

# PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

April 13, 2020

Present: M. Carr, Chairman, J. Lippmann, K. Semon, J. Gibney (late arrival)  
P. Ragucci (via conference call)

Also

Attending: A. Briscoe, Code Enforcement Officer, M. Cherubino, Dir. of Community Dev.,  
L. Walkuski, Stenographer, M. Burns, Planner I (via conference call), C. Heinel,  
Town Attorney (via conference call), C. Koetzle, Supervisor (via conference call)

Absent: N. Brower Dobiesz, M. Tanner

Meeting called to order at 7:04 P.M.

**Motion** to approve the Agenda

**Moved by:** K. Semon

**Seconded by:** J. Lippmann

**Ayes:** 4 **Noes:** 0 **Absent:** 3

Motion Approved

**Motion** to approve minutes from the March 9, 2020 meeting

**Moved by:** K. Semon

**Seconded by:** J. Lippmann

**Ayes:** 4 **Noes:** 0 **Absent:** 3

Motion Approved

**Dutch Meadows  
Dutch Meadows Lane**

**Public Hearing  
Final Subdivision /  
Site Plan Review**

Richbell Capital, LLC has applied for subdivision and site plan approval from the Town of Glenville's Planning and Zoning Commission associated with the Dutch Meadows Lane Residential Planned Development District (DMLRPD established by Local Law Number 4-2019 by Town Board adoption September 4, 2019.) The project site includes 30.35 +/- acres on which a three phased development will occur. The first consists of 104 market rate apartments and a club house with outdoor swimming pool. Phase two will include 104 market rate apartments. Phase three consists of 30 townhome units. Municipal sanitary sewer and potable water will be extended into the project site. An on-site stormwater management system will retain project runoff.

Bill Hoblock, Richbell Capital, LLC, and Joe Dannible, EDP, were present via conference call.

J. Dannible stated that the applicant has responded to Aaron Frank's review letter dated March 6, 2020 and also to comments from Mike Burns' memo dated April 3, 2020. He reviewed the site plan changes that are a result of the both the review letter and comment memo. The main changes are as follows:

- An easement has been provided on the plan between driveways A and B to address sidewalks along the front of the property.
- The applicant is in agreement to provide a 10-foot-wide easement along the entire length of the project property.
- Internal sidewalks will be constructed at this point and will go through the project connecting up to the sidewalk on the northside of Dutch Meadows Lane.
- At that location a pedestrian activated crosswalk signal will be provided. They will work with the appropriate town departments to make sure the signage is appropriate and the town has the ability maintain and operate whatever sign is ultimately agreed upon.

M. Carr inquired if the crosswalk signals will meet NYS DOT requirements.

J. Dannible said it will meet NYS DOT requirements.

- There have been meetings with NYS DOT. DOT does not want any right-in/right-out access along NYS Route 50 and recommends only emergency access. Details have been provided to DOT through the town. They are in the process of reviewing utility work with DOT for the water extension across Route 50.
- The applicant is in discussions with the landowner of the property located on the south side of Dutch Meadows Lane and to the east of the project (Robinson Irrevocable Trust SBL # 30.14-2.11.1) for an access/egress easement as suggested in Planning Department memo dated 4/3/20.
- Lighting fixtures normally found in the developer's residential projects are not Sternberg as specified within the town's zoning ordinance. Their interpretation of the code is that they don't need to adhere to the exact specifications of the light fixture as long as they are providing lighting that meets the intent of the zoning code. They feel they are providing an ornamental light fixture that has relatively the same shape and scale as required by the town.

M. Carr asked A. Briscoe if what the applicant is suggesting for lighting would be acceptable.

A. Briscoe said he is good with the applicant's suggested lighting fixtures and although he hasn't seen the paperwork on the proposed lighting, he mentioned the height of the fixtures can't exceed 18 feet in the Town of Glenville.

M. Carr asked if the applicant was familiar with the height requirements.

J. Dannible replied they will meet and adhere to the height requirements.

- The Traffic Advisory Committee asked for three additional crosswalks within the project. The applicant added two additional crosswalks. EDP and the applicant believe three crosswalks are adequate for pedestrian safety. They are providing additional traffic calming features with vertical curbing, street trees and pedestrian scale lighting.
- Street trees are proposed throughout the proposed road and will be installed within 75 feet of each other the entire length of the road which they feel meets the intent of the code.
- Freestanding project signs will be located at the entrance and sign permits will be obtained from the Building Department.
- They are in the process of obtaining approval from the Town of Glenville Water & Sewer Department for the extension and connection to the town's municipal water and sanitary sewer systems before construction starts.
- The applicant met with Chief Tom Green, Thomas Corners Fire Department, and Chief Green indicated his general approval of the road layouts and access to the buildings however, he wanted to discuss it with his staff. To date, there have not been any formal written comments. The Planning Dept. recommended the applicant solicit comments from the Village of Scotia Fire Dept. They will move forward on this recommendation.
- The applicant indicated that they will pay any recreation fees as warranted.

M. Cherubino said C. Koetzle commented that signage and crossing lights are needed in the Dutch Meadows Lane crosswalk area.

M. Carr asked if the applicant would agree to supplement the NYS DOT compliant crosswalk to include signage and lighting in the crosswalk.

B. Hoblock said they will agree to the additional signage and lighting.

J. Lippmann noted the Traffic Safety Committee recommended additional interior pedestrian crosswalks (totaling 4) should be included however, the applicant believes that three crosswalks are sufficient. She has some concerns with interior pedestrian traffic within the project, particularly pedestrians crossing the parking lot as they relate to pedestrian movements towards the clubhouse/pool area. It would be beneficial for an additional crosswalk otherwise; you are asking residents from proposed building 2000 to go out of their way to cross safely to get to the clubhouse.

M. Carr stated that Courtney Heinel, Town Attorney, has joined the meeting.

B. Hoblock said if you add a fourth crosswalk it was determined there would be too many crosswalks in a confined area with a lot of traffic.

J. Lippmann agrees with the approach however, the one closest to the clubhouse/pool would be best located more directly attached to the clubhouse. Otherwise, you are forcing pedestrians out of their way to get to the clubhouse.

B. Hoblock said that would make sense and they will make the revision to the final plans.

M. Carr stated since the applicant is in agreement to the signage and pedestrian lighting for the crosswalk on Dutch Meadows Lane, will there be a need for lighting and signage for the project's internal crosswalks.

J. Dannible said for the crosswalk on Dutch Meadows Lane it is appropriate, but within the community the crosswalks themselves provide a safety level and does not believe they are necessary within the project itself.

J. Lippmann asked if there was at least non-lit stationary signage for the interior crosswalks.

B. Hoblock replied yes, there will be stationary signs for the interior crosswalks.

J. Lippmann also asked if there will be a pedestrian activated flashing beacon sign on Dutch Meadows Lane and will they also be including advanced lit warning signs for motorized traffic warning there is a crosswalk is approaching.

J. Dannible said that their proposed crosswalk is identical to the crosswalk on Lake Hill Road near the Ballston Lake Burnt Hills High School, where a pedestrian will activate the light and about 100 to 150 feet on either side of the crosswalk, a light starts flashing indicating a pedestrian is crossing.

J. Lippmann stated DOT recommends a distance for installation from the crosswalk based upon the speed limit of the road. As long as they are in conformance with the DOT recommendations that is what the commission is looking for.

K. Semon asked if the applicant was planning on installing any speed bumps to regulate the speed within the project.

J. Dannible responded that there are traffic calming features within the community i.e. street trees, vertical curbs etc. and these are designed to keep the traffic flow moving through that area.

J. Dannible said the only item from the Planning Dept. memo dated 4/3/20 that has not been discussed is the construction phasing plan. The applicant is asking for a waiver to exceed the maximum 5-acre land disturbance at any one time. They are looking to disturb up to 13-acres at any one time. It is believed by allowing the applicant to disturb greater than 5-acres the construction time will be significantly reduced. This proposal has been discussed with Aaron Frank and he provided a statement to the town that he agrees with the request.

K. Semon asked if both fire departments have reported on this subdivision.

M. Carr responded that Thomas Corners was included however, the memo needed to be amended to include the Village of Scotia.

M. Cherubino stated the original request from the Planning Dept. was to limit the land disturbance to a maximum of 8-acres.

J. Dannible said that they could lower the threshold, but it will increase the construction time. With the reduction in land disturbance it is estimated that construction would be approximately 120 days.

A discussion took place about the land disturbance. The advantage of this parcel is that it is bounded by the railroad tracks on the south and Dutch Meadows Lane on the north side. The only environmental area is to the east, the Horstman Creek, and additional protection will take place for that area.

J. Lippmann asked what additional erosion control will be provided on the east side to protect the creek.

J. Dannible responded a double row of silt fencing or a row of silt fence and a wood chip earth berm. They are staying approximately 100 feet from the Horstman Creek with no disturbance. The area will be inspected twice a week during the time they are over the 5-acre disturbance.

M. Burns said he agrees with A. Frank's review and that this can be handled administratively. It is probably better to have this done one time rather than gradually over the years. We will be able to make sure it's done correctly and expeditiously. If there is an organized pre-construction meeting with contractor/sub-contractor and all interested parties it can be done.

J. Gibney asked if the town had received any comments from the county.

It was noted that the town did receive the county referral back.

K. Semon inquired about the easement for the sidewalk. There is also a utility easement along the same stretch. Are these easements compatible? What are the utilities?

J. Dannible said you can put a sidewalk over the utilities. If any utility work needs to be done, the sidewalk would be disturbed and upon completion of the utility work, the asphalt sidewalk would be repaired.

J. Lippmann asked if the road width through the complex is consistently 26 feet.

J. Dannible said the road is 26 feet at all portions of the road.

At this time Chairman Carr opened the public hearing for the minor subdivision.

With no comments from either the floor or conference call registrants the public hearing was closed.

At this time Chairman Carr opened the public hearing for the final site plan review.

With no comments from either the floor or conference call registrants the public hearing was closed.

## MOTION

In the matter of the final minor subdivision application by Richbell Capital, LLC for the project site including 30.35 +/- acres for a planned development district to be developed in three phases located at Dutch Meadows Lane, the Planning and Zoning Commission hereby conditionally approves the application. The Commission's decision is based upon the following findings:

The proposed use takes into consideration the relationship of this project to the neighborhood and the community, and the best use of the land being subdivided. Factors considered include:

- Compliance with the requirements of the Zoning Ordinance and the policies of the Comprehensive Plan.
- Logical arrangement, location and width of streets.
- The lots' and street(s)' relationship to the topography of the site.
- Adequacy and arrangement of water supply, sewage disposal and drainage.
- Accommodation for future development of adjoining lands as yet unsubdivided.
- Adequacy of lot sizes to achieve the above.

### Conditions of Approval:

1. Compliance with the items listed in the April 3, 2020 memo written by M. Burns, Planning Dept.
2. The memo dated 4/3/20 is modified to include the Village of Scotia Fire Department for review and approval as they are an immediately adjacent first responder to the area.
3. The applicant has agreed that they will install the appropriate lighting and signage as well as warning signs for approaching motorists for the crosswalk on Dutch Meadows Lane.
4. Relocation of one of the internal crosswalks to address the pool/clubhouse area accessibility concerns.

A discussion took place with regard to the recreation fee and whether it was necessary to impose the fee. It was determined that the applicant is providing suitable land to be dedicated and therefore, at this time, a recreation fee will not be required.

### **Motion**

**Moved by:** M. Carr

**Seconded by:** K. Semon

**Ayes:** 5 **Noes:** 0 **Absent:** 2

Motion Approved

## MOTION

In the matter of the final site plan review application by Richbell Capital, LLC for the Dutch Meadows Lane Residential Planned Development District located at Dutch Meadows Lane, the Planning and Zoning Commission hereby conditionally approves the application. The Commission's decision is based upon the following findings:

1. The proposed use does conform to other applicable provisions of the Zoning Ordinance, including, but not limited to, landscaping requirements, building design, off-street parking requirements, building setbacks, fence requirements, sign regulations, storm water management and erosion control requirements, etc.
2. The proposed use does exhibit adequate and logical vehicular access and circulation, including intersections, road widths, curbing, and traffic controls.
3. The proposed use does exhibit satisfactory pedestrian and bicycle access and circulation, including separation of pedestrian traffic from automobile traffic, the placement and usefulness of on-site sidewalks and walkways, the accommodation for pedestrians at adjacent street intersections, and overall pedestrian and bicyclist safety and convenience.
4. The proposed use does exhibit adequate and logical location, arrangement, and setting of off-street parking and loading areas.
5. The proposed use does exhibit adequate and logical placement, arrangement, size, and design of buildings, lighting, and signs.
6. The proposed use does provide for the adequate type and arrangement of trees, shrubs, and other landscaping elements, as they relate to visual and noise buffering of adjacent sites and the reduction of visual impacts from the street.
7. The proposed use does demonstrate adequate provisions for the collection and/or disposal of storm water, sanitary waste, and garbage.
8. The proposed use will allow for adequate on-site snow plowing and snow storage.
9. The proposed use does demonstrate adequacy and durability of structures, roadways, utilities, and landscaping in areas with moderate to high susceptibility to flooding, ponding, and/or erosion.
10. The proposed use does retain existing trees and vegetation for aesthetic reasons, and minimize soil erosion and siltation.
11. The proposed use does protect adjacent properties against noise, glare, light pollution, odors, litter, unsightliness, or other objectionable features.
12. The proposed use does provide suitable open space for buffering and/or recreation purposes.

Conditions of Approval:

1. Compliance with the items listed in the April 3, 2020 memo written by M. Burns, Planning Dept.
2. The memo dated 4/3/20 is modified to include the Village of Scotia Fire Department for review and approval as they are an immediately adjacent first responder to the area.
3. The applicant has agreed that they will install the appropriate lighting and signage as well as warning signs for approaching motorists for the crosswalk on Dutch Meadows Lane.
4. Relocation of one of the internal crosswalks to address the pool/clubhouse area accessibility concerns.

J. Lippmann would like it noted that although Item #3 in the motion states satisfactory pedestrian/bicycle access, etc., this commission usually would require more advanced specifications of such access. That being said, the commission is considering the applicant's proposal satisfactory as it adheres to the language set in the PDD zoning. Additionally, taken into consideration, is the applicant granting of an easement to the Town of Glenville along the project's property.

**Motion**

**Moved by:** M. Carr

**Seconded by:** K. Semon

**Ayes:** 5 **Noes:** 0 **Absent:** 2

Motion Approved

**Schenectady County IDA  
Avenue A & Seventh Street**

**Preliminary Subdivision Review &  
Area Variance Recommendations to  
Zoning Board of Appeals.**

Schenectady County IDA is applying to subdivide two (2) lots from parent parcel (SBL: 29.00-3-25) in the Glenville Business and Technology Park. Proposed parcel 1 contains a land area of 745,137 square feet or approximately 17.06 acres. This lot will contain existing buildings numbered 202, 203 and 204. Proposed parcel 2 contains a land area of 176,470 square feet or approximately 4.05 acres. This lot will contain Building 201. No construction is proposed on either of the proposed lots. Area variances will be required for side and rear yard setbacks. The parcels are located with the R/D/T Research/Development/Technology zoning district.

David Ahl, VP - Galesi Group, Dan Hershberg, Hershberg & Hershberg, and Tom Holmes, Attorney - Galesi Group, were present via conference call.

D. Hershberg gave an overview of the project. The subdivision concerns Bldg. 201 located in the Tech Park currently occupied by Fiorello Pharmaceuticals, a medical marijuana producer. The financing of this building is through the federal bank and federal banks cannot have assets in any marijuana operations. This is the reason for the subdivision request. Bldg. 201 is connected to another building and as such they need to be separated. They are proposing to remove a 10-foot section of the connector which will effectively make two separate buildings. Some area variances are required i.e. lot coverage, side and rear yard setbacks. The applicant is not proposing to take out the entire connector building as it was determined that would be a financial hardship.



J. Lippmann asked if the removal of the 10-foot section meets building code set back requirements.

A. Briscoe replied that it does not meet the town code setback requirements. Additional issues regarding the fire code exist for the distancing between the property line and the building itself, the building itself may be a combustible building, and also the current condition of the building. It has not been maintained or used in several years and is unsecured. Photos of the building were taken today and had he known of its condition he would have issued notices of violation. The building should be posted as of today.

K. Semon asked if the connector is taken out entirely then a variance for that particular setback would not be required.

A discussion took place regarding the removal of only 10 feet of the connector building which would not meet fire code. If 10 feet is removed from the connector building it will not meet fire code. Fire walls will have to be installed to protect both buildings.

M. Carr asked if the applicant has considered taking down the connector building as it will then meet all the setbacks and fire code.

D. Ahl responded that he was not aware of the building's condition. They could run a cost benefit analysis. He would be interested in what the violations are.

A discussion took place as to how this area would be used. The point was made that even if there was only a portion removed the remaining structure would need both ends and walls to be fire rated. Although the commission is aware of the applicant's financial concerns, allowing the applicant to only remove a portion will be more of a disservice then demolishing the connector. The construction of the connector was discussed indicating that there is no foundation or footings and is set on approx. 2 inches of blacktop.

M. Burns asked if the commission would be willing to conditionally approve the preliminary review to include time given to the applicant to obtain a cost benefit analysis as to what alternatives would be available regarding either the demolition or bringing the building up to code. It seems the only issue with this project the is connector building. A discussion could take place between Planning, Building and the applicant in order to determine what would be best way to proceed.

M. Carr inquired how would the commission make any recommendations to ZBA if PZC doesn't know how the applicant will be proceeding.

M. Burns stated the applicant is requesting 2 area variances for lot coverage, one for side yard setback, and one for rear yard setback for the truncated connector building. That is what the recommendation should be made on. The question is what is the cost to bring the two sections of the connector up to code rather than to demolish the building.

D. Ahl said he thinks an analysis could be done within a couple of days.

M. Carr restated the commission is trying to allow the applicant to move forward and during the time frame between meetings allowing the applicant to do a cost benefit analysis on either complete demolition or removal of the 10-foot section. All comments from the Code Enforcement Officer should be taken into consideration if the 10-foot section is removed and the remaining portion of the connector building must meet the new code.

J. Lippmann pointed out that if the connector building stays then an allowance needs to be made for fire truck apparatus for the perimeter of the building. If the connector stays then there is no turnaround in theory.

M. Carr stated that the applicant will need to make the determination as to what they want to do based on the cost benefit analysis. The commission can only make the recommendation to the ZBA based on what is currently presented to the PZC.

K. Semon stated he would not vote in favor of recommending the variances since he knows there is a better alternative than what is being presented.

#### **MOTION**

In the matter of the preliminary subdivision review by Schenectady County IDA applying to subdivide two lots from parent parcel (SBL 29.-3-25) in the Glenville Business and Technology Park, located at Avenue A and 7<sup>th</sup> Street, the Planning and Zoning Commission finds that this application will not result in a significant potential adverse environmental impact. Consequently, the Planning and Zoning Commission hereby issues a negative declaration. This action is consistent with the Generic Environmental Impact Statement (GEIS) previously prepared for this business park.

#### **Motion**

**Moved by:** M. Carr

**Seconded by:** J. Gibney

**Ayes:** 5 **Noes:** 0 **Absent:** 2

**Motion Approved**

J. Lippmann stated she agrees with K. Semon and is not comfortable voting in favor of the recommendation. The reasoning behind that is she knows there is an alternative to the variances (demolition) and believes part of the commission's duty is to limit the number of variances on projects.

J. Gibney asked if this discussion would be taking place not knowing the condition of the building.

It was agreed that even if the building was sound, there would be significant concerns regarding access around the building, building code, and fire code, etc.

#### **MOTION**

In the matter of the preliminary minor subdivision application by Schenectady County IDA, applying to subdivide two lots from parent parcel (SBL 29.-3-25) in the Glenville Business and Technology Park, located at Avenue A and 7<sup>th</sup> Street, the Planning and Zoning Commission hereby conditionally approves the preliminary application.

Conditions of preliminary subdivision approval are as follows:

1. Granting of time to the applicant to do a cost benefit analysis based on PZC comments. It is felt that removal of the connector building, as opposed to removal of 10 feet, would be a better alternative. Not removing the connector in its entirety will cause significant issues with fire code, building code, structural issues and variances etc. This cost analysis should provide the applicant the best direction to pursue.

The commission hereby schedules a public hearing for 5/11/20 to consider the final minor subdivision application. However, in order for the Commission to schedule a public hearing for 5/11/20, nine (9) copies of the revised subdivision map and/or requested information must be submitted to the Town of Glenville Planning Department no later than 14 calendar days prior to the public hearing.

**Motion**

**Moved by:** M. Carr

**Seconded by:** J. Gibney

**Ayes:** 5 **Noes:** 0 **Absent:** 2

**Motion Approved**

**MOTION**

In the matter of the Schenectady County IDA requesting four area variances for this project (2 variances for exceeding the percent of coverage, one for side yard setback and one for rear yard setback) the Planning and Zoning Commission is recommending the Zoning Board of Appeals approve these area variances as requested by the applicant.

**Motion**

**Moved by:** M. Carr

**Seconded by:** J. Gibney

**Ayes:** 2 **Noes:** 3 **Absent:** 2

**Motion Not Approved**

M. Cherubino asked will the applicant need to appear before the PZC again before going to the ZBA.

M. Carr stated his understanding is if the applicant changes their course of action the PZC will need to make the recommendation to the ZBA based on the new plans.

A discussion took place as to whether the application will be coming back to the PZC.

D. Ahl asked if the cost benefit analysis is done in time, would the applicant be able to change their application to the ZBA and come back to the PZC for May 11<sup>th</sup> with the final subdivision plan for approval.

C. Heinel suggested that the motion indicate that the negative recommendation was not to include exceeding the lot coverage percentage.

Another discussion took place as to whether there is enough time for the applicant to change their application for submittal to the ZBA.

M. Burns believes that it could be done, the ZBA agenda could be amended at the beginning of the ZBA meeting to eliminate the two variances except for the lot coverage variances.

T. Owens stated for the record this is not good news for his client. Six months ago, the cost of the demolition would have had an impact however not to the level the impact will have now based on today's current situations.

M. Carr and J. Lippmann both stated that the town and commission are not looking to impose any financial hardships for their client. However, there are building code issues regardless of either the PZC or ZBA. These are issues that the applicant will need to address and those issues will be discovered through the cost benefit analysis.

With no further business the meeting was adjourned at 8:48 P.M.

---

Lynn Walkuski  
Stenographer

---

Linda Neals  
Town Clerk