

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

September 9, 2019

Present: M. Carr, Chairman, N. Brower Dobiesz, J. Lippmann, P. Ragucci
K. Semon, M. Tanner

Also

Attending: M. Cherubino, Dir. of Community Dev., A. Briscoe, Code Enforcement Officer,
M. Cuevas, Town Attorney, L. Walkuski, Stenographer

Absent: J. Gibney

Meeting called to order at 7:02 P.M.

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 August 12, 2019 meeting

Moved by: K. Semon

Seconded by: N. Brower Dobiesz

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

Motion Approved

**Benderson Development Company, LLC
262 Saratoga Road (NYS Route 50)**

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

Benderson Development is seeking to locate two new tenants (Chase and Starbucks) into the 5,000 sq. ft. +/- space in Hannaford Plaza presently occupied by Hallmark. Chase would occupy 3,000 +/- sq. ft., while Starbucks would occupy 2,000 +/- sq. ft. Hallmark will relocate into the main shopping center building, adjacent to Hannaford. The Hannaford Plaza property is zoned "General Business," and "Town Center Overlay District."

James Boglioli, Benderson Development, was present.

J. Boglioli gave a quick overview of the proposed development. He stated the Commission is familiar with this shopping center. Benderson Development owns three properties, Applebee's, the shopping center and Valvoline. For the purpose of this application they are considering Applebee's and the shopping center as one parcel as per the 2014 Applebee's approval. The deed was filed with Schenectady County consolidating those lots into one property. It has been brought to his attention there is a concern the lot line was not removed. If that is the case, he will take a conditional approval tonight to include the consolidation of the parcels takes place.

When the parking counts were done in November 2018, Applebee's was 6,400 sq. ft., the outparcel was 4, 971 sq. ft. and the overall shopping center was 91, 062 sq. ft. totaling 102, 433 sq. ft. In May, the area was reduced by 824 sq. ft. with the removal of a shed that was located behind the Five Guys restaurant reducing the total sq. ft. to 101,609 sq. ft.

They will be adding a 34 sq. ft. bump out to the Hallmark building allowing Starbuck's a drive-thru. Starbuck's will be occupying 2,005 sq. ft. and Chase will have 3,000 sq. ft. A drive-thru lane will be added around the building in the space currently used for loading trucks. J. Boglioli mentioned the drive-thru stacks 13 cars which is more than double peak time stacking (5 cars) based on another Starbuck's project (Cheektowaga, NY) study.

Additional green space will be provided where there is currently asphalt in front of the building. The driveway is 12 feet wide; the applicant provided a truck turning plan, as requested by the County, showing a Ford F150 could get through the drive-thru. Currently, no stop bar exists and one will be added.

A new patio is being added to Starbuck's with the same type of railing and bollards that was approved for the Five Guys project.

K. Semon asked if the patio is the same footprint as the concrete that is currently there.

J. Boglioli stated the footprint is the same. He addressed the building elevations and said they are reusing the building elevation and proposing to add two parapet towers.

It is proposed to add the Chase ATM along Glenridge Road. The driveway for the ATM is 10 feet wide and a truck turning plan, as requested by the County, was submitted indicating a Ford F150 would be able to use the ATM without any issues. A stop bar will be added at the end so traffic will stop before

entering the roadway. The ATM elevation plans were provided which are two brick piers spanning the drive aisle with the ATM located on the driver's side. All lighting is recessed under the ATM hood and is downward shielded. A photometric plan has also been included, also requested by the County and Town, showing there is no glare or spillage on adjoining properties.

There is no change to pedestrian traffic circulation throughout the entire site. All the drive aisles remain the same, with access to all the areas remaining unchanged. The parking was calculated based on the 101, 609 sq. ft. They are required to have 407 parking spaces but obtained a parking variance for 400 spaces. ADA parking spaces are provided to meet the code requirement in front of Hannaford, but they would be willing to relocate two of those spaces in front of proposed project. The ZBA also granted the conditional use permit for Starbuck's.

Schenectady County asked for the following information which the applicant has provided:

- Truck turning diagrams for both drive-thrus
- Elevations for the ATM and building
- Photometric plan
- Parking chart – included on the site plan
- ADA parking spaces needed to be shown

The Glenville ZBA requested the following to be shown:

- Snow storage area
- Fixing a catch basin

K. Semon said he would like to see two ADA parking spaces closer to the new project.

J. Boglioli agreed to move the two ADA parking spaces.

M. Carr inquired about the signage for the new businesses.

J. Boglioli replied the signage will comply with the requirements for town center just as the Five Guys project did. A separate permit will be obtained for each business.

M. Carr asked about the bollards; are they traffic rated and are they going to fully surround the pedestrian area?

J. Boglioli stated they are traffic related and will wrap the entire pedestrian area on both sides of the sidewalk.

M. Carr next asked if there are any plans for crosswalk designations i.e. striping.

J. Boglioli said there was a crosswalk added with striping across the drive-thru. The current crosswalks have not changed.

J. Lippmann suggested that if the two ADA parking spaces are being relocated to the new project area that a crosswalk be added.

J. Boglioli agreed to add a crosswalk with the relocation of the ADA parking spaces.

M. Carr asked for clarification on the traffic signage exiting the ATM.

J. Boglioli responded a stop sign and stop bar will be provided. A second stop bar will be added before entering traffic giving the right of way to traffic coming in from Glenridge Road.

A discussion took place regarding the left hand turn out from the proposed ATM area. It is assumed there will be an increase in traffic in that area and there are concerns of crossing exiting traffic from the shopping center and incoming traffic from Glenridge Road. It was suggested to possibly install a “no left turn” sign or speed table. Either would be acceptable to the applicant.

A discussion took place regarding the traffic flow for the ATM.

M. Carr also asked for clarification on the square footage.

J. Boglioli stated the site plan submitted agrees with all engineering plans and studies that were done. He reviewed the numbers again for the Commission.

M. Carr inquired about truck deliveries.

J. Boglioli replied the trucks for Starbuck’s will deliver in the evenings and after hours. The trucks will park parallel to the building and load through the front door. They will be large box-sized trucks delivering three times a week. The Brinks trucks come as needed and they will also load in front.

M. Carr asked if the grease trap design is being worked on.

J. Boglioli stated he believes it is done and on the plans.

K. Semon asked about the rear doors to the building.

J. Boglioli said the doors lead to the basement but does not lead to the tenant space. The doors will not be utilized and will be locked.

A discussion took place regarding how many parcels are involved in this project.

At this time Chairman Carr opened the public hearing.

Donald Zee, representing Trustco Bank, said there are several issues he wanted to bring to the Commission’s attention.

- He is in agreement that the engineer’s report shows 400 parking spaces, however, the 400 spaces includes two things which are not reflected. The rear 7 parking spaces are not on the parcel which is subject to the application thus reducing the spaces to 393. The site plan also does not reflect there are 5 cart corrals, taking up parking spaces thus reducing the number to 388. The parking variance was granted for 400 parking spaces. He believes the applicant must go back to the ZBA to obtain a further reduction in parking spaces.

- He showed the Commission the 2019 Assessment Roll which shows there are three parcels indicating the Applebee's parcel was not merged with the shopping center parcel. He disagrees with the applicant's calculations based on the Assessor's numbers resulting in an excess of coverage.
- He also believes based on the definition of a structure, from town code, that the bollards at Five Guys and those proposed for Starbuck's plus the ATM are to be considered structures thus they need to be added to the square footage.

At this point, M. Carr asked if Mr. Zee considered a bollard a structure.

D. Zee replied yes and read the following from the Town Code definition of structure:

"That which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires more or less permanent location on the ground, or which is attached to something having permanent location on the ground."

He also believes the cart corrals should be included in the calculations as well. He thinks the applicant should submit an engineer's certification that the total square footage of the site including all those elements he mentioned.

- According to the Town Center Overlay, the zone requests not only pedestrian access, it also indicates bike racks and benches should be included, which are not on the site plan. He believes they would also be considered structures.
- He also stated pedestrians (from Glenridge Road) are being precluded from using the ATM. He sees no pedestrian access to the ATM.

J. Lippmann asked the applicant if an ATM was available inside the bank branch.

J. Boglioli responded there is a 24-hour ATM inside the building with pedestrian access.

D. Zee continued with the following:

- He believes sidewalks should be considered on the western side of Glenridge Road due to the proximity of the ATM.
- For pedestrians leaving the Chase bank and wanting to go to Hannaford they will need to leave the sidewalk because the patio and bollards will restrict their access. He believes that both Starbuck's and Chase get more pedestrian traffic than the Hallmark store. He also believes more protection is needed for the pedestrian traffic.

K. Semon asked if the pedestrian traffic will be different going from Hallmark to Hannaford today compared to going from Chase to Hannaford in the future.

D. Zee stated it will be different because the patio which is enclosed with the bollards and secondly the drive thru window with the traffic leaving the site.

M. Carr stated the applicant is adding a crosswalk designation in that area which currently doesn't exist.

M. Tanner asked what is the point that is trying to be made.

D. Zee said he believes it is a potentially dangerous situation.

N. Brower Dobiesz asked the applicant if the patio is going to be enclosed with a railing on each side.

J. Boglioli replied that it will be enclosed.

A discussion took place about pedestrian traffic in the parking lot, comparable situations in other shopping centers, and how that situation has been handled.

With no other comments from the floor, the public hearing was closed.

K. Semon asked M. Cuevas about structures under the overhangs of buildings and what is counted as square footage.

M. Cuevas stated in a restaurant situation an enclosed patio would count as square footage for occupancy to help determine number of restrooms, etc.

K. Semon then asked as the Hallmark building stands now, the front concrete area is not included in square footage, but if it were to be utilized for services of a restaurant then it would need to be included?

M. Cuevas said it depends on the purpose of the area. Tax assessment purposes go by a different standard when it is not fully enclosed so it's not considered square footage of the structure for tax assessment purposes. Here we are dealing with a different definition in the code and that's an extremely inclusive definition.

M. Cuevas said if the bollards are connected and are meant to be permanent then they would be considered structures.

A discussion took place regarding whether the variance obtained by the applicant was proper based on the calculations presented by D. Zee. Additional discussion on the coverage of the parcel took place and whether it is being grandfathered.

M. Cuevas said the ATM, the bollards and the bump-out cannot be considered grandfathered.

M. Carr said they are in agreement that there will be new structures, but did ask the applicant to please address the parking spaces again, the cart corrals, the deed, the square footage calculations, the bollards, bike rack and benches and pedestrian safety.

J. Boglioli reiterated he has a civil site plan stamped by an engineer certifying the square footage and calculation for the parking. The parking spaces are on site. The cart corrals were not included as they are temporary and could be moved if need be. In his conversations with the town Building Department, they have not interpreted those items (bollards, ATMs) as structures and the Building Inspector gets to issue an interpretation. If you start including every bollard, fence post, etc. you will be adding square footage to every project in town. Traditionally in Glenville, the town has not calculated bollards, fence

posts, or anything else as structures. Those structures don't generate parking, if the issue is parking calculations. Most building codes consider the square footage inside the walls of the building for parking. Which is what is presented on their plans.

J. Lippmann also stated that in her experience in calculating parking, the square footage inside the walls is what is used. However, if you are looking at green space or storm water management, then you take into account the other structures (bollards, ATM, bike racks, etc.). Coverage issue is different.

A discussion took place on green space. The applicant is actually increasing the green space.

J. Lippmann asked if a bike rack could be installed.

A discussion took place where a bike rack could be located.

M. Carr asked A. Briscoe what is the Building Department's interpretation for structures.

A. Briscoe replied they don't count bollards as structures. They only consider the square footage between the walls for parking.

A discussion took place about the sidewalk dead-ending into the fence. A solution was to have a gate installed that would be opened during business hours.

A discussion took place for landscaping between Glenridge Road and the proposed ATM. Green ground cover was decided to be appropriate.

D. Zee again asked the Commission to reconsider the definition of coverage. He read the following – *"That percentage of the land area covered by the combined footprint, of all buildings and structures, on that portion of the lot within the same zoning district as the main building."*

D. Zee also said that Ms. Lippmann had talked about things that create additional parking needs by way of structure. Town counsel indicated that when you add outdoor seating you would have the additional parking need. The tables and chairs that would be added for Starbuck's is not included in the parking calculation. He also said there is a discrepancy with the square footage that has been submitted by the applicant's engineers.

Another discussion took place about the calculations for parking.

Another discussion took place regarding the occupancy rate for a restaurant taking into consideration the outdoor seating area.

J. Boglioli stated that the parcel has a shopping center designation which does not count restaurant seating. When do you the calculations you take the square footage inside the walls and divide by 250 sq. ft. (parking space size) and that gives you the number of required parking spaces.

J. Lippmann stated that the applicant is not proposing a change in coverage which is why the PZC hasn't had a concern in not necessarily meeting the Town Center Overlay District guidelines.

A discussion took place regarding the coverage of the parcel.

At this time, K. Semon asked that Donald Zee's memo be entered along with the minutes. (See attached)

MOTION

In the matter of the final site plan review application by Benderson Development Company, LLC for locating two tenants (Chase and Starbucks) into the 5,000 sq. ft. space in Hannaford Plaza presently occupied by Hallmark located at 262 Hannaford Road, the Planning and Zoning Commission 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 including bike racks.
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 has agreed and will relocate two ADA parking spaces closer to the proposed Chase and Starbucks.
2. The applicant will add the crosswalk designation and will add a stop bar and stop sign at the ATM exit.
3. The applicant will add a bike rack in a suitable location as part of this application.
4. The applicant will add a gate for sidewalk and ADA access from the seating area out to the proposed crosswalk for patrons leaving the Starbucks drive thru.
5. The applicant will add salt resistant green ground cover in the area and along Glenridge Road in the vicinity of the proposed ATM.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

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

Motion Approved

718 K&E LLC

Revised Site Plan

718 and 720 Saratoga Road

This proposal calls for construction of a 7,207 sq. ft. single story, commercial building on two 1.02 +/- acre vacant parcels south of Pizza Works. Pizza Works would occupy 4,877 sq. ft. of the new building. The remaining 2,330 sq. ft. will be marketed for office or retail use. Changes to the stormwater management facilities necessitate revised site plan approval. The property is located on the east side of Saratoga Road (NYS Route 50), approximately 700 feet north of Kingsbury Road. The site is zoned "Community Business".

K. Bedore, KB Engineering, represented the applicant.

K. Bedore said they are here to present the changes to the originally approved site plans. There was a change to the offsite drainage going through the Brenner property. They needed to find an alternative path. They are presenting a progress plan including offsite drainage areas and the project is still under the 1-acre threshold thus not triggering a full SWPPP.

N. Brower Dobiesz asked how much disturbance is onsite and how much is offsite.

K. Bedore replied onsite is .893 acres and .116 acres offsite. He showed the Commission where they have pulled back on the plans from the approved plans.

A discussion took place regarding the drainage plan. Part of the plan is to upgrade all the culverts on Kingsbury Road to the stream. Current open channels will not be enclosed. He indicates that the project will improve the drainage along Kingsbury Road. As it stands now, several adjoining properties do have ponding issues and this project will help alleviate that. There will not be any roof runoff collection.

M. Carr asked if the easements and TP-584 documents have been obtained.

K. Bedore replied that the easements were submitted along with TP-584 documents. Their lawyer is filing the TP-584s. He spoke with Dave Gasper, DEC, about the drainage and if the offsite drainage will be administered/responsibility of the applicant then it needs to be included in the calculations of disturbance.

M. Carr asked M. Cuevas procedurally how should the Commission handle the application.

M. Cuevas replied with the changes being presented tonight there are potential environmental impacts so SEQRA would need to be done again.

MOTION

In the matter of the revised site plan by 718 K&E LLC, for the construction of a 7,207 sq. ft. single story, commercial building on the two vacant parcels south of Pizza Works, located at 718/720 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:** 1

Motion Approved

A discussion took place about the process combining preliminary and final approval tonight. Since a public hearing was not advertised for this evening's meeting, final and public hearing will be scheduled for the October PZC meeting.

MOTION

In the matter of the preliminary site plan review application by 718 K&E LLC for the construction of a 7,207 sq. ft. single story, commercial building on the two vacant parcels south of Pizza Works, located at 718/720 Saratoga Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The final TDE report needs to be submitted to the town.
2. Final review by town staff of the recently submitted plans.

The Commission hereby schedules a public hearing for October 21, 2019 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for October 21, 2019, 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 date.

Motion

Moved by: M. Carr

Seconded by: K. Semon

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

Motion Approved

Storage Overlay District

**Recommendation to the Town
Board for Zoning Text
Amendment**

Property owners within the General Business (GB) and Highway Center (HC) zoning districts will have two additional potential uses: automobile storage and self-storage units. The proposed Storage Overlay District creates a floating district that requires Town Board approval of a zoning and map amendment as well as Planning and Zoning Commission (PZC) site plan approval.

The Commission members asked if a map could be provided so they have a better understanding as to where this overlay district will be placed.

M. Cuevas mentioned that an auto dealership has had difficulty in finding space for storage of vehicles in some close proximity to the dealership property. The current zoning for the parcels surrounding the dealership does not allow for just the storage of vehicles separate from the automobile dealership main property. He is not sure how self-storage was included as this came from the Code Review Committee. M. Cuevas also said that a third use was to be included which was a tow storage.

A discussion took place about the zoning and the processes that would take place with regard to the Planning and Zoning Commission i.e. approvals, recommendations, etc.

A discussion took place about the differences between a floating overlay district vs a conditional use permit.

A discussion took place regarding self-storage.

MOTION

In the matter of the recommendation to the Town Board of a zoning text amendment for a Storage Overlay District by the Town of Glenville, the Planning and Zoning Commission recommends that the Town Board approve the application.

Additional Comments/Recommendations: The Planning and Zoning Commission recommends that the Town Board tighten up the language for the definition of a structure as it is presently written and the PZC also recommends that the Town Board make sure the specifications listed meet or exceed existing law.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

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

Motion Approved

Freemans Bridge Road Corridor District

Recommendation to the Town Board for Zoning Text and Map Amendment

The purpose of the Freemans Bridge Road Corridor District, as noted in the Freemans Bridge Road Complete Streets Concept Plan, will be a destination gateway to Glenville, safely connecting the riverfront to Thomas Corners and the Town Center while providing accommodations for all users including pedestrians, bicyclists, and vehicles. Economic development will be encouraged through mixed use, research and technology, retail, and office development.

M. Cherubino said this is a zoning code change where the PZC needs to make a recommendation to the Town Board.

A discussion took place as to whether this is an overlay district or formal district.

MOTION

In the matter of the recommendation to the Town Board of a zoning text and map amendment for the Freemans Bridge Road Corridor District, the Planning and Zoning Commission recommends that the Town Board approve the application.

Additional Comments/Recommendations: The Planning and Zoning Commission would like clarification as to whether this is an overlay or formal district. The PZC is recommending that it should be an overlay district due to the various types of zoning that would fall under this district. J. Lippmann and N. Brower Dobiesz (both who worked on the Comprehensive Plan) stated that they would like to see this as an overlay district.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

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

Motion Approved

With no further business the meeting was adjourned at 8:55 P.M.

Lynn Walkuski
Stenographer

Linda Neals
Town Clerk

From: Donald Zee PC <DonaldZeePC@msn.com>
Sent: Monday, September 9, 2019 12:17 PM
To: mcarr@townofglenville.org; Melissa Cherubino <mcherubino@townofglenville.org>
Subject: 262 Saratoga Road, Glenville

TO: Michael Carr, Chairman & Melissa Cherubino, Town Planner
FROM Don Zee

The application before this Commission is for a parcel located in the Town Center Overlay District (§270-133).

Please be advised that we have concerns that the proposed plans fail to meet the criteria set forth in the Overlay District's objectives, more specifically:

- 1) §270-133(B) 3. The pedestrian environment in the Town Center is essential for developing the sense of community designed by the Town. Amenities shall be provided to promote pedestrian usage.
- 2) §270-133(B) 4. Vehicular circulation and parking should be accommodated without impacting the pedestrian experience. Adequate measures shall be provided to reduce vehicular/pedestrian circulation conflicts.

And;

- 3) §270-133(H)(1) to (3c). H. Pedestrians and streetscape amenities.
- 1) Purpose. The purpose of these standards is to promote the pedestrian environment in the Town Center Overlay District through the provision of appropriate amenities.
- 2) Applicability. The standards in this section are applicable to all actions proposed within the Town Center Overlay District that are subject to site plan review as specified in Article XVI. In addition to the materials regularly submitted for site plan review, the items discussed in Subsection H(3) below shall also be addressed.
- 3) Minimum performance criteria. The following minimum performance criteria shall be utilized for site designs within the Town Center Overlay District. The Planning and Zoning Commission is authorized to consider variations in the criteria to allow for flexible design concept.
 - (a) Sidewalks, Sidewalks are to be constructed and located pursuant to Chapter 221, Sidewalks.
 - (b) Lighting.
 - [1] Architectural/pedestrian-scaled lighting should enhance the Town Center Overlay District concept without introducing glare on, off or above the site.
 - [2] Architectural/pedestrian-scaled lighting shall consist of the Sternberg Vintage Lighting 1910 acorn light with an eighteen-foot standard black paint Lincoln pole and a one-hundred-seventy-five-watt maximum metal halide lightbulb. Night sky optics shall also be attached to the light fixture so as to project light down onto the parking lot, sidewalk, or landscaped area. While Stern berg is the preferred manufacturer, the Town may accept an equivalent light fixture manufacturer/supplier, but all of the above specifications relative to style, height, color, bulb and maximum wattage must be met.
 - (c) Amenities. Amenities shall be required and included on the landscape plan to be reviewed by the Planning and Zoning Commission as part of site plan review. The plan shall include, but not

be limited to, benches, bike racks, trash receptacles and recyclable materials receptacles. These amenities shall meet the type and specification requirements of the Glenville Town Center Master Plan. Prior to adoptions of that plan, benches and garbage cans shall be Victor Stanley or equal. These amenities are to be illustrated on the landowner's portion of the site plan and will be privately owned and maintained.

Nowhere on the site plan do we find "benches; bike racks." Under §270-133 "these amenities are to be illustrated on the landowner's portion of the site plan..."

The applicant's plan calls for a patio in front of the proposed Starbucks, however, the layout for the patio is not shown on the plan. The plan should show the location of the "bollards" which are to protect the pedestrians from vehicles, as well as, the number of tables and chairs to be located on the patio.

Even though, this application does not deal with the previously approved Five Guys Restaurant, the site plan should include the location of the bollards and patio for that restaurant as well.

Given the emphasis of the pedestrian environment set forth in the Town Center Overlay District, this Commission and the public need to understand how the public will utilize the sidewalks within the Shopping Center and how the bollards/patios will impact walkers and bicyclists.

How will a customer at Chase Bank/Starbucks walk to the Hannaford without having the pedestrian experience impacted? Remember part of the applicant's argument about the reduction of parking spaces was that customers can walk from one store to another. Also, how will disabled parties and bicyclists be affected by the patios/bollards and the proposed drive through window of Starbucks?

Why are there no sidewalks from Route 50 and Glenridge Road to the ATM? Where is the lighting that is required by regulation? Light poles should be considered structures by definition.

The applicant's Engineer's Report dated June 11, 2019 states that the 262 Saratoga Road site consists of a "101,683 multi use shopping center with a 4971 sq. ft. outparcel building." The site plan, attached as Appendix A to the Report lists the following square footages for the stores/buildings:

1)	Hannaford	54,580 sq. ft.
2)	Peter Harris	23,745 sq. ft.
3)	Pizza Hut	2,242 sq. ft.
4)	Heavenly Nails	1,875 sq. ft.
5)	Berkshire Bank	3,200 sq. ft.
6)	Available	6,420 sq. ft.
7)	Hallmark	4,971 sq. ft.
		97,033 sq. ft.

The applicant proposes to add 34 sq. ft. to the Hallmark building which is being converted to the Starbucks/Chase Bank (see July 3, 2019 letter to the ZBA Chairman, 3rd paragraph), thus increasing the square footage to 97,067 sq. ft.

The conversion of the Available Space to Five Guys and Great Clips per the Report reduces the total square footage by 824 sq. ft. (see June 11, 2019 letter to Chairman Carr, 2nd paragraph): 97,067 sq. ft. less 824 sq. ft. equals 96,243 sq. ft.

The permitted coverage for parcels in this district is 25%. As a result, if 96,243 sq. ft. is correct, the parcel (262 Saratoga Road) must be no less than 384,972 sq. ft.

The site plan does not set forth the square footage of 262 Saratoga Road, however, the attached tax map states that the parcel is 8.6 acres. An acre is 43,560 sq. ft. 8.6 acres is 374,616 sq. ft. This means it is possible that the coverage exceeds 25%.

Attached please find the Town of Glenville's definition of structures, buildings and coverage.

It is respectfully submitted, that the Applicant's proposed a) ATM and b) bollards for the patio for Starbucks, are structures and should be included in the coverage calculation.

In addition, the approved bollards for Five Guys are also structures.

It is submitted that the a) dumpsters and enclosures, and b) patios which are enclosed by the bollards and c) any benches/bike racks which the Planning Commission should require per the Overlay District's objectives, should also be considered structures.

As a result, all of the square footage of the above listed items should be included in the "coverage" calculations. Additionally, before the Board acts on the application, a certified statement from an engineer and/or surveyor should be presented as to the exact square footage of 262 Saratoga Road parcel (we understand that the size set forth on the tax map is just an estimate).

Although the applicant obtained a variance to allow a reduction in parking to 400 spaces, do those spaces include the numerous "cart corrals" in front of Hannaford? They appear to be counted as spaces on the plan included with the Engineer's report.

Based on the foregoing, it is submitted that the Application and the supporting documents are incomplete and/or need to be updated so that an informed decision can be made and more importantly the public may better understand the scope of the Applicant's project.

Please note the undersigned reserve the right to commit on issues of pedestrian and vehicular safety over the responses received on the foregoing questions.

Donald Zee, Esq
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BUILDING

Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

COVERAGE

That percentage of the land area covered by the combined footprint, of all buildings and structures, on that portion of the lot within the same zoning district as the main building.

STRUCTURE

That which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner, the use of which requires more or less permanent location on the ground, or which is attached to something having permanent location on the ground.