



# CITY OF RENSSELAER

## PLANNING AND DEVELOPMENT AGENCY BUILDING & ZONING

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### **Minutes of the Regular Meeting of the City of Rensselaer Planning Commission First Floor Conference Room, Rensselaer Community Center, 62 Washington Street September 13, 2010**

#### **Members Present:**

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

#### **Members Not Present:**

Christine Van Vorst.

#### **Staff Present:**

Kevin McLoughlin – Assistant Director, Jack Spath – Deputy Corporation Counsel

#### **Others Present**

Jim Johnson, William Sheldon Sr., Will O’Leary, Jessica Siddon, Lou Lourinia, Bob Nash, Dave Gardner, Frank McCullough.

#### **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 August 9, 2010 were approved as submitted and without amendment.

#### **Communications**

Mr. Campano mentioned that there was a webinar on MS4 issues being hosted by the Town of Colonie.

Mr. McLoughlin noted that the Cottage Hill applicant communicated that they would be delayed in submitting the next iteration of the FEIS and that it would likely be on the October agenda if it was prepared in time to give Barton & Loguidice time to review it on behalf of the board.

**Old Business**

**1. Cottage Hill Landings, 96 Partition Street – discussion & consideration of accepting Supplemental FEIS as complete.**

- a) Review / approve invoice #53322, 53486 (B&L), #344163 (W.O.H.)

There was no discussion or consideration of the FEIS as the applicant's consultant, Walter Kubow, had requested more time to work on the modifications requested by the board at the prior regular meeting.

William Sheldon stated that he was concerned about the impact this size of development would have on his neighborhood. Mr. Moore stated that his comments were appreciated, noting that many from his neighborhood had already commented about the project during the SEQR hearing process.

Mr. Farrell moved to approve payment. Mr. Adams seconded. The motion was unanimously approved.

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

- a) Review / approve invoice #0072860 (Chazen)

Mr. Ahlemeyer moved to approve payment. Mr. Campano seconded. The motion was unanimously approved.

**3. Albany Yacht Club, 63-67 Broadway – request for Amendment to Approved Site Plan and Certificate of Appropriateness to operate a boat storage area in a historic residential (HR) zoning district and Certification of Coastal Consistency with the local LWRP.**

Jim Johnson presented the plans revised based on feedback from two adjacent neighbors at prior meetings who were opposed to the planting of trees near their properties. He described the elements in the Site Plan that had changed as well as key features that remained the same including: a 10' setback of boats from the property / fence line; placement of planters along the front gate; replacement and painting of a section of stockade fence.

Mr. Campano asked about the size of the planters and Jim Johnson responded that they would be half-barrel containers.

Chair Moore led the board in review and completion of a Coastal Assessment Form (CAF).

Mr. Campano moved to Certify the Coastal Consistency of the action based on review and completion of a CAF. Mr. Adams seconded. The motion was unanimously approved.

Mr Adams moved to Amend the Approved Site Plan and Certificate of Appropriateness based on the submitted drawings on the condition that the applicant complete a Flood Plain Permit application if required by the Building Inspector. Mr. Farrell seconded. The motion was unanimously approved.

**4. Municipal Salt Shed, 150 Aiken Avenue** – request for a Special Use Permit to allow construction in a flood hazard area and Certification of Coastal Consistency with the local LWRP.

**a) Public Hearing – Special Use Permit**

Mr. Ahlemeyer asked about the status of the roof. Mr. McLoughlin responded that the original design included a temporary tarp / tent roof, but that the new plan included a full roof. Mr. Ahlemeyer asked if a front elevation drawing of the building was available. Mr. McLoughlin responded that the City Engineer had not provided one.

Chair Moore opened the public hearing at 7:02 PM.

Lou Lourinia raised an objection that there were no copies of the site plans available before the meeting for public review. He stated that he never made a claim unless he was 100% right. He continued that he was certain there was a requirement to do this with a public hearing in order for the meeting to be legal. He asserted that he would file a complaint with the Department of State regarding what he saw as a violation of the law.

Mr. McLoughlin responded that while it sounded like a good idea for public information and participation he was not familiar with any requirement in the empowerment statutes for Planning Boards nor in the Public Meetings Law. Mr. Spath agreed he was unfamiliar with such a requirement. He noted that there was provision for advance review prior to a public hearing under SEQRA, but this was not a SEQRA hearing. Chair Moore agreed that he was not familiar with any provision or any past practice of the board to make site plans and drawings available to the public in advance of the meeting. Mr. McLoughlin asked Jack Spath if he could research the matter, and expressed to the board that he did not feel there was a need to delay hearing the matter as it could be re-visited if a procedural problem was identified. Mr. McLoughlin provided a copy of the site plan drawing to Dave Gardner and Lou Lourinia to review.

Dave Gardner asked if they could be given some time to look over the plans before the board began discussion. Chair Moore assented and closed the public hearing at 7:17 PM and tabled the matter until the other items of business were completed.

**New Business**

**1. Walter Stager, 1016 4<sup>th</sup> Street** – request for recommendation to the ZBA for an Area Variance to allow a 6' high fence 10' less than the 25' minimum required setback from the curb.

Mr. Moore stated that he felt that allowing a high stockade fence so close to the roadway would set a bad precedent given the current neighborhood character. Mr. Ahlemeyer agreed.

Mr. Campano noted that the proposed fence would be closer to the sidewalk than the existing house and would be as close to the roadway as the neighboring house and that he felt it was out of character with the 3 and 4-foot fences in the neighborhood.

Mr. Campano moved to make a negative recommendation to the ZBA regarding the variance request for a 6' fence closer than 25' to the roadway. Mr. Farrell seconded. The motion was unanimously approved.

- 2. Jessica Siddon, 27 Nelson Avenue** – request for Certificate of Appropriateness for replacement of aluminum siding with sage green vinyl siding with white window wraps.

Jessica Siddon described her proposed work as removing old, discolored aluminum siding. She noted that the replacement siding was the newer, thinner type that more closely approximated the look of clapboard. Mr. Moore noted that the replacement of existing siding with another type of siding was in accord with the zoning code.

Mr. Farrell moved to Grant a Certificate of Appropriateness for the request to replace existing aluminum siding with vinyl siding with the stipulation that the colors are sage green with white trim as described to the board. Mr. Campano seconded. The motion was unanimously approved.

### **Old Business (cont.)**

- 5. Municipal Salt Shed, 150 Aiken Avenue** – request for a Special Use Permit to allow construction in a flood hazard area and Certification of Coastal Consistency with the local LWRP.
- b) Public Hearing – Special Use Permit**

Chair Moore re-opened the public hearing at 7:40 PM.

Mr. Adams expressed concerns about salt eroding off the site if it was allowed to spill out of an open entrance on the shed. Mr. McLoughlin responded that his expectation (as Roger Murman was unavailable for the meeting) was that the shed was sized to be of a size larger than the city's storage needs to ensure that the stockpile would only occupy a portion of the footprint and be fully contained by the building. He added that it was likely that temporary measures such as a jersey barrier perimeter or a heavy plastic / vinyl sheet placed at the doorway could provide additional protection (in addition to the concrete push walls) to keep the salt in the building and under the roof.

Mr. McLoughlin noted that the salt would be placed on a concrete surface that would be treated to prevent permeation by the salt. He noted that this slab floor would be built at an elevation 1' above the FEMA established 100-year flood height per the Flood Damage Prevention law.

Mr. Campano asked if salt sheds were typically open on one side. Mr. McLoughlin responded he was unsure of the standard, but that in his experience it was a mix. Mr. McLoughlin added that he believed the dimensions of the shed were intentionally generous to allow even a more than adequate supply of salt to be fully covered by the structure.

Dave Gardner stated that he was concerned about storage of sand and stone in the yard with only a chain link fence to hold the material in if there was a flood. Mr. McLoughlin responded that moving the DPW materials was part of the long-term plan for the site and had been told that jersey barriers would be placed on the stream side of the site to keep them out of the creek. Mr. McLoughlin added that according to the submitted site plan a substantial 'filter strip' would remain between the yarding area and the creek. This distance exceeded the zoning requirement of a 50' buffer from the centerline of the creek.

Bob Nash described his work to run power to the former High School to enable an electric heating system that ultimately proved more costly than linking to an existing gas line near the site. He said this pointed out the value of asking questions and having oversight of significant decisions on public infrastructure expenditure.

Frank McCullough stated that he was not against the project, though he felt the site was too small and did not allow for future growth. He felt that with the Mill Creek close by the site should have a full containment wall or membrane 3-4 feet high all the way around the site similar to what is done to contain the salt stockpile in Troy. Frank McCullough believed that tractor trailers would have trouble accessing the shed to deliver material. He argued that if there might be potential to build a larger shed where space could be leased or shared with East Greenbush or North Greenbush. He felt that it was a bad idea that would cause future problems and that the city should cut its losses and reconsider the location and not take the risk.

Mr. McLoughlin responded that the city sees the site as an overall environmental improvement. There is no absolute guarantee of the site not flooding, but the salt shed floor elevation would be 1' above the 100-year flood plain in accordance with the city's Flood Damage Prevention Law, which is the standard engineering practice to limit risk of flood exposure to the building and the materials it would store. He added that the currently used site has active ongoing salt runoff that is getting into local waterways already, because it lacks adequate protection from the rain and its use is disruptive of a fairly well-populated residential neighborhood. Mr. McLoughlin added that according to the Mayor, this was the best located and affordable of multiple locations considered. He added that the Mayor stated that sites in the Port were not as desirable, because this site was more central, which would save time in delivering salt to unsafe roadways as well as reduce environmental impacts and cost from added fuel use.

Mr. Ahlemeyer stated that he assumed the door was not facing the creek as this would also help prevent material from exiting the building in a flood. Mr. McLoughlin confirmed that the door would face South Street.

David Gardner asked if Ted Burek had been asked about the presence of a salt pile next to his building as a possible concern over potential damage to his steel building. Mr. McLoughlin responded that the issue had not been raised by the City Engineer to his knowledge. He added that it was his view that a fine from DEC / EPA regarding the city's current salt storage practices was a much more likely issue or risk to be faced than the possibility of salt damage to the exterior of Ted Burek's building.

Frank McCullough expressed an interest in addressing safety for children in the area with appropriate speed control signage. Mr. Ahlemeyer and Chair Moore expressed a desire that these concerns would be communicated to the Mayor and DPW.

Hearing no one else to speak for or against the application, Chair Moore closed the hearing at 8:03 PM.

Chair. Moore led the board through a review and completion of a Coastal Assessment Form (CAF) to determine the project's consistency with the LWRP. He stated that he felt the City had done its due diligence in searching for a suitable site and that he would entertain a motion.

Mr. Farrell moved to find that the proposed action is consistent with the City of Rensselaer LWRP based on review and completion of a CAF. Mr. Campano seconded. The motion was unanimously approved.

Mr. Adams moved to Amend the Approved Site Plan and Grant a Special Use Permit for construction in a Flood Hazard Area. The motion was made with the stipulation that if the building design includes an open side / doorway that salt should be physically barred by an effective barrier to prevent salt from

spilling out of the entrance and being exposed to erosion from wind and rain, and that a completed Flood Plain Certification Form be submitted to the Building Inspector. Mr. Cardamone seconded. The motion was unanimously approved.

**Other Business**

NONE.

**Adjournment:**

Hearing no objections, Mr. Moore adjourned the meeting at 8:10 PM.

**Next Meeting:**

The next regular meeting is scheduled for October 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,

Kevin McLoughlin  
Acting Secretary