



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 October 12, 2010

Members Present:

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

Members Not Present:

Frank Adams, James Ahlemeyer, Christine Van Vorst.

Staff Present:

Sarah Crowell – Planning Director, Kevin McLoughlin – Assistant Director, Jack Spath – Deputy Corporation Counsel

Others Present

Frank McLellan, Barbara Slingerland, Marion Webber - Alderwoman, Dave Gardner

Call to Order:

Acting chair Moore called the regular meeting of the City of Rensselaer Planning Commission to order at 6:31 PM. Roll call was taken, and it was determined there was a quorum.

Adoption of Past Meeting Minutes

The regular meeting minutes of September 13, 2010 were approved as submitted and without amendment.

Communications

It was noted that the meeting packet contained a letter from the board's consultant on the Cottage Hill Landings project, Barton & Loguidice. The letter pertained to anticipated additional work beyond the initial estimate and a requested amendment.

Old Business

1. **Cottage Hill Landings, 96 Partition Street** – Discussion of Supplemental FEIS submission status.
 - a) Review / approve B&L supplemental fee request
 - b) Review / approve invoice#54006 (B&L) & invoice#345643 (Whiteman)

Ms. Crowell described a meeting between herself, the board's planning consultant, the board's special counsel, the applicant's consultant, and the applicant's counsel where some of the particulars regarding completion of the Final Supplemental Environmental Impact Statement were discussed. She noted that the applicant had agreed to make changes for the board's consideration of the document's completeness for the November 8th meeting.

Mr. Campano moved to approve the two invoices. Mr. Farrell seconded. The motion was unanimously approved.

Mr. Campano moved to amend the consultant agreement with Barton & Loguidice with a new total of \$41,500 reflecting changes in their letter dated 8/25/10, and directing the applicant to deposit appropriate funds in escrow. Mr. Farrell seconded. The motion was unanimously approved.

Mr. Farrell moved to revise the SEQRA review schedule to allow review of the Final SEIS for the November 8th regular meeting as agreed to by the applicant. Mr. Campano seconded. The motion was unanimously approved.

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

a) Review / approve invoice #0073244 (Chazen)

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

New Business

1. Municipal Communications Cellular Tower, 62 Washington Street – reference of SEQRA action by Common Council for Coastal Consistency Review for site on City Hall grounds in a multi-family residential (R3) zoning district.

Mr. McLoughlin gave a brief description of the materials he had received from the Mayor and that the Mayor and the City Clerk had produced from old files a Short EAF SEQR form completed when the resolution authorizing the use of city land was passed by the Common Council in November 2007. He indicated that the Mayor had instructed moving forward on the basis of the old application.

As the SEQR had been completed, including issuance of a Negative Declaration by the Common Council, the appropriate step for the Planning Commission at this point was to complete a Coastal Assessment form and make a Coastal Consistency Determination. Mr. McLoughlin added that the Common Council's resolution to allow use of the City property included delegation of site plan approval to the Mayor.

Scott Olson, counsel for DTN Rensselaer (Verizon Wireless), stated that he was appearing before the Planning Commission under subsection 93-17 of the City Charter (environmental quality review) for a recommendation from that board to the city agency / official undertaking the environmental review. He stated that Verizon wished to start a new application process.

Planning staff expressed some confusion as to whether the City or Verizon would be considered the applicant in this situation, because it involved City property and a decision of the Common Council. It was also unclear whether the prior SEQR review and EAF form should be relied upon and whether the City or Verizon was the ‘official’ applicant under SEQR and therefore the appropriate application process.

Barbara Slingerlands spoke against the project citing the concern of having the facility located so close to her home, noting that it seemed very rare in her experience for such towers to be placed so close to residential buildings.

Marion Webber, while noting the potential value to the city’s police force expressed concerns related to the proposal’s selected site and design.

Frank McClellan spoke against the project noting that it would have a negative effect on the quality of life in the neighborhood from the visual impact as well as from expected regular tests of the backup generator.

Chair Moore temporarily tabled the matter for further discussion later in the meeting.

- 2. Scale Service & Supply, Charlie Twiss, 344 South Street** – request for recommendation to the ZBA for Use Variance to allow construction of a free-standing sign at a business property entrance along the roadway in a commercial-industrial (CI) zoning district.

Charlie Twiss stated that because his building site was below the grade of South Street he wanted to place a sign with his business name and street address close to the roadway so it would be visible for deliveries.

Mr. Moore asked if the proposed sign placement would interfere with visibility when entering the roadway. Charlie Twiss responded that there was sufficient setback to allow visibility for vehicles.

Mr. Farrell moved to make a Positive Recommendation to the ZBA for the Use Variance request to allow construction of a free-standing sign near the property entrance, relying on the fact that the building pad site is at the base of a fairly high, steep slope that buttresses Route 9J. Mr. Campano seconded. The motion was unanimously approved.

- 3. Regina McNelis, 10 Riverside Avenue** – request for a Certificate of Appropriateness and recommendation to the ZBA for Area Variances of 5’ on the south lot line & 2’ on the north lot line from the minimum 5’ required side yard and 9’ from the 12’ total required side yards to allow construction of a porch in a historic residential (HR) zoning district.

Regina McNelis and her architect described her application, noting that the design was an improvement of aesthetic and ‘historic’ character.

Mr. Moore asked if there was an issue with the requirement as the normal building code minimum separation for structures was 3 feet. Mr. McLoughlin responded that this point had been raised with the Building Inspector who stated that fire-rated materials would be required as the primary wall between the buildings was not involved.

Mr. Campano asked about the status of the chain-link fence. Regina McNelis responded that it likely belonged to the neighboring property. She added that this was not an owner-occupied property and the tenant was not interested in collaborating on visual improvements.

Mr. Farrell moved to approve the Certificate of Appropriateness and recommended that the ZBA approve the Requested Area Variances. Mr. Cardamone seconded. The motion was unanimously approved.

1. (CONTINUED) Municipal Communications Cellular Tower, 62 Washington Street

Mr. Moore stated that owing to the uncertainty of what the board was being asked to consider that there was a desire to reserve their decision until the process and their role was clarified.

Scott Olson stated that the recent incomplete Short EAF form was one he had submitted to the Common Council and that the only role for the Planning Commission was providing a recommendation under the City's Environmental Quality Review Law. He noted that the information on the form and in the application materials could be considered as part of the board's making a recommendation. Scott Olson added that he viewed the Action under SEQRA as the Common Council decision to enter into a lease using City property.

Mr. McLoughlin noted that a recommendation from the board could include suggestions as to other information or considerations that the deciding agency or official might use in conducting the SEQRA review.

Mr. Farrell moved to table the matter until the next regular meeting in order to have staff and counsel clarify the appropriate application review process. Mr. Cardamone seconded. The motion was unanimously approved.

Other Business

NONE.

Adjournment:

Hearing no objections, Mr. Moore adjourned the meeting at 8:24 PM.

Next Meeting:

The next regular meeting is scheduled for November 8, 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,
Sarah Crowell
Secretary