

**City of Schenectady  
NEW YORK  
CITY PLANNING COMMISSION Minutes  
July 19, 2023**

**I. CALL TO ORDER**

**Meeting called to order** at 6:10 p.m.

**II. ATTENDANCE**

**Present:** Mary Moore Wallinger, Susan Nadler; Colin Evers; Dharam Hitlall; Michael Tearno; Hayden Engert; Christine Primiano, Principal Planner; Chris Marney, Asst. Corporation Counsel; and Sylvia Jimison, Development Staff

**Absent:**

Excused: Bradley Lewis, Vice Chair, Randall Beach, and Jason Bogdanowicz-Wilson

**III. Conflict of Interest Check**

None

**IV. Approval of Minutes for June 21, 2023 –pending.**

**Commissioner Wallinger:** informed everyone that the meeting will start with the consent agenda, and she started with the roll call of all the Commissioners that were present, as stated above. Commissioner Wallinger went on to list the projects that were going to be discussed for the evening, and if anyone was there to speak about a project that wasn't on the list, the Commission wasn't going to be able to speak on it this evening. If the Commissioners have questions, 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. Please speak directly to the Commission, that would be greatly appreciated.

## I. NEW BUSINESS – CONSENT AGENDA

- A. BROADVIEW FEDERAL CREDIT UNION** requests site plan approval pursuant to Section 264-90 G of a proposal to operate a bank branch with a drive-through at 1742 Union Street, tax parcel # 50.39-2-20, located in a “C-2” Mixed Use Commercial District.

**Commissioner Wallinger** asked the applicant if they had received the staff comments and if the applicant was prepared to meet all the requirements? The applicant responded, yes.

**Commissioner Wallinger** stated if the applicant is prepared to meet all the requirements the only thing, she noticed was it looked like there was a large dead elm tree in the parking lot in one of the islands that would need to be removed. A new tree to be put back in its place or close to it in the same island as part of the conditions.

- B. 192 ERIE BLVD LLC** requests site plan approval pursuant to Section 264-90 F of a proposal to construct 20 residential units and one 2,000 SF commercial unit in the existing building at 192 Erie Boulevard, tax parcel # 39.71-3-20.12, located in a “C-4” Downtown Commercial District.

**Commissioner Wallinger** asked the applicant if they had received the staff comments? The applicant answered, yes. **Commissioner Wallinger** then asked the applicant if they were prepared to address all the conditions. Applicant responded, yes.

- C. TIMOTHY STARR** requests a Special Use Permit pursuant to Section 264-611 of a proposal to install an electronic message board at 1108 State Street, tax parcel # 49.50-4-1.11, located in a “C-2” Mixed Use Commercial District.

**Commissioner Wallinger** asked the applicant if they had received the staff comments? The applicant answered, yes. **Commissioner Wallinger** then asked the applicant if they were prepared to address all the conditions. Applicant responded, yes. **The applicant added that he was not the applicant, but Hometown Health Centers is the applicant.**

**D. SHAWN BUMBURY** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a restaurant at 432 Franklin Street, tax parcel # 39.72-4-46, located in a "C-4" Downtown Commercial District.

**Commissioner Wallinger** asked the applicant if they had received the staff comments? The applicant answered, yes. **Commissioner Wallinger** then asked the applicant if they were prepared to address all the conditions. Applicant responded, no had not seen the staff comments. **Mr. John Samatulski** appeared before the commission for the applicant Shawn Bumbury. **Mr. Samatulski was** shown the staff comments and said they were fine.

**PUBLIC COMMENTS IN FAVOR**

None.

**PUBLIC COMMENTS IN OPPOSITION**

None.

**RESOLUTIONS BY COMMISSIONERS**

**Commissioner Wallinger**, "is there anyone from the public who wishes to speak to any of these four projects on the Consent Agenda? All right, seeing none I will close the public hearing.

So, we have three different motions will need to make. First, I will need to make a motion for a negative declaration for item A Broadview Federal Credit Union at 1742 Union Street; Item B 192 Erie Boulevard LLC at 192. Erie Boulevard; and Item C, Timothy Starr with the electric message board and 1108 State Street made by **Commissioner Evers** and seconded by **Commissioner Nadler**.

***All those in favor signify by saying yes. Anyone opposed? Anybody abstaining? All right, thank you.***

Next, we'll take a motion for site plan approval for item A Broadview Federal Credit Union at 1742. Union Street Item B 192. Erie Boulevard LLC at 192. Erie Boulevard.

Item D. Shawn Bumbury for the restaurant at 432. Franklin Street. Made by Commissioner Nadler seconded by Commissioner Hitlall. All those in favor signify by saying yes. Anyone opposed? Anyone abstaining? Thank you. And for the third motion, I will need a motion for a special use permit along with the proposed findings which are in the staff comments.

For Item C Timothy Starr [Hometown Health Centers] and the electronic message board 1108 State Street."

**SPECIAL USE PERMIT APPROVAL**

Motion by Commissioner Nadler, seconded by Commissioner Hitlall, to approve the special use permit for the electronic message board based on the following:

- 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.
- 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.
- 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.
- 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.
- 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.
  - Compliance. The proposed building or use complies with all additional requirements imposed on it by the provisions of this chapter.

**Principal Planner** indicated, “for the record that they're going to submit the details on the exact location of the sign.”

**Commissioner Wallinger** “So do I have a second motion, made by Commissioner Evers all those in favor signify by saying, yes. Anyone opposed? Anyone abstaining. Congratulations to those of you on the Consent Agenda, you are free to go. And now we'll move on to new business.”

***Motion carried unanimously.***

## **II. NEW BUSINESS – CONTINUED**

**A. KNC TOUCH FREE CARWASH INC.** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a car wash at 1731 Union Street, tax parcel # 50.39-1-6, located in a "C-2" Mixed Use Commercial District.

### **SUMMARY**

**ABD Engineers and Surveyors** represented the applicant for the touch free car wash project at 1731 Union Street. They received comments from the commission regarding adding more landscaping and buffering between the sidewalk and parking lot. The ABD representative argued that the site already had some landscaping and green space. The commissioners responded that adding street trees, landscaping, and removing some asphalt would improve the pedestrian experience and provide stormwater benefits. The ABD representative agreed to bring the commission's suggestions back to the applicant and come back with a revised plan. The project was then tabled pending the revised plans.

### **APPLICANT COMMENTS**

ABD stated the following, "Christian King, purchased [the property], and has already made some improvements to the site, through the sprinkler system already approved some landscaping on site.

It probably looks a lot better today than it did for the past 20 years. We've submitted this site plan to go along with the tenant change of occupancy, same use, same use hours of operation, so forth. We did receive the comments one through four. And after discussing them with the applicant items one through three out of the problem. Number four, we're hoping to get some better clarification from this board as to the landscape. As I mentioned, over the 22 years, you know, there is green space on the site.

There is harbor all the way around the two sides. There's a nice landscaping island right on the corner, where when he purchased the property, he did major improvements, not only on the interior of the building, but also the landscaping. The remote team did a lot of landscaping there to improve the visibility right there around the corner.

He has several facilities, and he keeps all of them that way. So, I think moving forward, he is the type of owner that will maintain his properties for the life of the property ownership. So, if there's any way that we can discuss, you know, I offer for, you know, obviously there is advice. He didn't know that walking into this that he would have to rip off pavement, which is always difficult for the applicants and so forth, having to rip off pavement or concrete sidewalks within the city right away... So, I figured this would be a perfect opportunity to have a discussion here today. If we can't resolve resolution tonight, and, you know, we'll

take your comments and be back next month as we all have further discussions. Bring your knowledge back."

**Commissioner Wallinger** stated, "I don't disagree with the building looks very nice. I will say I've been getting my carwash there for 20 years. I'm happy to see its still operating. The site is kept very clean of trash and the landscaping I've noticed, like looks really nice.

So, I do want to start by saying that but especially with some of these Union streets, projects, properties, it's been kind of a long time coming when the standards were first done, there was just asphalt everywhere. It's slowly been improved over time and now it's this wonderful walkable, economic center for the neighborhood and the city.

The issue is when you have the side streets, and it's all just paving, it really cuts off the desirable like pedestrian connection. It's hot, it's really ugly. There's not like a lot of traffic calming measures. So, I believe that comment referred to and we usually require like a buffer anywhere between the paved area and the and the sidewalk. There's also kind of a weird, I don't know, it must be left over from some previous iteration. But there's like two curb cuts, there's one where everybody goes in and out of the site and then there's another one that sort of points to the side of the building, which is not a great location for curb cuts. So, I think having the landscaping there would also make it clear that it's not a driveway, and kind of create that unnecessary separation, which would probably be less expensive than having to get into the road and replace the curb and change the sidewalk there."

Comments from other Commissioners? Commissioner Hitlall made comment about side street near the car wash.

#### **PUBLIC COMMENTS IN FAVOR**

None.

#### **PUBLIC COMMENTS IN OPPOSITION**

None.

#### **RESOLUTION BY COMMISSIONERS**

Motion by **Commissioner Hitlall**, seconded by **Commissioner Engert** to table project for a revise plan.

***Motion carried unanimously.***

For the project at 1731 Union Street for the touch free car wash, the applicant was asked to revise the plans to include more landscaping and buffering

between the sidewalk and parking lot. The commissioners suggested removing some asphalt and adding street trees and landscaping to improve the pedestrian experience and provide stormwater benefits. The applicant agreed to come back with a revised plan incorporating the commission's feedback. The project was then tabled pending the revised plans.

- For the touch free car wash project, add street trees, landscaping, and remove some asphalt between the sidewalk and parking lot to improve the pedestrian experience and provide stormwater benefits.
- Buffer between paved area and sidewalk
- Put landscaping in place

**B. AIKMLB HOLDINGS LLC** requests subdivision approval pursuant to Chapter 230 of the City Code to apportion the lands at 550 Summit Avenue, tax parcel #49.31-2-20.1 from one lot to two lots, and 549 Summit Avenue, tax parcel # 49.31-3-46.1 from one lot to two lots, located in an "R-2" Two Family Residential District.

**Damien Pinto-Martin**, Manager of Preconstruction Services, MLB Construction Services, LLC, came before the commission about 2 subdivisions which is part of a larger project. There will be 20 parcels to create 41 new single family homes (ranch), and 2 family community. MLB and AIK are working with Metroplex on the development of the subdivision. There has been community outreach and have over 70 individuals interested on a list. The goal is to get approval for the subdivision.

**Mr. Michael Drexler**, a neighbor to the proposed subdivision, stated he had some concerns about the 2 feet on side of the houses and since 2019 he has been trying to purchase land from the city. He has not been successful with 4 offers. He will no longer have a driveway. He added, he thinks it's a great project and need more communication with residents on Summit Avenue.

**Counselor Marley**, said he understands what Mr. Drexler is saying and that is an easement rights, a private matter by him and who owns the property. The city council does it by resolution.

**Commissioner Walling** asked if anymore public comments and if none, public hearing closed.

**Commissioner Wallinger** asked if driveways will be provided? And that the city recently did a tree study; addressing tree lines that don't exist. She said a good opportunity to fix sidewalks and create green space. She also noted a

landscape plan was included and for project to continue to have conversation with neighbors.

**MLB** replied, will provide sidewalks in front of all the parcels.

**Pam Swanigan**, AIK, stated that public outreach was conducted at Juneteenth event, farmers market, BCNI, HUD Neighborhood part, Electric City Barn, and single parents will be going to specific owner with a 1-mile radius to hold separate public meetings. There are 84 on the list and only just begun the last 2 months to start a new neighborhood. Also was an opportunity for residents to share some of their ideas, for example, park benches was suggested and looking for more feed back from the community.

**A summary of the Summit Avenue project:**

- The applicant requested subdivision approval to subdivide and combine parcels on Summit Avenue to create 41 single family homes and duplexes.
- The homes would be targeted towards individuals making between \$40,000 and \$60,000 per year, with starting prices around \$140,000.
- The applicant is working with BCNI and other community groups to prioritize selling the homes to local residents.
- The applicant is also working with Metroplex to pass on a property tax abatement to the homeowners to keep monthly costs affordable.
- The applicant plans to set the homes back further from the street to create front yards and rear parking. They will need variances for the front setback requirement.
- The applicant has done community outreach and has a list of over 70 interested potential buyers already.
- Commissioners asked questions about driveways and parking and recommended adding street trees to increase the urban tree canopy in the neighborhood.
- A nearby resident expressed concerns about losing their driveway access and not being able to purchase adjacent lots from the city. The applicant agreed to investigate options to address the resident's concerns.

**RESOLUTION BY COMMISSIONERS**



**Commissioner Wallinger** took the following motion for the Summit Avenue project:" a motion for a negative declaration for item A [the Summit Avenue project] made by **Commissioner Evers**, seconded by **Commissioner Engert**. All those in favor signify by saying yes. Anyone opposed? Anyone? All right, thank you."

***Motion carried unanimously.***

C. **TIFFANY MORRISON-McPHERSON** requests site plan approval pursuant to Section 264-90 I of a proposal to construct a 2,400 SF building with a restaurant on the first floor and two residential units on the second floor, at 910 State Street, tax parcel # 49.33-5-29, located in a "C-2" Mixed Use Commercial District.

**Ms. Tiffany Morrison McPherson** came before to the commission to open a Caribbean restaurant called Island Flavor at 910 State Street. However, there was some confusion as the applicant said they had only just received the staff comments 20 minutes prior to the meeting. She was asked if she understood the Engineers comments. She was also requested to put a driveway on the other side of the building.

**Commissioner Wallinger** asked if there were comments from the public.

A neighbor to the property said he has been there for 60 years and felt that a larger project would be better suited for the property. He was told that type of question for development would be directed to the City Council and the Planning Commission reviews private applications that come before the commission.

**The commissioners recommended the following:**

- Flip the driveway to the other side of the building to avoid the catch basin - Have an entrance on the street-facing side of the building in addition to the rear entrance to provide visibility from the street
- Consider windows and visibility from the street to help market the restaurant
- Label the landscaping on the revised plans, including what types of trees will be planted - Provide details on the fence around the outdoor seating area and garbage storage
- Provide details on the proposed lighting

-A plan that shows the trees and what kind of fence would be placed in the garbage area

**A summary of the discussion regarding tax parcel 910 State Street:**

- A nearby resident expressed surprise that the parcel was for sale and that they had not been notified as an adjoining property owner.
- The resident said that the parcel at 910 State Street was key to future redevelopment of the entire block and neighborhood.
- The resident was concerned about traffic, safety, and parking impacts for the proposed restaurant use at that location.
- The resident felt that a larger redevelopment project would be better for the neighborhood than just the proposed restaurant.
- Commissioner Wallinger responded that the Planning Commission's task was to review the application before them, and if the proposed use was allowable, they were required to approve it.
- Commissioner Wallinger suggested the resident take their concerns about the sale of the parcel to the City Council.
- The resident was also concerned about access to their driveway being landlocked by the proposed project.

**RESOLUTION BY COMMISSIONERS**

**Commissioner Evers** made a motion to table the project to allow the applicant to come back with a revised plan addressing their feedback and recommendations and seconded by **Commissioner Engert**.

***Motion carried unanimously.***

- D. RAJENDRANAATH GUMANI** requests site plan approval pursuant to Section 264-90 G of a proposal to renovate the building at 2231 Broadway to operate a Banquet Hall, tax parcel # 48.59-2-20, located in a "C-2" Mixed Use Commercial District.
- E. GINNEL GUMANI FASHIONS LLC** requests site plan approval pursuant to Section 264-90 G of a proposal to renovate the building at 2241 Broadway to operate a bridal store, tax parcel # 48.59-2-18, located in a "C-2" Mixed Use Commercial District.

Rajendranauth Gumani came before the commission to get approval to operate a Banquet Hall and Bridal Store. The Banquet Hall will not be open 24 hours and will be opened Monday to Sunday. Also, on Friday, Saturday, Sunday, for events until 1:00 a.m. The capacity is for 200 people. They are still working on signage for front of the building and will replace signage that is there.

The applicant also stated would remove some of the paving that is there and add landscaping.

Commissioner Wallinger asked if there were comments from the public and there were none. However, a letter had been received from Dan Elliott concerned about the parking for residents.

The letter from Dan Elliott regarding the project at 2231 Broadway expressed the following concerns:

- Parking for patrons of the business would be severely taxed and impact residents' ability to park.
- With seating for 50 or more people per event at the banquet hall, parking would be insufficient.
- When evaluating project approvals, parking and neighbors' parking should be considered.

**Principal Planner** said a special approval and a variance for parking will be required and **Commissioner Wallinger** indicated that the applicant might want to look into shared parking agreement with other businesses.

**Commissioner Wallinger** closed public hearing.

#### **RESOLUTION BY COMMISSIONERS**

**Commissioner Nadler** made a motion to table the project to allow the applicant to come back with a revised plan addressing their feedback and recommendations and seconded by **Commissioner Engert**.

***Motion carried unanimously.***

**A summary of the discussion regarding 2231 Broadway to operate a Banquet Hall and Bridal Shop:**

- The applicants requested approval to renovate the building at 2231 Broadway to operate a banquet hall and at 2241 Broadway to operate a bridal store.
- The parking lot was on a separate parcel, and the applicants wanted to know if they could share the parking between the two buildings. Commissioners recommended they consolidate the parcels or have an easement for shared parking and access.
- Commissioners asked the applicants to provide grades to show snow storage would not drain onto neighboring properties.
- Commissioners recommended removing some of the impervious surface and adding landscaping and buffering between the sidewalk and parking lot.
- The applicants were not sure how much floor area would be used for the banquet hall, which commissioners said was needed to determine parking requirements.
- Commissioners recommended the applicants look into needing a variance for parking given the expected occupancy of the banquet hall.
- A nearby resident expressed concerns about parking and traffic impacts from the banquet hall.

**F. MOHAMED SALEEM** requests site plan approval pursuant to Section 264-90 J of a proposal to operate a convenience grocery store at 742 Crane Street, tax parcel # 49.46-3-14, located in a "C-2" Mixed Use Commercial District.

**Dan Morelli** representing the applicant, came before the commission and stated that they will remove the pole sign and use stickers on the windows instead. The windows will not be blocked and will extend to the floor level. They will plant shrubs in the front grassy area and rebuild the planter in the back. They will resurface the parking lot and stripe it for handicap accessibility and will add lighting at the front, side, and rear entrances. They will also have a fenced refuse area in the back and twice weekly pickup and in addition, will replace the corrugated steel siding on the rear of the building with vinyl siding.

**A summary of Dan Morelli's presentation for the convenience store at 742 Crane Street:**

- Dan received the commissioners' comments and passed around revised plans.
- He addressed the engineering comments regarding replacing the apron and curb cut.
- He agreed with the planning comments.

- He went through the conditions for site plan approval:
- The address will be displayed on the front door in white letters
- There will be no metal roll gates or bars on the windows
- The handicap entrance in the back will be open during business hours - The applicant is aware they need a certificate of use.

**Commissioner Wallinger** indicated that the biggest issue she saw was that based on the use, seven parking spaces would be required and there were not that many on the property, which would require a variance. Also, given the number of accidents and traffic safety issues in the area, she wanted to ensure there was adequate parking.

She noted that the number one complaint they get about convenience stores is people parking in front of the store, pulling up on the curb, and parking in the intersection. She disagreed with Dan Morales' argument that there was enough parking on the street and in the church parking lot, noting that on-street parking is not permitted within 25 feet of an intersection.

She felt the Zoning Board of Appeals would need to determine if a variance for parking would be granted.

### **Public Comments:**

**Rev. Bookout** the pastor of the Bridge Christian Church located across the street from the proposed convenience store. He expressed concerns about traffic safety for church and community children due to the location at the intersection. There have been several accidents reported at that intersection. Visibility is limited coming up the hill on Crane Street, making it difficult for drivers to see oncoming traffic when turning from Third Avenue onto Crane Street.

There is limited parking available on the property and on the street, which could cause issues for patrons of the convenience store. Delivery trucks for the convenience store could further block visibility and cause traffic issues. The increased foot traffic and garbage from the convenience store could be an issue.

The church hosts many community events that utilize their parking lot, which the convenience store patrons may try to use. Rev. Bookout felt a different business, may be a better fit for the location due to the traffic and safety concerns.

**Ms. Pat** has tried to exit the driveway across the street from the proposed convenience store when delivery trucks were there and could not see oncoming traffic. She almost got hit by a car. Delivery trucks for the

convenience store and the banquet hall across the street could further block visibility and cause traffic issues.

There is limited parking available on the property and on the street, which could cause issues for patrons of the convenience store. She was concerned about increased accidents due to the extra traffic and limited parking in the area and felt a location with a lot in the back for parking would be better suited for the convenience store. She is concerned for children walking from the church who would have to cross the street to access the convenience store.

**Mr. Wood** has lived in the city since 1995. He said, one of the biggest problems in the city, and especially on Crane Street, is a lack of police enforcement. There are issues with people driving illegal motorcycles, scooters, and driving against traffic.

He felt the mayor should do something about the traffic issues and he was concerned about people getting hurt going into the convenience store if there is not enough police enforcement. He felt if the laws were enforced, the city could make money from fines and suggested taking the issues to the mayor and city council.

**A third person** spoke and said they didn't have a lot to say but have the same concerns; picking up trash and trash problems. The people who go to the store will be dropping trash. The talked about a car exploding with propane tanks in the car that was parked near the church. A danger of having more traffic.

**Commissioner Wallinger** asked if there were anymore comments from the public and there were none, so she closed the public hearing. She provided Ms. Pat with information about the Albany+Crane Corridor improvements and suggested they go to [www.craig-main-connection.com](http://www.craig-main-connection.com) to get more information about the corridor development.

**Mr. Morelli** added that the church has 900 people at its vent and more traffic is created by the church. He said it's a grocery store and not a convenience store. He said he has donated over 100 hours.

**Commissioner Wallinger** asked for other commissioners to add their thoughts.

**Commissioner Nadler** asked where is the parking for the store? Mr. Morales said there are 3 parking spaces in the rear of the store, 1 for apartment and for disability space- 105 feet.

## **RESOLUTION BY COMMISSIONERS**

**Commissioner Wallinger** stated she will take a motion to table the project until the client comes back for a revised plan for parking. **Commissioner Tearno** made a motion to table the project and seconded by **Commissioner Nadler**. All those in favor signify by saying yes. Anyone else any would oppose?

Also, a motion for referral to the BZA made by **Commissioner Nadler**, seconded by **Commissioner Evers**. All those in favor signify by saying, yes. Anyone opposed?

**Motions carried unanimously.**

**III. OLD BUSINESS** none.

**IV. MISCELLANEOUS**

- It was noted that the city is trying to help neighborhood commercial centers and create walkable environments.
- Mentioned that garages often have issues with cars all over the sidewalk.
- Questioned why garages have not been restricted in neighborhood centers or required to get a special use permit.
- Recommended that City Council take a look at whether garages should be prohibited in neighborhood centers or require a special use permit.
- Felt this could be addressed through the comprehensive plan or in the interim through special use permits for garages.
- Other commissioners agreed it would be good to bring these issues to City Council's attention, though some felt waiting for the comprehensive plan would be better.
- Commissioner Wallinger asked if the planning department could look into the issues with garages in commercial corridors.

**V. ADJOURNED** 8:46 p.m.