

**City of Schenectady**  
**NEW YORK**  
**CITY PLANNING COMMISSION Minutes**  
**October 19, 2022**

**I. CALL TO ORDER**

**Meeting called to order** at 6:12 p.m.

**II. ATTENDANCE**

**Present:** Mary Moore Wallinger, Chair; Bradley Lewis, Vice Chair; Jason Bogdanowicz-Wilson; Randall Beach; Dharam Hitlall; Susan Nadler; Christine Primiano, Principal Planner; Chris Marney, Asst. Corporation Counsel; and Sylvia Jimison, Development Staff

**Excused:** Colin Evers

**III. Conflict of Interest Check**

None

**IV. NEW BUSINESS**

Commissioner Wallinger opened the meeting by stating how the meeting would be conducted and provided instructions to the public for how to address any concerns for the projects.

**CONSENT AGENDA**

- A. TEEKAH LACHMAN** requests a one-year extension of the site plan approval pursuant to Section 264-93 of a proposal to redevelop 1151 Hildebrandt Avenue into a 9-unit apartment building, tax parcel # 49.34-2-18, located in an "R-2" Two Family Residential District.
- B. TEEKAH LACHMAN** requests a subdivision approval pursuant to Chapter 230 of the City Code to apportion the land at the corner of Webster Street and 8<sup>th</sup> Avenue, tax parcel # 49.63-1-23.11, located in an "R-1" Single Family Residential District.
- C. RANDEEP SINGH** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a motor vehicle sales and repair business at 1730 State Street, tax parcel # 60.30-3-63, located in a "C-5" Business District.

Mr. Lachman stated the title was held up by the City as the City needed to re-do the foreclosure and that he is requesting a standard one year extension.

Christine Primiano indicated that the applicant is required to have the lot line adjustments approved by the City Engineer and filed in county clerk's office prior to starting construction. Also, any sidewalks that need to be replaced require a permit.

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

Commissioner Wallinger introduced the next item on the consent agenda, 1730 State Street, applicant is Randeep Singh. Commissioner Wallinger recapped that an area variance was needed for the rear setback, but was not approved by the Board of Zoning Appeals, therefore the 15-foot landscaped buffer is required as shown on the updated site plan.

Commissioner Wallinger opened the public hearing.

Mr. Michael Langille spoke regarding the property located at 1730 State Street and said that the property faces his backyard and doesn't want a repair shop facing his yard. He wants to know how the applicant will use the garage, if there will be late hours and parties at night and that he is concerned another repair business will encourage the late night drag racing that has been happening through the neighborhood.

Commissioner Wallinger indicated that the business is an allowed use and will not be permitted to work late nights with the garage door open. It is a code requirement, in Section 264-107 that all work on vehicles must take place inside the building and if there is a future issue, to please report it to Code Enforcement.

A letter of support was submitted and Commissioner Wallinger read a letter from Harold Rose in support of the project:

"I have lived in the neighborhood for 53 years and I welcome [the project] to the State Street neighborhood because of the improvements he has made to the neighborhood. I've seen numerous dealerships occupy his site and none has made the improvements he has."

A letter from 2018, from Ernest Bennet was read by Commissioner Wallinger opposing the project at 1151 Hildebrandt Avenue. We have been residents at 1167 and Hildebrand Avenue for 40 plus years. We pay taxes, maintain and improve our property. It has come to our attention that Teekah Lachman has made a use variance request that 1151 Hildebrand Avenue be rezoned to allow for a nine-unit apartment building we feel this proposal will add to existing problems."

A second letter was read by Commissioner Wallinger, "I would like to express my disapproval to any extension of the approval to redevelop 1151 Hildebrandt Avenue. This building has been vacant for years without any improvement by its owners and should be demolished.

Commissioner Wallinger said, "unfortunately, because the property owner does not yet have ownership of the property, they have no control over the building time."

Commissioner Wallinger asked if there were any additional comments and there were none, so she closed the meeting for public comment and asked the Commissioners for their comments.

**A motion was made in the following order:**

A motion for a negative declaration for SEQR for property at on Webster and Eighth Avenue made by Commissioner Hitlall seconded by Commissioner Wilson. With staff conditions as listed and discussed. **Motion carried unanimously.**

A motion for a one-year extension of the site plan for 1151 Hildebrand Avenue made by Commissioner Lewis, seconded by Commissioner Nadler. **Motion carried unanimously.**

A motion made by Commissioner Hitlall and Seconded by Commissioner Wilson. **Motion carried unanimously.**

I. **NEW BUSINESS**

**A. ST. LUKES CATHOLIC CHURCH** requests a Special Use Permit pursuant to Section 264-61 I of a proposal to install an electronic message board sign at 1235 State Street, tax parcel # 49.51-3-45.111, located in a "C-2" Mixed Use Commercial District.

Applicant wants to install an individual sign by the parking garage on the site. I will be a digital message board with a brick base. The message board will not interfere with drivers and will be for church events and food events.

Commissioner Wallinger asked applicant if he had reviewed staff comments. Also, the number of signs allowed and would there be a third sign, if so would need BZA approval. In addition, is there landscaping proposed around the sign.

Commissioner Wilson asked if the signs could be combined to two signs and Principal Planner Primiano said it would make the signs too tall. Commissioner Hitlall asked if the sign that is there currently could be re-done.

A picture of the proposed sign was passed around to the Commissioners.

Commissioner Wallinger stated to the applicant to re-do the sign to tie in architectural design of sign to fit current structure.

**Commissioner Wallinger asked if there were any public comments and there were none, so she closed comments to the public.**

**Motion to table application**

The applicant was advised to talk to the client and come back with a design that's more in line with the architectural structure and with plans for bushes at the base of the sign.

A motion was made to table the application by Commissioner Wilson, second by Commissioner Nadler. **Motion carried unanimously.**

- B. **ANDRES VELEZ** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a laundromat at 1122 State Street, tax parcel # 49.50-4-9, located in a "C-2" Mixed Use Commercial District.

Principal Planner Primiano, stated for the record the legal address is 1122 State Street and when there are two businesses on sites, there is sometimes two addresses. In this case 1122 State Street and 1124 State Street.

Dave Kimmer from ABD Engineering appeared on behalf of the applicant requesting change of tenant application. The applicant will not be changing the name or the sign. Requesting to restrict the rear parking and to close two dumpsters in the rear of the building and plant a tree to create a green space in front of the door. He indicated he would answer any questions the Commission has about the tenant change.

Commissioner Wallinger stated the comments from the Engineering Department:

- The existing curb cut on State Street is non-conformance to city specifications.
- Maximum length of a curbside is 40 feet. The current plan has a 76-foot curb cut.
- Blocks are in disrepair these sections are required to be brought up to city specifications.
- Sidewalks are not to be paved or paved over as shown in the driveway sections of the site plan. Engineering details for curbing and sidewalks are required to be incorporated into the final site plan and can be found on the Department of engineer's webpage will there be additional needs for water and sewer usage.
- Part one section 20 of the short environmental assessment form states that the site has been the subject of hazardous waste remediation, please detail is this recommendation ongoing or completed what is the current status and then from planning parking in front of the building is unsafe and not compliant with the city code or zoning code as required by engineering a curb cut will be reduced to 40 feet with the removal of the curb cut removal of parking in front of the building is necessary asphalt in that area will be removed and a large green space will be created to prevent illegal parking spaces one A and two A will be replaced with green space spaces
- 384 A 5 with a will remain an additional flowering tree will be planted in space to the site and does not comply with the maximum impervious surface standard of 80% of the site footnotes 11.9% green space which is not clear where it says please clarify is the applicant keeping the sign as it is? Or is it changing? And what is this as it is status as a hazardous waste remediation documentation is required.

Mr. Cameron stated due to the nature of the project and city code its irrelevant -to be lawfully continued not proposing substantial changes to the property.

Commissioner Wallinger stated to applicant it must have been approved at that time.

Attorney Marney, stated two separate issues:

“This is a site plan review process. The Planning Commission can impose any restrictions that they find reasonable to that site. A process for preexisting non-conforming, it's a feature that is a zoning process. It's handled by the Zoning Board of Appeals and the zoning officer. But there are two wholly independent items, the planning commission has the authority to impose conditions that they find reasonable on the site.”

Commissioner Wallinger proposed **a potential solution** to consider driveway separate and will be under 40 feet, sidewalk in the middle and green space. Conditional site plan approval upon negotiating with Engineering Department. She suggested, three spaces or four spaces will be 36 feet, and if delivery vehicles are present, they should go to the back that would help take some of the heat off the changes in the front.

Commissioner Wilson indicated he was okay with making the spaces 40 feet because would be able to see better and for safety reasons.

**Motion for site plan approval for 1122 State Street with the following conditions:**

- The spaces shown on the plan, space one A and the space to the left of that parking will be removed in those areas and green space provided with a sidewalk connection to the door of the laundromat from at least one street tree
- Changes to the curb cut and the driveway to person be coordinated and approved by the city engineer.
- The green space in the rear and the edges of the parking will remain in place
- The paperwork for the environmental determination will be provided to the city prior to a permit being issued.
- 10 spaces in front will be 10 feet wide. And the spaces the parking spaces that remain in the front will each be 10 feet wide to allow for more light distance to safer backing.

A motion made by Commissioner Wilson seconded by Commissioner Hitlall. **Motion carried unanimously.**

**C. CRAZY BEER WORLD, INC.** requests site plan approval pursuant to Section 264-90 J and a Special Use Permit pursuant to Schedule B, of a proposal to open a convenience store and gas station at 1145-1147 Albany Street and 26 Kelton Avenue, tax parcel #'s 49.50-4-18 through 20, located in a “C-2” Mixed Use Commercial District.

Dave Kimmer, from ABD Engineering, spoke on behalf of the applicant/owner of the property at the corner of Albany Street and Kelton. The current owner of the building is a beer distributor.

He is looking to put in a convenience store and gas station utilizing the existing space at the Albany Street side of the building.

The owner will be looking to totally clean up the corner. Replace what is now a kind of a lot of broken sidewalk and asphalt on Calvin Ave and Albany Street with new sidewalk green space trees. Also, looking to stripe some on street parking and there are seven parking spaces in front of the convenience store. I know there are some comments on this project to be happy to go through and answer any questions you have.

Commissioner Wallinger stated, "definitely some comments on this. I think largely it seems that numerous departments have concerns about the turning radius of the trucks. This is a space for vehicles to get in and it's a very busy intersection already and Kelton Avenue is one way. So the two way entrance on Albany street actually has cars like pulling into where cars are supposed to be queued up to fill their cars with gasoline."

**Commissioner Wallinger asked if the Commissioners would like to comment and if any comments from the public.**

**Public Comment:** Resident who lives on Albany Street stated that she is concerned about the traffic congestion and residents cannot get out of their properties for the traffic. She is also concerned about the crime rate- the businesses are attracting all kinds of people, including prostitutes.

**Commissioner Wallinger** went onto say, snow plowing is very difficult on the street and is a real concern. Commissioner Beach agreed, and said there is an impact on adjacent properties, parking problems, need to look at each spot, special use permit and impact on neighborhood.

**Commissioner Beach** went onto say, "I also think, you know, the reason that gas stations require a special use permit is because they have the potential to be more problematic than other businesses in terms of traffic. And you know, there's a lighted canopy, which can be a good thing. But it can also be something if you live in one of the many residences around it, that that sort of changes your whole experience. I am also really concerned about how tight it is. I mean, if there's cars and all of these spots, this car can't get out when this happens what we usually see is they just drive right over the sidewalk and the curb."

**Commissioner Wilson** also agreed, stated, too small for site, trash, loitering, - a negative.

Commissioner Nadler, in that area there are a lot of people and kids. There are two schools in the area.

**Commissioner Wallinger motioned to deny the special use permit. Motioned granted by Commissioner Beach.**

**For the record, negative findings read by Commissioner Beach:**

Six Factors: Impact, Location; size of use; intention of operation; difficulty to accommodate traffic and delivery trucks; negative impact -character of neighborhood; parking -operation of purposed use; and lack of lighted canopy on the street.

To deny the application for the special use permit based on our consideration of the six factors laid out before us with respect to special use permits in the statute and those being first the impact when we find that the proposed use does substantially impact upon the nature and character of the surrounding neighborhood. Voiced concerns regarding the location and size of the proposed use and the parcel.

- The intensity of operations on the parcel has proposed and in particular, the accommodation or the difficulty that this commission has found with respect to the combination of both traffic pedestrian and vehicle and delivery trucks simultaneously, which we find having a negative impact
- We also find that the project will have a substantial undue adverse effect upon the adjacent property, the character of the neighborhood. And particularly with respect to traffic conditions parking, pedestrian traffic and safety, we find another factor is whether or not the operations in connection with the proposed use
- Shall not be more objections in nearby property by reason of noise, fumes, vibration or flashing lights, then would be the operation of the many permitted use. An abandoned of a lighted canopy on the street.
- And the other nuisances that would be created with respect to traffic, parking and pedestrian safety are jeopardizing patient safety.
- With respect to facilities and services, we find that the proposed building or use is actually not served adequately by essential public facilities and services in this case, particularly the existing streets, the intersection and the overall configuration of the traffic pattern in that area.
- The proposed building, we do find a proposed building we will not resolve we haven't seen any.
- Any evidence tonight that the proposed building or use will result in the destruction loss or damage or any natural scenic, architectural historic features.

- The proposed building or use complies with all additional requirements imposed on it by the provisions of this chapter.

Other five factors of the special use permit - one a question about side yard setbacks. Five feet was thought to be indicated, but the statute requires 10 feet or less; if this is the one it should simply remain.

Seconded by Commissioner Wilson. **Motion carried unanimously.**

## II. OLD BUSINESS

**A. 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.

Commissioner Wallinger stated she visited the site at 530 Franklin Street and have received complaints from several residents as well as businesses across the street that cars were parking in the lot off-site and the traffic was being blocked. The Commissioner went to say that she witnessed the drop-off condition for the students and parents.

Also, City staff never got a response to the ruling to approve the application that the applicant was in compliant and how the parking would be revised and added plants to protect the sidewalk.

Commissioner Wallinger stated she witnessed the following upon her visit to the school:

- No fencing on the side and no landscaping (on the Lafayette Street side)
- No nine staff member directing traffic in the parking lot and no cones
- The buses had their signs displayed for 20 minutes
- A car parked in the disabled parking space with the flashers on
- A car blocking another car in with flashers on
- No signs on Barrett Street side (no signage displayed)

Commissioner Wallinger stated, the reason the buffer is there is to keep plows from plowing snow onto the sidewalk, to protect the pedestrian, and to enhance the right of way. "The cities are all about having safe and inviting walkable environments. This is a school which I would think we would want to have it as safe as possible."

The applicant's engineer for the project said updated plans with pictures were submitted last week. He went onto say that the electrical lines presented a problem for installing a fence as a buffer. The fencing requires post to go 30 feet into the ground. He wanted to know what was wrong with having concrete planters instead of a fence.



Commissioner Wallinger disagreed and stated that the buffer is there to protect pedestrians.

A staff person from the charter school, responded, she has multiple meetings with the staff, they've reached out to all the parents. She is here to discuss and tell the commission what efforts have been made about the matter. She said she spoke to parents about parking across the street, sent emails to parents, and put parking information in the newsletter. She also noted to the Commissioners that enrollment is down.

She said she has witnessed a lot of what you just explained by Commissioner Wallinger and the school is concerned about working with all the parents and the operations of getting the children in and out of school safely.

**Commissioner Wallinger asked the other commissioners if they had any comments about the matter and if there were public comments.**

Commissioner Hittall wanted to know if the planters will remain in place year round?

Commissioner Wilson said the buffer for the parking lot should be on both sides and not on the sidewalk. A fence would be nice to add and to add small plants.

**Public Comment:** A business owner from the public said he owned a hair salon in the rear of where the school is located and has made numerous attempts to reach out to the school. The traffic is a problem, and his clients need parking. It's been a 2 ½ year problem. A planter does not help work and the school should be somewhere else.

Commissioner Wallinger concluded that the applicant should come back next month (November 2022) with a plan to meet requirements for buffer; 18 feet long planter and extend conditional approval for drop off and pick-up of students.

**Motion:** a motion by **Commissioner Wilson and seconded by Commissioner Nadler** to extend the conditional approval to allow the applicant to come back next month (November 2022) to demonstrate that the drop off and pickup situations are working and to provide a plan for parking conditions of the original site plan. **Motion carried unanimously.**

### **III. MISCELLANEOUS**

Concern and discussion about site plan approval narrative and what actually takes place after the site plan has been approved. A proper review by Chris Wallin, Chris Lunn, and Code Enforcement Office before the project begins and review after project

is being completed. Taking time to critically review site plans is important because of the impact it could have on the city in how it will look in 10 years or 2 years.

**IV. ADJOURN 8:24 p.m.**