



MARYBETH PETTIT  
Planning Director

**CITY OF RENSSELAER** RECEIVED

**PLANNING AND DEVELOPMENT AGENCY**

**BUILDING & ZONING**

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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  
September 10, 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, Robert Campano, Christine Van Vorst, Charles Moore, James Ahlemeyer

**Others Present:**

Jared Horton, George Mawad, Tom Andres, John Prevatera, Wayne Saint Clair, Jeff Holt, Richard Britan, Jane Smith, Shirley Wainker, Ron Smith, Pat Carney, Tim Malark, Frank Lashway III, James Bzineck II, Carol Bradt, George Bradt, Jon Badi, Louise Badi, Marian Gainance, Nancey Napper, Gloria Benett, Michelle Rolfe, Ken Gallagher, Lee Brothers, Brian Poole, Rich Mooney, Pat Jackson, Marybeth Pettit, Director of Planning, James Creighton Jr., Assistant Director of Planning, Gary Bowitch, Deputy Corporate Counsel

**Minutes of the August 13, 2007 regular meeting**

Ms. Van Vorst made a motion to accept the minutes of the August 13, 2007 regular meeting.  
Mr. Farrell seconded.  
All in favor. Minutes accepted.

**Old Business**

- 1. Eagles Club, 851 Broadway – Site Plan approval for a new Eagles Lodge in the Building previously existing as Burn's Pharmacy.**

**Special Use Permit to allow a membership lodge in a Local Business Zone.**

**Recommendation to the Zoning Board of Appeals for a use variance to allow a parking lot in a Local Business zone. This parcel is located at 843 Broadway and is proposed to serve as parking for the new Eagles Lodge.**

**Consideration of project under the provisions of SEQRA.**

Pat Carney, property owner, represented the Eagles before the Commission with Frank Lashway III, assistant to the project engineer. Mr. Carney explained that he had been asked at the last meeting to provide a parking plan for the Eagles Lodge. Mr. Adalian told the applicant that the lot should be paved. Marybeth Pettit told the Commission that City engineers Barton & Loguidice would review the parking lot plans and that \$500 should be requested for placement in escrow to pay for this review. Ms. Pettit stated that Barton & Loguidice recommend 2" of asphalt over 6" of gravel on the site. Some contours and spot elevations provided by the project engineer will be required for the review to be completed. Stormwater calculations for review must also be submitted.

Charles Moore stated that he did not think the downtown should be filled with parking lots. Ms. Van Vorst stated that she agreed. Ms. Pettit stated that the Commission could recommend a variance from parking requirements be issued by the Zoning Board of Appeals. Ms. Pettit told the Commission that the northern parking area shown on the plan could not be approved by the City as it would require an easement by CSX Rails to permit access to the parking spaces.

Mr. Adalian opened the public hearing.

Jon Badi, Eagles President, stated that the Eagles have been in Rensselaer since 2001. In that time the Eagles have raised \$80,000. \$46,000 of that money has been donated to parties within the City of Rensselaer. Mr. Badi stated that his organization has to move into the new lodge very soon.

Bill Sheldon, Eagles member, stated that the Eagles do good things for the City and should be allowed to move into their new lodge.

George Bradt asked why a stop work order had been put on the new building. Ms. Pettit explained that all work done on the new lodge had been completed without a building permit. She stated that the City Zoning Ordinance states that a building permit can not be issued without site plan approval. Ms. Pettit stated that the City was working to bring this project into compliance.

Joe Ryan stated that after a fire at his home the Eagles gave him financial support. He told the Commission that the Eagles are a good organization.

Mr. Adalian closed the public hearing.

Mr. Moore made the following motion:

*The Planning Commission assumes Lead Agency status for SEQRA review of the Eagles Lodge at 851 Broadway.*

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

Ms. Van Vorst made the following motion:

*The Planning Commission recommends that the Zoning Board of Appeals grant a variance to permit a parking lot at 843 Broadway for the Eagles Lodge. The Planning Commission also recommends that the Zoning Board of Appeals grant a variance from the total parking space requirement for the Eagles Lodge to permit 7 spaces for the lodge, instead of the required 14 spaces.*

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

Mr. Moore made the following motion:

*The Planning Commission issues a negative SEQRA declaration for the Eagles Lodge at 851 Broadway.*

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

Mr. Moore made the following motion:

*The Planning Commission grants a special use permit for the establishment of a membership lodge in a local business district.*

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

Mr. Moore made the following motion:

*The Planning Commission directs the applicant to place \$500 in escrow with the City for an engineering review by the City engineering firm Barton & Loguidice of the Eagles Lodge parking lot.*

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

Mr. Moore made the following motion:

*The Planning Commission gives site plan approval for the establishment of an Eagles Lodge at 851 Broadway. This approval granted contingent upon the applicant receiving the required variances for parking from the Zoning Board of Appeals and the satisfactory completion of an engineering review of the Eagles Lodge parking lot by Barton & Loguidice, the City's engineering firm.*

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

**2. Landmark Realty, 5B Valley View Blvd. Extension –Site plan approval for the construction of 20 townhomes in a planned development district.**

Tom Andres, project engineer, represented the applicant before the Commission. Mr. Andres stated that all recommendations from last month's meeting had been satisfied by the applicant. Mr. Andres stated that a sidewalk plan had been submitted to the City's consulting engineer, Hank Labarba. He told the Commission that the Common Council had met on the issue of a stormwater district, the Planning Department had received information regarding sewer hookup fees, and the City had copies of the fill agreement between the Patroon Pointe Homeowner's Association (HOA) and the applicant for their review.

Mr. Adalian asked what size the stretch of sidewalk down Valley View Blvd. would be. Mr. Andres stated that it was shown as an 8' asphalt path on the plan. Mr. Campano suggested the entire system to be installed be kept a 5' concrete system. Mr. Andres agreed to this. Ms. Van Vorst asked why the rear setback line on the plan was still listed as 25'. Mr. Andres stated that the buildings had been moved up 25', but he did not agree that the line should be moved. Ms. Van Vorst stated that the line should be moved to assure the 25' was adhered to. Mr. Andres stated that he would submit a set of plans with the setback line in question moved.

Mr. Moore asked if Mr. Bowitch had reviewed the fill agreement between the Patroon Pointe HOA and the applicant. Mr. Bowitch stated that he had reviewed the agreement and it seems fine. Mr. Adalian asked how the two stormwater systems would affect each other. Mr. Andres stated that they are designed to be separate systems. He stated that only a severe clog in one system could affect the other. Mr. Andres stated that an easement would be worked out with Patroon Pointe that would grant them access to the retention basin at the 5B Valley View development for servicing and replacement. Mr. Adalian asked if the Commission could have a copy of this. Mr. Andres stated that they could. Ms. Van Vorst asked how far the creek was from the outfall. Mr. Andres stated that it was about 50'.

Mr. Moore made the following motion:

*The Planning Commission issues a negative SEQRA declaration for the development of 20 town homes at 5B Valley View Blvd., based on the satisfactory resolution of the issues presented in the memo of consulting engineer, Hank Labarba.*

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

Ms. Farrell made the following motion:

*The Planning Commission grants site plan approval for the development of 20 town homes at 5B Valley View Blvd. contingent upon the applicant meeting the following provisions:*

*Before a building permit is issued, and within 30 days of this meeting, September 10, 2007, the applicant must submit a letter of credit or bond to the City to cover the cost of implementing the following requirements:*

1. *Repair and reconstruction where needed to Valley View Blvd. in order to meet City road specifications prior to dedication of the road. This work shall include:*
  - *The replacement of deteriorated areas with sub-base, gravel and binder according to City specifications.*
  - *The establishment of curb lines and wingback curbs along the road to facilitate drainage.*
  - *The reestablishment of the road crown and gutter line to promote positive drainage to existing catch basins.*
  - *The filling, grading, and seeding all rights of way.*
  - *The resetting of all drainage structures to function properly and the realignment of the road where needed.*
  - *The installation of a guard rail by the ravine opposite Patroon Pointe.*
  - *The installation of traffic signs; speed limit, no outlet, children at play.*
  
2. *Improvement to the pocket park including:*
  - *The regrading and hydroseeding of the lawn.*
  - *The planting of 20 shrubs in a planting area around the gazebo.*
  - *The planting of eight mature trees as shown on the plan.*
  - *The installation of 4 benches and ground lighting around the gazebo.*
  - *The construction of an 8' wide stone dust path from Valley View Blvd. to encircle the gazebo.*
  - *The installation of a striped crosswalk for pedestrian safety from then pocket park across Valley View Blvd. with handicapped access from the sidewalk.*
  
3. *The installation of a 5' wide concrete sidewalk system from lot 5B Valley View Blvd. to lot 1 (Cedar Run Condominiums)*
  
4. *A satisfactory resolution to the ponding problem/water issue at the corner of Rock cut Road and Valley View Blvd.*

*A new plan shall be submitted showing a 25' setback line at the rear of the townhomes.*

*Within 30 days of this meeting, September 10, 2007, a signed agreement with Rensselaer County for sewer hookup fees shall be submitted with the City.*

Mr. Ahlemeyer seconded.

5 in favor.

1 in opposition. (Ms. Van Vorst)

Motion passed.

**New Business**

**1. Pat Carney, 908 Broadway – Site Plan Approval for the establishment of a hot dog restaurant in the building previously serving as the Eagles Lodge.**

**Consideration of project under the provisions of SEQRA.**

Mr. Carney stated that he would like to open a hot dog restaurant in the former Eagles Lodge at 908 Broadway. Mr. Carney told the Commission that the shop would have a take out window on Broadway and an eating area inside. Mr. Carney stated that he did not yet have a name for the business. Mr. Adalian asked the applicant if he would consider painting the building. Mr. Carney stated that he would. Mr. Carney said he would use the color palette which currently exists on the structure; a combination of sand and burgundy. Mr. Carney stated that he would like to install awnings on all of the windows on the building. Ms. Van Vorst asked if he owned the neighboring business. Mr. Carney stated that he did not.

Ms. Van Vorst made the following motion:

*The Planning Commission assumes Lead Agency status for SEQRA review of the hot dog restaurant at 908 Broadway.*

Mr. Farrell seconded.

All in favor. Motion passed.

Mr. Moore made the following motion:

*The Planning Commission issues a negative SEQRA declaration for the hot dog restaurant at 908 Broadway.*

Ms. Van Vorst seconded.

All in favor. Motion passed.

Mr. Farrell made the following motion:

*The Planning Commission gives site plan approval for the establishment of a hot dog restaurant at 908 Broadway. The applicant must paint the building within 60 days of this approval.*

Mr. Moore seconded.

All in favor. Motion passed.

**2. Tim Malark, 927 Broadway – Recommendation to the Zoning Board of Appeals for an area variance from side-yard setback requirement for a two-story deck.**

Mr. Malark stated that he had a deck constructed after the contractor told him all the proper permits would be sought. Mr. Adalian asked how far the deck extends from the structure on the north side. Mr. Malark stated that this distance was 41'. Ms. Pettit stated that this deck was in violation of City side yard setback requirements and the New York State fire code, which states that non fire-rated structures must be at least 3' from side yard property lines. Ms. Pettit stated the maximum variance

the Commission could grant would be 3' on each side. Ms. Pettit also stated that since this deck was constructed without a building permit and the subsequent inspections, a letter from an engineer would be required to prove it is safely constructed. Mr. Moore stated that this project does not meet all of the criteria for an area variance. Mr. Adalian asked if there were any issues with the rear setbacks. Ms. Pettit stated that there were not.

Ms. Van Vorst made the following motion:

*The Planning Commission recommends the applicant cut the deck at 927 Broadway flush with the main structure on its north side, and cut the deck on the south side so it stands 3' from the side property line. These modifications would require a 4' variance from total side yard setback requirements. The Planning Commission gives a positive recommendation to the Zoning Board of Appeals for this variance.*

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

### **3. BASF Corp., 36 Riverside Avenue – Site Plan Approval for an Environmental Education Center on a previous industrial site.**

#### **Consideration of project under the provisions of SEQRA.**

John Prevatera, BASF attorney, presented the project to the Planning Commission. He stated that BASF would like to construct an environmental education center on a contaminated BASF lot in the industrial district. The project would be part of the environmental remediation of the site and would feature a 3,800 SF education center surrounded by a nature preserve. The building would be a state of the art “green” structure fitted with wind turbines and solar panels for the generation of its own energy. The roof of the structure will be planted. The landscaping will include the creation of a pond, which will serve as the stormwater collection area. Within the building will be various “green technology” exhibitions. A sub-surface vapor collection slab will shield the building from any harmful vapors produced by the contamination beneath. Both the Department of Health and the Department of Environmental Conservation has signed off on this project.

BASF intends to welcome school trips to the site and the lot is designed for bus parking. BASF plans on visitor group sizes of about 1-2 bus loads, or 40-80 persons. Ms. Petit asked if this property would be taxed as a 1 million dollar industrial venture. Mr. Prevatera stated that he did not know. Ms. Van Vorst stated that the City could not afford to relinquish taxable properties. Mr. Adalian asked if the facility would be open to the public. Mr. Prevatera stated that the plan at the time was to schedule group visits by invitation. Mr. Adalian stated that he felt such a facility had a great deal to offer many groups and it would be good if it were more open and accessible to the public.

Ms. Van Vorst made the following motion:

*The Planning Commission assumes Lead Agency status for SEQRA review of the BASF environmental education center at 36 Riverside Avenue.*

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

City of Rensselaer Planning Commission – Minutes of the September 10, 2007 regular meeting

Mr. Moore made the following motion:

*The Planning Commission grants site plan approval for the BASF Environmental Education Center at 36 Riverside Avenue.*

Ms. Van Vorst seconded.

All in favor. Motion passed.

Mr. Adalian adjourned the meeting at 8:40 PM.

Respectfully Submitted,

Marybeth Pettit  
Secretary