

Wm. Patrick Madden  
Mayor

Christopher Nolin  
Deputy Mayor



Steven Strichman  
Commissioner of Planning

Phone: (518) 279-7166  
steven.strichman@troyny.gov

### Planning Commission

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

# DRAFT

## MEETING MINUTES

The Planning Commission of the City of Troy, New York, conducted a public meeting at **6:00 P.M. on Wednesday, June 21<sup>st</sup>, 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.

**6:05 pm – Meeting called to order.**

#### Commissioners in Attendance

William Comiskey (WC), Suzanne Spellen (SS), Roddy Yagan (RY), Anthony Mohen (AM), Sara Wengert (SW)

#### Also, in Attendance

Andy Brick (Planning and Zoning Attorney), Eric Ferraro (Assistant Planner)

### Administrative Items

Adoption of Meeting Minutes from May 21<sup>st</sup>, 2023, by Resolution

- **B.C. Motions to: Adopt May PC meeting minutes . 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			

- **Motion to: Adopt May PC meeting minutes . passed 5-0**

\*R.Y. makes mention that agenda items for 1818 5<sup>th</sup> Avenue and Country Garden Acres have been removed.

\*A.B. addresses ‘process’ and ‘public hearings’ while applicant prepares presentation; addresses concept of “complete application” and “public hearings”.

### Old Business

**PLPC 2023 0028** –285-289 River Street (101.45-5-3) –The American Theatre (DMU/DT II)  
Site Plan Review –SEQRA (Type I)

The applicant, Arts Center & Theatre of Schenectady, Inc (dba Proctors), proposes to refurbish and restore the former American Theatre as such and re-open as a daily venue for movies and contemporary music. The proposed seating provides for 100 people and the venue anticipates hosting an estimated 200 events a year.

- Applicant presentation: Natalie Seagriff

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](mailto: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.

- Commissioner comments and questions to applicant:
  1. S.W. asks about the bioswale and what plantings might be afforded for that space.
- Request for public comment: No public comment
- Commissioner deliberation: “It’s an exciting project.”
- Applicant response:

• **R.Y. Motions to: Close public comment period . . . seconded.**

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

- **Motion to: Close public comment period . . . passed 5-0**

• **A.M. Motions to: Make a negative declaration for SEORA . . . 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			

- **Motion to: Make a negative declaration for SEORA . . . passed 5-0**

• **S.W. Motions to: Approve site plan with the condition the bioswale in front is planted and maintained . . . B.C. seconded.**

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

- **Motion to: Approve site plan with the condition the bioswale in front is planted and maintained. passed 5-0**

**PLPC 2023 0030** –302 Ninth Ave (101.23-2-9) [MF/Neighborhood III]  
 Site Plan Review –SEQRA (Type II)

The applicant, Adel Abuzaid, wishes to build a new 24’ 4” x 16’2” wood frame addition at rear of building for additional storage of product. Additional accessories to this proposal include a stockade fence along the north side of the property, and a newly paved surface for off-street parking and garbage storage.

- Applicant presentation: Liza Rodriguez of TAP
- Commissioner comments and questions to applicant:
  1. S.W. – contribute more to cleaning your block and being a good neighbor.
- Request for public comment: Yes; opposition cites a link between garbage/liter on street, increased traffic, and unwanted mischief/nearby drug use by patrons of store.
  1. Kelly Ardis – opposes.
  2. Beverly Hickman – opposes.
  3. Timothy Leonard - opposes.

- 4. Kinae Nicholas – supports & Addresses community concerns.
- Commissioner deliberation:
  1. A.M. talks about asking city for public trash receptacle to address community concerns; Addressing public comment, widening street is beyond PC purview.
  2. E.F. provides some guidance for that process (garbage receptacles)
- Applicant response:
  1. Addresses community concerns
  2. We sell food. We can't control people and what they do when they leave.

• **B.C. Motions to: Close public comment period . 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			

• **Motion to: Close public comment period . passed 5-0**

• **R.Y. Motions to: Approve site plan with conditions: The dumpster area be fenced in. S.W. seconded.**

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

• **Motion to: Approve site plan with conditions: The dumpster area be fenced in. passed 5-0.**

**PLPC 2023 0011 – 625 Seventh Ave (80.56-3-1) [MU-1/N-II]**  
 Site Plan Review –SEQR (Unlisted)

The applicant, 625 7<sup>th</sup> Ave, LLC, wishes to convert the former Catholic Central High School building in Lansingburgh into 74 market-rate apartments, and the gymnasium into an additional 35 apartments with 7500 sq ft of low intensity commercial space. Upgrades include new interior amenities and exterior site improvements.

- Applicant presentation: Joe Pernicero of Redburn Development
- Commissioner comments and questions to applicant:
  1. B.C., S.S. & R.Y. all think this is a great project.
  2. R.Y. – Asks about bubbled area (parking)
  3. S.W. – Addresses need to clean all masonry and limestone. Also building mounted lighting. Encourages replacement of some fixtures.
- Request for public comment: No public comment
- Commissioner deliberation:
  1. R.Y. asks E.F. if there are any additional items that need to be addressed.
  2. E.F. clarifies need for 3<sup>rd</sup> party P.E. review and DPU sign off. All other details have been addressed.
- Applicant response:
  1. Responds to masonry cleaning.
  2. Says they're adding only 2 more fixtures. 90% of lighting is existing.
- **. . . Motions to: Close public comment period . . . seconded.**

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

- **Motion to: Close public comment period . passed 5-0**

- **S.W. Motions to: Issue a negative declaration for SEQRA . B.C. seconded.**

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

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

- **R.Y. Motions to: Approve Site plan with following conditions: The applicant cleans all limestone & masonry. That the applicant switches out the 2 fixtures at the entrance. The applicant complies with all 3<sup>rd</sup> party P.E. review. 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			

- **Motion to Approve Site plan with following conditions: The applicant cleans all limestone & masonry. That the applicant switches out the 2 fixtures at the entrance. The applicant satisfies any comments derived from 3<sup>rd</sup> party P.E. review . passed 5-0**

**PLPC 2023 0031** –1776 Sixth Ave (101.54-2-16) [DMU/DT II]  
 Concept/Change of Use/Site Plan Review –SEQRA (Type I)

The applicant, First Columbia, LLC., seeks a change of use of the existing 2 story office building from commercial to residential & to construct an additional 4 floors, creating 64 residential units (184 bedrooms) for graduate student housing.

- Applicant presentation: Nathaniel and Chris Bette
- Commissioner comments and questions to applicant:
  1. R.Y.- Asks about college exclusivity.
  2. B.C. Asks about “pod” style inquiry and the percentage of the building that would be considered “pods” vs single rooms with bathrooms (no shared areas). Asks for detail. Asks about bike room. Asks about color scheme.
  3. S.S. Asks about windows on second floor.
  4. A.M. – Likes aspects of the design, especially the tower and terrace. Doesn’t have a problem with height/density. Some changes could be improved. Color, exterior. But overall, thinks it’s interesting.
  5. S.W. Comments on design. “Let it be what it is.” Doesn’t know about color scheme. Really likes the Tower. Asks about building egresses. Thinks the entryway(s) need more detail.

6. R.Y. Is rooftop restricted in footprint because of residential windows?
  7. S.W. Something must tie your materials at grade level to the upper floors. “there’s no material connection.”
  8. A.M.- Have you considered CDTA total access pass? Please report back with comments from them.
- Request for Public Comment: Yes
    1. David Graham: doesn’t like.
    2. Nathaniel Hanes: questions on use
  - Commissioner deliberation:
    1. B.C.- Thinks the FD would consider this “pod” when sharing a common area.; Is skeptical about quantity of bike storage.
    2. S.S. – Given what’s being worked with, likes the 2 floors on the bottom and the tower. But not the rest. Thinks it’s about a story to overbuilt. “I’m hoping in the final rendering, you can do more than these rectangles and improve the design.”
    3. S.W.-Okay with landscaping
    4. R.Y.—>S.W. what do you think about the rooftop? (Austere); I don’t’ take issue with height. Articulation is interesting but I agree a little more needs to be done to upper floors to make it speak more closely to the bottom. Discussion of façade.
    5. E.F. asks if conversations have been had with TFD.
    6. A.B. – clarifies position of the PC in regard to motions.
    7. B.C. – before SEQRA, I think it would be helpful to have an updated site plan.
  - Applicant response:
    1. Trying to work with existing conditions. This is also more student housing, not a dorm layout. Thinks it’s a good conversion of vacant building.
    2. Yes, to both (R.Y.); We are open to discussions with R.P.I. about affiliations.
    3. There is a 1:1 bed to bath ratio. For units greater than 1 bedroom, there is a common kitchen and living room.
    4. We don’t have those stats for percentage but we’re 10% studios, with down to 1% 5-bdrms. w/2,3, & 4 bedroom “suites”. 3 bdrms is probably the highest at about 15-20%. We can provide a detail.
    5. Bike room next to stair and entrance off the rear access of the building. I think we have about 2 dozen.
    6. This is our first stab at the color scheme. Fire ratings were a factor.
    7. (S.S.) Those are apartment spaces.
    8. (S.W.) points out entry points.
    9. (R.Y.) It’s 2-fold. That and the egress to get out has limits based on occupancy factors.; (S.W.) could do a green roof. R.Y. seconds.
    10. Addresses R.Y. comments on tying building design (lower→upper) with current building footprint.
    11. The majority of first and 2<sup>nd</sup> levels of U-shaped footprint is all for common area/amenity space. Game room, study rooms, fitness center. Location to the campus is also a benefit.
    12. Its our first pass at the color scheme. I’d offer a condition of approval are color and material selections for the façade are part of the approval.
    13. We intend to reach out to CDTA.
    14. No conversations with TFD.

- **S.S. Motions to: close public comment period . 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			

- **Motion to: Close Public Comment period . passed 5-0**

- **A.M. Motions to: Table to July 19<sup>th</sup> . S.W. seconded.**

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

- **Motion to: Table to July 19<sup>th</sup> . passed 5-0**

**PLPC 2023 0009** –21 First St –YWCA (100.60-4-2) [DMU/DT II]  
 Site Plan Review –SEQRA (Type I)

The applicant, Spring City Development Group, LLC, wishes to construct a 5-story residential building to support the YWCA of the Greater Capital Region. The proposed construction will include parking, offices, residential amenities on the ground floor with units above and site enhancements to surrounding sidewalks and curbs.

- Applicant presentation: Scott Townsend of SWBR Associates & Spring City Development Group, LLC
- Commissioner comments and questions to applicant:
  1. R.Y. addresses applicant’s legal response and suggested implications of PC. Clarifies importance of management transparency.
  2. B.C. – comments on increase of southern gangway’s width. Asks if further expansion is possible.; States close proximity is the nature of urban living.
  3. S.S. – supports need for housing. Still has questions. Doesn’t think 6 ft is enough space for gangway. Thinks there should be at least 9 ft.; Comments on design and historic. Thinks an additional month to figure out concerns is warranted.
  4. A.M. – Supports creation of affordable housing in downtown Troy. Addresses setbacks and the - difficult consideration of design features despite code allowances. Appreciates efforts of applicant to address the gangway.
  5. S.W. echo’s A.M.’s sentiment. Believes side setbacks should cater to 10 ft. Addresses site design features where there could be room for improvement. Echo’s S.S.’s suggestion for an additional month for design edits.
  6. B.C. – Asks about courtyard playground: lighting and air flow. Also comments on idea of a 10 ft setback.
  7. S.W. “Do you disagree with our position that it should be 10 ft or that I can be 10 ft; Are you saying you can’t design a building that has a ten foot space between the new building and the neighboring building?” Asks about the nature of real estate and services.
  8. A.M. following up to S.W.’s comment, asks about any income restrictions.
  9. R.Y. asks about services. Applauds designers on material/color choices. Asks about archway material. Ask about rear façade of building and any material matching on rear as there is on front. Questions on playground. Asks about garbage detail. EAF shows no sanitary line extension. Asks about it.
  10. S.S. Asks for an explanation on parking since lot will be gone, with some follow up.
  11. A.B. Addresses options of applicants. A.M. follows up.
  12. R.Y. The question is if the applicant wants another month or does the applicant want the commission to vote on the project in its current form?
- Request for public comment: Yes
  1. Corey Jameson – Supports
  2. Sean Atchinson Jr. – Supports
  3. Stacy Gars – Supports
  4. YWCA employee – Supports.
  5. Taryn Rackmeyer – Supports.

6. Nicole Stein – Supports.
  7. Caroline Nagy – Supports
  8. Hannah Stenzel – Supports
  9. Kate Wood – Supports
  10. Chester Bennet – Supports
  11. Chelly Hegan – Supports
  12. Emily Wager – Supports
  13. Angela Ledford – Supports
  14. Clyanna Lightbourn – Supports
  15. Andrew Deitch – Supports
  16. Malachai Hendrix – Supports
  17. Don Ceaclose – Supports
  18. Josephine Briccetti – Supports
  19. Amy Halloran – Supports
  20. Barbara Ann Ryan - Supports
  21. Marcus Nix – Supports
  22. Sylva Menard – Supports
  23. Rhea Drysdale – Supports
  24. Russel Brooks – Opposes in current form.
  25. Phil Farinacci (direct neighbor)– Opposes
  26. David Graham – Opposes
  27. Jody Brooks – Opposes in current form.
  28. Clark Foley – Supports with concerns.
  29. Starletta Smith – Supports
  30. Jaime Kraus – Supports
  31. Dan Phifer – Supports
  32. Samantha Tayves – Questions
  33. Nathaniel Haynes – Supports
  34. Lequetta Jones - Supports
- Commissioner deliberation:
    1. A.B. clarifies process under new code and addresses commissioner statements suggesting a table of the project for consideration of design purposes after suggestions made to applicant.
      - “The applicant has a right to have their application acted upon by you in the form that they choose to present to you. You can suggest changes and they can evaluate and choose to implement in design or not. Ultimately it is their decision on what they present for a vote.”
    2. A.M. – would support project in its current form despite common practice of giving an additional month.
    3. B.C. – after making suggestions to the applicant, and their response, doesn’t think tabling it would move the applicant to make any additional edits to the design.
    4. S.W. – Share’s B.C.’s opinion. Elaborates.
    5. B.C. – “Would you consider an alteration to the size of the gangway if you were given another month to look at it?”
    6. A.B. advises:
      - The project as proposed complies with the zoning, which includes a 0 foot side setback
      - In NYS, [in this zoning scenario] an adjoining landowner has no right light and air regardless of how long they have enjoyed it from the adjoining parcel. The applicant has the right to build directly up to the zoning code requirements. So, there is no right to the adjoining property owner to continue to enjoy those features as they have been.
      - “In my opinion, the concern that it should be 10 ft rather than 6 ft, would not be sufficient grounds to deny the application.”
  - Applicant response [after public comment]:
    1. Libby Coreno addresses legal issues. Clarifies ownership. Ownership issues are far beyond the scope of the PC.

2. Scott Townsend. Addresses “We have never worked harder on a project.” The project has always met zoning laws even through the adoption of a new zoning code. Addresses design details corresponding to neighbor’s concerns.
- Applicant response [to commissioner questions/comments]
  1. Libby Coreno addresses R.Y. – “I’m asking that the line [of ownership] be drawn.”
  2. Scott addresses B.C.’s comment on gangway width/windows on south side. What’s presented is the extent of edits to design but will keep open talks with neighbor.
  3. S.T. → S.W. – I respectfully disagree. Addresses concerns of S.S. and S.W. regarding side setbacks. “It’s dangerous for any PC to do conjecture; It’s 6 ft 3 in on the other side [south], we have gone up 50 %; We really can’t give that to you [10 ft setback]”
  4. S.T. → B.C. – Addresses questions about lighting/air flow/courtyard. Responds to comment on “gift” of 10 ft setback. Hears the suggestions of 10 ft setback but disagrees.
  5. S.T. → S.W. “I don’t agree in philosophy. I disagree with the need [for 10 ft setbacks].”
  6. L.C. → Addresses S.W.’s comment/question about use and rates of apartments. The new building will be mixed income.
  7. Laurie Harris: all units are proposed to be low-income housing tax credit units restricted at 60% of AMI or less. Talks about nature of tax credits: income housing.
  8. S.T. → R.Y. Yes, that is pre-cast. Addresses additional inquiry into materials on rear of building and comment on playground, with additional comment by L.C. Addresses question on garbage detail but states there will not be a dumpster. P/U looks to be at least 2x/week. Will discuss pick up by private company with consideration to neighbors wishes.
  9. Kelsey Carr → R.Y. There’s going to be a new sanitary service connecting the 1<sup>st</sup> st alley that’s in process.
  10. K. C. → S.S. Cites TDMP and addresses S.S. comment on parking.
  11. S.T. → Just want to be sure, please state the question clearly.
    - [answers] We are standing with what we provided. We will talk to owner next door to see what else is possible.
  12. L.C. → Unit size is also a factor on building width, with dictated regulations by HCR. Responds to A.B.’s layout of options.
  13. S.T. seconds L.C.: “We don’t want another month.”

• **A.M. Motions to: Close public comment period . B.C. seconded.**

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

• **Motion to: Close public comment period . passed 5-0**

• **A.M. Motions to: Issue a negative declaration for SEQRA . S.W. seconded.**

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

• **Motion to: Issue a negative declaration for SEQRA . passed 5-0**

• **S.W. Motions to: Approve site plan with the following conditions: The applicant satisfies any comments derived from 3<sup>rd</sup> party P.E. review. The applicant has DPU sign off prior to the issuance of**



**a permit. The applicant does not install E/V parking stations under the building. The applicant installs concrete sidewalks across drive entrances. 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			

- **Motion to: Approve site plan with the following conditions: The applicant satisfies any comments derived from 3<sup>rd</sup> party P.E. review. The applicant has DPU sign off prior to the issuance of a permit. The applicant does not install E/V parking stations under the building. The applicant installs concrete sidewalks across drive entrances. passed 4-1**

**A.M. motioned to: Adjourn June PC meeting at: 10:07 PM . B.C. seconded.**

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

**Motion to: Adjourn meeting at: 10:07 PM passed 5-0 .**

