

City of Schenectady
NEW YORK
CITY PLANNING COMMISSION Minutes
July 13, 2022

I. CALL TO ORDER

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

II. ATTENDANCE

Present: Mary Moore Wallinger, Chair; Bradley Lewis, Vice Chair; Randall Beach; Nicholas Petrillo; Jason Bogdanowicz-Wilson; Dharam Hitlall; Colin M. Evers; Susan Nadler; Chris Marley, Corporation Counsel; and Sylvia Jimison, Development Staff

Excused: Christine S. Primiano, Principal Planner

III. Conflict of Interest Check

Commissioners Beach and Lewis recused themselves from the consideration of Items A and B, AIK Property Group, LLC.

IV. Approval of Minutes for June 15, 2022, motioned by Commissioner Beach and seconded by Commissioner Hitlall. **Motion carried unanimously.**

Commissioner Wallinger began the meeting by welcoming Susan Nadler as a new commissioner to join the Planning Commission.

She reviewed the process for how projects should be presented and reviewed and reminded the public to please sign in and address comments to the Commission when speaking during public comment periods.

ZONING INTERPRETION: CRYSTAL JONES requests site plan approval pursuant to Section 264-90 G of a proposal to renovate the existing building for use as a private club and business office at 2525 Broadway, tax parcel # 48.66-2-12 and 14.11 located in a "C-2" Mixed Use Commercial District, and tax parcel #'s 48.66-2-10 and 14.2 located in an "R-1" Single Family Residential District.

Before the project presentations began, the applicant's representative, Luigi Palleschi from ABD Engineers, requested the zoning interpretation to be removed from the agenda to allow the applicant time to respond and complete an application.

As per the Zoning Interpretation, the intended use is not permitted in the C-2 Mixed Used Commercial District. At the request of the applicant's representative, the Commission voted to table the project to allow the applicant further time to respond and complete the application.

Motion to table made by Commissioner Wilson and seconded by Commissioner Petrillo. Motion carried unanimously.

V. NEW BUSINESS

- A. AIK PROPERTY GROUP, LLC** requests site plan approval pursuant to Section 264-90 F of a proposal to construct a 16-unit residential building at 1052 -1062 Barrett Street and 608 South Avenue, tax parcel #'s 39.65-2-33.1, 34.1, and 35.1, located in a "C-4" Downtown Commercial District.
- B. AIK PROPERTY GROUP, LLC** requests site plan approval pursuant to Section 264-90 F of a proposal to construct a nine (9) unit residential building at 1101-1107 Barrett Street and 519 South Avenue, tax parcel #'s 39.57-4-29, 30 and 32, located in a "C-4" Downtown Commercial District.

Ms. Pam Swanigan of AIK Property Group presented to the Commission background information about AIK Property Group that they are a group with compassion and heart in the community. Their goal is to strengthen neighborhoods and to be a problem solver; more importantly create sustainable and quality housing. She also stated that a community meeting was held at the downtown library to discuss the development at Barrett Street with the community and more than 16 residents attended. A PowerPoint presentation was provided at the meeting, and she provided printed copies of the community PowerPoint presentation to the commissioners.

Ms. Swanigan stated that 6 of the units on the first floor will be designated for Living Resources consumers to occupy. These will be one-bedroom units.

Luigi Palleschi of ABD Engineers provided an overview of the entire development project to the commissioners. He stated: There will be three sites that are part of the project. Site one, that is first on the agenda, is the 16-unit building. It is a 10,800+/- SF property. It consists of three parcels and the three parcels will be combined into one to make way for a two-story 16-unit multifamily project. With the site plan, there will be an upgrade to the sidewalks along Barrett Street and South Street and there will be some trees added. There are a couple of existing trees on the street that will be preserved and provide a buffer to the adjoining residential properties to the South and a commercial garage building. With some buffers, the applicant has decided to put the garbage totes on the south end away from the residents. The west end of the building meets the site

setback requirements for current zoning for the building. The main entrance to this building is off South Street. There are two entrances. It's a two-story building and it's configured with 16 units and there's a mixture of one bedroom and two-bedroom units.

The utility connections to the city for water and sewer, gas and electric are all available on site and will be available across the street at the nine-unit building. That parcel consists of three existing tax parcels. The applicant is going to reconfigure the parcels into three separate lots. The building will contain nine units, but each parcel will have three units. The units will be three stories high, which will complement the townhouse building directly across the street.

Commissioner Wallinger asked if there will be three separate address numbers. Mr. Palleschi stated that there will be three separate street numbers for the properties. Mr. Palleschi added that there will be front scoops with improved sidewalks and landscaping. There will be 10 parking spaces for a total of 25 units; street parking and shared parking with Metroplex. He also stated that, in addition, some residents will not need parking. Commissioner Wallinger indicated to Mr. Palleschi that that Commission has encouraged bike parking to be included in instances where parking is limited, and alternative modes of transportation are anticipated. The applicant agreed to adding bike racks. Commissioner Wallinger notes that many apartments include covered bike parking, which is desirable to residents.

Mr. Palleschi stated he has submitted applications for area variances for onsite parking for both proposals to the Board of Zoning Appeals and they will be considered on August 3, 2022.

Commissioner Wallinger reminded AIK they will need to provide a lighting plan and make sure that lights do not shine onto neighbors' property. **Commissioner Petrillo**, wanted to know if the city's right of way would be impacted and Mr. Palleschi said that it would not.

Overall **Commissioner Wallinger** said that she is excited about the project and appreciated that the architectural rendering showed a lot of architectural detail. She was thrilled to see so many trees and commended the applicant for their efforts to preserve the existing street trees as urban trees can take several years to grow that large and have such an important impact on the urban heat island effect and residents' quality of life. She suggested to the applicant that they carefully prune the trees and keep them well watered during construction to help ensure their success.

Commissioner Wallinger noted that all parking would require a minimum 4' landscape buffer that needs to include trees and either fencing, landscaping, or a combination of both.

Commissioner Wallinger opened the public hearing:

Commissioner Wallinger read a letter signed by Stephanie Medellin, Xavier Medellin, and Zhenshi Shen.

Ray Gillen of Metroplex stated that the Barrett Street project is very important. Barrett Street was really distressed until a group of investors built townhomes there. The eyes of the State are on this project and the State wants to support more minority developers and that Schenectady is fortunate to have this development team. The project will be a great infill and will get more people to the city. He stated that he likes the fact that Living Resources will be part of the project and encouraged the commission to move forward on the project.

Commissioner Wallinger closed the public hearing.

***Special Note: Neighbor to Barrett Street,** there was a gentleman who spoke at the end of the commission meeting and after the public hearing had been closed about Barrett Street. He said he lived on Barrett Street and the sidewalks are terrible, especially during the winter when it snows. He has lived on Barrett Street for several years and is concerned about walking and parking.*

The Commission discussed prior support of shared parking agreements and reduced parking requirements in the downtown areas, particularly in cases when residents are anticipated to have lower demands for parking. **The Commission agreed that they would like to send a letter in support of a parking variance for these projects to the Zoning Board of Appeals.**

Motion by Commissioner Hittall and seconded by Commissioner Petrillo for Site Plan Approval for 1052 -1062 Barrett Street and 608 South Avenue with the following conditions:

1. The Landscaping Plan will be revised to include the following trees:
 - a. Shade trees in the areas where there are no overhead lines in place of smaller trees
 - b. Smaller, flowering trees below utility lines
2. Bike Racks will be added to the site plan.
3. A landscape buffer will be added to the triangle shown between the parking and the sidewalk to provide the required min. 4' buffer between the parking and public sidewalk.
4. The applicant will submit color and material samples to the City Planner for final approval prior to the issuance of building permits.

Motion carried, with Commissioners Beach and Lewis abstaining.

Motion made by Commissioner Hitlall and seconded by Commissioner Petrillo, to approve the Site Plan for 1101-1107 Barrett Street and 519 South Avenue with the following conditions:

1. The Landscaping Plan will be revised to include the following trees:
 - (1) Shade trees in the areas where there are no overhead lines in place of smaller trees
 - (2) Smaller, flowering trees below utility lines
 - (3) Landscaping and or a decorative fence will be added to the triangle by parking spaces to provide screening behind the public sidewalk and that the proper permits will be done for the city regarding the residents and anything encroaching on the city right away.
2. Bike Racks will be added to the site plan.
3. Notes will be added to the plan to protect existing trees during construction
4. The applicant will obtain a revocable permit or license agreement with the City for any stoops within the City right of way.
5. Submit colors and materials to City Planner for review and approval prior to proceeding

Motion carried, with Commissioners Beach and Lewis abstaining.

A plan was submitted for parking that would serve the two facilities and be located on 1063 & 1065 Barrett Street.

Commissioner Wallinger stated that since this project was not included on the agenda that it would have to come back to the commission next month so that the notices could be sent out. The Commission stated that the following would be required:

1. Min. 4' buffer between any parking and sidewalks with trees and decorative fencing, shrubs or a combination of both.
2. 2 trees on Barrett Street
3. 2 trees on South Avenue

I. OLD BUSINESS

- A. MITCHELL RAMSEY** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a bar and music hall at 116 Jay Street, tax parcel # 39.72-2-13, located in a "C-4" Downtown Commercial District.

Commissioner Evers stated for the record that he would be recusing himself due to a conflict of interest.

Mitchell Ramsey stated that he is looking to do three 8' decorative doors on the front and that the middle one would include a door. It would be symmetrical. He assured the commissioners that the door would remain unobstructed from the inside so that, if there's an emergency, people can get out.

Commissioner Hittall asked about garbage and Mr. Ramsey responded that the enclosed dumpster across the street will be used for garbage.

Commissioner Wallinger asked if the applicant would prefer the front door be located in one of the side garage panels to allow for more flexibility on the inside. The applicant responded that he preferred it in the center and would make sure it remained unobstructed. Commissioner Wallinger asked if the entry on the side would be wide enough for a fully accessible entry and stated that the fire department said there needs to be multiple doors, including a door on the front.

Commissioner Wilson expressed concern about the possibility of drinks getting knocked onto the public sidewalk and suggested that the fence be set back from the face of the building. After discussion with the applicant, it was agreed that the fence would be set back a minimum of 18" and that the rails would not be wide enough for patrons to sit their drinks on them. The applicant stated that he also plans to include planters in the area between the railing and the fence.

Commissioner Wallinger asked about materials for the roof kiosk. Mr. Mitchell replied that the materials have not yet been determined, but that it may be a shipping container or something similar to what is at Frog Alley. He also stated that it would be toward the back and not visible from the street level. The Commission agreed that any final materials shall be submitted to the City Planner for review and approval prior to proceeding.

Commissioner Wallinger opened the public hearing:

Ray Gillen of Metroplex stated that 116 Jay Street has been empty since 2004 and he is often asked when something is going to be done with the building. He went on to say that Mitchell is a great entrepreneur, and he knows that he will do well. He urged the commission to move forward with this project and stated that the building cannot remain vacant any longer.

Chris Sparagen who owns the property across from the Open Door Book Store stated that he also supports the project and is excited to see more businesses opening in the area.

Commissioner Wallinger closed the public hearing.

Motion made by Commissioner Beach and seconded by Commissioner Wilson to approve the site plan with the following conditions:

1. Three doors would be included in the plans with at least one being handicap accessible and one being located on the front facing Jay Street
2. 18-inch clearance (setback) for the fence on the rooftop
3. Certificate of Use
4. Approval of all materials, including the roof kiosk, by the City Planner prior to installation

Motion carried, with Commissioner Evers abstaining.

- B. **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.

Luigi Palleschi of ABD Engineers stated he was representing the 530 Franklin Street project and that he previously appeared before the Planning Commission last month. He submitted a revised plan.

Mr. Palleschi stated the following:

"Mr. Lynch mentioned, the bus drop off area, the dumpster relocation, we're relocating it on the other side of this AC unit, and will enclose it.

Similar to the closure of the AC unit. We've added shade trees and flowering trees along Lafayette Street, we're removing two parking spaces to provide a four-foot strip of mulch beds so that we can get the two trees in there. We'll also remove a small panel of concrete in the city right away and adding a tree there as well. We believe Lafayette Street is the main corridor. We're trying to beautify the area.

Right across the street, you have the Great Flats, brewery, and they have some good street improvements, street trees on that side as well. We're trying to complement what was approved previously across the street with some masonry planters have been added along Franklin Street, they'll be circular; similar to what you see around in the city.

The flowers will be annual perennial in the planters and we're proposing one on either side, the existing main entryway when you're facing Franklin Street.

Another thing that was asked about was this future bike path which we reached out to Chris Wallin and have not heard back from him with the exact details."

Commissioner Wallinger asked about the "secondary lot" that is accessed from Lafayette Street and also from inside the "main parking area" via a striped aisle. She stated that the Commission would want that coned off during drop-off and pickup so that parents don't try to use it as a drop-off point or a way to exit the drop-off area as this would cause traffic issues on Lafayette Street and also lead to unsafe drop-off conditions. Commissioner Wallinger also asked how pickup would work since it is much more complicated with dropoff since children have to be reunited with caretakers as opposed to just being let out of the car in the order of showing up.

Commissioner Nadler stated that she had read in the paper in March a goal was to increase enrollment by 400 students by 2025 and noted that this would have a major impact on site.

Mr. Palleschi stated the facility is for 120 students.

Re'Shawn Rogers (CEO of Charter School) stated that parents will have designated times for pick-up to control the flow of parents and only 50% of kids will ride the bus. By the sixth week of school there should be a good system in place. Staff will be using walkie talkies.

Commissioner Wallinger continued to state that drop-off is a concern.

Commissioner Nadler inquired about the number of entrances for students, fire drills, shooter drills, and stairwells for evacuation.

Mr. Rogers responded that the school is working on a district wide safety plan and that policies are part of the plan and that feedback on the plan will be made available to the public.

Commissioner Wallinger said she appreciated the buffers being added to the Lafayette side of the parking area, but feels they are equally important on the Barrett Street side to protect pedestrians and that she thought the Commission would be open to a decorative fence as a buffer. She also noted the staff comments that the double stacked cars are not compliant with the Zoning Ordinance and that they need to be designed to meet the code or a variance would be needed.

Mr. Palleschi cited City Code Chapter 264-40, Section C, which states: "Preexisting off-street parking areas and lots which are nonconforming with respect to any of the design standards specified in § **264-43** may be lawfully

continued, provided that such nonconforming parking area is not enlarged or altered in a way which increases its nonconformity. Where the premises served by such nonconforming parking area are substantially improved, the parking area shall also be improved in compliance with the design standards specified herein." He then referenced Section 264-2 which defines Substantial Improvements as "Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred...."

Mr. Palleschi then claimed that according to the City Zoning Ordinance, he did not believe that improvements to the parking area were required since his client was not making Substantial Improvements to the building. He also stated that the cars that were double stacked should be fine since they are used by people who do not leave during the day.

Commissioner Wallinger stated that the reason the buffer is required is to protect pedestrians and promote walkability in the downtown, which is needed to attract and retain residents and for businesses to thrive. **Commissioner Petrillo** stated that this was particularly important with so many children on the site and was concerned about the parking lot being two way. Commissioner Bogdanowicz-Wilson stated it would be up to staff to make sure that the parking lot is used for dropoff and pickup only during those times and remains one way as presented during those times. He also reiterated that the sidewalk buffers are especially important given the situation and the added traffic that will occur during dropoff and pickup. Commissioner Wilson also pointed out that the Google aerial shows cars in the parking lot being partially parked on the sidewalk and that this was one of the main reasons that the buffer is so important in preventing such dangerous and illegal infringements on the public right-of-way. Mr. Palleschi said that the buffers would interfere with plowing. Commissioner Wallinger stated that the buffers were also important to keep snow from parking lots from blocking the public sidewalks.

Commissioner Wilson also stated that the buses should not hold up traffic. The school would need to make sure that the drivers only put the signs out during the required times when students are loading and unloading and not when they are just waiting for students to come out of the building as it would create significant traffic problems in the downtown if this were to happen. He then referenced the situation around Oneida Middle School where traffic is virtually stopped in all directions for several blocks during the pickup and dropoff times.

Commissioner Wallinger stated that staff recommended that the parking lot be made one way since many people use it as a shortcut. The Applicant responded that it would be too difficult to police and that it is convenient to be able to exit to either street since Barret is a one way street. The Commission felt

that having it 2-way added to the confusion, but agreed that policing it during the whole day would be difficult. Commissioner Wallinger stressed that the one way during dropoff and pickup would need to be enforced and that, while the 2-way during the rest of the day could stay for now, it may need to be reevaluated and changed at a later date if problems arose after the school opens.

Commissioner Wallinger opened the public hearing:

Ray Gillen of Metroplex stated that downtown has a lot of schools (Union College, Clark College, and SCCC) and Proctors will be bringing students downtown.

He went on to say, "we have Clarkson and we have the Community College which has a major campus downtown. The Community College and the public school system is just announced a major plan with Proctor's to bring hundreds of students down to the Center City Building.

We have a student-oriented downtown, it will be very cool to have these students in our downtown. In this building, Northeast Parent is shrinking their presence in that building. The top floor is vacant. I won a \$750,000 grant years ago to transform the bottom floor of that building into a training center. Every kid who dropped out of high school in the entire county used to get bused to this building, to go to remedial classes in the basement of the building, so this is a prominent building on Franklin Street.

Commissioner Wallinger closed the public hearing.

Mr. Gillen spoke again and said that "he keeps hearing the term municipal parking, that there is no such thing, that it's Metroplex parking. We help everyone that parks downtown in our system, we give them notifications, we educate them, we have thousands of students come to shows and practice every year downtown.

We will embrace this school and work with them and their employees to have them come to our parking system. So, there's a sea of parking right across the street from this building. In addition, Ortho New York is moving out of that building over to State Street. There's a massive amount of parking right across the street from Franklin to absorb future needs of the school." He concluded by asking the commission to move forward with the project.

Commissioner Wallinger stated that it is not so much the parking that is a concern, but the nature of the drop-off and pickup of the students and that elementary school parents have a history of parking wherever they like,

including in the street and in private parking lots and spaces, and illegal spaces, in order to be able to walk their child(ren) to the door. The commission is trying to do its due diligence and wants to make sure the project is a success.

Commissioner Hittlall added that safety for the kids is a concern and that the parking mentioned is on the opposite side of Franklin Street where cars are moving back and forth.

Commissioner Wilson wanted to know where things stood with requiring the buffer.

Commissioner Wallinger stated that an interpretation would be needed from the City's Zoning Officer on whether the additional buffers would be required and that until then, the Commission could issue a Conditional Site Plan approval with the requirement that the buffers would need to be added by the opening of the School if the Zoning Officer rules that they are required or if the Applicant does not provide the required proof of exemption prior to the opening of the school.

Motion for Conditional Site Plan Approval with the following Conditions made by Commissioner Evers and seconded by Commissioner Beach to approve the site plan with the following conditions:

1. Cones shall be placed a minimum of 15 minutes prior to the start of dropoff / pickup until a minimum of 15 minutes after the scheduled times to block both the Lafayette entrance to the smaller section of the parking lot and also access to this section from the larger section where the dropoff and pickup will occur.
2. The landscape buffer to the parking lot on the Lafayette Street side shall be installed prior to the start of school and, unless ruled otherwise by the Zoning Officer with the necessary proof being provided by the Applicant prior to the opening of the school, landscape buffers will be required on all sections of the parking lot bordering public sidewalks. If required, these will be installed prior to the start of school.
3. The Applicant shall return to the Planning Commission at the October meeting to review how the dropoff and pickup strategies are working and to provide the opportunity for changes to be made if the situation proves problematic to adjacent streets and businesses. If there are no complications, the Applicant may request not to attend and City Staff can make a determination.
4. The Applicant shall return to the Planning Commission to review the parking and dropoff and pickup accommodations and revisit the requirements if the number of students is increased.
5. Unless ruled otherwise by the Zoning Officer with the necessary proof being provided by the Applicant prior to the opening of the school, the

parking lot will be revised to comply with City parking requirements and the double-parked spaces will be eliminated.

6. Buses will drop off and pick up as proposed on Lafayette Street and the stop signs will only be out during the times required by law and during times of waiting for pickup and dropoff to start.

Motion carried unanimously.

- C. **AMSLER AUTO SALES** requests site plan approval pursuant to Section 264-90 I and K of a proposal to construct a 3,120 SF addition to the existing building at 1545 Broadway, tax parcel # 49.37-1-21, located in a "C-2" Mixed Use Commercial District.

Luigi Palleschi of ABD Engineers stated he was present to address all the concerns Mr. Paul Lafond had about the water separator. He stated there are three options available:

- 1) Leave it the way it is (as approved in other municipalities)
- 2) Remove the well
- 3) Connect to city system (an additional cost)

He went on to say that they have done it in other municipalities where it goes through an oil water separator, and removes the oil and it's just rainwater that goes into the ground, similar to the way a septic system works. He said that this sight is all sand and that the ground could certainly absorb the water.

The second option would be to remove the well and just have the oil water separator and then the owner would just have to vacuum it out periodically. The third option would be to connect to the city system. They would have to put a pump in there and pump it back into the street. Mr. Palleschi stated that there's no sense of ripping up all the pavement and going into the city streets if not necessary. They would pump it up through the building, which would be possible but an added cost. He proposed working it out with City Engineering."

Commissioner Wallinger, stated that she likes option 2 because it would require regular maintenance whereas, with the first option, the maintenance could be forgotten or neglected, which could result in oil making its way into the ground.

Commissioner Wallinger reminded Mr. Palleschi of the Commission's previous requirement that there be a landscape buffer between the parking and the sidewalk and that street trees need to be included. At the suggestion of **Commissioner Wilson**, Mr. Palleschi agreed that the parking space on the far right, when looking from the street, would be rotated to allow for a wider planting area between the Amsler property and the neighboring property and would include a shade tree. This planting buffer will be L-shaped and shrubs will

also be included in the area between the sidewalk and the parking. The storm infrastructure shown in what should have been the planting buffer will be moved the parking area to allow for the landscape buffer. Mr. Palleschi also agreed that a planting island with shrubs and a flowering tree would be added in the triangular space to the left or west of the sign.

Commissioner Wallinger opened the public hearing.

Commissioner Wallinger closed the public hearing.

A motion was made for Site Plan Approval with the following conditions:

- The final plan for the oil and water separator shall be approved by the City Engineer.

A revised landscaping plan that includes the widened landscape buffers and two additional beds with trees will be submitted to the City Planner for review and approval prior to proceeding.

- Striping shall be added as per direction provided in previous Staff Comments.

Motion made by Commissioner Wilson seconded by Commissioner Petrillo.

Motion carried unanimously.

Motion made to adjourn the meeting made by Commissioner Hitlall and seconded by Commissioner Nadler. Meeting adjourned at 8:20 p.m.