

Carmella Mantello
Mayor

Seamus Donnelly
Deputy Mayor



Commissioner of Planning

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, February 21st, 2024**, 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

Roddy Yagan (RY), Suzanne Spellen (SS), Stephen Maples (SM), Sara Wengert (SW), Warren Shaw (WS)

Also, in Attendance

Richard Morrissey (Planning and Zoning Attorney), Eric Ferraro (Assistant Planner), Dylan Turek (Economic Development Coordinator)

Administrative Items

- Adoption of Meeting Minutes from January 17th, 2024, by resolution.

- .. Motions to: Adopt January meeting/hearing minutes .. seconded.

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

- Motion to: Adopt January meeting/hearing minutes passed 5-0

Consent

PLPC 2021 0043 – 155 River Street (100.60-3-11, 100.60-3-13) [DMU/DT-II]

Consent - SEQRA (unlisted) – Negative Declaration determined on 09/21/21

The applicant, Kenan Gunduz, on behalf of the owner, seeks to make a minor amendment to their proposal to install an HVAC system on the roof. The applicant has previously received all necessary approvals and has consulted the City Historical Review Committee, which advises the Planning Commission to acknowledge and confirm the conditions agreed upon by the applicant. The amendment will not be visible from the street.

- Applicant presentation: No presentation
- Commissioner comments and questions to applicant: None
- Request for public comment: No 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.

1. R.Y. addresses formal adoption of recommendations from HRC.
2. R.M. Under the code, the PC is the Historic District and Landmark Review Commission; members of this commission serve in a dual capacity. The Historic Review Committee (HRC) is simply an advisory body that advises the Historic District and Landmark Review Commission. [The advisory committee] has no power of its own to act or to agree to anything that has to be done by the Historic District and Landmark Review Commission which is also the Planning Commission.
3. R.Y. Their guidelines and/or recommendations, for them to be truly adopted by outside agencies (like S.H.P.O.), requires this commissions a sign off on the recommendations.

- Applicant response: No response.

- **R.Y. Motions to: Adopt recommendations/findings of HRC [committee] S.M. seconded.**

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

- **Motion to: Adopt recommendations/findings of HRC [committee] Passed 5-0**

- **S.W. Motions to: Approve Consent Agenda S.S. seconded.**

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

- **Motion to: Approve Consent Agenda passed 5-0**

Old Business

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]
Site Plan Review – 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 question to applicant:
 1. S.W. Asks why 2 separate buildings?
 2. W.S. Asks about concrete extension to the street on the rendering, width of the walkway and asks about lights.
 3. S.S. “I just want to be clear. You are going to have 2 buildings, or you’re not?”
 4. W.S. Wants clarification on the use being 1 or 2 stories. Why are the signs so high up. Could they go lower?
 - Noticing the upper half of the facades are very blank with no fenestration. Elaborates concerns.
 5. R.Y. was there any further comment by DPU/Sanitation on location of the dumpster?
- Request for public comment:
- Commissioner deliberation:

1. S.M. To be a voice for J.R., I'm in favor of 2 buildings and the pedestrian walkway between them. States confusion by the TPD's comments. Thinks the lights and cameras on walkway is fine.
2. S.W. "I don't see the value of a gate."
3. S.M. echoes concerns for light pollution (to residential).
4. W.S. reiterates position on lighting to façade.
 - Would like to see more articulation in the façade. Just sees too much flat plane. Scale doesn't seem to work.
 - R.Y. suggests a rectangular pocket within the façade with low voltage, down facing light.
 - S.W., I agree with W.S. and R.Y.'s comments.
5. S.W. mentions staff notes/comments on needing more signage details. States it's an opportunity for applicant to bring further interest to the building's features. This could potentially be a condition. R.Y. seconds.

- Applicant response:
 1. Walks through changes. States commercial tenants:
 - Bagel Café, Real Estate office, & Halal Grill
 2. (S.W.) Pedestrian viability and because the commission previously recommended them to be. 1 building was one of our original designs.
 3. (W.S.) that was an error in the rendering. It will be grass.
 - Doesn't want to put too many lights on the exterior building façade because it's surrounded by residential. All lights will be facing down.
 4. (S.S.) We are going to have 2 buildings.
 5. (W.S.) They are 2 stories. Upstairs will be mezzanines/offices.
 6. (W.S.) We thought that was best aesthetically.
 7. After closing (11 PM), all lights will be turned off.
 8. Reiterates why no additional lighting on the façade (light pollution to adjacent residential buildings).
 9. (R.Y.) The location of the dumpster was declared fine by sanitation.

- **S.W. Motions to: Declare PC as Lead Agency under SEQRA S.M. seconded.**

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

- **Motion to: Declare PC as Lead Agency under SEQRA passed 5-0**

- **S.W. Motions to: Issue a Negative declaration for SEQRA S.M. seconded.**

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

- **Motion to: Issue a Negative declaration for SEQRA passed 5-0**

- **R.Y. Motions to: Approve site plan with condition that final signage details be compiled with proper details and represented with updates to rendering and a sub-committee to review and approve S.M. seconded.**

	Absent	Yes	No	Abstain	Recused
Roddy Yagan		X			

Sara Wengert		X			
Suzanne Spellen		X			
Warren Shaw		X			
James Rath	X				
William Comiskey	X				
Stephen Maples		X			

- **Motion to: Approve site plan with condition that final signage details be compiled with proper details and represented with updates to rendering and a sub-committee to review and approve. passed 5-0**

***Sub committee to review final signage details.**

PLPC 2023 0049 – 487 Campbell Ave (112.-4-12.114) [MU-II/N-III]

Subdivision Review – SEQRA (unlisted)

The applicant, 493 Campbell, LLC, is proposing to subdivide the parcel located at 487 Campbell Avenue into 2 lots. 487 Campbell Avenue would be 1.126 acres with an existing commercial structure, and 491 Campbell Avenue would be .469 Acres for a proposed multi-story residential building.

- Applicant presentation: Nick Riggione
- Commissioner comments and questions to applicant:
- Request for public comment:
- Commissioner deliberation:
 1. R.Y. asks R.M. about easement materials.
 2. S.W. have we determined that it was not necessary to ask the applicant to extend sidewalks?
 3. R.Y. asks if we discussed additional site plan features (striping/painting). S.M. mentions recommendations to improve sidewalks elsewhere on the site plan.
 4. R.M. asks about easement width.
 - “It seems in good order”.
 5. E.F. States that this is a sub-division review and that site plan approval was already conducted. The proposal requires analysis of the sub-division and in this case, the need for an easement per corporate counsel.
 6. R.Y. → R.M. conditions?
 - Counsel to review easements into new deeds to ensure they are in good order.
 7. S.W. → R.M. Is the title different from the deed?
 - “A deed is evidence of title.”
- Applicant response:
 1. All changes were addressed in the materials submitted.
 2. When I did the original building, we did do sidewalks.
 - S.W. I’m referring to extending west.
 - “I don’t own that part.”
 3. When I talked to [The building department] he said this would be beneficial to Fire and Police (to have separate addresses).
- **S.M. Motions to: To approve subdivision with condition that commissions counsel has a final review of the deed to ensure all paperwork is in order S.W. seconded.**

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

- **Motion to: To approve subdivision with condition that commissions counsel has a final review of the deed to ensure all paperwork is in order passed 5-0**

New Business

PLPC 2024 0002 – 1 St. Joseph's Street (111.52-9-9, 111.52-9-8) [TF/N-II] Lot Line Adjustment – SEQRA (Type II)

The applicant, Jeff Raia, is proposing a lot line adjustment to merge 1 and 3 St. Joseph's Street. The resulting parcel will result in a buildable lot where Mr. Raia intends to construct a 2-car garage to provide off street parking for the existing residential structure currently located on 3 St. Joseph's Street.

- Applicant presentation: Jeff Raia
- Commissioner comments and questions to applicant:
 1. R.Y. clarifies intent to build a garage.
 2. S.M. asks about any ability to have sidewalks. Asks what commission's purview is on this project.
 - What are we talking about that is non-conforming?
 - E.F. Explains. Clarifies the applicant is in the middle of ZBA approvals.
 3. W.S. Is there an existing sidewalk? Is the lot behind the garage open or containing a structure?
- Request for public comment: No public comment.
- Commissioner deliberation:
 1. E.F. reviews PC purview of Lot Line adjustments and why they are before the commission. R.Y. demonstrates examples of review.
 2. S.M. There appears to be something that was attempted to be a sidewalk.
 3. S.W. →E.F. asks about what setbacks need to be addressed via the ZBA.
 - E.F. asks applicant to clarify as well. Front and side.
- Applicant response:
 1. (W.S.) There is not. Explains lands behind proposed location of the garage.
- **S.M. Motions to: Approve Lot/Line Adjustment application with condition that the applicant obtain all needed variances by the ZBA S.W. seconded.**

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

- **Motion to: Approve Lot/Line Adjustment application with condition that the applicant obtain all needed variances by the ZBA passed 5-0**

PLPC 2024 0003 – 60 113th Street (80.65-2-2) [MU-I/N-II] Site Plan Review for Special Use Permit – SEQRA (Type II)

The Applicant, Energy Catalyst, seeks to establish a geothermal manufacturing facility to be the only geothermal heat pump manufacturer in the Northeast and will invest \$10M in manufacturing and R&D, as well as offer year round training courses. The applicant intends on 25% of employees being locally hired.

- Applicant presentation: Matthew Desmarais
- Commissioner comments and questions to applicant:
 1. R.Y. Asks about site. Asks about the product being manufactured. Asks about exterior improvements. States a need to see what upgrades are because given a site plan approval, there

would be no mechanisms to see the applicant back to PC based on the description given to the commission of intended use/improvements. “We can’t just grant a site approval without seeing more of what those things would look like.”

- 2. S.M. Seconds R.Y. and is excited about work and proposal. But wants to see any future plans of improvement to be on the record.
- 3. W.S. Asks about ADA compliance.
- 4. R.Y. "If I'm understanding correctly, you're looking to make no changes to the building, interior or exterior or to the site. We would be viewing this essentially as a storage facility for some materials manufactured and shipped here as staging, and that we're reviewing the site plan as it pertains to a SU permit and taking action."
- 5. R.Y. Wants to see a conditions assessment of the property to understand that it's fit and that PC should be approving the site plan. That would point out any glaring issues to us that we should talk about for site plan.
- 6. S.W. The Site plan that's included in the application doesn't meet the requirements of the site plan for our review.

- Request for public comment: No public comment.
- Commissioner deliberation:
 1. E.F. Clarifies this is site plan review for a Special Use Permit.
 2. S.W. Asks about C.O. expiration? Doesn't understand. What defines occupancy?
 - R.M. clarifies.
 3. S.W. "You're going to change the signage, right? That's part of site plan review."; There's something not connecting for me.
 4. R.Y. SU permit requirements might help.
 5. D.T. and R.Y. discuss concept and relevance of a C.O. to the proposal and site.
 6. E.F clarifies SU permits and exemptions. Cites zoning code.
 7. R.Y. Suggests the applicant do a conditions assessment and review the findings.
 - S. W. "Are you suggesting that we don't need a site plan?"
 - R.Y. "No that's required procedurally."
- Applicant response:
 1. (R.Y.) size of lot. The company intends to grow and expand. Also, in a justice 40 area. Grants required this. Correct, all assembly. Other components would be the heat pumps, electronics, etc. There will be a powder coating in the 3rd stage. Explains. At the moment we don't have any plans to change anything to the existing structure. Warehousing space, yes. We're just storing the finished product and in some cases we're doing research and development. Also partnered with R.P.I. Exterior improvements would be fixes to the existing structure. Won't be doing any new construction. "If the commission would have it I'm happy to accept essentially no changes. What we can't do is invest our time and energy into a site that we don't know we can get into at all." Confirms working on a TDMP.
 2. (S.M.) Longtime goal is to build and grow but right now would just be occupying.
 3. (R.Y.) Yes, due to the size.
 4. (D.T.) We are under a lease and we do have permission to act as agent.
 5. (R.Y.) defer to PC. Our goal is to occupy the space. In a lease right now, it would be great if we could use it and store our pumps/equipment. Just the same uses as it's prior occupation. It was previously Uncle Sam's Piping.
 6. (S.W.) Is there anything in particular that we can improve (on the site plan) for your satisfaction?
 - S.W. [The site plan check list] is in your application. We don't' need renderings of the buildings or elevations.
 - R.Y. gives some examples of site plans.

- **S.W. Motions to: Declare application complete** **R.Y. seconded.**

Actions to: Declare application complete		Votes seconded:				
		Absent	Yes	No	Abstain	Recused
Roddy Yagan			X			
Sara Wengert			X			
Suzanne Spellen			X			

Warren Shaw		X			
James Rath	X				
William Comiskey	X				
Stephen Maples		X			

- **Motion to: Declare application complete passed 5-0**

- **S.W. Motions to: Schedule Hearing for March 20th PC S.S. seconded.**

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

- **Motion to: Schedule Hearing for March 20th PC passed 5-0**

PLPC 2024 0004 – 161 River Street (100.60-3-10) [DMU/ DT-II]

Sketch Plan Conference for Site Plan Review – SEQRA (Type I)

The applicant, Michael Wistuk, proposes to construct an elevated rear deck as an accessory use to his business in the existing Hudson Candy Factory building located in the historic district.

- Applicant presentation: Applicant did not show up.
- Commissioner comments and questions to applicant:
- Request for public comment:
- Commissioner deliberation:
- Applicant response:
- **R.Y. Motions to: Table PLPC 2024 0004 until the applicant continues to correspond with City Staff and this body W.S. seconded.**

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

- **Motion to: Table PLPC 2024 0004 until the applicant continues to correspond with City Staff and this body passed 5-0**

*Next meeting will need to elect a Vice Chair of the PC

S.M. motioned to: Adjourn February PC hearing at: 7:40 PM S.S. seconded.

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

Motion to: Adjourn hearing at: 7:40 P.M. passed 5-0.