

**MINUTES OF THE MEETING OF THE COHOES PLANNING BOARD HELD VIRTUALLY ON
FEBRUARY 8, 2021 at 6:30PM**

MEMBERS PRESENT: **Mr. Mark DeFruscio, Chairperson**
 Mr. Jack Carroll, Vice Chairperson
 Mr. Joseph Nadeau
 Ms. Stephanie Couture
 Ms. Kizzy Williams

ABSENT: **Mr. Bob Bucher**

ALSO PRESENT: **Joseph Seman-Graves, City Planner**
 Sharon Butler, Administrative Assistant

Chairperson DeFruscio called the meeting to order at 6:30 pm.
Roll Call: Mr. Bob Bucher absent

CONSIDERATION OF MINUTES FROM THE JANUARY 11, 2021 MEETING

Chairperson DeFruscio; first order of business on our agenda is consideration of the January 11, 2021 meeting minutes. Has everyone had an opportunity to review the verbatim minutes that Sharon so gladly prepared for us? Does anybody have any updates, comments, changes? If not I'm looking for a motion to accept the minutes as submitted.

Vice Chair Carroll; so moved

Member Couture; my only question was on the top where it's noted absent, it says none, should Kizzy be listed?

Chairperson DeFruscio; no

Joe Seman-Graves; if there's a full quorum then she is not listed as absent, if there is not a full quorum then she's a voting member.

Chairperson DeFruscio; thank you for the explanation Joe. So we had a motion....

Member Nadeau; I'll 2nd motion carried unanimously

	YES	NO
Bob Bucher	ABSENT	
Joseph Nadeau	X	
Mark DeFruscio	X	
Jack Carroll	X	
Stephanie Couture	X	
Kizzy Williams	X	

CONSIDERATION OF CHANGE OF USE APPLICATION FOR A PROPOSED BUSINESS AT 169 REMSEN STREET

Chairperson DeFruscio; next item on the agenda is consideration of a change of use application for a proposed business at 169 Remsen Street. It essentially, the applicant is seeking to open a new business called Tobacco Island. The proposed business will sell tobacco, vape and CBD produces from 8 in the morning until 10pm. It is in the neighborhood near Smith's and the Chinese restaurant.

Vice Chair Carroll; it's right between Donnie Magoo's and Smith's. It was that barbershop with the billiard table

Chairperson DeFruscio; right. Is the applicant on the call with use?

Jason Wellington; yes, can you hear me?

Chairperson DeFruscio; yes, go ahead

Mr. Wellington; would you like to know what I'm proposing or .. this is my first time

Chairperson DeFruscio; yes, please could you describe to us what you're doing and introduce yourself?

Mr. Wellington; sure, my name is Jason Wellington. I'm proposing to have a non-convenient store, kind of, I call it Tobacco Island. If you've been to Smoker's Choice, without all the other gadgets, like selling no beverages, no retail stuff as far as that goes. This will be strictly for the person who enjoys cigarettes, cigars, CBD. I'll probably try to have, I give my dog, like when I go to the farmer's market they have CBD treats for dogs and animals that have anxiety and stuff like that. It's basically a surprise store for people who enjoy smoking.

Chairperson DeFruscio; can we ask whoever's got that activity on their line to mute their microphone please? Joe can you tell who that is?

Joe Seman-Graves; I think it stopped

Chairperson DeFruscio; ok, Mr. Wellington go ahead.

Mr. Wellington; did you hear any of what I said?

Chairperson DeFruscio; yes

Mr. Wellington; ok. So it's basically, it would be a surprise store for any people who enjoy tobacco products. And 8 in the morning is kind of iffy. It'll probably be closer to 9 or 10 o'clock and probably close around 9 depending on the day. I don't know, it'll probably be if approved maybe 4 staff there, 4 or 5 people there throughout the day as far as employees go.

Chairperson DeFruscio; are you proposing to just sell the products or are you going to have an area for people to enjoy the products within your store?

Mr. Wellington; no, I don't think that place is big enough, I would have like that but I don't think that place is large enough for that. I don't know the code or anything like that, no that's not on the table.

Chairperson DeFruscio; ok, just wanted to make sure. Did you have more that you wanted to offer? I know the sign has already been approved by the historic society, Joe is that correct?

Joe Seman-Graves; yes

Mr. Wellington; I'll be working there is approved. Again this, I'm saying I'll be there primarily during the day and around, I live right in Green Island so I'm close by and I'm familiar with Cohoes, I have a lot of friend in Cohoes actually. But that's pretty much it. It's a new business for me to learn, I'm going to learn it if approved. I'm going to really learn what products people enjoy and so that's basically that. I know it's not a convenience store, other than that, is just going to be a specialty shop for people who enjoy those kinds of things.

Vice Chair Carroll; connoisseurs of the tobacco.

Mr. Wellington; I'm going to try, but yeah.

Member Nadeau; am I reading this correctly, this is 1,400 square feet?

Mr. Wellington; yes

Member Nadeau; that's the entire store, there's no back room or anything?

Mr. Wellington; no, there's a bathroom in there and there's a countertop that's back there. But we're proposing to make it and open area, obviously keep the bathroom, but there won't be any structural changes as far as that goes. Everything will be an open area, kind of maximize the space. I envision it, I like wood, so I envision it putting the laminate floors, kind of like the colors of the sign.

Chairperson DeFruscio; other members have questions?

Member Couture; I just have a comment. So if based on the location and where you are situated between the 2 restaurants, if at all possible I would just like to strongly encourage you to keep the aesthetics of the street. Maybe not have a lot of advertisements in the front windows. Just keep it clean and open, inviting. I think a lot of advertisements and things of that nature would kind of detract from what we're trying to do on that street.

Mr. Wellington; absolutely. I'm not, my sign is as plain as it can be. I personally am not that flamboyant with colors and lights and stuff like that. I would do a website for most of the marketing. I use town square and they're pretty good at getting the word out. It wouldn't be all that window dressing stuff like that, I want people to be able to see in. It's not, I totally understand what you're saying.

Member Couture; thank you

Member Williams; I would like to say, just as Stephanie was saying, we want you to advertise but not to our children.

Mr. Wellington; no, is it 21 in Albany County right?

Member Williams; we're just saying, like when you put pictures up, you might put a picture out, you may want to put a sign outside your store, you know whatever sign that you put in your window, or the sidewalk, I don't think there should be a sign on the sidewalk because we don't want to, you're store's a great store but we don't want to entice the kids. We want it to be more of an adult place not a place that entices children to smoke or ...

Mr. Wellington; no, no. I totally agree with you. I have a 10 year old daughter and I wouldn't want her to be marketed to as well, so I totally agree with you. That's not to say, I don't think I will have a sign in the window because again I want people to blend in with the community. It's not a store like that so I wouldn't have like that kind of stuff, it would basically be through the website, Face Book page and word of mouth I guess.

Member Nadeau; Stephanie's point is well taken, that particular area we're trying to clean up the downtown to make it appealing, so I'm pleased that you're on board with that.

Mr. Wellington; yes absolutely. I just want to fit in, I'm not trying to stand out, I'm not loud like that, I'm very, I just want to fit in.

Member Nadeau; appreciate that.

Member Couture; very much so. Thank you

Mr. Wellington; you're welcome

Vice Chair Carroll; I have a questions, is licensing on the sale of CBD oils and stuff like that, is it the same restrictions as tobacco?

Mr. Wellington; I know that, I have a vape license and a tobacco license. I know they are separate. I will find out, I didn't want to get ahead of myself as far as without getting approval either way, so if approved I was looking at a month and a half to do my research as far as that stuff goes. But I don't believe that, I believe that the CBD is captures under your tobacco or vape license if that answers your question.

Vice Chair Carroll; ok

Mr. Wellington; was that your question?

Vice Chair Carroll; pretty much, yea.

Mr. Wellington; ok, but I'll find out. I'm not going to sell something that I can't. Again if it's allowed.

Chairperson DeFruscio; the parking issue, is essentially there are 2 public parking lots within 500 feet of this location, those parking lots will be used in addition to the parking spaces in front of the store area for customers. There is no designated private parking for this application. Do any of the members have any questions, comments regarding parking?

All members responded no

Chairperson DeFruscio; ok, so now I'll open it up to public comment. Is there anybody on the call that would like to make a comment or questions regarding this store?

Joe Seman-Graves; I don't see anyone trying to say anything and I haven't received any comments

Chairperson DeFruscio; alright, we'll give it one more minute and then we'll close the public comment period.

Member Williams; Joe I have one more question. How will he, how would you handle if someone is under the 21 when they walk in your store? Everyone waling in your store before they view an item, do they have to show ID, how does this work in your store?

Mr. Wellington; it's going to work in my store, I'm going to follow the letter of the law. It's not, A. I'm not selling to a minor and B. I don't want to get arrested. So it's no different than if you, if I'm going to buy cigarettes or beer at Stewarts, the clerk, because I would be a clerk, and whoever is working there, will ID. I'm not going down that road at all.

Member Williams; when someone walks in your store are they asked for ID or is it after they're trying to purchase something?

Mr. Wellington; I believe it's for the purchase, I don't want to misspeak, but I believe that anyone can come in with an adult. I guess I wouldn't do this, but I guess I could bring my daughter in there and as long as she's not buying it, I guess I can purchase it with her. But I will absolutely find out all regulations from the state. I know that if it's 21, I know you can't sell anything to anyone under the age of 21 and I will follow that to the letter of the law. That wouldn't be an issue. As far as upon enter, I can find out for you, I don't have that answer, but I don't want to assume. But I'm assuming they can at least they can come in, I think it happens at the register if you're breaking any rules or laws or anything like that.

Chairperson DeFruscio; the way I would look at this Kizzy is, it's sort of like the gambling establishments, if they're under the age of consent, they can walk through and they can browse, but they can't touch and they can't purchase.

Member Williams; ok, thanks Mark.

Chairperson DeFruscio; you're welcome. Ok, so without any comments, I'm going to close the public comment period at this point in time and we're look now for a motion to approve or disapprove the change of use application for the business at 169 Remsen Street.

Member Couture; I'll make a motion to approve

Vice Chair Carroll; 2nd. Motion carried unanimously

	YES	NO
Bob Bucher	ABSENT	
Joseph Nadeau	X	
Mark DeFruscio	X	
Jack Carroll	X	
Stephanie Couture	X	
Kizzy Williams	X	

Chairperson DeFruscio; that's approved, any remaining items go through Joe and his office

Joe Seman-Graves; I have our building plans, do you want me to submit those now?

Mr. Wellington; Joe, yes. First of all I want to thank the planning board, I appreciate the opportunity and I'm not going to let you down, so you can hold me to that, that's #1. What do I have to do next, if anything, what's next Joe?

Joe Seman-Graves; I'll give you a call tomorrow, I have your building permit application, we can go over or submit those now if you want to.

Mr. Wellington; let's go, whatever we have to do

Joe Seman-Graves; ok so the building department will contact you once I submit these tomorrow for you

Mr. Wellington; thank you.

Member Williams; congratulations

Mr. Wellington; thank you and I'm going to keep, you're going to be in my ear, I'm going to hear your voice when someone walks in that door trying to buy something that's not 21. Joe I'll wait to hear from you. Thank you again guys.

CONSIDERATION OF A CHANGE OF USE APPLICATION FOR A PROPOSED BUSINESS AT 144 REMSEN STREET

Chairperson DeFruscio; next item on the agenda is the consideration of a change of use for a proposed business at 144 Remsen Street. I missed this one somewhere Joe, but anyway the applicant is seeking to open a new business. The proposed business will be small grocery store to sell products from Brazil; rice, beans, coffee sweets, and the operation will be 7AM to 8PM.

Vice Chair Carroll; that's 7AM to 8PM right?

Chairperson DeFruscio; yes, sorry if I misspoke, that's 7AM to 8PM. Is there, someone representing this project on the line with us?

I just wanted to point out my name is Karina Hojraj, I'm the owner of the building and Gleidson Dutra and his wife Myra, I see their faces on the screen, so they're here as well. I believe Myra is going to be the one that's going to speak mostly just due to some language barriers. I'll defer to them, but we're here to answer any questions that you need us to.

Chairperson DeFruscio; so can somebody give us an overview of what you're intent with that is and is it going to be limited to the first floor?

Ms. Hojraj; yes, the store front is on the first floor, we have 2 apartments on the second floor which are occupied. Myra do you want to speak or Gleidson do you want to speak and describe what the business is?

Myra; yes, it's a business for to sell food, it's not going to be a huge store only going to sell rice, beans, chocolate from Brazil, and coffee.

Ms. Hojraj; there is a website that he included on the application, so you have a visual of the types of products that they're proposing to sell. My understanding is they currently have an online business and they're trying to open up their first brick and mortar store, so it would be a continuation of the online business they currently have.

Chairperson DeFruscio; thank you. Board members questions, comments? And right now the store front is currently vacant, not being used at all?

Ms. Hojraj; yes. Alpha Pregnancy Care Center was there for I think almost 9 years and they moved out in July across the street to the new building.

Chairperson DeFruscio; ok and similar to the last business we looked at they're going to be using the public parking lots for customer parking and limited amount of on street parking that's available.

Ms. Hojraj; yes I imagine that's what they would be doing.

Joe Seman-Graves; and one thing they brought up in the meeting as well, in the initial conversation is, they are not going to have any delivery trucks coming in. It's going to be brought in by the applicants themselves. I don't know if I included that in the application but I wanted to put that on the record.

Ms. Hojraj; Myra can you explain if you want, but what they had indicated to me and you can confirm it if that's the case, he has like a van or small truck that he himself goes to pick up the products and that could be like once or twice a week, but it wouldn't be any big trucks delivering products.

Chris Janse van Rensburg; it's not going to be a Sysco truck that's going to pull up in front of 144 Remsen and sitting there doing a huge delivery

Chairperson DeFruscio; ok

Member Nadeau; are we talking about any prepared food of any kind

Myra; no going to make food only going to sell product from Brazil. No sandwich, no no hot, no nothing.

Member Nadeau; so when you coffee it's just, it's un-brewed coffee correct?

Mr. van Rensburg; coffee beans

Member Nadeau; ok

Myra; rice, beans chocolate, like that, no make like a sandwich or something like that

Member Nadeau; ok, thank you

Ms. Hojraj; they are going to, there's going to be a little toaster they might have rolls, but there won't be like, they won't make sandwiches. It's just to toast a roll, that kind of stuff, there's no meals that would be prepared like she said, no hot food or sandwiches or anything like that, it's just a bread roll.

Chairperson DeFruscio; well that might push them into something other, more of a restaurant, any kind of food preparation. We were thinking this is more like a dry goods store no where they'd be selling prepared kind of food or....

Ms. Hojraj; well there isn't any prepared food, it would be like a roll, that is already prepared. It's just a roll that would be heated in a toaster oven, that's like a counter top toaster oven, it's not like a café' or anything like that.

Myra; (showing the board members one of the products they would be selling) This is a lot of the products, like that but it's from Brazil.

Member Williams; even though you say they are not preparing food, if you have a toaster and you're using a toaster, it's still like you're preparing something. It's different if you say we're going to take the bread out and give it to the customer, but you do have the toaster. So will it be you toasting it or will it be the customer toasting it?

Myra; no, I toast it, but if I not going to make the bread or nothing like that

Member Williams; right

Ms. Hojraj; what are the requirements, maybe you can clarify it, what you think the requirements are for them, how they would differ if they were just selling the product and they were grabbing a roll, cutting the roll, putting the roll heating it in a toaster and then putting it in a bag. What do you see as the requirements that they would have to follow in order to be able to do that?

Member Williams; just to tell you I'm not exactly sure of the requirements, but I will say that if she is cutting the bread or taking something out of a package and toasting it, then she is...but what she can do, she can reach out to the health department. But if the customer can prepare it themselves, it makes a difference, it's a big difference if you're doing it or the customer is doing it. So maybe you want to lay the product there and allow the customer to put the bread in the toaster. It seems simple, but it is a difference when someone, when a customer is putting the bread in the toaster.

Ms. Hojraj; so Myra, I would just, obviously depending on what happens today, you and Gleidson just have to research and find out what the requirements are from the department of health and see if there's anything you have to do, any licenses you have to apply for in order to....

Chairperson DeFruscio; if there's any kind of food preparation that they're providing to a customer then they have to have a food prep area and there's all kinds of other things that they have to have in order to do that. If they're just selling dry goods, boxed dry good that the customer is taking home with them that's a different story.

Ms. Hojraj; ok, then obviously they're going to comply with whatever the law requires them to comply with. If that's something that is a requirement then they'll research the department of health and make sure they get whatever licenses and permits that they need in order to do that.

Chairperson DeFruscio; well if they are going to do food preparation then we would need all of that information in the information that they provided to us. So right now from my perspective and I guess I'm looking to Joe for some help here, is we could approve this store as a dry goods kind of environment without any food preparation and at a later date they could come back with changes and updates to allow them to sell prepared foods.

Joe Seman-Graves; I would just say kind of like the gas station on Columbia Street, it was approved for light food prep and when they came back in to do fryers and a hood vent, we said they had to go back to the planning board so if you want to approve it for light food prep with the assumption that there's no,, or put it in the actual resolution that there's no

fryer, there's no overhead vent, then they would still have to go to the board of health and do whatever they need to do to get the licenses, but they couldn't expand up on that without going back to the planning board, if let's say they want to do a restaurant.....

Ms. Hojraj; we don't have any intention on having our place used as a restaurant so, certainly as the owners that would not be part of our lease. We don't have any intention of having any renovations to our building to incorporate any vents or anything like that. That would be written into the lease that that's not going to be part of the business.

Chairperson DeFruscio; there's no seating area or anything in the floor plan that I see.

Ms. Hojraj; right because it's not a food prep place it was a grocery store. The only item that they were going to provide was a bun that they were going to toast and vie to the customer, there's absolutely no other food that they were going to be serving based on our discussion, which we've had at length.

Mr. van Rensburg; I think part of it is, maybe Myra can clarify, part of it is, when you go to South America or even Argentina, when you go in the stores, it's kind of customary where people might give out a roll, so it's almost like going to a restaurant and get a free candy. Places in Argentina and Brazil is where people might give out a roll.

Ms. Hojraj; Myra you please speak to that, this is your business, you should really be the one to communicate. But from our perspective we're not looking to have a tenant who's going to open up a restaurant or café. It's not the discussion that we have been having. It's not going to evolve into that at any point in time, because that's not what we would agree to as a landlord to have in that space.

Chairperson DeFruscio; ok. Do any board members have any other questions?

Member Couture; was there any signage discussed?

Joe Seman-Graves; the applicant is looking to get approval on the business itself first and then they'll come back through historic for the sign.

Member Couture; ok

Member Williams; this is what I will say, maybe she can have the rolls or whatever she wants to give to the customers, pre-rolled instead of when they come in to purchase something, she makes the bread at that moment. You know when you do things ahead of time sometimes, it's different than fixing it, cooking something or making it seem like you're cooking something or preparing something for a customer because it's already prepared, so it can be the bread prepared already sitting on the counter. Do you understand?

Myra; yes like a sample, make something for the customer.

Member Williams; well it's like a sample. Would they be purchasing this bread or would the bread come with your drink? How is this done?

Myra; well, I can sell the bread and maybe the customer making it at home

Member Williams; that's a good idea, that's perfect. Then you don't have to worry about, you know affiliating yourself with the health department.

Myra; yea

Member Williams; you're not making it you're just selling it, I love your idea.

Myra; thank you

Chairperson DeFruscio; I'd like to open this up for public comment at this point in time. Is there anybody in the public that would like to make any comments or questions or anything of that nature? I don't hear anybody raising their hand or asking to make any comments. We'll wait a minute just to give them an opportunity

Joe Seman-Graves; I had nothing sent in Mark

Chairperson DeFruscio; ok, so at this point I'm going to close the public comment portion of our meeting. So now I'm looking for either a proposal to accept or deny the change of use application for the proposed business at 144 Remsen Street. I would add that we're probably going to add that there's a limited use of light food preparation at this point in time, if anything else was to be added it, they would have to come back to the board at a later date.

Member Nadeau; I make the motion we approved the proposal.

Vice Chair Carroll; I'll 2nd

Chairperson DeFruscio; Mr. Nadeau is making the motion to accept the change of use and Mr. Carroll is seconded can we have roll call please? Motion carried unanimously

	YES	NO
Bob Bucher	ABSENT	
Joseph Nadeau	X	

Mark DeFruscio	X	
Jack Carroll	X	
Stephanie Couture	X	
Kizzy Williams	X	

Chairperson DeFruscio; my understanding of what the owners are proposing is that they are going to be preparing some rolls as an offering to customers when they come in, not really selling then prepared, but something for them to enjoy while they're shopping, looking at the goods that they have provided.

Vice Chair Carroll; as is their custom

Chairperson DeFruscio; right. So it's been approved at this point in time, we wish you good luck and hope to see you open soon. We'll wait and see what you're going to do for signage. Joe will handle the rest of this for you.

Joe Seman-Graves; I'll follow up with you guys again tomorrow

Myra; thank you

CONSIDERATION OF A CHANGE OF USE APPLICATION FOR A PROPOSED BUSINESS AT 133 REMSEN STREET

Chairperson DeFruscio; alright, next item on the agenda is consideration of a change of use application for a proposed business at 133 Remsen Street. The applicant is seeking to open a new business called Café con Mel, Melanie must be a part of this. The business will operate as a coffee shop, restaurant, it will also have a retail area to sell home goods, jewelry and beauty products. Hours of operation 7AM to 7PM. Would you like to give us an outline of what you're looking to do?

Ms. Diaz-Fillerup; good evening everyone. So currently 133 is used for my catering location due to.....

Sharon; I can't understand what she is saying (people talking in the background)

Ms. Diaz-Fillerup; everything ok now?

Chairperson DeFruscio; yes, start again please

Ms. Diaz-Fillerup; currently 133 is used as my catering location, due to the pandemic a lot of my events have been pushed back so far that I don't have anything going on right now. So I can't be a sitting duck and Cohoes is in need of a coffee shop. So I decided to change my catering kitchen over and renovate the space to be a comfortable and inviting coffee shop where everyone can come in and enjoy. We will have Wi-Fi for those that need to connect, that just want different space other than their home office or regular office. We will also have a community library, a little lounge seating area, bit of retail, some food retail and some home goods, such as cutting boards, rolling pins. We will also have small items like jewelry and some other home goods that we will be putting in there; mugs, we will definitely be selling bagged coffee, both full coffee beans and ground and we will also have espresso's latte's and everything is made on site. We plan to have baked goods that will have a international twist, so Mochi donuts, we will also do lunches and breakfast. So breakfast being open as early as 7AM, you can come in and get a bagel sandwich, which we will be using Golden Krust bagels and bringing them back home to Cohoes. And we'll also be doing all sorts of lunch specials and things like sandwiches and box lunches to go with a little pastry in it and a drink to go with it too. We want to service downtown people who are really looking for that everyday stop, besides Dunkin Donuts and Stewarts, where they can get their lunch and their breakfast at the same time and get going for their day, or if they have the time to relax and come and sit and enjoy the environment.

Vice Chair Carroll; this used to be the Breakfast Place right?

Ms. Diaz-Fillerup; yes, it used to be the Breakfast Place before I took it over about 3 years that we're running on to.

Vice Chair Carroll; ok

Member Williams; what time did she say she was going to open?

Ms. Diaz-Fillerup; we'll be open from 7AM, we'll be open every single day, so Monday through Thursday we're looking at being open 7AM to 5PM, 7AM to 7PM Friday and Saturday and Sunday possibly 7AM to 4PM. We try to be for that morning rush before everyone has to get into work.

Chairperson DeFruscio; other questions, comments?

Member Couture; the sign that we just saw, was that approved by historic or not yet?

Joe Seman-Graves; next Tuesday she will be getting that review

Member Couture; ok

Member Williams; we definitely need something that opens at 7 o'clock in the morning in Cohoes, I'm excited Ms. Diaz-Fillerup; and open every day. I've spent many times in the kitchen, I do event and wedding planning as well, sitting in my office and wondering what 'm going to get for lunch, and sometimes I will have you know some of the local area stuff and sometimes I have to venture out to Latham because their closed on a Monday or they close on a Tuesday. So having it open every single day will help in filling that little void that we have going on right now.

Chairperson DeFruscio; I didn't see any seating plan in there, tables and chairs in the dining area.

Ms. Diaz-Fillerup; the left side of the dining area when you're facing it head on (display on screen) there will be some seating there, in the front window we will have a special build out which will be, we'll have 4 swings that you'll be able to sit on and then all along the large L shape area that's actually a counter. So the entire left side will be all counter seating. I do anticipate it being more to go, but I will have 3 tables; 2 which will accommodate a 6 top and one will accommodate a 2 top. What I'm doing with seating right now due to the pandemic as things start to open up and I get to have, possibly get to have people sit down more, I'm happy to add more seating later on when I'm allowed to. But for right now things will be spaced appropriately and we'll have limited seating due to that.

Chairperson DeFruscio; and the kitchen exists already because you, you're using it for prep for you catering business or are you changing the whole layout?

Ms. Diaz-Fillerup; currently there is a kitchen there. Everything will stay as is, the only thing is I did create the kitchen as an open concept kitchen in order to do cooking and classes in the past. Because the walls are missing and there's, it's all open I'm going to use window panes to create a kind of barrier so that folks that are enjoying their meal at the counter can still see through, see all the action but not be able to breath or be as close to the product as they are sitting.

Chairperson DeFruscio; ok thank you. Limited to one bathroom, that's all you have there?

Ms. Diaz-Fillerup; I do have one bathroom in the front for customers, there is one in the back but I prefer to keep it just for the employees.

Member Williams; and so this kitchen has a grease trap and a hood installed in it already?

Ms. Diaz-Fillerup; yes, it has a grease trap, 3 bay sink all the hood systems, fire system is completely set up to date. We will obviously get it inspected again before we open but everything is completely up to par.

Chairperson DeFruscio; ok, anybody else...of course the parking we're going with the theme tonight, there is municipal parking lots within 500 feet of the location. So they'll be using those as well as on street parking and hopefully some walk up traffic will be coming your way. I hope that we start in the spring and summer having more walk up traffic through the city this year.

Ms. Diaz-Fillerup; we'll have delivery service as well. There's an app that will connect into our system, where we have an internal delivery service where you can order directly from the app on the phone and the order will either, if you're picking it up it'll tell you by text that it's ready and you'll come in walk up to the pickup window grab and go, or it can be a delivery service.

Chairperson DeFruscio; your delivery service going to go out through the front or is it going to go out the back?

Ms. Diaz-Fillerup; they can do either or. And the back is an easy access back alley.

Chairperson DeFruscio; alright so at this point in time if there are not more questions from board members, I'd like to open this up for public comment. Is there anybody in the, out there that would like to make a comment about this change of use? As in the past we haven't seen anybody raising their hand or making any motions.

Joe Seman-Graves; nope, I haven't received any comments prior to the meeting.

Chairperson DeFruscio; so I guess at this point in time we'll close the public comment. So we're looking for a motion to either approve or deny the change of use application for the business at 133 Remsen Street. I don't think there are any caveats we need to add on or anything like that. Any board members want to make a proposal either to approve or deny this?

Vice Chair Carroll; I make a motion to approve

Member Couture; I'll 2nd

Chairperson DeFruscio; ok, Jack is making the motion and Stephanie is 2nd, let's do a roll call vote. Motion carried unanimously

	YES	NO
Bob Bucher	ABSENT	
Joseph Nadeau	X	
Mark DeFruscio	X	

Jack Carroll	X	
Stephanie Couture	X	
Kizzy Williams	X	

Chairperson DeFruscio; ok so you've got the approval to make the change in the business and we look forward to visiting you when you get it open and we wish you much luck

Ms. Diaz-Fillerup; thank you very much, we're looking to open the 2nd week in March so we hope to see you all there for lunch.

CONSIDERATION OF A TWO-LOT SUBDIVISION AT 75 EGBERT STREET

Chairperson DeFruscio; next item on the agenda is consideration of a two lot subdivision at 75 Egbert Street. Do we have the applicant or representative on? Is it you Mr. Metzger?

Fred Metzger; yes sir

Chairperson DeFruscio; go ahead and give us an explanation. Essentially it's a 100 x 100 lot you're breaking it into 2 50x100 lots.

Mr. Metzger; yes, that pretty much sums it up. Fred Metzger here this evening for Scott Boisvert regarding the parcels located at 69-75 Egbert Street. He bought them some years ago individually and then had some plans, he combined them all a few years ago and had some plans to do something larger with them but since he changed his mind and then decided to go with 2 single family homes. So again, here this evening for the proposed subdivision again looking to put up 2 single family homes on 2 50x100 lots. Each of the lots will tie into existing sewer and water, gas in the streets and all the improvements will meet all of the existing code requirements for the MFR district over there with the exception of the 5 to 15 foot minimum setback. We want to go to 20 to allow for the driveways to be wide enough to park cars in, which we obtained the variance from the ZBA at the last meeting.

Chairperson DeFruscio; ok and they're going to be deep enough so the cars aren't going to block the sidewalk right?

Mr. Metzger; specifically the reason why they said. Obviously going with single family homes, we figure it's more, better looking to have off street parking than on street parking and then obviously with the 5 to 15 you don't even have 15 unless you're parking tighter or have a tiny car, it's going to end up on the sidewalk so we figured with going back the 20 feet, it will also match the existing house at 67, it'll give ample room to get cars in the driveway as well as one in the garage.

Chairperson DeFruscio; ok so we're only dealing with the subdivision at this point in time nothing more nothing less.

Member Nadeau; did Steve the city engineer have a concern about the erosion resulting from the construction, if anything what do they have planned to because of the contours there. Is there any special conditions you're going to have to deal with?

Mr. Metzger; I don't believe so. I didn't put it on here but the top slopes from left to right and obviously they're going to be staggered a little bit, one will be higher than the other 2-3 feet higher, that way they will blend and kind of step down like you do across the way. And again starting on the left and going down on the right. But as far as the top of the bank, that slopes to the road in the rear down to Harmony Street. The rear of these buildings are approximately, it goes from left to right and it's approximately on the left hand side about 15 feet away and then when you get to the right hand side it goes to almost 35, because it runs at an angle so they will be substantially further away from that top portion that slopes down. Scott did thing about that at one point in time with the left lot because it's not as large, before the break for the slope there so he might do some sort of small retaining wall back there to create a living space or an outdoor space for that lot on the left.

Member Nadeau; but you don't think it would be required to contain any erosion?

Mr. Metzger; no because he's not going to take down anything more than what's needed for the improvements.

Member Nadeau; alright

Chairperson DeFruscio; I think there's only a couple of dead trees on that lot now.

Mr. Metzger; correct, there were some houses there before. Like I said, he bought them through foreclosure and took the old foundations out.

Chairperson DeFruscio; yea, I think there's a set of old stairs there or something and a couple of trees.

Mr. Metzger; that's about it.

Chairperson DeFruscio; but we're not approving the single family homes at this point in time, we're just approving the lot subdivision

Joe Seman-Graves; first, to be clear by approving the lot subdivision ultimately you'll approve the single family homes because they don't come in front of the planning board. So by approving the subdivision he'll just have to go through the building and engineering to get the actual building plans approved

Chairperson DeFruscio; ok

Member Nadeau; the properties don't actually go down to Harmony Street do they?

Mr. Metzger; no, there's a parcel of land probably about 75 to 80 feet wide that's owned by the city.

Member Nadeau; ok, I see it now, thank you

Chairperson DeFruscio; any other questions by board members?

Member Couture; no, my only concern was the driveway variance, as long as the sidewalk is there I'm happy.

Chairperson DeFruscio; if there's no more questions from the board members, I'll open it up to public comment at this point in time. Anybody from the public want to make a comment, observation any of the above?

Joe Seman-Graves; I don't see anyone raising their hand. We did get a comment for the zoning board meeting, but that comment was about just the view shed of the adjacent neighbor, but I've had no other comments sent in.

Chairperson DeFruscio; the view shed of the adjacent neighbor??

Joe Seman-Graves; across the street, the citing that the single family homes would block his view of the valley

Chairperson DeFruscio; oh, are they proposing 2 story building on these lots Fred, do you know?

Mr. Metzger; yes it's a basic format or the foot print that we have. He's working with an architect right now to finalize the details. But basically just want to show, having a garage, 2 story living space and then the bedrooms upstairs kind of thing, set up with garage and living space on the first floor

Chairperson DeFruscio; full basement underneath?

Mr. Metzger; yes

Chairperson DeFruscio; ok, so I guess we can close the public comments if I have done so already. So I'm looking for a motion to either approve or deny the 2 lot subdivision at 75 Egbert Street.

Member Nadeau; I so move to approve

Vice Chair Carroll; 2nd

Chairperson DeFruscio; so Joe made the motion and Jack 2nd, take a roll call Sharon

Motion carried unanimously

	YES	NO
Bob Bucher	ABSENT	
Joseph Nadeau	X	
Mark DeFruscio	X	
Jack Carroll	X	
Stephanie Couture	X	
Kizzy Williams	X	

Chairperson DeFruscio; it's nice to approve a couple of single family homes at this point in time

Member Nadeau; I agree with that

Mr. Metzger; thank you very much have a great night. Joe I'll see you later in the week.

CONSIDERATION OF A LOT LINE ADJUSTMENT AT 100 N. MOHAWK STREET

Chairperson DeFruscio; alright, next item on the agenda is consideration of a lot line adjustment at 100 N. Mohawk Street. This is Harmony Mills south, the location is where they are building the park next to the building, and it's a gathering area I guess is what it is. And we're doing a lot line adjustment so that it give them sufficient room to expand at a later date, is that true Joe?

Joe Seman-Graves; yea, I'll let the applicant speak, but pretty much their making the lot line adjustment to make room for future amenities on the site. And they can speak on this, but there will be subsequent applications to the planning board for improvements at Harmony Mills and I think that's what all the lot line adjustments have been leading up to, but I don't want to put words in their mouths.

Chairperson DeFruscio; alright, so if someone is available, the applicant to explain to us exactly what their trying to do with this lot line adjustment we'd love to hear from you at this point.

Daniel Hershberg for.....ok I didn't mean to mute myself, I went in the wrong direction. Daniel Hershberg from Hershberg and Hershberg. We're here today representing the applicant. Joe gave you a pretty good introduction. We're trying to set this lot up to accommodate future improvements to the site. We're not yet ready to submit those for approval, but we want the site ready so we can set it up in a package for the applicant so the improvements will lay on site. It merely changes the alignment of a portion of the lot, a minor change really to the lot.

Vice Chair Carroll; this is in the back right?

Mr. Hershberg; yes

Chairperson DeFruscio; other questions, comments from the board members:

Vice Chair Carroll; we've seen this before haven't we? There's something similar about this.

Mr. Hershberg; you've seen it as part of, I think it was shown on another portion of the project where we're going but this particular lot line adjustment was never included.

Vice Chair Carroll; alright

Jos Seman-Graves; we've looked at 3 lot line adjustments so far in this past year from Harmony Mills. This is a new one, it looks similar to the one we saw down the road a little bit at their other building a few months back, but a different location.

Member Couture; it just had a question about a reference that was made in the memo Joe. It's say within the space there currently exists a patio which will be bisected as a result of the lot line adjustment.

Joe Seman-Graves; yea, so....

Member Couture; what future impact does that have?

Joe Seman-Graves; that was just in my viewing. The lot line adjustment kind of bisects a patio that is currently there. I don't know if that will have any effect on future work or what that work looks like, it's just something to note.

Mr. Hershberg; Joe our intention there would be to modify that patio at a later day, but it doesn't impact the use of it since the applicant owns both parcels that adjoin it, whatever use they want to make of it now could wait until improvements are made.

Member Couture; thank you

Member Nadeau; what is the idea, just to carve out that one building from the rest of the property?

Mr. Hershberg; yes, we wanted a separate parcel for the, what we call the power house parcel and it'll have improvements of its own and be separate. The key ultimatum is these projects are separately financed so we have to setup separate parcels to accommodate that.

Hey Dan, it's Nadine (Shadlock) here; I just wanted to add that was a good observation about this being you know a separate parcel and separately financed but I wanted to mention it is already a separate tax map parcel.

Joe Seman-Graves; right on this line here (shown on screen)

Mr. Hershberg; it was a line that basically surrounded the building and was extended out to North Mohawk Street both sides and it was really just the power house. This gives us some space on the site to put in some side amenities, with the eventual development of the parcel.

Chairperson DeFruscio; ok, other questions, comments, observations? I see none so I'll open this up to the public for any comments, observation from the public's point of view.

Member Nadeau; actually, I do have one more. If for some reason it was ever sold off, does it infringe upon access to the rear of that building?

Mr. Hershberg; the access will not be impinged, any need for ingress or egress to the buildings would be covered by easements. There's, but there's no, the final site plan will still allow ingress and egress to both sides of that building and to Mill #1 which is the building on the right.

Member Nadeau; ok, thank you

Chairperson DeFruscio; anybody raising their hand out there in public land Joe?

Joe Seman-Graves; not at this time no

Chairperson DeFruscio; didn't have any comments submitted beforehand?

Joe Seman-Graves; no

Chairperson DeFruscio; ok, so at this point in time I'd like to close the public comment period and we're looking for a motion to either approve or deny the lot line adjustment at 100 North Mohawk Street as submitted.

Member Couture; I'll make a motion to approve

Vice Chair Carroll; I'll 2nd motion carried unanimously

	YES	NO
Bob Bucher	ABSENT	
Joseph Nadeau	X	
Mark DeFruscio	X	
Jack Carroll	X	
Stephanie Couture	X	
Kizzy Williams	X	

Mr. Hershberg; thank you very much

Chairperson DeFruscio; ok so that lot line adjustment is approved, you can work with Joe on the rest of the particulars

REVIEW AND CONSIDERATION OF A DRAFT SCOPING DOCUMENT PERTAINING TO THE SEQR PROCESS FOR 178 – 182 ONTARIO STREET

Chairperson DeFruscio; so last item on our agenda is review and consideration of a draft scoping document pertaining to the SEQR process for 178-182 Ontario Street. Again it's the old Golden Crust Bakery, we as per SEQR required them to do a full assessment. Joe would you like to give them an overview or is there someone coming on to give them an overview?

Joe Seman-Graves; I'd be surprised if somebody wasn't here. I see John looking to say something so I can let him in.

John Montayne; John Montayne here with Greeman Peterson engineers. Jesse is with us, so it Charlotte this evening as well. What we're looking for the board to do tonight is we have prepared a draft scoping document that we believe is consistent with what the planning board has already determined to be the items of significance by going through the full environmental assessment form. The planning board has already declared themselves as lead agency and actually Joe you did a very good job of summarizing everything in the comment here. What we're looking to do right now is have, the scoping document obviously is a document that the lead agency needs to accept as the document that will guide us as we put together the final impact statement. And a way to keep the process moving for us is to put together a draft and give it to you guys to look at and then move it through the scoping approval process.

Joe Seman-Graves; this is just a summary of it, it's been a little bit since July. This is where we left it. We did have a meeting after this, or after these items were initially brought to the applicant's attention and our scoping draft what we sent over, but we have not heard since so, I just wanted to add this for the record so people can see if they're interested (document on the screen outlining items of significance). And then I also, I just put the document in here so I don't know how the board wants to proceed if they want to go point by point, if they have comments, but I'll let you take it over from here Mark.

Chairperson DeFruscio; I'm not sure where we want to go with this at this point in time. Has everybody had an opportunity to review the document, look at the document, are there any comments or observations that they want to bring up at this point in time? Generally speaking, I believe that the scoping document deals with the major items that we had identified as issues with this property and will be expanded on to address those issues going forward. Joe, Stephanie?

Member Nadeau; Mark could someone be a little more clear what exactly that they want from us tonight?

Jos Seman-Graves; yeah, so they, it's been a little bit, so this was after you say that ok we want to...I'll go back a screen, (brought up screen with SEQR process) I think it sums it up pretty well. You guys had a positive declaration in July and nothing has happened since then. So the next step is the scoping document which they submitted. They can't go ahead and do the draft environments impact statement until we approve the scoping document which is pretty much the body of the outline of the document. So they're just looking for the go ahead or the ok that this is the document we want to use for the draft and they'll go ahead and prepare that, at which point will have public input session to exceed not more than 60 days for the public to look at their findings from the scoping items that we're looking at today.

Member Nadeau; ok, so the next step, we'll be looking for public input.

Chairperson DeFruscio; this issue right now, we're just looking at the scoping document to make sure that all of the items we wanted included are included and this is what they're going to use to start preparing their draft EIS, environment impact statement.

Joe Seman-Graves; so pretty much just, they took the comments that were giving from the public, they took the items that we addressed or asked to be addressed initially and they incorporated into this, we just haven't seen anything since July. This is if we can just picture this being August, this is just the next step of them taking everything that we had and putting it into this draft. With the point being if we approve this draft or the board approves this draft, we won't say after they

start the draft environmental impact statement, we won't come back and say well there's another major issue with X, Y and Z that was never brought up before. So this locks the board, locks them in with this document, ok we want these items discussed and looked at further.

Mr. Montayne; just to reinforce what Joe said, what we did is we took all of the information that was provided and all of the public records as well as the parts 2 and parts 3 of the full EIF that the board went through and completed and then also the scoping items that were provided to us and those items are all outlined in here and the text from those were included so this becomes part of, it's basically the outline of what the environmental impact statement will be, so it will follow this order and you'll be able to use this as your guide as you review the document when we submit it, when we put the impact statement together.

Joe Nadeau; thank you

Chairperson DeFruscio; so essentially we're going to approve this document and say that in this document they're going to address the impact on the land, they're going to address the impact on the animals, can you go back to the last slide Joe? And these items that are highlighted are the ones that we said they needed to address. And this scope document as long as this scope documents includes all of those things then we should approve this scoped document, so they can move forward or a draft environmental impact study. But we need to approve this draft document before they can go any further Member Nadeau; got it thank you

Chairperson DeFruscio; I believe that, I know Joe has reviewed this, I've looked at it as much as I could over the past couple of days and I believe all of these points were covered into this scope here. So did you want to tell us anything else before we go on?

Mr. Montayne; I do not believe so, no.

Chairperson DeFruscio; ok, so I'm looking for the board members, if you want a couple of minutes to look at the scoping document, make sure that you are satisfied with what's in the scoping document, they haven't missed any issues, which I don't believe they have, I think they did a great job of putting things together so that they are going to address all the issues we have highlighted then I would be looking for someone to make a motion to approve this scoping document or we need to have changes that we want to be added

Vice Chair Carroll; I'll make a motion that we approve

Chairperson DeFruscio; ok we're looking for a second.

Joe Seman-Graves; sorry, but do you want to do public comments before we go to motion?

Chairperson DeFruscio; yes, we can do that. So at this point in time I'll open it up for public comments. You see all those people out there raising their hand Joe?

Joe Seman-Graves; not at this meeting, no public comments on any items

Chairperson DeFruscio; did we distribute this scoping document to anybody other than the committee:

Joe Seman-Graves; it was put on this power point 2 weeks ago

Chairperson DeFruscio; so people had the opportunity to look at it if they wanted to take the time?

Joe Seman-Graves; yea, it is in its entirety right here.

Chairperson DeFruscio; ok, not seeing any comments from the public, I'm going to close the public comment at this point in time. So now Jack we're looking to approve the draft scoping document pertaining to the SEQR process for 178-182 Ontario Street.

Vice Chair Carroll; yes

Chairperson DeFruscio; do we have a board member that wants to 2nd?

Member Couture; I'll 2nd it based on what was submitted, seems like they captured all the issues raised so I look forward to working with them and discussing this further.

Chairperson DeFruscio; yes and this is just a draft document so they can expand on it and work on the environmental impact statement. So can we take a roll call vote Sharon? Motion carried unanimously.

	YES	NO
Bob Bucher	ABSENT	
Joseph Nadeau	X	
Mark DeFruscio	X	
Jack Carroll	X	
Stephanie Couture	X	
Kizzy Williams	X	

Chairperson DeFruscio; ok so we approved the draft scoping document pertaining to the SEQR process, so now you can move on, start working on the environmental impact study.

Mr. Montayne; thank you very much, we really appreciate it.

Chairperson DeFruscio; according to that slide, this concludes the planning board meeting for February 8th, does anybody have any comments or anything before we close the meeting, if not I'd like a motion to close the meeting

Vice Chair Carrol; so moved

Member Nadeau; I'll 2nd Meeting adjourned at 7:43PM