

**City of Schenectady
Planning Commission
Meeting Minutes
May 19, 2021**

I. CALL TO ORDER

Commissioner Wallinger called the meeting to order at 6:07 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; Randall Beach; Andrew Healey; Jason Bogdanowicz-Wilson; Christine Primiano, Principal Planner; Andrew Koldin, Corporation Counsel, Jennifer Mills, Secretary

EXCUSED: Ryan Bailey; Richard Ferro

III. CONFLICT OF INTEREST CHECK

Commissioner Healey recused himself from Consent Agenda Item C, the A.M. Johnson application.

Commissioner Beach recused himself from the consideration of New Business Item C, the Highbridge Broadway LLC Application.

Commissioner Wallinger explained to these applicants that there must be a quorum of five Commissioners to consider and vote on an application, and because there continue to be two vacancies on the Commission and two Commissioners had been excused from the meeting, given these recusals there were not enough Commissioners present to hear these applications. She apologized for the inconvenience and explained that the Commission would conduct a special meeting as soon as possible to consider these applications.

IV. APPROVAL OF MEETING MINUTES

Motion by Commissioner Lewis, seconded by Commissioner Healey, to approve the Minutes of the April 21, 2021 meeting as submitted.

Motion carried unanimously.

V. CONSENT AGENDA

A. 500 STATE STREET ASSOC, LLC requests site plan approval pursuant to Section 264-90 B of a proposal to renovate the building at 500 State Street, tax parcel # 39.80-2-18.11, located in a “C-4” Downtown Commercial District.

Jeff Buell and Joe Perniciaro appeared before the Commission.

PUBLIC COMMENTS

None.

SITE PLAN APPROVAL

Motion by Commissioner Lewis, seconded by Commissioner Wilson, to accept the proposal with the following conditions:

1. The landscaping and canopy plans are approved as presented by the applicant. Landscaping will be completed within 30 days of occupancy of the building by the medical office.
2. As discussed at the April 2021 Planning Commission meeting, the parking lot on Lafayette Street will be brought into compliance by adding four-foot landscaping buffers at the end of each aisle between the first parking space and the sidewalk. Each buffer will be planted with grass and one shade tree. A revised plan will be submitted to the City Planner for final approval prior to installing the landscaping. The landscaping will be completed at the same time as the parking lot improvements for 500 State Street.
3. The revisions to the site plan regarding parking and circulation comply as proposed.

Motion carried unanimously.

- B. WENDY WRIGHT requests site plan approval pursuant to Section 264-90 M of a proposal to operate an ice cream parlor and bakery at 1835 Van Vranken Avenue, tax parcel # 39.35-3-17.1, located in a “C-2” Mixed Use Commercial District.**

Wendy Wright appeared before the Commission.

PUBLIC COMMENTS

None.

SITE PLAN APPROVAL

Motion by Commissioner Lewis, 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 Van Vranken Avenue.
2. Metal roll gates and iron bars cannot be placed on any doors or windows at any time in the future.
3. A Certificate of Use and public assembly license issued by the Office of Code Enforcement are required to operate the business.
4. Lettering on the window is the approved signage. If any other signs are planned in the future, the applicant will submit the proposal to the City Planner for approval prior to purchase and fabrication of the sign.

5. The parking spaces must be painted on the pavement by July 1, 2021.
6. The existing projecting pole on the second floor of the building will be removed by July 1, 2021.
7. Pursuant to Section 264-49 G, all garbage will be stored in an enclosed location and screened from public view.
8. The existing planters in front of and on the side of the building will be planted and utilized for greenspace.
9. The sidewalk on Clarendon Street will be replaced to City standards by July 1, 2023.
10. A planting area will be created between the sidewalk and the deck on the side of the building to create the required greenspace and to prevent the illegal and unsafe parking next to the building. The asphalt will be removed, and grass and one large shade tree will be planted (refer to revised site plan for details) by October 2021.

Motion carried unanimously.

C. A.M. JOHNSON requests site plan approval pursuant to Section 264-90 M of a proposal to operate a church at 1130 Third Avenue, tax parcel # 49.46-3-22.1, located in an “R-2” Two Family Residential District.

Because Commissioner Healey had to recuse himself from consideration of this application there was not a quorum of the five required Commissioners present to hear the proposal. Commissioner Wallinger stated that the Commission would schedule a second May meeting to accommodate the applications that could not be heard.

VI. OLD BUSINESS

A. TAIJRAM SARJU requests site plan approval and a Special Use Permit pursuant to Section 264-90 J and Schedule A of a proposal to operate an automobile repair establishment at 1137 Cutler Street, tax parcel # 49.62-3-20.2, located in an “R-2” Two Family Residential District.

Matthew Sgambettera, attorney for Mr. Sarju, appeared before the Commission.

Mr. Sgambettera stated that he had recently been retained by Mr. Sarju, and that as far as he was aware the site had been brought into compliance with the Special Use Permit prior to the meeting. Staff presented photographic evidence that as recently as the day before the meeting the site had not been in compliance. City Planner Primiano noted that the site has been of continual concern to the neighbors, who have complained

repeatedly about late night business being conducted and excessive noise and bright lights coming from the site beyond the approved business hours.

PUBLIC COMMENTS

A letter from Pat Smith, President of the Mont Pleasant Neighborhood Association, was entered into the record. Ms. Smith was also present at the meeting and communicated the neighbors' concerns regarding excessive noise and bright lights on the property until late at night, speeding cars entering and exiting the site, and a general lack of adequate maintenance of the property.

A letter from neighbor Erik Kwiatkowski, signed by other neighbors, was entered into the record. Mr. Kwiatkowski also stated that there have been many problems on the site which have had a negative impact on the surrounding residents.

Seeing no members of the public that wished to speak, Commissioner Wallinger closed the public hearing.

The Commissioners discussed the Special Use Permit and concluded that over the months since it was granted the applicant had done very little to comply with the conditions set forth. They noted that any changes that had been made to bring the property in compliance had been done very recently, and they had no confidence that these would be lasting changes. It was determined that because the business was in violation of the conditions set forth when the Special Use Permit was issued the Permit should be revoked.

SPECIAL USE PERMIT REVOCATION

Motion by Commissioner Healey, seconded by Commissioner Beach, to revoke the Special Use Permit approved on November 18, 2020 based on the following findings of fact:

1. The business has not been operating entirely on the property at 1137 Cutler Street. There is evidence that until recently the required stockade fence panel had been removed, allowing easy access to the neighboring property. Vehicles have been regularly observed being stored there and the dumpster is on the adjacent property as well.
2. There is sufficient evidence, gathered from neighbor's testimony and staff visits and reports, that the business has regularly been operating beyond the approved business hours of 8:30 to 5:30 p.m. Monday through Friday and 9 a.m. to 1 p.m. Saturday. The lights and noise from the business have caused a significant

nuisance to the neighbors and an overall disturbance to the neighborhood.

Motion carried unanimously.

- B. NATIONAL GRID requests a Special Use Permit pursuant to the City Code Chapter 257 Wireless Telecommunications Facilities to install a microwave antenna on a newly installed 100-foot-tall utility pole at 19 River Street, tax parcel # 39.48-1-2, located in a “C-3” Mixed Use Waterfront District.**

Ben Weisel presented the proposal.

Mr. Weisel briefly reviewed the site plan and presented the simulated photos, which had been requested by the Commissioners at the previous meeting, showing the proposed antenna on the site. The Commissioners discussed the application and determined that the addition of the antenna would not result in any significant changes to the site.

PUBLIC COMMENTS

None.

Seeing no members of the public that wished to speak, Commissioner Wallinger closed the public hearing.

SEQR RESOLUTION

Motion by Commissioner Lewis, seconded by Commissioner Beach, to accept the Negative Declaration.

Motion carried unanimously.

SPECIAL USE PERMIT APPROVAL

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

1. The proposed use shall not substantially impact upon the nature and character of the surrounding neighborhood. The proposed antenna, as shown on the simulated photos provided, will not be more prominent than any antenna or equipment that are currently existing on the site.
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 the public health, safety, and general welfare.
3. 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.

4. The proposed use will continue to 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.
5. 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.
6. The proposed use complies with all additional requirements imposed on it by the provisions of this chapter.

Motion carried unanimously.

C. MARIA CHICAIZA requests site plan approval pursuant to Section 264-90 M of a proposal to operate a unisex hair salon at 1833 Broadway, tax parcel # 48.52-2-26.1, located in a “C-2” Mixed Use Commercial District.

The owner of the property was not present at the meeting.

MOTION TO WITHDRAW

Motion by Commissioner Beach, seconded by Commissioner Lewis, to withdraw the application.

Motion carried unanimously.

VII. NEW BUSINESS

A. JASON SOMMER requests preliminary site plan review of a proposal to construct a self-storage facility at 1806 Erie Boulevard, tax parcel #'s 39.34-1-5, 39.34-1-4.1, and 3.1, located in an “M-2” Manufacturing and Warehousing District.

Jason Sommer of Diamond Point Development and Norman Ward of Lansing Engineering presented the proposal.

The applicants briefly reviewed the proposal to build a climate controlled self-storage facility. The Commissioners expressed that they support the project as a good use of the site, and that they would like to see further site plan details such as final elevation drawings, the landscaping plan, exterior colors and materials, and the parking plan when the applicants return for formal site plan review.

B. BETHESDA HOUSE OF SCHENECTADY, INC. requests site plan approval pursuant to Section 264-90 B and F of a proposal to

construct an administrative and residential facility at 917 State Street, tax parcel # 49.34-1-25, located in a “C-2” Mixed Use Commercial District.

Kimarie Sheppard, Executive Director of Bethesda House, Mike Roth of SRG Architects, and Luigi Palleschi of ABD Engineers and Surveyors presented the proposal.

Mr. Roth briefly reviewed the design of the building, explaining that it will provide emergency shelter services on the first floor and supportive housing on the second and third floors. He noted that because staff will travel between this building and the Bethesda House site across State Street and most of the residents will not have cars, they do not believe that a large amount of parking will be needed. Mr. Roth stated that funding for the project has been approved by New York State and that they are eager to move forward. He also commented that there is a very tight budget for the project, but that Bethesda House is willing to make adjustments to the building design if they are financially able to do so.

Mr. Palleschi briefly reviewed the site plan. The Commissioners discussed the details that were not submitted on the site plan, including details of the sidewalks and curb cuts and landscaping and lighting plans. The Commissioners determined that in order to allow the project to move forward they were willing to issue temporary site plan approval pending the submittal of further information.

PUBLIC COMMENTS

None.

Seeing no members of the public that wished to speak, Commissioner Wallinger closed the public hearing.

SEQR RESOLUTION

Motion by Commissioner Lewis, seconded by Commissioner Beach, to accept the Negative Declaration.

Motion carried unanimously.

SITE PLAN APPROVAL

Motion by Commissioner Lewis, seconded by Commissioner Healey, to accept the proposal with the following conditions:

1. The address will be 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. The applicant and team will present details listed in this report to the Planning Commission and those details will then be submitted on a revised site plan. The revised site plan must be submitted within 30 days and approved prior to the issuance of building permits. The details will include, but will not be limited to, the following:
 - a. Engineering details for the sidewalks, curb cuts, and storm water management
 - b. Outdoor living space
 - c. Sign proposal with details
 - d. Landscaping details
 - e. Lighting details
 - f. Dumpster enclosure details
 - g. Detailed elevation drawings (not renderings) showing materials, colors, dimensions, etc.

And with the following findings of fact:

1. The Commission recommends that the required area variances be granted. The site will have a density similar to many other properties in the area, and there will be sufficient parking available since most of the residents will not have cars, there is adequate public transportation very close by, and staff will continue to utilize the parking at the Bethesda House building located on the opposite side of State Street.

Motion carried unanimously.

C. HIGHBRIDGE BROADWAY LLC requests site plan approval pursuant to Section 264-90 I of a proposal to construct a 5-story office building at 356 Broadway, tax parcel # 49.23-2-4.112, 4.3, and 17.1, located in a “C-4” Downtown Commercial District.

Because Commissioner Beach had to recuse himself from consideration of this application there was not a quorum of the five required Commissioners present to hear the proposal. Commissioner Wallinger stated that the Commission would schedule a second May meeting to accommodate the applications that could not be heard.

D. 200 BRANDYWINE, LTD. requests site review and a Special Use Permit pursuant to Section 264-90 I and Schedule B of a proposal to construct a 6,500 SF car wash facility at 200 South Brandywine Avenue, tax parcel # 49.58-2-2.311, located in a “C-5” Business District.

Luigi Palleschi of ABD Engineers and Surveyors presented the proposal.

Mr. Palleschi briefly reviewed the site plan. Commissioner Wallinger noted that there was a significant amount of information missing from the proposal. She stated that in the future applications missing important information will not be placed on the agenda.

The Commissioners discussed the layout of the site and possible alternatives for the location of the building. It was determined that the application should be tabled as incomplete pending the submittal of the missing required information.

PUBLIC COMMENTS

None.

MOTION TO TABLE

Motion by Commissioner Lewis, seconded by Commissioner Wilson, to table the application as incomplete pending the submittal of the following information:

1. All Engineering required site plan elements.
2. Site reconfiguration – move vacuums away from residential property
3. Detailed elevation drawings
4. Proposed sign details
5. Landscaping plan in compliance with 264-50
6. Lighting plan
7. Dumpster enclosure details

Motion carried unanimously.

VIII. MISCELLANEOUS

Commissioner Wallinger briefly reviewed the staff notes for the 1130 Third Avenue application with the applicant.

City Planner Primiano noted that the Dollar General store on Van Vranken Avenue, which had been discussed at the April 2021 meeting, had been cited by the City for violations on the site.

The Commissioners discussed having a special meeting to accommodate the applications that lacked a quorum and thus could not be considered. It was determined that staff will follow up with scheduling the meeting as soon as possible.

IX. MOTION TO ADJOURN

Motion by Commissioner Lewis, seconded by Commissioner Wilson, to adjourn the meeting.

Motion carried unanimously.

The meeting was adjourned at 8:48 p.m.