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CITY CLERK

Minutes of the Regular Meeting of the City of Rensselaer Planning Commission
First Floor Conference Room, Rensselaer Community Center, 62 Washington Street
December 14, 2009

Members Present:

Charles Moore – Vice Chair, Frank Adams, James Ahlemeyer, Bob Campano, George Farrell, Christine Van Vorst,

Members Not Present:

NONE

Staff Present:

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

Others Present:

Thomas True, Aaron Vera, Jeff West, Roger Murman, Donald Carhart, Hank LaBarba, Walter Kubow, Steve Lefevre, Tim Nugent

Call to Order:

Vice-Chair Moore called the regular meeting of the City of Rensselaer Planning Commission to order at 6:35 PM. Roll call was taken, and it was determined there was a quorum.

Adoption of Past Meeting Minutes

The special meeting minutes of November 5, 2009 were approved as submitted and without amendment.

Communications

A letter had been received from NYS OPRHP (SHPO) verifying the finding of no anticipated impact to cultural resources from the Marx project.

Old Business

1. DeLaet's Landing / Marx Properties Redevelopment, 575 Broadway

Invoice #332867 (Whiteman, Osterman, Hanna) and #2.002-5, #2.002-6 (JK Fraser) were reviewed. Mr. McLoughlin related that this was for work related to the SEQR Findings Statement and the PDD approval and added that the applicant was significantly behind on escrow account replenishment and future approvals or consideration of submittals should likely be withheld until that was brought up to date. Mr. Farrell made a motion to approve the bills for payment. Mr. Ahlemeyer seconded. The motion was unanimously approved.

Thomas True presented a set of site plan maps to update the board as to the changes and progress toward Phase I final site plans that have been made to date. The roadway widths have been changed and the main roadway median has been narrowed, but the area available for sidewalks and roadside landscaping has increased. Several scenarios are being explored for use of the original 'marina' area that could have the same 'signature' destination impact. He confirmed that all the basic PDD maps including (public space and open space) would be included in the final submission packet for Phase I.

Thomas True noted that Marx Properties had prepared the design guidelines. Ms. Pettit commented and several board members agreed that these fell short of the expectations formed at the design guideline discussion meeting in September 2009. Roger Murman shared a set of design guide documents as more comprehensive examples.

Jeff West noted that the document submitted was really a working draft and not a final submission. He expressed an unwillingness to develop final design guidelines that got too specific about building materials and appearances when it was very uncertain what preferences and corporate limitations future site buyers may have (at the hotel site e.g.). He wanted strongly to avoid narrowing options regarding building design and materials for the building sites in case future tenants had specific requirements that might not be compatible. Jeff West noted that there had been significant delays in moving certain project plans forward due to the unexpected denial of the waterfront marina by the state governing agencies requiring a redrafting of many of their original design ideas.

Mr. McLoughlin suggested that at the very least it was still possible to develop 'targets' for things like storefront glass percentages and lumen/height/spacing ranges for lighting and to graphically depict intended streetscape layouts and elements without specifying exact products.

Mr. Campano asked if the roadway changes had changed the linkup potential to the Amtrak property to the north and was told that the roundabout improvement had actually enhanced the traffic flow to the hotel and northern area of the site.

Roger Murman pointed out that specificity in the guidelines was needed so that there was a point of reference for the future life of the project so that successive boards and site developers would be on the same page from the beginning regarding the expectations and standards agreed to as part of the project approval.

Ms. Pettit pointed out to the applicant that if they expected to make a January submission of final Site Plan, SWPPP, and Design Guidelines the applicant would really need to maximize their time and work in close consultation with Roger Murman.

2. Cottage Hill, 96 Partition Street, Forum Industries – Development of 173 residential apartments. A Final Environmental Impact Statement has been submitted for this project for consideration.

Walter Kubow gave a brief overview of an amended site plan for the Cottage Hill Development which related to an FEIS submitted for review. Significant changes included: elimination of large retaining walls along former landfill; the removal of a secondary site access road; elimination of 8-story building and replacement with 4-story structures; shift from planned condominium units to rental units; change from positive to negative net revenue to city and school district. Walter Kubow noted that the proposed impervious area had been reduced and post-construction stormwater treatment would now reduce site runoff below pre-construction levels. As with the prior design the basements were to be actively vented and leachate from the landfill was planned to be sent to the county sewage treatment plant or treated on site if that option is unavailable.

Mrs. Van Vorst asked why there was a change from owner-occupied town homes to rental apartments. Walter Kubow responded that this was a market-driven change. Mrs. Van Vorst also asked if the old city landfill was being used for construction area. Walter Kubow pointed out that the submitted site plan showed the boundaries of the former landfill and that no buildings were located within that area.

Mr. Moore asked if the market analysis took into account or otherwise demonstrated that the location adjacent to a landfill would affect the marketability of the site.

Mr. Ahlemeyer asked if the fiscal impact statement was correct in that the new project plan would have a negative net fiscal impact for both the community and the school district. Mr. Campano echoed and emphasized this concern.

Walter Kubow noted that the fiscal impact numbers were a worst-case scenario as his firm intentionally used conservative estimates and multipliers.

Ms. Pettit asked for and received confirmation that the buildings would not have elevators. Walter Kubow responded that the individual units were two floors so that the most anyone would have to walk to a front door was 3 flights.

Steve Lefevre pointed out as consultant to the board he believed the number of changes in the proposal and their scale made them quite significant and in his view met the threshold for a supplemental EIS as established in SEQRA. He noted that a renewed comment period and opportunity for public hearing were needed given the controversy over the stormwater and prior substantive comments by involved agencies.

Phil Dixon offered counsel that because of the number and quality of the changes that it would be appropriate under SEQR to view the submission as a supplemental EIS and allow the public

an opportunity to comment on the changes. He noted that the applicant had done a thorough job of pointing out the changes between the project plan submitted as a DEIS and the current revised project, which he felt should make it easier for them to repackage the document as an FEIS.

Mrs. Van Vorst moved to direct the applicant to resubmit their EIS material as a supplemental rather than a final EIS considering that the many significant changes in the project meet the threshold under SEQRA and will benefit from additional hearings and interested party/agency review. Mr. Campano seconded. The motion was unanimously approved.

3. Donald Carhart, 1603 7th Street – Request for parking site plan approval and recommendation to the ZBA for Area Variance(s) of: 2,000 square feet from the minimum required lot size of 8,000 s.f. to build a two-family structure in a multi-family (R2) zoning district.

Donald Carhart explained that he was unable to secure additional property through agreement with the property owner as recommended by the planning and zoning boards and was returning to seek a recommendation and ZBA decision on his original variance requests. He described two alternative site plans / driveway layouts and building types as well as stating that he was willing to make changes to the project to make it more acceptable. Donald Carhart said his preference was to use the same building type of his other properties in the city, because he knew it worked and that market preferences today were for duplex rather than flat style buildings.

Ms. Pettit noted that the new duplex design with garages would not require an area variance to meet the city parking requirements.

Mr. Moore expressed a preference for the structure with the garages, but expressed that he would like to see more owner-occupied units than rental. Mr. Carhart responded that his existing properties show that he believes in the city and that this would take a derelict lot and add a property to the city's tax base. It wasn't worth it to him to build a single-family house on the lot and sell it as there wasn't a good return on the investment.

Mr. Campano asked if there was still any possibility of getting the extra land since the variance required would be quite large. Donald Carhart confirmed that this was not possible as the owner was unwilling to negotiate further. Mr. Campano expressed a preference for the site plan with the larger side yards and that building style, but did not like the very wide driveway.

Mr. Ahlemeyer explained that the reason the board was hesitant was because while the variance might be tolerable because this location had few homes located nearby, there was a concern for setting a general precedent for the rest of the city.

Mr. Campano asked about the width of the wall between the garages. Mr. Carhart suggested that he could add a grass strip between the driveways and several board members and staff agreed this would be a good improvement.

Mrs. Van Vorst moved to forward the application to the ZBA with no recommendation. Frank Adams seconded. The motion was unanimously approved.

New Business

1. Imran Haroon, 27 Columbia Street - site plan approval for used automobile sales in a Commercial Industrial zoning district.

Imran Haroon described his intent to expand his used car sale operation to the lot next door and improve and clean up the lot in contrast to the prior owner. His site plan included new landscaping in the rear of the lot as well as a buffer area next to the adjacent residential property.

Mrs. Van Vorst asked about the total number of cars he would have on this lot. Ms. Pettit clarified that her sketch plan discussions with the property owner put the maximum at around 30 vehicles for the front of this property. Imran Haroon added that there was some space near and to the side of the building that could have a few cars as well. He added that his focus was on late model vehicles.

Mr. McLoughlin suggested a more detailed site plan showing paved area available for vehicle storage to help determine the upper limit for vehicles on this lot.

Imran Haroon stated that he also planned to conduct minor repairs at the site. Mr. Ahlemeyer asked for clarification whether this included body repair citing a concern that junked or unsightly damaged vehicles would be stored on the lot. Imran Haroon stated that it would not but would be for things like tires and oil changes.

Mr. Ahlemeyer moved to grant site plan approval per the submitted drawing with 35 vehicles maximum stored on the lot (exterior to buildings) for sale and minor repair; the addition of two new light poles; and installation of landscaping along the 1st Alley property line and as a buffer with the adjacent residence. Mr. Farrell seconded. The motion was unanimously approved.

2. Gorman Terminals, 61 Riverside Avenue – Request for approval to modify site plan to add new polymer asphalt tank.

a) Public Hearing for Special Use Permit for construction in a flood hazard zone and consideration of the special use permit under SEQRA.

Hank LaBarba gave an overview of the site plan and special permit application. The polymer asphalt tank was being added to enable competition for state road-building contracts. He attested that he had performed calculations to verify that after installation the spill containment area was still of sufficient capacity to hold the volume of the site's largest tank. The new tank will be anchored and has been verified as non-buoyant.

Ms. Pettit suggested that with the number of projects submitted for this property in the past few years that it would be helpful for the board to see an overall long-term development plan for the site rather than piecemeal submissions. Hank LaBarba responded that the site plan modifications to add a crumb rubber facility would not be implemented.

Mr. McLoughlin verified that Dan Moore, Building Inspector, had reviewed the application and engineering statements and gave a green light approving the special use permit for construction in the flood hazard area.

Mr. Farrell moved to make a Negative Declaration and approve a Special Use Permit for construction in a flood hazard zone as well as approve a site plan modification to add a new asphalt storage tank. Mrs. Van Vorst seconded. The motion was unanimously approved.

3. 9 Belmore Place, Kim Mooney – Certificate of Appropriateness for new wood door, windows, and front porch canopy in the Fort Crailo (HR) zoning district.

Ms. Pettit briefly described the planned work under the department administered revolving loan fund established through 1st Light Power.

Mr. Farrell moved to grant a Certificate of Appropriateness for a wooden front porch canopy, basement access opening, wooden front door, and aluminum clad wood windows. Mr. Adams seconded. The motion was unanimously approved.

4. 19 Nelson Avenue, Scarlet Blowers – Certificate of Appropriateness for new storm door, new front door, and windows in the Fort Crailo (HR) zoning district

Ms. Pettit briefly described the planned work under the department administered revolving loan fund established through 1st Light Power.

Mr. Farrell moved to grant a Certificate of Appropriateness for a wooden front door, wooden storm door, and aluminum clad wood windows. Mr. Hughes seconded. The motion was unanimously approved.

Other Business

None.

Adjournment:

Hearing no objections, Vice-Chair Moore adjourned the meeting at 9:25 PM.

Next Meeting:

The next regular meeting is scheduled for January 11, 2009 at 6:30 PM.

Record of Decisions:

City of Rensselaer Planning Commission – Minutes of the December 14, 2009 special meeting

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