

David Giacalone
16 Washington Ave. #3
Schenectady, NY 12305

June 17, 2015

To: The City of Schenectady Planning Commission

Re: The Need to Relocate and Significantly Reduce the Size of the
Proposed Pylon at the Mohawk Harbor Casino

I am writing to ask the Commission to reject the size and location of the pylon structure proposed by Rivers Casino at Mohawk Harbor in its Site Plan Review. The proposed pylon would be 80' tall and 38' feet wide, with a digital display 32' tall and 19' wide, an illuminated "branding" section on top with the Rivers Casino name that is over 14' tall and 30' wide, and a lightbox along its edge that is about 11' wide and a total of 50' in height. I submit that such a pylon edifice would dominate Schenectady's skyline in a manner that would be aesthetically inappropriate and would needlessly create a safety hazard for vehicle traffic and pedestrians. That is especially true, of course, after sunset.

Even if the Applicant's pylon proposal is within the C-3 pylon height and signage maximum limits, this Commission has the authority and responsibility when performing a site plan review (under Zoning Law, §264-89 *et seq.*) to assure proper vehicle and pedestrian traffic flow and safety, including impact on intersections and traffic controls; the proper location, arrangement, size, design and general site compatibility of lighting and signs; the maximum retention of existing vegetation; and the protection of adjacent or neighboring properties against glare or unsightliness or other objectionable features.

For many outsiders as well as residents, the proposed pylon would, indeed, become the new symbol of Schenectady, brasher and visible from more locations in the business districts and residential areas of the City and County than the historic GE Sign on Building 37. Not only is the GE Sign set on a rather remote location far from the roadway, and sitting at a

height that reduces its impact at street level, but the letters of the GE sign are "merely" 10 feet tall, and the circular logo only slightly taller (with its diameter of 36') than the pylon display. Moreover, with much of its background unlit, as compared to the fully and brightly illuminated digital display and accompanying lightbox, the GE Sign produces less glare.

The STS Steel Excuse: The notion that Schenectady must endure an 80' tall pylon in order to overcome the placement of the casino behind the 49'-tall STS Steel building, so that people will know we have a casino and where it is located, is not even credible enough to be called specious. Schenectady is not a totally flat town, with Mohawk Harbor the hub of a road system that radiates like spokes from the center of a wheel, so that only the STS Building blocks the view. There are only a few blocks located on the Erie Boulevard side of the casino where anyone would expect to, or be able to, see the casino, even if there were *no* STS building (a situation the developer is surely hoping to soon make happen). If the purpose were merely to say "we are here", a simple sign on the actual casino compound, on a pole perhaps 60' tall (or even shorter, like the Jumpin' Jack's sign), should do the trick, without cluttering the roadside, nor branding Schenectady as a Casino Town (rather than a proud City with a Casino).

Does Rivers Casino need an 80' pylon to be noticeable enough to succeed financially in our relatively low-rise City? Consider: Rush Street often brags about how successful its Philadelphia casino SugarHouse has been. Nonetheless, although Philadelphia has a lot of tall buildings that could block the view of a casino or its pylon when viewed from a distance, the Casino Zoning District where SugarHouse is located bans any freestanding sign taller than 40'. [Philadelphia Code, §14-405(8)]

Moreover, it is difficult to justify the broad, 38'-width of the proposed pylon. Two large SUVs parked nose to nose are about 38' in length. Also, Schenectady's Parker Building, next to Proctors, is only 24' wide. Ironically, from many visual perspectives, the Casino pylon will block the view of the casino far more than would the STS Steel Building.

Out-of-Sight/Line-of-Sight. It seems silly for the Applicant to suggest that people coming to Schenectady to visit the Casino will not know how

to find it without a monster pylon to guide them, or that residents in nearby communities and the Region, much less Schenectady, will not be aware that we have a casino. This pylon is clearly meant to constantly remind a large portion of the people and visitors in the western end of Schenectady County that the casino exists (without offering any additional help directing them to Mohawk Harbor). Unfortunately, we do not know how many people, blocks or communities will see the Casino Pylon as the dominant structure in their skyline, because Rush Street Gaming and Galesi Group have not submitted a line-of-sight survey (in daylight or dark) for the Commission to consider, and the Commission has not required one.

A thoughtful and thorough Site Plan review must have a line-of-sight survey. For example, will everyone walking out the front door of Proctors be looking at that pylon? Also, in its environmental impact statements, the Applicant told the Location Board and Metroplex that the only potential negative impact on nearby neighborhoods, such as the Stockade, College Town and Goose Hill, would be visual. The Applicant concluded, however, that there would be no significant visual impact, if any, because trees, buildings, and even railroad overpasses, would block the view of the casino compound and any light pollution. A line-of-sight study would surely test that assertion.

Comparison with the Des Plaines Rivers Casino Pylon. When making its zoning amendment presentation to this Commission, the Applicant used the example of its Des Plaines pylon, which David Buicko stated is 68' tall; we estimate that it has a digital display about 25' tall, and is approximately 32 feet wide. The slide image used of the Des Plaines pylon was a daylight photograph, and at no time was the Commission told that the decorative portion of the pylon was in fact a translucent lightbox that would be illuminated from within. The first Illustration is a collage showing a number of images of the Des Plaines casino pylon.

Pondering
Pylons



[above] photo at DPRC



[R] artist pylon rendering for
Des Plaines Rivers Casino

[Below] actual photo
at night at DPRC



Top Row: 3 views of pylon at Rush Street's Des Plaines (IL)
Rivers Casino [DPRC] - 68' tall with approx. 25' tall digital display



by david giacalone 10Jun2015

[L] 50' pylon at Crosstown
Plaza, Rt. 7, Schenectady

[R] rendering of proposed
80' tall pylon edifice for Rivers
Casino at Mohawk Harbor with
32 ft. tall digital display near
Nott St. & Erie Boulevard
Schenectady NY

- more info at StopTheSchenectadyCasino.com -



Illustration 1: Pylon Collage 1 (for a larger version, go to <http://tinyurl.com/casinopyloncollage1>)

As is obvious, even at 68', it looms over and dwarfs vehicular and pedestrian traffic; and, fully illuminated, it overwhelms the night sky. The additional height and width and wattage of the proposed Schenectady pylon has surely not been justified, when even the Des Plaines version is too large for the scale of our City, and for a street-side location near residential neighborhoods and a very busy major thoroughfare.

Safety Hazards. A giant, bright digital display, grouped with additional illuminated signage, along busy roadways, could clearly be a major distraction for vehicle drivers, and therefore a traffic safety hazard. Such potential risk is why Schenectady Zoning Code, §264-61(I), requires that an applicant for the required special use permit show at a public hearing that a proposed electronic message sign will have no negative effects, such as threats to vehicle or pedestrian traffic conditions, or to the public health or safety (and, also that it will not cause any substantial neighborhood disruption). Even if Art. 9 of our zoning code no longer applies to casino signage, §264-61(I) reflects a municipal and widespread concern relevant to the Commission's site plan analysis of traffic safety

and public health.

The reasoning of other experts on traffic safety and roadside signage should also inform the Commission when considering the appropriateness of the size and location of the Rivers Casino pylon. Thus, for safety reasons, the NYS Department of Transportation cautions that variable electronic signs should not be located so as to distract from nearby traffic control devices or at locations requiring more than normal attention to traffic conditions. DOT's regulations for off-premise variable digital signs ban such signs from being closer than 300 feet apart if more than one variable sign is visible to a driver at the same time. In addition, DOT requires that such digital signs appear no brighter at night than during the day. See *Criteria for Regulating Off-Premises Commercial Electronic Variable Message Signs (CEVMS) in New York State* (2014, "CEVMS Criteria Statement"). (Those Department of Transportation conclusions were an important part of its announcement that 8-second minimal intervals between message changes were allowable, but optional, with each City allowed to impose its own longer intervals, and with special local and road conditions to be taken into account.

In addition, many customers at Rivers Casino will be older drivers. The 2014 DOT Criteria statement notes, in a relevant passage:

"The brightness of CEVMS is not only potentially distracting due to its ability to attract increased attention, but may also create problems with dark adaptation among older drivers. In order to minimize these dangers, the brightness of this technology should be constrained such that CEVMS do not appear brighter to drivers than existing static billboards."

The placement, size and brightness of the Rivers Casino pylon clearly raises the same safety concerns addressed in the DOT's CEVMS Criteria Statement, which the Commission will hopefully consider fully. Moreover,

by placing the pylon on a separate lot across an intersection from the Casino entrance and roadway, Rivers Casino appears to have brought the pylon digital display within the enforcement jurisdiction of the DOT's CEVMS Criteria Statement, as the pylon signage is no longer on the primary site of the business, but fits in the DOT category of off-premise signage, subject to its jurisdiction on state roads.



Illustration 2: Pylon Collage 2 (for a larger version, go to <http://tinyurl.com/pylon-collage2>)

Similarly, and also for safety reasons, the City of Philadelphia allows no digital displays within 200' of an intersection. [Philadelphia Code, §14-904 (1) (b) Digital Display] The Second Illustration (above) shows the

placement of the pylon directly at an intersection crucial to those entering and leaving the Casino, to the retail customers and residents of Mohawk Harbor, and to residents/visitors of the East Stockade and Stockade District. The proposed pylon is also in close proximity to the Nott Street intersection with Erie Boulevard, and the exit and entrance points for the expected traffic rotary at that intersection. Clearly, Rush Street Gaming hopes to use the digital display to catch the attention of and inform many drivers who will be unfamiliar with the short Nott-Front-Erie block and the Mohawk Harbor layout, and who may have little or no experience traversing a traffic rotary. From the perspective of traffic safety, it is difficult to image a worse location for the enormous pylon, with its glare and mixed messages.

There have been many studies of electronic message signs, and the variables to use when assessing their appropriateness at a particular location. Many of their authors stress that the conditions at any specific location can greatly affect the safety element and distraction potential of a digital display. See, for example, *the Federal Highway Administration's Report on "The Effects of Commercial Electronic Variable Message Signs on Driver Attention and Distraction: An Update"* (Pub. #FHWA-HRT-09-018 (Feb. 2009); and *"Context-Sensitive Signage Design"* (by Marya Morris, et al., for the Research Department of the American Planning Association, 2001). *It appears that many of the most important variables for assessing the potential safety hazard of CEVMS are at play at the proposed location of the Rivers Casino's pylon. Even if hidden behind technical terminology, most of the factors come down to common sense. For example:*

- *whether it is an undeveloped area with low levels of ambient lighting or a more urban context among other buildings and structures in an area with high nighttime illumination levels.*
- *The location of signs in their relation to such highway design features as*

- intersections, channelization features, traffic control devices, and features that require a high level of attention to the driving task.*
- *the distance that signs are set back from the highway, measured in distance from the edge of the main traveled way*
 - *Environmental Factors such as: The complexity of the visual environment is extremely important. Visual clutter; nearby signs; and ambient lighting are important considerations. Condition of the roadway: wet, dry, precipitation. Also, the existence of a Bicycle Path*
 - *Characteristics of the Signage: Size, length, height; visual angle, distance first detected, contrast ratios, day/night settings; ability to hold attention, special effects, and many other factors.*
 - *Characteristics of Drivers. Age, gender, and demographics can come into play. Driver familiarity with the location is very important, as is experience driving under likely conditions (e.g., weather, darkness). Fatigue and use of alcohol or drugs. And, Distractions inside the vehicle (such as, conversation, eating, backseat drivers supervising parking, cellphone use) also lower driver attention and reaction time.*

The above factors are outlined and presented in more detail, with quotations presented from the two Reports mentioned above, at <http://tinyurl.com/electronicdisplayfactors>. The Commissioners and Planning staff are invited to consult the materials at the link, in deciding on the appropriateness of the location of the Schenectady Casino pylon.

Finally, as Schenectady chief zoning officer Steve Strichman explained, the Planning and Zoning office intended, when writing the 2008 Comprehensive Plan,

to remove “oversized signs that have been more recently installed [than the iconic, rooftop GE Sign] in front of other businesses.” As the *Gazette* put it:

Strichman aims to rid Schenectady’s streets of highway-oriented signs that are “out of pedestrian scale.”

If there were ever to be a freestanding, highway-oriented sign in front of a business in Schenectady that is “out of pedestrian scale”, it would be the pylon edifice proposed at Rivers Casino. It would be ironic indeed if our Planning Commission took this step backward merely because the Applicant, giving no persuasive reasons, would like to dominate our skyline.

For more information relating to this site plan review and similar issues, see StopTheSchenectadyCasino.com: *protecting our community from casino-made problems.*

Thank you, with respect, for your time and attention to the above considerations.

s/
David Giacalone
Schenectady, NY