

The Mechanicville Zoning/Planning Board held a meeting at the Mechanicville Public Works Building, 4 Industrial Park Road, Mechanicville, New York on March 13, 2018. Frank Scirocco opened the meeting at 7:00 P.M. The Pledge of Allegiance was led by Ed Morcone.

Roll Call:	Frank Scirocco	- present
	Robert Chase	- present
	Richard Delaney	- Absent
	Keith Johnson	- present
	Ed Morcone	- present
	Raymond Martin	- present
	Sam Carabis	- present

Frank Scirocco: I would like to welcome Sam Carabis, as of tomorrow night he will be a permanent member of the Board. We are going to hear Mansfield Custom Homes. Do I have the notices?

Gina Kenyon: You should.

Frank Scirocco: I know I should but do I?

Gina Kenyon: I have a copy right here.

Frank Scirocco: Let the records show that the neighbors were all notified by registered mail.

Dana DeFelice -Hobb: I never received a letter.

Frank Scirocco: Are you within 500 feet?

Gina Kenyon: Yes and her name is on here that it got sent, they are still coming in but I did confirm that he did send you one after I spoke with you.

Ray Martin: When were they sent?

Gina Kenyon: February 28th so plenty of time.

Frank Scirocco: We are going to follow the same protocol with questions. When it is your turn you ask your questions, if there is something after please wait to be

acknowledged, no shooting from the hip because we are going to be here for a while tonight.

Hi I am Darrow Mansfield the applicant tonight this is my first time here so I am not quite sure what I am supposed to do.

Frank Scirocco: Just tell us what you want to do.

Darrow Mansfield: I applied for Site Plan approval to build a new single family home at 911 Broadway. Currently the lot is semi-improved, there is a single car garage and we are planning on removing the garage and replace it with a new home.

Frank Scirocco: Everything is within code, the setbacks are fine, rear setback is fine, front setback is fine. You are not planning on putting an offensive siding on?

Darrow Mansfield: That is a pretty subjective criterion, no it is a blue color, with stone detailing, shingled roof. I will be turning that in for a building permit upon approval of the site plan.

Ed Morcone: Is this a pre-fab?

Darrow Mansfield: It is not.

Frank Scirocco: Is there shrubbery, greenspace?

Darrow Mansfield: There is no formal landscaping plan, the plan is to replace the disturbed earth to grass they are leveling it lot it currently slopes down in the back. Then that will be turned to lawn.

Frank Scirocco: Water is going out to Broadway and left side sewer is going out to Broadway?

Darrow Mansfield: Utilities right on the street, the power lines are literally right in front of the building.

Frank Scirocco: Is this going to be fenced in?

Darrow Mansfield: Yes it is there is currently a white vinyl stockade looking fence that is fairly new, we are going to take it down when we build the house and put it back up when we are done.

Frank Scirocco: Ok, Keith?

Keith Johnson: I have no questions.

Frank Scirocco: Ray?

Ray Martin: I want to thank you for such a beautiful detailed set of plans that you gave to us it makes our reviewing the process a lot easier and it means we don't have many questions to ask. One of the questions that I would like to ask is on the side of the house it you are facing the west hand side, it doesn't show any gutters and it is only 7 ft. from the abutting property. Is there anything you plan on doing with water runoff from that side of the house?

Darrow Mansfield: We are planning on putting gutters on it; it just does not show graphically.

Ray Martin: One of the other problems not too long ago we reviewed a semi-abutting property and one of the things that we found there is there is a lot of water, standing water, that stays in the back of the property that you are looking at. Is there anything you can do to alleviate the water building up there and channeling it into storm sewage?

Darrow Mansfield: I have heard this anecdotally also, so the plan for this home is that it is being built on a crawl space foundation so there will not be a full basement primarily so that if there was standing water we won't have that concern of having utilities in the basement being affected. In this case they are raising the grade in their backyard a couple feet, right now it just kind of drops down primarily to focus the water away from the house.

Ray Martin: What will that do to the adjoining properties in the back?

Darrow Mansfield: I can't answer that question I don't know.

Ray Martin: Is there anything you or the property owner can think of that would help alleviate there becoming a huge pool of water in the back of the property.

Darrow Mansfield: My understanding is that the water is flowing towards a municipal drop inlet or storm sewer so short of major infrastructure change I don't know how we could change where the water is going, it is not coming from this site it is coming from the neighborhood.

Ray Martin: Could you put a drain in from the back of the property to the storm sewer on Broadway.

Ed Hildreth (part of the application): I would like to address that; there is a municipality flow of water there off of the hill Sam Carabis could tell you more about it he reviewed and built the process of the home next door to the property. It is something that you wouldn't want to obstruct and it has nothing to do with this property obstructing it either. The boundary of this property ends, the water starts it comes around to a city, supposed to be, maintained drain that has been there for years. That is what is going on with the flow now if you were to project a drain in the back there is a right of way there for the City water. I am sure if was researched it would show the way they directed the water. That water is coming from the side hills which there are properties between the lot and the hill, it does not come through our property, and it comes around it.

Ray Martin: I think I will just defer to Sam then and see what he says.

Ed Hildreth: What I am saying is that he is very familiar with it.

Ray Martin: I think that is all I have, thank you again for great plans.

Ed Morcone: I think I had my question answered and not to reiterate but these plans are great, thank you for making it easier on us.

Sam Carabis: To address your question, basically up there are a lot of springs along the hill up there and there has always been a problem with water. When the Sullivan's built there house they were going to put a basement in and when they did the excavation of the cellar the excavation was full of water so they had to go back and fill it all in and put the house at grade. The other houses up there, it is a big water problem and the only thing I can think of here is that you might be able to put a swale around your property maybe 2 foot wide or a foot high or something to isolate your property so if there is any water it won't go on the Sullivan's property and I know they are concerned about it. That is the biggest problem. I think Ray brought up a lot of interesting questions in fact those are the same

questions I had. I think it could be a problem up there with the water because I know the other homes have problems up there.

Ed Hildreth: But I don't think that is from the property. I think if you look at the property, Sullivan's property has been there, the drain has been there, Erano's property has been there, all that property the swale is way off the property line that you are speaking about. It has no influence on water flow, none.

Sam Carabis: Basically what has happened there, even when the former Mayor lived up there he had water problems up there to. I think the Sullivan's have some concerns here that if the elevation is raised there and so forth some of that water that is not going on their property now could be going on their property. Basically there is a water problem there and somebody may want to take a look at it to help alleviate it to help some of the people around there.

Ed Hildreth: I don't think it would go through our property is what I am trying to say, it doesn't go through it now. If you go up there and follow that stream and that water back up.

Sam Carabis: But they are going to be changing the elevations up there I think they mentioned that as far as re-grading it and so forth.

Darrow Mansfield: Yes

Ed Hildreth: You are going in a natural grade, it is not going drop off any more than it does now.

Sam Carabis: If you grade it will the elevation be higher or lower?

Ed Hildreth: The same it will be equal there too of the property of the barracks that was built to the right of it a two-family home. I think you approved that right?

Sam Carabis: I was the building inspector.

Ed Hildreth: You were the building inspector that allowed that to happen, when you look in the back the flow doesn't belong on that property either it comes between it. It is more towards Izzo's property.

Sam Carabis: It will always be a problem up there because of the springs on the hill.

Ed Hildreth: It can always be a problem but it is not like we are taking an elevation of a 90 degree and we are going to have a waterfall. It is not that type of grade it is just a leveling.

Frank Scirocco: At this point I am going to open it up to the residents, speak either in favor or against, let us know who you are and speak clearly so the recorder can get you.

Darlene Sullivan: I will be living next to Peter and Bill. (Darlene handed out copies to the members and showed them photos of the water issue). Darlene explained the photos to the Board. I have two concerns: If the land gets built up I am going to get more water.

Frank Scirocco: Do you have any type of engineering report that will show us if construction was done it would be worse. This is what it is like with nothing there.

Darlene Sullivan: This only happens if we have a very severe storm and then of course the sewers can't catch it all.

Frank Scirocco: That happens a lot around the City.

Darlene Sullivan: I think even a bigger problem is I have a huge tree out in the back, I would like to see the plans of the house, I am wondering is it going to have a protective root zone? It is a humongous tree and the roots can only go out 14 or 15 feet and I want to be a good neighbor it is just that I want to be aware of if they can give me the root zone protection or not. If they cannot then it that trees roots get disturbed then there is a good possibility with a bad storm that tree could come done. There are three homes that could be affected by that tree falling. I want to know what they are going to do and of course with a big tree like that you can't build up two foot over roots of a tree. You can't compact that soil because if you do it will help the tree die and so that is a very big concern with me. Since I am standing here where will the equipment be entering? I don't want anything on my gas line; I don't want anything lying on my gas line. A part of the tree that Peter owns, he had it cut and they put all the large logs right over where my gas line, the man assured me it would not cause a problem but on the other hand I don't want things on the gas line.

Frank Scirocco: Do you mean the gas line running across the road?

Darlene Sullivan: There is a big section that is in the ground and that is where they put all the logs and it really frightened me that it could cause a problem. The man said it could cause a problem. Is the red garage going to be taken down? With the construction going on will there be a lot of materials on my land?

Frank Scirocco: There should not be, it is your property unless you give them your permission.

Andy: I am at 123 North Seventh Avenue, Dana DeFelice and myself and we know very well about the water problem because our yard is affected problem. What causes the water, I am a project manager and chief estimator for Jersen Construction Company; this is what I do for a living, I am a civil estimator. So I basically looked into it, the problem is obviously the City's storm sewer system is not large enough and we all know there is not enough money so they are not going to upgrade the system for one home so during a heavy storm it backs up into our yard, Hildreth's yard, and Izzo's yard. So until the storm quiets and it recedes all that water than can go back out to the storm drain that is through our yard that the City has the easement through. It takes up so many square feet back there, I have pictures, and I have taken measurements, shot elevations, to where the water comes up on the corner of Hildreth's fence roughly 18 inches. That means that water is coming up 18 inches on the inside of their fence also. So there is a square foot area that the water is being held back so the only adverse effect it is going to have is when, if they raise their property say 2 foot back in the corner, now there is less area for that water to be absorbed until it resends again. Now it is going to go further back into our yard and back up to Izzo's yard and up around Mrs. Sullivan's yard. Basically you are cutting down the square footage of that water to be absorbed by raising the backyard by 2 feet in the back corner.

Dana DeFelice 123 North Seventh: Let the record show I do not oppose of Peter building at all not at all but I just don't want anything to exasperate the water back there, that is my only concern. We have invested over \$20,000 in a patio back there and I mean I can't keep anything on my property line because it gets destroyed by the floods. If that comes up either further I don't want that to affect my patio. We really invested a lot of money in our backyard that water is really my only concern, and I understand it is not his fault, it does come down off that hill but I just don't want anything to make it come up further. We had to put a second sump pump in our basement; I am just concerned it is my only concerned. Andy

and I out of our own pocket we have backhoed where that drainage is, we put weed.

Andy: The City is supposed to maintain it but I maintain it, I clean it out, I put in fabric so it stays clear and cleaned out. So the City never has to come back because I do it.

Dana DeFelice: That is the only reason we are here because of the water and that is not your fault Peter. I just want to make sure. We were here last year for our shed. That water comes up believe me my son was one of the kids swimming in it back there.

Ed Hildreth: I would like to if City would look into this. The right of way is the right of way maybe it needs to be cleaned out, maybe it needs to be made bigger, is that something they can look at? The easement has always been there, you are not supposed to build near it or on it.

Attorney Val Serbalik: Is it a defined City easement.

Ed Hildreth: Yes it is.

Andy: It is on our deed and it shows the swale and I made the swale bigger, it is not the size of the swale, it is when the heavy rain comes down from the steps that go to the school, from the hill to the football field, down to back of Izzo's, down the street, the storm sewer system absorb that much water because it is undersized. The only place for it to go is to back up that drainpipe, spread through the yards until the storm subsides and then it all drains back out.

Ed Hildreth: Technically the swales should be reviewed by DPW and if it has to be carved larger that it has to be carved larger. What is the drainage system? I certainly don't know I mean but what I keep saying is that it has been something, I am sure Sam can speak to this assessment too, that has been happening since day one when there were two lots and there was a swamp over there in 1972 and that has always been originally filled with stone and garbage (what I mean by garbage I mean rubble). Then the City came in and put the drainages in then the City put up the lots for sale that Sullivan's bought and the other two lots that were bought. They were tied up for years, if you look at the review of the property how it changed hands and when it did the swale was always supposed to be maintained.

Frank Scirocco: I think I have an idea of where we are going, anyone else? If there is no one else to speak against or in favor any more questions from the board?

Frank Scirocco: Protective root zones, do you have any opinion on it, how to protect the tree from falling.

Darrow Mansfield: It is sort of a complicated situation when your neighbor grows a tree then attempts adverse taking of your property based on the tree. I think they have the right to build on their property, if the roots are growing under the fence then that is unfortunate.

Keith Johnson: Whose property is the tree on?

Darlene Sullivan: I am the one that owns the big tree. The trunk is 55 inches away from Peter's fence.

Ray Martin: Mrs. Sullivan, would you be opposed to having the tree taken down during the construction process or is that tree a very important part of your landscaping?

Darlene Sullivan: Well it is important to the landscaping but it is also important that they can build and I would not be opposed to it. Does that mean they would pay to have it come down?

Frank Scirocco: I don't think that should even be part of this. I think since we have a real serious water issue here and we don't have any expertise information from an engineer to show us, I would like to table this and have you come back and show us, whether DPW or whatever you could do to alleviate the problems that the neighbors are going to have if in fact they are going to have them. I don't think we should move any further. I will leave it up to the rest of the board.

Ray Martin: I do have a follow on question on that same vein. We know Mrs. Sullivan now would not mind having the tree removed and that is something for Peter and the Hildreth's to consider but also Andy, do you think you or any of the abutting neighbors would be opposed to having that swale and/or drainage system redone to the proper size.

Andy: You can go and look at that avenue but knowing what I know and doing what I do, no I don't have a PE stamped behind my name; the swale is larger than

the size of the pipe. It is an 18 inch diameter pipe going out to the storm; the swale is probably about 4 to 5 feet across the top minimum 18 inches wide at the bottom. To absorb the water you would have to dig a pond for the water to back up into that is the only fix or increase the size of the pipes in the streets. I do it every day.

Ray Martin: But, would you be opposed to increasing the size of the pipes in the street.

Andy: Increasing the size of the pipes in the street, I think we would all want to increase the size of the pipes in the street but the City is not do that.

Frank Scirocco: This is Brad from Barton and Loguidice they are the City Engineers do you have any recommendations?

Brad (B&L): I am hearing about the swale and I am hearing the swale is maintained, the swale has capacity, I don't think the swale is the issue. What I wonder is if it is a 18 inch pipe does it lead to another 18 inch pipe, how far would you have to go.

Andy: That run goes out to the City Street to a catch basin that is on the property line between Mrs. Sullivan and ours. From there it takes a turn towards Broadway and goes into another storm drain. I have never popped the covers to look and see if going down the line if it goes from an 18 to a 24 to a 36. I do know that the whole street around Mrs. Sullivan's, over to Hildreth's, behind ours, to Mrs. Izzo's, even all the way around the corner to the bend of Eight Street the water floods that whole street in a bad thunderstorm.

Brad (B&L): I have seen this happen before and sometimes this can be the age of the pipe, debris in the pipe, roots in the pipe, collapsing in the pipe.

Andy: I don't know how far the system goes.

Brad (B&L): But before I go worrying about the passing of the system, you would have to run 1000 feet of pipe and I think it dies on the vine there. The first thing I would do is use one of those powerful lights and go right to the inlet and look down.

Andy: I have and the run that is in the easement on our property is 100% clear there this no backup in that. So it is going down stream that is within the City street. I welcome anyone to come out and look at it.

Ed Hildreth: What I would like to do is know that this is imposing on everyone that is here but this is an issue that has been here and it is basically a City right of way. I want the City to step up and maintain, in the deeds, when you read the deeds, it says you are not to build or put a tree or have a thing on this property that they have done this. So they have obstructing the flow of the water also. What I am saying to you is it is a City issue that if you research it into the deeds of these properties it shouldn't be there and it is already built around it. The grade of this house is not going to cause a swale. There is no way and how many times a year does this swale happen? When it really comes down, when it really floods, it is not every time it rains, I don't want to give the impression to the Engineer or anyone else that every time it rains you need to get your swimsuit out, that is not what is happening. It is being very misleading and the cause factors are going to be figured into this as to what is necessary, what is the outcome, and who is involved.

Ray Martin: I second Frank's motion that we table this until we get more Engineering input and that we get some input from the City.

Frank Scirocco: I haven't made a motion yet I just brought that up. The tree I don't think should be an issue for you guys, whether or not it is causing the problem.

Ed Hildreth: It did not cause the problem, I am not here to make that judgement, I am here to build a home on a lot that there is a two-family home built on right next door that who knew that was going to happen. Originally that is why we bought that property; we didn't want four apartments across the street.

Frank Scirocco: Any other questions from the board?

Keith Johnson: When the duplex was built was there an Engineering report then? Why are we holding one property to something we didn't hold another property to? So should we table it for an Engineer report when we didn't make anyone else do it?

Frank Scirocco: Not so much for an Engineer report but some guideline for the Board to explain to us why this is happening and whether or not....

Ed Hildreth: It is infringing on my rights to build, I just want to put that out there.

Frank Scirocco: Not if we reach out to the City and see what they have to say.

Ed Hildreth: These issues have been brought out and that is what we are here to discuss but it is not like I am putting the first skyscraper up on the end of Broadway. I am not trying to be sarcastic I am trying to be realistic. In the process of buying something, if you want to grow trees you buy the property you grow them on. Let's talk about sidewalk, there are none in the area, we are going to have sidewalks.

Frank Scirocco: That is not our jurisdiction. What I need to be convinced is that by building this house it is not going to create a problem for the neighbors. I need to see that evidence. I hear what you are saying.

Ed Hildreth: What I am saying Frank, you with your engineering skills and what you are listening to, do you really believe that this swale is going to happen. I want you to review the property, I will walk the property with you, and we will walk where the water comes from. If what they say is true it is not eminent domain but the flow of the water has to do with an act of God. Can you add the perfect drainage system on every roadway?

Frank Scirocco: I have the same problem on my property; I have a lake when I get hit with a heavy rain storm.

Ed Hildreth: I just want to say that the financial impact it may cause me, I might have to understand why it is causing me this. I feel like I said there is a two-family home already built here, there is a home built here, there are two house that have been built on the other side of where this swale is.

Ed Morcone: Do you think building this house is going to make this water problem that has been there forever any worse.

Darrow Mansfield: I have two responses to your question. One is I don't think there is anything we could do to make it better. The area that we are talking about, the lot is 50 x 100 and you are talking about the last 15% of the backyard goes down where the fence drops down, that is the part that is filling up. Having said that I mean you are talking about raising an area 50 wide by 15 feet deep 2 feet so no I don't think it is going to make it noticeably different. The lot is currently

completely improved; it has a building on it, and a paved driveway on it. It is not like it is woods or anything.

Frank Scirocco: How big is that garage now?

Ed Hildreth: It is a one stall garage.

Darrow Mansfield: It is something like 14 x 24.

Frank Scirocco: I just don't see how that building is going to create...

Ed Hildreth: You are building to the front and going to the middle of the lot that is why I am aggravated by this because we are not even talking 2 feet of a grade. I mean if you went up there right now and you walked over to the corner you would say really we are talking about this. But, because we mentioned that we wanted to instead of just putting the fill we wanted to put a cement barrier so that the flow remains there and not washing out, that is what we are talking about.

Ed Morcone: It is almost like we are asking the last person to build there to take care of the problem that is there and has been there. We are putting it all on Mansfield. I don't want to sound like it is uncaring about the neighbor's cause there are concerns but I want to know what is fair and not fair.

Ray Martin: Ed, would you be opposed to not putting that concrete swale back there and not changing the pitch of the backyard as it currently is and still letting it take care of its share of the water.

Ed Hildreth: It needs to be examined by eye contact either by an Engineer and the City Engineer and whoever else to look at what we are talking about. You are not talking about a lot of things here it is not going to wash out a patio because of the height of it, it would come out the side of Broadway and maybe take the pine tree on the way out if that swale was that big.

Ray Martin: I am hearing two things from you, one that you wouldn't be opposed to have the City look to see if they could improve the situation.

Ed Hildreth: Right but, to hold up this contractor any longer, it has been long thought out plans, a lot of money has been put into it, it angers me over what I know and what we are talking about here is in fluctuating what's going to cost me.

Like I said what it is going to cost the City I don't know because if you open up and go down and do the whole road am I supposed to pay for that?

Ray Martin: I don't think that would be fair.

Ed Hildreth: Well there is no money in the budget, we all know that. It is a major problem.

Ray Martin: Well what I am hearing is though is that you are not opposed if the City looks into it and was able to come up with a solution number one. Number two is tonight is the first night, even though you may have been planning it, thinking it, and getting involved, coming up with beautiful plans and everything else for maybe months tonight is the first night we are having a chance to hear from the neighbors and to think about the water problem that we know that is there. Is it fair that we further impinge on the neighborhood and maybe the subsequent owner of your house there because we don't address the problem tonight? To put it off for a month and address it properly might be saving people a lot of headaches for many years.

Ed Hildreth: I think a month is too costly. I really do. I think you are looking into a month then six months. The plan to build is the plan to build and it is not going to be sold it is going to be owned.

Frank Scirocco: It does not necessarily be a month, there are a lot of concerns and Ray is right it is the first time we have been able to hear everyone's concerns and as well as addressing yours and making sure you are being treated properly we need to address the neighbors' concerns as well and try to obtain the best information we can get and make a decision from there. That is not something I think we can do tonight.

Ed Hildreth: So can I go on the record and ask the City Attorney to move this forward and look into these easements that are on these properties and what is on the easements.

Attorney Serbalik: I don't think it has anything to do with how the easement is phrased it is a question of the engineering of the property. You have a water problem, if you want the water problem addressed, it is not going to be done by a Lawyer, it is going to be done by an Engineer. If the Board wants to retain an Engineer and there is a provision in the code that says if you feel that it is

necessary to have it reviewed you can retain an Engineer but it also could be the cost of the applicant for the review.

Ed Hildreth: My questions lies and this is not coming off that property, it is being misled, this whole verbiage is being misled and I want to be on the record as saying this because the flow of the water has always supposed to of been maintained by the City of Mechanicville.

Attorney Serbalik: I don't know that Ed, you say the City has an easement, I don't know what the easement says, does it require that certain sized pipes be maintained, I don't know what it says but as I said it is not a legal problem, it is an Engineering problem and if the Board wants an Engineer review on it before they act they can do so. You can hire and Engineer and again pursuit to the code it could be the cost of the applicant or if you don't want to make that a condition of the application you can go to the City Council and have the City Council approve hiring an Engineer to look at it unless Brad wants to work for nothing.

Frank Scirocco: I definitely think we need to look into that.

Brad (B&L): When you have a large storm event and there is water 18 inches deep or enough for the kids to swim, how long does it take to dry out.

Dana DeFelice: Dry out or recede?

Brad (B&L): Recede.

Andy: A couple of hours at the worst, normally if a summer thunderstorm hits if it lasts for 15 to 30 minutes when it dies down or stops less than 2 hours. It is piped downstream, in the easement that is on the deed says the 15 foot wide storm sewer easement on that side of our house between us and the back of Mrs. Sullivan it goes to the open swale and that pipe goes into the catch basin on the City street.

Dana DeFelice: Which Andy has said is clear.

Andy: It is 100% clear there are no weeds, no grass, debris, there is nothing in there.

Brad (B&L): You kind of answered my question, when you do have a large storm is there a lot of woody debris on the surface of the water or is it all water.

Andy: 99% water, I am not saying debris doesn't come back off from the school.

Ed Hildreth: The water flow, if you cleaned out that 7 foot that we are talking about would it retain lower than what we are talking about, would it retain lower on all the properties, all surrounding properties. The property is always pretty much damp back there; it is hard to mow the grass back there sometimes.

Dana DeFelice: With all due respect it is not the swale it is the pipe. It does back up to your property.

Ed Hildreth: If the swale was clear where would it lay, would it centralize and drain better, that is what you have to ask.

Ed Morcone: I was wondering, going through all of this, what would you be expecting from the people that are affected by the water to be the end result of this? If an engineering firm came through and said we need bigger pipes but can't do it are you going to tell them not to build?

Dana DeFelice: No. I am definitely not opposed to it at all I just don't want them building up to exasperate it so it gets more on my property. That is my only concern; it is not their fault that it backs up back there. Ed is right it is an act of God that water comes down and it floods, it is just a fact we all have to deal with. It really just gets to a certain point and to echo what Andy was saying there is a certain amount that goes on the Hildreth's property and if that water isn't being..

Andy: If it can't get disbursed there it is going to go higher on our property.

Dana DeFelice: That is our only concern. I welcome them to build, God Bless You, I want you to build.

Frank Scirocco: Here is what we are going to do, does anyone have a calendar. This is what I propose, table this until April 3rd and you come back with some recommendations, give us time to consider what everybody said rather than try and make a decision tonight and if you have any proposals that would alleviate there problems. If there is anything that you think they can do to alleviate there problems we will be glad to hear this thing and make a decision on the 3rd because we can't obviously make it tonight.

Ed Hildreth: Can you ask the Board to move forward on the vote with no fill. Can you ask the Board to approve it so we can start building without filling?

Frank Scirocco: No

Ray Martin: He is modifying his proposal to build the house but not change the back fill.

Frank Scirocco: Oh, I can't hear you Ed sorry. I can hear Ray.

Ed Hildreth: Moving along and starting construction has nothing to do with the home. The back area we are going to review with the City Engineer or whoever we have to review it with as a whole and whatever they say has to be opened up or has to be made so it doesn't flood the patio or flood the properties and goes into the swale. Seriously Frank we are talking about two fence lengths either way. We are talking about two corner fence post that the water comes up on, that is it.

Frank Scirocco: So you want to start some sort of construction.

Ed Hildreth: Yes we want to start building the home now that is what I am saying.

Frank Scirocco: In the event that the site plan get denied what happens then?

Ed Hildreth: The site plan wouldn't be changed if I didn't change the back corner.

Darrow Mansfield: I think he is asking to have site plan approval without the fill. The lot is improved currently and we were just talking about raising the corner and if we don't raise the corner then we are not changing the condition that is there currently at all.

Frank Scirocco: Can you concur with that Brad?

Brad (B&L): From here it sounds appropriate, I have seen in other circumstances to minimize impact where a backyard basically stopped shy of the wetland buffer built a retaining wall which is usually a couple of feet but it is the avoidance of the footprint a making a vine of what the floodplain could be. So can it be done?

Attorney Serbalik: If they are modifying their application and you want to grant site plan approval and it is conditioned upon not changing the rear grade you can certainly do that. That is acceptable.

Ray Martin: I would like to make a motion that we allow you to modify the site plan as Val just stipulated, I would also like you to consider Mrs. Sullivan's

concerns about the gas line making sure equipment and construction materials doesn't end up on her property. The motion is to accept the amendment to the site plan that you are going to do the construction without changing the grade of the backyard.

Frank Scirocco: Is there a second. Second – Bob Chase. Discussion?

Keith Johnson: Just to clarify this, is he definitely not raising the grade or is it he might raise the grade after.

Ed Hildreth: No, only it was approved, only if it went before engineering review otherwise it is staying the way it is.

Attorney Serbalik You're are asking for a site plan approval and not changing the existing grade period.

Darrow Mansfield: I am assuming we would have to re-apply for the grade, do as study and bring a plan.

Ed Hildreth: Involve the people that need to be involved in it, it is a neighborhood problem.

Sam Carabis: This is a municipal problem, is there a possibility of getting federal or state money to rectify the problem.

Frank Scirocco: That is something we should discuss but it is not part of the site plan.

Motion by: Raymond Martin

Seconded by: Bob Chase

Keith Johnson	yes
Raymond Martin	yes
Ed Morcone	yes
Sam Carabis	yes
Bob Chase	yes
Frank Scirocco	yes

Frank Scirocco: Motion is passed; I thought this was going to be an easy one.

because the use is legal but he can't meet the parking criteria. It is a catch 22, yes you can have a two-family in there but no you can't because you don't have any parking. That is the only thing I can see could be a problem with this unique piece of property. Your trash removal is going to be standard City, put it out, pick it up, snow removal is shovel and exterior lighting that is going to affect the neighbors.

Joe Starr: Nothing is going to change from what is currently there.

Frank Scirocco: No expansion of the building whatsoever.

Joe Starr: Nothing.

Frank Scirocco: It is just an interior remodel.

Joe Starr: Correct.

Frank Scirocco: Legally this would need three (3) parking spaces and it has one (1).

Keith Johnson: You are not building up, right?

Joe Starr: No.

Ray Martin: You have a second story.

Joe Starr: There is a loft in there, you are right.

Frank Scirocco: It is not livable.

Joe Starr: There is no egress window, it would be like a kids play area or hang out area.

Sam Carabis: The drawing is a sketch, not only that, before he starts construction do we have to approve it?

Frank Scirocco: Let me explain this, he was told by the Building Department that he could go in and do pre-construction demolition that doesn't require a building permit. Somewhere along the lines there were some miscommunications and

some additional work got done prior to the building permit. It is done, it is over with and let's just move forward.

Sam Carabis: I think it is good they are doing something with this building, it just sits there vacant. There were some problems originally environmentally with the State.

Frank Scirocco: Those have all been addressed so there is no problem there.

Joe Starr: We have actually been in communication with Brian from DEC because we moved one of the pipes over and he evaluated it.

Frank Scirocco: I have spoken with the DEC and it is cleared for any use that is allowed by code.

Sam Carabis: Is it zoned residential right now?

Joe Starr: Yes.

Sam Carabis: It could have been a little more than just a sketch.

Frank Scirocco: The building is not going to change, the exterior.

Bob Chase: You are basically cutting the building 1/3 and 2/3 and there is a one bedroom in the back away from Park Avenue? Where do you get three (3) bedrooms on the rest of it?

Joe Starr: You need one (1) egress window.

Bob Chase: Where do you get three bedrooms?

Joe Starr: (Joe showed Bob on the sketch where the bedrooms are located)

Bob Chase: What are you going to do with those trees? Are they contaminated?

Frank Scirocco: Whose property are those trees on anyway?

Joe Starr: They are on ours. I think they are a feature to the house. I think it is unique and those tall trees surround the property that is the thing with poplars.

Bob Chase: But are they hazardous, if you can't answer if they are a hazard then you need to find someone to answer if they are or not.

Keith Johnson: But they are there now.

Bob Chase: They pull the chemicals out of the ground that is what those trees were planted for so all those chemicals are in the tree, in the leaves, and in the bark.

Joe Starr: That was a problem before and they have been there for thirty years.

Bob Chase: Right so your previous owner should have taken them down. If they are hazardous trees now your neighbors don't want those trees there.

Frank Scirocco: It wasn't noted by EPA they don't have any problem with people living in there and I am sure if they thought those trees were hazardous to someone they would have notated it.

Bob Chase: All I am asking is they find out.

Joe Starr: Mr. Chase, with what you just said, you are a neighbor so I think you should be excluded from that conversation. You are biased.

Bob Chase: No I am not; I am in favor of the project. I just want to know about those trees.

Joe Starr: They have been there for thirty years, what am I going to do.

Ed Morcone: The parking is the only thing like you said. I live next door to a building that has a bunch of apartments in it; they are one (1) bedroom apartments with four (4) vehicles coming out of that one (1) apartment. You only need three (3) spaces and there really isn't much there I am sure you are going to maintain that building.

Ray Martin: You went ahead and bought the building is that correct? You are the current owner. Congratulations for re-thinking it I appreciate that. How many doors are in each apartment?

Joe Starr: One (1) door.

Ray Martin: One (1) door for each apartment and that meets code?

Joe Starr: It does because the bedrooms are egress able through the windows.

Ray Martin: The fact that you have a loft and it is not a habitable loft that is not a code issue.

Joe Starr: It is not a code issue there are no sleeping quarters. It is actually open so no one will want to sleep up there.

Ray Martin: Where the current asphalt is on the south side of the building it is fifty (50) feet long from the curb to the back side of the lot. I have a single car driveway that I could park two (2) cars in. Is there any thought into making that a driveway so that people can park there.

Joe Starr: Currently there is no parking, there is no asphalt there.

Ray Martin: There is a curb cut there and it says broken asphalt on the plan I have.

Joe Starr: There is a curb cut. From what I understood was this property was already approved for a parking waiver, I was under that impression.

Ray Martin: An old waiver doesn't apply to what you are doing now. Is there a possibility you would consider putting parking back there for the benefit of your tenants?

Joe Starr: I haven't worked it into the plans. The intent is to have it as an investment property and make money off of it so all the more I put into it that doesn't seem necessary because that area unless there is an event going on there are not a lot of cars there. I think most of the neighbors would agree that the parking over there is not an issue. I have gone by there many of times and talked to the neighbor across the street.

Ray Martin: I guess my question is for Frank then. Frank, does this become him changing from planning to zoning appeal where he is making an appeal for a variance in parking at this point.

Frank Scirocco: Is there anyone here to speak in favor or against of the application.

Ed Hildreth: I would like to speak in favor of it, when I was growing up I hung out a lot at Camerota Cleaners and at one time Joe there were four (4) parking spots behind the building, the employees and the van used to park. I would just encourage you to do a stone driveway or something. It would just encourage the person moving in to have off street parking; it might increase your rent a little bit.

Dave Hicks: I have some problems, the construction went on and you said there were some miscommunications.

Frank Scirocco: That you will need to take up with the Building Department.

Dave Hicks: That gone has been contaminated; it is a Brownfield and all that kind of stuff, now the residents that are going to be there now there are contaminants in the ground even though the trees are there supposedly to remove that there are still fumes that will be coming up how is that going to be isolated.

Frank Scirocco: DEC has cleared that property for all allowable uses in writing.

Dave Hicks: But that doesn't do any good if someone ends up with cancer six years down the road.

Frank Scirocco: We can't tell him no because it is contaminated when DEC says it is fine.

Dave Hicks: What I am saying is somehow or another the ground should be insulated from the living quarters of some sort so they can live there. But you say it has been approved but it still doesn't...

Frank Scirocco: I am saying that is what DEC says.

Dave Hicks: The trees, like where brought up before, if they are genetically engineered how come no one is concerned about the leaves that fell off the trees. If there is contamination in the trees they should not be there. Even though it is approved shouldn't there be some sort of monitoring system on that to make sure there is no coming up through.

Frank Scirocco: There are monitoring wells in the building.

Dave Hicks: Ok but you understand this is envelopment and fumes even though this pass is seeping up through it is a little different for people walking in and out or only spending six (6) or eight (8) hours there but someone living there is going to be there twelve (12) or sixteen (16) hours a day which is going to increase the hazard if there is any there and we won't know until it is down the road.

Frank Scirocco: We shouldn't hold him to any higher standard than DEC already does.

Dave Hicks: You said there are going to be only two (2) entrances/ methods of egress. There is not going to be a rear egress in case of a fire?

Frank Scirocco: They have the windows.

Dave Hicks: Is there access, I mean for something for the person to climb out safely without having a problem, especially if they are in the loft upstairs.

Frank Scirocco: If not he won't be able to get a CO.

Dave Hicks: That is what I am trying to find out.

Frank Scirocco: If not he won't be able to get a CO.

Frank Scirocco: I am going to close the public part of the meeting. Does the Board have any other questions? To address what you have said and I believe we can do this since we are the Planning and Zoning Commission, what I would propose is a motion to accept the site plan as presented and waive all parking requirements.

Ray Martin: At the NYCE education meeting that we went to one of the panels recommended that since we are so unique in the State of New York of having a joined body that we very carefully segregate our actions as being planning actions so maybe pass a motion regarding that and maybe start motion switching hats and becoming a Zoning Appeals Board.

Frank Scirocco: Granting site plan approval we do have the authority to waive parking requirements as a Planning and Zoning Commission.

Attorney Serbalik: The Zoning/Planning Commission consists of two (2) parts. As you say site plan approval and then applications for a variance and special use

permits, so your function as two bodies as Ray has said it form over substance but it would be more proper to have two (2) motions. One to approve the site plan and number two accept the variance of the parking requirement.

Frank Scirocco: The issue is the variance has to be granted before the site plan can be.

Ray Martin: So in that case do we need separate notifications of abutters that Joe is applying for a variance for parking?

Bob Chase: Let's forget about the street parking if he has room for four (4) cars in the back. He technically has room for four (4) so he doesn't need anything.

Frank Scirocco: Do you have room for three (3) cars back there?

Joe Starr: I haven't had the property surveyed.

Frank Scirocco: Let's take a look.

Bob Chase: When they were opened they always had four (4) cars back there.

Frank Scirocco: Here is a curb cut and you can drive three (3) cars there. So he does not need a variance. You have 50 feet there in the rear, what is the average length of a car 10 feet. My opinion is he has room to park three (3) cars back there so he really doesn't need a parking variance.

Ray Martin: We have to be careful not to put words in his mouth and if that is his intent and he says that I am comfortable with accepting his intent.

Frank Scirocco: Whether your tenants park one (1) car down there, we don't own the street anyone can park on the street whenever they want we can't stop people from doing that. You only need to show three (3) spaces and you certainly have shown it on the drawing.

Attorney Serbalik: If the application was only sited for site plan approval if that is it then that is all you can grant, if you are ruling out a variance now that should have been noticed in the application.

Frank Scirocco: He wasn't denied permission because he didn't have parking. When the application was taken the building department looked at the application

say that he had 1 ½ spots for each building or else he would of sited him for a variance first. Here there were no code violations, no variances needed is there a motion to approve the site plan as presented?

Motion: Bob Chase
Second: Sam Carabis

Keith Johnson	yes
Raymond Martin	yes
Ed Morcone	yes
Sam Carabis	yes
Bob Chase	yes

Frank Scirocco: Unfortunately because you have a close relationship with an associate that I work with and to be up front and so there is no impropriety I am going abstain from the vote and it passes.

Frank Scirocco: The applicant is Marcus Andrews for Stewart's.

Marcus Andrews: A brief summary of the plan I believe you have all seen already, there is a little more detail now in this plan. Stewart's is proposing to construct a new 3696 square foot Stewart's shop with new canopy and gas tanks at the corner of South Central and South Street in the City of Mechanicville. There currently sits an existing Stewart's Shop and then three (3) building that we have under contract now and looking to demo those and construct the new building while the old building stays open. Once the new building is open the existing building will be demolished the gas will be demolished and the existing underground storage tanks will be removed. Any contaminated soil if any will go through a process with DEC as far as reporting anything if there is any contaminated soil or spill gets opened DEC is informed. We do have two (2) geologists on staff that handle any of the contamination once it is clean new tanks are planned to be proposed and installed as well as a new canopy. All lighting on site we are proposing to be LED down lit lighting recessed under the canopy and the soffits and a few pole lights around the outskirts of the property. Storm water wise has been kind of our biggest hiccup going back and forth with Brad, Sam was nice enough to meet me down here, and we went through the files and found some maps we thought we correct. Brad says this is correct I don't believe it is completely correct because it is not showing a lot of structures it is also showing a structure on our property which it is on the side of South. Brad and I have been going back and forth you have before you revised plans with the comments that were the first round of

comments from B&L and how they were addressed. B&L has submitted those comments with the plans they did come back with a second round of comments the majority of the hiccups would be storm water everything else was really clerical, add a note here add a note there. There wasn't anything major that we would have really any issues with at all. I can get into landscaping, we are looking and added trees along the front and on the South Central side as well as around the building. There is a row of arborvitaes around the back just too pretty much hid the back of the building as well as to diminish any of the light spillage from the back. That was an issue that came up in comments from Brad and B&L, the light in the back of the building. There are two (2) compressors in the back of the building as well as this door unit here encloses our exterior light panels, they do get accessed frequently. With the row of arborvitaes it shield a lot of the light from spillage but they pretty much cause a hiding spot that without light back there could be an issue which is why we are proposing three (3) lights back there. Dumpster enclosure here with white vinyl fence 7 ft. tall to hid the dumpster and a small 10 x 12 shed mostly just storage, grills, snow blowers, and district maintenance items that would go in there. Here there are a few trees, lawn area on this side and lawn area and a few perennials over here. In a quick summary that is the project.

Frank Scirocco: Brad was March 2nd the last email with all the emails and concerns.

Brad B&L: Yes our letter is dated March 8th.

Frank Scirocco: In regards with all of your questions where are we.

Brad B&L:

We got a response letter on our 1st round of comments which we have done a review and you have our comments and there will be subsequent submission with the hope they clean up loose ends. I think Marcus characterized it best that they are housekeeping items for the most part and the storm water management system is the big nugget.

Marcus Andrews: One item that did come up that we were not aware is that we will be required to get a zoning variance for the building sign it 16 ft. and it is over the 10 ft. that is code.

Frank Scirocco: So there is going to be another submission.

Marcus Andrews: Correct.

Frank Scirocco: I thought that was the case so rather than go through each and every one of these we don't have to tonight we will start with questions.

Ray Martin: There was a real glitch in getting the documents out to the Board, I still don't have a copy of the most recent set of plans that you allude to your March 2nd letter.

Gina Kenyon: I only received six (6) sets and we actually need ten (10) I actually spoke with Jennifer today and we are all set for the future.

Ray Martin: One of the questions I have for you Brad, even though it is a short SEQRA form there has to be a determination date identified, has that determination date been set yet with the short SEQRA form?

Brad B&L: I haven't seen a SEQRA form that is why we are requesting it.

Marcus Andrews: The City should have submitted that, we typically don't as well as the County as the applicant we do not submit to the County.

Frank Scirocco: We received the comments from the County this morning.

Marcus Andrews: We did as well.

Ray Martin: With our only other experience with the SEQRA form, the person making the application filled out the SEQRA form and submitted that.

Marcus Andrews: We are technically building less than 4000 square feet with no use variances and is technically considered a type 2 action which requires no further SEQRA action.

Ray Martin: Other than it being determined that is correct. One of the tan gentle issues to that might be the fact that Route 4 & 32 is one of the three scenic byways in the State of New York and one of only 90 in the Country so anything you can do to enhance or improve our scenic byway at the entrance of the town would be appreciated.

Marcus Andrews: I showed you the plan and I am sure you have all driven by what it is like today but this is definitely a large improvement.

Ray Martin: One of the things we pointed out last time was that the side of the building, and I am assuming the front of the building is where the door is, that goes along Route 4 & 32 is a lot closer to the highway than any other building from the railroad trestle up to the City line. It is impinging more on the highway than any other building in the line of sight. That is one of the things that should be considered, the other issue is since that is the front of the building to go along with the convention of where the front of the lot is, the front of the lot then becomes on South Street and the rear of the lot is in the rear of your building. The requirement for the distance from the back of the building to the property line is 15 feet not 10 feet and that becomes even more important in what you were pointing out Marcus because you are going to put a row of arborvitaes are going to extend into the property 7 feet when they are fully grown and that is only going to leave a 3 foot walkway which as you pointed out is a good hiding spot. I think if you can adjust that building and do it properly according to the setbacks required for the rear property line then you wouldn't need a variance for that issue either.

Frank Scirocco: I don't see where in the application where a variance is needed. He needs a total of 15 feet in the rear.

Ray Martin: Right and he only has 10 feet.

Marcus Andrews: Let me ask you this, how is your zoning worded as far as corner lots. The majority of municipalities corner lots you have two (2) fronts, a side and a rear which is chosen by the applicant.

Ray Martin: That is not how it is worded in ours. The convention is the narrower of the two (2) front lines that would also be on South Street would become the front of the lot.

Frank Scirocco: That doesn't state that in our code.

Ray Martin: Right it doesn't state it in the code so the code says you go to convention and convention is where the front door is facing.

Frank Scirocco: Is that something you are saying.

Ray Martin: Yes.

Frank Scirocco: Oh okay.

Marcus Andrews: I just would like to know how the code is worded.

Ray Martin: It doesn't define it, it is undefined.

Frank Scirocco: It is front none, rear 15, side should be at least 5, and where the lot abuts any land in a residence district the abutting sides shall be 10. He has 10.

Ray Martin: That is not a residence district it is general commercial.

Frank Scirocco: You own them and the City re-zoned them?

Attorney Serbalik: The City re-zoned the parcel on South Street.

Ray Martin: All of the parcels on South Central are general commercial.

Attorney Serbalik: The City owns a parcel that is going to go to auction which they need.

Frank Scirocco: You were not cited for a zoning issue.

Marcus Andrews: So it is technically the interpretation of what is a side and what is a rear.

Frank Scirocco: Exactly.

Ray Martin: Just for convenience for your staff and for firemen getting back there to the electrical panels, the propane storage on the corner, the more room that you can give people to access that area I think it would be a prudent thing to do but that is a suggestion and maybe the Engineers can think about also. I am glad to see that you are addressing all of the drywell and water flow with the issues off to the side properties because that was a problem with the previous plan. One of the things we mentioned when you were here last time is Mechanicville has contracted with B&L to develop a new sidewalk model that we are going to be putting on South Central Avenue on the north end even though the sidewalks are adequate if they have to be redone maybe if they are redone according to the new sidewalk model might be helpful.

Marcus Andrews: A majority of these sidewalks, as B&L has pointed out, do need to be redone.

Ray Martin: One of my big safety concerns last time, and it doesn't seem to have been addressed, is those picnic tables right next to a very busy highway with no railing indicated to protect the kids that might be sitting in that area.

Marcus Andrews: We are proposing a rod iron fence (he showed them a fence that is at other shops that they have done and it would be put on the property).

Ray Martin: That would be a lot better. Just for ambiance and the joy of having an ice cream cone or sitting at the picnic tables other restaurants in town that try to sit right next to Route 4 & 32 haven't had much with people sitting at their areas. With the propane storage on the back far corner it doesn't seem to be very easily accessible like someone getting propane tanks or exchanging propane tanks.

Marcus Andrews: It will be accessible from our front door a partner will have to come out to access that. It is just the exchange program.

Ray Martin: One of the things that was mentioned was the air filling station.

Marcus Andrews: It is going to be a remote one away from the building. We have an issue with the new building design as far as your distance from your parking spots to your building are one issue another depending on where you put it you are always running the hose across the sidewalk. Now which people have to step over the hose that is why we try to get it away from foot traffic as much as possible.

Ray Martin: On your letter from March 2nd it goes from page 6 to page 8 I don't know if I missed a page.

Gina Kenyon: There is a page 7, what happened is Jennifer was having trouble today, it was such a large document my email would not accept it so she sent each page individually and must of left out page 7.

Frank Scirocco: Since the Building Department has already determined that they don't need an area variance where do we go.

Attorney Serbalik: Like Marcus or Ray said there is nothing in code that addresses the corner lot or how that is determined.

Frank Scirocco: He has already made the determination.

Attorney Serbalik: You can still mandate whatever you want as part of the site plan, if you want the building 15 feet from that side lot or whatever you can request it.

Ray Martin: One of the things when reading the code it says when things are not defined specifically you go to general definitions of what is considered a corner lot. I went to four different sources that determine that a corner lot is primarily determined by which direction the front door faces or the shorter of the two sides if they are unequal the shorter of the two becomes the front of the lot. Now that's what the code says when it is not defined you go to other definition sources.

Frank Scirocco: We are going to see how the rest of the board feels about how the close the building is.

Sam Carabis: Basically when I looked at the plans this parking spot here, when you come in off the street basically if this car backs out here this car coming in could hit him, it might be advisable to do away with this parking space I think it is number 10. You are so close to the cars coming in off the road that if a car backs out here he is going to run into him. You need 17 parking spaces and you have 20 here so if you eliminated this one and this one here it would give you more distance between cars coming in and cars backing out.

Marcus Andrews: This I understand this one the traffic is on the opposite side so there is a further distance for that to back up to avoid that confrontation. If you want us to get rid of that spot we are required to have 17 spots and we would have 19 so we could do that.

Bob Chase: I would like to see the back of the building at least 15 feet from the line especially if there is an electrical box back there. Would it hurt you to move the building the additional 3 feet.

Marcus Andrews: It would be 5 feet and yes only because right now you are 30 feet right here for a drive lane you move it 5 feet you are down to 25 feet so cars backing up here with a car parked here for gas there is the conflict there. We are already tight up here to get traffic through so you would affect this area which again affects traffic coming off South Central as well.

Keith Johnson: What do you have planned on the entrances for landscaping.

Marcus Andrews: Low perennials, there are some street trees going up and down South Central as well as South Street but the majority of the color is low perennials.

Ed Morcone: On the back of there you are talking 10 or 15 feet I don't know if it is an allusion or what. Is that a straight 10 feet or does that widen up.

Marcus Andrews: It does widen up, I don't have the exact dimension on this side but the back of the building is not parallel to that back property line. It is 10 feet at is worse spot and I wouldn't want to make a guess but it is definitely better than 10 feet but I don't know if it gets to 15 feet.

Frank Scirocco: For the record I have no problem with the 10 feet, I like the idea that Ray brought up at the las meeting about the rod iron fence. As far as being too close to the road you are like almost 20 feet, Cumby's is 23 feet they are almost identical to 4 & 32 so I myself don't see an issue there and again I am only speaking for myself. At this point those are the only questions I have until the final review so now I am going to open it up to the general public for their comments. Hopefully they will be brief.

Dave Hicks: If you moved those entrances a little bit towards the corner you could probably eliminate parking issues Sam was talking about where cars might meet. Are the pumps going to be east and west or north and south? Is it possible to have the pumps a little diagonally so it is easier for approaching and egress.

Ed Hildreth: Maybe you need that spot for snow storage.

Frank Scirocco: I am closing this part of the hearing.

Brad (B&L): Frank I just want to make a statement, one of the challenges with these is the fuel truck access in and out. It seems simple to take about the parking spaces and maybe moving the canopy, I actually had them open up that South Street entrance because they were getting close to hoping the curb. It is a tight sight to get a full rig in and out of there and I think you run into it at every sight. The new ones like on New Scotland there is a lot of land you have more options. We did look at this as we did Cumby's across the street and that this is the entrance to the southern part of the City, we made some recommendations for adding a couple of trees along South Street, protective trees that don't grow up to be monsters. They had some on South Central they weren't going to play nice with the power lines out there so we got kind of a medium/slow grower for that service

area. They have addressed a lot of the things, the sign variance procedural will go through. One small item I asked for and I asked the Board to consider is the very base at the canopy, the steel columns are usually 6 x 6 tubular steel that comes down into a concrete pad, do you have them?

Marcus Andrews: No, they are just the typical columns is what we are proposing.

Brad (B&L): I have seen in other Stewart's and I love that stone veneer that is at the bottom, it is usually a pre cast concrete stone that you have on the building. Building that steel column with the same materials that is usually the corner block stone and I think it would be a very nice esthetic tie in.

Marcus Andrews: Esthetically we agree but they are a pain. They never last, it is not structurally what a building is, they never hold up, and they get beat up. They unfortunately get destroyed by car doors, and car doors get destroyed by them as well. The top cast get removed constantly, we do have a handful that have them and it is a maintenance nightmare. You are now attaching wash buckets, fire extinguishers would have to be attached to the stone feature as well. Items like that is why we avoid doing anything like that on the columns. We feel the canopy itself brings it close enough to matching our building without that feature. These are 3 foot wide I am assuming they are at least 4 which now you are decreasing your space in between which tightens up if two cars are next to each other. There are items that we look at, we realize it would be nice but as far as we are concerned it is not worth the headache.

Brad (B&L): I don't know if the Board has any questions on the comments we made but I think the largest thing is the storm water.

Marcus Andrews: I am assuming the Board received the March 8th comment letter.

Frank Scirocco: No, March 2nd is the last.

Marcus Andrews: That was my written response to B&L's original comment letter, they came back with a new comment letter on March 8th.

Ray Martin: We have not seen that.

Brad (B&L): I emailed you.

Frank Scirocco: I forwarded it on and I thought I printed it.

Bob Chase: The electrical panel door, which way is the going to swing.

Marcus Andrews: It is two doors that open up from the middle.

Ray Martin: Just to tag onto Bob's with that 10 foot distance in the back of the building, it is to the back of the building not to the back of the electrical panel which sticks out 2 or 3 feet and then the doors open 2 or 3 feet. The fireman are not going to be able to access that panel when they need to.

Bob Chase: Yes we will.

Ray Martin: Maybe we should check with the Fire Department. One of the things in the zoning is that we should have a loading space, is that defined somewhere as being 30 feet x 10 feet x 10 feet?

Marcus Andrews: I have 38 x 9 x 4, this whole area ends up being your loading zone. This is our delivery door for product so our delivery truck will back into this area and unload back there. Loading zone we have a minimum of what you need.

Ray Martin: 10 feet high are you in that requirement too?

Marcus Andrews: There is no cover.

Ray Martin: What about the vehicles that will be there during demolition and during construction, where are they going to be parking?

Marcus Andrews: The staging right now is we are proposing to demo this house first which will give us a path off South Street to access these two structures as well as construct the new building. We are proposing all movement during construction to come off South Street entering through this lot, staging can be done here while we construct the new shop over here.

Ray Martin: Brad, does that make sense?

Brad (B&L): It does, the one thing while he has that up the existing conditions/ demo plan there are some standard notes, it is a lot of OSHA and federal regulations that really belong on the plan that covers everyone especially Stewart's. You are talking about a busy site it, I am coming in and I have cream and coffee on my mind I am not caring about the contractors necessarily so we all have our

missions there. It is going to be a busy site, have those notes on there for demolition, it is a challenging construction sequencing to keep the existing store open.

Marcus Andrews: It is a Stewart's motto, I will be honest, I am surprised it does work, it is not the best motto in the world but it does work. It is understandable why we do it, because as soon as you close that shop everybody is going to Cumby's and people are creatures of habit, they might not come back. We try to stay open as much as possible or as long as possible. The way we would sequence it is on a Tuesday the existing shop would close probably early that evening say 8 o'clock and Wednesday morning the new shop is open. Then fencing gets put up and demo gets done on the existing shop while the new shop is open. There is approximately one month that this shop will be without gas while demo is happening and new tanks are being put in and old tanks taken out. There will be a short time that parking will be limited to the new shop, we realize we are going to count on a lot of walk up traffic, it is unfortunately until we get the existing shop demoed and get some rubble in there to park on, there isn't going to be parking for the new shop immediately.

Ed Morcone: Approximately how long does the whole thing take to do.

Marcus Andrews: A job like this is approximately twelve (12) weeks from when we pour concrete for the foundation of the new building to when we are done with gas. Eight (8) weeks to build a new build a new building and approximately another month to do demo and new gas. You will be pumping gas under the new canopy in twelve (12) weeks.

Frank Scirocco: Regarding the letter dated March 8th which I probably sent to myself, there are some things here that we did cover and you will be coming back at the next meeting, we didn't talk about the storm being tied into the sewer line.

Marcus Andrews: We will work with Brad to find out size and inverts of what is actually out there.

Frank Scirocco: You will be back to address whatever we haven't discussed.

Marcus Andrews: We will get these comments addressed, plans resubmitted, with a comment letter as soon as we can.

Frank Scirocco: April 10th.

Marcus Andrews: We would like at the next meeting to have the zoning addressed as far as the sign.

Frank Scirocco: You need to file an application.

Marcus Andrews: Does it have to go as far as the County?

Frank Scirocco: No they don't have to weigh in on the variance of the sign they weighed in on the project.

Ray Martin: Frank, do the abutters need to get notified again for the variance?

Attorney Serbalik: Are you adjourning the public hearing on this Frank or are you closing it.

Frank Scirocco: I am adjourning the public hearing.

Attorney Serbalik: You don't have to re-publish, the project is contingent upon Stewart's successfully buying that one parcel of property.

Frank Scirocco: That goes without saying, we approved Cumby's with the stipulation the properties be sold and purchased, it was all contingent on the sale of the properties. We will reconvene on April 10th. Meeting Adjourned.

Motion to adjourn meeting at 9:12 P.M.

Motion by: Bob Chase

Seconded : Ed Morcone

Ayes: 6 Nays: 0