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**MINUTES OF THE PUBLIC HEARING AND REGULAR MEETING OF THE
RENSSELAER CITY PLANNING COMMISSION HELD ON
NOVEMBER 5, 2001 IN THE SECOND FLOOR
CONFERENCE ROOM AT 7:00 P.M.**

MEMBERS PRESENT: Michael Merges, Chairman; Philip B. Smith; Gordon Reynolds; and Kathleen Dunn Ramon.

MEMBERS EXCUSED: Kenneth Downes, Vice-Chairman; Daniel Sanchez; and Philip Erlich.

Roll Call was taken and it was determined that a quorum was present.

OTHERS PRESENT: Gary Isles, Organichem; Robert Alden, Organichem; Marc Marchessault, Baron Construction; Christian Connolly, Empire News; Joseph Liccardi, Assistant Corporation Counsel; Charles Valenti, Planning Director; and Ruth Schroeder, Recording Secretary.

MINUTES OF PREVIOUS MEETING:

The first item on the agenda was the consideration of the minutes of the October 2, 2001 Public Hearing and Regular Meeting. Mr. Merges asked if there were any changes or additions to the minutes. There were none.

Mr. Gordon Reynolds made a motion to approve the minutes as published and Ms. Kathleen Dunn Ramon seconded the motion which passed unanimously.

PUBLIC HEARING – SPECIAL USE PERMIT AT 33 RIVERSIDE AVENUE

The next matter before the Board was a Public Hearing on an application for a special use permit to construct a new pole barn for machinery storage at 33 Riverside Avenue, submitted by Organichem Corporation, pursuant to the Flood Damage Prevention Local Law.

Chairman Merges called the Public Hearing to order at 7:02 P.M.

Mr. Gary Isles and Robert Alden, representing Organichem, Corporation explained that Organichem wishes to build a storage facility of 5000 square feet (48 feet x 105 feet).

This building will be a wooden structure with metal siding and a metal roof intended for cold storage equipment. This structure will use the existing asphalt in the area as a floor for the building, minimal electric for lighting and to operate the overhead doors. The building is within the flood plain area and below the level required. Fraser Engineering has also provided the Commission with a letter that addressed the requirements for a variance in the flood plain area. The building has been designed to allow flood waters to enter and exit as needed.

The structure will be located on the center of the property along the south boundary line near the BASF property, off the fence line in an open area with no buildings adjacent.

Philip Smith questioned what will be stored in this building.

Mr. Isles stated that it will be various equipment, (i.e. Niagara Press pharmaceutical equipment that cannot be stored outdoors). He said there would be no fork lifts stored in the proposed building.

Mr. Merges then stated that the purpose of the Public Hearing is solely on the Flood Plain issue. He asked if there was anyone else present who would like to speak in regard to the Flood Plain issue, either in favor or in opposition. There was no one else.

Chairman Merges closed the Public Hearing at 7:05 P.M.

REGULAR MEETING:

Chairman Merges reconvened the Regular Meeting at 7:07 P.M.

MEMBERS PRESENT: Michael Merges, Chairman; Philip B. Smith; Gordon Reynolds; and Kathleen Dunn Ramon.

MEMBERS EXCUSED: Kenneth Downes, Vice-Chairman; Daniel Sanchez; and Philip Erlich.

OTHERS PRESENT: Gary Isles, Organichem; Robert Alden, Organichem; Marc Marchessault, Baron Construction; Christian Connolly, Empire News; Joseph Liccardi, Assistant Corporation Counsel; Charles Valenti, Planning Director; and Ruth Schroeder, Recording Secretary.

OLD BUSINESS:

None

NEW BUSINESS:

Organichem Corporation, 33 Riverside Avenue, special use permit, site plan review

Chairman Merges announced that the next matter before the Commission concerned an application for a special use permit and site plan review to construct a new pole barn for machinery storage at 33 Riverside Avenue, submitted by Organichem Corporation. He then read into the record the pertinent parts of the appeal, as well as the recommendations of the Rensselaer Planning and Development Agency.

The applicant proposes to construct a new pole barn for machinery storage. The property is located in a Flood-Fringe Overlay District.

According to Article V, Section C3 of the Zoning Ordinance the applicant requires a special use permit to develop within the Flood-Fringe Overlay District. The special use permit requires a public hearing before it can be issued. In addition, according to Article VI of the Zoning Ordinance, prior to the issuance of a Building Permit or Certificate of Occupancy the Planning Commission must review and approve a site plan in accordance with the standards and procedures in said article.

The applicant has submitted documentation, certified by an engineer, that although the building will be placed within the floodway, the proposal meets the requirements set forth in the City Flood Damage Ordinance. Organichem Corporation is a rapidly growing pharmaceutical company considered to be a great asset to the City and is also located within the proper zoning district and conforms to all zoning requirements. The RPDA, therefore recommends approval of the special use permit and the granting of site plan approval

Mr. Charles Valenti next recommended that pursuant to SEQR the Commission make a finding of no significant impact.

Mr. Merges asked for any discussion on the Environmental Assessment Form covering the project.

Mr. Gary Isles noted that the City Engineer has not yet reviewed the plans for the project..

After further discussion, Mr. Gordon Reynolds made the motion, seconded by Philip Smith, for the following resolution:

“The Rensselaer City Planning Commission hereby finds that the proposal will not have an adverse effect on the environment”.

The motion was passed unanimously.

A motion was made by Philip Smith, seconded by Gordon Reynolds, for the following resolution:

“The Rensselaer City Planning Commission hereby grants a special use permit and site plan approval for the proposed project as per plans submitted contingent on review by the City Engineer”.

The motion carried unanimously.

Mr. Charles Valenti stated that because the proposed building is approximately four (4) feet below flood elevation, a variance from the Flood Damage Prevention Local Law is required. The Commission reviewed the document submitted by the applicant which addressed the requirements for a variance from the Flood Damage Prevention Local Law.

Gordon Reynolds made a motion, seconded by Kathleen Dunn Ramon, for the following resolution:

“The Rensselaer City Planning Commission makes a positive recommendation to the Rensselaer Zoning Board of Appeals to grant a variance to the Flood Damage Prevention Local Law based on the documentation submitted by the applicant”.

The motion was unanimously carried.

Baron Construction Corporation, 339 Columbia Street, site plan review, area variance recommendation

Mr. Merges stated that the next item on the agenda was the consideration of a site plan and an appeal for a area variance to construct an addition at 339 Columbia Street, submitted by the Baron Construction Corporation. Mr. Merges then read into the record the pertinent facts of the appeal, as well as the recommendation of the Rensselaer Planning and Development Agency.

The Baron Construction Corporation proposes to construct a new metal building for Albany Volvo in a Commercial Industrial (CI) Zoning District. According to Article VI of the Zoning Ordinance, prior to the issuance of a Building Permit or Certificate of Occupancy the Planning Commission must review and approve a site plan in accordance with the standards and procedures in said article. The building will encroach within one foot of the rear property line. According to the zoning schedule of area and bulk regulations, the rear setback requirement is 25’.

The appeal under consideration is for an area variance. For an area variance to be legally granted pursuant to Article X of the General City Law, the following issues must be considered:

1. The benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant;
2. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
3. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance;
4. Whether the requested area variance is substantial;

5. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and
6. Whether the alleged difficulty was self-created.

It is not felt that the granting of the variance would be detrimental to the public health, safety and welfare. It is also not felt that the proposed variance would alter the character of the neighborhood or be a detriment to nearby properties. The RPDA does not believe that the benefit sought by the applicant could be achieved by some method feasible for the applicant to pursue. Although the requested variance is substantial, it is felt that the variance is justified, considering existing conditions (the existing building). We feel that the proposed variance would not have an adverse effect on the physical or environmental conditions in the neighborhood. Therefore, the RPDA recommends approval as per plans submitted.

Mr. Mark Marchessault from Baron Construction was present at the meeting. He explained that the purpose of the project is to construct a 20' x 60' addition onto the existing 4 bay metal building. The service bay will be used to house a piece of alignment equipment. It will be 20' farther than the existing building and the front will be 1 ½' taller than the existing building. The property is wedged between the highway and Conrail Property.

Mr. Reynolds asked the setback of the proposed addition from Columbia Street. Mr. Marchessault stated it was about 28' from Columbia Street..

Mr. Reynolds made a motion, seconded by Kathleen Dunn Ramon for the following resolution:

"The Rensselaer City Planning Commission grants site plan approval for construction of the addition at 339 Columbia Street as per plans submitted".

The motion carried unanimously.

A motion was then made by Gordon Reynolds, seconded by Philip Smith, for the following resolution:

"The Rensselaer City Planning Commission hereby grants a positive recommendation to the Rensselaer Zoning Board of Appeals for an area variance, for the construction of an addition at 339 Columbia Street as per plans submitted and in agreement with the recommendation of the Rensselaer Planning and Development Agency.

The motion was passed unanimously.

Wei Jian Ming, 150 Columbia Street, site plan review

Chairman Merges announced that the next item on the agenda was the consideration of a site plan of 150 Columbia Street, submitted by Wei Jian Ming. Mr. Merges states that

the applicant proposes to open a Chinese take out restaurant in a Commercial Industrial (CI) Zoning District. According to Article VI of the Zoning Ordinance, prior to the issuance of a Building Permit or Certificate of Occupancy the Planning Commission must review and approve a site plan in accordance with the standards and procedures in said article. .

Mr. Ming explained what he proposed to do. There will be no seating, just take-out. In the waiting area there will be chairs for customers. The proposed restaurant will have a large kitchen. He went onto to discuss a 4' wide concrete pad on the rear of the building for a cooler

Mr. Valenti noted that the documents that Mr. Ming submitted did not show a concrete pad in the rear.

Philip Smith asked about fire safety. Mr. Ming said the firewall met all codes.

Mr. Gordon Reynolds asked the distance between the pad for the cooler and the fence. Mr. Ming replied the fence would be about 4 feet from the pad. Mr. Valenti noted that a variance would have to be granted for the proposed pad since it would be in violation of the zoning regulations.

Mr. Valenti stated that action could not be taken on the site plan without a plan showing the pad. He recommended that the matter be tabled until all information is complete.

Mr. Ming stated that he would put the cooler within the confines of the building and apply for a variance later.

Philip Smith suggested that Mr. Ming submit a copy of his agreement with the owner of the building in question.

After further discussion, a motion was made by Gordon Reynolds, seconded by Kathleen Dunn Ramon, for the following resolution:

"The Rensselaer City Planning Commission hereby grants site plan approval for 150 Columbia Street on condition that there be no external modifications".

The motion was passed unanimously.

SECRETARY'S REPORT:

Mr. Valenti informed the Commission on the status of various projects. The bids for the Third Street/Third Avenue Project were in. Rifenberg Construction from Troy submitted the low bid of 4.9 million dollars. He anticipated that the contract will be awarded next month.

Representatives of the City of Rensselaer, the Department of State, and the Greenway are finalizing their recommendations for the Waterfront Revitalization Program.

The Clearwater Dock is in design.

The Second Avenue Project for the sewer line is still in design.

Quackenderry Creek Project is awaiting approval of a permit from the Army Corps of Engineers.

The City is reviewing proposals for design services for the Quackenderry Creek culvert on Broadway.

Mr. Reynolds next discussed the Second Avenue Project with Mr. Valenti.

Mr. Valenti noted that there has been no response from Mr. George Mowad concerning his project.

Regarding the St. Anthony's Project, Mr. Valenti states that \$1.3 million has been approved for the Project. The Draft Environmental Impact Statement is being prepared.

ADJOURNMENT:

There being no further business to come before the Commission, Mr. Gordon Reynolds made a motion that the meeting be adjourned and Mr. Philip Smith seconded the motion which passed unanimously. The meeting adjourned at 7:45 P.M.

Respectfully submitted,

Charles G. Valenti
Secretary
CGV:rs