

The Mechanicville Zoning/Planning Board held a meeting at the Mechanicville Senior Citizen Center, 178 North Main Street, Mechanicville, New York on September 12, 2023.

Chairman Frank Scirocco opened the meeting at 7:03 P.M.

Roll Call:

Frank Scirocco	- present
Robert Chase	- present
Martin Doyle	- present
Michael Fagnoli	- present
Ed Morcone	- present
Dan O'Connor	- present
Addy Waldie	- absent

Michael Fagnoli led the Pledge of Allegiance

Frank Scirocco: I would like to introduce our new member to the Board, Michael Fagnoli. Let's get down to business. Has everyone had a chance to review the minutes from the last meeting?

Is there a motion to approve?

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

Ayes: 6 Nays: 0

Frank Scirocco: Everyone was notified of the public hearing in the Daily Gazette, I am going to do a little switching around if you have a copy of the agenda. We are going to hear Chris Shiffert for a change in tenancy. Are they here? Come up to the podium please. Tell us what you would like to do.

Shannon Shiffert: So, we brought this to you a couple of years ago and things did not happen with the building we were supposed to occupy, we are re-bringing to you that we would like to create a deli.

Frank Scirocco: What was your last proposal?

Shannon Shiffert: It was the same thing.

Frank Scirocco: It was the same thing and the Board approved it.

Shannon Shiffert: They did.

Frank Scirocco: I thought this looked familiar. Did we put a time limit on that application?

Chris Shiffert: This is a different location.

Frank Scirocco: Oh, it is a different location. So, it is going to be a deli, your hours are going to be 11-7, your trash removal is going to be trash cans in the rear?

Shannon Shiffert: Yes

Frank Scirocco: I saw the off-street parking, there is presently a barbershop there now.

Shannon Shiffert: There is.

Frank Scirocco: There is no zoning problem there because it is commercial, your exterior lighting, nothing is going to change? Like any lights in your parking lot shining on people's property, or anything like that.

Chris Shiffert: No.

Frank Scirocco: Snow removal is your landlord. I am going to open it up to the Board. Ed?

Ed Morcone: Barbershop is moving out?

Chris Shiffert: Yes, he is looking to downsize.

Ed Morcone: So, if you are right there on the corner so you have all that parking there.

Chris Shiffert: There is off-street plus Mehan's is out now, the employees can park over there.

Ed Morcone: Is this pretty much take-out?

Shannon Shiffert: Yes, I mean we are going to do maybe two (2) or three (3) table inside if someone wants to sit down but it is not going to be like a restaurant.

Ed Morcone: Last time you said it was going to be soup, sandwiches, that type of thing.

Shannon Shiffert: Same thing.

Chris Shiffert: Everything is the same just a different location.

Ed Morcone. I am good.

Frank Scirocco: Martin?

Martin Doyle: What do you expect it to be the maximum occupant load in there.

Chris Shiffert: I am hoping a lot!

Frank Scirocco: Kyle you could probably address that, what would be the maximum occupancy there.

Code Enforcement Officer Kyle Woodard: It is based on square footage.

Attorney Lyn Murphy: There would be a sign posted.

Martin Doyle: The number of employees was zero (0) so I didn't how much you were going to handle yourself.

Shannon Shiffert: It will be owner operated, mostly family.

Martin Doyle: I have a cautionary note for you, there is a handicap parking sign, you will probably need to provide handicap parking.

Chris Shiffert: We have the parking lot attached to the building so I can designate spaces if need be.

Martin Doyle: There is a sign sitting there in between the buildings. It is sitting between the barbershop building and the next building going down Saratoga. I

believe you are going to need it as far as accessibility and you can save yourself potential trouble if you don't have it there.

Chris Shiffert: Okay.

Attorney Lyn Murphy: Just so we are clear, that is a commercial building and you are going to have to have a handicap accessible parking space.

Chris Shiffert: Justin is actually leaving the ramps there as well, because there is a step up.

Attorney Lyn Murphy: Before the CO is issued the Code Enforcement will go over and check all of that.

Frank Scirocco: It would need to be code compliant.

Martin Doyle: Okay, it is just that it is a moveable sign.

Chris Shiffert: Like I said, if need be I could designate one (1) or two (2) spots right in the parking lot that is attached to the building. Then there would be no problems for them to access the front with the ramp.

Martin Doyle: That is all I have.

Frank Scirocco: Dan?

Dan O'Connor: I am good.

Frank Scirocco: Robert?

Bob Chase? I am good too.

Frank Scirocco: Michael?

Michael Fagnoli: Yeah, I have one (1) question, how many parking spots do you actually have on the side there, the reason I ask is when you turn off of Saratoga typically people like to park right on that corner and it does create a blind spot, I don't know if that is on the City of Traffic Committee to either to block that off or put a no parking sign on that corner.

Chris Shiffert: I believe now that they are preparing the corners handicap accessible, I would imagine after that the City would probably put a crosswalk on that road and that would be enforced by the Police.

Michael Fagnoli: There looks like you have maybe two (2) parking spots realistically maybe three (3) on the side.

Shannon Shiffert: You can fit six (6).

Chris Shiffert: You can fit six (6) vehicles in the parking lot.

Michael Fagnoli: That is all I have.

Frank Scirocco: You good? Kyle is the any issues you think we need to address.

Code Enforcement Officer Kyle Woodard: Just the parking, it is narrow, it starts off pretty tight and then it kind of widens out, I think there is probably three (3) spots there.

Chris Shiffert: I can fit my truck in the most narrow spot. I am down there all the time.

Dan O'Connor: I know Justin parks his car across the street sometimes.

Chris Shiffert: He talked to the stair company, and they already told him they don't care, they can park there if need be, there isn't anyone over there. Again, Employees and stuff, like I said the dead end there, there is nothing over there anymore, employees can park right there.

Frank Sirocco: Anyone else have any questions, I will close this part of the hearing and open it up to the public, is there anyone to speak in favor or in opposition to this change in tenancy application. Please state your name, approach the podium, and make sure your questions are for this particular application.

Ray Martin: Nice to see you, you look younger all the time. So, the problem I have in looking into this is from a tax assessment basis, there is no number 55 on the tax rolls in Mechanicville, number 55 is a post office address and is part of the property next door, number 53. One of the things with the number 53 location is it lists two (2) sewer outlets and that's already a two (2) apartment building so, the question is should this establishment get an official sewer connection to it and get

Frank Scirocco: I don't think that is part of our jurisdiction.

Ray Martin: No, it is not, I am bringing it to your attention.

Frank Scirocco: We just want to hear what we can do.

Ray Martin: Did the owner apply for this or did only the change of tenant?

Frank Scirocco: Just a change of tenancy.

Ray Martin: Okay, so the owner did not give any approval to you as far as you know.

Frank Scirocco: None.

Ray Martin: Okay, so this is a non-approved application from the owner?

Frank Scirocco: I am not sure; I have no evidence.

Ray Martin: You remember from before; it is required that the owner...

Attorney Lyn Murphy: I am sorry to interrupt you, we do have an owner authorization on file.

Ray Martin: That is good.

Frank Scirocco: We were not provided with that.

Ray Martin: What do you suggest happened with the owner not registering all its sewer outlets.

Attorney Lyn Murphy: That is a Code Enforcement issue and he is now on notice I am sure he will look into it.

Frank Scirocco: That, you would take up at the Building Department, not a conversation here.

Ray Martin: Did you hear what Lyn said Kyle? It is a code enforcement issue for you to follow up on.

Frank Scirocco: Ray, your conversation is to the Board, if you have to with the Building Department it has to be on your dime and your time, you know better.

Ray Martin: It is greater according to your dimensions of 42 X 17, that makes it greater than 500.

Frank Scirocco: Ray, you know better than to address the applicant.

Ray Martin: It is greater than 500 square feet, does that impact your decision tonight.

Frank Scirocco: No.

Ray Martin: There is a 500 square foot minimum.

Frank Scirocco: We will let you know when we make our decision. Thanks Ray, nice seeing you again. Anyone else to speak in favor or opposition.

Tom Mahoney of The Express: Since we do not have a delicatessen in the City I think it would be an asset to the City to have one and it seems to me there is plenty of parking available and most delicatessen customers are pretty much in and out people they are not going to be there for any length of time. It would seem to me that this would be an asset all around.

Frank Scirocco: Alright, great thank you, did we get your name for the record?

Tom Mahoney with The Express, we are the ones that publish the legal notices for the meeting.

Frank Scirocco: Yes, I know, we just need it for the record. Is there anyone else here who would like to speak in favor or opposition. With that being said I will close the open part of the meeting and I am going to ask the Board if they have any other questions before this Board decides on this change of tenancy. Michael?

Michael Fagnoli: No Frank.

Frank Scirocco: Robert?

Bob Chase: Nope

Frank Scirocco: Dan?

Dan O'Connor: Good.

Frank Scirocco: Martin?

Martin Doyle: Nope

Frank Scirocco: Ed?

Ed Morcone: Good.

Bob Chase: I make a motion to accept the application as submitted.

Frank Scirocco: Motion by Bob Chase to approve the change in tenancy.  
Is there any discussion on the motion? Is there a second.

Ed Morcone: I second.

Frank Scirocco: Seconded by Ed Morcone, no discussion, call for the roll.

Gina Kenyon:	Bob	Yes
	Martin	Yes
	Michael	Yes
	Ed	Yes
	Dan	Yes

Frank--- one question, is it going to be an Italian deli?

Shannon Shiffert: Luca's!!

Frank – you are in, yes.

Frank Scirocco: We appreciate you coming to the City.

Shannon & Chris Shiffert: Thank you very much.

Frank Scirocco: Let's see what we got here, Peter Buser, needs a Special Use Permit to convert a one (1) unit building to a three (3) unit building at 101 South Third Street, is that correct.

Peter Buser: Yes.



Frank Scirocco: Tell us what you want to do.

Peter Buser: Right now, it is a single family and I want to convert it to a three (3) family. I was here back in June.

Frank Scirocco: Was this the property that we had to prove who owned it and whether it was a single or double. What was the outcome of that? Was it a single family.

Code Enforcement Officer Kyle Woodard: It was actually a mixed-use building.

Dan O'Connor: There was a chiropractor downstairs.

Frank Scirocco: So, it was a home occupation type deal. Michael do you have any questions for the applicant?

Michael Fagnoli: Not at this time.

Frank Scirocco: Robert?

Bob Chase: Not right this second.

Frank Scirocco: Dan?

Dan O'Connor: Not right now.

Frank Scirocco: Ok, I am running out of people, let me ask you a question, the big issue is parking, I don't see any drawing of where the vehicles are going to be parked. Tell us....

Peter Buser: So basically, there is a three (3) car garage and then there is six parking spots essentially.

Frank Scirocco: Technically you have three (3) spaces because you have a garage and then the three (3) cars are parking in front of the garage, that means the cars inside have to back up and back... it is really not six (6) spaces. You have actually three (3).

Peter Buser: It could be three (3) it could be six (6).

Frank Scirocco: I am going to get a legally opinion on that.

Attorney Lyn Muphy: A legal opinion on parking?

Frank Scirocco: Whether you consider the garage parking as part of the parking spaces required for a three (3) unit.

Attorney Lyn Murphy: So technically, there are six (6) parking spaces, this Board is logical enough to say that access to the parking spaces is difficult at best, so you can consider them three (3). Technically on a drawing there are six (6) but if there is somebody parked in the parking spot you can't get in the garage. So, the Board can consider them three (3).

Frank Scirocco: Or six (6).

Attorney Lyn Murphy: Or six (6). Legally it is six (6) but from a practical stand point the Board can consider the obvious intention.

Frank Scirocco: Because, that is the big issue, parking. Martin?

Martin Doyle: I don't question in addition to the ones answered at the last meeting. No questions.

Frank Scirocco: Ok, Ed?

Ed Morcone: Are the three (3) garages going to be for tenants or are you going to rent them out separately?

Peter Buser: Right now, they are for tenants.

Ed Morcone: They are for tenants.

Peter Buser: Yes.

Attorney Lyn Murphy: Just so you understand, if you wanted to rent them out separately you would have to come back before this Board to get permission.

Peter Buser: Yes.

Ed Morcone: He is only going to need four and a half (4 ½) spaces.

Frank Scirocco: I am sorry, I missed that, what did you ask him?

Ed Morcone: If he was going to rent them garages out.

Frank Scirocco: Oh, you mean rent them to someone else that is not living there.

Ed Morcone: Yeah, I have seen that plenty of times, but he said no it is going to be for the tenants that he has there, but if he wants to change that up he needs to come back here.

Frank Scirocco: Kyle, you had some input?

Code Enforcement Officer Kyle Woodard: As far as the parking goes, I think he has enough, with the garage and he does have some space next to the driveway as well, they would park really close but it is close enough in my opinion.

Frank Scirocco: That is good, we value your opinion. Alright, and we have all gone over the trash removal and snow removal, no exterior lighting shining in people's apartments or houses.

Peter Buser: There isn't any, the flood lights are all on my property.

Frank Scirocco: Is there any exterior constructure that would alter the character of the neighborhood like purple siding or things like that. I know we always fail to ask that.

Peter Buser: I don't think I like that color, there is a deck I am building, there was already a deck there, I am just putting back what was already there.

Dan O'Connor: It is just bigger, the deck he is putting on. I notice you added another sono tube and a 6X6.

Peter Buser: Yes, so that is for the stairwell, staircase so I can cover it with a roof so I can prevent anyone from falling from the ice and such.

Frank Scirocco: Is there any other questions right now. I am going to close this part of the hearing, I will open it up to the general public, anyone here to speak in

favor or in opposition. Come on up Ray.

Ray Martin: The first thing I would like to remind this applicant and previous ones is that after they get through this part of the hearing they still need to get building permits.

Frank Scirocco: We know that.

Ray Martin: Well sometimes in the past that was not always the case but, just to remind everybody that a building permit is still needed. One of the zoning codes is 200-11 for residential district and in this residential district and may have been covered in the previous meeting, this is for two (2) unit homes only, so that in addition to one (1) variance, he needs a variance for a two (2) family home.

Frank Scirocco: He needs a special permit for a multiple dwelling.

Ray Martin: In the paper wasn't it listed as variances?

Frank Scirocco: I don't know I didn't read it.

Ray Martin: I got the paper.

Frank Scirocco: It is a special permit that is required.

Ray Martin: And with this also, there is a square footage requirement as our Code Enforcement Officer and Mayor have been informing me is something they want to do is improve the housing stock in Mechanicville, and so in the zoning code, square footage requirement is twenty-five hundred (2500) square feet for each apartment and he doesn't meet that requirement either so there is two (2) variances that would be needed, one to go from a two (2) to three (3) if he had enough square footage on the ground that would be all he needed but now he also needs a variance for the twenty-five hundred (2500) square for each dwelling unit and that is 200-11.

City Attorney Lyn Murphy: I believe that what you are referring to is the lot size.

Ray Martin: Lot size, yup, and the lot size is not big enough Lyn.

City Attorney Lyn Murphy: I was just saying they were interpreting what you said as the apartment size.

Ray Martin: It is in their code so they should..

Frank Scirocco: That would pretty much be a pre-existing non-conforming use and he is not expanding it, literally, increasing the size of the building.

Ray Martin: But, he is increasing the number of people in that neighborhood.

Frank Scirocco: There is nothing in our code so...

Ray Martin: Yes it is, that is what it is all about.

Frank Scirocco: It is what ten (10) people or fourteen (14) people in an apartment.

Ray Martin: That is something the Code Enforcement Officer...

Frank Scirocco: That would be a building thing.

Ray Martin: can address but our code says nothing about people, nothing about anything else except twenty-five hundred (2500) square feet per dwelling unit and that is to keep that type of neighborhood a residential two (2) family neighborhood, that is why it is there. At least that is my interpretation of why it is there. I have a similar question to the last one, Gina.

Frank Scirocco: Hold on, is this pertaining to this application.

Ray Martin: The current owner is not listed as Mr. Buser in the tax records, it is listed as someone else.

Attorney Lyn Murphy: The tax records are typically a year behind because they are not filed until March.

Ray Martin: When did you purchase...

Frank Scirocco: Ray address the Board not the applicant.

Ray Martin: You would be interested to find out when the property was purchased and if that information has been changed.

Frank Scirocco: We can ask him that.

Ray Martin: To the tax assessor.

Frank Scirocco: Remember you have four (4) minutes, you remember that rule don't you?

Ray Martin: It used to be five (5) what happened.

Frank Scirocco: I am getting older.

Ray Martin: The other thing that the Code Enforcement Officer might be interested in is the three (3) garage is not inventoried on the tax records.

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

Attorney Lyn Murphy: It really doesn't have anything to do with the Building Department, you would want to take that up with the Assessor.

Ray Martin: Thank you.

Frank Scirocco: Will that be all, thank you Ray. Next.

Dave Hicks: 241 First.

Frank Scirocco: I haven't seen you in a while, how have you been.

Dave Hicks: Surviving, that is about it. I had some questions on this, now there is going to be three (3) units so there is going to be a massive plumbing change evidentially that will be taken in utilities but you have three (3) entrances and three (3) you have to deal with here that has to be added for safety reasons, plus there is going to be four (4) cars additional on the average on the parking on that street so there is going to be an increase clutter parking on that. I mean nothing against that but it just seems a lot in one area, such a change.

Frank Scirocco: Ok.

Dave Hicks: That is about as far as I can go, I am really interested in the three (3) exits for fire safety.

Frank Scirocco: We will have that discussion, I promise you. Anyone else to

Speak in favor or opposition, no one. Ok we will close this part of the hearing and Board questions; some interesting things came up. Kyle, what about the last.

Code Enforcement Officer Kyle Woodard: I will make sure that is taken care of.

Frank Scirocco: Our Code Enforcement Officer will make sure everything is proper, the exits, the entries. Michael.

Michael Fagnoli: That is all I had.

Frank Scirocco: Robert?

Bob Chase: Nope, my only concern is with the parking.

Frank Scirocco: Ok, Dan?

Dan O'Connor: We already talked about his exits at our last meeting when he first came here, he had them covered so I am not worried.

Frank Scirocco: Martin?

Martin Doyle: Just a point of information which the applicant can give us but, on the application, special use permit application, he has April 6<sup>th</sup> if 2000 I think it is meant to be 23, you did purchase it this past April, that property.

Frank Scirocco: It says 2024.

Dan O'Connor: It says 24 but he meant 23.

Frank Scirocco: Ok.

Martin Doyle: So, it is recent anyway, that is the point I guess I was trying to help out with on this one. Other than that, I don't have anything else to provide.

Frank Scirocco: Ok, you are the owner now?

Peter Buser: Yes, that's correct.

Frank Scirocco: Ed?

Ed Morcone: I am fine with parking, that is all I had.

Frank Scirocco: Ok, since there are no more questions, is there a motion to approve or deny this special use permit.

Dan O'Connor: Motion.

Frank Scirocco: Motion by Dan O'Connor to approve, seconded?

Martin Doyle: I will second it.

Frank Scirocco: Martin, any discussion? Call the roll.

Gina Kenyon:	Bob	no
	Martin	yes
	Michael	yes
	Ed	yes
	Dan	yes
	Frank	yes

Frank Scirocco: Permit is granted, make sure you visit the Building Department for your permits.

Peter Buser: Absolutely.

Frank Scirocco: Or he will be coming after you. Alright, this next application I am going to have to recuse myself because I am an aggrieved party potentially and Mr. O'Connor will be conducting the hearing but, I will be speaking as an aggrieved party.

Dan O'Connor: Joe Starr, hi Joe do you want to explain what you want to do here?

Joe Starr: Yeah, Joe Starr here about 138 North Second Ave, um so we are selling the building and Terry Pickett and Mike Thompson are going to be purchasing the building and currently it is a five (5) unit it was the old Express building, it was the old bakery, just most recently it was a Medi-cab company and four (4) of them are residential and one (1) of them is commercial. So, the one (1) commercial unit, they want to solidify that it can be residential. From my understanding after it is vacant for a year your guys want it residential because it is grandfathered in. It



was grandfathered in as commercial, but I was asked to come to the Board, so I am here because..... we have been in front of the Board before, we put in a driveway on Park Avenue that you requested us to do, which works out great so thank you. So most recently there was a Medi-cab company in there and he had five (5) vehicles along with his self and whoever ran the company. So, there was at least two (2) there every day 9-5 then up to seven (7) cars regularly. It is on a corner, it's only a few houses down, there are tracks and then there is no more residential but you know, it is assumed you park near or around you house in Mechanicville, which I think works out for most people. So, I am here asking for you guys to approve that it can be turned into residential, and that I can have it official so I can sell the building.

Dan O'Connor: My first question will go to Kyle, have you been in there?

Code Enforcement Officer Kyle Woodard: No.

Attorney Lyn Murphy: I just want to clarify something, for purposes of the record, the Medi-care cab company has been gone for over a year.

Joe Starr: A little bit less than that.

Attorney Lyn Murphy: So, it has not expired, the pre-existing, non-conforming. Thank you. It is zoned residential though.

Joe Starr: It is.

Dan O'Connor: Let's open this up to the Board.

Joe Starr: If I could explain this further this space is about six hundred (600) square foot and I believe they are going to make it into a one (1) bedroom.

Dan O'Connor: I have been in that building, I know there are stairs that go up into, a little tiny bathroom. Start with Ed?

Ed Morcone: I am familiar with it to before all the businesses you mentioned it was Palleta's grocery store too, in 1972 I rented the apartment above, the rent was forty (40) bucks a month.

Joe Starr: Which side.

Ed Morcone: Right over the whole thing, forty dollars (\$40) a month. The cab company took up a lot of spaces for the parking there so I don't think one (1) would hurt. They always had a few cabs there.

Joe Starr: It seems to me that you know, they were in and out, they were stopping in, there were two (2) people there regularly. The other cabs were coming in and out various times of the day so, in theory if there is two (2) people living in a one (1) bedroom at most there would be two (2) cars there that would be equal to what it pretty much was or really less.

Dan O'Connor: Is that it?

Ed Morcone: Yeah, I am good with the building.

Dan O'Connor: Martin?

Martin Doyle: I guess the first piece is, there is an area variance application? I am not sure they need an area variance. Do they need an area variance?

Frank Scirocco: No, they do not.

Martin Doyle: I was wondering if the only thing that came into it was they needed additional open space because they were adding an additional dwelling unit but, so that is fine, that takes care of that one. I know the, and it may not make too much difference to the whole package here, but, again I am going to go back to the tax map thing, it has that site as a commercial one (1) as if it is a commercial property, not that you can't turn a commercial building into all multi-family dwelling using the special use permit, so, it takes care of that piece. Do you know where the additional garbage and recycling containers are going to go?

Joe Starr: There is currently ones for the commercial space so there will be no change.

Martin Doyle: So, they are sitting out front on Second.

Joe Starr: I think two (2) tenants, so in that building there, you access that commercial space from probably where you all know and then there is a door that goes into upstairs, Ed, as you know, into one (1) apartment on each side so the majority of people are out front then ----- is around back. But, there are four (4) garbage cans out back, I am not sure who keeps what where but, it is not going to

change, the amount of garbage cans.

Martin Doyle: So currently there is one (1) door to the exterior from that lower level, that ground floor unit that you intend to turn into the residential dwelling unit.

Joe Starr: Correct.

Martin Doyle: Do you intent to put another door into the exterior.

Joe Starr: I think the code calls for, that is going to be a studio apartment so it is going to be directly accessible to that door without any door in between it, which I believe qualifies for not having extra ... per say as egress.

Martin Doyle: Alright, the only way in and out is through that existing door.

Joe Starr: Yes. If I may, I will not be renovating this or changing into that so I don't know what they plan to do but I would imagine that if I were doing the prints I would go by the code and if the code allows for no more windows then I would do it that way.

Martin Doyle: Ok, and I guess from my end, unless things change I am going to look at this as a commercial property, commercial building but you are adding another residential unit to that commercial property. That is all I have to offer at this point.

Joe Starr: The thing honestly we can agree on, it will fit the district better.

Bob Chase: Exactly who are you representing.

Joe Starr: Myself.

Bob Chase: You said you are not involved.

Joe Starr: It is a strange situation because they want to ensure that they can .....

Dan O'Connor: He is trying to sell the building.

Attorney Lyn Murphy: He owns it.

Dan O'Connor: Yes, he owns it right now.

Bob Chase: You own it?

Joe Starr: Yup, so we are selling it and they want to ensure that it can be made residential.

Dan O'Connor: Before they buy it. So, there are four (4) apartments upstairs.

Joe Starr: There are two (2) upstairs and there are two (2) downstairs, so this would be the third (3) downstairs, and then at the basement level there is nothing.

Michael Fagnoli: Why not just increase the unit they have there and just make it a bigger space, I guess.

Joe Starr: Well, this one already has its own bathroom and plumbing there and heating source, and of course they are buying under the pretense as we had it as a five (5) unit and they are working their numbers off of that. So, they want to keep it a five (5) unit.

Dan O'Connor: I am going to close this part of the hearing, open it up to the public.

Frank Scirocco: 317 Broadway speaking as an aggrieved party, I understand the Boards reluctance to grant apartments in buildings, a brief history, I have lived in that building, I know the building well. I live next door now for the last twenty-seven (27) years, I also rented that office for maybe four (4) years and I had vehicles coming at all hours of the day, and I wouldn't say all hours of the night, I flooded that street with parking at the time it wasn't a big issue. My issue right now, if they were to use that as a commercial space, I think someone mentioned the ambulances that were going out of there would park on Broadway, I could not see to back out of my driveway. Whenever a commercial vehicle is parked on our street, Broadway, I can't see to get out. I urge you not to let another commercial business go in there because someone is going to get hit one of these days, my wife is going to get hit because you can't see, we can't see backing out because of the commercial vehicles that are there. I would urge you to approve an apartment, there is going to be less traffic and a less danger for my family. That is all I have to say.

Ray Martin: I agree with Martin that this is on the map as a commercial district

and on the tax book this is listed a commercial district. If any of you still have the zoning map in your books it is disgraceful, it was printed last in 1954, it does not include the Price Chopper or improvement to the plaza, those things are not on your zoning map so it is very hard to tell what is what so I can understand Joe's confusion if you looked at the map. That area, just like the last area, in this commercial district, two (2) family units to be included in commercial district. Now we already have four (4) apartments, one of the things that the Mayor and the Code Enforcement is trying to do is improve the quality of buildings in the City by adding dwelling space to a commercial district takes away from the intent of the zoning. So, I would encourage you to follow the zoning or change the zoning and we need to change the zoning but, that is not up to you, your job is to follow the zoning that is there already. I believe that what is being requested is an area variance and I don't think he meets the prerequisites of an area variance. It also addresses minimal off-street parking that is required. We have had three (3) cases in a row now, where off-street parking has been an issue and we waved it on the last two (2) if, off-street parking is not a requirement for zoning anymore let's get that changed, let's go to the City Council and get that parameter changed. It is currently your rules are to follow the recommendations for off-street parking, if you are not going to do it in every case then that is going to be a problem going forward for people that do come before you and you make a requirement for off-street parking. If you are going to wave it here, you are going to wave it in other cases too. I think somebody's recommendation was to enlarge one (1) of the apartments and keep it as four (4) apartments, that would be something that would be reasonable to do. Whether you have a commercial vehicle or if you've got a Cadillac Escalade parked on the corner, Frank is going to need a step stool to see over that when he back out of the driveway, I can understand that, we should have more curb markings so that people can get out of their driveways, we don't want them parking in the street, we give them off-street parking requirements and let them see when they come off to the street. That corner is a very dangerous corner already, there are a lot of accidents that happen there already. The stop sign coming down Second Street is probably twenty (20) feet back from the corner and it is covered by a tree, you can't see it. So, that corner is already a problem, I think the recommendation to keep it as four (4) apartments and enlarge one (1) of the apartments makes a lot more sense than adding more people in a building. Once again, that building does not meet the two-thousand five hundred (2500) square foot requirement that we have for adding apartments in the City of Mechanicville. If we have that regulation in the book let's follow it, if we are not going to follow it let's get it off the books so Kyle does not have to enforce it. Thank you.

Hicks 241 First Avenue my total idea is parking here because .....  
(can't hear what he is saying). I don't know if it's been reviewed safety for the exits has been reviewed. But the parking is going to be the big issue.

Dan O'Connor: I am going to close this part of the hearing, anybody else? We will take a vote. Ed?

Ed Morcone: Yes

Gina Kenyon: We need a motion.

Dan O'Connor: Motion? I am sorry. Motion to approve or deny this?

Bob Chase: I make a motion to deny it.

Dan O'Connor: Second?

Ed Morcone: He can't make a motion to deny?

Attorney Lyn Murphy: He can make a motion to deny, somebody has to second the motion and then if you don't agree with denying it you vote against that motion but, the motion is on the floor so it has to be either support it but your better bet is to accept it and then vote however you want to vote as far as denying it.

Dan O'Connor: Motion to approve it.

Attorney Lyn Murphy: He made a motion to deny, is anybody going to second that.

Bob Chase: I will withdraw it.

Attorney Lyn Murphy: There you go, so now, he withdrew his motion.

Dan O'Connor: So now we need a motion to approve it.

Michael Fagnoli: I will approve it.

Attorney Lyn Murphy: We need a second.

Dan O'Connor: I will second it.

Gina Kenyon:     Bob            no  
                         Martin        yes  
                         Michael     yes  
                         Ed            yes  
                         Dan          yes

Dan O'Connor: One more, Frank is coming back.

Joe Starr: Thank you everyone, I appreciate it.

Frank Scirocco: The last application is a Site Plan Review, Ann and Steven Cerone, wanna come up? The application is in order, you own the property?

Yes, my name is Steven Cerone of 277 Saratoga Avenue.

Frank Scirocco: Alright Steve, tell us what you are going to do.

Steven Cerone: First, I have parking for at least one hundred (100) cars here, we shouldn't have any problems there. We want to build a single-family house.

Dan O'Connor: Probably one of the nicest spots on the river.

Steven Cerone: It is going to be a single story one-family house for two (2) elderly people to live in.

Frank Scirocco: It is going to be yours?

Steven Cerone: Yes. If we weren't moving there I would be asking for many, many apartments.

Frank Scirocco: You are right next to a playground, isn't there a basketball court or something?

Steven Cerone: Pickleball, tennis and pickleball.

Frank Scirocco: Single-family house, no area variances required, Kyle? I take it. He has plenty of room, I stopped by there yesterday and took a look. Martin?

Martin Doyle: Yeah I do have a few things here, it would have been nice to have

an elevation and topography, how high are you going to raise the property before you start building, how much more fill is coming as far as depth.

The house is going to be about two (2) feet.

Martin Doyle: Two (2) feet more?

Steven Cerone: Yes, where the original was, there is still a little bit there now but where the house is the front dips down in the front so there will be a little ... in the front, bringing it up to street level.

Martin Doyle: You are coming up to street level?

Steven Cerone: Street level, so we are not dipping down, and the house next to it is the same it is at street level, so we will fill up to there.

Martin Doyle: Must be you subdivided that recently, it shows it all one (1) property.

Steven Cerone: Yes, well we are waiting for, we have the survey, the markers are all there, descriptions are all made, we are just waiting for the other parcel. We have a lien on that from the bank, the girl who said they will release the rest of the property to me, just waiting for an attorney to get that letter to them. We should have that soon.

Martin Doyle: So, part of what I have is, the impact where you are saying the ground level, potentially the playground, potentially that house that sits there, that property that is being split off, for, I am not sure which one is being split off on here but, are you going to have a swale between that?

Steven Cerone: It depends if the water won't go towards the river.

Martin Doyle: Yeah from your property but, also,

Steven Cerone: I think I am going to be up to the same elevation as the existing house there, where that house is, I shot an elevation at the back corner of that house and that is where I am going to be. That house next to it.

Martin Doyle: And you said it is single-story? I see you have the stairs, that must be to an attic.



Steven Cerone: That is going to an attic, we are not going to do a basement in this it is going to be a slab on grate so, we are going above the garage for storage.

Martin Doyle: And then, the impact, I mean, as far as your fill and too close to the river impacting someone else's easement or the river and potentially if you go to far you may be potentially impacting other residents along the river as far as not having that additional flood plain, if you would.

Steven Cerone: I am not filling that elevation all the way to the river it is going to come to the back of the house and it will go down to actually wherever it is now, taper, like go to a slope to the shoreline now. I am not coming high in the back of the property.

Martin Doyle: But you are going to fill back to the shore or some point.

Steven Cerone: Deeper into it, yes. I will be probably forty (40) feet behind the house and then start tapering down which will give me about one hundred and fifty (150) feet to the back to the river.

Martin Doyle: So, you may have an impact on water level somewhere else because you are going in at least you are sloping back right to the river.

Steven Cerone: The property to the north, I probably won't be filled as high as he is, he is filled up much higher there so I am not going to impact anything on that side. I am not going higher on that side, I know that, if anything, if I am higher on the playground side I will swale that so nothing is going off to the property on the side.

Martin Doyle: I don't know how to address that other than if you have .... to flood held by this Erie Boulevard hydro power plant you need to...

Steven Cerone: I can keep the elevation up to that point.

Martin Doyle: Have they agreed to that.

Steven Cerone: That was in my deed, the deed from, I forgot what year that was approve. So, if they want a dam up for the hydro plant down there they can come up to a certain elevation, which will not impact the house at all.

Martin Doyle: Not impact the house, I am talking the other way around that your fill may impact again, other properties and the hydro power station. There is no...

Steven Cerone: I mean they have an elevation they can flood to.

Martin Doyle: Well, an expected elevation. I guess cautionary note is, check with the hydro power people, check with DEC, they may get a little touchy on filling in lands close to the river, wetlands close to the river and I am not sure you have addressed that or really helped me out with that. So, and then you have the easement for the, and this isn't probably a big problem, but the easement for the sewer line, you have enough distance between your sun room and the easement to prevent them from coming in and digging up your...

Steven Cerone: The City has nothing, if any, with records to the easements, probably two (2) or three (3) years ago I asked about that, nobody could answer that. I did get a letter from DPW they said they want ten (10) feet each side of the center line, so, if they have to get in there and do any work they have a twenty (2) foot wide spot to work.

Martin Doyle: Alright, and do intend to run your six (6) foot fence back to river also?

Steven Cerone: On this drawing I had it stop short of that.

Martin Doyle: I couldn't really tell where...

Steven Cerone: I don't think I need to go that far.

Martin Doyle: Because again that would be an impediment to, of course if the river comes up it will take out the fence anyway, but, and then your six (6) foot fence that's, and this might be more of a code issue, but your six (6) foot fence is going to end going towards the front of the property and at the point where it meets the front of the building.

Frank Scirocco: That would be a code issue.

Martin Doyle: Alright, and then, not that you don't have plenty of room in your four (4) car garage there but you are going to have a place to store your waste and recycle containers out of the view.

Steven Cerone: Yes.

Martin Doyle: And, you are not going to make the siding purple.

Frank Scirocco: Hey that was my line.

Martin Doyle: Sorry I took that.

Steven Cerone: Yeah with orange trim (laughing).

Frank Scirocco: Do you have anything else?

Martin Doyle: No, that is my piece.

Frank Scirocco: I am going to briefly review your short environmental assessment form, there are some questions on here that Martin touched on. Does the project site contain, or is it substantially contiguous to a building, archaeological site, or district which is listed with the State registry, you have no on here.

Steven Cerone: Yes.

Frank Scirocco: Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites, you have no. Nothing here. Would you be encroaching on existing wetlands or waterbodies, that is a no.

Steven Cerone: I went through everything on DEC, there is nothing designated.

Frank Scirocco: Perfect, so they assisted you with this application, DEC. Does anyone have any questions on the SEQRA. Silence is deafening. Motion to approve this SEQRA application.

Bob Chase: Moved

Dan O'Connor: Second

Frank Scirocco: All approved?

Martin Doyle: I am going to say Nay.

Frank Scirocco: Reason for your Nay?

Martin Doyle: Until you check with DEC, and I don't know if the Hudson is in the Federal, but until you check with them, and it may not make any difference as far as the house itself but what you are filling in it may have an impact on them or they may be concerned about how far back you are installing fill.

Frank Scirocco: The SEQRA has been accepted by the Board. Edward?

Ed Morcone: I think pretty much everything has been covered already.

Frank Scirocco: Kyle do you have any concerns right now with this application?

Code Enforcement Officer Kyle Woodard: Not concerns, I don't think so.

Frank Scirocco: Close this part of the hearing and we will open it to the general public, anyone here in favor or opposition. Mr. Ray Martin, come on down.

Ray Martin: Regarding the SEQRA application I encourage you to get some .... From the DEC as Martin has suggested. By the way Mike, welcome to Mechanicville, welcome to being on the committee, you are going to have fun. So, the first one, some of these questions came up Frank, Ed and Bob will probably remember when we were reviewing the Esplanade project, the Hudson River is considered a historic recreation area and because of that and has special designations, now do I expect Mr. Cerone, Mrs. Cerone to have problems? I think after they come to agreements with the DEC about what is going on there, there probably won't be because all the other houses back up in the similar way to that area but, you can't assume that kind of thing. The other thing with the SEQRA application Frank is, you remember, because it is a SEQRA application you do have to submit it to Saratoga County before the site plan review can be finalized and the Code Enforcement Officer can go along his site building review. On questions twelve (12), thirteen (13), fourteen (14), sixteen (16), seventeen (17), eighteen (18), nineteen (19) there's all possible reasons for the SEQRA application to be discussed, so if those were not checked I guess on his application, I don't have privy to that, but those should all be checked yes, but that doesn't mean this short application can be approved by the committee. So, just make sure twelve (12) through nineteen (19) indicate yes or are left blank until we get more information. The stormwater run-off as Martin was talking about is a significant concern for the playground, there and the wet area, the wetlands behind the playground. So that is something that the committee, before, you are going to have to wait and get things back from Saratoga County because of the SEQRA anyway but you should be in contact with Public Safety in Mechanicville to see

what they feel and how that will impact playground, and the children at the playground next door. It is good to hear the property is in the process of being separated but as a committee until that actually happens you can't really take action on something that might or might not happen. So, you probably have to get that done too before this preliminary site application is completed. Now, just a reminder again that the, still requires a building permit before things can go forward, something else that Martin pointed out too is the fifty-five (55) foot contour line that is part of the zoning code §200-38. There is a one hundred (100) year floodplain that is involved here but is also part of §200-38 is a fifty-five (55) foot contour line that the applicant may to follow as far as back filling too close to the river than that fifty-five (55) foot contour line which is shown on maps. That is, it, thank you.

Frank Scirocco: Thank you, it was quicker than I thought, you are getting better. We will close this part of the open hearing. Back to Steve, would you like to address some of the comments, to the Board?

Steven Cerone: The land is not sub-divided at this time but I was under the impression that did not have to be done for me to come here in front of zoning to get this going, that is why I submitted it before, I wanted to get it going.

Frank Scirocco: People have applied for projects hoping to buy them on approval, they don't have to be the owners.

Steven Cerone: Ok, it was just something that he mentioned and I wanted to address that.

Frank Scirocco: I am correct, right Lyn?

Attorney Lyn Murphy: He is the owner of the property.

Frank Scirocco: But, you don't have to be.

Attorney Lyn Murphy: You would need an owner authorization, but we don't need that because he is the owner.

Frank Scirocco: Has this SEQRA been sent to the County.

Attorney Lyn Murphy: I don't think the County would review a one (1) building lot SEQRA review, in fact I don't know a SEQRA would require you, it is a non-

actionable building.

Frank Scirocco: I didn't think so. Alright, Michael?

Michael Fagnoli: Yeah, I mean you need a SWEEP plan, it's over an acre, it is two (2) acres, anything over an acre you need a stormwater management plan. How you reached out to MS4 here.

Attorney Lyn Murphy: He will need that through code before he can get a building permit.

Michael Fagnoli: It would be nice to have that.

Steven Cerone: My gutters on the plans is daylighting them towards the river, it is going to be hard to get up to the street, get water to the storm sewer.

Michael Fagnoli: Yeah.

Frank Scirocco: You got anything else?

Michael Fagnoli: I would like to see a little bit more on the plans but I understand, I don't need much for the interior, I just feel a little bit more for the outside.

Frank Scirocco: Does the City has a design review committee? I noticed in the Code there was something about design review and it doesn't apply to us. I know there are other communities that have a specific design review committee that want to know why your window.. things like that.

Michael Fagnoli: I guess I am not sure about that.

Frank Scirocco: That is why I asked about the purple siding. Bob Chase?

Bob Chase: No, I am all set for now.

Frank Scirocco: Dan?

Dan O'Connor: I am good right now.

Frank Scirocco: You are only going to get this last chance.

Dan O'Connor: No, I am saying, we still need this stuff to be approve elsewhere right?

Frank Scirocco: No, not according...

Attorney Lyn Murphy: You don't need County approval.

Dan O'Connor: No, I am good.

Frank Scirocco: Martin, anything to add?

Martin Doyle: Are we going to take a no action vote then?

Frank Scirocco: I don't think we need to.

Attorney Lyn Murphy: Because of the SEQRA issue? There isn't a SEQRA issue, it does not have to go to the County for further review.

Martin Doyle: So, it does not need to come back for us to say that it is a no action.

Attorney Lyn Murphy: It doesn't have to go to the County and then come back.

Frank Scirocco: Edward?

Ed Morcone: I am good.

Frank Scirocco: Ok.

Dan O'Connor: I will make a motion...

Frank Scirocco: Hold on, I am still up. I just want to say, we have seen some of the work you have done, you have done some great stuff in some tough locations, I am pretty confident that you are going to do what is right. Kyle are there any issues we didn't address?

Code Enforcement Officer Kyle Woodard: No, I mean any of the stormwater stuff will be taken care of through the MS4 office we should be able to handle that stuff.

Frank Scirocco: I appreciate everyone's comments and I am going to ask for a

motion to approve the site plan as submitted.

Dan O'Connor: Motion.

Bob Chase: Second.

Frank Scirocco: Dan O'Connor and Bob Chase seconds, call the roll.

Gina Kenyon:

Bob: Yes

Martin: Since the site plan doesn't show fill to the river I am going to say yes. I will caution you, it may, you need to check with DEC and hydro power.

Michael: Yes

Ed: Yes

Dan: Yes

Frank: Yes

Frank Scirocco: Anything else? Motion approved; site plan approved.  
Meeting is adjourned, thank you!

Meeting adjourned @ 8:11 pm