

Minutes of the Special Meeting of the City of Rensselaer Planning Commission
First Floor Court Room, Rensselaer Community Center, 62 Washington Street
June 30, 2011

Members Present:

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

Staff Present:

Sarah Crowell – Director of Planning, Daniel Berheide – Assistant Director of Planning, Jack Spath – Corporation Counsel, and Phil Dixon – Consulting Counsel.

Others Present

Colleen Pierson, Chris Pierson, William Sheldon, Dawn Gillon, David Gardener, Michele Peart, Lisa Kelly, Marion Webber, Joseph Flores, Rocca Bachandouris, Barbara Slingerland, Pete Sheehan, Jeff Berkun, Barb Novak, Deb Harnyak, Tom Brugera, Joanne Farrell, John Patterson, Camille Gibeau, Fred Shapiro, Hans Dirzuweit, Joe Zappone, Paul Griggs, and Mayor Dwyer; among others.

Call to Order:

The special meeting of the City of Rensselaer’s Planning Commission was called to order at 6:45 PM. Roll call was taken and it was determined that there was a quorum.

Old Business:

1. Continuation of the State Environmental Quality Review (SEQR) for a Site Plan and Special Use Permit (to develop in a floodplain) for the construction and operation of a blacktop plant at the Port of Rensselaer in an Industrial Zone.

Charles Moore, Chair of the Planning Commission, begins by addressing the public, thanking them for attending and explains the timetable guiding the SEQR process. The Chair continues by saying the special meeting was called to allow the Planning Commission to take a focused review of this application when the commission meets only once a month. He notes anonymous postcards sent to residents contained misleading statements and reiterates there will be additional public meetings on this application. Furthermore, there has been ample opportunity for public comment and the public can continue to address their comments to the Department of Planning. The special meeting, however, is not a public hearing and the public is asked to quietly observe.

The Planning Commission has received a copy of the DRAFT Conditioned Negative Declaration. The document will be available for the public to review. The document describes the project and the various impact as well as consistency with zoning, comprehensive plan and LWRP. The declaration in effect provides, if the applicant would like to move forward with the project, a set of conditions based on the findings of consulting staff for the city that are deemed necessary in order for a negative declaration determining the project does not represent a significant environmental impact to be passed by the Planning Commission.

Phil Dixon, consulting legal counsel who expertise in on environmental law spoke to the SEQR process and the conditions made explicit in the draft declaration and accompanying resolution. Under SEQR, the Planning Commission is the lead agency. Phil goes on to describe the three types of possible declarations according to SEQR: Positive, Negative or Conditioned Negative Declaration (CND). A Conditioned Negative Declaration is very similar in effect to what would occur should the Planning Commission issue a positive declaration and subsequent environment impact statement review.

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Chair Moore, speaking to Phil Dixon, clarified the Department of Environmental Conservation has already approved the air registration application. Charles continues to note the stringency of air quality standards by the state and federal governments and the existing facilities under regulation in the area.

During the reading of the conditions, a member of the public raised concern about possible fires originating from the potential facility and asked, in essence, whether emergency service providers have the capacity to manage an emergency without reducing existing services to neighboring residents. Planning Department staff agreed to reach out to the Police and Fire Departments for official statements.

Charles Moore and other members of the Planning Commission asked for additional input from third parties on odor controls and impacts from asphalt plants. Sarah Crowell, Planning Director, therein relayed a conversation with the consulting planner in Wallkill, where a similar facility has been operating, that there have been no complaints to the city and the planner had not observed any odor amounting to a nuisance stemming from the facility. Christine Van Vorst stated she and her daughter visited the aforementioned site and did not experience any pervasive odors at the time, but expressed general concerns about truck traffic.

Phil Dixon stated the CND will be open for public comment until August 15th, 2011.

Charles Moore, Chair, sponsored the motion to approve the resolution to adopt a Conditioned Negative Declaration, seconded by George Farrell. A roll call vote was taken. Bob Campano and Christine Van Vorst abstained, calling for more information before rendering a vote. All others present voted yes to carry the motion.

Before the Planning Commission could adjourn Pete Sheehan, an Albany resident in the public audience, spoke out to request an extended public comment period to 60 days.

Planning staff repeated all documents would be available to the public, published in the Environmental News Bulletin and online, and specific questions should be addressed to the Planning Department.

Adjournment:

Charles Moore made a motion to adjourn and was seconded by Christine Van Vorst; so moved by all. The special meeting was adjourned at 7:45pm.

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