

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

September 11, 2017

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

Also

Attending: K. Corcoran, Town Planner, M. Cuevas, Attorney, C. Koetzle, Town Supervisor
L. Walkuski, Stenographer

Absent:

Meeting called to order at 7:00 PM

Motion to approve the Agenda

Moved by: K. Semon

Seconded by: M. Tanner

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

Motion to approve minutes from the August 14, 2017 meeting

Moved by: K. Semon

Seconded by: J. Gibney

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

**AAA Tri City Construction
Building 606, Glenville Business & Technology Park**

**Site Plan Review (Final)
Public Hearing**

AAA Tri City is renovating the interior of Building 606 so as to allow for occupation of the building by storage, office, and light manufacturing tenants. Building 606 was formerly occupied by the Navy Commissary, and is zoned *Research/Development/Technology*.

Chuck Hotaling, AAA Tri City Construction, was present.

M. Carr stated the PZC has questions about the easement for access to the property. They wanted to know if the applicant has legal access to the property.

C. Hotaling replied that he didn't know, but the property owner, Tom Hamilton, does. He will speak with the property owner and get an answer.

M. Cuevas said the PZC needs to know if the U.S. Government retained the access easement when they sold the property to Mr. Hamilton or if the easement was conveyed to Mr. Hamilton as part of the sale. Note #4 on the site plan addresses the easement, but does not specify who owns the easement at this point.

M. Cuevas also noted that this issue is also important because the site plan shows certain structures within the easement; namely the propane tanks and dumpster. If Mr. Hamilton does not own the easement, he may have to move the propane tanks and dumpster out of the easement area, depending on how the easement is described in the deed.

C. Hotaling responded saying the propane tanks will be removed from the easement.

M. Carr reiterated the PZC needs to know who has ownership of the easement; the U.S. Government or Mr. Hamilton?

A discussion took place with regard to the ownership of the fire hydrants and if they are in working order. C. Hotaling does not know who owns the hydrants. The Commission noted that regardless of ownership, the Town and the applicant need to know if the hydrants are functional. Ownership and the working order of the hydrants need to be determined.

At this time M. Carr opened the public hearing. With no comments from the floor, the public hearing was closed.

MOTION

In the matter of the final site plan review application by AAA Tri City Construction for renovating the interior of Building 606 so as to allow for occupation of a portion of the building by storage, office, and light manufacturing tenants located at Building 606, Glenville Business & Technology Park, the PZC 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 intersection, 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 purpose.

Conditions of Approval:

1. The applicant shall follow the recommendations listed in the August 31, 2017 letter from the Scotia Fire Department.

2. The applicant will provide clarification on the easement; specifically the easement referred to in Note #4 of the site plan. The easement appears to run NE to SW.
3. The applicant will provide documentation regarding ownership of the fire hydrants.
4. The applicant will remove any structures (i.e. dumpster and propane tanks) that may be currently within the easement, if the details of the easement prohibit such structures. The propane tanks will need to be moved within 6 months.
5. The applicant will need to install bollards for the propane tanks.

Motion

Moved by: M. Carr

Seconded by: K. Semon

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

James Gaudons
711 Saratoga Road

Site Plan Review (Final)
Public Hearing

The applicant is proposing to construct a 40' x 32' pole barn to be used for storage in support of his interior design business in the residence on the property. Property tax records identify this property as a single-family home. The applicant is also proposing a 30' x 32' garage and a new deck, both of which, if being built in support of the residence and not the business, would not be subject to site plan review. The property is located on the west side of Route 50, about 350 feet north of the Kingsbury Road/Route 50 intersection. The property is zoned *Community Business*.

Duane Rabideau, VanGuilder Associates, represented the applicant. He gave a quick overview of the applicant's proposal. He mentioned that the project's proposed disturbance, per the PZC's request, was added to the site plan indicating the disturbance will be less than 0.4 of an acre. Additionally, a drainage concern will be resolved by the addition of gutters to the roof system which will drain into the recharge swales.

M. Cuevas asked what type of material will be used for the driveway.

D. Rabideau said it will be crushed gravel.

At this time M. Carr opened the public hearing. With no comments from the floor, the public hearing was closed.

MOTION

In the matter of the final site plan review application by James Gaudons to construct a 40' x 32' pole barn and a 30' x 32' garage and a new deck at 711 Saratoga Road, the PZC hereby 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 no 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 intersection, 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 waster, 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 purpose.

Motion

Moved by: M. Carr

Seconded by: J. Gibney

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

Aldi, Inc.
303 Saratoga Road

Site Plan Review (Final)
Public Hearing

Aldi is proposing to construct a 17,825 sq. ft. supermarket on a 2.62-acre property on the west side of Route 50 (Saratoga Road), across from Market 32 (Price Chopper). The property is zoned *General Business*.

Rob Osterhoudt, Bohler Engineering, represented the applicant. He stated they appeared before the ZBA and have secured all the variances that were needed. He gave a quick review of the project.

M. Carr asked if they could have details on the loading dock gate.

R. Osterhoudt replied they had talked with Aldi regarding the gate. He passed out information to the Commission showing the building elevation and loading dock area.

M. Tanner asked if the gate was a swinging gate and noted that you can see through the gate.

R. Osterhoudt replied it was a swinging gate with double hinges. It will be in line with the proposed fencing for the project, black in color and will help to block the view, but that you can see through it.

At this time M. Carr opened the public hearing. With no comments from the floor, the public hearing was closed.

P. Ragucci reiterated his concerns from last month's meeting regarding the opening of the gate and that it won't be dragged across the ground potentially creating more noise.

MOTION

In the matter of the final site plan review application by Aldi, Inc. for the construction of a 17,825 sq. ft. supermarket on a 2.62-acre property on the west side of Route 50 at 303 Saratoga Road, the PZC hereby 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 intersection, 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 waster, 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 purpose.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

David and Angela Cooke
14 Riverside Place

Use Variance Recommendation
to the Zoning Board of Appeals

The applicant is proposing to place a 24' by 8' seasonal camper on their vacant property in the hamlet of Alplaus. The applicant is also requesting a floodplain development permit to place clean fill on a considerable amount of their property to allow for a tent site and to level off low areas. The property is located on the south side of Riverside Place, which runs west off the south end of Brookside Place. The property is zoned *Land Conservation*.

David and Donna Cooke were present. Angela Cooke, David's mother, was not present.

M. Carr stated that it will be very difficult to meet the use variance criteria. There is also concern of the potential impact of bringing in fill into the flood plain. It was mentioned that the applicants will need approval from the Army Corps of Engineers and NYS Canal Authority.

M. Carr explained that the PZC is only making the recommendation to the ZBA. It is up to the Zoning Board whether or not the use variance is granted.

K. Semon noted the site plan shows the addition of platforms for the camper and shed, a gravel parking lot, and 120' dock which the PZC was not aware of before.

T. Bodden asked if they have any violations at this point.

Donna Cooke replied they had a violation regarding the camper which has been moved.

M. Cuevas stated they have removed the items that were in violation.

A discussion took place regarding the platforms; i.e. regarding the type of platform, how will the platforms be secured, if at all, and what are the platforms being used for.

Another discussion took place with respect to the zoning. Considering there are neighbors around them with homes, the applicants don't understand the difficulty in placing a seasonal trailer on their property. It was explained to them there is a difference in zoning between their parcel and the surrounding homes and what is and isn't allowed in the two different zones.

T. Bodden asked if a variance was provided to the surrounding homes that are there.

M. Cuevas said the Land Conservation zone is the most restrictive type of zone and houses are not permitted within that zone.

Another discussion took place about the restrictions of the Land Conservation zone and following the criteria that needs to be met for a use variance.

J. Lippmann asked what the flood elevation is at their property and has a survey been done. The basic reason a Land Conservation zone is established is due to the hazards of building on the property in this case, its location in a 100-year flood plain as well as other factors.

Another discussion took place about whether or not the applicant should be applying for a zone change.

K. Corcoran said that there is no zoning district to turn to. There have been previous conversations regarding this with Arnold Briscoe, Deputy Building Inspector. There are a couple of zoning districts that allow campgrounds, but nothing that allows the individual placement of a camper on an otherwise residential property.

M. Carr stated that if they approve this, it will be setting a precedent, and they are not comfortable with allowing this.

MOTION

In the matter of the use variance recommendation to the Zoning Board of Appeals, the Planning and Zoning Commission recommends that the ZBA not approve the application based upon the proposed use of the property, specifically a structure in the flood plain and concerns with needed approvals from the Army Corps of Engineers and NYS Canal Authority, in addition to not meeting the criteria for a use variance.

Motion

Moved by: M. Carr

Seconded by: J. Gibney

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

James Lawrence
Snake Hill Road

Minor (2-lot) Subdivision
(Preliminary)

This proposal calls for the creation of a 5.21-acre residential building lot from a 96-acre parcel. The proposed lot is located on the south side of Snake Hill Road, immediately west of the power lines. The property is zoned *Rural Residential/Agricultural*.

James Lawrence, the applicant, was present.

M. Carr asked what are his specific plans regarding the remaining 91 acres.

J. Lawrence said he doesn't have any immediate plans. He might want to sell it.

K. Semon asked if there had been another subdivision regarding this land.

J. Lawrence stated there was a corner lot sold about 11 years ago and it was never built on.

M.. Carr said they will be asking for a letter or statement from the applicant stating that he will not be doing anything with the remaining parcel.

J. Lawrence replied said he went through this process 11 years ago and his attorney told him the request, a statement from the applicant, was not necessary. He also stated the Commission relented on the requirement.

J. Gibney stated he was the Chairman of the Commission at that time and the Commission would not relent on the requirement.

J. Lawrence said the only reason he is dividing his land is to help with his taxes.

M. Carr asked about the municipal water and the septic system

J. Lawrence said it will be connected to the water line that is there. The septic system is shown on the plans.

K. Semon asked about the shape/placement of the driveway.

Eric Leitze, the proposed new owner of the parcel, said he is working with D. E. Flynn. Mr. Flynn informed the Leitzes that the curve in the road makes it difficult to put the driveway in the center of the lot, so the driveway was placed on the far end and cut into the hill. The old National Grid right-of-way will be used for the straight away and there will be a turn off at the end.

K. Semon asked if the power will be underground or above ground.

E. Leitze replied the power will be underground. They will also be adding a water line along the driveway.

MOTION

In the matter of the preliminary minor 2-lot subdivision application by James Lawrence to be located at Snake Hill 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: P. Ragucci

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

MOTION

In the matter of the preliminary minor subdivision application by James Lawrence for a two lot subdivision located at Snake Hill Road, the PZC hereby conditionally approves the preliminary application.

Conditions of the preliminary subdivision approval are as follows:

1. The applicant will provide a statement there will be no further subdivision for 18 months.

The commission hereby schedules a public hearing for October 16, 2017 to consider the final minor subdivision application. However, in order for the Commission to schedule a public hearing for October 16, 2017, 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: P. Ragucci

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

With no further business the meeting was adjourned at 8:08PM

Submitted by:

Lynn Walkuski, Stenographer

Linda C. Neals, Town Clerk