

From: davidgiacalone <dgiacalone@nycap.rr.com>
Subject: there is no below-ground exception to encroaching on the Park
Date: May 14, 2020 at 1:35 PM
To:



From: davidgiacalone <dgiacalone@nycap.rr.com>
Subject: there is no below-ground exception to encroaching on the Park
Date: May 8, 2020 at 6:56:18 PM EDT
To: Suzanne Unger <suzanne.unger@gmail.com>
Cc: Haley Priebe <haleypriebe@gmail.com>, "Colleen B. Macaulay" <ladymac1129@aol.com>, Bob Lemmerman <robert1990@aol.com>, Douglas Chilton <djchilton27@gmail.com>

Dear Suzy,

I wish you or others on the Board had discussed the question of consistency with the 2017 Plan with me before coming to your conclusions at the SA Board meeting that the 2019 "Plan" is consistent with the City Council's 2017 Clarifying Resolution.

As you may recall, I drafted the original version of the Clarifying Resolution and remained quite interested in how the final version came out of the City Council. There were minimal changes. I was also at the table with Council members, the Mayor, Corporation Council, etc., when the limitations were discussed. There was never a distinction made between above and below-ground construction and overflow beyond the original fence.

Please note:

1. The term "building overflow" *never occurs in Res. 2017-179*. It is not in the document on the SA site: [City council 30ft resolution 6.12.17](#); nor is the term used in the official City of Schenectady Code version. (Where did you get it?) <https://www.ecode360.com/documents/SC0901/public/367709627.pdf>. [at 46-47]
 - a. And, of course, the words "building overflow" do not rule out underground construction. You are posing an interpretation never voiced by the City.
 - b. Are you sure that having the pump station mechanics underground does not affect the land directly above it in a way that reduces enjoyable use?
2. Res. 2017-179 makes it clear that no construction shall be approved without a public hearing if the design "requires taking a portion of parkland extending more than 30 ft." to the west of the original fence. A "taking" is the same as "alienation" and parkland with construction underground is included in the alienated land.
3. The 30-foot limit includes any buffer or landscaping - that is, parkland that will not have a building on it above ground.
4. The October 2017 Plan shows a concrete slab on the portion above the underground construction. That slab is visible, changes the parkland and is not usable as a park.
5. That concrete slab and the underground construction goes right up to the 30' line in the 2017 Plan. Anything past it is overflowing into the prohibited zone.
6. The analogous portion in the May 2019 Plan plat is significantly to the west of the 2017 Plan slab. The tree did not move. . (see 2nd and 3rd attachments)
7. If the "average encroachment" is 28 ft. in the May 2019 Plan, clearly there must be encroachment past the 30-foot line. And, clearly Mike Miller considers such extension to be "encroachment" under Res. 2017-179, which is why he cooked up the "average encroachment" notion.

The May 2019 Plan clearly encroaches on the Park (requires an alienation) beyond the 30-foot ban imposed by City Council. You have greatly complicated telling the story of what happened and figuring out how to avoid in the future the deception and lack of respect that is apparently so natural to the folks at City Hall and their consultants.

How are you going to remedy your mistaken conclusion? We need to do it in a way that does not make SA look gullible and easy to manipulate. It is great that the Board asserted the right to have appropriate notice of significant events or effects. But, that is not enough. We need to know that plans will not be manipulated in secret, especially if the result is losing something as valued as a treasured old tree.

Please share this with your Board and come up with a face-saving alternative to the Board resolution and the Letter to the Mayor and Council. You need to position the Association to best protect our Stockade and Park in the future. Minimizing or defending unacceptable City behavior weakens the Association and our community.

thank you for your consideration,

David





CITY COUNCIL
SCHENECTADY, NEW YORK

RESOLUTION NO. 2017-179

Councilmember Ms. Porterfield offered the following:

A Resolution Affirming the Mayor and City Council's Intention of Preserving Parkland in Riverside Park.

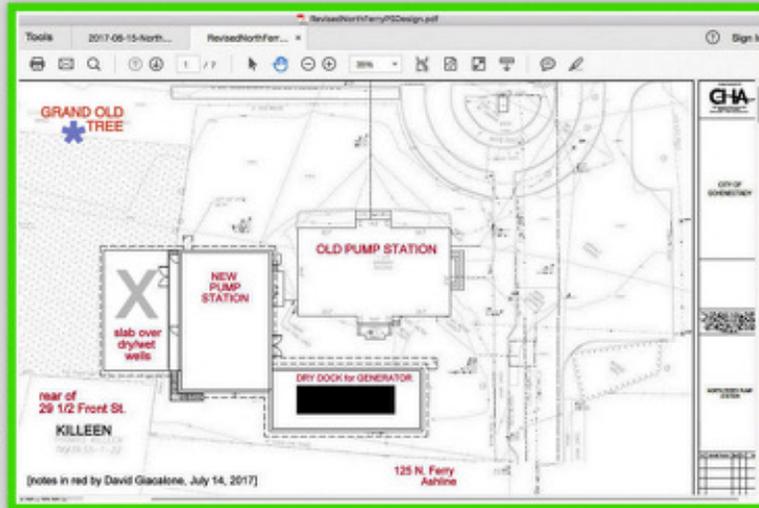
WHEREAS, the Mayor, City staff and their consultants, and Corporation Counsel, have informed this Council that all efforts are being made to design the new pump station so that it can be located within the current pump station lot; and that any overflow into Riverside Park will be minimized to no wider than 30 feet, including needed landscaping and buffering for a new pump station:

RESOLVED, without a full public hearing on such design, the City Council shall approve no contract for the construction of a new pump station, and no construction shall be approved if the design requires taking a portion of parkland extending more than 30 ft. to the west of the current pumping station fence into Riverside Park; and it is further

**North
Ferry St.
PUMP
STATION
PLANS**

Public
Oct.
2017
Plan

Grand
Old Tree
is west
of the
underground
portion, and
preserved.

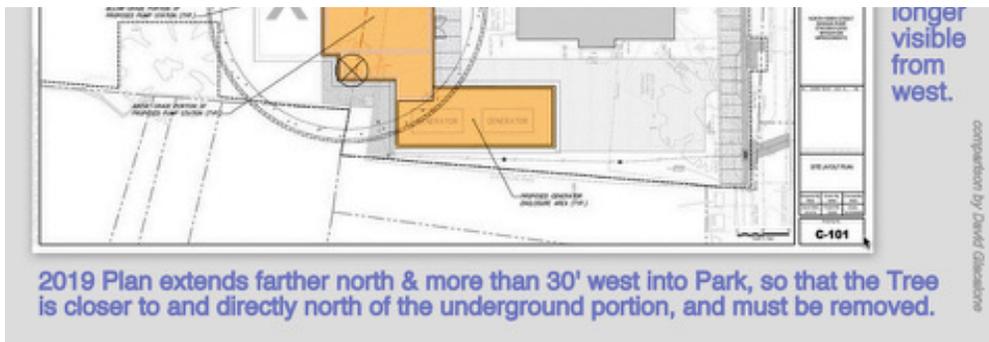


X = below-ground portion of pump station



"secret"
MAY
2019
Plan

Facade
of Old
Pump
Station
no



giacalonephotos.files.wordpress.com/2017/06/30ftmarkers.jpg

