



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 Meeting of the City of Rensselaer Zoning Board of Appeals First Floor Conference
Room, Rensselaer Community Center, 62 Washington Street

June 25, 2012

Members Present:

Chair – Gene Hilstro, Vice Chair – Bill Bulnes, Terance Ruso, Paula Micheli, Josh Wainman, Kenneth Richeson, and Aaron Harbeck

Staff Present:

Daniel W. Berheide – Assistant Director of Planning, Sarah Crowell – Director of Planning, Jack Spath – Counsel.

Others Present

Lou Lourinia, Steven Hart, and Jay Jakovic

Call to Order:

The meeting of the City of Rensselaer Zoning Board of Appeals was called to order at 6:05 PM. Roll call was taken and it was determined a quorum was present.

Adoption of Past Meeting Minutes:

Aaron Harbeck made a motion to adopt as submitted the minutes of the regular special meeting on April 9th, 2012, seconded by Gene Hilstro, and carried by those present.

Announcements:

NONE

Old Business

NONE

New Business

1. **Brayton Construction, 44 Aiken** – Action Requested: Grant area variance for relief from setback and impervious surface requirements as proposed in site plan to rebuild a structure on the previous foundation of 44 Aiken in district zoned Commercial.

Steve Hart, on behalf of Mr. Brayton, presented to the board the details of the project, reasons for requiring the variance, and discussed the letter to the Board that outlined and summarized the criteria for evaluating a request for a variance and the justification for receiving the variance. In sum, the applicant argued that the variances requested would not pose an adverse impact on the environment, neighborhood, or district and that

from their perspective the current project calls to increase the green space on the existing site and structure is utilizing the existing foundation and not increasing density or deviating from precedence.

Aaron Harbeck and Terry Russo asked for additional details about the dimensions of the building to understand the potential effects it may have on the neighboring property to the rear. Concerns about fire and access were raised but determined not to be a substantial worry. Bill Bulnes asked if the floodplain development issues were being addressed, Sarah Crowell answered saying the department was working with the applicant to ensure all code requirements were being met. Some potential alternatives to increase the greenspace were considered by the board. It was settled that the project should include additional trees to increase the vertical greenspace. There was considerable discussion about the nature of the roadway, First Alley, as it crosses over private property in front of the proposed Brayton property. It was determined that a meeting involving the interested parties should occur to consider the future implications of development in the area and what alternatives are available to maintain public and private access to through these properties. The meeting was opened to a public hearing and with no one speaking in favor or against the proposal, the Chair closed the hearing. Aaron Harbeck made a motion to approve the variances with the condition the property owners (tax parcel: 143.83-3-14 and 143.83-4-3.11) and the city meet to discuss future implications of the development of the current intersection of First Alley and Aiken Ave. Bill Bulnes also requested another condition of the approval be the applicant incorporate vertical landscaping including trees as appropriate with the consultation of Planning Department Staff. The amendment to the motion was accepted and Bill Bulnes seconded the motion. The motion to approve the two variances with the two above conditions was passed unanimously.

2. **Jay Harold Jakovic, 30 Aiken** – Action Requested: Grant area variance to install a four (4') foot fence along the property line, a three foot (3') relief from setback requirements and height restrictions for a corner lot.

Mr. Jakovic presented his proposal to install a decorative fence along his property line and referenced the letter of support from the organization Historic Albany. Ms. Micheli asked for clarification about the location of the fence. There was some initial confusion about his desire to put a fence along the sidewalk, within the city's right-of-way, versus the proposal in front of the board to put a fence along the northern portion of his property. Further discussion about the confusing nature of the code for corner lots was discussed among board members and Planning Department staff. After clarification it was determined that the board would dictate the type of fence as a condition to approval to avoid potential future deviation. The Chair of the ZBA opened the meeting to a public hearing. Lou Lourinia spoke with some concern about the line of sight around the corner being potentially impeded by erecting a fence. After further discussion and consideration it was determined by those present that the concern the proposed fence would impede the sight line was not significant and could further be managed by requiring the fence remain open as is the proposed decorative aluminum fence. The hearing Aaron Harbeck made a motion to approve the area variance for relief from setback and height restrictions limiting fences on a corner lot with the condition the only fence permitted on the property line would be the proposed decorative open aluminum fence. The motion was seconded by Terry Russo and passed by all present.

Adjournment:

Mr. Harbeck motioned to adjourn, Mr. Bulnes seconded, all were in favor. The meeting adjourned the meeting at 7:08 PM.

Next Meeting:

The next regular meeting is scheduled for July 23 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,

Daniel Berheide Secretary