

**City of Schenectady
Planning Commission
Meeting Minutes
July 17, 2019**

I. CALL TO ORDER

Commissioner Wallinger called the meeting to order at 6:40 p.m.

II. ATTENDANCE

PRESENT: Mary Moore Wallinger, Chair; Bradley Lewis, Vice Chair; Ryan Bailey; Kimberly Case; Richard Ferro; Andrew Healey; Christine Primiano, Principal Planner; Andrew Koldin, Assistant Corporation Counsel

EXCUSED: Randall Beach; Jason Bogdanowicz-Wilson

III. CONFLICT OF INTEREST CHECK

None.

IV. APPROVAL OF MEETING MINUTES

Motion by Commissioner Ferro, seconded by Commissioner Bailey, to accept the Minutes of the June 19, 2019 meeting as submitted.

Motion carried unanimously.

V. NEW BUSINESS

A. MURTADA AMER HAFEZ requests site plan approval pursuant to Section 264-90 M of a proposal to operate a Halal grocery store at 1513 Broadway, tax parcel # 49.37-1-16, located in a “C-2” Mixed Use Commercial District.

Murtada Amer Hafez appeared before the Commission.

City Planner Primiano explained that because the applicant did not submit a site plan showing the required 7 on-site parking spaces the Commission could not move forward with consideration of the proposal. Mr. Hafez stated that there is some available on-street parking on the side of the site. Ms. Primiano stated that on-street parking cannot be counted toward this requirement. She suggested that Mr. Hafez speak to the property owner to see if there is a possibility of having the parking on-site, as there appears from the photos that there might be sufficient space.

Ms. Primiano briefly reviewed her staff notes with Mr. Hafez, noting that the pole sign and deteriorated storage sheds must be removed from the property. She asked why Mr. Hafez wants to be open until midnight and what type of Halal foods he plans to offer. Mr. Hafez that he will be

offering prepared Halal foods, as well as subs, juice, cigarettes, ice cream, and lottery tickets.

PUBLIC COMMENTS

None.

Mr. Hafez commented that during a pause in the proceedings he had contacted the landlord and she indicated that at this time she is not willing to move forward with installing the required parking. Commissioner Wallinger noted that because the application will be tabled if she should change her mind Mr. Hafez could return with a revised proposal.

MOTION TO TABLE

Motion by Commissioner Lewis, seconded by Commissioner Ferro, to table the proposal pending the submittal of further information regarding providing the seven parking spaces required for the business.

Motion carried unanimously.

VI. OLD BUSINESS

A. SHERIDAN PLAZA ASSOCIATES request a special use permit pursuant to Schedule B of a proposal to open a Walgreen's Pharmacy and construct a drive-through window and canopy at 1344 Gerling Street, tax parcel # 40.37-4-6, located in a "C-2" Mixed Use Commercial District.

Zell Cantrell of Galloway Associates, Miriam Feliz, representing Sheridan Plaza management, and Scott Roth, Realtor for the property, presented the proposal. Mr. Cantrell noted that he has speaking on behalf of the architectural firm that had subcontracted with his company on behalf of Walgreens.

Mr. Cantrell briefly reviewed the revised site plan, pointing out that the changes discussed at the June meeting had been made to the plans. He stated that Walgreens had agreed to the proposed revisions. Ms. Feliz stated that there are contracts in place to bring the property in compliance with an earlier site plan approval by planting the required trees, installing the enclosed garbage corrals, and upgrading the signage on the property.

Commissioner Ferro asked if there is work planned to upgrade the parking lot, as the surface has many potholes and deteriorated areas. Ms. Feliz stated that many of the potholes have already been filled, and that further work is planned to begin after the Walgreen's construction is completed.

Commissioner Bailey noted that at the June meeting Commissioner Wilson had been very vocal about his concerns about the project, and although Commissioner Wilson was not present at this meeting Commissioner Bailey stated that he also shared the same concerns. He explained that he believes that there could be significant upgrades made to the plaza, particularly the landscaping and parking area. Ms. Feliz stated that Ms. Primiano had told her that six trees were required and that was what the plaza owners agreed to do. Commissioner Bailey stated that the six trees would bring the site into compliance with previous approvals, but it seemed to him that they are the minimum that should be expected. He stated that he understood the tension between acquiring new tenants in order to be able to generate revenue and requiring improvements on the property, but he agreed with Commissioner Wilson's statement at the June meeting that this is a significant site and should be treated as such.

Mr. Roth stated that he took over the marketing of the property last year and since that time has been working to find tenants for the site. He explained that he is working with the plaza owners to bring the plaza back to life one tenant at a time and he is certain that they will be willing to improve the site along the way. Ms. Primiano stated that along with the three trees along Gerling and three trees on Rosa perhaps the Commission would like to require that landscaping be installed around the bases of the two monument signs. Commissioner Bailey stated that he would like to see this required. The other Commissioners concurred. Commissioner Wallinger suggested that the tree and landscaping planting be done in the early fall when the weather has cooled. She noted that the Commission expects to see further improvements made to the property as more new tenants are secured. Mr. Roth stated that he has been working with Family Dollar to bring them in to part of the old Price Chopper space. Ms. Primiano noted that Family Dollar is notorious for not maintaining their sites well and having them as a tenant will require much vigilance on the part of the plaza management.

SEQR RESOLUTION

Motion by Commissioner Lewis, seconded by Commissioner Bailey, to adopt the Negative Declaration.

Motion carried unanimously.

PUBLIC COMMENTS

None.

SPECIAL USE PERMIT APPROVAL

Motion by Commissioner Lewis, seconded by Commissioner Healey, to approve the Special Use Permit based on the following findings:

1. Proposed use **shall not** substantially impact upon the nature and character of the neighborhood.
2. Proposed use **will not** have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, and utility facilities.
3. Nuisance **will not** be more objectionable than use not requiring special use permit.
4. Use **shall** be served adequately by infrastructure.
5. Proposed use **will not** result in loss or destruction of significant features.
6. The proposed building or use **complies** with all additional requirements imposed on it by the provisions of this zoning chapter.

And with the following conditions:

1. The applicants will submit a plan for landscaping around the bases of the two monument signs to the City Planner prior to installing the landscaping. The landscaping will be installed by October 1, 2019.
2. The six street trees on Gerling Street and Rose Road will be planted and the dumpster enclosures and updated signage will be completed by October 1, 2019.

Motion carried unanimously.

B. FANEZA RAMDASS requests site plan approval pursuant to Section 264-90 M of a proposal to operate a wine and liquor store at 837 Eastern Avenue, tax parcel # 39.82-3-17, located in the “C-2” Mixed Use Commercial District.

Faneza Ramdass and her husband Terry Ramdass presented the proposal.

Ms. Ramdass stated that they had corrected all of the violations noted at the June meeting, except the broken window, which they are in the process of acquiring a permit to repair. Commissioner Wallinger noted that the Building Inspector had sent staff to inspect the property earlier in the day and he had reported that all of the violations had been corrected, except the window, as Ms. Ramdass reported. City Planner Primiano asked if they had applied for the permit for window replacement yet. Ms. Ramdass stated that her husband had gone to the office that afternoon but had been told that he has to apply online, and he did not have a chance to do so prior to the meeting.

Ms. Primiano asked the applicants if their intent is still to paint the brick gray and the trim white, and to replace the tile on the front façade with new tile. Mr. Ramdass stated that it is, and that the work will be completed as soon as possible. Commissioner Wallinger noted that the brick should be sealed before painting or the paint will begin to chip very quickly. Mr. Ramdass stated that they plan to seal it. Commissioner Bailey asked if they were still proposing hours of operation from 10 a.m. to 10 p.m. Ms. Ramdass stated that they are willing to close at 9 p.m. if the Commission would prefer. She noted that Sunday hours will be 12p.m. to 6 p.m., or shorter if required by the State Liquor Authority.

PUBLIC COMMENTS

Bob Harvey, President of the Eastern Avenue Neighborhood Association, spoke in opposition to the proposal. He stated that while he understands that the liquor store is an allowed use, it is the position of the Association that this is not the best use for this property.

A letter in opposition to the project from Mohendra Persaud, owner of Eastern Wine & Liquor, was entered into the record. Ms. Persaud stated that there is not a need for another liquor store in the area.

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

Commissioner Healey asked where the garbage will be stored. Ms. Ramdass stated that it will be enclosed in the back-yard area. Commissioner Case asked if there will be security cameras at the front and sides of the building. Mr. Ramdass stated that the cameras are already installed. Ms. Primiano asked if there are steps that the applicants feel they have taken to address the neighbors' concerns. Mr. Ramdass stated that they have installed security cameras and lighting all around the building. Ms. Primiano asked if they are willing to share the security camera data collected with the Police Department. Mr. Ramdass stated that they are. Ms. Primiano noted that it will be their responsibility to control loitering and litter. The applicants indicated that they understood.

Commissioner Ferro noted that he is disturbed by the steps that the City Council has taken to essentially block the liquor license of Mr. Ramdass and another new liquor store in the City. He stated that the applicants have complied with everything the Commission has required and have invested thousands of dollars of their own money into their business and improving the building, and thus the area surrounding it. He stated that in his opinion the City Council's action appears to be an attempted restraint of trade. Commissioner Lewis agreed, adding that the store will survive or not depending on what the demand is and how well it is run.

He added that as long as the building is well-kept and remains in compliance the applicants should be allowed to open their business there, as is allowed under the City Code.

Ms. Ramdass stated that they want the store to be a positive addition to the neighborhood and would like to host wine tastings and other events that will bring the neighbors in to the store. Mr. Ramdass noted that he has invested thousands of dollars and clearly wants the building to be an attractive addition to the neighborhood and for the store to be a success.

Ms. Primiano brought up the addition of two planters to the front of the building. The applicants and Commissioners briefly discussed this and concluded that the final plans for the planters could be submitted to staff for approval.

SITE PLAN APPROVAL

Motion by Commissioner Ferro, seconded by Commissioner Lewis, 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 will not be installed on any doors or windows at any time in the future.
3. Additional security lighting will be added to the exterior of the building.
4. Security cameras will be installed and consistently used. The applicants have agreed that they will share information gathered from the cameras with the Schenectady Police Department.
5. Garbage will be stored in a proper garbage enclosure out of view of the public right of way.
6. All boarded and broken windows will be replaced prior to the opening of the business.
7. The exterior of the building will be painted, and the façade tile replaced prior to the opening of the business.
8. The hours of operation of the store are limited to 10 a.m. to 9 p.m. Monday through Saturday and 12 p.m. to 6 p.m. Sunday.
9. Two landscaping planters will be added to the front of the building. A landscaping plan will be submitted to the City Planner for approval prior to the installation of the planters. The planters will be installed prior to the opening of the business.

Motion carried unanimously.

VII. NEW BUSINESS - CONTINUED

- A. RAMDHAN LAKERAGH requests site plan approval pursuant to Section 264-90 M of a proposal to operate a billiard hall at 2502**

Broadway, tax parcel # 48.67-1-23, located in a “C-2” Mixed Use Commercial District.

Ramdhan Lakeragh presented the proposal.

Mr. Lakeragh stated that he understood that his application was incomplete, but he wanted to be sure that this was an allowed use for the building before moving forward. He noted that he plans to buy the building if the use is allowed.

Ms. Primiano stated that it is an allowed use of the property, but the existing code violations must be addressed, and a more complete application submitted before the Planning Commission can move forward with the consideration of the project. Commissioner Wallinger explained that the site plan needs to show how the parking lot will be striped, where the landscaping will be installed, what colors will be used to repaint the exterior, etc. Ms. Primiano noted that the proposed sign is acceptable as submitted. She stated that the dumpster also needs to be moved and enclosed. Mr. Lakeragh stated that as soon as the sale of the property is completed, he plans to begin work on correcting the code violations.

Commissioner Wallinger recommended that some of the landscaping be installed in front of the building between the building and the sidewalk, where removing the asphalt would also help discourage illegal parking in this area. She also suggested putting a small tree in the landscaped area to line up with the center of the front windows. Ms. Primiano asked if the roof needs repair under the tarp. Mr. Lakeragh stated that it does, and that he plans to repair it as soon as he takes ownership of the building. Commissioner Case asked if Mr. Lakeragh has specific colors in mind yet for the façade of the building. Mr. Lakeragh responded that he does not, but that he will submit them prior to returning to the Commission.

PUBLIC COMMENTS

None.

MOTION TO TABLE

Motion by Commissioner Case, seconded by Commissioner Lewis, to table the proposal for the following reasons:

1. The application submitted is incomplete. More information is needed regarding a painting plan for the building, including specific colors and where they will be located. A landscaping plan is also required.
2. The side and rear of the building are not being maintained and need to be cleaned and improved.

3. A garbage enclosure plan must be submitted for review. The dumpster must be moved to the rear of the parking lot and properly enclosed with privacy screening.
4. There are existing visible Code violations on the property that must be addressed prior to further consideration by the Planning Commission.
 - 1) The plastic tarp on the rear of the building.
 - 2) The chipping paint on all window trim.

Motion carried unanimously.

B. JARED HEIDELMARK requests site plan approval pursuant to Section 264-90 M of a proposal to operate a barber shop at 2309 Guilderland Avenue, tax parcel # 48.75-2-20, located in a “C-1” Neighborhood Retail District.

Kimberley White, owner of the property, and Jared Heidelmark presented the proposal.

Ms. White stated that she had received City Planner Primiano’s staff comments and was disturbed to read that a sidewalk is required on the property, since she does not believe that there was ever one there. Ms. Primiano stated that the two adjoining properties have sidewalks and that especially since this property is in such close proximity to a school pedestrian safety should be taken very seriously. She also noted that the curb cut far exceeds the 40’ allowed. Ms. White stated that she recently purchased the building and has been spending large amounts of money on it without seeing any returns yet. She added that the City has been doing construction in the area and the large trucks have further damaged the asphalt area lot in front of the building. Ms. Primiano suggested that she and Ms. White meet with the City Engineer to discuss the placement of the curb cuts and parking area on the site and then Ms. White could return to the Commission with a final plan that she could be assured would be feasible from the City’s point of view. Ms. White and the Commissioners agreed that this would be a good idea.

Ms. White asked if she could receive a conditional approval in order to allow Mr. Heidelmark to begin interior renovations on the site. The Commissioners and applicants discussed the rest of the issues on the site including the removal of the pole sign and storage shed and the necessary façade improvements. A consensus was reached that a conditional approval would be granted with the applicant returning in June with a final plan for landscaping, parking, sidewalks, and the curb cut. It was also determined that the applicant could submit plans for the new monument sign to Ms. Primiano for final approval.

PUBLIC COMMENTS

None.

SITE PLAN APPROVAL

Motion by Commissioner Ferro, 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 Guilderland Avenue.
2. Metal roll gates and iron bars cannot be installed on any doors or windows at any time in the future.
3. The pole sign will be removed in its entirety. The applicant will submit a plan for a new monument sign to the City Planner for final review and approval prior to purchase and installation of the sign.
4. The storage shed is in poor condition and will be removed prior to the opening of the business.
5. The existing Code violations on the building, including the missing siding and peeling paint on the front and second story of the building, must be corrected prior to the opening of the business.
6. The applicant will meet with the City Planner and City Engineer and will return to the August 2019 Planning Commission meeting with a plan for landscaping and parking, and the curb cut and sidewalk installation.

Motion carried unanimously.

VIII. MISCELLANEOUS

None.

IX. MOTION TO ADJOURN

Motion by Commissioner Healey, seconded by Commissioner Bailey, to adjourn the meeting.

Motion carried unanimously.

Meeting was adjourned at 8:22 p.m.