

**City of Schenectady  
NEW YORK  
CITY PLANNING COMMISSION Minutes  
January 5, 2023 (Draft)**

**I. CALL TO ORDER**

**Meeting called to order** at 6:07 p.m.

**II. ATTENDANCE**

**Present:** Mary Moore Wallinger, Chair; Bradley Lewis, Vice Chair; Jason Bogdanowicz-Wilson; Colin Evers; Junior Hitlall; Michael Tearno; Christine Primiano, Principal Planner; Christopher Marney, Asst. Corporation Counsel; and Sylvia Jimison, Development Staff

**Absent:** Randall Beach, Susan Nadler, and Hayden Engert

**III. Conflict of Interest Check**

None

**IV. Approval of Minutes for November 16, 2022, motioned by Commissioner Wilson and seconded by Commissioner Evers. **Motion carried unanimously.****

**Commissioner Wallinger** informed everyone that the meeting would start with the Consent Agenda items before hearing new business project. The projects will be introduced, and applicants can come forward to speak about the project to the commissioners. The public will also have an opportunity to speak to the projects.

**I. NEW BUSINESS: CONSENT AGENDA**

**A. SCHENECTADY COMMUNITY ACTION PROGRAM** requests a site plan approval extension, pursuant to Section 264-93, of a proposal to construct a 8,030 SF addition to the existing structure at 100 Bigelow Avenue, tax parcel # 49.67-3-5.2, located in a "C-5" Business District.

The applicant was not present; the request is for site plan approval extension. No proposed changes at this time.

Motion by Commissioner Wilson, seconded by Commissioner Hitlall, to issue a one-year extension of the Site Plan Approval.

**Motion carried unanimously.**

**B. COCOA HOUSE, INC.** requests a Special Use Permit pursuant to Chapter 264 Schedule A to operate youth programming at 867 Stanley Street, tax parcel # 49.91-3-34, located in an "R-2" Two Family Residential District.

**Will Rivas**, Executive Director at Cocoa House, Inc. came before the commission to request special use permit. He stated that trees have already been planted. He said he has completed work to the property over the years and has had a lot of community support.

Commissioner Wallinger asked if questions/comments from the Commissioners and Planning Staff.

Commissioner Wallinger stated the project is positive change in the neighborhood and provides a needed service to the community.

Commissioner Wallinger opened the public hearing. There were no public comments and the public hearing was closed.

### **Decision from the Commission:**

#### **SEQR**

Motion by Commissioner Wilson and seconded by Commissioner Evers. **Motion carried unanimously.**

### **Special Use Permit approval**

Motion by Commissioner Wilson, seconded by Commissioner Hitlall to issue a Special Use Permit with the following findings of fact:

- A. Impact. The proposed building or use shall not substantially impact upon the nature and character of the surrounding neighborhood. In determining substantial impact, the Commission shall consider the location and size of the proposed use, the nature and intensity of the operations involved in or conducted in connection with the proposed use, the size of the site in relation to the proposed use and the location of the site with respect to streets giving access to the proposed use. **There will be no impact to the nature and character of the surrounding neighborhood because the organization currently successfully operates it's programming with no impacts to the surrounding residential neighbors.**
- B. Adjacent properties. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare. **There are minor modifications and improvements planned for the existing structure that will enhance the property, and not cause any adverse impacts to the neighbors.**
- C. Nuisances. Operations in connection with the proposed use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use not requiring a

special use permit. **No nuisances have been identified or will occur as a result of the proposal.**

- D. Facilities and services. The proposed building or use shall be served adequately by essential public facilities and services, such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools. **There will be no impact to facilities and services. All existing facilities and services adequately support the intended use.**
- E. Loss of significant features. The proposed building or use will not result in the destruction, loss or damage of any natural, scenic, architectural or historic feature of significant importance. **There will be no loss or damage of significant features as the character if the building as a residential structure is being maintained.**
- F. Compliance. The proposed building or use complies with all additional requirements imposed on it by the provisions of this chapter. **The proposed use complies with all other sections of the zoning code.**

**Motion carried unanimously.**

- C. **MOHAMED A. HAFEZ** requests site plan approval pursuant to Section 264-90 M and a Special Use Permit pursuant to Chapter 264, Schedule B, of a proposal to operate an insurance office and three residential units, at 2328 Guilderland Avenue, tax parcel # 48.83-2-8.1, located in a "C-1" Neighborhood Retail Business District.

Dan Morelli represented the applicant and appeared before the Commission. Mr. Morelli indicated that the applicant agrees to the conditions of site plan approval.

Commissioner Wallinger opened the public hearing. There were no public comments and the public hearing was closed.

#### **SEQR**

Motion by Commissioner Wilson, seconded by Commissioner Evers to adopt the negative declaration. **Motion carried unanimously.**

#### **Conditional Site Plan approval**

Motion by Commissioner Evers, seconded by Commissioner Lewis, to issue Conditional Site Plan approval and a Special Use Permit with the following findings of fact:

1. The proper address, 2328 Guilderland Avenue, will be displayed so that it is easily visible from Guilderland Avenue.
2. Metal roll gates and iron bars will not be installed on any doors or windows at any time in the future.
3. Pursuant to Section 264-62 Prohibited signs, the "insurance" flags will be permanently removed within 24 hours of this approval.

4. Pursuant to Section 264-61 C(3)The abandoned sign pole is not setback from the sidewalk the required 3 feet. Also, information has not been presented as to whether it is a minimum of 9 feet above grade. The freestanding sign requires at least one area variance to be used.
5. All existing landscaping will be maintained or replaced in-kind.
6. All proposed landscaping will be completed by June 1, 2023.

Special permit uses shall be granted only if evidence is presented which establishes that:

- A. Impact. The proposed building or use shall not substantially impact upon the nature and character of the surrounding neighborhood. In determining substantial impact, the Commission shall consider the location and size of the proposed use, the nature and intensity of the operations involved in or conducted in connection with the proposed use, the size of the site in relation to the proposed use and the location of the site with respect to streets giving access to the proposed use. ***There will be no impact to the nature and character of the surrounding neighborhood because this property has been operating as a mixed use property for several years. Sufficient onsite parking is provided for residential and professional office use.***
- B. Adjacent properties. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare. ***There are no substantial changes proposed that will have an adverse impact on adjacent properties.***
- C. Nuisances. Operations in connection with the proposed use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use not requiring a special use permit. ***No nuisances have been identified or will occur as a result of the proposal.***
- D. Facilities and services. The proposed building or use shall be served adequately by essential public facilities and services, such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools. ***There will be no impact to facilities and services. All existing facilities and services adequately support the intended use.***
- E. Loss of significant features. The proposed building or use will not result in the destruction, loss or damage of any natural, scenic, architectural or historic feature of significant importance. ***There will be no loss or damage of significant features as the character if the building is a mixed use structure consistent with neighboring properties.***

E. Compliance. The proposed building or use complies with all additional requirements imposed on it by the provisions of this chapter. **The proposed use complies with all other sections of the zoning code. The proposed sign will require an area variance to be installed.**

**Motion carried unanimously.**

D. **SUMIT GUPTA** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a convenience store at 445 State Street, tax parcel # 39.72-4-33, located in a "C-4" Downtown Commercial District.

Mr. Morelli appeared before the Commission representing the applicant and stated that the applicant is in agreement with the conditions of site plan approval.

Commissioner Wallinger opened the public hearing. There were no public comments and the public hearing was closed.

Motion by Commissioner Wilson, seconded by Commissioner Hitlall to issue a Conditional Site Plan approval with the following conditions:

1. The address will be prominently displayed so that it is easily visible from State Street. The current address numbers are difficult to read because there is a lottery sign behind it. The lottery sign must be removed effective immediately.
2. Pursuant to Section 264-63 M. Portable signs must comply with the following:
  1. May not exceed 30 inches wide by 48 inches tall.
  2. One sign per business or commercial establishment.
  3. Placement must be set back at least two feet from the curb and maintain a five-foot-wide sidewalk area clear for pedestrian travel.
  4. Must be removed daily at close of business hours.
  5. Must be insured in compliance with § 228-8 of the City Code if placed in City right-of-way.
  6. On corner parcels must be a minimum of 20 feet from intersection of the corner curb.
  7. May not obstruct lines-of-sight from vehicular accessways to streets.
  8. May not contain any electrical components.

The applicant must contact the City Engineering office to apply for a revocable permit for the portable sign by February 1, 2023.

**Motion carried unanimously.**

**II. NEW BUSINESS: CONTINUED**

**A. SANDY LUTCHMONSING** requests site plan approval pursuant to Section 264-90 J and a Special Use Permit pursuant to Chapter 264 Schedule B of a proposal to operate an automobile repair shop at 1-3 Steuben Street, tax parcel #'s 49.33-5-34 and 49.33-5-33, located in a "C-2" Mixed Use Commercial District.

**Dan Morelli** appeared before the Commission on behalf of the applicant and property owner Sandy Lutchmonsing. Mr. Morelli stated the existing garage has been in existence for 20 years, but did not obtain site plan approval and/or a special use permit to operate an automobile repair shop. There are existing violations which will be addressed. Parking area will be paved, lighting will be installed, a four-foot buffer on the edge of the paved area between the parking and the sidewalk, a proper dumpster enclosure, a fence with sliding gate, and sidewalk replacement in front of the building, all in accordance with the zoning regulations.

Commissioner Wallinger asked if customer parking is provided in the parking lot and Mr. Morelli indicated that there is customer parking provided. He also stated there will no longer be cars stored on the property and a sign will be installed on the northside of the building stating "no parking."

Commissioner Hitlall said the mechanics have been parking on the sidewalk and he had hoped that a fence would be installed to prevent that.

Commissioner Wallinger stated parking on the sidewalk is an on-going problem. The Special Use Permit will be revoked if this violation and others are not remediated moving forward. She also stated that she witnessed broken car parts encroaching into the driveway. How will these issues be addressed?

Commissioner Wallinger opened the public hearing. There was a letter submitted by a neighbor and it stated the problems with parking cars blocking residents from accessing their properties and cars being abandoned and parked on the street for months. The letter was not in support of the auto repair business.

Commissioner Wallinger closed the public hearing.

Commissioner Wallinger stated that the proposed improvements are a good start for compliance.

Commissioner Wilson asked if the business does auto body repair, which is not permitted in the "C-2" Mixed Use District. Mr. Morelli stated that they do not plan to do autobody work. Commissioner Wilson noted that the business is listed in Yelp as auto body shop and auto repair. Commissioner Wilson stated that they need clarification from the applicant regarding business operations. He also stated that the site needs to be cleaned up, dismantled and abandoned vehicles need to be removed and the business needs to stop using the street for vehicle storage. Commissioner Wilson further stated that this site has been a problem and nuisance to the neighborhood for many years and that he would not be in favor of issuing site plan approval until the applicant brings the site into compliance and the proposed site plan shows the required changes to the site.

Assistant Corporation Counsel, Christopher Marney stated for the record that the business is not supposed to be in operation until Site Plan and Special Use Permit approval has been issued.

**Decision from the Commission:**

Motion by Commissioner Hitlall, seconded by Commissioner Tearno, to table the proposal to allow the applicant to clarify the plans for the business and provide revisions to the proposed site plan.

**Motion carried unanimously.**

- B. RODICK REAL ESTATE LAND HOLDING, LLC** requests site plan approval pursuant to Section 264-90 I of a proposal to construct two warehouse buildings at 1641 Crane Street, tax parcel # 49.80-1-1.11, located in an "M-1" Light Manufacturing and Warehousing District.

Christopher Longo appeared before the commission on behalf of Rodick Real Estate Land Holding and presented the proposal to develop the site.

The new building opposite the self-storage building. There will also be another building closer to Crane Street. The buildings are predominantly steel frame buildings with two-tone accent colors. There's proposed water and sewer connections to the site. There are currently no water or sewer services to the existing building, just power.

The other building would be cold storage warehouse only. There's proposed storm retention in the form of dry wells to account for the additional pervious surface and then a depressed area for infiltration toward Crane Street, with a buffer adjacent to Crane Street which would include a tree and hedgerow of shrubs.

Commissioner Wallinger said she had storm water concerns. Most drainage is pitched towards the neighboring property. She asked the applicant if they had talked to the neighbor about the proposed tree removal and Mr. Longo said that the neighbor supports the tree removal. The trees along the property are to be removed and a fence will be installed. There is a proposed swale there that would retain the water through a culvert pipe and enter the proposed stormwater retention in the location. Mr. Longo acknowledged that they are aware that the slope is in that direction.

Commissioner Tearno had a concern about the entrance being a closed gate. Mr. Longo explained that they do not want to encourage traffic through the site.

The City Planner asked if a sign was being proposed and suggested that a small sign would with the address would be a good way to identify the site from Crane Street.

Commissioner Wallinger asked if there were any additional comments or questions for the project and there were none.

Commissioner Wallinger opened the public hearing. There were no public comments and the public hearing was closed.

### **Decision from the Commission:**

#### **SEQR**

Motion made by Commissioner Wilson, seconded by Commissioner Hitlall, to adopt a Negative Declaration. ***Motion carried unanimously.***

### **Conditional Site Plan Approval**

Motion made by Commissioner Wilson, seconded by Commissioner Evers to issue a conditional site plan approval with the following conditions:

1. The address will be displayed so that it is easily visible from State Street.
2. Pursuant to Section 264-43 D: Yard requirements. No parking space, area or access drive serving any nonresidential use shall be constructed or established nearer than 15 feet from the lot line of any residentially zoned property. Such required yard shall be curbed and landscaped with appropriate trees, shrubs and other plant material or fencing sufficient to largely obscure the parking area from adjoining residential uses when viewed from the ground level.
3. Four (4) large shade trees will be planted in the 15- foot buffer prior to October 1, 2023.
4. A revised site plan will be submitted to the City Planner for final approval that shows the buffer area, trees, an additional tree (two total) along the street edge on Crane Street, and the final proposed building colors.
5. The City Engineer must issue final approval of the drainage plan prior to the issuance of building permits.

#### **Motion carried unanimously.**

- C. STEVEN CIMINO, JR.** requests site plan approval pursuant to Section 264-90 F of a proposal to construct three dwelling units at 2037 Wabash Avenue, tax parcel # 48.60-2-51, located in an "R-2" Two Family Residential District.

Dave Kimmer from ABD Engineering appeared before the Commission with the applicant, Mr. Steven Cimino, Jr.

He stated that Mr. Cimino bought the property on the corner of Wabash Avenue last year, with the intent of rehabbing the existing structure and turning it into a multi-family dwelling. The applicant thinks it was originally built as a church and most recently used as a warehouse. It has been abandoned for many years until the applicant purchased the building from the City. They do not plan to make any site changes. They want to fix up the building, add some new windows and repaint it. They will do some additional landscaping in the front yard and the existing curb cuts will be replaced to City Code. A dumpster enclosure constructed for the garbage storage.



Commissioner Wallinger said she was concerned about steep driveway and 2 percent maximum slope. Mr. Kimmer acknowledged that the slope can be revised to comply.

Commissioner Wallinger asked if there were any questions or comments from the commissioners.

Commissioner Wilson asked what kind of materials will be used for the windows, if the building would be painted, and how the façade will be repaired.

The applicant responded that the exterior will be dark gray and the brick will be painted to match. Commissioner Wallinger suggested to the applicant to prime the brick well so that they paint adheres and doesn't chip.

Commissioner Wallinger opened the public hearing. There were no public comments and the public hearing was closed.

### **Decision from the Commission:**

#### **SEQR**

Motion made by Commissioner Lewis, seconded by Commissioner Wilson to adopt a negative declaration. **Motion carried unanimously.**

#### **Site Plan Approval**

Motion by Commissioner Tearno, seconded by Commissioner Hitlall, to issue Conditional Site Plan approval with the following conditions:

1. The address will be prominently displayed so that it is easily visible from Wabash Avenue.
2. Metal roll gates and iron bars will not be placed on any doors or windows in the future.
3. The slope of the rear driveway and curb cut onto Hegeman Street needs to be adjusted so that there is a maximum 2% cross slope.
4. Parking space #4 will be removed from the site plan as it does not comply with the required buffer from the sidewalk.
5. Spirea shrubs will be planted on the sloping greenspace to the right of the driveway on the Wabash Avenue side of the property.

**Motion carried unanimously.**

- D. ERIC GONZALEZ** requests site plan approval pursuant to Section 264-90 K of a proposal to operate an automobile repair and sales business at 1467-1487 Broadway, tax parcel #'s 49.37-1-11 & 12, located in an "M-1" Light Manufacturing and Warehousing District and a "C-2" Mixed Use Commercial District.

Dave from AB Engineers came before the commission representing Eric Gonzalez proposing to lease former Broadway Tires building. The business location will become an

auto sales and services business. The ground doors will be replaced and will add landscaping on Broadway. There will be re-stripping for vehicles sales display.

Principal Planner asked if a building permit was obtained to replace doors. The applicant indicated that he would have to ask the property owner.

Commissioner Wallinger inquired about the sidewalk and planning staff said they would check with staff members from the Bureau of Service about the sidewalk.

*[Email of 1/6/2023 from the Water Department states that they will be doing the sidewalk work in the right of way in the Spring of 2023.]*

The applicant was proposing shrubs to be planted based on the curb and Commissioner Wilson said a tree should be planted and Commissioner Wallinger agreed. The trees would be for the public who walking traffic.

The 5-foot sign will stay on property and Commissioner Wallinger said the trees will be taller than the sign

Commissioner Wallinger asked if any public comments and there were none, so public hearing was closed.

### **Decision from the Commission:**

#### **SEQR**

Motion made by Commissioner Lewis and seconded by Commissioner Wilson. **Motion carried unanimously.**

### **Site Plan Approval**

Motion made by Commissioner Wilson, seconded by Commissioner Tearno to issue conditional site plan approval with the following conditions:

1. The address will be prominently displayed so that it is easily visible from Broadway.
2. Metal roll gates and iron bars will not be installed on any doors or windows at any time in the future.
3. All vehicles will be parked in designated parking spaces.
4. Parking spaces adjacent to the buildings will have tire stops for safety.
5. A maximum of nine (9) vehicles will be on display for sale at one time. The vehicles will be parked as shown on the approved site plan.
6. The City Engineer must issue final approval of the storm water infiltration system proposed by the applicant.
7. The City of Schenectady will be repairing the concrete sidewalk in front of 1467 Broadway in the spring.
8. Revised site plan submitted on 1/20/23 is approved as submitted and includes the required landscaping and sign information.

9. Pursuant to Section 264-107 of the zoning code, the business operations must comply with the following requirements or site plan approval will be revoked:

1). Side and rear yards. Side and rear yards shall be not less than 10 feet in width, however there is no minimum required setback along a property line that abuts a parcel in the M-1 and M-2 Districts.

2). Screening and landscaping. Screening and/or landscaping shall be provided along all lot lines abutting a side or rear lot line of any residentially zoned or developed property in a manner which largely obscures the repair operations and stored material, vehicles and equipment from all points located on such residential property when viewed from the ground level.

3). Location of operations. All repairs shall be performed within the principal building on the premises.

4). Parking improvements. The entire parking area shall be paved. Side and rear yards shall be separated from paved areas by a curb, low wall or other barrier.

5). Storage of vehicles. No more than five motor vehicles, including partially dismantled or wrecked vehicles, shall be stored at one time in an open area at a motor-vehicle-repairing establishment, provided that the outdoor storage of a specific motor vehicle shall not exceed 30 days.

6). Materials and refuse. All permanent storage of materials, merchandise and equipment shall be within the principal building, with the exception of refuse and trash, which shall be stored in closed containers and in an area screened from view at all points on any public or private property or street when viewed from the ground level.

**Motion carried unanimously.**

**E. DANTE BOGDON** requests site plan approval pursuant to Section 264-90 G of a proposal to construct a storage building at 400 Alexander Street, tax parcel # 39.27-2-1.1, located in an "M-1" Light Manufacturing and Warehousing District.

Mr. Bogdon appeared before the Commission and explained that he wants to construct a cold storage building on the property at 400 Alexander Street. The building will be used for day-to-day activities on site.

Commissioner Wallinger said its hard to tell what is taking place at the business from the application.

City Planning staff stated that the plan did not show parking spaces in front of the building. Also, the parking in front of the building does not have the required side yard setback required in Section 264-43 D. An area variance is required or a 15 foot buffer

must be installed. Additionally, a 4-foot buffer is required between the parking spaces and sidewalk. Some of the parking spaces are in the right of way and will have to be removed.

Commissioner Wallinger asked if any public comments and there were none, so public hearing was closed.

### **Decision from the Commission:**

#### **SEQR**

Motion made by Commissioner Wilson, seconded by Commissioner Evers to adopt a negative declaration. **Motion carried unanimously.**

#### **Site Plan Approval**

Motion made by Commissioner Hitlall, seconded by Commissioner Tearno, to issue Conditional Site Plan with the following conditions:

1. A revised site plan will be submitted to the City Planner for final approval. The site plan will include a 4 ft x 18ft buffer adjacent to the sidewalk on either side of the driveway. In the sidewalk buffer, grass and two (2) tall shade trees will be planted. Type of tree can be Red Maple, disease resistant Elm, Oak, Little Leaf Linden, Hackberry, Sycamore, London plane.
2. The parking adjacent to the neighboring residential property is required to be setback a minimum of 15 feet. Grass and two (2) tall trees will be planted in the buffer. The applicant has the option of applying for an area variance with the Board of Zoning Appeals, but it will have to be proven that the 15 feet cannot be provided.
3. The City Engineer must approve the storm water drainage plan, either drywells or catch basins, prior to construction of the storage building.
4. The concrete sidewalk will be continued across the front of the property and will terminate at a location that the City Engineer approves. A sidewalk permit is required.
5. The landscaping and sidewalk will be completed by July 1, 2023.

**Motion carried unanimously.**

III. **OLD BUSINESS:** None

IV. **MISCELLANEOUS:** None

#### **V. ADJOURN**

Motion by Commissioner Wilson, seconded by Commissioner Evers to adjourn. Motion carried unanimously. Meeting adjourned at 8:16 pm.