



**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 Special Meeting of the City of Rensselaer Zoning Board of Appeals**  
**First Floor Conference Room, Rensselaer Community Center, 62 Washington Street**  
**December 13, 2010**

**Members Present:**

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

**Members Not Present:**

Nancy Johnson, Michael Scott, Paula Micheli

**Staff Present:**

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

**Others Present**

Lee Hoyle, Jean Mayhew, Alice Ryan, Al Pollock, Kimberly Powers, Billie Jo Cannon,

**Call to Order:**

The special meeting of the City of Rensselaer Zoning Board of Appeals was called to order at 6:25 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 October 22, 2010 were approved as submitted and without correction.

**Old Business**

NONE.

**New Business**

- 1. Teagan’s Steakhouse, Jim Polsinello, 1 Ferry Street** – Request 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’ less than the minimum 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 described the proposed signage for the board. They noted that the fact that the business location was at the end of a dead-end street made visibility for their business an economic hardship. They described the dimensions of a free standing sign to be placed in the northwest corner of the property as well as signs to be located on the building.

Mr. Ruso asked if all the signs were existing signs to be relocated from their prior location.

Mr. Hilstro asked if the applicant would be opposed to using a pole-mounted sign rather than a column/pedestal design. The applicant responded that this type of design was incompatible with using their existing lit sign.

Mr. Hilsto asked for confirmation of the width of the free-standing column sign. Mr. McLoughlin stated that the applicant’s materials showed it to be 8’ wide.

Chair Hilstro opened the public hearing at 6:40 PM.

Dave Gardner spoke in support of the application as good for the community tax base. He agreed that the proposed sign would help highlight a business location with limited visibility.

Mr. Ruso asked what the current code would allow the applicants for signage. Mr. McLoughlin responded that code allowed a maximum of 30 square feet for this property.

Mayor Dan Dwyer spoke in support of the application as a way to help draw traffic from 9/20 to the business district.

Hearing no one else to speak for or against the project, Chair Hilstro closed the public hearing at 6:42 PM.

Mr. Ruso commented that he felt any resolution to approve should limit the applicant from any future requests from additional signage, because the latitude being granted the applicant in the size of the variance being contemplated was a significant departure from prior decisions where the board has been stricter relative to the existing signage allowance with other applicants and businesses.

Mr. McLoughlin stated that any resolution to approve should be limited to the new proposed sign and should not include the existing billboard (with off-premise advertisement) also located on the same lot, because under the current zoning free-standing off-premise signs (billboards) were not allowed and represented a pre-existing, non-conforming use.

Mr. Ruso moved to Grant the Area Variances as depicted on the submitted forms, site plans, and drawings, totalling 76.4 square feet over the maximum 30 square feet allowed and 1 sign over the maximum two allowed per premises as well as a Use Variance for the free-standing on-premise sign owing to the unique location at the end of a dead-end street with limited visibility with the stipulation that the variance did not to apply to the existing off-premise billboard signage. Ms. Hardt seconded. The motion was unanimously approved.

**2. St. Paul's Center, 950 Third Street** – Request for Use Variance to allow renovation and use of the former Open Bible Baptist Church as an emergency transitional housing shelter for families in a multi-family (R2) zoning district.

David Rossetti, Executive Director of the St. Paul's Center, described the proposed program use as an expansion of their current mission to also include families with fathers which their current facility across the street did not accommodate.

David Rossetti noted that the location of the facility directly across the street would enable close monitoring of the property by himself and his staff.

Mr. Ruso asked if parking would be facilitated in the existing lot. Mr. Rossetti confirmed this would be the case, noting that after 4 PM many of his staff leave and more spaces are available.

Mr. Rossetti stated that no day care was provided at the facility and that school-age children attended their home school districts. By 9 PM all children have to be in bed at the facility and the facility has 'lights out' for all residents at 11 PM. He stated that to date (from 2006), the facility has hosted 217 children aged 1-5, 228 children aged 6-12, 108 children 13-17.

Ms. Crowell asked who provided transportation for the schoolchildren. Mr. Rossetti stated that the County provided transportation.

A St. Paul's Center board member stated that their facility was considered to be one of the best managed in the County. Mr. Rossetti added that a reason for this was that residents were asked to leave if their conduct did not meet the program's standards.

Mr. Hilstro asked if there would be additional staff hired with the opening of the new building. Mr. Rossetti responded that both some full and part-time staff would need to be hired to handle the additional residents. He added that at least one staff member would be on-site 24-7.

Kimberly Powers, project architect, and David Rossetti described the proposed (and conditionally approved Site Plan) as well as the draft floor plans and internal layout.

Mr. Ruso stated that he had been through the building, knowing a wealthy individual who had looked at possibly converting the basement to a garage in order to live there himself.

Mr. Ruso asked what the new proposed zoning stated regarding homeless shelters. Mr. McLoughlin responded that he did not remember how, or if that type of use was addressed. Mr. Hilstro added that he did not believe review of the use tables had been completed.

Chair Hilstro opened the public hearing at 7:16 PM.

Billie Jo Cannon stated that as a resident and property owner in the neighborhood she was impressed with the kindness and courtesy of the facility director and his staff, but she felt that not being 'baby sitters' they were not available to address the issues and friction with the shelter residents she stated she experienced on a regular basis. She asked who would foot the bill for the extra fire trucks and police responses to the facility. She added that there were current parking problems in this neighborhood and she felt this facility would increase them.

A resident of 43 John stated that she was not opposed to the shelter, just the location. She claimed that the residents were often outside being rowdy and noisy and sometimes it got to be too much to tolerate. She added that the children were often running around wild in the street.

Jean Mayhew stated that she did not consider it fair that this neighborhood should experience the loss in property values she expected from the expansion of this facility.

Joe Severance stated that he did not speak against the first shelter, but felt that a doubling in size of the facility would have a negative impact on the character of the neighborhood. He complimented St. Paul's Center on the excellent renovation of the former church building, but felt that his property would be less valuable when it came time to sell if this use was expanded. He added that parking was an ongoing problem on John Street when it was used as a church and that his driveway was often blocked. He stated that he did not want this use expanded in his neighborhood and felt another location within the city would be better.

Mr. Ruso asked what he felt might be an appropriate use for the location. Joe Severance responded that the possibility of a residence for a wealthy owner who could convert the garage to a basement might be ideal or possibly an after-school children's program to serve neighborhood residents.

Hearing no one else to speak for or against the project, Chair Hilstro closed the public hearing at 7:34 PM.

A board member of St. Paul's Center spoke in favor of the proposal, noting that the program went to great pains to instill the need for appropriate behavior in the facility and in the neighborhood, adding that their residents were from Rensselaer County and not the wider region.

Ms. Crowell summarized her communications with the Police Department, stating that they did not consider the facility a problem location, having received almost no calls. She drew board members' attention to a letter of support from Chief of Police, Fusco for St. Paul's Center, which affirmed this.

Mr. Ruso asked how it was known the letter was true and factual, noting that it was not notarized. He questioned what the Police Department had to do with the Zoning Board.

Ms. Crowell responded that because there had been some questions raised at the Planning Commission meeting regarding security issues that she followed up with the police department.

Mr. Bulnes moved to Reserve Decision on the requested Use Variance Ms. Hardt seconded. The motion failed with Mr. Hilstro, Mr. Bulnes, and Ms. Hardt voting yes, and Mr. Ruso voting no.

Mr. Ruso moved to Deny the requested Use Variance based on community input to enable operation of a transitional family housing shelter for up to 19 individuals. Mr. Bulnes seconded. The motion was unanimously approved.

**Other Business:**

NONE.

**Adjournment:**

Hearing no objections, Mr. Hilstro adjourned the meeting at 7:42 PM.

**Next Meeting:**

The next regular meeting is scheduled for December 27, 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,

Sarah Crowell  
Secretary