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Minutes of a special Meeting of the City of Rensselaer Planning Commission
First Floor Conference Room, Rensselaer Community Center, 62 Washington Street
July 19, 2010

Members Present:

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

Members Not Present:

Tom Cardamone

Staff Present:

Marybeth Pettit – Director of Planning

Others Present

Daniel Dwyer, Dominick Tagliento, Jimmy Casey, Rich Mooney, Walter Kubow, John DeFrancesco, Leonard Cross, Andrew Schiochetti, Bernie Lennon, Nick Retos, Steve LeFevre, 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 regular meeting minutes of June 14, 2010 were approved as submitted and without amendment.

Communications

Cottage Hill Landings, 96 Partition Street – Invoices #52726, #51124 and #52392 from Barton and LoGuidice were reviewed. Mrs. Van Vorst made a motion to approve the invoices. Mr. Campano seconded. The motion was unanimously approved.

Old Business

1. Cottage Hill Landings, 96 Partition Street – discussion & consideration of public comments on DEIS for significance.

Charles Moore noted that many excellent comments were received during the public comment period and recommended that all comments received be addressed in the FEIS. Many comments involved the issue of home ownership and Mr. Moore read an excerpt from the Comprehensive Plan that “ The 2000 Census reported that 51% of the households in the city were renters and that the particularly high rate renters and absentee landlords discourages investment in the city. Policies that encourage home ownership will increase personal investment in the city, foster neighborhood pride and cultivate property maintenance”. He stated that the obligation of the Planning Commission was to come into compliance with the Comprehensive Plan.

Mr. Moore said that the Mayor, the Common Council President and various Members of the Common Council have indicated that they believe that the rezoning of the Property pursuant to Local Law #2 of 2005 had an express condition which required that property had to have no more than 180 “owner-occupied units”. These public officials have stated that: the proposal before the Planning Commission for apartment use of the subject property violates the owner occupied condition in Local Law #2 of 2005, if the Property Owner did not like the owner occupied condition in the Local Law # 2 of 2005 then the Owner should have objected to the condition in the Local Law at the time of the grant of the rezoning from LC to R3; and that the Planning Commission must ensure that the SEQR process and site plan approval process are consistent with the owner occupied condition in Local Law #2 of 2005.

Mrs. Van Vorst made a motion to accept all the correspondence and findings to be include in the FEIS. Mr. Farrell seconded the motion which passed unanimously.

Steve Lefevre, of Barton and Loguidice noted that Chazen, on behalf of the applicant, must now prepare a document that contains responses to all of the comments previously received. He noted that the public hearing was held to seek comments on the proposed changes to the original application. The FEIS will have to include all comments for the received for the FEIS and the SDEIS. He explained that according to SEQRA, the Lead agency can prepare a FEIS or the applicant can prepare it. If the request is made for the applicant to prepare the FEIS then the Planning Commission will want to review all of the responses to the comments. Once the the FEIS is accepted then there is no more public comment period. The findings statement is then prepared y all involved agencies. When the FEIS is accepted then all responses and conclusions are accepted as well.

Mr. Moore stated that there were a number of substantial comments and asked if the applicant needed additional time to prepare a FEIS.

Mr. Dixon proposed establishing August 15th as a submission date which would give the applicant more time and an opportunity for the Planning Commission to meet prior to the deadline.

Mr. Kubow stated that he has received comments and has been preparing a response.

Mr. Moore noted that August 15th is a Sunday and proposed that the submission date be changed to August 16th.

Phil Dixon said that way the Board would know if a draft had been submitted by the August 9th meeting.

Mr. Ahlemeyer stated that the Planning Commission wants an extension so that they can do their due diligence.

Mr. Dixon noted that if the Planning Commission feels that two to three weeks is needed to review the completion date of August 16th could be extended for full review.

Mr. Kubow confirmed that the applicant would extend the submission date to August 16th.

Mr. Farrell made a motion to extend the FEIS submission date to August 16th

Mr. Ahlemeyer seconded the motion which was unanimously approved.

New Business

1. John DeFrancesco, 1453 Third Street – request for recommendation to the Zoning Board of Appeals for Area Variance of 6’ over the maximum 6’ to allow a 12’ stockade privacy fence in a residential (R2) zoning district.

The applicant explained that he is seeking an area variance to increase the height of the stockade fence that has been on site for years. He explained that his neighbor’s deck is seven feet tall, one foot higher than his original fence. He stated that ongoing neighbor problems had prompted him to attach two more six foot sections of fencing on top of the existing fence for a total of twelve feet in height and he is seeking a variance so he can attach a third additional section of fencing as well. He said that there have been threats and objects thrown in his pool from the next door neighbors and he has called the police looking for help. He stated that a fence of this height would block any views that the neighbors would have of the yard and that it seemed to reduce the comments, threats and number of objects thrown into the pool from next door.

Mr. Compano asked if this could be approved conditional upon confirmation from the city police regarding calls to the two homes.

Mrs. Van Vorst said that she was sorry that he was having difficulty with his neighbors, but expressed concern that even with a condition, approving a twelve foot tall fence would set a precedent and that subsequent applicants would also expect to have a twelve foot fence approved.

Mr. Ahlemeyer asked if a twelve foot fence didn’t work if he would be back seeking an eighteen foot fence?

Mr. DeFrancesco replied that the fence removes the neighbors from view and it has diminished the abuse.

The board determined that they would like to obtain more information from the police and advice from the Deputy Corporate Counsel.

Mr. Compano made a motion to table the decision until the August 9th meeting and seek input from counsel and the city police on the issue. Mrs. Van Vorst seconded the motion and it passed unanimously.

2. AMRI, 33 Riverside – request for recommendation to the Zoning Board of Appeals for Area Variance of 3’ over the maximum 4’ to install 7’ high cedar screening fence within 25’ of the pavement of Rensselaer Avenue and Area Variance of 6’ over the maximum 4’ to install 7’ chain link and 1’ razor wire within 25’ of the pavement of Riverside Avenue in a heavy industrial (I) zoning district.

Bernie Lennon of AMRI explained that the company is seeking variances for fencing for the north and southern sides of the site. AMRI proposes to install seven foot high cedar fencing along Rensselaer Avenue to improve both security and aesthetics. The cedar fencing would be placed over of the existing chain link so that people on Rensselaer Avenue or in Coyne Field would see a cedar fence rather than chain link. The applicant is also seeking to install a seven foot tall chain link fence with one foot of razor wire along the southern border of the property where BASF plans to remove all existing fencing. This would match the existing fencing on the property.

Mr. Ahlemeyer asked him to clarify the height of the proposed fence and razor wire for the record and Mr. Lennon responded that it would be a seven foot fence with one foot of razor wire.

Mrs. Van Vorst said she had no problem with a variance for a fence in the industrial district that would actually improve the appearance of the area.

Mr. Lennon said that he spoke with management at AMRI about a suggestion that vines could be grown on the fence to discourage graffiti. AMRI has determined that they do not want to grow vines, but plan to stain the fence and would assume responsibility for cleaning any graffiti that might occur on the fence.

Mr. Farrell made a motion for a positive recommendation to the Zoning Board of Appeals for a seven foot cedar fence along Rensselaer Avenue and for a seven foot chain link fence with one foot of razor wire along the southern property line. Mr. Adams seconded and the motion passed unanimously.

3. Yankee Doodle Taxi, 250 Broadway – request for Site Plan Approval related to a relocation of a taxi dispatch office from 212 Broadway.

The applicant, Leonard Cross, addressed the Commission and explained that he has six cars in his taxi fleet and that two cars go home at night and two drivers are on at night and out on calls for most of that period. He said that two vehicles would be parked in the street. He said he has four employees, all family members.

Ms. Pettit asked where would employees park?

Mr. Cross responded that employee vehicles would be parked on Ferry Street and that the taxis would not have dedicated on street parking spots, but would park in front of the empty lot on the northern end of the block where the office would be located. He also stated that he would be using the existing signage of lettering on window glass now in use at the current location.

Mr. Compano said he would like to request that employees park on side streets.

Mr. Adams made a motion to approve the site plan for Yankee Doodle Taxi with the condition that the employees park off Broadway. Mr. Compano seconded the motion and it was unanimously approved.

Mr. Moore stated that he would like to see a condition regarding any future graffiti attached to the approval for the fence on Rensselaer Avenue proposed by AMRI.

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Mr. Farrell made a motion that a positive recommendation for the fence is granted with the condition that AMRI must promptly clean up any graffiti that may occur on the seven foot cedar fence approved for Rensselaer Avenue.

The meeting was adjourned at 7:30 PM.