

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, March 20th, 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.

6:06 pm – Meeting called to order.

Commissioners in Attendance

Roddy Yagan (RY), Suzanne Spellen (SS), Sara Wengert (SW), Warren Shaw (WS), James Rath (JR), William Comiskey (WC)

Also, in Attendance

Richard Morrissey (Planning and Zoning Attorney), Eric Ferraro (Assistant Planner), Randy Coburn (Planning Commissioner), Russ Reeves (Executive Secretary)

Administrative Items

- **Adoption of Meeting Minutes from February 21st, 2024, by resolution.**

- **Motions to: Adopt February 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 February meeting/hearing minutes . . . passed 6-0**

Commissioner Rath enters at 6:08 PM

Old Business

PLPC 2024 0003 – 60 113th Street (80.65-2-2) [MU-I/N-II]
Site Plan Review– 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: Matt Desmarais
- Commissioner comments and question to applicant:

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. asks about any pending issues with the site. Clarifies reasons for SUP & site plan review. Asks about storage details. Asks about lighting and fencing. Inquires into lease status and ability to work on site prior to purchase. Asks about paved surfaces.
2. W.C. Asks about 'stages' of project.
3. J.R. asks if the applicant intends to come back for any site upgrades on their own premonition. Discusses previous comments on site features mentioned by R.Y.
4. R.Y. asks about signage and traffic details.

- Request for public comment:
- Commissioner deliberation:
- Applicant response:
 1. (R.Y) reviews any open details that are pending (ex. address change to 499 Ninth Avenue)
 2. States that they have received an area variance.
 3. (R.Y.) responds about storage and building usage, lighting plans, fencing, and paved surfaces.
 4. (W.C.) responds to Bill about stages of the project.
 5. (J.R.) responds to questions about paved surfaces and site upkeep/entry.
 6. (R.Y.) responds to questions on signage and refers to the TDMP on file for traffic details.

• **R.Y. Motions to:** Close Public Comment **J.R. 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:** Close Public Comment **passed 6-0**

• .. Motions to: Approve Site Plan/Special Use Permit with conditions: 1. Signage be identified on building, snow storage be identified on site plan, lighting to be added in parking lot (no fewer than one light post, and a corrected address for emergency response. 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 Site Plan/Special Use Permit with conditions: 1. Signage be identified on building, snow storage be identified on site plan, lighting to be added in parking lot (no fewer than one light post, and a corrected address for emergency response. passed 6-0**

New Business

PLPC 2024 0009 – 1819 Fifth Avenue (101.53-5-6) [DMU/DT I]
Sub-Division Review – SEQRA (Type I)

The applicant, 1819 Fifth Avenue Associates, LLC, proposes to sub-divide one downtown mixed use parcel into two separate lots. Lot one will continue to be used for residential purposes and Lot 2 will continue to be a commercial office space. There will be no material differences to the existing structures or their uses.

- Applicant presentation: Michael Ginsberg and Lindsay Carr
- Commissioner comments and questions to applicant:

1. R.Y. Asks about intention of subdivision. Asks about historic placement on register.
 - States the PC needs to consider, “what could be done with the property” now that there are 2 lots.
2. W.C. Discusses whether the subdivision impacts the existing character of the property. Has concerns.
 - R.Y. states, the action itself, while simply an idea on paper/an imaginary line, does not physically constitute a change to anything on the site, ALLOWS for a potential change. “What could happen?”
3. J.R. In 30 years, if both landowners were gone, and things go south, you give them a right to make the “funkiest property battle in Troy”. Explains. Doesn’t have an issue but thinks the placement of the line is very strange. If it were to follow the structure, it would make more sense. Asks about why lines are drawn the way they are. Explains position.
4. S.W. who parks in the garage? Explains question and point of interest. Suggests a provision of an easement.
5. R.Y. wonders what kind of precedence this sets with every resident with a carriage house.
 - J.R. follows up.
 - Wants to ensure applicant understands that while nothing is changing the character in this proposal, it poses a potential for a future change.
6. S.W. Poses scenario. “Can I chew up with beautiful driveway and put down sloppy asphalt (J.R. or plants)? Wants to address the fact that this is one of the most beautiful homes in the city. The occupant has come to the P.C. in the past, in defense of preserving the character and not dissolving such properties in this city, and critiquing the [micro] parcelization.. explains point.
7. S.S. doesn’t understand why a line can’t just be drawn in front of the carriage house and have an easement for the driveway. It seems like the applicant is over complicating it. Discusses easement.
8. Commission would like to see corrected line, easement language to corporation counsel and a long EAF.
9. W.C. has historic review seen this?
 - R.Y., I don’t think they have to be involved as there are no modifications to structures.

- Request for public comment:
- Commissioner deliberation:
 1. R.M., I understand there’s concern about separation in the back (shared staircase).
- Applicant response:
 1. (R.Y.) wants the option in the future to sell lot to current occupant.
 - States there’s no intent to change use. Just division lines and access. No change in infrastructure, etc.
 2. (W.C.) doesn’t think it changes anything at all.
 3. (R.Y.) Addresses with the intention of clarifying it. The property owner can do all that now. So, it doesn’t change anything.
 4. (J.R.) “we relied on the surveyors as to what they thought was the best division line. It doesn’t matter to the applicant if the PC would prefer the division line to match the actual property.
 - If approval is necessary for anything that a future landowner may contemplate on the site then they have to come back to the commission.
 5. Doesn’t think this changes the character of anything on the property.
 6. (R.Y.) Any change that requires approval, then owner would have to come back.
 7. (S.W.) discusses parking viability, points of interest, etc.
 8. (S.S.) Lets say property owner sells lot 2 and keeps lot 1 (carriage house) as a residence for themselves. They don’t want to have to get permission from the owners of lot 2 to access their property. Responds to easement point. Discusses.
 9. (R.M.) Staircase is wholly in lot 1. There is no physical access to lot 2. The common wall is brick/fire rated though I expect code will want to ensure.
- **W.C. Motions to: Declare lead agency under SEQRA** **J.R. 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 Lead Agency under SEQRA passed **6-0**

PLPC 2024 0010 – 30, 32 & 42 Second St (101.53-8-13/.1 & /2) Parking Lot (101.53-13-1) [DMU/DT I]
Site Plan Review – SEQRA (Type I)

The applicant, Troy Savings Bank Music Hall Corporation, intends to provide site upgrades with exterior improvements/upgrades, install a new HVAC system and make improvements to the existing parking lot at the corner of State and Second St.

*Commissioner Wengert recuses herself for this proposal.

*Commissioner Rath discloses he knows presenter from having previously worked together. Does not believe that will have an impact on his ability to remain unbiased to the project's proposals.

- Applicant presentation: Dash Krisner
- Commissioner comments and questions to applicant:
 1. R.M. You have been out of city employment for over 2 years, correct?
 2. R.Y. asks about screening of duct work.
 3. R.R. asks about the impacts of HVAC on interiors and if vibrational analysis has been performed.
 4. R.Y. talks about additional items he wishes to see at the next meeting before getting into components of project.
 5. Parking lot: asks about proposed plantings.
 - J.R. Look for ways to soften the impact of having a surface lot on corner in DT. Discusses. Using it to increase number of [parking] spaces and not do something more creative is not necessarily best use of space. Makes related comments/recommendations.
 - R.Y. notes how often the lot is vacant. Other details about it. Discusses. Along with J.R., discuss placement of bike racks. Asks about program for the lot outside of parking use.
 - W.C. How important is the parking lot to the success of the proposal? Couldn't this be better used to facilitate outdoor events or alternative uses other than parking? J.R. seconds.
 - W.S. Has anyone looked into paving that is pervious?
 6. Courtyard:
 - R.Y. & J.R. talk about plantings. Talk about wanting to see additional material for next submission.
 - R.Y. asks about lighting and seating in courtyard. Additional questions about site/entrances.
 7. Marquee:
 - J.R. asks about curbs. Thinks the marquee should be large.
 - S.S. Comments on wall medallions to get a wide and historic marquee to complement building. References marquee on nearby hotel.
 - R.Y. asks about physical details.
 - W.S. asks about material details.
 8. HVAC
 - R.Y. comments from HRC are good. Discusses. S.S. agrees.
- Request for public comment:
- Commissioner deliberation:
 1. R.Y. → R.M. asks to clarify HRC:PC and formal arrangement under charter as well as process.
- Applicant response:
 1. (R.M.) Correct.
 2. (R.Y.) Details intent of screening in duct work. Cites HRC comments.

3. (R.R) Yes it has. Can provide analysis results. Discusses other efforts to minimize vibration.
4. (R.Y.) not currently.
5. (J.R.) Client asked that power be brought to parking lot so it can be used for additional purposes, not just parking.
6. (R.Y.) responds to programming for the lot.
7. (W.S.) I'm not sure. Will look into it.
8. (R.Y.) responds to question of lighting in courtyard.
9. (R.Y & W.S.) it will be as close to its cast iron original as possible.

- **J.R. Motions to: Declare the application complete . . 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 the application complete passed 6-0**

- **S.S. Motions to: Declare PC as lead agency J.R. 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 passed 6-0**

- **R.Y. Motions to: Schedule for public hearing at April 17th PC Hearing J.R. 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 for public hearing at April 17th PC Hearing passed 6-0**

PLPC 2024 0008 – 125 River Street (100.68-1-1./1) [DMU/DT II]
Site Plan Review – SEQRA (Type I)

The applicant, Taylor II, LLC, proposes to bring modernized 21st century accommodations into downtown Troy, and update the existing Taylor superblock to match the current city infrastructure by demolishing the existing building stock followed by the construction of 2 new buildings consisting of 308 residential units supplemented by 2,135 sq ft of ground floor commercial space.

- Applicant presentation: Roger Keating of LaBella Associates on behalf of Penrose.
- Commissioner comments and questions to applicant:
 1. R.Y. Asks about timing of goals, approvals, construction, grants, etc.
 - Asks about relationship of Penrose to the project. "Does Penrose have ownership at all?"
 2. S.S. Asks about flood plain.; "Don't get cute with the design."
 3. J.R. responds to S.S. design comments, "I don't think new development is cute looking at all." "Avoid developer cheeky look that we see everywhere. I think what we looked at for Taylor 1 has that strength, is toned down a bit and blends a bit more. I'm looking forward to that project being completed and hopefully referenced for what we want to see more of."
 4. R.Y. Comments on design/concept. Recalls Taylor 1. Explains. References meeting from January 2021 for commissioners to reference. Asks about public engagements? Is there a reason you chose not to have a sketch plan conference?
 5. J.R. Discusses orientation of buildings and the sewer easement. Wants clarification on what applicant can and cannot do on that street. Why did you choose to not orient it more towards the river? Are there any variances you're seeking that go after height? Was height something discussed at a public meeting? I don't think it's too tall. Explains point and advantages.
 6. R.Y. Cites waterfront development incentives that would allow additional 10ft (height) if providing multi-use pathways and easements. Height. Zoning code cites floor setbacks when you go above a 3rd floor (along waterfront). 4th, 5th, & 6th, would have setback requirements to minimize viewshed impact from the river.
 7. W.S. I strongly agree with going higher. The biggest thing I see in this plan:
 - I like the curves. I like the shape. I think it's a good solution.
 - My biggest problem, is all the views from these apartments (facing the waterfront) look out into a surface parking lot. It's a shame you couldn't have all the parking inside the building(s). Maybe have 2 stories (of parking). You have unexcavated spaces. Could they be excavated with a retaining wall? Then it (the parking lot) could be a true green space.
 8. R.Y. How you would change grading and excavations to support a different layout. Elaborates. Asks about Transportation corridor with J.R.
 9. J.R. Asks about apartment affordability structure.
 10. R.Y. Asks about public engagement sessions regarding moving into Taylor 2? Asks about an application process. How will the units compare?
 11. W.S. Wants clarification on unexcavated area and putting parking inside?
 - R.Y. Asks about foundations.
 - W.S. Asks about a second story of parking and other parking considerations/concepts? Could you have parking mixed in with communal space and no housing on the 2nd floor? B.C. seconds. Explains.
 12. R.Y. Asks about parking figures.
 13. J.R., I agree with W.S. about how there needs to be something else with the unexcavated space and the parking area along the river front. Explains. Talks about street level interaction and roadway networks/streetscape.
 14. W.S. Did anyone think about a green roof? Comments on architecture/facades. R.Y. seconds.
 - R.Y., I think you need to look at rooftop activation as a must.
 15. R.Y. Asks about sanitary demand.
 16. R.R. Asks about materials being used in structure/design of foundation.
 17. R.Y. "I think an intersection analysis should be performed" to add to TDMP.
 18. J.R. Talks about access to public transit systems in the spirit of reducing parking.
 19. S.W. It would be helpful for us to see River Street access floor plan. The curves are responsive to the things no one likes. I think its imperative to make that curve stand on its own. Articulating the building with the right material. Do you think you're going to use the same material pallet as Taylor 1? Please don't come back with fiber cement board on more than 20% of the façade.
 20. J.R. wants to hear more about Front Street side considerations. R.Y. seconds. Mentions bicycle infrastructure considerations.
- Request for public comment: Public comment period not yet open.
- Commissioner deliberation:

1. R.Y. → S.S. District-wise, it's worth noting that this is part of the resilient waterfront and flood risk overlay, so there are specific design requirements of being in that area.
2. J.R. → R.Y. You make a great point about what was shown to us initially. I understand constraints with the easements but also the retaining walls of the bridge that we didn't anticipate needing to remain. Echo's R.Y.'s comment that these projects look very different (Taylor 1 and Taylor 2&3), decades apart, and I think that's a problem. Explains point.
3. R.Y. → R.R. Is this something that's on your desk? The redesign of this interchange?
 - R.R Not provided with that as yet. Met with them a few weeks ago.
 - J.R. And there was an announcement for an award for Troy and the surrounding cities involved, correct?
 - R.R. Yes
4. S.W. → R.Y. What are you trying to understand (about the units)
 - R.Y. Putting myself in the mindset of a current occupant.
 - S.W. The unique quality of the buildings is the structural system. The layout of the apts is driven by the structure, which causes lots of skinny hallways, height minimums, cut throughs, tiny windows, etc.
5. R.Y. → R.M. If we haven't declared the application complete, can we declare ourselves as lead agency and/or open public comment?
 - R.M., I believe the application has to be declared complete before you open public comment.
 - Declaring lead agency only starts a clock on other agencies to object to your designation. It doesn't mean you have to decide a SEQRA determination within that time (30 days).

- Applicant response:
 1. (R.Y.) Financing from HUD for a restore NY grant. No committed financing with a deadline but a tight financing schedule at State level. Schedule we're starting on today is to start financial applications in the fall so we can close on financing next year. About 18 months. If not able to start process and have approvals by the fall, we're potentially looking at another year out. If restore NY grant comes in this year, that financing is tied to the other financing.
 - Penrose designated as co-developer partner with the Troy Housing Authority. The Housing Authority ground leases the property to the entity that has the contract for development and within that ownership entity is Penrose and the Housing Authority as well as the tax credit investor that provides affordable financing for the project.
 2. (S.S.) Part of the reason cellar has parking in it is because of the flood plain. Identifies on site plan. Explains relation of floors: elevation drawings due to this.
 3. (R.Y.) Yes. We had previous meetings with tenant associations and a follow up earlier this week. The plan is to have a follow up meeting with the public to solicit feedback and comments.
 - The idea for SEQRA, is it helps the applications as it relates to financing in that the project is taking the next steps.
 4. (J.R.) Looked at a scheme where we were facing the river. Elaborates. There are also zoning items that would cut back the amount of units.
 - No variances associated with height. I don't think there was any concern with height. Responds to additional commissioner comments on height advantages.
 5. (W.S. & R.Y.) There was back and forth as it relates to how the flood plane works. Talks about building placement in proximity to the waterfront and 1st floor elevations/pedestrian viability as it pertains to proximity to waterfront.
 - So, absent this design, you would have odd ways of entering and exiting the building.
 - There's still a great opportunity here to have River Street reconnected because it's been fractured by this bridge when it was first built. Hoped slip lanes would go away but they're not. That's one of the things that's drives (design). If you look at the way the plan sits, we're talking about a pretty big wedge that's just where those buildings were before.
 6. (R.Y.) we're not the designers of the transportation corridor.
 7. (J.R.) It'll have a traditional intersection.
 8. Part of the conversation was that because of some of the parking that was lost on Taylor 1, we brought some of that parking to Taylor 2.
 - 208 units. 125 are designated as 60% or less of area medium income (AMI) and they will be replacement units for the Taylor units that are there today. Those units will have

vouchers from HUD, Housing Authority for potentially the residents of Taylor 3 and 4 today. They have 1st rights to come back to those 125 units. Another 125 units for those making 60%-80% of AMI. And 58 units market. But the state has a program that subsidizes market rate units which are going to be 100%-120% AMI. The great thing about that program is that even though its market rate today, the increase on those rents in the future are capped. If in 5, 10, 15 years, the market rate of Troy continues to rise, the increases of those rents cap. So really what you have is a project that's 100% affordable long into the future for 30+ years for a whole different range of folks.

9. (R.Y.) To relocate tenants is a full scale codified and regulated process. We are in the middle of that process right now. We have conditional approval from HUD to demolish Taylor 3 and 4. There are mixed feelings across the range, but part of this process is having meetings with them. Making sure they know what's coming. Getting their feedback on any questions on Taylor 1. What their relocation's going to look like or how we're going to support them in their move. We're trying to keep it as forward as possible and make sure they know they have the right to move to Taylor 1 when it's complete. Once Taylor 2 is built they have the right to come back to it if they want.
 - (J.R.) Yes. Explains sequence. Looking to complete construction in 3rd quarter of this year (for Taylor 1). There are 141 units in Taylor 1.
 - (R.Y) Occupants will still have to undergo an application process. Elaborates. Can provide floor plans in the future (regarding units).
10. (S.W.) The new units will be very modern, built to all the states design requirements to meet latest and greatest housing models. The new buildings will have ample amenity program space that are not available to residents today. Elaborates.
11. (W.S.) It's a combination of a couple of things. The amount of excavation, but also the fact that we want to try to limit the supportive excavation during construction to avoid anything happening to the retaining wall structure.
 - (R.Y.) It would be a slab on grade.
 - (W.S.) Responds to comments about 2 stories of parking inside. There are shared spaces in the buildings on those floors. It's something we could look at. We are limited by our avail financing. Explains challenges of W.S. & B.C.'s comments. Explains current panel materials being used at Taylor 1. We can look at permeable parking surfaces. I think our landscaping plan will be encouraging. Responds to questions about parking. Cites TDMP and responds to inquiries about parking.
12. (J.R.) responds to comments about street interaction.
13. (W.S.) Responds to question on green roof. Potentially an option. We're very early in schematic design.
14. (R.Y./R.R.) We'll provide more information on sanitary demand details. Explains process of finalizing details. Responds to foundation questions. We'll consult with DOT on your intersection analysis request.
15. (S.W.) It will be complimentary (material choice) to Taylor 1.

• **S.S. Motions to: Declare PC as lead agency** **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: Declare PC as lead agency** **passed 6-0**

- **R.Y. Motions to: Table meeting to April 17th PC Meeting. J.R. 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 meeting to April 17th PC Meeting. passed 6-0**

*Sara Wengert is elected Vice Chair of the PC.

*Sub-committee for Kings Landing II material selection will be comprised of: S.W., R.Y., and S.S.

- **J.R. motioned to: Adjourn March PC hearing at: 9:00 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 the hearing at: 9:00 P.M. passed _-**