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Draft

Planning Commission

433 River St., Ste. 5001
Troy, New York 12180

MEETING MINUTES

The Planning Commission of the City of Troy, New York, conducted a public meeting at **6:00 P.M. on Wednesday, October 18, 2023**, in person for the Board and available via Zoom conferencing, to act upon the following requests, referred by the Bureau of Code Enforcement of the City of Troy, for review and approval.

6:02 pm – Meeting called to order.

Commissioners in Attendance

William Comiskey (WC), Suzanne Spellen (SS), Anthony Mohen (AM), James Rath (JR), Stephen Maples (SM), Roddy Yagan (RY), Sara Wengert (SW)

Also, in Attendance

Andy Brick (Planning and Zoning Attorney), Eric Ferraro (Assistant Planner), Dylan Turek (Commissioner of Planning), Richard Morrissey (Corporate Counsel)

Administrative Items

Adoption of Meeting Minutes from September 20th, 2023, by Resolution

- **A.M. Motions to: Adopt September PC meeting minutes.** **S.M. seconded.**

	Absent	Yes	No	Abstain	Recused
Roddy Yagan		X			
Sara Wengert		X			
Suzanne Spellen		X			
Anthony Mohen		X			
James Rath		X			
William Comiskey		X			
Stephen Maples		X			

- **Motion to: Adopt September PC meeting minutes.** **passed 7-0**

Consent

PLPC 2023 0021 –124 Fourth Street (101.61-2-11), [DMU/DT I]
Sketch Plan Conference –SEQRA (Type I)

The applicant, Michael Kang, proposes a 25-seat cocktail bar with tapas and cold snacks on the first floor as well as office and event space on the 2nd. The third-floor use is TBD. Additionally, Mr. Kang looks to make minor site improvements and update the exterior façade.

- Applicant presentation: Michael Kang
- Commissioner comments and questions to applicant:
- Request for public comment: No public comment.
- Commissioner deliberation:

Written by Eric Ferraro, On Behalf of the Executive Secretary

Additional information regarding the above listed actions is available by contacting the Planning Commission’s Assistant Planner, eric.ferraro@troyny.gov.

As required by the Americans with Disabilities Act, auxiliary aids and services are available upon request. Please give one-week advance notice for services needed.

- Applicant response:
- **S.M. Motions to: Approve Site Plan J.R. seconded.**

	Absent	Yes	No	Abstain	Recused
Roddy Yagan		X			
Sara Wengert		X			
Suzanne Spellen		X			
Anthony Mohen		X			
James Rath		X			
William Comiskey		X			
Stephen Maples		X			

- **Motion to: Approve Site Plan passed 7-0**

Old Business

PLPC 2021 0030 – 309 & 311 Eighth Street (101.30.10.12 & 101.30.10.13) [TF/N-III]
 Site Plan Review – SEQR (Type II)

The applicant, Unity House of Troy Inc., is proposing a Change of Use from administrative use to a 6-bed Situational Crisis Center Residence that will provide residential services to adults experiencing acute symptoms of their mental illness. A Use Variance and Area Variance (parking) have previously been obtained. The applicant is represented by Sara Drury, EIT, of Chazen Engineering.

- Applicant presentation: Sara Drury with Labella representing Unity House.
- Commissioner comments and questions to applicant:
- Request for public comment:
- Commissioner deliberation:
 1. J.R. Doesn't feel a need to re-review after the applicants Sept. meeting.
 2. R.Y. Asks A.B. if PC needs to re-open public comment.
 - A.B. doesn't think so.
 3. A.M. Asks Chair to open public comment.
- Applicant response:
 1. We're more in line with the new code.

- **R.Y. Motions to: Approve Site Plan J.R. seconded.**

	Absent	Yes	No	Abstain	Recused
Roddy Yagan		X			
Sara Wengert		X			
Suzanne Spellen		X			
Anthony Mohen		X			
James Rath		X			
William Comiskey		X			
Stephen Maples		X			

- **Motion to: Approve Site Plan passed 7-0**

PLPC 2023 0039 –1011 2nd Avenue (70.64-1-1, 70.56-1-6) [Planned Development District]
 Concept/Site Plan Review – SEQRA (Type I)

The applicant, Starlight Development LLC, is proposing to construct 3 multifamily apartment buildings (231 units) with underground parking and surface parking, travel lanes, sidewalks, and multiuse path on an undeveloped 11-acre parcel. Site enhancements include private connections to municipal water/sewer as well as on site stormwater management.

***Corporate Counsel Richard Morrissey stands in for Andy Brick, who has recused himself from this agenda item.**

- Applicant presentation: Brian Osterhout and John Ahearn
- Commissioner comments and questions to applicant:
 1. S.S. → Doesn't like the renderings. Doesn't bring the buildings into context;
 2. R.Y. → We need to provide actionable changes or specifics for substantive/constructive feedback on architectural details. However, applications seeking architectural feedback bring renderings with the surrounding buildings. R.Y. This is an improvement but there's still work to be done.
 - Wood grain and tones are missing. Thinks it is a harsh box of 2000's style design against a natural environment. Layout: Not strongly opposed but the roof lines need work. Wants to understand the code path that restricts applicant from doing something on the roof.
 - Asked about building height/mechanicals as it pertains to rooftop activation.
 - Foundation trim: Wants to see different stone used on pedestal base of building.
 - Thinks a wholesale change is a better approach to design. Something that better echoes the brick masonry construction of the city. Rooflines have improved. Not sure if it makes sense to do a shed roof in all locations with awnings.
 3. S.M. More concerned with issues raised. Looking for a point-by-point response of all issues brought up; Especially as it relates to flooding and the footprint.
 - Aesthetics': Lighter colors are a mistake. Seeing vegetation and trees impacted me. Wants to see more natural colors (Greens, browns) or alternatively something bolder.
 - "I would almost go log cabin over this." Something that evokes nature in some way.
 4. R.Y., It looks like a 90's/early 2000's style. We're looking for more classic elements.
 5. A.M.- Architectural changes are positive steps but wants to see more wholesale changes to the design. A public comment from last hearing regarding "Hampton Inn's" resonated. Might be the color scheme. Agrees with what R.Y. was saying about more natural elements (ex. Wood grain, brick). "If you do something bold that works, you can knock it out of the park."
 - R.Y. likes examples that pull nature into the building.
 6. S.W. Cites what R.P.I. did on 15th St. with the biotech building and on 8th St. with the EMPAC center. Speaking to the classic or the bold. Explains.
 - Due to project size, suggests that PC and public deserve high quality presentation materials. "The thought that we can examine the architecture and the building apart from the whole context is unfair." The river is important to this project. The renderings show that we are obliterating the view to the river from the other side of the linear building. Could overlook the massing of the 2 arch shaped buildings, but the linear building's scale is unacceptable. "Acres of virgin wood in the City of Troy cannot be wiped out for what we're seeing." Have to do something really special; To support this project it needs to be special, and its benefit needs to extend beyond the immediate users and owners of the property. (R.Y. seconds)
 - R.Y. A comment has been made regarding historical significance. Not sure if you can point to something that says this pays homage to what was here before. As I understand, this was a quarry, so maybe more stone.
 - S.W. Wants to see that there is an experience on this site, and not just parking lot and buildings. This is too ordinary and inhuman that I can't support it [in its current form]. Architecture needs a wholesale change. The massing is too big. No problem with 4 stories. Overall the footprint is too big and unwelcoming. Material palate is agnostic to the site. Some of R.Y.'s ideas are great. Architectural vision is needed. It might mean more smaller buildings and I want to see how that would work with the site. I need to see more mature trees stay throughout the site, not just along the road. This is the only way I could support the project.
 - R.Y. A benefit of breaking buildings up would be preservation of the views of the Hudson. (S.W. seconds. Explains).
 - J.R., I think that a community connection is key in breaking buildings up into smaller ones. Provides additional feedback to B.C.'s comment on how this project looks like a small city. Explains; There isn't a way for people of those

buildings to interact with the land more naturally. There are a lot of opportunities to reconfigure the buildings. (S.M. seconds)

- S.M. Wants to see more interaction and integration of gazebo and kayak launch. “It just feels like they’re add-ons. It doesn’t have a sense of being special and interesting.” Explains. The kayak launch, “The point of this is that it’s supposed to be a public feature and right now it feels sort of sad. There’s nothing to it, no details except gravel;” Wants to see more thought put into this and not just something you park near and there’s some rocks.” Provides suggestions. (R.Y. seconds; explains)
 - S.W. The project reminds me of a vacation resort. But those have lots of amenities sprinkled around (gives examples). This project has nothing but building, parking, and kayak launch. It’s so big, it needs more.
 - J.R. For the next presentation, “I’d like to see a more cohesive and encompassing presentation; We’re just going back and forth about architecture and it’s not going to get either of us where we need to be.”
7. S.S. Thinks it needs re-working. Thinks there is a project here, but this isn’t it. “I hope you reconsider putting more into it; The picture with the curved building and entrance looks like you’re going into a mall and prison towers. You must do more with this site.”
 8. S.M. Acknowledges that what we’re asking is difficult. “But this is the type of project that demands that nose to the grindstone.”
 - Even our request for breaking up the buildings, the legislation allows for 3 buildings. “These can be restrictions or opportunities for creativity and we’re asking for creativity.”
 9. J.R. Points out legislation says no more than 231 units. Doesn’t say how large they have to be.
- Request for public comment:
 1. Sarah Bachinger – Against
 2. Jessica Bennet – Against
 - Commissioner deliberation:
 1. J.R. → R.Y. Appreciates comments to keep PC on task. Explains. However, purview does extend on additional items and identifiable impacts from development.
 - R.Y. → J.R. “Impacts” are specifically within the purview of SEQRA. Elaborates. Explains abilities of PC.
 2. A.M. → If information presented through site plan review process, raises a concern to us [PC] about an adverse environmental impact that had not been presented to the City Council, we have an obligation to that.
 3. J.R., “To put it bluntly, I think when it comes to architecture, we don’t want to see what’s been done directly across the river or cookie cutter development. [Public/PC] comments weren’t really addressed. What’s being presented is something that can be seen anywhere across the country. It doesn’t seem like some of the comments we’ve made haven’t been taken seriously.”
 4. B.C. → “One of the things we’re charged with is the compatibility of the site plan with the surrounding neighborhood. Renderings crystallized concerns from the public for me over the magnitude of the development. It looks like a city. One concern is how it functionally fits in with the neighborhood and reconciling what you’re proposing with what’s there. When you look at the shoreline of Troy, there is nothing like this. How do we deal with the massive footprint this is bringing to this relatively small bit of land and how does that work for the neighborhood?”
 5. J.R., Doesn’t think PC comments are being taken seriously. “We’ve said, from the start, what we don’t want, which is being [here] presented to us. And now we’re being told we need to get architectural details right before we show you how these buildings fit into the context of the site and of the community? That’s backwards. It feels like, as a commission, we’re kind of being corralled into getting ahead into some of the details that frankly we’re not ready to get into. And furthermore, we have given specific directions on architecture. Multiple times. One of the first comments (paraphrasing), If you’re going to do something here, make it stand out.’ Make it either go with the site and be unique or make it something really good that we would like to see.”
 - R.Y. Understands point, wants to convey understanding from the applicant’s perspective that “make it stand out” is relative.
 - J.R. You could say “Objectively” this “stands out”. Elaborates. “I think we could go around and ask if it ‘stands out’ and if the feedback we gave is implemented initially and then again 3x at 3 other meetings.” Elaborates. “Do we think that any of the other

comments we made about reducing the footprint of the disturbed area, or the parking area or improving the landscaping plan have been implemented? Or any of the other 20 comments I sent to Eric who sent it to the applicant who didn't share it with his representatives, were taken seriously? Because none of them have been. It just doesn't feel like our comments are being taken seriously and frankly I think our time is being wasted."

6. R.M. "I think you would all benefit from a view of the site, especially of the topography"
 - J.R. suggests scheduling before the meeting adjourns.
 7. J.R. → R.M. Regarding discussion of zoning/variances. "When we suggest big site plan changes, that's still something they could do just like any other project, correct? Any area variance.."
 - R.M. Yes. I think they already did a height variance at one point.
 8. J.R. → E.F. Is there a time limit on the 3rd party [P.E.] review?
 - E.F. Any day now.
 - J.R. "I don't know how constructive it is to review it again without that presentation."
 - R.Y. seconds. Ultimately if the project does not advance or isn't taking feedback into their changes, we would move to a vote.
- Applicant response:
 1. To Public:
 - Regarding mitigation and SHPO. Calls comment a mischaracterization. Elaborates.
 - Responds to comments made regarding protected resources.
 - Mentions consultation with tribes through ZBA/SEQRA review process.
 - Wants to put context into who the proper Tribe is that represents this area.
 2. To PC:
 - (S.S.) The renderings were only supposed to show the architecture. Elaborates.
 - (J.R.) Strenuously disagrees with the comment. Explains. "Again, we simply come as we've informed staff, to talk about the architecture."
 - (R.Y.) "Are you talking about total height?"
 - It was an ADA issue that put us above the height restriction.
 - The architect responds to elevator comment. "We have a height limitation."
 - (J.R.) [site visit] We've been trying and working with Eric to set this up.
 - (S.M.) We're waiting to get the 3rd party P.E. review back so we can address everything to date.
 - (J.R.) You haven't gotten our full site plan. We're here for a sketch plan conference. Once we get that stuff from the engineer review, we'll have more info.
 - (S.M.) We will come back with updates, but there are some things we won't be able to change. But we will look at it.

• **A.M. Motions to: Table to the November 15th Hearing J.R. seconded.**

	Absent	Yes	No	Abstain	Recused
Roddy Yagan		X			
Sara Wengert		X			
Suzanne Spellen		X			
Anthony Mohen		X			
James Rath		X			
William Comiskey		X			
Stephen Maples		X			

• **Motion to: Table to the November 15th Hearing passed 7-0**

R.M. (Corporate Counsel) departs.

A.B. joins commission.

The applicant(s), Yesfolk LLC and Chabacano LLC, wish to produce, package and sell nonalcoholic and alcoholic beverages including Kombucha, seltzer, cider, mead and fruit wines, through their retail tasting room that is open to the public for on-premise and to-go sales. Outdoor seating will be provided in a gated lot when weather permits.

- Applicant presentation: Yesfolk LLC
- Commissioner comments and questions to applicant:
 1. J.R. are there any changes made since last time?
 2. A.M. Suggestion: used bike racks from troy bike rescues in south Troy.
 3. S.W. Wants to see trees that will have neon yellow foliage in the fall.
- Request for public comment:
- Commissioner deliberation:
 1. (J.R.) Adam reached out to me and asked about different bike parking ideas.
 - A.B. → I would suggest putting that conversation on the record and whatever it was you stated to the applicant.
 - J.R., I directed the applicant to research Tero. They have a guide on what bike parking is good/bad. I also sent him a photo of a good and bad bike rack example.
 - A.B. “If I could ask that the applicant to state for the record that, as I understand it, your intention of contacting Mr. Rath was going to a bike guru, and not in any way to influence his vote for this project.”
 - J.R., “I don’t need to vote on this if it’s too much trouble.”
 2. A.B., “I think we can all take notice that you (J.R.) know bike racks.”
- Applicant response:
 1. The only thing we did was add bike parking.
 2. I haven’t gotten around on a bicycle, but when I did, I knew there were racks that were not good, so I sought out someone knowledgeable.
 3. (A.B.) No, we were planning on having bike parking back there since before the last meeting. “Don’t have a lot of money to get it, we looked into different designs we could build ourselves. And because [J.R.] is always on his bike I figured he would know.”
 - A.B. “Smart move, just want to confirm it wasn’t to lobby his vote.”
 4. (S.W.) we have 2 tree spots and we’re waiting to talk to someone from the City.

• **A.M. Motions to: Approve Special Use permit application S.S. seconded.**

	Absent	Yes	No	Abstain	Recused
Roddy Yagan		X			
Sara Wengert		X			
Suzanne Spellen		X			
Anthony Mohen		X			
James Rath		X			
William Comiskey		X			
Stephen Maples		X			

• **Motion to: Approve Special Use permit application passed 7-0**

[PLPC 2023 0042](#) – 133-137 Fourth Street (101.61-6-4) [DMU/DT-I]
 Special Use Permit – SEQRA (Type I)

The applicant, Thomas Roland, wishes to set up an open-air market for a Cannabis Grower’s Showcase (CGS), as detailed under NYS Office of Cannabis Management. The site, located in the historic district, will provide vendors for cannabis, vegetables, crafts, and small foods. All laws governing CGS will be observed, including no on-site consumption.

- Applicant presentation: Thomas Roland
- Commissioner comments and questions to applicant:
 1. R.Y. asks about previous discussions from September.

- S.M. asks applicant to elaborate details on operation.
 - 2. S.W. is unsure about project details. Asks about there being any associated structure.
 - R.Y. understands this is a limited market opportunity.
 - 3. E.F. Recent staff notes asked the applicant to elaborate more on the security that would be present. Will sales be electronic or cash only?
- Request for public comment: Yes
 1. Jenny Scarpula – Supports
 2. Max Freed – Supports
- Commissioner deliberation:
- Applicant response:
 1. (E.F.) Explains where product will be stored and details security measures that will be implemented.
 - Sales will be in both electronic and cash. We don't wish to have large quantities of cash on hand.

• **S.W. Motions to: Negative Declaration for SEQRA A.M. seconded.**

	Absent	Yes	No	Abstain	Recused
Roddy Yagan		X			
Sara Wengert		X			
Suzanne Spellen		X			
Anthony Mohen		X			
James Rath		X			
William Comiskey		X			
Stephen Maples		X			

• **Motion to: Negative Declaration for SEQRA passed 7-0**

• **S.W. Motions to: Approve Special Use permit S.M. seconded.**

	Absent	Yes	No	Abstain	Recused
Roddy Yagan		X			
Sara Wengert		X			
Suzanne Spellen		X			
Anthony Mohen		X			
James Rath		X			
William Comiskey		X			
Stephen Maples		X			

• **Motion to: Approve Special Use permit passed 7-0**

PLPC 2023 0040 – 269-275 Fifth Avenue (90.23-10-4, 90.23-10-3.2, 90.23-10-3.1) [MU-2/N-III]
 Sketch Plan Conference – SEQRA (unlisted)

The applicant, Bruner LLC, wishes to construct a 6,400 sq. ft. strip mall with 1 laundromat and 3 retail units to be leased out. The project includes site improvements and newly paved on-site parking.

- Applicant presentation: Khalid Ahktar
- Commissioner comments and questions to applicant:
 1. B.C., Will shops have doors fronting the street? Or both sides?
 2. J.R., This is a big step in the right direction. Wants the concrete walkway that goes all the way out be wider than 5 ft. suggests 10 feet. Knows that this may encroach into the square footage of the buildings, but the feature would avoid the walkway from feeling cramped and avoid attracting crime via a dark and narrow area. (S.M. seconds)
 3. S.M., Thinks this is a dramatic improvement. “The section that abuts the alley, that is also a grassy area?” Looks forward to the landscaping plan.
 4. S.W. Asks about parking.

5. R.Y., Plan for the next step to bring some elevations as well. (With material, color, and choices)
 6. S.W., “Do you have any idea who your retail tenants will be?”
 7. S.M., Inquires into the laundromat egresses.
 8. R.Y., Asks about greenspace. “How are you planning to delineate between the alley and grass space?” Maybe a knee wall or planters to close off space without putting up a wall.
- Request for public comment: Yes
 1. Lisa Jack – Against.
 2. Ryan – Against.
 3. Yusef Erghat – Against
 4. Ahktar Mohammad – Owner/supporter. Will not rent to convenience or liquor.
 - Commissioner deliberation:
 1. A.B. At the bare minimum you could declare app complete and schedule a public hearing.
 - I’d personally like to see the elevations more complete and see more documentation.
 2. J.R. I know we’re not required to have public comment, but do we want to take some now?
 3. A.M. I’d be in favor of declaring the application complete to move the process.
 - J.R., I think we should set a better precedent for ourselves because we’ve seen a lot of projects that probably should not have been deemed complete.
 - A.M. If we declare it complete, we can schedule a public hearing for next month.
 - R.Y. I’d rather see more documentation to make that determination.
 - Applicant response:
 1. Wants to speak to the site layout.
 2. (B.C) Yes there will be 2 entrances to each commercial unit.
 3. (J.R.) That’s something we can implement.
 4. (S.M.) Yes. Explains.
 5. (S.W.) There are no buildings on site. I think I may also widen the entrance to the parking lot, but we’ll work with that once we increase the width of the concrete walkway. There are no parking spots required in this district, but I brought it down to incorporate more site plan details.
 6. (R.Y.) Yes. We will have nice new elevations.
 7. (S.W.) Yes, one will be the laundromat, another a food location. The other 2 will be retail, maybe a bike shop, clothing. No convenience stores, liquor, tobacco/vapes or anything like that. Mentions regrettable situation on Middleburg.
 8. (S.M.) 2 from the parking lot and one from the front. Def want to have a minimum of 2 entrances and an escape door towards the alley.
 9. (R.Y.) Most likely we’ll put a 6-inch curb and cut around the dumpster area and fence it in.

• **J.R. Motions to: Table item to the November PC meeting R.Y. seconded.**

	Absent	Yes	No	Abstain	Recused
Roddy Yagan		X			
Sara Wengert		X			
Suzanne Spellen		X			
Anthony Mohen		X			
James Rath		X			
William Comiskey		X			
Stephen Maples		X			

- **Motion to: Table item to the November PC meeting passed 7-0**

New Business

PLPC 2023 0043 – 110 Eighth Street (101.64-1-3) [C-I/C/C]
 Site Plan Review – SEQRA (Type II)

The applicant, R.P.I., proposes 2 projects. One at Freshman Hill near the south end of the alumni sports & recreation center parking lot, which will include an open-air pavilion with a small building underneath for storage, (2) unisex restrooms, and an A/V room and a separate sport court area with perimeter netting for recreational basketball,

volleyball, and pickleball. The second location will be at the corner of sunset terrace and Beman lane, which will include an open-air pavilion with a small building underneath for storage, (2) unisex restrooms, and an A/V room.

- Applicant presentation: Michael Ginsburg, Robert Carney, Jason Pollock
- Commissioner comments and questions to applicant:
 1. S.W. Requests location identification. “Mature trees on south edge, are they staying in place?”
 2. J.R. Asks if there are intended improvements to the intersection for pedestrian crosswalks, etc.? Encourages applicant to give more thought as to how students will get there on foot.
 3. (S.M.) Thought should be given to students moving between these facilities. Navigating the driveway and parking lot might need some attention. (J.R. seconds)
 4. R.Y. The specific walk J.R. mentions, shouldn’t be walked as it goes across fields. Provide some sort of pathway and lighting. The other thing is how in demand parking is. Cites cars along entrance drive. Anything you can do to make parking available up through to the parking lot.
 - R.Y. to the ‘Sunset’ location, asks what the conceptual use of the space is.
 5. J.R. asks about sunset terrace crosswalks.
 6. S.M. asks about sidewalks/pavement features on site plan.
 - J.R. There’s a lot of roadway there. Asks applicant to do 6 ft sidewalks.
 7. R.Y. Asks about a drinking fountain and bathrooms.
 8. S.M. Asks if there is exterior sinks/running water.
 9. S.W. Comments on the roof pitch in front of pavilion. Doesn’t agree with it. “Open up to the west.” Wants to see more plaza-like features for activities with more concrete given how much grass is present. Doesn’t want to see trampled grass.
 - S.M. landscaping greenspace.
 10. J.R. Asks if its white pines being proposed. Doesn’t feel strongly about having a bike rack at the sunset location.
 11. R.Y. ask about access/entry.
- Request for public comment:
- Commissioner deliberation:
 1. J.R. → R.Y. your parking request contradicts with my thinking. “There needs to be some area where there is not parking so you have a better line of site for pedestrians crossing and that’s missing here for me.” Provides some examples.
 2. S.M. Sometimes lower volume roads are dangerous because of that. Explains.
- Applicant response:
 1. (S.W.) Trees are to stay in place.
 2. (J.R.) There wasn’t a plan to. What we are doing is removing a small wing of pathway for landscaping. (Details pedestrian pathways)
 3. (S.M.) We can look at that. Cites other walkways. Maybe they can provide a sidewalk to bridge a gap.
 4. (R.Y.) All multi-use
 5. (J.R.) Yes, we can look into 6 ft sidewalks.
 6. We decided to heat the bathrooms in anticipation of year-round use.
 7. Water fountains will have bottle fillers and there will be a hose spigot.
 8. R.Y., we haven’t figured out the entry details (key vs fab)

• **J.R. Motions to: Declare application complete R.Y. seconded.**

	Absent	Yes	No	Abstain	Recused
Roddy Yagan		X			
Sara Wengert		X			
Suzanne Spellen		X			
Anthony Mohen		X			
James Rath		X			
William Comiskey		X			
Stephen Maples		X			

• **Motion to: Declare application complete passed 7-0**

- **R.Y. Motions to: Schedule item for the November PC Hearing J.R. seconded.**

	Absent	Yes	No	Abstain	Recused
Roddy Yagan		X			
Sara Wengert		X			
Suzanne Spellen		X			
Anthony Mohen		X			
James Rath		X			
William Comiskey		X			
Stephen Maples		X			

- **Motion to: Schedule item for the November PC Hearing passed 7-0**

S.W., Regarding PLPC 2023 0040. Regarding existing facilities operating and developed by the applicant on Middleburg. “Is there a way we can solicit information about that?”

E.F. Asked the applicant to address ownership. Explains. “I asked the applicant to address this at the next PC hearing. For this project, I understand that the applicant is the sole owner/developer and party to the project.”

A.B. the new zoning code states an application can’t proceed if the application has owed taxes and pending violations. Explains PC’s ability to conduct investigations into ownership.

J.R. Someone could be the best or worst owner of another site and we don’t have a way of linking that into the purview of what’s currently being proposed.

S.W. “Therefore such commentary from the public is irrelevant?”

S.M I would argue that it’s functionally not the point of planning and zoning.

R.Y. Comments

A.B. The ownership of another location as testimony is relevant until the applicant states that there is no intention for this to occur here; If the applicant says we don’t care what goes on over there and if it happens here, we don’t care, then it’s relevant because you have to determine the compatibility of the neighborhood.

E.F. The type of establishment is a type of convenience store and laundromat. I think the commission should keep their purview to the 5th Ave site. I can ask them to clarify the ownership at the next meeting.

A.B. “You have the right to ask about intended uses. He’s stated he’s not going to do some things, which means that upon the approval, those are things he consented to and that becomes part of the approval.”

S.M. But still, all those things are allowed. How do we relate to the public because I want the public to understand that these are approved uses. Should we have some more active role in directly responding to the public.

R.Y., “To what extent should we be educating the public on the process?” Explains.

J.R. prompts coordinating a site visit to 1011 2nd Ave.

- **J.R. motioned to: Adjourn October PC hearing at: 8:50 PM S.M. seconded.**

	Absent	Yes	No	Abstain	Recused
Roddy Yagan					
Sara Wengert					
Suzanne Spellen					
Anthony Mohen					
James Rath					
William Comiskey					
Stephen Maples					

- **Motion to: Adjourn hearing at: 8:50 P.M. passed 7-0.**