

The Mechanicville Zoning/Planning Board held a meeting at the Mechanicville Public Works Building, 4 Industrial Park Road, Mechanicville, New York on May 8, 2017. 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	- present
	Keith Johnson	- absent
	Ed Morcone	- present
	Adelynn Waldie	- absent
	Sam Carabis	- present

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

Motion made by: Richard Delaney

Seconded by: Bob Chase

All in Favor: Ayes: 4 Nays: 0

Frank Scirocco: First on the agenda is Robert Renna, 229 South Third Avenue, Mechanicville, New York, for an area variance (setbacks) to remove an existing 12 x 20 garage and replace it with a 34 x 24 garage at 229 South Third Avenue. Let the records show that the neighbors were all notified by certified mail. Would you like to tell us what you would like to do?

Robert Renna: Currently I have a 12 x 20 garage that is pretty dilapidated and falling down, I had the lot surveyed and it appears that as you are facing the garage it is a foot off the property line now on the left and side and on the back side it looks to me like it is right on the property line and it is 12 feet wide and 20 feet deep. What I would like to do is put a three (3) car garage in, the lot is only 40 feet wide. For a three (3) car garage the smallest you can get is 34 feet wide which means I would have six (6) feet left over, three (3) feet on each side. I am not looking to rent this space out it is for myself and it is a two (2) family home so my tenants would get one (1) spot and I would use two (2) spots for myself.

Frank Scirocco: Does the garage that is there now sit right on the property line?

Robert Renna: Yes, if you look at the survey, it appears to be one (1) foot off the property line on the left hand side and on the back side I think the garage has

settled it is almost like a lean-to style now. I would say the roof on the back end of it is probably over the property line.

Frank Scirocco: It appears to me you will be granting relief to your neighbors by removing that. Are there any questions? Bob?

Bob Chase: I see this is a carport. Is it a carport?

Robert Renna: It is one of the garage buildings that Joe from Joe's Cycle shop sells. It is from Carolina Carports. It is a full garage with three (3) garage doors and it is fully enclosed.

Bob Chase: How high is it?

Robert Renna: The walls I believe are ten (10) feet so whatever the pitch is. It is going to be a two (2) sided pitch. There are three (3) garage doors, eight (8) foot wide, nine (9) foot wide, eight (8) foot wide, I have a pick-up truck that I will be using the nine (9) foot bay for.

Sam Carabis: I would like to commend you; you did a very nice job with the documentation. The metal buildings do you buy them and they fabricate them there themselves.

Robert Renna: Correct; they install it all.

Sam Carabis: Basically they anchor it down; you are going to put a concrete base down.

Robert Renna: I am putting a concrete slab down and they will anchor it to that so it has proper wind ratings. They have to anchor it you can't install the anchors yourself because then they are not rated if they put them in it becomes rated.

Sam Carabis: Do you plan on insulating it? Do you plan on putting lighting in it or any services like water or anything?

Robert Renna: I do not plan on insulating it I would like to get electricity up there for lights and garage door openers.

Sam Carabis: One of the pictures you should there is a driveway on the side.

Robert Renna: There is a driveway now on the side of my house the paved part does not go all the way back to the garage and when the paved part ends there is bricks then eventually turns to all grass in the back. There is a man door on the right hand side.

Sam Carabis: The setback is three (3) feet on one (1) side I think that is the minimum.

Robert Renna: I am looking for three (3) feet on each side, it is only a 40 foot wide lot and it is a 34 foot garage.

Frank Scirocco: For this to be in compliance you would need nine (9) and five (5), and you basically have three (3) and three (3). The question that should be asked is if the variance is substantial or will have an adverse effect on the neighborhood, that is what we should be looking at and not so much how they are going to build it and is there another way to accomplish this without granting the variance.

Richard Delaney: I think you mentioned in your application the other properties that other properties around you went back to the property line as well.

Robert Renna: There is a garage and shed behind me and that would be on the park side and they are close to the property line so this would give relief to them if they need to maintain it.

Richard Delaney: Are you planning on extending the driveway? Will the three (3) cars potentially going into the garage have a paved area?

Robert Renna: Yes I plan on it and the driveway will circle around and there will still be back lawn as well.

Richard Delaney: I have a question about the height as well, in the code it states a tool and storage shed cannot be higher than ten (10) feet.

Robert Renna: The walls are ten (10) feet and whatever the peak is I am not sure of the pitch of the roof.

Frank Scirocco: This would be an accessory use garage so that is different than a shed. Doesn't this also need site plan approval even though it is an accessory use?

Attorney Val Serbalik: Yes.

Frank Scirocco: This needs site plan review and since we combined these boards we can also do the site plan review. Is that the smallest garage you can buy to fit three (3) cars?

Robert Renna: Yes, but I guess I could go one (1) foot smaller if I put an eight (8) foot door in the center because you have two (2) feet of wall that you need, one (1) eight (8) foot door, two (2) feet of wall, a nine (9) foot door (that I was putting in the center because I am putting in a pickup truck), two (2) feet of wall, eight (8) foot door, two (2) foot wall because when you pull into a garage if you don't have the gap in between you won't be able to open car doors to get out of your vehicle.

Frank Scirocco: So you could put something smaller there and still get three (3) cars in.

Robert Renna: I guess I could go one (1) foot smaller.

Frank Scirocco: The other duty of this board is to see if they can grant the minimum variance possible and still try to accommodate you. Are there any other questions regarding the variance?

Sam Carabis: Is there a fence?

Robert Renna: There is no fence, the fence that is there now appears to be owned by the lot behind me to the right there names are Nick and Lauren and I spoke to them and there is a small hedge row there and the fence is actually on my property.

Frank Scirocco: I am going to close this part of the hearing, and open it up to public comment. Is there anyone here who would like to speak in favor or against the project? Please stand up, tell us where you live, who you are and be as brief as possible. Please direct your questions to the board and not the applicant.

Frank Scirocco: I am going to close this part of the hearing. Is there any other questions? Is there a motion to grant the area variance?

Frank Scirocco: Motion by: Bob Chase
Second by: Sam Carabis

Frank Scirocco	-	yes
Richard Delaney	-	yes
Bob Chase	-	yes
Ed Morcone	-	yes
Sam Carabis	-	yes

The board has found granting the variance will not have a detrimental effect on the neighborhood.

Frank Scirocco: Now let's get to the site plan.

Richard Delaney: I think all my questions in reference to the site plan have already been answered.

Sam Carabis: Demolition for the existing building, who will be demolishing the building?

Robert Renna: I will be doing that myself.

Frank Scirocco: Is there a motion to accept the site plan as submitted?

Frank Scirocco: Motion by: Richard Delaney
Second by: Bob Chase

Frank Scirocco	-	yes
Richard Delaney	-	yes
Bob Chase	-	yes
Ed Morcone	-	yes
Sam Carabis	-	yes

Frank Scirocco: Next on are John and Tina Pugliese.

My name is John Bove and I am here to represent John and Tina Pugliese they have an existing garage located at 606 Park Place and they want to put a 12 x 20 addition on to the existing garage.

Frank Scirocco: I have no drawing in this application.

Tina Pugliese: I gave John (Holland) a picture.

Frank Scirocco: So you want to put up a 12 x 20 addition.

John Bove: It will be 20 feet deep and 12 feet wide, the existing building there now is 12 feet wide and 20 feet deep we are just going to add 12 feet on and go back the same distance.

Frank Scirocco: So where is the encroachment? Is this site plan or variance? Where is the encroachment?

John Bove: To the rear, there is no encroachment it is just a variance.

Tina Pugliese: It is not the five (5) feet off the property line in the back. We are going to be two (2) feet off the line.

Frank Scirocco: So you want to extend this garage. You are going to put an addition on to the existing garage and it will be five (5) foot from the rear.

Richard Delaney: I guess I don't understand why you are asking for a variance is it the back of the building.

John Bove: It is the back of the building we are going to be two (2) feet over. It is going to be the same distance as the existing building so it is going to be a continuation of that line. The neighbor to the rear, the garage you see in the picture is his garage that faces Park Avenue and this garage is only going to come over to about two (2) feet so really it won't encroach on him.

Richard Delaney: The addition will line up with the existing building.

Ed Morcone: How many bays will it end up being?

John Bove: Just one more bay.

Frank Scirocco: How big is the lot?

John Bove: 50 x 100. The house that was there has been removed.

Ed Morcone: Is that wall going to remain?

Tina Pugliese: Yes it is going to open somewhat but we can't remove it all because it is brick.

John Bove: Possibly make an 8 foot arch. It is going to be open somewhat. There is a man door already so we will just widen that door.

Richard Delaney: Will the addition conform to the present building?

John Bove: Yes.

Frank Scirocco: Does the rear setback, the permitted use needs a 20 foot setback; is the accessory use subjected to the same setback?

Val Serbalik: It is not really accessory; you are going to be adding to the same building.

Frank Scirocco: Yes, but it is a garage so it is an accessory. Is that subject to the same subject as the permitted use? Does the permitted accessory need to have the same 20 foot setback? In a residential district in a permitted use it need to have a 20 foot setback but when we talk about the accessory use it is not clear whether or not you need that.

Val Serbalik: I don't believe the accessory use needs to be 20 foot off the property line. Garages don't need to be 20 feet off the property line.

Sam Carabis: I think it is from the front street that it needs to be 20 feet back.

Frank Scirocco: What is clear is that the accessory buildings can only take up 40% of the property, so you have 5000 square feet, how big is the house?

John Bove: There is no house on the property it was demolished.

Frank Scirocco: So there is no primary residence?

John Bove: Correct, so they are looking to put a 12 x 20 addition onto the existing garage on the lot that is 50 x 100. When we are all done, there will be a building there that is 24 x 20 feet deep on a lot that is 50 x 100.

Frank Scirocco: If this is the street, the front of the building needs to be 25 foot back.

John Bove: We are going to be 80 foot back.

Frank Scirocco: So why are we looking at variance?

Tina Pugliese: Because of the back of the building.

Frank Scirocco: So you are going to expand a non-conforming use. Does anyone else see any adverse effects for granting this variance?

Richard Delaney: How many feet did you say you were from the rear neighbor?

John Bove: We are two (2) feet off. There will be four (4) feet between the buildings.

Frank Scirocco: Does it have to be that long?

Ed Morcone: Yes to get another bay in there.

Sam Carabis: Are you going to put a driveway.

John Bove: We are going to keep the same driveway as is there.

Sam Carabis: Are there any fences there now within those two (2) feet?

Frank Scirocco: Those are site plan questions. Right now we are talking about whether or not this use will have a detrimental effect in the neighborhood or whether or not there is another way to grant a minimum variance smaller than what the applicant is asking for and still achieve the same result.

Bob Chase: They are only asking for two (2) foot.

Frank Scirocco: Yes I am just telling you how it is.

Frank Scirocco: I am going to close this part of the hearing, and open it up to public comment. Is there anyone here who would like to speak in favor or against the project? Please stand up, tell us where you live, who you are and be as brief as possible. Please direct your questions to the board and not the applicant.

Chris Gaetano: I live at 604 Park Place and I am there direct neighbor and I am in favor of the project.

Frank Scirocco: I am going to close this part of the hearing. Is there a motion to approve the variance based on the evidence presented before the board?

Frank Scirocco: Motion by: Ed Morcone
Second by: Bob Chase

Frank Scirocco	-	yes
Richard Delaney	-	yes
Bob Chase	-	yes
Ed Morcone	-	yes
Sam Carabis	-	yes

Frank Scirocco: The variance is granted now we need to do Site Plan.

Bob Chase: This is a brick building correct, and it is sturdy correct? I was wondering why you just didn't tear it down.

John Bove: Yes it is. It is too sturdy.

Sam Carabis: Is the addition going to be brick or wood.

John Bove: At this particular time it is going to be brick to match the existing building.

Richard Delaney: Will there be a basement?

John Bove: Just a slab.

Richard Delaney: Will the present building be modified at all?

John Bove: No just the opening between the addition as we talked about previously.

Richard Delaney: Does the present building accommodate a car?

John Bove: Yes it is 12 feet wide.

Richard Delaney: How will the roof of the new building blend with the existing building?

John Bove: We are going to move the peak to the center so it will look better it will be symmetrical.

Richard Delaney: I noticed there is a hole in the yard, is it going to be filled in?

John Bove: Yes where the sewer line was they had to make sure it was capped off, yes it certainly will be filled in.

Frank Scirocco: What is the property zoned?

John Bove: Residential.

Frank Scirocco: Any other questions.

Sam Carabis: Is there a two (2) foot setback in the back.

John Bove: Yes there is.

Sam Carabis: Two (2) feet is not much, have you spoken to the neighbors about putting ladders up and so forth.

John Bove: Yes, they are aware of what we are doing and they are all in favor of it.

Frank Scirocco: None of the neighbors are hear complaining there is one neighbor here and he is in favor of it.

Frank Scirocco: Are there any stipulations to the approval of the site plan that you might want to impose? None. I am going to ask for a motion to accept the site plan as submitted?

Frank Scirocco: Motion by: Bob Chase
Second by: Richard

Frank Scirocco	-	yes
Richard Delaney	-	yes
Bob Chase	-	yes
Ed Morcone	-	yes
Sam Carabis	-	yes

Frank Scirocco: Site plan is approved and variance is approved.

Frank Scirocco: Next on the agenda is Kenneth MacNary. This is a site plan review to open a country cottage to sell crafts.

Frank Scirocco: The building is already up; did you get a building permit for that?

Marybeth MacNary: No, John told us we didn't need one because it was under 10 x 12.

Frank Scirocco: This is for a Site Plan review. The use is well within the code so questions from the board in regards to Site Plan review. Would you like to tell us what you are doing?

Marybeth MacNary: We want to have just a little country craft store, it is a small building on Central Avenue, and we are going to sell wooden crafts (wooden garbage can, wooden bird houses, wine racks) and candles.

Bob Chase: How close is it to the building behind it?

Marybeth MacNary: Four (4) or five (5) feet.

Bob Chase: Do you own that?

Marybeth MacNary: Yes we do.

Frank Scirocco: There are no zoning violations as far as area variances. We should be looking at parking, fences, lighting, etc.

She has no parking it is only 1 ½ cars.

Marybeth MacNary: There is enough room for 3 cars off street parking and you can't fit more than one (1) customer at a time.

Sam Carabis: So you plan on painting it or anything?

Marybeth MacNary: It is wood sided.

Sam Carabis: I go by there and there are nice houses there and then you look at this thing and it looks like a little shed.

Marybeth MacNary: It's a country shed that is what it is.

Sam Carabis: Yeah in a residential area, you are not in the country you are in the City. I am just saying you could dress it up a little bit so the general appearance will look better.

Marybeth MacNary: I think it looks cute it is a matter of opinion.

Sam Carabis: I thought it looked terrible personally.

Richard Delaney: That is actually a commercial district not residential. I assume you live in the house next to the building. The structure is considered an accessory building on your lot so you own the lot and you own the garage in the back. Do you need an access to the garage? Do you put a vehicle in the garage?

Marybeth MacNary: I live two (2) doors down. I do own the lot. We have three (3) doors going into the garage we don't put a vehicle in the garage it is my husband's workshop.

Richard Delaney: If you don't live in the house next door does someone else occupy the house?

Marybeth MacNary: I have tenants.

Richard Delaney: Will you generate any trash that you would need to get rid of?

Marybeth MacNary: No

Richard Delaney: Do you plan on opening it all year?

Marybeth MacNary: Yes

Richard Delaney: Is there any electrical or heat? Is the building covered by your homeowners insurance?

Marybeth MacNary: There is a wood stove in there. There is electric in there. It is covered by our homeowners.

Richard Delaney: I think the building looks nice actually.

Marybeth MacNary: Thank you; it is all a matter of opinion.

Ed Morcone: Where is the electricity being pumped in from?

Marybeth MacNary: My house, underground, conduit, the whole deal.

Ed Morcone: This all had to be checked out by John and he has done this correct.

Marybeth MacNary: Yes

Bob Chase: You have a private residence providing electrical power to a commercial business. Are you paying commercial rates on the power?

Marybeth MacNary: No

Frank Scirocco: I don't see how that is relevant.

Bob Chase: Is her insurance going to cover her? It is an out building that isn't even next to her main place of residence; there is a house in between it.

Richard Delaney: Yes, but she owns the house.

Bob Chase: I am concerned about it only having one (1) exit for fire code and second of all it needs two (2) exits.

Frank Scirocco: As far as the Fire Code goes that would be up to the Fire Department. It might be because of the size whether or not it requires two (2) exits or more and as far as feeding the power I don't think it is relevant to this process because I know a lot of garages that are being fed from the main house with power.

Bob Chase: That is a private garage this is commercial.

Frank Scirocco: It is regardless if it is private or not you are still not getting the power.

Bob Chase: You have a wooden structure, a wood stove, and a place full of wood and we don't even have a drawing if there are fire extinguishers.

Marybeth MacNary: I wasn't aware that I needed one.

Frank Scirocco: We will get to a point where we can recommend stipulations before we approve the Site Plan.

Frank Scirocco: I am going to close this part of the hearing, and open it up to public comment. Is there anyone here who would like to speak in favor or against the project? Please stand up, tell us where you live, who you are and be as brief as possible. Please direct your questions to the board and not the applicant.

Frank Scirocco: I am going to close this part of the hearing. Does anyone else have concerns about potential fire issues?

Richard Delaney: Did John Holland address that with you at all?

Marybeth MacNary: No

Val Serbalik: The Code Enforcement Officer is in charge of issuing a building permit and enforcing the New York State Building Codes which includes fire and building construction as egress.

Bob Chase: But it is already built.

Gina Kenyon: He gave them a building permit and approved it.

Frank Scirocco: I have a solution, we can carve the motion that will agree approve it based on an inspection by the Building Department, is that fair?

Marybeth MacNary: Sure

Val Serbalik: To be in compliance with all City and State Codes.

Richard Delaney: I have a question about parking, I noticed you have two (2) cars in the driveway will your customers park on the street?

Marybeth MacNary: They can pull into the driveway there is plenty of room for two (2) others cars if they wanted to only one (1) of my tenants has a vehicle the other tenants do not. There is adequate parking on the street also.

Frank Scirocco: I am going to close this part of the hearing. Is there a motion to accept the Site Plan submitted based on an inspection by the Building Department to be sure that the applicant complies with all City and State Codes?

Frank Scirocco: Motion by: Frank Scirocco
Second by: Richard Delaney

Frank Scirocco	-	yes
Richard Delaney	-	yes
Bob Chase	-	yes
Ed Morcone	-	yes
Sam Carabis	-	abstain

Frank Scirocco: Passed

Marybeth MacNary: Now tell me what I need to do.

Frank Scirocco: You will get a visit from the Building Inspector and that is basically what needs to happen.

Frank Scirocco: We are going to hear from American Promotional Events for temporary tent it was approved last year only this year it is in a different location and all the neighbors were notified as you can see in your packet. Your name is?

Robin Current and I am here for a Site Plan approval for the location of a tent on the Bramski lot on Central Avenue. We complied by everything that New York State requires and it is the same as we did last year as far as having two (2) exits, fire extinguishers, etc. The person that is going to be running the tent is Paul Mickalonis from next door; they will be running the tent once we get everything set up.

Frank Scirocco: Is someone going to be there the whole time?

Robin: They will be locking up the sparklers at night.

Frank Scirocco: Is there any lighting?

Robin: Yes we provide lighting and will be run by a small generator on site, same as last year.

Frank Scirocco: Any fire extinguishers?

Robin: Yes two (2) water extinguishers, and one (1) chemical that is required by the State and it has to be ten (10) feet from the street and from the buildings.

Frank Scirocco: I remember we did this last year and the only reason you are back again is because you are changing locations.

Robert Chase: I have a statement. Last year we were told you were going to remove all garbage at the end of the day or at the end of the lease agreement, you did not do that, four (4) days after you left there was still a pile of junk in the middle of the parking lot.

Robin: Dr. Fuschino called and let me know that it was there and we went out directly and got it and made sure it was done by the end of the day that he called me.

Sam Carabis: Are you going to entering and exiting on South Street because there is a lot of traffic on that corner.

Robin: Mr. Bramski stated that he would open up to help the flow of traffic.

Sam Carabis: Will the fireworks be left over night? How will you protect them so no one gets in there and steals them or causes any damage?

Robin: So last year we had someone on site the entire time but, this year Paul is planning on locking them up in one of the sheds.

Sam Carabis: What is the duration on this?

Robin: New York State allows you to sell fireworks from June 20th through July 5th so we are planning on having the fireworks delivered on June 20th and they will be removed on July 5th and the tent will go down on July 8th.

Sam Carabis: During your selling hours how many people will be there?

Robin: There will be two (2).

Richard Delaney: So you are the same company that was located by there last year.

Robin: Yes we were located where Dr. Fuschino located his dentist office.

Richard Delaney: Your entrance and egress is going to be from South Street or Central Avenue?

Robin: It is Central.

Frank Scirocco: South Street has blockades up.

Robin: Mr. Bramski is actually going to take down the blockades which will help with the flow of traffic.

Richard Delaney: How much area do you have for parking, how many cars can you fit?

Robin: We should be able to accommodate about six (6). New York State has you be ten (10) feet off the tent so you can't be that close.

Richard Delaney: Do you need barriers to make sure the cars don't get too close to the tent?

Robin: We generally put up flags to prevent the cars from getting too close.

Richard Delaney: Do you need to be registered with the local Police or Fire Department?

Robin: We don't but usually the Town or City will have a Code Enforcement Officer come out to make sure we meet.

Richard Delaney: Do you have any other locations in the capital region?

Robin: Yes we have several.

Richard Delaney: To recap you are erecting the tent three (3) days prior to the sale and removing it two (2) days after the completion of the sale and your hours are 9:00 A.M. to 10:00 P.M. and I wasn't sure how far you were going to be setback from the road.

Robin: We are actually going to be set back farther off the road than we were at our location last year.

Richard Delaney: Does the tent open at either end or is there just one (1) entrance.

Robin: By New York State Law you have to have two (2) exits so there will be two (2) depending on how the tent is there will be one (1) right in front and one (1) on the side.

Richard Delaney: You said there will be no smoking and age limit signs posted how will you enforce the age limit.

Robin: They actually check for ID.

Richard Delaney: You call these sparkling devices what does that entail?

Robin: When New York State legalized fireworks they only legalized what they consider to be sparkling devices so it is not anything that leaves the ground, they can go up in the air and the farthest it goes in 17 to 20 feet in the air but it doesn't actually leave the ground so they are basically just big fountains. We don't sell anything that goes up from the ground and explodes.

Richard Delaney: What type of training do you provide the employees in regarding the use and handling of the devices?

Robin: They are trained for all the safety things we need. We have the safety stuff on our bags as far as what people should be safe at home doing. We have about a three (3) hour course that they go through inventory sales and lets them know where they need to be posting all of their signs and what is required. We also have to put no smoking signs within 20 feet.

Frank Scirocco: Is this location something you would consider permanent from year to year or will you be moving?

Robin: If we do well and Joe and the tenants around us are okay with it then we would want to go to the same location we wanted to go back where we were last year but with the dental office parking there now we could not do that.

Frank Scirocco: Val, I have question for you. If this board was to decide to approve this can we can approve it for the next three years rather than have them come before us every year to be in the same spot.

Val Serbalik: Is it going to be in the same location, with the same tent, with the same site plan.

Frank Scirocco: If John was to look at this next year and see it is the same thing, is that something we could do or not?

Val Serbalik: It is only a temporary business use I think it should probably on a yearly basis.

Frank Scirocco: I am going to close this part of the hearing, and open it up to public comment. Is there anyone here who would like to speak in favor or against the project? Please stand up, tell us where you live, who you are and be as brief as possible. Please direct your questions to the board and not the applicant.

John Fortune: I have quite a few concerns. We own Tres Jolie and we also own the liquor store as well with the location of the tent what is going to happen is you are going to have people that are going to park in our parking lot that are going to be taking up our tenants parking spots.

Frank Scirocco: How do you know that? There is a possibility but you don't know that for sure.

John Fortune: Take a look at where the location is. The second thing is the fact of liability. I am concerned if these things explode and there is a fire it is close to my building will the TNT give us an insurance policy for the value of the properties in case there is an explosion. Thirdly, now that we know that we are going to be putting some of the explosives in a metal building, hot humid weather and explosives in a building there could be a potential for problems, static electricity, is there proper grounding for it? The problem is Lou Alonzo, Al Alonzo is my cousin, and he blew up making fireworks as a result of static electricity in the building he was in. My concern that they are going to take these items and put them into a metal building is there any risks and what are the fire precautions. What about my liabilities if someone starts parking on my property or if there is a fire who is going to protect my building? Are you going to give me a certificate of insurance guaranteeing me that if there is a fire my building is covered? I pay taxes and maintain my property and to have other people who are not using the services of my building park on my property I have a problem with that.

Frank Scirocco: One of your tenants is running the tent, why doesn't he have the same concern as you do?

John Fortune: It doesn't make a difference because he is making a profit off of it. If it was me or someone else doing it they may be complaining that someone is taking their spots. I did talk to Paul and he did tell me that the company will guarantee me that I will have a certificate of insurance and that is why when you mentioned it to Mr. Serbalik about it being renewed every year are you going to guarantee us the certificate of insurance every year. There are two (2) metal buildings and trying to get around them trying to get on South Street are my issues.

Frank Scirocco: Would you please address the parking issue, people parking and how we can stop that.

Robin: I can put up signs with designated parking but I don't know how you can force someone to park at any kind of business. We will make sure they have designated parking spaces but it can be someone who goes in to see the chiropractor and then walk in to buy fireworks. What would you suggest?

Frank Scirocco: You can have some signage.

John Fortune: But here is the thing you always ask about parking and how many cars can be parked on the property so why can't I address those issues.

Frank Scirocco: We do that especially if it is going to be a permanent basis temporary basis we try to accommodate everybody, the property owners, and the people who want to come in and do business. It is only two (2) weeks.

John Fortune: It doesn't make a difference that is my property.

Frank Scirocco: I understand that, that is why we try to accommodate everyone. If this was going to be a permanent location and it does make a difference in a sense, they are not encroaching on your property for one.

John Fortune: What if I start getting complaints from my other tenant the chiropractor? What if she can't park? What do I tell her?

Frank Scirocco: This is a commercially zoned lot if someone wanted to open a permanent business there they are entitled to do that and you are still going to have the problem.

John Fortune: If it was going to be a building it would have to have certain setbacks, certain amount of parking spots.

Frank Scirocco: There are no commercial setbacks.

John Fortune: When I put up the medical office.

Frank Scirocco: Is that in Mechanicville?

John Fortune: That is Mechanicville; you should know the boundary lines.

Frank Scirocco: That did not come before the Zoning Board I have been on the Zoning Board 28 years and it did not come before it.

John Fortune: They asked about parking overflow, where are the people going to park and on and on.

Tony Fortune: The biggest thing is if they have an explosion.

Frank Scirocco: We will get to that we are trying to resolve the parking issue. Whatever business went in there you would still have a parking issue and if it was a permanent it would probably be more severe because then how would you stop it.

John Fortune: I think that if a business was going to go in there you would have a certain setback or certain location where everything would have to be and have drawings from an architect with parking facilities.

Frank Scirocco: Well there is certainly plenty of parking in this lot for a business.

John Fortune: Yes but you are putting a tent there which is probably ten (10) foot off my building and I also own the building next to it too which is a liquor store.

Frank Scirocco: So there are two (2) buildings in here?

John Fortune: No we own the other building next to it. There is one (1) building next to it.

Frank Scirocco: Then there is a parking lot. That is quite a ways away.

John Fortune: But smoke damage could affect it.

Frank Scirocco: What about insurance? What if the tent blows up?

Robin: Number one, what we have does not blow up, they are not combustible like that, they are sparklers. These are not things that go up in the air and they do not blow up, they are not allowed. Anything that you have that you sell actually a lot of people don't know and it's kind of like a statistic we use but, if you have an endcap full of potato chips and then you have sparklers that blow up our sparklers that ignite the potato chips are going to burn hotter than the sparklers are going to burn. A lot of people don't realize that it's not going to happen. As far as insurance we did provide Joe Bramski with insurance for liability purposes up to a million dollars on his lot per incident. As with any other business I would like that if something happened on Joe's area infringed on your area your insurance company would deal with Joe's insurance company and our insurance company. If we did that we would have to get a certificate of liability to everyone around the property that is not how business works.

John Fortune: Really, how about protecting people, how about protecting other people's property that is how business works.

Robin: So just in case something happens at Tres Jolie and say they have their hair stuff start on fire, do you insure Joe just in case?

John Fortune: I have insurance on my structure.

Robin: We do have liability insurance on our structure and on Joe's property.

Frank Scirocco: Will storing the fireworks in a dark damp area cause them to explode?

Robin: No

Frank Scirocco: Have there been any instances in the last ten (10) years that you have been doing this.

No, we have not had any instances with any kind of fire stuff, I can say we have been in New York for two (2) seasons and we have metal storage containers and we haven't had any kind of incidents with any kind of explosions or anything like that.

John Fortune: If memory serves me correct Walmart was selling them at one point in time and they did have an explosion or fire in the store.

Robin: That actually was not an explosion; a teenager walked in a lite them.

John Fortune: I actually like your fireworks; I have actually seen them go up.

Frank Scirocco: Anything else?

Dave Hicks: My only thing is that is a prime area for the kids in the project, did you know that?

Robin: I did not know that.

Frank Scirocco: Please address comments to the board.

Dave Hicks: It is a prime area for kids in the project, like Stewarts, Cumberland Farms, and wonder around. That is the only thing I am thinking of, a high end of security should be looked into.

Frank Scirocco: I am going to close this part of the hearing.

Sam Carabis: Basically the only thing I can think of is possibly if there is no signs for entrances you may want to consider putting a large sign up with a large arrow directing them in so they know exactly where to go in.

Tony Fortune: People don't pay attention to signs. You may have to put an officer then telling people they can't park there.

John Fortune: Our tenants pay us rent and they are going to complain.

Frank Scirocco: What is the business next to the hair salon?

John Fortune: Mechanicville Chiropractor.

Tony Fortune: You know where it is Frank, why are just trying to be funny, you know where it is.

Frank Scirocco: I know where it is I just didn't know what the other business was.

Tony Fortune: Then there is a liquor store it has been there for 60 years.

Frank Scirocco: I don't see where that plays into this.

Tony Fortune: Don't act like you don't know where it is, you know where it is.

Frank Scirocco: I didn't say that Tony. Okay, the amount of time that they spend at these tents is like five (5) or six (6) minutes top.

John Fortune: When I spoke to Paul he told us they would be carrying insurance for us. Apparently that is not a fact anymore either. I spoke to him on Saturday, I will monitor the parking lot and I said what about insurances and he said the company will give you insurances for liability and damages and so forth.

Robin: Paul does get added to our insurance for any incident that may occur on that property which is maybe where he got confused. He is added to our insurance, because he is running the tent, for liability purposes but that doesn't cover the landlord next door per say. Paul just happens to rent a business next to this property and running the tent that is somewhat unique.

John Fortune: If it was someone else I would raise the same concerns.

Sam Carabis: Is there a sidewalk in between your property and there property?

John Fortune: There is a little area they can walk down.

Sam Carabis: Would they have to walk out near the road?

John Fortune: Yes, they would have to walk close to the road.

Richard Delaney: Is there any way you could put up any barriers to separate your business from the adjoining property?

Robin: There is a fence there.

John Fortune: There is a guardrail that is there but there is an open area in one part of it.

Sam Carabis: Is there a difference in elevation there?

John Fortune: At the back end.

Richard Delaney: Is there a way you can extend that barrier so it would discourage people from pulling into one of the other businesses?

Robin: You would have to show me on a map what you are talking about. This is a barrier all the way across here it is guardrail.

Richard Delaney: I didn't know there was a guardrail. Maybe it could extend between the guardrail and some other barrier so it will cover the whole area out to the road.

Robin: So you want me to add something else over here on this property line to cover all across here. I think that will block off this driveway area. I park over here to go see Paul I can't walk across there. I don't want the tenant next door to be upset with us being there by any means.

John Fortune: I am upset with the fact that I was told that you would be providing insurance by Paul Mickalonis and I come here tonight to find that is not the case.

Frank Scirocco: We can't compel that.

Ed Morcone: I understand some of his concerns here but I don't know how you can compel her to take care of all of it. To be honest with you parking like you said people aren't going to pay attention to the signs I don't know what the answer is they will be in and out of there so quick we probably won't be able to call someone to tow them out of there. I don't have a big answer.

Bob Chase: Does this have anything to do with the legal requirements of our board?

Frank Scirocco: It all falls under Site Plan whether or not the approval of the Site Plan would have a detrimental effect to the neighborhood. Additional cars parking in there parking lot would cost them business that could be considered a detrimental effect.

Bob Chase: That is a self-imposed hardship.

Frank Scirocco: He didn't impose the hardship.

Bob Chase: He owns the property, he leases it to somebody that has the right to use that parking lot as he sees fit. It has nothing to do with us.

Frank Scirocco: I understand that. Part of the Site Plan approval, what we are looking at will have a detrimental effect in the neighborhood. You may not think that it has a detrimental effect but it is part of the process.

Tony Fortune: What are you going to do about all that fast traffic that goes up and down that road?

Frank Scirocco: There is nothing we can do about the traffic on Central Avenue. We approved that food stand last year and it didn't cause any problems, no one parked in your lot did they?

John Fortune: Are you trying to be funny?

Frank Scirocco: No, I was just asking a question.

John Fortune: I didn't get any complaints from my tenants but they weren't selling fireworks they were selling fruit.

Frank Scirocco: I know they were there.

Frank Scirocco: What would you like to do gentlemen?

Bob Chase: Make a motion.

Frank Scirocco: Do we have a motion to approve the application as submitted.

Frank Scirocco: Motion by: Bob Chase

Richard Delaney: I don't think the board can address every contingency that may or may not happen.

Second by: Ed Morcone

Frank Scirocco - yes

We considering Paul says he is going to take care of parking I don't see that to be a huge issue for two (2) weeks. Should something happen her insurance would cover any damage that you incur.

John Fortune: My insurance and rates would go up.

Robin: Your insurance would sue my insurance.

Tony Fortune: They could give us a certificate saying that we are covered.

Frank Scirocco: We can't legally compel them to do that.

Richard Delaney	-	yes
Bob Chase	-	yes
Ed Morcone	-	yes
Sam Carabis	-	yes

Frank Scirocco: Site Plan is approved

Is there a motion to adjourn?

Motioned by:	Ed Morcone		
Seconded by:	Richard Delaney		
All in favor:	Ayes	5	Nays 0