

**City of Schenectady
Planning Commission
Meeting Minutes
August 18, 2021**

I. CALL TO ORDER

Commissioner Wallinger called the meeting to order at 6:09 p.m.

II. ATTENDANCE

PRESENT: Mary Moore Wallinger, Chair; Bradley Lewis, Vice Chair; Randall Beach; Richard Ferro; Andrew Healey; Nick Petrillo; Jason Bogdanowicz-Wilson; Andrew Koldin, Corporation Counsel

EXCUSED: Christine S. Primiano, Principal Planner; Jennifer Mills, Secretary

III. CONFLICT OF INTEREST CHECK

None.

IV. APPROVAL OF MEETING MINUTES

Motion by Commissioner Beach, seconded by Commissioner Ferro, to approve the Minutes of the July 14, 2021 meeting as submitted.

Motion carried unanimously, with Commissioner Lewis absent from the vote.

V. NEW BUSINESS

A. BUDRAJ P. SEENANAN requests 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.

Budraj P. Seenanan, the applicant, presented the proposal. Mr. Seenanan stated that he applied for the Certificate of Use, but did not have the necessary Planning approval to include in the application.

Commissioner Wallinger read the staff comments to the applicant and explained that the application needs to include an accurate parking lot layout. No parking is allowed on the side of the building between the building and the curb. The asphalt on side must be removed and the sidewalk restored to concrete per City standards.

The applicant stated that the Mayor has spoken to applicant about sidewalk. Commission Wallinger told the applicant to put the following information together and come back to the Commission for further review:

1. Landscaping plan to replace the concrete and add greenspace with landscaping.
2. An accurate parking lot layout.
3. All remaining items detailed in the staff report.

Commissioner Ferro gave the applicant a copy of the staff report.

There were no further questions by the commissioners.

Commissioner Wallinger opened the public hearing. There were no public comments.

Commissioner Wallinger closed the public hearing.

Motion by Commissioner Healey, seconded by Commissioner Wilson to table the application because it was incomplete. *Motion carried unanimously.*

Commissioner Healey advised the applicant to contact the City Planner for questions regarding the requirements of the revisions to the proposal.

- B. HUSSAIN HUSSAIN** requests site plan approval pursuant to Section 264-90 M of a proposal to operate a retail tobacco shop at 1769 Van Vranken Avenue, tax parcel #39.43-2-50, located in a “C-2” Mixed Use Commercial District.

Hussain Hussain, the applicant, presented his proposal. The applicant stated that he is proposing a Smoke Shop that will sell CBD products, natural tobacco products and related items.

Commissioner Wallinger read the staff comments to the applicant and explained that the application is incomplete because it was missing required information. Additionally, the application must include a proposal for landscaping.

The applicant stated that there is no onsite customer parking; all customer parking will be on the street.

Commissioner Ferro noted that there is a bus stop directly in front of that business and that on street parking may not be a possibility.

Commissioner Ferro recommended that the applicant contact the City Planner to discuss everything that needs to be shown on the site plan.

Commissioner Wallinger stated that the plan is supposed to show how many spaces are required and how the plan meets the zoning requirements. It is possible that it may need a variance for parking.

The applicant asked why he wasn't told about the potential for a parking variance before he appeared before the Commission.

Commissioner Wallinger explained that the applicant is supposed to research what is required by the City and develop their plan to comply with City Codes.

The applicant expressed frustration that he did not know about the City's process for approval and that he is already paying rent. Commissioner Wallinger referred the applicant to the process outlined in the City Code.

The applicant asked if there was any way he could open without approval.

Commissioner Beach stated that there are no short cuts through the process and that everyone must go through the same approval process prior to opening their business.

Commissioner Healey suggested meeting with the Planning Department if he has further questions.

The applicant questioned why he need to go through this process since it was previously an antique shop.

Commissioner Wallinger stated that the property was not to City Code and required review, as stated in the Zoning Ordinance.

Commissioner Healey gave the applicant the staff report for reference.

Commissioner Ferro recommended that the applicant show the City Planner the revisions to the proposal to confirm that the application is complete and ready for Planning Commission review.

Commissioner Wallinger opened the public hearing.

Kristine Moore spoke in opposition of the proposal. Ms. Moore submitted a letter for the record and stated that she is concerned about marijuana sales in the Goose Hill Neighborhood. Also, she is concerned about additional traffic and the congestion that on street parking will bring. Ms. Moore then stated that she thinks this type of business will damage the image of the intersection and would like to see more positive businesses open in the neighborhood.

Commissioner Wallinger explained to the attendees that the proposed use is an allowed use by the Zoning Code because it is considered a retail use.

Commissioner Wallinger read letters from Dick Vale of 1768 Van Vranken, Phyllis Kingsbury of 1554 Regal Avenue, and Camille Sasinowski - a life long North Side Neighborhood resident.

Commissioner Wallinger closed the public hearing.

Motion by Commissioner Wilson, seconded by Commissioner Healey, to table the proposal due to an incomplete application. *Motion carried unanimously.*

Commissioner Wallinger recommended to the applicant that they hire a consultant to prepare the revised proposal, to think about a shared parking agreement with a neighboring commercial site, and that if they are planning on only on street parking that they should confirm that there is not a bus stop already located there.

The applicant asked if that would affect his approval.

Commissioner Ferro stated that it is possible and that there may need to be alternatives for parking; it just depends on the current scenario.

C. LUQMAN HUSSEIN requests site plan approval pursuant to Section 264-90 M of a proposal to operate a smoke shop at 21 State Street, tax parcel # 39.63-3-31, located in a “C-4” Downtown Commercial District.

A representative for the applicant, Nabeel Shohatee, presented the proposal because the applicant is in Turkey.

Commissioner Wallinger read the staff comments to the applicant and explained that the application is incomplete because it missing required information.

Commissioner Healey gave the applicant’s representative a copy of the staff comments.

Mr. Shohatee stated that the site plan does show the entire property, including the rear of the building.

Commissioner Healey explained that the parking spaces are not shown, garbage storage, etc. The site plan must show these details.

Mr. Shohatee asked if the next step was to respond to the comments in the staff report and provide information on the missing items.

Commissioner Wallinger stated yes.

Commissioner Wallinger opened the public hearing. There was no public comment.

Commissioner Wallinger closed the public hearing.

Motion by Commissioner Healey, seconded by Commissioner Lewis, to table the proposal due to an incomplete application. *Motion carried unanimously.*

D. STEWART'S SHOPS CORP. requests a recommendation to the City Council pursuant to Section 264-131 of a proposal to change the zoning of the parcel at 1020 McClellan Street, tax parcel # 50.21-2-74.2, from "R-1" Single Family Residential District to "C-2" Mixed Use Commercial District.

Marcus Andrews from Stewarts Shops Corp. presented the project concept. Mr. Andrews stated that the request is to change the zoning of one of the three parcels that comprise the redevelopment proposal. Two parcels are currently zoned C-2 and the third parcel is zoned R-1. The request is to recommend that the R-1 parcel be rezoned to C-2. The redevelopment proposal will be to construct a 4,000 sq. ft. store with 3 gasoline islands and a canopy. There will be an entrance to the site from Union Street and from McClellan Street. The closest residential neighbor would be 32 feet away from the new building.

Commissioner Lewis asked what separates the parcel from the residential parcels on the north side.

Mr Andrews answered that there is an existing fence line.

Commissioner Wallinger asked if the existing monument sign was staying.

Mr. Andrews answered that a new monument sign will be installed with landscaping area surrounding it.

Commissioner Wallinger asked how much parking would be onsite and if the proposed gas canopy will look like the existing Sunoco canopy.

Mr. Andrews answered yes that the new canopy would be like the current Sunoco canopy.

Commissioner Wallinger opened the public hearing.

Tom Carey appeared representing the Upper Union Street Neighborhood Association. Mr. Carey stated that they like Stewarts, but it is not clear if the proposal is consistent with the 2020 Comprehensive Plan because this is a pedestrian heavy area, there are already other convenience stores that sell gas nearby and that adding a larger gas station that would draw more vehicular traffic contradicts having a strong, walkable community. Mr. Carey stated that we all need to start thinking about the switch to Electronic vehicles that is coming in the near future. There should be

more consideration of this in the environmental review. Additionally, if this is approved, the store should have an entrance on Union Street and the building should be at the front of the site to maintain the established street wall.

A member of the public requested clarification regarding the building location.

Mr. Andrews showed the elevation drawings and conceptual site plan for clarification and explained that you would see the canopy first from Union Street, but that there will be entrances to the building on the McClellan Street side and facing Union Street.

Commissioner Wallinger asked if the existing gas station and funeral parlor parcels were zoned C-2 and the narrow parcel with the apartment building is R-1?

Mr. Andrews confirmed that is correct.

Commissioner Ferro asked if they do not get the zoning change, can they make the other two parcels work.

Mr. Andrews stated that it would be very difficult to make it work.

Commissioner Ferro asked if there are any locations built now on .7 acres or less.

Mr. Andrews stated that there are not any parcels that size with gas service and that Stewarts looks for sites that are at least 1.5 acres.

Commissioner Petrillo asked for a response to the question of why the building can't be sited on Union Street.

Mr. Andrews stated that at the request of the Planning Department they did look at putting the building on the corner up on Union Street but that would put the gas and canopy towards the back of the site, closer to the residential properties, with not much room for a buffer.

Commissioner Wallinger reminded everyone that the purpose of tonight's review is to provide a recommendation to the City Council regarding the zoning change of the R-1 parcel. The question is, based on the Comprehensive Plan, would the zone change to C-2 be consistent with the goals established by the neighborhood.

Commissioner Wallinger asked if there were any more public comments.

Lev Grin, from 1620 Rugby Road, asked how many gas pumps there would be and stated that the current gas station is quiet and does not have much business. Mr Grin expects that there will be much more business with the Stewarts and that he is very concerned about traffic and noise.

Commissioner Wallinger asked Tom Carey to talk about consistency with the Comprehensive Plan for this neighborhood.

Mr. Carey stated that the area has historically been “Doctors’ Row” and that the Comprehensive Plan states that undeveloped parcels in the neighborhood should maintain this character of small professional offices with minimal traffic. This is not an undeveloped parcel but they should consider some of the other undeveloped properties nearby like the former Fireside Restaurant.

Commissioner Wallinger closed the public hearing.

Commissioner Ferro stated that the zoning change would be a 15% increase in the C-2 zoned parcels. Not approving the Stewart’s site plan proposal would not mean that another station would not try to develop the currently zoned C-2 parcels.

Commissioner Wilson stated that he is not excited about the hole created by tearing down the existing funeral home. The current gas station is not in the best shape either.

Mr. Carey asked to address the Commission to clarify his request to have the Commission table the request so that they can consider the proposal carefully.

Commissioner Ferro asked how large is the Stewarts on Van Vranken Avenue.

Mr. Andrews stated that the Van Vranken site is just under 1 acre and stated that proposal decreased impervious surface from 52% down to 26%.

Commissioner Wallinger expressed feeling torn given the existing conditions and the amount of existing asphalt and that adding more commercial land to an area that is the transition from the Upper Union Street Commercial district to the residential neighborhood.

Commissioner Wallinger also expressed concern for the safety of kids and pedestrians overall and that safety improvements would be required. Commissioner Wallinger asked if maybe a smaller scale is more appropriate for this location.

Mr. Andrews stated that the existing curb cuts will be moved further away from the intersection, thus providing more safety at the intersection.

Commissioner Wallinger posed the question again – is this consistent with the Comprehensive Plan?

Commissioner Petrillo thinks this proposal encroaches into the residential neighborhood, does not protect the residential neighborhood, and does not have the support of the Neighborhood Association.

Commissioner Wilson asked what about the setback requirements from the residential in the C-2 zone if the proposal is approved.

Mr. Andrews answered that the required setback is 5 feet.

Commissioner Wilson stated that there needs to be more of a setback than that and that 5 feet is not acceptable.

Mr. Andrews stated that this is a similar layout as the last few Stewarts redevelopments that the City recently approved.

Commissioner Lewis stated that one advantage to the residential neighborhood is that a lot of people could walk because Stewarts has more products than a normal gas station. Commissioner Lewis also relayed the observation that there already is a lot of traffic at this corner and that he understands it is a good match for Stewarts. Commissioner Lewis also expressed that it would be an improvement to what is currently there.

Commissioner Ferro asked if the setback was really only 5 feet.

Andrew Koldin referenced the City Code, Chapter 264-37 Transitional yards, states that the setback of a commercial property is equivalent to what the setback requirement is for the residential zone. In this case it would be 20% of the lot depth or 25 feet, whichever is greater.

Commissioner Wallinger reminded the Commissioners that it is important to remember that once the zoning is changed, it applies to all allowable uses in that zoning district, not only what the Stewart's is proposing.

The Commissioners discussed the setbacks and building distance from the residential zone.

Commissioner Wallinger stated that this is a small parcel and comparable to a residential lot.

Commissioner Ferro stated that it is an underdeveloped parcel.

Commissioner Wilson asked the applicant if they considered putting the building where the Funeral home building is.

Commissioner Wallinger polled the Commissioners on their thoughts and pros vs. cons.

Commissioner Lewis stated that he thinks they are underestimating the benefits to surrounding residents who would walk there; the present conditions at the site are poor for pedestrians and this proposal would be much better; the proposal will enhance a busy intersection.

Commissioner Beach stated that he does not see a significant enough impact by changing the zoning to C-2 because the existing condition is commercial and will likely remain so.

Commissioner Healey stated that most of the parcels are C-2 in the area and that this is a small “sliver” of a parcel to change from R-1 to C-2, therefore not having a largely meaningful impact; in favor of rezoning.

Commissioner Wilson stated that he was torn with the decision because it is important to maintain the Union Street as a consistent commercial corridor. Commissioner Wilson also stated that he is more supportive of the proposal with the proper setback of at least 25 feet and that he would be more in favor of a different site plan layout when that is presented to the Commission.

Commissioner Ferro stated that this proposal will not impact the transition from C-2 to residential due to the setback required. He also stated that the existing conditions for pedestrians is a nightmare and that he would be in favor of the zoning change.

Commissioner Petrillo stated that he agrees this will improve the corner but has 2 concerns: 1. Changing the residential to commercial eliminates the transition between the districts. 2. The Comprehensive Plan calls for working with the Neighborhood Association and they did not submit feedback to take more time for consideration. Commissioner Petrillo stated that he was undecided at that point.

Commissioner Wallinger stated that she agrees that this proposal will be better than what is there but is concerned about the distance that the building is set back from Union Street and has other serious concerns about the site plan layout. Commissioner Wallinger is also concerned

that this does not reflect the historical nature of the neighborhood and that she is undecided.

Andrew Koldin suggested that the Commissioners be polled to either recommend for or against the rezoning.

Commissioner Lewis stated that they could be more creative with the site plan to make it more uniform and the design could have historic character.

Commissioner Ferro asked the applicant to clarify how much asphalt there will be.

Mr. Andrews stated there is currently 19,000 sq.ft and they are proposing that it be reduced to 9,000 sq. ft.

Commissioner Wallinger asked what the requirement for impervious surface is in the City Code.

Mr. Andrews stated that the Code allows up to 80% impervious. The site currently is 86% impervious and they are proposing 57% impervious.

Commissioner Wallinger then polled the Commissioners.

In-Favor of Rezoning: Lewis, Beach, Healey, Wilson, Ferro, Wallinger

Commissioner Wallinger stated that all points of discussion will be sent to the City Council for their review and information and encouraged the applicant to work on the site plan. Commissioner Wallinger stated that the site plan appeared to be in conflict with the design guidelines for the Upper Union Street area, that the heavily commercial nature of the canopy was in direct conflict, and recommended that the Applicant reconsider the layout and work with the Neighborhood Association to come up with a better plan.

Motion by Commissioner Ferro, seconded by Commissioner Petrillo, to recommend to the City Council that the zoning for the parcel at 1020 McClellan Street be changed from R-1 to C-2.

Motion carried unanimously.

- E. DAYAN NAGI** requests site plan approval pursuant to Section 264-90 J of a proposal to operate an automotive glass tinting shop at 1905 Broadway, tax parcel # 48.60-1-4, located in a "C-2" Mixed Use Commercial District.

Dan Sanders, Sanders Architects in Albany NY, presented the proposal. Mr. Sanders described the site as having a one-story building, formerly a Stewarts. The applicant is proposing to add two(2) garage doors and one (1) man door on the east side of the building. There will be no other exterior changes. The existing curb cuts will remain and the total number of parking spaces is 8 with one accessible space.

Commissioner Wallinger asked if Mr. Sanders received the staff report.

Mr. Sanders said they did get the report and that he reviewed it with the applicant and has the following responses for the record:

1. There will be no long-term vehicles storage
2. The applicant understands that parking spaces 5 and 6 on the proposed site plan are not permitted as shown and will be removed.
3. Green space will be added to the area where parking spaces 5 and 6 are shown. The green space will extend all the way to the sidewalk.
4. The sidewalk and curb cuts where there is asphalt will be replace with concrete to City standards.
5. The monument sign will be installed to City setback requirements and follow all the sign regulations in the Code.

Commissioner Wallinger directed the applicant to the City Engineering Department's website for details regarding construction of the driveway aprons.

The applicant agreed to complete the sidewalk and curb cut concrete installation by June 1, 2022.

Commissioner Wilson asked if the sign will be installed in the same location as existing sign.

Mr. Sanders stated that the Code requires a minimum of 20 foot setback from the intersecting curb lines at the corner and that the sign will be a maximum of 5 feet.

Commissioner Wallinger asked if the parking spaces 7 and 8 could be perpendicular instead of parallel.

Mr. Sanders stated that they will change the configuration of parking spaces 7 and 8.

Commissioner Wallinger stated that the code requires a 4 foot landscaped buffer between the parking space and the sidewalk.

Commissioner Wallinger asked if there were any questions from the Commissioners.

Commissioner Wilson asked what the material is of the garage doors.

Mr. Sanders stated that it is brushed chrome aluminum.

Commissioner Wilson asked if any signs were proposed for the building.

Mr. Sanders stated that a building sign has not been decided yet but that the applicant is considering a sign above the door.

Commissioner Wallinger directed the applicant to submit any future sign proposals to the City Planner for final approval prior to installing the sign.

Commissioner Wallinger asked the applicant if he understands that all work must be conducted inside the building. The applicant acknowledged that he understands that all work on the vehicles will be done inside the building.

Commissioner Wallinger opened the public hearing. There was no public comment.

Commissioner Wallinger closed the public hearing.

Commissioner Wallinger asked if there was any further discussion from the Commissioners.

Motion by Commissioner Healey, seconded by Commissioner Ferro to adopt a Negative Declaration. ***Motion carried unanimously.***

Motion by Commissioner Healey, seconded by Commissioner Wilson, to approve the site plan proposal for 1905 Broadway with the following conditions:

1. Parking spaces 7 and 8 will be reconfigured and landscaped buffers will be added. A revised site plan will be submitted to the City Planner for final approval.
2. The sidewalks that are covered with asphalt will be replaced to City standard with concrete. Completed by June 1, 2022.
3. The driveway aprons that are currently asphalt will be replaced to City standard. Completed by June 1, 2022.
4. The site plan will be revised to show the removal of spaces 5 and 6 and all additional landscaping. Greenspace will be added in the location of spaces 5 and 6, along with one hawthorne or cherry tree. A tree will also be added to parking space #1 for a total of 5 street trees on site. Foundation plantings will be installed on the side of the building and are to be shown on the revised site plan. The revised plan should be approved by the City Planner prior to installation.
5. It is ok to store the garbage inside, but if there is a dumpster, it will be property enclosed. The dumpster enclosure details will be submitted to the City Planner for final approval.
6. Parking will be limited to the designated parking spaces on the site plan. Long term storage of vehicles is prohibited. All vehicles can be on the site a maximum of 7 days.

7. Final sign proposal will be submitted to the City Planner for final approval prior to purchase and fabrication of the sign.

Motion carried unanimously.

Commissioner Wallinger asked if there was any other business to discuss.

Commissioner Wallinger reported that staff is following up on the non-compliance of the electronics store on South Brandywine Avenue. Sidewalks and plantings were not installed.

Commissioners thanked Commissioner Beach for taking notes and discussed the importance of having thorough notes that reflect the Commissioner's deliberations so that the Commission's decisions would hold up better in court and so that anyone not present recognizes the care with which decisions are made. Having notes in written form also makes it easier to quickly access them and recall the contents of meetings when Applicants and/or sites come back to the Commission for future review.

Motion by Commissioner Petrillo, seconded by Commissioner Healey, to adjourn the meeting. ***Motion carried unanimously. Meeting adjourned at 8:38 p.m.***