

**City of Schenectady  
Planning Commission  
Meeting Minutes  
October 16, 2019**

**I. CALL TO ORDER**

Commissioner Wallinger called the meeting to order at 6:40 p.m.

**II. ATTENDANCE**

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

**EXCUSED:** Richard Ferro

**III. CONFLICT OF INTEREST CHECK**

Commissioner Beach recused himself from the consideration of Old Business Item A, the 501 State Street application.

**IV. APPROVAL OF MEETING MINUTES**

Motion by Commissioner Healey, seconded by Commissioner Beach, to accept the Minutes of the September 18, 2019 meeting as submitted.

*Motion carried unanimously.*

**V. NEW BUSINESS – CONSENT AGENDA**

**A. ANTHONY PIGLIAVENTO requests site plan approval pursuant to Section 264-90 M of a proposal to operate a glass and smoke shop at 1675 Broadway, tax parcel # 49.45-1-19, located in a “C-2” Mixed Use Commercial District.**

Anthony Pigliavento appeared before the Commission.

**PUBLIC COMMENTS**

None.

**SITE PLAN APPROVAL**

Motion by Commissioner Lewis, 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 Broadway.
2. Metal roll gates and iron bars cannot be installed on any doors or windows at any time in the future.

3. Area variances for minimum lot area, required onsite parking, and impervious surface have all been issued by the Board of Zoning Appeals.
4. One attached sign, as proposed, is submitted.

*Motion carried unanimously.*

**B. SALMA MUSA 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.**

Salma Musa appeared before the Commission.

City Planner Primiano noted that all previous conditions of site plan approval and all violations on the site have been addressed and corrected.

**PUBLIC COMMENTS**

None.

**SITE PLAN APPROVAL**

Motion by Commissioner Lewis, 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 cannot be installed on any doors or windows at any time in the future.
3. Window signs cannot cover more than 20% of each windowpane.
4. The dumpster must be kept in the screened enclosure at all times and must be kept locked when not in use.
5. All existing landscaping must be maintained.
6. The property will be cleaned of trash and debris on a daily basis.
7. The business requires a Certificate of Use prior to opening.

*Motion carried unanimously.*

**C. FAISAL KARIM requests site plan approval pursuant to Section 264-90 M of a proposal to operate a West Indian grocery store at 863 Crane Street, tax parcel # 49.47-3-42, located in a “C-2” Mixed Use Commercial District.**

Because Mr. Karim was not present at the meeting, this application was not considered.

**VI. OLD BUSINESS**

**A. 501 STATE ASSOCIATES requests site plan approval pursuant to Section 264-90 B of a proposal to demolish the building and create a temporary parking lot at 501 State Street, tax parcel # 39.72-4-14, located in a “C-4” Downtown Commercial District.**

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

Mr. Pinto-Martin explained that since the last meeting the site plan had been revised to reflect the Commissioners suggestions. He briefly reviewed the changes, pointing out that the existing landscaped bed at the corner will remain and a semi-permanent fence with banners depicting downtown development projects will be installed as a buffer. He noted that the entrance and egress to and from the site had been changed at the request of Metroplex, who will be operating the parking lot, and that the existing bollards and chain will remain. Commissioner Wallinger stated that she is very happy with the overall design and the idea of the fence with banners. She pointed out that the bollards need to be repainted. Mr. Pinto-Martin stated that they will be.

There was some discussion of the easternmost parking space on the State Street side and whether or not a car will be able to successfully navigate in and out of it. It was determined that the applicants will consult with the City Engineer prior to finalizing the parking plan.

**PUBLIC COMMENTS**

Ron Suriano, resident of 158 Barrett Street and owner of Moisture Salon at the same address, spoke in opposition to the proposal. He stated that since the bank closed the vacant property has become the site of a lot of criminal activity, especially at night and in the early morning hours. He noted that he had contacted Ray Gillen, Chairman of Metroplex Development Authority, numerous times about these issues and the plans for the site and had received rude treatment and conflicting information. Patricia Voorhies, resident of downtown, spoke in opposition to the proposal, stating that the building is historic and should not be taken down. She stated that since taking ownership of the property neither Metroplex nor Redburn has been maintaining it and the site is often full of litter.

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

Commissioner Case asked Mr. Pinto-Martin if there will be any extended road closures on Barrett Street during construction. He responded that during demolition they anticipate a half-day closure, and that only the sidewalk would remain closed during any construction on the site.

### **SITE PLAN APPROVAL**

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

1. The easternmost parking space along State Street will be eliminated and the final parking plan will be reviewed and approved by the City Engineer.
2. The bollards will be repainted prior to the opening of the parking lot.
3. The lot will be cleaned daily of all litter and debris.

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

### **B. PATRICK HAGGERTY requests final site plan approval pursuant to Section 264-90 M of a proposal to operate a barber shop at 103 State Street and a retail art gallery at 107 State Street, tax parcel # 39.71-2-2, located in the “C-4” Downtown Commercial District.**

Patrick Haggerty presented the proposal.

Mr. Haggerty played a video presentation by the architectural firm that is designing the façade, So and So Studio in Berlin Germany. The presentation reviewed the elevation drawings and materials and explained some of the background the design choices that have been made.

Commissioner Wilson asked what material the middle door that leads upstairs to the apartment will be. Mr. Haggerty stated that it is a pierced aluminum. Commissioner Wilson asked if there will be any additional signage for the art gallery and barber shop. Mr. Haggerty responded that both will only have vinyl lettering in the windows.

The Commissioners briefly discussed the design and indicated that they are pleased with how it will complement other downtown buildings in the area.

### **PUBLIC COMMENTS**

None.

### **SITE PLAN APPROVAL**

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

1. The addresses will be prominently displayed so that they are 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. Should the applicant wish to install a mural on the side of the building he must return to the Planning Commission to obtain a Special Use Permit prior to installing the mural.

*Motion carried unanimously.*

## **VII. NEW BUSINESS - CONTINUED**

### **A. EGK PROPERTIES requests a Special Use Permit and site plan approval pursuant to Section 264-107 F of a proposal to build a six (6) unit apartment building at 5 Jefferson Street, tax parcel # 39.56-3-1.1, located in a “C-3” Waterfront Mixed Use District.**

Frank Gilmore of SRG Architects presented the proposal.

Mr. Gilmore briefly reviewed the elevation drawings and site plan. He explained that the building will have three one-bedroom apartments on the first floor and three two-story, two-bedroom apartments on the second and third floors. He explained that the building has been designed perpendicular to the street because of the constraints of the lot.

City Planner Primiano noted that the Commission was only considering the Special Use Permit at this meeting, and if it were to be granted the applicant would then need a variance for lot coverage from the Board of Zoning Appeals, and then if that is granted they will have to return to the Commission for site plan approval.

The Commissioners discussed the existing density of the area. Commissioner Lewis stated that the neighborhood already has many multi-family buildings so the density exists already. Commissioner Wilson stated that just because that is a pre-existing condition, he is not convinced that it should be encouraged. Parking was also discussed. Ms. Primiano explained that they need nine spaces and have six onsite, so they will need to obtain a shared parking agreement with a neighbor or apply for a variance.

### **PUBLIC COMMENTS**

Mary Ann Ruscitto, resident of East Front Street, spoke in opposition to the proposal, citing concerns with increased traffic and a landlord that she does not believe adequately takes care of her properties.

Carmella Ruscitto, President of the East Front Street Neighborhood Association, spoke in opposition to the project, echoing the previous speaker's concerns.

Ton Kaiser, resident of 6 Monroe Street, spoke in opposition to the application. He stated that the property owner has not shown evidence of

caring about the neighborhood and that he believes that the increased traffic and cars will be a problem in an already congested area.

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

Commissioner Wilson stated that he thinks that the building should address Jefferson Street in some way. Commissioner Case stated that she has concerns about the size and navigability of the proposed parking area. After some further discussion of site plan and existing density conditions Commissioner Beach suggested that the Commissioners review the criteria for the Special Use Permit. Commissioner Wallinger read the criteria and the staff comments pertaining to each point.

### **SEQR RESOLUTION**

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

*Motion carried unanimously.*

### **SPECIAL USE PERMIT APPROVAL**

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

1. Proposed use **shall not** substantially impact upon the nature and character of the neighborhood. *The proposal is for a multi-unit residential building located in a neighborhood that has several multi-unit buildings.*
2. Proposed use **will not** have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, and utility facilities. *The neighborhood is a mix of residential and commercial uses. The proposal will not have an impact on traffic or utilities.*
3. Nuisance **will not** be more objectionable than use not requiring special use permit. *There are several multi-unit residential buildings adjacent to this property.*
4. Use **shall** be served adequately by infrastructure. *The proposed use will not require the installation of additional infrastructure.*
5. Proposed use **will not** result in loss or destruction of significant features. *The property is currently a vacant lot and will be redeveloped back to its original use as a residential building.*
6. The proposed building or use **does not comply** with all additional requirements imposed on it by the provisions of this zoning chapter. *An area variance for minimum lot area is required.*

And with the following conditions:

1. If the area variance is granted, the applicant will return to the Planning Commission for site plan approval.
2. The applicant will submit a detailed parking plan and shared parking agreement.
3. The site plan will include all necessary details as required in the application instructions and pursuant to Section 264-91.

*Motion carried unanimously.*

**B. TATE OTTATI requests site plan approval pursuant to Section 264-90 M of a proposal to operate an art studio at 1777 Van Vranken Avenue, tax parcel # 39.43-2-51, located in a “C-2” Mixed Use Commercial District.**

Tate Ottati presented the proposal.

Mr. Ottati explained that initially he will be working alone at the site and later a second artist plans to join him. Commissioner Wallinger pointed out that the parking in front of the garage bays that is proposed on the submitted site plan is not allowed according to the City Engineer. Mr. Ottati agreed to move the two spaces to the side of the property. He explained that he plans to remove the existing asphalt, which is in poor condition, and install a new sidewalk and landscaping. It was agreed that he will submit a revised site plan showing the new parking configuration and the details of the proposed landscaping to the City Planner for final approval. The Commissioners also indicated that final exterior colors should be approved by Ms. Primiano. Commissioner Wallinger reminded Mr. Ottati that prior to installing any exterior murals he will have to return to the Commission for a Special Use Permit.

**PUBLIC COMMENTS**

A letter in opposition to the proposal from Dick Vale, owner of 1768 Van Vranken Avenue, was entered into the record. Mr. Vale cited concerns about the parking from the studio negatively impacting the existing on-street parking, possible contamination of the property by buried gas tanks, and the condition of the asphalt and sidewalk. *Mr. Ottati responded that there will only be himself and later one other artist working at the building, and it will not be open to the public, therefore the two on-site parking spaces will be adequate. He stated that as far as he is aware there are no existing gas tanks on the property, which according to his records was an auto repair shop and not a gas station. He also noted that as discussed the existing asphalt will be removed and replaced with landscaping and a new concrete sidewalk.*

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

**SITE PLAN APPROVAL**

Motion by Commissioner Case, 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 Van Vranken Avenue.
2. Metal roll gates and iron bars are not permitted on any doors or windows any time in the future.
3. The applicant will return with detailed plans to the Planning Commission for review of a Special Use Permit for the mural.
4. The final colors of the building will be submitted to the City Planner for review and approval prior to any painting being started.
5. The sidewalk will be replaced by October 15, 2020. A permit from City Engineering must be obtained prior to replacing the sidewalk.
6. A revised site plan with a to-scale drawing of the front yard, landscaping, parking, sidewalks, and buffer will be submitted to the City Planner for approval prior to operation of the business and before starting any exterior work on the site.

*Motion carried unanimously.*

- C. **RICHARD MONTANYE requests site plan approval pursuant to Section 264-90 M of a proposal to operate a bar at 1327 State Street, tax parcel # 49.60-1-43, located in a “C-2” Mixed Use Commercial District.**

Richard Montanye the proposal.

Mr. Montanye explained that he is taking over the existing business and does not plan any major changes to the building. He and the Commissioners discussed landscaping on the site, and it was determined that a street tree will be installed on the left side of the building and that the asphalt in front of the building will be removed so as to eliminate the illegal parking there.

**PUBLIC COMMENTS**

None.

**SITE PLAN APPROVAL**

Motion by Commissioner Lewis, 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 State Street.
2. Metal roll gates and iron bars are not permitted on any doors or windows any time in the future.
3. Pursuant to Section 264-49, the dumpster will be properly enclosed and screened from public view. The applicant will submit a dumpster enclosure plan to the City Planner for final approval prior to installation. The enclosure will be installed by June 1, 2020.
4. The proposed green space in front of the building, including one street tree on the left side of the building and the removal of the asphalt in front of the building, will be installed by June 1, 2020. The applicant will submit a final landscaping plan and the details of the tree to be installed to the City Planner for approval prior to beginning the work.
5. The sidewalk along Elder Street will be installed prior to October 15, 2020. All necessary permits issued by the Engineering Department must be obtained prior to beginning the work.
6. The sign on the front of the building will be repainted by June 1, 2020.
7. A Certificate of Use is required to operate the business.

*Motion carried unanimously.*

**VIII. MISCELLANEOUS**

Commissioner Wallinger stated that she would like to continue the discussion of the electronic message board signs at the November meeting. The Commissioners agreed.

**IX. MOTION TO ADJOURN**

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

*Motion carried unanimously.*

Meeting was adjourned at 8:58 p.m.