

**City of Schenectady**  
**NEW YORK**  
**CITY PLANNING COMMISSION Minutes**  
**May 25, 2022**

**I. CALL TO ORDER**

Commissioner Wallinger called the meeting to order at 6:48 p.m. and read the list of applications on the Agenda.

**II. ATTENDANCE**

PRESENT: Mary Moore Wallinger, Chair; Randall Beach; Jason Bogdanowicz-Wilson; Nick Petrillo; Dharam Hitlall; Sylvia Jimison, Development Staff; Christine Primiano, Principal Planner; Christopher Marney, Assistant Corporation Counsel.

**Excused:** Bradley Lewis, Vice Chair; Colin M. Evers

**III. Conflict of Interest Check**

No conflict of interest indicated by the Commissioners

**IV. A.** Approval of the March 16, 2022 minutes. Motioned by Commissioner Beach, seconded by Commissioner Hitlall. ***Motion carried unanimously.***

**B.** Approval of Minutes for April 20, 2022, motioned by Commissioner Petrillo, seconded by Commissioner Wilson. ***Motion carried unanimously.***

**V. New Business - Consent Agenda**

**A. TINO GRAHAM** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a restaurant at 1126 State Street, tax parcel # 49.50-4-10, located in a "C-2" Mixed Use Commercial District.

Commissioner Wallinger asked the applicant, Mr. Graham, if he had seen the staff comments and he confirmed that he did. Commissioner Wallinger explained that a flowering tree is required in the greenspace in front of the building and that people are not allowed to park in front of the building. Parking is allowed in the driveway or at the rear of the building. The proposed conditions of site plan approval are as follows:

1. The address will be prominently displayed so that it is easily visible from State Street.
2. Metal roll gates and iron bars will not be placed on any doors or windows at any time in the future.
3. Parking in front of the building is not permitted at any time. Parking in the driveway or in the parking lot behind the building is permitted.

4. A small flowering tree will be planted in the greenspace in front of the building by September 1, 2022.
5. A Certificate of Use is required to operate the business.
6. Window signs cannot cover more than 20 % of each windowpane. Also,
7. The only exterior mounted sign that is permitted is the business sign mounted above the front window.

**JOHN RALEY** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a rail car mover repair facility at 1060 Altamont Avenue, tax parcel # 49.80-2-7, located in a "M-1" Light Manufacturing and Warehousing District.

Dave Kimmer, from ABD Engineers, appeared before the Commission representing the applicant. Commissioner Wallinger asked Mr. Kimmer if he had seen the staff comments and he confirmed that he did. The proposed conditions of site plan approval are as follows:

1. The applicant will work with the City Engineer to change the legal address to 1101 Mitchell Road. The address must be prominently displayed on the building.
2. Metal roll gates and iron bars will not be placed on any doors or windows at any time in the future.
3. The proposed sign is approved as submitted and will be mounted to the façade of the building.
4. The proposed dumpster will be properly enclosed with privacy fencing prior to operation of the business.
5. All landscaping will be installed on or before October 1, 2022.
6. All material and equipment must be stored within the building. Exterior storage is not permitted.
7. All repairs must be performed inside the building or off site at the client's location. No exterior repairs are permitted.

**B. LALLI VERMANI** requests site plan approval pursuant to Section 264-90 G of a proposal to renovate the building for 3 commercial units at 1900 State Street, tax parcel #60.55-3-1.11, located in a "C-5" Business District.

Commissioner Wallinger stated the revised plan has been received and asked the applicant if he had reviewed the staff comments. The applicant, Mr. Vermani, stated that he agreed to comply with all conditions stated in the report. The applicant or his tenants will have to submit any proposed signage to the Principal Planner for approval prior to obtaining a building permit. The proposed conditions of site plan approval are as follows:

1. The address will be prominently displayed so that it is easily visible from State Street.
2. Metal roll gates and iron bars will not be placed on any doors or windows at any time in the future.
3. All future signs must comply with Section 264-60 and 61.

4. All garbage storage must be kept in the screened enclosure at all times, pursuant to Section 264-49G.
5. All proposed landscaping will be installed by July 1, 2022 and will be maintained in kind with what is shown on the site plan.
6. This site plan approval does not include approval of automobile repair or motor vehicles sales and/or service uses.
7. A Certificate of Use is required for any businesses preparing and/or selling food.

**D. HAMILTON CORNER SSP, LLC** requests site plan approval pursuant to Section 264-90 B and F of a proposal to renovate 18 apartments at 922 State Street, tax parcel # 49.33-5-32, located in a "C-2" Mixed Use Commercial District.

The applicant stated he received comments from staff and had some concerns with condition number three, regarding one of the planters in front of the building. He stated there is a CDTA bus stop enclosure adjacent to the area in question and wanted to request a small revision to the requirement. The applicant asked if only two planters could be required in front of the building to ensure there's enough space for passage behind the CDTA enclosure. The proposed conditions of site plan approval are as follows:

1. The address will be prominently displayed so that it is easily visible from State Street.
2. Metal roll gates and iron bars will not be placed on any doors or windows at any time in the future.
3. Large masonry planter boxes will be installed below the 2 double front windows on the State Street side of the building. The details for the planter boxes will be submitted to the City Planner for final approval prior to the issuance of the building permit. The planters will be installed prior to the issuance of a Certificate of Occupancy. Seasonal plantings will be maintained throughout the year.
4. Pursuant to Section 264-49G, the dumpster must be fully enclosed and screened from public view. The details for the dumpster enclosure must be approved by the City Planner prior to the issuance of the building permit. The enclosure must be installed prior to the issuance of a Certificate of Occupancy.

The Commission agreed that the applicant concerns for the planters made good sense.

Commissioner Wallinger opened the public hearing for all items on the consent agenda. There was no public comment. The public hearing was closed.

Commissioner Wallinger stated that items A and B were Type II Actions and did not require a determination on environmental significance. Items C and D are both classified as Unlisted Actions and do require a determination of environmental significance.

Motion by Commissioner Petrillo, seconded by Commissioner Hitlall, to adopt a Negative Declaration for Items C and D as no adverse environmental impacts are anticipated as a result of the proposals. **Motion carried unanimously.**

Motion by Commissioner Petrillo, seconded by Commissioner Wilson to issue a conditional site plan approval for all four projects on the Consent Agenda. **Motion carried unanimously.**

## **VI. NEW BUSINESS -CONTINUED**

**A. KONTCHIE TCHAKO-NGALIEUK** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a restaurant at 1472 State Street, tax parcel # 49.76-3-14, located in a "C-2" Mixed Use Commercial District.

Ms. Tchako-Ngalieuk appeared before the Commission and presented her history with the property and her plans to open the restaurant. One of her goals is to provide a good place of employment for young adults and a safe place for them to get together with their friends.

Ms. Tchako-Ngalieuk is a native of Cameron and wants to create a restaurant that embodies African culture and food. The applicant inquired about reusing the existing sign. The Principal Planner explained that the current sign does not meet the standards of the current zoning code and would have to be replaced. The Principal Planner asked who currently is parking vehicles on the property. The applicant explained that she wasn't entirely sure, but she thinks many are owned by neighbors that live in the surrounding residential units.

Commissioner Wallinger asked Ms. Tchako-Ngalieuk if she had read the staff comments. In addition, Commissioner Wallinger asked the applicant about the location for the proposed planting of trees and if she could create a landscaped buffer between the sidewalk and the parking spaces.

Commissioner Wallinger referred Ms. Tchako-Ngalieuk to Community Fathers, Inc. to inquire about assistance with tree planting.

Commissioner Wallinger asked if any other questions or comments from the commissioners? There were none.

Commissioner Wallinger opened the public hearing.

The Principal Planner indicated that she received a call from the neighbor on Edward Street. The neighbor had some questions about a smoking area and requested that the smoking area not be at the back of the property next to her house. She asked where the garbage is going to be stored and if they could be sure that people don't park in her driveway.

The applicant stated that she would like the dumpster enclosure away from the rear of the property as well and that she would like to put up a privacy fence at the rear of the property to add a screen for the neighbors.

There was no further public comment. The public hearing was closed.

Motion by Commissioner Beach, seconded by Commissioner Wilson 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 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 privacy fence will be installed on the rear property line. The fencing will be chain link fence with vinyl slats. A fence permit is required prior to installing the fence.
4. The proposed sign will be lowered to a maximum of 7 feet tall and the face of the sign will be a maximum of 25 square feet.
5. Landscaping will be added to the Edward Street corner of the property and between the sidewalk and first parking space on the eastern side of the property. Each landscaped area will be 5 feet wide and 20 feet long. Two small growing flowering trees will be planted in the landscaped buffers, along with any shrubbery the owner would like to add.
6. The dumpster will be properly enclosed and screened from public view with vinyl slat fencing, pursuant to Section 264-49G.
7. The parking on the Edward Street side of the building will be reconfigured so that there are 3 spaces parallel to the building. One of the spaces will be designated for handicap accessibility.
8. The graffiti on the back of the building will be removed.
9. Any smoking will be done at the front of the building, away from the neighboring residential property.
10. The business requires a Certificate of Use issued by the Code Enforcement Office.
11. All conditions will be completed by October 30, 2022.

***Motion carried unanimously.***

- B. TRUE STORAGE** requests site plan approval and special use permit pursuant to Section 264-90 H and L of a proposal to operate a self-storage facility at 450 Duane Avenue, tax parcel # 49.58-2-13, located in a "C-5" Business District.

Dave Kimmer, from ABD Engineers, appeared before the Commission on behalf of True Storage. Mr. Kimmer explained that the applicant plans to do interior fit-up with no major changes to the exterior or additions to the building.

Commissioner Wallinger asked if the applicant had a chance to review the staff comments and Mr. Kimmer said that they did. Mr. Kimmer said that the

applicant is willing to work with the City regarding additions to the landscaping onsite.

The Principal Planner explained that there's no interior landscaping and that the code requires at the end of each parking row, the islands be curb, landscaped islands. Also, street trees are required along the front of the property. The existing lighting in the parking lot does not comply with City standards. Pursuant to Section 264-56, shoebox lighting must be replaced with a low-profile LED light fixture.

The Engineering Department noted that there is a small section of broken up sidewalk that needs to be replaced to City standard.

Commissioner Petrillo asked if there will be a 24-hour presence on the site. The applicant's representative stated that there would not be.

Commissioner Wilson asked if there was a key-pass code at the gates to the property and if the gates were going to remain. Mr. Kimmer stated that according to the plan, the gates will be removed and to his knowledge, secured access would be for the building.

Motion by Commissioner Hitlall, seconded by Commissioner Wilson to adopt a Negative Declaration, as no adverse environmental impacts are anticipated as a result of this proposal.

Motion by Commissioner Hitlall, seconded by Commissioner Petrillo to approve the special use permit and issue a conditional site plan approval with the following findings and conditions:

- 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.
- 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.
- 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.
- 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.

- 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.
- F. Compliance. The proposed building or use complies with all additional requirements imposed on it by the provisions of this chapter.
  - 1. The address will be prominently displayed so that it is easily visible from Duane Avenue.
  - 2. Metal roll gates and iron bars cannot be installed on any doors or windows at any time in the future.
  - 3. The pole lights in the parking lot will be replaced with low profile LED lights, pursuant to Section 264-56B. The lights will be replaced prior to opening the business.
  - 4. The sections of broken sidewalk on the northeastern side of the site will be replaced. A sidewalk replacement permit issued by the City Engineering Department is required. The sidewalk will be replaced prior to the opening of the business.
  - 5. Shade trees will be planted on the interior of the site pursuant to Section 264-50. All striped islands at the end of each parking row will be replaced with landscaped islands with shade trees and landscaping and shrubbery.
  - 6. A total of 6 (six) street trees will be added to the green space along the perimeter of the site on Duane Avenue.
  - 7. All landscaping will be planted prior to the opening of the business. A revised site plan will be submitted to the City Planner for final approval prior to the issuance of building permits.

***Motion carried unanimously.***

## **VII. OLD BUSINESS**

- A. 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.

The City Engineer and the applicant's Engineer are working out issues related to drainage adjacent to the hillside.

Motion by Commissioner Petrillo, seconded by Commissioner Wilson to table the proposal due to drainage concerns.

- B. 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.

Commissioner Wallinger, reminded the Commissioners of the lengthy discussion at the March meeting regarding questions about the proposed use of the property. The proper procedure would have been to ask the Zoning Official to provide an interpretation of the proposed use.

A letter from the public was submitted for admission into the record and it stated the following:

"To the mayor and planning commission of Schenectady this letter is in regards to an application that will be coming before the commission tomorrow, May 25 2022. For approval of a business located at 2525, Broadway Schenectady, New York 12306. The applicant crystal Earlene Jones is an individual who was fully aware of the law and its consequences as she was previously running a similar operation in 1643, Eastern Parkway, Schenectady, New York 12309. Under the name personal events and banquet hall, the location on Eastern Parkway was close closely monitored by the skin of the police department following a shooting it was concluded that Mrs. Jones was running an unlawful operation, and the business was ultimately shut down. Despite knowing the serious implications of running such an enterprise she proceeded to 2525 Broadway soon after and continued on the same path. This is Jones advertises and is an approved banquet hall and is fully booked until October of this year without permission from the Commission. It was also to my understanding that she has other locations at 19 Glen Ridge Road Schenectady, New York 12302 and 29 East Main Street, Amsterdam, New York 12010. All of this information and more can be found on her website [www Crystal events.com](http://www.CrystalEvents.com). This individual is very brazen and very diverse and it's complete disregard for what is right attached her advertisements that were posted to social media for rental of the hall, and decorations. Additional social media posts can be found on Mrs. Jones personal Facebook page by searching for Crystal Events and as well as on personal events and banquet hall and CMB entertainment. Both of these Facebook business pages have 2525 Broadway listed as the location and have the same contact number 518-557-9651. There are at least one or more new posts for this location every week. This venue is hosting large events both private and public with alcohol although they are not in possession of a business or liquor license. They claim to have the capacity to accommodate 100 people seated or 300 people standing which is an unlawful claim and an establishment that is not up to code. Mrs. Jones also rented mental health counseling service out of this location which requires another license altogether. Given her history and continued defiance of the law, myself and other business owners in the area strongly oppose the issuing of approval for any business matters. purposes jobs and there is an attached advertisement that reads crystals events bring brings people together for small to medium intimate gatherings baby showers for cast services sweet 16 Prom parties more than 300 plus square feet large kitchen seats up to 100 people standing room of 300 people elegant location with five crystal chandelier become a member for discounted rates crystals events Amsterdam, Crystals Events brings people together for small to medium and big gatherings. baby showers were past services that ended up 3000 square feet of newly renovated venue seats up 75 people standing up to 150 people five minutes away from Albany. Some photos were submitted."

Commissioner Wallinger advised that the next step for the Commission is to request the zoning interpretation.

Motion by Commissioner Beach, seconded by Commissioner Wilson to request a zoning interpretation from the Zoning Official regarding the proposed use of the property at 2525 Broadway for a business office and private club.

***Motion carried unanimously.***

**VIII. MISCELLANEOUS**

**IX. ADJOURN**

Motion by Commissioner Petrillo, seconded by Commissioner Wilson to adjourn the meeting at 7:48 p.m. ***Motion carried unanimously.***