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Planning Director

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RENSSELAER CITY CLERK

Minutes of the Regular Meeting of the City of Rensselaer Planning Commission
First Floor Conference Room, Rensselaer Community Center, 62 Washington Street
June 8, 2009

Members Present:

Harry Adalian – Chair, Frank Adams, James Ahlemeyer, Bob Campano, George Farrell,
Christine Van Vorst

Members Not Present:

Charles Moore – Vice Chair

Staff Present:

Marybeth Pettit – Director of Planning, Kevin McLoughlin – Assistant Director of Planning,
John Spath – Deputy Corporation Counsel

Others Present:

Roger Murman, Robert Kramer, Barry LaPoint, Vanessa Vigliante, Ron Bowie

Call to Order:

Chair Adalian called the regular meeting of the City of Rensselaer Planning Commission to order at 7:04 PM. Roll call was taken, and it was determined there was a quorum.

Adoption of Past Meeting Minutes

Mr. Farrell moved to approve the meeting minutes of May 11, 2009 as submitted and without amendment. Mr. Ahlemeyer seconded. All in favor.

Communications

None.

Old Business

1. DeLaet's Landing / Marx Properties Redevelopment, 555-575 Broadway

After a brief discussion Mr. Campano moved to approve invoice #328121(Whiteman, Osterman, & Hanna) for payment. Mrs VanVorst seconded. All in favor.

New Business

- 1. Robert Kramer, 933 6th Street** – Request for recommendation to the ZBA for Area Variance(s) of 5' from the minimum 8' side yard, 7' from the minimum 20' total side yards, and 15' from the minimum 15' front yard to allow construction of a front yard deck 0' from the front lot line and 3' from the side lot line in a multi-family (R2) zoning district.

Robert Kramer of 933 6th Street described his desire to have a deck in his yard for use by his elderly mother-in-law. He was told by the Building Inspector that a structure was not allowed in the floodway of the Quackenderry Creek at the rear of his house so he sought a variance to build one in his front yard.

Mr. Campano asked if there were any acceptable ways to secure the deck so that it would not become a hazard.

Ms. Pettit stated that the floodway regulations were very strict on this point and that there were in place to prevent or limit blockage of the creek with debris that contributed to last year's flooding.

Mr. Campano asked if a stone patio in the rear yard would be considered acceptable. Ms. Pettit said that it would not be considered a structure and would therefore be allowed.

Mr. Kramer said that this would be suitable for him and he would return the deck lumber and withdrew his Variance request.

- 2. Vanessa Vigliante, 1527 5th Street** – Request for recommendation to the ZBA for Area Variance(s) of 2' from the maximum fence height of 4' to allow installation of a 6' fence in the front yard in a multi-family (R2) zoning district.

Vanessa Vigliante of 1527 5th Street described her 53" tall front yard fence as located at the base of a slight (approximately 3') drop in the grade of her front yard. This allowed her dog to jump over the fence from the high part of the yard. She also cited problems with neighbor children climbing over the short fence and entering her yard. She stated concern about liability due to her dog escaping or biting a trespasser.

Mr. McLoughlin asked if the applicant had considered moving the existing 53" tall fence to the top of the slope in their front yard so the dog could not use the high spot to get over the fence. Vanessa Vigliante responded that this would mean 'losing' part of her front yard.

Mr. McLoughlin asked if the applicant had considered fencing off her side and rear yards with a higher fence to keep her dog in. Vanessa Vigliante responded that this would mean 'closing' off part of her yard and was not acceptable to her.

Rob Bowie of 1527 5th Street stated that there was also an erosion problem with dirt washing down the slope and that a new fence or retaining wall was needed in order to eliminate the problem.

Ms. Pettit stated that building code did not allow placement of a fence on top of a retaining wall, but that a small wall could be placed at the base of the slope and the fence set back at the appropriate distance. She added that staff was concerned that allowing a 6' fence right next to the sidewalk in a strictly residential neighborhood would set a bad precedent and expectation among other neighbors. While this particular instance might not be objectionable, the prospect of a block with multiple properties with high fences close to the road was what this part of the zoning code was intended to avoid.

Mrs. VanVorst moved to make a negative recommendation to the ZBA. Mr. Farrell seconded. All in favor.

3. Barry LaPoint, 40 Broadway – Request for Certificate of Appropriateness for porch remodeling and trim painting and Site Plan Approval for a parking plan for 4 spaces in a historic residential (HR) zoning district.

Barry LaPoint described his plans to install parking for his residents at both the front and rear of the property. He also reviewed his plans for exterior treatment of the brick exterior walls and restoration and painting of the decorative front porch details and exterior wood trim.

Mr. McLoughlin describes some corrections to the applicant's submitted site plan dimensions – specifically that they showed the property as 5' wider than actual. This did not affect staff opinion of the application only noting that the paved areas would end up closer to the lot lines than shown on the sketch.

Mr. Campano asked if it was possible to locate the parking entirely in the rear of the property in order to maintain the attractive side yard. Mr. McLoughlin responded that there appeared to be room despite the error in the applicant's site plan dimensions and that a paved area in the rear for all 4 spaces would be approximately 1' from the side property lines.

Ms. Pettit added that this approach would avoid the need for a curb cut on Broadway and a steep driveway ramp.

Mr. LaPoint indicated that he wished to replace the shale flagstones at the rear sidewalk area with a concrete walk and a concrete ramp / apron. The sidewalk flags would be kept and used on the building grounds as a walkway or patio element.

Mr. LaPoint described his exterior work that included scouring and re-pointing all the bricks. He stated that he preferred to leave the brick in an unpainted state with a 'rustic' residue of paint that would not come off in the initial scraping and cleaning. The board examined pictures of the building before and after this work and asked the applicant questions. The board expressed some difficulty in picturing the overall effect on the house and the neighborhood and desired to see the work in person with a site visit.

Mrs. VanVorst moved to grant Site Plan approval and a Certificate of Appropriateness for the proposed parking plan with the stipulation that 4 spaces will be located in the rear of the building (Academy Street) and none in the front (Broadway) and that the existing curbstones in the rear are not removed but lowered to allow vehicle access while maintaining the visual edge of the

street. Board also tables the Certificate of Appropriateness request regarding the exterior painting and porch repair, pending a site visit. Mr. Campano seconded. All in favor.

4. **DPW Dirt Stockpile Area, Gaines Place & Cottage Hill Street** – Request for Special Use Permit to allow storage of fill material used in maintenance & repair of municipal roads and water / sewer system in a multi-family (R2) zoning district.

This matter was withdrawn as an alternative site had been identified by the city.

Other Business

Chair Adalian convened the annual meeting.

Mr. Adalian nominated Charles Moore as Vice-Chair, Mr. Campano seconded. All in favor.

Mr. Campano nominated Mr. Adalian as Chairman, Mr. Adams seconded. All in favor.

Hearing no other business Chair Adalian closed the annual meeting.

Adjournment:

Hearing no objections, Mr. Adalian adjourned the meeting at 7:52 PM.

Next Meeting:

The next regular meeting is scheduled for July 13, 2009 at 7:00 PM.

Record of Decisions:

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

Respectfully Submitted,

Marybeth Pettit
Secretary