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**Minutes of the Regular Meeting of the City of Rensselaer Planning Commission
First Floor Conference Room, Rensselaer Community Center, 62 Washington Street
May 14, 2007**

Call to Order:

Chairman Harry Adalian called the regular meeting of the City of Rensselaer Planning Commission to order at 7:00 pm.

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

Members Present:

Harry Adalian, George Farrell, Christine Van Vorst, Charles Moore

Others Present:

John Defino, Richard Britain, Jim DeMarco, Carol DeMarco, Albertine Felts, Ken Kiser, Carol Kiser, Steve Hart, Tony Elacqua, Frank Orciuoli, Gina Guibeau, Jane Smith, Rich Mooney, Lisa Fanning, Pat Jackson, Tom Andres, Jared Horton, Marybeth Pettit, Director of Planning; James Creighton Jr., Assistant Director of Planning, Gary Bowitch, Deputy Corporate Council

Minutes of the April 9, 2007 regular meeting

Charles Moore made a motion to accept the minutes of the March 12, 2007 meeting.

George Farrell seconded.

All in favor. Minutes accepted.

Old Business

- 1. Frank Orciuoli, 150 Columbia Street - Site plan approval for a 1,600 SF eating/drinking establishment.**

Steve Hart, project architect, distributed the proposed site plan to the Commission. Harry Adalian stated that the issues outstanding from the last time this project appeared before the board included the placement of a handicapped ramp, tree placement, a loading schedule, grease trap and green space requirements. Mr. Adalian stated that the Common Council had recently passed a Local Law affirming the zoning line that runs through the site is located as shown on the older zoning map. As the line now stands, this project does not conform to zoning. Mr. Hart asked if there was a resolution in writing. Mr. Adalian stated that there was. Mr. Hart was given a copy of the resolution.

Mr. Bowitch stated that he applicant could seek a use variance if he wanted to pursue the plan. Marybeth Pettit stated that the applicant could attach another commercial unit onto the existing commercial strip. Mr. Hart stated that the applicant did not want to pursue a variance, and wished to have the Commission make a motion regarding the plan as it stands. Mr. Hart stated the applicant did not wish to have the proposal held up in front of the Zoning Board of Appeals, as it had been with the Planning Commission. Mr. Adalian stated that the line drawn on the plan did not reflect the zoning line as it now stands.

Charles Moore made the following motion:

The Planning Commission denies the application for site plan approval based on the fact that this plan does not conform to the zoning line set forth by the Common Council of the City of Rensselaer in Local Law Number 2 of 2007.

Christine Van Vorst seconded.
All in favor. Motion passed.

2. June Hunter and Michael Scaccia, 501 East Street – Site plan approval for a restaurant in the old fire station at 501 East Street.

John Defino, project architect, represented the applicant. Mr. Defino stated that the project would include a renovation of the downstairs of the old fire station. He told the Commission that the applicant may pursue an area variance in the future to permit a small addition to the side of the structure. Mr. Defino stated that he felt the parking and stormwater system were satisfactory. Mr. Defino stated that the main entrance would be two-way and a new garage door for the structure was in consideration. The wooden shed currently on site will also be removed, and two rooftop HVAC units are planned. Both the top and bottom floors will be heated as required. The windows are planned to be repaired and re-glazed and their frames will be also be repaired.

Ms. Pettit asked Mr. Defino about the comments provided by Hank LaBarba in his engineering report. Mr. Defino stated he believed the existing stormwater basins would be sufficient. Mr. LaBarba stated that when the train station was built in 2000 several catch basins were added to prevent flooding on the fire station site. He stated that he believed these basins were tied into the train station's system, but would like to have this verified. Mr. Labarba stated that the applicant should provide a profile of the catch basins, detailing their outfall locations. Conflicts with existing utilities, if present, should be examined and the applicant should provide details of the construction process and its timeline. Mr. LaBarba also informed the applicant that the site is currently serviced by a $\frac{3}{4}$ inch water line, and this may not be adequate considering the proposed use. Mr. LaBarba asked if a grease trap was to be installed. Mr. Defino stated a grease trap was in the plans.

Mr. Moore asked how the location for the curb cut was chosen. Mr. Defino stated this spot was chosen as some of the area was already cleared and it would cost more to open a new spot up. Mr. Defino also stated that he felt the circulation would work well as planned. Mr. Adalian asked if 17 feet was wide enough for the proposed entrance. Mr. Defino stated that he thought it was, but was not entirely sure. He said that a curb cut could be created in the area of parking lot. Ms. Pettit asked how far it would be from there to the Herrick St. bridge. Mr. Defino stated it was about 40-50 feet.

Mr. Moore made the following motion:

The Planning Commission grants the applicant preliminary site plan approval for a restaurant at the old fire station at 501 East Street. This approval is contingent upon the applicant following the recommendations provided by the City contracted engineer, and the applicants placement of funds in escrow with the City for engineering review.

Ms. Van Vorst seconded.
All in favor. Motion passed.

New Business

1. Gina Guilbeau, 1020 Third Street – Recommendation to the Zoning Board of Appeals for a use variance to allow a beauty salon in a two-family residential district.

Mr. Adalian asked the applicant to describe her proposal. Ms. Guilbeau stated she would like to establish a beauty salon in the building at 1020 Third Street. Ms. Guilbeau stated that this structure was originally a barber shop and was now un-used and in disrepair. She stated that the shop would have about 4 chairs and 4 employees. Not all of the employees would be working at the same time. The shop would be closed Mondays and open from about 10 AM to 6 PM most days, with later hours on several nights. Ms. Guilbeau also stated that she was interested in purchasing the neighboring home if her proposal for the shop was successful. Mr. Moore asked the applicant about the crumbling steps on the site. Ms. Guilbeau stated that they would be repaired. She also stated that employees would park in the driveway and the existing garage could be removed to make room for more parking if necessary.

Mr. Moore made the following motion:

The Planning Commission gives the applicant a positive recommendation to the Zoning Board of Appeals for a use variance to allow a beauty salon at 1020 Third Street.

Mr. Farrell seconded.
All in favor. Motion passed.

2. Tom Volcheck, 31 Tracy Street – Recommendation to the Zoning Board of Appeals for an area variance from front and side yard setback requirements for a deck on the corner of Tracy and First Streets.

Tom Volcheck stated that he had begun construction of the deck in front of his house believing this project was considered a replacement “in-kind.” Mr. Volcheck stated that his front porch was crumbling and needed to be replaced. He told the Commission that he would prefer to keep the deck as it is, but would be willing to take 5 feet off of the front of the deck to better meet requirements. Ms. Pettit stated that it seemed the old porch came out to the edge of the canopy above it. Mr. Volcheck stated he extended the deck out a bit more to avoid trimming down the boards used in construction.

Mr. Moore made the following motion:

The Planning Commission gives the applicant a positive recommendation to the Zoning Board of Appeals for an area variance from setback requirements to permit the deck at 31 Tracy Street provided the applicant remove the front 5 feet of the deck.

Ms. Van Vorst seconded.
All in favor. Motion passed.

3. James and Carol DeMarco, 202 Mountain View Avenue – Recommendation to the Zoning Board of Appeals for and area variance from side yard setback requirements for the construction of an attached garage.

James Demarco stated that he and his wife would like to convert their existing garage into a family room and construct a new garage in front of the older one. He stated that the new structure would remain setback from the front of the house as required. The new garage would be the same width as the previous one and extend 22 feet up the side of the house. Mr. Moore asked if the extension of the garages roof line would create drainage problems affecting the neighboring property. Mr. Demarco stated that the roof would be guttered and this drainage would be piped to the storm sewer.

Mr. Farrell made the following motion:

The Planning Commission gives the applicant a positive recommendation to the Zoning Board of Appeals for an area variance from side yard setback requirements to permit the construction of a new attached garage.

Ms. Van Vorst seconded.
All in favor. Motion passed.

Old Business

3. Landmark Realty, 5B Valley View Blvd. Extension –Site plan approval for the construction of 23 townhomes in a planned development district.

Jared Horton stated that Landmark Realty was currently finalizing its unit plans. The unit costs have dropped to about \$175,000 for the less expensive model and extend to \$279,000 for the higher end units. Mr. Horton stated that the project engineer was finalizing the grading plan. He stated the trees to the rear of the site were dying and falling into the ravine. Mr. Adalian asked if the project would still require a variance. Mr. Horton stated that it would not. The plan now calls for 22 units. A 6 foot tall retaining wall would be constructed on one side of the site. This wall would be owned and maintained by the homeowners association. Mr. Adalian asked if sidewalks had been added. Mr. Horton stated that they had been added in small sections where applicable. Mr. Adalian asked if the internal roadway would be one or two ways. Mr. Horton stated that it would be two way.

Ms. Pettit asked if a cost estimate had been done for the required City improvements. Mr. Horton stated that the road repairs would cost approximately \$60,000; he stated that the other item costs had not yet been calculated. Ms. Pettit told the applicant that he will need to provide an itemized cost estimate.

Mr. Adalian asked the project engineer, Tom Andress, if the retaining wall would require a variance. Mr. Andress stated that he did not believe it would. The wall will stand 6 feet high and the fence installed above it will be set back several feet from the top of the wall. Mr. Adalian stated he was concerned about the stability of the slope. Mr. Andress stated that he would provide a geotechnical report. Mr. LaBarba stated the applicant might want to consider a terraced wall.

Mr. Adalian asked about the flooded area on the Patroon Point development. He stated that this problem was a threat and an eyesore. Ms. Van Vorst also stated her concern over this project's effect on the drainage problems at Patroon Point. Mr. Andress stated that this development will not have an impact on the neighboring site. Mr. Andress stated that a drainage system would be installed in conjunction with the wall to alleviate any drainage issues the wall might create.

Mr. Adalian asked how the organics in the fill that is to be moved will be dealt with. Mr. Andress stated that the fill will be monitored for structural integrity before being placed. Mr. Andress told the Commission that planting will be done on the area where the fill is deposited in the Patroon Point development. Mayor Dwyer asked Mr. Andress about the stormwater system on the site. Mr. Andress stated that it will be privately managed. Mr. LaBarba asked if there would be problems created by having two privately managed storm systems connected to one another. Mr. Andress stated that a Notice of Intent had been filed, but no stormwater plan or inspections were required at this time as the site is currently stabilized. Mr. LaBarba stated that stormwater runoff generated by this project would have to be dealt with in terms of quantity and quality. He stated that a complex system would be required.

Mr. Adalian asked if the installation of the retaining wall could cause shifting in the slope. Mr. Andress stated that a major storm could create problems. Mr. Andress stated that similar walls existed in the area. Mr. Adalian asked why Patroon Point was experiencing drainage problems. Mr. Andress stated that there were internal grading problems on the site and that the small catch basins installed on the site were not adequate to handle the flow generated. Mr. Andress stated that these basins were installed after the development was built, as fixes to the problems.

Mr. Andress stated that some fill from the lot 5B development would be deposited to the eroded slopes at the rear of Patroon Point. Ms. Pettit stated that the applicant would need to provide a plan detailing the areas where fill would be deposited. Mr. Andress stated that one had been created and was near finalization. Mr. Adalian asked what would be done in the areas where fill was deposited. Mr. Andress stated that some areas would be planted with wildflowers and other areas would be left natural. Ms. Pettit stated that the Deputy Corporate Counsel suggests that residents within 200 feet of this project should receive notice prior to next months meet and a public hearing should be held.

Mr. Adalian asked about the area of ponding at the corner of Rock Cut Road and Valley View Blvd. Mr. Andres stated that when the road is rebuilt an underdrain would be installed. He stated that the cause of this ponding would have to be investigated during the rebuilding of the road. Mr. Moore asked if the garbage pickup at the site would be municipal or private. Mr. Andres stated that it would be private. Mr. Moore asked the applicant if he could provide a plan for the pocket park.

Mr. Moore made the following motion:

The Planning Commission tables the application for Site Plan Approval for townhomes at 5B Valley View Blvd. The applicant will provide the following for next month's meeting:

- *Itemized cost estimate for required City repairs*
- *Stormwater management details*
- *Geotechnical report*
- *Plan for pocket park*
- *Report on ponding problem at the corner of Rock Cut Road and Valley View Blvd.*
- *Traffic counts to be reviewed by Hank Labarba*

The Planning Commission directs the Planning department to notify property owners with 200' of this project and post legal notice for a Public Hearing to be held at the June meeting.

Ms. Pettit stated that City Corporate Counsel, John Hicks, had informed her that final site plan approval for this project should be granted contingent upon the applicant submitting a Letter of Credit to the City to cover the costs of road repairs and improvements to the pocket park within 30 days of final site plan approval.

Ms. Van Vorst seconded.
All in favor. Motion passed.

Several residents of the Patroon point development spoke briefly about their concerns related to this project. Questions regarding Landmark Realty and its involved parties were raised. Residents expressed concern over the density of the proposed development. Concerns over glare, parking, sewer capacity and the extent of woods removal were raised. Residents expressed a desire to see the area of woods to be removed marked out at the site.

Mr. Adalian adjourned the meeting at 9:25 PM.

Respectfully Submitted,

Marybeth Pettit
Secretary