

Public and Municipal Comments

Public Hearing on the Zoning Update – City of Rensselaer, New York

Wednesday February 1, 2012

Comment #1 Dave Gardner is concerned about the R-2 district becoming “High Density”, doesn’t feel like multi-family structures do not belong. Reconsider some of the permitted uses like apartment complexes. Believes more needs to be done to encourage owner occupied housing rather than absentee landlords. Consider changing radius of notification to 500ft radius.

Response *R-2 District has been renamed Residential District #2. R-1 District is renamed Residential District #1. Apartment complexes have been removed from the R-2 District as a special permitted use. Radius of notification changed to 500’.*

Comment #2 Billy Jo Canon, uncomfortable with more multi-family homes and absentee landlords in the 3rd Ward. Concerned 3rd St. is too busy and unable to accommodate additional traffic. She suggests moving these multi-family homes should be allowed and encouraged on Broadway not 3rd St.

Response *To address the issue of increased rental units and decreased owner occupancy, the City could identify additional building specific regulations associated with conversions, above and beyond site bulk and use requirements. Other communities have identified minimum building and unit sizes associated with the conversion of single family units into two or more units. For example, regulations could state that no building / dwelling with less than 1,400 SF may be converted into a multi-unit structure. Further, each unit within the structure must have a minimum square footage of 600 SF. In this scenario, to create three units, a building would be required to have 1,800 SF. This will limit the number of dwellings able to be converted as well as the total number of new units that can be established. Minimum requirements can be increased as deemed appropriate by the City. This would not address new multi-family construction in the R-2 district (which would still be required to meet bulk and use requirements) but would address the conversion of existing single and two family dwellings to multi-family units.*

Consistent with approaches used in other municipalities, regulations applying to conversions will be added to Article III consistent with the above.

Comment #3 Joanne Kathleen Farrell, not thrilled with the zoning change on 3rd St.

Response *Comment noted.*

Comment #4 Brenda Gregoire, a number of questions. When was the last change on the zoning map? Who was on the zoning review committee? Is concerned that the character of the 3rd Ward will change with the new zoning. Concerned the new zoning will allow the vacant property, known as the convent, to be a residential care facility by special use permit. This concern stems from a worry that residential care facility is too broad. Believes there is no legal definition for residential care facility but it should be specific to eldercare and not incorporate the terms disability. Wants to know where the definition of residential care facility came from. Unsure the bulk and use requirements are restrictive enough to

keep people from converting their two-family homes into a multi-family home. There is a concern that multi-family homes will move into their neighborhood.

Response The zoning map was previously updated in 2008 in association with the City's annexation of additional lands from Town of East Greenbush.

The roster of members on the zoning review committee is available through the Department of Planning and Development. Members included representatives from the Planning Board, City Council, residents and property owners.

See previous response regarding additional regulations available to restrict conversions.

The definition of Residential Care Facility is a standard definition for such use. Residential Care Facilities shall be permitted in the MU-1 and C-1 Districts. Definition shall be refined to clearly indicate this is not a facility for transient use.

Comment #5 Lou Lourina, believes quality of life will be deteriorated by the zoning update and is politically motivated to favor certain Common Council members. Wants a public referendum to approve the zoning update. Believes the Land Conservation zone was converted to an Industrial zone. Scared of the term "High Density". Does not feel the city or the zoning is focused on the unoccupied downtown.

Response Comments noted.

Term high density has been removed from description of zoning district as it does not accurately reflect the permitted uses within the R-2 district.

The zoning code seeks to focus new business and commercial development within the downtown core and along established commercial and mixed use corridors while also stabilizing existing residential neighborhoods.

New York State General City Law Article 2-A, Sections 20-24 and 20-25, empower the Rensselaer City Council with the ability to make revisions to the City of Rensselaer Zoning Ordinance, that include but are not necessarily limited to the division of the City into use districts and the regulation of building construction within those districts. As the revision of the City's zoning ordinance is a legislative action bestowed upon the City Council by State Law, a permissive referendum is not required to adopt revisions to the existing zoning ordinance."

Comment #6 Billy Jo Canon, concerned more shelters will be allowed in her district, the 3rd Ward. Is worried the new zoning will take away her rights.

Response Residential Care Facilities and Apartment Complexes have been removed from the R-2 District. The change is in response to the City and residents desire to proactively protect the character of existing residential neighborhoods.

Comment #7 Dan Moore, why not let the homeless shelters in the downtown area instead of in his district.

Response Homeless shelters have been identified in the I-1 and C-1 Districts.

Comment #8 Unidentified (Diana?), off Third St., afraid this change will no longer allow her neighborhood to be a charming residential neighborhood.

Response Comment noted.

Comment #9 Mike Stammel, has heard numerous calls and concerns about the changes. Believes there has been enough of low-income housing, senior housing and “projects”. Have fair share of this type of housing and should no longer be encouraged. Too many three-bedroom households. Too many absentee landlords. Confused about the change from R-2 to R-3. Thinks R-3 qualities will encroach into the R-2 district.

Response Comments noted. Please see previous responses addressing the R-2 District and conversions of the existing housing stock.

Comment #10 John Ridge concerned this re-zoning will afford elected officials new powers and raise taxes.

Response Comment noted.

Comment #11 Dave Gardner requested elaboration on the special use permit and the procedures.

Response Special use permit procedures are identified in Article III §179-24, Regulations Applicable to All Districts. The section identifies the requirements, process, general standards, required meetings, and expiration of approvals. A special use permit requires projects to be reviewed and regulated more closely than a permitted use and also requires a public hearing. In general, these uses have a greater level of oversight than a permitted use.

Comment #12 Second “E” in §179-58 should be deleted.

Response Comment noted and change made.

Comment #13 Single and two family residential projects should not require site plan approval. Proposed code states “all” uses.

Response Text modified to address comment.

Comment #14 Need to address regulations for firewood.

Response Regulations have been added to Article 3, Outdoor Storage associated with restrictions on the outdoor storage of firewood.

SUMMARY OF MODIFICATIONS TO PROPOSED ZONING CODE

February 2012

1. Map. R-1 District renamed Residential District #1. R-2 District renamed Residential District #2.
2. 179-4 Definitions. The following definitions have been modified. Refer to code update for specific language changes.
 - Billboards (clarified and expanded)
 - Building, Industrial (clarified and expanded)
 - Comprehensive Plan (deleted)
 - Developable Waterfront Land (expanded)
 - Development (deleted)
 - Planned Development (clarified and expanded)
 - Junk Yard (added)
 - Shopping Center (clarified and expanded)
3. 179-12 Mixed Use. Private schools have been added as a Specially Permitted Use in the MU-1 District.
4. 179-12L(8)(b). Text modified to clarify that open space will be required to be handicap accessible.
5. 179-22 Planned Development District. Added a Stormwater Pollution Prevention Plan as a submission requirement.
6. 179-20 B Open Space District. Cemeteries added as a permitted use.
7. 179-24 Special use permits. Changed to indicate that City Council is responsible for setting fee for permit, not Planning Commission.
8. 179-36 parabolic or dish-type antennae. Changed maximum diameter from 12" to 24".
9. 179-37 A Special events. Add information on bathrooms, parking and other facilities to list of application requirements.
10. 179-52 Fences. Regulations changed to state "No fence shall exceed 4 feet in height in front yard. Solid fencing in front yard shall not be permitted."

Change reflects increase in maximum height from 3 to 4 feet. Chain link fences no longer prohibited. Solid fencing prohibited in front yards due to visibility.

Change reference in C(4) to Subsection 3, not Subsection F.

11. 179-50 Travel trailers. This sub-section has been deleted.

12. 179-54 Outdoor storage. Eliminated bullets associated with storage of vehicles as this is covered in City Code section 167-3. Added bullet regulating the storage of firewood on exterior of a building.
13. 179-54 Outdoor storage. Changed to read “construction material stored on lot for not more than one year or not more than 30 days after completion.”

Change reflects decrease from 60 days to 30 days.

14. 179-85 B (2) Variances. Replaced language in this section so it is consistent with New York State City Law Section 81-b.
15. Article III Regulations Applicable to All Districts. A subsection on Conversions has been added to Article III. The Conversions subsection notes that a residential dwelling must be a minimum of 1,500 SF in order to be converted into two or more dwelling units and must comply with all bulk and use requirements and additional regulations in Article III. Additionally, any new unit resulting from the conversion must be a minimum of 600 SF (one bedroom unit or studio). Minimum square footages increase with the number of bedrooms in the unit. Minimum square footage of a two bedroom unit is 750 SF. Each additional bedroom over two requires an additional 150 SF added to the total minimum square footage. These regulations do not apply to new development of multi-family residential structures.
16. Article VII. Added reference to City’s Erosion and Sediment Control and Stormwater Management Law.
17. Residential Care Facility. Residential Care Facilities have been removed as a permitted use from the R-2 District and are now Special Uses in the MU-1 and C-1 Districts. The definition of a Residential Care Facility has been modified to reflect that they are not facilities for transient use.
18. Accessory buildings or structures: Text found in the current code in Section 179-17 has been added to the proposed Zoning Update. Minor modifications to the text have been made, including increasing maximum structure size without special review from 400 SF to 800 SF and height limit increased from 12 to 15 feet. Accessory buildings have been added as a permitted use in the R-1 district.
19. Homeless shelters. Homeless shelters have been identified as a Special Use Permitted use in the I-1 and C-1 Districts.