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**Minutes of the Special Meeting and Public Hearing of the
City of Rensselaer Zoning Board of Appeals
Common Council Room, City Hall, 505 Broadway, Rensselaer
April 14, 2005**

Call to Order:

The special meeting of the City of Rensselaer Zoning Board of Appeals was called to order by Chairman William McLoughlin at 6:03 pm.

It was determined there was a quorum.

Members Present:

William McLoughlin, Chairman; William Bulnes; Dan Dwyer Sr.; Doreen Foust; Gene Hilstro; and William Lithgow.

Others Present:

Antoinette Cristo; Christopher Eastman, Assistant Planner; Ed Garrigan; Bob Hlavaty; Michael Moore; Kim Parker; and Marybeth Pettit, Director of Planning.

Minutes of the March 21, 2005 Meeting of the Zoning Board of Appeals:

Chairman McLoughlin said he had thought that the former St. Paul's Church was to be a residence for women in transition who might have been victims of domestic violence and was surprised to see in the minutes that victims of domestic violence would be sent elsewhere. Mr. Bulnes and Marybeth Pettit, planning director, both said they remembered the members of the committee for the St. Paul's Center specified that the women living at the St. Paul's Center would not be victims of domestic violence.

Chairman McLoughlin said that at the March 21 meeting Ms. Beers announced that she had not received any information about the project from her alderperson. He asked that it be entered into the record that she had received notice of both use and area variance applications from the Planning and Development Agency, and if her alderperson distributed information about the project it was on a voluntary basis.

Mr. Hilstro motioned for the adoption of the minutes with Chairman McLoughlin's amendment.

Ms. Foust seconded. All in favor. Motion carried.

New Business:

Public Hearing:

1. Besicorp-Empire Development, Area Variance Requests for 36 Riverside Avenue

Bob Hlavaty, senior project engineer for Besicorp, explained briefly how the facility would operate. Used paper would be brought to the plant by truck and rail and de-inked. The slurry resulting from the de-inking process would be turned into recycled newsprint, which would be stored in the east section of the large building before being shipped out. Recycling paper is a water-intensive process, and the equipment to draw and clean water from the Hudson River for the finishing and then de-inking process will be located on the west side of Riverside Avenue. Water treatment facilities for the discharge of water back into the river will be located on the same parcel.

Chairman McLoughlin asked if Besicorp has permits from the Army Corps of Engineers.

Mr. Hlavaty replied the project is awaiting its Army Corps permit but has all other major state and federal permits.

Ed Garrigan, vice president of survey and land information services for C.T. Male, reviewed the area variances and explained the reasons they are requested. The fence and wall layout and design is consistent with the terms of the Joint Settlement Agreement. If the masonry wall in front were not as tall or as close to the street, it would not be as effective in its function of screening the facility.

Chairman McLoughlin asked what the masonry wall along Riverside Avenue would look like.

Mr. Garrigan said murals would be painted on the wall depicting Rensselaer's history. The wall along the north side of the BASF property will be a sound barrier between the plants.

Chairman McLoughlin asked what material the sound barrier wall would be.

Mr. Garrigan said that has yet to be determined, but that wall will not really be visible from Riverside Avenue. In addition, an eight-foot chain-link fence will be erected around the perimeter of the site for security. He pointed out that fences of that height already exist on the property and other properties nearby, so it is not out of character with the area.

Four feet of relief is requested from the rear yard setback for the pump house and foam control structure. The adjoining property is the Hudson River, so no neighbor will be affected.

Some of the height variances, Mr. Garrigan explained, are ranges, because it is not certain how much relief will be needed when building plans are final. Ultimately, the amount of relief needed might be less, but it will not be more, than what is before the Zoning Board of Appeals. Mr.

Garrigan explained that his client would not want to have to return for additional variances further into the project or build more building than necessary.

Chairman McLoughlin asked if the proposed heights exceed New York State Building and Fire Codes.

Mr. Garrigan said he didn't think so and pointed out that a letter from the design and construction firm KSH included with the application packets details why the buildings have to be so big. Their proposed heights are a function of the machines and processes inside.

Mr. Garrigan pointed out that the storage and whitewater storage towers have been moved and in their new locations will have less of a visual impact.

The proposed height of the RMNP stack is 215 feet, which would require 127.5 feet of relief from the maximum height of stacks as dictated by Rensselaer's Zoning Ordinance. Mr. Garrigan stated that it is not uncommon for plants in industrial areas to need stack variances but thanks to a low VOC chemical program, which is awaiting approval by the New York State Department of Environmental Conservation, VOC emissions could be eliminated at their source, and the stack, it is hoped, will not be needed.

Chairman McLoughlin thanked Mr. Garrigan for his presentation and asked if there was anyone present to speak for or against the project.

Antoinette Cristo said she attended the meeting to ask about the demolition of the existing buildings on the site.

There was discussion about the demolition bid and the disposal of hazardous materials.

There was also discussion about coating the masonry wall to ease the cleaning of graffiti from it, illumination of the masonry wall, and security of the property.

Mr. Hilstro asked how the VOC control would work.

Mr. Garrigan said he is not well qualified to describe the process in detail, but the VOC collector would be on the roof of the recycling building. He reiterated that the new process without the stack is awaiting DEC approval and said the DEC does not simply issue permits but closely monitors air quality over time. Relief from the height of the stack is being requested in the event the stack is needed, but it is hoped the stack will not be needed.

Chairman McLoughlin closed the public meeting at 6:35 pm.

Consideration:

After a brief review of the variance requests, Ms. Foust motioned for the following resolution:

“The City of Rensselaer Zoning Board of Appeals hereby grants the requested area variances numbered as follows on the document entitled Benco Proposed Recycled Newsprint Facility Variance Exhibit Attachment B, dated March 3, 2005: AS-1 and 2; FW-1, 2, 3, 4, and 5; S1, 2, and 3; C-1, 2, 3, and 4; and Lot 154.00-5-2.2 and 2.3. The Board authorizes Michael Moore, special attorney for the Besicorp application, to draft a formal resolution reflecting the granting of the variances.”

Mr. Bulnes seconded. All in favor. Motion carried.

Adjournment:

Mr. Hilstro motioned for adjournment.

Mr. Lithgow seconded. All in favor. The meeting adjourned at 6:37 pm.

Respectfully submitted,

Christopher Eastman
Secretary to the Planning Commission