

City of Schenectady
NEW YORK
CITY PLANNING COMMISSION Minutes
January 18, 2023 (draft)

I. CALL TO ORDER

Meeting called to order at 6:06 p.m.

II. ATTENDANCE

Present: Mary Moore Wallinger, Chair; Bradley Lewis, Vice Chair; Jason Bogdanowicz-Wilson; Randall Beach; Dharam Hitlall; Colin Evers; Michael Tearnio; Hayden Engert; Christine Primiano, Principal Planner; Chris Marney, Asst. Corporation Counsel; and Sylvia Jimison, Development Staff

Absent: Susan Nadler

III. Conflict of Interest Check

None

IV. Approval of Minutes for January 5, 2023 – still pending.

Commissioner Wallinger stated to the public that projects will be introduced and representative (s) for the project could come forward and introduce themselves to give a brief introduction of the project. They will need to sign in before speaking to the commission. Then it will be open to the commissioners to discuss the project and then will open it up for the public hearing. If you are here to speak about the project, ask that you come to the head of the table, introduce yourself and sign in at the end so we can spell your name correctly for the meeting minutes. All comments should be addressed to the commission and then if there's anything that needs to be addressed to the applicant, the commission will respond to the applicant and then to the public speaker for a response.

V. NEW BUSINESS

- A. SCHENECTADY HINDU TEMPLE AND COMMUNITY SERVICES** requests a Special Use Permit pursuant to Schedule B of a proposal to operate a community services center at 1218 Sixth Avenue, tax parcel # 49.55-2-1.11, located in an "R-2" Two Family Residential District.

George Ramson, treasurer for Hindu Community Center appeared before the Commission and stated that the building they are renovating into a community center was once an old rectory for the St. Thomas Church that was built in 1922. The former church is occupied by the Hindu temple. The rectory was sold to a private individual about 20 years ago. It was in a state of disrepair and needed much refurbishing and cleaning up to meet the standards.

Commissioner Wallinger asked about an overhang in front of the garage and four-foot landscape buffer between the sidewalk and parking areas. Landscaping is required to hide/buffer the parking lot from the residential neighborhood.

The applicant stated that they have many celebrations outside in the parking lot and when there is inclement weather, it's nice to have an overhang so they can be protected. There are 30 parking spaces total. He also stated that they are working on bids for the landscaping.

Commissioner Wallinger complimented the applicants about the property; saying that its bright and cheerful, and that it is being taken care of and loved.

Commissioner Wallinger asked if there were questions from the Commissioners.

Commissioner Wallinger said the applicant would need to get whatever permits are needed for the carport and for outdoor events if they will be using a sound system. The City Planner said a fence requires a building permit prior to installation.

Commissioner Wallinger opened the public hearing. There was no public comment, and the public hearing was closed.

Decision from the Commission:

Motion by Commissioner Hitlall, seconded by Commissioner Engert, to adopt the Negative Declaration, finding that no adverse environmental impacts are anticipated as a result of this proposal. ***Motion carried unanimously.***

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

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 the Hindu Temple is currently located next to this property and this facility will be a supporting service for the community by the Temple.**

- 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. **The property has been renovated, so this is an improvement to the site. No changes that will impact the neighborhood, traffic, parking and facilities will occur. The Temple's neighboring site will assist with any parking needed.**
- 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 has been improved.**
- 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.

- B. **LARAPA SERAFINI PARTNERSHIP** requests site plan approval pursuant to Section 264-90 F of a proposal to construct a 14-unit apartment building located at Lot 7 of Angela Court, tax parcel # 60.61-1-40, located in an "R-3" Multiple Family Residential District.

Christopher Longo from Empire Engineering, PLLC, appeared before the Commission on behalf of the applicant. The applicant is proposing to develop the remaining lots in the Angelina Estates subdivision which is just off the Kings Road. Mr. Longo stated that the proposed building is consistent with the existing multifamily residences built in the area. The lot is located in the "R-3" Multiple Family Zoning District. The proposal is for 14

residential units with entrances along the front porches. There will be 24 parking spaces which is the maximum allowed without obtaining a variance.

The entrance to the site is from Angela court. On the west side of the building there is an existing storm sewer easement along the property that goes to the south and east.

Additionally, several existing trees would remain unchanged. The entrance would be improved with the required frontage tree and shrubbery. The Code requires for every 35 feet, that 10 shrubs be planted, in addition to another street tree. A late addition includes some evergreen trees along the east side to buffer the site.

Commissioner Wallinger wanted to know if there is any site grading being done and how much of the tree cover will be preserved?

Mr. Longo responded that large trees adjacent to the residential neighbors would be preserved and that there is a maximum two feet around the building of vertical change so they would be able to accomplish that within the 10 foot building envelope. The existing vegetation to the north would remain as well.

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

Commissioner Wilson asked about the building materials proposed for the exterior of the building.

Mr. Longo said the architectural plans show architectural asphalt shingles on the roof, faux cedar shakes in the gables and then horizontal vinyl siding. Additional gables are proposed at the entrances to add to the architectural interest.

Commissioner Wallinger asked for additional shade trees in the parking area. A priority in the city's urban forestry master plan is to preserve trees and since they are proposing that some be removed, they should be replaced. The applicant stated it would be a sizeable change to the parking layout and site and asked if a row of evergreen trees would be acceptable. The applicant expressed concern for the storm water sewer in the location and wanted to be careful of tree roots interfering.

Commissioner Hitlall asked if the dumpsters could be moved and the applicant responded that they contemplated alternative locations when they were laying the site but decided that they wanted the garbage trucks to access the site as little as possible. Mr. Longo stated that enclosure fencing for the dumpsters will be PVC. Commissioner Wallinger suggested that would be a good area to put an evergreen tree on either side so it would minimize the visual impact of the dumpsters close to the entrance.

Commissioner Wallinger inquired about the colors of the building and the applicant stated the colors will be consistent with the color scheme of the complex.

Commissioner Wallinger opened the public hearing.

Ms. Joan Cipriano, the neighbor at 525 Kings Road to the project said she was concerned about privacy and how many people will be living where the trees used to be. She also is concerned about people passing through her property/yard to get to the store on Kings Road. She is also concerned about the snow storage and it draining down to her yard because its lower.

Her other concerns include:

- A privacy fence from pine trees to King Road to prevent people from going onto her property.
- Snow Storage – how much will there be? If a big storm will it go onto her property?
- Fence will go to the length of the easement; a fence to stop traffic.
- Area across the street who will care for it?
- Pine trees concern for roots that could get damaged from parking.
- People who own the store, if there is liter, and no barrier, what happens if its dropped onto her property?
- Kings Road gets a lot of traffic and 14 more additional units will add to the traffic.

Commissioner Wallinger stated, that the project is zoned for allowable use. Want to be safe and have less impact on neighbor's property. A fence and natural barriers to these concerns.

The applicant said, there is a storm water drainage structure already in place for when the snow melts, ample room for snow storage, can't cut off storm storage usage; for the landscaping there a hedge row will be put into place and less than 2 feet change with vegetation- all will be maintained.

The daughter of Mrs. Cipriano added, "just to emphasize the fence that we're requesting would go the length between her property and the easement. To prevent the natural path from this parking lot to the store is directly through her property. It's exactly diagonal. We're requesting the fence to stop any of that natural traffic that would occur." She also inquired about who will care for the property across the way because its something that her father-in-law had previously took care of.

Neighbors Juan and Eider Rivera did not get notice about the project because it went to the previous owner. They are concerned about the trees being removed and no longer having privacy.

Commissioner Wallinger closed the public comment.

Commissioner Wallinger asked the applicant about the easement. The applicant said in 1991 the easement was granted for storm water infrastructure built in the early 90's.

Commissioner Wallinger said she agreed with neighbors that it is a real concern that people don't always respect property lines because there is only so much distance between the two neighbors.

Commissioner Wilson asked about the lights and the applicant said there will be wall mounted lights that will shine downward with cutoff shields.

Commissioner Wallinger said evergreen trees should be planted at a maximum of 12 feet on center and get as close to the corner as possible. Should be large shrubs and will need to submit a revise plan to Principal Planner Primiano. The applicant said he "does not want to push snow into pine trees and a fence would be best way to do a better job."

The Commissioners discussed what would be best for preventing trespassing, greenery, or a fence- what would make for a good buffer/privacy.

Commissioner Lewis said he did not see any difficulties legally and thought that its affordable housing and that the project was reasonable. No reason to turn it down- its satisfying all the requirements of site plan review.

Decision from the Commission:

Motion by Commissioner Wilson, seconded by Commissioner Evers, to adopt a Negative Declaration as no adverse environmental impacts are anticipated as a result of the proposal.

Motion carried unanimously.

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

1. The address will be prominently displayed so that it is easily visible from Angela Court.
2. A revised landscaping plan will be submitted to the City Planner for final review and approval. It will include the following:
 1. There will be 3 to 5 evergreen trees planted 12 feet on center in a zig-zag pattern at the entrance to the site adjacent to the building.
 2. There will be 3 to 5 shade trees planted on the North West Side of the property.
 3. Denser plantings will be provided along the side of the property adjacent to the Kings Road neighboring properties.
 4. All lighting will be flush mount with full cut-off to point downward.

Motion carried unanimously.

C. FW WEBB COMPANY requests site plan approval pursuant to Section 264-90 L of a proposal to operate a warehouse, wholesale, office, and outdoor storage facility

for engineering and construction products at 586 Broadway, tax parcel #'s 49.31-1-18.11 and 49.31-1-32.1, located in an "M-1" Light Manufacturing and Warehousing District.

Dave Kimmer from ABD Engineers came before the Commission representing the FW Webb Company. He stated that the applicant is a plumbing and HVAC wholesaler. They are looking to purchase two properties: 586 Broadway and the property behind it at 142 Van Guysling Avenue. The proposal is for the old Paragon building, which is offices in the front of the building with a large warehouse behind it.

The proposed landscaping will include the replanting of 8 existing trees that they plan to remove and to replace the missing shrubs along and Van Guysling extension. Mr. Kimmer asked suggestions for the replanting of the shrubs, as the prior plantings did not hold-up well. Commissioner Wallinger suggested a variety of spirea plants.

Mr. Kimmer explained that they wanted to add a solid fence to the perimeter of the site and would like it to be 8 feet tall for security and screening purposes. The City Planner explained that the height of the fence will require an area variance.

Commissioner Wallinger opened the public hearing.

Ray Gillen, Chairman of the Metroplex Board, stated that FW Webb Company was founded in 1800 and will make great use of the building by creating jobs and is the perfect use for Broadway Commerce Park. He said he had been struggling to find a use for the space.

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

Decision from the Commission:

Motion by Commissioner Beach, seconded by Commissioner Hitlall, to adopt a Negative Declaration as no adverse environmental impacts are anticipated as a result of the proposal.

Motion made by Commissioner Hitlall, seconded by Commissioner Tearnio to issue site plan approval with the following conditions:

1. The address will remain prominently displayed so that it is easily visible from Broadway.
2. Metal roll gates and iron bars cannot be placed on any doors or windows at any time in the future.
3. The eight (8) trees shown to be removed will be relocated or replanted elsewhere on the site.
4. A landscaping plan will be submitted to the City Planner for final approval. The landscaping plan will show all existing trees and shrubs, locations of new trees and the new foundation plantings along Broadway and Van Guysling Avenue.

Additional plantings will be added to screen the solid fencing planned for the corner of the site adjacent to the I-890 Ramp as this is a very visible corner of the proposal. The one large tree in the corner of the site will remain.

5. The fence surrounding the outdoor storage adjacent to the I-890 entrance ramp will be a solid fence to screen the product stored outside. The applicant is encouraged to get a variance to allow for an 8 foot tall fence to provide the best screening possible.

Motion carried unanimously.

I. OLD BUSINESS

A. THOMAS LYNCH requests site plan approval pursuant to Section 264-90 L of a proposal to operate a charter school, Destine Preparatory Charter School, at 530 Franklin Street, tax parcel #'s 39.80-1-1 & 2, located in a "C-4" Downtown Mixed-Use Commercial District.

There has been no response from Destine Preparatory Charter School, at 530 Franklin Street. The owner or representatives did not appear before the Commission. There are two options available:

- 1) Deny the site plan application due to non-compliance with the conditional approval to return to the Planning Commission with a revised site plan.
- 2) The Planning Commission can issue a new conditional site plan approval with new compliance requirements, such as the need to install buffers on both sides of the parking lot by a specific date.

The Commission also discussed the other outstanding issues on the property; encroaching on the neighbor's property with the dumpster and the dumpster not being entirely enclosed to Code.

Due to the absence of the applicant, the Commission decided that they would issue a new conditional site plan approval with the requirement that if applicant fails to comply, conditional site plan approval will be denied.

Motion by Commissioner Evers, seconded by Commissioner Engert to issue the following conditional site plan approval:

1. The applicant attend the March 15, 2023 meeting with the landscaping plan reflecting the conditions that the Planning Commission required previously; also shown on a site plan mark-up prepared by Planning staff.
2. Additionally, the applicant must return to the May 2023 meeting with photos showing that the work has been completed.

Motion carried unanimously.

II. MISCELLANEOUS

III. ADJOURNED

Motion made by Commissioner Wilson, seconded by Commissioner Hiftall, to adjourned at 8:01 p.m.

Motion carried unanimously.