

# PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

March 8, 2021

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

Also

Attending: A. Briscoe, Code Enforcement Officer, L. Walkuski, Stenographer

Attending

via webinar: N. Brower Dobiesz, M. Tanner, M. Burns – Planner I, M. Cherubino – Dir. of  
Community Development, C. Heinel – Town Attorney

Absent:

Meeting called to order at 7:07PM

**Motion** to approve the Agenda

**Moved by:** P. Ragucci

**Seconded by:** K. Semon

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

**Motion Approved**

**Motion** to approve minutes from the February 8, 2021 meeting

**Moved by:** P. Ragucci

**Seconded by:** K. Semon

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

**Motion Approved**

**C2 Design  
53 Freemans Bridge Road**

**Public Hearing  
Final – Site Plan Review**

Site Plan approval is requested for exterior renovations to the existing +/- 10,000 sq. ft. building which housed the former Checkerhill Farms and Pet Lodge of Glenville. While no specific tenants are identified at this time, the applicant will re-align the front parking lot, install new landscaping, renovate the building's façade and renovate the interior for potential retail and/or office space(s). An area variance will be required for the proposed parallel parking spaces along Sarnowski Drive, in the area of the current dog runs from the former use. The parcel is .65 acres and is located in the Freemans Bridge Road Corridor District and Freemans Bridge Road Complete Streets Feasibility Study area.

Michael Roman, C2 Design, was present via webinar.

M. Carr reviewed the items discussed at last week's agenda meeting. Those items include:

- Applicant may be required to eliminate access from Himmelwright property if permitted fence does not get completed
- Installation of concrete on south side of building adjacent to the parking spaces to be an ADA compliant sidewalk
- Validate all business entrances are ADA compliant
- Sign details to be based upon tenants
- Mike Burns memo dated 3/1/21

He asked if the applicant has any comments regarding either the commission's comments or the Burns memo.

M. Roman replied he is good with everything that has been discussed. He asked if Chairman Carr would quickly review the items in the Burns memo.

M. Carr read the following:

- *"Parallel parking spaces located within the front yard along Sarnowski Drive require an area variance approval by the Zoning Board of Appeals (ZBA). Final Site Plan approval is contingent upon the applicant receiving approval for the requested parking spaces within the required front yard setback. Should the requested area variance be denied by the ZBA, the applicant shall return to the Planning and Zoning Commission for approval of a revised Site Plan.*
- *HVAC units (roof-top and ground mounted) must be screened from public view.*
- *Trash/recycling receptacles must be shown on the Final Site Plan as well as the method for screening these containers from public view.*
- *Site lighting (parking area, driveway) and building mounted fixtures shall include shields along with "night sky optics" to prevent glare on adjacent properties and roadway.*
- *Sign permits are required for the three (3) proposed building mounted (facade) signs and one (1) monument sign. Sign variance(s) may be required as specific details are not included for these signs.*
- *Alterations to existing potable water and sanitary sewer connections require permits and shall comply with material specifications of the Town of Glenville's Department of Public Works.*
- *Secure all applicable State, County and local permits including but not limited to:*

- ▲ *NYS Department of Transportation: Highway Work Permit*
- ▲ *Town of Glenville Public Works: Public Works Application for Road Cut, Shoulder Cut and Storm Sewer Connection.*
- ▲ *Town of Glenville Public Works: Application for Commercial Water Permit.*
- ▲ *Town of Glenville Public Works: Application for Commercial Sewer Permit.*
- ▲ *Town of Glenville: Building Department: New or Relocated Commercial Use into an Existing Building or Space.*
- ▲ *Town of Glenville Building Department: Application for Commercial Alterations or Repairs.*
- ▲ *Town of Glenville Building Department: Sign Application.”*

M. Roman stated he is fine with the items listed.

K. Semon asked if the applicant knew where the trash receptacles would be located.

M. Roman said currently it would be at the rear of the building on Sarnowski Drive however, depending upon the tenants, the receptacles may just be rolled outside.

M. Carr stated that typically the Planning & Zoning Commission does not move on final approval without the applicant first obtaining their variances from the Zoning Board of Appeals. The public hearing will be opened and remain open until the April PZC meeting. By that time the applicant should have received the appropriate variance and then the PZC would give final approval for the project.

M. Roman said he was ok with the process.

At this time, Chairman Carr opened the public hearing. With no comments from anyone either in-person or via webinar the public hearing will remain open until the April 12, 2021 meeting.

**MAG Land Development  
231 Saratoga Road**

**SEQR Determination  
Preliminary – Site Plan  
Review**

This application is for the establishment of a 2,300 sq. ft Chipotle’s restaurant with a drive-thru at the site which previously housed Dr. Ferraro’s dental practice. The parcel is zoned General Business and is located within the Town Center Overlay District. Several area variances have been requested including; parking space dimensions, parking area drive aisle width, and side parking setbacks and front drive aisle

Walt Lippmann, MJ Engineering, and Michael Giorgio, BT Land Development, were present via webinar.

M. Carr asked if the applicant received the commission’s comments from last week’s meeting.

W. Lippmann said they responded to the town comments as well as the engineering comments. They appeared in front of the ZBA on 2/16/21 and at that meeting the ZBA had concerns with the 7 front parking spaces. It was discussed with the applicant and they agreed to eliminate those spaces and still meet Chipotle’s requirements. The latest plans show the parking spaces have been removed. Due to

discussions with Mike Burns, there will be a curb line incorporated to separate the four Wellnow parking spaces on the north side from the Chipotle parking spaces to achieve better traffic control. They had no additional comments or questions regarding the town's comments.

M. Carr inquired if Chipotle is willing to do anything more regarding the building's exterior.

W. Lippmann replied the original had all white along the top. They created a higher corner elevation along with a canopy over the front door and a higher elevation and canopy at the pick-up window.

W. Lippmann stated they are on the March 22<sup>nd</sup> ZBA agenda. Since the biggest concern was the front 7 parking spaces and the applicant has removed them, he believes they will obtain the remaining variances needed for this project. They are hoping to get SEQR determination tonight and have the public hearing set for the April PZC meeting.

M. Carr asked if the NYSDOT permit has been submitted and if the applicant was doing everything possible to prevent north bound traffic from making a left-hand turn into Chipotle at the southern exit point.

W. Lippmann said the DOT permit has been submitted. They are providing pavement markings for the exit only along with "Do Not Enter" signs on both sides facing Route 50. Hopefully these will encourage north bound traffic to continue to the traffic light and make a left there.

The applicant was asked if they had any additional comments or concerns regarding the Mike Burns memo dated 3/1/21 and they replied there is nothing additional.

K. Semon asked if the entrance on the west side is for employees. He also noted that the building orientations are mislabeled on the elevations.

W. Lippmann said it is an employee and/or shipping/loading entrance.

K. Semon asked about the 5 parking spaces located to the south. How would a customer get to a consumer entrance without crossing two traffic patterns? To avoid that situation, will these spaces be designated for employees?

W. Lippmann stated if you look at the building's west end, they do extend a sidewalk to the parking lot where the employees will be coming up to the back side of the building. They do envision that those spaces will be for employees.

M. Carr asked for the applicant to state on the site plans that those 5 parking spaces are designated employee parking.

## MOTION

In the matter of the preliminary site plan review by MAG Land Development for the establishment of a 2,300 sq. ft Chipotle's restaurant with a drive-thru at the site which previously housed Dr. Ferraro's dental practice, located at 231 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:** J. Gibney

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

**Motion Approved**

### **MOTION**

In the matter of the preliminary site plan review application by MAG Land Development for the establishment of a 2,300 sq. ft Chipotle's restaurant with a drive-thru at the site which previously housed Dr. Ferraro's dental practice, located at 231 Saratoga Road, the Planning and Zoning Commission hereby conditionally approves the application.

### Conditions of preliminary approval are as follows:

1. The applicant obtains all the appropriate variances that are required.
2. The issues as stated in the March 1, 2021 memo from the Economic Planning and Building Departments were read as follows:
  - *“Issue State Environmental Quality Review (SEQR) Negative Declaration for project.*
  - *Several area variances from the Zoning Board of Appeals (ZBA). Preliminary Site Plan approval is contingent upon the applicant receiving approval for the requested area variances associated with the proposed parking lot design. Should the requested area variances be denied by the ZBA, the applicant shall return to the Planning and Zoning Commission with a revised Site Plan.*
  - *Building's architectural design and details are to be approved by the Planning and Zoning Commission.*
  - *HVAC units (roof-top and ground mounted) must be screened from public view.*
  - *Site lighting (parking area, driveways) and building mounted fixtures shall include shields along with “night sky optics” to prevent glare on adjacent properties and roadway.*
  - *Sign permit(s) are required for all proposed building mounted (facade) signs and monument sign. Sign variance(s) may be required as specific details are not included for proposed signage.*
  - *Sanitary sewer and potable water connections to be reviewed and approved by Town of Glenville's Department of Public Works prior to Final Site plan approval.*
  - *Alterations to existing potable water and sanitary sewer connections require permits and shall comply with material specifications of the Town of Glenville's Department of Public Works.*
  - *Stormwater Management Report to be reviewed and approved by Town Designated Engineer, the costs associated with review to be borne by the owner/applicant.*
  - *Provide status of NYS DOT Highway Work Permit prior to Final Site Plan approval. Update must include traffic signal timing adjustment's (if necessary), ADA compliance upgrades (countdown timer's, crosswalks, etc.).*

- *Consider installation of bicycle rack and pedestrian connection to sidewalk extension proposed along Saratoga Road (NYS Route 50).*
- *Install curbing and bollards at outdoor seating area.*
- *Consideration for concrete curbing at shared entrance to provide safe entry circulation.*
- *Provide Glenville Economic Development and Planning with draft easement language for shared parking and access.*
- *Resolve concerns of East Glenville Fire Department prior to Final Site Plan approval.*
- *Secure all applicable State, County and local permits including but not limited to:*
  - ▲ *NYS Department of Transportation: Highway Work Permit*
  - ▲ *Schenectady County Department of Environmental Health*
  - ▲ *Town of Glenville Public Works: Application for Commercial Water Permit*
  - ▲ *Town of Glenville Public Works: Application for Commercial Sewer Permit*
  - ▲ *Town of Glenville Building Department: Building Permit*
  - ▲ *Town of Glenville Building Department: Sign Application”*

The Commission hereby schedules a public hearing for 4/12/21 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 4/12/21, 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:** 6 **Noes:** 0 **Absent:** 0 **Abstention:** 1

**Motion Approved**

**Benderson Development Company, LLC**  
**262 Saratoga Road**

**SEQR Determination**  
**Preliminary – Site Plan**  
**Review**

A site plan modification is requested for the previously approved Hannaford Shopping Center. The applicant would like to establish a Cap Com Federal Credit Union in the previously occupied Berkshire Bank location. Proposed changes include an additional drive-thru lane, eliminate parking that is currently located in the proposed new drive-thru lane, striping of new parking spaces to be located in the rear of the building, adding a patio to the available 960 sq. ft. behind 5 Guys, relocation of existing dumpster from 5 Guys to rear of property, and add an internal directional monument sign within main parking field. This property is zoned General Business and is also within the Town Center Overlay District.

James Boglioli, Benderson Development Co., was present via webinar.

M. Carr asked if the applicant had any comments from the discussion at last week’s agenda meeting.

J. Boglioli said he wanted to make some comments regarding Mike Burns’ memo dated 3/8/21.

Cross-access Easements – they work with abutting property owners and give cross-access easements to all the properties they own in case they ever get sold.

Bollards: he believes they designed the railing system installed at Five Guys so that the posts were vehicle rated safety.

M. Carr agreed however, since they are increasing the outdoor space, either for Five Guys or another tenant, they just want to make sure, that the additional outdoor space is protected from traffic.

Trash Dumpster: it will be located at 10 feet, a minor adjustment to the plan will be done.

Landscaping Plan: They will replace the 3 street trees along Route 50. Also, the asphalt immediately north and adjacent to the new drive-thru will be replaced with a curbed, landscaped island.

Pedestrian Improvements: It was suggested to consider installation of a sidewalk through the middle of the center. That item came up at the Starbuck's review and that can't be accomplished without re-working the entire parking lot. It was addressed by adding a sidewalk connection from the public sidewalk through the Starbucks all the way across and installation of a crosswalk to the Hannaford. Although the bus stop is closer to the light, it might make more sense to have the bus stop moved closer to the installed sidewalk connection. Mr. Boglioli indicated that he would reach out to CDTA to see if that can be accomplished.

M. Carr asked what areas are to be paved? The areas over by Fantastic Sam's and the drive-thru for the bank are in tough shape. Will those be paved?

J. Boglioli stated the drive-thru area all the way to the property line will be reworked and everything behind the mall down to Peter Harris will be re-topped where the new parking will be located. The striped area will be a curbed landscaped island.

M. Carr asked about the drive-thru for the bank. Are there two lanes?

J. Boglioli replied two lanes will be for the bank teller while the third lane is for the ATM.

A. Briscoe said that his understanding is the patio extension is not for Five Guys but rather for a prospective new tenant for the current empty space. Is that correct?

J. Boglioli said that is correct.

## MOTION

In the matter of the preliminary site plan review by Benderson Development Company, LLC, for a site plan modification for the previously approved Hannaford Shopping Center establishing a Cap Com Federal Credit Union, changing the drive-thru lanes, eliminate parking that is currently located in the proposed new drive-thru lane, striping, etc. and adding outdoor seating behind Five Guys, located at 262 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:** 7 **Noes:** 0 **Absent:** 0

**Motion Approved**

**Motion**

In the matter of the preliminary site plan review application by Benderson Development Company, LLC, for a site plan modification for the previously approved Hannaford Shopping Center establishing a Cap Com Federal Credit Union, changing the drive-thru lanes, eliminate parking that is currently located in the proposed new drive-thru lane, striping, establishment of greenspace island, and adding outdoor seating behind Five Guys, located at 262 Saratoga Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The ten items listed on the 3/8/21 memo from the Economic Development & Planning and Building Depts which address cross-easement, Stormwater Management, lighting, bollards, dumpster, signage, modifications to potable water and sewer connections, landscaping, pedestrian improvements and apply and secure all applicable state, county and local permits.
2. The site plan is to define which areas are to be paved.

The Commission hereby schedules a public hearing for 4/12/21 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 4/12/21, 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:** J. Gibney

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

**Motion Approved**

**654 Route 50 LLC**  
**654 Saratoga Road**

**Concept Review**

This proposal is for renovation of the previous Pig n Whistle site into a 3-season banquet facility for weddings and special occasions. Plans are to renovate the existing restaurant and build a new 40'x60' paver area to house a 3-season outdoor banquet area. The existing restaurant building will be utilized for restrooms, staging areas and bar service. No food prep will be done on site. The proposed use will be



less intense than the previous owner's business and will operate from May through October. A new septic system is proposed as part of this project. It is zoned Community Business.

Owen Speulstra, CT Male, and Bryah Gifford, the owner, were present via webinar.

O. Speulstra stated the applicant wishes to renovate the Pig n Whistle restaurant into a 3-season banquet facility with an outside banquet area. Mr. Speulstra can answer any technical questions and Mr. Gifford can answer any operational questions. They are planning to submit a site plan for the April PZC meeting.

M. Carr said operationally the commission is looking for more specifics on the number of people and making sure there is enough parking. Historically, this site had noise issues, from the previous establishment, and this applicant needs to be conscious of that issue. On the technical side, is there any consideration in paving the current gravel area and will the increase in impervious area cause any run-off issues due to the proximity to the Alplaus Kill? The applicant also needs to have ADA compliant restrooms for any guests of the banquet facility.

J. Lippmann said the current site plan does not address ADA accessibility from the ADA parking spaces down to the banquet area and to the restrooms.

M. Carr also mentioned that this location has had issues with the septic system. What is the applicant's intent and how will it be addressed?

O. Speulstra replied they are currently working on a septic design that will go to NYSDEC for approval. A SPDES permit will be required as they are over the 1,000-gallon capacity. He is working with Jamie Malcolm at DEC.

K. Semon said since this is a banquet facility and younger guests may be in attendance, he has a concern that the only thing separating the site from the Alplaus Kill is a split rail fence.

M. Carr said the applicant might want to consider a barrier to prevent small children from falling off the edge of the site.

**Bruno Associates  
9 Tower Road**

**SEQR Determination  
Preliminary – Site Plan**

Bruno Associates recently purchased land from the Schenectady County Airport increasing the parcel at 9 Tower Road to approximately 2.51-acres. It is the applicant's intent to build a single-story +/- 5,600 sq. ft. warehouse addition to be utilized by the current business. With the additional expansion the business plans to hire an additional 3-4 employees. The parking lot, use and hours of operation will remain the same. Zoning on this parcel is Research, Development and Technology.

Luigi Palleschi, ABD Engineering, was present via webinar.

L. Palleschi reviewed the project. Bruno Associates wants to add to their current 12,600 sq. ft. warehouse building with a 2,000 sq. ft. office in front. They want a 5,600 sq. ft. addition off of the northeast side of the warehouse. The following items were addressed:

- There is no intent to modify any of the parking.
- There are 3 curb cuts off of Tower Road. One serves the dock door and tractor trailer movements on the west end of the building. The additional two curb-cuts provide traffic circulation for the employees.
- Along the front of the building there are 23 parking spaces. They would like to avoid any variances. This addition brings the required number of parking spaces to 37. As discussed, the applicant can “bank” those parking spaces; 3 in front of the building, and 11 at the west end near the tractor trailer area. They don’t believe they need the additional spaces as this is employee driven not customer or retail driven. Currently they have 18 employees and, with this addition within the projected 3-5 years, they expect to add an additional 3-4 employees. The final plans will show the “banked” parking spaces.
- No modifications are being made to water or sewer; they are already available.
- The addition is just for additional storage space for the current operation.
- More impervious area will be added, rooftop and proposed driveway for the addition, therefore, they are providing on-site stormwater management similar to what is now there.
- Three (3) street trees will be added to the east end of the site in front of the stormwater management area.
- The new addition will match the current structure’s colors and materials.

L. Palleschi stated he received comments from M. Burns and staff.

- He will provide a stormwater report.
- Site plans will be provided to the Thomas Corners Fire Dept.
- HVAC units are ground mounted and located at the east end of the current office building.
- There is no change to the enclosed dumpster located at the loading dock side.
- Site lighting – currently there are several light poles there. They will remain. Additional lighting will be a building mounted light at grade at the east end overhead door and another small light at the man door. All will be LED down-type lighting matching the current lighting.
- Sign permit - no modifications and no additional signage is required.
- No chemicals are stored on site.
- No state, county or local permit other than NYS building permit and planning board approval.

M. Carr asked if there are oils for the machines at the site and what’s the total volume of hydraulic oil that is stored on the property.

L. Palleschi said there are, they are used for testing, but he would guess 50 gallons.

J. Lippmann asked about the banking of the parking. How does that fit with the Town of Glenville’s code?

A discussion took place where these parking spaces could/would be located. Commission members had concerns about “banking” the spaces. Does that actually fall under a variance for parking? Although

the applicant does not need the parking, the code states that they are to provide the parking as the commission does not have the authority to grant the applicant less parking without a variance.

M. Burns said there is adequate parking shown on the site currently. His question is how many employees are there? The narrative states there are 18 and may add 3-4 more. The town's parking schedule requires one space per employee on the larger shift. There are 23 spaces now and that's more than enough for 22 employees at any one time.

M. Cherubino stated the concept of "banking" is so that the applicant will never build a structure on that part of the site, so that will always be available for parking.

L. Palleschi replied based on previous comments he looked at where additional parking could be added, if needed in the future, and he will include those on the site plans if required.

M. Carr said if there is a need to add the additional parking then the applicant would have to re-appear before the PZC asking for a modification to the site plans.

P. Ragucci asked where are they getting the 37 parking spaces from? Is it being based on the warehouse and office space?

M. Burns replied he isn't interpreting this as a warehouse, it is more of an industrial type use. Therefore, parking is based on number of employees and not square footage for that type of use.

M. Carr re-iterated they are manufacturing at this location, and currently there are 22 spaces with 1 handicap space totaling 23 spaces. They are only 18 employees with the projection of going to 22 so there is enough parking at this time.

J. Lippmann suggested that the applicant change what the description is for this project on the site plan, page one of the FEAF, and the site plan application to keep it consistent, as this caused confusion for the calculation of parking spaces.

## **MOTION**

In the matter of the preliminary site plan review by Bruno Associates who recently purchased land from the Schenectady County Airport where it is the applicant's intent to build a single-story +/- 5,600 sq. ft. addition to the existing business at 9 Tower 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:** 7 **Noes:** 0 **Absent:** 0

**Motion Approved**

## MOTION

In the matter of the preliminary site plan review application by Bruno Associates for a 5,600 sq. ft. addition to the current business located at 9 Tower Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

- 1.. Reading from the March 8, 2021 memo from the Economic Development and Building Depts.:
  - *“Issue State Environmental Quality Review (SEQR) Negative Declaration for project.*
  - *Confirm parking requirement prior to Final Site Plan approval.*
  - *Stormwater Management Report to be reviewed and approved by Town Designated Engineer, the costs associated with review to be borne by the owner/applicant.*
  - *Obtain comments from Thomas Corners Fire Department prior to Final Site Plan approval.*
  - *Address site landscaping per Article XIX Landscaping of Glenville Zoning.*
  - *HVAC units (roof-top and ground mounted) must be screened from public view.*
  - *Trash/recycling receptacles must be shown on the Final Site Plan as well as the method for screening these containers from public view.*
  - *Provide statement regarding future expansion plans.*
  - *Site lighting (parking area, driveway) and building mounted fixtures shall include shields along with “night sky optics” to prevent glare on adjacent properties and roadway.*
  - *Sign permits are required for any additional signage proposed for the building addition. Sign variance(s) may be required as specific details are not included.*
  - *Alterations to existing potable water and sanitary sewer connections require permits and shall comply with material specifications of the Town of Glenville’s Department of Public Works.*
  - *Identify chemicals used/stored on-site*
  - *Secure all applicable State, County and local permits including but not limited to:*
    - ▲ *Town of Glenville Public Works: Application for Commercial Water Permit (if applicable).*
    - ▲ *Town of Glenville Public Works: Application for Commercial Sewer Permit (if applicable).*
    - ▲ *Town of Glenville Building Department: Application for Commercial Alterations or Repairs.*
    - ▲ *Town of Glenville Building Department: Sign Application (if applicable).”*

The Commission hereby schedules a public hearing for 4/12/21 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 4/12/21, 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:** P. Ragucci

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

**Motion Approved**

**Trenchless Today  
5106 Amsterdam Road**

**SEQR Determination  
Preliminary – Site Plan**

This proposal is to build a single-story +/- 9,600 sq. ft. storage building on the approximate 7.78-acre vacant lot. The storage building is to be used to store plumbing supplies and equipment for the company. No outdoor storage is proposed. A new 30' wide curb cut is to be created on Amsterdam Road for company vehicles to enter/exit the site. No permanent employees will be on site and operating hours will be from 7AM to 7PM for employees only. No public water or sewer is on site and therefore, a well will be drilled to the west side of the site while a septic system will be installed in the front yard in front of the building. Electrical connections will be along Amsterdam Road. This property is zoned Highway Commercial.

L. Palleschi, ABD Engineering, and Matt Ward, owner, were present via webinar.

M. Carr stated the former Pedone C&D Landfill previously occupied this site and although he would like to see the site used, there are some issues that need to be addressed. He asked if anyone has reached out to DEC to get information from them.

L. Palleschi said he spoke with Trish Gabriel, at DEC, and she is aware of the project due to the coordinated review that Mike Burns had sent out. She indicated that she was happy with the site plan and the location of the building. She also knows there is minimal information on-line available to the public. There is some lead that has been exposed, but there is no threat to public health, safety or water wells that they are aware of. She put a request into the Division of Materials for more information. As soon as it's received, she will share the info with the town and L. Palleschi.

K. Semon asked when was the last time anything was dumped on the site.

M. Carr replied he thinks it was around 1980's -1990's when it was determined to be a state site.

A discussion took place regarding the landfill. The concern is the water well for potable purposes, either for human consumption or for on-site sanitary services. If the water is contaminated, and going through the leach field, it will be spreading the contamination. Although this might be a worse-case scenario, the applicant may need to mitigate this by using best engineering practices if necessary.

M. Carr asked L. Palleschi to confirm there will not be any floor drains or liquid run-off inside the building to any drywells.

L. Palleschi said there are no intentions for that right now. There was discussion regarding the gravel in the back and they would like to keep the gravel for cost saving purposes. The plan is to pave it in the near future, but the gravel will be blocked by the building and therefore not in view. It is their hope the planning board would allow just pavement of the main entrance and parking spaces while everything else remained gravel. As for the well, if need be, treatment can be made to the water and/or water can be brought in.

M. Carr stated that usually landfills closures have a type of post-closure monitoring plan and anytime there are modifications to the plan those need to be reviewed and approved by the state. Do you know when you will hear back from Materials Management?

L. Palleschi said that he didn't know when he would.

M. Carr read the 3/1/21 memo from the Economic Development and Building Depts. Items to be addressed are as follows.

1. *“This property appears on NYSDEC’s Environmental Site Remediation Database as No.: 447021. Applicant shall provide further documentation as to the site’s status from NYS DEC.*
2. *Issue State Environmental Quality Review (SEQR) Negative Declaration for project. DEC has been contacted for SEQR Lead Agency coordination. This action has initially been classified as an Unlisted Action.*
3. *Provide Stormwater Management Report to be reviewed and approved by Town Designated Engineer, the costs associated with review to be borne by the owner/applicant.*
4. *Provide status of NYS DOT highway work permit (Perm-33) for proposed driveway and any other work located within the Amsterdam Road (NYS Route 5) right-of-way.*
5. *Obtain comments from Beukendaal Fire Department prior to Final Site Plan approval.*
6. *Address site landscaping per Article XIX Landscaping of Glenville Zoning. Given the location of the proposed on-site septic system, and former C&D landfill, a partial waiver may be required from PZC. Applicant must request landscaping waiver in writing.*
7. *HVAC units (roof-top and ground mounted) must be screened from public view.*
8. *Trash/recycling receptacles/building materials must be shown on the Final Site Plan as well as the method for screening these containers/areas from public view.*
9. *Provide statement regarding future expansion plans.*
10. *Site lighting (parking area, driveway) and building mounted fixtures shall include shields along with “night sky optics” to prevent glare on adjacent properties and roadway.*
11. *Percolation test results for on-site wastewater disposal system must be added to the Final Site Plan when available. Percolation tests must be witnessed by Town Code Official. Town of Glenville commercial on-site wastewater disposal permit required.*
12. *Sign permits are required for proposed signage. Sign variance(s) may be required as specific details are not included.*
13. *Identify chemicals used/stored on-site.*
14. *Secure all applicable State, County and local permits including but not limited to:*
  - ▲ *NYS Department of Transportation: Highway Work Permit (Perm-33)*
  - ▲ *Town of Glenville Building Department: Application for Commercial Building Permit.*
  - ▲ *Town of Glenville Building Department: Sign Application (if applicable).*
  - ▲ *Town of Glenville Building Department: Commercial On-site Wastewater Disposal Permit.”*

M. Carr asked if the applicant was ok with the conditions that were just read.

M. Ward and L. Palleschi both agreed to the conditions.

M. Carr also stated that before a final determination can be made on this project, the commission needs to hear from DEC. If there is difficulty reaching DEC, he would be willing to reach out to them on the applicant's behalf.

J. Gibney said there is a write-up with the application. Is there a reason why the commission is not relying on the write-up?

M. Carr said that he would prefer to hear from the Materials Management Department, as they handle landfills, not necessarily Region 4 DEC. Once a landfill is closed, there is generally a management/monitoring plan that can continue for decades.

J. Gibney read the following from the write-up:

*"Samples were taken from on-site monitoring wells, down-gradient seepage points, commercial and residential drinking water supply wells and surface water from the Mohawk River downgradient of the site. The analysis showed that the hazardous waste disposal did not represent a significant threat to human health or to the fish and wildlife. The groundwater standards for lead (0.025 ppm) were not exceeded in any of the on-site monitoring well samples or from the seepage point samples taken downgradient of the site. The trace values of lead that were detected are typically found in natural groundwater. No leachate containing lead from the landfill has been detected so far, however, if it should occur, it would most likely flow into the Mohawk River where it would be greatly diluted. The geologic conditions at and near the site would not allow leachate to go into the recharge area of the Schenectady Aquifer."* Are you going to get any different information than what was already provided?

M. Carr replied a lot of the data is off the landfill site.

K. Semon inquired what type of landfill was it.

M. Carr said it was C&D Construction and Demolition debris.

A discussion took place about asking for appropriate documentation from DEC to make sure there are no issues.

A discussion took place about whether the commission should go forward providing a negative declaration for SEQR. DEC has been notified about this application and they do have 30 days to respond to the town. At this time, the 30 days have yet not passed.

C. Heinel stated she believes SEQR is one of the more critical pieces of this application. Obviously, the potential for any asbestos or landfill contaminants could affect your analysis. Her understanding is that we are waiting for DEC's comments. It might be wise to wait to hear back from DEC for the purpose of a more complete SEQR.

Several commission members also agreed since the 30 days has not yet passed, they feel the commission should not move on the SEQR declaration.

M. Carr asked what is the applicant's time frame.

L. Palleschi said the applicant has to pre-order the building for spring installation. From the previous meeting they knew DEC was a concern however, they didn't think it was a big deal for site plan and location of the building. He also said that it is rare DEC would take lead agency unless this was an active landfill where they would be required to.

M. Ward confirmed that he did order the building.

C. Heinel offered that the commission could grant a negative declaration with conditions.

P. Ragucci said that he isn't comfortable issuing a neg dec with conditions. To him it's similar to the commission not approving an application without the applicant obtaining the needed variances. Since the correspondence has already been established with DEC, he wouldn't want to see a neg dec conditioned on information that they don't know have yet or know what it will be.

J. Lippmann seconded Mr. Ragucci's concerns and also added that we don't even know if DEC would want to be lead agency.

Another discussion took place as to who will be lead agency.

J. Gibney commented that the hazardous waste disposal period was from 1985 to 1989. Without the discussions from tonight, he would have thought the write-up would have been sufficient.

M. Carr said he would reach out to the regional director on this project to see if there is any additional material on this. If regional is not handling this, he will be directed to who is at central office.

J. Gibney said if the only thing the commission is worried about is potable water, in theory, the applicant could bring in water, although at an added expense.

A discussion took place regarding other alternatives that might be available and how those might or might not be acceptable to town code. Excavation of the site could open up issues in its own right.

Another discussion took place regarding the sanitary facilities.

J. Gibney stated that it seems as though additional requirements as being added to the applicant because we think there might be an issue at the site. Doesn't the closure report point out what the concerns are?

J. Lippmann agreed, but also stated the applicant will be excavating the site. He will expose some of the materials that were disposed at the site.

J. Gibney ask why didn't the applicant get a flag from someone regarding these concerns.

M. Carr said he asked about that last week and the applicant said he was not aware the site was a landfill previously.



J. Lippman said the commission is not necessarily saying that the applicant can't do the project, only what mitigation requirements are going to be needed to deal with excavation, the well and anything else he does on the property. It's only for the protection of the applicant to get the written documentation from DEC.

C. Heinel said the question for this SEQR is whether this application is going to have a negative impact on the environment and if it is, that's where you get to a negative declaration with conditions. Where can we mitigate or eradicate those negative impacts? She realizes that DEC has not formally given lead agency to PZC yet. The point here is that several board members believe that there might be, during the construction activities, a disturbance of C&D materials. Are there ways to mitigate?

J. Lippmann asked Ms. Heinel to clarify if an unlisted action with a neg dec with conditions will have to go to ENB and what would that requirement be?

C. Heinel agreed that it would have to go to ENB.

P. Ragucci suggested that this should be tabled since the commission is waiting on additional information.

M. Carr shared he was on-site at an inactive hazardous waste site and it has a site management plan. The DEC went out and issued their record of decision on how the property is to be left. There will be contamination left on -site but with that the responsible party has to create a site management plan that says that the property is being left in a certain condition. However, if you want to redevelop the property you will need to provide a 60-day notice to the DEC for review. Additionally, an excavation plan would be needed as to how it would be mitigated if contamination is disturbed. This is all part of post-closure monitoring for landfills. For the record, the commission wants to see this project move forward, but they just want to make sure this is not counter to any post-closure monitoring plan, site management plan, or if Materials Management has any specific protocol that this project will disrupt.

J. Gibney asked about the link provided in the write-up concerning this site. He asked wouldn't he get the information.

M. Carr replied there is limited information available on-line. An individual would have to FOIL request for additional information.

L. Palleschi said the description on the DEC website said that only 1.5-acres out of the 7.8-acres had the landfill. He doesn't know where the 1.5-acres is located, but he wished he had a map indicating its location. If the building needs to be moved to avoid that area, it can be. That may be the reason why Trish Gabriel indicated that she liked where the building was going to be located.

## MOTION

In the matter of the application by Trenchless Today for the storage building at 5106 Amsterdam Road, the Planning and Zoning Commission motions to table this application due to the discussion of the former C&D landfill, to allow for DEC to respond to the town's correspondence, and to make sure there are no post-closure management plans that need to be followed.

**Motion**

**Moved by:** M. Carr

**Seconded by:** K. Semon

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

**Motion Approved**

M. Carr reiterated to the applicant that the commission is just trying to get this right not only to protect the town, but also the applicant. As the owner of the property, whether you cause the issue or not, there is a liability and we don't want to create an issue for the property owner.

With no further business the meeting was adjourned at 9:20 P.M.

---

Lynn Walkuski  
Stenographer

---

Linda Neals  
Town Clerk