

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

January 8, 2018

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

Also

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

Absent:

Meeting called to order at 7:00 PM

Motion to approve the Agenda

Moved by: M. Carr

Seconded by: K. Semon

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

Motion Approved

Motion to approve minutes from the December 11, 2017 meeting

Moved by: J. Gibney

Seconded by: P. Ragucci

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

Motion Approved

The applicant is proposing to occupy the former 10,000 sq. ft. Maritime Center, and construct a 5,356 sq. ft. addition, for establishment of a pediatric physical therapy and wellness center. The Glenville Town Board rezoned the 6.22-acre Maritime Center property, which includes the Rowing Center, to Commercial Planned Development District on December 20, 2017.

Karen Dake, the applicant, was present.

M. Carr asked K. Dake if she would address the parking situation at the site.

K. Dake passed out a diagram (see attached Exhibit A) to the Committee showing the Maritime Center, the parking areas, and the boathouse.

M. Carr inquired if there will be parking issues. It is known that the Burnt Hills Rowing Association (BHRA) utilizes the parking spaces associated with the Maritime Center.

K. Dake replied that she hasn't had a discussion with the BHRA, but the BHRA will need to stay in their lot and utilize the parking spaces associated with them. She indicated that the Maritime Center's parking spaces may be marked for the business' patrons.

M. Carr asked what will the maximum number of vehicles be at the Maritime Center at any given time.

K. Dake responded the maximum number of spaces at her old location was 17 however, this is somewhat different in that she will be renting space to other tenants who will need parking. The engineer indicated the maximum number of vehicles would be 32, at peak time, after an addition to the Maritime Center.

K. Semon asked if Exhibit A shows the current parking spaces or if it shows future planned parking.

K. Dake said Exhibit A shows current parking, but it is also showing where possible additional parking spaces can be added.

There was a brief discussion about a new parking pattern to be established for the BHRA parents, as Happy Rehab will be training with clients in the cul-de-sac area. It was also mentioned there will be difficulty in controlling the traffic flow.

J. Lippmann asked where the property lines were on Exhibit A and how is the boathouse incorporated?

K. Dake replied the property is not completely shown on Exhibit A. The property is a large parallelogram. The BHRA leases the property, although they have not had a lease since 2004. An initial meeting took place last May with the BHRA and the lease was one of the issues discussed.

J. Lippmann also inquired as to how the BHRA activities overlap with the Maritime's activities.

K. Dake stated her business hours are from 7:00AM to 7:00PM, so there will be some overlap.

T. Bodden asked about the 10 parking spaces that are located directly across from the boathouse.

K. Dake replied those parking spaces belong to the center, and the BHRA has been using them, but the 10 parking spaces are not included in the BHRA lease.

T. Bodden asked K. Dake if she owned the building.

K. Dake responded that she owns the Maritime Center, but the boathouse is owned by BHRA. The BHRA has a 50-year land lease which she believes will end in 2048. She also indicated that, initially, she will allow the BHRA to continue to use the 10 parking spaces.

It was also mentioned that in addition to BHRA, Shenendehowa rowing also uses this site.

K. Dake mentioned to the Committee that the size of the boathouse on Exhibit A is smaller than its current size. An addition has been added to the boathouse resulting in the square footage being increased to 14,000.

K. Semon mentioned that school buses will be using this road and it will be difficult for them to navigate. It will be up to the Burnt Hills and Shenendehowa school districts to figure out a compromise.

J. Lippmann asked if any consideration has been given to adding a turn-around or hammerhead on the eastern side.

K. Dake replied she has thought about it, but at this point she would like to see how the first year goes.

M. Carr said the biggest issue is the safe management of traffic circulation for two independent operations on the same property.

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

J. Gibney asked if Exhibit A reflected the size of the current building.

M. Carr said it does not reflect the current size of the boathouse, but the Maritime Center is accurate.

K. Dake indicated the additional future expansion of the Maritime Center will be on the west end only, even though an expansion is shown on the east side.

J. Gibney asked if the expansion will require additional parking.

K. Dake said it will not require additional parking.

MOTION

In the matter of the final site plan review application by Karen Dake for Happy Rehab at the Maritime Center for the establishment of a pediatric physical therapy and wellness center, located at 801-901 Maritime Drive, 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 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. The applicant will provide an updated site rendering with correct footprint of the boathouse, if it is not currently shown on the site plan.
2. The applicant should have a mitigation plan with regard to any on-site traffic circulation issues.

Motion

Moved by: M. Carr

Seconded by: K. Semon

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

Motion Approved

**Bank of America
200 Saratoga Road**

**Site Plan Review
(Preliminary) and Request
for Waivers from the Town
Center Lighting Standards**

Bank of America is proposing to make a number of modifications to their on-site and building lighting, including the addition of four new poles (five fixtures total), replacement of 17 existing fixtures and the removal of certain wall, canopy and flood lights on the building. This proposal also involves a request for 23 waivers from the Town Center Overlay Zoning District Lighting Standards. The property is zoned General Business and Town Center Overlay District.

Jacqueline Menges and Ian Heanue, Project Expeditors, represented Bank of America.

J. Menges stated they are presenting exterior lighting upgrades for Bank of America to meet state regulated lighting requirements for ATM security. They will be replacing, removing and installing new fixtures to meet the requirements and to also install LED fixtures which are more energy and cost efficient. They are proposing four new light poles on-site, bank standard, therefore the request for the waiver to not use the acorn light fixture. Due to the requirements the bank needs for lighting on-site, the acorn light fixture will not meet the state lighting requirements for the bank. If the bank had to use the acorn style lighting fixture, additional light poles would need to be installed.

M. Carr asked if it has been explored to modify the Sternberg lighting to fit the type of lighting that is needed, particularly along Route 50? The Sternberg's are black, but the bank's proposed lighting is a different color. M. Carr noted that Target and other businesses along Route 50 have provided uniformity along Route 50 and it is something the Town would like to see within the Town Center.

J. Menges indicated they have not explored the option of modification, but they have investigated the lighting from other businesses and stated that in areas such as parking lots the lighting is more commercial.

K. Semon and J. Lippmann both commented that they both would like to see the more visible lighting fixtures i.e. along Route 50 and public right-of-ways, to be consistent with the Town Center Lighting Plan while the lighting to be located to the rear of Bank of America could at least be complementary to the Town's standard lighting plan instead of being completely different.

J. Menges did state that although the typical finish for these fixtures is bronze, they would be able to select a black finish since that is the preferred color for the Town Center. J. Menges then asked where the cut-off would be for the lighting.

M. Carr replied it would be along Route 50. He also mentioned there are two houses immediately south of the site, and asked if Bank of America has considered any impact on these homes.

J. Menges replied said the light poles along the south border of the property and in the parking lot are all existing light poles and therefore, they will just be replacing the fixture. In order to get the required amount of lighting, the Bank will also be trimming the trees located between the houses and the bank. The trimming will take place on the Bank's side of the property only.

T. Bodden asked why the bank can't comply with the design standards of the Town Center.

J. Menges stated the Town's design standards does not allow for the required lumens the state mandates for a 24 hour ATM. Therefore, additional light poles and more on-site fixtures would need to be installed.

T. Bodden asked what hardship would the Bank be using to request a waiver.

J. Menges stated it would be a financial hardship, and also the restrictions of the current Town lighting plan will not produce adequate light for the area. The Cree fixtures used by the Bank are cut off fixtures and they don't spill light in unwanted areas or over light areas.

T. Bodden then asked if it was possible to get a waiver from NYS regarding the lighting requirements.

J. Menges indicated she is not aware of any waiver process since it is state law.

P. Ragucci spoke of his banking experience and said he is familiar with the state's requirements. He said the Commission's concern is staying in compliance with the Town's plan while also fulfilling the state's requirements. He also asked if there was a fence directly behind the tree line located in the rear.

J. Menges replied she did not know of a fence on the property.

T. Bodden asked what will happen if a variance is not given.

J. Menges said the bank will be faced with state audit fines.

T. Bodden asked if Bank of America would be doing this upgrade if the state wasn't asking to have the upgrades done.

J. Menges responded the Bank of America does a yearly audit of its sites and finds five sites that are not in compliance. Those sites are retrofitted to be compliant.

J. Menges reiterated there will be two light fixtures on Route 50, one is a replacement pole and one is a new pole, along with two new poles on the side and rest of the lighting in the parking lot can still be a Cree fixture with a black finish. She also asked are there any requirements on building mounted light fixtures other than the Cree?

M. Carr asked if the Town Center lighting plan addresses a difference between pole mounted and building mounted light fixtures.

K. Corcoran replied the lighting plan is directed towards pedestrian areas.

T. Bodden asked who grants the waiver.

K. Corcoran replied it is the Planning and Zoning Commission.

J. Menges stated she has concerns with the area by Target. The lighting may not have enough lumines near the ATM site as there is not a lot of room available in that area.

J. Gibney said there have been some issues in the past with the temperature rating of the lights and how it is perceived from the existing houses. He asked if they know what the rating is.

J. Menges replied they use 4000 kelvin. It is a middle of the grade, comfortable light, and they will be maintaining the tree line to help buffer the lighting.

There was a discussion regarding the height of the light poles. The Town requires light poles to be 18 feet high, while the proposal is for 20 foot high light poles.

M. Carr pointed out that the applicant is asking for a high number of variances, and that needs to be minimized.

P. Ragucci asked if the OSQs or Cree edge series are adjustable from inside the building or is the lighting intensity fixed?

J. Menges said the intensity of the lighting cannot be adjusted. The proposal calls for fixed arm fixtures.

M. Carr gave a list of items that the applicant should address:

1. The applicant needs to provide an investigation of the Sternberg poles with alternative fixtures, if necessary, regarding the two poles along Route 50 and the poles located along the Target side.
2. The applicant will need to cover the cost of a third-party lighting consultant review.
3. The light poles, including the poles located in the rear, shall be black in color.
4. The applicant needs to make sure the adjacent residences are not adversely affected by the lighting change, in particular the two houses located to the south and southeast of the property.

5. The pole height should be at 18 feet to avoid a waiver from the Town Center Overlay Zoning requirements.

David Karasz and Garry Robinson
40 Saint Anthony Lane

Conceptual 4-Lot Subdivision

The applicants are under contract with property owner Terry Stewart / Stewart & Bovee Developers & Investors, LLC, to subdivide the former 11+ acre Woodlin Club Property to pursue a four-lot residential subdivision. The four residences would each contain seven bedrooms, with parking for eight cars. The property is zoned Suburban Residential.

Garry Robison, P.E. and David Karasz, the owner, were present.

M. Carr indicated the Commission will not be taking any action tonight on this application. It is only a conceptual presentation.

G. Robison said the property is owned by Stewart, Bovee Developers and Investors. There have been previous presentations to the Commission with regard to this parcel. The parcel is 11.8 acres and the intention is to subdivide it into 4 lots with a cul-de-sac and town road. The parcels will vary in size, but will be large enough to have the houses sit in the front. Perc tests have been performed with both the county and town in the front area of the site where the soils are good. Previous mapping indicated there was a small piece of land that was owned by the county, in the southeastern area of the parcel, which did not allow for a buildable lot. Additionally, there is a hiking trail in the County's Indian Kill Nature Preserve located in the rear of the site. A new survey was done, and the current survey shows the county trail is actually on this site. The original owner approached the county to see if he could purchase part of the land located in the rear from the county and, at that time, the county was not interested. Mr. Robinson stated the owner, David Karasz, has spoken to the county and has a preliminary agreement for a land swap for the two land areas described above.

K. Semon asked if this is actually two subdivisions; with one involving the county.

G. Robison stated he thought they were both boundary line agreements.

M. Cuevas replied it's not that simple. If it's park land you run into a different issue which is alienation. The county cannot alienate park land without getting permission from the state legislature.

D. Karasz said he spoke with Steve Feeney, Schenectady County Planner, and Mark Storti and both of them agreed that the lines looked good to them in terms of providing access to both sides of the Indian Kill and the pathway. They are aware that this would need a county resolution but would have to go to the state legislature. It was stated that Feeney and Storti didn't think it would be a problem with the state since the county would be gaining 3-4 times more property than what is being lost, resulting in more value.

M. Cuevas said as a general rule it would probably be approved, but the question is timing. When would the bill be submitted, moved through committee and getting it to the floor?

G. Robinson asked if the subdivision could move through the Town's process with the contingency of the land swap being approved at the state level.

M. Cuevas replied that is a big contingency since no one here has control over the state legislature.

J. Lippmann asked why was the land put into the Preserve in such an odd fashion? Was there something of interest located there?

G. Robinson said he didn't know why however, the surveyor for Stewart & Bovee found something in the records that indicated that was the boundary. He also indicated that he doesn't know why the hiking trail was put on private property.

M. Carr reiterated the applicant wants to put up a 4-lot residential subdivision. The house is going to contain 7 bedrooms and 8 parking spaces. What type of houses are they planning?

D. Karasz replied that they will be a single family-type home. Under the Office of Child and Family Services these will be memory care homes that will have a licensed professional that will provide memory care to individuals.

A discussion took place regarding the Town's zoning and whether or not these types of homes are allowed. New York State allows for this type of home. Different classifications will determine the size of the home and the number of residents, etc.

M. Carr asked if there are six residents why is the applicant asking for 8 parking spaces per home.

D. Karasz said none of the residents will be driving, but the parking spaces will be for the licensed professional who will reside at the home; aides who will assist the RN; and visitors to the home.

K. Semon asked if the Town has restrictions on the amount of parking spaces for residential homes.

K. Corcoran said the town has set a minimum of two parking spaces per single family home and the driveway cannot exceed 10% of the lot. The question is does the parking violate the town's front yard prohibitions?

J. Lippmann asked who will be the owner of these buildings.

D. Karasz stated he will be the owner, and he has a license through the Office of Child and Family Services to operate these homes. There will only be adults who need memory care that will be living there. He currently owns four other residences.

M. Carr inquired as to how this program is funded.

D. Karasz stated it is either self-pay or long-term care insurance.

T. Bodden asked the applicant if it is the applicant's understanding that there is no need for any variances.

D. Karasz said that is his understanding.

K. Corcoran said area variances maybe needed for location of parking in the front yard.

A discussion took place regarding submitting the application as something other than a residential subdivision i.e. PPD and would that allow the applicant to avoid any variances. There is a minimum of two spaces per house but the location of the parking is what is in violation of what is allowed in the front yard at a residence. It was mentioned that it shouldn't be a visual issue for residents of the area until you reach the end of the cul-de-sac, but nevertheless, it does not conform to the town's front yard prohibitions.

J. Gibney asked if there will be any type of fire sprinklers installed in the homes.

D. Karasz said there will be sprinklers installed in the homes although they are not required.

M. Carr asked if a license is required by Office of Child and Family Services.

D. Karasz said yes, a license is required.

A discussion took place whether there is anything in the Town Code that addresses non-relative individuals living together.

Another discussion took place regarding the definition of a nuclear family under Section 49 of the Social Services law.

M. Carr pointed out the building coverage for Lot #1 may exceed the zoning ordinance prescribed maximum of 25%.

M. Carr also indicated that he would like to see some architectural renderings of the homes. At this time G. Robinson showed the committee the renderings. The second story is a faux story. There is no garage but only a storage facility.

K. Semon asked if they will be maintained by the corporation.

D. Karasz replied he has employees that will be handling the lawn mowing, and snow clearing. There will only be one gas meter, water meter, etc. per home.

J. Lippmann asked how and/or who prepares/cooks the meals.

D. Karasz replied that all meals are reviewed by a state dietician. There is another kitchen where the food is prepared and will be delivered with the exception of breakfast and snacks. The delivery is made by SUV. There are kitchens within the home, but the preparation of the meals is done outside of the home.

A discussion took place about emergency services, storm water management, and employee traffic at the homes.

J. Gibney indicated that this proposed is for a town road and the Highway Department will have to review the plans.

M. Carr noted some of the issues that will need to be addressed.

1. The county land swap will need to be handled by the state legislature.
2. Relook at Lot #1 and the building coverage
3. Highway Department needs to review of the road and cul-de-sac to make sure it meets specs, ownership and maintenance.
4. Parking in the front yard doesn't meet code.

T. Bodden asked how many square feet is each building.

G. Robinson replied the buildings are approximately 6,650 sq. ft. each.

J. Lippmann asked for disturbance calculations at the applicant's next appearance to determine applicability of storm water regulations.

A. Briscoe mentioned that usually an existing property is converted into a family style residence for this type of use. He asked if this is the first time new construction was being used.

D. Karasz stated usually they look for a one story with a minimum of 4,000 sq. ft. with adequate bedrooms and septic system. It is very difficult to find such properties.

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

Submitted by:

Lynn Walkuski, Stenographer

Linda C. Neals, Town Clerk