

# PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

May 10, 2021

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

Also

Attending: M. Burns, Planner I, M. Cherubino, Dir. of Community Development,  
L. Walkuski, Stenographer

Attending

via webinar: N. Brower- Dobiesz, C. Heinel, Town Attorney

Absent: None

Meeting called to order at 7:06PM

**Motion** to approve the Agenda

**Moved by:** K. Semon

**Seconded by:** P. Ragucci

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

**Motion Approved**

**Motion** to approve minutes from the April 12, 2021 meeting

**Moved by:** J. Gibney

**Seconded by:** M. Tanner

**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, and Bryah Gifford, owner, were present via webinar.

O. Speulstra gave a quick overview of the project. The outside will be a banquet area for events such as weddings. The tent sides are a type of wooden material. Red cedars are to be planted (along two sides) to help buffer any noise issues. Comments from the board have been addressed. Bryah Gifford and Owen Speulstra are ready to answer any questions from the commission.

M. Carr inquired as to where the applicant stands with obtaining their SPDES permit.

O. Speulstra replied they are still working with Jamie Malcolm, Region 4 – DEC. Drawings have been submitted to address some of the concerns. Currently, DEC is looking for a larger system than what was originally anticipated so they have been working directly with DEC for the past couple of weeks. As a result, they have also been obtaining pricing for the larger system.

M. Carr stated the commission has received comments from residents who may potentially be affected by this project. It is to be known the Planning and Zoning Commission took these comments into consideration and are making them part of the record for this application. The first letter is from Bruce and Barbara Wurz who live at 92 Kingsbury Road. This letter is addressed to the Zoning Board of Appeals from August 2020 when an application from the Kristel family was received by the town for the re-development of this property. Listed below are the concerns they have regarding any development of a restaurant and/or entertainment for this parcel.

*“If you would consider the following bullets as conditions for this application:*

- *No outdoor music will be allowed, none. No bands, DJ's, radio, etc., etc.*
- *No mass gatherings or concerts*
- *No on street parking will be allowed along NYS Rte. 50 or area side roads*
- *Septic system should be inspected and adequate for the intended use. No overflow lines should find their way to the Alplaus Creek.*
- *Site shall never be considered or interpreted to be a nightclub*
- *Outdoor lighting will be for parking lot area only*
- *What does full-service mean???*”

M. Carr stated for the record that he lives about a mile away and he has had experience with the prior establishment regarding the noise levels. He can only imagine what the residents on Paradowski Road and the surrounding streets experience.

At this time, he read the following into the record from Robert & Kathy Cicero who live at Paradowski Road.

*“Outdoor music at this location has been a problem in the past, and it is not difficult to predict that it most likely will become a problem again if allowed. Please consider the surrounding residential neighborhood in your decision.”*

Another letter dated six years ago from Bruce & Barbara Wurz addressed the same basic issues, in particular, the noise levels.

M. Carr said there are regulations for the level of noise that can leave a property. If you take into account the setting of this application and the surrounding geology, you are effectively in a channel that will move noise up and down the creek area. He asked the applicant what are his intentions for entertainment.

B. Gifford said he was familiar with previous concerns and the previous establishment. It's his understanding the previous business owner did not have the best reputation with the town or neighbors. He hopes not to have those problems. His plan is to have a framed tent with walls of a barn wood type material that will help absorb sound. Plantings and landscaping will be around the tent to also help absorb sound. They plan to do weddings at the site on a seasonal basis (May-October). The event will be held inside the tent and that will help buffer the noise. It is their plan to have the weddings and DJs end at 9PM so guests can be out shortly after that. They will only be open Friday, Saturday and Sundays. He believes the majority of the sound will be addressed with what they are proposing.

K. Semon asked what is the source of the music.

B. Gifford said primarily the music will be from a DJ, a preferred choice at weddings. Occasionally, there will be live music, but he doesn't foresee a lot of live music. It's not as popular as a DJ.

K. Semon asked what is the actual drop-dead time for the music to end. What will the applicant say to a father of the bride paying additional money to keep the music playing for another two hours?

B. Gifford said that his response would be that the music ends at 9PM and guests need to leave the premises by 10PM.

J. Lippmann asked if the town's sound ordinance is limited to 10PM.

A discussion took place as to when the music should end, when the guests leave, except for the wait staff, and what the allowed decibels are per town code. There's not much more the town can do to address these issues.

N. Brower Dobiesz asked what was the time the previous owner ended the music.

M. Carr replied it was 10PM, but he needs to mention that these are two different operations. The previous owner was running a bar/nightclub.

B. Gifford stated that typically a bar/nightclub allows live music on a Friday/Saturday until 10PM or 11PM in order to keep the younger crowds in the bar. That is not what he is trying to do at this site. Music that late would be problematic for the surrounding neighbors.

M. Carr stated the property went from a family-oriented restaurant to the bar/nightclub and the town does not want to see a repeat of the former business. They will hold the applicant to minimum noise levels off the property at limits set by town zoning.

M. Cherubino said the town doesn't have decibel levels listed, but rather certain things cannot be done outside of normal business hours i.e., amplified music is one of them.

O. Speulstra said the town's noise ordinance states under Article XIV *"the creation of any noise that exceeds 75 dB(A) at the adjoining property line"*.

C. Heinel said that would be the trigger of the ordinance.

A discussion took place having a definitive time for the music to stop. This issue needs to be mitigated for the surrounding residential neighbors. There may be some unique issues here, such as residential areas surrounding a commercial establishment located near a ravine, which will naturally amplify the sound. There also needs to be some recourse by the town if a situation arises.

C. Heinel said the applicant is providing several ways in which to address the noise levels i.e., the plantings, the tent and the wood like material walls.

M. Burns said that you can conditionally approve this based on the mass gatherings section of town code and also on the noise ordinance section of town code. That would give the town flexibility of enforcement for both sections, which we would do anyway, at least the applicant would know their responsibilities in the operation of their establishment.

M. Carr asked C. Heinel if they could require a permit for each event.

A discussion took place as to whether or not the applicant would be required to obtain a permit for each event held at the location. It was determined that the town does not have a required permit for events of this size, only for mass gatherings which are numbered at 2,000. The site plan itself would not allow for an event of this size. The occupancy load for this proposal is 160, while the applicant is asking for only 150.

M. Carr stated the PZC is a buffer between the applicant and the residents. They need to look at every possible scenario. The commission has had both good and bad applicants who effectively went ahead and did whatever they wanted to do. In those instances, the town needs recourse whether it's a violation of the site plan or any of the other town ordinances.

M. Burns asked if the sides of tent will be rolled up during good weather which will allow the music to escape. Additionally, where will the entertainment stage be located within the tent. As he understands, the problem with the previous business was that the band stage was aimed towards the east (creek) so the sound went up the sides of the hill towards the neighborhoods. If the stage is aimed towards Route 50 you more than likely will not be imposing on the residents. The sides being raised could have an impact on the amount of noise.

M. Carr asked B. Gifford if he would address M. Burns' comments.

B. Gifford said some of the sections of the walls will be permanent while others will be more like a sliding door. He agreed that facing the music towards Route 50 is a good idea.

M. Carr asked about the structure itself. Will it be a permanently mounted, plasticized canvas with windows affixed to a tent structure?

B. Gifford replied it is a framed tent with a seasonal removable top. He currently doesn't have the sides so he can't address what material the sides are made of.

A discussion took place regarding the proposed layering to buffer the noise.

J. Gibney asked if the 60' x 40' area is what is being referred to as the tent area.

B. Gifford responded yes.

A further discussion took place regarding what conditions could be placed on the applicant for the approval and what recourse the town may have if there are complaints regarding the noise level.

At this time the Chairman Carr opened the public hearing. For the record, it is to be noted that all attendees registered for this webinar have been unmuted so they may speak or raise their hand to make any comments regarding this application. With no comments from either the floor or webinar the public hearing was closed.

## MOTION

In the matter of the final site plan review application by 654 Route 50, LLC for establishment of a 3-season banquet facility for weddings and special occasions at the former Pig-n-Whistle restaurant site, located at 654 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 or must 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. Any and all music associated with any events at the facility will cease at 9:00PM, no exceptions, to include live music, DJ, or any other music method. At 10:00PM all event patrons need to be off the premises. Staff involved with the clean-up of the facility to include breaking down the tent or equipment, will be allowed to leave later.
2. Final approval is required from DEC Region 4 regarding the SPDES permit to make sure the septic and sanitary systems are appropriate and functioning properly.
3. The applicant will make every attempt to sound proof the tent, regardless of music type, which includes at a minimum tent walls, sound dampening material and landscaping. It is incumbent upon the applicant as a business owner to consider the neighbors on Paradowski, Kingsbury and the surrounding backside streets and that the town will have recourse, if possible.

**Motion****Moved by: M. Carr****Seconded by: K. Semon****Ayes: 7 Noes: 0 Absent: 0****Motion Approved****David Briggs  
1062 Washout Road****Public Hearing  
Final – 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 asked the commission if there are any questions on this application.

There were no comments from the commission.

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 minor subdivision application by David Briggs who is submitting a request on behalf of the property owner, Robin Hughes, to divide two lots from the main parcel and where Mr. Briggs intends to convey approx. 0.45-acres to Ms. Hughes to allow increased road frontage for her remaining parcel, located at 1062 Washout Road, the Planning and Zoning Commission hereby approves the application. The Commission's decision is based upon the following findings:

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

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

There will not be any recreation fee incurred as no new lots are being created.

**Motion**

**Moved by: M. Carr**

**Seconded by: J. Gibney**

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

**Motion Approved**

**Active Solar**

**81 Freemans Bridge Road**

**Recommendation to**

**Town Board – Zone Change to  
Solar Overlay District**

This change of zoning from the Freemans Bridge Road Corridor is to allow the development of approximately 44-acres of this 208-acre parcel for the installation of two ground mounted solar arrays to be located in the northern portion. Two points of connection to the existing electrical grid for this project will be at Freemans Bridge Road (behind Lowe's) and Sunnyside Road.

M. Carr stated for the record Jenny Lippmann will be recusing herself as her company is involved with this solar development.

M. Carr said this application has the benefit that it conforms with the solar overlay district.

J. Gibney asked if it is in compliance with the solar overlay district.

M. Cherubino replied it does.

K. Semon inquired about the glare analysis. Can someone put it into layman's terms?

M. Cherubino said the original site plan had the placement and facing of the panels creating glare that would have momentarily caused difficulty for pilots to see. The applicant changed the tilt of the panels and moved some of the panels. A new glare analysis was done based on those changes. The result is that there is still some glare, but not harmful.

M. Carr said the concern would be the north/south runway, but would assume FAA and/or the military would concur with the results.

M. Cherubino replied she had sent the application along with the glare analysis to Robert Pace, Air National Guard, and also to Schenectady County. Their engineers are reviewing it.

K. Semon asked if the applicant has reached out to the adjacent property owners.

M. Cherubino said she wasn't aware if there has been any communication with the neighbors.

M. Burns presented M. Carr with a list of five factors that the town board should consider and those factors should be also considered by the PZC.



A discussion took place regarding some the requirements by the solar overlay district i.e., percentage of tree removal, percentage of development. Parts of this entire parcel may not be ideally re-zoned as the solar overlay district.

Another discussion took place about the future improvements of solar panels and is the applicant limiting themselves.

K. Semon asked if this location is on the south side of the rail tracks. He mentioned that a project (apartments/townhouses) have been approved recently. What type of buffering is going to be between these two projects?

M. Carr said to look at Figure 2 of the development plan, page 3 of 7. The March 12, 2021 letter from MJ Engineering, shows the parcel immediately north of Module 1. It shows the railroad line goes along the northern boundary of Module 1. The wooded area between Module 1 and Dutch Meadows Lane is going to be developed with condos, townhouses, and apartments. The town board needs to consider, if this is approved, what effect this will have on the Dutch Meadows project.

Scott Price, MJ Engineering, was present via webinar.

S. Price said both Module #1 and #2 are both located on the northern parcel. The total acreage is 209-acres which goes all the way down to the Mohawk River. The existing zoning is the Freemans Bridge Road Corridor District and they are trying to pursue this through the Solar Overlay District. The development plan is located in the northeast corner of the property. The existing road from Lowe's will be used as an access point and a new gravel drive will be established off the existing one into the solar farm. There will be a 7-foot-high security fence installed around the entire facility. The project includes different kinds of ground-level electrical equipment including transformer pads and switch-gear. Predominately the electrical lines will be underground until the connection point to the existing system where it will go through a series a utility poles and go overhead at that point. Module #1 will connect out by Lowe's; Module #2 will connect down by Sunnyside Road.

M. Carr inquired if they will connect to the existing electrical substation. Are all the appropriate electrical transmission lines in place and you are just going to feed through those? There won't be any drilling under the railroad tracks to get there, correct?

S. Price said that is correct. Everything they are doing is on property until the connection point at the two roads.

M. Carr asked what is going on with the central, southern and riverfront portions of the parcel.

S. Price said at this point there is nothing planned. The developer, Active Solar, is looking into other things for the property, but right now it's just the two modules.

M. Carr then asked if there will be future solar development on this parcel.

S. Price said he couldn't say there won't be solar development at a future date.

M. Carr said the PZC needs to make a recommendation to the town board to look at that and maybe get some answers from the developer. Both Modules #1 and #2 are rather benign although consideration needs to be given regarding an approved residential development going in along Dutch Meadows Road that could be impacted by this view.

Frank McClenaghan, Active Solar Development, was present via webinar.

F. McClenaghan stated that this is the only solar planned for this site. Any other development would follow the Freemans Bridge Road Corridor traditional uses.

M. Carr asked the commission if there were any other comments.

K. Semon restated his concerns with the approved PDD being just north of this project.

F. McClenaghan said the panels will be facing to the south. Also, the topography is such that the railroad tracks are quite high between the two parcels. He doesn't believe that will be an issue unless you're talking about 4-story buildings, although he understands why they want to explore it.

## MOTION

In the matter of the zoning change for 81 Freemans Bridge Road to the Solar Overlay District allowing for the development of approximately 44-acres for the installation of two ground mounted solar arrays, the Town of Glenville Planning and Zoning Commission recommends that the Town Board take into consideration the following in their deliberation process to change the zoning.

- In support of this project, the applicant is effectively going to follow the town zoning overlay district which has limitations and provides guidance within the Town of Glenville.
- There may be some additional studies recommended that will take into consideration the aesthetics/viewsheds of this proposed project.
- The Town Board should recommend limiting the number of parcels used for coverage by solar arrays. For the record, the applicant did state the only parcels to be developed would be Module #1 and #2, in the northern parcel, for the installation of solar panels.
- There is some concern regarding the riverfront parcel. It is heavily vegetated and affects water quality in the Mohawk River.
- The Town Board should also consider the PDD that was previously approved along Dutch Meadows Lane for the construction of residential units i.e., condos, apartments, etc. as they may be affected by the viewshed. The applicant has indicated the railway embankment between the two parcels is higher than where the proposed solar panels are to be installed.

## Motion

**Moved by: M. Carr**

**Seconded by: J. Gibney**

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

**Motion Approved**

**US Light Energy  
66 Freemans Bridge Road**

**Recommendation to Town Board -  
Zone Change to PDD**

This proposal is to change zoning on an approximate 42-acre parcel from the Freemans Bridge Road Corridor to a commercial PDD. Two types of commercial uses are proposed. The front portion of the property along Freemans Bridge is to be a commercial use developed at a future date according to the underlying Freemans Bridge Road Corridor district zoning regulations while the rear portion is proposed to be a community solar farm.

Mike Fingar, US Light Energy, Zack Lissard, US Light Energy, Genevieve Trigg, Barclay & Damon, and Chris Koenig, CT Male, were present via webinar.

C. Koenig, CT Male, gave a quick overview of the project. The applicant is reserving the front part of the parcel, approximately 4.5-acres which is on Freemans Bridge Road, for future commercial development in accordance with the underlying Freemans Bridge Road Corridor District. The remaining property is dedicated to a community solar project on land that is largely marginal with poor visibility, wetlands and steep slopes. The intent is to recognize the planning intent of the corridor zoning and to rehabilitate the commercial viability of the corridor, remove blight from the frontage of the site, and use the marginal parts that's complimentary to the quality of the land as well as the surrounding neighborhood which is defined as heavy commercial. The PDD common property, 30% of the property, will interpose the solar development, provide a green buffer between the arrays and will also provide another 1.25-acre to buffer the solar from the future commercial development in the front of the property. Those common areas will largely be unmaintained and are to remain in their natural condition. C. Koenig also quickly discussed the topography and surrounding commercial properties.

M. Carr asked why is there no development between the two parcels.

C. Koenig replied that this area has the steepest slopes on the site and also has the most mature vegetation on the property. This area has the highest environmental quality on the site and it also provides a natural boundary where two solar arrays could suitably be placed.

M. Carr inquired about the approximate 16+/- acres along the railroad. How many acres are wetlands?

C. Koenig said within the southern portion there are about 4.5-acres and there are some in the northern area. The solar proposal would cover approximately 5.8-acres which includes row spacing. It's not 5-acres of panels.

M. Carr asked if they are taking into consideration any spacing particularly in the wetlands. It's understood that NYS wetlands are more heavily regulated than federal wetlands. Are there any significant habitats there? His concern is the need to place solar panels on top of wetlands regardless if they are state or federal. How are these solar arrays going to be mounted i.e.; pile driven, concrete footings, etc.

M. Fingar said for this project they are planning on using ground screws. There are usually only a few ground screws associated with each rack. He also stated there is no mechanized land clearing of the wetlands.

M. Carr said whether it's a state or federal regulated wetland, the solar panels will prohibit sunlight from hitting the wetland. Is that a negative impact?

M. Fingar replied it won't be continuous shade, only partial shading, and some of the emergent plant species will thrive in a partially shaded environment. Certain pollinatory species will prefer that as well. There are benefits to having partial shade. In these particular areas he sees no negative impacts.

M. Carr asked the applicant how they determined that these are federal wetlands and how that would differ from a state wetland.

M. Fingar said the wetland maps produced by the NYS DEC determines if it's a DEC wetland. The applicant went into the field and did a full wetland delineation of the entire parcel and set flags for the wetland boundaries. There is no NYS DEC map of the property so they are federal wetlands.

M. Carr asked how often the state wetland maps get updated.

M. Fingar stated he is not sure how often the online tool is updated as it's a state database. There are two agencies looking at this project, the US Army Corps of Engineers and the DEC

J. Gibney said he did some research on solar panels over wetlands and basically there are opinions all over the place. He could not find any regulations for putting solar panels over wetlands in NYS.

M. Carr said that his company develops solar sites just like other commission members employers. He reached out to his solar people and NYS does prohibit the installation of solar panels in NYS DEC wetlands. They are more heavily regulated than federal wetlands.

J. Lippmann said the environmental resource mapper is not the final answer as to what are NYS wetlands. It is her understanding a NYS wetland is based upon acreage of wetlands as to what is a NYS DEC wetland vs an Army Corps wetland. She would expect that the applicant should get a letter stating that it is not a DEC wetland based on the size being described. Just to make sure that it hasn't become a NYS DEC wetland over the years.

M. Carr said at this point the PZC is only making a recommendation to the town board. Their recommendation to the town board will include that the NYS DEC has determined these wetlands are not DEC regulated.

A discussion took place regarding ground impact. What are the impacts? You can look at the physical impact of the ground screws, but what about the impact of removing direct natural light?

J. Lippmann said under the NYS Freshwater Wetlands Act, a wetland of 12.4-acres or larger is protected.

M. Carr asked how many acres on this lot are wetlands.

C. Koenig replied wetland acreage totals 23-acres.

J. Gibney said he couldn't find any information from the Army Corps regarding placing solar panels over wetlands. The most comprehensive plans were from Vermont. Some of the discussions said some shade may be better for the wetlands. It would be nice to have guidelines regarding this topic.

A discussion took place regarding federal regulated wetlands and what is allowed for disturbance. Solar arrays are different from what is typically considered as development of land.

M. Carr stated for the record that this type of development industry is moving a lot faster than the regulators can keep up with.

M. Carr asked what type of visual buffer will be along Maple Avenue?

C. Koenig replied in terms of the setback they have about 50 feet from the property boundary, then there's a vacant railroad ROW, then the National Grid transmission lines. In the draft PDD zoning language, the project will be screened as needed from Freemans Bridge Road and Maple Avenue. It will take some more analysis to find where the screening may go.

M. Fingar asked if that was recent change. The research for that site indicates there is a very limited view from Maple Avenue. There is a lot of existing vegetation, none of which is scheduled to be removed.

M. Carr asked what type of vegetation is it. Is it coniferous?

M. Burns said the town received correspondence from the DEC regional office as a response to a coordinated environmental review. In the letter, on page 2, it states there are army corps wetlands on the site and the applicant should contact the Army Corps of Engineers to see if permits are needed.

M. Carr said the letter is in response to the town's request and DEC has no objection to the applicant asking the town board to change the zoning and for the Town of Glenville to assume lead agency for that action. He read the following into the record:

*"A review of NYS protected resources near or within the project site was performed using existing GIS data. Actual field conditions may vary from those depicted on the maps. The following provides a summary of potential State permitting requirements for the project based on the results of the protected resources review and project information submitted with your correspondence."*

*"The applicant is to reach out to US Army Corps of Engineers for a possible permit, contact NYS DEC for a SPDES permit that may also be required, and the project site may be located in an area of potential historical/archeological significance and approval/permit would be needed from NYS Office of Parks, Recreation and Historic Preservation."*

K. Semon asked why is the commercial PDD development sometime in the future. Why is it not being developed now?

M. Fingar replied that they have not yet identified a commercial development activity, but it is to be in-line with the Freemans Bridge Corridor district. Part of the PDD language is proposing a surety bond to be posted for the development of that property.

G. Trigg said this is covered under the PDD language. The developer would have approximately three years to secure a user for that parcel. If not, then the town could draw down on the funding they are providing.

M. Carr asked what is the time frame for cleaning up the existing state of the property. Is that going to be taken care of before anything else?

M. Fingar answered that there will be immediate relief from the current conditions on the property. Demolition of the buildings, cleaning the property and they will make it a pad ready site.

J. Lippmann said the PDD language offers a performance guarantee of \$7,200 in the event the developer doesn't do what they are supposed to do on the site. She asked about sidewalks and how will they be funded.

K. Semon asked what happens if glare from the solar panels becomes an issue after this is built. Who addresses the issue?

C. Koenig said once built they are not easily adjusted however; this was done with FAA approved glare analysis software and the FAA has looked at it with their computer model.

## MOTION

In the matter of the recommendation to the town board for the zoning change at 66 Freemans Bridge Road to a planned development district, the Planning and Zoning Commission recommends that the town board look at the following items:

- Screening or some type of buffer, particularly along the Maple Avenue corridor, where the southeastern portion of the solar development area is close to the roadway.
- The applicant is working on an access agreement to go through the Auto Solutions property to gain access to the back parcel.
- The Town Board mandate the removal of all debris buildings, waste, etc. from the old Schenectady Seed company, including smokestack and greenhouses, to be addressed prior to construction.
- It appears DEC is involved in the wetland issue, but a note to the town board that the wetland issue may want to be looked at in more detail.

**Motion****Moved by: M. Carr****Seconded by: J. Gibney****Ayes: 7 Noes: 0 Absent: 0****Motion Approved****Cable Care Construction  
4884 Amsterdam Road****SEQR determination  
Preliminary Site Plan Review**

This application is for the removal of two existing buildings and construction of an 11,625 sq. ft. contractor building on +/- 3.65-acres. This project includes parking for approximately 50 vehicles, a new driveway location on NYS Route 5, new septic system, and on-site stormwater management. The property lies in the Highway Commercial district.

Gavin Vuillaume, Environmental Design Partnership, and Mike Parzych, Cable Care Construction, were present via webinar.

G. Vuillaume gave a brief overview of the proposal. The applicant would like to make some modifications to the existing site. There is an access road off of Route 5 which is mainly used to gain access to the office building. The office building and smaller garage are scheduled to be taken down as part of this project and the driveway on Route 5 would be reconfigured. The reconfiguration would result in the reduction in size of the large curb cut on Route 5. The other access road is located on Stone Arabia Road providing access to the storage yard, and that driveway would remain as is. The proposed new building, 6-bay garage, and new parking area are located on the western part of the property. The existing stormwater basin would be utilized for stormwater management. Some of the storm piping will need to be reconfigured through the new parking area. More green space will be added along Route 5 therefore, no difficulties managing stormwater through the existing basin is expected. A SWPPP was emailed to the town today. The current septic system is operational however, with the new building they would like to relocate the septic system more toward the southern portion of the property. They have also received a note from town staff regarding the addition of notes to the plans addressing lighting, storage, and screening of the property. There is a lot of vegetation that is along the perimeter of the property and that vegetation will be kept. The applicant is willing to add additional plantings to provide additional screening from Route 5. A private well will be providing water.

M. Parzych said his goal is to get the existing vehicles and equipment under cover as part of the new building.

M. Carr said overall there aren't really any issues with the project. There are some issues with answers on the Environmental Assessment Form (EAF) that should be corrected.

G. Vuillaume said the form is filled out through the DEC website and sometimes the forms are self-populated with a "yes" answer when in reality there is no "yes" answer. Those answers are kept to show how DEC is looking at some of these sites regarding archeological concerns. A letter has been sent to SHPO to see if any further studies need to be done on this site, as it is in a sensitive area, located along the river. Since the site has been disturbed previously, it is anticipated that SHPO will not require any additional archeological studies. Question #20 was also populated as "yes" regarding any potentially

hazardous waste. They did not find any hazardous material on the site. They will keep the “yes” answers unless the commission would like them changed to “no”.

M. Carr said if the applicant has seen the memo prepared the by the Town of Glenville Economic Department.

G. Vuillaume replied he sent a response letter this afternoon to address those concerns. The perc tests will be conducted within the next week or so. Typically, the county would also be present for the perc test.

K. Semon questioned the answer on question #12. On the EAF the response was there are no chemicals to be stored on site, but on the site plans the note states there are no chemicals to be stored outside of the building.

G. Vuillaume said he would change the note to read there would be no chemicals stored on-site.

K. Semon asked if there was to be any change to the parcel owned by the applicant on the other side of the road.

M. Parzych said although he believes it is part of the same parcel there is no intent to change anything across the street.

#### MOTION

In the matter of the preliminary site plan review by Cable Care Construction, for the removal of two existing buildings and construction 11,625 sq. ft contractor building, located at 4884 Amsterdam 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 Cable Care Construction for the removal of two existing buildings and construction 11,625 sq. ft contractor building, located at 4884 Amsterdam Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. Correction of the answers on the EAF.
2. The applicant is to address the issues stated in the Town of Glenville memo.



The Commission hereby schedules a public hearing for 6/14/21 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 6/14/21, 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: 7 Noes: 0 Absent: 0**

**Motion Approved**

With no further business the meeting was adjourned at 9:40PM

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Lynn Walkuski  
Stenographer

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Linda Neals  
Town Clerk