

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

November 18, 2019

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

Also

Attending: M. Burns, Planner I, M. Cuevas, Town Attorney, L. Walkuski, Stenographer

Absent: J. Gibney arrived at 7:07 P.M after approval of agenda and October minutes.

Meeting called to order at 7:03 P.M.

Motion to approve the Agenda

Moved by: K. Semon

Seconded by: P. Ragucci

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

Motion Approved

Motion to approve minutes from the October 21, 2019 meeting

Moved by: K. Semon

Seconded by: P. Ragucci

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

Motion Approved

**Dr. Mina Sun
463 Saratoga Road**

Preliminary Site Plan Review

Dr. Sun is proposing a change in use from a medical office to an adult daycare facility. The site currently includes a 2,900 sq. ft. medical office building with approximately 16 parking spaces on approximately .55 acres. The site is zoned "Professional/Residential".

Gavin Vuillaume, EDP Engineering, and David Karasz, owner/applicant, were present.

G. Villaume gave a quick overview of the proposal for the public hearing. The property is located at 463 Saratoga Road. The project proposes using an existing 2,900 sq. ft. office building previously utilized by Dr. Sun into an adult daycare. Some of the changes and discussions from the October 2019 PZC meeting are:

- An updated floor plan and emergency access plan were provided to the PZC.
- The dumpster area will be relocated to the back of the property with a 6-foot-high vinyl fence around the dumpster for effective screening.
- There has been an addition of exterior lighting on the façade of the building and a lighting plan was submitted to the PZC.
- Directional arrows have been added to the site plan to show traffic flow for the property.
- A template was submitted to the East Glensville Fire Department to show how fire trucks would gain access into the property.
- Some notations have been added regarding the septic system. Numbers were added to coincide with the septic report from Odorless Sanitary Cleaners. There is a 1,000-gallon septic tank that goes to a large drywell. Their calculations indicate the drywell will be sufficient for this type of use; approximately 30 people at maximum, 4-5 employees and 25 clients.
- Fire access consists of main entrance doors, a small service door on the western side of the building, and a new doorway access was added in the rear of the building.
- With regard to the interior, minor renovations will occur with the removal and construction of a few partition walls. Essentially the building will be utilized as is.

M. Carr noted at the last meeting it was specifically asked whether adult daycare was regulated. It was conveyed that it is not regulated. However, it is the Commission's understanding that it is regulated and would the applicant please respond to the Commission on that issue.

D. Karasz stated the state regulatory agencies oversee any operation; Office of Aging, Justice Center, and the Attorney General's office oversee any operation involving elder care. There is no license required for adult daycare. There is a certification required if the business obtains funds from Medicaid or a managed long-term care plan and an annual review will be required to make sure the business is meeting certain standards. He states they are following the guidelines in their business plan.

M. Carr stated the Commission, collectively as a group, were under the impression there was no oversight by any state agency.

M. Carr next asked if the applicant could explain the training of the employees. Research indicates there is significant training that needs to be completed by the employees. The Commission is requesting to see the information on the training.

D. Karasz replied they attended a conference of the New York State Adult Daycare Association in Tarrytown and signed up for membership with the association. That's the certification.

M. Carr asked if there is any type of plan. A public hearing will be held, but before the Commission moves on this application more information needs to be provided i.e. a written plan. Details on how this project specifically fits into the Office of the Aging and their oversight, and whether this is licensed or certified.

K. Semon added they would like to see information on who is responsible for regulation, who does the inspections, who verifies that the training records are complete. Otherwise, it looks like this is self-policed.

D. Karasz said NYS adult daycare is self-regulated. There are guidelines that are for SADC which is long-term care type. The training that is required for a SADC aide will be provided by an RN.

M. Carr said that is the type of information the Commission is looking for. Based on last month's meeting it seemed to the Commission that there was no regulation. Since they are proposing to have up to 25 elderly people at a time, the Commission just wants to make sure it is done properly. They want to see written material regarding the training of employees and how are they going to meet the requirements of the Office of Aging.

D. Karasz said he submitted an email regarding licensing.

J. Lippmann asked M. Cuevas if the Commission has the jurisdiction to request that information from the applicant.

M. Cuevas replied the Commission is basically here for site plan review, but part of the site plan review process does include safety issues, ingress/egress and how that works with an elderly population.

D. Karasz said he would provide the town with their training and documentation.

P. Ragucci stated in reviewing last month's minutes there were questions on how many clients would be there (a max of 25), what would be peak time, etc. An overview of day to day operations, training, with an overview of traffic will be helpful for the Commission. This would help in determining the number of parking spaces and traffic flow. This type of information has been requested from previous daycare applicants.

K. Semon pointed out that the maximum number of clients is 20 at any single point with a maximum of 30 throughout the day.

M. Carr also asked about medical staff being on-site. Last month the Commission was told there won't be any medical staff. Will that change anything with medical staff on-site?

D. Karasz said they were thinking of having an LPN on-site, but medical staff on-site doesn't change anything.

P. Ragucci said the key for licensing was whether the business accepted payment from Medicaid or from a managed long-term care plan.

D. Karasz said that is correct and that's when certification is required.

K. Semon asked if the employees will be Red Cross certified, i.e. CPR, resuscitation, and will a defibrillator be on-site.

D. Karasz replied typically CPR training is a must, but a defibrillator is not usually something on-site. It is thought that the fire department would respond more quickly than deploying a defibrillator.

J. MacFarland stated when the submission of additional material is made, there is a significant distinction that NYS makes for programs that are funded by OFA and that is what the applicant will try to clarify. When the funding and programmatic support is through the local Office for Aging, that's when all the requirements kick in, in terms of training, etc. This program will not receive that type of assistance from the county OFA. That is the clarification that will come before the Commission and what those rules are. But they are outside of what you have been reading as typical standards for training and certification, etc.

M. Tanner stated he believes the emergency exits were not addressed properly. The intended emergency exit on the western side of the building will not qualify as there is no way to get to it. Additionally, the new emergency exit planned for the rear of the building has steps. How is a client in a wheelchair going to get out?

G. Villaume said they would raise the grade so there won't be any steps from the rear exit.

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

K. Semon pointed out the emergency vehicle plans submitted are showing the emergency vehicle coming from the wrong direction and asked if that changes the plans.

G. Villaume said it would be easier for vehicles coming north, the more difficult turning would be vehicles coming south.

M. Carr indicated again to the applicant the information the Commission is looking for with regard to this application.

**SQP (Specialty Quality Packaging)
502 & 602 Potential Parkway**

Preliminary Site Plan Review

This application is proposing the connection of buildings #502 and #602 Potential Parkway located within the Glenville Business Tech Park. This enlarged space is to establish 10 overhead loading dock doors to replace the 6 currently in use thus increasing efficiency in the loading/receiving functions of the business while also creating additional storage space. The site is zoned “Research / Development / Technology”.

Luigi Palleschi, ABD Engineering, was present.

L. Palleschi gave an overview of the project for the connection of buildings #502 and #602 Potential Parkway located in the Business Tech Park. Previously, the following was discussed at the October 2019 PZC meeting:

- The connecting building is roughly 147 feet between the two buildings.
- Existing pavement is currently there and would be replaced by the building.
- There is no decrease in impervious cover.
- The front of the connector building will be recessed about 45 feet from the front property line allowing tractor trailers to back up to 10 loading docks. The current loading docks on #502 and #602 don’t have quite enough room for the trailers.
- There are utilities located within the addition, many of which will be modified.
- The applicant has worked with the fire chief and will be removing and disconnection certain water mains and hydrants but will be adding a new hydrant per the fire chief’s recommendation.
- The stormwater plan will remain basically the same.
- Sewer does run under the building and engineering reports have been provided to town staff, Tom Coppola and Dana Gilgore. They have worked on the details on how the sanitary sewer would connect under the building i.e. by providing new piping, upgrading the piping and providing a future parallel pipe to the existing pipe.
- The next step is for the applicant to obtain three variances; area, greenspace, and setback from the ZBA next Monday, 11/25/19.

N. Brower Dobiesz asked about a property line noted on the site plan.

L. Palleschi said a portion of E Street ran through the proposed connector building. The applicant worked with the Town Board to get a portion of E Street dedicated to the property so the building could be built. The same owner owns both parcels. The property line could be moved either way or the lots could be combined. The owner was hoping to maintain separate parcels for financial reasons.

A discussion took place about whether or not a building can be built over a property line.

M. Cuevas stated there is an outstanding issue. He has not seen a proposed deed, legal description or what the town agreed to convey to SQP.

L. Palleschi said he would follow-up with applicant, although a description has been provided for the portion of E Street.

M. Carr stated the Commission is not comfortable conditioning an approval before the applicant has received the required variances from the ZBA.

A brief discussion took place as to the process of joining the two properties and other applicants who have appeared before the Commission requesting to build over a property line.

A discussion took place regarding other businesses within the business tech park that also have connector buildings.

A discussion took place about the building located over the property line. What would happen in the future if one of the parcels was sold. There have been situations in the past where a lot line does go through a building, but that is when the building is a condo, has a firewall, two completely different uses and therefore one could be sold off independently. Will allowing this to happen be setting a precedent?

K. Semon asked what would the assessor say regarding this.

M. Cuevas stated the assessor would ask why isn't this one lot. It going to become one big building with one use by one owner.

Another discussion took place as to the validity of combining the lots, acknowledging why the applicant wants to keep them separate, the location of the request being inside the business tech park, and whether or not the Commission should request the lot line be adjusted.

M. Cuevas said there are sewer lines going under the connector building. If the applicant was going to divide it at some time in the future, the town board would not have approved it. The project was presented that this connector would make this business more efficient. You can't divide it later on with the sewer line under the building.

L. Palleschi said he would contact the applicant and see if they would combine the parcels.

M. Storti referred to the tax map on the SIMS system and every single one of the connector buildings in the park has a property line running through the connecting building. What is being presented is what is already in the park.

A discussion took place regarding the assessment of the properties.

M. Carr asked M. Cuevas how could this be resolved.

M. Cuevas stated there are several ways; one, the Town Board could reconsider and rescind the transfer or typically, when one owner owns two adjoining parcels and one building is going across the parcels, the parcels are joined.

A discussion took place as to whether it would make a difference if there are two different business names, but one single owner.

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

M. Carr asked L. Palleschi what are the variances the applicant is trying to obtain.

L. Palleschi replied the variances are for 56% building coverage from 30%, proposed front setback of 45 feet and rear setback for 40 feet instead of 50 feet respectively.

N. Brower Dobiesz asked if a side setback is also required.

It was stated in the proposed condition a side setback should have been sought.

MOTION

In the matter of the area variances as well as several other issues discussed this evening at the PZC meeting, the PZC recommends the ZBA deny the application based on the following:

- The need to resolve the location of the lot line.
- The town needs information on the deed, conveyance language, prepared legal description and survey in order to check the legal description. The deed needs to be prepared for final review by the town attorney.
- In the past, the PZC has denied applicants requesting to build a building straddling a property line.

Motion

Moved by: M. Carr

Seconded by: J. Gibney

Ayes: 7 **Noes:** 0 **Absent:** 1

Motion Approved

For the record, the Commission is not against this project however, they want to follow the procedures in order to eliminate any issues in the future.

**Scotia Industrial Park Inc.
302 B Street, Glenville Business & Tech Park**

**Preliminary Minor
Subdivision**

Proposed subdivision of existing 69.77-acre parcel into two parcels; 15.05-acres and 54.72-acres, respectively. The 15.05-acre parcel is the proposed site for the new 100,000 sq. ft. warehouse facility. The site is zoned "Research/Development/Technology".

Dave Ahl, Scotia Industrial Park, Dan Faldzinski and Kurt Nichols, Delta Engineering, and Dan Dubovik, Adirondack Beverages, were present.

D. Ahl stated that there have been some changes regarding the site plan since the October PZC meeting.

D. Faldzinski stated the preliminary subdivision plan has been updated to include:

- It is a 15.05-acre subdivision from a 69.77- acre parcel.
- Red highlights on the subdivision plan is the National Grid easement that bisects the property.
- Ownership of the adjoining streets is under Scotia Industrial Park.
- The property is containing just one building with one owner.

D. Faldzinski next discussed the site plan changes:

- Minimization of improvements within the National Grid easement.
- Locate the stormwater pond along the southern side of the building in the existing available greenspace between the easement and the ROW of C Street.
- The building is still a 100,000 sq. ft. warehouse with dedicated office space in the southwest corner.
- A separate drive-in truck maintenance bay accessed from C Street.
- ADA access layout was added with detail to the site plans.
- The loading docks have all been combined.
- The applicant is in need of approval from National Grid for access. One benefit is there an existing road which the applicant proposes to only change the finished grade by less than 6 inches.
- The majority of the utility services shown on the plan remain. The gas service is within the National Grid easement.
- They are 15 feet away from the underground monitoring wells.
- The concrete columns around the wells will be removed and the wells will need to be slightly adjusted, raised or lowered to meet the finished grade. Installation of a well cap will be needed in the paved areas.

M. Carr asked if the applicant has received approval from National Grid.

D. Ahl said they have been in contact with National Grid. He states National Grid does not give formal approval, but wants the opportunity to review the plans.

A discussion took place regarding whether the Commission would need anything in writing from National Grid.

D. Ahl said National Grid only had a concern if something was going to take place directly under the overhead lines. If the elevation was being changed under the lines, that was one issue, but the plans were changed to get everything outside of the lines.

K. Semon asked if the applicant received A. Frank's (third party engineer) letter and would they be responding to the letter.

D. Faldzinski replied they would be responding to the letter.

D. Ahl stated the majority of the wells are injection wells, there are only about 9 monitoring wells.

M. Carr stated his concern was if NYS DEC was aware of the project and it seems they have no issues.

J. Lippmann asked if consideration was given to the gravel/concrete storage area being restored to a grass area. If it's removed it will reduce the size of the stormwater management area.

D. Faldzinski said it is not planned at the moment, but has come up in discussions.

A discussion took place regarding the stormwater management for the project.

At this time Chairman Carr opened the public hearing for the minor subdivision. With no comments from the floor, the public hearing was closed.

MOTION

In the matter of the final minor subdivision application by Scotia Industrial Park, Inc. for a two-lot minor subdivision located at 302 B Street, Glenville Business & Tech Park, subdividing a 69.77-acre parcel into two parcels; 15.05-acres and 54.72-acres respectively, the Planning and Zoning Commission hereby approves the application. The Commission's decision is based upon the following findings:

The proposed use takes into consideration the relationship of this project to the neighborhood and the community, and the best use of the land being subdivided. Factors considered include:

- Compliance with the requirements of the Zoning Ordinance and the policies of the Comprehensive Plan.
- Logical arrangement, location and width of streets.
- The lots' and street(s)' relationship to the topography of the site.
- Adequacy and arrangement of water supply, sewage disposal and drainage.
- Accommodation for future development of adjoining lands as yet unsubdivided.
- Adequacy of lot sizes to achieve the above.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

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

Motion Approved

M. Carr asked the applicant to discuss the variance they are seeking.

D. Faldzinski said they are looking for a 15-foot setback off the C Street ROW line.

M. Carr reviewed the comments/concerns from the October PZC meeting. He did ask the applicant to address vapor intrusion.

D. Faldzinski stated a note was added to the site plan which stated "provide building vapor barrier and intrusion mitigation system". A discussion took place with D. Ahl about the vapor intrusion barrier.

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

M. Carr said a copy of the conditions for final approval will be given to the applicant. The applicant needs to obtain their variance from the Zoning Board of Appeals. Documentation from National Grid concurrence with the project and responses to the A. Frank Engineering letter are also required.

D. Ahl asked if the Commission would conditionally approve this application tonight.

M. Cuevas stated the Planning and Zoning Commission cannot presume what the Zoning Board of Appeals will do.

M. Carr asked if the applicant is already scheduled to appear before the ZBA to which the applicant replied they are scheduled for 11/25/19.

MOTION

In the matter of the area variance for the Scotia Industrial Park, Inc. located at 302 B Street in the Glenville Business & Tech Park, the Planning and Zoning Commission recommends that the Zoning Board of Appeals approve the variance.

Motion

Moved by: M. Carr

Seconded by: N. Brower Dobiesz

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

Motion Approved

Storage Overlay District

Recommendation to the Town Board for Zoning Text Amendment

This proposal will amend Article V uses Permitted and Dimensional Regulations by District, by adding Section 270.24.1 (C) Storage Overlay District. The proposed legislation creates procedures and regulations governing the establishment of overlay zoning district(s) located within the HC, Highway Commercial, Zone. The Storage Overlay District is designed for the storage of automobiles associated with automobile dealerships, automobile towing operations, and automobile rental operations and provide for self-storage. Establishment of a Storage Overlay District would require an application to the Town Board for a Zoning Map Amendment and then Site Plan Review and Approval by the Planning and Zoning Commission.

M. Burns said the Storage Overlay District is a two-step process. An applicant would first contact the supervisor and propose a location. The town board would then consider whether or not the proposed location would be appropriate for one of the four uses stated. This overlay district will allow these uses on developable land where currently these uses are not allowed anywhere else in the town.

A discussion took place with regard to the county's additional comments on the referral.

MOTION

In the matter of the zoning text amendment for the Storage Overlay District, the Planning and Zoning Commission recommends that the Town Board approve the zoning text amendment.

Motion

Moved by: M. Carr

Seconded by: J. Gibney

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

Motion Approved

Freemans Bridge Road Corridor District

Recommendation to the Town Board for Zoning Text and Map Amendment

The proposed Freemans Bridge Road Corridor District legislation and Map Amendment will add a new zoning district to Article V uses Permitted and Dimensional Regulations by District. The new district legislation is consistent with the Comprehensive Plan and Freemans Bridge Road Complete Streets Concept Plan. The new zoning district encourages mixed-use, multi-modal development that will create a destination gateway to Glenville, safely connecting the Mohawk Riverfront to Thomas Corners and the Town Center. Legislation requires accommodations for pedestrians, bicyclists, as well as motor vehicles. Economic development is to be encouraged through mixed use, research, technology, retail, and office development.

A discussion took place with the County's comments stating the Airport should not be included within this district.

J. Lippmann asked if the new zone permits drive-thru.

M. Cuevas replied the zone does permit drive-thru.

MOTION

In the matter of the zoning text amendment and map amendment for the proposed Freemans Bridge Road Corridor District legislation and Map Amendment adding a new zoning district to Article V uses Permitted and Dimensional Regulations by District the Planning and Zoning Commission recommends that the Town Board approve the zoning text and map amendment.

Motion

Moved by: M. Carr

Seconded by: K. Semon
Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

Text Amendment to Article XXII Solar Energy

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

A text amendment is proposed for Article XXII Solar Energy, Section 270-165 Solar as Accessory Uses or Structures. The proposed amendment will allow small scale, ground mounted, accessory solar arrays within the rear yards of properties located within the RR/A, Rural Residential/Agricultural, zoning district. The proposed legislation would impose restrictions on the size, height, location, setback, lot coverage, and screening for small scale ground mounted solar arrays.

A discussion took place as to why this amendment is being added after the Comprehensive Plan was adopted. The comments the town received during the Comprehensive Plan review and rewrite were not favorable for solar arrays however, once the Comprehensive Plan was adopted the town has heard from residents who have voiced another opinion regarding solar arrays.

K. Semon asked how much power does 1,000 sq. ft. of solar provide.

M. Cuevas replied usually enough for a single-family residence.

A discussion took place with regard to the location of where the solar arrays will be allowed. Several committees reviewed this amendment. It is not intended to be commercial and they are following NYSERDA's recommendations.

MOTION

In the matter of the zoning text amendment to Article XXII Solar Energy, Section 270-165 Solar as Accessory Uses or Structures. The proposed amendment will allow small scale, ground mounted, accessory solar arrays within the rear yards of properties located within the RR/A, Rural Residential/Agricultural, zoning district. The proposed legislation would impose restrictions on the size, height, location, setback, lot coverage, and screening for small scale ground mounted solar arrays. The Planning and Zoning Commission recommends that the Town Board approve the zoning text amendment.

Motion

Moved by: M. Carr
Seconded by: K. Semon
Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

With no further business the meeting was adjourned at 8:40 P.M.

Lynn Walkuski
Stenographer

Linda Neals
Town Clerk