

The Mechanicville Zoning/Planning Board held a meeting at the Mechanicville Public Library, 190 North Main Street, Mechanicville, New York on May 24, 2022
Chairman Frank Scirocco opened the meeting at 7:00 P.M.

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

The Pledge of Allegiance was led by Addy Waldie.

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

Motion by: Dan O'Connor
Seconded by: Richard Delaney

Ayes: 6 Nays: 0

Frank Scirocco: My plan was to switch this agenda but unfortunately one of the applicants is not here yet so we are going to have to start with Steve he will be the quickest. You were approved for a three family already and you want to cut it back to a two family.

Steve Cerone: Yes

Frank Scirocco: Your approval ran out because of COVID so you want it re-approved. Have you guys had a chance to look at the plans? We approved a three-family the last time now he wants to make it a two-family. Do we see any problems here?

Dan O'Connor: Nothing.

Frank Scirocco: Bob?

Bob Chase: No.

Frank Scirocco: Martin?

Martin Doyle: No.

Frank Scirocco: Addy?

Addy Waldie: No.

Frank Scirocco: Richard I save you for last always.

Richard Delaney: I don't think I was here, I think I was not present at the last meeting, so the board approved a three unit?

Frank Scirocco: We approved a three unit and now he wants to make it a two unit. Nothing else has changed except the density, it is less.

Richard Delaney: So probably some of the questions I have were already answered.

Frank Scirocco: They were probably all answered.

Richard Delaney: The only question I have is where is the nearest fire hydrant.

Steve Cerone: Right across Saratoga Avenue, right across the street.

Richard Delaney: Ok, the only other question is the other thing I observed is the driveway that goes into the house in back of you, do you own the land on the right side of the driveway?

Steve Cerone: Yes.

Richard Delaney: So the owner in the back just uses that access.

Steve Cerone: There is a right of egress.

Richard Delaney: Are you going to have any fencing around the house?

Steve Cerone: No.

Richard Delaney: Landscaping?

Steve Cerone: Yes, trees along Saratoga Avenue.

Richard Delaney: That is all I have.

Frank Scirocco: Open to the public; is there anyone here in objection to reducing the original site plan from three to two? None close that part of the hearing. Is there a motion to accept?

Motion by: Bob Chase

Seconded by: Dan O'Connor

Bob Chase: Yes

Richard Delaney: Yes

Martin Doyle: Yes

Ed Morcone: Yes

Dan O'Connor: Yes

Frank Scirocco: Yes

Frank Scirocco: Thank you. Jeff Gould?

Gina Kenyon: He is not here yet.

Frank Scirocco: I am not giving much more time, once I finish this if he is not here then this meeting will be adjourned. This is a change in tenancy correct? Want to tell us what you are doing?

Rajat Ghoshal: Polyset is a manufacturer in Stillwater, we are looking to purchase this property for fabrication and expansion.

Frank Scirocco: Richard do you have any questions?

Richard Delaney: I had a question about trucks entering from Central Avenue, will you have many deliveries or pickups.

Rajat Ghoshal: We do anticipate mostly pickups which are from UPS, the foam are typically cut into rolls and then packaged into UPS sized boxes, there will likely be some box trucks transferring materials from Stillwater to this facility but we do not anticipate significant amount of full trucks.

Richard Delaney: So no big trucks?

Rajat Ghoshal: Limited amount, we've worked with our engineering company to model that.

Richard Delaney: They are all coming in from Central Avenue, you won't use First Avenue?

Rajat Ghoshal: Yes.

Richard Delaney: What about clients, customers?

Rajat Ghoshal: It is not meant to be for retail.

Richard Delaney: Will you be making any changes to the building on site?

Rajat Ghoshal: We do not intend any changes on the site other than the sprinkler system, and there are no other plans to change anything at this time.

Richard Delaney: Are you using the entire site?

Rajat Ghoshal: We are primarily intending on occupying the newer building that is 75 South Central, the building to the side we are looking at potential renovations but affirmative as of yet.

Richard Delaney: Do you know how the activity would affect the abutting properties; there are some residences near the site, any loud noises?

Rajat Ghoshal: No, typically our general hours of operation 6am-2:30pm but most of the equipment are saws for laminating so they are generally not loud.

Richard Delaney: This is all done inside the building?

Rajat Ghoshal: Yes.

Richard Delaney: By the way it says 35 & 75 South Central, I know 75 is next to Cumberland Farms, where is 35?

Rajat Ghoshal: It is actually the other way around, the building next to Cumberland Farms and the larger building is north of that.

Richard Delaney: I think that is all I have.

Frank Scirocco: What was the building currently being used for?

Rajat Ghoshal: It is my understanding distribution of cable equipment.

Frank Scirocco: Dan?

Dan O'Connor: I don't see an issue.

Frank Scirocco: Addy?

Addy Waldie: I don't have any questions.

Frank Scirocco: Martin?

Martin Doyle: One question, the use of the building is fabrication and manufacturing, will the use of the building require registering with the New York State Department of Environmental Conservation, or require an air permit for work that is going to be going on in that building?

Rajat Ghoshal: We haven't fully considered that at this point but there is no mixing, there is no blending that current activity, we will make sure all the permits are taken care of. It is mostly the cutting of foam, and there will be a waste dumpster on the side which will be taken off site.

Martin Doyle: It would be mainly dust.

Rajat Ghoshal: Yes it is foam.

Martin Doyle: I don't know what they have in that building now for filtration, and I don't know if you can put it in or not, to start fans, discharge air from the building, or use existing fans, or ask them to register with DEC or get an air permit, that would be my concern with the use of the building.

Frank Scirocco: Bob?

Bob Chase: No, they run a nice operation in Stillwater.

Frank Scirocco: I don't know if it is this room but I can't hear anybody, you guys have to really speak up. Lyn are we obligated to look to the DEC for...

City Attorney Lyn Murphy: Actually you are prohibited, they are a separate entity and you can't petition your approval on their approval.

Frank Scirocco: That is what I thought. I am going to close this part, open it to the public, is there anyone here to speak in opposition or in favor.

Andrea DiDomenico: Can I say something, I don't live in the City of Mechanicville but I did up until 1982, I drive through from my house in Stillwater to my office in Halfmoon, I go up and down Central Avenue many times a day, I commend you because I recently said to my husband, I wish someone would do something with that empty building, I commend you I don't know anything about your business but I have been in Stillwater for many, many years and I look forward to that property cleaned up and not be such an eye sore anymore. I wish them luck.

Frank Scirocco: Anyone else? Close this part of the hearing, is there a motion to approve a change in tenancy.

Motion by: Addy Waldie
Seconded by: Richard Delaney

Bob Chase: Yes
Richard Delaney: Yes
Martin Doyle: Yes
Ed Morcone: Yes
Dan O'Connor: Yes
Frank Scirocco: Yes

Frank Scirocco: My error but all the applicants have sent out their notifications to all the neighbors, we have it all and it was legally posted, I forgot to mention that. You are all set, thank you very much. Jeff Gould, come up front and sit as close as you can so I can hear you. At the last meeting we adjourned it because there were some things that were open-ended, we do have the letter from the County showing no significant impact to the neighborhood, everyone here has a copy of that and we left you kind of like in limbo because one of the opponents brought up several comments that we did not give you a chance to address so have you had time to or if you would like to address the comments.

Jeff Gould: Yes, I basically went through the packet that she had and you guys have all the pictures, I am just using the pictures that she initially had, these are all

of the ones that she took, you can pass this along if they don't have it. This is what the building looked like prior to anybody renovating it so obviously it looks like a jungle, dilapidated, I think it was off the tax roll at that point and at the very top is where the town told us we needed to maintain which is where we put the two (2) spots whether it is ours or not people still used the spots and I have from her pictures, two (2) separate occasions at the very top, two (2) different times, you can tell they are both being used again, I did not take these pictures, they did. The very top where we paved did create two (2) additional parking spots, they are there. The other thing I wanted to point out was, again these are all her pictures, obviously this is what the building looks like now, a lot nicer than what it did look like but I want to point out, look at the parking, I didn't take any of these, there is always room, there is never a problem parking there, I mean if you go up on top on Walnut there is always parking there and on top of that since there was an issue, which I was told the only issue was parking, we went ahead, my brother owns 36 Walnut got an estimate, put in four (4) to six (6) additional parking spots for his tenants which will remove more people off of the road since there is apparently no more room for three (3) more parking spots. So the problem was there was not enough parking, we clearly feel that there is enough parking, we go above and beyond and spend our own money putting that in. As you can tell from the picture initially we brought it back on the tax roll, it was \$400 when we got it and it is now \$4400, we are obviously going to spend more money on the building, which we were already approved for to do and obviously the taxes are going to go up again and we want to put people in there that are going to shop in Mechanicville, eat in Mechanicville. I think there was a letter in there from the Fire Chief showing it is fully accessible on that street, it is not a problem, as well you will see UPS people going through there, FED EX people going through there. Dave Santy who lives on New York Avenue also reminded me there is literally a tractor trailer that goes through there once a month, I don't know what it is doing but there is plenty of room to get through.

Frank Scirocco: We have a letter from the Mechanicville Fire Chief (A copy of the letter is attached to the minutes). Frank, what it doesn't say though is when there's cars parked there it is when there's cars parked there that might be when there's an issue and fire inspector Jeffrey Alonzo also sent in a letter that is also attached to the minutes. I think we can put to bed the emergency concerns based on that. Dan?

Dan O'Connor: I still have an issue driving there in the wintertime, the t street is terrible.

Frank Scirocco: That's a DPW problem. Do you have anything else?

Dan O'Connor: No.

Frank Scirocco: Question, and I guess this would be to Lyn, the application, you didn't address that, I don't know if this would make a difference in an appeal but, who actually owns the property and who is the application made out to, that is one of the things that were brought up.

Jeff Gould: Initially we purchased it through an LLC; we have seven (7) LLC's, we switch it to a different LLC and I forgot, we have always paid our taxes it is not like it is delinquent, it was just an oversight.

Frank Scirocco: Is that going to be a problem with the application?

City Attorney Lyn Murphy: He can move to amend it if the Board wishes.

Frank Scirocco: I wanted to address that, Martin?

Martin Doyle: Will he need a special use permit?

Frank Scirocco: It is a residential district, multiple dwellings are allowed by special permit, it is not a use variance, and it is a special use permit, it is an allowable use.

Martin Doyle: Correct, it was my mistake with terminology. This thing with the parking and I don't know what has been done in the past, I have mixed feelings on the requirement for off street parking.

Frank Scirocco: I don't believe there is a requirement in our code that allows off street parking specifically, but if you take a downtown apartment building most of the time the only place to park in on the street so courts in the past have allowed businesses and apartments to use parking on the roads as long as it did not create an adverse effect on the neighborhood. So, when you are taking on a four (4) family and making it an eight (8) family in that same neighborhood, then you have to think about if there would be an adverse effect it is was allowed.

Martin Doyle: So, from your end, is the intent for the parking lot for your tenants, yours brother parking lot..... I am just trying to clarify it myself, which they would park on New York.

Jeff Gould: Both I think, Walnut and New York.

Martin Doyle: Ok, I guess that is the questions I have.

Frank Scirocco: Bob?

Bob Chase: Somewhere I read in here today, I can't find it right now, but isn't there a passage in here that says any additional parking must be adjacent to?

Frank Scirocco: No actually you can go up to four hundred (400) feet.

Bob Chase: I am only going by what I read here.

Frank Scirocco: Yeah, I don't know what you read, where is the code, 200-30 "all parking spaces provided pursuant to this section shall be on the same lot with the building or an adjoining lot, except that the ZBA may permit the use of a lot within four hundred (400) feet". So, if you were to own a piece of property four hundred (400) feet of your building you could park your cars there. This is the City code of Mechanicville 2017 which is the latest one we have. Do you have questions?

Bob Chase: Not right now.

Frank Scirocco: Richard?

Richard Delaney: You should have six (6) off street parking spaces but with new construction you would need to have one and a half (1 ½) spaces per unit but since it is not you would need six (6). At the last meeting you said people parked up on Walnut Street on the paved area but that is City owned so that doesn't count.

Jeff Gould: Yes but it wasn't, if you looked at the picture from before nobody could park there with the way it was and we were told by the City it was ours at the time and we had to maintain it and we worked with the City and we put down pavement so that we didn't have to maintain it and it gave two (2) more parking spots which were not there.

Richard Delaney: So you did that yourself.

Jeff Gould: We paved it, correct.

Richard Delaney: Tell us a little bit more about your brothers property, what spaces would that be for?

Jeff Gould: For his tenants, so that would give more parking on Walnut for New York.

Richard Delaney: How many parking spaces would that involve?

Jeff Gould: Minimum of four (4), technically three (3) at this point.

Richard Delaney: That is the only thing I wanted to bring up about the parking but I have a question about the site plan, do I ask that now?

Frank Scirocco: Of course.

Richard Delaney: I am concerned about that middle unit; there is no back exit for egress.

Jeff Gould: There will be, the plans have emergency windows for the rear.

Richard Delaney: You will put those in?

Jeff Gould: We have to; we didn't want to start without a building permit.

Richard Delaney: Even the units on the ends, there are windows but there are no....

Jeff Gould: They passed code.

Richard Delaney: It seems to be about six (6) feet off the ground, so the exit would be jumping out of that window, and that meets code?

Jeff Gould: Yes.

Richard Delaney: That is all I have for now.

Frank Scirocco: Addy?

Addy Waldie: The lot that you are building the asphalt in, how much of the square footage and greenspace are you taking away from that current property.

Jeff Gould: We have no greenspace; it is two (2) feet off the building.

Addy Waldie: That is all I have for now.

Frank Scirocco: Dan?

Dan O'Connor: Is it actually legal to park those two (2) cars behind that building in that lot, they are so close to that corner.

Jeff Gould: No one has been ticketed that I know of.

Frank Scirocco: I don't know, we don't have anyone from the Police Department here, but I don't see where that would be any different from parking on the street.

Dan O'Connor: Because it is illegal to park so close to a corner and the tail end of that one car is hanging out up in that corner.

Frank Scirocco: That, I don't know. Bob?

Bob Chase: Have you considered making one (1) apartment and using that other space to put your garbage cans away, using it for storage for the tenants?

Jeff Gould: We would prefer, like I said we already went through the process of getting approved which, we got approved and we held off because of COVID because prices went crazy so we didn't move forward with doing the construction, the permit lapsed so when we went back the second time, like I said we already pulled the mortgage to do this work, tons of holding costs, paying the taxes, paying the insurance and now we are paying all the mortgage interest to do this job and we have had our hands tied. Since we were approved we went and pulled a mortgage because we thought we were all good to go and then we found out we were not good to go so.

Frank Scirocco: You were lucky in that sense.

Bob Chase: Did they come through us?

Frank Scirocco: No, had you started and someone filed a complaint, you would have had to stop and you would have invested any time and money you had at that point and they would have made you stop, the Building Inspector would have had to pull your permit. In that respect you were fortunate. So the biggest issue I saw

at the last meeting was adding more cars on the street, now you are showing you have another parking lot, I would assume within four hundred (400) feet, that can park the additional cars you need for the two (2) apartments, I don't see it as an issue. The Fire Department, the Chief, and the Fire Inspector both have no problem with emergency vehicles using that area. We are going to close this part of the hearing and open it up to the open part where we will hear from Attorney DiDomenico.

Attorney Andrea DiDomenico on behalf of Michael and Laurie Liberty I could not hear what Mr. Gould said, Mr. Chairman in regards to his brother's property on the corner. I think he is referring to the two (2) family; I could not hear what he said, he is going to turn the back yard into a parking lot?

Frank Scirocco: It is a 30 x 20 driveway that will be turned into a parking lot.

Attorney DiDomenico: I thought he said that parking lot would be used by the residents of his brother's property which he said would take more cars off the street. That does not satisfy the requirements for his application.

Frank Scirocco: That is not what he just said to me.

Attorney DiDomenico: I don't know how he can use this lot to his advantage because he admitted to this Board a few minutes ago that the purpose of his brother putting in this parking lot behind his house is to take his brother's tenants off the street not to create a parking area for the tenants who are put in the property that is on this application. I submit a picture we took facing west from 12 New York, so that is the backyard of the brother's house, that doesn't satisfy the requirements for his application, we still stand by the proposition that parking is an issue we also stand by the proposition that you don't have any legal authority to even grant this application because it was granted incorrectly from the beginning. That property should not have been allowed to have those two (2) apartments in there; that was the wrong that was started and you shouldn't continue that wrong in this neighborhood.

Frank Scirocco: We can't do anything about the first two (2) apartments they were approved.

Attorney DiDomenico: Illegally without legal bases so that doesn't mean as you move forward based upon the wrong, try to make it right because it was wrong from the beginning. At this point we stand by our proposition, you have my

documents that I submitted at the March 15th meeting, I would like you to take those into consideration and deny this application, thank you.

Frank Scirocco: Jeff, I just asked you this parking lot is going to be yours for your two (2) apartments specifically?

Jeff Gould: We have access to purchase the land, he wants to sell it to us, whatever you guys want us to do; we will do.

Frank Scirocco: So, is that a yes, that parking lot would be used specifically.

Jeff Gould: Sure, we can do it that way.

Bob Chase: What about the greenspace for that property you are going to put a parking lot on, plus it is not his at this point in time?

Frank Scirocco: I understand that.

Jeff Gould: We are not going to buy it if we can't use it.

Frank Scirocco: They are not going to buy it if they can't use it.

Attorney DiDomenico: Mr. Chairman it is not up to this Board to tell this applicant what to do.

Frank Scirocco: I understand that, if we were to approve this application with the stipulation that there be off street parking for four (4) cars, if it were to be approved.

Attorney DiDomenico: You don't even have proof of what his brother's connection is to the LLC, you have nothing in writing, you have no offer whatsoever so you are relying upon conjecture and that is what got you in trouble in the first place because this building permit was granted for these people to build apartments in a place they should not have been granted. Without proper proof I don't see how you could make a decision as a point based on this application.

Frank Scirocco: Well, if the Board was to make a decision and to approve it in stipulating there would be four (4) off street parking in this particular lot and he didn't provide it then the Building inspector would have to revoke the permit and stop all construction, he would have to follow up on our stipulations and if he

didn't it would have to stop, that is how it is supposed to work, if this was to be approved. In my opinion, it is to get the cars off the street, a special permit has to be used to keep harmony in the neighborhood, it cannot have an adverse effect in the neighborhood, multiple cars, as the years have gone by have become an adverse effect, I see it with heavy snowfall where cars are not moved, streets don't get plowed and cars get buried, and because one (1) particular car does not want to leave the street does not get plowed for a week, that is my biggest concern with having the cars off the street, I don't know about the rest of the Board. Guys, comments?

Dan O'Connor: What he did also say is that parking lot that they are going to put in would be for his brother's apartment not for these apartments he is putting in.

Frank Scirocco: I keep hearing that but I am hearing differently.

Dan O'Connor: That is what he said.

Frank Scirocco: Can you...

Jeff Gould: My brother is open to whatever gets you satisfied, he will sell us the property, lease the property, he will do whatever we need to do, and we are literally short three (3) spots.

Frank Scirocco: I try to accommodate everybody.

Jeff Gould: I get that.

Frank Scirocco: The neighbors happy and not be adversely effected, and I am trying to protect your rights at the same time, but we have to have some concrete answers here. This lot will be specifically for you, and if the Board was to approve this and stipulate that or your permit gets pulled if this doesn't happen.

Jeff Gould: Correct.

Frank Scirocco: It is awful quiet here.

Richard Delaney: I would be interested what the neighbors have to say.

Frank Scirocco: We are getting there.

Richard Delaney: I did speak to Mr. Fondano and he did say they encroach on his driveway, so again that is an indication of a parking problem.

Frank Scirocco: Is anyone else here speaking in favor or opposition?

I am Joe Fondano and he is my neighbor, I know Mr. Jim he has been at my house before, there is a lot of issues here that have been brought up that maybe you don't see. You did get a letter from somebody, I just want to point out, I have been after public safety in regards to fire protection. They can do two (2) more apartments as long as they have a place to park, some people have more than two (2) cars, four (4) cars, I am on the corner house – Saratoga and New York Avenue in front of his building. I have had some damages my point is there is a six (6) unit building two (2) doors down and another two (2) family next door to it, there is only one (1) fire hydrant I have been after them to get two (2) fire hydrants up on Walnut Street and four (4) catch basins to catch the water because when the City plows the snows up against the building it would melt and come down to my property. I spent \$4000 of my own money putting in a new because the City did not help me. My thing is if you taking about the parking on Walnut Street I notice there are two (2) cars there and then you have the gas units that try and get in there. There is a corner house on Walnut Street that used to be a house and there used to be a house between that house and the one on the corner and they tore it down, it became a lot maybe they would purchase that. The other thing that he doesn't know about, the guy that has a house on Walnut Street on the corner, next to his building, directly across the street, there was a section in there, a small chunk of land the guy was paying taxes on it, you couldn't put a house or nothing on it, there was a shed on there. There are three (3) houses in there, I don't know the guy that lives closest to New York Avenue purchased that, that is something he could look at to maybe buy and put two (2) cars on it. You have forty-eight (48) to move it too and the utility trucks park over on my side, the guy across the street, he doesn't come over anymore, if you respect me I respect you. If there is a fire....

Frank Scirocco: I am happy with our Fire Department and what they reported, according to these guys, and they are our experts, there is not going to be an issue and that is all we have to go by is the experts. We take the information before us and we act on that. Next.

Kim Dunn: I have a question about what he is stating about some property that he worked with the City and they have given him permission to utilize it, where is that document because shouldn't it have to come before the City Council to use something like that, that does not make any sense to me.

Frank Scirocco: We will investigate that. At the last meeting there was something about a lot that you had paved and then you found out it belonged to the City.

Jeff Gould: Correct.

Frank Scirocco: We are not talking about...

Jeff Gould: It is at the top of the building.

Frank Scirocco: You are not using that now?

Jeff Gould:

Attorney Andrea DiDomenico: That is part of my presentation, they do not own that property that the tenants are parking, they are parking on City owned property.

Frank Scirocco: We are not even considering that in this application. Anyone else.

Tom Mahoney: I am kind of confused, I know where he is talking about where he wants to build the area for parking which will give him say four (4) cars, so if he uses that area for parking for his tenants, that is good? Is the issue resolved with parking or is there more parking spots he needs to get?

Frank Scirocco: Well two (2) apartments there is one and a half (1 ½) so he needs three (3) spots, so if he can part four (4) cars there maybe it will resolve the issue.

Tom Mahoney: So if he uses that area it means his parking issue is resolved.

Frank Scirocco: It would seem so, but I am only one (1) of six (6) people here, they may see something differently. Are there any other questions, anyone in the audience.

Attorney Andrea DiDomenico: If you were to do what Mr. Mahoney said from a legal stand point you are now burdening some property that you don't know if it is ever going to be transferred to the next owner. I think you need to be very careful about doing something like that, your attorney can explain to you all sorts of rules about real estate governance, easements, and declarations, so you might grant him the approval tonight or you might grant him an approval next month that says ok

you represent to us that your brother is going to allow you to use his backyard as a parking area but what happens when the brother sells that property, does that governance go under one with his land so the next owner of that property is going to be obligated by that or are they going to have a simple lease agreement, which a lease agreement expires.

Frank Scirocco: At the last meeting I was under the impression they were going to buy that property and use it for parking.

Attorney Andrea DiDomenico: I believe they own it as a part of their deed, I did not look at their deed I took a picture of the backyard but I don't recall from doing research prior to the March 15th meeting that the two (2) family residence owns what I showed you in that photograph, I assume they do, I assume that two (2) family residence used it as their backyard and it is owned by his brother but be very careful because you don't know what sort of legal representation they are representing to you as to what the agreement is going to be with his brother. Is it going to run with the land that is going to attach to the brothers land so that when the brother sells that two (2) family residence the next owner is going to be obligated by that and have to honor that.

Frank Scirocco: I understand.

Jeff Gould: Just like any other piece of land, why can't you buy the land and sub divide it and we own and pay taxes on that parcel.

Frank Scirocco: My question I think was at the last meeting, you were going to purchase that particular lot for your parking.

Jeff Gould: So the issue was we needed more parking and you wanted off street parking, I talked to my brother he said, whatever you need, if you need to buy it buy it, if you need to lease it, whatever the Board requires you to do, go ahead and do it.

Frank Scirocco: That is what I thought.

Jeff Gould: We are rule followers, it is not like we are going anything wrong, the whole time we have been doing the right thing.

Frank Scirocco: I understand and they are just trying to protect their neighbors.

Attorney Andrea DiDomenico: If they buy it now you have a substandard lot on the two (2) family now they have to come in for a zoning variance.

City Attorney Lyn Murphy: If they have this then we need that, if the Board were to say they were approving it based on the condition that he was to buy the other property then the other property is going to you can't control that.

Attorney Andrea DiDomenico: It will become an issue because then you have..... it is not going to be 50 x 100.

Kim Dunn: If you were to say yes to buy the lot would you make him once he buys the lot would he have to show proof to you before he does the work, how does that work?

Frank Scirocco: No, he would have to provide proof of ownership before the building department would issue a building permit if the Board stipulates that he purchases the lot.

Attorney Andrea DiDomenico: Now you are setting yourself up so that when he comes in for an area variance you burdened to have to approve this application so that, that application approval will allow him to do what we don't want him to do. I think the whole thing is ... for mistakes and I don't think he has presented enough viable information to this Board to make an decision.

Frank Scirocco: If the Board decides to approve it....

Attorney Andrea DiDomenico: I will see you in Supreme Court.

Frank Scirocco: Anything else. Let me just read you something before someone makes a motion. Basically it boils down to "if the use if allowed is in harmony with the general zoning plan and will not adversely affect he neighborhood". When you make your decision it has got to be more than just a yes or a no, it has to be based on the evidence presented by the applicant, is everyone clear? Everyone is quiet, I take that as a yes. Is there a motion to approve the special permit providing the lot submitted to the Board is purchased to grant the parking needed? Purchased by the applicant. Is there a motion?

Martin Doyle: Yes, there is a motion.

Frank Scirocco: Motion made by Martin, is there a second.

Richard Delaney: I will second it.

Frank Scirocco: Seconded by Richard Delaney, any discussion.

Dan O'Connor: We don't know the impact further down the road what that lot is going to do once he sells it, if he purchases his brothers lot for parking. That cuts his brothers lot, we don't know what size it is, is it a 50 x 100 lot, now it is going to be a 50 x 50 lot, it is useless, so someone could not purchase that down the road now and rebuild a house if something ever happened to it, it is going to be an eyesore for the rest of the neighborhood to have a parking lot in the middle of the street, I don't like it.

Frank Scirocco: Anyone else?

Richard Delaney: I just have one question for Mr. Fondano, how much of an issue is your driveway being blocked, I know you mentioned when there is a truck, it encroaches on your driveway.

Joseph Fondano: There is a guy that has a truck that he doesn't pull up far enough, his wife comes and parked behind him and the truck sticks out and I almost hit him I am not used to seeing cars parked there. My concern is now we are going to have more cars, I don't use my driveway and he knows why, I explained it to you, that is why my wife and I park on the New York Avenue side, anyone can park there, but you have 48 hours to get it out of there.

Frank Scirocco: Let me read one more thing before the Board decides, "the decision to deny a special use permit must be shown that the proposed special use permit would have a negative impact, evidence has to be shown that the proposed use would have a negative impact". If you feel that you have enough evidence to show that then that is how you should vote.

City Attorney Lyn Murphy: Just for clarification on the record, so right now there is a motion and a second to approve on the condition that he is obtaining the extra parking, so you either vote that up or down and then if you are going to go to town you have to

Gina Kenyon: My only comment was, any street, we reached out to the building inspector, the chief, go on any street, Farrell, Maple, Leonard, people don't use their driveways so even if they have them no one parks in them. So we are going to tell somebody that they can't do something but a person who has a driveway

doesn't park in them anyway. I have two (2) houses next to me that have two (2) driveways a piece and there is never a car parked there they are parked at the base of my driveway every day, so I think to tell someone no who making the area look better, there are plenty of streets go down Fitchburg, Gilbert, Greenwood Avenue, Harris, this is one of the least occupied streets.

Addy Waldie: Can you read your statement again, please.

Frank Scirocco: "Although not an entitlement the uses permitted by special permit are generally considered as of right, the uses that are subject to a public hearing and conditions for approval, New York Courts have also held that because the use if was already permitted, which it is, by special permit, and applicant requesting a special use permit need only demonstrate compliance with any legislative imposed conditions on an otherwise permitted use and is only subject to conditions attached to the use to minimize its impact on its surrounding areas. Evidence must be shown that the proposed use would have a negative impact on the neighborhood." So with that being said, we are going to beat this to death, there is a motion on the floor to approve, want to call the roll?

Gina Kenyon:

Bob Chase: No

Frank Scirocco: When voting please state your reasons.

Bob Chase: I vote no because there is no greenspace, and there is going to be less greenspace at the property across the street if they put a parking lot in there, plus it is going to make that lot too small to do anything in there. Where are the kids going to play, I vote no.

Gina Kenyon: Richard?

Richard Delaney: I am going to vote no, the main thing is the future of his brother's property if that changes hands.

Frank Scirocco: Martin?

Martin Doyle: I am going to vote yes, the special use permit for residential districts says, and that's where I come up with what I see as a requirement for off street parking, it says off street parking which the applicant will provide or

needs to provide. So, providing the off street parking, again I have mixed feelings about that requirement because it is going to result, there is a lot of lots that could potentially be building lots turned into parking lots. But that is the way it states it, he is giving them off street parking so I would be in favor.

Frank Scirocco: Dan?

Dan O'Connor: I am voting no, he said it himself that the parking lot would be for his brother's apartment building to get those cars off the street, not anything to do with his building, so no.

Frank Scirocco: Addy?

Addy Waldie: With reading that the evidence must show a negative impact to the neighborhood through the variance, my concern is what happens to the lot that becomes parking? There is a proposal made showing the cost of the asphalt but there is no site plan or information given for what that lot is going to look like in the finished product.

Frank Scirocco: Is that a yes or a no?

Addy Waldie: Going back I would have to agree with Richard with the evidence would have to show a negative impact on the neighborhood so following what the special permit allows to demonstrate I say yes.

Frank Scirocco: With all due respect, to what Mrs. DiDomenico brought up she made some good points, it would probably be argued in court, maybe not, I do believe the applicant submitted enough evidence to the Board to allow me to vote yes.

City Attorney Lyn Murphy: For the record a tie goes not to the applicant.

Frank Scirocco: We have three (3) to three (3), a tie is a defeat, motion is denied.

City Attorney Lyn Murphy: Or the Board could chose to, well it is defeated now, so you will have to proceed when you have all seven (7), or when you have the verification people are looking for.

Attorney Andrea DiDomenico: With all due respect though, wouldn't he have to submit a new application?

City Attorney Lyn Murphy: Yes.

Frank Scirocco: Yes he would.

Attorney Andrea DiDomenico: I didn't hear you say that.

Frank Scirocco: He would have to re-apply.

City Attorney Lyn Murphy: That is the law.

Attorney Andrea DiDomenico: That is what I thought.

Frank Scirocco: So, the motion is denied, sorry.

Jeff Gould: We will be back, no worries.

Frank Scirocco: If there is no other business I ask for a motion to adjourn.

Motion by: Dan O'Connor

Seconded by:

All in favor: Ayes: 6 Nays: 0

Meeting adjourned: 8:01 p.m.

Mechanicville Fire Department

City of Mechanicville, New York
Office of the Chief

May 23, 2022

TO: The Mechanicville Planning and Zoning Board

In regards to the concern of the Mechanicville Fire Departments response to any type of incident on New York Avenue in the area of Walnut Street, I have completed an area check of New York Avenue as requested. The Fire Department has no concern of vehicles affecting the response of the Fire Department to incidents in the mentioned area.

Respectfully,

Matthew Dunn

Mechanicville Fire Chief

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518.223.3886

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