

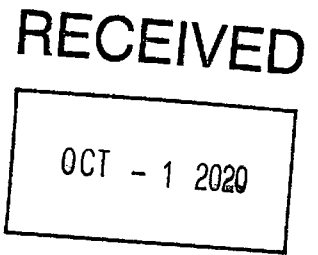


# CITY OF RENSSELAER

## PLANNING AND DEVELOPMENT AGENCY BUILDING & ZONING

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MARYBETH PETTIT  
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RENSSELAER CITY CLERK

### Minutes of the Regular Meeting of the City of Rensselaer Zoning Board of Appeals Second Floor Conference Room, City Hall, 505 Broadway, Rensselaer March 27, 2006

#### **Call to Order:**

Chairman William McLoughlin called the regular meeting of the City of Rensselaer Zoning Board of Appeals to order at 6:00 pm.

Roll call was taken and it was determined that there was a quorum.

#### **Members Present:**

Gene Hilstro, Chairman; William McLoughlin; William Bulnes; Nancy Johnson

#### **Staff Present:**

Marybeth Pettit, Director of Planning; Sarah Stern Crowell, Assistant Director of Planning; John Hicks, Corporation Counsel

#### **Others Present:**

James Hannan; Michael L. Carpinello

#### **Minutes of the January 25, 2006 Regular Meeting:**

Mr. McLoughlin motioned for the approval of the minutes of the January 25, 2006 regular meeting of the Zoning Board of Appeals.

Mr. Bulnes seconded. All in favor. Minutes adopted.

#### **Old Business:**

Besicorp-Empire Newsprint, LLC, time extension for area variances granted on April 14, 2005 and extended on September 26, 2005

Ms. Pettit explained that Besicorp was granted several variances in connection with the proposed paper recycling plant in the port area. However, work has not yet begun as the applicant is still working to finalize the financing for the project. Variances expire six months after they are granted if work has not commenced and the Besicorp variances are scheduled to expire in this month. So, the applicant is requesting a six-month extension of the variances. Ms. Pettit said that the applicant fully intends to move forward on this project, but that the complexities of the financing require additional time.

Ms. Johnson made the following motion:

*The Zoning Board of Appeals grants a six month extension to Besicorp for the six variances granted on April 14, 2005 and extended on September 26, 2005.*

Mr. McLoughlin seconded the motion. All in favor. Motion carried.

**New Business:**

James Hannan, Hannan's Waste Disposal, 6 Tracy Street, application for a variance to allow storage and light repair of trucks in a Residential Planned Development District.

Mr. Hannan explained that he is applying for a variance to store three trucks and have an office for his business at 6 Tracy Street. He stated that he canvassed the neighborhood prior to the meeting and got 41 signatures from residents in support of his application. He presented the signatures to the board. He added that one woman did say she would not sign the petition.

Mr. McLoughlin asked Ms. Pettit why a variance is needed. Ms. Pettit responded that the property is located in a Planned Residential Development District, and that although there have historically be commercial uses on this particular property any new non-residential use requires a variance.

Mr. Hannan stated that his business does not store garbage. Their business is dumpsters which are used for construction and garage clean-out and other related uses.

Mr. McLoughlin recalled that the applicant has previously been denied a variance and asked how this application is different from the one that was denied. Ms. Pettit said that this application does not propose storing roll-off containers on the site, while the previous one did. Mr. Hannan stated that the repairs indicated on the application would be to their own trucks – they are not a repair shop.

Ms. Johnson asked why the board denied the previous application for a variance. Ms. Pettit responded that the stated reason was that the board felt that the heavy trucks would have a negative impact on the surrounding residential neighborhood and that the use was not compatible with residential uses for that reason.

Mr. McLoughlin asked about frequency of truck repairs and whether these were done inside the building. Mr. Hannan said they do light repairs such as replacing bulbs and generally these are done in the garage. Mr. McLoughlin then asked if the trucks would be stored on site all the time. Mr. Hannan said they would be stored there overnight. They go out in the morning if there is a job, and come back when the job is done later than day.

Mr. McLoughlin stated that last time the ZBA asked him to look for another site. Mr. Hannan responded that he did look with Mayor Pratt and Marybeth Pettit's assistance, but was unable to find a suitable site in the city. He added that he needs a location for his trucks. He stores the containers in South Troy but it is an unsecured location and the trucks get vandalized when parked there overnight. In addition, he wants to be able to store his trucks inside during the winter to protect them from the elements.

Mr. McLoughlin stated that this request conflicts with the intent of the City Council when they rezoned the area for residential development. Ms. Johnson added that she thought the Common Council was concerned about truck traffic associated with commercial use of this site, and that was one of the reasons for the rezoning.

Mr. Hannan said that he would agree to relocate if there were a proposal for residential development but that at present it is a good place to do business. Mr. McLoughlin reiterated that he was uncomfortable going against the desire of the Common Council for this location to be residential.

Ms. Crowell reminded the ZBA of the test that determines whether a use variance should be granted. She stated that an applicant must prove hardship in four ways in order to be granted a use variance.

Mr. McLoughlin expressed concern that this proposal does not change the volume of truck traffic in the original proposal that was denied, and asked if there might be another location in the city? Ms. Pettit responded that the city assisted the applicant in looking for another location last year, but could not find one.

Mr. McLoughlin asked what the current status of the business is. Ms. Pettit stated that the business is not legal now.

Mr. Hannan argued that denial of the variance would constitute a personal hardship because he was originally directed to look at the location by someone in the city clerk's office and that he has invested several thousand dollars in the property. He added that he did not realize that he needed a variance.

Mr. McLoughlin asked why Mr. Hannan needs to be at the property in question. Mr. Hannan responded that it is a nice location for his office.

Mr. Bulnes asked how much money he has spent on the property. Mr. Hannan responded about \$7,000.

Ms. Johnson asked why the previous application was denied. Ms. Pettit reiterated that it was denied because of concerns of truck traffic in residential neighborhood. Mr. Hannan argued that he only has three trucks that go in an out each day, and that the people he spoke to did not express a problem with the traffic.

Ms. Johnson asked how his drivers get into the city? Mr. Hannan said they come off 787 onto lower Broadway. They do not use Forbes.

Ms. Pettit suggested that the board consider this application in light of the use variance hardship tests.

Mr. McLoughlin said that any hardship is self created, and that it is not the right use for the property.

Mr. McLoughlin made a motion to give the applicant one year to find another location. There was no second.

Ms. Johnson expressed concern over a year – suggested six months. Ms. Pettit added that a year ago they were given 120 days, until July of 2005 to find another location. The board specifically asked the applicant to return at that time if he hadn't found a location. Mr. McLoughlin asked Mr. Hannan why he never returned to the board.

Mr. Hannan said that Mayor Pratt had told him it was all taken care of. Mr. McLoughlin said that Mayor Pratt did not have the authority to overrule the Zoning Board.

Mr. Hannan asked whether the board would give him a year. Mr. McLoughlin said he did not think so.

Mr. Hilstro closed the public hearing.

Mr. McLoughlin made the following motion:

*The Zoning Board of Appeals denies the application for a use variance to allow Hannan Waste Management to operate at 6 Tracy Street in a Planned Residential District.*

Ms. Johnson seconded the motion.

All in favor, motion carried and application was denied.

Marvin J. Rossman, Performance Motorcycle Service, Inc., 480 South Street, application for a variance for a free-standing sign in a Commercial Industrial zone

Ms. Crowell informed the board that the applicant requested that his application be tabled until the next meeting in order to give him more time to come up with an appropriate sign.

A neighbor, Michael Carpinello, asked to speak to the board. He stated that he is concerned about more light being emitted from that property. Currently he has a problem with the lights on the property shining into his windows at night. Mr. McLoughlin assured Mr. Carbonello that this would be considered when the applicant comes before the board.

Mr. Bulnes made a motion to table the application until the next regular meeting of the Zoning Board of Appeals.

Ms. Johnson seconded the motion. All in favor. Motion carried.

Hans Wolff, 1818 Fourth Street, application for an area variance to maintain a six-foot stockade fence at 1818 Fourth Street. Two feet of height relief is requested.

The applicant was not present, so the board decided to table the application until the next meeting to give the applicant an opportunity to address the board.

Ms Johnson moved to adjourn. Mr. Bulnes seconded the motion. All in favor.

Mr. Hilstro adjourned the meeting at 6:20.

Respectfully submitted,

Marybeth Pettit