

The Mechanicville Zoning/Planning Board held a meeting at the Mechanicville Senior Citizen Center, 178 North Main Street, Mechanicville, New York on November 29, 2022 Chairman Frank Scirocco opened the meeting at 7:02 P.M.

Roll Call:	Frank Scirocco	- present
	Robert Chase	- present
	Richard Delaney	- absent
	Martin Doyle	- absent
	Ed Morcone	- present
	Dan O'Connor	- present
	Addy Waldie	- absent

Chairperson Frank Scirocco led the Pledge of Allegiance

Frank Scirocco: Has everyone had a chance to read the minutes from the last meeting? Is there a motion to approve?

Motion by: Robert Chase
Seconded by: Dan O'Connor

Ayes: 4 Nays: 0

Frank Scirocco: I am going to juggle some things around, first case we are going to hear is from Brian Macri for a Site Plan Review to convert a three (3) unit building to a four (4) unit building located at 40 Burke Street. Have all the notices been sent out?

Gina Kenyon: Yes, they have.

Frank Scirocco: Let the record show it dually published in the Daily Gazette for the hearing and all the neighbors were dually notified. Tell us what you want to do, and you are?

Jenna Macri: My name is Jenna Macri, I am Brian's wife, co-owner of the house. One of our units was a five (5) bedroom, two and a half (2 ½) bathroom unit, so we wanted to throw up a wall and make a studio out of part of it and a four (4) bedroom out of the other, just because it was kind of difficult to rent a five (5) bedroom two and a half (2 ½) bath. There are four (4) parking spots, and two (2)

additional garage spaces so we were just looking for approval. Two (2) of our tenants now do not have cars, they walk.

Frank Scirocco: Ed, questions?

Ed Morcone: No, I took a cruise over there and the parking looks okay as far as needing one and a half (1 ½) spaces. Did you do these drawings? The additional apartment is going to be on the first floor?

Jenna Macri: My husband did, and yes on the right side.

Frank Scirocco: Bob?

Bob Chase: Nothing right now, it looks pretty good, I took a ride by the today and checked on the parking, they have some greenspace in the back, not a lot but some.

Frank Scirocco: By adding an extra apartment, do you see and adverse effect on the neighborhood?

Dan O'Connor: None.

Frank Scirocco: Everything will be off-street, right.

Jenna Macri: Yes.

Frank Scirocco: There are no issues with snow, I have no issues with this. See our biggest concern is more cars on the street.

Jenna Macri: That is why we created the extra two spots so there would be no on-street parking.

Frank Scirocco: It seems reasonable to me. Does anyone else have any questions.

Frank Scirocco: I am going to close this part of the hearing and open it to the general, does anyone have any comment on this site plan review?

Dave Hicks: My issue is parking is crowded on Burke Street as it is now, has it changed since then?

Frank Scirocco: Has the parking on Burke Street changed? Well, there will be no parking on the street, theirs is all off street.

Dave Hicks: That I did not know.

Dan O'Connor: They created two (2) more spots, they created two (2) more parking spots.

Frank Scirocco: Anyone else? Close this part of the hearing, is there a motion to approve the Site Plan Review?

Motion by: Dan O'Connor
Seconded by: Robert Chase

Bob Chase: Yes
Ed Morcone: Yes
Dan O'Connor: Yes
Frank Scirocco: Yes

Frank Scirocco: David DeVito are you hear?

Dave DeVito: How are you doing? Dave DeVito, 164 South Main Street.

Frank Scirocco: You want us to vary, I believe is six (6) inch is the code for a fence line, and you want to put it right on the property line.

Dave DeVito: Correct.

Frank Scirocco: Is there a reason for that?

Dave DeVito: Just because of where it is going on the one side, there is nothing here on this side, they have their property fence on this side so it is going to be like running parallel with theirs.

Frank Scirocco: I think the reason for the six (6) inches didn't really make much sense, if you had to do any repair, you wouldn't be stepping on, if you had to go to the other side to paint, you would be on their property line but six (6) inches isn't that much. Bob?

Bob Chase: The people that have the fence there now would have to come over on his property to maintain their fence.

Frank Scirocco: I was just talking about that six (6) inch border that you are supposed to maintain, you are not allowed to put it right on your property line.

Bob Chase: Where is the current fence.

Dave DeVito: There isn't.

Bob Chase: No, your neighbor, is it on the property line or is it six (6) inches back?

Dave DeVito: It is in further, it runs parallel with his garage, there are two (2) fences. There is a fence, a garage, and another fence, it is like an alley way. So, you can walk down the alley way and just walk straight down they could walk down and do whatever they need to do on their side. Even if I put it over the six (6) inches but the six (6) inches gives me just a little bit more room because I also put that I am going to put a shed, so it just gives it that much more room, I know six (6) inches isn't a lot but.

Frank Scirocco: Dan?

Dan O'Connor: It is a vinyl fence going up so it is maintenance free so I have no issues with it.

Frank Scirocco: Ed?

Ed Morcone: I have no issues with it. Approximately from the one you are putting up to the existing, how far apart is it.

Dave DeVito: It is like eighteen – twenty (18-20) inches in one spot.

Ed Morcone: So, it is not like they are on top of one another.

Dave DeVito: They don't want me on that little bit that I have maintained for the thirty-five (35) years that I have been there, now with the new folks moved in, it is their property they can do whatever they want with it, if they don't want me on it then they don't want me on it, so I have to do something.

Gina Kenyon: For the record, the mailings were sent.

Frank Scirocco: Just so you know, if this variance gets approved, you would have to get permission from your neighbors to get on the other side of the fence.

Dave DeVito: There is a letter from our lawyer's so it is on there that if I get the variance it is ok.

Frank Scirocco: We will close this part of the hearing is there anyone here to speak on this application, in favor or in opposition? (No one was present to speak) I will close that part of the hearing. I don't see an issue as long as you are aware.

Dan O'Connor: I will make a motion.

Frank Scirocco: Motion by Dan to grant the area variance. Seconded by Ed.

Motion by: Dan O'Connor

Seconded by: Ed Morcone

Bob Chase: Yes

Ed Morcone: Yes

Dan O'Connor: Yes

Frank Scirocco: Yes

Frank Scirocco: These decisions need to be recorded and filed.

Frank Scirocco: Next we have a change in tenancy application for NC Carports and Garages, for a change in tenancy to operate a shop of pre-fabricated metal, metal buildings, shipping, receiving, and storage at 132 Central Avenue. Have all the mailings gone out?

Gina Kenyon: There are no mailings for change in tenancy, they are not required to do that.

Frank Scirocco: That should be addressed with the Council.

Donald D'Ambro: We have a multi-facet application, one part is to seek temporary relief of a violation order, the other is to ask for a temporary certificate of occupancy until we can obtain a building permit.

Frank Scirocco: So, you are asking us for a Certificate of Occupancy? I am sorry I cannot hear you.

Donald D'Ambro: A temporary Certificate of Occupancy?

Frank Scirocco: We do not have the authority to do that. What will be done in the building, and what is the building being used for now.

Donald D'Ambro: (could not hear)... right now there are two (2) uses, we have a residential apartment upstairs,....

Frank Scirocco: We are not going to be able to record this and that is going to be a problem, can you come up to the board so we can hear you better.

Paul D'Ambro: I am his son, the first step we need is a change in tenancy application, NC Carport is going to bring in trailer loads of the steel for the roofing, metal trusses, and all of the parts to put together carports similar to what you see on the south end of town near Stewart's, you will also see one at Joe's shop. These people have all the parts shipped in and then they go around the area and install them at people's homes. They are looking to have tenancy to store all the materials to then load them on trailers and then go to the jobs in the old Modern Lumber Warehouse. The application is for them to store the materials, then go to someone's house and assemble the sheds or whatever is purchased.

Frank Scirocco: I am familiar with this now. The Building Inspector had an issue with the Fire Code, I understand the welding going on, the fumes.

Paul D'Ambro: They have stopped the welding, and they are bringing in everything pre-fabricated so they are not fabricating in there at the moment, they are just bringing in pre-fabricated trusses and then sorting the loads and sending them out to the jobs to be assembled. If we get the tenancy and then we will comply with any needs to continue fabrication there and then we will go ahead and do that.

Frank Scirocco: Based on what he is looking for is storage and assembly without...

Paul D'Ambro: Currently they are not welding.

Frank Scirocco: ... any hazardous use.

Paul D'Ambro: They stop welding, in accordance with the Code Enforcement at this moment, so they have been just bringing pre-fabricated trusses, so they are not fabricating at the moment. They would like to fabricate but for now we just want to have tenancy continue, bringing it in, sorting the orders, and sending them out to the jobs and then they are willing to comply with any needs of the Building Department to continue fabricating in the future, after all compliance is approved.

Frank Scirocco: That sounds reasonable. Bob?

Bob Chase: What time would operations be.

Paul D'Ambro: I do not know their hours; I have seen them there as early as six (6) in the morning.

Bob Chase: There are residents that are right next to them, you can't make noise in the City before a certain time.

Paul D'Ambro: You give us the hours and we will look at them and tell them they have to comply.

Bob Chase: What about oil contamination if you do start cutting there.

Paul D'Ambro: I have seen their saw, they are using a dry cut metal hand saw, there is no oil, it is just a dry cut saw. There is nothing, they sweep up the shavings and put them in the garbage bins.

Bob Chase: Good enough.

Frank Scirocco: Dan?

Dan O'Connor: They are pretty much going to do the same thing they are doing right now so, I have no issues at all. They are not looking to change anything right now.

Joe Bramski: I am Joe from Joe's Cycle Shop, I have been involved for seventeen (17) years, we moved from North Carolina to up here only due to the costs of shipping, we do not manufacture anything. The steel comes in, and get pad vaulted and then it goes out to a job site. There is absolutely no retail business going on in that place at all.

Frank Scirocco: Edward?

Ed Morcone: Does your trucks pick up and deliver down Cypress Street or in front of the place?

Paul D'Ambro: On the side street, just like Modern Lumber used to do it before, like we used to do it before.

Ed Morcone: It is the same thing that has been going on.

Joe Bramski: You talk about welding, I have been here forty-four (44) years at the Cycle shop, you bring a motorcycle in, you break a muffler, I take it off, I have to weld it, I can go to Haney's, I can go to anywhere. Naturally you have to play it safe due to the fire, it is not like they are welding all day long, that is not the case.

Paul D'Ambro: We are willing to comply with anything necessary to do that in the future, as soon as we are given a list of rules and materials, we will have them comply before we start on the welding. For now it is all coming in all pre-fabricated so they are just storing, sorting, shipping, and then going out on installs.

Frank Scirocco: So, there won't be any welding?

Paul D'Ambro: Not until we get permission from the Building Department.

Joe Bramski: This happened on July 18th, is when I brought them up and talked to Mr. D'Ambro about leasing the property and honestly speaking I did not know about a change in use. The whole thing is we went there and it was thirty-one (31) weeks before we got notified before anyone stopped by and said you have to go through this, I didn't know, if I did we would of went through it. Then on 12/22 we got a Stop Work Order placed on the shop and the upstairs tenant, which we had nothing to do with them, it is a handicapped person, we keep in touch with them and keep them happy also. They don't seem to have any complaints. The Code Enforcer was claiming we were doing manufacturing and we had a dumpster was outside the fence on the property and without a doubt that is not right. That had to be moved to clear up the problem on that, he said you are going to have to go in front of the Zoning because I believe it is manufacturing, it is not manufacturing; we don't manufacture anything. All it is, is a matter of bending steel and doing some welding. Naturally, with welding we would still want to have some flame proof-material put up on the ceiling, not a problem, and a

matter of fact we were down in Albany and we are pretty much set to go on everything but we don't want to do anything because he told us on the seventeenth (17th) of March that we had to move out, because we have not been approved for the occupancy of it and he said there would be a \$1000 a day fine or imprisonment starting the day after tomorrow. So what we will be doing is just maintaining, waiting to have a meeting, and see if we are going to get any kind of approval for that. Modern Lumber was there for forty-nine (49) years, they actually did probably more fabrication than we do. Naturally you would have a repo business in there rotten, tractor trailers, it is a tight area in there and we have to respect that with the neighbors, it is maybe once or twice a week, we might have it, twice a week is a lot. We are talking about one (1) hour to unload. But, we won't manufacture any of that steel, that is all done down south.

Frank Scirocco: I think the biggest problem the Code Enforcement Officer had was the welding issue, the fumes.

Paul D'Ambro: So, we have since ceased that, it was addressed.

Frank Scirocco: That was his biggest issue.

Joe Bramski: Oh, without a doubt.

Paul D'Ambro: That has been stopped, we made them wrap their welders up, and pack them up until we can try to come to a resolution.

Frank Scirocco: Do you have anything else?

Joe Bramski: We are really concerned here because his order of remedy was to get out.

Paul D'Ambro: There was no remedy, he just said to get out and he is going to start fining us on the 17th.

Joe Bramski: It isn't like we are hiding on someone; we have no problem meeting the codes. As far as parking goes, there is only one (1) vehicle there a day, there are two (2) guys working in there and both guys live in town, matter of fact one (1) group rents from you, one rents from Bove and they walk to work. There is no retail business done out of there.

Frank Scirocco: Let's close this part of the hearing and open it to anyone here to speak in favor or opposition on this application change in tenancy? (No one was present to speak) I will close that part of the hearing. Any other questions here? It seems the biggest issue that I was informed of, was the fire hazard.

Bob Chase: If that building starts on fire it is gone.

Frank Scirocco: He concern... but as you said that was not going to be happening.

Dan O'Connor: It looks great, you guys cleaned it up a lot.

Frank Scirocco: So, this is basically storage and assembly and I don't really have a problem with that, that is basically all it is going to be. It was a lumber yard forever where things were assembled, you see some automotive garages that have apartments that have above it.

Dan O'Connor: It was a repo place prior than this and they probably did more cutting and welding than anybody.

Frank Scirocco: I think it was more code violations that would have to be complied with.

Paul D'Ambro: We are willing to do that given the opportunity.

Frank Scirocco: If we grant the change in tenancy, you have to comply with all the codes.

Bob Chase: I would add a six (6) month review.

Paul D'Ambro: Do you have a date for your meeting six (6) months from now so i can write that down?

Frank Scirocco: It would be actually reviewed by the Code Enforcement Officer. You would not have to come back to a meeting unless he comes to us and says they are not following what you set down.

Paul D'Ambro: Assuming you approve the change in tenancy, does that give us our temporary occupancy for a six month...

Frank Scirocco: We can't grant that.

Gina Kenyon: If this gets approved tonight Kyle will be informed and he would have to issue the certificate of occupancy.

Paul D'Ambro: Does that mean that he would approve that and rescind his order of eviction.

Frank Scirocco: Yes.

Paul D'Ambro: Then we are good right there, perfect.

Dan O'Connor: I make a motion.

Frank Scirocco: What is your motion.

Dan O'Connor: To grant them change in occupancy.

Frank Scirocco: So, a motion is on to grant a change in tenancy with the stipulation that all code violations be remedied and that the Building Department review in six (6) months. Is there a second.

Bob Chase: That was me.

Frank Scirocco: Is there any discussion on the motion? No discussion, call the roll.

Motion by: Dan O'Connor

Seconded by: Bob Chase

Bob Chase: Yes

Ed Morcone: Yes

Dan O'Connor: Yes

Frank Scirocco: Yes

Frank Scirocco: The change in tenancy is granted.

Frank Scirocco: Next and last on the list is 115 Round Lake Avenue LLC, for two area variances, lot line adjustment, and you are Sir?

Bruce Steves: Bruce Steves, Mr. Chairman, I am the Attorney for the applicant, with me tonight are my clients, Terry Pickett and Mike Thompson.

Frank Scirocco: I have a question, I am only seeing one (1) request for variance on the application, and that is the rear setback.

Bruce Steves: I am looking at section three (3) paragraph C, and unless it may of gotten cut off on the copier, we have a rear setback and in other, minimum lot depth required one hundred (100) feet and we are proposing eighty-nine (89).

Frank Scirocco: I am sorry, I missed that.

Bruce Steves: No problem at all.

Frank Scirocco: You can proceed.

Bruce Steves: Good evening, I am Bruce Steves, as I said, I am here on behalf of Terry Pickett and Mike Thompson, they are the owners of 115 Round Lake Avenue LLC which owns 115 Round Lake Avenue which is the property that is the subject of the application. My clients purchased the property in 2016, I provided a survey with the application and that shows my clients property is surrounded on three (3) sides by the parcel whose address is 80 Sheehan Street, it was formerly owned by the DiSiena family and has since recently changed hands and now Kevin Koval is now the owner of that property, that closed about a month ago. So, we are here tonight because in the process of that closing of the DiSiena property it was discovered that there are two (2) encroachments from the DiSiena parcel on to my clients parcel at 115 Round Lake Avenue, and those are both in the rear yard of 115 Round Lake. It is a portion of the rather large warehouse building which encroaches in the total square footage on the encroachment is about fifty-four (54) feet and then there is a small piece of solar equipment that is attached to the building and that also encroaches into my clients rear yard. So, my clients didn't know about this at the time they purchased their lot in 2016 and it was just discovered, like I said when a survey was performed before the closing for the DiSiena property took place. We have been going back and forth with Mr. Koval and his Attorney trying to figure out the best way to resolve this issue and what we came up with was to seek a lot line adjustment by which the common boundary line which separates our rear yard from Mr. Koval's property would be moved inward such that the encroachments would now be located on the DiSiena property that Mr. Koval owns now. So there would be no more encroachments so it would eliminate that issue for everyone, however, before we can apply for a

lot line adjustment we had to come to this Board to seek variances because the lot line adjustment would increase our non-conformity with the code. This is a pre-existing non-conforming lot but what would happen here is we have a twenty (20) foot rear set-back requirement and in order to remove those encroachments our setback would have to be reduced to nine (9) feet and then we have the requirement for the minimum lot depth which is one hundred (100) feet and we are seeking a reduction on that to eight-nine point five seven (89.57) feet. Again, the only reason we are doing that is to cure this issue that we were not aware of, my clients were not aware of when they purchased, which Mr. Koval has been working with us in good faith for some time now to try and get a resolution. So, that is why we are here this evening. In talking with Ms. Kenyon earlier, I understand the Board may have the authority to grant a lot line adjustment, I am not sure about that, I am not sure if it has to go to the County Planning Department but we certainly welcome that approval if the Board has the authority to give and is so willing.

Frank Scirocco: We were just informed of that, I had originally thought it would have to go to the County for them to look at and approve that but, I guess the Council passed a resolution at the last meeting giving us the authority to do that. Have you guys seen a copy of this? “Whereas, the Mechanicville City Council wishes to authorize the Planning/Zoning Board of Appeals to approve lot line adjustments pursuant to the General Municipal Law” and it was voted unanimously, so we do have the authority to adjust the lot line. This still has to be submitted to the County. So, you are looking for a variance to reduce the one hundred (100) feet to eighty-nine (89) and the rear setback to nine (9) feet.

Bruce Steves: That is correct.

Frank Scirocco: And, adjust the lot line.

Bruce Steves: It would be moving the rear yard line in eliminating the encroachments and in exchange for us doing that Mr. Koval graciously agreed to extend our clients to the east and that is what is showed on the survey as “Parcel A” so that would also be part of the lot line adjustment. No variance is required for that portion of the adjustment, but that is also part of what we would be seeking in the lot line adjustment.

Frank Scirocco: Questions? Is Mr. Koval here.

Mr. Koval: This came up as quite a surprise when the survey was done and the title. DiSiena's refused to take any participation in it so it cost me about \$15,000 for this lot line adjustment, I approached these gentlemen and they were gracious enough to work with me, so basically in exchange for getting the property that the DiSiena's didn't own back on to that property, I gave them side yard access so the tenants can park in that parking lot and be off street. That is the long and short of it, it is like a seven by eight (7 x 8) corner of the showroom building and the inverters for the solar equipment that in encroaching on 115 Round Lake Avenue.

Frank Scirocco: So, you have no issues with this application?

Mr. Koval: No, no please approve it.

Frank Scirocco: I will close this part of the hearing and open it to the general for comments, questions, you have four (4) minutes. Times up. I will close this part of the hearing.

Gina Kenyon: All mailings were sent.

Frank Scirocco: All the mailing were sent out, so all the neighbors were notified.

Bob Chase: I will make a motion.

Frank Scirocco: No motion yet, any questions Robert?

Bob Chase: No.

Frank Scirocco: Dan?

Dan O'Connor: No.

Frank Scirocco: Ed?

Ed Morcone: I am good with it if he is good with it.

Frank Scirocco: I thought there would be a lot more questions. There is a motion to grant a rear setback of only nine (9) feet and reduce the lot depth from one hundred (100) to eighty-nine (89) feet and adjust the lot line to what is shown on the survey map. Am I correct?

Bruce Steves: That is correct.

Frank Scirocco: Is there a second?

Dan O'Connor: Second.

Frank Scirocco: All in favor.

Ayes: 4 Nays: 0

Frank Scirocco: Area Variance has been granted and lot line has been adjusted.

Bruce Steves: Thank you very much.

Frank Scirocco: If there is no other business can I get a motion to adjourn?

Motion by: Dan O'Connor

Seconded by: Ed Morcone

Ayes: 4 Nays: 0

Meeting adjourned @ 7:44 pm