

Minutes of the Regular Meeting of the City of Rensselaer Planning Commission
First Floor Court Room, Rensselaer Community Center, 62 Washington Street
June 13, 2011

Members Present:

Charles Moore – Chair, Christine Van Vorst – Vice-Chair, Bob Campano, and James Ahlemeyer

Members Not Present:

Frank Adams, George Farrell, and Tom Cardamone

Staff Present:

Daniel Berheide – Asst. Planning Director, Sharon Butler- Office Manager, and Jack Spath - Counsel.

Others Present

David Gardner, Fallon Stayer, Janet Cloutier, Les Cloutier, Kristen Brown, Jennifer Ruggiero, Kathly Mizener, Rocca Bachandouris, Joe Muench, John Maxian Jr., Jeff Berkus, Regina McNelis, and others.

Call to Order:

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

Adoption of Past Meeting Minutes

The Chair noted the minutes did not include who made and seconded the motions. Christine Van Vorst moved to amend the meeting minutes as mentioned and approve. The motion to approve was seconded by Bob Campano. Motion carried.

Communications

The upcoming ReLeaf State Conference was announced as well as a reminder of training requirements to the members of the Commission.

Old Business:

1. After reviewing three invoices: 0074934 from Chazen Companies; 354509 from Whiteman, Osterman, and Hanna; and 354746 from Whiteman, Osterman, and Hanna; Christine Van Vorst made a motion to approve all invoices and seconded by Bob Campano. Motion was approved.
2. New Castle Asphalt, LLC application for the construction and operation of a blacktop asphalt plant in the Port of Rensselaer. No action to be taken. A determination according to the State Environmental Quality Review (SEQR) process will continue to be tabled while the members of the Commission and related staff assess the applicant's recent submissions. A motion to table the SEQR determination was made by Christine Van Vorst and seconded by James Ahlemeyer. Motion carried.

New Business

- 1. 16 Falcon Chase, J. Burke:** Action Requested: Recommend the Zoning Board of Appeals approve the use variance to permit the installation of a second dwelling unit in a district zoned single-family (R1).

Mr. Coultier, began to speak on behalf of Janet Burke, who explained the initial intent was Janet Burke wanted a place to retire to. The unit was constructed with that in mind. At the time the unit was built, Janet Burke's daughter required a place to stay while she was attending college. Afterwards, Mr. Coultier occupied the unit.

The application, as the Chair mentioned, was for an addition over the garage. Mr. Coultier interjected to say the addition is completely enclosed and located in the back. Mr. Coultier goes on to state the unit is not a detriment to the character of neighborhood.

Christine Van Vorst points out that the application says in fact it is a new room and not an apartment. Stating this area is largely single family owner occupied homes.

Janet Burke addresses the Planning Commission in her defense claiming that it was never their intention to do so, but a kitchenette was later installed. Christine Van Vorst says with the additional plumbing and kitchen, this enclosed space constitutes a new unit. Charles Moore and Christine Van Vorst raise serious concerns about fire safety noting there is only one means of egress.

Charles Moore pauses to remind the applicant and Commission of the process governing variance requests. The Commission makes a recommendation to the Zoning Board of Appeals who have the final decision on these matters. Janet Burke then submits a petition with neighbors' signatures.

Charles Moore, Christine Van Vorst and James Ahlemeyer all point out the unique nature of the neighborhood in which 16 Falcon Chase is located compared with the surrounding districts, for instance the Valley View development. Charles Moore states this could set an awful precedent as other members suggest this would then alter the character of the neighborhood.

Bob Campano and Sharon Butler reiterate that the Zoning Board of Appeals will send notices to the neighbors to receive input regarding the variance.

Christine Van Vorst asks if they were issued a certificate of occupancy. Sharon Butler responds saying they were not. Janet Burke adds, "not yet, they came in and approved all of the plumbing, they approved the electrical, everything was approved except the ceiling in the garage". Janet Burke continues speaking to suggest the building inspector, who was conducting an inspection on the completion of the building permit and while evaluating the adequacy of fireproofing, should not have entered upstairs.

Christine Van Vorst and James Ahlemeyer go on to explain the rules regarding issuing a certificate of occupancy for apartments and the contradiction therein with the approved plans for a "great room".

Janet Burke explains she wants to sell the house to her children and reside in the apartment as built. She argues this constitutes a "single-family", however, Jack Spath, counsel to the Planning Commission, explains that this is not the legal definition of a single-family dwelling, that the residence is considered a

multiple family dwelling. Bob Campano adds to the discussion on the legal distinction of providing separate living facilities and the associated taxes.

John Maxian, a resident at 2 Noel Court, addresses the Planning Commission about his negative experience and concerns with the existing apartment.

Christine Van Vorst made a motion to not recommend the variance request be approved by the Zoning Board of Appeals and asked the Building Department determine whether a fine needs to be levied against Janet Burke for not having requested a certificate of occupancy while she rented the non-compliant and unapproved apartment.

Mr. Ahlemeyer seconded the motion. All present moved to pass the motion.

2. 59 Glen St., F. Stager: Action Requested: Recommend the Zoning Board of Appeals approve an area variance to allow an 8' relief from minimum setback regulations for a 6' fence in an R3 zone.

Ms. Stager is requesting an area variance to retain the fence built 17 feet from the road. The applicant and the Commission discussed the history of the property and the recent theft of a grill. It was remarked that bushes lined the property until they were removed prior to her purchase. The Planning Commission asked the applicant consider the option of reducing the height of the fence to four feet.

Bob Campano made a motion to forward the application (with no recommendation) on to the Zoning Board of Appeals with the suggestion the fence's height be reduced to four feet. Christine Van Vorst seconded and all present voted in favor.

3. 14 Walker St., T. Bohley: Action Requested: Recommend the Zoning Board of Appeals approve the area variance for relief from minimum setback regulations to allow a 6' stockade fence with gate front the property boundary in an R3 zone.

In the absence of Ms. Bohley, the Planning Commission reviewed the request for an area variance to erect a fence around her adjacent property. Due to the layout of the property the applicant requires a variance to erect a fence rear of her house along her boundary. A neighbor of the applicant was present and discussed with members of the Planning Commission the unique nature of the property which fronting two streets leaves the back of her property exposed to Walker St, which is seen as an alley, and has resulted in occasions of vandalism and theft. Christine Van Vorst made a motion to provide a positive recommendation to the Zoning Board of Appeals, due to the unique circumstances where that section of Walker St. does not have any buildings fronting the street the variance would not alter the appearance or character of the area. The motion was seconded by Mr. Campano. Motion carried.

4. 500 South St., J. Wainman: Actions Requested: Recommend the Zoning Board of Appeals approves the area variance for relief from the minimum rear yard setback to allow construction of a storage building in a Commercial Industrial zone. Review and approve site-plan for the construction of a 50' x 100' cold material storage building based on condition the Zoning Board of Appeals provides the associated request for relief from setback requirements.

No one was present to address the Planning Commission during the review of the site-plan and request for a variance by Stilsing Electric. Planning Department staff, in the interest of the applicant, discussed some of the details for the benefit of the Planning Commission. The Planning Commission determined that they did not have any concerns with the request for relief from the setback requirements, however, wanted an

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opportunity to discuss the proposal with the applicant or duly appointed representative. A motion was made to positive recommendation for the area variance to Zoning Board of Appeals by Bob Campano, second by James Ahlemeyer. The motion was passed. A second motion was made by Ahlemeyer to set the final site plan review for the July 11th meeting. The motion was seconded by Campano. Motion carried by unanimous vote.

Adjournment:

A motion was made to adjourn by Mr. Moore, seconded by James Ahlemeyer. Motion carried to adjourn the meeting at 7:25pm.

Next Meeting:

The next regular meeting is scheduled for July 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