



Marybeth Pettit, AICP
Planning Director

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 Conference Room, Rensselaer Community Center, 62 Washington Street
March 8, 2010

Members Present:

Charles Moore – Vice-Chair (acting Chair), Frank Adams, James Ahlemeyer, Tom Cardamone, Bob Campano, George Farrell, Christine Van Vorst

Members Not Present:

NONE.

Staff Present:

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

Others Present

Harry Adalian – Common Council President, Brian Stall – Alderman, James Casey – Alderman, Rich Mooney – Alderman, Marion Webber – Alderman, Dominick Tagliento – Alderman, David Gardner, Bob Noel, Jeff West, Carlos Lima, Steve Boisvert, Abdul Hayati, Lou Lourinia, John Montagne, Phil Dixon,

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 special meeting minutes of February 8, 2010 were approved as submitted and without amendment.

Communications

Ms. Pettit mentioned that the Capital District Regional Planning Commission was offering its annual training session and that the City would cover costs of attending.

Old Business

- 1. DeLaet's Landing / Marx Properties Redevelopment, 555-575 Broadway** – submission of revised design guidelines, Stormwater Pollution Prevention Plan; and phase 1 Final Plat & Site Plan (roadways & utilities) for consideration/approval.

Mr. Moore initiated a review of the Design Guidelines. He noted that many of the streetscape elements addressed in the site plan were dealt with in the design guidelines as well.

Mr. McLoughlin noted that the document before the board contained the original text discussed and agreed to by the board, applicant, and staff at the special meeting of 1/22/10. Ms. Pettit noted that changes had been made by staff in consultation with the applicant, applicant's consultants, and the special advising consultant of the Common Council for the final pages starting from 'Street Trees' section and that these changes should be the focus of the board's discussion and review.

Mr. Ahlemeyer stated that while some of the streetscape elements and standards were dealt with in the subdivision drawings before the board the intent of the design guidelines was to establish standards that would apply for all future phases of the project as well and therefore it still needed to address these aspects of development design.

Mr. Ahlemeyer voiced concerns that while it was a living document that could be changed in the future some of the changes from specific requirements to more general guidelines could result in lower standards by having vague specifications at the outset. He suggested there should be clearer standards with regards to trees to avoid confusion in future interpretations of the board's intent.

John Montagne responded that the guidelines were written in a form that did provide a baseline standard while leaving the board and the applicant some flexibility to address detailed design issues when reviewing more specific site plans.

Mr. Ahlemeyer noted that there had been many changes made to the text in the final sections and that he did not feel there was enough time for review and discussion by the board to have done their due diligence. Ms. VanVorst stated that she felt the board needed to be flexible and that would produce a better document. Mr. Ahlemeyer responded that while he agreed that the board needed to be flexible in applying the guidelines to specific site plans that did not require taking detailed requirements out of the guidelines since they were not engineering specifications, but guidelines that would be applied to specific plans using common sense.

Ms. Pettit suggesting adding the text "appropriate to each phase of the development" to the second bullet under the Street Trees section.

Mr. Ahlemeyer asked why the line identifying wooden and plastic street furnishings had been eliminated as 'inappropriate'. It was verified that the applicant's draft had contained this change. The board decided that they wanted to add this item back to the design guidelines.

Mrs. VanVorst read a drafted resolution to approve the design guidelines as submitted for review with the discussed and agreed changes. Mr. Adams seconded. Mr. Moore, Mr. Adams, Mr. Campano, Mr. Cardamone, Mr. Farrell, and Mrs. VanVorst voted 'Yes'. Mr. Ahlemeyer voted 'No'. The motion was approved (6-1).

John Montagne discussed his firms' review of the applicant's submissions on behalf of the Common Council and Planning Commission. He noted that their focus was on the road construction and the associated infrastructure, though the SWPPP submission was examined both for the current phase and in

relation to future development of the whole site. He attested that they used the comments provided by Fraser dated 3/19/10 as their starting point they were able to carry out a due diligence review in consultation with the applicant's consultants and planning staff. He pointed out that because the applicant was required to get an ACOE nation-wide permit for the stormwater outfall that design element would receive detailed review as part of that submission.

Mr. Moore asked how his report and review corresponded to the findings statement and if there were outstanding items related to the SWPPP called out in the findings statement. John Montagne responded that the items outstanding primarily related to the subdivision plat.

John Montagne noted that calculations requested from the applicant included confirmation that existing Rensselaer fire equipment was able to negotiate the development streets. Mr. Ahlemeyer asked for confirmation that the vehicle dimensions used was based on actual city fire trucks and not 'standard' dimensions.

Mr. Campano asked if a longer truck should also be modeled as well in case the city purchased a larger ladder to serve the high-rise structures. John Montagne responded that the high-rise buildings on the site (hotel) would be served by an internal sprinkler system and that additional equipment would not give the city added significantly enhanced capabilities.

John Montagne discussed lighting and noted that while LED lamps offered a significant energy advantage, the technology of ballasts and other supporting electronics were not as far advanced. He stated that these components have a tendency to wear out before the lamp elements themselves reducing the cost savings on power consumption to a break-even return. He added that the situation the city most wanted to avoid was having many different street light fixture/unit styles throughout the development and city because of the potential cost and maintenance savings of purchasing replacement items in bulk.

John Montagne noted that the applicant had developed a plan to raise the sanitary sewer connection point to ease the function and maintainability of the link. He also described several technical amendments to the SWPPP and reviewed the cut and fill calculations submitted by the applicant.

Ms. Pettit read through a list of items outstanding as of 2/22/10 and related / reviewed their status and expected disposition. Most had been fulfilled and some were identified as elements that should be required as part of any conditional approval considered by the Planning Commission.

Mr. Ahlemeyer expressed a concern that the outstanding items on the findings list would not be addressed in the future. It was stated that at each specific site plan approval stage that the list would be revisited by the board to address any relevant outstanding issues. Phil Dixon confirmed that the findings statement as adopted ensured these items would remain enforceable.

Mr. Moore asked how long before the applicant expected to come in with a site plan submission. Jeff West replied that they hoped to submit in the next few weeks.

Mrs. VanVorst asked if the residential units had changed from owner-occupied to rentals. Jeff West affirmed that their intent was to build for long-term leases convertible to condos when market conditions improved and purchase financing was available.

Mr. Ahlemeyer asked if another meeting and board review was needed or expected before the plans were stamped and signed by the planning chair. Mr. McLoughlin responded that another meeting was not necessary, but that staff could make sure interested board members had a chance to review the documents before they were signed.

Mr. Ahlemeyer stated that his concern was to make sure that all the reviewing consultants and staff had sufficient time to review the final documents and ensure the conditional items had been addressed. Ms.

Pettit stated that the chair would receive a summary report from the consultants from Chazen, which could be shared with the board, as to the completeness and accuracy of the final package.

Mrs. VanVorst read a drafted resolution to accept with conditions the submitted SWPPP and Subdivision Plat with an added condition dealing with OGS conveyance. Mr. Campano seconded. The motion was unanimously approved.

New Business

1. Carlos Lima, 8 2nd Avenue – request for consideration under SEQRA and Site Plan and Special User Permit approval to operate an automobile detailing shop and auto dealership in a local business (LB) zoning district.

a) SEQRA review & Public Hearing

Jorge Martinez and Carlos Lima described their use of the space as a location to clean and prep cars for display and sale at a location on 9J and to complete required DMV paperwork. Vehicles were washed and vacuumed, though most cleaning was currently conducted at the car wash around the corner since pipes in the garage were frozen and that this could be how they cleaned all cars in the future if the board did not want washing taking place there. They related that the DMV sign could be put up inside the garage and was not required to be displayed on the outside of the garage.

Ms. Pettit noted that auto sales were not a permitted use in the local business zoning district and there was a concern that allowance for the office and detailing activity would be an opening to allowing a non-permitted use. She expressed doubts based on dealing with this issue in other locations that the sign could be displayed inside the garage rather than the exterior.

Mrs. VanVorst expressed a concern that there would be storage of chemicals and fuel at the site that was not a suitable mix with the community church located immediately next door. Jorge stated that after being in the garage for a month, there had been no complaints from the church.

Mr. McLoughlin noted that the building inspector had communicated to the applicant the need for a fire separation between the commercial use and the church building if the board was to approve a special use permit. He also stated that the Rensselaer Police had verified that parking on Academy Street next to the church building was legal if the cars had the required inspection and registration or dealer plates per state and local law. He added that the assessor confirmed that if the board decided to approve the application they could revisit the property tax exemption for that portion of the property.

Mrs. VanVorst stated that she went by the location on Sunday and saw several vehicles – one without plates – outside the location and members of the congregation searching for parking spaces. She noted that the business was currently there illegally not having come before the board for the special use permit before taking up tenancy.

Jorge Martinez stated that it was a detailing shop before his business moved in. Mrs. VanVorst disagreed expressing her understanding that it had been a funeral parlor.

Mr. Campano asked if this application wasn't approved what kind of active use could be allowed for the garage and wondered if the detailing operation could be approved and add conditions to the approval denying any auto sales from being conducted there. Ms. Pettit responded that she was not sure that it was the best kind of use for that neighborhood.

Mr. McLoughlin noted that the board had approved use of a garage down the street for auto glass repair and light repairs at the location though he did not take up tenancy.

Mrs. VanVorst asked where the water goes from their cleaning operations, noting that the floor drain in the garage was intended for only a few vehicles parked there for the funeral home and the number of vehicles involved in an auto sales operation could now be of a commercial scale. Mr. McLoughlin added that this was a relevant concern because the floor drain connected to the city storm drains which in this location were combined sewers and were regulated under the city's MS4 and CSO discharge permits which required mitigating these types of impacts.

Mr. Ahlemeyer moved to table the application in order to obtain accurate information on the DMV requirements regarding an auto sales business. Mr. Adams seconded. The motion was unanimously approved.

- 2. Abdul Hayati, 240 Broadway** – request for recommendation to the ZBA for Area Variances to allow a sign of 10.4 square feet extending 5.25' beyond the 3' maximum extension from a building frontage and 8.25' over a public right of way in a local business (LB) zoning district.

Abdul Hayati described the type of sign he wanted to install at this location providing a diagram of potential design and location on the building façade.

Ms. Pettit noted that the business use itself had been approved by the planning commission approximately 5 years earlier.

Mr. McLoughlin noted that research into what other communities allow for projecting signs allows them to project over public sidewalks 2/3 of the distance to the roadway and no closer than 2-3 feet. He added that a minimum height above the sidewalk of 8 feet also appeared to be standard.

There was some discussion regarding the size of the sign. It was suggested that while it met the maximum allowance of raw square footage, that allowance was for single-sided signs and the proposed sign was double-sided. It was suggested that to maintain fairness in signage allowance between business premises that the sign should be sized so that both sides totaled to the maximum area allowed according to the lot frontage in this district.

Mrs. Van Vorst moved to make a positive recommendation to the Zoning Board of Appeals to allow a perpendicular sign with the recommended stipulations that the area of both sides of the sign does not exceed the allowance for a single-sided sign in the local business (LB) zoning district; the bottom of the sign is at least 8ft above the sidewalk; and the sign does not extend closer than 2/3 of the distance or 2 feet from the curb, whichever is greater. Mr. Farrell seconded. The motion was unanimously approved.

Old Business (cont.)

- 2. DeLaet's Landing / Marx Properties Redevelopment, 555-575 Broadway** – consultant invoice

Mr. Farrell moved to approve invoice #2.002-7 (Fraser) for payment and require applicant to maintain a minimum balance of \$5,000 in the consulting fee escrow account, and Mrs. Van Vorst seconded. The motion was unanimously approved.

Other Business

None.

Adjournment:

Hearing no objections, Mr. Moore adjourned the meeting at 8:50 PM.

Next Meeting:

The next regular meeting is scheduled for April 12, 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