



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 Zoning Board of Appeals
First Floor Conference Room, Rensselaer Community Center, 62 Washington Street
May 24, 2010

Members Present:

Chair – Gene Hilstro, Vice Chair – Bill Bulnes, Nancy Johnson, Terance Ruso

Members Not Present:

Nancy Hardt, Leonard Sciotti, Michael Scott

Staff Present:

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

Others Present

Gloria Jimpson, Sean O’Neill, Marc Saltzman, Marion Webber - Alderman, Don Schulz, Arline Burton, Kathy Burton, Barbara Farrell, Will O’Leary, James Johnson, Don Cook, John Hofelich, Harry Adalian – CC President

Call to Order:

The regular meeting of the City of Rensselaer Zoning Board of Appeals was called to order at 6:14 PM. Roll call was taken and it was determined that there was a quorum.

Adoption of Past Meeting Minutes:

The minutes of the regular meeting of March 22, 2010 were approved as submitted with the correction to add Nancy Hardt’s name under Members Present.

Old Business

NONE.

New Business

- 1. Donald Cook, 1006 Mann Avenue** – request for Area Variance of 12’ from required front yard to build a covered front porch in a single-family residential (R1) zoning district.

John Hofelich described as the builder Donald Cook’s plans to create an 8’ enclosed front porch to improve his home and add living space. He noted that the building was built before the current setbacks were adopted. He described the plans and construction details.

Mr. Ruso asked if the side setbacks were sufficient and this was confirmed.

Chair Hilstro opened the public hearing at 6:20 PM.

Gloria Jimpson spoke in support of the application, stating that it would be a good addition to the street and was considering doing the same to her property.

Hearing no one else to speak for against the application, Chair Hilstro closed the public hearing at 6:22 PM.

Ms. Johnson moved to grant an Area Variance of 13’ from the required front yard setback. Mr. Ruso seconded. The motion was unanimously approved.

- 2. Albany Yacht Club, 63-67 Broadway** – request for Use Variance to operate a boat storage and overflow parking area, and rent a professional office / residential space in a historic residential (HR) zoning district.

James Johnson described the submitted site plan and the intended use of the property by the adjacent yacht club. He noted that 23 boats would be stored there in the winter months with the tallest being about 20’ high.

The boat storage area would be used for overflow event parking during the summer when the boats were in the water. He stated that there was no plan for paving additional area for use of the boats and the existing pervious surface would remain.

James Johnson described the club’s intent to renovate the existing building closest to the roadway as a handicapped accessible residence or professional office. The renovation plan included echoing a scalloped shingle detail from neighboring buildings with historic paint colors.

James Johnson explained that one garage and 2 bays of another garage would need to be removed, but noted that a due diligence report had been made on the property and that no asbestos had been found.

James Johnson stated that fairly mature (10’) white cedars would be planted to help screen the site from neighbors’ property.

Mr. Mcloughlin asked what the intended use of the remaining garage structures would be. James Johnson responded that these spaces would be used for storage of equipment such as lawn mowers.

Mr. Ruso asked if there would be a road connecting the two properties. James Johnson stated that this driveway would be surfaced with crusher run as would the boat storage areas.

Mrs. Van Vorst asked if the gate at 63-67 Broadway would be used. James Johnson confirmed that this gate would remain closed and access would be from the main Yacht Club entrance.

Ms. Pettit asked how the shoreline would be treated. James Johnson confirmed that vegetation would be maintained on the bank and should it be needed, the club had access to large concrete pieces for stabilization. Mr. McLoughlin noted that there was a minimum open space requirement for the site, of which the shoreline area was a significant component.

Mr. McLoughlin asked what their largest event typically was. James Johnson responded that Memorial Day and the Blessing of the Fleet were the largest.

Mr. Hilstro asked if the office space was restricted as a 'professional office' if it mattered what profession that was and if it could or should be narrowed down. Mr. McLoughlin stated that distinguishing among specific professions might be unworkable, but that defining the qualities of the use (equipment and materials allowed e.g.) in a Use Variance could effectively limit the range of professions.

Mr. Hilstro expressed a preference if the variance was approved to allow the residential use for now, but have the applicant return with a specific tenant for another variance if they chose to use this building as an office for a tenant other than the club itself.

Chair Hilstro opened the public hearing at 6:45 PM.

Arline Burton stated she did not feel it was fair to allow a use like this in a historic neighborhood when residents had tight restrictions on what they were allowed to do. She said that while the property used to be commercial that it should be converted to a historic residential use. She observed that there was constant work being done on the boats at the club.

Kathleen Burton stated that she felt the Yacht Club had gotten too big and if it needed to expand it should move and that other yacht clubs weren't in other people's backyards. She felt that the boats should be stored near the club and this property be used for parking.

Mr. McLoughlin asked if private contractors were regularly there to do mechanical work. Don Shulz responded that there were occasional repair visits, but there was not a constant maintenance presence. The greatest amount of boat work was concentrated during the week in the fall and spring when boats were taken out of and put in the water.

Don Shulz pointed out that every event the club had generated sales tax for the community.

Ms. Pettit asked when the boats would be stored. Don Shulz responded that boats came out of the water after Columbus Day and back in the water in the middle of May. Club members are required to remove boat storage materials from the site within a week of putting boats in the water.

Mr. McLoughlin asked if the club had explored with the architect different arrangements that would create a bit more buffer from the adjacent property lines. James Johnson responded that there was room to position the boats closer together and increase the distance from the side property lines.

Mr. Bulnes inquired if the property to the south had sufficient driveway space to open their vehicle doors. He was told that the club believes this neighbor parks across the property line of the parcel the club is seeking to purchase, but they have no plans to fence off this area to prevent it.

Mr. McLoughlin asked what was involved with winterization. Don Shulz responded that it included installing 'red' marine antifreeze in the engine, which was drained in the spring. He attested that this product is not a pollutant hazard and could be safely discharged to the river, though it is always collected and properly disposed of by boat owners.

Hearing no one else to speak for against the application, Chair Hilstro closed the public hearing at 7:12 PM.

Ms. Pettit stated sympathy for Arline Burton's and other adjacent neighbor concerns about feeling 'crowded in' with the boats close to their property line.

Mr. Bulnes moved to grant a Use Variance to allow boat storage and overflow event parking per the submitted site plan as well as use of the front building as a residence or club office with the stipulation that a minimum setback of 8' for all boats be maintained along the adjacent property lines of 57, 51 and 71 Broadway and that landscaping screening is installed per the submitted site plan. Mr. Ruso seconded. The motion was unanimously approved.

Other Business:

NONE.

Adjournment:

Hearing no objections, Mr. Hilstro adjourned the meeting at 7:20 PM.

Next Meeting:

The next regular meeting is scheduled for June 28, 2010 at 6:00 PM

Record of Decisions:

An official record of decisions noting the details of motions from this meeting along with conditions & stipulations has been filed with the City Clerk and a copy maintained in Planning Department records.

Respectfully submitted,

Marybeth Pettit
Secretary