

**City of Schenectady  
Planning Commission  
Meeting Minutes  
January 19, 2022**

**I. CALL TO ORDER**

Commissioner Wallinger called the meeting to order at 6:12 p.m.

**II. ATTENDANCE**

**PRESENT:** Mary Moore Wallinger, Chair; Bradley Lewis, Vice Chair; Randall Beach; Andrew Healey; Nick Petrillo; Jason Bogdanowicz-Wilson; Christine Primiano, Principal Planner; Andrew Koldin, Corporation Counsel

**EXCUSED:** Richard Ferro;

**III. CONFLICT OF INTEREST CHECK**

Commissioner Healey stated that he has a conflict of interest for the application for 2526 Broadway because his law office represents the applicant in unrelated matters.

**IV. OLD BUSINESS**

**A. BUDRAJ P. SEENANAN** requests an extension of the site plan approval pursuant to Section 264-90 M of a proposal to operate a convenience store and deli at 1339 State Street, tax parcel #49.60-2-44, located in a "C-2" Mixed Use Commercial District.

Mr. Seenanan appeared before the Commission and explained that he is requesting an extension of his site plan approval because he needs more time to get all of the work done on the property.

The City Planner asked if Mr. Seenanan was able to comply with the removal of the illegal signs and if the new sign was installed? Mr. Seenanan said that all illegal signs have been removed and the new sign is up.

Commissioner Wallinger asked how much time the applicant will the applicant need for the extension.

Mr. Seenanan said August 15, 2022 would be good. Commissioner Wallinger asked if there were any questions from the Commissioners. There were no questions and no further discussion.

Motion by Commissioner Beach, seconded by Commissioner Wilson to approve the site plan approval extension until August 15, 2022. **Motion carried unanimously.**

**B. RIYAD ALZANAM** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a convenience store at 1384 Crane Street, tax parcel # 49.71-3-13, located in a "C-2" Mixed Use Commercial District.

Architect and owner of the property, Danny Sanders, presented the proposal. Mr. Sanders showed a revised site plan that addressed some of the staff comments and answered questions raised during staff review.

Mr. Sanders stated that the applicant would like to use the existing freestanding sign located at the corner of the site. The applicant also would like to display signs on the building.

The City Planner stated that the freestanding sign is permitted and that the applicant can have two (2) attached signs on the building because it is a corner parcel. It was also noted that all signage for this application and future signs for the future tenants must stay below the allowable maximum, which is a total of 96 SF for all signs.

Commissioner Wallinger asked Mr. Sanders if he was able to reconfigure the parking layout and that the parking should be on the side of the building only. Most of the asphalt in front of the building should be removed, except for paths to the parking and the sidewalk. Commissioner Wallinger also suggests that some of the parking could be parallel to the building, but where it narrows, it can be perpendicular to the building.

Commissioner Healey asked about the use of the dumpster and if it was staying at the location shown on the site plan. Mr. Sanders responded that it will be a rolling dumpster, so parking in front of it will not be a conflict, and that it will be enclosed when not put out to the curb.

Mr. Sanders stated that they would like to do the site improvements in phases, with the improvements to the side parking lot on 10<sup>th</sup> Avenue

first and the landscaping and tree planting to be completed by the end of the summer.

Additional items added to the plan include a garbage can by the entrance for the customers, and greenspace street between the parking spaces and tire stops added to the parking spaces.

Commissioner Wallinger opened the public hearing.

Neighbor Mike Holubek from 1364 Crane Street stated that the sidewalk is covered in ice and not being maintained by the property owner, in addition to the trash all over the property that has not been cleaned up. Mr. Holubek is also concerned about the lights that have been installed because they do not have cut-off shields. The lights project brightly onto neighboring properties. In addition to not clearing the sidewalk, snow was cleared in front of the building and pushed up to the retaining wall where cars are not supposed to be parking. Mr. Holubek is concerned that the applicant and owner are already showing that they are not going to take proper care of the property and be good neighbors and that this business will be pushing the blight further down Crane Street and causing damage to the nicer part of the neighborhood.

Commissioner Wallinger closed the public hearing.

Commissioner Wallinger asked the Commissioners if they had any questions for the applicant's representative.

Commissioner Wallinger asked the members what they thought about the Two Phases for site improvements.

Commissioner Wilson suggested that large planters could be put in the front yard, at the edge of the sidewalk to prevent cars from pulling in front. He suggested a deadline of May 1, 2022.

Commissioner Wallinger stated that the lighting needs to be adjusted immediately so that it does not negatively impact the neighbors. The City Code states that lighting can't go beyond the property line. Also, the sidewalk connection from the front door out to Crane Street will be concrete.

Commissioner Petrillo asked if the curb cut on Crane Street will be removed. Applicant stated they could remove the approximately 35 feet of curb cut and replace the curb.

City staff suggested contacting the City Engineering Department to see if curbing is available. Staff also noted that the sign submitted is compliant.

Commissioner Wallinger summarized the conditions to site plan approval.

Motion by Commissioner Beach, seconded by Commissioner Healey to issue a conditional site plan approval, including the following:

1. The address will be 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. Phase 1 site improvements will be completed by June 15, 2022 and will include:
  - a. Four large planters to be placed at the sidewalk edge to block vehicles from entering the front yard
  - b. Parking on the 10<sup>th</sup> Avenue side will be reconfigured, tire stops will be added for the parking spaces, and a greenspace will be installed between the perpendicular spaces closest to Crane Street.
  - c. The dumpster will be placed and enclosed as shown on the revised site plan and a trash receptacle will be provided for customers.
  - d. The applicant will clean the exterior of the site twice daily.
4. Phase 2 will be completed by August 15, 2022 and will include:
  - a. Removal of the asphalt in front of the building.
  - b. Planting of grass and a street tree in front of the building
  - c. Construction of a concrete sidewalk from the front door out to the sidewalk on Crane Street.
  - d. Replacement of 35 feet of curbing on Crane Street to accommodate 2 on street parking spaces.

***Motion carried unanimously.***

**C. MOONWATIE CHATURI** requests a special use permit pursuant to Section 264-61 I of a proposal to install an Electronic Message Board Sign at 2526 Broadway, tax parcel # 48.67-1-1.1, located in a "C-2" Mixed Use Commercial District.

**D. MOONWATIE CHATURI** requests a special use permit pursuant to Chapter 264 Schedule B of a proposal to operate a drive-through

lane for the retail business at 2526 Broadway, tax parcel # 48.67-1-1.1, located in a "C-2" Mixed Use Commercial District.

- E. **MOONWATIE CHATURI** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a clothing store at 2526 Broadway, tax parcel # 48.67-1-1.1, located in a "C-2" Mixed Use Commercial District.

The applicant appeared with Rich Olson from Olson Sign Company. The applicant stated that updates were made to the plans to extend the landscaping to block access to the 2<sup>nd</sup> drive-thru lane, and street trees were added to Vischer Avenue. Mr. Olson stated that the electronic message board proposed will only be visible from Broadway heading west. Also, low growing shrubbery will be planted around the base of the sign. The sign will meet all of the City's EMB standards for self-dimming, rate of change, and pixel quality.

Commissioner Wallinger asked if there were any questions or comments from the Commission.

There were no questions. Commissioner Wallinger clarified to the applicant that the sign can change at a rate of every 8 seconds and that other businesses cannot advertise on the sign.

Staff recommended that an additional planter be placed in front of the 2<sup>nd</sup> drive-thru aisle, on the street side to prevent people from accidentally pulling in that driveway. The applicant indicated that she could put a planter box there.

Motion by Beach, seconded by Commissioner Wilson to adopt a Negative Declaration as no adverse impacts are anticipated as a result of this proposal. ***The motion passed, with Commissioner Healey abstaining.***

Motion by Commissioner Petrillo, seconded by Commissioner Wilson to issue a conditional site plan approval, adopting the revised site plan as proposed with the addition of a large planter box on the street side of the drive-thru lane and low growing shrubbery around the base of the monument sign. ***The motion passed, with Commissioner Healey abstaining.***

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

1. The sign is located along a Commercial corridor, with commercial properties surrounding the site.
2. The proposed sign will not negatively impact its surroundings, cause any nuisances, impact facilities and services, or create a loss of significant features because it will comply with all City standards for electronic message boards which include self-dimming capability for

brightness, limitations on rate of change that are consistent with the Department of Transportation standard, high pixel count for message clarity and conformance with applicable sections of the zoning code.

***The motion passed, with Commissioner Healey abstaining.***

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

1. Maintaining use of the drive-thru lane will support the proposal retail re-use of the property that has been vacant for several years.
2. The drive-thru is existing and was previously used by a bank, which would have generated more activity than the proposed retail use.
3. The Planning Commission thinks this is a good adaptive reuse of the existing structural component of the property. Use of the drive-thru will not have a negative impact on the surround commercial corridor or adjacent commercial properties.
4. Traffic entering and exiting the site will be significantly less than originally used as a bank with a drive-thru.
5. The Planning Commissioner required that the interior landscaping would be extended to block access to the 2<sup>nd</sup> drive-thru lane and added the installation of a planter box to the street side of the drive-thru lane to prohibit access from either direction.

***The motion passed, with Commissioner Healey abstaining.***

**V. NEW BUSINESS (continued)**

- A. DEPAUL PROPERTIES** requests site plan review pursuant to Section 264-90 B and F of a proposal to construct two (2) new buildings, with a total of 60 residential units at 914, 918, 924, 932, 938, 944, 956, 1002 Crane Street, and 933 Pleasant Street, tax parcel #'s 49.47-1-2.11, 10, 11, 12, 13, 14, 15, 17.1, and 49.55-1-4.1 respectively, located in a "C-2" Mixed Use Commercial District and an "R-2" Two Family Residential District.

Dan Brocht from LaBella Associates presented an update of the proposal. Mr. Brocht explained that all curb cuts will be closed on Crane Street and the access to the onsite parking is on Pleasant Street. Three area variances were issued by the Board of Zoning Appeals: 1. Setback from a residential property to pavement less than

15 feet. 2. The size of parcel at 944 Crane Street was decreased. 3. Fewer than the required amount of onsite parking for a residential facility. Mr. Brocht stated that DePaul finds that about 60-70% of the required parking is utilized by their tenants and the rest they use for snow storage.

A six-foot privacy fence was added to the property line adjacent to Family Dollar, a decorative pedestrian gate will be added adjacent to 944 Crane Street, which will only be accessed by the residents of the complex, the proposed smoking area was moved away from the adjacent neighbor. The applicant's goal is to keep as many trees as possible. There will be no large trucks entering the site, and therefore going down Pleasant Street. The largest truck would be a box truck. The applicant looked at moving the driveway west slightly to minimize any lights shining into the houses on Pleasant Street across from the driveway, but determined that it wasn't necessary to move the driveway because that neighbor has an existing retaining wall that will block the lights. The neighbor next to the driveway will have a separate curb cut than originally designed.

Commissioner Wallinger asked if there were any questions or comments from the Commission.

Commissioner Wilson stated that he is happy to see an applicant work so closely with the neighbors to develop a plan that works well for all involved. He also stated that he thought the design of the buildings was really nice for the Crane Street corridor. Mr. Brocht stated that DePaul did not plan as many units that could possibly fit on the site and that they wanted to present a proposal that would fit into the fabric of the neighborhood.

Commissioner Wallinger requested that when it is time to locate the street trees on Crane Street, that they include the right kind of tree wells. Additionally, she asked if the planters located under the overhang will get any water. Mr. Brocht stated that he would confirm with the Landscape Architects that what will be accessible.

Commissioner Wallinger opened the public hearing.

Commissioner Wallinger read a letter of support into the record from Pat Smith of the Mt. Pleasant Neighborhood Association.

George Dunckley of 1111 Fourth Avenue stated that he's very happy that the applicant was willing to provide a white privacy fence at the

perimeter of his property and that all interactions and conversations with the developer and their representatives has been a pleasant experience and hopes that it continues through the construction of the buildings. He stated that he supports the project and is excited to see the new development and improvement to the community.

Commissioner Wallinger closed the public hearing.

Commissioner Petrillo asked if there was any consideration for pedestrian access through the site from Crane Street, as previously discussed during the preliminary review. In the current plan, a pedestrian could walk up the driveway, heading towards Crane Street and get stuck onsite with no access through.

Mr. Brocht stated that it was discussed, and while he can see the benefits to some by making the connection into the residential neighborhood, there were more concerns that it would be an invitation for people that don't live there to congregate onsite.

Commissioner Wallinger asked City staff what their thoughts were. The City Planner stated that if the intent of the site was commercial, it would make more sense to open it up for access throughout, but since it is a residential site and more of a private setting, it probably best to keep it private.

Motion by Commissioner Wilson, seconded by Commissioner Healey, to issue a conditional site plan approval:

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.
3. All proposed signage will be submitted to the City Planner for approval prior to fabrication and installation of the sign(s).
4. If changes to the proposal are necessary, the applicant must submit the changes to City Planning staff for review. If the changes are deemed significant, the changes must be approved by the Planning Commission.
5. A sewer report is required to be submitted to the Water Department for final review and approval prior to the issuance of building permits.
6. A revised site plan will be submitted to the City Engineer and the City Planner for final approval. Final approval must be granted prior to applying for Building Permits.
7. Lot line adjustment maps will be filed with the City Engineer for final approval. The DePaul Properties parcels will be consolidated into one

lot and a lot line adjustment map will be prepared for 944 Crane Street. Once the maps are approved by the City Engineer, the applicant must file the maps with the County prior to applying for a building permit.

***Motion carried, with Commissioner Beach abstaining.***

- B. CHARLES G. CRAFT** requests site plan approval pursuant to Section 264-90 I of a proposal to construct a 4,225 square foot addition at 771-773 Albany Street, tax parcel # 49.25-1-23.11 located in a "C-4" Downtown Commercial District.

The applicant appeared before the Commission and explained that due to significant cost increases, he had to make modifications to the exterior of the buildings. The footprint of the addition and all other site conditions are remaining the same. The required lot consolidation has already been completed.

City staff asked the following questions:

1. Is the fence along Albany Street still planned?  
***Applicant stated that it is.***
2. Will the Albany Street side of the existing building be painted? ***Applicant stated that it is not being painted or sided.***
3. Is the large sign still proposed for the side of the building?  
***Applicant stated not at this time, but hopefully he can afford it in the future.***

Commissioner Wilson asked if anything was being done along the roofline, as in a decorative cornice. The applicant indicated that due to costs it will be scaled back as shown on the revised rendering.

Commissioner Wallinger stated that she is concerned about how the proposed addition will look next to the existing building and across from a new building, considering the current condition of that building with not even minimal improvements planned. She then encouraged the applicant to contact Metroplex for assistance for the existing building.

Commissioner Wallinger asked if the applicant would consider allowing a mural on the existing building? The applicant indicated he would be supportive of that. David Hogenkamp from Metroplex stated that he thought they would be able to contribute money towards a mural.

Commissioner Wallinger opened the public hearing. There were none so the public hearing was closed.

Commissioner Wallinger closed the public hearing and opened discussion amongst the Commission members. There was no further discussion.

Motion by Commissioner Wilson, seconded by Commissioner Healey, to issue a conditional site plan approval to include the following:

1. The new address of 760 State Street 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 lots used for the operation of this business will be consolidated prior to the new construction. The lots to be consolidated are identified as #'s 49.25-1-23.11, 46, 47, and 48. A lot consolidation map must be approved by the City Engineer and files with the County Clerk prior to the issuance of building permits.
4. As discussed at the meeting on July 14, 2021, one of the new trees to be planted will be moved to make the new location for the dumpster.
5. The revised building plans were approved as submitted in December 2021.
6. The applicant will work with Metroplex to either obtain funding for improvements to the Albany Street façade of the existing building or to assist with funding to have a mural rendered on the façade.

***Motion carried unanimously.***

- C. 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 and the applicant, Mr. Saddek, appeared before the Commission. Mr. Morelli indicated that the applicant like to convert the existing storefront into a restaurant. There are operable windows behind the boards that they would like to keep. Handicap accessibility is provided on the inside of the building. The commercial space on the western side of the building is approximately 1500-2000sf and will be used for some type of retail. There will be five (5) residential

units, one being occupied by the applicant. All iron bars will be removed from the windows prior to occupancy.

City Planning staff provided staff comments explaining to the applicant that window and door replacements must be chosen and the details must be provided for the Planning Commission to review and approve. Also, the applicant should look at the possibility of a retaining wall and if he decides to construct one, to provide that information as well. Reconstruction of the sidewalk and curb cut is required. Landscaping buffers between the new sidewalk and parking spaces is also required.

Commissioner Petrillo stated that architectural elements should be added to the façade, possibly the roof line.

Commissioner Wilson recommended adding a thicker Fypon cornice with depth and detail.

Commissioner Wallinger asked if the center window on the 2<sup>nd</sup> floor could be restored. Mr. Morelli said he would look into it.

Commissioner Healey suggested that some of the paving be removed in the rear of the parking lot because it is not needed and that it should be maintained as greenspace for the residents. A large shade tree could also be provided.

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

Motion by Commissioner Healey, seconded by Commissioner Petrillo, to table the proposal because it is incomplete. The applicant will return to the Commission with the following information:

1. Accurate elevation drawings showing the chosen door and window replacements in detail. The drawings will also show any additional architectural elements like a new cornice or trim.
2. A detailed landscaping plan will be provided.
3. Details for the sidewalk and curb cut replacement, to City standard will be submitted for approval.
4. Details for a retaining wall if planned.

***Motion carried unanimously.***

- D. LIVE IN SCHENECTADY LLC** requests subdivision approval pursuant to Chapter 230 of the City Code of Schenectady, to subdivide the parcels at 1171 and 1175 Barrett Street, tax parcel numbers # 39.57-4-58 & 59, from two parcels to four parcels, located in a C-4 Downtown Commercial District.
- E. LIVE IN SCHENECTADY LLC** requests subdivision approval pursuant to Chapter 230 of the City Code of Schenectady, to subdivide the parcels at 1128, 1132, 1136, 1140, and 1144 Barrett Street, tax parcel #'s 39.65-2-45, 46, and 39.57-4-9.11, 61 and 62, from five lots to seven lots, located in an "R-2" Two Family Residential District.
- F. LIVE IN SCHENECTADY LLC** requests site plan approval pursuant to Section 264-90 B and F of a proposal to construct 15 single family homes at 1171, 1175, 1128, 1132, 1136, 1140, and 1144 Barrett Street, tax parcel #'s 39.57-4-58, 39.57-4-59, 39.65-2-45, 39.65-2-46, 39.57-4-9.11, 39.57-24-61 and 39.57-4-62 respectively, located in a "C-4" Downtown Commercial District and an "R-2" Two Family Residential District.

David Buicko, owner, Live in Schenectady, and Alison Yovine from MJ Engineering, presented the proposal.

Alison gave a description of the project changes since the preliminary review. The applicant is aware that the area variances need to be updated with the Board of Zoning Appeals.

Mr. Buicko explained that due to very restrictive financing, the units for Phase I across the street cannot be completed until they are sold. The owners are hoping that the interest in the different units in Phase II will provide some interest in the units for sale in Phase I.

Commissioner Wallinger opened the public hearing.

Liz and Ralph Mastrianni from 119 Park Place spoke in favor of the project and raised concerns about the condition of the existing alley behind the Phase II development. The Mastriannis don't think that the alley in its current condition can handle being used by residents and garbage trucks.

The City Planner stated that she would inform the Commissioner of General Services of the plan to use the alley for garbage storage and pickup and discuss with the Commissioner and City Engineer whether upgrades can be made so that the alley can be used.

Mary D'Alessandro-Gilmore, a Schenectady resident and real estate agent for Berkshire Hathaway Home Services, spoke about how much

the new homes built in Phase I really transformed Barrett Street and that there are a lot people looking for homes outside of the City that will be interested in these kinds of new residential units.

There was no more public comment so Commissioner Wallinger closed the public hearing.

Commissioner Petrillo asked what the process is moving forward. The City Planner explained that the prior Negative Declaration for SEQR is still valid because the changes to the proposal are not significant in scope, the City Engineer would have to review the final site plan and subdivision map, then it would be filed with the County prior to the issuance of building permits.

Motion by Commissioner Healey, seconded by Commissioner Lewis, to issue a conditional site plan and subdivision approval, with the following conditions:

1. The subdivision must be approved by the City Engineer and filed with the County Clerk's office prior to the issuance of Building Permits.
2. The applicant will submit detailed site plan drawings for final approval by the City Engineer prior to the application for building permits.
3. A detailed sewer report will be submitted to the Water Department for approval prior to the issuance of building permits.
4. All required area variances will be obtained prior to the issuance of building permits.
5. The City Engineer approved site plan will be submitted with the building permit application.

***Motion carried, with Commissioner Beach abstaining.***

**G. JOHN ROTH** requests site plan approval pursuant to Section 264-90 B and F of a proposal to construct two levels of parking and 24 apartments at 224 State Street, tax parcel # 39.71-3-5.1, located in a "C-4" Downtown Commercial District.

Jamie Easton, from The Prime Companies, presented the proposal. Mr. Easton stated that the proposed parking garage would provide parking for the Electric City commercial building next door. The owner would like to consolidate the lots, understanding that private parking cannot be constructed on an separate parcel than the use it is serving. The parking will also serve the residential units proposed for

the upper floors of the garage structure that are planned to be built in the near future. The owner would like to construct the building all at once but does not know if it is possible at this time.

Mr. Easton and the Commission had a lengthy discussion about the concerns for conflicts between pedestrians and vehicles, both entering and exiting the garage. Pedestrians and vehicles are not accustomed to interacting on State Street as this project proposes, so what are all the ways to make the interaction safe.

Different surface materials, colors, and treatments were discussed. It was also discussed that in contrary to the usual City standard, the driveway remain at a lower level than the sidewalk and the sidewalk ramp down to that level, thus creating a cue for the pedestrian that they are entering a different space in the sidewalk and to be cautious.

The City Planner asked if a stop bar was being proposed. Mr. Easton said there could be one. The Commission agreed that a stop arm would ensure that vehicles exiting the garage would approach the sidewalk slowly because they would be passing the stop arm. Mr. Easton suggested that the stop arm and a textured and colored pavement in the vehicle lanes should provide enough cues for pedestrians and drivers for safety. The Planning Commission agreed.

Commissioner Wallinger asked if the street tree could be relocated instead of lost. Mr. Easton indicated that it could be relocated to in front of 240 State Street.

Commissioner Petrillo recommended that the height restriction for the inside of the building be posted at the entrance to avoid issues.

Commissioner Wallinger stated that a pedestrian passage should be built into the eastern side of the façade to allow people to exit the garage on foot without having to go into the travel lane. Mr. Easton indicated that could be added to the plan. Commissioner Wallinger stated that it should be designed in a way to stand out on the façade with an archway or awning.

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

Motion by Commissioner Healey, seconded by Commissioner Wilson to adopt a Negative Declaration. **Motion carried, with Commissioner Beach abstaining.**

Motion by Commissioner Healey, 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. This lot will be consolidated with the adjacent lot at 240 State Street. The lot consolidation map and legal descriptions will be submitted to the City Engineer for final approval. Once approved, the maps will be filed with the County Clerk prior to the issuance of building permits.
3. The City Engineer will review the proposed sidewalk treatment and methods for caution with the applicant and City Planner staff to determine the proper action for the entrance to the garage.
4. The applicant must get confirmation from the Zoning Officer that a variance is not required for exceeding the maximum allowable number of parking spaces per Section 264-45 of the City Code prior to the issuance of building permits. If a variance is needed, it must be obtained prior to the start of construction on the garage.
5. License agreements must be obtained prior to the construction of the balconies that overhang the City right-of-way.
6. The applicant will return to the Planning Commission with all details of the upper story apartment units. Building materials, colors, windows, roof material, awnings, and any other information pertaining to the apartments must be approved by the Planning Commission prior to the issuance of building permits.
7. The street tree in front of the building will be relocated to in front of 240 State Street.

Motion by Commissioner Healey, seconded by Commissioner Wilson to adopt a Negative Declaration. **Motion carried, with Commissioner Beach abstaining.**

- H. 133 EDISON AVENUE, LLC** requests site plan approval pursuant to Section 264-90 B and I of a proposal to construct a 10,079 SF office and warehouse building at 129-133 Edison Avenue, tax parcel #'s

49.23-2-36 & 37, located in an "M-1" Light Manufacturing and Warehousing District.

Dave Kimmer, from ABD Engineers appeared before the Commission and presented the proposal. He explained the parcels will be consolidated prior to construction and that the applicant will seek an area variance for the side yard setback.

Planning staff asked if the two smaller curb cuts on the western side of the property could be closed because it will no longer be accessed for the overhead door. The sidewalk should also be replaced at this time. The Commission agreed with curb cut closures and sidewalk replacement.

Staff also noted that the dumpster location may not be enough space and that if it is relocated, that the new location must be approved by Planning staff.

Commissioner Wallinger opened the public hearing.

David Hogenkamp from Metroplex and the Capital Region Landbank spoke in favor of the proposal to redevelop the blighted industrial site that has not been utilized for many years.

Commissioner Wallinger closed the public hearing and asked the Commissioners if there was any more discussion.

Motion by Commissioner Healey, seconded by Commissioner Wilson to adopt a Negative Declaration. **Motion carried, with Commissioner Beach abstaining.**

Motion by Commissioner Wilson, seconded by Commissioner Healey, 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 Edison Avenue.
2. Metal roll gates will not be placed on any doors or windows.
3. The two western curb cuts will be removed to code and the sidewalk will be replaced to City standards.
4. A side yard setback area variance is required.
5. The Lot Consolidation must be approved by the City Engineer and filed with the County Clerk prior to the issuance of Building Permits.

6. The applicant will submit detailed site plan drawings for final approval by the City Engineer and City Planner prior to the application for building permits.

***Motion carried, with Commissioner Beach abstaining.***

- I. **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.

Jason Singer from Nolan Engineering appeared before the Commission on behalf of the owner, Lalli Vermani. Mr. Singer acknowledged all the issues with non-compliance of the prior site plan approval and that some of the items were shown on a revised site plan.

Commissioner Wallinger asked if the applicant fixed the numerous violations on site. The City Planner stated that there was no compliance with the violations. Commissioner Wallinger told Mr. Singer that the violations must be corrected and that a revised site plan prepared to City regulations must be submitted prior to further review by the Commission. Additionally, the Commission requested that the owner appear at the next meeting for review because this is the third Planning review he has not attended and the same issues keep occurring.

Motion by Commissioner Beach, seconded by Commissioner Petrillo to table the proposal. ***Motion carried unanimously.***

- J. **HALIM AIDHALA and HAMMAN SHARTAN** request site plan approval pursuant to Section 264-90 M of a proposal to operate a convenience store at 2433 Broadway, tax parcel # 48.59-1-47, located in a "C-2" Mixed Use Commercial District.

Dave Kimmer, from ABD Engineers appeared before the Commission and presented the proposal.

Commissioner Wallinger explained that the first parking space was not a legal spot and had to be moved further away from the property line.

The City Planner explained that the handicap loading zone conflicted with the proposed monument sign and must be moved further into the site anyway. Therefore, there would be a four-foot wide greenspace buffer, then a handicap loading zone, then the first parking space.

Mr. Kimmer explained that the second dumpster at the rear of the property was not necessary and that all tenants could use the dumpster on the side of the building in the parking lot. He noted that it would be properly enclosed pursuant to City standards.

The Commission discussed the poor condition of the sidewalk on Eleanor Street and Mr. Kimmer expressed concern for the cost of replacing the sidewalk because it is so long. The Commission agreed and stated that they could allow for extra time to complete the sidewalk replacement.

Planning staff stated that the applicant has to submit the details of the proposed monument sign for final approval.

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

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

1. The address will be prominently displayed so that it is easily visible from Broadway.
2. Metal roll gates and iron bars cannot be placed on any doors or windows at any time.
3. A revised site plan showing the changes to the parking layout and installation of greenspace between the sidewalk and parking lot will be submitted to Planning staff for final approval.
4. The pole sign will be removed in its entirety and will be replaced with a freestanding monument sign. The applicant will submit professionally prepared details of the proposed sign to City Planning staff for final approval prior to purchase and fabrication of the sign. A building permit is required.
5. The applicant will sweep and clean up debris on the outside of the building twice daily.
6. A trash can will be provided for customers at the entrance to the store.
7. There will be one dumpster on the side of the building and it will be properly enclosed and screened from public view. Pursuant to the City Code Section 264-49, the enclosure will be kept closed at all times.
8. The sidewalk on Eleanor Street will be replaced to City standards by October 15, 2023. A permit issued by the Engineering Department is required.

9. A Certificate of Use issued by Code Enforcement is required to operate the business.

***Motion carried unanimously.***

Motion by Commissioner Beach, seconded by Commissioner Petrillo, to adjourn the meeting. ***Motion carried unanimously. Meeting adjourned at 9:55 p.m.***