

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

March 13, 2017

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

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 7:04 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 February 13, 2017 Meeting

Moved by: K. Semon

Seconded by: P. Ragucci

Ayes: 5 **Noes:** 0 **Absent:** 1 **Abstention:** 1

Motion Approved

M. Carr, Chairman, took a moment to introduce the newest member to the Planning and Zoning Commission, Jenny Lippmann, who is replacing Tim Yosenick. Mr. Yosenick is relocating out of state.

**The Schenectady Distilling Company, Inc.
3304 Amsterdam Road**

**Site Plan Review (Final)
Public Hearing - continued
from January**

This application would result in the establishment of a microdistillery in a portion of the former Rector's Fire Department on Route 5. This business would occupy the easternmost 1,135 sq. ft. of the building, which was the easternmost service bay of the fire station. The property is zoned "Community Business."

M. Carr welcomed Ken Gibbons, applicant, to update the commission on any outstanding issues the commission had. M. Carr indicated the Town Board has granted the rezoning Mr. Gibbons was seeking. The commission would like to hear about the environmental consulting regarding the dry well issue.

K. Gibbons said the dry well was investigated without using electronic equipment and the tests that were run did not find where the drains run out. The next step would be to use a camera and find where the lines discharge and identify them. Once that is accomplished an excavation will be done and the soil will be tested. It is anticipated that will take place around the week of March 20th. If anything negative is found, a determination will have to be made regarding the project.

M. Carr indicated it is very important to make sure they know if anything is in the ground due to the location of the site in the natural aquifer area.

K. Gibbons stated that he received his federal licensing as of today (March 13th).

K. Gibbons also mentioned plans for the second tenant (Guardian Preservation) have fallen through. It was not feasible for them to move into the building. He is currently in discussions to take over the entire building himself and may re-appear before the Commission to have the distillery occupy the entire building. He also indicated it was a long term goal for the distillery to be the lone occupant of the building.

A discussion took place if there was anything in the other approved project (Guardian Preservation) that the distillery was dependent upon. It was determined that was not the case.

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

M. Carr stated there will be approval conditions based on the results of the dry well investigation.

MOTION

In the matter of the final site plan review application by Schenectady Distilling Company, Inc. for a microdistillery located at the former Rector's Fire Department located on Route 5, 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. Successful dry well investigation which includes ultimately determining where the floor drains in the former firehouse actually discharged into the ground. The Commission's understanding is that those areas will be excavated, soil screened in the field, and the appropriate soil samples taken to do a classified injection well suitable for closure with the US EPA and NYS DEC. Additionally, the Commission is requesting a copy of the report upon completion.

Motion

Moved by: M. Carr

Seconded by: K. Semon

Ayes: 5 **Noes:** 0 **Absent:** 1 **Abstention:** 1

Motion carried

**Brandywine Partners, LLC
122 Freemans Bridge Road**

Revised Site Plan

This proposal calls for the construction of a 2,575 sq. ft. Verizon retail store on a 19+ acre parcel. The site plan application received conditional approval in October 2016, whereby the applicant was directed to work with the New York State Department of Transportation (NYSDOT) to resolve the number and configuration of curb cuts. The revised site plan illustrates NYSDOT's review and approval, which includes two curb cuts; one full-service curb cut with two exit lanes at the traffic light and one right turn-only curb cut along the northern side of the property. The revised site plan also illustrates elimination of the originally-approved pedestrian improvements (i.e. sidewalks, ADA ramps, and pedestrian signals), as DOT is willing to accept that a lack of existing sidewalks on the eastern side of Freemans Bridge Road negates the need for pedestrian improvements for this project site at this time. Should pedestrian improvements begin to appear on the east side of Freemans Bridge Road in this area, NYSDOT will require the pedestrian improvements for this property, per the Site Access Plan (Page C-611) submitted with the revised site plan application.

Tony Stellato, CHA Associates, represented Brandywine Partners, LLC. T. Stellato said he first presented to the Commission in October 2016. He stated the application was conditionally approved based on them going back to work out access with DOT as they didn't have DOT approval back then. In the end, the new access configuration eliminated the southernmost driveway. Mr. Stellato said DOT agreed the second driveway was necessary for truck access to the site. Additionally, DOT added provisions, making a provision for a pedestrian signal due to the sidewalk shown on site plans. The issue of the sidewalks were discussed with DOT and it was suggested not to have sidewalks installed now, going north/south, when they are leading to nowhere and to only put in the conduits for the pedestrian signal. The question was raised would they be able to bank the sidewalks until future development. DOT agreed, but it required the deletion of the sidewalks from Phase I of the project and the applicant would need to reappear

before the PZC. It was determined the sidewalk would be built at a future time at either Phase II or have an escrow set up to be used when sidewalk installation takes place. The revised site plan shows the elimination of sidewalks, crosswalk and the pedestrian signal. There is a page within the site plan showing what it will be in the future. At this time, the applicant is asking to move ahead with the Verizon retail store without the sidewalks, etc.

M. Carr agreed an escrow could be put in place with a specified time frame for the completion of the sidewalks.

T. Stellato said he expects to come back to the PZC sometime in 2017, or early 2018 for the next phase.

M. Carr said that he is more comfortable putting a specific time frame for the completion of the sidewalks.

J. Gibney asked about the truck comment with relation to the western entrance.

T. Stellato said they want to be able to have a second means of egress for truck traffic. He indicated they want curb cuts in now for future use so that the frontage will be developed. The revised plan shows the final access plan to Freemans Bridge Road.

K. Semon inquired about the stockpile area and what will be stockpiled there. He also noted the area is fairly flat. What is their intention for snow storage/removal?

Stellato responded the stockpile area is just for construction purposes. The snow storage would be in the back wetland area. If there was too much snow it would be removed.

J. Lippmann noted they are leaving the existing pavement on the future development area. Is there a reason for this? Why are they not moving the pavement now and turning it into green space?

T. Stellato said the reason for leaving the pavement is for the purposes of redevelopment. If they make it green now they would lose their redevelopment credit relative to MS4 requirements.

J. Lippmann inquired about their time frame for redevelopment; will it take over 5 years?

T. Stellato replied no. The proposed building for Phase II is included as an impervious area for the Phase I calculations, meaning the stormwater system for Phase I covers full build out of the site. If development is delayed for Phase II they will be stuck with an oversized storm water system.

J. Lippmann said if it was going to be a long term then there would be issues with the aged asphalt. Due to the prominent site location it would not be aesthetic and not ideal.

M. Carr asked their time frame for future development.

T. Stellato responded there is no tenant at this time, but active discussions are taking place with possible tenants. His guess would be late summer.

MOTION

In the matter of the final site plan review application by Brandywine Partners, LLC for the construction of a 2,575 sq. ft. Verizon retail store located at 122 Freemans Bridge Road, 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 sidewalks to be eventually constructed are to be in accordance with NYSDOT and as presented on page C-611 of the site plan. The PZC is asking for a bond in the amount of construction, to be determined by the Town's Engineer. An estimate of sidewalk construction by T. Stellato may be submitted to the Town's Engineer for review. The PZC is also stating the sidewalk construction is to take place within 3 years. If the construction is not done within the stated time period, the applicant will need to reappear before the PZC to see what options are available at that time.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

Ayes: 5 **Noes:** 0 **Absent:** 1 **Abstention:** 1

Motion carried

Blackbird 1, LLC
211 Sacandaga Road

Zoning Map Amendment
Recommendation to the
Town Board

The applicant is proposing to rezone 7.23 acres from "General Business" to "Planned Development – Mixed Use" to allow the establishment of a 72-unit apartment project, consisting of nine buildings of eight units each and a 4,800 sq. ft. office/retail building. The office/retail building also includes four apartments on the second floor, bringing the total number of apartments proposed to 76. The corner of Sacandaga Road and Burch Parkway is being reserved for future commercial development; perhaps a convenience store/gas station. The property is located on the southwest corner of Sacandaga and Burch, and it includes the former Wayside Hardware business.

Luigi Palleschi, ABD Engineers, represented the applicant. He reviewed the old plan for the PZC. He stated they have met with the Town and the Town is looking to keep Sacandaga Road as a commercial corridor. The PZC wanted to see more retail up front along Sacandaga. In the meantime, his client now has an option on the two parcels that were not considered on the previous application. They have submitted a new application including the two new parcels hoping for a recommendation to the Town Board for the proposed PDD. To provide more retail space there was an increase in the retail building from 2,400 sq. ft. to 4,800 sq. ft. and they increased the upstairs apartments from 2 to 4. With the option of both additional properties that allows for a shift of the development further south on Sacandaga Road opening the corner of Sacandaga and Burch for future retail development. His client is willing to build the 4,800 sq. ft.

retail building on spec, and market it for a tenant. The property has been vacant for a long time and there's little demand for retail, but they are hoping the proposed apartment units in the back will help support the proposed retail, and also the current retail locations on Sacandaga Road. The overall site plan hasn't changed much from the first presentation. They feel there may be too many parking spaces for the use intended along with proposed garage spaces. The current plan shows 54% green space, which is above the required 35%, along with a larger common area.

M. Carr inquired if the 54% includes the vacant lots, and once you develop will you still be meet the required green space amount?

L. Palleschi responded yes even with development of the corner they will still have the required amount of green space.

M. Carr asked with the increased footprint for the retail what will be the ratio of residential to retail.

L. Palleschi said the ratio has been calculated on land area not on square footage and it will be approximately 70/30.

K. Semon said the intended use of the PDD is to have the commercial piece provide services to the residential piece of the PDD. What type of commercial services are they planning on that will service the PDD residents at this location?

L. Palleschi replied there is not a set tenant at the moment, but something similar to a coffee shop/bagel shop, laundry mat, or salon. His client is also looking at a retail chain for the corner area of the site.

K. Semon inquired about a convenience store. How do you envision the center portion of the site and what is the soil like for the storm water management area?

L. Palleschi said the center area will have a gazebo. The storm water management area has gravelly soils and is dry.

K. Semon noted the trees indicated on the site plan on either side of Burch Parkway are spruce, but the trees to the northside of Burch are red maples. He suggested that red maples should also be considered instead of spruce for symmetry purposes. He also inquired as to the plans to keep high school students from walking through the development.

L. Palleschi said they are keeping a vegetated area around the perimeter as a buffer from the high school, but are not planning on any type of fencing.

P. Ragucci asked if there was feedback either verbally or in writing from the Scotia-Glenville School District on possible transportation.

L. Palleschi indicated he was not aware of any, but if you were looking for some type of accommodation such as a small sidewalk, they would be willing to work with the board on that.

J. Lippmann said the site plan doesn't provide for sidewalks along Sacandaga Road and that might be something they would want to include for their project due to the proximity to the Scotia-Glenville High School, particularly if their retail tenant is something like a coffee shop where students/teachers would patronize. The sidewalks would be an asset and also needed.

L. Palleschi said they didn't think of sidewalks since this is still in the early planning stages. They could include a sidewalk between the school's northern property line and for the proposed retail building, and as the future development continues eventually to Burch Parkway.

J. Lippmann also inquired about the dry wells capacity being large enough to accommodate the roof runoff from the buildings. If not, how are you managing overflow?

L. Palleschi responded the storm water management system was designed to handle the excess water and the soil composition will assist in the storm water management of the site.

K. Semon doesn't see any area designated for site maintenance. How will site maintenance be taken care of, supervised and conducted?

L. Palleschi said a lot of the maintenance will be contracted out for lawn care and snow removal. One of the garage bays will be used for maintenance storage unless the client doesn't want to give up a garage bay in which a small shed could be installed for holding basic maintenance equipment.

MOTION

In the matter of the zoning map amendment application by Blackbird 1, LLC to be located at 211 Sacandaga Road for a PDD allowing the establishment of a 72-unit apartment project consisting of nine buildings of eight units each, and 4,800 sq. ft. office/retail building, the PZC recommends that the Town Board approve the application.

Reasons supporting the recommendation:

1. This is a better plan with the recent purchase of the two properties although the PZC would still like to see more emphasis on retail.
2. The PZC wants to see sidewalks constructed now in front of the planned retail building with the provision to include sidewalks up to the intersection of Burch Parkway when and if the corner "lot" is developed.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

Ayes: 5 **Noes:** 0 **Absent:** 1 **Abstentions:** 1

Motion carried

With no further business the meeting was adjourned at 7:42 PM

Submitted by:

Lynn Walkuski, Stenographer

Linda C. Neals, Town Clerk