



# 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

### **Minutes of the Regular Meeting of the City of Rensselaer Planning Commission First Floor Court Room, Rensselaer Community Center, 62 Washington Street March 14, 2011**

#### **Members Present:**

Charles Moore – Chair, Christine Van Vorst – Vice-Chair, Frank Adams, Tom Cardamone, George Farrell and Bob Campano

#### **Members Not Present:**

James Ahlemeyer

#### **Staff Present:**

Sarah Crowell – Planning Director, Sharon Butler, Jack Spath – Deputy Corporation Counsel

#### **Others Present**

Phil Dixon, Stephen LeFevre, Lou Lourinia, Dave Gardner, Stephen Griffen, Paul Greggs, Luigi Palleschi, Joe Bianchine, Dawn Gillan, Bernice Knapp, Louise Badi, Arline Burton, Colleen Wilson, Dan Wilson, Kelly Hardy, Donna Therique, Richard Cook Sr, Hans Dirzuweit, James Busse, David Smith, Thomas Benton, Bill Lithgow, Michael Stammel, Lee Eck, Shelley Rataul, Michele Peart, Bonnie Hahn, Jason Shaefer, Marion Webber, Brenda Jiquere, Regina McNelis, Bob Nash

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

Chair Moore called the regular meeting of the City of Rensselaer Planning Commission to order at 6:33 PM. Roll call was taken, and it was determined there was a quorum.

#### **Adoption of Past Meeting Minutes**

The minutes of February 14, 2011 were approved as submitted and with no amendments or corrections

#### **Communications**

Ms. Crowell stated that there is training available for members of the commission on storm water and anyone interested should contact the Planning Office.

Mr. Moore announced that the commission would be following the agenda and that the asphalt plant is on the agenda and there would be a public comment period. He asked that anyone wishing to address the commission sign up (sheet at rear of room) and he would call people up in the order that they signed up.

**Old Business:**

1. Approval of invoice #0074376 for Chazen Engineering on De Laet's Landing Project. Mr. Moore asked if any members had questions regarding the invoice, with no comments or questions motion to pay invoice #0074376 for Chazen Engineering made by Christine Van Vorst 2<sup>nd</sup> George Farrell all in favor; motion carried
2. Approval of invoice(s) #351728 for Whiteman Osterman & Hanna and invoice(s) #56100 and 55570 for Barton & Loguidice for the Cottage Hill Landings Project. Mr. Moore asked if any members had questions regarding the invoices; with no comments or questions motion to pay invoice #351728 for Whiteman Osterman & Hanna and invoice(s) #56100 and #55570 for Barton & Loguidice for the Cottage Hill Landings Project made by Christine Van Vorst 2<sup>nd</sup> by George Farrell all in favor, motion carried.
3. Discussion of the SEQRA findings on the Cottage Hill Landing Project. Phil Dixon state that the SEQRA is final review. Mr. Dixon went through Section 8 summarizing the enumerated conditions. Ms. Van Vorst asked about the landfill and that back in 2005 there was a review of this project and issues regarding the landfill. She asked what would happen if the City was forced to take the property because of delinquent taxes. Mr. Lafevre stated that it would always be a landfill and that would be stated in the deed. He discussed the legalities of disclosing information should the property transfer hands and who would be responsible for any problems. He also stated that DEC deemed that the landfill is no longer an issue according to their standards. Mr. Dixon then continued to go through the conditions that the Planning Commission should implement to the builder/developer of this project. Mr. Dixon then read the resolution (copy attached). Mr. Moore stated that this was the end of the SEQRA process and that the commission did their due diligence with the application and it can now move forward. Mr. Moore asked if any members had any questions or concerns with none a motion was made to adopt the State Environmental Quality Review Act Findings Statement for the Cottage Hill Landings Project; motion by Bob Campano 2<sup>nd</sup> by Tom Cardamone all in favor; motion carried.

**New Business**

1. **Marc Johnson** – Request for approval of Site Plan Review to construct a storage facility located at 44 Aiken Avenue. Joe Bianchine from ABD Engineers who represented Marc Johnson gave overview of the site plan review. He stated that they want to construct 6 self storage buildings being approximately 38,000 s.f. with the entrance being on Aiken Avenue. Mr. Bianchine stated that the applicant was looking for 3 variances: from the regulations concerning construction in the flood plain, one from the 4' maximum fence height in order to construct a 6' fence around the entire property, and one from the 20% open space requirement because their site plan proposes under 10% open space. Mr. Campano stated that the visibility and the road in that area are not good. Ms. Van Vorst gave some history of the area. She also asked what kind of storage, if chemicals would be there. Mr. Bianchine stated that it is for people to store belongings and the lease does not allow storage of any kind of chemicals. Mr. Moore state to the applicant that the commission is going to have the engineer review the submission of the applicant on storm water, traffic etc. Mr. Bianchine stated that the applicant wanted to move forward to the Zoning Board to obtain approvals for the fence, construction

in the flood plain and the green space variance. Mr. Moore asked if a Phase I was completed on the property and Mr. Bianchine stated it was. Mr. Moore asked if the commission had any other questions being none a motion was made to allow the applicant to move forward to the Zoning Board and the Planning Commission giving a negative recommendation; motion made by Ms. Van Vorst 2<sup>nd</sup> by George Farrell all in favor; with Bob Campano opposing, motion carried

## **2. New Castle Asphalt Plant—Port of Rensselaer to construct and operate black top plant**

Mr. Moore opened discussion stating that 5 letters were submitted to the Commission for review and that they would be added to the record. He stated again that anyone wishing to address the Commission should sign the sheet in the rear of the room and he would call people up by name. Mr. Moore also stated that this was very preliminary and no decision would be made on this application, that the applicant submitted their paperwork for review.

Mr. Paul Greggs introduced himself on behalf of New Castle Asphalt Plant. He reviewed the site plan sketch including the traffic pattern, green space, storm water management. The area is 12+ acres and they would be using 6.4 acres of the property. Roads would be paved, and he reviewed the pattern of water run off. There was discussion of the bike path and that there is a parcel of land designated as 2 overlook areas. Bikes would have to cross the roads. Trees will be between the asphalt plant and the over look area. Mr. Greggs also stated that they would be installing a septic system as the nearest sewer pipe was too far away for connection and he stated that they still needed to get approval from the Rensselaer County Health Department for the septic system. Mr. Moore stated that the engineer would be reviewing the submission on air impacts, traffic, storm water etc. He also asked if the property is owned by the Port Commission and what type of revenue the City would obtain from this operation. Mr. Greggs state that the city would receive sales tax. Ms. Crowell stated that the City may tax any improvements on the property. Mr. Moore asked about the site and the condition it is in now. Mr. Greggs said he believed the area is covered in crusher run. Mr. Moore also asked if there were going to be any other projects on this parcel and also said he understood that they tried to put the asphalt plant on a site in Albany. Mr. Greggs said they did look at Albany, but the area in Albany is zoned residential-commercial and the parcel in the port is zoned commercial industrial and also has the appropriate amount of land that they would need for the plant. Ms. Van Vorst stated that there is always a back up of traffic from the port going to Albany and questioned the flow of truck traffic and if a study was done. Mr. Greggs said that Creighton Manning did a traffic study, and they did estimate 130 trucks a day traveling in the area. Mr. Moore stated that with the escrow set up, the City would have the engineer review the application and all submitted documents for review and comments. There was also discussion about air and dust emissions (title 5) Mr. Greggs stated that emissions were not typically high from asphalt plants more from petroleum and concrete plants. He stated that DEC was ready to issue approval on the air/dust emission as they have determined the emissions are below the allowed count.

Mr. Moore then open the Public Meeting; he read a letter from the Mayor of the City of Rensselaer stating that he is against the plant coming to the City. Other letters submitted from citizens are from Mr. & Mrs. Willard Wilsey of South Street, Mrs. Godfrey, Ms. Louise Badi of South Street, Mr. & Mrs. Neubaum of South Street.

Mr. Moore called Mr. David Gartner who spoke against the plant, stating quality of life issues.

Ms. Dawn Gillan spoke against the plant asking if they would like to smell her feet for a day—she and her family do not want to smell the asphalt plant,

Ms. Michelle Peart spoke against the plant, reading a letter that she wrote (attached for the record) Ms. Peart stated issues about quality of life, pollutants, truck traffic, financial problems caused by damage to their home, explosions from the scrap metal plant.

Ms. Colleen Wilson spoke against the plant, there are enough toxic smells from the train station the citizens do not need more pollution. She also stated that the infrastructure can't handle the heavy truck traffic.

Ms. Bonnie Hahn spoke against the plant stating it is a quality of life issue. The citizens of the City do need any more pollutants; they want clean access to the River.

Mr. Lou Louriania spoke against the plant. He also stated that people in the back of the room could not hear. He asked who in the audience had time to look at the site plan of the plant. He also wanted to know if any studies were done on navigational impacts of the plant. Mr. Jason Schaeffer stated he and his wife bought a house they love their house, but do not want an asphalt plant in the City as the pollutants and smell does not help the quality of life in the City.

Mr. Mike Stammel County Legislator stated that he is not for the plant and reminded people that the Commission is a sounding board, they did not go out and seek the project but they have to review the submission and listen to the people. He stated that the plant would have an environmental impact on the bird sanctuary which was opened for the school children. They take trips there and that would be impacted or eliminated because of the toxic smells from an asphalt plant. What about the building heights, nothing was discussed about the heights of buildings, if stacks would be constructed. The hours of operation for an asphalt plant is 24/7 is that going to be the hours of operation of this plant? What about traffic and raw material heights? Has a study been done on air borne materials? There is discussion about a bike path what impact would this have on people biking? Mr. Stammel also stated that the County has no leg in this; the City is not being pushed by the County to move this project ahead. What about tax revenue—there is no taxes except a small amount of sales tax, what about jobs—didn't see anything about jobs for the people of the City of Rensselaer. There are many issues that need to be reviewed and many questions that need to be answered.

Ms. Marion Webber spoke against the plant. She stated that when Co-Gen plant came in no one was notified of what was actually going to take place there. She stated that there are enough pollutants and the citizens do not need any more. The truck traffic is also more than the properties can endure.

Ms. Brenda Jiguere spoke against the plant. She asked about the lease agreement, if the applicant already signed one and was told yes. She wanted to know what the board could do now. Mr. Moore stated that this was very preliminary, no permits have been issued and there is still a long process the applicant has to follow.

Mr. Dan Wilson spoke against the plant. He stated he has over 200 pictures of damage caused by trucks going up and down the City streets. Gas trucks spilling fuel and no clean up. Damage to houses from the truck traffic. This plant just like the Co-Gen plant will send pollutants in the air which come into people's homes. He stated that the pollutants are killing people; the trucks are destroying homes and the roads no one is made to fix anything.

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Mr. Hans Dirzuweit spoke against the plant. He stated that he has a study that was done by Blue Ridge Environmental regarding the effect of emissions of pollution levels from asphalt plants. He read information about the toxicants that are in asphalt and the effect they have on people. Mr. Dirzuweit submitted the report to the board for the record.

Ms. Regina Mc Nelis spoke against the plant asking the Commission if the applicant was going to go through the “hoops” that she has to go through? She had to obtain approvals just to do a porch, will these people have to go through the same process or will this just be pushed through? She also asked when the meetings are held, in which Mr. Moore stated they are the 2<sup>nd</sup> Monday of every month.

Ms. Kelly Hardy spoke against the plant, stating that she is a cyclist but will not bicycle down in the Port area because of all the pollution. She stated that you can in fact see the puffs’ of smoke everyday from the Co-Gen plant. She stated that the City has enough “crap” down there and needs to clean it up. The City does not need any more of these things.

Mr. Bill Lithgow spoke against the plant. He also stated to the audience that they do have a representative on the Port Authority Commission and it is Dominic Tagliento. He stated that he wanted to know how Dominic voted on this issues.

Mr. Jim Busse spoke against the plant. He stated that he felt the pollutants were not good for the citizens of the City. He also stated that the City does not need this type of business

Mr. Bob Nash spoke against the plant. He stated that the City of Rensselaer was a gem and that the City officials need to stop giving the City away. The City needs to have businesses that will generate tax dollars and jobs for the City.

At this point Mr. Moore asked if anyone else wanted to address the Commission, with no other comments from the public, Mr. Moore stated that the engineer would be looking at the application and reviewing all documentation.

Ms. Van Vorst stated to the public that it was good they attended the meeting but if they have concerns and questions they need to attend future meetings also.

Ms. Van Vorst made a motion that the City of Rensselaer Planning Commission be Lead Agency for the New Castle Asphalt Plant 2<sup>nd</sup> by Mr. Adams all in favor; motion carried

**Adjournment:**

Hearing no objections, Mr. Moore made a motion to adjourn the meeting at 9:10 PM 2<sup>nd</sup> by Mr. Farrell

**Next Meeting:**

The next regular meeting is scheduled for April 11, 2011 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,

Sarah Crowell  
Secretary