

# PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

July 13, 2020

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

Also

Attending: A. Briscoe, Code Enforcement Officer, L. Walkuski, Stenographer  
M. Burns, Planner I, C. Heinel, Town Attorney (via webinar)

Absent:

Meeting called to order at 7:15 P.M.

**Motion** to approve the Agenda

**Moved by:** J. Lippmann

**Seconded by:** N. Brower Dobiesz

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

Motion Approved

**Motion** to approve minutes from the June 8, 2020 meeting

**Moved by:** J. Lippmann

**Seconded by:** M. Tanner

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

Motion Approved

**Kevin Kuebler**  
**81 Maple Ave**

**Public Hearing &  
Final Subdivision Review**

This application is for a 1.06 +/- acre subdivision of the 5.31 +/- acre parcel owned by L. Oshelski-Bacchia on Maple Avenue (SBL# 22.-1-17). The proposed parcel will be used as a single-family home-site with full basement, new driveway, and utility connections. Approximately ½ acre land disturbance is proposed to accommodate improvements. The parcel is located within the SR Suburban Residential zoning district.

The applicant did not attend the meeting.

M. Carr stated the following information was requested from the applicant and asked what is the status of these requests:

- County DOT response on curb cut.
- Response from State Office of Historic Preservation.
- Confirmation from the property owner that this is the only subdivision moving forward.
- Modification to the Short Form EAF showing the site is in an archeological sensitive area.

M. Burns responded that the town received a letter from SHPO stating “no effect” and also said the property is eligible for state and federal historic registers. Although not currently registered, that is something the Economic Development & Planning office should be able to assist the property owner with. For the purposes of the subdivision, we did receive the letter. We are aware that the applicant is working with an engineer to design the curb-cut, but to date we have not seen the design. The letter regarding the intention of the property owner not doing further subdivisions has not yet been received. The modification of the SEAF just needs to have a different box check indicating that the property is in an archeological sensitive area.

C. Heinel, Town Attorney, stated the concern regarding SEQR for future subdivisions is if there is a future subdivision application then the commission would have to analyze the future subdivision or development of the property for cumulative impact under SEQR as part of the approval.

M. Carr stated the approval would be conditioned on the DOT curb-cut, confirmation from the property owner regarding no further subdivision of the property and modification of the SEAF. He asked if C. Heinel agreed with those conditions.

C. Heinel agreed with those conditions.

A discussion took place about limiting the amount of time of when a possible future subdivision could take place and how SEQR would be addressed. The letter from the property owner could be written to address this.

At this time the public hearing was opened by Chairman Carr.

L. Oshelski-Bacchia, the property owner, commented that she wasn't sure if the applicant was going through with the purchase of the property however, the home was never put on the registry and she would be willing to go through the registry process.

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

K. Semon asked what is the definition of a disturbed area based on item #4 from M. Burns memo dated 6/8/20. He read, “*A fifty-foot stream buffer must be maintained between the disturbed areas of the site and the top of stream bank per Glenville stormwater management regulations.*” According to his calculations the fifty-foot buffer goes into the center/eastern side of the swale thus creating a proposal that does not provide a sufficient buffer.

M. Burns said the applicant is working to have an erosion and sediment control plan done and submitted to the town. Once that plan has been reviewed by the town, we would make sure that the fifty-foot standard would be met.

K. Semon also inquired about the grinder pump listed in item #6 of M. Burns memo dated 6/8/20.

M. Burns stated a grinder pump would be needed based on his conversation with D. Gilgore, Deputy Commission of Public Works. The grinder pump would be owned and maintained by the property owner.

## MOTION

In the matter of the final minor subdivision application by Kevin Kuebler, for a two – lot subdivision located at 81 Maple Avenue, where the proposed parcel will be used as a single-family home-site with full basement, new driveway and utility connections, the Planning and Zoning Commission hereby conditionally 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.

## Conditions of Approval:

1. The town is waiting for the County DOT response on the curb-cut to allow the driveway on Maple Ave.
2. Written confirmation from the property owner regarding future subdivision and the understanding that tonight’s SEQR determination only applies to this subdivision. The property owner would not be able to appear before the PZC for a two-year period for any intended future subdivision and at that time, if necessary, another SEQR determination will be made.
3. The applicant is to modify the SEAF to reflect that this site is in an archeological sensitive area.

4. A final erosion and sediment control plan is to be submitted for review by the town.

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:** K. Semon

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

**Motion Approved**

**Benderson Development  
262 Saratoga Road**

**Modification of Approved  
Final Site Plan**

Benderson Development is seeking a modification of their Final Site Plan approved on 9/09/19 which allowed the 5,000 +/- square foot former Hallmark building to be occupied by Starbucks and Chase. The proposed modification will eliminate the drive-thru ATM along Glenridge Road. The Hannaford Plaza property is zoned General Business and Town Center Overlay District.

Matthew Oates, Benderson Development, was present via webinar.

M. Oates stated when the project was initially approved, they were working with Chase Bank for the space next to Starbucks. That deal fell through so there is no need for an ATM to be installed. They are looking to leave that section of the site plan to existing conditions.

K. Semon mentioned that the site plans were approved for a non-restaurant facility. Does Benderson have any idea as to what business would occupy the location instead of the bank?

M. Oates said it will be a retail business. Spectrum is being advertised for that location.

**MOTION**

In the matter of the request for a modification of the previously approved final site plan by Benderson Development located at 262 Saratoga Road, which will eliminate the drive-thru ATM along Glenridge Road, the Planning and Zoning Commission hereby approves the modification as requested.

**Motion**

**Moved by:** M. Carr

**Seconded by:** K. Semon

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

**Motion Approved**

**Stewart's Shops Corporation  
571 Sacandaga Road at Intersection with Ridge Road**

**Public Hearing &  
Final Site Plan**

Stewart's Shops Corporation received a Use Variance on April 27, 2020 from Glenville's Zoning Board of Appeals to replace their current convenience store with a new 3,696 square foot shop, new canopy and four (4) petroleum dispensers (gasoline with one diesel). Most of the property is located with a SR Suburban Residential zoning district. The western portion of the property is within the RR/A Rural Residential/Agricultural zoning district.

James Gillespie, Stewart's Shops Corporation, was present via webinar.

J. Gillespie stated they have made changes to the plan and those changes have been submitted to the town i.e. landscaping, photometrics, grading, etc. They were able to incorporate the turnaround at the rear of the building. They have addressed several of the neighbor's concerns and have moved the driveway.

M. Carr reviewed items discussed at the 7/6/20 agenda meeting:

- Is applicant able to comply with the ZBA Use Variance?  
J. Gillespie responded yes; they are. However, he would like the board to consider extending delivery times from 7AM – 9AM to 6AM-10AM. J. Lippmann stated that her interpretation is that consideration is to be given to deliveries outside of the recommended delivery times.
- Will the two lots be combined?  
J. Gillespie said the lots will be combined. M. Burns stated the town will need a filed consolidation map including the Schenectady County Clerk's recording information, so there is proof the lots have been consolidated.
- Will the delivery truck radii be sufficient for delivery trucks and gasoline tankers?  
J. Gillespie said that is correct.
- The design of the building appears to be acceptable to the Commission.
- Has the applicant addressed the neighbor's concerns regarding the mailbox, and the location of the driveway?  
J. Gillespie said he hasn't reached out to the neighbors, but that is something they could do. Landscaping is also a topic that has been brought to their attention.
- Has the applicant heard anything from DOT for the new proposed entrance?  
J. Gillespie said they had initial correspondence with DOT and they have no issue.
- Landscaping is to meet Town Code, street trees every thirty feet.  
J. Gillespie said that is fine.
- A better buffer for the neighbor to the south.  
J. Gillespie said they proposed landscaping and/or a fence. M. Burns said an 8' fence would be consistent with what the PZC has required between commercial and residential properties in

other areas of the town. Given the fact the grade slopes down to that property a taller fence makes sense, but take into consideration that it's not placed too close to the road preventing sight distance for those existing the Stewart's property.

- Did we get a town designated engineer to review the stormwater management system?  
M. Burns said an engineer has just been selected. We are waiting on the escrow money for the review to begin.

At this time M. Carr read into the record M. Burns' memo dated 7/8/20 as suggested conditions of site plan approval:

1. *Submit two (2) copies of files lot-consolidation map containing Schenectady County Clerk's recording stamp.*
2. *Complete and secure New York State Department of Transportation - Highway Work Permit (PERM 33-com) for all work located within the state highway right-of-way.*
3. *Complete review and approval of a Stormwater Pollution Prevention Plan (SWPPP) by Town's Designated Engineer (TDE).*
4. *No land disturbance shall commence or Building Permit be issued until a Notice of Intent has been approved by Glenville's Stormwater Management Office and letter received from NYS DEC acknowledging coverage under the Nation Permit.*
5. *All site lighting (building mounted and pole mounted) shall include night-sky optics and shields as necessary.*
6. *Landscaping Plan shall be revised to included street trees at an interval of one (1) per thirty (30) feet of road frontage. Furthermore, it is recommended that a fence be installed along the south property line between the single-family dwelling and Stewart's Shop. The fence shall be 8-feet in height.*
7. *Signage shall be added to the Final Site Plan. The location and associated specifications for all signage must be included. A sign permit will be required.*
8. *Obtain comments from the Beukendaal Fire Department and incorporate into the Final Site Plan.*
9. *Complete SHPO submittal regarding prior disturbance on-site.*
10. *Acceptance by PZC of architectural design of building and petroleum canopy.*
11. *Obtain permit from Town of Glenville for commercial on-site wastewater disposal system.*

At this time Chairman Carr opened the public hearing.

Dan Marchand, 564 Sacandaga Road, located across the street from this project, questioned what is Stewart's timeline for construction once approval is received. His main concerns are the motorcycles coming out of the parking lot and accessibility to his mailbox. If he could have a conversation with Stewart's he would appreciate it.

J. Gillespie responded said they are looking to begin at the end of August. It will take about 3-4 months. He said that he would reach out to Mr. Marchand.

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

A discussion took place regarding the fire department's comments being incorporated into the final site plan.

J. Gillespie said in relation to #9 listed above, they have completed a Hudson Valley Cultural Resource Phase I inspection. They didn't find any archeological evidence to warrant any investigation.

Another discussion took place regarding contacting SHPO and obtaining a letter from them. Correspondence from SHPO also satisfies the requirements on the SWPPP.

## MOTION

In the matter of the final site plan review application by Stewart's Shops Corporation, for the construction of a new 3,696 sq. ft. shop, new canopy, replacing the product piping as well as the four petroleum dispensers with the addition of a diesel dispenser, located at 571 Sacandaga Road @ the intersection of Ridge 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.
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: as referenced in the 7/8/20 M. Burns memo.

1. Submit two (2) copies of files lot-consolidation map containing Schenectady County Clerk's recording stamp.
2. Complete and secure New York State Department of Transportation - Highway Work Permit (PERM 33-com) for all work located within the state highway right-of-way.
3. Complete review and approval of a Stormwater Pollution Prevention Plan (SWPPP) by Town's Designated Engineer (TDE), costs associated with review and approval of the SWPPP are the responsibility of the applicant.
4. No land disturbance shall commence or Building Permit be issued until a Notice of Intent has been approved by Glenville's Stormwater Management Office and letter received from NYS DEC acknowledging coverage under the Nation Permit.
5. All site lighting (building mounted and pole mounted) shall include night-sky optics and shields as necessary. Lighting shall not cast glare on adjacent properties or Sacandaga Road or Ridge Road.
6. Landscaping Plan shall be revised to included street trees at an interval of one (1) per thirty (30) feet of road frontage. Furthermore, it is recommended that a fence be installed along the south property line between the single-family dwelling and Stewart's Shop. The fence shall be 8 feet high.
7. Signage shall be added to the Final Site Plan. The location and associated specifications for all signage must be included. A sign permit will be required.
8. Obtain comments from the Beukendaal Fire Department and incorporate into the Final Site Plan.
9. Complete SHPO submittal regarding prior disturbance on-site.
10. Acceptance by PZC of architectural design of building and petroleum canopy.
11. Obtain permit from Town of Glenville for commercial on-site wastewater disposal system.
12. If any type of contamination is encountered either at the tank tops or the dispensers or the piping chase that DEC be notified and a spill number be generated as required under law.

**Motion**

**Moved by:** M. Carr

**Seconded by:** J. Gibney

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

**Motion Approved**

**MOTION**

A motion to modify the agenda to move item #5 (Miracle View Professional Offices) to item #6 and move item #6 (Recommendation to Town Board regarding Zoning Text Amendments & Type II SEQR classification) to item #5.

**Motion**

**Moved by:** K. Semon

**Seconded by:** M. Tanner

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

**Motion Approved**



## **Town of Glenville**

## **Recommendations to Town Board Regarding Zoning Text Amendments and Type II - SEQRA Classification**

Several Zoning Text Amendments are proposed by the Town of Glenville Economic Development and Planning Department which would update the following sections of Glenville's Zoning code: Definitions, Districts and Boundaries, Commercial Design Guidelines, Signs, 5G, Stormwater, Grading and Fees. All the amendments are considered Type II Actions under the State Environmental Quality Review Act (SEQRA). The Planning and Zoning Commission, acting in an advisory role to the Town Board, must concur with the Type II - SEQRA classification and provide a recommendation regarding the Zoning text amendments.

M. Carr stated these revisions were made to clarify the zoning code and administrative details such as cleaning up some of the language.

### **MOTION**

The Planning and Zoning Commission is hereby in support of these changes to the town zoning as provided. It will streamline and make it easier for town staff to administer and provide a clearer process for applicants. The Planning and Zoning Commission recommends that the Town Board adopt these amendments.

### **Motion**

**Moved by:** M. Carr

**Seconded by:** N. Brower Dobiesz

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

**Motion Approved**

### **Miracle View Professional Offices 65 & 69 Saratoga Road**

### **Concept Plan**

This conceptual plan features two (2) professional office buildings and associated parking on two lots located at 65 & 69 Saratoga Road. To accommodate the proposal as presently designed would require both a zoning map amendment and lot line adjustment (re-subdivision), to expand the present PR Professional Residential zoning district. The project site is zoned SR Suburban Residential and PR Professional Residential.

Ron Bova, Bova Engineering, was present.

M. Carr stated the commission is not moving on the application tonight as it is a concept. They did discuss the following items at the agenda meeting last week i.e. flag lot and no access on Miracle Lane, stormwater management, desirability of sidewalks, lot-line and zoning map adjustments must be completed by the Town Board and not the PZC, parking as presented is included in the Suburban Residential district which is not allowable under current zoning, and the maintenance of the proposed pervious asphalt.

R. Bova said he purchased both properties at the end of 2019. His proposal includes an office for Bova Engineering and evidence storage with additional office space for proposed tenant use. He discussed the current zoning layout of the Professional/Residential and Suburban Residential districts. There is a sliver of property located between his parcels and Miracle Lane which is owned by D. DelZotto that is also zoned Professional/Residential. He has been in discussions with Mr. DelZotto, but no agreement has been reached.

K. Semon asked if R. Bova would show where the current lot lines are for 65 & 69 Saratoga Road.

A discussion took place regarding the driveway off of Route 50 that served 69 Saratoga Road that was surrendered.

K. Semon asked what happens to the driveway that is deeded to 69 Saratoga Road once it becomes part of 65 Saratoga Road.

R. Bova said he would maintain legal access as that is his legal access to the residential portion of the parcel.

J. Lippmann asked if that will be done via an easement. As the property line is shown, it isolates #69.

R. Bova said his intention is to have the easement run along the northern portion of the parcel and connect into where the current legal access is.

K. Semon stated his concern is that the right-of-way will now be providing access to two lots.

A discussion took place regarding the easement and how it is being shown on the conceptual plan.

J. Lippmann said she is in support of what the applicant is trying to do with these lots however, she struggles with the single-family access not having road frontage or street access and it should. If discussions with Mr. DelZotto are not productive, is the applicant modifying the proposed lot as shown to have the driveway be part of the lot in the business practice with an easement and not the other way around.

R. Bova replied his intention is to still provide the “zig-zag” access.

C. Heinel asked if the applicant has had any discussions with the grantor of the easement about the intended use of the easement for the office buildings which would have an intended traffic increase.

R. Bova said the legal access is for the residential property, not for the professional offices.

K. Semon asked how would that be segregated? How would someone know that?

R. Bova said that the access is extremely difficult to get through.

Another discussion took place regarding the easement and it was stated that the professional offices would have a curb-cut off of Route 50 and would not need to cross over the easement.

C. Heinel stated that for any reason in the future if traffic for the professional offices needs to cross that easement, then the grantor of the easement must be notified of the intended use and approval gained beforehand.

J. Lippmann asked if there was any way to separate the driveway from the parking use to provide a buffer so that they are distinct. Her concern is that although the intent is to build a house for a family member, who may not be bothered by this type of ingress/egress, someday it will be sold and this driveway configuration is not desirable for somebody else to purchase the house. If you make the driveway more of a residential driveway as opposed to driving through a parking lot to get to the home she would be more comfortable with it.

R. Bova said that would be his problem.

J. Lippmann replied that the Commission's job is to make sure that any lots subdivided or modified are done in a logical manner. As proposed, it is not a logical orientation of land which is not the applicant's fault. The question is how do we make a bad situation not as bad.

A discussion took place regarding the lot line adjustment.

M. Burns asked if this is a logical way to move this forward. Would the Town Board view it as logical? At this point in time, the map amendment to expand the professional/residential district doesn't make any sense. The lot line is drawn based on the zoning line. Can the applicant design his proposal for one office building with associated parking, buffering, landscaping because he is surrounded by residential property even though they are condominiums. Would it be possible for the applicant to come back, as a Phase II, for the second building and zoning amendment/lot-line adjustment?

J. Lippmann said you could isolate #65B with the associated parking lot first and still be within the existing property lines and zoning without having to do a lot line adjustment or get zoning map amendments. Once that is established then you could go on to expanding to the west.

J. Gibney asked if lot #69 is part of the property R. Bova owns now.

A discussion took place regarding who #69 belonged to and if the zoning districts had been changed. Also discussed was the strip of land owned by Mr. DelZotto. The construction of Dover Place cut off the access to #69.

Several members of the commission stated that they don't have an issue with the proposed professional offices for the most part however, the issue is still with the single-family residence as part of this project. The frontage of #69 is a problem and, in addition, variances may be required.

A. Briscoe said that he has concerns about emergency access for #69, the single-family. How will the fire department or certain services have access?

M. Burns said we should keep the dialog open to see how this project can move forward.

A discussion took place as to obtaining input from the fire department.

R. Bova asked if there was any action tonight from the Commission.

M. Carr stated there is no action tonight, it is a concept review, and the Commission still has some concerns with the proposed project as it currently stands. If anything is going to be done with the lot line adjustment or zoning map amendment that would have to go through the Town Board.

J. Lippmann suggested that the applicant should review all of his options/scenarios with this project.

With no further business the meeting was adjourned at 9:02 P.M.

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Lynn Walkuski  
Stenographer

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Linda Neals  
Town Clerk