

**CITY OF RENNELAER PLANNING COMMISSION**

**RENWYCK HOUSING ASSOCIATES**

**18 FOURTH AVENUE – RENWYCK PLACE APARTMENTS**

**TAX MAP NUMBER 143.76 – 2 – 1**

**SUBDIVISION APPLICATION**

This amended narrative is submitted to supplement the application of Renwyck Housing Associates (the “Applicant”) for a minor subdivision approval of its property located at 18 Fourth Avenue in the City of Rensselaer. The Applicant owns and operates a multi-family rental unit apartment complex for the elderly, handicapped and disabled persons of low and moderate income known as Renwyck Place Apartments (the “Project”). The Applicant is under contract to sell the Project. In the course of the purchaser’s due diligence, a survey was prepared. The survey noted certain encroachments onto the Project property consisting of a garage, a basketball court, a slide area and a swing set. The encroaching landowner is believed to be the City of Rensselaer. The encroachments are depicted on the survey map provided by the Applicant as part of this subdivision application.

With the consent and cooperation of the purchaser, Applicant is willing to quit claim a portion of its land containing those encroachments to the City of Rensselaer as depicted and described in the survey map submitted with this application and denoted as the “Parcel To Be Conveyed”. Upon approval of this subdivision, Applicant will approach the City of Rensselaer about accepting such subdivided parcel. In proceeding in this manner, Applicant will avoid negotiating a license agreement or seeking court intervention to remove the encroachments.

There are no deed restrictions as shown on the deed attached to the subdivision application. However, there are restrictions as to use on the Applicant’s Project that were imposed as part of Applicant’s financing with the Rensselaer Housing Authority. Those restrictions essentially required that the Project be used for its current use as a multi-family rental unit apartment complex for the elderly, handicapped and disabled persons of low and moderate income. It is anticipated that since that financing is now complete and paid off, any restrictions associated with that financing will be released. Those restriction documents are noted in the list of restrictions submitted with this application.

Before any fulfillment of a subdivision, Applicant will (1) obtain the release and termination of the aforesaid restrictions and (2) obtain the written consent of the City of Rensselaer to accept the quit claim deed of the subdivided parcel. The Applicant submits that the balance of Applicant’s Project parcel will not be negatively affected by the conveyance and will still comply with applicable zoning codes.

City of Rensselaer  
Planning and Development Agency  
City Hall, 505 Broadway  
Rensselaer, New York 12144

Case # Assigned: \_\_\_\_\_

Attn: Secretary, City Planning Commission

REQUEST FOR SUBDIVISION PLAT APPROVAL UNDER CITY OF RENSSELAER SUBDIVISION REGULATIONS

Name of Subdivision and # Lots: Renwyck Place Apartments Tax Map No. 143.76-2-1

Sub-divider (if owner, so state, if agent or other type of relationship, state details on separate sheet):

Name: Renwyck Housing Associates

Address: 18 Fourth Avenue, Rensselaer, NY

Telephone #: c/o Richard A. Frankel, Iseman, Cunningham, Riester & Hyde, LLP, (518) 462-3000

Licensed Land Surveyor or Engineer:

Name: Hershberg & Hershberg

Address: 18 Locust Street, Albany, NY 12203

Telephone #: (518) 459-3096

Location of Proposed Subdivision:

Street: 18 Fourth Avenue, Rensselaer, NY

Tax Map Parcel #: 143.76-2-1

Easements or other restrictions on property (general description):

See attached Schedule A, all of which are to be extinguished  
\_\_\_\_\_  
\_\_\_\_\_

Homes of abutting owners and owners directly across street (including those in other municipalities):

City of Rensselaer                      Anthony J. Browarski                      Louis A. Kunian

Louis J. and Joann Berthoty   Kenneth and Carol Baker, Sr.                      City of Rensselaer Cemetary

Kelly B. and Krista Jevons   Jacob Hermann and Kimberly Baker

Requested Exceptions. The Planning Commission is hereby requested to authorize the following exceptions to or waivers from the regulations governing subdivisions (attach list with reasons for each exception set forth in detail):

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The undersigned hereby request approval of the Planning Commission of the above identified subdivision plat upon satisfaction of all requirements of the City of Rensselaer Land Subdivision Regulations.

Signature: by *James Dixon* By Tesco Properties, Inc.  
General Partner of Applicant  
Title: CEO of GP  
Date: 8-20-2012

.....  
**FOR PLANNING COMMISSION USE ONLY:**

Date received by Planning Commission Secretary: \_\_\_\_\_

Date of initial review and classification by Planning Commission: \_\_\_\_\_

Classification of Subdivision:

Minor: \_\_\_\_\_

Major: \_\_\_\_\_

Fee Paid:

Amount: \_\_\_\_\_ Check #: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Public Notice: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Date of Planning Commission Action: \_\_\_\_\_

Action taken: \_\_\_\_\_

Date Final Plans received: \_\_\_\_\_

Date Final Plans stamped: \_\_\_\_\_

## SCHEDULE A

5. Declaration of Restrictive Covenants made by Renwyck Housing Associates dated December 1, 1992 recorded January 6, 1993 in Liber 1675 cp 121. **(EXHIBIT A)**
6. Financing Agreement between Rensselaer Housing Authority and Renwyck Housing Associates dated as of December 1, 1992 recorded January 6, 1993 in Liber 1675 cp 218. **(EXHIBIT B)**
7. Trust Indenture between Rensselaer Housing Authority and First Commercial Trust Company National Association, as Trustee, dated December 1, 1992 recorded January 6, 1993 in Liber 1675 cp 141. **(EXHIBIT C)**



**CITY OF RENSSELAER PLANNING COMMISSION**

**RENSSELAER HOUSING COMPANY**

**460 FORBES AVENUE - VAN RENSSELAER HEIGHTS**

**TAX MAP NO. 133.70-3-2**

**SUBDIVISION APPLICATION**

This narrative is submitted to supplement the application of Rensselaer Housing Company (the “Applicant”) for a minor subdivision approval of its property located at 460 Forbes Avenue in the City of Rensselaer. The Applicant owns and operates a multi-family rental unit apartment complex for the elderly, handicapped and disabled persons of low and moderate income known as Van Rensselaer Heights (the “Project”). The Applicant is under contract to sell the Project. In the course of the purchaser’s due diligence, a survey was prepared. The survey noted certain encroachments onto the Project property consisting of an above ground pool, a deck surrounding the pool and a fence. This is depicted on the survey map provided by the Applicant as part of this subdivision application.

With the consent and cooperation of the purchaser, Applicant is willing to quit claim a portion of its land containing those encroachments to the encroaching landowners as depicted and described in the survey map submitted with this application and denoted as the “Parcel To Be Conveyed”. The encroaching landowners are believed to be George and Denise Cotugno, 4 Patten Avenue. Upon approval of this subdivision, Applicant will approach George and Denise Cotugno about accepting such subdivided parcel. In proceeding in this manner, all parties will avoid negotiating a license agreement or seeking court intervention to remove the encroachments.

There are no deed restrictions as shown on the deed attached to the subdivision application. However, there are restrictions as to use on the Applicant’s Project that were imposed as part of Applicant’s financing with the Rensselaer Housing Authority. Those restrictions essentially required that the Project be used for its current use as a multi-family rental unit apartment complex for the elderly, handicapped and disabled persons of low and moderate income. It is anticipated that since that financing is now complete and paid off, any restrictions associated with that financing will be released. Those restriction documents are noted in the list of restrictions submitted with this application.

Before any fulfillment of a subdivision, Applicant will (1) obtain the release and termination of the aforesaid restrictions and (2) obtain the written consent of George and Denise Cotugno to accept the quit claim deed of the subdivided parcel. It is also anticipated that any quit claim deed to George and Denise Cotugno will require the merger of their existing lot at 4 Patten Avenue with the “Parcel To Be Conveyed” to avoid the subdivided land from being

landlocked or substandard in size. The Applicant submits that the balance of Applicant's Project parcel will not be negatively affected by the conveyance and will still comply with applicable zoning codes.

City of Rensselaer  
Planning and Development Agency  
City Hall, 505 Broadway  
Rensselaer, New York 12144

Case # Assigned: \_\_\_\_\_

Attn: Secretary, City Planning Commission

**REQUEST FOR SUBDIVISION PLAT APPROVAL UNDER CITY OF RENSSELAER SUBDIVISION REGULATIONS**

Name of Subdivision and # Lots: Van Rensselaer Heights Tax Map No. 133.70-3-2

Sub-divider (if owner, so state, if agent or other type of relationship, state details on separate sheet):

Name: Rensselaer Housing Company

Address: 460 Forbes Avenue, Rensselaer, NY

Telephone #: c/o Richard A. Frankel, Iseman, Cunningham, Riester & Hyde, LLP (518) 462-3000

Licensed Land Surveyor or Engineer:

Name: Hershberg & Hershberg

Address: 18 Locust Street, Albany, NY 12203

Telephone #: (518) 459-3096

Location of Proposed Subdivision:

Street: 460 Forbes Avenue, Rensselaer, NY

Tax Map Parcel #: 133.70-3-2

Easements or other restrictions on property (general description):

See attached Schedule A, all of which are to be extinguished

Homes of abutting owners and owners directly across street (including those in other municipalities):

Daniel E. Gabriels

William J. O'Leary

George and Denise Cotugno

Requested Exceptions. The Planning Commission is hereby requested to authorize the following exceptions to or waivers from the regulations governing subdivisions (attach list with reasons for each exception set forth in detail):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned hereby request approval of the Planning Commission of the above identified subdivision plat upon satisfaction of all requirements of the City of Rensselaer Land Subdivision Regulations.

Signature: by Jennifer Diao By Tesco Properties, Inc. General Partner of Applicant  
Title: CEO of GP  
Date: 8-20-2012

.....  
**FOR PLANNING COMMISSION USE ONLY:**

Date received by Planning Commission Secretary: \_\_\_\_\_

Date of initial review and classification by Planning Commission: \_\_\_\_\_

Classification of Subdivision:

Minor: \_\_\_\_\_

Major: \_\_\_\_\_

Fee Paid:

Amount: \_\_\_\_\_ Check #: \_\_\_\_\_ Date: \_\_\_\_\_

Date of Public Notice: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Date of Planning Commission Action: \_\_\_\_\_

Action taken: \_\_\_\_\_  
\_\_\_\_\_

Date Final Plans received: \_\_\_\_\_

Date Final Plans stamped: \_\_\_\_\_

## SCHEDULE A

5. Terms, covenants, conditions and provisions of Lease Agreement between Rensselaer Housing Company, the Lessor and Rensselaer Housing Authority, the Lessee dated September 1, 1929 recorded September 18, 1929 in Liber 1317 cp 379. **(EXHIBIT A)**
6. Declaration of Restrictive Covenants by Rensselaer Housing Company dated December 1, 1992 recorded January 8, 1993 in Liber 1675 cp 307. **(EXHIBIT B)**
7. Trust Indenture between Rensselaer Housing Authority and First Commercial Trust Company, National Association, as Trustee dated December 1, 1992 recorded January 8, 1993 in Liber 1676 cp 1. **(EXHIBIT C)**
8. Financing Agreement between Rensselaer Housing Authority and Rensselaer Housing Company dated as of December 1, 1992 recorded January 9, 1993 in Liber 1676 cp 79. **(EXHIBIT D)**





**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

REQUEST FOR SITE PLAN REVIEW AND/OR SPECIAL USE PERMIT  
APPROVAL UNDER CITY ZONING ORDINANCE

Property Address: 800 BROADWAY, RENSSELAER, NY 12144

Zoning District: \_\_\_\_\_ Tax Map # or #'s \_\_\_\_\_

REQUEST (check all that apply): Site Plan Review (\$25)  Special Use Permit (\$25) \_\_\_\_\_  
Site Plan Amendment (\$25) \_\_\_\_\_ Certificate of Appropriateness (\$0) \_\_\_\_\_

Applicant's Name (PRINT): TIMOTHY BAYLY  
 Full Mailing Address: 360 WEST 34<sup>TH</sup> STREET, APT 11C, NY, NY 10001  
 Full Physical Address: \_\_\_\_\_  
 (No P.O. Boxes)  
 Telephone Number(s): 917-697-8647

Owner's Name (IF NOT APPLICANT): \_\_\_\_\_  
 Full Mailing Address: \_\_\_\_\_  
 Full Physical Address: \_\_\_\_\_  
 (No P.O. Boxes)  
 Telephone Number(s): \_\_\_\_\_

Detailed description of proposed activity and use(s): APPLICANT WISHES TO OWN  
AND OPERATE A WINE/LIQUOR STORE, AS WELL AS  
OPERATE A BEER AND BEVERAGE STORE

I also enclose a plot (site) plan and supporting information to demonstrate compliance with the regulations applying to the use intended and the standards for SITE PLAN REVIEW AND APPROVAL stated in ARTICLE VII and/or SPECIAL USE PERMITS stated in ARTICLE VI of the CITY ZONING ORDINANCE (Local Law #1, adopted 1979) and as described under Site Plan Details on page 3 of this application.

REQUEST must be accompanied by cash or check (made payable to the CITY OF RENSSELAER):

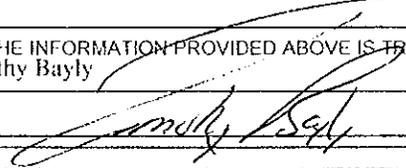
Timothy Bayly \_\_\_\_\_ 9-20-12 \_\_\_\_\_ 25 \_\_\_\_\_  
 Signature of Applicant Date Amount Enclosed

\_\_\_\_\_  
 Signature of Owner (if not applicant) Date

## Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

## PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Mr. Timothy Bayly	2. PROJECT NAME 800 Broadway Beverage Mart
3. PROJECT LOCATION: Municipality City of Rensselaer County Rensselaer	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc. or provide map) 800 Broadway in the city of Rensselaer. Parcel is at the intersection of Broadway and Partiton Street.	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Utilize existing vacant building to operate a liquor store and beverage mart.	
7. AMOUNT OF LAND AFFECTED: Initially <u>existing</u> acres    Ultimately <u>existing</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If No, describe briefly Area variance needed for lack of parking	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe Commercial and multi family residential along busy corridor of Partiton Street and Broadway.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals City of Rensselaer Planning Commission - site plan approval City of Rensselaer Zoning Board of Appeals - area variance for lack of parking.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If Yes, list agency(s) name and permit/approvals.	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Mr. Timothy Bayly</u> Date: <u>9-20-12</u> Signature: 	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources, or community or neighborhood character? Explain briefly:

C3 Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly.

C4. A community's existing plans or goals as officially adopted or a change in use or intensity of use of land or other natural resources? Explain briefly

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?  
 Yes  No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No If Yes, explain briefly:

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope, and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

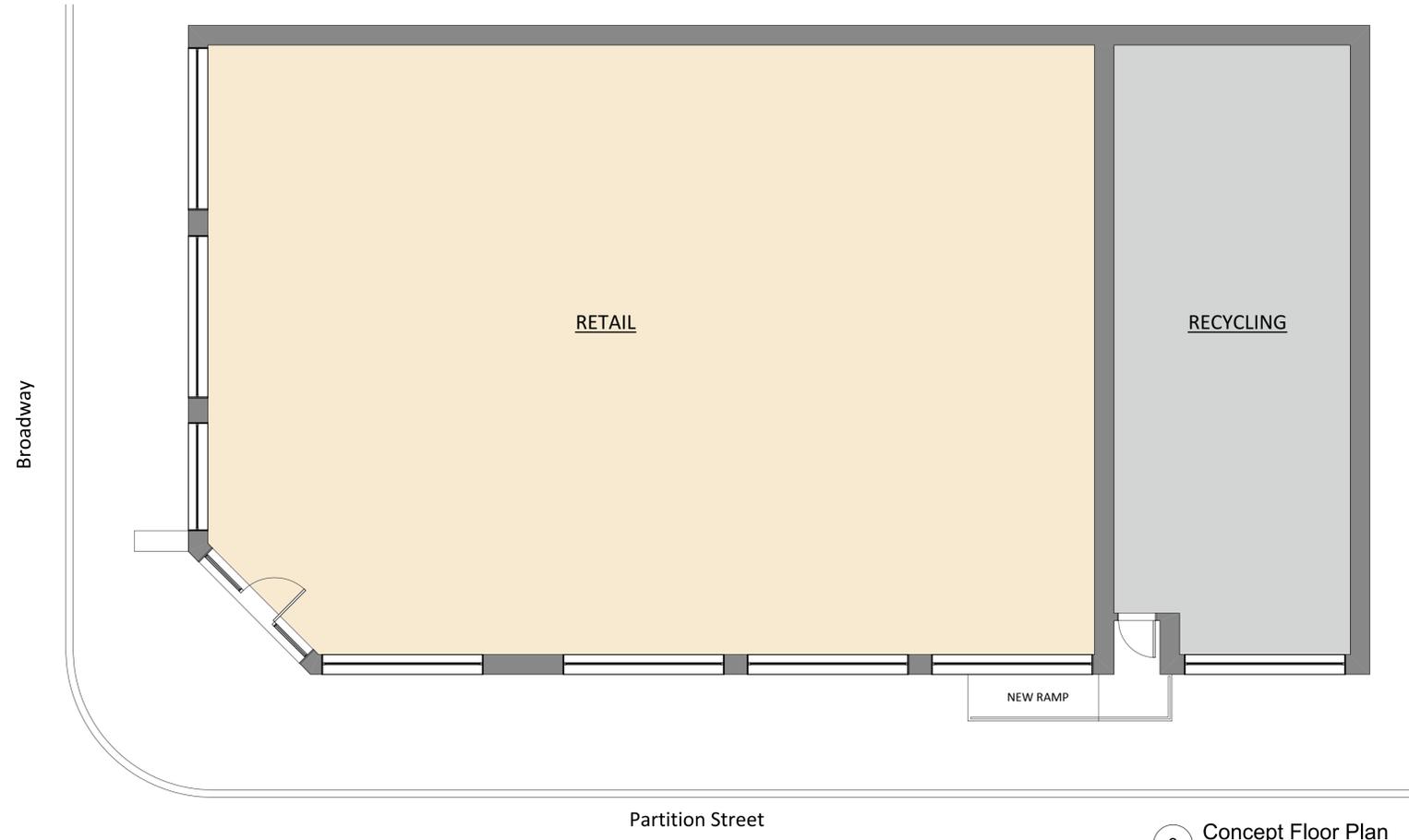
9-20-12

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

**Reset**



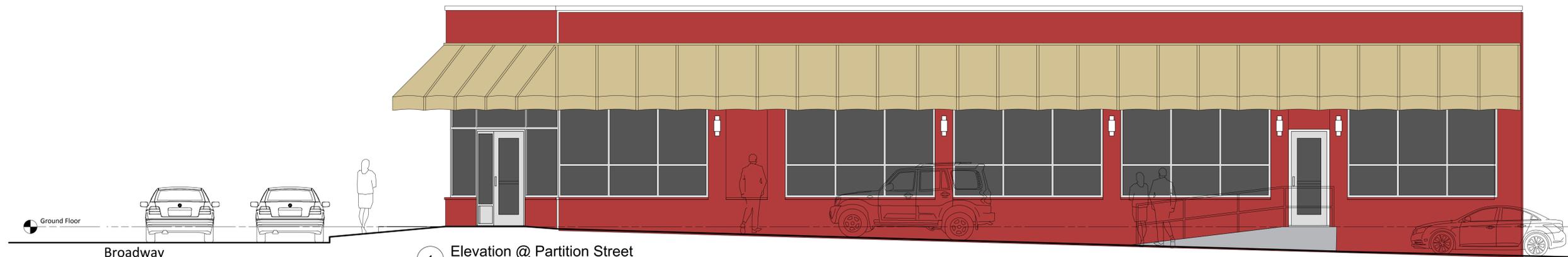
4 Existing Conditions  
Scale: 3/16" = 1'-0"



3 Concept Floor Plan  
Scale: 3/16" = 1'-0"



2 Elevation @ Broadway  
Scale: 1/4" = 1'-0"



1 Elevation @ Partition Street  
Scale: 1/4" = 1'-0"

Renovation of 800 Broadway  
Rensselaer, New York

September 24, 2012



Moore Architecture  
12 Highland Drive  
East Greenbush, NY 12061  
518.441.3368

City of Rensselaer  
Planning and Development Agency  
City Hall, 62 Washington Street  
Rensselaer, NY 12144  
(518) 465-1693 / FAX (518) 465-2031

APPLICATION TO THE ZONING BOARD OF APPEALS

AREA VARIANCE

This application, made on the 20<sup>TH</sup> day of SEPTEMBER 2012 is an appeal from the decision of the Building Inspector based on requirements set forth in the City of Rensselaer Zoning Ordinance. Included with this application is a site plan of the property with all structures indicated hereon and a copy of the Building Inspector's determination.

Address or lot number of subject property: 800 BROADWAY, RENSSELAER, NY 12144

Zoning District \_\_\_\_\_ Type of Use RETAIL, GOODS AND SERVICES

Describe Proposal: APPLICANT WISHES TO OWN AND OPERATE A WINE/LIQUOR STORE, AS WELL AS BEER AND BEVERAGE STORE

Why is a Variance required? (Refer to appropriate section(s) of Zoning Ordinance)

800 BROADWAY DOESN'T ALLOW FOR PARKING THAT IS NECESSARY TO OPERATE BUSINESS DESCRIBED ABOVE.

Justification: (SEE ABOVE)

I hereby certify that all of the above statements and the statements contained in all the exhibits transmitted herewith are true to the best of my knowledge.

Property owner: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_ Date: \_\_\_\_\_

Phone: \_\_\_\_\_

IF APPLICANT IS NOT OWNER:

Applicant's Name: TIMOTHY BAILEY Signature: [Signature]

Address: 360 WEST 34<sup>TH</sup> Date: 9-20-12

NY, NY 10001 Phone: 917 697 8647

.....  
The required fee must accompany this application.  
Schedule: \$40.00 - all variances  
Make checks payable to the CITY OF RENSSELAER

CITY OF RENSSELAER  
62 WASHINGTON STREET  
RENSSELAER, NY 12144  
PLANNING AND DEVELOPMENT AGENCY

CERTIFICATE OF APPROPRIATENESS

Address of property to be improved: 11 Aiken Avenue, Rensselaer

Name and Address of owner/applicant: Jay Harold Jakovic

654 Madison Avenue

Albany, New York 12208

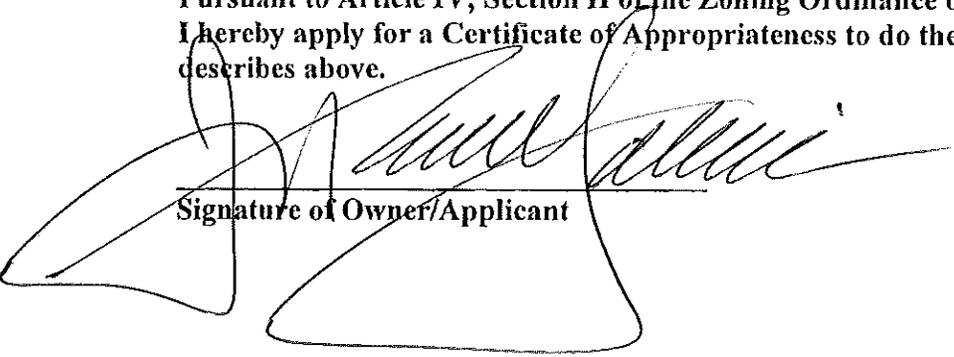
Phone # for owner/applicant:

(518) 465-6537

Description of proposed improvements to home:

Please See Attachment

Pursuant to Article IV, Section H of the Zoning Ordinance of the City of Rensselaer, I hereby apply for a Certificate of Appropriateness to do the proposed work as describes above.

  
Signature of Owner/Applicant

9/13/12

Date

## **Attachment to the Rensselaer City Certificate of Appropriateness**

### **For 11 Aiken Avenue, Rensselaer**

#### **1. Description of Proposed Improvements to Home**

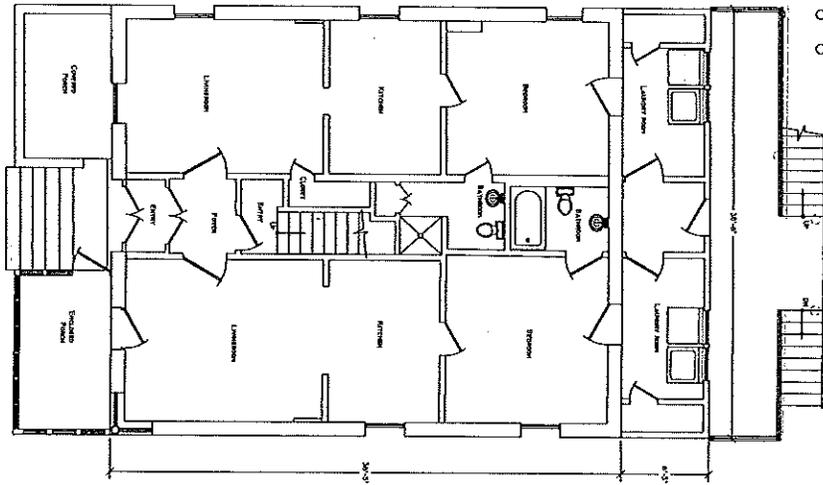
The proposal is for the construction of a wooden addition to the extant brick building effectively destroyed by fire. The wooden addition is 27 feet 5½ inches exclusive of the 2 foot roof overhang from the rear of the extant brick building. The wooden addition replaces a destroyed wooden addition 6 foot 3 inches in width and a deck 8 feet in width which projected into the yard a total of 14 feet 3 inches. Therefore, the new addition will project 13 feet 2 inches beyond the former rear of the structure.

This wooden addition will be sided with Certain teed Hardi-Board color: Autumn Red. The end pieces and fascia will be color: Antique White. The wooden deck will be constructed with pressure treated wood framing, trex decking with vinyl spindles and railings of a cream color to match as closely as possible the antique white of the trim.

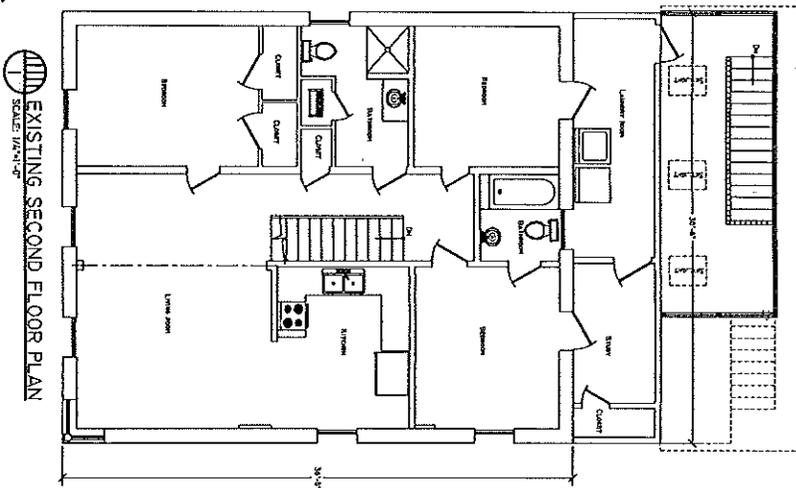
A certificate of appropriateness is requested because the property is located within the Fort Crailo Historic District and the wooden addition will be larger than the destroyed wooden addition and will be faced with Hardi board, and the deck will have trex decking and a vinyl railing. The certificate of appropriateness is justified because few changes have been made on the plans to the brick or old section of the house; the only meaningful changes are the relocation of the kitchen in the two first floor apartments to the rear of the building into the former bedroom and the creation of a new dining room in the former kitchen's space. There is no change in the occupancy of the building. It shall remain a three unit residential building, a variance for which was granted in 1985. In the 26 years since I reconstructed the building from a dangerous, unsightly shell of a building, my experience has been that the tastes of the market have changed because lately, desirable tenants pass my apartments by, leaving as my tenants those less than the best. Feedback was that the living spaces in the two first floor one-bedroom apartments were too cramped. Especially lacking was a tub in the east first floor unit and closet space throughout. To increase the size of the living space, I have made the two kitchens into dining rooms that may be used as such by tenants or as an extension of the living room. The old kitchen plumbing which appears to have survived the fire, I anticipate using for a wetbar. A new bedroom has been placed in a 20 foot addition and it has a new ensuite bathroom, laundry room and plenty of closet space. A new deck adjoins the bedroom to the rear. On the second floor, the space is not wasted, but rather is divided between a new bedroom with an ensuite bathroom and a new kitchen with a new deck behind the kitchen and bedroom.

Inasmuch as the extant chain link fence will be peeled back during construction, rather than reconstruct it in chain link, the proposal includes also the replacement of the chain

link fence with 36 feet of 4 foot high Regis Aluminum fencing – Series 5131 – black wrought iron with a 4 foot gate in the line of the extant chain link fence. This is the same fencing as was erected at 30 Aiken Avenue in August and approved by this board. A Certificate of Appropriateness is requested because the property is located within the Fort Crailo Historic District.



EXISTING FIRST FLOOR PLAN  
SCALE 1/4"=1'-0"



EXISTING SECOND FLOOR PLAN  
SCALE 1/4"=1'-0"



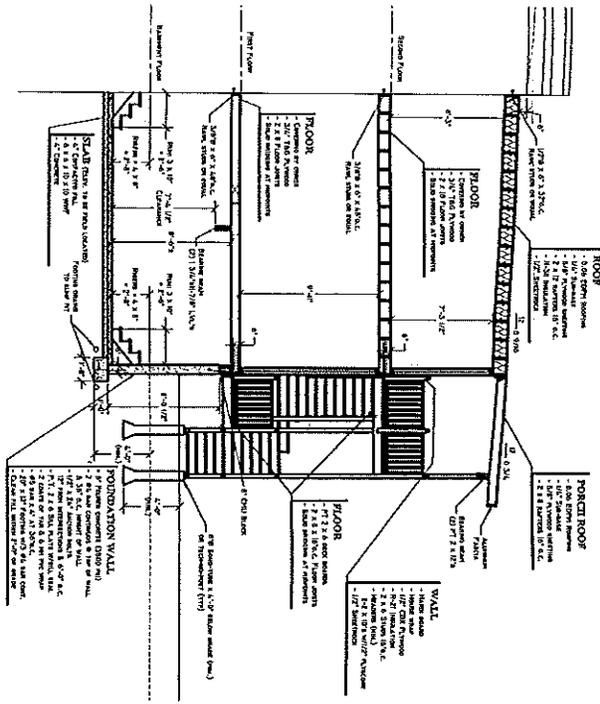
REVISIONS	
No.	DATE
1	09-01-12
2	09-01-12
3	09-01-12
4	09-01-12
5	09-01-12
6	09-01-12
7	09-01-12
8	09-01-12
9	09-01-12
10	09-01-12

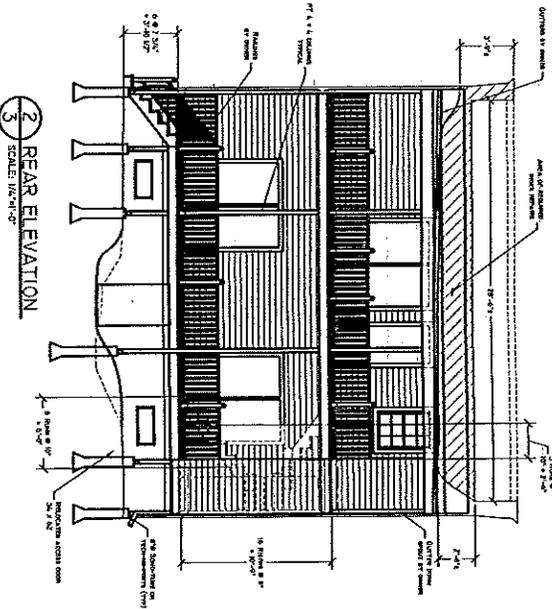
EXISTING FLOOR PLANS	
11 Amer. Ave. Hempstead, NY	
RICHARD H. GREEN P.E., P.C. 11 AMERICAN AVENUE HENPSTEAD, NEW YORK 11550	
DATE: 09-01-12	SCALE: AS SHOWN
JOB NO: 12-7-12	SHEET NO: 3
DATE: 09-01-12	OF 3

DATE: 09-01-12





1 REAR BUILDING SECTION  
SCALE: 1/4"=1'-0"



2 REAR ELEVATION  
SCALE: 1/4"=1'-0"

**GENERAL NOTES:**

1. CONSULT THE CONTRACTOR CONCERNING ALL PARTS.
2. EXISTING WALLS TO BE REINFORCED WITH STEEL.
3. EXISTING ROOF TO BE REINFORCED WITH STEEL.
4. EXISTING FLOOR TO BE REINFORCED WITH STEEL.
5. EXISTING FOUNDATION TO BE REINFORCED WITH STEEL.



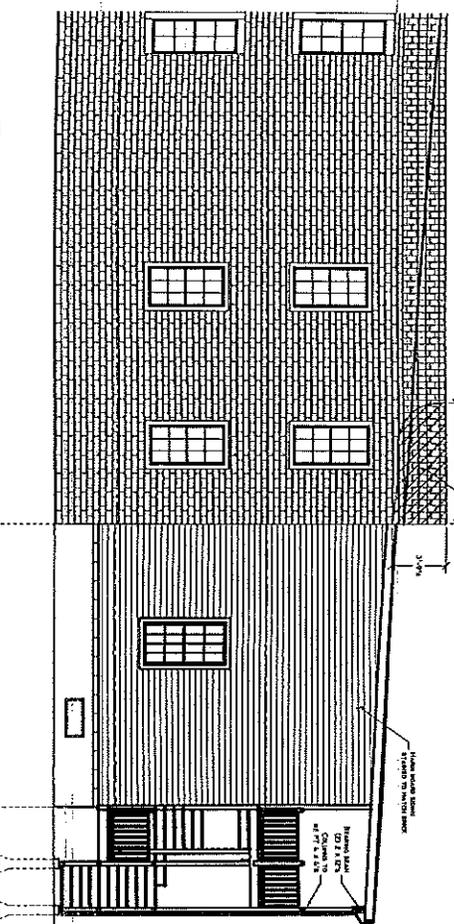
NO.	DATE	DESCRIPTION	BY

**EXISTING FLOOR PLANS**

Richard H. Greer P.E., P.C.  
11 Ashby Ave.  
Roseland, NJ

DATE: 12-7-12  
SCALE: 3/8"=1'-0"

3 RIGHT SIDE ELEVATION  
SCALE: 1/4"=1'-0"





# 5000 SERIES



**NEW**  
**No Screws**  
Patent #US 7,152,849 B2  
Hidden Picket Fasteners

**5000 SERIES INDUSTRIAL ALUMINUM FENCE SYSTEMS**  
**LIFETIME LIMITED WARRANTY\***

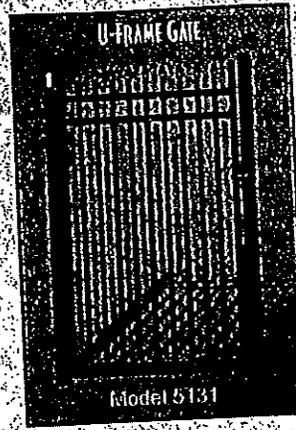
# - 5000 SERIES - SPECIFICATIONS

Fence Heights: 48", 55", 60", 72", 84", 96"  
 Section Lengths: 8' Centers  
 Standard Posts: 2 1/2" x 2 1/2" (090)  
 Heavy Duty Posts: 2 1/2" x 2 1/2" (125)  
 Gate Posts: 2 1/2" x 2 1/2" (125)  
 4" x 4" (125)  
 6" x 6" (185)  
 Post Caps: Flat - Standard - 2 1/2" x 4" x 6"  
 Ball - Optional - 2 1/2" x 4"  
 Rails: 1 1/2" (070) w x 1 1/2" (095) h  
 Pickets: 1" x 1" (062)  
 Picket Spacing: 3.750" Between Pickets  
 Finial Option: Triad & Quad

**- LIFETIME LIMITED WARRANTY\* -**  
 \*30-Year for Government, Municipalities and Corporations

# - WALK GATE SPECIFICATIONS -

Gate Heights: Match Fence Sections  
 Gate Widths: 36", 42", 48", 60", 72"  
 Top & Mid Rails: 1 1/2" (100) w x 1 1/2" (100) h  
 Bottom Rail: 1 1/2" w x 3" h (125)  
 Side Rails: 1 1/2" x 1 1/2" (125)  
 Pickets: 1" x 1" (062)  
 Picket Spacing: Less than 4" (Divided Evenly to Reach Equal End Spacing)  
 Gate Options: Single Arch,  
 Continuous Arch (for Double Gates),  
 Designer Arch (for Double Gates over 12' Wide)

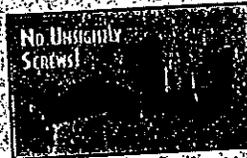


5000 Series Gates use Non-corrosive Hardware • Refer to Regs Entry Gates for Larger Models



# - 5000 SERIES FEATURES -

- Screwless Panels - No Screws  
 Hidden Picket Fasteners (Patent #US 7,152,849 B2)  
 Notched Rails
- Standard Sections - Rack 12" In 8'  
 Double Punched Sections Optional
- Verified AAMA 2604-02 Compliant  
 Powder Coated Aluminum Fence  
 Posts: 6063-T6, Rails: 6063-T6,  
 Pickets: 6063-T52



Hidden E-Clip Fasteners  
 Patent #US 7,152,849 B2

- Gates - All Rails & Pickets are Welded
- Assembled Sections for Quick Installation
- Finials: Spear Standard, Quad & Triad Optional
- 13 Fence Models, 6 Heights & 7 Standard Colors
- Lifetime Limited Warranty

Note: Color Upgrade available from  
 AAMA 2604 to AAMA 2605



Manufacturer of Verified Components

## STANDARD COLORS AAMA 2604



DSI 101  
Satin Black



DSI 106  
Black Fine Texture



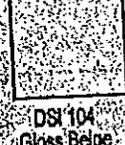
DSI 103  
Metallic Bronze



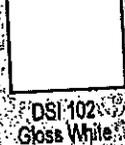
DSI 107  
Metallic Bronze Fine Texture



DSI 111  
Evergreen



DSI 104  
Gloss Beige



DSI 102  
Gloss White



DSI 110 (optional)  
Gold Accent or  
Gold Accent  
Fine Texture

## UPGRADE COLORS AAMA 2605



DSI 501  
Satin Black



DSI 506  
Black Fine  
Texture



DSI 503  
Metallic Bronze



DSI 507  
Metallic Bronze  
Fine Texture



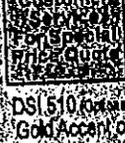
DSI 511  
Evergreen



DSI 504  
Gloss Beige



DSI 502  
Gloss White



DSI 510 (optional)  
Gold Accent or  
Gold Accent  
Fine Texture

Colors shown are a close representation of the real color. Please consult actual samples for accurate powder coating colors.



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Manufacturer of Verified Components

SOLD BY:

**HALEY BROS., INC.**

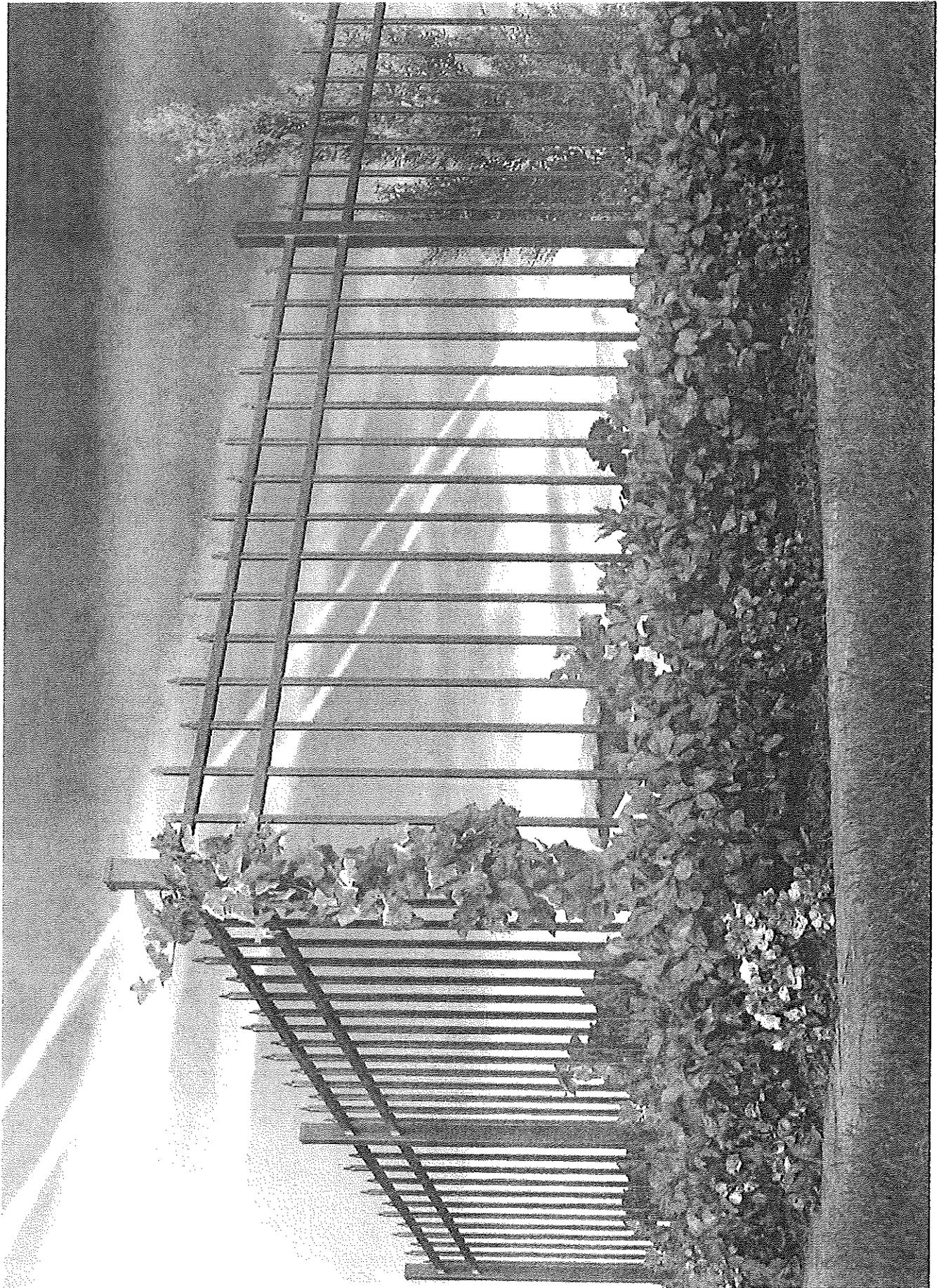
ALL TYPES OF FENCING

3561 Guilderland Ave.

Schenectady, New York 12306

Phone: (518) 356-2170 Fax: (518) 356-4835

SP05/08 89661





September 19, 2012

Daniel Berheide  
Planning and Development Agency  
City of Rensselaer  
62 Washington Street  
Rensselaer, NY 12144

RE: 11 Aiken Avenue

Dear Mr. Berheide,

I am writing you in support of the rehabilitation of 11 Aiken Avenue and encourage you and the Zoning Board of Appeals to approve the project as put forth by Mr. Jakovic.

It is a tragedy when a historic building burns. Historic Albany is heartened by Mr. Jakovic's willingness to rehabilitate the building and put it back into use when most people in this situation would walk away from the property, leaving a burned out shell. The redesign of this building retains as much historic character as possible and provides a generous amount of living space for tenants. The design also lends itself to a higher quality tenant, which would in turn mean that the building is better taken care of.

Mr. Jakovic has expressed concern regarding the enlarged addition to the rear of the building. I would encourage the board to approve the addition as many historic buildings had sizable additions constructed to accommodate different and more modern styles of living. After reviewing several buildings in the surrounding area, there are many buildings on Broadway that have additions of a similar size and appear to take up a similar percentage of the parcel. The larger living space will make the building more rentable, and help to ensure that the building is inhabited once again.

If you have any questions, please feel free to contact me at [cmacri@historic-albany.org](mailto:cmacri@historic-albany.org) or 522-9704.

Sincerely,

A handwritten signature in cursive script that reads "Cara Macri".

Cara R. Macri  
Director of Preservation Services

9/13/12  
As

City of Rensselaer  
Planning and Development Agency  
City Hall, 62 Washington Street  
Rensselaer, NY 12144  
(518) 465-1693 / FAX (518) 465-2031

APPLICATION TO THE ZONING BOARD OF APPEALS

AREA VARIANCE

This application, made on the 13th day of September 2012, is an appeal from the decision of the Building Inspector based on requirements set forth in the City of Rensselaer Zoning Ordinance. Included with this application is a site plan of the property with all structures indicated hereon and a copy of the Building Inspector's determination.

Address or lot number of subject property: 11 Aiken Avenue

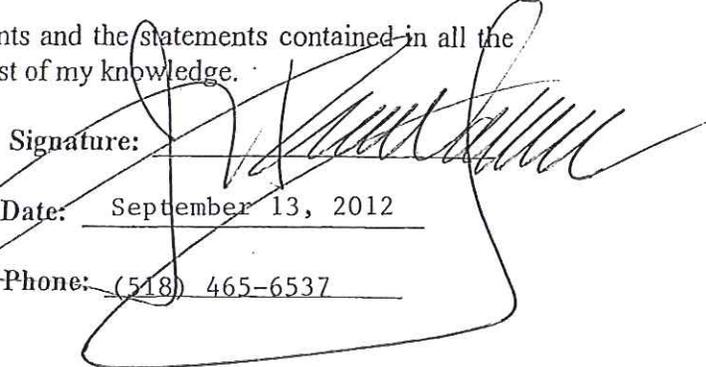
Zoning District R-2 Type of Use Three family residential

Describe Proposal: Please see attachment

Why is a Variance required? (Refer to appropriate section(s) of Zoning Ordinance)  
Please see attachment

Justification: Please see attachment

I hereby certify that all of the above statements and the statements contained in all the exhibits transmitted herewith are true to the best of my knowledge.

Property owner: Jay Harold Jakovic Signature:   
Address: 654 Madison Avenue Date: September 13, 2012  
Albany, NY 12208 Phone: (518) 465-6537

IF APPLICANT IS NOT OWNER:

Applicant's Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
Address: \_\_\_\_\_ Date: \_\_\_\_\_  
Phone: \_\_\_\_\_

.....  
The required fee must accompany this application.  
Schedule: \$40.00 - all variances  
Make checks payable to the CITY OF RENSSELAER

**Second Revised  
Attachment to Application to the  
Rensselaer City Zoning Board of Appeals  
Area Variance  
For 11 Aiken Avenue**

**Describe Proposal:**

The proposal is the reconstruction of a destroyed wooden addition to an extant fire damaged brick building. The wooden addition is 27 feet 5½ inches long (exclusive of the 2 foot roof overhang) from the rear of the brick building. It replaces a destroyed wooden addition 6 foot 3 inches in width and a destroyed deck 8 feet in width which projected into the rear yard a total of 14 feet 3 inches. Therefore, the new addition will project 13 feet 2 inches beyond the former rear of the structure.

**Why is a variance required:**

One variance is required for relief from the rear building set back requirements because the new structure projects 8 feet 4 inches within the 20 foot rear building set back line;

This requirement is set forth in Section 179-9 of the Rensselaer City Zoning Code.

**Justification:**

The variance should be approved because few changes have been made on the plans to the brick or old section of the house; the only meaningful changes are the relocation of the kitchen in the two first floor apartments to the rear of the building into the former bedroom and the creation of a new dining room in the former kitchen's space. There is no change in the occupancy of the building. It shall remain a three unit residential building, a variance for which was granted in 1985. In the 26 years since I reconstructed the building from a dangerous, unsightly shell of a building, my experience has been that the tastes of the market have changed because lately, I have found desirable tenants passing my apartments by, leaving as my tenants those less than the best. Feedback was that the living spaces in the two first floor one-bedroom apartments were too cramped. Especially lacking was a tub in the east first floor unit and closet space throughout. This situation renders the building no longer viable as I reconstructed it 26 years ago and as it was before the fire. Although rented at the time of the fire, the east or left hand unit has been vacant more often than it has been rented and when it is rented, the payment of rent has been spotty at best. For example, at the

time of the fire, the tenant who had entered into occupancy on December 1, 2010, had not paid rent since January, 2012 and even then was \$2,360.00 in arrears of rent. In addition, the police were called to the unit at least twice in the last year. Although the west or right hand unit was rented at the time of the fire and the rent was current, the past history of this unit is one of vacancy, evictions and unpaid rent. For example, in 2010, I evicted the tenant who was three months in arrears in rent totaling \$1,165.00. These are not the tenants I want, or I suspect the tenants you want in Rensselaer's Historic District. The tenants must be upscaled and to do so the building must be upscaled. To increase the size of the living space, I have made the two kitchens into dining rooms that may be used as such by tenants or as an extension of the living room. The old kitchen plumbing which appears to have survived the fire, I anticipate using for a wetbar. A new kitchen has been relocated to the old bedroom and this new area will permit the installation of more cabinetry, counter tops, a standard size stove and a dishwasher. A new bedroom has been placed in the new 20 foot addition and it has a new ensuite bathroom and laundry room and plenty of closet space. A new deck adjoins the bedroom to the rear. On the second floor, the additional space is divided between a new bedroom with an ensuite bathroom and a new kitchen with a new deck behind the kitchen and bedroom. Again, there is no change in the occupancy of the building. It will remain a three-unit, a variance for which was received back in 1985.

The variance is justified under New York State Law.

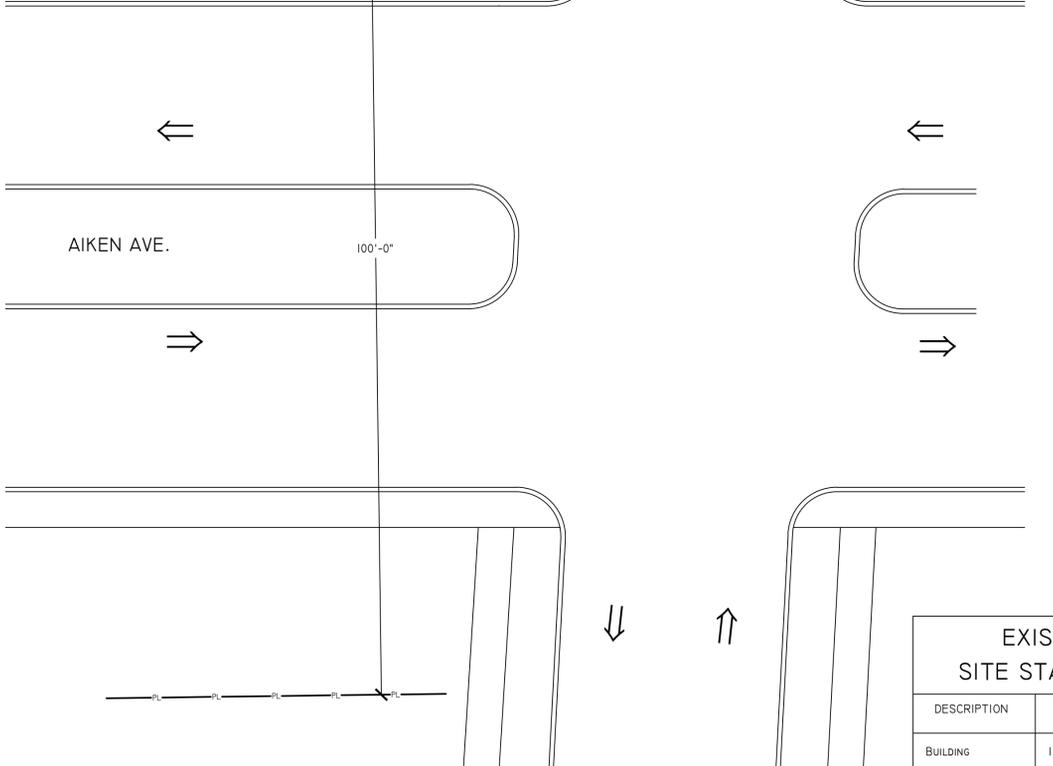
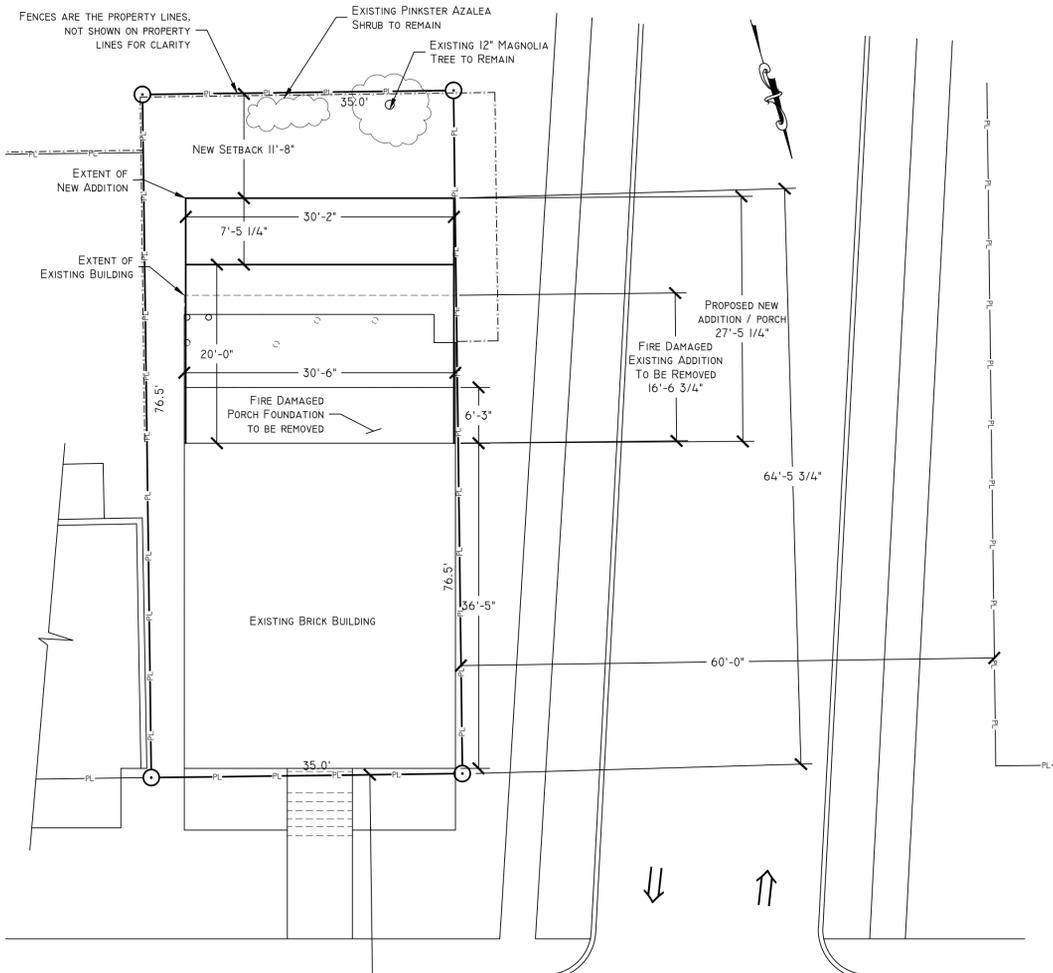
1. The new addition will produce no undesirable change in the character of the neighborhood since there is no change in the occupancy of the building. The occupancy remains two one bedroom apartments on the first floor and one three bedroom apartment on the second floor.
2. There will be no detriment to nearby properties from the new addition since the subject building is on a corner lot so the adjoining buildings will not be shut out from light and air. Nelson Avenue will continue to supply light and air and the building next south is separated from the subject building by its driveway. Also, the new addition will not be taller than the burned out brick building so it will be invisible from buildings on the north side of Aiken Avenue.
3. There is no other method to increase the desirability of the two first floor units other than increasing their size and to do so requires a variance. All the eyewash in the world cannot make up for a comfortably sized bedroom and bathroom or provide the closet space needed by Americans of the 21<sup>st</sup> Century. No upscale tenant wants to live in a "fivey-flat" anymore.
4. The variance is not substantial since it is less than half the size of the burned out brick building and its destroyed wooden addition.

5. There is no adverse effect or impact from the new addition on the physical or environmental conditions in the Historic District. Whatever adverse impact there would be would come from not seeking the variance since that would leave a federal period building (1795-1850) no longer a viable residential building in the neighborhood. The loss of the building would have an adverse impact on the Historic District. There are only a limited number of Federal period buildings surviving in our area and the loss of any one is an adverse impact. This building especially with its' magnificent brickwork and brownstone lintels is spectacular. It deserves to be an upscale residence again and needs the variance to make this change to the upscale a reality.

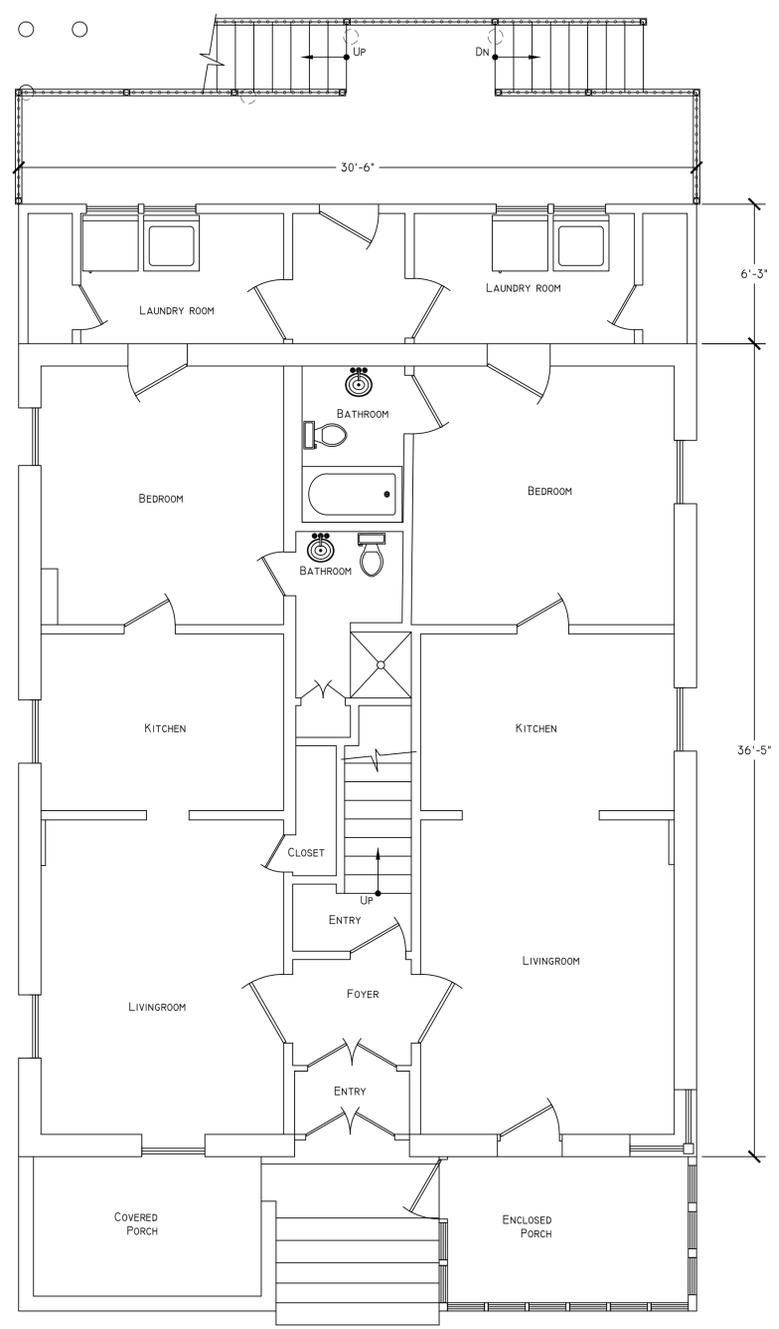
6. The difficulty I am seeking to resolve by the variance application is not self-created. The change in tastes over 26 years arising from our Society's increasing affluence I did not cause; nor did I cause the fire that burned out the brick building and destroyed its wooden addition: this variance seeks merely to replace a fire destroyed wooden addition with an addition that meets with the taste's of today's tenants.

For an additional justification to this board granting the variances:

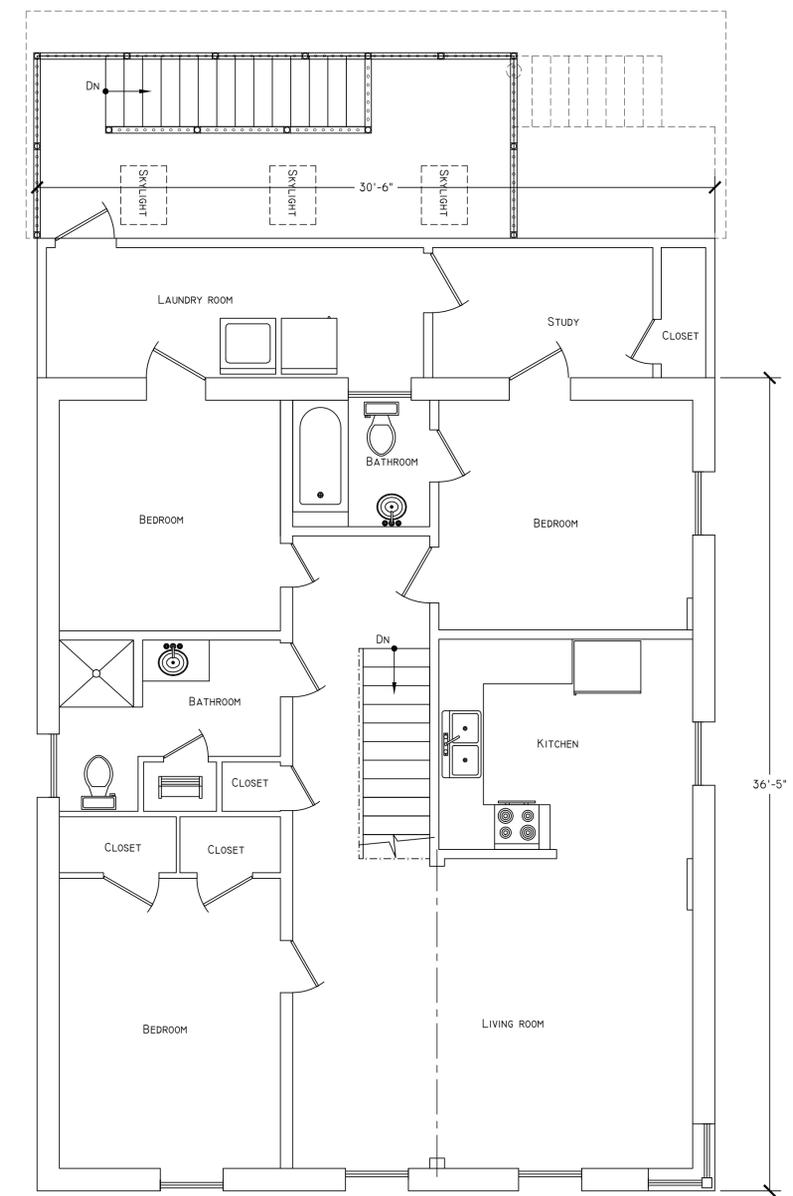
Granting the variances will benefit the City of Rensselaer, as the building stood before the fire, it was worth less than it cost me to rebuild it 26 years ago. My historic cost at that time was \$127,684.11. The current value before the fire as evidenced by the appraisal made by William McEvoy is \$105,000. I will make more money now by not rebuilding. If I do not rebuild, the insurance company has offered me \$202,485 less the cost to demolish the remaining fire damaged brick building which monies will be mine to keep. However, if this board grants me the variances, I will rebuild and the insurance company must pay me the withhold of \$83,015 called in the insurance company's "Statement of Repair or Replacement": the "Applicable Depreciation" or "Supplemental Claim." Since it is anticipated that the construction costs to repair the brick building and build the new wooden addition will be \$318,498 as set forth in the Continental Risk Improvement Statement, so if the variances are approved, the City will benefit from a \$318,498 investment in this building which will make it viable as a three unit building once again. If the building is not rebuilt and I take the \$202,485, that money will be reinvested elsewhere. The benefit to the City of Rensselaer is in me reinvesting my \$202,485 plus the insurance company's withhold of \$83,015 along with \$32,998 of my fresh money into this brick shell of a burned out building to create a viable upscale residential three unit building. I am certain you have seen that improvements to one building in a neighborhood result in improvements to other buildings throughout that neighborhood. Improving this fire damaged brick building is certain to result in other buildings in the neighborhood being improved.



**PLOT PLAN**  
SCALE: 1"=10'-0"



**EXISTING FIRST FLOOR PLAN**  
SCALE: 1/4"=1'-0"



**EXISTING SECOND FLOOR PLAN**  
SCALE: 1/4"=1'-0"

EXISTING SITE STATISTICS			PROPOSED SITE STATISTICS		
DESCRIPTION	AREA	% OF TOTAL	DESCRIPTION	AREA	% OF TOTAL
BUILDING	1,641 SQ. FT.	61.3%	BUILDING	1,962 SQ. FT.	73.3%
GREEN SPACE	1,037 SQ. FT.	38.7%	GREEN SPACE	716 SQ. FT.	26.7%
TOTAL	2,678 SQ. FT.	100.00%	TOTAL	2,678 SQ. FT.	100.00%

26.7% IS GREATER THAN THE REQUIRED 20% GREEN SPACE  
NO VARIANCE FOR IMPERVIOUS SURFACE REQUIRED

REVISIONS			
No.	DATE	DESCRIPTION	BY

<b>EXISTING FLOOR PLANS</b> 11 AIKEN AVE. RENSSELAER, NY		OWNER: JAY HAROLD JAKOVIC 439-1298
RICHARD H. GREEN P.E., P.C. CONSULTING ENGINEERS 321 DELAWARE AVE. DELMAR, N.Y., 12054 (518) 439-6474 FAX: (518) 439-6475 E-MAIL: RGREEN@RVERIZON.NET		JOB No: <b>12-7-12</b> BY: DLL CHK: RHG DWG. No: <b>1 of 3</b>
DATE: 9-21-12	SCALE: AS SHOWN	P.E.# 053776



**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

**REQUEST FOR SITE PLAN REVIEW AND/OR SPECIAL USE PERMIT  
APPROVAL UNDER CITY ZONING ORDINANCE**

Property Address: 336 Broadway

Zoning District: MU-1 Tax Map # or #'s 143.67-4-1

REQUEST (check all that apply): Site Plan Review (\$25)  Special Use Permit (\$25) \_\_\_\_\_  
Site Plan Amendment (\$25) \_\_\_\_\_ Certificate of Appropriateness (\$0) \_\_\_\_\_

Applicant's Name (PRINT): DEANIS GRANT  
 Full Mailing Address: P.O. Box 802 Rensselaer, 12144  
 Full Physical Address: 92 Columbia TPK 12144  
(No P.O. Boxes)  
 Telephone Number(s): 518 522-8224

Owner's Name (IF NOT APPLICANT): \_\_\_\_\_  
 Full Mailing Address: \_\_\_\_\_  
 Full Physical Address: \_\_\_\_\_  
(No P.O. Boxes)  
 Telephone Number(s): \_\_\_\_\_

Detailed description of proposed activity and use(s):  
TO UTILIZE BASEMENT AND ADJOINING SINGLE STORY  
BUILDING AS A CAFE TAKE-OUT FOOD SERVICE  
ESTABLISHMENT.

I also enclose a plot (site) plan and supporting information to demonstrate compliance with the regulations applying to the use intended and the standards for SITE PLAN REVIEW AND APPROVAL stated in ARTICLE VII and/or SPECIAL USE PERMITS stated in ARTICLE VI of the CITY ZONING ORDINANCE (Local Law #1, adopted 1979) and as described under Site Plan Details on page 3 of this application.

REQUEST must be accompanied by cash or check (made payable to the CITY OF RENSSELAER):

[Signature] Date 9-18-12 Amount Enclosed \$5.00 for 9/18/12  
 Signature of Applicant  
 Signature of Owner (if not applicant) Date

City of Rensselaer  
Planning and Development Agency  
City Hall, 62 Washington Street  
Rensselaer, NY 12144  
(518) 465-1693 / FAX (518) 465-2031

APPLICATION TO THE ZONING BOARD OF APPEALS

AREA VARIANCE

This application, made on the 9 day of 17 2012 is an appeal from the decision of the Building Inspector based on requirements set forth in the City of Rensselaer Zoning Ordinance. Included with this application is a site plan of the property with all structures indicated hereon and a copy of the Building Inspector's determination.

Address or lot number of subject property: 336 BROADWAY RENSSSELEAR, 12144

Zoning District MU-1 Type of Use FOOD SERVICE

Describe Proposal: TO UTILIZE BASEMENT AND ADJOINING SINGLE STORY BUILDING AS TAKE-OUT FOOD SERVICE.

Why is a Variance required? (Refer to appropriate section(s) of Zoning Ordinance)

Relief from parking requirements

Justification:

the building AS CONSTRUCTED MAY ONLY BE USED PARTLY FOR RESIDENTIAL PURPOSES.

I hereby certify that all of the above statements and the statements contained in all the exhibits transmitted herewith are true to the best of my knowledge.

Property owner: DENNIS GRANT Signature: [Signature]

Address: P.O. BOX 802 Date: 9-17-12

RENSSSELEAR 12144 Phone: 518-522-8224

IF APPLICANT IS NOT OWNER:

Applicant's Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_ Date: \_\_\_\_\_

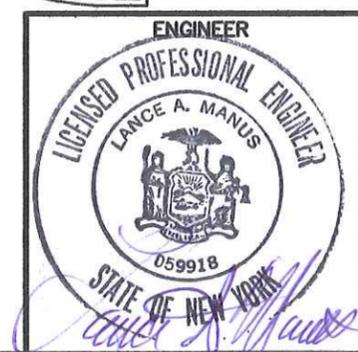
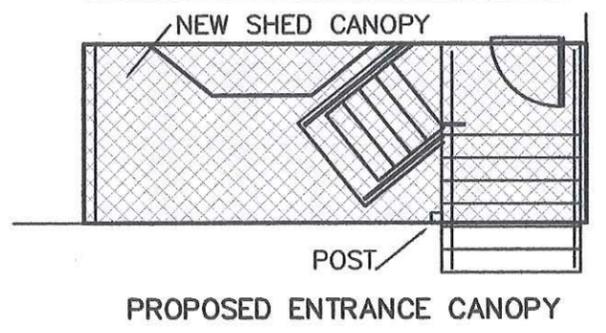
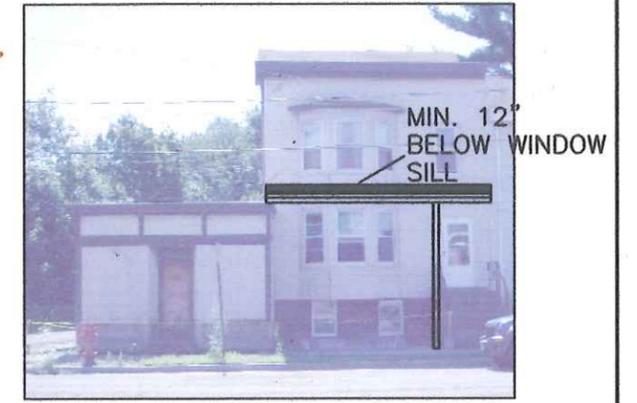
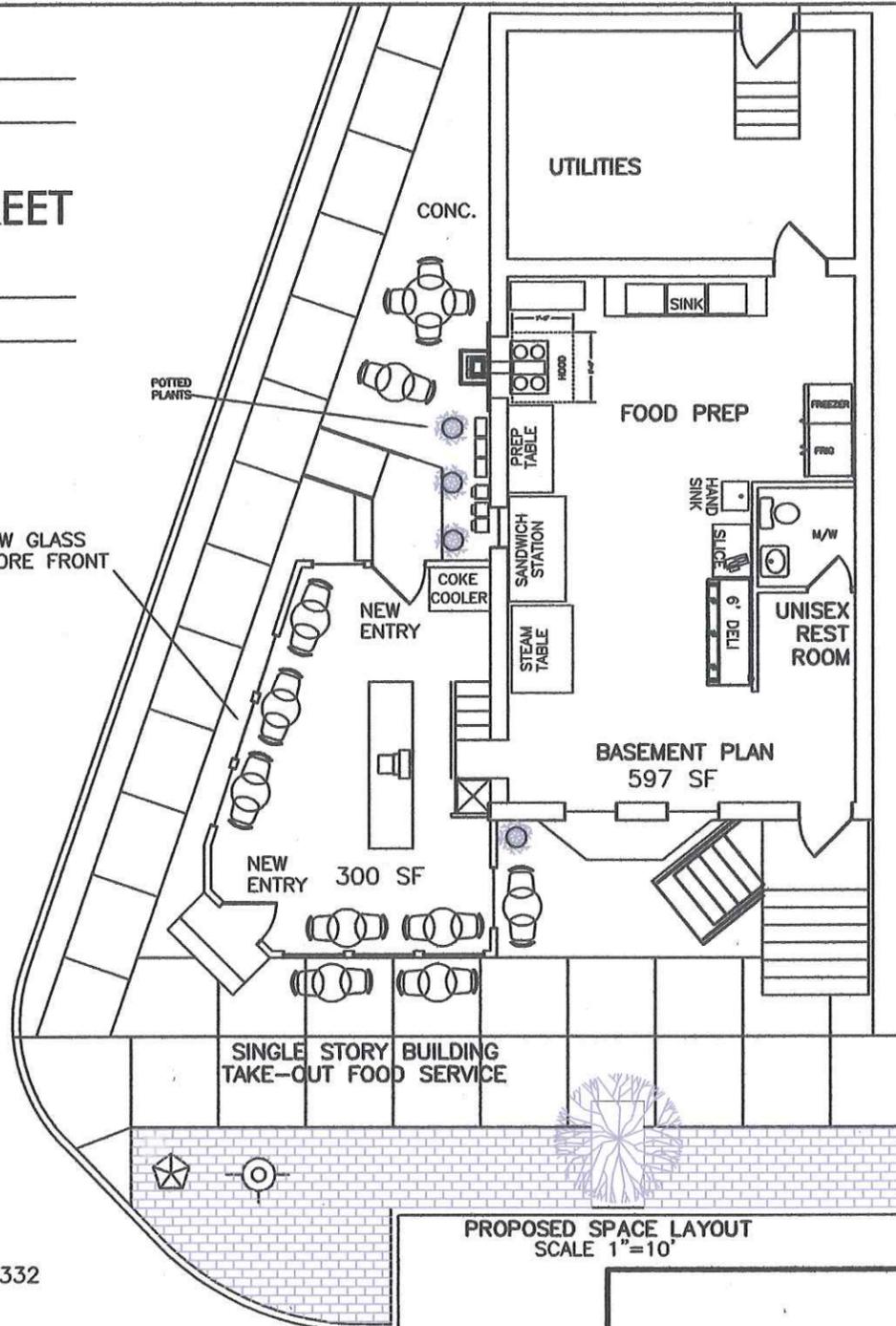
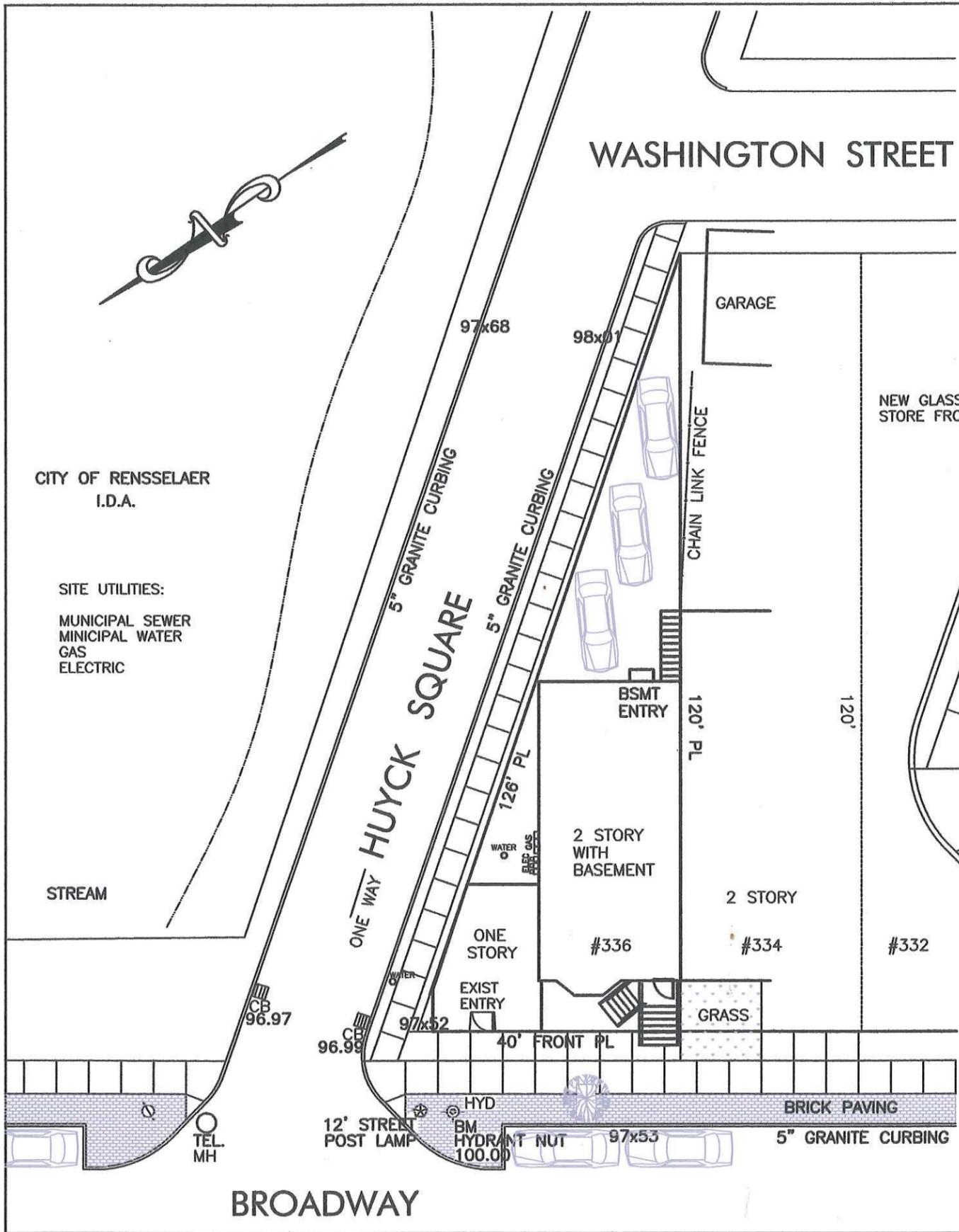
Phone: \_\_\_\_\_

The required fee must accompany this application.

Schedule: \$40.00 - all variances

Make checks payable to the CITY OF RENSSSELEAR

DMO pd 9/18/12



LANDS OF <b>DENNIS GRANT</b>		SCALE: 1"=10'	DRAWN BY: L. MANUS
DATE: 9/17/12	336 BROADWAY RENSSELAER NEW YORK	REVISIONS	REVISED
<b>SITE PLAN</b> AND BUILDING ALTERATIONS			
<b>L M Associates</b> Consulting Engineering P.O. Box 111 Duaneburg, N.Y. 12056 (518) 875-6765			DRAWING NUMBER  1 OF 1