



**CITY OF RENSSELAER
PLANNING AND DEVELOPMENT AGENCY
BUILDING & ZONING**

CITY HALL, 62 WASHINGTON STREET
RENSSELAER, NEW YORK 12144-2696
Planning (518) 465-1693 Building (518) 462-5489 Fax (518) 465-2031

City of Rensselaer Planning Commission

Regular Meeting

Monday, August 9, 2010 – 6:30 pm

AGENDA

Please note that this meeting will take place in the NEW CITY HALL at 62 WASHINGTON STREET.

- | | |
|--------------------------------------|-----------------|
| 1. Call to order | 5. Old Business |
| 2. Determination of a quorum | 6. New Business |
| 3. Approval of prior meeting minutes | 7. Next Meeting |
| 4. Communications | 8. Adjournment |

Old Business

- 1. Cottage Hill Landings, 96 Partition Street** – discussion & consideration of accepting Supplemental FEIS as complete.
 - a) Review / approve invoice #343374 (Phil Dixon), #2496TK (AMF)**
- 2. John DeFrancesco, 1453 Third Street** – request for recommendation to the Zoning Board of Appeals for Area Variance of 6’ over the maximum 6’ to allow a 12’ stockade privacy fence in a residential (R2) zoning district.
- 3. DeLaet’s Landing / Marx Properties Redevelopment, 555-575 Broadway**
 - a) Review / approve invoice #0072726 (Chazen)**

New Business

- 1. Municipal Salt Shed, 150 Aiken Avenue** – request for a Minor Subdivision (and consideration under SEQRA) to create a new lot, Site Plan Approval and recommendation to the Zoning Board of Appeals for Area Variances of 10’ less than the minimum 20’ required front yard; 18’ less than the 25’ minimum required rear yard; and 2’ over the maximum 4’ fence height to allow construction of a salt storage shed and materials yarding area in a commercial-industrial (CI) zoning district.
- 2. Rebecca Jordan-Alfano, 39 John Street** – request for recommendation to the Zoning Board of Appeals for Area Variance of 10’ less than the minimum 10’ required front yard to allow modification of front steps in a residential (R3) zoning district.
- 3. David R. Buchanan, 810 Broadway** – request for recommendation to the Zoning Board of Appeals for Area Variance of 3 spaces less than the minimum 3 required parking spaces to allow development of two 2nd floor residential apartments in a local business (LB) zoning district.
- 4. Alfred Pollack, 3 Ferry Street** – request for site plan approval to open Teagan’s Steak & Seafood in the former Nick’s Fish Fry in a local business (LB) zoning district.



Marybeth Pettit, AICP
 Planning Director

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DECISION SHEET

City of Rensselaer Planning Commission

Meeting Date: August 9, 2010

Board Member	Present	Absent	Quorum Present
Charles Moore, Vice-Chair	X		X
Tom Cardamone	X		
Frank Adams		X	Quorum Missing
James Ahlemeyer	X		
Bob Campano		X	
George Farrell	X		
Christine VanVorst	X		

Resolution #: 1

Matter: Past meeting minutes

Motion to approve minutes of the special meeting of July 19, 2010 as submitted without amendment.

PC Member Name	Made	2nd	Yes	No	Other	Motion
Charles Moore, Vice-Chair			X			Carried
Tom Cardamone			X			X
Frank Adams						Motion Denied
James Ahlemeyer			X			
Bob Campano						
George Farrell		X	X			
Christine VanVorst	X		X			

Resolution #: 2

Matter: Cottage Hill Landings, 96 Partition Street

WHEREAS, Forum Industries, Inc. (the "Applicant") submitted in May 2008 a Draft Environmental Impact Statement ("DEIS") on its proposed Cottage Hill Landings project (the "Project") to the City Rensselaer Planning Commission (the "Commission"), which is serving as the lead agency for review of the Project pursuant to the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, after review and revisions, on October 14, 2008, the Commission accepted the DEIS as complete and adequate for public review; and

WHEREAS, a public hearing on the DEIS was held by the Commission on November 10, 2008, and written comments on the DEIS were accepted until November 28, 2008; and

City of Rensselaer Planning Commission – DECISION SHEET – August 9, 2010

WHEREAS, on November 16, 2009, the applicant submitted a proposed Final Environmental Impact Statement (“FEIS”) to the Commission; and

WHEREAS, on December 14, 2009, the Planning Commission determined that, given the significant changes to the project as reflected in the proposed FEIS, it was appropriate pursuant to 6 NYCRR § 617.9(a)(7)(i)(‘a’) to require a supplemental DEIS addressing the proposed changes and their impacts; and

WHEREAS, that the Applicant subsequently prepared a supplemental DEIS that was the subject of a public comment period and a public hearing on June 14, 2010; and

WHEREAS, on July 29, 2010, the Applicant submitted a proposed FEIS to the Planning Commission for its review; and

WHEREAS, the Planning Commission has reviewed a letter dated August 9, 2010, from its consultant, Barton & LoGuidice, P.C., outlining a number of deficiencies in the proposed FEIS.

NOW, THEREFORE, be it

RESOLVED, that the Applicant is directed to revise the proposed FEIS in accordance with the August 9, 2010, review letter of Barton & LoGuidice and to resubmit the FEIS to the Planning Commission; and be it further

RESOLVED, that it is hereby determined that additional time is necessary to prepare the FEIS adequately and the time within which the Commission must file the FEIS is hereby extended pursuant to 6 NYCRR § 617.9(a)(5) until September 17, 2010, premised upon the Applicant submitting the revised FEIS to the Commission for its review by September 3, 2010.

PC Member Name	Made	2nd	Yes	No	Other	Motion
Charles Moore, Vice-Chair			X			Carried
Tom Cardamone			X			X
Frank Adams						
James Ahlemeyer			X			Motion Denied
Bob Campano						
George Farrell		X	X			
Christine VanVorst	X		X			

Resolution #: 3

Matter: John DeFrancesco, 1453 Third Street

Motion to forward application to ZBA with no recommendation on the Area Variance request.

PC Member Name	Made	2nd	Yes	No	Other	Motion
Charles Moore, Vice-Chair	X		X			Carried
Tom Cardamone			X			X
Frank Adams						
James Ahlemeyer			X			Motion Denied
Bob Campano						
George Farrell		X	X			
Christine VanVorst			X			

City of Rensselaer Planning Commission – DECISION SHEET – August 9, 2010

Resolution #: 4

Matter: 150 Aiken Avenue, Municipal Salt Shed

Motion to declare as Lead Agency under SEQRA and issue a Negative Declaration.

PC Member Name	Made	2nd	Yes	No	Other	Motion
Charles Moore, Vice-Chair			X			Carried
Tom Cardamone	X		X			X
Frank Adams						
James Ahlemeyer			X			Motion Denied
Bob Campano						
George Farrell			X			
Christine VanVorst		X	X			

Resolution #: 5a

Matter: 150 Aiken Avenue, Municipal Salt Shed

Motion to approve the subdivision request.

PC Member Name	Made	2nd	Yes	No	Other	Motion
Charles Moore, Vice-Chair			X			Carried
Tom Cardamone		X	X			X
Frank Adams						
James Ahlemeyer			X			Motion Denied
Bob Campano						
George Farrell	X		X			
Christine VanVorst			X			

Resolution #: 5b

Matter: 150 Aiken Avenue, Municipal Salt Shed

Motion to amend the prior resolution by also waiving the prohibition on creating a lot less than the required minimum lot size.

PC Member Name	Made	2nd	Yes	No	Other	Motion
Charles Moore, Vice-Chair			X			Carried
Tom Cardamone		X	X			X
Frank Adams						
James Ahlemeyer			X			Motion Denied
Bob Campano						
George Farrell	X		X			
Christine VanVorst			X			

City of Rensselaer Planning Commission – DECISION SHEET – August 9, 2010

Resolution #: 6a

Matter: 150 Aiken Avenue, Municipal Salt Shed

Motion to make a positive recommendation to the ZBA regarding the Area Variance requests for the side yard, rear yard, and fence height and Grant Site Plan Approval.

PC Member Name	Made	2nd	Yes	No	Other	Motion Carried
Charles Moore, Vice-Chair			X			Motion Carried
Tom Cardamone		X	X			
Frank Adams						X
James Ahlemeyer			X			Motion Denied
Bob Campano						
George Farrell			X			
Christine VanVorst	X		X			

Resolution #: 6b

Matter: 150 Aiken Avenue, Municipal Salt Shed

Motion to amend the prior resolution by making the Site Plan Approval Conditional on the ZBA granting the requested Area Variances.

PC Member Name	Made	2nd	Yes	No	Other	Motion Carried
Charles Moore, Vice-Chair			X			Motion Carried
Tom Cardamone		X	X			
Frank Adams						X
James Ahlemeyer			X			Motion Denied
Bob Campano						
George Farrell			X			
Christine VanVorst	X		X			

Resolution #: 7

Matter: Rebecca Jordan-Alfano, 39 John Street

Motion to make a positive recommendation to the ZBA regarding the Area Variance request.

PC Member Name	Made	2nd	Yes	No	Other	Motion Carried
Charles Moore, Vice-Chair			X			Motion Carried
Tom Cardamone			X			
Frank Adams						X
James Ahlemeyer			X			Motion Denied
Bob Campano						
George Farrell		X	X			
Christine VanVorst	X		X			

City of Rensselaer Planning Commission – DECISION SHEET – August 9, 2010

Resolution #: 8

Matter: David R. Buchanan, 810 Broadway

Motion to make a positive recommendation to the ZBA regarding the Area Variance request.

PC Member Name	Made	2nd	Yes	No	Other	Motion Carried
Charles Moore, Vice-Chair			X			X
Tom Cardamone			X			
Frank Adams						
James Ahlemeyer			X			Motion Denied
Bob Campano						
George Farrell		X	X			
Christine VanVorst	X		X			

Resolution #: 9

Matter: Teagan's Steak & Seafood, 3 Ferry Street

Motion to grant Site Plan Approval and make a positive recommendation to the ZBA for an off-premises sign.

PC Member Name	Made	2nd	Yes	No	Other	Motion Carried
Charles Moore, Vice-Chair			X			X
Tom Cardamone			X			
Frank Adams						
James Ahlemeyer			X			Motion Denied
Bob Campano						
George Farrell		X	X			
Christine VanVorst	X		X			

Resolution #: 10

Matter: DeLaet's Landing & Cottage Hill Landings

Motion to approve invoices #343374 (Phil Dixon), #2496TK (AMF), and #0072726 (Chazen) for payment.

PC Member Name	Made	2nd	Yes	No	Other	Motion Carried
Charles Moore, Vice-Chair			X			X
Tom Cardamone		X	X			
Frank Adams						
James Ahlemeyer			X			Motion Denied
Bob Campano						
George Farrell	X		X			
Christine VanVorst			X			



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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
August 9, 2010

Members Present:

Charles Moore – Vice-Chair (acting Chair), James Ahlemeyer, Tom Cardamone, George Farrell,
Christine Van Vorst.

Members Not Present:

Frank Adams, Bob Campano.

Staff Present:

Marybeth Pettit – Director of Planning, Kevin McLoughlin – Assistant Director, Jack Spath – Deputy
Corporation Counsel

Others Present

David Gardner, David Buchanan, Rich Mooney, Alice Ryan-Nestler, Angela LaMarca, Alfred F. Pollock,
Jim VanVorst, John DeFrancesco, Rebecca Jordan-Alfano, Dan Jordan, Stephen LeFevre, Philip Dixon,
Andrew Schiochetti, Dominick Tagliento.

Call to Order:

Acting chair Moore called the regular meeting of the City of Rensselaer Planning Commission to order at
6:30 PM. Roll call was taken, and it was determined there was a quorum.

Adoption of Past Meeting Minutes

The regular meeting minutes of July 19, 2010 were approved as submitted and without amendment.

Communications

Chair Moore related that Mrs. VanVorst had delivered letters from the police department and fire
department stating expected project impacts. It was noted by Steve LeFevre that while the public
comment period had passed, the board could still give the applicant the opportunity to include these
letters. He stated that there were e-mail comments already submitted from these agencies regarding past
DEIS submissions.

Mr. McLoughlin pointed out that there was police report information in the packet regarding a matter on
the agenda as requested by the board at the prior meeting.

Old Business

- 1. Cottage Hill Landings, 96 Partition Street** – discussion & consideration of accepting Supplemental FEIS as complete.

Steve Lefevre presented his firm's comments to the board regarding the FEIS. Topic areas where the SDEIS and FEIS were not in their view reflective of the comments (public, board, and other involved agencies) received were the disposal method for the landfill leachate, addressing explosive gas remediation, accurately reflecting the original resolution for the re-zoning of the property, and the fiscal impact analysis regarding increased student costs. Steve Lefevre stated that it would also be desirable to incorporate Appendix H (public comments) of the SDEIS into the FEIS document so that all comments and updated applicant responses would be contained in the same document.

Phil Dixon suggested a possible timeline for consideration of the next round of revisions. Ms. Pettit confirmed that these dates were acceptable with the applicant, Andy Sciochetti, who was in attendance and agreed to the revised schedule.

Mrs. Van Vorst moved to extend (with the applicant's approval) to September 17 the SEQRA review of the FEIS document as there were several deficiencies noted in the letter of the board's consultant Steve LeFevre of 8/9/10, provided the applicant submitted a revised FEIS for review by 9/3/10. Mr. Farrell seconded. The motion was unanimously approved.

- 2. John DeFrancesco, 1453 Third Street** – request for recommendation to the Zoning Board of Appeals for Area Variance of 6' over the maximum 6' to allow a 12' stockade privacy fence in a residential (R2) zoning district.

Mr. Moore reviewed the record of police calls to the property requested at the prior meeting by the board, noting that there were a number of calls to the property. The applicant stated that this record was an indication of the trouble that he and other residents on the block had been having with his neighbor.

Mrs. VanVorst stated her sympathy for the applicant's situation, but there was concern about endorsing a very high fence as a precedent.

Mr. Moore moved to forward the application to the ZBA with no recommendation. Mr. Farrell seconded. The motion was unanimously approved.

New Business

- 1. Municipal Salt Shed, 150 Aiken Avenue** – request for a Minor Subdivision (and consideration under SEQRA) to create a new lot, Site Plan Approval and recommendation to the Zoning Board of Appeals for Area Variances of 10' less than the minimum 20' required front yard; 18' less than the 25' minimum required rear yard; and 2' over the maximum 4' fence height to allow construction of a salt storage shed and materials yarding area in a commercial-industrial (CI) zoning district.

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Ms. Pettit presented a site plan showing the proposed salt shed location and building footprint. She noted that under a recent stormwater audit EPA and DEC were pushing the city to improve its salt storage practices and move it from its current location on Broadway.

Mrs. VanVorst asked if it was okay to build a salt shed close to a creek. Ms. Pettit responded that the shed and site would be designed in such a way to keep the salt from leaving the site, including push walls in the shed and berms or other features at the edge of the storage area to keep materials on site.

Mr. Moore expressed concern about creating two under-sized lots. Mr. McLoughlin confirmed that only the new parcel to be sold to the city for the salt shed use would be less than the minimum lot size.

Chair Moore opened the public hearing at 7:04 PM.

David Gardner stated that he supported the proposal if it got the salt pile off Broadway. James VanVorst also spoke in support of the application.

Hearing no one else to speak for or against the application, Chair Moore closed the hearing at 7:06 PM.

Chair Moore led the board in a review and completion of a Short EAF form. No significant negative impacts were identified.

Mr. Cardamone moved to declare as lead agency under SEQRA and issue a Negative Declaration. Mrs. VanVorst seconded. The motion was unanimously approved.

Mr. Farrell moved to approve the subdivision request. Mr. Cardamone seconded. The motion was unanimously approved.

Mr. Farrell moved to amend the prior resolution by adding a waiver to the prohibition on creating a lot smaller than the minimum lot size. Mr. Cardamone seconded. The motion was unanimously approved.

Mrs. VanVorst moved to Grant Site Plan Approval and make a positive recommendation to the ZBA regarding the Area Variance requests. Mr. Cardamone seconded. The motion was unanimously approved.

Mrs. VanVorst moved to amend the prior resolution by making the Site Plan Approval Conditional on the ZBA granting the requested variances. Mr. Cardamone seconded. The motion was unanimously approved.

2. Rebecca Jordan-Alfano, 39 John Street – request for recommendation to the Zoning Board of Appeals for Area Variance of 10' less than the minimum 10' required front yard to allow modification of front steps in a residential (R3) zoning district.

Dan Jordan described his desire to have stairs that led toward the driveway on the downhill side of the property as his steps currently lead toward the opposite side of the property. There would be a slight

extension from the porch a few inches short of the sidewalk in order to create a landing and the stairs would lead down to the driveway on the west side of the property.

Mr. McLoughlin pointed out that many of the properties on either one side of John or the other appear from the overlay of tax parcels on aerial photos to have been built into the city owned right of way. He stated that the applicant's proposed steps likely were fully within the city right-of-way as the existing porch appeared to already touch or cross the property line.

Ms. Pettit noted that many properties in the city were built in the right-of-way and while there wasn't a particular issue with doing so, it did require a resolution of the common council and an assumption of risk regarding any structures built there by the owner should the city need to use that land in the future.

Mrs. VanVorst moved to forward the application to the ZBA with a positive recommendation. Mr. Farrell seconded. The motion was unanimously approved.

3. David R. Buchanan, 810 Broadway – request for recommendation to the Zoning Board of Appeals for Area Variance of 3 spaces less than the minimum 3 required parking spaces to allow development of two 2nd floor residential apartments in a local business (LB) zoning district.

David Buchanan described the proposed work at the former city library. He noted that his property was unique in that it was an old lot part of the historic business district with no off-street parking. He stated that the property has frontage with the equivalent of 3 parking spaces worth of curbing and that the neighborhood has several commercial / mixed use properties. He described future use of the ground floor as business offices (such as a law office).

Ms. Pettit stated that staff recognizes that this neighborhood is urban in character and that there appeared to be sufficient capacity on Partition or this stretch of Broadway. The former library had steady levels of use, but did not generate many complaints regarding parking from the residents.

Mr. Ahlemeyer asked whether the board should consider the total impact of parking for the apartments and the office use of the premises. Mr. McLoughlin stated that it was likely that additional on-street parking was likely to have some negative impact on neighborhood residents' convenience, the impact would likely be small or minimal.

Mrs. VanVorst moved to forward the application to the ZBA with a positive recommendation. Mr. Farrell seconded. The motion was unanimously approved.

4. Alfred Pollack, 3 Ferry Street – request for site plan approval to open Teagan's Steak & Seafood in the former Nick's Fish Fry in a local business (LB) zoning district.

Alfred Pollack described the proposed improvements to the restaurant building, which included painting, addition of a patio area, some minor landscaping and replanting, and placement of a dumpster with screening on the north side of the property.

City of Rensselaer Planning Commission – Minutes of the August 9, 2010 regular meeting

Ms. Pettit noted that current signage allowed at the property was 30 square feet and anything over that would require a variance. Alfred Pollack asked if the parking lot was required to be lit. Ms. Pettit responded that if the lot was lit from ambient light from existing street poles that it would not be an added requirement.

Mrs. VanVorst moved to grant site plan approval and forward the application to the ZBA with a positive recommendation for an off-premises sign / sandwich board. Mr. Farrell seconded. The motion was unanimously approved.

Old Business (cont.)

3. Cottage Hill Landings, 96 Partition Street

- a) Review / approve invoice #343374 (Phil Dixon), #2496TK (AMF)

4. DeLaet's Landing / Marx Properties Redevelopment, 555-575 Broadway

- a) Review / approve invoice #0072726 (Chazen)

Mr. Moore asked if any board members had questions regarding the bills.

Mr. Farrell moved to approve the submitted invoices. Mr. Cardamone seconded. The motion was unanimously approved.

Other Business

NONE.

Adjournment:

Hearing no objections, Mr. Moore adjourned the meeting at 8:10 PM.

Next Meeting:

The next regular meeting is scheduled for September 13, 2010 at 6:30 PM.

Record of Decisions:

An official record of decisions noting the details of motions and votes from this meeting along with any conditions & stipulations of approval has been filed with the City Clerk and a copy maintained in Planning Department records.

Respectfully Submitted,

Marybeth Pettit
Secretary