

# PLANNING AND ZONING COMMISSION

Town of Glenville  
18 Glenridge Road  
Glenville, NY 12302  
February 13, 2017

(Amended)

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

Also

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

Absent: T. Bodden

Meeting called to order at 7:07 PM

**Motion** to approve the Agenda

**Moved by:** K. Semon

**Seconded by:** M. Tanner

**Ayes:** 6      **Noes:** 0      **Absent:** 1

Motion Approved

**Motion** to approve minutes from the January 9, 2017 Meeting

**Moved by:** K. Semon

**Seconded by:** P. Ragucci

**Ayes:** 6      **Noes:** 0      **Absent:** 1

Motion Approved

**Arkley L. Mastro, Jr.  
Maura Lane and Sacandaga Road**

**Conceptual (14-lot)  
Subdivision**

This is a conceptual proposal for a 14-lot subdivision, where 13 of the lots would be located along a new cul-de-sac that runs off the west side of Maura Lane, and one lot would front on Sacandaga Road. The parcel consists of 64.3 acres and is zoned “Rural Residential/Agricultural”.

M. Carr, PZC Chairman, stated a public hearing was not being held this evening with regard to this application. As a result, the Commission would not be entertaining public comments on this application tonight.

Arkley Mastro gave an overview of the current project which has changed since his last presentation in November 2016. There have been some notable changes since then. The original concept proposed 20 lots. The current concept has been reduced to 14 lots (13 lots are off Maura Lane) which allows for increased lot sizes. The length of the road was shortened. A larger improved drainage system has been added. They are looking for concept approval tonight.

M. Carr inquired about the frontage on the cul-de-sac.

Wayne Newman, Engineer, stated they have 100 feet of frontage for every lot based on the cluster subdivision requirements.

A discussion took place concerning the lots located on the cul-de-sac and their frontage. Also mentioned was this current concept based on cluster subdivision requirements and what are the requirements of a cluster subdivision versus a straight conceptual design.

M. Carr asked if the Town’s engineering department has reviewed the plans. It was indicated that they have not.

M. Carr asked for specifics on the recreational area in lieu of a recreation fee.

W. Newman, Engineer, said initially they were proposing passive recreation linking the neighborhoods with trails. After redesigning the plan, they realized the idea of trail looping up through the north portion of the parcel and connecting to their proposed road was not feasible. The current concept provides for a connection to Van Voast Road through a 50 foot recreational access allowing for all 3 neighborhoods to be connected. It would be an informal trail with the potential for a congregating spot overlooking the wetlands.

M. Carr said providing green space is always a positive thing however, there is concern as to who will be responsible for maintenance of the green space.

J. Gibney mentioned for a concept of this size traditionally the Town collects a recreation fee, and although the Commission will hear the proposal, it is not given that the fee will be waived.

W. Newman said the topic of a recreational area vs the recreational fee was discussed at the last meeting, and this proposal was following that discussion and what residents from Maura Lane had stated.

K. Semon asked if a homeowners association (HOA) would be planned. His concern is that the Town will have to maintain the recreation area as well as being responsible for storm water management.

A. Mastro said there aren't any plans for a HOA, but thought the recreational area would be a nice addition to the proposal. Their intent was not to bypass the recreational fee by creating the recreational area.

K. Semon asked if there was a drainage district for Maura Lane. What is the impact from this project to the existing drainage district?

K. Corcoran said impact would be minimal, if anything.

A discussion was held on the drainage from Maura Lane and the proposed subdivision. The subdivision's drainage runs southwest through the parcel while Maura Lane's drainage effectively runs along the lot lines down the ravine to the woods.

M. Carr asked for future plans to show where the houses are on Maura Lane in order to give a visual regarding setbacks, etc.

M. Carr addressed the topic of sewage disposal and asked if it will need a raised bed system.

W. Newman indicated the sewage disposal systems will need to be raised bed systems.

A discussion was held regarding the amount of loads of fill that will be needed in order to build the raised bed systems. There is a concern for entry off of Spring Road as a culvert there has been problematic in the past. A bond requirement will probably be required due to the weight of the loads that will be needed. The bond is needed in case there is damage to the road from the loads.

J. Gibney asked if there is town water.

A. Mastro said it will be on town water.

K. Semon asked about a hammerhead vs a cul-de-sac.

M. Carr said the highway department and engineering department will have to review it.

J. Gibney asked to make sure the wetlands are not ignored regarding storm water management.

A. Mastro indicated that the area for house #14 (not located off Maura Lane) previously had a home located there and is already raised.

M. Carr reviewed items the applicant will need to address. A bond needed for the road in case of damage from bringing in fill, an engineering review of storm water management plan and feedback from the Engineering Department on road construction, design etc. Additionally, a fire district (Beukendaal) review should take place and the question of who will be responsible for owning and maintaining the road.

K. Semon asked about the recreational access, swale, stormwater pond access area.

W. Newman indicated there will be a 15 ft. wide gravel road for walking and vehicle access to maintain the storm pond and the swale will run along the road to collect runoff from the houses and bring it down to the storm pond.

K. Semon inquired about the pedestrian overlook over the ponds. What type of protection will be in place and that it needs to be noted.

W. Newman responded the whole pond is enclosed by fencing.

W. Newman asked if the PZC going forward would consider a deviation from the Town's road standards and consider a reduced road width. Currently the standards are large and the applicant states they are trying to fit into the rural character development of the subdivision.

M. Carr said the roads requirements are there for a reason. His neighborhood has wide roads which allows for people to bike, run and walk their children. They should consider that before asking for a recommendation to reduce the road width. The PZC would want input from the highway department.

K. Corcoran stated that the Town Board is considering reducing the road width through the Comprehensive Plan. Studies show narrower roads do slow down traffic and allows for less passes when snowplowing. It is currently on the back burner, but the current standard is more common from the 60's and 70's when the idea was only to move as many cars as possible.

J. Gibney asked are there any plans to look the reduction of road width town wide. Treating this on a case by case basis is not ideal and shouldn't be dealt with that way. Personally he is not in favor of reducing the road width unless it is a town wide process.

K. Corcoran stated the PZC would need to make the recommendation to the Town Board for the reduction in the road width.

M. Carr said going from the standard width existing road on Maura Lane to a narrower road doesn't make sense.

Discussion was held regarding previous requests to the PZC requesting a reduction in road width. A. Mastro said if there is any reason to deviate from the standard road width this would be the type of subdivision for it to make sense.

M. Carr asked about the PERC data and the bedrock.

W. Newman stated that the depth to bedrock is about 12-24". They will have to bring in fill for basements however, he is not sure how many basements will be needing fill.

M. Cuevas stated hammerheads are not permitted by Town Code. The hammerhead was only a suggestion by the highway department.

**Stewart and Bovee Developers  
40 Saint Anthony Lane**

**Conceptual (3-lot)  
Subdivision**

The applicant is proposing to subdivide the former 11.8-acre Woodlin Club property into three single-family home lots. The three parcels, at 4.5, 3.9, and 3.4 acres, would significantly exceed the 20,000 sq. ft. minimum lot size of the "Suburban Residential" zoning district, although all three properties would require an area variance for insufficient lot width.

Garry Robinson represented Stewart/Bovee Developers along with Terry Stewart who was in the audience. He mentioned they first appeared before the PZC about 1 ½ years ago. Several changes have been made to the site since then. The building has been torn down, the pool fence has been removed and the pool has been filled in, the tennis courts, the fences, and everything in front of the property has been taken down. Another survey was done, and the acreage was changed from 12.3 acres to 11.9 acres. At the end of the St. Anthony Lane there is a parking lot with broken pavement and stone. They are looking to subdivide this parcel into 3 lots. Perc tests were done with the county and the town. There is sand fill running from 4-6 feet deep in front of the building up to St. Anthony Lane. Moving east the parcel becomes clay and would need a lot of fill. They had a meeting with the Highway Superintendent regarding the use of a hammerhead, but it was suggested to have driveways come off the end of St. Anthony Lane. Homes will be located in the flat area and leach fields are in the back. Developer tried to make each lot about the same size with the largest about 4.5 acres and the smallest just under 4 acres. The septic system installation would be typical for a 2-3 bedroom house. The driveways would be 12 feet wide.

K. Semon asked where will the Town put the snow?

G. Robinson said the Town wants an easement to push the snow somewhere between two of the driveways. Terry Stewart said snow reserve should be to the left.

K. Semon stated the current plan makes parking somewhat restrictive, with overflow on the road. There would be concern if parking is on the road it will make exiting from the properties more difficult.

M. Carr asked about the frontage. He doesn't believe there is enough frontage and the variances needed will be significant. The norm is 120 feet and one lot has 52 feet and the other two lots have 30 feet each. It would be recommended to have the road extended to make the frontage requirement. There could be problems with emergency situations and snow removal. The idea of residential is great, but it needs to be laid out differently. As it stands now it is too congested.

G. Robinson stated he spoke with the Town, but said they don't like a cul-de-sac and it was suggested to do a hammerhead.

T. Stewart said the characteristics of the property would require the cul-de-sac to start at the property line and therefore there wouldn't be straight frontage.

M Carr said a cul-de-sac would give 88 feet of frontage which would be better than what is currently proposed. Currently they would have to ask for 90 feet of relief which is a lot.

Discussion took place regarding cul-de-sacs in terms of frontage provided, traffic speed, etc. It was also discussed if the cul-de-sac should be extended.

Another discussion took place at the suggestion of the applicant about reducing the concept from 3 lots to 2 lots, which would allow for more frontage and therefore the variances that would need to be requested would not be as great.

G. Robinson asked if there is anything else that they should address.

M. Carr said it needs to be more in line to meet zoning regulations.

**Daniel and Christina Harrigan  
106 Skyway Drive**

**Conditional Use Permit  
Recommendation to the  
Zoning Board of Appeals**

The applicants are seeking a conditional use permit for an accessory apartment at 106 Skyway Drive that was built prior to their purchase of the house. The 528 sq. ft. apartment occupies the former attached garage. This residence is the last house on Skyway Drive, on the east side of the street, and it abuts the portion of the Socha Plaza South property on which the maintenance building is located. The property is zoned "Suburban Residential".

Daniel Harrigan stated he bought the house 5 years ago. The in-law apartment has a bedroom, living room, and kitchen. When the house was appraised for refinancing, the appraiser contacted the Town. The Town informed him that he does not have a permit allowing the in-law apartment.

K. Semon asked if it was appraised or assessed.

D. Harrigan stated that it was appraised. It is consistent with the character of the neighborhood. There have been no problems with the neighbors, the septic system works well, and the adjoining

property is commercial. The in-law apartment has a separate entrance which allows you entry into the whole house.

M. Carr said the Commission doesn't have any issues with this and would like to make a recommendation.

## **MOTION**

In the matter of Daniel and Christina Harrigan of 106 Skyway Drive for a conditional use permit to the Zoning Board of Appeals for the 528 sq. ft. in-law apartment located at 106 Skyway Drive, the PZC recommends the Zoning Board of Appeals grant the conditional use permit based on the fact that the apartment is allowed by conditional use permit and has already been there for several years.

### **Motion**

**Moved by:** M. Carr

**Seconded by:** P. Ragucci

**Ayes:** 6      **Noes:** 0      **Absent:** 1

Motion Approved

**James Hale**  
**810 Pleasantview Avenue (vacant lot)**

**Request for variance from  
Moratorium – Recommendation  
to the Town Board**

This proposal is from a property owner who is seeking a variance from Glenville Local Law #8 of 2016, which is a moratorium on permits for projects within the "Suburban Residential" Zoning District that require a conditional use permit, site plan review or building permits for townhouses, duplexes, twin home or two-family dwellings. Mr. Hale recently purchased this 16,800 sq. ft. lot on the corner of Pleasantview Avenue and Beacon Street and would like to build a one-story duplex on the property. The current moratorium prevents the applicant from seeking a conditional use permit for this use. It should be noted, as well, that this application would also require an area variance, since this is a corner lot, thereby necessitating a 30,000 sq. ft. minimum lot size.

Armand Benny represented James Hale for this meeting. He gave an overview of what has taken place on the lot. The house has been taken down, the lot has been cleared of brush, but it is still wooded. Mr. Hale would like to build a duplex on it. Mr. Benny referenced other projects Mr. Hale has completed throughout the Town.

M. Carr said the PZC has run across this type of issue before, as these are single family homes and a duplex doesn't fit into the character of single family home neighborhood. Although a duplex would be allowed with a conditional use permit, the question is why a duplex over a single family home.

A. Benny responded Mr. Hale plans on keeping the property as investment property and a single family home doesn't make sense economically. The rendition presented does fit the character of the neighborhood with a brick façade. It doesn't look like a typical duplex.

K. Semon asked when the closing took place on the property.

Jordan Hale, Mr. Hale's son, said he had put many offers on the property and the closing took place before August 2016.

A discussion took place with regard to the neighborhood. Are there other duplexes in the neighborhood? This rendition looks better than most duplexes. It was mentioned there are homes in the neighborhood that are being rented out.

Another discussion took place centering on the process the applicant will have to follow. The PZC will either recommend or not recommend the moratorium variance to the Town Board. The Town Board will either grant the variance or not. If the variance is granted, the applicant will then have to apply for the conditional use permit.

Several Commission members stated the moratorium is in place for a reason and to grant waivers is undermining the moratorium itself. Other Commission members looked at the timeframe the property was purchased before the moratorium was in effect. Since the applicant was looking to keep the property as an investment, does the applicant face a hardship now that the moratorium is in place?

## **MOTION**

In the matter of the request for a variance from the moratorium on townhouses, duplexes and two-family dwellings, the PZC recommends that the Town Board not grant the variance from the moratorium based on the fact that it is a single-family home neighborhood and collectively a duplex does not fit in the neighborhood. However, the PZC would like the Town Board to take into consideration the applicant did close on the property before the moratorium was adopted and the use would be allowed under a conditional use permit.

### **Motion**

**Moved by:** M. Carr

**Seconded by:** K. Semon

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

Motion not carried – No recommendation

**Town of Glenville  
133 Maple Avenue**

**Zoning Map Amendment  
Recommendation to the  
Town Board**



This proposal calls for the rezoning of 133 Maple Avenue – the site of the former Yates Mansion from “Multi-Family Residential” to “Suburban Residential”. The purpose of the rezoning is to render the zoning of this property consistent with the zoning of the three properties that lie immediately west, east, and north of the parcel. Further, the Town wishes to minimize new multi-family development in primarily single-family residential areas per pending policy of the draft Comprehensive Plan.

## **MOTION**

In the matter of the recommendation to the Town Board for a zoning map amendment for rezoning 133 Maple Avenue, site of the former Yates Mansion from multi-family residential to suburban residential, the PZC recommends that the rezoning be approved.

### **Motion**

**Moved by:** M. Carr

**Seconded by:** K. Semon

**Ayes:** 6 **Noes:** 0 **Absent:** 1

Motion Approved

With no further business the meeting was adjourned at 8:20PM

Submitted by:

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Lynn Walkuski, Stenographer

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Linda C. Neals, Town Clerk