

**City of Schenectady  
Planning Commission  
Meeting Minutes  
September 19, 2018**

**I. CALL TO ORDER**

Commissioner Wallinger called the meeting to order at 6:40 p.m.

**II. ATTENDANCE**

**PRESENT:** Mary Moore Wallinger, Chair; Bradley Lewis, Vice Chair; Ryan P. Bailey; Randall Beach; Andrew Healey; Richard Ferro; Jason Bogdanowicz-Wilson; Christine Primiano, Principal Planner; Rachael Ward, Deputy Corporation Counsel  
**EXCUSED:** Julia Stone

**III. CONFLICT OF INTEREST CHECK**

None.

**IV. APPROVAL OF MEETING MINUTES**

Motion by Commissioner Wilson, seconded by Commissioner Bailey, to accept the Minutes of the August 15, 2018 meeting as submitted.

*Motion carried, with Commissioner Healey abstaining and Commissioner Beach absent from the vote.*

**V. CONSENT AGENDA - NEW BUSINESS**

**A. SIMON’S ROCK, INC. requests a Special Use Permit pursuant to Chapter 264 Schedule A of a proposal to operate a real estate office at 832 Union Street, tax parcel # 39.74-2-8, located in an “R-3” Multiple Family Residential District.**

Peter DellaRatta appeared before the Commission.

**PUBLIC COMMENTS**

None.

**SEQR RESOLUTION**

Motion by Commissioner Wilson, seconded by Commissioner Healey, to accept the Negative Declaration.

*Motion carried unanimously.*

**SPECIAL USE PERMIT APPROVAL**

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

1. Proposed use **shall not** substantially impact upon the nature and character of the neighborhood.
2. Proposed use **will not** have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, and utility facilities.
3. Nuisance **will not** be more objectionable than use not requiring special use permit.
4. Use **shall** be served adequately by infrastructure.
5. Proposed use **will not** result in loss or destruction of significant features.
6. The proposed building or use **complies** with all additional requirements imposed on it by the provisions of this zoning chapter.

And with the following conditions:

1. The address will be remain prominently displayed so that it is easily visible from Union Street.
2. Metal roll gates and iron bars will not be permitted on any doors or windows at any time in the future.
3. All changes to the exterior of the building and surrounding property must be approved by the Historic District Commission.
4. Any future sign is limited to a total of 6 square feet and must be approved by the Historic District Commission.
5. The driveway will be narrowed by enlarging the existing green space. This will be completed by November 1, 2018.
6. Two trees will be planted on the Jackson Place side of the property. One will be planted between the yellow post and the walkway and another will be planted in the enlarged green space next to the driveway. Locations of trees will be as shown on the site plan.
7. The asphalt sidewalk will be replaced to City standards by September 1, 2019.

*Motion carried unanimously.*

**B. THE CAPONERA LAW FIRM, PC requests site plan approval pursuant to Section 264-90 M of a proposal to operate a warehouse at 1125-1141 Catalyn Street, tax parcel #'s 49.80-1-29 and 30.1 respectively, located in an "M-1" Light Manufacturing and Warehousing District and an "R-1" Single Family Residential District.**

A representative from the Caponera Law Firm appeared before the Commission.

**PUBLIC COMMENTS**

None.

**SITE PLAN APPROVAL**

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

1. The address will be prominently displayed so that it is easily visible from Catalyn Street.
2. Metal roll gates and iron bars will not be installed on any doors or windows at any time in the future.
3. Pursuant to Section 264-49 G of the Zoning Code, the dumpsters must be properly screened from public view. A plan for enclosing the dumpsters will be submitted to the City Planner for final approval prior to the installation of the enclosure. The enclosure will be installed by December 1, 2018.
4. This property is well maintained and has a large area of existing green space. The green spaces will be continuously maintained. Any additional pavement will require a permit.
5. The existing street trees will be maintained and replaced by the applicant in the future if needed.

*Motion carried unanimously.*

**VI. NEW BUSINESS – CONTINUED**

- A. GREGG KELLY requests a Special Use Permit pursuant to Section 264-61 I of a proposal to install an electronic message board at Northeastern Fine Jewelry, 1607 Union Street, tax parcel # 50.30-1-36, located in a “C-2” Mixed Use Commercial District.**

Gregg Kelly of Northeastern Fine Jewelry and Tom Wheeler of AJ Sign Company presented the proposal.

This application was pulled from the Consent Agenda at Commissioner Ferro’s request. Commissioner Ferro stated that he felt that the application warranted discussion since it concerns the first electronic message board (EMB) sign in the Upper Union Street area. He noted that at the beginning of the meeting City Planner Primiano had handed out a working document regarding proposed City Code restrictions for EMB signs, and that document proposes that EMBs must be 100 feet away from residential properties, which he noted is not the case with this sign. Ms. Primiano noted that the proposed Code changes have not taken effect yet. Commissioner Ferro stated that he understood, but that if this is what the Commission is supporting in the future he does not believe that they should be making decisions to the contrary now. He stated that he is very concerned that this sign will be the start of many more similar

applications in the Upper Union Street area, where he does not feel that they are appropriate.

Ms. Primiano encouraged the Commissioners to review the findings of the proposed Special Use Permit approval and make sure that they agree with them. For example, she stated that the first finding of fact, which states that the “proposed use shall not substantially impact upon the neighborhood” must be considered with regards to this unique property and sign. Commissioner Ferro stated that he believes that the sign will directly impact the immediately surrounding residential properties.

Commissioner Bailey stated that he shares Commissioner Ferro’s concerns. He stated that he is aware that the Union Street Subway shop also would like an EMB. Commissioner Wallinger stated that she also shares the same concerns, which is why she is supporting changes to the Code to address this issue. She added that neighborhoods have different characters, and she does not feel like the Upper Union Street area would be the right fit for a large number of these signs.

Commissioner Lewis stated that he believes that limiting the hours when the sign may be used can lessen its impact significantly. He suggested that the Commission consider requiring that the sign remain static or be dimmed during the overnight hours. He explained that this would most likely have little impact on the business but would make a big difference to the surrounding residents.

Mr. Kelly stated that Northeastern Fine Jewelry started in Schenectady and has in effect overbuilt at their current location; thus, they would not consider leaving their current site. He noted that they are proposing to use the current sign and simply replace the middle portion with the EMB. Commissioner Wallinger stated that while she agrees that in this case the sign would be as tasteful as possible, she is concerned about neighboring businesses whose proposed EMB signs might not be appropriate.

Mr. Kelly stated that he can appreciate the Commissioners’ concerns about the sign, but he assured them that Northeastern would not consider a sign that they felt would compromise the integrity of their brand. Mr. Wheeler stated that the proposed sign is the highest quality available, explaining that it can be set to dim and remain static, and that his client is not proposing that the sign scroll or flash or have any animation. He noted that they would comply with the DOT change rate of not more than every 8 seconds.

Commissioner Wallinger stated that in general the function of a sign should be to identify the business rather than offer information advertising special offers or products. She noted that the Upper Union

Street district has a lot of pedestrian traffic as well, which most likely will not be the ideal audience for a sign of this type and size.

Commissioner Beach stated that he believes it is notable that the Upper Union Street BID voted to allow the sign, since they tend to express strong opinions regarding design of the businesses in the area. He added that it is important that the Commissioners remember that this property is within a city, and not a small town or village. Mr. Kelly commented that Northeastern is a millennial-based business, as much of their business is bridal, and they are committed to helping the Upper Union Street area develop a more youthful and vibrant energy while also maintaining its charming atmosphere. He stated that they feel that the sign is a contemporary way to represent the business while also being tasteful.

Commissioner Healey stated that he agrees with Commissioner Beach that the Upper Union Street area is a business district within a city, and not a main street in a small village. He added that as the Code stands now the sign is allowed, and he believes that it meets the criteria of the Special Use Permit.

Commissioner Wallinger stated that she appreciated Mr. Kelly's comments and believes that they will make the sign as tasteful as possible. She asked Mr. Wheeler to give some more details about the sign. Mr. Wheeler stated that the sign will be the highest quality Watchfire brand sign and will have a high definition video display like the newest televisions and computer screens. He added that the sign is fully programable and the programs can be easily changed.

Commissioner Wallinger asked Commissioner Bailey if he had any additional concerns. Commissioner Bailey stated that he believes that the applicants are doing their best to incorporate the EMB in the most tasteful, unobtrusive way possible, and he does not object to its use in this case. He added that he agrees with Commissioner Beach that this is a business district within a city, and that should also be considered, along with the fact that the BID approved the sign. Commissioner Ferro stated that he would hesitate to weigh the bid approval too heavily, as perhaps other members of the BID also would like to have an EMB in the future. He stated that he could support the sign if it were required that it remain static overnight. The Commissioners discussed possible time limits and it was decided that the sign should remain static between the hours of 9 p.m. and 7 a.m. Commissioner Wilson stated that he has no objection to this particular sign, as it is the highest quality and incorporated well into the existing sign design. He noted that people who live in a mixed use district should expect some commercial activity, as that is by definition what the district is - mixed commercial and residential uses.

## **PUBLIC COMMENTS**

None.

## **SEQR RESOLUTION**

Motion by Commissioner Wilson, seconded by Commissioner Healey, to accept the Negative Declaration.

*Motion carried unanimously.*

## **SPECIAL USE PERMIT APPROVAL**

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

1. Proposed use **shall not** substantially impact upon the nature and character of the neighborhood. ***Please note that on August 17, 2018 the Upper Union Street Business Improvement District president notified the City that the BID members voted to approve/allow the electronic sign proposed by Northeastern Fine Jewelry.***
2. Proposed use **will not** have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, and utility facilities.
3. Nuisance **will not** be more objectionable than use not requiring special use permit.
4. Use **shall** be served adequately by infrastructure.
5. Proposed use **will not** result in loss or destruction of significant features.
6. The proposed building or use **complies** with all additional requirements imposed on it by the provisions of this zoning chapter.

And with the following conditions:

1. The electronic sign message rate of change will be consistent with what is permitted by the New York State Department of Transportation, with a change rate of every **8 seconds**, not the rate proposed by the applicant of every 6 seconds.
2. Messaging will be limited to advertisement related to the business on site i.e. Northeastern Fine Jewelry, and community events only.
3. The sign will remain static between the hours of 9 p.m. to 7 a.m.

*Motion carried unanimously.*

- B. PENNROSE PROPERTIES, LLC requests site plan approval pursuant to Section 264-90 F of a proposal to construct Phase I of the redevelopment of new housing and a community center at Yates**

**Village, 2450 Van Vranken Avenue, tax parcel # 30.84-2-1, located in an “R-3” Multiple Family Residential District.**

Luigi Palleschi of ABD Engineers and Surveyors, Rich Homenick, Executive Director of the Schenectady Municipal Housing Authority, and Alex Morris, Bruce Chamberlain, and Keiko Cramer of Wallace, Roberts & Todd presented the project.

Mr. Palleschi explained that since the August meeting they had incorporated the discussed changes into the site plan. He reviewed the site plans and noted that they had made the suggested changes to the sidewalks and landscaping. He explained that they had also moved the boundary line of Phase I slightly forward, so that new pull-in angled parking would be incorporated on Equality Court and Willow Lane. Mr. Palleschi stated that the applicants are currently working with National Grid regarding final utility placement. He also pointed out that they had decided to install a hydrodynamic unit for stormwater management, thus allowing the green areas between the building to be graded less drastically and be used for recreational purposes rather than primarily as catch basins.

Mr. Morris briefly reviewed the goals and history of the project. He introduced Ms. Cramer, landscape architect for the project, who reviewed the different green space concepts and the proposed landscape materials to be used. Mr. Homenick commented that at the Commission’s suggestion they are working with ReTree Schenectady to secure funding for the added trees.

Mr. Chamberlain reviewed the elevation drawings and passed around material samples. He explained that three colors of vinyl siding and brick will be used on the residential buildings, along with some vertical siding for interest, and noted how the building have been designed with gabled ends and covered porches to relate to the existing housing designs in the neighborhood. He stated that the trim color will be an off-white or cream. Mr. Chamberlain also reviewed the Community Center design, which will incorporate separate entrances for all four major tenants: The Boys & Girls Club, Head Start, Bethesda House, and the residential amenities and offices. He presented the materials for the Community Center, which will include a darker brick and a smooth finish fiber-cement siding. City Planner Primiano asked if the brick proposed on the housing units and Community Center will be real brick and not brick tiles. Mr. Chamberlain confirmed that it will be real brick.

Commissioner Wallinger stated that she greatly appreciates the applicants taking the Commission’s comments and suggestions to heart and doing their best to incorporate them into the final plan. She added that she is

very happy with the addition of more trees to the plan and suggested that in the new angles parking areas along Equality Court and Willow Lane there appears to be space to add more shade trees. The Commissioners agreed. Mr. Palleschi stated that this would be a good idea and the trees would be added to the final site plan. Commissioner Healey stated that he believes it would be helpful to have signage designating that Willow Lane and Equality Court are now one way. The applicants stated that the signage would be part of the final site plan.

Ms. Primiano asked what the plan is for garbage storage. Mr. Palleschi stated that garbage storage areas will be built so that the garbage containers are screened from view and the enclosures will blend well with the buildings. Commissioner Wallinger stated that obviously the garbage should be away from prominent entrances or frequently traveled areas on the site. She stated that she would like the final plan for the enclosures to be submitted to Ms. Primiano for approval. The Commissioners agreed.

Ms. Primiano thanked the design team for working so well with City staff and the Commission. She stated that the new residential buildings have been designed very well to both fit in with the surrounding neighborhood and be visually interesting and attractive. She added that the final designs for the Community Center are very impressive and the whole project will be a positive addition to the area. The Commissioners concurred.

#### **PUBLIC COMMENTS**

None.

#### **SEQR RESOLUTION**

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

*Motion carried unanimously.*

#### **SITE PLAN APPROVAL**

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

1. Shade trees will be added to the parking areas along Equality Court and Willow Lane.
2. The final plans for the trash enclosures will be submitted to the City Planner for approval.
3. One-way signage will be added to the corners of Equality Court and Willow Lane.
4. Final site plans and elevations showing all changes discussed at the meeting will be submitted to the City Planner. If, during

construction of Phase I, changes to the approved plans become necessary the applicants will return to the City Planner, and if the changes are deemed significant enough, to the Commission, for further review.

*Motion carried unanimously.*

**C. JOHNNY BROWN, JR requests site plan approval pursuant to Section 264-90 M of a proposal to operate a restaurant at 964 Emmett Street, tax parcel # 49.50-2-50.1, located in a “C-2” Mixed Use Commercial District.**

Johnny Brown Jr. presented the proposal.

Mr. Brown stated that he plans to serve breakfast and lunch at the restaurant. Commissioner Wallinger explained that, as noted in the Staff Report, landscaping must be added to the site. She commented that the additional landscaping in front of the building will hopefully eliminate the problem of cars parking illegally on the sidewalk. City Planner Primiano noted that the tire stops in that area must be removed. The proposed changes were discussed, and Mr. Brown communicated that he has no objection to the conditions of site plan approval. Ms. Primiano stated that Mr. Brown should explain to the property owner that these changes will have to be made to the property regardless of who his prospective tenant is.

Ms. Primiano asked Mr. Brown if he plans to leave the Brandywine Diner sign on the building. Mr. Brown stated that he does.

**PUBLIC COMMENTS**

None.

**SITE PLAN APPROVAL**

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

1. The address will be prominently displayed so that it is easily visible from Emmett Street.
2. Metal gates and iron bars will not be installed on any doors or windows at any time in the future.
3. The proposed business requires a Certificate of Use.
4. All peeling and chipping paint throughout the building is a code violation and must be repaired prior to the opening of the business or by November 1, 2018.
5. No parking in the front yard is permitted at any time. The existing tire stops will be removed prior to the opening of the business.

6. Two flowering trees will be planted in front of the building and three trees will be planted in the utility strip area along Emmett Street. A 5'x5' square of asphalt will be removed for each tree. In the front of the building, one tree will be planted in line with the corners of the building and in the middle of the paved area (see site plan). On Emmett Street, the 3 trees will be evenly spaced and planted in the utility strip.
7. If the applicant plans to have outdoor seating, a plan for how it will be installed will be submitted to the City Planner for approval prior to installation.
8. All overgrown weeds in front of the building, along the side, and in the parking lot will be removed, along with all the garbage throughout the site, prior to the opening of the business. It is a requirement that the property be continuously maintained and clear of trash and debris.
9. Pursuant to Section 264-49 G of the Zoning Code, the dumpster must be properly enclosed, locked, and always screened from public view. All refuse containers must be kept within the dumpster enclosure. The applicant must submit a plan for the enclosure to the City Planner for approval prior to installation. The enclosure must be installed prior to the opening of the business.
10. Parking on the Emmett Street sidewalk is not permitted at any time.

*Motion carried unanimously.*

**D. KHALIL SALIM requests site plan approval pursuant to Section 264-90 B and F of a proposal to redevelop the property into retail, residential, and a workshop at 1016 State Street, tax parcel # 49.42-3-9.11, located in a "C-2" Mixed Use Commercial District.**

Khalil Salim presented the proposal.

Mr. Salim explained that he plans to rent the front of the building for a retail space, have apartments upstairs, and use the rear of the building for a workshop for his plumbing business, Discount Plumbing and Heating. Commissioner Wallinger asked what plans he has for the exterior of the building. Mr. Salim stated that he plans to repoint the brick, repaint the entire exterior, replace all the windows, and perhaps install a flag pole. City Planner Primiano noted that Mr. Salim should submit the proposed exterior colors to her for final approval. Mr. Salim agreed.

Commissioner Wallinger asked if Mr. Salim has any objection to planting street trees along the rear (Albany Street) side of the property. Mr. Salim stated that he does not.

## **PUBLIC COMMENTS**

None.

## **SEQR RESOLUTION**

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

*Motion carried unanimously.*

## **SITE PLAN APPROVAL**

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

1. The address will be prominently displayed so that it is easily visible from State Street.
2. Metal gates and iron bars will not be installed on any doors or windows at any time in the future.
3. The applicant will submit paint colors for the building to the City Planner for approval prior to painting the building.
4. All windows will be restored to glass and will be aluminum storefront quality windows. No vinyl windows are permitted.
5. Landscaping will be added to the front and rear of the property. Large planters will be constructed along the front of the building below the front windows. Evergreen shrubs will be planted in the planters and continuously maintained. In the rear, pavement will be removed adjacent to the fencing and a combination of grass, shrubbery, and street trees will be planted. The landscaping bed will be a minimum of 5 feet wide and will run the length of the rear fence from the driveway to the eastern side of the property. A landscaping plan will be submitted to the City Planner for final approval prior to the installation of the landscaping. Landscaping will be complete by July 1, 2019.
6. Parking spaces will be delineated in the rear parking lot and in front of the building. The applicant will submit the parking plan to the City Planner for final approval prior to painting the parking spaces.
7. A dumpster will be located in the rear of the building. Pursuant to Section 264-49G, the dumpster will be properly enclosed, locked, and screened from public view. The enclosure must be installed by July 1, 2019.
8. All future signs must be submitted to the City Planner for final approval prior to the purchase and fabrication of the sign(s).
9. The existing flag pole will either be removed as such or removed in its entirety.

*Motion carried unanimously.*

**E. MARDEN NAEEM requests site plan approval pursuant to Section 264-90 M of a proposal to operate a convenience store at 951 State Street, tax parcel # 49.34-3-33, located in a “C-2” Mixed Use Commercial District.**

Marden Naeem presented the proposal.

Prior to the beginning of the discussion City Planner Primiano explained that Mr. Naeem has been doing business at this location for ten years and has been granted Certificate of Use licenses several times, but it was recently discovered that he had never received site plan approval. She noted that he has maintained the property well over the years and the site has not been a problem in the neighborhood.

Mr. Naeem asked if it would be permissible to install raised bed planters instead of removing large sections of the asphalt. Commissioner Wallinger stated that she would have no objection to the planters as long as they are at least 15” deep, thus giving the plants a chance to establish adequate root systems. The Commissioners agreed, and the location of the planters was discussed. It was determined that one would be installed in the front of the store between the ice machine and the front door and would come out approximately three feet from the building front. Commissioner Wallinger suggested that the second planter be installed toward the rear of the property on the side by the stairway and the parking lot. Mr. Naeem agreed.

Ms. Primiano asked Mr. Naeem to clarify how he stores the garbage on-site. Mr. Naeem responded that he stores cardboard inside until it is picked up, and for other trash he has rolling cans that are stored at the rear of the building out of sight. Ms. Primiano stated that this is acceptable. She commented that should a dumpster ever be necessary it would have to be enclosed to City Code.

**PUBLIC COMMENTS**

None.

**SITE PLAN APPROVAL**

Motion by Commissioner Beach, seconded by Commissioner Bailey, to accept the proposal 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 will not be permitted on any door or window at any time in the future.
3. A Certificate of Use License is required to operate the business.

4. As discussed at the meeting, two raised planting beds of at least 15” depth will be installed, one at the front of the building and one on the rear side. The beds will include shrubbery and perennials and will be maintained continuously. In addition to the planting beds a street tree will be planted on the side of the property. The applicant shall submit landscaping plans to the City Planner by October 1, 2018 and the landscaping, as approved, will be installed by November 1, 2018.
5. The abandoned pay phone will be removed by November 1, 2018.

*Motion carried unanimously.*

**F. TEEKAH LACHMAN requests site plan approval pursuant to Section 264-90 B and F of a proposal to redevelop 1151 Hilderbrandt Avenue into a 9-unit apartment building, tax parcel # 49.34-2-18, located in an “R-2” Two Family Residential District.**

Teekah Lachman presented the proposal.

Mr. Lachman explained that he plans to fully renovate the building into nine residential units, with three units on each floor. He stated that the building is currently 11 units, but because it had been vacant and is within an “R-2” Two-Family zoning district he had to seek a variance for the nine units. The variance was granted in February 2018. Mr. Lachman stated that he plans no major changes to the exterior of the building, other than cleaning it up. He added that he purchased the vacant lot at 18 Moyston Street and originally planned to use it for parking, but it is not big enough, so he plans to use it as a greenspace for the tenants.

City Planner Primiano noted that the brick exterior of the building is partially painted. Mr. Lachman stated that if at all possible he plans to remove the paint and restore the original exterior, but if necessary he will paint the entire building. Ms. Primiano stated that the preferable alternative would be to remove the paint and offered to help Mr. Lachman research the best way to do so. The Commissioners agreed that leaving the original brick would be the preferable alternative. Ms. Primiano noted that if Mr. Lachman were to decide to paint the entire building he would have to return the Commission for approval of the paint colors. Ms. Primiano asked if the windows will be replaced. Mr. Lachman stated that they will be.

The front entrance and porch areas were discussed next. Mr. Lachman stated that the platforms of the porches are cast concrete, and thus will remain. Ms. Primiano stated that the current stone porch wall is not high enough to meet code and were most likely not original to the building. Commissioner Wilson suggested that rather than try to repair the stone

Mr. Lachman instead use a metal railing that would echo the metal used in the porch roofs. Commissioner Wilson asked if the porch roofs will be repaired. Mr. Lachman stated that they will be. The Commissioners agreed that the metal railing would be the best design for the restored porches.

Commissioner Wallinger asked if Mr. Lachman had decided on a color for the front doors. Mr. Lachman stated that he would like to paint them cream or off-white. Commissioner Wallinger state that she would just encourage him not to use a stark white, which tends to look dirty very quickly. Ms. Primiano asked if the cornice is cast metal. Mr. Lachman stated that it is, and that it is generally in good shape.

### **PUBLIC COMMENTS**

Leese and Ernest Burnett of 1167-1169 Moyston Street spoke in opposition to the proposal. Mrs. Burnett stated that they have owned their residence for more than forty years and their neighborhood has been in severe decline for some time. She stated that she does not believe that a nine-unit building will improve an area that is already crowded and having problems with crime and neglect.

*Ms. Primiano explained to the Burnetts that the use of the building has already been approved by the BZA and the issues within the Planning Commission's purview relate to the design of the site. She added that the Commission will do everything within their purview to address the issues they mentioned.*

A letter from Patricia Bryan of 24 Moyston Street was read into the record by Commissioner Wallinger. Ms. Bryan stated her opposition to the project, stating that she believes that adding to the density of the neighborhood will only bring more problems. She commented that she believes the City should have torn the building down rather than sell it to Mr. Lachman.

Seeing no one else from the public who wished to speak, Commissioner Wallinger closed the public hearing.

Commissioner Wallinger asked Mr. Lachman if he would like to address the comments made by the Burnetts. Mr. Lachman stated that he is investing a lot of his own money in the building, and he is doing it to improve the neighborhood, where his Aunt currently lives. He added that he will only be renting to long-term tenants who will be working people, not transients or criminals. He noted that he has purchased the property to construct a parking lot so that his tenants will not add to the crowded on-street parking and has purchased 18 Moyston Street and is under contract to purchase 27 Moyston Street, both of which will be used as secure outdoor space for his tenants.

Commissioner Wallinger stated that there should be some screening between the first parking space and the street. She suggested a four-foot fence with some landscaping in front of it, and a small tree.

Commissioner Wallinger asked the Burnetts if they would prefer a fence, as the parking lot is directly across the street from their house. They stated that they would. Commissioner Wallinger stated that the final landscaping plan for the parking lot should be submitted to Ms. Primiano for approval.

#### **SITE PLAN APPROVAL**

Motion by Commissioner Ferro, seconded by Commissioner Bailey, to accept the proposal with the following conditions:

1. The address will be prominently displayed so that it is easily visible from Hilderbrandt Street.
2. Metal gates and iron bars will not be installed on any doors or windows at any time in the future.
3. The applicant will submit the paint colors for the building and doors to the City Planner for approval prior to painting the building. The applicant will work with City staff to formulate a plan to remove the existing paint from the brick. It is preferable to the Commission that the body of the building remain unpainted brick.
4. The plan for the restoration of the porch and installation of metal railings will be submitted to the City Planner for final approval.
5. Three small flowering trees will be added to the perimeter of the property and the sidewalk will be cleaned.

**G. TEEKAH LACHMAN requests a Special Use Permit pursuant to Chapter 264 Schedule A of a proposal to establish 15 parking spaces at 1164 Hilderbrandt Avenue to serve a 9-unit apartment building at 1151 Hilderbrandt Avenue, tax parcel # 49.34-2-10, located in an “R-2” Two Family Residential District.**

This item was discussed together with item F, 1151 Hilderbrandt Avenue.

#### **PUBLIC COMMENTS**

Please see Item F above.

#### **SEQR RESOLUTION**

Motion by Commissioner Bailey, seconded by Commissioner Wilson, to accept the Negative Declaration.

*Motion carried unanimously.*

#### **SPECIAL USE PERMIT APPROVAL**

Motion by Commissioner Ferro, seconded by Commissioner Bailey, to approve the Special Use Permit based on the following findings:

1. Proposed use **shall not** substantially impact upon the nature and character of the neighborhood.
2. Proposed use **will not** have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, and utility facilities.
3. Nuisance **will not** be more objectionable than use not requiring special use permit.
4. Use **shall** be served adequately by infrastructure.
5. Proposed use **will not** result in loss or destruction of significant features.
6. The proposed building or use **complies** with all additional requirements imposed on it by the provisions of this zoning chapter.

And with the following condition:

1. A decorative fence with a landscaped bed in front of it will be installed behind the sidewalk to screen the parking lot from the street. The landscaping will include low shrubs and one small tree. The applicant will submit a landscaping plan and the fence design to the City Planner for approval prior to installation.

*Motion carried unanimously.*

## **VII. OLD BUSINESS**

City Planner Primiano disseminated to the Commissioners potential changes to the Zoning Code regarding electronic message board signs. The Commissioners further discussed the possible changes and how the signs could best be considered in different zoning districts. Commissioner Wilson suggested that the design of the signs themselves should be considered, i.e. allowing only the highest quality resolution. The Commissioners agreed.

Commissioner Wallinger asked Counselor Ward if it would be within the Commission's purview to ask the City Council to impose a six-month moratorium on the installation of any electronic message board signs, thus giving the Commission time to further work on the specific proposed language for the code changes. Counselor Ward stated that it would be.

## **RECOMMENDATION TO CITY COUNCIL**

Motion by Commissioner Beach, seconded by Commissioner Wilson, to recommend to the City Council that they place a six-month moratorium on the installation of any new electronic message board signs within the City.

**VIII. MISCELLANEOUS**

None.

**IX. MOTION TO ADJOURN**

Motion by Commissioner Beach, seconded by Commissioner Healey, to adjourn the meeting.

*Motion carried unanimously.*

Meeting was adjourned at 9:30 p.m.