

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

April 10, 2017

Present: M. Carr, Chairman, J. Gibney, J. Lippmann, P. Ragucci, K. Semon,

Also

Attending: A. Briscoe, Deputy Building Inspector, K. Corcoran, Town Planner,
M. Cuevas, Attorney, L. Walkuski, Stenographer

Absent: T. Bodden, M. Tanner

Meeting called to order at 7:00 PM

Motion to approve the Agenda

Moved by: K. Semon

Seconded by: J. Gibney

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

Motion Approved

Motion to approve amended minutes from the February 13, 2017 meeting and to approve minutes from the March 13, 2017 meeting

Moved by: K. Semon

Seconded by: P. Ragucci

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

Motion Approved

**Capitaland Realty, LLC (Capitaland Subaru)
47 Saratoga Road**

**Site Plan Review
(Preliminary)**

Capitaland Subaru is proposing to expand their existing parking lot by 65 spaces along their northern property line. The property is zoned "General Business".

Tom Andress represented Capitaland Realty. He indicated there haven't been many changes since the last PZC review. He mentioned Capitaland's purchase of a 0.6-acre parcel bordering on the northern end and the removal of a house on that parcel. Additionally, Capitaland, through the purchase of the 0.6-acre parcel, also acquired another 3+/- acre parcel to the west of their site. At this time Capitaland's overall parcel size is approximately 8 acres. Except for the 3 +/- acre that is zoned Suburban Residential, the remaining parcel is zoned General Business and is adjacent to the Professional/Residential zone necessitating a 40 foot buffer. Previously, a berm partially was constructed, but since Capitaland moved forward with this additional purchase, the original berm was taken down and a new berm is proposed for that area. A large basin is located in the rear which has extra capacity for storm water. Mr. Andress also addressed the lighting issue and said the new lighting will be the same as the current lighting. The existing driveway to the former residential lot will be removed.

M. Carr inquired about the buffer size, the types and size of trees to be planted.

T. Andress stated the berm is 4 feet and the tree height is between 6-7 feet tall. Some plantings will be on the berm going up, and some will be on top. The mixture of trees will be pine, spruce and red maples. The majority will be evergreen and he believes there will be 5 red maples. The berm was shifted back to retain mature trees already on the site.

M. Carr asked about the lighting that will be moved further north with the expansion.

T. Andress replied they are down mounted LED lights.

J. Gibney asked if they have heard from anyone about what they have done previously with the lighting.

T. Andress said there have been no comments, complaints or concerns. The lighting now is more defined.

K. Semon inquired about the installation of the new light heads on the existing poles.

T. Andress replied the installation is needed to light the back corner as a result of acquiring the additional 60 feet of depth.

M. Carr asked if the retention basin can handle the stormwater runoff.

T. Address said the basin is approximately 41,000 cu. ft. and initially the volume needed was 33,000 cu. ft. Now the requirement is a little over 36,000 cu. ft., so there is a slight increase of 3,000 cu. ft. It is a full infiltration basin. Additionally, there was an extension of the grass swale to assist with runoff.

K. Semon inquired about the status for the Phase II parking, and is this project replacing Phase II.

T. Address said they have not gone forward with Phase II yet, and this current project is not replacing the Phase II parking. Admittedly, this proposal may have taken a couple of parking spots from Phase II, but Phase II could still be built in the future.

J. Gibney inquired if the land to the west has any access other than through the Capitaland property.

T. Address replied, no, there is no other access. The owners have no intention of doing anything with that portion of the parcel, and it works well as a buffer for the residents in the Return Development.

M. Carr asked what is happening with the curb cut of the former driveway, and has any notification been given by DOT to close up the curb cut.

T. Address said the area will be seeded and become a grass area. He will contact DOT to see if there is a permit required. He believes a permit will be needed because they will have to go into the right of way to remove the driveway.

MOTION

In the matter of the preliminary site plan review application by Capitaland Realty, LLC located at 47 Saratoga Road, the PZC finds that this application will not result in a significant potential adverse environmental impact. Consequently, the PZC, as SEQRA lead agency, issues a negative declaration.

Motion

Moved by: M. Carr

Seconded by: J. Gibney

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

Motion Approved

MOTION

In the matter of the preliminary site plan review application by Capitaland Realty, LLC for the proposed expansion of their existing parking lot by 65 spaces along their northern property line located at 47 Saratoga Road, the PZC hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant needs to contact DOT to clarify if a work permit is needed to close the existing curb cut.
2. A letter or email to Chairman Carr from the property owner stating there are no plans to develop the western part of the parcel.

The Commission hereby schedules a public hearing for May 8, 2017 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for May 8, 2017, nine (9) copies of the revised site plan must be submitted to the Town of Glenville Planning Department no later than 14 calendar days prior to the public hearing date.

Motion

Moved by: M. Carr

Seconded by: K. Semon

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

Motion Approved

TJ Development of Glenville, LLC 3 Sheffield Road and 303 Saratoga Road

Zoning Map Amendment Recommendation to the Town Board

The proposal calls for the rezoning of 3 Sheffield Road, currently zoned “Suburban Residential”, and the portion of 303 Saratoga Road, presently zoned “Community Business” to “General Business”. The purpose of the rezoning is to create a building pad for commercial use adjacent to the proposed Aldi Supermarket site. No development plans have been presented for the area to be rezoned, although a portion of the property would be used as a secondary driveway to both the proposed Aldi site and the new pad site. The area requested for rezoning totals 0.62 acres.

Tony Stellato, Clough Harbor Associates, represented TJ Development. Mr. Stellato gave a quick review of the application. He addressed the zoning and project location. The applicant would like to have the General Business and Town Center Overlay zone lines moved back from the larger Aldi parcel to include the Kilmartin property. Although a proposal has not been submitted for the corner portion of the Aldi site, the addition of the Kilmartin property would allow for future development of the corner portion. As it currently stands, the corner portion is too small to develop. The property owner is currently marketing this part of the Aldi site and is looking to have zoning that would not be prohibitive in the marketing of this portion (pad site). It is believed a restaurant would be a good fit.

M. Carr asked if there were any deed restrictions.

T. Stellato said the owner’s attorney verified there are no restrictive covenants in the deed that would restrict the use to residential only or restrict any type of commercial use.

J. Lippmann asked if the intent is to consolidate the lots so it would be one large lot or would it be its own parcel (pad site).

T. Stellato said they hadn't considered that yet, but when they come back in with a site plan application they could erase the interior lot line and make it a large lot.

J. Lippmann asked if there wasn't a consolidation of the lots, would there be an easement provided through the Aldi site to provide access off Route 50 or would the access still be off Sheffield

T. Stellato said it's hard to answer right now since there is no site plan, but they have not considered access off Sheffield.

M. Carr asked what is DOT's position regarding the right in right out so close to the intersection of Sheffield and Route 50.

T. Stellato said they haven't made an application yet to DOT. They feel that once Aldi makes an application to DOT they would go in concurrently and talk about what their plans are for the pad site.

J. Gibney asked if there is any intention, other than removing the house from the Kilmartin property, with regard to cleaning up the site. Residents have lived with a mess for a long time. It is suggested to have the property be presentable until you figure out what you are doing with the site.

A discussion took place surrounding the zoning change and the existing mature hedge. It was stated the hedge is an excellent buffer and there should be a commitment to the preservation of the hedge or have a lot line adjustment which would turn the hedge over to the resident. As it stands now, the hedge buffers the residents from an empty lot, but going forward the lot will become some type of commercial business and buffering will be needed.

T. Stellato stated that they are amenable to leaving the mature hedge as a buffer for the residents. It only makes sense to leave the hedge and it's a good visual screen.

J. Lippmann mentioned she has concerns with the zoning change to General Business, in particular for the Kilmartin lot. If the change is approved, and the Aldi's project doesn't go through, and there is no lot consolidation, you will have an isolated General Business lot without access to Route 50, and any business activity would have to use the residential street for access.

P. Ragucci agreed stating that it could wind up being detrimental to the residents to the west of the site.

T. Stellato asked if the PZC would make the recommendation to the Town Board with the condition that a lot consolidation would be made once the zoning change was made.

M. Carr stated that he has captured several items for the PZC's recommendation to the Town Board with lot consolidation being one of them. At this point, the PZC is looking at a recommendation and will incorporate their concerns to the Town Board.

MOTION

In the matter of the zoning map amendment application by TJ Development of Glenville, LLC to be located at 3 Sheffield Road and 303 Saratoga Road, the PZC recommends that the Town Board approve the application, however with some concerns the PZC would like the Town Board to consider.

1. Paying close attention to potential access to the lot off Sheffield Road. If the zoning change goes through, and the Aldi application doesn't, there are concerns that lot would need access off Sheffield Road.
2. The existing hedge for a buffer would remain for the resident to the west.
3. Concerns for the proximity of the proposed southern entrance on Route 50, taking into consideration a potentially landlocked parcel with access off Sheffield.
4. Consider the need to consolidate the lots immediately after the zoning change so not to allow an isolated lot.

Motion

Moved by: M. Carr

Seconded by: K. Semon

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

Motion Approved

Aldi, Inc. 303 Saratoga Road

Site Plan Review (Preliminary)

Aldi's is proposing to construct a 17,825 sq. ft. supermarket on a 2.62-acre property. The property is primarily zoned "General Business", but 0.36 +/- acres of the site, at the southeast corner of the property, is presently zoned "Community Business". The property to be developed is located across Route 50 from Market 32, and just south of Subway, and was previously occupied by a building that contained, at different times, Eckerd's, Fay's, and other commercial tenants. As proposed, several area variances and waivers will be required.

Rob Osterhoudt, Bohler Engineering, and Bruno Laurencio, Aldi, Inc., were representing Aldi's.

R. Osterhoudt gave a general overview of the site. He stated the submitted site plan is very similar to a previous site plan reviewed by the PZC. This plan has more detail regarding landscaping, storm water, utilities and erosion control. Mr. Osterhoudt said he would like to talk about and address some of the PZC's concerns. First, the layout was determined as a result of meetings with town staff. The loading dock, formerly located on the north side, is now on the south side based on town feedback. This move was to prevent a direct visual line of the loading dock from Route 50. Secondly, 25 feet is required by

code for the landscape buffer in the front, however this site has certain constraints due to the orientation of the property. The rear property line is not parallel to Route 50 which causes layout issues. The building cannot be pushed back to allow for a larger front buffer due to the rear property line constraints as well as the power lines that enter from the rear and run along the northern property line. The power lines cannot be moved, as it is cost prohibitive, and the lines serve more than just this site. During the earlier stages of discussion, consideration was given to placing the building toward the front of the site. However, there was concern for the residential neighbors to the west and south corner of the site, as placing the building up front wasn't going to protect the residential neighbors. The building situated in the back acts as a buffer to the residents from noise, lights, and traffic.

K. Semon inquired about the green space and asked if there will be plantings between Phase I and Phase II.

R. Osterhoudt responded, yes, there would be plantings. The vegetative buffer along the Kilmartin property is on their site plan, and is scheduled to remain. Additionally, there is a vegetative buffer along the back on the adjoining property, and that is scheduled to remain as well.

P. Ragucci inquired about the two trees to the west and will they remain.

R. Osterhoudt replied although their plans indicate removal of those trees, he believes they can work something out with the landlord to keep the trees.

J. Lippmann asked if the site has been reevaluated to include the Kilmartin property, and will it be consolidated to the site, allowing for the possibility of a different building layout near Route 50.

R. Osterhoudt responded, yes, they have looked at the site to include the Kilmartin property. However, the additional land doesn't add much value to the site to reconfigure the building. Reconfiguring the building would kill future development of the pad site.

T. Burke spoke from the landlord's perspective and stated reconfiguring the building would bring it closer to the residential area and would be prohibitive with regard to future development.

M. Carr said he would like hear about the loading dock area.

R. Osterhoudt stated the loading dock is on the back corner of the building. Relief would be needed as they have only 26.5 feet, but a 40 foot set back is required. The loading dock will be located 4 feet below grade. A railing will be installed on top for protection. Additional screening could be added by increasing the height of the retaining wall and then placing a screen wall on top.

B. Laurenco said deliveries are made between 9pm and 2am. The idle free truck backs into the loading dock and drops off the pallets. All empty pallets, plastic, cardboard, cans and bottles are taken back to the facility in Connecticut for recycling.

R. Osterhoudt pointed out the dumpster is located in the loading dock slip.

M. Carr asked about the distance from the residential house to the loading dock well.

R. Osterhoudt said the Kilmartin residence is 28 feet, while the other residence is around 35 feet.

M. Carr stressed the importance of buffers. Deliveries are to be made after hours and one has to take into consideration the noises from deliveries; air-brakes, backup alarms, etc. It will need a good screen for the corner lot and increasing the height of the retaining wall will help.

K. Semon asked how large the transformer is and what is the decibel output.

R. Osterhoudt said the size of the transformer is yet to be determined. They are proposing putting in a single transformer for both the Aldi site and the future development site. The size needs to be worked out with National Grid, but it could be screened in. The transformers usually don't put out a lot of noise, but he doesn't have the exact output.

M. Carr asked about the EAF "yes" answer to the property being in an archeological sensitive area.

R. Osterhoudt answered they are located within a sensitive area. They need to coordinate with SHPO in order to get a stormwater permit from DEC, and they will need a signoff from SHPO.

R. Osterhoudt also stated they have reduced impervious areas to a practical amount. Town standards dictate there should be more parking spots than what is on the plan, so there has been a reduction to impervious areas while still meeting Aldi's parking spot requirements. They are using porous pavement for a large area in the main parking field.

J. Lippmann asked what thought process has been used regarding pedestrian connectivity to the future development site.

R. Osterhoudt said there is sidewalk along the front that could be extended to the pad site.

M. Carr asked if there could be a discussion with regard to the front of the property. It looks like there are a number of variances that will be needed.

R. Osterhoudt reviewed the 11 variances and 2 waivers as listed by the Code Enforcement Officer. The variances related to dumpsters and the screening of dumpsters and utilities will be mitigated as a result of the current plan. With regard to transitional yard requirements, all variances will be required except for the transformer location. If the Kilmartin property is rezoned and consolidated with the Aldi parcel, then the transformer location variance will be eliminated. Also, with the rezoning of the Kilmartin property the variance regarding location of parking area & spaces would no longer apply since the property would no longer be zoned Suburban Residential. They will need relief for the required green

space and are willing to increase landscaping and fencing for the enhancement of the front area. There will also be a variance required for the minimum/maximum number of parking spaces.

J. Gibney asked if the 82 proposed parking spaces are ever filled to capacity.

B. Laurenco stated Aldi's has done testing on their busiest stores on Saturday and the maximum number of spaces used at one time is between 60-70 parking spaces. Holidays may increase that number.

R. Osterhoudt next addressed the variance of off street loading access. Per B. Laurenco's testimony regarding deliveries taking place after hours, there doesn't seem to be a need for total relief. With regard to landscaping in parking lots along periphery, plantings will be provided for the north and east sides, but nothing with respect to the future development area, as this would be green space. However, something on a temporary basis could be considered.

K. Semon asked if Aldi's is looking at this project as Phase I approval.

R. Osterhoudt responded that they are looking at Phase I, but they also submitted the EAF taking into account a lot of the items associated with a future development project. Therefore, when the future project comes forward much of the environmental review will have already been completed. Depending upon the future project the EAF may need some adjusting.

J. Lippmann asked if their current site plan layout does facilitate for a pad site, will there need to be many modifications?

R. Osterhoudt said they have worked closely with landlord on some options so accommodations can be made with little modifications.

J. Lippmann asked if they have had preliminary discussions with DOT regarding the southern right in right out curb cut.

R. Osterhoudt replied there haven't been any discussions with DOT. Once a traffic report is complete, they will submit it to DOT for feedback on the application.

K. Semon asked if the retention basins are wet or dry and deep enough to mitigate potential problems with the residential area relying on septic.

R. Osterhoudt said upon inspection the soil drains well and it looks like they will be able to infiltrate, meaning the area will be wet after a storm event, but within 24 hours will be infiltrated into the ground.

A discussion took place with regard to the basins, the size of the basins and the proposed surrounding chain link fencing and piping.

P. Ragucci asked if there has been any feedback from the fire district.

It was determined it was too early in the planning process to obtain comment from the fire district.

A discussion regarding the frontage along Route 50 and its beautification to match or be similar to what is taking shape in the town center.

M. Carr reviewed several of the issues; buffers to protect neighbors from noises of night time delivery, storm water proximity to the protected Indian Kill. Will any runoff impact the Indian Kill?

R. Osterhoudt stated their site is designed with DEC standards and will be in compliance with DEC storm water regulations.

A discussion took place regarding SEQR and SWPP requirements and whether or not separate SEQR and SWPP will be needed (one for the Aldi project and one for the pad site) or will they be considered in one report.

M. Carr stated in order to move forward he asked if the applicant could obtain details on increasing the elevation of the wall for the delivery trucks and fencing. The dumpster screen should be added to the plan using the example from a similar one in New Milford, CT. Additional details on screening the transformer and what type of screening will it be. More details on dressing up the property along Route 50. They will need the traffic and stormwater management studies, and also feedback from DOT on the curb cut at the southern entrance.

It was mentioned when Phase II begins the developer should consider a tenant with longevity which can provide variety to the town.

With no further business the meeting was adjourned at 8:38 PM

Submitted by:

Lynn Walkuski, Stenographer

Linda C. Neals, Town Clerk