

**City of Schenectady  
Planning Commission  
Meeting Minutes  
March 16, 2022**

**I. CALL TO ORDER**

Commissioner Wallinger called the meeting to order at 6:10 p.m. and read the list of applications on the Agenda.

**II. ATTENDANCE**

PRESENT: Mary Moore Wallinger, Chair; Bradley Lewis, Vice Chair; Randall Beach; Nick Petrillo; Jason Bogdanowicz-Wilson; Sylvia Jimison, Development Staff; Christine Primiano, Principal Planner

**Absent:** Andrew Koldin, Corporate Counsel

**III. Conflict of Interest Check**

No conflict of interest indicated

**IV. Meeting Minutes**

Motion by Commissioner Lewis, seconded by Commissioner Petrillo to approve meeting minutes of December 15, 2021, January 19, 2022, and February 16, 2022.

**Motion carried unanimously.**

**V. NEW 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.

Commissioner Beach and Commissioner Petrillo suggested delaying the application review to later in the meeting agenda because Alex Renzi, from Hyman Hayes Architects was in a minor car accident. Motion by Commissioner Wallinger, seconded by Commissioner Beach, to table the review to later in the meeting. ***Motion carried unanimously.***

**B. 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.

Joe Bianchine with ABD Engineers presented on behalf of John Amsler and indicated John was home sick. Mr. Bianchine went on to state that Mr. Amsler purchased the old Sunoco station at Campbell Avenue and Broadway and has been operating there for a few years. The applicant wants to construct an addition to the back of the building. The back of the property is sloped and it's not useable. The addition will not be visible from Broadway. The addition will be a metal building with 14 feet of clearance in the inside and there will be 16 feet from the highest peak. There will be 3 drive through bays and additional parking, including stacked parking at the front of the site for the display of vehicles for sale.

In response to the staff comments, Mr. Bianchine stated he will address concerns about stacked cars with a revised site plan and he will split the plans into 2 drawings so that they are legible.

Additional revisions will include adding a planting area at the northern curb cut. Mr. Bianchine also stated he will show a more detailed lighting plan. He stated that there are no building plans yet and he will resubmit when plans are completed.

The City Planner stated that the City Engineer is requiring a Geo-Technical Report due to the proposed catch basin adjacent to the hillside. Mr. Bianchine stated that the site plan drawing was completed in the winter when the ground was frozen, so they couldn't do any ground testing at the time.

Engineering had a concern about a previous spill there and wanted confirmation it has been cleaned up. Mr. Bianchine stated that he has a DEC letter stating spill had been cleaned up to satisfaction.

Commissioner Wallinger stated that the Engineer noted it's a closed spill case and has been taken care of, but that it was a concern for run-off. She wanted to know how the city would know if it has been fully taken care of.

Mr. Bianchine responded that he will have to refer to original closure report and that he only has the DEC letter but will investigate farther.

Commissioner Wallinger indicated that the report would need to state how it was mitigated and might be fine if it was removed from the site. Commissioner Wallinger asked where is the existing dry well located?

Mr. Bianchine said there is no dry well now. It's all paved now.

Due to sidewalk replacement and utility work on Broadway, the city relocated the entrance, so the trees were relocated near the entrance on Campbell Avenue. There will be an extension of the existing planter near the sign running along the front of the property. The sign will stay the same size and there are no plans to change it.

The City Planner stated that the zoning code requires that there is landscaping around the perimeter of the site to create a buffer between the commercial and residential sites on either side.

Mr. Bianchine said it's hard to do because it is paved right up to the property line.

Commissioner Wallinger explained that might be the case now, but in order to issue site plan approval, they will have to bring the entire property into compliance, including the landscaped buffers. The Commission is required to look at what is not in compliance.

The City Planner explained that there will be a limitation of cars to display at a time, that some parking must be provided for customers and staff and that there is a requirement to provide one street tree for every 25 feet of property frontage.

Commissioner Lewis indicated that he saw there was a new roof being put onto the building earlier in the day.

Commissioner Petrillo asked if there is a requirement for landscaping in the front.

Commissioner Wallinger stated the parking lot requires 1 tree for every 10 spaces interior to the site and sometimes trees along the edge; type of trees dependent on if there are power lines.

Commissioner Lewis asked if there is a buffer from neighbor's house and is it 4 feet? Mr. Bianchine stated that he would have to check on it to talk to the neighbor.

Commissioner Wallinger opened the public hearing.

The neighbor at 1533 Broadway, Terry O'Brien, commented that he lives next door and he hopes the Commission gives the approval that the applicant needs. There is an 8-inch buffer of grass that currently causes a problem for him to get in and out of the driveway. There is also a metal barrier, a guardrail, that he requested be removed.

Commissioner Wallinger closed the public hearing.

Commissioners Petrillo and Wallinger stated that they need to see more information related to the parking, landscaping and building addition.

Commissioner Petrillo explained to Mr. Bianchine that whatever parking spaces are shown on the site plan, that is how the cars are expected to be parked, including ADA parking and customer parking.

Commissioner Wallinger noted that this intersection is an important part of the community and that improving the landscaping and adding street trees will encourage vehicles to slow down, which is good for pedestrians.

**Motion by Commissioner Wilson, seconded by Commissioner Petrillo to table the proposal to allow the applicant the opportunity to submit a complete and code compliant site plan proposal. Motion carried unanimously.**

The revised site plan proposal should contain the following information:

1. A geotechnical report showing that the proposed location of the drywell on the hillside can allow the water infiltration that is proposed.

2. Detailed building elevation plans.
3. Relocation of the handicap parking space with a proper loading zone.
4. Pursuant to Section 264-50, interior and perimeter landscaping.
5. Proposed site plan does not comply with Section 264-107 A, B and D; required side and rear yards, landscaping, and curbing.
6. Clear designation of customer, employee, and display parking spaces.
7. Planting of street trees in all possible areas, specifically at either end of the property.

**A. HOMETOWN HEALTH CENTERS (continued)** 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, an architect with Hyman Hayes Associates, appeared on behalf of Hometown Health Centers to propose that the existing Rite Aid be converted to a state of the art 30 chair dental clinic. Two key adjustments are planned for the building. First, the existing drive-thru will be removed and second, a new main entrance will be created. The new area will be a beacon for patients, so they know where the entrance is located. The new entrance will include a curtain wall and metal panels on top to hold the vestibule below. The applicant will be seeking 3 area variances: Front yard maximum setback 10 ft where 76 ft are proposed, the maximum impervious surface permitted is 80%, where 84.5% is proposed, and the maximum allowed parking is 49 spaces where 58 spaces are proposed. The existing dumpster pad with enclosure will remain at the rear of the building for the dumpster and for a power generator that will be installed.

Commissioner Wallinger asked if there were any comments from Commissioners.

Commissioner Lewis asked if the City allows EIFS on first level?

The City Planner proposed that because it looks like a two story building, but it's actually one and a half-stories that the Planning Commission could consider relief for the upper portion of the building since it appears as a second story.

Commissioner Wallinger asked if the canopy was 12ft or 15ft tall.

Mr. Renzi stated that the red brick will remain and the color scheme will be earth tones; brown, beige, gray constructed of a composite panel.

Commissioner Wallinger asked if the glass will be tinted and the Mr. Renzi stated it will have a slightly green tint, but will be clear glass to give another dimension to the elevation.

Commissioner Wallinger noted how much the facility will benefit people and that it is important to be pedestrian friendly. Currently every tree is dead on the property and the planting bed needs to be redesigned along the sidewalk along South Brandywine

Avenue. Some new trees, particularly on Brandywine, would be helpful because it's a major gateway into the City and many people walk in this area.

Commissioner Wallinger opened the public hearing. There were no comments from the public.

Commissioner Wallinger closed the public hearing.

Commissioner Petrillo inquired whether the entrance at South Brandywine was necessary. Mr. Renzi stated that the applicant would like to keep it but is open to modifying it to be no left turn out and would adjust the curbing.

The City Planner indicated that the access should be restricted to "right turn in" and "right turn out" only.

The City Planner asked about a lighting plan and if a signage was being prepared.

**Motion by Commissioner Beach, seconded by Commissioner Petrillo, to table the application to allow the applicant the opportunity to make changes to the proposal based on staff comments and Planning Commission feedback. Motion carried unanimously.**

**C. 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.

Joe Bianchine from ABD Engineers presented with Ms. Jones. Mr. Bianchine stated Ms. Jones has an option to purchase the property at 2525 Broadway that was once a bank. There are five parcels that will be made into one. Upon purchase of the property, Ms. Jones will open as a private club or a social betterment club. The applicant saw this club in Atlanta and wants to model a club for Schenectady.

Ms. Jones stated that she is a licensed mental health professional that wants to see improvements and services for the community. Members to the club will teach skills to individuals in the community. The club will seek professionals to be part of the club. The club will be created to provide a safe environment for people to meet.

Commissioner Wallinger asked if the applicant had a chance to review the staff comments. The applicant indicated they did.

Ms. Jones asked if it would be possible to put Astroturf down instead of grass because it's expensive to rip the asphalt up.

Commissioner Wallinger explained that the purpose is to allow water to permeate into the ground and if it is all asphalt, there is no way for the water to go into the ground.

Commissioner Petrillo stated that the technical details of the site plan are missing, and that they need to see landscaping and lighting plans.

Mr. Bianchine responded that since it is not a new site, the applicant should not have to change things to bring it up to code.

Commissioner Wallinger stated that it is a requirement of the zoning code. Also, some of the parking is in the city's right of way, which is illegal.

Ms. Jones added there were boats on property that no one knew what to do with. The neighbors were calling about the property and that she wants to beautify the property, but it's such a hefty expense. She doesn't own the property yet.

Commissioner Petrillo indicated conditional site plan approval could provide you some extra time to make improvements to the property.

Commissioner Wallinger stated that it is a very large property that is mostly asphalt, which would never be allowed.

Commissioner Lewis wanted to know the definition for private clubs?

The City Planner read the definition for private clubs 264.2 – “a group of people that get together...but not for profit or for services carried on as a business...”

Ms. Jones stated that non-members will be allowed in the club but will pay a higher fee for one-time use to see what the club has to offer. The goal will be to grow the club with professionals. Commissioner Wallinger wanted to know what space will be offered to members.

The City Planner wanted to know the plans for lighting the building and the parking lot. The applicant replied that there are lights there already. Commissioner Wallinger stated the lights that are there are not legal and will need to be replaced.

Commissioner Wallinger asked if fixing the fence was going to be an issue. The applicant said that it would not be an issue.

The City Planner asked if there is a signage plan and the applicant indicated that she has to work on it.

The applicant asked about the dumpster location and said that she didn't want to put it too close to neighbors.

The City Planner responded that the dumpster must be a minimum of 25 feet from any neighboring residence and suggested that it, along with the storage pod, be moved to the southern side of the rear of the building.

Commissioner Wilson stated he can verify that the music doesn't go beyond the rear door. His daughter attended a sweet 16 party there recently and noise can be heard when the door opens. The applicant indicated that she would keep the door closed.

**Motion by Commissioner Beach, seconded by Commissioner Wilson to table the proposal to allow the applicant the opportunity to provide a code compliant site plan proposal. Motion carried unanimously.**

The revised site plan proposal should contain the following information:

1. Storage shed to replace storage pod and located on the opposite side of the building, pursuant to Section 264-29 C and D.
2. Fencing to be repaired or replaced.
3. The dumpster will be enclosed and relocated to the opposite side of the building, pursuant to Section 264-49G.
4. Broken guardrail repaired.
5. Code compliant pole lighting pursuant to Section 264-55 and 56.
6. Removal of all components of previous drive-through, pursuant to Section 264 Schedule B; ie block use of driveway; consider outdoor seating area and green space.
7. Add areas of permeable surface to comply with Chapter 264 Schedule C; ie remove asphalt on side of building where drive-through needs to be eliminated, expand hatched areas in parking lot to extend existing landscaped areas.
8. Provide a detailed landscaping plan that complies with Section 264-50 F, G, and H; also, street trees added to existing perimeter planting beds.
9. Pursuant to Section 264-61, no sign proposal was submitted.
10. Pursuant to Section 264-49 E, the primary building entrance(s) will be accentuated.
11. Snow storage to be relocated away from the sidewalk and access points.

**D. SAMERA AL GHAITTI** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a convenience store at 727 Crane Street, tax parcel # 49.47-2-48, located in a "C-2" Mixed Use Commercial District.

Mohamed Hafez appeared before the Commission to represent the applicant. Mr. Hafez explained that 727 Crane Street is the address of the residence and 729 Crane Street is the address of store.

The applicant received a grant from Better Community Neighborhoods, Inc. (BCNI). The work started in November to repair the roof, replace the sidewalk in front of store, replaced windows, the front porch, outside lightening, replace the garage door, install a new sign, and perform lead abatement. It includes approximately \$70K in repairs and the owner contributed 25% of funding towards the project.

The City Planner asked if they planned to paint the trim around the windows. The applicant responded that they plan to paint the window trim, side of garage and the fence.

Commissioner Wallinger said the improvements sound wonderful. She reminded the store owner that a trash receptacle should be kept outside the store and that trash and

other debris should be cleaned-up throughout the day. Also, only 20% of the windows can be covered with signs.

The applicant responded that they may use a curtain or a roller shade to cover a portion of the front window where the register can be seen.

Commissioner Wallinger asked the applicant if they got the comments from the Police Department and asked what will be done differently to prevent loitering? The applicant responded that the previous store was being run by the tenant's teenage son and new tenants are older and mature and will not allow the same activity.

Commissioner Lewis asked what the hours of operation would be. The applicant stated the proposed hours are 7 a.m. to 11 p.m. Commissioner Wallinger stated that businesses are permitted to be open until 10 p.m.

The applicant explained that the sign will be changed with the new business name. The trash will be collected by the city. The City Planner explained that a revocable permit is required for the projecting sign and that the trash cans must be stored in the garage until pick-up day

Commissioner Wallinger asked if all the work could be completed by July 15, 2022 and the applicant agreed that would be possible.

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

1. The address will be prominently displayed so that it is easily visible from Crane Street.
2. Metal roll gates and iron bars will not be installed on any doors or windows at any time in the future.
3. The applicant must obtain a Certificate of Use from the Code Enforcement Office prior to operating the business.
4. The applicant must apply for a revocable permit with the City Engineering Department by April 1, 2022.
5. Hours of operation will be 7 am to 10 pm daily.
6. A trash receptacle will be placed outside the entrance daily for customer use and brought in at night when the store is closed.
7. The applicant will sweep and clean debris outside the store two times daily.
8. The applicant will discourage loitering and move people along if hanging out in front of the store.
9. The garage door will be replaced by July 15, 2022. After the door is replaced, all garbage cans will be stored inside the garage and brought out to the curb only on trash collection day.
10. A large planter or two large pots will be placed beneath the storefront window and maintained with seasonal plantings annually.
11. The fence will be repaired by July 15, 2022.

***Motion carried unanimously.***

## **II. OLD BUSINESS**

**A. MCDONALD'S CORPORATION** requests site plan approval pursuant to Section 264-90 A and a Special Use Permit pursuant to Section 264 Schedule B of a proposal to renovate the existing restaurant, add a new drive-thru window and reconfigure the existing drive-thru lanes at 1675 Union Street, tax parcel # 50.31-2-17.1, located in a "C-2" Mixed Use Commercial District and an "R-1" Single Family Residential District.

Chris Boyea, from Bohler Engineering appeared before the Commission to represent McDonald's. The proposal includes adding a second drive- thru lane and window to facilitate the flow of traffic with more room to stack vehicles, replacement of the menu boards, and 3 parallel parking –spaces in the rear of the site. There will be a reduction in the number of parking spaces from 30 to 19 spaces, improved landscaping, including sod and four maple trees. The proposal will require two area variances, which were obtained by the Board of Zoning Appeals in January.

John Riley from Hoffman + Riley Architects presented the design of the building. Their vision was to create a modern building that is scaled back to fit into the commercial streetscape in the surrounding neighborhood.

The highest point of the roof will be 18 feet from grade, which is a similar size to the building next door. All the windows will be new, the building will be brick and the exterior will be illuminated with recessed lights around the perimeter.

Commissioner Wilson stated that Dean Street has always been a traffic jam at the driveway entrance because of 2 points of entry. Changing it to 2 driveways will be a huge improvement if the Dean Street access remains.

Commissioner Wallinger asked if the pine tree in the island at the Dean Street entrance was remaining; and if not, it should be replaced with a larger shade tree if possible.

Commissioner Wallinger opened public hearing.

Tom Carey from the Upper Union Neighborhood Association and Schenectady United Neighborhoods commented on the proposal.

Mr. Carey stated he wanted to thank the Commission for their hard work and the new plans are a huge improvement from previous versions. His main concern was size of the building and the increase of cars versus pedestrians. Also, that the owners be diligent about keeping the property clean.

Commissioner Wallinger closed public the public hearing.

Commission Wallinger asked about the replacement of the landscaping in the large bed next to the Union Street entrance and if it was possible to change the rose glow barberry to spirea. Mr. Boyea indicated that would be done.

**Motion by Commissioner Petrillo, seconded by Commissioner Wilson to adopt a Negative Declaration. Motion carried unanimously.**

**Motion by Commissioner Wilson, seconded by Commissioner Petrillo to approve the Special Use Permit based on the following findings of fact:**

- A. Impact: The use will not substantially impact upon the nature and character of the surrounding neighborhood because the drive-through currently exists and the addition of the second drive-through lane should help prevent any potential stacking.
- B. Adjacent properties: The proposed use will not have a substantial impact on adjacent properties because this proposal is a commercial use located along a commercial corridor.
- C. Nuisances: Operations in connection with the proposed use shall not be more objectionable than currently exists because the drive-through is already in existence with a substantial buffer between the drive-through and adjacent residential property.
- D. Facilities and services: There are no impacts to the existing facilities and services in place for this proposal.
- E. Loss of significant features: There will be no loss of significant features or impacts to the architectural character of the corridor. In fact, the new design of the building will be a design improvement of the existing building.
- F. Compliance: The proposed use complies with the additional requirements of the Zoning Chapter because the proposal has obtained all necessary area variances.

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

- 1. The address will be prominently displayed so that it is easily visible from Union Street.
- 2. Metal roll gates and iron bars cannot be placed on any doors or windows at any time in the future.
- 3. Lot number 50.31-2-17.1 and number 50.31-2-16 must be consolidated into one lot prior to beginning the renovation and installing the second drive-through lane. The lot consolidation map and legal descriptions must be submitted to the City Engineer for approval. Once approved, the map and descriptions must be filed with the County Clerk's office prior to the issuance of building permits.
- 4. The pine tree at the Dean Street entrance will remain if possible or be replaced with a fourth red maple tree to match the three red maples being planted along the Dean Street edge of the property.
- 5. The landscaping in both planters at the front of the site will be replaced with spirea plantings. All landscaping will be completed by September 1, 2022.
- 6. A revised site plan showing the changes to the landscaping will be submitted to the City Planning for final approval prior to the issuance of Building Permits.

**B. SADDEK ENTERPRISES LLC** requests site plan approval pursuant to Section 264-90 B and F of a proposal to redevelop the existing building to create two commercial

units and six residential units at 751 State Street, tax parcel # 49.25-2-1.1, located in a "C-4" Downtown Commercial District.

Dan Morelli appeared before the Commission, representing the applicant, Saddek Enterprises. Mr. Morelli indicated that he presented in January 2022 to the Commission and intends to comply with all the recommendations. He wanted the Commission to know there are only 5 residential units and not 6 units, the owner has a large family and will occupy the large apartment. There will be no congregate living in the apartments. There are no tenants yet for the front retail and back retail. The owner will let the Commission know about the commercial spaces once there are tenants, probably a year away.

Commissioner Wallinger inquired about the awning for the building and stated a revocable permit will most likely be required. She also suggested painting the masonry on the building and adding trim to give it more detail.

Mr. Morelli stated that they will obtain the revocable permit for awnings on the building.

Commissioner Lewis, stated, he would like to see more of a buffer between pedestrians on the sidewalk and the parking lot.

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

Commissioner Wallinger asked the Commission if there was any further discussion. There was not.

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

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

1. The address will remain 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 apartments cannot be used as boarding or rooming houses for transient guests at any time.
4. The aluminum awnings require a revocable permit from the Engineering Department. The applicant must apply for the revocable permit prior to the issuance of building permits.
5. The area between the parking spaces and concrete sidewalk will be permeable to allow water in and will be extended to be an L-Shape for the planting of the proposed trees. A revised site plan will be submitted to the City Planner for final approval prior to the installation of landscaping.
6. Architectural style lighting will be installed on the perimeter of the building, closer to ground level and the old flood lighting will be removed. The details for the lighting

fixture will be submitted to the City Planner for final approval prior to purchase and installation of the lights.

7. Fypon decorative trim will be added to the roofline of the front addition and wrapped around both sides.
8. All future signage plans for the businesses need to be submitted to the City Planner for final approval prior to purchase and fabrication of the sign(s).
9. The restaurant and possibly the store will require a Certificate of Use and public assembly license prior to operation.
10. All site improvements, including landscaping, and exterior building improvements will be complete prior to any occupancy of the building.

### **III. MISCELLANEOUS**

None.

### **IV. ADJOURN**

***Motion by Commission Petrillo, seconded by Commission Beach to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 8:37 p.m.***