



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 November 8, 2010

Members Present:

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

Members Not Present:

NONE.

Staff Present:

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

Others Present

Lou Lourinia, Harry Adalian – Council President, Rich Mooney - Alderman, Jon Badi, Dan Dwyer – Mayor, Marion Webber - Alderwoman, Scott Olson, Dave Gardner, Jim Van Vorst – Alderman, Dianne Ewoshko, Alice Ryan-Nestler, Kimberly Powers, Marilyn Dyer, David Rossetti

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 October 12, 2010 were approved as submitted and without amendment.

Communications

NONE.

Old Business

1. **Cottage Hill Landings, 96 Partition Street** – Discuss / review Supplemental FEIS for completeness consideration under SEQRA.
 - a) Review / approve invoice#346687 (Whiteman)

Mr. Moore related that the applicant has requested more time for completion of the FEIS and noted that they were in arrears on the escrow account.

Mrs. Van Vorst moved to approve the invoice for payment. Mr. Farrell seconded. The motion was unanimously approved.

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

a) Review / approve invoice #0073400 (Chazen)

Mr. Moore noted that they were also behind on escrow contributions.

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

3. Municipal Communications Cellular Tower, 62 Washington Street – reference of an Action under SEQRA & City Environmental Quality Review Law for recommendation of the Planning Commission on proposed construction of a cellular tower at City Hall in a multi-family residential (R3) zoning district.

Scott Olson representing Verizon Wireless provided an overview of new materials submitted by request of the board at the prior meeting, including added visual simulations, and a noise study. He made a point that under SEQRA a visual impact could only be considered significant if it detracted from a 'listed' resource. He added that the generator would only operate for one hour a week at a noise level that is comparable to an urban background.

Mr. Moore asked how much space was available on the tower for other carriers. Scott Olson responded that typically 4 or 5 other carriers could be leased space on one tower.

Mr. Moore asked if there was sufficient ground space for the equipment of lessees. Scott Olson replied that while it was tight sufficient room remained to add carriers.

Mr. Moore asked about the public concerns raised regarding ice and snow buildup on the tower. Scott Olson responded that ice-phobic paint was typically used on towers to minimize buildup and made a number of other suggestions the Common Council might consider.

Mayor Dan Dwyer stated that there had been an involved site selection process that found the City Hall location was the best of any alternatives.

Mr. McLoughlin said that he had spoken to Deputy Chief Frankoski regarding the needs of the Police. He related that the new tower should roughly have line-of-sight to the City water tower on Partition Street extension.

Mr. Campano discussed the Boys Club as a possible alternative site using an instrument such as an easement to ensure that the rental revenue would go to the city.

Mrs. Van Vorst stated that she was aware of the concern raised by residents about the radio frequency radiation. She expressed her understanding that it was equivalent to a fluorescent fixture and the average person faced greater personal risk from lead paint in their home than from a cellular tower.

Mr. Ahlemeyer asked if it was possible for Verizon Wireless to refuse co-location on the tower. Scott Olson responded that the answer was always yes owing to the long-standing mutual agreements between carriers.

Mrs. Van Vorst moved to make the following recommendations to the Common Council which has declared as Lead Agency under SEQRA:

1. Verizon should provide a map showing the gap in coverage and locations of other towers.
- 2 The City Police Department (Deputy Chief) should provide a written explanation of their camera transmission needs to the Common Council.
3. Verizon should provide an alternatives analysis showing other municipally owned sites that may meet their expressed needs and those of the City Police.
4. That the area outside the ground equipment enclosure be fully landscaped.
5. Verizon should provide a certification letter to the Common Council that RF and electromagnetic radiation meet FCC minimums.
6. Verizon should provide certification from an Engineer that the tower is designed to handle equipment of three other carriers and associated wind loads.
7. Verizon should use ice-phobic paint to minimize ice accumulation on the tower structure and antennas.
8. Ensure the tower and site design allows co-location of 4 other parties including the Police Department.
9. Ensure that there is sufficient ground space and wiring capacity to accommodate other carriers.

Mr. Farrell seconded. The motion was unanimously approved.

New Business

- 1. Timeless Tattoo, Jonathan Abbott, 238 Broadway** – request for Site Plan Approval for a Tattoo Shop in a local business (LB) zoning district.

Ms. Crowell noted that Mr. Campano had stepped out of the room to recuse himself from the discussion owing to a family relationship with the applicant.

Jonathan Abbott described his proposed business as well as some of the training / apprenticing and special health department approvals and requirements for running this type of business.

Mr. Farrell asked if Jonathan Abbott had any other shops and was told this would be the applicant's first shop and that he might in time take on an assistant / apprentice.

Mrs. Van Vorst asked if the parking area in the back would interfere with maintaining the sterile room. Jonathan Abbott responded that the rear parking was only for employees.

Mr. Farrell asked about the hours of operation. Jonathan Abbott responded that typical tattoo shop hours ran from noon to 10:00 pm, but owing to the semi-residential character of the block he was planning to 10:00 am to 7:00 pm during the winter and during the summer 11:00 am to 8:00 pm on Tuesday through Saturday.

Mr. Cardamone moved to Grant Site Plan Approval. Mr. Farrell seconded. The motion was approved 6-0 with Mr. Campano recused.

2. Teagan's Steakhouse, Jim Polsinello, 1 Ferry Street – Request for Recommendation to the ZBA for Area Variances of 76.4 square feet over maximum total sign area of 30 square feet, 1 sign over the maximum 2 signs per premises, and 2' from required 5' side yard setback as well as Use Variance to allow a free-standing sign outside the Columbia Street Overlay District in a local business (LB) zoning district.

The applicant distributed color images of the proposed free-standing sign noting that it was not illuminated and not flashing.

Mrs. Van Vorst asked if the proposed sign on the side of the building was needed with the other large signs present.

Mr. Ahlemeyer noted that the signage area variance being requested was two and a half times over the maximum currently allowed and that the request was in his view somewhat exorbitant, especially in light of setting future precedents.

Mr. Moore noted that the city was undertaking a review and update of its zoning, which would likely make allowance for the signage as proposed for the site.

Mrs. Van Vorst moved to make a positive recommendation to the ZBA regarding the Use Variance request. Mr. Adams seconded. The motion was unanimously approved.

3. St. Paul's Center, 950 Third Street – Request for Site Plan Approval and Recommendation to the ZBA for Use Variance to allow renovation and use of the former Open Bible Baptist Church as an emergency homeless shelter for families in a multi-family (R2) zoning district.

Kimberly Powers, the applicant's engineer described the site plan for the building as well as draft floor plans. The exterior sidewalk would be improved with street trees and parking would not be required as the existing lot at facility across the street would be adequate for employees.

The applicant noted that the County had approached St. Paul's center about providing these new services as they were one of the highest rated facilities in the County and some of the anticipated need was from City of Rensselaer clients.

Mr. Ahlemeyer asked how long the residents would be staying. The applicant responded that the average stay was approximately 38 days. Mr. Ahlemeyer asked if there was expected demand on the services of the Police and Fire Department from the new facility. He noted that as a resident of the neighborhood he saw the Fire Trucks there fairly frequently and that this represented a cost to the community.

Mrs. Van Vorst asked if there was any County support that would go to the City in support of the new facility to help offset these costs. The applicant responded that there were none, though the salaries of the staff employed there and potentially patronizing local business were paid through the county.

Mr. Ahlemeyer asked how schooling for children would be handled. The applicant responded that students are kept in their original school district while in the program.

Mr. Campano stated that it sounded like an important program. He asked what the typical reasons were for clients to need program assistance. The applicant cited non-payment of rent, foreclosures, code violations, and fire. Mr. Campano asked where clients were typically placed after their time in the temporary shelter. The applicant responded that most were placed in Troy Housing, and some applications for Rensselaer housing were made. Those who were not housed in facilities like this were typically placed in motels.

Mrs. Van Vorst noted what a good job St. Paul's had done renovating the former Church across the street. She asked how many families would be housed. The applicant responded that the facility would be designed for 19 people total and that the numbers of families would vary according to the available space.

Mr. Farrell asked about provision for the handicapped. The applicant responded that a lift would be installed in the building for that possibility.

Mr. Moore asked if there would be regular deliveries to the facility. The applicant responded that one bulk delivery was made every few weeks. He asked if the applicant had confirmed there was water and sewer capacity for the proposed use and number of residents. The applicant responded they would look into that.

Mr. McLoughlin asked the applicant to consider disconnecting the roof drains and possibly using a permeable concrete for the sidewalk as this could be an enhancement for the city in meeting its stormwater runoff reduction goals under the MS4 program.

Mr. Ahlemeyer asked whether fencing was planned to screen the proposed dumpster. The applicant responded that this was not on the current plan, but they would look into smaller trash bins placed in a recessed portion of the site, rather than on the sidewalk.

Mrs. Van Vorst moved to Grant Site Plan Approval Conditional on granting of the requested variance and to make a Positive Recommendation to the ZBA regarding the Use Variance request. Mr. Farrell seconded. The motion was unanimously approved.

4. Oreste Orciuoli, 150 Columbia Turnpike – Request for Site Plan Approval for a 2,400 square foot commercial building and 28-space accessory parking area in a commercial-industrial (CI) zoning district.

Steve Hart, the applicant's engineer, described site plans modified from ones previously approved, which were made possible by the land swap with the city.

Mr. Moore asked if the plan was to combine all the parcels into one. Steve Hart responded that this was the intention.

Mr. Campano asked if there was sufficient snow storage given the expanded parking. Steve Hart responded that there were several areas maintained as green space on the plans.

Mrs. Van Vorst asked if the Hot Dog Charlie's building would remain or if it would change if a tenant was obtained. Steve Hart responded that the intent was for the building to remain. She noted that the previous resolution for approval referenced several items of needed housekeeping.

Mr. Moore asked if the applicant was comfortable with the no cooking stipulation. Steve Hart responded that the owner would prefer to have the option to cook per the allowed uses in this zoning district. Steve

Hart added that with proper venting or filter design potential impact on the adjacent residence could be minimized.

Mrs. Van Vorst asked if the applicant also wished to revisit the restriction on the timing of deliveries. Steve Hart responded that with the addition of the through lane the traffic pattern was much improved and prior concerns would be mitigated.

Mr. Moore asked about lighting and Steve Hart responded that these details would be included in the revised plans and that the basic format from the previously approved plans would be followed.

Mr. Ahlemeyer raised the question of the location of the Historic District as a point of contention with prior applications. Mr. McLoughlin noted that the ZBA had issued an interpretation setting the district boundary at the rear of the street-side properties and it was more likely that the boundary remained fixed where the lot lines were at the time of the decision rather than shifting with a lot-line modification.

Mrs. Van Vorst moved to table the Sketch Plan discussion pending submission of a complete Site Plan and Plat. Mr. Campano seconded. The motion was unanimously approved.

Other Business

NONE.

Adjournment:

Hearing no objections, Mr. Moore adjourned the meeting at 7:55 PM.

Next Meeting:

The next regular meeting is scheduled for December 13, 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