

**City of Schenectady
Planning Commission
Meeting Minutes
February 12, 2020**

I. CALL TO ORDER

Commissioner Wallinger called the meeting to order at 6:45 p.m.

II. ATTENDANCE

PRESENT: Mary Moore Wallinger, Chair; Bradley Lewis, Vice Chair; Ryan Bailey; Kimberly Case; Richard Ferro; Jason Bogdanowicz-Wilson; Christine Primiano, Principal Planner; Andrew Koldin, Corporation Counsel
EXCUSED: Randall Beach; Andrew Healey

III. CONFLICT OF INTEREST CHECK

Commissioner Wallinger recused herself from the consideration of New Business Item C, the James T. Pollard application.

IV. APPROVAL OF MEETING MINUTES

Motion by Commissioner Bailey, seconded by Commissioner Case, to approve the Minutes of the January 15, 2020 meeting as submitted.

Motion carried unanimously, with Commissioner Lewis absent from the vote.

V. NEW BUSINESS

A. CHRISTOPHER MADDALONE requests an updated site plan approval pursuant to Section 264-93 of a proposal to renovate the building at 192 Erie Boulevard and create 32 residential units and 26,000 SF of office space, tax parcel # 39.71-3-20.12, located in a “C-4” Downtown Commercial District.

City Planner Primiano explained that the applicant had been granted site plan approval one year ago, but financing issues have caused the project to fall behind schedule. She stated that he had applied for an updated site plan renewal because site plan approval requires that the applicant start work on the project within one year. She noted that the City has no objection to the updated approval as long as the applicant submits a new set of plans at this time. The Commissioners indicated that they did not object to the updated approval.

PUBLIC COMMENTS

None.

SITE PLAN APPROVAL

Motion by Commissioner Ferro, seconded by Commissioner Case, to accept the proposal with the following conditions:

1. The applicant will submit an updated site plan to the City Planner before beginning any work on the project.

Motion carried unanimously, with Commissioner Lewis absent from the vote.

B. FRANK and ROCLYNN HERBA and FRANK and ROSE MARIE ROSSI request a recommendation to the City Council to change the zoning of 18 parcels on Revere Avenue to “R-3” Multiple Family Residential, tax parcel # 40.38-1-1 through 18, located in an “R-1” Single Family Residential District.

Frank and Roclynn Herba presented the proposal.

Mr. Herba explained that the plot of land in question had previously belonged to his wife’s mother and father who passed it on to him and his wife. He stated that over the years he has tried to market the property for single family development but has never been able to successfully do so, as it is in an area that is already quite commercial and is surrounded by apartment complexes. He added that he has had some interest in the property for apartment units or a self-storage facility.

Commissioner Wallinger asked City Planner Primiano what will happen to the other three single lots in the immediate area that are currently zoned single-family as well. Ms. Primiano explained that the Department of Development recommends that those lots be rezoned also, for the same reasons that they support Mr. Herba’s proposal. The Commissioners indicated that they would not object to including the other three lots in the rezoning.

PUBLIC COMMENTS

Lisa Garrison, resident of 1411 Fulton Avenue, expressed her concerns about how multi-family development would affect the neighbors in single family homes. She cited concerns about increased noise and traffic and loss of privacy.

Commissioner Wallinger explained that any future development of the site would have to attain site plan approval from the Planning Commission, and at that time issues such as these, and how they might be mitigated with fences and/or landscaping buffers would be addressed.

Seeing no further members of the public who wished to speak Commissioner Wallinger closed the public hearing.

RECOMMENDATION TO THE CITY COUNCIL

Motion by Commissioner Case, seconded by Commissioner Bailey, to recommend to the City Council that they approve the zoning change from “R-1” Single Family to “R-3” Multiple Family for the following reasons:

1. The parcels are surrounded by multiple family residences.
2. Previous attempts to market the property for single family residences have been unsuccessful over many years.
3. The rezoning is consistent with the goals of the City’s Comprehensive Plan.

Motion carried unanimously.

C. JAMES T. POLLARD requests site plan approval pursuant to Section 264-90 F and I of a proposal to renovate 102, 104, 110, 122, 134, and 136 State Street, 105 and 111 South Church Street, and 2 Mill Lane for a mixed use development with 74 residential units, tax parcel #'s 39.71-1-3, 4.5, 6, 7, 11.1, 36, 39, 41, 42, and 65, located in a “C-4” Downtown Commercial District.

James T. Pollard presented the proposal. Due to Commissioner Wallinger’s recusal Commissioner Wilson led the consideration of the application.

Mr. Pollard explained that he is seeking temporary site plan approval so that he will be able to provide the required parking for the new residential tenants on the site. He explained that he would also like to provide some parking for the retail and restaurant tenants and is currently working to secure additional shared parking or acquire additional lands to meet this goal. City Planner Primiano explained that Mr. Pollard has sufficient parking for the residential tenants with the submitted proposal, but as stated he would like to eventually offer more, which is why this will not be the final parking plan. She explained that the Commissioners could grant temporary approval of a parking plan for a limited time and require Mr. Pollard to return by a specific date with his final proposal. The Commissioners indicated that they would not object to a temporary approval.

Commissioner Case pointed out some concerns she has regarding circulation on the site. Mr. Pollard agreed that they may have to open the end of one of the parking rows to allow for better circulation.

PUBLIC COMMENTS

Patricia Voorhies, resident of 110 Jackson Avenue, expressed her concerns about there being too many residential apartments available in the City.

Seeing no further members of the public who wished to speak
Commissioner Wallinger closed the public hearing.

SITE PLAN APPROVAL

Motion by Commissioner Ferro, seconded by Commissioner Case, to accept the proposal with the following conditions:

1. The site plan approval is for the operation of the temporary parking plan only. The applicant will return to the Planning Commission at or before the August 2020 meeting with a proposal for a permanent parking plan for the development.

Motion carried unanimously, with Commissioner Wallinger recusing herself from the vote.

D. THOMAS COTUGNO requests site plan approval pursuant to Section 264-90 M of a proposal to operate a tavern at 208 Front Street, tax parcel # 39.56-2-39, located in a “C-3” Waterfront Mixed-Use Commercial District.

Thomas Cotugno presented the proposal.

Mr. Cotugno explained that he has recently signed a three-year lease to operate the bar, which is the longest running tavern in the City. He stated that he plans to change very little about the business. City Planner Primiano asked if the adjacent parking lot is used by the business. Mr. Cotugno stated that it is. Ms. Primiano explained the necessary improvements to the lot, including the addition of tire stops or a guardrail and striping.

PUBLIC COMMENTS

Dave Kopecki, owner of Uncle Ben’s Tavern across the street from the business spoke in favor of the application, stating that he looked forward to having Mr. Cotugno as a neighbor and fellow business owner on the block.

Donna Wogczk, resident of 213 Front Street, explained that her home is directly adjacent to the business’s parking lot. She stated that she is in support of the proposal and looks forward to having the business re-open, as it has been a nice neighborhood establishment that has never been the cause of any problems or disturbances for her.

Mary Ann Ruscitto, resident of 205 Front Street, also spoke in favor of the application, stating that she believes that Mr. Cotugno’s business will be a positive addition to the neighborhood.

Seeing no further members of the public who wished to speak
Commissioner Wallinger closed the public hearing.

Commissioner Ferro noted that his firm was involved in the sale of the property to the current owners, but he did not feel the need to recuse himself from consideration of the application as he does not believe that he has any conflict of interest.

SITE PLAN APPROVAL

Motion by Commissioner Bailey, seconded by Commissioner Ferro, to accept the proposal with the following conditions:

1. The address will be prominently displayed so that it is easily visible from Front Street.
2. Metal roll gates and iron bars are not permitted on any doors or windows at any time in the future.
3. The business requires a Certificate of Use in order to operate.
4. The applicant will submit the following information to the City Planner for final approval prior to April 1, 2020:
 - a. Choice of tire stop, guardrail, or fencing for all parking areas.
 - b. Details for a locked dumpster enclosure.
 - c. Landscaping plan for buffer area between sidewalk and parking lot. A minimum of 2 street trees (one on either side of the driveway) will be planted, along with grass or a combination of grass and shrubbery.
 - d. Proposal for parking lot lighting.

Motion carried unanimously.

E. KARL POGGE requests site plan approval pursuant to Section 264-90 M of a proposal to operate a Mattress Xpress store at 1818 State Street, tax parcel # 60.47-1-2, located in a “C-5” Business District.

Karle Pogge presented the proposal.

Mr. Pogge explained that he plans to operate a Mattress Xpress store on the site, where he will sell discount mattresses, furniture, and some appliances. He stated that he has signed a five-year lease on the property with a five-year renewal option.

Commissioner Wallinger noted that a portion of the sidewalk has been paved over and is in poor condition and in need of replacement. Mr. Pogge asked whose responsibility the sidewalk is. The Commissioners explained that in Schenectady the property owner is responsible for their sidewalks. The Commissioners and Mr. Pogge discussed parking and landscaping on the site. It was determined that Mr. Pogge would submit a landscaping and parking plan to the Commission at the March meeting.

City Planner Primiano noted that the temporary storage containers must be removed from the site. She also stated that Mr. Pogge is allowed two signs on the building. Mr. Pogge stated that he would like to put a sign on the side of the building in addition to the front sign. The Commissioners indicated that Ms. Primiano could approve the final sign design.

PUBLIC COMMENTS

None.

SITE PLAN APPROVAL

Motion by Commissioner Bailey, seconded by Commissioner Wilson, to accept the proposal with the following conditions:

1. The address will be prominently displayed so that it is easily visible from State Street.
2. Metal roll gates and iron bars are not permitted on any doors or windows at any time in the future.
3. The applicant will submit a proposal for the second sign, located on the side of the building, to the City Planner for review and approval prior to purchasing or installing the sign.
4. All trash will be stored inside the building until it is removed from the site for disposal.
5. All temporary storage units on the property must be removed within 120 days of this decision.
6. The applicant will submit the following information to the City Planner for consideration by the Planning Commission at the March 2020 meeting:
 - a. Landscaping plan as discussed at the meeting.
 - b. Parking on the side of the building will be eliminated. Space for one vehicle by the loading dock is permitted. The applicant will submit a plan for parking on the remainder of the site.
 - c. A plan for the replacement of the sidewalk from the overhead door to the rear property line.
 - d. All landscaping and parking lot improvements will be completed by July 1, 2020.

Motion carried unanimously.

- F. PROMISE SOTO requests site plan approval pursuant to Section 264-90 M of a proposal to operate a tobacco and liquor store at 1553 State Street, tax parcel # 50.77-2-16, located in an “R-1” Single Family District.**

Promise Soto presented the proposal.

Mr. Soto explained that he plans to open a store selling tobacco, liquor, and tobacco accessories. He stated that his planned hours of operation are Monday through Friday 9 am to 9 pm and Saturday 9am to 10 pm. He will be closed on Sundays. Mr. Soto stated that he plans to use the existing sign box and replace the front panel.

City Planner Primiano noted that the property owner was present at the meeting. She explained that due to a water main break the City has been doing repair work in front of the store. She stated that when the work is completed, she will meet with Mr. Soto and the property owner regarding the proper striping of the parking spaces.

PUBLIC COMMENTS

None.

SITE PLAN APPROVAL

Motion by Commissioner Lewis, seconded by Commissioner Wilson, to accept the proposal with the following conditions:

1. The address will be prominently displayed so that it is easily visible from State Street.
2. Metal roll gates and iron bars are not permitted on any doors or windows at any time in the future.
3. The banner hanging on the façade will be removed prior to the opening of the store.
4. The proposed sign is approved as submitted.
5. The parking in front of the store will be properly delineated with striping prior to the opening of the store.
6. Pursuant to Section 264-49 G, the dumpster will be properly enclosed and kept closed and locked when not in use.
7. Two large planters will be paced at the front of the building and will be maintained with evergreen shrubbery or seasonal plantings throughout the year.
8. No more than 20% of the windowpanes may be covered with signs.
9. The applicant will provide a cigarette receptacle in front of the building and will sweep the area daily as needed to keep it clear of litter and debris.

Motion carried unanimously.

- G. AZIZ AL SHAERI requests site plan approval pursuant to Section 264-90 M of a proposal to operate a convenience store at 814 Eastern Avenue, tax parcel #'s 39.82-2-15, located in a "C-2" Mixed Use Commercial District.**

Aziz Al Shaeri presented the proposal, assisted by translator Nabeel Shohattie.

Mr. Shohattie explained that Mr. Al Shaeri plans to continue the current store operation and does not plan any changes to the business. City Planner Primiano explained that there are outstanding site plan issues on the property, including the landscape beds which have not been maintained and the sidewalk, which is in disrepair.

PUBLIC COMMENTS

Bernice Whiting, resident of 812 Eastern Avenue, directly next to the store, spoke in opposition to the application. She stated that store customers constantly park in her driveway and leave litter and drug paraphernalia all over her property. She added that the store owners do nothing to control their clientele.

Christal Powell of 812 Eastern Avenue echoed the same concerns, adding that she is a brittle diabetic who is sometimes in need of emergency medical care. She stated that there have been instances in the past when ambulances have been unable to easily access her home due to the illegal parking of the store's customers.

Agnes Villano of 810 Eastern Avenue also spoke in opposition to the application. She stated that the store's delivery trucks stop illegally in the street in front of her house sometimes several times a day. *City Planner Primiano noted that the delivery trucks must use the parking lot for deliveries. She stated that any on-street stopping, or standing is illegal.*

Seeing no further members of the public who wished to speak Commissioner Wallinger closed the public hearing. Commissioner Wallinger explained that while the convenience store is an allowed use in this area the Planning Commission can address site plan issues to help mitigate the neighbor's concerns as best they can. Mr. Al Shaeri stated that he cannot police his customers and where they park and what they do when they are not inside his store. Commissioner Wallinger stated that it is absolutely his responsibility to ensure that his customers do not become a nuisance to the neighbors. City Planner Primiano and Counselor Koldin agreed. Counselor Koldin explained to the neighbors that even if they feel like their calls to the police are ineffective they should keep calling and registering their complaints, as a record is kept of these nuisance calls and if enough calls are made they can be grounds for police and City action.

Ms. Primiano asked what the proposed hours of operation are, and if the store will sell alcohol. Mr. Al Shaeri stated that he plans to be open from 7 am to 11 pm daily, and he does not plan to sell alcohol. Ms. Primiano stated that Mr. Al Shaeri will have to have clear signage stating that

parking in front of the building and in Ms. Whiting's driveway is not permitted. The Commissioners agreed.

After some discussion it was decided that Mr. Al Shaeri would be granted conditional site plan approval and would have to complete the conditions by June 1, 2020 or he must return to the Planning Commission for further consideration.

CONDITIONAL SITE PLAN APPROVAL

Motion by Commissioner Bailey, seconded by Commissioner Case, to accept the proposal with the following conditions:

1. The address will be prominently displayed so that it is easily visible from Eastern Avenue.
2. Metal roll gates and iron bars are not permitted on any doors or windows at any time in the future.
3. All exterior signage attached to the building must be removed prior to the opening of the business. One "Munchies" sign on the front and one on the side is all that is permitted. The applicants will present professionally prepared drawings of the signage to the City Planner for approval prior to purchase and installation of the signs. All advertisements posted on the building will be removed immediately.
4. If the applicant wants to display a sandwich board sign it must be on the property, not in the right of way, and be brought into the store when it is closed, pursuant to Section 264-63.
5. The location of the dumpster as it exists, adjacent to the building, is permitted. The dumpster cannot be placed out near the sidewalk as shown on the site plan. Pursuant to Section 264-49 G, the dumpster and all other storage containers must be placed within an enclosure and kept locked and closed at all times when not in use.
6. The landscaping will be re-established and replanted by June 1, 2020. The landscaping area will be enlarged to twice as wide and span the length of the parking lot. Two street trees, 3 inches in diameter, will be planted.
7. A Certificate of Use is required to operate the business.
8. A trash can will be placed in front of the business. It will be emptied daily, and the surrounding area will be swept clean of litter and debris several times per day.
9. No parking signs will be added to the front of the building, and to the side bordering the neighbor's driveway, prior to the opening of the business.
10. The sidewalk will be replaced to City standards by June 1, 2020.
11. The applicants will meet with the City Planner by March 15, 2020 to provide detailed plans and a timeline for the landscaping, parking lot improvements, and sidewalk replacement. These

improvements must be completed by June 1, 2020. If they are not completed at this time the applicants will return to the Planning Commission for further review of the site.

Motion carried unanimously.

H. YACOUB ALI requests site plan approval pursuant to Section 264-90 M of a proposal to operate a convenience store at 29 State Street, tax parcel # 39.63-6-28, located in a “C-4” Downtown Commercial District.

Yacoub Ali appeared before the Commission.

Commissioner Wallinger explained that it is the Commission’s policy to not consider applications until existing code violations on the site are addressed. City Planner Primiano pointed out that there are numerous broken windows and graffiti on the site, both of which need to be corrected immediately. The Commissioners agreed that the proposal should be tabled until these issues are addressed.

PUBLIC COMMENTS

None.

MOTION TO TABLE

Motion by Commissioner Case, seconded by Commissioner Lewis, to table the application pending verification by the City Planner that all existing code violations on the property, including the broken windows and graffiti, have been corrected.

Motion carried unanimously, with Commissioner Bailey absent from the vote.

VI. OLD BUSINESS

A. AYED SALEH requests site plan approval pursuant to Section 264-90 M of a proposal to operate a smoke shop at 906-908 Crane Street, tax parcel # 49.47-1-9.1, located in a “C-2” Mixed Use Commercial District.

Nabeel Shohattie presented the proposal. He stated that since the January meeting he had submitted a revised site plan showing the necessary changes. He showed the Commissioners a drawing of the proposed sign. Mr. Shohattie indicated that his client had no objections to the conditions of site plan approval proposed by City Planner Primiano.

PUBLIC COMMENTS

None.

SITE PLAN APPROVAL

Motion by Commissioner Wilson, seconded by Commissioner Ferro, to accept the proposal with the following conditions:

1. The address will be prominently displayed so that it is easily visible from Crane Street.
2. Metal roll gates and iron bars are not permitted on any doors or windows at any time in the future.
3. Garbage storage will be to the rear of the building and out of public view at all times.
4. The proposed sign is too large. Allowable square footage is based on frontage of the building. The applicant will revise the sign proposal and submit it to the City Planner for final approval prior to purchase and installation of the sign.
5. All window signage must be limited to 20% of each windowpane.
6. The applicant will provide a cigarette receptacle in front of the building and will sweep the area daily as needed to keep it clear of litter and debris.

Motion carried unanimously, with Commissioner Bailey absent from the vote.

B. MOUSA A. SABEHA requests site plan approval pursuant to Section 264-90 M of a proposal to operate a convenience store at 876 Albany Street, tax parcel # 49.33-4-21, located in a “C-2” Mixed Use Commercial District.

Mousa Saheba, assisted by his translator Nabeel Shohattie, presented the proposal.

Mr. Shohattie stated that Mr. Sabeha is taking over the existing business on the site. He stated that his planned hours of operation are 9 am to 10 pm daily, and that there will be no alcohol sales at the store. He stated that in the beginning Mr. Saheba will be the only employee. Mr. Shohattie stated that the sign will be in the existing location but will have different graphics.

The Commissioners and Mr. Saheba discussed the condition of the building and it was determined that conditional site plan approval could be issued to give Mr. Sabeha time to address some of the outstanding issues. The Commissioners agreed that the conditions must be addressed by April 15, 2020 or Mr. Sabeha will be required to return to the Commission for further consideration.

PUBLIC COMMENTS

None.

CONDITIONAL SITE PLAN APPROVAL

Motion by Commissioner Case, seconded by Commissioner Lewis, to accept the proposal with the following conditions:

1. The address must be prominently displayed so that it is easily visible from Albany Street.
2. Metal roll gates and iron bars are not permitted on any doors or windows any time in the future.
3. Garbage storage will be at the rear of the building and out of public view at all times.
4. The business requires a Certificate of Use.
5. One sign is permitted on the front of the building. All window signage is limited to 20% of each windowpane.
6. The façade will be cleaned up and repainted and the broken window will be repaired by April 15, 2020. All missing siding will be replaced, and the façade body will be painted on color. If the façade work is not satisfactorily completed by April 15, 2020 the applicants must return to the Planning Commission for further consideration of the site.
7. A trash can will be placed in front of the business. It will be emptied daily, and the surrounding area will be swept clean of litter and debris several times per day.

Motion carried unanimously, with Commissioner Bailey absent from the vote.

VII. MISCELLANEOUS

Commissioner Wallinger noted that she had met with some members of the City Council on unrelated issues but had broached the subject of the downtown residential parking requirements and the electronic message board signs with them. She stated that she will continue to follow up.

VIII. MOTION TO ADJOURN

Motion by Commissioner Wilson, seconded by Commissioner Lewis, to adjourn the meeting.

Motion carried unanimously.

Meeting was adjourned at 9:49 p.m.