

**Schenectady Historic District Commission
Meeting Minutes
February 23, 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, Richard Unger, Zakhar Berkovich, Shaun Andriano, Austin Erickson, Christopher Marney, City Counsel, and Sylvia Jimison, Development Staff

Dr. Dean Bennett arrived at 7:05 p.m.

III. CONFLICT OF INTEREST

None.

IV. ADOPTION OF MEETING MEETINGS

The minutes for January 26, 2023, were adjourned to the next month to give the staff an opportunity to provide a revised copy and to provide comments. There was also no reference to the nomination for vice president in the January 26, 2023 minutes.

Commissioner Unger stated he has a marked up copy of the minutes that needs corrections. His concern for the minutes is that there was no reference for the vice chair nomination and no approval for the vice chair. He also indicated that there were some grammatical errors in the minutes.

A motion was made by Commissioner Berkovich to table minutes for some substantive corrections to be made. Commissioner Unger Seconded and it was carried unanimously.

GE Plot Neighborhood Association Update

Austin Erickson gave update about meeting with GE Plot Neighborhood Association that he and Kristin Diotte, Dept. of Development Director, attended on February 22, 2023. They provided updates about the trees and historic guidelines, in addition to the Code changes. He said they were very happy about this.

He said that they were able to persuade them a little bit by mentioning that the trees are in the code changes; the association were very happy about that. The association was also updated about the RFP that has been posted for an arborist. An arborist will be hired as a consultant to the city and can address any tree related concerns. The general feedback about the design guidelines were very positive. Austin said, the main goal would be to implement a community forest management plan.

Commissioner Unger brought to the attention of the board the “Code Change Comments” were on the agenda but would not be spoken about at the meeting. Mr. Erickson assured the board that the previous meeting minutes and code change comments would be edited and presented at the next meeting.

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

V. Applications

The applicant for application GE Realty Plot at 1166 Avon Road was not present for consideration of their application and was moved to the end of the meeting.

- B. Consideration for approval submitted by Pat Popolizio to replace roofing on the house and garage. **The premises is located in the GE Realty Plot at 1101 Rugby Rd.**

Eric Montgomery came before the commission and said he has been working in Schenectady for 32 years as a contractor and had been before the commission a few times in the past. He has done a lot of historic work in Schenectady.

Mr. Montgomery: “So, a little bit, I’ve been working in Schenectady for 32 years as a contractor and I’ve been here a few times. So, thanks for having me again. What’s going on there is the garage has been done and the porch has been done with architectural shingles. The house has three-tab shingles, which at this point are obsolete, you can’t even get them, especially that color. So, we’re just proposing to be able to put the same thing back ‘in-kind’ on the garage and make the house match what is already there. The house is also setback quite far off the road. I also believe that the architectural [shingles] would look beautiful on the home, scallop wood shakes all around the house and the architectural shingles we use are a pretty hard shingle, their lifetime. So, they really look like a wood shake look, like would look nice on the house. Three-tab look horrible to be honest with you, I don’t know if you can reference the pictures that I took.” The contractor went on to talk about how he has done historic work in Schenectady before and he wanted to provide his clients with the best options, which he believes his application reflects.

Commissioner Yager asked if he could provide a sample as she looked up the proposed shingles to see that they were darker. “Are you sure it’s going to match code wise or are you going to have to redo everything?”

Mr. Montgomery informed the Commissioner that everything is getting redone and if the shingles are truly an off match that they would replace the porch as well. He discussed this with the homeowner. He also suggested that the rooflines are completely different and the structures are set back from one another making it harder to tell the difference.

A general discussion was then had about the shingles and why samples were not brought in. The applicant assured that his work is always quality and that if there was an issue with matching colors, he would fix it.

Commissioner Andriano asked the applicant if he could confirm the manufacturer for the shingles? Corning? Also, the copper flashing- will it be left in place or adjacent to the wood shape?

Mr. Montgomery replied, Owens Corning duration, aluminum lifetime, Desert Rose. The copper flashing will remain in place.

Commissioner Berkovich clarified with the applicant what has been done to this point.

Mr. Montgomery said, “the whole house and the garage, the side porch is already done. And we're hoping not to re-do it. But if it looks off, we're going to re-do it and would like the option to come back to the commission [to get approval to redo the roof].”

RESOLUTION

Commissioner Andriano made a motion to grant the application with the following conditions and seconded by **Commissioner Berkovich** with the following conditions: The copper flashings will remain in place, and when needs to be replaced will be replaced in-kind.

- The roof is Owens Corning duration series color Desert Rose, which is very close to matching the existing color, as the existing color is no longer available.
- The garage can also receive replacement based on age.
- All roofs are being replaced based on age and roof exceeding its life expectancy.
- Porch to be replaced in-kind, if needed

Motion carried unanimously.

This is in coordination with standards 2 and 5. Type II SEQR

Mr. Montgomery also suggested that he would be available for consultant advice on roofs or other projects within the historic district.

- C. Consideration for approval submitted by Unitarian Universalis Society of Schenectady to replace the roofing on the building. **The premises is located in the GE Realty Plot at 1227 Wendell Ave.**

Ms. Susan Marino, Church Administrator, stated, the dome on top of the church is leaking into Great Hall of the church. It has been leaking for some time and finally the church got the money from the trust to replace the roofing on the building. There will not be any changes and the roof will look the same. The same materials will be used and it's going to look the same, per applicant. They just need approval from the commission to get the work done.

Commissioner Yager “Okay, the one concern I have, I received the information about the specs on the roofing. You know, it looks like to me they’re using heat to apply it, but it sounded like it was, really hot air and it wasn’t flame?”

Mr. Marino, husband to Ms. Susan Marino, stated, he has been doing construction his entire life, and would speak to the heat to repair the roof. It would only be hot air that is used.

Commissioner Yager asked if there were any more questions from the commissioners and there were none.

RESOLUTION

Commissioner Unger made a motion to approve the roof application and seconded by **Commissioner Fava**. *Motion carried unanimously.*

Design Guidelines
Type II SEQR

Commissioner Yager: “Another concern I have is the role that came down with the parking lot, pre-COVID. That would be very important to replace at some point. I didn’t even contact you about that [the applicant], which I really wanted to because I’m sure through money concerns during the COVID era too and then you have the roof. Is there any plan in the future?”

Mrs. Marino let the Commissioners know that it came down because it was a hazard, she reiterated that money is a factor concerning these repairs. She noted that the trellis wall has not been a priority as they got an estimate to replace in-kind and it was quite substantial.

Commissioner Yager reiterated that she would like to see that it was part of the plan as it is important in the written history of the property. She suggested that it might be worth seeing what grants are available to help with the project.

It was at this time that the Commissioners returned to the application for 1166 Avon Road.

- A. Consideration for approval submitted by Ken Larsen to reframe and re-roof the building. **The premises is located in the GE Realty Plot at 1166 Avon Rd.**

Attorney Marney advised that the commissioners can consider the application, approve the application, table the application, or deny the application without the applicant being present for the meeting.

Commissioner Yager asked the other commissioners were there any other concerns for the application if it’s sufficient information to consider the application.

Commissioner Andriano was planning on asking what type of shingles they were planning on using.

Commissioner Unger said that the application only said that the shingles would look “exactly” like the original.

The Commissioners then had a discussion about what shingles would be used to replace, determining that Owen’s Corning Estate Gray would have to be used. They asked if they could put stipulations on their approval, **Attorney Marney** said they could. The Commissioners still wanted to ask the applicant questions.

Commissioner Yager asked **Austin Erickson** if he had heard from the applicant, and he said he asked for pictures from the applicant and reiterated that the meeting was happening that day but had not heard back from the applicant. **Commissioner Yager** then asked if it were possible to get the applicant on the phone.

Austin Erickson called the applicant and used the speaker phone, but no answer for the homeowner or the contractor. The contractor’s voicemail answered, and no message was left on the voicemail.

Commissioner Berkovich also attempted to call the applicant and did not get a response.

Attorney Marney said commissioners could approve applications with conditions or with modifications, could deny application, could table the application, or could deny it for requested materials to be used for the project. Do not give permission for something that was not proposed in the application.

Commissioner Yager said the applicant's application indicated they want to make it Estate Gray and as close as possible to what is already there.

RESOLUTION

Commissioner Dr. Bennett made a motion to approve the application as submitted with the following conditions and **Commissioner Berkovich** seconded, **Commissioner Fava voted to deny (amended by Commissioner Unger and Berkovich for applicant to come back to the commission for the garage):**

- From sample to choose Estate Gray, Owens Corning, Oakridge Shingles Estate Gray (
- Flashing or trimmings be inclined or matching.
- Approve any gutters to be replaced.
- Dormer room windows to be replaced front and back of house.
- Facia (not mentioned in application)
- To retain dormer windows and facia as it previously existed
- Return to the Commission for garage was not part of the application.

Type II SEQR, Standards 2,5, and 9

Motion carried 5 to 1.

VII. Miscellaneous

A. Design Guidelines discussion

Planner Erickson began the discussion, "so now that I guess we're down to discussion point about the guidelines and are trying to finalize them. They're obviously a reflection of the code changes that we went over last month. The Code changes are going to hopefully be presented at the City Council next month. So that's why there's a bit of a delay, if you will. And this is really just an opportunity for anything, that's a major problem with them as they stand any and then you know, just basic minor corrections. Generally speaking, the comment period is over. The contract with the consultant is also over. So we're just kind of trying to button this up."

Commissioner Yager: "The comment that I know has confused a couple of people is the second paragraph on fences, walls, and general landscape, page 63, is a little muddy. Removing large amounts of existing landscape. Removing large amounts of existing landscaping or mature trees on the property and

neighborhoods that were designed to include tree lined streets. So, there was some confusion. Are we talking street trees? Are we talking trees that are on private property, as well? So, I don't know if maybe it would be helpful if it's specified on private and public property or something?"

Commissioner Unger "It was just to clarify, because okay, so as an example, I come in and I've got a large walnut tree in my backyard. I'm going to take it out. Would this cover it or do I have to come to the board to take that tree out?"

Attorney Marney stated, "So, the guidelines are just an interpretive guideline. And you can create any additional requirements for the public to come before this commission that's got to be in the code. And as part of the code revisions that we have, are planning on proposing any tree which exceeds a nine-inch diameter at breast height, which is visible from a public viewpoint would require approval before it's taken down on or altered."

Commissioner Unger "How does that relate to tree line streets? Or is it all streets? Do we have designated tree lined streets?"

There was a brief talk to clarify.

Commissioner Unger, "So, maybe would be removing large amounts of existing landscaping or mature trees on the property in neighborhoods that are in historic districts. The backyard or street tree, which is private property or public property? Because one's public and the other is private."

Commissioner Yager prompted **Commissioner Unger** to talk about the flowchart regarding applications.

Commissioner Unger "Most people need to be told three times, three different ways before they understand a rule. Between step one and step two on the flowchart, there's now no statement that says, it just says you go from step one to step two, it doesn't say it's got to be a complete application to get to step two. You don't have a complete application and that flowchart is a little note or something saying, I need to be saying, you might not get there. Because the way it read now even though there was some, by the way, there's some stuff in the text. That's why you get by without it because an application is not complete. We can table it, but I mean, maybe at some point, staff could say, I think you should be able to ask for it's not completed to say no."

Planner Erickson: "We do that, yeah, on occasion. Obviously, we're trying to help them out."

Commissioner Unger: "I mean, they can always appeal your decision, I presume and say well, I'm going to take it anyway."

Brief discussion.

Attorney Marney, "I will note that the flowchart in the pages that describe the process in the historic district code will be reviewed again to be updated once we get the code revision. Yeah. We didn't spend a lot of time on that because we don't know what's going to get approved, yet. We could get this thing, it could not even get through the Mayor's office, you know, so we could..."

Brief discussion on trees again and what trees are possible for applications.

Commissioner Yager: “Another flowchart item, on the note side, the first box reads no certificate of appropriateness required to undergo any further regulatory review is required then apply for and receive permit.”

Attorney Marney: “Yeah, some of the language on that is going to be modified as well to indicate that it is not the homeowner who makes that determination and those types of information, that's the city staff. The flowchart will be updated to reflect that because we don't want the public making decisions about whether or not something's visible or not visible.”

Commissioner Yager: “And the point was that it kind of sounds like if you apply, you're going to receive a permit.”

It was determined that this would be addressed.

Commissioner Unger “If everybody received my comments. I'm not going to go through them all. Given the understanding of they're trying to wrap this up and you're waiting for the code. But what I would request is everybody's comfortable this, save it if you can work committed to it. Work into the document later.”

Planner Erickson let them know that at this point the consultant is not part of the process and changes would come from city staff.

Commissioner Unger “...under process, go to page 28 or 29. The next one is the tax credits section. I think it's the next page. You want to assist tax credits, it gets down to the last sentence on tax credits, it says please visit the SHPO website. For more information on listing a program on the historic registers. The following descriptions of each district are taken directly from the chapter 264 It just seems like that whole column is out of place and should be back up under prompts.”

Attorney Marney “I did notice that and that it will be repaired. It got they got put in the wrong.”

Commissioner Yager asked if any other miscellaneous items.

Commissioner Unger “...every one of the applications were on roofs and would be appropriate to check number 2 to replace roofing material, when necessary. New Roofing should either match the original or be of a compatible substitute material. That's what we are hashing out, the whole time. So, as a guide, you know, I think that it's just a guide. It'll be helpful both to us and to applicants down the road.”

Commissioner Berkowich, “Question, probably minor, but the historic overlay district. What was historic overlay districts that are overlay? Now the government has to sort of look historic districts and landmarks. Will there be any questions, so folks for overlays, that this guideline specifically, as a paragraph about it, but the title of the guidelines does not include them, per se.”

Attorney Marney “Yeah, I mean, the overlay is technically a historic district. It is and we did landmarks as well because one of the goals is with the new code, there'll be a land marking process and won't have to use the overlay.”

Commissioner Unger, “I think I made a reference to it. And then actually realized on the map that they were talking about; I think maps on page 28 and above it. I don't know why they italicized, or an asterisk has had these boundaries along with these sites are designated. I don't know why that's an italicize and with an asterisk sound like a perfectly good paragraph to have in there in the first place, but I was wondering, kind of why they were talking about above it, I believe it's above it. They said the following

district boundaries fall under the HC purview. At this tactical question about the boundaries, we deal with what's inside the boundary, so it's the district. So, I was suggested the following districts fall under the HC purview. And that's where you put all the, you know, taken directly from document. But then if you go down to the map below it pretty but does it tell you which ones which.”

It was determined that the map from page 9 should stay and the other should be omitted.

Commissioner Berkovich: “The historic commissioning process starts with the city's leading circulations of 1962. And while I appreciate intention, I think it was more internal by two architects’ in the City of Schenectadt. So, wonder if we're ignoring their contribution to the process, which page we are on page 28. So, I think we have rewriting history, but we are omitting two prominent figures who helped to make this possible. And I think we should include that in because it's that kind of becomes more of a historic document towards. Because this puts a lot of effort on the city of Schenectady where a work without actually being done by private individuals.”

Attorney Marney said that the architects would be added.

Commissioner Yager, “was there anything else?”

Commissioner Unger,” I think just going back to Austin, our thesis, and I recognize that things are going to have to be done after the...I really would like to see the document be kind of a living document supplements or whatever when things change, new codes were put in there, rather than having a new code coming in two years from now and now. This will still fix it with kind of like the new code All right, we update them when they were done.”

Commissioner Fava, “It's really nice.”

Commissioner Unger, “I think you'll end up a useful document.”

Commissioner Berkovich “the final thing and maybe just graphics the sample application without painting. I would love to see arrows pointing because this application is very good about specifying what issues like main garage, it got a fence that was powered lenses and color. But sometimes folks submit a color and a picture and you have to figure out which color goes with which part of the building so if we can like I would put an arrow from this to particular location where they are where the central Where's going to be painting the color it's just easier on the commissioners to figure it out, just the one, especially when they are real application.”

Attorney Marney, “Well, I can also guarantee that before these come back for final vote that they will be gone through with a fine tooth comb and they will be consistent with whatever our final code revisions are you go before the law department will sign off.”

Commissioner Yager asked if there were any more comments and there were none and then asked for a motion to adjourn.

Commissioner Dr. Bennet motioned to adjourn, and Commissioner Berkowich seconded. *Motion carried unanimously.*

VIII. Adjourned 8:06 p.m.