

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

April 12, 2021

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

Also

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

Attending

via webinar: M. Burns, Planner I, M. Cherubino, Dir. of Community Development,
C. Heinel, Town Attorney

Absent: None

Meeting called to order at 7:03PM

Motion to approve the Agenda

Moved by: K. Semon

Seconded by: P. Ragucci

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

(J. Gibney arrived after the vote)

Motion Approved

Motion to approve minutes from the March 8, 2021 meeting

Moved by: P. Ragucci

Seconded by: M. Tanner

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

Motion Approved

**C2 Design
53 Freemans Bridge Road**

**Public Hearing – open from 3/8/21
Final – Site Plan Review**

Site Plan approval is requested for interior and 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 three (3) potential retail and/or office space(s). An area variance for the proposed parallel parking spaces along Sarnowski Drive was approved with conditions by Glenville's ZBA at its March 22, 2021 regular meeting. The parcel is .65+/- acres and is located in the Freemans Bridge Road Corridor District.

Michael Roman, C2 Design, was present via webinar.

M. Carr stated he believes the applicant has addressed all the issues and asked the commission members if they had any comments.

J. Lippmann said the drawings don't reflect the concrete sidewalk coming around the south side of the building. Since the ADA parking is located on the Freemans Bridge Road side of the building, the plans need to show concrete sidewalks that wrap around the building to the side entrance for tenant #3. They need to be concrete for ADA accessibility.

M. Roman said provision two should address the concern.

A discussion took place on how the sidewalks were shown on the plans.

M. Carr said the commission discussed having concrete sidewalks, 5-ft width, on the south side of the building the entire length of the building last month. Are they reflected on the plans?

M. Roman said he can update the plans.

At this time Chairman Carr continued the public hearing that was opened at the March 8, 2021 meeting. With no comments from the floor or webinar, the public hearing was closed.

MOTION

In the matter of the final site plan review application by C2 Design for interior and exterior renovations to the existing 10,000+/- sq. ft. building which housed the former Checkerhill Farms and Pet Lodge of Glenville, located at 53 Freemans Bridge 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:

1. The site plan needs to be modified to reflect the concrete sidewalk along the entire length of the south side of the building (Sarnowski Drive side) to bring it into compliance with ADA requirements allowing for accessibility to any entrances on the south side of the building no matter where clients may park.

Motion**Moved by: M. Carr****Seconded by: P. Ragucci****Ayes: 7 Noes: 0 Absent: 0****Motion Approved****MAG Land Development
231 Saratoga Road****Public Hearing
Final – Site Plan Review**

This application is for the establishment of a 2,300 sq. ft Chipotle's restaurant with a pick-up only drive-thru at the current location of Dr. Ferraro's dental practice. The parcel is zoned General Business and is located within the Town Center Overlay District. Several area variances were granted by Glenville's ZBA at its March 22, 2021 regular meeting for; parking space dimensions, parking area drive aisle width, side yard parking setbacks and front drive aisle width.

Walt Lippmann, MJ Engineering, was present via webinar.

M. Carr inquired if the applicant has been granted all the variances, if the employee parking has been labeled, and the issue of cross traffic on the shared northern parking spaces.

W. Lippmann replied all variances were granted at the 3/22/21 Zoning Board of Appeals meeting, the 5 southern parking spaces have been labeled employee parking, the issue has been addressed along with the installation of a curb line to prohibit any traffic from cutting through the Chipotle parking lot which will require the use of the driveway on northwest end.

K Semon asked if the shared access easement language has been provided to the town.

W. Lippmann said it will be prepared and sent this week.

M. Carr asked C. Heinel if she will need to see the easement language.

C. Heinel replied she would.

M. Carr asked M. Burns if he was satisfied with all the other items from his memo except for the easement language.

M. Burns said he was.

A discussion took place regarding the colors and modifications of the building.

At this time Chairman Carr opened the public hearing. Without any comments from the floor or webinar, the public hearing was closed.

MOTION

In the matter of the final site plan review application by MAG Land Development for the establishment of a 2,300 sq. ft Chipotle's restaurant with a pick-up only drive-thru at the current location of Dr. Ferraro's dental practice, located at 231 Saratoga 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:

1. The applicant is to provide to the Economic Development & Planning Department the draft easement language for shared parking and access.
2. The applicant is to comply with the items listed in the memo dated 3/21/21 from the Economic Development & Planning Department staff.

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**

**Public Hearing
Final – Site Plan Review**

A site plan modification is requested for the previously approved Hannaford Shopping Center. The applicant will fill the vacant Berkshire Bank space with a Cap Com Federal Credit Union and add an ATM lane to the existing two lane drive-thru. To accommodate this minor change, parking currently located immediately adjacent to the existing drive thru lanes will be replaced with a curbed-landscaped area. New parking spaces will be located at the rear of the building. Additionally, a patio will be added for the vacant 960 sq. ft. space behind 5 Guys, an existing dumpster from 5 Guys will be relocated to the rear property line and an internal directional monument sign will be added within the main parking area. The property is zoned General Business and is within the Town Center Overlay District.

Matthew Oates, Benderson Development Company, was present via webinar.

M. Carr stated the commission has concerns that were discussed at the agenda meeting regarding the additional third drive thru. Will there be enough room particularly for northbound traffic and how will the applicant address traffic that will be traveling east behind the building? Also, how will the utility pole located in the island be addressed?

M. Oates responded the parking that is located near the existing ATM will be removed and will be landscaped which will define the outside third lane that is being added. For the main driveway coming around, arrows will be added to define the drive lanes, and there is approximately 22 feet of the landscaped area that is being added to the outside of the drive lane providing more room for a vehicle coming up to make the turn.

M. Carr asked if the canopy will be extended.

M. Oates replied the canopy will be extended approximately 4 feet to provide cover/protection to the ATM and its users.

M. Carr inquired if there will be any protection/buffer/bollard near the utility pole.

M. Oates said they will install a bollard in addition to the curb.

M. Burns said the discussion at the last meeting concerning access from the bus stop to the plaza has been addressed.

K. Semon asked about the street trees on Route 50.

M. Carr replied they will be taken care of.

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

MOTION

In the matter of the final site plan review application by Benderson Development Company, LLC for a site plan modification for the previously approved Hannaford Shopping Center located at 262 Saratoga 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:

1. The items listed in the 3/8/21 memo from the Economic Development and Building Departments are to be adequately satisfied.

Motion

Moved by: M. Carr

Seconded by: K. Semon

Ayes: 7 Noes: 0 Absent: 0

Motion Approved

**Bruno Associates
9 Tower Road**

**Public Hearing
Final -Site Plan Review**

Bruno Associates has proposed a single-story 5,600+/- sq. ft. addition to the existing manufacturing/office building located on its 2.51+/- acre parcel at 9 Tower Road. The building expansion may increase employment by 3-4 positions. The parking lot, use and hours of operation will remain the same. Zoning on this parcel is Research, Development and Technology.

Dave Kimmer, ABD Engineering, was present via webinar.

D. Kimmer stated they did change the label of the building to specify that it's a manufacturing building to coincide with the parking requirements. At this point he believes everything is all set.

K. Semon asked if they have received any comments from the fire department.

D. Kimmer and A. Briscoe both stated they have not received any comments as of yet.

M. Carr asked if the applicant has committed to adding three trees and if so, those need to be indicated on the final site plans.

D. Kimmer agreed they will be added and included on the site plans.

N. Brower Dobiesz asked if the new addition's exterior will be the same as the current building.

D. Kimmer replied they will match the current building.

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

MOTION

In the matter of the final site plan review application by Bruno Associates for the proposed single-story 5,600+/- sq. ft. addition to the existing manufacturing/office building located at 9 Tower 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:

1. The applicant has agreed to install three trees and the trees need to be shown on the site plans.
2. The site plan needs to be modified to reflect the manufacturing use and as a manufacturing use the parking will be adequate.

Motion

Moved by: M. Carr

Seconded by: N. Brower Dobiesz

Ayes: 7 Noes: 0 Absent: 0

Motion Approved

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

**SEQR Determination
Preliminary – Site Plan Review**

This proposal is to establish a 3-season banquet facility for weddings and special occasions at the former Pig-n-Whistle restaurant site. Plans are to renovate the existing restaurant and build a new 40'x60' paver area with tent, 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 business and will operate from May through October. A new septic system is proposed as part of this project. The property is zoned Community Business.

Owen Speulstra, CT Male, was present via webinar.

M. Carr reviewed several items from the agenda meeting. The commission would like to see the gravel area paved to make is easily accessible for patrons.

O. Speulstra commented that the applicant has agreed to paving the gravel area, the existing fence will be repaired along with adding wire mesh, and the arborvitae will be replaced with red cedar which is more deer resistant. The owners spoke with the architect and it was agreed the occupancy load of the tent would be about 160 which will cover the proposed maximum amount at 150. They are working with Jamie Malcolm at DEC regarding the septic system.

K. Semon commented that he is pleased with the response of the applicant to address the issues that the town and/or commission had with this application in such a timely manner and he thanked the applicant.

MOTION

In the matter of the proposed three-season banquet facility by 654 Route 50, LLC, located at 654 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: N. Brower Dobeisz

Ayes: 7 Noes: 0 Absent: 0

Motion Approved

MOTION

In the matter of the preliminary site plan review application by 654 Route 50, LLC, for the establishment of a three-season banquet facility, located at 654 Saratoga Road (the former Pig n Whistle), the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant is to address the fence along the bank.
2. The applicant is to pave the existing gravel area.
3. The applicant is to address a deer resistant alternative to the arborvitae.
4. The applicant is to review the occupancy load for the tent.
5. The applicant is to obtain the appropriate approval/permits from DEC for the septic system.

The Commission hereby schedules a public hearing for 5/10/21 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 5/10/21, 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: K. Semon

Ayes: 7 Noes: 0 Absent: 0

Motion Approved

David Briggs
1062 Washout Road

SEQR determination
Preliminary – Subdivision

The applicant is submitting a request on behalf of the property owner, Robin Hughes, to divide two lots from the main parcel. Lot #1 is approx. 10.68-acres and will be added to the lands of David Briggs,

while Lot #2 is approx. 2.84-acres and will be added to the lands of Claude & Jane Cavoli. Ms. Hughes will retain approx. 11.87-acres. Additionally, Mr. Briggs intends to convey approx. 0.45-acres to Ms. Hughes to allow increased road frontage for her remaining parcel.

The applicant was not present.

M. Carr said that this application is basically taking properties and re-aligning them into more appropriate lots. Additionally, there will be movement of a property line that is currently on an adjacent driveway.

A discussion took place regarding the additional 75 feet that is to enlarge the road frontage of the Hughes' property.

M. Burns stated that there are no new lots being created with this application.

A discussion took place about this application being listed as a subdivision although it's moving lot lines.

M. Carr asked M. Burns if a preliminary subdivision still needs to be done for this application.

M. Burns replied yes it does along with a SEQR determination. The reason for this is because there are so many pieces of land changing hands, that under the definition of a minor subdivision or subdivision of land, these lot line adjustments are considered a re-subdivision so technically they are subject to the review and approval of the Planning and Zoning Commission. However, many times these types of applications are done administratively between the Building, Assessor, and Planning departments. Due to the number of individuals involved, the county clerk's office said it needed official approval from the Planning and Zoning Commission.

C. Heinel said that if this is being classified as a re-subdivision then you would base it off of that and explain in your motion that although a lot-line adjustment it is on re-subdivision application.

MOTION

In the matter of the lot-line adjustment and/or re-subdivision application by David Briggs located at 1062 Washout Road, the applicant submitting a request on behalf of the property owner, Robin Hughes, to divide two lots from the main parcel, with no new lots being created, only moving lot lines, 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 minor re-subdivision application by David Briggs located at 1062 Washout Road, adjusting lot lines on lot #1 and lot #2 without creating any new lots, only moving lot lines and adjusting parcel sizes, the Planning and Zoning Commission hereby approves the preliminary application.

The Commission hereby schedules a public hearing for 5/10/21 to consider the final minor subdivision application. However, in order for the Commission to schedule a public hearing for 5/10/21, 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.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

Ayes: 7 Noes: 0 Absent: 0

Motion Approved

K. Semon commented that when the final approval is given consideration may want to be given to make it clearer as to how the lands are being conveyed.

A discussion took place as to the clarity of the plans for what is intended with the lot line adjustment.

M. Burns stated that the map currently shows what acreage is being conveyed to the parcels.

Additional conversation took place about the deeds reflecting the changes.

With no further business the meeting was adjourned at 8:10PM

Lynn Walkuski
Stenographer

Linda Neals
Town Clerk