

City of Schenectady
NEW YORK
CITY PLANNING COMMISSION Minutes
April 20, 2022

I. CALL TO ORDER

Commissioner Wallinger called the meeting to order at 6:06 p.m. and read the list of applications on the Agenda.

Commissioner Wallinger welcomed the applicants and members of the public and explained the order of the proceedings.

II. ATTENDANCE

PRESENT: Mary Moore Wallinger, Chair; Bradley Lewis, Vice Chair; Randall Beach; Nick Petrillo; Dharam Hitlall; Collin M. Evers; Sylvia Jimison, Development Staff; Christine Primiano, Principal Planner

Excused: Jason Bogdanowicz-Wilson

Absent: Andrew Koldin, Corporate Counsel

III. Conflict of Interest Check

No conflict of interest indicated by the Commissioners

IV. New Business

- A. OBAN ASSOCIATES, LLC** requests a Special Use Permit pursuant to Section 264-61-H of a proposal to paint a mural on the side of the building at 124 Jay Street, tax parcel # 39.72-2-16, located in a "C-4" Downtown Commercial District.

Betsy Sanders and Oscar Boran appeared before the Commission and presented the proposal. Mr. Boran explained that he is the artist for the mural and presented an updated version of the artwork for the Commission to view. The project will be a collaboration with the kid's art festival and will be installed using stencils attached to the wall. The kids are going to help paint within the stencils. Collaboration is also with the Schenectady High School and volunteers from Schenectady.

Commissioner Wallinger asked if the applicants had reviewed the staff comments and that Zoning mentioned that the mural must be maintained in case the mural starts to deteriorate. Also, the sidewalk must be kept clean and free of paint project.

The applicant stated that they already have tarps and will be using stencils. If the murals fade they will return and repaint it. Mr. Boran stated that they are using exterior paint so it will last for years through the snow and rain.

Commissioner Wallinger asked if there were questions from the commissioners.

Commissioner Wallinger opened the public hearing. There were no public comments and the public hearing was closed.

Motion by Commissioner Beach, seconded by Commissioner Petrillo to issue a Negative Declaration. **Motion carried unanimously.**

Motion by Commissioner Beach, seconded by Commissioner Petrillo, to issue the Special Use Permit with the following findings of fact:

- 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. **The mural will be located in a commercial district and will be created on a portion of the first floor- side façade, so the size is small in comparison to the entire side of the building.**
- 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 mural will enhance the character of the commercial neighborhood and provide a visual connection between this building and the bookstore across the street.**
- 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 mural.**
- 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.**
- 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 mural is being painted on the side of the building that is already painted brick.**

F. Compliance. The proposed building or use complies with all additional requirements imposed on it by the provisions of this chapter. **The proposed mural complies with all sections of the zoning code.**

Motion carried unanimously.

B. FIRST UNITED METHODIST CHURCH requests a Special Use Permit pursuant to Section 264-61-1 of a proposal to install an Electronic Message Board Sign at 601 State Street, tax parcel # 39.80-1-11.1, located in a "C-4" Downtown Commercial District.

Carly Clark from AJ Sign Co. and Mark Bonacquist appeared before the Commission representing the First United Methodist Church. The proposal is to install a single sided digital sign that will face State Street. The quality of the sign will be the same as approved for the Mohawk Harbor electronic message board and will meet all City standards.

Commissioner Wallinger indicated that the staff comments stated that the maximum height for the sign is 7 feet tall. Ms. Clark stated that it would not be an issue to remove one row of masonry from the base to comply with the height limit.

Commissioner Wallinger asked the applicant if the sign is a minimum of three feet from the sidewalk. Ms. Clark stated that she remeasured it prior to the meeting and it's 6 feet from the sidewalk and in line with the fence.

Commissioner Wallinger asked if the applicant planned to provide landscaping at the base of the sign. The applicant indicated that the landscaping would be consistent with the existing plantings in the front of the building.

Commissioner Wallinger asked if there were questions from the commissioners.

Commissioner Wallinger opened the public hearing. There were no public comments and the public hearing was closed.

Motion by Commissioner Beach, seconded by Commissioner Petrillo to issue a Negative Declaration. **Motion carried unanimously.**

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

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. **The**

sign is appropriate in scale and size for the large church property, but still serves the purpose the church seeks to keep their parishioners and the public informed.

- 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 sign will be located along a major commercial corridor and will be setback from the road way far enough that it will not cause adverse safety impacts.***
- 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. ***The proposed sign will not create noise, fumes, vibration or flashing lights. The sign will include an automatic brightness dimmer so that it will not be too bright. The rate of change for each message is a maximum of every 8 seconds.***
- 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 are no impacts to existing facilities or City services.***
- 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 impact on significant features.***
- F. Compliance. The proposed building or use complies with all additional requirements imposed on it by the provisions of this chapter. ***The sign will be set back further than 3 feet from the sidewalk. The sign will be lowered to a maximum of 7 feet tall. The settings for the sign will comply with all City Electronic Message Board standards and all sections of the sign code.***

Motion carried unanimously.

C. 26 BROADWAY PARTNERS LLC requests site plan approval pursuant to Section 264-90 M of a proposal to operate a café and co-working offices at 26 North Broadway, tax parcel # 39.64-3-39, located in a "C-4" Downtown Commercial District.

Commissioner Wallinger stated for the record that she is on the board of directors for the Green Market. The Green Market will be leasing a space at 26 North Broadway. Her role on board is on a voluntary basis.

The applicant, John Samatulski of Urban Initiatives Group, appeared before the Commission and presented the proposal. The Swift building at 26 North Broadway had been vacant for over five years. Urban Initiatives Group provides affordable downtown office space and supports entrepreneurs. The building at 26 Broadway will have a café and upscale wine bar on the first floor.

Mr. Samatulski said he was currently working through some code issues relating to the space and once resolved will move ahead with the plans for the interior space. The upper floors would be a mix of office spaces. The applicant also said he recently received grants for \$50,000.00 and \$25,000.00 that will support renovations for the Green Market space and façade. The Metroplex grant will enable him to restore the masonry and repair damage to the piers. Navy blue awnings will be added at the entrances. The parking lot has been cleared and will be enhanced with landscaping. 22 and 26 Broadway are two separate parcels.

Commissioner Wallinger asked if there is a sign proposal. The applicant indicated they did not have a proposal yet and that they will submit it to Planning staff when they are ready.

Mr. Samatulski explained that the parking on side of building will be used as staging, sorting and loading for use by the Green Market. When not in use for the market, they can be used for parking and will be striped accordingly. Commissioner Wallinger recommended that a sign be placed on the side of the building stating that the area is used as a loading zone.

Commissioner Wallinger opened the public hearing.

Ray Gillen from Metroplex stated, the Durante family-owned local nursing homes, and the Swift building was their office headquarters for several years, but when the nursing homes were sold, the building was empty for a long time and that it is really to see a new owner that plans to restore and maintain the historic character of the structure.

Mr. Gillen said the building is a great opportunity for retail. The Green Market loved it because there is a loading dock. Having a green market with a full-time presence downtown is going to be very positive. Metroplex is very pleased to provide a facade grant and work with Mr. Samatulski on another development project Downtown.

Gloria Kishton, from the Schenectady Heritage Foundation, which is a historic preservation advocacy group in Schenectady County, spoke in favor of the applicant and the proposals he has done in the City.

Commissioner Wallinger closed the public hearing.

Motion made by Commissioner Lewis, seconded by Commissioner Petrillo, to issue conditional site plan approval with the following conditions:

1. The address will remain prominently displayed so that it is easily visible from North Broadway.
2. Metal roll gates and iron bars will not be installed on any doors or windows at any time in the future.
3. If outdoor seating is planned at any time, the applicant will provide plans for the space to the City Planner for final approval and will obtain a sidewalk café permit from the Code Enforcement Office.

4. A revocable permit is required for the awnings.
5. A sign will be installed by the loading dock indicating that it is a loading zone and no parking is permitted.
6. All sign proposals will be submitted to the City Planner for final approval prior to purchase and fabrication of the sign(s).
7. The café and/or wine bar will obtain a Certificate of Use prior to operating.

Motion carried unanimously.

- D. 31 LAFAYETTE, LLC** requests site plan approval pursuant to Section 264-90 F and I of a proposal to demolish the existing building and construct a new, 5-story building with 46 residential units at 31 Lafayette Street, tax parcel # 39.73-1-17, located in a "C-4" Downtown Commercial District.

Michael Roman, Principal of C2 Design Associates and Michael Dussault from Engineering Ventures appeared before the Commission representing the applicant. The proposal is to demolish the existing building at the corner of Liberty and Lafayette Streets to construct a five-story 84,000 square foot residential building. There will be total of 46 apartments and 50 onsite parking spaces.

Commissioner Wallinger opened the public hearing.

Beth Petta said she is happy to see all the redevelopment going on in the City. Ms. Petta stated concern that the building was meeting the design guidelines. Specifically, she was concerned with the vertical and horizontal articulation and where the balconies. She thought the vertical articulation was lacking. Ms. Petta also stated that she thought there should be more windows on the building.

Ray Gillen from Metroplex thanked the owner, John Rosenblum, for investing in another vacant property in Schenectady. Mr. Gillen said that hears praise regularly for the redevelopment that Mr. Rosenblum of the former Annie Schaffer Senior Center on Nott Terrace and that he looks forward to seeing more residents Downtown living in this new residential building being constructed.

Gloria Kishton encouraged the Planning Commission to follow the design guidelines in the zoning code on all the new construction projects, especially in the Downtown. Ms. Kishton asked the Commission looks at the language and requirements of the design guidelines.

Commissioner Wallinger responded to Ms. Kishton that the Commission does reference the design guidelines when conducting site plan review and that it is her opinion that the proposal does meet the requirements. The intent of the guidelines is to allow interpretation based on individual projects and circumstances and that the guidelines by definition are just that, for guidance.

Mr. Roman noted that he added windows to the ground floor, at the request of Planning staff, to conform with the design guidelines and add to the street presence of the building.

Commissioner Petrillo asked the applicant about the slope of the property and the adjacent property and what happens at the property line. Commissioner Petrillo also asked where the outdoor patio is located.

Mr. Roman clarified that the ground floor of the building is entirely parking and the foundation of the building is constructed of concrete, creating a retaining wall at the back of the site.

Commissioner Wallinger closed the public hearing.

Motion by Commissioner Beach, seconded by Commissioner Hitlall to adopt a Negative Declaration. **Motion carried unanimously.**

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

1. The address and building name will be prominently displayed, as shown on the elevation drawings. If any changes are planned, the revised sign details need to be submitted to the City Planner for final approval prior to purchase and fabrication.
2. The applicant will obtain an area variance to allow for 50 parking spaces where 69 spaces are required, pursuant to Section 264-44. The area variance must be obtained prior to the issuance of building and demolition permits.
3. The applicant is working with Metroplex to replace the street lighting and add two street trees on the Liberty Street side of the property. Two shade trees will be provided on the Lafayette Street side; one will be centered between the balconies and the other will be centered between the entry door and garage door. All trees will be planted in the location of the utility strip between the sidewalk and curb.
4. The turning radii for parking spaces closest to the walls will be confirmed.
5. A new 6-inch water line will be installed on Lafayette Street. The sanitary sewer line will connect to the City line on Liberty Street. The City prefers that all storm lines tie into a manhole and not a catch basin.
6. The balconies require a license agreement through the City Corporation Counsel Office.
7. Final site plan to be submitted to the City Engineer and City Planner for final approval prior to the issuance of demolition and building permits.

Motion carried unanimously.

- E. CASS HILL DEVELOPMENT CO.** requests site plan approval pursuant to Section 264-90 F and I of a proposal to renovate the existing building at 271-275 State Street for first floor commercial space and 30 existing residential units and at 277 State Street to construct an addition for first floor commercial space and 50 residential units, tax parcel #'s 39.71-2-15 and 39.71-2-14.1, located in a "C-4" Downtown Commercial District.

John Hitchcock from ABD Engineers accompanied by Marc Paquin, President of Cass Hill Development, appeared before the Commission to present the plans for 271 and 277 State Street.

The site currently consists of two parcels that will be combined into one. The proposal is to renovate the existing buildings at 271 and 277 State Street and to construct a 73,140 square foot addition that will occupy the current parking lot that fronts Erie Boulevard and Liberty Street. There will be 24 parking spaces on site, space a portion of the first floor in an enclosed parking garage.

Commissioner Beach asked how parking will be addressed for the commercial uses of the building.

Mr. Paquin explained that he has an agreement to purchase 233 Liberty Street across the street from the site, which has 65 spaces and that will bring the parking total up to 89 spaces. Metroplex has agreed to provide a shared parking agreement in their lot across Erie Boulevard for the additional 31 spaces.

Commissioner Wallinger opened the public hearing.

Ray Gillen, Chairman of Metroplex informed the Commission of how the applicant has meticulously pursued this project by meeting with City staff early on and working with his team to go through the SHPO process to get it on the Historic Register. He urged the Commission not to delay the approval of the proposal due to the details of the marquee that can come back at a later time to be worked out. The applicant is committed to rehabilitating the marquee the right way.

Carol DeLaMarter who lives in the stockade wanted to bring to the Commission's attention that she's heard many times over the years that the intersection of Liberty Street and Erie Boulevard is very challenging and that at certain times of the day it is very difficult to turn left onto Liberty Street from Erie Boulevard. The Commission should also discourage residents from exiting to the left out of the parking garage and travelling unnecessarily through the Stockade Neighborhood to avoid the traffic on Erie Boulevard.

Gloria Kishton expressed support for the proposal and stated she was thrilled to see that the buildings will not be demolished, especially since it is one of the last buildings still standing from Erie Canal. Ms. Kishton also stated her support for rehabilitating the marquee and restoration of the windows above it back to glass windows.

Commissioner Wallinger closed the public hearing.

Commissioner Wallinger asked if bike racks will be available to tenants. She stated she is not aware of citywide program for bike racks, but as long as there's enough room on the sidewalks, and it doesn't block pedestrian traffic, the city would like to the applicant to put one or two outside.

Mr. Pacquin noted that he would like the Commission to consider a building for 5 or 6 stories. The maximum height for either option will not exceed the Zoning Code at 75 feet tall. He also noted the proposed small planting in the city's right of way at the corner of Erie Boulevard and Liberty Street.

Commissioner Wallinger encouraged the placement of landscaping at the corner if the applicant can maintain it. The Commissioners supported approving the proposal for 5 or 6 stories, whichever Mr. Pacquin decides to do.

Motion by Commissioner Petrillo, seconded by Commission Hitlall, to adopt a Negative Declaration for the proposal. **Motion carried unanimously.**

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

1. The address will be prominently displayed so that it is easily visible on State Street.
2. Metal roll gates and iron bars cannot be placed on any doors or windows at any time in the future.
3. The details for the marquee will be submitted to the Planning Commission for final approval.
4. All signage for future tenants must be submitted for Planning review prior to application for building permits.
5. The shared parking agreement will be approved by the City Corporation Counsel prior to the issuance of building permits.
6. The parcels must be consolidated prior to construction. A lot consolidation map will be submitted to the City Engineer for approval and then filed in the County Clerk's office prior to the issuance of building permits.
7. All information related to utility connections, rooftop stormwater drainage, and a sewer report, will be submitted to the City Engineer and City Planner on a revised site plan for final approval. Once approved, the applicant can file for building permits.
8. Revocable permits are required for all signs, lighting, landscaping that extend into the public right of way.
9. Any significant changes to the proposal will require a revised site plan approval.

Motion carried unanimously.

- F. SUNNYVIEW REHABILITATION HOSPITAL** requests site plan approval pursuant to Section 264-90 G of a proposal to construct a 6,000 square foot addition to the existing facility at 1270 Belmont Avenue, tax parcel # 40.45-2-32.1, located in an "I" Institutional District.

Mike Tierney, Project Manager with St. Peter's Health Partners introduced the design team from Hyman Hayes Associated and Environmental Design Partnership, LLP. The team members presented the proposal to construct the 6,000 square foot addition to allow for the elimination of the existing triple and quadruple rooms so that the hospital can function with only single and double room occupancies. There will also be an expansion of the therapy gym space so that the hospital can offer a higher quality of therapy to patients. This will be on the same floor of cardio cardiopulmonary unit. Storage of medical equipment will also be consolidated to one space for easier access for staff.

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

Motion by Commissioner Petrillo, seconded by Commissioner Beach to adopt a Negative Declaration for SEQR. ***Motion carried unanimously.***

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

1. The detailed elevation drawings will be submitted to the City Planner for final approval prior to application for a building permit.
2. The revised site plan, including the Engineering requirements, will be submitted to the City Planner and City Engineer for final approval prior to application for building permits.
3. The lot consolidation map will be approved by the City Engineer and filed with the County Clerk prior to the issuance of building permits.
4. A total of 7 flowering trees will be added to the landscaping beds along the Rosa Road side of the property as discussed with the Planning Commission. A revised landscaping plan will be submitted to the City Planner for final approval.
5. The existing guardrail along Rosa Road will be removed.
6. A caution/ maximum height limit bar will be added at the entrance of the parking garage.
7. The curb cut on Rosa Road will be closed to City standards.

Motion carried unanimously.

- G. CIVCO REALTY CORPORATION** requests site plan approval pursuant to Section 264-90 I of a proposal to demolish the existing building and build a new structure at 438 State Street, tax parcel # 39.80-2-10, located in "C-4" Downtown Commercial District.

JT Pollard and Luigi Stocchetti from Re4orm Architecture appeared before the Commission representing Civco Realty Corporation. The proposal is to demolish 438 State Street to property line and add an addition to their building at 440 State Street. The addition will occupy the same footprint as the existing building. The applicant will complete a lot consolidation to combine the 2 parcels.

The applicant would like to do a digital sign that will help enhance business which is a technology company and it's the headquarters. The design of the addition was developed using the same architectural rhythm as their neighbor building but with slightly different materials. A majority of the façade will be transparent glass, which the applicant thinks is a good way for people passing by to see the activity inside.

Commissioner Wallinger stated that she liked the way the applicant is tying into the balconies on the 440 State Street building. She also commented that she thinks the amount of glass will engage with the street and pedestrians more.

Commissioner Wallinger opened the public hearing.

Ray Gillen from Metroplex spoke in favor of the proposal and his ongoing support for all the development the owner, Antonio Civitella has done in Schenectady.

Commissioner Wallinger closed the public hearing.

Motion by Commissioner Beach, seconded by Commissioner Hitlall, to adopt a Negative Declaration for SEQR. **Motion carried unanimously.**

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

1. The applicant will return to the Planning Commission for review of a Special Use Permit for the proposed electronic message board sign.
2. The City Engineer will review the final site plan prior to the issuance of building permits. The applicant will provide a site plan that includes utility lines, utility grading and a logistics plan to protect the neighboring property during demolition. The applicant must coordinate permits and licenses with the Engineering and Code Enforcement Offices.
3. A detailed elevation drawing will be submitted to the City Planner for final approval showing the glass to be used on the addition. If the glass does not match the existing glass at 440 State Street, more review by City Planning is required.
4. A lot consolidation map with legal descriptions will be submitted to the City Engineer for final approval and filed with the County Clerk's office prior to the issuance of building permits.

V. OLD BUSINESS

- A. HOMETOWN HEALTH CENTERS** requests site plan approval pursuant to Section 264-90 B and L of a proposal to renovate the existing 13, 275 SF building into a dental lab at 1108 State Street, tax parcel #49.50-4-1.11, located in a "C-2" Mixed Use Commercial District.

Alex Renzi from Hyman Hayes Associate appeared before the Commission to represent Hometown Health Centers. Mr. Renzi presented the changes to the exterior of the building and the modifications to the site plan.

Commissioner Wallinger indicated that she supports the changes made to the building and that the new design is a significant improvement to the existing façade. Commissioner Wallinger also said that she items to discuss regarding the landscaping plan. Since most of the existing plantings are overgrown and have not been maintained, it is safe to assume they will need to be replaced. Some of the proposed plantings are invasive species and will grow quickly and overwhelm the adjacent plantings. Some minor changes to those plantings are recommended and should be resubmitted to the City Planner for final approval.

Large growing street trees shall be planted every 25 feet and on the Brandywine Avenue side, with a total of three on either side of the driveway entry. Also, five trees on the Albany Street side and five on the State Street side need to be smaller growing flowering trees so that they do not conflict with utility lines. As for site interior trees, one small flowering tree on either side of the entry way will be planted, combined with flowers with water moisture retention and salt tolerance.

Motion made by Commissioner Hitlall, seconded by Commissioner Lewis to adopt a Negative Declaration for SEQR. ***Motion carried unanimously.***

Motion made by Commissioner Lewis, seconded by Commissioner Hitlall to issue conditional site plan approval 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 cannot be placed on any doors or windows at any time in the future.
3. A revised landscaping plan will be submitted to the City Planner for final approval prior to application for building permits.
4. The freestanding sign will be modified or replaced to a code compliant sign. The sign proposals will be submitted to the City Planner for final approval prior to purchase and fabrication of the sign.
5. Any changes discussed with the Planning Commission will be submitted on a revised site plan to the City Engineer and City Planner for final approval prior to application for building permits. The revised site plan will include a correction to the entry on Brandywine Avenue to allow for "right turn in"

and "right turn out" only. A no entry sign facing the Brandywine Avenue southbound lane will be placed in the triangular median.

Motion carried unanimously.

VI. MISCELLANEOUS

IV. ADJOURN

Motion by Commissioner Beach, seconded by Commissioner Evers to adjourn the meeting at 9:16 p.m. ***Motion carried unanimously.***