



MARYBETH PETTIT
Planning Director

CITY OF RENSSELAER

PLANNING AND DEVELOPMENT AGENCY

BUILDING & ZONING

CITY HALL, 505 BROADWAY
RENSSELAER, NEW YORK 12144-2696

Planning (518) 465-1693 Building (518) 462-5489 Fax (518) 465-2031

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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
November 13, 2006**

Call to Order:

Chairman James Ahlemeyer 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; James Ahlemeyer; Christine Van Vorst; Dred Parsons

Others Present:

Gloria Fonda, Steve Hart, Frank Orciuoli, Steve Wilson, Tony Elacqua, Tony Gorman, Gary Bowitch, Deputy Corporation Counsel; Marybeth Pettit, Director of Planning; James Creighton Jr., Assistant Director of Planning

Minutes of the October 10, 2006 regular meeting

Harry Adalian made a motion to approve the minutes of the October 10, 2006 meeting. Seconded by Dred Parsons. All in favor. Motion carried.

Old Business:

- 1. PUBLIC HEARING - Frank Orciuoli, 150 Columbia Street, site plan approval for a 1,900 square foot eating and drinking establishment. Public hearings for site plan and flood hazard permits.**

Steve Hart explained that the revised plan showed the new placement of the dumpster. He stated that he wished to resolve the parking issues with spaces 7-9, and that the applicant did not wish to decrease the size of the structure any further. Christine Van Vorst asked why the structure could not be made smaller. Mr. Hart responded that further reduction would raise financial concerns.

Mr. Parsons expressed concern over the proximity if the parking lot to the park and playground. He asked Mr. Hart if fencing could be installed. Mr. Hart responded that this could be done.

Mr. Parsons raised concern over snow removal and the possibility of flooding neighboring properties. Mr. Orciuoli stated that this had never been a problem. Mr. Hart explained the site was designed to channel runoff into the catch basin. Marybeth Pettit suggested a guard rail be placed along the rear of the site to provide room for snow storage and address safety issues with the neighboring park.

Mr. Parsons asked if the curb cut would be moved and where the applicant stood in gaining DOT approval. Mr. Hart stated that he was working with DOT to resolve several minor issues regarding the curb cut.

James Ahlemeyer opened the public hearing.

Gloria Fonda stated that she contacted DEC and was told that the site was formerly a gas station and posed contamination risks, including the possibility that old tanks still remained underground on the site. Ms. Fonda also presented the Planning Commission with the following complaints regarding the applicant's project:

- Picnic tables currently occupy parking spots
- The current grease storage emits odors
- Many variances have already been granted to the applicants nearby project
- The project will be located in the gateway to a historic district
- There is a rodent problem on the site
- Mr. Orciuoli had fought to keep a previous owner from building on the site
- The exhaust from the proposed structure would pollute Ms. Fonda's property
- The project would put Ms. Fonda's business at a hardship
- The neighboring site is currently ill-maintained

Mr. Parsons presented the Commission with a letter from Scarlet Palermo, the alderperson of the 1st ward. The letter expressed concern over the project and cited a list of legal provisions that should be examined prior to approval. (A copy of the letter is attached).

Mr. Adalian asked why the parking had not been changed as resolved in the last meeting. Mr. Elacqua stated that there are no regulations prohibiting the way the parking plan is currently done. Mr. Elacqua also stated that an engineering study had been conducted on the site and no contamination was found. Mr. Bowitch stated that if tanks are present on the site they will be found during construction and required to be removed.

Ms. Pettit asked if the structure was located above the floodplain. Mr. Hart responded that it was not.

Harry Adalian made the following motion:

The Planning Commission tables this application until next months meeting. The Commission will meet with the applicant for a workshop, and the issues of DEC tank law, parking, and structural exhaust will be further examined. The applicant's contamination study and the letter from Ms. Palermo will also be reviewed.

Ms. Van Vorst seconded.

All in favor. Motion passed.

- 2. PUBLIC HEARING - Gorman Terminals, LLC, 290 Riverside Avenue, preliminary site plan approval and recommendation to the zoning board of appeals for area variances for bulk storage and distribution facility, including railroad track extension.**

*Because no residents were found live within 200 feet of this project the public hearing was cancelled.

Steve Wilson stated that the applicant had submitted a Full EAF, a letter addressing issues from last month's meeting, and \$1,000 for placement in escrow for engineering review. Mr. Parsons asked if the bio-diesel portion of the project was off the table. Tony Gorman responded that proposals for bio-diesel at the site were only speculative interests.

Mr. Parsons asked about the existing monitoring wells on the site. Mr. Wilson stated that these monitoring wells were remnants from the clean-up of a prior use at the site. The eight wells were recently checked and all levels were below contaminant thresholds. Mr. Wilson stated that DEC is solely in charge of the wells and their monitoring, and that the applicant is waiting for a "no further action necessary" letter from the DEC. Mr. Wilson stated he has a copy of this report.

Ms. Pettit asked if a DOT permit was necessary. Mr. Wilson stated that the rail is private and there will be no DOT involvement. Ms. Pettit stated that a Corporate Council resolution will need to be passed to allow the applicant to run infrastructure beneath City roadways.

The public hearings for site plan approval and a flood hazard permit will remain open.

Mr. Parsons made the following motion:

The proposed action is an Unlisted Action and will require SEQRA review. The Planning Commission wishes to assume Lead Agency Status in connection with coordinated SEQRA review of the project, and directs that a Lead Agency coordination letter be sent to all involved agencies requesting their consent to designate the Commission as Lead Agency for review of this project.

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

Mr. Parsons made the following motion:

The Planning Commission gives a positive recommendation for to the Zoning Board of Appeals for the granting of the following four area variances:

- 1) *Front Setback – 13.4'*
- 2) *Rear Setback – 35'*
- 3) *Front Setback – 35'*
- 4) *Rear Setback – 35'*

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

New Business

1. **BCL Services, Inc., 63 Washington Street, site plan approval for use of commercial structure.**

The applicant was not present.

Ms. Van Vorst made the following motion:

The Planning Commission tables this application until next months meeting.

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

James Ahlemeyer made a motion to adjourn the meeting.
Harry Adalian seconded.
Motion passed.

Meeting was adjourned at 8:30 pm.

Respectfully Submitted,

Marybeth Pettit
Secretary