



CITY OF RENSSELAER

PLANNING AND DEVELOPMENT AGENCY BUILDING & ZONING

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Minutes of the Special Meeting of the City of Rensselaer Planning Commission First Floor Conference Room, Rensselaer Community Center, 62 Washington Street December 20, 2010

Members Present:

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

Members Not Present:

Christine Van Vorst.

Staff Present:

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

Others Present

Barbara Slingerland, Dave Gardner, Billie Jo Cannon, Jenn Setneska, Tony Elacqua, Frank Orciuoli, Steve Hart, Scott Miller, Mark Visscher, John Campbell, Roddy Valente, Harry Adalian – Common Council President, Daniel Dwyer – Mayor

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 November 8, 2010 were approved as submitted with correction to the bottom of page 2 to state that Mr. Campano “inquired if there were ‘alternative site’ possibilities in the commercial-industrial districts, particularly the port.”

Communications

NONE.

Old Business

1. Cottage Hill Landings, 96 Partition Street – Discuss / review Supplemental FEIS for completeness consideration under SEQRA.

- a) Review / approve invoice#54870 (B&L) & invoice#347624 (Whiteman)

Ms. Crowell related that the FEIS preparation was delayed because the applicant's escrow payments had fallen behind billings and this prevented the board's consultants from completing the work.

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

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

- a) Review / approve invoice #0073619 (Chazen)

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

3. 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 as well as Special Use Permit & Certificate of Appropriateness Approval for an off-street parking lot in a historic-residential (HR) zoning district.

- a) Consideration under SEQRA
- b) Public Hearing – Special Use Permit

Steven Hart described the revised site plans based on input from the board, staff, and the City Engineer. He brought up the prior site plan approval in order to discuss the possibility of not including past certain requirements in possible new approvals.

He described the newly designed entrance and circulation pattern being more acceptable to DOT since the need for an island was entirely eliminated.

Ms. Crowell mentioned that the site investigation indicated some surface contamination, but it was standard for an urban site. Some additional tests of groundwater may be called for, but this should not affect the planned surface use.

Steven Hart noted that the prior stipulations included planting of arbor-vitae on the inside of the property line at 35 Aiken Avenue. He felt that this was an impractical requirement and while the applicant planned to maintain the existing fence line even though their survey showed it to be an encroachment the applicant preferred to plant and maintain the vegetative screening on his side of the fence.

Steven Hart noted that the prior approval had stipulated that placement of arbor-vitae along the property boundary with 35 Aiken would be done per agreement with that property owner. He stated that the applicant would prefer to receive approval or request for modifications from the board only.

Steven Hart noted that the prior approval required maintenance of a snow storage easement on the 'back' portion of the Cambridge Avenue parcel and since it was going to be transferred to the City of Rensselaer this stipulation no longer applied.

Steven Hart requested that any stipulation about materials and colors on the two buildings should be that matching colors and materials will be used.

Steven Hart requested that the previous stipulation limiting cooking on the premises and deliveries during business hours be left off any possible new approvals.

Mr. Moore asked about the prior requirement that the damaged portions of the Hot Dog Charlie's building exterior and sidewalk be repaired. Steve Hart responded that the applicant's intention was to repair the damaged building and sidewalk.

Mr. Campano asked if the intention was to have the building materials match in exterior materials. Mr. Orciuoli responded that the plan was to use a stucco cement finish. Mr. McLoughlin asked if the new building was intended to have the same exterior as the current 'Hot Dog Charlie's' building of stucco over plywood / fiberboard. Tony Elacqua confirmed this.

Ms. Crowell suggested to the board that they could request the applicant bring the actual building plans back before the board for final approvals of materials, finish, and colors to ensure the two buildings are compatible.

Mr. McLoughlin suggested use of the term muted earth tones for the building colors for the current resolution.

Mr. Ahlemeyer raised a concern about the lack of a fence between the parking area to the rear of 'Hot Dog Charlie's' and the basketball courts. He felt there should be some physical barrier between the Coyne Field park area and the parking lot. Mr. Ahlemeyer also expressed concern that without a barrier the city park area would be used for snow storage for the private parking lot. He added that a guiderail could provide the additional physical security he desired while still maintaining the 'open park-like' setting desired for that portion of the field.

Mr. McLoughlin suggested that the type of heavy wood guard-rail typically used in State Parks would be appropriate in this location.

Mr. Moore mentioned that the City Engineer response letter had been received and any outstanding concerns of the engineer would need to be addressed as a condition.

Mr. Moore noted that some additional landscaping to the rear of the dumpsters would be desirable.

Chair Moore opened the public hearing at 7:00 PM.

Dave Gardner stated that the site plan was a good idea and an improvement to Coyne Field, but did agree that it was desirable to fence off the area between the parking lot and the basketball court because of the large number of children playing there during softball season.

Harry Adalian responded that the agreement between the city and the applicant included provision for privacy screening of the playground area in contrast to its current location directly behind the 'Hot Dog Charlies' building.

Hearing no one else to speak for or against the proposal, Chair Moore closed the public hearing at 7:05 PM.

Chair Moore led the board in review and completion of a Short EAF.

Mr. Campano moved to Declare as Lead Agency and Issue a Negative Declaration based on a completed Short EAF. Mr. Farrell seconded. The motion was unanimously approved.

Mr. Moore suggested the option of making a preliminary site plan approval rather than final site plan approval if board members wanted to see changes made to the site plans before offering a final or conditional approval.

Mr. Moore noted that the action of the Common Council to conduct the land transfer was an expression of community values and priorities and he viewed the proposal as a positive improvement.

Mr. Ahlemeyer expressed a concern that a negative or inconsistent precedent might be made in that a recent board decision involved requiring some siding being removed from a house in the Historic Residential district while this parking lot might be considered an erosion of standards.

Mr. Campano noted that the amount of property physically located in the Historic District was negligible. Mr. Spath concurred and noted that a significant difference between the two properties is that this property is split between two districts with the majority out of the historic district, while the other property was wholly within the historic district.

Mr. Ahlemeyer stated that he did not think the argument of a ‘minimal’ effect was sufficient justification to meet the level of a ‘hardship’ test.

Mr. Campano responded that in the siding case, the board did apply discretion in allowing that applicant to maintain siding that had been installed on the rear of the building.

Council President Harry Adalian responded that the consideration of the council was to improve the function of the properties within the community by enabling a safer traffic circulation pattern and a more appropriate and accessible location for the neighborhood playground.

Mr. McLoughlin noted that there was no ‘hardship’ test requirement for granting a Special Permit. As a planning and zoning tool, they are intended to add an additional layer of review to certain uses that are considered potentially compatible within certain districts, provided that their impacts were sufficiently small or buffered to merit approval. Mr. McLoughlin added that the board had addressed potential impacts under the Special Permit review by stipulating provision of privacy fences and vegetative screening as well as the wooden guide rail instead of a less attractive metal option.

Mr. Farrell moved to Grant the Special Use Permit for an off-street parking lot located in the Historic Residential district. Mr. Adams seconded. The motion was unanimously approved.

Mr. Farrell moved to Grant a Certificate of Appropriateness for the portion of the parking lot located in the Historic Residential district with the stipulation that a ‘park-like’ guiderail (stained or painted brown) would be installed to prevent vehicles from accidentally entering the playing fields. Mr. Adams seconded. The motion was unanimously approved.

Mr. Ahlemeyer expressed concern that without more specific stipulations regarding materials and colors that the existing building may detract from whatever new structure is built on the lot at 37 Aiken.

Mayor Daniel Dwyer expressed the opinion that with new development some flexibility was needed, mentioning an example how different chains of banks have individual ‘standard’ designs that vary widely.

Mr. Adams moved to Grant Site Plan Approval on the following Conditions:

- provide calculations to City engineer to confirm adequacy of calculations demonstrating feasibility / effectiveness of the subsurface stormwater stormcell
 - add wood guiderail (painted/stained brown) to ‘gap’ in vicinity of driveway in rear of existing ‘Hot Dog Charlie’s’ building
 - maintain existing fence line at rear of 35 Aiken Ave. and add privacy slats
 - plant Arborvitae on applicant side of the fence at rear of 35 Aiken Ave.
 - all areas shown as green on site plans shall be planted and permanently maintained in a green and vegetated state as ‘open space’
 - remove and repair deteriorated exterior section of existing Hot Dog Charlie’s building
 - use matching or compatible color schemes such as muted earth tones between the new and old structure
 - the land swap between the City and the applicant is successfully concluded
- Mr. Cardamone seconded. The motion was unanimously approved.

New Business

1. New Castle Asphalt / Roddy Valente, BASF Site / 36 Riverside Avenue – Sketch Plan discussion of proposed asphalt plant on an 8-acre portion of the former main BASF plant site.

Scott Miller provided the board with an overview of the proposed 300-450 ton / hour asphalt and RAP crushing facility. Access is proposed for the former BASF entrance on Van Rensselaer Avenue. Approximately 100-150 vehicles (ranging from pickup to semi) are anticipated each day over the course of 24-hours with the bulk between 7am and 7pm operated by a maximum of 8 employees.

Scott Miller stated that the general intent was to put structures and facilities on the DEC required cap to the BASF site and minimize ground disturbances. Even though ground disturbance would be minimized it is likely that a Full SWPPP would need to be submitted as over an acre would be disturbed. As part of the conceptual site sketch plan, a proposed ring road to the site would act as a stormwater and bulk storage berm. The facility would be expected to be closed for about 3 ½ months during the winter.

Roddy Valente clarified that the RAP crushing meant taking recycled asphalt road surface and breaking it up to be mixed with new material.

Mr. McLoughlin asked what the provisions for sanitary utilities and if it was standard to have port-a-johns on an industrial production site like this.

Scott Miller responded that the DEC Record of Decision required a cap of the site and the applicant’s site plan sought eliminate all digging possible due to the cost of treating subsoils below the ‘cap’ level per DEC requirements. Scott Miller added that there is an existing water line serving the site through a stand pipe toward the southern end of the property that will be maintained for fire safety. He added that asphalt production itself did not require process water.

Mr. Moore asked about the joint application including BASF. Scott Miller replied that the applicant was negotiating an 80-year sub-lease agreement with BASF. New Castle Asphalt has submitted a letter of intent with BASF.

Mr. Campano asked if Mr. Valente operated a facility in the Port of Albany and Roddy Valente replied that this was a different company and his nearest plant was in Saratoga County.

Mr. Moore asked what was involved in the state air permit. Scott Miller responded that it was an assurance that the plant activities would not be degrading the local air quality.

Mr. Spath asked about potential noise impacts. Mark Visscher responded that the loudest equipment would be located toward the center of the site and it would likely be attenuated to 'background' level at the property boundaries.

Mr. Moore requested that given the potential impacts identified that the applicant should submit a Full EAF for the board to consider. He added that this was a preliminary Q&A stage for the application and the applicants would be putting together more detailed information as they moved further along.

Mr. Farrell moved to deem the application as incomplete and table the sketch plan discussions to the next regular meeting. Mr. Adams seconded. The motion was unanimously approved.

Other Business

NONE.

Adjournment:

Hearing no objections, Mr. Moore adjourned the meeting at 8:00 PM.

Next Meeting:

The next regular meeting is scheduled for January 10, 2011 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