



MARYBETH PETTIT  
Planning Director

## CITY OF RENSSELAER

### PLANNING AND DEVELOPMENT AGENCY BUILDING & ZONING

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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  
December 11, 2006**

#### **Call to Order:**

Acting Chair Charles Moore 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; Edward Burns; Christine Van Vorst; Charles Moore, Margaret Zukowski, Dred Parsons

#### **Others Present:**

Gloria Fonda, Steve Hart, Frank Orciuoli, Steve Wilson, Tony Elacqua, Lou Lourinia, Curt Beebe, Ron Fortune, Dan Moore, Scarlet Palermo, Bonnie Hahn, Frank McClellan, Steve Janenka, Gary Bowitch, Deputy Corporation Counsel; Marybeth Pettit, Director of Planning; James Creighton Jr., Assistant Director of Planning

#### **Minutes of the November 13, 2006 regular meeting**

Harry Adalian made a motion to approve the minutes of the November 13, 2006 meeting. Seconded by Christine Van Vorst. All in favor. Motion carried.

#### **Old Business:**

- 1. Gorman Terminals, LLC, 290 Riverside Avenue, site plan approval and special use permit for construction in a flood hazard zone for bulk storage and distribution facility, including a railroad siding. SEQRA Lead Agency selection and determination of significance.**

Mr. Adalian made the following motion:

*The Planning Commission assumes Lead Agency status for SEQRA review of this project.*

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

Mr. Adalian made the following motion:

*The Planning Commission issues a Negative Declaration for this project under SEQRA review.*

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

Mr. Adalian made the following motion:

*The Planning Commission grants this project a special use permit for construction in a flood hazard area, and gives this project site plan approval contingent on meeting the requirements of the special use permit.*

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

**2. 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 stated that the applicant would be seeking site plan approval for the 1,900 SF plan as discussed at the workshop the previous week.

Mr. Adalian explained that after discussion with the State Department of Transportation he had some concerns with the parking on the site. Mr. Adalian stated that maneuvering within the site would be difficult because of the limited space of the lot. He explained that, as he was told, 24' was the standard for a two-way lane between spaces. Mr. Adalian stated that parking spots 8 and 9 were not feasible as they have no maneuvering room. He also stated that the tight configuration of the parking lot would not allow for safe pedestrian passage. Mr. Hart stated that the parking configuration follows the wording of the City Code.

Margaret Zukowski asked if handicap spaces are accounted for, and also questioned where snow would be stored. Mr. Hart stated handicap spaces were in place and that snow would be stored at the rear of the site. Mr. Adalian expressed concern over flooding and ponding caused by the snow storage area. Mr. Elacqua stated that the area where the snow would be stored would be level and covered in gravel. Gloria Fonda stated that one of the parking spots was actually dedicated to the Hot Dog Charlie's lot. Marybeth Pettit stated that the Hot Dog Charlie's parking had been reconfigured, and that space in question was not part of that parking plan.

Mr. Parsons read the resolution letter from a 1995 Zoning Board of Appeals meeting stating that Ms. Fonda's property was in the Commercial-Industrial District. Ms. Fonda stated that there are only two houses like hers in the City. Ms. Pettit stated that the survey done by John Dunn corresponds to the City's current zoning. Bonnie Hahn stated that according to the City Charter the zoning lines must follow lot lines, and that the project site is actually made up of three separate parcels. Ms. Hahn presented a zoning map to the Commission that did not include Ms. Fonda's lot in the Commercial-Industrial District. Mr. Hart stated that this was a misinterpretation due to the area around a piece of text on the map being whitened for clarity. Mr. Adalian stated that there could be an issue regarding the John Dunn line, as the Columbia Street overlay was drawn from the center of Columbia St., which may have been widened unevenly.

Mr. Adalian asked why the concept drawing showed the building divided into two retail spaces. Mr. Orciuoli responded that was not the intention.

Lou Lourinia spoke on Ms. Fonda's behalf and voiced several concerns over the project. He stated that the project could present many different problems to the area depending on the tenant that occupies the building. He stated that the location should be tenant specific. Mr. Lourinia stated that screening placed around the site would not be sufficient to properly shield the area from negative impacts, and lighting and signage could also pose problems. Ms. Van Vorst stated that the applicant would have to come back before the Commission when a tenant had been selected.

Frank McClellan asked if a traffic study had been done. He expressed his concern that increased traffic generated from the site could have negative impacts on the surrounding neighborhood. Ms. Pettit explained that a study was not required unless requested by the Commission. Ms. Pettit also stated that Route 9 and 20 currently has 24,000 vehicle trips per day and a project consisting of 19 parking spaces is relatively small. Mr. McClellan stated that a traffic study and inquiry into the delivery operations at the site should be undertaken.

Dan Dwyer Jr. asked how close the parking lot would be to the playground, and if this raised safety concerns. Mr. Adalian stated he had concerns about this. Mr. Hart stated that the plan for running a road into the back of the site could be revisited. Ms. Pettit explained that this would be a commercial use on historic property. Ms. Fonda stated that she had discussed the testing conducted on site with the DEC and was told the methods were "antiquated."

Mr. Moore closed the public hearing.

Mr. Adalian made the following motion:

*The Planning Commission denies site plan approval due to issues of loading, traffic control, pedestrian walkways and safety, and the number of parking spots and feasibility of those spots on the site. A revision of the site plan should include DOT notification regarding traffic and its ingress and egress at the site, and screening and lighting at the site.*

Ms. Zukowski seconded.  
All in favor. Motion passed.

In closing conversation the Mr. Hart expressed his concern that even after revision the Commission would consider the plan. Mr. Adalian stated that he and the Commission would like to work with the applicant to see the site plan through. Mr. Adalian also stated that for this project to work the applicant must address the three parking spots in question. Ms. Pettit suggested that the Commission clarify what issues the applicant need to resolve in regards to the parking. Ms. Van Vorst stated that a 1,600 SF building would be more suitable.

## **New Business**

- 1. Drake Petroleum, 9 Third Avenue, recommendation to Zoning Board of Appeals for area variances from rear yard setback and minimum open space requirements for the expansion of the Sunoco gas station shop.**

Ron Fortune represented Drake Petroleum and explained the project to the Commission. He stated that the applicant would like to expand the gas station shop on the site to accommodate a better, more spacious layout

within the building. He stated that the alleyway into which the building would expand is currently unusable. Mr. Fortune explained that the wall facing the alleyway would be fire-rated in accordance with building law. Ms. Pettit questioned the number of parking spaces at the site. Mr. Fortune explained that the number of spaces at the stations pumps would accommodate additional parking demand.

Ms. Van Vorst made the following motion:

*The Planning Commission makes a positive recommendation to the Zoning Board of Appeals for a 5' 10" variance from rear yard setback requirements and a 3% variance from minimum open space requirements for the expansion of the gas station shop at 9 Third Avenue.*

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

**2. City of Rensselaer Youth Bureau, site plan approval, certificate of appropriateness and recommendation to Zoning Board of Appeals for an area variance from setback requirements for the construction of a new concession stand at the Pvt. James E. Coyne USMC – KIA Memorial Playground and Ballpark.**

Mr. Adalian asked how large the concession stand would be. Dan Dwyer Jr. stated that two handicapped accessible bathrooms would be added to the concession stand. Mr. Dwyer explained that the stand would require a Certificate of Appropriateness as it is located in a historic district. He stated the stand would be constructed out of material similar to that being used on the new school.

Mr. Burns made the following motion:

*The Planning Commission makes a positive recommendation to the Zoning Board of Appeals for an area variance from setback requirements for the concession stand at Coyne Field and grants site plan approval contingent upon the reception of the variance.*

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

Mr. Burns made the following motion:

*The Planning Commission grants a Certificate of Appropriateness for the concession stand at Coyne Field.*

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

**3. City of Rensselaer, 201 Broadway, site plan approval and recommendation to the Zoning Board of Appeals for an area variance from setback requirements for the renovation and expansion of the old post office for use as a police station.**

Steve Janenka explained that the renovation of the post office into the police station would require the construction of a wheelchair ramp on the southern side of the building and a new point of egress on the north. These additions would give the site a total side yard of less than the required 10'.

Mr. Adalian made the following motion.

*The Planning Commission makes a positive recommendation to the Zoning Board of Appeals for a variance from side setback requirements for the new police station at 201 Broadway.*

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

Mr. Moore made a motion to adjourn the meeting.  
Harry Adalian seconded. Motion passed.  
Meeting was adjourned at 9:19 pm.

Respectfully Submitted,

Marybeth Pettit  
Secretary