

**City of Schenectady
Planning Commission
Meeting Minutes
May 13, 2020**

I. CALL TO ORDER

Commissioner Wallinger called the meeting to order at 5:10 p.m.

Due to the closure of City Hall because of the Covid-19 Virus, the meeting was conducted online via WebEx.

II. ATTENDANCE

PRESENT: Mary Moore Wallinger, Chair; Bradley Lewis, Vice Chair; Ryan Bailey; Randall Beach; Kimberly Case; Richard Ferro; Andrew Healey; Jason Bogdanowicz-Wilson; Christine Primiano, Principal Planner; Andrew Koldin, Corporation Counsel

III. CONFLICT OF INTEREST CHECK

Commissioner Beach recused himself from the consideration of New Business Item B, the proposal from 138 Broadway Associates, LLC.

IV. APPROVAL OF MEETING MINUTES

Motion by Commissioner Lewis, seconded by Commissioner Wilson, to approve the Minutes of the April 15, 2020 meeting as submitted.

Motion carried unanimously.

V. NEW BUSINESS

A. KEVIN PERSAUD requests site plan approval pursuant to Section 264-107 M of a proposal to operate an automobile repair shop at 296 Altamont Avenue, tax parcel # 49.66-4-11, located in a “C-2” Mixed Use Commercial District.

Kevin Persaud and his attorney, Gilah Moses, presented the proposal.

Ms. Moses explained that Mr. Persaud had been operating the car repair business for several months but had been unaware that he needed to obtain site plan approval prior to doing so. She stated that once he had been made aware of the violation by the City, he discontinued operations immediately pending the necessary approval. Ms. Moses stated that she was aware of complaints from the neighbors about noisy vehicles, but the offenders are Mr. Persaud’s customers, after they have left his business, or employees of the taxi service that operates out of the site directly behind Mr. Persaud’s. She added that her client had no objections to complying with any of the conditions for site plan approval set forth in

the City Planner's staff report, and that he does not alter cars to make more noise but does routine car repairs and maintenance on the site.

City Planner Primiano explained that Mr. Persaud had proposed closing the Hamburg Street entrance and exit to the lot to eliminate cars cutting across the site to avoid the traffic light at the corner. She stated that there is adequate room for cars to both enter and exit from either side of the property. Commissioner Wallinger stated that if Mr. Persaud wishes to permanently close an entrance on one side of the property, he should continue the landscaping and perhaps install some fencing to make it clear to drivers that the entrance is closed. Mr. Persaud stated that it would be difficult to put in footings for a fence as there is concrete under the asphalt, but that he could definitely continue the landscaping bed and install posts and a chain. Commissioner Wallinger stated that if Mr. Persaud closes one of the entrances, she believes that a fence or the expanded landscaping would be necessary. The other Commissioners agreed. Mr. Persaud stated that he would have no objection to extending the landscaping.

Commissioner Healey asked Mr. Persaud what his intended hours of operation are. Mr. Persaud stated that he would like his hours to continue as Monday through Friday, 9 a.m. until 5 p.m. and Saturdays 9 a.m. until noon. He stated that he sometimes stays to work later on Saturdays, but the business is not open to the public any later. Commissioner Ferro asked why there have been so many complaints from the neighbors about excessive noise late at night if Mr. Persaud closes his business at 5 p.m. Mr. Persaud responded that there have been times that he has been there later working, and that at that time he has witnessed loud music and noise coming from the taxi business behind him. Commissioner Wallinger stated that Mr. Persaud should call the police about the noise violations because even if the police are unable to respond to the site they keep a record of the calls and eventually the business can be fined or shut down if there are many violations.

PUBLIC COMMENTS

Tom Billsborrow of 1627 Rutgers Street expressed his concerns about the business. He stated that contrary to Ms. Moses's statement Mr. Persaud has been in operation for almost a year. He added that there is excessive noise coming from the site until 11 or 12 p.m. and that often cars leave the business and travel at a very high rate of speed down Rutgers Street. Mr. Billsborrow explained that he and his neighbors have no objection to Mr. Persaud's business as long as the agreed upon hours of operation are adhered to and the noise violations stop.

Don Ingoldsby, resident of 317 Altamont Avenue, also expressed his concerns regarding the noise at the site, especially late at night. He stated that his son's bedroom faces the site and he has been awoken many times

by the loud noise very late at night. Mr. Ingoldsby stated that he believes it is Mr. Persaud's responsibility to speak to his customers about the inappropriate noise and speeding. He noted that Mr. Persaud is known for working on high performance vehicles, many of which are very loud by design. He questioned why there are so many unregistered vehicles on the site if Mr. Persaud claims that he is not selling cars. Mr. Ingoldsby stated he believes it would make more sense to close the entrance on the more residential side of the site on Altamont Avenue, and use the driveway on the Hamburg street side, which is almost exclusively commercial in that immediate area.

Karl Schoch, resident of 315 Altamont Avenue, echoed his neighbors' concerns. He stated that he would have no objection to the business if all operations and noise were to stop by 7 p.m. daily.

Joan Hotaling, resident of 1626 Rutgers Street, stated that she shares the same concerns as her neighbors and would also like to see the driveway onto Altamont Avenue closed.

Letters of concern signed by the speakers and Kathy Kelly of 1627 Rutgers Street, Arlene Schechter of 325-325 Altamont Avenue, Yuki Bessette of 622 Rutgers Street, Raymond Hatch of 1625 Rutgers Street, and JW Hunn of 351 Altamont Avenue, were also entered into the record. The letters echoed the concerns expressed by the speakers and stated that the neighbors would have no objection to the business if Mr. Persaud abided by the noise ordinance and his approved hours of operation.

Seeing no further members of the public who wished to speak Commissioner Wallinger closed the public hearing. Corporation Counselor Koldin explained to the neighbors how they should report any problems at the site, both to the SPD and through the City website. Ms. Primiano reiterated that the neighbors should report all infractions, because even if the police do not respond there is a record kept of all complaints.

Commissioner Wallinger stated that she agreed with the neighbors that it is more appropriate to retain the entrance and exit on Hamburg Street and close the Altamont Avenue side. The Commissioners agreed. Mr. Persaud stated that he has no objection to this.

Mr. Persaud stated that he is determined to be a good neighbor and will address the issues discussed. He stated that he has installed security cameras on the lot and has recorded cars pulling in and out during the overnight hours. He added that he would like to install a chain to block off the entrance to the lot after hours to help mitigate any potential issues when he is not there. The Commissioners agreed that this would be a good idea.

Mr. Primiano asked Mr. Persaud to address the unlicensed vehicles on the lot. Mr. Persaud explained that he works with used cars dealers who buy cars that need repairs before they can resell them, and thus the cars are delivered to him before they are taken to the dealers' lots. He stated that when he was visited by Mr. Epstein and informed of the violation of being open without having had site plan review, he immediately ceased operations and thus the cars have remained there pending his obtaining the proper approvals. Ms. Primiano stated that the unregistered cars cannot be onsite for more than thirty days. Mr. Persaud stated that he understood.

The Commissioners briefly discussed the hours of operation of the business. It was determined that Monday through Friday, from 9 a.m. to 6:30 p.m., and Saturday from 9 a.m. to 3 p.m. would be reasonable hours. Commissioner Wallinger stated that Mr. Persaud may work at the business by himself after the business is closed to the public, as long as the noise is controlled, and the garage doors are closed whenever possible.

SITE PLAN APPROVAL

Motion by Commissioner Ferro, 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 Altamont Avenue.
2. Metal roll gates and iron bars are not permitted on any doors or windows at any time in the future.
3. All operations of the business will comply with the standards outlined in Chapter 264-107 Motor vehicle and auto body repair. Link to City Code <https://www.ecode360.com/8692731>
4. The applicant will comply with limitations set by the City Code, Chapter 182-4B (3) Unnecessary Noise. Link to City Code <https://ecode360.com8688533>
5. Parking stalls will be painted on the pavement as approved by the Planning Commission: 7 vehicles for sale facing Altamont Avenue, 5 vehicles for sale facing Hamburg Street, and 3 spaces on the interior of the lot.
6. On site storage and display of vehicles for sale are limited to 15 cars maximum at one time.
7. Parking for employees and customers will be available on either side of the building. Parking stalls will be painted and will be a minimum of 4 feet away from the sidewalk.
8. The driveway entrance on Altamont Avenue will be permanently closed. The applicant will submit plans for landscaping for the closed driveway area to the City Planner for final approval by July 1, 2020. The entrance will be permanently closed by July 15, 2020.

9. Landscaping and trees will be planted in the designated landscaping beds around the perimeter of the site. Two shade trees on the Hamburg Street side of the lot and two flowering ornamental trees on the Altamont Avenue side of the lot are required. The applicant will provide a detailed planting plan to the City Planner by July 1, 2020 and all plantings will be completed by July 15, 2020.
10. The sidewalk on Hamburg Street needs to be replaced. The sidewalk will be replaced to City standards with concrete, not asphalt paving, by July 1, 2021. The applicant will coordinate with the City Engineer's Office to ensure approval of the proper curb cut and driveway design on the Hamburg Street side of the property.
11. The applicant will close the entrance to the lot with a chain after business hours.
12. All licensing must be properly displayed.
13. The approved hours of operation for the business are Monday through Friday 9 a.m. to 6:30 p.m. and Saturday 9 a.m. to 3 p.m. If the applicant wishes to continue working on site after the business is closed to the public, he may do so if the garage doors remain closed and all work is conducted inside the garage.

Motion carried unanimously.

B. 136 BROADWAY ASSOCIATES LLC requests site plan approval pursuant to Section 264-90 B and F of a proposal to construct 11 residential units and an indoor entertainment venue at 136 Broadway, tax parcel #'s 39.72-2-42 & 43, located in a "C-4" Downtown Commercial District.

Damien Pinto-Martin, Vice President of Development for Redburn Development, presented the proposal.

Mr. Pinto-Martin briefly reviewed the site plan and explained that the building will have 11 residential units and an indoor entertainment venue. He noted that they plan to apply for a parking variance to eliminate the need for 16 residential parking spaces. The Commissioners discussed their support of the variance. Mr. Pinto-Martin also noted that there will be no outdoor garbage storage, rather the garbage will be stored inside in containers that will be emptied by a concierge service.

Mr. Pinto-Martin asked if it would be possible to consolidate the lots before the issuance of a Certificate of Occupancy rather than building permits. City Planner Primiano stated that this would be permissible. The Commissioners discussed the application and it was determined that

any further exterior changes may be submitted to Ms. Primiano for final approval.

PUBLIC COMMENTS

None.

SEQR RESOLUTION

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

Motion carried unanimously, with Commissioner Beach recusing himself from the vote.

SITE PLAN APPROVAL

Motion by Commissioner Lewis, seconded by Commissioner Ferro, to accept the 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 are not permitted on any doors or windows at any time in the future.
3. An area variance for parking will be obtained prior to the issuance of building permits.
4. The lots will be consolidated prior to the issuance of a Certificate of Occupancy.
5. Details regarding any exterior changes, such as lighting, canopies, façade materials, and signage, will be submitted to the City Planner for final approval and for the record of the site plan approval.

And with the following finding of fact:

1. The Planning Commission supports the granting of an area variance for parking for this project. The Commission believes that there are adequate alternative parking opportunities available, as well as other transportation options such as public transit, bike shares, and walking.

Motion carried unanimously, with Commissioner Beach recusing himself from the vote.

- C. CITY MISSION OF SCHENECTADY requests site plan approval pursuant to Section 264-90 F of a proposal to construct a new 20-unit multi-family dwelling at 302 and 306 Lafayette Street, tax parcel # 39.80-3-9.1 & 10, located in a “C-4” Downtown Commercial District.**

Mike Saccocio, Executive Director of the City Mission of Schenectady, Luigi Palleschi of ABD Engineers, and Timothy Castle, attorney for the City Mission, presented the proposal.

Mr. Saccocio briefly reviewed the project. He explained that the Mission would like to demolish two existing buildings and build this new one in its place, which will have twenty studio apartments for transitional housing for Mission clients. He stated that most of the residents work downtown and will walk to work or use public transportation.

Mr. Palleschi reviewed the site plan. The Commissioners discussed the proposed exterior finishes and materials of the building and determined that the final details could be approved by City Planner Primiano. The placement of the dumpster was also discussed, and because it will have to be located in a somewhat visible spot Commissioner Wallinger encouraged the applicants to consider a decorative mural on the enclosure. The Commissioners and Mr. Saccocio agreed that this would be a good idea.

The Commissioners indicated that they would support a parking variance for the site as the residents do not own cars and use public transportation or walk. They noted that the Mission also owns the parking lot adjacent to the site should there be a need for any parking.

PUBLIC COMMENTS

None.

SEQR RESOLUTION

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

Motion carried unanimously.

SITE PLAN APPROVAL

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

1. The address will be prominently displayed so that it is easily visible from Lafayette Street.
2. Metal roll gates and iron bars are not permitted on any doors or windows at any time in the future.
3. An area variance for parking will be obtained prior to the issuance of building permits.
4. The lots will be consolidated prior to the issuance of building permits.

5. More details regarding the exterior of the building, lighting, and other finishes will be submitted to the City Planner for final approval and for the record of the site plan approval.
6. Evergreen shrubbery will be planted and continuously maintained in the landscaping areas.
7. The dumpster will be properly screened from view in accordance with City standards. The applicants will submit a dumpster enclosure proposal to the City Planner for approval prior to constructing the enclosure. As discussed at the meeting, the Commission supports the idea of installing a mural on the enclosure with the proper approvals.

And with the following finding of fact:

1. The Planning Commission supports the granting of an area variance for parking for this project. The Commission believes that there are adequate alternative parking opportunities available, as well as other transportation options such as public transit, bike shares, and walking. In addition, most, if not all, of the intended residents of the building do not own or use their own automobiles.

Motion carried unanimously.

VI. MISCELLANEOUS

Commissioner Wallinger noted that Commissioner Case would be resigning her position following the May 20, 2020 meeting as she has taken a position in Colorado. The Commissioners wished Commissioner Case good luck and thanked her for her service.

VII. MOTION TO ADJOURN

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

Motion carried unanimously.

The meeting was adjourned at 7:28 p.m.