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City of Rensselaer
Zoning Board of Appeals
City Hall, 505 Broadway
Rensselaer, New York 12144

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
September 26, 2005**

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:

William McLoughlin, Chairman; William Bulnes; Daniel Dwyer Jr.; Gene Hilstro; William Lithgow; Nancy Johnson

Others Present:

Teresa and Jim Armstrong; Mark and Lynn Carlson; Ed Garrigan; Sharon and Eric DiSerro; Irene Spath; Doug Spath; John Shatrow; Marybeth Pettit, Director of Planning; Sarah Stern Crowell, Assistant Director of Planning.

Minutes of the July 28, 2005 Regular Meeting:

Mr. Dwyer motioned for the approval of the minutes of the July 25, 2005 regular meeting of the Zoning Board of Appeals.

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

Minutes of the August 22, 2005 Regular Meeting:

Mr. Bulnes motioned for the approval of the minutes of the August 22, 2005 regular meeting of the Zoning Board of Appeals.

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

Old Business:

Besicorp-Empire Newsprint, LLC, time extension for area variances granted on April 14, 2005.

Ed Gerrigan, representing the applicant, explained that Besicorp-Empire Newsprint LLC is still finalizing funding for the project and working toward getting demolition permits and special use permits, and that they need more time to complete this initial work before starting construction. The plans remain as they were when the area variances were granted at the regular ZBA meeting on April 14, 2005.

Ms Johnson motioned for this resolution:

WHEREAS, a request was filed on September 14, 2005 by C.T. Male Associates P.C. on behalf of Besicorp-Empire Newsprint, LLC (“the Applicant”) with the City of Rensselaer Zoning Board of Appeals (“the Board”) for an extension of variances approved on April 25, 2005; and

WHEREAS, the Board, acting on said request, held a meeting on September 26, 2005 on the request; and

WHEREAS, the members of the Board are familiar with the property at which the variances are located, and the surrounding areas in the City; and

WHEREAS, the members of the Board are familiar with the variances and conditions that were approved by the Board on April 25, 2005; and

WHEREAS, the Applicant has not commenced construction at the property on which the variances were granted; and

WHEREAS, the variances will become null and void on October 25, 2005 as required by the Zoning Law of the City of Rensselaer, Article XI-C-7 Expiration of Approval; now therefore

BE IT RESOLVED, that the members of the Zoning Board of Appeals recognize the full intention of the Applicant to proceed with the project as approved; and that the Board extends the approvals of the variances originally approved by Resolution on April 25, 2005 for an additional six (6) months, to expire on April 25, 2006.

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

New Business:

Mark And Lynn Carlson, area variance application for 15 Elmhurst Avenue.

Chairman McLaughlin opened the public hearing for the application for an area variance at 15 Elmhurst Street.

Mr. Carlson explained that he and his wife would like to place a shed at the end of their swimming pool in order to store pool equipment and chemicals. The shed would be three feet

from the side property line and so requires a variance of two feet from the five foot required setback for accessory structures.

Mrs. Carlson presented a brochure from the manufacturer of the type of panelized shed they propose to erect as well as some photographs of other similar sheds in the neighborhood.

Doug Spath spoke for his mother, Irene Spath 11 Elmhurst Ave. He stated that he sees no hardship on the part of the Carlson's that would warrant the granting of a variance and that his mother opposes the variance.

Chairman McLaughlin closed the public hearing.

Mr. McLaughlin asked the applicants to explain what hardship would justify the variance? Mrs. Carlson stated that they have been planning the shed for seven years and that the proposed location is the best place for the shed on the property.

Mr. McLaughlin then asked if there is another location on the property that the shed could be placed without a variance. Mr. Carlson stated that they chose the location to be as far away from Mrs. Spath's house as possible so as not to obstruct views or breeze on her property and that they feel the proposed location is the most unobtrusive on the property.

Chairman McLaughlin stated that while the proposed location seemed good, under the zoning law the applicant must demonstrate a unique hardship that would require a variance. Mr. Carlson responded that the only other location available on the property would be towards the front of the property in front of the existing jungle gym but that the shed would then be located right next to Mrs. Spath's house.

Mr. Dwyer asked if the shed could be placed between the pool and the garage. Mr. Carlson said there is not enough space, and that it would block the picture windows in the sunroom attached to the garage.

Mr. Carlson stated that he would consider building an addition to his house or moving the garage in order to obtain the storage he needs without requiring a variance. Ms. Pettit pointed out that he would need to consider limitations on lot coverage when making alternate plans.

Mr. McLaughlin motioned that, in light of neighbor opposition and lack of demonstrated hardship, the request for a variance be denied.

Mr. and Mrs. Carlson withdrew the application so that they would not be prohibited from requesting a similar variance at a later date.

Jim and Theresa Armstrong, area variance application for 1017 Sterling Ridge Drive

Chairman McLaughlin opened the public hearing.

Chairman McLaughlin stated that the requested variance of 7.5 feet from the required side yard setback is consistent with other variances granted in the area.

Sharon DiSero of 8 Gregory Court stated that she had no objection to the application.

Chairman McLaughlin closed the public hearing.

Mr. Bulnes motioned to approve the requested variance of 7.5 feet from the required side yard setback of 15 feet to allow construction of an addition to the residences at 1017 Sterling Drive.

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

Louis R. Posinello Jr., area variance applications for 41-45, 49, 51, 53, 57, 63 Columbia Street.

Mr. Garrigan of C.T. Male was present to represent the applicant. He explained that the St. Peters Medical Clinic is being displaced from the community center and needs a new location. Mr. Posinello plans to expand an existing single story building on the property labeled Lot A on the submitted plans for use as medical offices. Although the master plan includes an expansion of the car wash, Mr. Garrigan stressed that the car wash is not part of the current application

Mr. Garrigan stated that five area variances are required for this project: (1) Relief of 5.7 feet from front-yard setback requirements to reduce minimum setback from 20 to 14.3 feet; (2) Relief of 7 feet from side-yard setback requirements to reduce minimum setback from 10 feet to 3 feet; (3) Relief of 9.5 feet from the required rear-yard setback to reduce minimum setback from 25 feet to 15.5 feet; (4) Reduction of 0.2% of open space requirement – from 20% minimum to 19.8%; and (5) Reduction of 4 parking spaces from the required 27 parking spaces.

Mr. Garrigan explained that the existing building does not meet front, side or rear yard setback requirements. The setback variances requested would allow the building addition to match the existing setbacks, and would not increase the non-conformity of the site.

He went on to elaborate on the request for a variance of the number of spaces required. He explained that the proposed site plan contains 23 parking spaces; the maximize possible number of parking spaces given the size of the lot, the required dimensions of regular and handicapped parking spaces. Zoning regulations mandate that this project include 27 parking spaces, or one space per 160 sf of professional office space. Mr. Garrigan explained that the proposed floor plan includes some space that would not generate parking demand such as record storage and staff lounge, and that if those areas were removed from the overall square footage calculation, the building would only require 23 parking spaces, the number actually provided. He added that 23 spaces were sufficient for the proposed use.

Mr. McLaughlin asked about the total square footage of the space Mr. Garrigan claims will not generate parking demand. Mr. Garrigan responded that roughly 500 square feet of the building will be used for storage and a staff lounge.

Mr. Garrigan then addressed the open space variance request. The open space variance, Mr. Garrigan stated, is minimal but required in order for the project to go forward. It would have no measurable affect on the surrounding area.

Ted Burick, owner of Century Monument Company on Columbia Avenue, spoke in support of the plan. He stated that it would be an improvement over what is on the property now and would benefit the neighborhood.

Ms. Johnson asked about the building materials. Mr. Garrigan indicated that the building would be stuccoed and that there would be no windows on the sides of the building.

Ms. Pettit stated that the Planning Commission would want to see a more detailed architectural rendering of the building than has been submitted, and that the Planning Commission would be looking for high quality design when considering final site plan approval. Ms. Pettit pointed out that this will be the first new building on Columbia Avenue in many years, and that there will be an expectation that it be attractive.

Mr. Shatrow, a homeowner on First Alley, stated that this property is visible from his living room. He expressed concern regarding the snow removal from this property. He mentioned that currently since the property is currently vacant snow is not removed and asked where the snow will be removed to when the parking lot is cleared.

Mr. McLaughlin explained that the City is responsible for snow removal from First Alley and instructed Ms. Pettit to alert DPW of the concerns and ask that plans be made to alleviate the problem.

Mr. Shatrow stated that other than snow removal, he has no argument with the proposal currently under consideration by the Zoning Board. He added that the expansion of the car wash was of concern to him and to many of the area residents. However, he would reserve comments until that issue is before the board.

Ms. Pettit stated that the City recently was awarded a grant from CDTA to do some work on First Alley and Aiken Avenue. This grant will enable the city to clean up the streets and add curbing and sidewalks.

Chairman McLaughlin closed the public hearing.

Mr. McLaughlin motioned that the Zoning Board of Appeals grant the following five variance requests to permit construction of a medical office facility at 41-63 Columbia Avenue, with the recommendation that the Planning Commission require that the snow removal issue be resolved prior to final site plan approval:

1. Relief of 5.7 ft from front-yard setback requirements to reduce minimum setback from 20 to 14.3 ft.;

2. Relief of 7 ft from side-yard setback requirements to reduce minimum setback from 10 ft to 3 ft.;
3. Relief of 9.5 ft from the required rear-yard setback to reduce minimum setback from 25 ft to 15.5 ft.;
4. Relief of 0.2% of required open space to decrease required open space from 20% to 19.8% of total land area; and
5. Reduction of 4 parking spaces to decrease the required parking spaces from 27 to 23.

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

Mr. Bulnes motioned to adjourn the meeting. Mr. Hilstro seconded the motion.

Meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Marybeth Pettit
Director of Planning