

**City of Schenectady  
Planning Commission  
Meeting Minutes  
August 21, 2019**

**I. CALL TO ORDER**

Commissioner Wallinger called the meeting to order at 6:43 p.m.

**II. ATTENDANCE**

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

**EXCUSED:** Andrew Healey

**III. CONFLICT OF INTEREST CHECK**

None.

**IV. APPROVAL OF MEETING MINUTES**

Motion by Commissioner Ferro, seconded by Commissioner Lewis, to accept the Minutes of the July 17, 2019 meeting as submitted.

*Motion carried unanimously.*

**V. OLD BUSINESS**

**A. RAMDHAN LAKERAGH requests site plan approval pursuant to Section 264-90 M of a proposal to operate a billiard hall at 2502 Broadway, tax parcel #48.67-1-23, located in a “C-2” Mixed Use Commercial District.**

Ramdhan Lakeragh appeared before the Commission.

Mr. Lakeragh explained that since the July meeting he had submitted the required additional information and a revised site plan to the City Planner. He showed the Commissioners paint chips of the colors he wishes to use on the exterior of the building. He also noted that the dumpster has been relocated to the rear of the parking lot.

Commissioner Wallinger asked Mr. Lakeragh if he plans to paint the brick on the building. He indicated that he does. Commissioner Wallinger cautioned him to use the proper products and procedure to ensure that the paint adheres to the brick.

**PUBLIC COMMENTS**

None.

### **SITE PLAN APPROVAL**

Motion by Commissioner Beach, 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 will not be installed on any doors or windows at any time in the future.
3. The following will be completed prior to the opening of the business:
  1. All building code violations will be in compliance.
  2. The building will be repainted.
  3. All parking spaces will be striped to City standards, a minimum of 8.5' x 18'.
  4. The tree will be planted, and landscaping installed as shown on the revised site plan. Prior to planting the tree, the applicant will submit the name of the species to the City Planner for approval.
  5. The dumpster will be moved to the parking lot and properly installed within an enclosure.
  6. If required, a Certificate of Use will be obtained.
4. The sidewalk on the Cleveland Avenue side of the building will be installed by September 1, 2020. The sidewalk must be concrete and a permit from the Engineering Department is required prior to doing the work.
5. The colors of the building are approved as submitted at the Planning Commission meeting.

*Motion carried unanimously.*

**B. JARED HEIDELMARK requests site plan approval pursuant to Section 264-90 M of a proposal to operate a barber shop at 2309 Guilderland Avenue, tax parcel #48.75-2-20, located in a "C-1" Neighborhood Retail Commercial District.**

Jared Heidelmark and Kim White, the building owner, presented the proposal.

Ms. White stated that since the July meeting she had met with the Engineering Department and agreed upon a mutually acceptable plan for the curb cuts and sidewalk. City Planner Primiano explained the plan using the revised site plan that the applicants submitted. There was some discussion of whether the agreed upon curb cuts should be 30' or 40'; Ms. Primiano stated that she would consult with the Engineering Department and that they would make the final determination.

Commissioner Wallinger asked Ms. White how she plans to repair the outside of the building. Ms. White stated that she plans to replace all of the vinyl siding, which is partially missing, and paint the entire exterior of the building. She stated that she would like to use a color scheme of gray and white. The commissioners indicated that they would have no objection to this. Ms. White asked if she could be granted an extension on the deadline by which the work would need to be finished due to the time of year and the time it has taken her to get this far. Ms. Primiano suggested June 1, 2020. The Commissioners agreed that this would be acceptable.

Mr. Heidelmark indicated that he has not decided on a plan for the monument sign yet. Commissioner Wallinger explained that once he finalizes a plan, he can submit it to Ms. Primiano for approval and will not have to return to the full Commission.

### **PUBLIC COMMENTS**

None.

### **SITE PLAN APPROVAL**

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

1. The address will be prominently displayed so that it is easily visible from Guilderland Avenue.
2. Metal roll gates and iron bars will not be installed on any doors or windows at any time in the future.
3. Assistance with the replacement of the curbs and sidewalks on Guilderland Avenue will be provided by the City and Metroplex Development Authority. Work will be completed based on their construction schedule.
4. The applicant will remove the paving at the corner of Guilderland Avenue and Ontario Streets as show on the revised site plan and replace it with a large planting area that will consist of one street tree, shrubbery, annual or perennial flowers, and grass. A landscaping plan will be submitted to the City Planner for approval prior to installing the landscaping. All landscaping will be completed by June 1, 2020.
5. The pole sign will be removed in its entirety. The applicant will submit a plan for a new monument sign to the City Planner for final review and approval prior to purchase and installation of the sign.
6. The storage shed is in poor condition and will be removed prior to the opening of the business.

7. The existing code violations on the building, including the missing siding and peeling paint on the front and second story of the building, must be corrected by June 1, 2020.

*Motion carried unanimously.*

## **VI. NEW BUSINESS**

### **A. JOHN SAMATULSKI requests a Special Use Permit pursuant to Section 264-2 of a proposal to operate a seven (7) room Inn at 1013 Nott Street, tax parcel # 39.59-2-12 located in an “R-2” Two Family Residential District.**

John Samatulski presented the proposal.

Mr. Samatulski gave a brief overview of his application and explained that he would like to open a seven room Inn with a target market of extended stay guests. He offered an example of visiting nurses who might have a three to six-month assignment at Ellis Hospital. He stated that first and foremost this project is one of historic reservation for him and his company, and he will be pleased to restore this home to its original grandeur.

Mr. Samatulski stated that all parking for Inn guests will be onsite, and that he would not be holding any events at the Inn. He noted that he had heard concerns from the neighbors regarding the parking and events and would be happy to comply with special conditions added to the Special Use Permit to address these issues. Mr. Samatulski added that he understands that if conditions are not met or if there are problems at the site the Special Use permit can be revoked by the City.

### **PUBLIC COMMENTS**

Commissioner Wallinger read a letter of opposition to the proposal that was signed by 29 neighbors, mostly residents of Randolph Road. The letter stated concerns that an Inn is not an allowed use in the R-2 district according to Schedule A of the City Code, that parking will encroach upon Randolph Road and exacerbate an already problematic situation there, and that a use of this density and intensity is not in keeping with the mostly single-family residential neighborhood.

A letter of opposition from Jennifer Mills, resident of 1572 Randolph Road, was also read into the record. The letter stated similar concerns as those mentioned above.

Elizabeth Sherman, resident of 1560 Randolph Road, spoke in opposition to the project, noting that the property was recently denied a Use Variance for a Bed& Breakfast by the BZA and citing concerns with parking and the commercial use in a residential area. She stated that she

believes that this commercial use would ultimately decrease the value of neighboring properties.

Michael Young, Director of Business Development for The Jahnel Group, read a statement in support of the project from Darrin and Jennifer Jahnel, residents of Lowell Road. The letter stated the need for this type of Inn in the area and noted Mr. Samatulski's excellent record of development in the City.

Phil Tiberio, resident of 1110 Nott Street, spoke in favor of the project, stating that a business of this type would improve the neighborhood and not detract from it.

Todd O'Hara, resident of 1635 Randolph Road, spoke in opposition to the project, stating that a commercial use of this type is not in keeping with the character of the surrounding neighborhood.

Kevin Ellis, resident of 1615 Randolph Road, spoke in opposition to the project. Mr. Ellis stated that he is a licensed architect and a code inspector for the state, and he does not believe that an Inn is allowed in the R2 district according to the City Code. He stated that he believes that this application is Mr. Samatulski's attempt to get around the BZA's denial of a Use Variance for a Bed & breakfast on the property. He stated that commercial use is not in keeping with the character of the neighborhood, and that cars exiting and entering the site would be a potential danger to passing pedestrians. He noted that the majority of the supporters of the application do not live in the neighborhood.

Cara Molyneaux, resident of 1541 Randolph Road, spoke in opposition to the project, citing concerns with parking on an already congested street and the increase in traffic to the site.

Gloria Kishton, resident of the Stockade and Chair of the Schenectady Heritage Foundation, spoke in favor of the proposal and submitted a letter of support from the Foundation. She cited the historical significance of the property and her belief in Mr. Samatulski's ability to restore it to its former condition. She stated that she did not believe that parking problems in the area should be considered because they were pre-existing.

Margaret Novak, of 1663 Randolph Road, spoke in opposition to the project, citing concerns about storm water management and adding additional impervious surface to the site. *Mr. Samatulski later responded that he does not plan to add any additional pavement to the site but is instead exploring alternative parking surfaces.*

Noel Fredericks, resident of 1571 Randolph Road, spoke in opposition to the project. He stated that he does not believe that there is evidence in the code that an Inn is an allowed use in an R-2 district.

Brigitte Connors of 1600 Randolph Road spoke in opposition to the project. She noted the parking problems on the street and stated that she does not believe that a commercial use of this type is a proper fit for this residential location. She stated that her business is related to the

hospitality industry and that because of this she is aware that there are more than enough available hotel and guest rooms available in the City. Jay Sherman, resident of 1560 Randolph Road, spoke in opposition to the project, noting that he questions who the target audience of the Inn would be, since most of the rooms will not have private baths, and he is concerned that it would end up as a boarding house for Union College students. *Mr. Samatulski later responded that he would welcome a condition stating that he could not rent to Union College students.* Linda Fink, resident of 1701 Lenox Road, spoke in support of the proposal, stating that she is impressed by the work that Mr. Samatulski has done on the site thus far.

Bob Mare, resident of 1600 Randolph Road, spoke in opposition to the project, stating that he believes that this use is not in keeping with the residential neighborhood and that it will exacerbate the parking problems on the street.

Philip Wagner, resident of 1380 Wendell Avenue, spoke in support of the proposal. Mr. Wagner stated that he has been an investor in many of Mr. Samatulski's projects and he believes him to have an excellent reputation for improving properties and neighborhoods.

Seeing no further members of the public who wished to speak, Commissioner Wallinger closed the public hearing.

Commissioner Wallinger asked City Planner Primiano to address the questions about the Code not allowing an Inn in an R-2 District. Ms. Primiano stated that there is a discrepancy in the Code, but it is the position of the Department of Development and the Zoning Officer that the definition of an Inn, as stated, allows for an Inn with a Special Use Permit. Commissioner Wallinger read aloud the definition of an Inn. Counselor Koldin stated that his office had not been previously consulted about this matter and thus he was not prepared to take an official position on the question. He stated that there did appear to be a discrepancy in the Code.

Mr. Samatulski stated that he has signatures in support of his project from many residents of the surrounding area and three residents of Randolph Road, including the family directly abutting his property. He added that he would not allow guests to park on Randolph, but the parking problems on the street existed before he purchased the property.

After some additional discussion of the Code questions it was decided that the application should be tabled pending a review of the issue by the City Corporation Counsel's Office.

#### **MOTION TO TABLE**

Motion by Commissioner Lewis, seconded by Commissioner Beach, to table the application pending the submittal of further legal information from the Office of the Corporation Counsel regarding whether or not an Inn is an allowed use in an R-2 Two-Family Residential District.

*Motion carried unanimously.*

**B. LALLI VERMANI requests revised site plan approval pursuant to Section 264-90 G of a proposal to operate a liquor store and bottle redemption center at 1900 State Street, tax parcel # 60.55-3-1.11, located in the “C-5” Business District.**

Michael Roman of C2 Design Group presented the proposal.

Mr. Roman reviewed the revised elevation drawings for the building. He explained that as work on the project progressed it had become evident that the project would be significantly over budget if constructed as originally intended. He added that the changes are mainly to the materials of the exterior of the building, which will still be a big improvement over what is existing.

Commissioner Wilson commented that the revised elevations appeared quite plain compared to the original design and asked if perhaps some interest could be added using an additional trim or accent color. Mr. Roman stated that he did not believe that his client would have any objection to this. It was decided that Mr. Roman would make the changes discussed and submit the final revised drawing to the City Planner for approval.

**PUBLIC COMMENTS**

None.

**SITE PLAN APPROVAL**

Motion by Commissioner Wilson, 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 State Street.
2. Metal roll gates and iron bars will not be installed on any doors or windows at any time in the future.
3. As discussed at the meeting, a different color trim will be added to the revised site plan to add more interest to the design. The applicant will submit a final revised site plan and elevations showing the discussed changes to the City Planner for final review and approval.

*Motion carried unanimously.*

**C. CURTIS S. SCEPKOWSKI requests site plan approval pursuant to Section 264-90 A of a proposal to operate a funeral home at 322 Hulett Street, tax parcel # 49.33-1-20, located in an “R-2” Two Family Residential District.**

Curtis S. Scepkowski presented the proposal.

Mr. Scepkowski explained that he has been a funeral director in Schenectady for over thirty years, having spent most of those years working at Light’s Funeral Home. He stated that he purchased this former funeral home and obtained a Use Variance from the Board of Zoning Appeals to allow the building to be used as a funeral home again. Mr. Scepkowski explained that he believes that this is an underserved community since both of these area funeral homes have been closed for several years.

Commissioner Wallinger stated that the applicant will need to submit a site plan showing to scale where the parking spaces will be and that they need to be striped on the pavement. Mr. Scepkowski stated that he will do so. He noted that he is working with the neighboring Duryea AME Church on an agreement that would allow the funeral home to use the church parking lot during non-worship hours. Commissioner Wallinger stated that the Commission encourages shared parking, so they would support this solution. City Planner Primiano noted that if there is not enough parking on the site and a formal shared parking agreement is not reached Mr. Scepkowski will have to apply for an area variance for the parking shortage.

Exterior improvements to the property were discussed by the applicant and the Commissioners. Mr. Scepkowski stated he plans to clean up the property and building. He noted that funeral homes are usually very well-kept properties because the attractiveness of the site is what is used to draw customers and to support the reputation of the funeral home to community members. Commissioner Wallinger stated that prior to opening the business Mr. Scepkowski will need to submit a final site plan to the City Planner showing the proposed parking and landscaping.

**SEQR RESOLUTION**

The Board of Zoning Appeals adopted the Negative Declaration at their May 2019 meeting.

**PUBLIC COMMENTS**

Clarence Perry of Refreshing Spring Church spoke in support of the project. Mr. Perry stated that Mr. Scepkowski has an excellent reputation and has served the Hamilton Hill community well for many years.

Molain Gilmore, member of Refreshing Spring Church, spoke in favor of the proposal, stating that she has known Mr. Scepkowski for many years, and he has provided excellent funeral services for many members of her family.

Marva Isaacs, President of the Hamilton Hill Neighborhood Association, spoke in favor of the proposal. She stated that the neighborhood has been without a funeral home for some time, and Mr. Scepkowski has an excellent reputation within the community.

Regina Dix Parsons of Refreshing Spring Church spoke in support of the application. She stated that she has known Mr. Scepkowski for many years and has witnessed first-hand the excellent service that he has extended to community members.

Sylvia Washington of Refreshing Spring Church spoke in support of the application, noting that she has also known Mr. Scepkowski for many years. She stated that she is certain that he will continue to offer excellent service to the community at this new location.

Seeing no further members of the public who wished to speak, Commissioner Wallinger closed the public hearing.

Commissioner Wallinger commended Mr. Scepkowski on his excellent reputation, noting that it always good to hear such strong support for someone who has clearly served the needs of his community well.

#### **SITE PLAN APPROVAL**

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

1. The address will be prominently displayed so that it is easily visible from Hulett Street.
2. Metal roll gates and iron bars will not be installed on any doors or windows at any time in the future.
3. Prior to the opening of the business, a final revised site plan showing properly delineated parking and a final landscaping plan will be submitted to the City Planner for approval.
4. The sidewalk may not be repaired with asphalt. It must be replaced with concrete, according to City Code, by July 1, 2020 or sooner if it needs repair.

*Motion carried unanimously.*

- D. PHILLIP GRIGSBY requests site plan approval pursuant to Section 264-90 I of a proposal to consolidate the parcels at 837 and 839 Albany Street and construct a 1,100 square foot addition to 837, tax parcel #s 49.33-5-58 & 59, located in a “C-2” Mixed Use Commercial District.**

Mike Roth of SRG Architects, Rev. Phillip Grigsby, Executive Director of SICM, and Jo-Ann Rafalik, Volunteer Coordinator of SICM, presented the proposal.

Mr. Roth reviewed the site plan and explained that the addition will join two of the smaller buildings at the Albany Street site. Ms. Rafalik explained that consolidating more of SICM's services on one site will allow for better relationships to be built between the staff and clients.

The Commissioners and Mr. Roth discussed the addition of more green space to the site. It was determined that a second curb cut could be added to the parking lot area so that some additional space can be freed up for landscaping. It was decided that Mr. Roth would revise the site plan to show the changes discussed at the meeting and submit it to City Planner Primiano for final approval.

Ms. Primiano asked Mr. Roth about the colors and materials of the new addition. Mr. Roth stated that it will be constructed and painted to blend as seamlessly as possible with the existing buildings.

#### **PUBLIC COMMENTS**

None.

#### **SEQR RESOLUTION**

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

*Motion carried unanimously.*

#### **SITE PLAN APPROVAL**

Motion by Commissioner Bailey, 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 Albany Street.
2. Metal roll gates and iron bars may not be installed on any doors or windows at any time in the future.
3. The lots must be consolidated.
4. As discussed at the meeting, a second curb cut will be installed, and additional landscaping will be added to the site. The applicants will submit a final landscaping plan and a final revised site plan and elevation drawings to the City Planner for approval prior to the beginning of construction. The plans must show proposed building colors and materials, lighting, delineated parking, and the lot consolidation map.

*Motion carried unanimously.*

**E. WAZIM SOOKHAI requests site plan approval pursuant to Section 264-90 J of a proposal to operate an auto repair shop at 727 Broadway, tax parcel # 49.38-1-9.11, located in a “C-5” Business District.**

Frank Gilmore of SRG Architects presented the proposal.

Mr. Gilmore briefly reviewed the site plan. City Planner Primiano noted that there are conditions from the January 2011 site plan approval for the property that still have not been complied with. Commissioner Wallinger stated that until these outstanding issues are addressed it is the practice of the Commission not to move forward with any further review of a site. Mr. Gilmore stated that he understood and would advise his client of this information.

**PUBLIC COMMENTS**

None.

**MOTION TO TABLE**

Motion by Commissioner Beach, seconded by Commissioner Wilson, to table the application pending the following:

1. The correction of existing code violations on the property.
2. Compliance with the conditions of the previous site plan approval issued in January 2011.
3. The submittal of a revised site plan that accurately depicts the existing operations onsite and how this proposed business will utilize the site.

*Motion carried unanimously.*

**F. SAUL MELENDEZ requests site plan approval pursuant to Section 264-90 M of a proposal to operate a grocery store at 1100 Albany Street, tax parcel # 49.50-5-1.11, located in a “C-2” Mixed Use Commercial District.**

Musa Salma presented the proposal.

City Planner Primiano asked Mr. Salma what relation Saul Melendez has to the business. Mr. Salma stated that his is the handyman who does work on the site. Ms. Primiano pointed out that Mr. Melendez mistakenly put his name on the application as the applicant. She advised Mr. Salma that he would have to amend the application with his name as the applicant.

Mr. Salma explained that he would like to open a Sudanese grocery store that would offer items familiar to the Sudanese community. He noted that the closest similar store is in Albany and it is difficult for many community members to travel to.

Commissioner Wallinger explained that there are existing code violations and outstanding site plan compliance issues on the site, and these must be addressed before any further consideration of the application would be undertaken by the Commission. Mr. Salma stated that he understood and that he would speak to the landlord immediately.

### **PUBLIC COMMENTS**

A petition in opposition to the project was entered into the record. The Petition listed 36 signatures, mostly from Albany Street and the surrounding area.

### **MOTION TO TABLE**

Motion by Commissioner Wilson, seconded by Commissioner Beach, to table the application pending the following:

1. The correction of existing code violations on the property.
2. Compliance with the conditions of the previous site plan approval issued in November 2010.
3. A revised application stating the correct name of the applicant must be submitted.

*Motion carried unanimously.*

## **VII. MISCELLANEOUS**

Following the consideration of the applications Counselor Koldin stated that he had been looking over the code during the meeting and from his brief research had concluded that it most likely is not intended by the Code to allow Inns in residential districts. He stated that he believes that this is why they are not listed on Schedule A, and that the Special Use Permit is mentioned in the Inn definition because Special Use Permits are needed for any Inns planning to hold large events. He stated that he would continue to review the code and formulate a final interpretation.

Commissioner Wallinger noted that she had received comments from Stockade resident David Giacolone regarding the electronic signs in the City not following DOT rules and changing too quickly. She stated that he mentioned the Northeastern Fine Jewelry sign on Union Street, but she had also observed some of the signs on State Street and believes that they are not following regulations either. Staff will follow up.

The topic of limiting the length of public comment was discussed briefly. Commissioner Wallinger asked Counsel if it would be possible to place a

three-minute limit on each speaker. Counselor Koldin stated that this is an option as long as the standard is enforced consistently with all of the speakers. It was decided that the discussion would be continued.

**VIII. MOTION TO ADJOURN**

Motion by Commissioner Case, seconded by Commissioner Wilson, to adjourn the meeting.

*Motion carried unanimously.*

Meeting was adjourned at 10:28 p.m.