

# PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

May 14, 2018

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

Also

Attending: A. Briscoe, Code Enforcement Officer, K. Corcoran, Town Planner,  
M. Cuevas, Town Attorney, J. Pangburn, Deputy Building Inspector,  
L. Walkuski, Stenographer

Absent:

Meeting called to order at 7:03 PM

**Motion** to approve the Agenda

**Moved by:** K. Semon

**Seconded by:** J. Gibney

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

Motion Approved

**Motion** to approve minutes from the April 9, 2018 meeting

**Moved by:** K. Semon

**Seconded by:** M. Tanner

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

Motion Approved

**Monolith Solar Associates  
29 Maple Avenue**

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

Monolith Solar is seeking to install a roof-mounted solar array on the four existing buildings that comprise the Scotia Lockup self-storage business on Maple Avenue. The solar panels would cover approximately 28,000 sq. ft. of roof area, with power produced by the array to be directed to the electric grid. The property is zoned General Business.

Bridget Cuddihy represented Monolith Solar. Ms. Cuddihy presented several copies of the stamped site plan to the Commission and indicated there have been no changes since their last appearance before the Commission.

The Commission had no concerns with the application.

Chairman Carr opened the floor for 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 Monolith Solar Associates for the installation of a roof-mounted solar array on the four existing buildings that comprise the Scotia Lockup self-storage business located at 29 Maple Avenue, 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 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.

**Motion**

**Moved by:** M. Carr

**Seconded by:** P. Ragucci

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

Motion Approved

**Dean Durst on behalf of Cindy McKenna**  
**730 Saratoga Road**

**Site Plan Review (Preliminary  
and Final Combined)  
Public Hearing**

This proposal calls for an already existing seasonal and portable outdoor retail operation for the sale of flowers, vegetables, bedding plants, mums, pumpkins, etc. The project consists of seven seasonal greenhouses on the north side of the Country Acres/Garden Time property. The property is zoned Community Business.

Dean Durst was present for Cindy McKenna. Chairman Carr stated the town did not receive the county referral back from Schenectady County and, as a result, this will be a preliminary site plan review only.

D. Durst said the business located next to Country Acres has been in operation for about 11 years. The business has been scaled back as it no longer sells Christmas trees or wreaths. The application is for a revision of the site plan as the zoning doesn't address temporary structures. The site plan shows appropriate setbacks from the property lines. The business is opened from May 1<sup>st</sup> to the end of October. At the end of the season, the greenhouses are removed from the property.

M. Carr asked if there is any application of fertilizers or chemicals to the plants.

D. Durst replied there are no chemicals used. There is a liquid feed similar to Miracle-Gro. No pesticides are applied.

M. Carr inquired about the type of ground surface area. What is there? Is there a storm water collection system? There is a concern for any run-off that has phosphorous/fertilizer material in it that will make it to the wetland area located to the rear of the property.

D. Durst stated the parking lot area is asphalt and off to the side is filter fabric and stone over sand. There is no storm water collection system on site. D. Durst replied that he doubts any material would get to the wetland area due to the distance between the wetland area and where the actual watering of the plants takes place.

K. Semon asked if the filter fabric is in good repair.

D. Durst responded that it is brand new fabric and stone. There is minimal migration of the water.

M. Carr asked about the business' sign.

D. Durst replied the sign is portable. It is approximately a 4' x 8' sign with movable letters and was relocated out of the right-of-way area.

M. Carr indicated the parking is not really defined and there needs to be designated parking. He also asked the applicant to explain traffic circulation at the business.

D. Durst said there is one row of parking between the greenhouses and the retail area. There is additional parking in front of Country Acres and adjacent to Route 50. Typically, customers pull in from the left and pull out to the right.

M. Carr asked if the parking spaces were defined.

D. Durst replied the spaces are defined and striped.

A short conversation took place regarding the greenhouses which are actually portable plant shelters.

K. Semon asked if there have been any incidents with pedestrians and traffic.

D. Durst said there have been no issues with pedestrians and traffic.

K. Semon asked about the use of the metal building to the rear and what is stored behind the building.

D. Durst said that location is used only for storage of additional plants.

M. Carr asked if there are any special conditions about portable signs.

M. Cuevas replied portable signs must comply with the regular sign ordinance i.e. the sign cannot be in the right-of-way, it cannot be illuminated, it cannot distract traffic, it cannot have flashing messages, etc. Its measurements cannot exceed 20 sq. ft.

## MOTION

In the matter of the preliminary and final site plan review application by Cindy McKenna for an existing seasonal and portable outdoor retail operation of the sale of flowers, vegetables, bedding plants, mums, pumpkins, etc. located at 730 Saratoga Road, the Planning and Zoning Commission finds that this application will not result in a significant potential adverse environmental impact. Consequently, the Planning and Zoning Commission hereby issues a negative declaration.

### **Motion**

**Moved by:** M. Carr

**Seconded by:** P. Ragucci

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

Motion Approved

## MOTION

In the matter of the preliminary site plan review application by Cindy McKenna for an existing seasonal and portable outdoor retail operation of the sale of flowers, vegetables, bedding plants, mums, pumpkins, etc. located at 730 Saratoga Road, the PZC hereby conditionally approves the application.

Conditions of the preliminary approval are as follows:

1. The applicant should minimize the use of harsh chemicals to prevent a negative impact on the environment.
2. The applicant will confirm the size of the portable sign and make sure the portable sign conforms to the town's code for signs.
3. The applicant is to provide safe traffic circulation to prevent issues between pedestrians and traffic.

The Commission hereby schedules a public hearing for 6/11/18 to consider the final site plan review application for this project. However, in order for the Commission to schedule a public hearing for 6/11/18, 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.

### **Motion**

**Moved by:** M. Carr

**Seconded by:** P. Ragucci

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

Motion Approved

### **ICF Panels**

**Building 202, Glenville Business & Technology Park  
Northeast Corner of Avenue A and 3rd Street**

### **Site Plan Review**

**(Preliminary and Final Combined)  
Public Hearing**

The applicant is seeking site plan approval for continued occupation of 24,700 sq. ft. of floor space at the western end of Building 202 within the Business & Tech Park. ICF Panels conducts light assembly of insulated concrete forms and construction materials. No changes to the building footprint or property

will occur. The proposal also shows an expansion area of approximately 74,000 sq. ft. within the building. The property is zoned Research/Development/Technology.

David Ahl, Galesi Group, and Allen VanAlstyne, Operations Manager ICF Panels, were present.

D. Ahl indicated that ICF Panels will be located in the western portion of Bldg. 202 occupying about 24,000 sq. ft. ICF is currently in the building setting up operations however, Galesi received notification that a site plan review was needed. There will be no modifications to the building, existing parking, existing drive-in doors, or existing dock doors.

A. VanAlstyne, ICF Panels, said the company assembles insulated concrete forms which are shipped out for use in mid to high-rise buildings.

M. Carr asked if there are any chemicals, gasoline or petroleum products used or stored on the property.

A. VanAlstyne responded no chemicals are stored or used. There is a glue stored, approximately 45 cases or half a pallet, that is not flammable. They have a diesel forklift which is refilled with a 5-gallon fuel tank.

K. Semon asked if the adhesive was in liquid form.

A. VanAlstyne replied the adhesive's consistency is like a thick toothpaste.

M. Carr stated it seems there is an issue with the sanitary facilities where an individual will need to cross one building to get to the facilities. How many employees does ICF employ and how will they be impacted?

D. Ahl stated there is a common area in the lease so if another tenant occupies the space, then it will become a common space. The belief is that ICF will take the entire space, however if another tenant does come in, then bathrooms will be built.

A further discussion took place with regard to the location of the bathrooms. There are separate facilities for men and women. The bathrooms will need to meet the ADA requirements. In addition, parking will also need to be ADA compliant.

K. Semon asked what is the real situation with parking? The site plan indicates something different from what can be seen on Google Earth.

D. Ahl replied currently there are 15 identified spaces that need to be cleaned up and striped. There is additional parking available.

M. Carr asked how long they had been in operation before the applicant realized he needed to have a site plan review done.

A. VanAlstyne said he had been there approximately two months.

## MOTION

In the matter of the preliminary and final site plan review by ICF Panels for a site plan approval for the continued occupation of a 24,700 sq. ft. of floor space at the western end of Bldg. 202 within the Business & Tech Park on the northeast corner of Avenue A and 3<sup>rd</sup> Street, the PZC finds that this application will not result in a significant potential adverse environmental impact. Consequently, the PZC hereby issues a negative declaration.

### **Motion**

**Moved by:** M. Carr

**Seconded by:** K. Semon

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

Motion Approved

## MOTION

In the matter of the preliminary site plan review application by ICF Panels for a site plan approval for the continued occupation of a 24,700 sq. ft. of floor space at the western end of Bldg. 202 within the Business & Tech Park on the northeast corner of Avenue A and 3<sup>rd</sup> Street, the PZC hereby conditionally approves the application.

Conditions of the preliminary approval are as follows:

1. The sanitary facilities must meet ADA requirements.
2. There must be sufficient parking for employees appropriately striped and the parking must also meet ADA requirements.
3. The applicant stated the glue used in production is non-flammable.

### **Motion**

**Moved by:** M. Tanner

**Seconded by:** J. Gibney

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

Motion Approved

At this time Chairman 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 ICF Panels for a site plan approval for the continued occupation of a 24,700 sq. ft. of floor space at the western end of Bldg. 202 within the Business & Tech Park on the northeast corner of Avenue A and 3<sup>rd</sup> Street, 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 sanitary facilities must meet ADA requirements.
2. There must be sufficient parking for employees appropriately striped and the parking must also meet ADA requirements.
3. The applicant stated the glue used in production is non-flammable.



**Motion****Moved by:** M. Carr**Seconded by:** J. Gibney**Ayes:** 6 **Noes:** 0 **Absent:** 0

Motion Approved

**Dr. Caleb George, DDS**  
**163 Lakehill Road****Use Variance -**  
**Recommendation to the**  
**Zoning Board of Appeals**

The landowner is seeking approval for re-establishment of a dental practice in a building that was formerly used as a dentist office. The building/property has lost its nonconforming status due to it having been vacant for more than a year, so a use variance is now required. The property is located on the south side of Lakehill Drive, approximately 300 feet east of the northern property line of the Richard O'Rourke Middle School. The property is zoned Suburban Residential.

Kurt Bedore, KB Engineering, and Dr. Caleb George were present.

K. Bedore said the office was closed in February 2017. The grandfathered use of the property (dentist office in Suburban Residential zone) has lapsed. The applicant will be petitioning the ZBA for the renewal of a use variance. There is a prospective buyer who is also a dentist. The applicant is appearing tonight in hopes of receiving a recommendation from the PZC to the ZBA for a use variance.

M. Carr stated the Commission doesn't have any issues with this application.

**MOTION**

In the matter of the use variance by Dr. Caleb George, DDS at 163 Lake Hill Road, the Planning and Zoning Commission recommends that the Zoning Board of Appeals approve the use variance.

The Commission's findings in support of our recommendation are as follows:

1. The establishment/operation of the use variance will not be detrimental to or endanger the public health, safety, or general welfare of the community.
2. The issuance of the use variance will not compromise the use and enjoyment of other property in the immediate vicinity, nor will it substantially diminish or impair property values within the neighborhood.
3. Approval of the use variance will not hinder the normal and orderly development and improvement of surrounding properties.
4. Issuance of the variance does provide adequate utilities, access roads, drainage, and other necessary facilities.
5. The project for which the variance is being sought does provide adequate measures for ingress and egress to the site, in such a manner as to minimize traffic congestion in the public streets.
6. The project for which the variance is being sought does, in all other respects, conform to the applicable rules, regulations, and ordinances of the Town, as well as the Town of Glenville Comprehensive Plan.

**Motion****Moved by:** M. Carr**Seconded by:** P. Ragucci**Ayes:** 6 **Noes:** 0 **Absent:** 0

Motion Approved

**Town of Glenville  
415 and 421 Sacandaga Road****Zoning Map Amendment -  
Recommendation to the  
Town Board**

The Town of Glenville is proposing to change the zoning of 415 and 421 Sacandaga Road from “General Business” to “Research/Development/Technology” as the Town works with a would-be tenant to occupy about 9,000 sq. ft. of vacant space in one of the buildings on these properties. A total of 4.5 acres is being considered for rezoning. The two properties are generally considered the Buhrmaster Oil Company site, which is located on the west side of Sacandaga Road, just north of the railroad tracks, and about 500 feet north of Burch Parkway. These two properties had historically been zoned “Industrial,” until Glenville undertook a town wide rezoning in 2001. The rezoning would bring the uses of these properties back into zoning compliance.

Kevin Corcoran, Town Planner, represented the Town.

The property is under consideration by a new tenant which may or may not happen. The timeline for the tenant finding a new business location is condensed, however. The Supervisor wants to move forward on the rezoning piece, with a site plan review application to follow if the company does end up choosing the Glenville site. Without the zoning change, the company cannot consider this property.

K. Corcoran noted that the question of SEQRA segmentation could come up as an area of possible concern because of breaking the environmental review of this project up into two phases; rezoning and site plan review application. SEQRA segmentation is permissible in certain instances, however. Two areas where it is allowed is when the 2<sup>nd</sup> phase (the site plan review application in this case) may not occur, or if the second phase is too speculative. Both of these conditions can be reasonably argued in this case since the business may not locate at the Sacandaga Road site.

M. Carr asked if there are certain uses that are allowed in General Business (GB) that are not allowed in Research/Development/Technology (RDT). What about the land use intensity when changing the zoning?

K. Corcoran said the R/D/T district allows more intensive land uses than the GB district. The R/D/T district is more of a light industrial/warehouse/distribution district, while the GB district is more commercial and retail in nature. The current retail oil and distribution business that occupies both properties under consideration for rezoning has been in existence for 80+ years. The prospective tenant would not be increasing the land use intensity of the two properties.

M. Cuevas said K. Corcoran has stated the concerns about possible SEQRA segmentation. If the zoning change component and the pending site plan review application were connected, then it would be clear

that the review shouldn't be broken into two parts. However, not being certain if this business is going to relocate to the Sacandaga Road site, there may be reason to do the SEQR review separately for both the zoning change component and the site plan review component.

A discussion took place regarding whether there will be any environmental remediation since the site has been part of the Buhrmaster Oil business. It was questioned whether the Buhrmaster's were selling this parcel and the Commission was informed that this would be a lease arrangement. Both businesses would be operating simultaneously. The reason that both properties are being considered for rezoning is that the building under consideration for the new business is split by the lot line. Also, it is unclear which part of the building the would-be tenant may occupy, and whether their business would be split by the lot line. Rezoning both properties to R/D/T would allow more flexibility, and it makes sense since the oil company, an industrial use, already occupies both properties.

M. Carr asked what can be allowed in R/D/T zoning that is not allowed in GB.

K. Corcoran responded manufacturing-type uses, warehousing and distribution.

J. Lippmann asked what is on the property located to the north and what is it zoned? In response, K. Corcoran said that this property is owned by Scotia Sand and Stone, and it is a gravel mining operation.

Another discussion took place with regard to the zoning for the Buhrmaster facility located to the north. Concerns were stated that the zoning changes would create a "R/D/T pocket". K. Corcoran responded that the properties immediately to the south and southwest, across the railroad tracks, are zoned R/D/T, and they're occupied by Brown Transportation Company and the Glenville Business & Technology Park. Consequently, there is no need for concern about "spot zoning" if this rezoning application were to be approved by the Glenville Town Board.

Additional clarification was made with regard to the SEQRA process. If a known entity is going in then the SEQRA process for the zoning change and site plan review applications should be done as one. If there is uncertainty about a particular business or tenant occupying a property following rezoning, then the SEQRA process can be done for the zoning change element and again for the site plan review application, if the site plan review application materializes.

## MOTION

In the matter of the zoning map amendment application by the Town of Glenville, for the parcels located at 415 - 421 Sacandaga Road, to change the zoning of these parcels from General Business to Research/Development/Technology, the PZC recommends that the Town Board approve the zoning map amendment.

### **Motion**

**Moved by:** M. Carr

**Seconded by:** J. Gibney

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

Motion Approved

With no further business the meeting was adjourned at 7:57 P.M.

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Lynn Walkuski  
Stenographer

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Linda Neals  
Town Clerk