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**MINUTES OF THE REGULAR MEETING OF THE RENSSELAER CITY  
PLANNING COMMISSION HELD ON SEPTEMBER 3, 2002 IN THE  
SECOND FLOOR CONFERENCE ROOM AT 7:00 P.M.**

**REGULAR MEETING:**

Mr. Michael Merges, Chairperson, opened the Regular Meeting at 7:04 P.M.

**MEMBERS PRESENT:**

Chairperson Michael Merges, Paula Riley, Philip Smith, Philip Erlich, Kathleen Dunn Ramon and Louis Lourinia.

**MEMBERS EXCUSED:**

Kenneth Downes, Vice-Chairman

Roll call was taken and it was determined that there was a quorum present..

**OTHERS PRESENT;**

Thomas E. Davis, ABD Engineering, Alderpersons Deborah Girgenti, Patricia Jackson, Brenda Jiguere and Dominick Tagliento, Daniel Moore, Building & Zoning Administrator, Marybeth Pettit, Director, Charles Moore, Assistant Director and Ruth Schroeder, Recording Secretary.

**MINUTES OF THE PREVIOUS MEETING;**

The next item on the agenda was the consideration of the August 6, 2002 Regular Meeting minutes. Mr. Merges asked for additions or corrections to the minutes. Mr. Erlich stated that the motion from the August 6, 2002 Meeting for St. Anthony on the Hudson needs to indicate that the motion carried.

Correction to the August 6, 2002 Minutes.

**St. Anthony on the Hudson Senior Living Center**

Motion made by Paula Riley and seconded by Ken Downes, with Lou Lourinia abstaining to rescind and transfer lead agency status for the State Environmental Quality Review SEQR process for the St. Anthony on the Hudson Senior Living Center to the City Common Council.

Motion carried.

Mr. Philip Erlich made a motion to accept the minutes of August 2, 2002 with correction, seconded by Kathleen Dunn Ramon.

Motion carried.

**OLD BUSINESS:**

None

**NEW BUSINESS;**

The next item on the agenda was the consideration of the application of New England Marine Electronics. Since there was no representative for the applicant, we will table this item and move to the next item on the agenda, Adirondack Development.

**Adirondack Development, Lot 1 of Partridge Run Subdivision, Sketch Plan Review**

Chairman Merges announced that the applicant proposes to construct roughly 56 units on 6 acres at Lot 1 of the Partridge Run Subdivision. The property is zoned Professional Business District PBD #1. Therefore, the applicant intends to request a zone change to allow for multi-family units.

The RPDA recommends hearing the request with no action required at this time. The next step is for the applicant to submit more detailed information. The RPDA recommends a Full Environmental Assessment Form FEAF to be submitted because the request is determined to be an Unlisted Action as defined by the SEQRA.

Tom Davis of ABD Engineering represented Adirondack Development. He showed drawings of the conceptual sketch plan of the property which is #1 Partridge Boulevard at the intersection of ValleyView Boulevard and Rock Cut Road. It is approximately 6 acres, divided by the road. There had been site plan approval for a 50,000 square foot office building and it was PBD1 zoned, which was rezoned to an office building. We need to get it rezoned back to do condo units (56 units).

The one side of the road will become city property for parkland, gazebo proposed, looking at conceptual sketch plan of the property. Thursday going to Common Council for rezoning of the property. One of the concerns is traffic, the I TE (Institute of Transportation Engineers) generated for the office building, approximately 75 vehicles coming in the A.M. and 78 leaving in the P.M. If condos with 56 units. In the A.M. it would be approximately 25.5 vehicles and the P.M. approximately 30 vehicles.

Philip Smith asked if Mr. George Mowad owned this property. At present it is owned by the Partridge Run Development Group.

Mr. Smith – which is George and who is Adirondack Development? I believe that same group who did Patroon Point.

Mr. Smith – With the 6 acres, what was the density level?

Pat Jackson stated that she had talked with George Mowad – Caldwell Banker and Adirondack Group. Kodorosky and DeSantis did Partridge Run.

Patroon Point was reviewed and approved in March with the condition – no building permit until conditions are met. In process of completing.

Deborah Girgenti plans on having a Planning Committee meeting on Thursday regarding St. Anthony's and having George Mowad there. Will not be voting on zoning changes that night, he is presenting.

Marybeth Pettit – appears 56 units exceeds amount maximum allowed.

Louis Lourinia – property promised to be left empty to the people of Falcon Chase. Rules changing for another project, single family homes, proposing 56 units, increased density on 6 acres? Sewer line – 12", with increased population will it handle? Make condition of site plan – come in with exact number of proposed units at next meeting.

Marybeth Pettit – forever green and forever open.

Mr. Smith – concerned regarding driveway for the Bailey property.

Pat Jackson – George told her 8 units in all 4 buildings and 2 buildings with 12 units, total of 56 units.

Philip Smith – we need to speak with Mr. Mowad.

Deborah Girgenti – originally office space, should we have to review traffic, sewer, etc.

Mr. Davis said they will come back with a full scale layout.

Mr. Merges told Mr. Davis that the Planning Commission will provide you with some concerns we have.

Mr. Smith – If George has any questions he should go to the Planning Director.

Mr. Lourinia – the city was given the ravine – original plan was for park, street lights, etc., pass on to Common Council.

Marybeth Pettit – do we want to rezone or not, more condos. It is a tough call, if he can add more park space, sidewalks, area. Mr. Mowad said he will build sidewalks.

Brenda Jiguere – condos, rezoning at this time, was a precedent set.

Mr. Erlich – What is required of us tonight is to understand what Tom presented to us.

Mr. Merges – schedule walkthrough before preliminary.

Deborah Girgenti – zoning change in October – Common Council meetings on October 2 and 16, 2002.

A walkthru is scheduled for Tuesday, September 24, 2002 at 6:00 P.M. We will meet at Valley View and Rock Cut Road. It will be only a site visit for understanding, not deliberating.

Mr. Merges stated that he had talked with Robert Freeman and he advised us to be careful, to differentiate between site visit and meeting. There is a fine line between deliberation and discussion in understanding the site, no voting.

#### **New England Marine Electronics, 314 Broadway, Site plan review, ZBA approval**

Chairman Merges stated that the next item on the agenda would be the New England Marine Electronics.

He asked if there was any additional information from the applicant. A letter had been received from the applicant and Mr. Merges read the letter.

The applicant proposes to open a marine electronics retail store and office at 314 Broadway. The property is located within an (R3) Multiple Family Residential District.

According to Article VIII, Section C.5.a., *“With prior approval of the Zoning Board of Appeals, a nonconforming use of structure may be changed to another nonconforming use of an equal or more restricted classification provided that no structural change, enlargement, extension or reconstruction is made.”*

In addition, according to Article VI, *“Prior to the issuance of a Building Permit or Certificate of Occupancy in any district, except for a one- or two- family dwelling and related accessory uses, the Building and Zoning Administrator shall require the preparation of a site plan. The Building and Zoning Administrator shall refer the site plan to the Planning Commission for its review and approval in accordance with the standards and procedures set forth in this Article.”*

Therefore, because the proposed use is compatible with the surrounding area, and because the proposed use contributes positively to the new Beverwyck Business District, the RPDA recommends granting site plan approval and a positive recommendation to the Zoning Board of Appeals.

Mr. Merges asked Mr. Daniel Moore if he had any information, any flood plain issues. Mr. Moore responded negative. Mr. Merges stated to let the record note that a copy of the lease is on file.

Mr. Charles Moore explained that it is a non-conforming use, R3 zone and needs to get approval from the Zoning Board. Mr. Philip Smith said that only if not used in a year, same type of activity. It is a tenant change, not necessary to go before the Zoning Board of Appeals. It is a continuation of a non-conforming use.

Mr. Lourinia - need Certificate of Occupancy from the Building Department, signage in compliance, parking not an issue and it has always been a business.

Mr. Philip Smith made a motion to grant site plan approval with the stipulation that signage conform to the city code, meet all state codes, receive Certificate of Occupancy from Building Department and a building permit for sign. Kathleen Dunn Ramon seconded the motion.

Motion passed unanimously.

#### **MISCELLANEOUS:**

Ms. Pettit spoke regarding St. Anthony's. The DOS attorney, Rich Hoffman, agreed that the best course of action is to accept the application and make a finding statement, pass on to the Common Council and at this point assume lead agency status. May want to schedule special meeting to discuss findings and pass on to the common council.

Mr. Merges – draft finding statement – Roger Murman had sent the draft.

Mr. Erlich stated that the Planning Commission makes the finding statement. Henk LaBarba would like to review.

Mr. Charles Moore said Roger Murman sent the draft hoping the commission would adopt.

Mr. Lourinia stated that this being a public meeting, drawings should be on the board before the meeting starts, have time to look at them before the meeting starts and the applicant should be notified before they get here.

For public notification, the targeting of feet from the center, should include the entire area. New people in the development need to be notified, now cluster development, people in area should have input.

Mr. Merges stated that there is a procedure to notify, would it be against the rules to go beyond that.

Mr. Smith – For a public hearing there is a published Notice of Public Hearing.

Mr. Erlich – there is nothing to prevent from notifying all the people.

**ADJOURNMENT:**

Philip Smith motioned that the meeting be adjourned, seconded by Paula Riley. The motion passed without a negative vote and the meeting adjourned at 8:40 P.M.

Respectfully submitted,

Marybeth Pettit  
Director  
MP:rs