

**City of Schenectady
Planning Commission
Meeting Minutes
April 15, 2020**

I. CALL TO ORDER

Commissioner Wallinger called the meeting to order at 5:05 p.m.

Due to the closure of City Hall because of the Covid-19 Virus, the meeting was conducted online via WebEx.

II. ATTENDANCE

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

III. CONFLICT OF INTEREST CHECK

None.

IV. APPROVAL OF MEETING MINUTES

Motion by Commissioner Healey, seconded by Commissioner Ferro, to approve the Minutes of the February 12, 2020 meeting as submitted.

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

V. OLD BUSINESS

A. KARL POGGE requests site plan approval pursuant to Section 26490 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 since he appeared before the Commission at the February 2020 meeting, where he had been granted conditional site plan approval, he had submitted revised plans to City Planner Primiano showing the additional information requested by the Commissioners. He noted that the revised drawing is drawn to scale and demonstrates that there is more than adequate room for parking seven cars on the side of the building while still having room for them to turn around before entering the roadway. He also noted that he had included the required landscaping bed at the front corner of the property, although according to his lease the landscaping will be the property owner’s responsibility.

Commissioner Wallinger asked Ms. Primiano if the City Engineer had submitted any comments regarding the proposal. Ms. Primiano stated that he had not, but that she had visited the site and there is plenty of room for the parking and turn around area. Commissioner Wallinger suggested that if the parking spaces were angled, they would allow additional space for the cars to turn around and be less likely to mistakenly hit the building. Mr. Pogge stated that he would have no objection to the angled spaces, but that his type of business, a mattress store, rarely has that many customers present in the store at one time and he doubted that the spaces in front and on the side of the building would ever all be utilized at the same time. Regarding the question of who is responsible for the work, Commissioner Wallinger stated that it is up to Mr. Pogge and his landlord to come to an agreement as to whose responsibility it will be to meet the conditions of site plan approval, but no matter what tenant is in the building the Commission will still require that the same conditions be met.

Mr. Pogge and the Commissioners discussed the landscaping bed at the corner. Mr. Pogge asked for some input as to what type of tree would be suggested for this spot. He commented that he is concerned that a large shade tree would block the sign on the building from oncoming traffic from the east. Commissioner Case suggested that a columnar tree would serve the desired purpose while not blocking a large portion of the sign. The Commissioners agreed that it would be suitable for Ms. Primiano to work with Mr. Pogge to finalize the landscaping design.

Ms. Primiano noted that when she met with Mr. Pogge and the landlord the replacement of the sidewalk was discussed. Mr. Pogge stated that he cannot speak for the property owner, but he is certain that he understands that the sidewalk will have to be addressed in order for any tenant to operate a business on the site.

The Commissioners and staff discussed the timeline for the project, given the current State of Emergency in the City, and it was agreed that Mr. Pogge's timeline for completing the work should be extended from July 1, 2020 to August 15, 2020 with the applicant having the option of asking for an extension if work stoppages persist longer than anticipated.

PUBLIC COMMENTS

None.

SITE PLAN APPROVAL

Motion by Commissioner Healey, 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 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 a final landscaping plan to the City Planner for approval by June 1, 2020. All landscaping and parking lot improvements and the replacement of the sidewalk from the overhead door to the rear property line will be completed by August 15, 2020.

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

VI. NEW BUSINESS

A. CELLCO PARTNERSHIP requests a Special Use Permit pursuant to City Code Chapter 257 of a proposal to install a collocated telecommunication facility at 325 State Street, tax parcel # 39.72-2-44.1, located in a “C-4” Downtown Commercial District.

David Brennan, an attorney from Young/Sommer, and Rick Andras, Radio Frequency Engineer for Verizon, presented the proposal.

Mr. Brennan explained that his clients, Verizon Wireless, had previously obtained approval to erect new equipment on the building on the corner of State Street and Erie Boulevard which has since been eliminated as a location due to the ongoing safety concerns regarding that structure. He stated that due to the increase in wi-fi use in the downtown area it is necessary that they find another location for the additional equipment in order to maintain adequate coverage, and thus they had chosen this site on the roof of the Mexican Radio building. Mr. Brennan briefly reviewed the submitted plans and explained that while the towers will be visible the base station will be placed on a lower roof and will be hidden from view.

Commissioner Wallinger noted that one of the towers was proposed to be located close to the front right corner of the roof and would be prominently visible to traffic approaching from Broadway, one of the main entrances to the downtown area. She asked if perhaps that tower could be moved back from the front of the building or to the side so that it would be less visible from this approach. Mr. Andras stated that if their objective was to cover as much area as possible by utilizing the opening

created by State Street, and that if they moved the tower back it would cause a significant loss in signal strength because the frequency would then be reduced by other buildings. He added that they would be willing to move the tower however, even with the loss of strength, if the Commission deemed it necessary to do so in order for the project to move forward. The Commissioners and applicants discussed this, and it was agreed that the tower could be moved more toward the middle of the building so that it would not lose any considerable frequency strength, but it would not appear as prominent when approaching from Broadway.

PUBLIC COMMENTS

None.

SEQR RESOLUTION

Motion by Commissioner Bailey, seconded by Commissioner Ferro, to accept the Negative Declaration.

Motion carried unanimously.

SPECIAL USE PERMIT

Motion by Commissioner Case, seconded by Commissioner Wilson, to approve the Special Use Permit with the following findings of fact:

1. The proposed use **will not** substantially impact upon the nature and character of the surrounding neighborhood. The location is in the C-4 Downtown Commercial District where other wireless telecommunication facilities currently exist on the rooftops of large buildings.
2. The proposed 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 public health, safety, and general welfare. The proposal has the railroad tracks to the west and the buildings immediately to the south and to the east have lower roof lines, so there will be no physical impact. There are no impacts to traffic, parking, utilities, or any matters related to public health and safety.
3. Operations in connection with the proposed use **will not** be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing lights because the proposal does not include these nuisances.
4. The proposed use **will be** served adequately by essential public facilities and services, as it does not require or impact highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools.
5. The proposed use **will not** result in the destruction, loss, or damage of any natural, scenic, architectural, or historic feature of significant importance because it will not affect any natural or

scenic feature and it will not alter the design elements of the building.

6. The proposed use **complies** with all additional requirements imposed on it by the provisions of this chapter and no variances are required.

And with the following condition:

1. The applicants will submit revised site plan drawings showing the modification of the location of one of the towers to the City Planner for final approval prior to the installation of the telecommunications equipment on the site.

Motion carried unanimously.

B. MARLON GALLOWAY requests site plan approval pursuant to Section 264-90 B and F of a proposal to construct an eight (8) unit apartment building at 2102 Broadway, tax parcel # 48.59-4-6.11, located in a “C-2” Mixed Use Commercial District.

Marlon Galloway presented the proposal.

Mr. Galloway explained that he would like to rehab this derelict property, which was formerly the site of a dance studio but has been vacant and bank-owned for several years. He explained that he would like to keep the first floor of the building and build three additional floors, for a total of four floors with two apartments each. Mr. Galloway stated that the entire property would be rehabbed, with a new parking area and landscaping. He explained that his primary occupation is as a nurse, and he plans for the apartments to be higher end so that they will appeal to traveling nurses and other health care providers. He noted that this is his first development project and that he would welcome feedback from the Commissioners.

The Commissioners and Mr. Galloway discussed the proposed design of the building, noting that they would like to see additional design details that would serve to add more visual interest to the exterior of the building. Commissioner Wilson suggested that the use of contrasting, more substantial trim and different colors of siding would be helpful. After further discussion it was determined that Mr. Galloway would further develop his plans to reflect some of the changes discussed and would return to the Commission at a future meeting with his revised plans.

PUBLIC COMMENTS

None.

MOTION TO TABLE

Motion by Commissioner Ferro, seconded by Commissioner Healey, to table the proposal pending the submittal of additional information by the applicant.

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

C. CROWN 61 LLC requests site plan approval pursuant to Section 264-90 M of a proposal to operate a hair salon at 1689 Avenue A, tax parcel # 39.51-2-48, located in an “R-2” Two Family Residential District.

Brendan and Annie Nally presented the proposal.

Mr. Nally explained that he and his wife had recently rehabbed this building and plan to operate her hair salon from the storefront while also living on the site.

City Planner Primiano noted that the fence that was erected at the rear of the property, without a proper permit, is a safety hazard because it blocks the view of oncoming pedestrians on the sidewalk and the portion of fence closest to the sidewalk must be removed immediately. She explained that Mr. Nally could replace that portion with a fence that is see through, such as chain link, at a maximum height of four feet, or simply leave that space empty.

Commissioner Wallinger discussed the illegal parking in front of the building and explained that removing the concrete in the front yard area and replacing it with grass or landscaping would eliminate the temptation for patrons to park there. Mr. Nally stated that his wife had been parking there in order to get her car off the street in the winter, but he would like to widen the driveway so that both of their cars could fit there. Ms. Primiano stated that there is adequate room to widen the driveway and directed Mr. Nally to the City Engineering Department for information regarding the necessary permits and procedures.

Commissioner Case suggested adding some landscaping along the Mason Street side of the building to soften the blank façade, especially given the residential character of the neighborhood. Mr. Nally agreed, stated that he planned some shrubs and flowers there between the sidewalk and the building.

PUBLIC COMMENTS

None.

SITE PLAN APPROVAL

Motion by Commissioner Case, 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 Avenue A.
2. Metal roll gates and iron bars are not permitted on any doors or windows at any time in the future.
3. Copies of staff licenses will be submitted to the City Planner to keep on file for the record.
4. The vinyl fence panel closest to the sidewalk will be removed within 7 days of this approval due to pedestrian safety concerns. If the applicant wishes to replace the panel with one that meets the City Code, he will obtain the proper permit prior to doing so.
5. The concrete area in front of the building (excluding the sidewalks to the entry doors and sidewalk parallel to Avenue A, will be removed. Grass and a flowering tree will be planted in its place, and landscaping will be added to the Mason Street side of the building, by June 1, 2020. The applicant will submit a landscaping plan to the City Planner for final approval prior to removing the concrete and installing the landscaping.
6. The final sign design will be submitted to the City Planner for approval prior to the installation of the sign.
7. If the applicant wishes to widen the driveway, he will contact the City Engineering Department for the appropriate approval and permits prior to beginning the work.

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

VII. MISCELLANEOUS

None.

VIII. MOTION TO ADJOURN

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

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

The Meeting was adjourned at 7:10 p.m.