



**Schenectady Historic District Commission**  
**Meeting Minutes**  
**January 26, 2023**

**I. CALL TO ORDER**

Commissioner Yager called the meeting to order at 7:01 p.m.

**II. ROLL CALL**

**PRESENT:** Patricia Yager, Chair; Joe Fava, Dr. Dean Bennett; Richard Unger; Zakhar Berkovich; Christopher Marney, City Counsel, and Sylvia Jimison, Development Staff

**Excused:** Shaun Andriano and Austin Erickson

Attorney Chris Marney facilitated meeting in Austin Erickson absence.

**III. CONFLICT OF INTEREST**

None.

**IV. ADOPTION OF MEETING MEETINGS**

Motioned by Commissioner Fava and seconded by Commissioner Berkovich to approve December 22, 2022 Minutes. *Motion carried unanimously. (Absent Commissioner Andriano)*

Commissioner Unger indicated a correction is needed for November 27, 2022 Minutes. There was additional narrative/wordage that was not intended for a statement typed in the November minutes.

**IV. Call for Members of Public to Speak on Agenda Items**

**VI. Applications**

- A. Consideration for approval submitted by Wessington Clark Development to install three exterior lights along the driveway. **The premises is located in the Union Street Corridor Historic District at 210 Union St.**

**The applicants Mr. Michael Buzzo and Mr. Nicolas Buzzo** came before the commission to state that there have been cars broken into and strangers climbing the fire escape. The police have been called to the property, so that is why lights were installed for safety reasons. Since installing the lights there have not been any police runs to the property.

**Commissioner Yager** said the lights are very bright and she read a letter from Commissioner Andriano who could not be present for the meeting to the applicant. Commissioner Andriano indicated that the lights installed are too bright at 5000K. The light fixtures are not historically appropriate and most residential home should have 3000K fixtures. 3000K is the light color most related to incandescent and is warm in color. Commissioner Yager provided a copy of the letter to the applicants.

**Commissioner Berkovich** suggested a motion detector type light and that the lights should be down pointed, not as bright and because it overshadows the historic nature of the walkway.

The applicant asked what if he lowered the K and what would be the process?

Attorney Marney indicated that there is an appeal process available.

## **RESOLUTION**

**Commissioner Unger motioned to deny the application and Commissioner Berkovich seconded. Motion carried unanimously. (Commissioner Andriano absent)**

**The Commissioners advised the applicant to read Commissioner Andriano letter for applicable lighting and return to the commission. They also suggested carriage light style, goose neck, down lights (not to shine onto others property), 3000K conduit, and to be painted to blend with brick.**

- B. Consideration for approval submitted by Affinity Group to 1. prep & paint all exterior wood trim. 2. Refurbish & paint steel fire escape. 3. Prep & paint steel fence on Union St. 4. Refurbish & stain front doors. 5. Erect 6' wood fence along north property line. 6. Erect wood fence enclosure at utility & dumpster. **The premises is located in the Union Street Corridor Historic District at 620 Union St.**

**Mr. Ray Gillen of Metroplex**, Planning and Economic Development, came before the commission in support of the Affinity Group project. He said he helped recruit Affinity Group to downtown.

He stated the following, “unfortunately, Walker passed away and his family was marketing the church for quite a while. We heard the Affinity Group was looking for a location. They're a national company. They're based in the Buffalo area and will bring 20 people with plans to grow to 30 employees.

They're going to put a training kitchen and test kitchen in the building. We hope they work with our great culinary program at the community college and with the downtown restaurant scene. They're very plugged into that scene and excited about it. This is a really growing, great company, great employer, that is taking a church and putting it back into productive use.

It's a great thing to the lower Union Street business quarter and greater downtown. They are very sensitive to the building's historic character and want to do all the right things. We're very pleased that you're here tonight as a contractor to answer any questions but we hope we can have a good discussion to try to move this project forward so we can get going with the renovations and bring putting jobs to downtown. Anytime you have a building like this. It's vacant for a long time. It's just never good. It's just never good. So, we're just thrilled to see a great growing company like Affinity Group. Thank you.”

**Commissioner Yager** read a letter from Schenectady Heritage Foundation. The Schenectady Heritage Foundation had concerns about the fencing that will be placed at the property and maintenance of the historic preservation of the cast iron fencing in place. They were concerned about wooden fencing not being appropriate for historical presence. The letter stated the fence is an important architectural feature that separates the two historic properties while enhancing the streetscape. The letter also stated that lower Union Street cast iron fences are a significant characteristic of the Historic District. Also, if the wooden fence is to provide a barrier for snow plowing and that other solutions exist. “The installation of a solid wooden fence should be prohibited, and the restoration of historic fence should be required in the cause of damage.”

**Thomas Reed and Brian Ralston contractors for Affinity Group** addressed the commissioners: He said, “we've already sanded and scraped a portion of the fence and it's complete. There's still about two thirds of that must be completed and will complete in the spring when the weather's better.

But when it comes to the wooden fence, it's not for snowfall is to keep the neighbors from going through the parking lot, it's a safety issue that we have. The neighbors constantly go through the historic fences, there is two and a half or three feet high, it's very short. They just step over it and walk through the parking lot.

The historic fence, the wooden fence that we were suggesting was originally going to be just stockade fence, which had become a see through it. But now we're talking about board-on-board fence, which you can see 30% is open. There are pictures in the applications that show the best of what we propose. But we need a taller fence so that people just can't walk through the parking lot. It's a very bad safety issue for us, especially with the number of individuals and the people I bring in from outside, trying to keep safety for our clients.”

**Commissioner Yager** asked about a 5' fence.

**Mr. Reed** said the stockade fence will be behind the property and they will refurbish existing fence. The historic fence goes to corner of the lot.

**Commissioner Berkovich** asked **Mr. Reed** about shrubbery as a barrier along the fence instead of a 6 ft fence. Commissioner Unger stated a 6 ft fence is not allowed in the front yard. **Mr. Reed** said the shrubbery would get destroyed. He referenced St. Peter's Hospital in Albany and the Jewish Community Center as to what happen to the plants there.

The wooden fence will be made the same colors- dark walnut. The iron fences along Union Street are black. Door and window trim, dark eagle blue, and fire escape will be black. There was a car accident that hit the exterior of the bricks and will be repairing to match the existing bricks.

**Ms. Gloria Kishton**, from the Schenectady Heritage Foundation provided comments about the proposed fence. Ms. Kishton said she had concerns about the historic fence and that the commission cannot make decisions regarding safety issues. She wanted to know who owns the historic fence and who is going to take care of the fence on the actual property line. **Mr. Reed** said he would be refurbishing the fence and taking care of it.

**Ms. Kishton** added that she knows of a company that specializes in front doors and that does fabulous work and detailed work. She would be happy to share the contact information with Mr. Reed.

**Mr. Reed** said the cast iron fence will be in front of the wooden fence and seen. The fence will be closer to the building. **Ms. Kishton** said she does not agree with this and thinks a shorter fence that does not go all the way down Union St would be an acceptable compromise.

Attorney Marney said a double fence will be a second site plan process and is to be a 6ft fence for the dumpster requirements.

## **RESOLUTION**

**Commissioner Unger** made a motion to grant the application, seconded by **Commissioner Berkovich** with the following conditions: ***Motion carried unanimously. (Absent Commissioner Andriano):***

- 5 ft board-on-board fence and shall not be installed in front yard
- Enclosed utility dumpster – permitting process for site plan
- Iron fence -straighten, refurbish, and black paint.
- Colors for doors dark walnut (color 2716) and windows color 6244 – maple
- Fire escape to be black
- Wood fence dark stained – dark walnut
- SEQR 2 Application 2, 5,6, 7, 9 and 10

C. Consideration for approval submitted by Homes By Harline, LLC to replace seven exterior windows. **The premises is located in the Union Street Corridor Historic District at 856 Union St.**

**Ms. Harlene** came before the commission requesting requirements that are needed to replace 7 windows on the second floor of property at 856 Union Street. She wanted to know if all the windows needed to be wood or aluminum clad. She said she would get estimates for both. Finally, looking for guidance from the commission about replacing the windows.

Commissioner Yager stated that vinyl don't hold up and better off with wooden windows. The commission has permitted wood or aluminum clad wooden windows.

**Ms. Kishton** said the former structure on the property had burned down.

**Attorney Marney** said he did confirm the county has the property listed effective as of 1980. "It's a noncontributing structure in a historic district. The aesthetic review is pretty much the same, to make sure that it's harmonious with the neighboring historic properties. It's not detracting from anything. The one easier part is we're not talking about a loss of historic materials because the building is okay."

## **RESOLUTION**

Commissioner Unger made a motion and Commissioner Dr. Bennett seconded the motion to deny the application as presented and the finding is that it does not meet criteria standards 5, 6 or 9.: ***Motion carried unanimously. (Absent Commissioner Andriano)***

The applicant has been advised to return to the commission with specifications for either wooden or aluminum clad windows.

## VII. Miscellaneous (see attached document for regulations and design guideline comments)

### A. Updated regulations discussion

**Commissioner Yager** – “I see throughout it's either Historic District commission or Historic Commission. I think the commission probably isn't historic, but the districts are. So, I think Historic District commission should be part of it. But why can't we use the acronym HDC?”

**Attorney Marney** “So the reason we switched from Historic Commission is because that is what the code says this Commission is named, so that is why the Guidelines were updated to reflect that.” He went on to say that this Commission doesn't just have purview over Historic Districts, but over Historical Landmarks as well. In the new code there will be a process for landmarking as an alternative to using Historic Districts. Thus, to call it the Historic District Commission wouldn't be entirely accurate.

**Commissioner Unger** – Thanked Commissioner Yager for bringing up the point and asked to comment on it. He read aloud a comment he wrote:

“I recommend changing the name Historic Commission throughout the code to Historic District Commission. While the commission can be given any name -you could call this a horse if you want, the Horse Commission, it'd be misleading. But you can call it whatever you want. While the Commission can be given any name, The Historic District Commission conveys the mission of the Commission, though it does not also deal with landmarks in addition to districts. The Commission itself is not old enough to be historic and in common use it's often referred to as Historic District Commission, when we do that. At least the code should declare the official name of the Commission, if you have Historic Commission, Historic District Commission, whatever you want, you might also consider Historic Preservation Commission. That's what we do. And then also reference, also known as Historic Commission, Historic District Commission, HDC, and HC. Put those in there, so when we have a slip of the tongue and we refer to it one way, we know that we're intending it the other way as well.”

**Commissioner Yager**- Brought up the point that just calling it the Commission gets confusing as there is also a Planning Commission.

**Attorney Marney** - “What about Historic Resources Commission?...That's what Albany calls their commission. And specifically, one of the language things that was updated in the code was specifically referring to this Commission's purview over is historic resources.”

**Commissioner Unger, Commissioner Yager, and Attorney Marney** finished the conversation by concluding that Historic Resources Commission may be the best option. As long as whatever is chosen remains consistent.

## **Sidewalks**

**Commissioner Unger** began a discussion of the sidewalks and dealing with the Historic Stockade Plan. He said that going through the codes, he believed it to be appropriate and something the Commission can handle.

**Attorney Marney:** “These will all be the very specific items that were call out and prepaid plan that will be codified into the sidewalk chapter. So, for granted versus the stamping and the pigmentation, all of that will be codified.”

**Commissioner Yager:** Asking a question pertaining to the color of the concrete. “How are they going to determine that when you’re mixing with concrete, are they going to turn the right colors? Is there a formula?”

**Commissioner Unger:** Notified that there is a formula regarding the proper dying procedures for the concrete within the Stockade Streetscape plan. He also mentioned that some cities form a procedure to double check the color. He notes that the sidewalk code is currently only for the Stockade.

**Commissioner Berkovich** – inquired about what would happen if the dye company went out of business. There was a quick discussion that determined at that point the project would be done with the closest match in color.

## **Trees and Shrubs**

**Commissioner Unger:** Moved the conversation onto Chapter 243 on Trees and Shrubs.

“The master tree list? I don't think I had anything that- again has to do with mostly the Stockade Historic District and the Streetscape plan. Again, I think this is consistent with the city's count with the City Council's adoption of the Stockade Streetscape plan. So we will review these before they go through any application in Stockade we will review the streetscape plan in front of the house if they're if they're doing something?”

**Attorney Marney:** After initially confirming, he backtracked to say that “That was originally what was proposed, the Development office has decided that it'd be more appropriate for that to be staff approval. So the streetscape and sidewalks are being pulled for staff approvals to make sure they're consistent with the comprehensive street plan- Streetscape Plan and then um, the sidewalk requirements.”

**Commissioner Unger:** “So, this will be embedded in the Code, but it’s going to be a staff approval?” He asked if there was an appeal opportunity and if the applicant would be referred to the Historic Commission.

**Attorney Marney:** It would be an appeal to the BZA or it would be an Article 78. **Commissioner Unger** suggested they should come to the Historic Commission.

**Commissioner Fava:** Asked what if the applicant put in natural concrete, what leverage does the City have?

**Attorney Marney-** “The city has the ability to get injunctive relief to actually force the property owner to remove the concrete.”

After a brief discussion, it was noted that it is more difficult to enforce rules on utility contractors as opposed to private citizens.

**Commissioner Berkovich-** Asked about the procedures regarding the sidewalks and revealed some inconsistencies in the language of the code. **Attorney Marney** said he would look into it.

### **The Commissioners returned to their discussion on Trees and Shrubs.**

**Attorney Marney:** “And this will be in connection now with the revised ordinance. Provides that any removal of an established tree and the historic district will require approval from the Commission, so long as it’s visible from a public right of way.”

**Commissioner Yager:** Asked if the commission would be in charge of the Master tree list, specially who would be overseeing the trees?

**Attorney Marney:** “The Historic Commission would adopt for consulting with persons such as the Stockade Association Arborist, nursery persons, Cornell property extension or other individuals specializing in the urban environment.”

**Commissioner Fava:** “Is there anything here that says a tree planted is to be the appropriate to the size of the building?”

**Attorney Marney:** Informed him that will be part of the staff review from staff.

A small discussion took place about the width of trees and where that is measured, it was determined that it was measured at “breast height” or four and a half feet.

### **Off Street Parking**

**Attorney Marney:** “This was just adding one tiny statement that approvals in Historic Districts are required.”

**Commissioner Unger:** Confirmed that this has been an issue.

There was a quick discussion regarding tree approvals again, and it was determined that there is not an Environmental Commission, that language was left in the code from a previous revision.

### **264-8 Definition for the Historic District**

**Commissioner Yager:** Brought a small edit to the table and it was noted.

**Attorney Marney:** “And our goal with these sections was to eliminate- so a lot of them had language in them about what’s okay and what’s not okay. Just eliminate it and say refer to chapter ten.” As that is where are the Historic zoning code is and it may help with confusion. “So, we made the changes consistent with the RH-2 as well, which is the Stockade. The recommendations there were to eliminate home occupations and the conversion of existing single-family homes into two-family dwellings.”

**Commissioner Bennet:** “Is that entirely new? That limit?”

**Attorney Marney:** “Yes.”

**Commissioner Bennet:** “Why?”

**Attorney Marney:** “Because the district has maybe 25% single family homes left. The remainder have already been converted to multifamily dwellings or other uses. So, with respect to the density in the Stockade this service to slow that density, especially considering the construction limitations of the neighborhood. But also, to protect the historic resources or main single-family homes, their allowed.”

**Commissioner Bennet:** He agreed with the conversion of single family to two-family but stated that he was otherwise opposed to the limits.

A discussion was then had about the ability to build two family homes in the area, and whether that would require parking or not. It was mentioned that one could get a variance for parking and that the City in general was looking into reforming parking standards.

**Attorney Marney:** “But, in any event, the purpose of this is to protect the remaining single-family homes. You could build a two-family as a right, it’s still not going to be a multi-family district. It’s just a two-family district and then eliminate the conversion of single-family houses into professional offices.”

**Commissioner Bennet** confirmed that these were proposed changes and that they could voice opposition at the City Council public hearing if wanted. **Commissioner Berkovich** stated that he has mixed feelings about these changes.

**Commissioner Unger** mentioned that he might be in favor of this as it can possibly limit absentee landlords.

## **Article 10**

**Attorney Marney:** “So, yes, now, Article 10, so Article 10 is essentially complete, almost a complete, rewrite to the ordinance. And we did our best to try and incorporate as many more modern, historic preservation standards and requirements for being used, but you know, also recognizing that we kind of have our process here and what’s typically done.”

It was noted that this is where the name of the Commission could be changed to Historic Resources Commission.



**Commissioner Unger:** “What’s the likelihood of seeing more OH districts if we have landmarks?”

**Attorney Marney** went on to explain that it was envisioned is that the OH should be used when multiple properties in a group become Historic and landmarking would be a “one-off” building.

A discussion ensued. **Commissioner Unger** asked if the Commission could look at interiors of buildings if that was the specific reason for the designation, **Attorney Marney** confirmed.

**Commissioner Yager:** “Section B, paragraph- subsection 3, District Designation and Amendments: The Commission may investigate and transmit recommendations to the City Council and Planning Commission, (See, that’s where Commission comes in.) concerning the establishment, amendment, or alteration of Historic District, establishment of a landmark, at the end of this article.’ I didn’t understand what this article means.”

**Attorney Marney** clarified that it had to do with changes regarding the actual zoning code. Meaning to say that the Historic Commission can make recommendations for that code change. He went on to talk about other changes made concerning emergency demolition, ordinary maintenance, and repair, and what would require staff approval. He again mentioned the Stockade Streetscape plan.

**Commissioner Unger** asked about the notification process, and **Attorney Marney** made note that this should be addressed. He then asked if there were any other questions regarding this section. He confirmed that building permits would have to do with any exterior renovations.

**Commissioner Berkovich** asked about gas meters. A discussion was held about what National Grid does and how to communicate with them. The meeting was again opened to questions.

**Commissioner Yager:** 264-76 application for observation, demolition, or new construction. The zoning officer or designee determines what view is from the right of way, she asked if this was correct.

**Attorney Marney** clarified that the designee was whoever the staff member was facilitating the meeting, but the officer was still needed. He went on to clarify that it is the City who determines what is visible, not the applicant.

**Commissioner Yager** asked if there should be more detail regarding “fair market value” as listed in the appeals process. It was determined that more research would be done into this. After a brief discussion regarding emergency demolition, the Commissioner brought up a concern in the definitions regarding signage and demolitions, which **Attorney Marney** said he would investigate this. The Commissioner also suggested that chimneys be taken off of the general repair list.

- B. Design Guidelines discussion- **motion made by Commissioner Unger to table until February 23, 2023 commission meeting and Commissioner Yager seconded the motion. Motion carried unanimously. (Absent Commissioner Andriano)**
- C. Electing New Chair and Vice Chair – **motion made by Commissioner Unger for Commissioner Pat Yager to remain as chair and Commissioner Fava seconded the motion. Motion carried**

*unanimously. (Absent Commissioner Andriano). Motion made by Commissioner Fava for Commissioner Joe Fava to be elected Vice Chair, seconded by Commissioner Bennet. Motion carried unanimously.*

VIII. Adjourn- **motion made by Commissioner Berkovich to adjourn at 9:02 p.m. and seconded by Commissioner Unger. Motion carried unanimously. (Absent Commissioner Andriano)**