

DECISION SHEET

City of Rensselaer Zoning Board of Appeals

Meeting Date: October 22, 2012

Board Member	Present	Absent	Quorum Present
Gene Hilstro, Chair		X	X
William Bulnes, Vice-Chair	X		
Kenneth Richeson	X		Quorum Missing
Aaron Harbeck		X	
Paula Micheli	X		
Terance Ruso	X		
Joshua Wainman	X		

Resolution #: 1 **Matter:** Adoption of the minutes from the August 27, 2012 meeting.

Motion to adopt the minutes from August 27th as submitted.

Board Member Name	Made	2nd	Yes	No	Other	Motion Carried
Gene Hilstro, Chair						X
William Bulnes, Vice-Chair	X		X			
Kenneth Richeson			X			Motion Denied
Aaron Harbeck						
Paula Micheli			X			
Terance Ruso			X			
Josh Wainman		X	X			

Resolution #: 2 **Matter:** 800 Broadway - Bayly: An area variance request for relief from parking requirements in a district zoned MU-1.

Motion to table request for relief from parking requirements until a site visit and review by members of the ZBA has been accomplished.

Board Member Name	Made	2nd	Yes	No	Other	Motion Carried
Gene Hilstro, Chair						X
William Bulnes, Vice-Chair				X		
Kenneth Richeson		X	X			Motion Denied
Aaron Harbeck						
Paula Micheli			X			
Terance Ruso	X		X			
Josh Wainman				X		

Resolution #: **3**

Matter: **11 Aiken - Jakovic:** A request for relief of eight and a half feet from the rear building set back requirements for an extension to the primary building in a district zoned R-2.

Motion to grant relief of eight and a half (8.5ft) feet from the rear building set back requirements for an extension to the primary structure upon the condition the proposed improvement satisfies pertinent requirements for development within the flood fringe (§179-56).

Board Member Name	Made	2nd	Yes	No	Other	Motion Carried
Gene Hilstro, Chair						
William Bulnes, Vice-Chair	X		X			X
Kenneth Richeson			X			
Aaron Harbeck						Motion Denied
Paula Micheli			X			
Terance Ruso				X		
Josh Wainman		X	X			

Resolution #: **4**

Matter: **336 Broadway - Grant:** A request for an area variance for relief from parking requirements in an MU-1 district.

Motion to approve an area variance for relief from the parking requirements in section 179-13 due to the unique nature of the structure and property.

Board Member Name	Made	2nd	Yes	No	Other	Motion Carried
Gene Hilstro, Chair						
William Bulnes, Vice-Chair		X	X			X
Kenneth Richeson			X			
Aaron Harbeck						Motion Denied
Paula Micheli			X			
Terance Ruso	X		X			
Josh Wainman			X			

Resolution #: **5**

Matter: **Adjourn**

Motion to adjourn

Board Member Name	Made	2nd	Yes	No	Other	Motion Carried
Gene Hilstro, Chair						
William Bulnes, Vice-Chair	X		X			X
Kenneth Richeson			X			
Aaron Harbeck						Motion Denied
Paula Micheli			X			
Terance Ruso		X	X			
Josh Wainman			X			



PLANNING AND DEVELOPMENT AGENCY BUILDING & ZONING
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Minutes of the Meeting of the City of Rensselaer Zoning Board of Appeals First Floor Conference
Room, Rensselaer Community Center, 62 Washington Street

October 22, 2012

Members Present:

Vice Chair – Bill Bulnes, Paula Micheli, Kenneth Richeson, Terance Ruso, and Josh Wainman.

Members Absent:

Chair – Gene Hilstro and Aaron Harbeck

Staff Present:

Daniel W. Berheide – Assistant Director of Planning, Jack Spath – Counsel.

Others Present

Dave Gardner, Lou Lourinia, Steven Hart, Jay Jakovic, Dennis Grant, among others.

Call to Order:

The meeting of the City of Rensselaer Zoning Board of Appeals was called to order at 6:01 PM. Roll call was taken and it was determined a quorum was present. Terry Ruso arrived moments after roll call was taken to total five members present.

Adoption of Past Meeting Minutes:

Bill Bulnes made a motion to adopt as submitted the minutes of the regular meeting on August 27th, 2012, seconded by Josh Wainman, and carried by those present.

Announcements:

NONE

Old Business

NONE

New Business

1. **800 Broadway - Bayly:** An area variance request for relief from parking requirements in a district zoned MU-1.

Mr. Hart, engineer to Mr. Bayly and speaking on his behalf, began by describing the previous and existing issues to the building most notably the history of the property as used for a dry cleaner raising some concern environmental remediation may be necessary. The applicant is willing to explore and potentially assume the responsibility of clean up after an environmental assessment has been done and he has taken ownership of the property. The particular in front of the board is related to parking. A correction was made to the notes on the plans – the building is three-thousand one hundred square feet (3,100 sq. ft.) and thus requires 9.3 parking spaces rather than the originally estimated 12. The site is already built out and unable to accommodate parking. In addition to the improvements shown on the rendering Mr. Hart noted a handicap ramp is expected to be constructed. After some discussion about the nature of the use it was verified the applicant did not intend on opening a full service beverage mart instead it would be limited to a wine/liquor store. Steve Hart responded to a question stating he did not believe the applicant has yet received his liquor license and was waiting for necessary approvals from the city and purchase from the current owner before applying for the license. Mr. Hart, reviewing the criteria for determining the legitimacy of a variance request stated he believed no undesirable change, but only enhancement was occurring by approving the site-plan and by extension approving the variance. While the request is substantial as there exists no parking, the impact is minimal. There is no adverse impact and the proposal only provides a positive enhancement to the blighted intersection. Mr. Hart went on to note the applicant had reached out to a neighboring owner whose paved lot could provide parking, but at that point the neighbor had not been willing to lease the property for such purpose. The public hearing was opened by the vice chair. Dave Gardner expressed his concern about the potential interference on street parking would have with traffic turning off Partition to Broadway, but supported generally the improvement to the intersection, though requested the city be mindful of the possible conflict. Counsel interjected as did the Assistant Director of planning to note that while there may be concerns about parking in the city and it is relevant the discussion was steering away from the boards area of authority towards issues the common council only has the authority to address. The board was reminded its primary concern is only whether the applicant had a valid request for relief from parking under the criteria outlined in the zoning. Lou Lourinia spoke stating he believed the ZBA should grant the request that the intent of the recent zoning update was to encourage a more walkable community. Steve Hart seconded the notion. The public hearing was closed. Terry Ruso noted it is difficult and largely unprecedented to provide complete relief from requirements and expressed some concern over that idea. Ultimately some opinion formed that more information was needed and a site visit to understand the property better would be helpful to the board. A motion was made by Terry Ruso, seconded by Ken Richeson, to table request for relief from parking requirements until a site visit and review by members of the ZBA has been accomplished. Motion passed with three ayes to two nays.

2. **11 Aiken - Jakovic:** A request for relief of eight and a half feet from the rear building set back requirements for an extension to the primary building in a district zoned R-2.

Mr. Jakovic began presenting his proposal to extend the previous addition by providing an account of the fire that damaged his property and the choice he was left with by his insurance company and settlement. He explained that the destruction of the property by previous tenants but his desire to stay invested in the community and the building left him desirous of rebuilding and upgrading the accommodations. He stated he was seeking

to increase its desirability. Seeking to attract people potentially from Sterling Winthrop. After a question from the board, he attempted to clarify the dimensions of the proposed addition, the difference between what had been destroyed and what he intended to build. Mr. Jakovic spoke to the previous concern about retaining enough greenspace, spoke about attempting to revive the magnolia tree that had been burned. He believes there is enough greenspace to both manage stormwater according to the zoning requirements and vegetation to provide screening and natural beauty for neighbors and residents. After Lou Lourinia noted to the Assistant Planning Director, the Vice Chair asked the applicant demonstrate to the Building and Zoning Administrator that the improvement meets requirements for development in the flood fringe. Mr. Jakovic ensured his engineer would address the issue. The public hearing was opened, hearing no comments, the public session was closed. A motion was made by Bill Bulnes, seconded by Josh Wainman, to grant eight and a half (8.5ft) feet from the rear building set back requirements for an extension to the primary structure upon the condition the proposed improvement satisfies pertinent requirements for development within the flood fringe (§179-56). The motion passed with one dissenting vote.

3. **336 Broadway - Grant:** A request for an area variance for relief from parking requirements in an MU-1 district.

Mr. Grant presented his proposal, described the requirements and the needed relief in order to open his takeout café. . He explained his business would be largely for breakfast and lunch and people would primarily be from neighboring businesses and departments that would seek something quick. This is not intended to be a full-service sit down restaurant and therefore not need substantial parking. Terry Ruso mentioned he recalled this proposal had received a previous use variance under the old zoning and now with the new zoning this was an allowed use. They recalled the history of the discussion and the content around concerns over the separation of services and food prep. Mr. Grant pointed to his plans and where they illustrated the separation of activity: counter service in the small store front area, food preparation in the basement area. A public hearing was opened and Lou Lourinia began asking the ZBA examine the property and look at it for ADA compliance. Counsel to the board responded noting that while the issue was important it was not within the ZBAs purview or the request at hand. Dave Gardner took the opportunity to raise the point that parking appears to be a significant issue that needs to be addressed by the city. The Assistant Director of Planning noted that it had been under discussion and was being looked at by department staff. The public hearing was closed. A motion was made by Terry Ruso, seconded by Bill Bulnes, to approve an area variance for relief from the parking requirements in section 179-13 due to the unique nature of the structure and property.

Adjournment:

Bill Bulnes motioned to adjourn, Terry Ruso seconded, all were in favor. The meeting adjourned the meeting at 6:46 PM.

Next Meeting:

The next regular meeting is scheduled for November 26 at 6:00 PM.

Record of Decisions:

An official record of decisions noting the details of motions from this meeting along with conditions & stipulations has been filed with the City Clerk and a copy maintained in Planning Department records.

Respectfully submitted,

Daniel Berheide Secretary