

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

March 9, 2020

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

Also

Attending: A. Briscoe, Code Enforcement Officer, M. Cherubino, Dir. of Community Development,
C. Heinel, Town Attorney, L. Walkuski, Stenographer

Absent:

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

Motion to approve the Agenda

Moved by: K. Semon

Seconded by: M. Tanner

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

Motion Approved

Motion to approve minutes from the February 10, 2020 meeting

Moved by: J. Lippmann

Seconded by: N. Brower Dobiesz

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

Motion Approved

**Mohawk Hudson Land Conservancy
Wolf Hollow Road**

Final Subdivision

Landowner, Robert C. Bintz, Jr. and the Mohawk-Hudson Land Conservancy (MHLC) have proposed an open space subdivision of the 67.4 +/- acre Bintz property located on the east side of Touareuna Road. The existing parcel contains farm fields, scrub/brush land, a small pond with wetland, and forested land. The proposed 5.0 +/- acre lot is located on the far eastern portion of the property, immediately adjacent to Wolf Hollow. It contains forested uplands and steep slopes and is unsuitable for development. This new 5.0 +/- acre parcel will be conveyed to MHLC and will be preserved in perpetuity as open space. A majority of this property is within the RR/A Rural Residential/Agricultural zoning district but the proposed lot is predominately zoned LC Land Conservation.

Mark King, Mohawk Hudson Land Conservancy, was present.

M. Carr indicated he was not present at the PZC agenda meeting last week for final discussions on this application. He doesn't remember any specific issues to address although he did speak with town counsel regarding the concerns about Wolf Hollow Road.

C. Heinel, Town Attorney, said she spoke with the Schenectady County engineer who stated Wolf Hollow Road is closed and blocked off. The road is primarily used for emergency vehicles and they do maintain the road, but not on a regular basis. At this time, there are no plans to abandon the road. As such, there doesn't seem to be any reason not to proceed with the subdivision however, the town cannot make any guarantees for the applicant's continued access to the road since it is a county road. In the future, if the county chooses to block access to the road the town will not make any representations or guarantees as to the applicant's right to use the road. The applicant will be proceeding at your own risk with respect to access of the road.

M. Carr asked the applicant if that was sufficient and that he knew where the town stood.

M. King replied it was sufficient.

J. Gibney stated there was a recommendation from the county regarding the easement.

C. Heinel said the county made a recommendation for an easement to the Bintz subdivision property. The commission's majority vote plus one is capable of not following the county's recommendation, but there must be a majority vote plus one in order to do so.

J. Lippmann stated for the record the reason the commission is choosing not to oblige by the county recommendation is that the commission feels the easement through the parent parcel is an overburden to the property owner considering there is currently access to the site via the road. In the event that the county does formally abandon the road, it will be up to the parcel owners to establish an easement for access.

MOTION

In the matter of the final minor subdivision application by the Mohawk Hudson Land Conservancy for a two-lot subdivision located at Wolf Hollow Road (Bintz property) proposing an open space subdivision of the 67.4 +/- acre located on the east side of Touareuna Road, 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.

Further, this Commission finds that a proper case exists for requiring the applicant to provide suitable land for park or playground purposes. The need for additional park and recreation facilities has been documented in the Comprehensive Plan, in addition to having been identified by both the Glenville Park Planning Committee and the Community Center Planning Committee. However, due to the small number of lots in this particular subdivision, this Commission finds that the imposition of an in-lieu-of fee is more appropriate than land dedication for this particular subdivision. The recreation fee to be levied is \$1,000.00 per new lot. In this case, the applicant is hereby required to pay a fee of \$1,000.00.

Motion

Moved by: M. Carr

Seconded by: J. Gibney

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

Motion Approved

**Dutch Meadows
Dutch Meadows Lane**

**Preliminary Subdivision and
Preliminary Site Plan Review**

Richbell Capital, LLC has applied for subdivision and site plan approval from the Town of Glenville’s Planning and Zoning Commission associated with the Dutch Meadows Lane Residential Planned Development District (DMLRPD established by Local Law Number 4-2019 by Town Board adoption September 4, 2019.) The project site includes 30.35 +/- acres on which a three phased development will occur. The first consists of 104 market rate apartments and a club house with outdoor swimming pool. Phase two will include 104 market rate apartments. Phase three consists of 30 townhome units. Municipal sanitary sewer and potable water will be extended into the project site. An on-site stormwater management system will retain project runoff.

Bill Hoblock, RBC, and Joe Dannible, EDP, were present.

B. Hoblock stated he reviewed the whole project at the previous weeks' agenda meeting. He handed out a narrative of the project's history to the commission which recapped what he reviewed at the agenda meeting.

J. Dannible gave a quick overview of the project. The PDD shows an approximate 25-acre parcel to be used for 208 apartments and 30 townhouse units. The project will be approved as a single project however, construction will be phased in.

- Phase I will consist of one 52-unit building, two 26-unit buildings, the clubhouse, pool area, associated access roads, appropriate fire apparatus and emergency service turnaround.
- Phase II will consist of one 52-unit building, two 26-unit buildings, the exit to Dutch Meadows Lane and the maintenance shed.
- Phase III will be the townhouse units themselves. The townhouse units could be constructed in any phase depending upon the market.

They are proposing, for the townhouse portion of the project, a single point of access to Dutch Meadows Lane coming through the loop terminating in an emergency access exit onto NYS Route 50. The emergency access will have a new sidewalk constructed on Route 50, a mountable curb with 15-20 feet of a geogrid reinforced surface which will support fire apparatus access through the area. Essentially, it will look like pavement terminating at grass. No gate will be involved. There will be no wetland impacts associated with the property as previously discussed. With respect to the sidewalks, the current sidewalk terminates at the eastern entrance to Glenwyck Meadows. The applicant is proposing to cross the road at that point and enter the project site, follow the sidewalk system within the project and follow the sidewalks up to Dutch Meadows Lane. A sidewalk would continue along Dutch Meadows Lane terminating at the extent of the existing sidewalks that come along Dutch Meadows Lane from the west side of the property. There will be connections to municipal water and sewer supplies. All stormwater will be managed on-site. Water for the townhouses will be extended from the west side of Route 50, go under Route 50, and extend to all the townhouses. Water for the apartment units will come off of Dutch Meadows Lane into the community travelling east and west. Sewer for the townhouses will go through the townhouse loop, down Dutch Meadows Lane into the apartment community, and exit into municipal service that exists on Dutch Meadows Lane. The applicant had a meeting today with T. Coppola and D. Gilgore reviewing the specifics for the utilities. They haven't come across any significant changes, but are looking at the appropriate ownership of the sewer and water mains on-site. Currently, the sewer will be municipally owned while the water for the townhouses and apartments will be privately owned. Stormwater is managed on-site in a series of retention basins, designed as wet ponds, holding water for a period of time with appropriate controls in and out of those basins in compliance with DEC stormwater guidelines. A representative photo was shown for the lighting of the project, an acorn style light, dark sky compliant fixture. Renderings of the architecture of the apartments and townhouses was also shown.

K. Semon asked if a non-rental individual wants to go west to east that they will be allowed to walk through the sidewalk system within the development.

J. Dannible replied that is correct and the sidewalk system will be owned and maintained by RBC.

J. Gibney stated one of the concerns was that the sidewalk was not along Dutch Meadows Lane, but rather came off the road into the project and then back onto Dutch Meadows. After reviewing notes from

the agenda meeting, he believes that the applicant stated the Town Board approved the sidewalks within the project and not along Dutch Meadows.

J. Dannible replied the PPD legislation approves and dictates the location of the sidewalks within the legislation.

C. Heinel said the town board and the applicants talked about the placement and location of the sidewalks and came to an agreement which is reflected in town code §270 of where the sidewalk will be located and what the sidewalk will look like. It is not appropriate to move the sidewalk on the applicant and in order to do so would require town board approval and would require a request from the applicant.

J. Lippmann said she has had extensive conversations with counsel because of her concerns with the location of the sidewalk. She would like to make several comments for the record. The agreed upon sidewalk does significantly concern her. She feels this connection creates unsafe routes for pedestrians and bicyclists along Dutch Meadows Lane. She also feels the vast majority of individuals who do not live in the project will not utilize the sidewalks and will continue to use the road, as human nature is to follow the path of least resistance. If individuals do use the sidewalks, she believes that will introduce them to additional hazards i.e. by sending them through parking lots and driveways of a multi-housing complex. This orientation infringes upon the health and safety of the residents of Glenville that would like to use this sidewalk. Although she understands the Town Boards position of granting the concession of the sidewalk location, she still feels the sidewalks should be on the roadway and understands the limitations here.

J. Lippmann stated the PDD plans still need to be approved by the PZC and approved in accordance with the PDD law and the provisions of the town code. Which is where there is still confusion. Town code still allows the PZC to make a contingency on a site application for sidewalks to be installed along the entire frontage of a property. Despite the fact this is a linkage, it is felt it should be asked of the applicant to put sidewalks along the roadway, but understands that will probably be an uphill battle.

C. Heinel acknowledged J. Lippmann's concern but also stated the PDD also says notwithstanding other provisions of town code or otherwise when establishing this section of law which means that those provisions of the town code are not applicable to this because it was specifically negotiated for and approved by the town board to be designed in this way. That is why we are not going to require the applicant to make any significant changes to the sidewalk. However, there are elements that can be reviewed such as signage indicating where the sidewalk continues on to insure that people know they can go into the apartment complex and not just continue along the road.

J. Dannible said it was discussed at the previous meeting and agreed upon that appropriate signage can and will be placed at the entrances to the community identifying that public access through the sidewalk system is permitted.

N. Brower Dobiesz said she would like the signage to go further than just saying access is permitted but that individuals are encouraged to utilize the pathways through the complex.

J. Lippmann read the following:

“Notwithstanding any other provision of the Town Zoning Code or any requirement of the Planning and Zoning Commission, the following shall apply to the connectivity improvements:

All portions of the connectivity improvements crossing or along Dutch Meadows Lane shall be constructed only within the existing Dutch Meadows Lane right-of-way; and

The connectivity improvements are to be designed by the applicant in its sole discretion, provided that the width of the connectivity improvements shall not be less than four feet; and

The applicant shall be obligated to maintain or repair only that portion of the connectivity improvements located on the lands owned by it within the multifamily building component of the project, and shall have no obligation whatsoever with respect to any other portion.”

J. Lippman stated the notwithstanding clause pertains to the above three clauses, but still struggles with the first provision that the PZC still has the approval in accordance to local law and applicable provisions of the town code.

C. Heinel replied the notwithstanding clause specifically said in relation to them designing the preliminary site plan which was then approved by the town board.

K. Semon stated that he understands the concerns and the town’s position but what he sees is that there is not an increase in traffic along Dutch Meadows from the west end to the east other than the project itself. He suspects at this time the use is dedicated more to the individuals that will live in the project.

J. Lippmann disagreed by stating there are subdivisions across Route 50 that have long sought pedestrian accessways along Dutch Meadows Road. She foresees many residents that don’t live along Dutch Meadows using this path to get to Freemans Bridge Road which is the point of the connectivity requirement of this community by creating a connectivity element to other areas of the town.

P. Ragucci asked which phase will the sidewalks be constructed.

J. Dannible replied the sidewalk will terminate at the limits of Phase I and will be continued out to Dutch Meadows Road upon completion of Phase II.

N. Brower Dobiesz asked if there are any provisions in the PDD language stating if Phase II is not completed that the applicant would have to meet the connectivity and continue the sidewalk.

C. Heinel responded there is no language in the PDD that addresses that issue. However, the PPD’s requirement of connectivity is being met as there is a sidewalk going from Route 50 to Freemans Bridge Road.

A discussion took place with the language for the signage to be installed. It was requested that the PZC see the actual language that would be placed on the signage.

J. Lippmann asked what is the plan for bicyclists? Sidewalks are being shown, but is it intended that bicyclists use the sidewalk?

J. Dannible replied said the bicyclists could use the system as it is ADA compliant with appropriate at-grade crossings. He believes cyclists would be able to use the travel lanes on the pavement shoulders.

C. Heinel said bicyclists are not allowed to use the sidewalks, they are only allowed to use the road.

J. Lippmann indicated that part of the PZC responsibility for the site plan review is the following which was read from the Richbell Capital narrative dated March 6, 2020:

“The adequacy and arrangement of 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.”

It is one of the aspects of this application that she has the most difficulty with while acknowledging the constraints that have been placed on this project.

M. Carr asked if the applicant has given any consideration for an easement for future construction of a sidewalk along Dutch Meadows Lane or has the town pursued an alternative on the north side of Dutch Meadows.

B. Hoblock replied said he understands the board’s concerns and if granting an easement to the town, at no charge, would allay some of those concerns it is something the applicant would be willing to do.

M. Carr asked M. Cherubino if the town has pursued anything on the northside of Dutch Meadows.

M. Cherubino responded she has already made an application for sidewalks that would take it the entire length on the northside. If the application is approved the sidewalks would have to be done by November 2020.

M. Carr asked J. Dannible about the subdivision.

J. Dannible said a 3-lot subdivision comprised of the 24-acre on the northside of the railroad tracks, the only portion RBC is buying, from the parent parcel and the second portion is to subdivide the townhouse lots from the 24-acre parcel.

J. Gibney asked about the land that is to be dedicated to the town.

B. Hoblock stated another requirement of the PDD is the land to the north side of Dutch Meadows about 6-acres, and a separate parcel from the 24-acres, is to be donated to the town.

MOTION

In the matter of the preliminary subdivision by Richbell Capital, LLC associated with Dutch Meadows Lane Residential PPD, located at Dutch Meadows Lane, 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: M. Tanner

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

Motion Approved

MOTION

In the matter of the preliminary minor subdivision application by Richbell Capital, LLC associated with Dutch Meadows Lane Residential PPD established by Local Law Number 4-2019 by Town Board adoption September 4, 2019 located at Dutch Meadows Lane, the Planning and Zoning Commission hereby conditionally approves the preliminary application. The PZC is allowing the applicant not to construct sidewalks along the length of Dutch Meadows Lane as a result of the PPD language, the applicant's willingness to provide an easement along the southside of Dutch Meadows Lane, and because of the potential construction of sidewalks on the northside of Dutch Meadows Lane.

Conditions of preliminary subdivision approval are as follows:

1. The applicant is to install the appropriate signage to guide pedestrians appropriately through the planned development district.
2. The applicant is to formalize the easement for the town attorney's acceptance for the future construction of sidewalks along the southside of Dutch Meadows Lane.

The commission hereby schedules a public hearing for April 13, 2020 to consider the final minor subdivision application. However, in order for the Commission to schedule a public hearing for April 13, 2020, nine (9) copies of the revised subdivision map and/or requested information must be submitted to the Town of Glenville Planning Department no later than 14 calendar days prior to the public hearing.

Earl Redding, Town Attorney, asked the commission if they had any further questions before they voted on the motion. There were no questions from the commission.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

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

Motion Approved

MOTION

In the matter of the preliminary site plan review application by Richbell Capital, LLC for the Dutch Meadows Lane Residential PDD established by Local Law Number 4-2019 by Town Board adoption September 4, 2019 located at Dutch Meadows Lane, the Planning and Zoning Commission hereby conditionally approves the application. The PZC is allowing the applicant not to construct sidewalks along the length of Dutch Meadows Lane as a result of the PPD language, the applicant's willingness to

provide an easement along the southside of Dutch Meadows Lane, and because of the potential construction of sidewalks on the northside of Dutch Meadows Lane.

Conditions of preliminary approval are as follows:

1. The applicant is to install the appropriate signage to guide pedestrians appropriately through the planned development district.
2. The applicant is to formalize the easement for the town attorney's acceptance for the future construction of sidewalks along the southside of Dutch Meadows Lane.

The Commission hereby schedules a public hearing for April 13, 2020 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for April 13, 2020, 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: J. Gibney

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

Motion Approved

MAG Land Development, LLC
233 Saratoga Road

Preliminary Site Plan Review

The site is presently occupied by a three (3) unit apartment building. The proposed redevelopment includes demolition of the existing building and construction of a 3,500 square foot medical (urgent care) office building with off-street parking, landscaping, etc. The 0.68 +/- acre parcel is located within a CB Community Business zoning district and the Town Center Overlay district. Several variances may be required for this project.

J. Easton, MJ Engineering, was present.

J. Easton stated tonight's preliminary site plan took into consideration comments/concerns the commission had at last month's concept review. The applicant is here tonight to get recommendations from the PZC to go before the ZBA to obtain variances.

It was noted the agenda stated that this was a preliminary site plan review, but it should have been listed as a recommendation to the ZBA. As such the following motion is to change the agenda.

MOTION

In the matter of the previously approved agenda for the March 9, 2020 meeting, which had MAG Land Development, LLC located at 233 Saratoga Road, was originally on the agenda as a preliminary site plan review however, the applicant needs variances and as such the change in the action the commission will take tonight regarding this application is for only a recommendation to the Zoning Board of Appeals as opposed to a site plan review as the commission needs to know if the variances will be approved before the commission can act on the site plan review.

Motion

Moved by: M. Carr

Seconded by: N. Brower Dobiesz

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

Motion Approved

J. Easton said a preliminary site plan application and stormwater management report were to be submitted to the commission in order for them to make a recommendation to the ZBA however, the stormwater management report was not yet submitted. The site plan includes landscaping, lighting and grading. Currently, the application for the driveway curb cut permit has been submitted to DOT and all items discussed at the last month's meeting have been included in the site plan except for the decorative fence along the front of the building. The reason for not including the fence is that for other areas in town the decorative fences are mainly located in front of parking lots. Since this fence would be in front of the building, he wasn't sure if the fence would be considered out of place since it would be in front of the building or whether it would be accepted as a continuance of an existing theme already established.

M. Carr asked what are the variances the applicant is seeking.

J. Easton replied there are three area variances being sought:

- Exiting lot width – needs to be 180 feet, currently has 152 feet
- Rear setback – needs to be 40 feet, currently has 13 feet
- Parking – they are seeking 30 parking spaces, 5 above the maximum amount allowed in the Town Center Overlay District.

M. Carr asked about the building location. Wasn't the initial placement different than what is shown now.

J. Easton responded yes; the building was moved forward. Initial placement had the building in the back which would have required substantially more area variances to make the project work. The current placement of the building lines it up more with established buildings in the area.

M. Carr asked about the condition of the fence separating the commercial from the residential area.

J. Easton said it's not in the best of condition so the fence will be removed and be replaced with a new 8-foot fence.

N. Brower Dobiesz asked if the setback is 21 feet according to the current conditions.

J. Easton replied yes, it is.

N. Brower Dobiesz said she thought that if parking spaces were removed at the pinch point a reduction in the rear setback and parking variances could be obtained.

A discussion took place regarding the maximum and minimum parking spaces and the interpretation of the town code for the Town Center Overlay District.

M. Carr asked if the project will be signaled since they will be across from Target.

J. Easton said they will be signaled. New pedestrian push pole buttons will be installed on crosswalks across the main entryway per DOT requirements and two underground connections will need to be made for the traffic signal to work.

K. Semon stated he has concerns about the lighting that would be in the area of the west side variance so that it doesn't fall into the residential area.

J. Easton said smaller poles are being used to minimize visual impact for the neighbors. The existing trees will remain in that area as well.

A discussion took place regarding the lighting. It is a Creed direct downlit light, normal flat LED. The Town Center Overlay District does have required lighting fixtures that need to be looked at.

K. Semon asked about the distance between the front of the building (east side) to the sidewalk and the size of the signage.

J. Easton said the distance is about 20 feet and the signage is 8 feet in width.

M. Carr recapped the variances that the applicant is seeking. Lot width should be 180 feet and actual is 152 feet, rear setback requires 40 feet and there is only 13 feet, and parking spaces are a maximum of 25 but they are seeking 30 spaces.

M. Cherubino stated A. Briscoe said the lot is already existing and all uses require that size so would the applicant need a variance for the lot depth.

C. Heinel said this is a non-conforming lot. The applicant is redesigning and making a new use of the lot it which ends the non-conforming exception to the lot. The variance is a request since it is ending its non-conformance to bring it in to some type of conformance.

MOTION

In the matter of the request for variances by MAG Land Development, LLC at 233 Saratoga Road, for the following variances:

- Lot width: required 180 feet, has 152 feet
- Rear setback: required 40 feet, has 13 feet
- Parking; required 25 spaces, asking for 30 spaces

The Planning and Zoning Commission recommends that the Zoning Board of Appeals grant these variances and the PZC will review this in greater detail during the site plan review process.

Motion

Moved by: M. Carr

Seconded by: J. Gibney

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

Motion Approved

With no further business the meeting was adjourned at 8:02 P.M.

Lynn Walkuski
Stenographer

Linda Neals
Town Clerk