

The Mechanicville Zoning/Planning Board held a meeting at the Mechanicville DPW Building, 4 Industrial Park Drive, Mechanicville, New York on November 16, 2021. Chairman Frank Scirocco opened the meeting at 7:00 P.M. The Pledge of Allegiance was led by Frank Scirocco.

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

Frank Scirocco: Were the minutes of the last meeting sent out?

Gina Kenyon: Yes

Frank Scirocco: I wasn't at the meeting and I didn't get the minutes is there a motion to approve or wave?

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

Frank Scirocco: What are we doing accepting?

Dan O'Connor: Yes, accepting.

Frank Scirocco:

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

Ayes: 5 Nays: 0

Frank Scirocco: First we will be hearing from Shannon Shiffert for a change in tenancy to open a deli at 116 Park Avenue, Mechanicville, let the record show a notice was made in the Gazette according to our law. Do you have the receipts?

Gina Kenyon: She did not need to do the mailings because it is a change in tenancy.

Frank Scirocco: You can come down front so we can hear you and you can grab a chair if you would like. Tell us what you are going to do.

Shannon Shiffert: We would like to open the old Faldoni's building as Lucca's Deli, basically the same kind of business that has been there since Sal's Place and Faldoni's, not quite as extensive as Faldoni's was. We are looking to do the same type of thing, sandwiches, salads, and looking to do a full delivery service which we figured would help with some of the parking issues that are down there. Especially with everything that is going on now, delivery is key. Basically my brother and I together are looking to co-own the deli.

Frank Scirocco: Will there be dine-in available or just take-out?

Chris Shiffert: There will be table seating; basically you seat yourself, not a wait staff or anything like that.

Frank Scirocco: Do you know how many tables?

Chris Shiffert: I haven't figured out exactly how many, the place is gutted right now so literally there is no plumbing or electrical, so I have somewhat drawn up a floor plan but other than that I am not sure. Approximately I would say six (6) to eight (8) tables total.

Frank Scirocco: Your hours?

Chris Shiffert: We are probably going to operate 11 a.m. - 7 p.m. roughly, six (6) days a week, probably close on Tuesdays and Sundays may be a ½ day.

Frank Scirocco: Just so the Board, we have some new members, traditionally, historically the Downtown business districts, none of them have parking and we don't usually take that into consideration when something like this comes before us or we would have no downtown businesses and it is like that in most downtown counties in this area, and I think Albany and Troy are the same way, try not to let that affect your judgement when you are looking to approve or disapprove this. Ed, any questions?

Ed Morcone: Are you taking the whole building?

Shannon Shiffert: It is not the whole building, it is divided, so when John had the building and he had the whole back area, we are not going to have that area, we are only going to have the original Sal's.

Frank Scirocco: Addie?

Addie Waldie? I don't have any questions.

Frank Scirocco: Dan?

Dan O'Connor: It's been that business I don't see any reason for any problems.

Chris Shiffert: The one issue I will tell you that has been an issue in the past is garbage. I did work it out with Jim from Extra Mart he is going to allow us to use his dumpster.

Frank Scirocco: Good, we were going to get to that.

Chris Shiffert: I thought I would let you now.

Frank Scirocco: Richard?

Richard Delaney: Will there be any changes to the outside of the building?

Chris Shiffert: Pretty much no, I will obviously take down the Faldoni's awning and put up a different awning, cosmetically like paint but nothing drastic. I will probably put new lighting under the front porch.

Richard Delaney: I did have a questions about the ... the code says that there needs to be a rodent proof container or dumpster so what are your exact, what are you going to do about that.

Chris Shiffert: I have a deal worked with Jimmy who owns Extra Mart.

Richard Delaney: Where is that?

Chris Shiffert: Right next door, the Sunoco, and I spoke with him and he said if you guys needed anything he would provide it in writing that he is going to allow us to use his dumpster. He has two (2) dumpsters on his property that he uses for waste.

Richard Delaney: I was told that when Faldoni's was there, there were rats around the dumpster and grease pits.

Shannon Shiffert: One thing I can tell you is we are not using any type of fryers so there will be no grease, like I said we are doing a portion of what Faldoni's offered, we are not doing the full restaurant type deal like he did.

Chris Shiffert: We are basically doing, cold cuts, and side salads.

Richard Delaney: No cooking on premises?

Chris Shiffert: Pasta, soups, stuff like that.

Richard Delaney: You will just be transporting your trash to Extra Mart?

Shannon Shiffert: Yes.

Richard Delaney: I know parking is not supposed to be an issue but you can't pull into the lot on the side because Sub King owns it.

Shannon Shiffert: There is obviously a whole parking lot at McDonald's, I know when Faldoni's had the big catered events in the back room there wasn't enough parking even when there was parking, we would all park across the street and walk over. We also, that is why we talked about delivery as well, I know a lot of them didn't deliver before, and you had no choice but to come out and get your food but now we figured if we offered full delivery from the time we open until the time we closed people who don't have to deal with trying to find a parking spot to run in and get food we will bring it to their house.

Richard Delaney: Where will you park your own vehicles for your employees?

Chris Shiffert: There will basically be two (2) employees at a time and if we have to park and walk then we have to park and walk.

Richard Delaney: You said you are going to take care of snow removal by yourself?

Chris Shiffert: Yes.

Richard Delaney: You will do the sidewalks?

Chris Shiffert: That is what our lease agreement says.

Bob Chase: I only have one question, what is your expectation for opening?

Chris Shiffert: Probably March 1st.

Bob Chase: How many square feet is it going to be total?

Chris Shiffert: The space is approximately 1500 square, the kitchen probably 20 x 20 so roughly 400 so the dining area about 1100.

Bob Chase: Is there still going to be storage units there?

Chris Shiffert: No, the building was always separate but then when Faldoni's took it over they actually used the space that was next door, they put a doorway in that is no longer there so the doorway is closed off. The original space that was Sal's is what we will be occupying and the other spot that is closed off that used to be Vita Mart is the indoor storage.

Frank Scirocco: We will close this part of the hearing and we will open it up to the public for their comments or questions. Let me remind you that you have three (3) minutes any questions or comments are directed to the Board and not the applicant, no direct communication from the questioner to the applicant everything is directed through the Board. Is there anyone here to speak in favor of this application?

Dave Hick: I remember there were problems when Faldoni's was there with Sub King. Sub King owns the parking lot next to there and originally that went to Sal's, they leased that to Sal's and after ten (10) years it reverted back to Sub King. Do to the conflict that was in there Sub King didn't want anybody in that front building to use that lot because there was a problem with garbage that is why the garbage containers goes over to the gas station. I don't know what kind of friction or if that worked out ok but that is what I understood from the conversations over Sub King, that they didn't want anyone in the parking lot. Since they are a new tenant I don't know what kind of issues arise but there was issues there.

Frank Scirocco: Anyone else to speak for or against?

Beth Shiffert and I am the mother or the two applicants.

Frank Scirocco: I bet you are here to speak in favor.

Beth Shiffert: I am. I used to love Michelle's and Faldoni's they were great so when they mentioned bringing back the deli I think it is a great idea.

Frank Scirocco: We will close the open part of this. Are there any more questions from the Board? Is there a motion to approve this change in tenancy with no restrictions?

Motion by: Dan O'Connor

Seconded by: Bob Chase

Bob Chase: Yes

Richard Delaney: Yes

Ed Morcone: Yes

Dan O'Connor: Yes

Addie Waldie: Yes

Frank Scirocco: I want to commend you for taking on this venture in this climate, I think you should be applauded and I vote yes.

Frank Scirocco: Next on the agenda is Anita Waters for a Site Plan review and an area variance to construct an accessory garage at 713 Chestnut Street here in town. Gina, were the notices sent out?

Gina Kenyon: They were and I have the receipts.

Frank Scirocco: Let the record show the neighbors were all notified, we are going to do this in two ways, first we will be acting as the zoning board of appeals to listen to your area variance, and if that is granted we will move on to your site plan review. So you read the criteria for the granting of the area variance, do you want to tell us what you want to do and why the hardship is there?

Anita Waters: I am going to hand this over to because he is the construction guy.

Patrick Cheney: The existing structure is on railroad ties that is the foundation for the garage, the single car garage that is on there now. It is starting to fall and we have two vehicles. The garage is in line with the house now but it is not deep enough to fit our vehicles or a vehicle in there, even if we keep that structure and strengthen it. We are trying to start it on the same house line so it is appealing and

in order to do that we have to go back towards the back property. We have eight (8) feet right, the structure that is on there right now is twenty (20) feet deep it is not deep enough, going the other way it encroaches on the twenty (20) foot variance, I'd like to push that back to ten (10) feet so we have some space between the house and the garage so we can have a breeze way between the house and the garage and have our outdoor dining there, patio area, so we can have some kind of entertainment and not have to go around the garage to utilize the yard. It is a two (2) story structure the second story will be used for storage, it has a stairwell to get up to it, it is not going to be designed to support any kind of room or dwelling upstairs, it is just for storage. It is a 110 year old house, as you all know they don't have storage; the bedrooms don't even have closets.

Frank Scirocco: So right now your garage is twenty-three (23) feet away from the property line according to this drawing and the new one will be ten (10), so you are looking for a thirteen (13) foot variance.

Patrick Cheney: There is an empty lot on the other side of that that is owned by NYSEG so it will never be built on, so it will always be an empty lot.

Frank Scirocco: Any questions Ed?

Ed Morcone: Is the garage actually on the 6th Street side, you are on the corner right?

Patrick Cheney: Yes the front door is on Chestnut.

Ed Morcone: The address is Chestnut but this is actually on 6th. I live right down the street I went over there and a new garage is certainly not going to hurt the look of the place, and like you said nobody is going to be building back there? I have no other questions and don't see a problem.

Frank Scirocco: Addie?

Addie Waldie? Can you come back to me please?

Frank Scirocco: Richard?

Richard Delaney: So you are asking to be closer to give up some of that footage and be closer to the property line, for example your front setback you want twenty (20) feet and the code says twenty-five (25) feet.

Patrick Cheney: Correct, I believe if it is even with the house it is twenty-three (23) feet.

Richard Delaney: So the front of the garage will be where the front of the current structure is.

Patrick Cheney: Yes, so instead of the five (5) feet off the property.

Frank Scirocco: Richard, those are more site plan review questions, I prefer you, go to page

Richard Delaney: But the variance involves the...

Frank Scirocco: Go to page 3 of the application, look at a-e, the criteria and I think you need to base your questions on that.

Richard Delaney: It is a change in footage from the property line.

Frank Scirocco: What I am asking is you base your zoning questions on the five (5) criteria that is set down by statute, whether there is going to be an undesirable change, whether the benefit can be achieved by some other method, whether the request is substantial, whether it will have an adverse effect on the property, or whether it was self-created. Once we get through that then we can get to the actual site plan review.

Richard Delaney: My understanding is this goes to the variance; I am fine with it I don't think it changes the neighborhood; it is a reasonable request so I am fine with it.

Frank Scirocco: Bob?

Bob Chase: Why aren't we doing the site plan review first? How do we grant a variance on something we don't know about?

Frank Scirocco: You grant a variance and then you look at the site plan, if you deny the variance...

Bob Chase: Then you got no reason to deny the site plan.

Frank Scirocco: Look at the criteria a-e; you don't need a site plan to base your decision on that.

Bob Chase: I don't agree with you, I am sorry.

Frank Scirocco: That is your opinion. So you have no questions?

Bob Chase: Not at this time.

Frank Scirocco: Dan?

Dan O'Connor: No, you are not changing esthetic of the front of the building you are taking up dead space in the back and sides, I talked to Charlie he said you are great people and he is all for it and said he would come down here and speak for you if needed so I am all for it.

Frank Scirocco: Addie?

Addie Waldie: My one concern was the length from the back of the property line, the property next to it is the NYSEG so it is a lot that they are required to keep there, they are not really changing that much.

Frank Scirocco: Ed?

Ed Morcone: I am fine I think this is going esthetically be great and they are not encroaching on anybody.

Frank Scirocco: What we really need to ask is can you get this garage by any other means than a variance?

Patrick Cheney: No, not the size we that we are looking to put up.

Frank Scirocco: Does anyone see an adverse effect on the neighborhood if the garage is built? Does anyone think it is a little extreme, substantial, could you do it with less footage, less encroachment and still be able to park your cars rather than twenty (20) feet, fifteen (15) feet, ten (10) feet?

Patrick Cheney: If we do that we move it closer to the, if we go fifteen (15) from the, we will call it the Charlie lot, then we lose five (5) feet of the patio space, which with the stairs coming off the back of the house is only twelve (12) feet

now, it goes from a table that seats six (6) to a bistro table. That is space we could utilize in the yard without actually entertaining in the yard itself on the Sixth and Chestnut side.

Frank Scirocco: How bad would the encroachment affect the lands of Charles Mone, what is behind it?

Patrick Cheney: There is nothing there, in this corner here we have Charlie's house, that is your fifty (50) foot mark, and in this corner taking up 20 X 20 space is a NYSEG power station

Frank Scirocco: So the encroachment is not going to affect anyone's property.

Patrick Cheney: Correct, except for the back side which is going to have space here for any emergency vehicles and also this lot can never be built on so they can get in that way too.

Frank Scirocco: Jim, where was the encroachment here?

Jim Herkel: Encroachment for what?

Frank Scirocco: The variance, the code says you need a minimum of fifteen (15) on both sides and twenty (20) in the rear and twenty-five (25) in the front so if I am looking at this as the rear?

Jim Herkel: This space is Chestnut and this is the rear of the property.

Frank Scirocco: That is what I thought, that makes a big difference.

Is there enough evidence presented to grant this variance, that there will not be an adverse effect, or change in character in the neighborhood.

Motion by: Dan O'Connor

Seconded by: Bob Chase

Bob Chase: Yes

Richard Delaney: Yes

Ed Morcone: Yes

Dan O'Connor: Yes

Addie Waldie: Yes

Frank Scirocco: Yes

Frank Scirocco: So, we have granted your variance now we will get into your site plan. Robert you can start the questions.

Bob Chase: I really don't have any, we already granted the variance.

Frank Scirocco: Ed?

Ed Morcone: I assume you are going to have this all electrified?

Patrick Cheney: Yes, to operate the garage doors and the lights.

Ed Morcone: There will be no running water?

Patrick Cheney: I will run one out there so we have something on the opposite side.

Ed Morcone: I don't really have anything else.

Frank Scirocco: Addie?

Addie Waldie: What is your drainage plan for the garage?

Patrick Cheney: There will be no gutters so there will be a natural peak off the roof line.

Addie Waldie: What is the height of the garage that is there now?

Patrick Cheney: Seventeen (17) feet for the new garage to the peak.

Addie Waldie: Do you have any plans for landscape.

Patrick Cheney: Yes, there will be a patio between the house; we have flowerbeds along the garage.

Addie Waldie: On the Sixth Avenue side or your neighbors behind you.

Patrick Cheney: There will be nothing behind us that will end up being my wheelbarrows, and garden tools.

Addie Waldie: With expanding the footprint of the garage what is your plan for the driveway since currently you have a single lane asphalt driveway.

Patrick Cheney: Ten (10) feet, the driveway will start where the garage on the right side on Sixth Avenue. We will be widening the driveway to accommodate the vehicles.

Addie Waldie: So you are losing your greenspace that is there to a two lane garage.

Patrick Cheney: Yes.

Addie Waldie: Is there grass on the side of the garage.

Patrick Cheney: Yes, right up against the garage but I have a trailer and a truck, one side of the garage will be used by her for her vehicle and the other will be the lawn equipment and contracting tools.

Addie Waldie: You have outside lighting planned for the garage, exterior lighting?

Patrick Cheney: It is going to have an eyebrow on it, the garage, three (3) lights underneath, the foundation will look exactly like the house, it will match the house, which is stone not brick anymore, cedar siding.

Addie Waldie: Your timeline?

Patrick Cheney: March/April.

Addie Waldie: Is that completion or start of project.

Patrick Cheney: It will be completed May 1st, so March 1st to May 1st.

Addie Waldie: That is all I have now Frank.

Frank Scirocco: I just want to clarify something for the record. The reason we do the variance first rather than do a lengthy site plan review which could take twenty (20) minutes or take two (2) hours and then here the variance and deny it we have wasted that time so the area variance is allowing you to encroach on a property line with whatever structure you want to put up and once that is approved the Board

then looks at the site plan to decide, yes, no, what changes they want to make, just for the record, I wanted to make that clear. Richard?

Richard Delaney: It looks like the existing building is two hundred and forty-eight (248) square feet; I kind of figured that from your diagram, does that sound reasonable?

Patrick Cheney: That sounds about right.

Richard Delaney: And you are proposing six hundred and twenty-five (625) feet and you said the driveway is going to be the existing driveway but added to that, wider so it maybe two (2) widths and you said it is going to come to the same point as to where it is now. Is it an asphalt driveway?

Patrick Cheney: It will be concrete.

Richard Delaney: What are the building materials for the garage?

Patrick Cheney: Wood, the siding will be cedar to match the house.

Richard Delaney: You said the number of parking spaces is three (3) is that three (3) within the garage?

Patrick Cheney: Two (2) and then my truck will be on the landscaped area, I park on the street anyway, and the extra ten (10) feet is more for my trailer anyway.

Richard Delaney: That is all I have.

Frank Scirocco: Bob?

Bob Chase: I am satisfied.

Frank Scirocco: Dan?

Dan O'Connor: I am glad to see the improvements it will definitely bring some light to the neighborhood, I am for it.

Frank Scirocco: I will close this part of the hearing, is there anyone here to speak in favor or opposition, I will remind you that you have three (3) minutes and address your comments to the Board not the applicant.

Jim Herkel: Couple of things, what is the garage going to sit on? Also, is the breezeway going to be connected to the house and the garage, I don't know the criteria on that either.

Frank Scirocco: Anything else? Anyone else have anything? I will close that part of the hearing. What is the garage going to be on?

Patrick Cheney: slab and the breezeway will be attached to both, there is a mudroom that is existing off the house right now the roof will begin there and the elevation of the garage will match the mudroom so I can get my beams to go across so it is esthetically pleasing and the roof line will connect. It will be an open beam underneath.

Frank Scirocco: Anymore questions? Is there a motion to approve the site plan as submitted?

Motion by: Richard Delaney

Seconded by: Dan O'Connor

Bob Chase: Yes

Richard Delaney: Yes

Ed Morcone: Yes

Dan O'Connor: Yes

Addie Waldie: Yes

Frank Scirocco: It is the duty of the Board to keep your interest as well as mine as well as the community and I see no adverse effect on anyone so I vote Yes, and the vote is done.

Jim Herkel: I have seen and witnessed these two (2) all summer long work on their house and they do an outstanding job.

Frank Scirocco: Your site plan has been approved and variance has been granted. Good luck.

Patrick Cheney: Thank you.

Frank Scirocco: Is there anything else, there is nothing on the agenda, can I have a motion to adjourn.

Motion to adjourn: Addie Waldie
Seconded By: Dan O'Connor

Meeting adjourned @ 7:39 p.m.