



Schenectady Historic District Commission

**Meeting Minutes
June 20, 2016**

I. CALL TO ORDER

Commissioner Wiles called the meeting to order at 7:02 PM.

Commissioner Wiles noted that he is the Vice Chair of the Commission and would be chairing the meeting because Commissioner Britt was excused. He also noted that there were five Commissioners present and applications require the positive votes of four Commissioners for approval.

II. ROLL CALL

PRESENT: Ben Wiles, Vice Chair; Jackie Craven; David F. Lowry; Mark Meigher; Patricia Yager

EXCUSED: Carrie Britt-Narcavage, Chair; Dr. Dean Bennett;

STAFF: Rima Shamieh, Assistant Planner; Ryan Bailey, Assistant Corporation Counsel; Jennifer Mills, Secretary

III. CONFLICT OF INTEREST

None.

IV. ADOPTION OF MEETING MINUTES

Motion by Commissioner Lowry, seconded by Commissioner Yager, to adopt the June 6, 2016 Meeting Minutes as submitted.

Motion carried unanimously.

V. NEW BUSINESS – Applications

- A. Consideration for approval submitted by Patricia Coulthart to paint; repair mortar, back porch, front steps, and roof; install air conditioners; and replace porch gutter. The premise is located at 1300 Union Street.**

Mark Grainer, husband of the applicant, appeared before the Commission on her behalf. Prior to beginning the discussion he noted that he and his wife are pursuing historic tax credits from the State Historic Preservation Office and thus SHPO would also be approving the work. Mr. Grainer began to review the project description included with the application, with the Commissioners asking for further information or clarification as needed. He explained that the trim will be repainted the same color as it is now. Commissioner Wiles asked if there are storm

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windows and if they will require painting. Mr. Grainer responded that they will remove the storms to scrape and paint the trim around them and then re-install them. He stated that the storm windows are in very good shape and are currently a color that will blend with the trim, and thus will not need to be painted.

Mr. Grainer next explained that he and his wife plan to replace all of the missing or loose mortar in kind. Commissioner Yager asked if they had investigated what type of mortar would be the correct product to use. Mr. Grainer responded that they have received guidance from the National Parks Service regarding the historically correct mortar mix, and that they have sampled a portion of the mortar that has not been exposed to the elements.

The discussion next turned to the repair of the back porch. Mr. Grainer explained that his six year old child's foot went through the deck of the porch, so they would like to replace the decking as soon as possible. He noted that the current balusters on the porch are clearly not original, and that he and his wife had found some older balusters in the basement that may perhaps be original or at least from an earlier time period. If possible, they would like to try to use the older balusters, or use them as a model for the style they choose. Commissioner Yager asked if the rear porch is visible from the public right of way. Mr. Grainer responded that it could possibly be partly seen on a winter day from just the right angle from Elmer Avenue. Mr. Grainer noted that they also plan to fix the storage door, and level or replace the stairs. He said that they plan to keep the colors and the dimensions of the porch the same as it currently is. Mr. Grainer stated that they also plan to level and support the front steps to bring them to properly meet the sidewall again. He explained that one step needs to be replaced completely, and that if they find that there is no foundation underneath to support the steps they plan to add one.

Mr. Grainer went on to explain that the proposal also includes plans to install two central air units – one on the ground and one on the side porch roof. Mr. Grainer stated that they do not believe that the unit on the porch roof will be visible, as it will be tucked against the chimney, but he explained that the piping from the unit to the third floor window will be seen from the right of way. He explained that the ground unit will be obscured by landscaping. Commissioner Wiles asked why they are proposing to put one unit on the roof. Mr. Grainer responded that they want to put the unit as close as possible to the entry point of the piping into the house. He stated that if they put both units on the ground they would have to run extensive piping to the entry point in the third floor window, which would have a less desirable visual effect than the roof unit. Commissioner Wiles asked what size and color the units will be. Mr. Grainer responded that they will be standard residential units, no larger than three feet by five feet, and will be gray but they can be painted another color if necessary. Commissioner Yager asked if the units could possibly be placed indoors. Mr. Grainer replied that they cannot.

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The porch gutters were the next item on the application. Mr. Grainer stated that the current copper gutter extends over the porch stairs, and that they would like to install standard brown aluminum gutter, as shown in the samples provided, around the entire porch roof. He also noted that the old gutters were pitched the wrong way and thus were not draining and were full of standing water, which would then overflow onto the porch.

Mr. Grainer next explained the proposed repairs to the slate roof. He stated that the plan is to replace any missing slates with slates of the same color and type, and fix any potential leaks. Commissioner Wiles asked if all of the repairs will be in kind. Mr. Grainer stated that they will be, and noted that they found two bundles of extra original roof slates in the basement, which they will use to make any repairs on the front side. He explained that even if they use other slates on the rear portion of the roof the slates will match what is there.

Commissioner Wiles suggested that the Commissioners review the different parts of the application to determine whether or not the Commission has jurisdiction over the specific items included in the application, and if they believe that they do have jurisdiction, allow the Commissioners to further discuss the proposed work. The Commissioners agreed with this method. Commissioner Wiles stated that he does not believe that the Commissioners have jurisdiction over the first two items discussed – the painting of the trim and the replacement of the mortar, because the repairs will be done in kind. The Commissioners concurred.

Commissioner Wiles stated that he believes that the third item on the application, the repair of the back porch, is under the purview of the Commission because the porch quite possibly is visible from the public right of way, and the applicant has proposed making changes to the design of the balusters. Commissioner Wiles asked the applicant for further information regarding the porch design. Mr. Grainer explained that the current balusters are very clunky-looking and do not fit with the style of the house. He stated that if possible they would like to use the older balusters found in the basement, although it is not clear exactly what time period in the house's history they date from. He explained that while the old balusters are not what he would describe as graceful, they appear more appropriate than what is currently in use. Commissioner Yager asked the applicant if the porch decking is tongue and groove. Mr. Grainer responded that it is not, but is rather a gapped-style decking. He stated that they plan to keep the style the same. Commissioner Wiles asked if Mr. Grainer knows what type of wood the decking is. Mr. Grainer stated that he does not, but that they would like to rebuild the deck using a sustainable wood, such as bamboo.

The Commissioners agreed that item number four, the repair of the front porch steps, and number seven, the roof repair, are in kind repairs and thus not required to be reviewed and approved by the Commission. They decided that items five and six, the central air conditioning units and the gutter replacement, respectively, are

under the jurisdiction of the Commission and should be discussed further. Commissioner Craven asked Mr. Grainer if the entire copper gutter will be replaced with brown aluminum. Mr. Grainer responded that they are proposing to replace all of the gutters with the new material.

Commissioner Wiles stated that he would have reservations about approving the back porch repairs without reviewing the design of the balusters. Commissioner Yager agreed that while the older balusters found in the basement would probably be suitable, it would be difficult to judge this without seeing the actual design. Commissioner Wiles asked Mr. Grainer if he would be willing to return to the Commission for approval of the specific baluster design, if the Commissioners agreed to grant a conditional approval allowing the rest of the porch repair to take place immediately. Mr. Grainer stated that he would be amenable to this, but that until the baluster design is approved they would have to install a temporary railing for safety purposes. Commissioner Wiles stated that a temporary railing would be allowable. Assistant Planner Shamieh pointed out that the photo on the assessment form shows some balusters, and an older photograph which could be used as a reference might be available in the archives of the Schenectady County Historical Society.

Commissioner Wiles noted that his concern about the air conditioning units is their visibility from the street. He explained that he would feel better about issuing an approval of the units if the applicant could provide the exact size of the units, and thus the Commissioners could better judge their scale in relation to the house and landscaping. Commissioner Wiles suggested approving the units with a maximum height of 36 inches. He explained that if the units are higher the applicant would have to return to the Commission for further review. The Commissioners agreed with the height restriction.

Commissioner Yager asked Mr. Grainer if all of the copper gutters must be replaced with the aluminum, or if the new material could be added to the existing copper gutters. Mr. Grainer responded that they must all be replaced because the two gutter styles are not compatible. He explained that they had decided to use the aluminum gutters with SHPO's approval, due to cost factors and also the potential theft issues with copper. He noted that when he and his wife purchased the home the copper downspouts had all been stolen. Commissioner Yager asked Mr. Grainer if it is possible to use gutters that are closer to the trim color so that they would blend in well. Mr. Grainer replied that when actual samples of the paint and gutter material are compared they are extremely close in color, but that the photographs might depict a bigger difference in the colors. Commissioner Wiles asked the applicant if the work approved by the Commission must also be approved by SHPO. Mr. Grainer stated that it would. He explained that SHPO has already approved the front and rear porch work, the ac units, and the gutters, and that they would also have to approve the other work noted in the application.

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Motion by Commissioner Wiles, seconded by Commissioner Meigher, to approve the application as summarized below:

1. The back porch will be repaired. The decking will be replaced in the same style as the current decking, and the stairs will be leveled or replaced. The storage gate door will be repaired. The balusters will be removed and replaced with a temporary railing, pending the Commission's approval of the new baluster style.
2. Two central air units will be installed, one on the ground level and one on the second floor porch on the east side of the building. The ground unit will be camouflaged by landscaping. The Commission feels that the roof unit is in a more difficult location, but the applicant has stated that he believes this to be the best location for the efficiency of the system, and that the unit will have very limited visibility from the right of way.
3. The existing copper gutter will be replaced with brown aluminum gutters which will also be expanded around the entire porch, with appropriate downspouts.
4. Because the applicant is seeking historic tax credits, the State Historic Preservation Office is also required to review and approve the proposed work. The applicant stated that SHPO has already issued approval of the porch work, the ac units, and the gutters.

And with the following conditions:

1. Once commenced, the project will be completed within one year.
2. The items presented in the application regarding the painting of the trim, the replacement of the mortar, the repair of the front steps, and the roof repair are in kind repairs and thus are not under the jurisdiction of the Commission. These items are not part of this approval.
3. The rear porch will be repaired and a temporary railing will be installed for safety purposes. The applicant will return to the Commission for review and approval of the permanent baluster design prior to installing the balusters.
4. The air conditioning units will be a maximum of 36 inches in height. If the units must exceed this height the applicant must return to the Commission for further review and approval.

Motion carried unanimously.

Findings:

1. This is a Type II SEQRA.
2. This is a very significant structure on Union Street. The applicants' proposal for the property is very thoughtful and respectful of the heritage of the property. The rehabilitation of this property will be a positive addition to the both the surrounding streetscape and to the neighborhood as a whole.

B. Consideration for approval submitted by Cohoes Design Glass Assoc., Inc. on behalf of Cottage Row LLC to paint and remove and prune several trees. The premise is located at 18 N. College Street.

Camilla Francis and Nigel Johnson of Cohoes Design Glass Associates appeared before the Commission. Prior to the beginning of the discussion Commissioner Wiles asked Ms. Shamieh why the Decision Letter dated October 22, 2010 was included in the application. Ms. Shamieh stated that the applicant submitted the decision letter as part of their application, presumably because the painting on the property was originally approved at that time but because the applicants did not finish to work within one year they are reapplying at this time. Ms. Francis explained that they would like to continue repainting the trim the Benjamin Moore “Hasbrouck Brown” color, which they had initially discovered under the white paint on the dome of the building. She noted that they would also like to remove one tree that they believe was intentionally planted, a spruce at the northeast corner of the building which is very close to the building and is extending over the roof. Commissioner Wiles asked Ms. Francis why she believes that the tree was intentionally planted. Ms. Francis responded that this is the only spruce on the property and in the general area so she assumed it had been planted there. Mr. Johnson also noted that the tree is home to squirrels and bees and allows them easy access to the building. Ms. Francis stated that the other trees they would like to remove behind the garage were clearly not intentionally planted and are very close to the garage and many are dead or in poor condition. Commissioner Yager noted that she had visited the site and agreed that the trees behind the garage were clearly not planted there and appeared to be a potential source of damage to the building. Ms. Francis stated that they had spoken to the owner of the auto service business adjoining the back of the lot and he stated that he would be very pleased if the tree were removed.

Commissioner Wiles asked the applicants if they intended for the application to include the removal all of the trees behind the garage to the property line. Ms. Francis responded they would like to remove the trees from behind the garage to the edge of the alleyway. Commissioner Craven questioned if this would be within the purview of the Commission since it is at the back of the lot. Commissioner Wiles stated that the alley is a public right of way, so this part of the property would be subject to the Commission’s review. Commissioner Wiles noted that the Commission can only approve the removal of the trees actually on the applicant’s property and not those that may be in the city right of way. Ms. Shamieh asked the applicants if they had a survey of the property and have located exactly where the property line is located. Ms. Francis stated that they had a survey and she believes that the fence is on the property line. Ms. Francis asked who she should contact regarding the trees that might be on city property. Ms. Shamieh suggested that she contact the Parks Department for further information.

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Ms. Shamieh asked the applicants if they plan to keep the fence at the rear of the property. Ms. Francis stated that they plan to leave the fence and cut the trees that are growing through it to the top height of the fence and then try to manually disentangle them from the fence by chipping away at the trunks. Ms. Francis asked if they would need to have permission from the Commission to remove the fence if they decide to take it down. Commissioner Wiles stated that they would not, but if they wished to replace it with a different fence they would need HDC approval.

Motion by Commissioner Lowry, seconded by Commissioner Wiles, to approve as submitted the application to remove the trees and continue the painting of the trim as summarized below:

1. The trim will be painted in Benjamin Moore “Hasbrouck Brown” as initially approved by the Commission in October 2010.
2. The trees behind the garage to the property line may be removed.
3. The spruce tree at the northeast corner of the building and the pine tree behind the gazebo may be removed.
4. The three large American bass trees in the yard may be pruned.

And with the following condition:

1. Once commenced, the project will be completed within one year.

Motion carried unanimously.

Findings:

1. This is a Type II SEQRA.
2. The removal of the spruce tree at the corner of the building is necessary to protect the building from future damage by the tree.
3. If in the future the applicants decide to replace the fence behind the garage with a fence of the same style and height they would not be required to return to the Commission for permission. If they decide to change the style, material, or height of the fence they would need to come before the Commission for review.

C. Consideration for approval submitted by Reza Davari Zand of Persian Bite on behalf of Karimi Hakak to install a wooden patio and landscape. The premise is located at 703 Union Street.

Reza Zand and his sister Leila Zand appeared before the Commission. Prior to the beginning of the discussion Assistant Planner Shamieh noted that although this application was a late addition to the agenda it was submitted by the deadline of June 6th. She explained that when the application was originally submitted she was out of the office, as was the staff person who usually receives the applications. The applicant received a receipt for his submission but staff was later unable to find the application. Ms. Shamieh stated that this situation came to her attention on Friday, June 17th, and that at that time at her request Mr. Zand resubmitted his application

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for consideration at this meeting. The applicant originally appeared before the Commission with a proposal for this property in July 2015, and at that time the patio and proposed water feature on the site were not a part of the Commission's approval, rather it was noted that the applicant would return to a future meeting with a more detailed proposal for the landscaping and water feature in the front yard.

Ms. Zand explained that their proposal is to install a wood deck, constructed of pressure treated lumber, over the front yard with a water fountain in the middle of the deck. She stated that the deck would be flush with the sidewalk, and thus completely handicap accessible. Commissioner Yager asked if the wood would be left natural or painted. Ms. Shamieh stated that city code is that it must be painted or stained. Commissioner Yager asked Ms. Shamieh if she had received any comments from the City Code Enforcement Department regarding the proposal. Ms. Shamieh stated that because of the short time period since the second submittal of the proposal she had not been able to reach the codes office for feedback. Commissioner Meigher asked if the deck would be completely flush with the walkway to the front door along the entire length of it. Ms. Zand responded that it would be as much as possible, as she is not aware if the sidewalk is completely level along the whole length, but that it would certainly be flush for a large enough section to ensure handicap access without a step up. Commissioner Craven asked how they decided on wood instead of a brick patio. Ms. Zand replied that the wood feels like a more natural surface, and less industrial than brick or other stone. She noted that the wood deck would better fit the atmosphere of a Persian garden. Ms. Shamieh commented that the entire rear portion of the lot is paved, and while it is allowed in this zoning district that the whole lot to be paved, city staff would support the wood deck option over a more impervious surface because it will most likely offer better drainage and storm water management. Ms. Zand noted that a poured surface, or one designed with pavers, would most likely be a cheaper option.

Commissioner Craven asked about the scale of the drawing. She noted that if the drawing is to scale the individual boards would be extremely wide and the fountain very large. Ms. Zand responded that the wood will be the width of standard size decking, and that the fountain will be small to allow for maximum seating on the deck. She asked Commissioner Craven if the size of the fountain is an issue. Commissioner Craven responded that the scale of the fountain in relation to the rest of the site is important. Commissioner Yager asked Ms. Zand if she had an idea of the approximate measure of the fountain, a photo of which was included in the application. Ms. Zand stated that she does not believe that it is more than 36 inches in diameter at its widest point. Commissioner Yager stated that she would be more comfortable delaying consideration of the fountain until the applicant submitted the exact dimensions of it. Commissioner Wiles noted that the Commissioners could approve the rest of the application and ask that the applicants come back for consideration of the fountain once the exact measurements are submitted.

Commissioner Yager noted that pressure treated lumber usually cannot be painted immediately. Commissioner Wiles stated that it is recommended that it not be painted for one year. Commissioner Craven asked the applicant if the fountain would be on top of the wood deck or on the ground. Ms. Zand replied that they had planned to make a hole in the deck and put the fountain on the ground. Commissioner Wiles suggested that once the applicants have the fountain they might want to move it around and try to place it in different places on the deck until they determine the best placement of the tables and the flow of traffic on the deck. Ms. Zand stated that they had planned to put it in the middle, but that they might reconsider placement. Commissioner Craven asked if the decking boards will be flush against each other or if there will be gaps. Ms. Zand stated that she was not certain. Ms. Shamieh noted that even if they are flush they will shrink slightly because it is pressure treated wood. Commissioner Wiles stated this would be another reason to wait to cut a hole in the deck for the fountain. Commissioner Craven asked if the deck will be directly sitting on the ground or be raised. Ms. Zand explained that because they would like the deck to be flush with the sidewalk and will need space underneath it for air flow the contractors plan to excavate six to eight inches of topsoil from the front yard prior to installing the deck. Ms. Shamieh asked Ms. Zand if the plantings around the perimeter of the deck will be in an enclosed container. Ms. Zand responded that they will be.

Commissioner Craven asked what style seating the applicants have planned. Ms. Zand replied that they would like to have black metal bistro-style tables and chairs. Commissioner Yager asked how many tables will be used. Ms. Zand stated that they would like to have four to six tables that seat four diners each. Commissioner Yager asked if there is any lighting planned. Ms. Zand replied that they would like to use some kind of string lights around the deck but they do not have a definite proposal at this time. Commissioner Wiles stated that lighting can be considered at a future meeting when a more detailed proposal has been formulated. Ms. Shamieh recommended that the codes department also be consulted to find out what type of lighting would be allowed.

Commissioner Meigher asked the applicants if the evergreen tree by the sidewalk is the tree that they are proposing to remove. Ms. Zand stated that it is. She stated that the tree is not growing straight and that it would also encroach upon the deck a great deal. Commissioner Craven stated that she has concerns about the removal of the tree. She explained that she feels that it provides privacy screening for a portion of the front of the property, and that without it the structure might feel more industrial and barren. Ms. Zand responded that they would like maximum visibility for the business and feel that the tree significantly impacts the ability of passers-by to see what is happening on the property. Commissioner Lowry agreed, stating that he also thinks that removing the tree would be better for the business. Ms. Shamieh asked what types of planting are proposed for the planters. Ms. Zand stated that they would like to use lower shrub roses and dogwood bushes.

Commissioner Wiles asked if the applicants would add another tree to the property if the spruce tree is removed. Ms. Zand stated that they would be happy to plant a tree in front of the property at the sidewalk. The Commissioners were amenable to this idea. Ms. Shamieh suggested that Ms. Zand call the Development Office for information as to what size and species of trees are recommended. Ms. Zand noted that the neighbors have the brick pavers at the front property line exposed, and that those bricks also exist on this property. Ms. Shamieh explained that in the July 2015 decision it was noted that the applicant would restore the bricks if they were found. Ms. Zand stated that they would be happy to uncover the bricks.

Commissioner Wiles noted that he is troubled by the removal of the spruce tree. He stated that he believes that it is a useful punctuation at that corner of the property, and that the more modern triangle shape complements the structure of the building, which has elements of many different periods but lacks a distinctive, cohesive design. He went on to explain that the tree is very different from the other street trees in the area. Commissioner Lowry asked Commissioner Wiles how he believed the tree could work with the deck. Commissioner Wiles agreed that it would indeed take space away from the deck seating. Commissioner Lowry stated that he believes that not removing the tree would have a significant impact on the construction of the deck and would make it much more difficult. Commissioner Craven commented that there is still a large portion of the yard available for the deck, even if the tree had to be worked around. Commissioner Lowry stated that the tree will continue to grow and become more of a visual screen and take up more room. He noted that he feels that not allowing the tree to be removed would place a large burden on the applicants. Commissioner Craven explained that she is conflicted about the removal of the tree. She stated that removing the tree will result in a significant visual loss to the property, but she feels that the loss would be mitigated with the addition of a street tree.

Commissioner Wiles suggested that perhaps a new tree could be planted that would be the same species as the large tree on the left side of the property. Ms. Zand stated that they would be willing to plant such a tree, provided they would be able to trim it if it obscured the front of the business. Commissioner Wiles noted that they may trim the tree however they see fit. Ms. Zand asked if there is a limit in the city code regarding the size of the fountain. Commissioner Yager stated that there is no set limit; however it is important to be able to understand the scale of the fountain in relation to the whole property, as Commissioner Craven stated earlier. Ms. Zand stated that the fountain is definitely not more than four feet tall, but that they would be willing to come back with more details if necessary. Commissioner Craven stated that she would be comfortable with setting a maximum height and width for the fountain, since a photo of the fountain style was included in the application. Commissioner Craven also noted that she would support the idea of Commissioner Wiles that the applicants not cut a hole in the deck and make the fountain placement permanent until they have a chance to work with it on the

finished deck and determine the best placement for it in relation to the dining tables and traffic flow. Commissioner Lowry agreed that he would be comfortable approving the fountain with a maximum height and diameter. The other Commissioners concurred.

Commissioner Wiles suggested a maximum height of 60 inches, a maximum diameter of 36 inches, and a minimum height of 42 inches. Ms. Zand noted that the water feature is a very important component of a Persian garden and that water is a very significant element in the Persian culture, but that they in no way want the fountain to overwhelm the scale of the deck. Commissioner Wiles stated that in his opinion a maximum height of 72 inches would be appropriate. The Commissioners agreed that they could support the 72 inch maximum height.

Commissioner Wilkes explained that he believes that the side of the deck up to the front walkway should be flush along the whole walk. He explained that if the sidewalk level varies up to an inch the contractors building the deck should be able to adjust to meet it without having to put in a step up. Ms. Zand stated that if it is possible they would be happy to have the deck flush with the whole length of the walkway. Commissioner Wiles noted that the builder should be able to adjust the grade of the ground level and slightly modify the placement of the decking to ensure that the deck will not need a step. Ms. Shamieh noted that she is certain that the Codes Department will have some input regarding the proper building method and height of the deck.

Motion by Commissioner Craven, seconded by Commissioner Yager, to approve as submitted the application to install a deck, fountain, and landscaping and remove the spruce tree as summarized below:

1. The deck will be constructed of pressure treated lumber and will cover the front yard portion of the property to the front walkway leading to the door.
2. The spruce tree at the front of the property will be removed, providing that a tree be planted in the area between the fence and the sidewalk.
3. The fountain, as shown in the photo, is approved, with size and placement requirements noted in the conditions below.
4. Roses and dogwood shrubs will be planted in the planters around the perimeter of the deck.

And with the following conditions:

1. Once commenced, the project will be completed within one year.
2. The spruce tree may be removed if the applicants plant a new tree in the area between the fence and the sidewalk. The tree will be of a size and species approved by city staff. If the applicant should decide not to plant the new tree, the spruce tree will remain.
3. The decking will be constructed of pressure-treated decking in a standard size and will be constructed to be flush with the walkway leading from the sidewalk to the front door of the business.

4. The decking will be stained or painted brown as soon as possible after the manufacturer recommended waiting period.
5. The fountain will be a maximum height of 72 inches with a maximum diameter of 36 inches. It will not be shorter than 42 inches. If the fountain does not fit within these parameters, the applicants will return to the Commission for further review.
6. The fountain will be placed on the deck in a manner that will allow it to be moved around and will not be inset into a hole in the deck. Should the applicant decided to permanently place the fountain on a base on the ground they will return to the Commission for further review.
7. As stated in the decision of July 2015, the buried brick pavers at the front property line will be uncovered.

Motion carried unanimously.

Findings:

1. This is a Type II SEQRA.
2. The Persian garden design is in keeping with the theme of the restaurant. The wood decking is more appropriate for this type of garden than a paved or stone patio.
3. The rear of the property is completely paved.
4. The building has undergone several renovations over the years that have left it without the characteristics of one specific historic period.

VI. OTHER BUSINESS

A. Discussion of City Corporation Counsel's letter dated June 6.

Commissioner Wiles asked the Commissioners if they had any comments to make in response to the letter. Assistant Planner Shamieh noted that she did not feel that it was an adequate answer to the Commissioners' concerns. Commissioner Wiles stated that he understood, from a legal standpoint, why the Corporation Counsel would not want to acknowledge in writing that there are problems with the guidelines that his office is required to defend. He explained that he believes that the Commission should still pursue the clarification of the code and address the concerns expressed. Commissioner Yager noted that she was happy that the letter addressed the review of non-conforming properties. Commissioner Wiles agreed, but stated that he feels that the letter did not go far enough to clarify this issue. Ms. Shamieh agreed. She explained that she too was happy to see the issue addressed, but feels that the topic needs further analysis. She noted that she was happy to see the information regarding local landmarks, which other staff members had not found in their review of the code.

Commissioner Yager asked if the Commissioners should work to formulate the code revisions or if staff should take the lead. Ms. Shamieh explained that staff

could draft the revisions and then the Commissioners could use the draft as a starting point for their recommendations, modifying them as they see fit. Commissioner Wiles stated that he would support a more specific discussion among the Commissioners prior to staff undertaking the writing of a draft. Ms. Shamieh asked if they might consider a subcommittee of Commissioners who would like to work on the specific revisions to the code. Commissioner Wiles commented that he had not considered a subcommittee, but feels that the creation of one would ultimately be the Chair's decision.

Commissioner Meigher stated that he did not feel that Mr. Falatico's response regarding non-contributing structures was clear. Ms. Shamieh agreed, but acknowledged that the actual language in the code is not clear either. Commissioner Wiles suggested that staff and the Commissioners be prepared to discuss specific concerns at the next meeting. The Commissioners and Ms. Shamieh agreed that they would research what they feel to be problems with the code and report back in July.

B. Discussion of street trees in historic districts.

Commissioner Yager reported that as requested she had researched and gathered and disseminated information regarding how other cities and states are handling the maintenance, removal, and planting of trees in urban settings. She explained that the City code refers to an Environmental Conservation Committee, which has been disbanded. She noted that in 2003 Davey Tree Service had been contracted with to conduct a tree survey of the city's trees, but that this was the last survey on record, and only one of the five recommendations at the conclusion of the survey was ever implemented. Commissioner Yager stated that Schenectady does not have an arborist or forester on staff or under contract and that when the Parks Department or City Engineer identifies problems they contract out the work. She concluded that she is not sure how the Historic District Commission should respond to this issue, or if it is even under the purview of the Commission.

Commissioner Yager noted that trees are very important to the city as a whole, and when certain species of trees were lost to disease in the past they were replaced with Norway and Silver maples, which are now nearing the end of their life cycle. Commissioner Wiles commented that unlike buildings, which can be taken down and replaced within a year, trees take much longer to replace and thus their lifecycle requires a very thoughtful approach with significant analysis and future planning. He stated that Commissioner Yager has provided a lot of good information, but the problem in his opinion is how to motivate residents and property owners to be concerned about the trees in the city. Commissioner Wiles noted that Retree Schenectady has done a very good job with planting new street trees, but that their influence ends at the sidewalk and homeowners cannot be forced to consider planting an oak or sugar maple tree in their yard as opposed to a more fragile fruit tree or flowering tree that might have a much shorter life span.

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He also stated that many of the Norway and Silver Maple trees have been damaged by pruning by National Grid, to the point where they cannot recover and must now be taken down.

Commissioner Lowry stated that as a homeowner on Ferry Street he was happy to have new curbs and sidewalks installed. He noted that he was sorry to see some of the older trees taken down, but could understand why they had to be removed because they were causing heaving in the sidewalk which ultimately is very dangerous for pedestrians. He noted that the residents on Washington Avenue protested that they did not want the trees removed, so the city was unable to replace the sidewalks and now the residents are upset.

Commissioner Lowry also noted that the dangerous sidewalks could potentially be a liability issue. Commissioner Yager agreed, stating that liability from falling limbs or dangerous sidewalks is also an issue that deserves clarification.

Commissioner Wiles stated that if the city takes down trees because they are responsible if a limb from the tree falls on someone or damages property, it would follow that the city could also be liable for problems with the sidewalks, because even though the homeowner is responsible for the sidewalk the damage would be caused by the tree in the city right of way.

Ms. Shamieh commented that the letter from David Giacalone addressed to the Commission regarding this topic specifically requested that the Commission ask the city to not automatically remove old growth trees simply to make it easier to improve the infrastructure. She noted that it becomes an issue of which is greater – the need for the infrastructure to be safe and maintained or the need to do everything possible to preserve older trees that are otherwise healthy.

Commissioner Lowry commented that in his opinion the removal of the trees on Ferry Street was a big loss to the streetscape but it was worth it in the trade-off for safer sidewalks. Ms. Shamieh noted that there are many cases when the Commission must consider the trees on or near a property when formulating their decisions. Commissioner Yager agreed, and stated that she feels that all of the trees in the city should be evaluated again but there currently is no structure in place to facilitate this.

Ms. Shamieh stated that she also believes that there is a need for a more thoughtful approach to the tree population throughout the city. She explained that she does not believe that the Engineering Department is just thoughtlessly removing trees wherever they can, but that they are making the best decisions possible with the limited information and resources that they have. Commissioner Wiles stated that he feels that there should be a more thoughtful approach taken by the city however and that they should be analyzing the general population of trees in an area and have a plan in place for replanting them before taking them down. Ms. Shamieh stated that perhaps the city should be urged to reinstate the Environmental Conservation Commission, which would be better equipped to do this sort of work

than the HDC or city staff. Commissioner Yager agreed, stating that while it is unclear why the Commission was disbanded, the city needs some sort of expertise to assist in addressing issues such as potential disease threats, incorrect pruning and maintenance, re-planting plans, and the growth and life cycles of the city's trees. Commissioner Yager stated that perhaps the Commissioners should think about how they would like to respond to Mr. Giacalone's request and in doing so might formulate some ideas on how to move forward with this issue as a whole. The Commissioners agreed and decided to continue the discussion at the July meeting.

VII. MISCELLANEOUS

None.

VIII. ADJOURNMENT

Motion by Commissioner Lowry, seconded by Commissioner Yager, to adjourn the meeting.

Motion carried unanimously.

The meeting was adjourned at 9:32 pm.