water Dependent Uses, Industrial	NP	NP	P
Wholesaling, distribution, and commodities	NP	P	P

P=Permitted NP= Not Permitted

(D)Lot Characteristics

- 83 -
**SPECIAL MEETING
 CITY COUNCIL
 JUNE 15, 2004**

3.2. Height Minimum: The minimum height for a principal building is the height of the immediately adjacent principal buildings or principal buildings within 20 feet of the side lot line. If the immediately

Lot Characteristics								
Zone	Setbacks							
	Max Building Height	Minimum Lot Area	Front Min	Front Max	Rear Min	Side Min	Max Lot	Max Density
WMD	70 ft	None	None	20 ft	20 ft	10 ft Ea.	80%	None
WCD	70 ft	None	None	20 ft	20 ft	10 ft Ea.	80%	None
WTD	70 ft	None	None	20 ft	20 ft	10 ft Ea.	80%	None

adjacent buildings are of different heights, then the minimum height is the lesser height of the adjacent buildings. If there are no adjacent buildings within 20 feet of the lot line, the height minimum shall be in keeping with the height of the majority of the buildings on the street block.

3. Height Maximum: Maximum will be according to the lot characteristics section in 4.202 D 1 except when any building or part thereof is within 125 feet of the point of shoreline stabilization of the Hudson River or within 50ft of an existing street, the height shall not exceed 35ft.

(E) Landscaping and Buffering

a. Purpose

The landscaping regulations are intended to establish minimum requirements and standards for landscaping commercial and industrial sites in order to maintain and protect property values, enhance the general appearance of the City and provide the residents of the City with a sense of place. In general, these provisions ensure landscaping criteria that will curtail soil erosion, absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, heat, and other objectionable activities generated by some land uses; buffer and screen adjacent properties; provide shade; and promote the pleasant appearance and character of neighborhoods and the city.

- 84 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

b. General Requirements

A landscaping plan shall be prepared describing how the requirements of this chapter will be met for any proposed commercial or industrial development with a new building or building expansion that amounts to or exceeds either 4,000 square feet or 25% of the assessed valuation of the existing building.

c. Perimeter Landscaping

Minimum Planting Requirements:

1. To provide proper planting area, the minimum dimension of any required planting area must be no less than 8 feet in width.
2. At the time of planting, deciduous trees must be at least 2 inches in diameter measured 6 inches above the base, and coniferous trees must be at least 6 feet in height.
3. Trees shall be any combination of deciduous and evergreen. One tree shall be provided for each 25 linear feet of landscaped area.
4. Shrubs must be at least 18 inches in height at time of planting. Shrubs and ground cover should be planted so that they attain coverage of at least 75% of the planting area within 4 years.
5. Any buffering tree or shrub that has died during transplant or subsequently afterwards must be replaced.

d. Outdoor Storage Buffers

A storage yard in connection with a permitted commercial or industrial use shall require visual screening from adjacent properties and public rights-of-way. Visual screening shall be required to consist of a continuous fence, wall, evergreen hedge, landscape planting or combination thereof so as to effectively screen the storage yard which it encloses, and be maintained in good condition. In cases where the physical characteristics of the parcel or surrounding parcels make actual screening from adjacent properties impossible or unreasonable, this requirement may be completely or partially waived by the Zoning Board of Appeals after public hearing and review as required by the variance process.

e. Fences

Fences may be erected to a maximum height of 10 feet. No barbed wire shall be permitted. All fences or walls hereafter erected that are more than 8 feet in height shall be reviewed by the Planning Commission and shall be subject to all terms and conditions as required by the Planning Commission.

Appearance. Fences shall be constructed of materials that are new or in good used condition and shall be maintained in a structurally sound and safe condition, in a plumb upright position, and free from excessive rust, peeling or faded coatings and damaged or deteriorated components. Material of assemblies clearly not intended for use as fencing shall not be utilized.

- 85 -
SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004

Traditional fencing materials such as painted picket fences, ornamental wrought iron-type fences, low hedges, or limestone retaining walls are permitted. Chain link fences and high opaque fences are prohibited in front yards and side yards visible from public right of way. Tall foundation plantings that obscure the waterfront are prohibited. Industrial uses will be exempt from the requirements set forth in the three preceding sentences.

(F)

Parking: The following parking requirements shall apply only to 4.202 Waterfront Districts.

Assembly and packaging facilities	1.75 space for each 2 employees on the largest shift, with a minimum of 2 spaces
Branch Banks, Savings and loans, credit unions	4 spaces per 1,000 square feet
Child day care Center	1 space for each staff member plus 1 space per 10 children
Commercial or academic research and development facility	2.7 spaces per 1,000 sq ft
Construction industry facility	1 space per employee
Financial Institutions not otherwise included in this schedule	3 spaces per 1,000 sq ft gross floor area
Hotel	1 space for each room and 1 space per managers unit
Manufacturing use	1.75 space for each 2 employees on the largest shift with a minimum of 2 spaces
Mini-storage facility	1 space for every 100 storage units and 2 spaces for permanent on-site managers with a minimum of 3 spaces for all facilities, regardless of size.
Mixed Use	Shared of combined parking standards shall be used to calculate needed parking. This calculation is based upon the gross leasable area for each shop or business and does not include atriums, foyers, hallways, courts, maintenance areas, etc.
Neighborhood Retail	50% requirement for retail uses in this Schedule
Offices, general	3 spaces per 1,000 square feet gross floor area
Printing and Publishing	1.75 space for each 2 employees
Restaurant, excluding Take-out only	12 spaces per 1,000 sq ft
Restaurant, Take-out only	1 space per 15 sq ft
Retail use including shopping centers	3.25 spaces per 1,000 sq ft
Service Businesses (eg salons, barbershops, dry cleaners, Laundromat	3.5 spaces per 1,000 sq ft

- 86 -
**SPECIAL MEETING
 CITY COUNCIL
 JUNE 15, 2004**

Taverns, bars	12 spaces per 1,000 sq ft
Trucking and transshipment facilities	1 space per 1,000 sq ft
Warehouse	1 space per 1,000 sq ft
Wholesale and Distribution	1 spaces per 3,000 sq ft

WATERFRONT OVERLAY DISTRICT

4.304 Waterfront Overlay District

(A) Philosophy

The purpose of the Overlay district is to allow additional protections to all waterfront districts when an alteration to existing conditions occurs.

The Waterfront Overlay District provisions have the following purposes:

- a) To preserve natural, recreational, scenic and historic values along the City of Troy's Hudson River waterfront, Poestenkill Creek and Wynantskill Creek.
- b) To preserve, provide, and enhance recreation areas and other green space.
- c) To provide a continuous bicycle/ pedestrian trail along the Hudson River.
- d) To protect the public health and safety.
- e) To regulate uses and structures along the waterfront to avoid increased erosion and sedimentation.
- f) To recognize areas of significant environmental sensitivity that should not be intensely developed.
- g) **To allow reasonable uses of land on the waterfront while directing more intensive and non-water related development to the most appropriate areas of the community and region.**

(B) Definitions

The following definitions shall apply only to 4.304 of this Chapter.

ENCROACH: To permanently occupy space within the physical boundaries of (such as a wetland).

FLOODPLAIN: As defined in Article 36 of the Environmental Conservation Law or flood hazard areas as determined by the National Flood Insurance Agency.

FLOOD-RELATED: Any condition, which can be attributed to the damage or occurrence of a flood or accidental inundation of water.

IMPERVIOUS SURFACE: Any non-porous area covered by a substance that does not, by its physical qualities, permit inundation by water including, but not limited to, asphalt, slate, brick, aluminum, and concrete.

NON POINT POLLUTION: Water-borne substances that can have adverse impacts on fish, wildlife, habitats, and water quality, that enter the groundwater via a diffuse number of points, possibly from the same source, as opposed to one particular point of entrance.

PHYSICAL OBSTACLE: Any structure or piece of structure that prevents visual or physical contact.

PIER: A structure that encroaches on a body of water specifically for the purpose of providing the general public with access for recreational fishing.

RIGHT OF WAY: A right belonging to a party to pass over land of another. It is only an easement, and grantee acquires only right to a reasonable and usual enjoyment thereof with owner of soil retaining rights and benefits of ownership.

- 87 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

SHORELINE: The point at which land and water meet as determined by the mean high-water mark of a body of water.

STORM WATER MANAGEMENT: The intentional containment, chemical treatment, or alteration of flow of water that results from precipitation specifically for the purpose of preventing flooding, erosion, or nonpoint pollution.

SUBSTANTIAL REHABILITATION: The investment of more than 50% of a structure's assessed value in repairs or improvements other than physical expansion.

WATER-DEPENDENT USES: Activities which require a location in, on, over, or adjacent to the water because the activities require direct access to water and the use of water is an integral part of the activity. Examples of water-dependent uses include public and private marinas, yacht clubs, boat yards, commercial and recreational fishing facilities, tour boat and charter boat facilities, unloading and aggregate trans-shipping facilities, waterborne commerce, ferries, marine educational or laboratory facilities, and water-related public and quasi-public utilities.

WATER-ENHANCED USES: Activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to the public enjoyment and use of the water's edge, if properly designed and sited. Water enhanced uses are generally of a recreational, cultural, commercial or retail nature.

(C.) Waterfront Overlay District Boundaries

The Waterfront Overlay District boundary is defined on the official Zoning Map of the City of Troy.

(D.) Regulated Uses

1. All actions that involve construction of a new structure, addition of more than 500 square feet of gross floor area to an existing structure, a change in use, alteration or construction of a sign, or substantial rehabilitation or facade alteration of an existing structure will be subject to 4.304.
2. Development otherwise permitted in the underlying zone will be further regulated in accordance with the provisions of this Article.
 - a) Docks and piers. Access to the water from lots in any proposed subdivision shall be from a single common dock unless a single dock is considered infeasible, as determined by the Planning Commission.
 - b) Water-dependent uses. Any applicant proposing development adjacent to a water-dependent use will be required to notify the owner of the water-dependent use and submit his/her comments with the site plan, if comments were received. New development that permanently interferes with existing use of the water or will permanently inhibit the continued operation of a water-dependent use is prohibited.
 - c) Water-enhanced uses. Any proposed water-enhanced use that will have a significant negative environmental or economic impact on existing water-dependent uses (more than one) will not be permitted.
 - d) Marinas. All site plans for new marinas or expansion of existing ones, must include a storm water management plan signed and prepared by a NYS licensed engineer, and must include a pump out.

(E.) Development Standards

The following development standards will apply only to parcels partially or wholly within the Waterfront Overlay district and only to actions that involve construction of a new structure, addition of more than 500 square feet of gross floor area to an existing structure, a change in use, or substantial rehabilitation or facade alteration of an existing use.

- 88 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

1. Hazards to water quality. No structure or building shall be used in such a way as to significantly threaten or cause significant pollution to the water quality of the Hudson River, Poestenkill Creek and Wynantskill Creek.
2. Relation to Water. Any use encroaching on water or that will exist permanently above water that is not water-dependent will not be permitted.
3. Visual and physical access. Any new development that creates a visual or physical obstacle to public access, on land that was previously accessible to the public, will not be permitted or must mitigate the impact to ensure that physical and visual access is provided in another form.
4. Building height. The height of proposed buildings will conform to those requirements set forth in the Schedule 3.406 of this chapter.
5. Riverfront setback. Setbacks shall meet the setbacks standards in Schedule 3.406 for the underlying base use district except for properties adjacent to the Hudson River, which shall have a setback of 50 feet from the top of the Hudson Riverbank as defined by the Planning Commission on a site-by-site basis.
6. Building orientation. Primary structures shall be oriented toward the Hudson River as well as the street by providing windows, doorways and other architectural features on the riverfront side of buildings.
7. New construction shall be related harmoniously to any immediately adjacent building with respect to architectural design and material.
8. Transportation. All new development must be situated on a parcel and connected to infrastructure so as to ensure that it will be accessible by different forms of transportation. This includes pedestrian, bicycle, passenger vehicle, and public transportation such as bus or van. Sidewalks will be installed by property-owners for all new development in the waterfront area. Such sidewalks will connect to existing sidewalks, provided they are present on adjacent lots.
9. Natural Features. Destruction of natural features that serve to protect from floods or erosion will not be permitted. Such features could include the riverbank, vegetation, and natural slopes. Any party responsible for the illegal or unauthorized destruction of such features will be compelled to replace them or compensate the City for their replacement.
10. Pedestrian Trails. A continuous publicly accessible municipally owned pedestrian trailway shall be created along the Hudson River waterfront in the Waterfront Overlay district. An applicant for site plan approval of a lot or parcel which contains land along the Hudson River Waterfront shall be required to reserve a continuous right of way having a minimum width of fifty (50) feet measured laterally from the point of shoreline stabilization of the Hudson River in which a minimum twelve (12) foot wide paved public trailway shall be developed on that lot or parcel in accordance with city plans.
11. Preservation of historic structures. Every effort shall be made to protect, enhance and adaptively reuse historic structures within the waterfront overlay district. Any new construction adjacent to a nationally or locally registered historic district shall be subject to Historic District Advisory Review and Historic Commission approval.

- 89 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

§This Local Law shall take effect immediately.

Approved as to form, June 3, 2004
John Hicks, Corporation Counsel

LOCAL LAW NO. 8 PASSED UNANIMOUS

To Mayor, 6/16/04 for Executive Action – Approved, Returned 06/17/04
SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 1

INTRODUCED BY: COUNCIL MEMBER WOJCIK

SECONDED BY: COUNCIL MEMBER DUNNE

RESOLUTION AUTHORIZING THE CORPORATION COUNSEL TO RETAIN SPECIAL COUNSEL TO DEFEND THE CITY IN AN ACTION BROUGHT AGAINST IT IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF NEW YORK BY ROBERT CARRASQUILLO AND ANGELA CARRASQUILLO

WHEREAS, Robert Carrasquillo and Angela Carrasquillo did on the 30th day of September, 2002 commence an action in the United States District Court for the Northern District of New York against the City of Troy and Sean Kittle, a member of the Police Department of the City of Troy, and others to recover damages for personal injuries and an alleged violation of civil rights as the result of an incident which occurred in the City of Troy on the date of July 3, 2001; and

WHEREAS, the staff of the Law Department has heretofore done all of the legal work necessary to defend such claims from the time when so commenced and will continue such defense up until the time when the same are reached for trial; and

WHEREAS, in the judgment of the Corporation Counsel it will be necessary to engage the services of an experienced outside counsel to do the actual trial work necessary to defend such claims, including the preparation therefore; and

WHEREAS, the Corporation Counsel has determined that an hourly rate of \$125.00 is a fair and reasonable rate and one commonly charged by experienced trial attorneys in this area for the defense of such claim; and

WHEREAS, the Corporation Counsel believes that E. Stewart Jones, Jr. of Troy, New York is a trial attorney of proven ability who will competently defend the City and its said police officer in the trail of such action; and

WHEREAS, the said E. Stewart Jones, Jr. has advised the Corporation Counsel's office that he is willing to undertake such defense at the hourly rate so specified,

NOW THEREFORE, BE IT RESOLVED, that the City shall and hereby does retain said E. Stewart Jones, Jr. to defend the above-described claims brought against the City and its said police officer Sean Kittle by Robert Carrasquillo and Angela Carrasquillo up through and including the trial or other disposition thereof and that said attorney be paid at a rate of One Hundred Twenty-five Dollars (\$125.00) per hour, plus all disbursements necessarily and incidentally incurred in such defense.

Approved as to form, May 14, 2004
John Hicks, Corporation Counsel

RESOLUTION NO. 1 PASSED - UNANIMOUS

To Mayor, 6/16/04 for Executive Action – Approved, Returned 6/17/04
SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 2

INTRODUCED BY: COUNCIL PRESIDENT DERGURAHIAN

SECONDED BY: COUNCIL MEMBER DUNNE

**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

**RESOLUTION AUTHORIZING MAYOR HARRY TUTUNJIAN TO EXECUTE ALL DOCUMENTS
NECESSARY AND ESSENTIAL TO RELEASE AND REFINANCE THE CURRENT HUD SECTION
108 LOAN WITH THE CITY OF TROY AND HUD**

WHEREAS, IN 1998, THE City of Troy received a \$3,620,000.00 HUD 108 loan to complete the financing for the renovation of the River Triangle and Dauchy buildings in downtown Troy; and

WHEREAS, this section 108 loan is guaranteed under and paid by CDBG money; and

WHEREAS, in 1993, in an effort to avoid an approximate \$2,800,000.00 balloon payment due on this note, the City of Troy began the process to defease the note and a new loan was finally issued in 1995; and

WHEREAS, the current unpaid principal amount of the 1995 HUD Section 108 note is \$1,180,000.00; and

WHEREAS, Mayor Tutunjian, upon the advice of 1st Deputy Corporation Counsel David B. Mitchell and City Comptroller Deborah Witkowski, desires to defease the existing 1995 HUD Section 108 note and execute the new HUD Section 108 note with considerably lower interest rates over the next five years; and

WHEREAS, it is anticipated that the defeasance of the existing note and restructuring of the new note will save the City of Troy approximately \$175,000.00 in interest payments as a result of the lower term structure of interest rates.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy shall and hereby authorizes Mayor Tutunjian to execute any and all necessary and essential documents to defease the existing note/loan under Section 108 of the Housing and Community Development Act of 1974, 42 U.S.C. section 5308 and to execute any and all documents necessary to refinance the outstanding principal balance of \$1,180,000.00.

Approved as to form, June 10, 2004.

John Hicks, Corporation Counsel

RESOLUTION NO. 2 PASSED – UNANIMOUS

SEE SUPPORT DOCUMENTATION WITH LEGISLATION

RESOLUTION NO. 3

INTRODUCED BY: COUNCIL MEMBER COLLIER

SECONDED BY: COUNCIL MEMBER DUNNE

**RESOLUTION DETERMINING A NEGATIVE DECLARATION ON SEQRA (STATE
ENVIRONMENTAL QUALITY REVIEW ACT) NOTICE OF DETERMINATION ON NON-
SIGNIFICANCE**

WHEREAS, the City Council will be voting on a Local Law to enact the South Troy Waterfront Zoning; and

WHEREAS, the City of Troy Planning Department, Timothy M. Mattice, planner, prepared the SEQRA Application and has determined a negative declaration (notice of determination of non-significance) pursuant to 6 NYCRR, Part 617; and

WHEREAS, the Planning Department adequately identified the areas of potential adverse environmental impact; and

WHEREAS, the Planning Department examined the potential environmental impacts; and

WHEREAS, the Planning Department made a reasoned written evaluation of the basis for its negative determination; and

WHEREAS, this SEQRA determination was prepared and processed pursuant to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law; and

- 91 -
**SPECIAL MEETING
CITY COUNCIL
JUNE 15, 2004**

WHEREAS, the determination of a Negative Declaration and approval of that Negative Declaration must precede the passage of any Local Law for zoning;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby declares a negative declaration on the SEQRA application for the South Troy Waterfront Zoning, as prepared, processed and determined by the City Planning Department.

Approved as to form, June 10, 2004

John Hicks, Corporation Counsel

RESOLUTION NO. 3 PASSED – UNANIMOUS

To Mayor, 06/16/04 for Executive Action – Approved, Returned 06/17/04

SEE SUPPORT DOCUMENTATION WITH LEGISLATION