

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

June 14, 2021

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

Also

Attending: A. Briscoe, Code Enforcement Officer, M. Burns, Planner I,
L. Walkuski, Stenographer

Attending

via webinar: N. Brower Dobiesz, J. Lippmann, M. Cherubino, Dir. of Community Development,
C. Heinel, Town Attorney

Absent: M. Tanner

Meeting called to order at 7:07PM

Motion to approve the Agenda

Moved by: K. Semon

Seconded by: J. Gibney

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

Motion Approved

Motion to approve minutes from the May 10, 2021 meeting

Moved by: K. Semon

Seconded by: P. Ragucci

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

Motion Approved

**Cable Care Construction
4884 Amsterdam Road**

**Public Hearing
Final 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.

Mike Parzych and David Stack, the applicants/owners were present.

M. Parzych stated they are planning an 11,600 sq. ft. building to replace and add onto their current space. 3,000 sq. ft. would be office space with the remaining space to be used for housing the business' equipment and inventory.

M. Carr asked if the applicant will have any floor drains, underground discharge or storage of any hazardous materials i.e., gasoline, petroleum, solvents etc. at the new building.

M. Parzych said there will not be any floor drains, underground discharge or storage of hazardous materials.

D. Stack said their business has an on-call contract with Spectrum Communications covering a good portion of the Capital Region. This new building is for the storage of their equipment instead of having it outside exposed to the elements. This new building will be an improvement over the current conditions of the site.

M. Carr said he understands that there has been some preliminary clean up of the site already.

D. Stack replied that is correct.

M. Carr asked how many employees does the company have.

M. Parzych responded there are 25 full-time employees.

M. Carr asked if the applicant has seen the June 14, 2021 memo from the Economic Development & Building Departments.

M. Parzych replied they have.

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

MOTION

In the matter of the final site plan review application by Cable Care Construction for the removal of two existing buildings and the construction of an 11,625 sq. ft. contractor building located at 4884

Amsterdam 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. Resolve Stormwater Management items identified by Town Designated Engineer and incorporate any design changes into Final Site Plan set prior to PZC sign-off.
2. Obtain NYS DOT highway work permit (Perm-33) for proposed driveway relocation and any other work located within the Amsterdam Road (NYS Route 5) right-of-way.
3. Obtain comments from Beukendaal Fire Department and incorporate any changes into the Final Site Plan set.
4. Landscaping contractor shall adhere to notes on Site Plan indicating retention of healthy vegetation and addition of new materials as specified on Final site Plan set.
5. HVAC units (roof-top and ground mounted), trash/recycling receptacles, equipment stored outside shall be screened from public view within the locations specified on the Final Site Plan set.
6. Site lighting (parking area, driveway, equipment storage yard, etc.) and building mounted fixtures shall include shields along with “night sky optics” to prevent glare on adjacent properties and roadway.
7. Sign permits are required for proposed signage. Sign variance(s) may be required as specific details are not included.
8. Building elevations and floor plan shall be submitted along with building permit application.
9. No chemical storage outside of the storage building. Any household cleaning chemicals need to be stored properly within the building in accordance with all NYS building and fire codes.
10. Building floor drains are prohibited.
11. Final Site Plan sets to be stamped and signed by a NYS licensed professional.
12. 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: Demolition Permit Application.
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.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

Ayes: 6 Noes: 0 Absent: 1

Motion Approved

**Specialty Quality Packaging (SQP)
606 7th Street**

**SEQR Determination
Preliminary Site Plan Review**

This Preliminary Site Plan involves storage of paper products (take-out food containers) within the existing approx. 122,409+/- square foot building in the Glenville Business and Technology Park located at 7th Street. No additions are proposed to the existing building footprint. Renovations will include building code improvements. The project site is zoned RDT Research/Development/Technology.

Luigi Palleschi, ABD Engineering, and Adam Epstein, SQP, were present.

L. Palleschi gave an overview of the project. SQP has this 7-acre parcel which is currently under contract. Located in the industrial park, with frontage on Route 5, the parcel is zoned Research/ Development/ Technology. The building is one-story and approximately 122,400 +/- sq. ft with loading docks on the east and west side. It is bordered by E Street on the east and Corporation Park on the west sitting directly behind the new CDTI building. The main access into the site is off of E Street. Easements on E Street serve the federal building, Galesi's building as well as 606. A driveway, off of E Street cuts through the parking lot to get to the loading docks. The intention of this project is to renovate the building and provide storage for the SQP building located at their main campus at 502/602 Potential Parkway. This building would house their paper products.

M. Carr asked if this storage is due to the business growing and how many employees are with the company.

A. Epstein replied it's due to growth and currently they have approximately 160 employees and expect that number to increase.

L. Palleschi said the employees are mainly at the 502/602 campus but would traverse back and forth. There is an existing parking lot that could be re-stripped if needed, but with this building being used for storage the parking spaces at this time are really not needed.

M. Carr asked if anything can be done with the condition of the paved areas.

L. Palleschi said although it's not in the best of shape, it is stable. The main aisle width is suitable for the trucks. The loading dock on E Street is on a dead-end.

K. Semon asked if Corporation Park is a two-way street.

M. Burns said he thought it was two-way up until the end of this parcel.

M. Carr asked if there are going to be any people in the building.

L. Palleschi said at times there will be people in the building. The utilities, water and sewer will all remain the same. They are not proposing any increase in demand. He stated that they were notified that the Village of Scotia owns the water main and there are some leaks that will need to be fixed if the contract and site plan approvals go through per village and town standards.

M. Carr asked L. Palleschi if he received the June 3, 2021 memo from the Economic Planning & Building Departments.

L. Palleschi replied he has and didn't see any issues with it.

MOTION

In the matter of the preliminary site plan review by Specialty Quality Packaging located at 606 7th Street in the Glenville Business and Technology Park, 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: K. Semon

Ayes: 6 Noes: 0 Absent: 1

Motion Approved

MOTION

In the matter of the preliminary site plan review application by Specialty Quality Packaging for the storage of paper products within the 122,000 sq. ft. building located at 606 7th Street in the Glenville Business and Technology Park, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. Comments from Chief Almy from the Village of Scotia Fire Department.
2. Install building numbering
3. More information is needed on existing tenant in the building as listed on the application. More information on lease.
4. Will there be any outside storage? It's not believed there is to be any hazardous materials stored outside or inside.
5. Are there any floor drains? (L Palleschi stated there are none in the building).
6. Any issues with the potable water supply will be corrected with the Village of Scotia.
7. Will there be any modifications to the sanitary sewer line? (L. Palleschi stated there are no modifications.)
8. Final potable water design shall be approved by the Town of Glenville Commissioner of Public Works.
9. Final sanitary sewer design shall be approved by the Town of Glenville Commissioner of Public Works and/or Village of Scotia Public Works Superintendent.
10. If new fencing is to be installed indicate its location(s) on the site plan along with typical details
11. Include all exterior lighting and building lighting locations on the site plan. All lighting fixtures shall include "night sky optics".
12. Site circulation may become an issue depending upon the length of the vehicle(s) accessing the building. Provide a description of how the building will be loaded/unloaded.
13. Apply and secure all applicable State, County, and local permits including but not limited to:
 - Town of Glenville Public Works – Application for Commercial Water Permit
 - Town of Glenville Public Works – Application for Commercial Sewer Permit
 - Town of Glenville Building Dept. – Commercial Building Permit – Existing Structure
 - Town of Glenville Building Dept. – Application for sign.

The Commission hereby schedules a public hearing for 7/12/21 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for (date), 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: 6 Noes: 0 Absent: 1****Motion Approved****Miracle View Professional Offices
65 & 69 Saratoga Road****SEQR Determination
Preliminary Site Plan Review
Recommendation – Area Variance
& Zoning Change**

This Preliminary Site Plan application features two (2) 6,000 sq. ft. professional office buildings, associated parking, stormwater management practices, utility connections and landscaping located at 65 & 69 Saratoga Road. Also included is a 22,077 +/- sq. ft. lot for future single-family home construction. The proposal requires an area variance and lot line adjustment (re-subdivision), to expand the present PR Professional Residential zoning district. The project site is zoned SR Suburban Residential and PR Professional Residential.

Ron Bova, Bova Engineering, was present.

R. Bova said he has responded to the comments from the Planning & Zoning Commission and the Planning Department. He has submitted an updated site plan. The major change was at the north end of the property between Building B and the condominiums property line by establishing a 30-foot buffer and a 40-foot buffer has been established between the upper parking for Building A and the future single-family lot to the west.

J. Gibney asked if the applicant has already obtained the property in order to allow a driveway off of Miracle Lane for the single-family residence.

M. Carr said that issue has been resolved.

M. Carr said there was a question concerning the ability to have a commercial driveway on a residential street and asked C. Heinel if she about any issues.

C. Heinel said she would have to look into that.

K. Semon asked what is the proposed traffic pattern for the commercial driveway off of Miracle Lane.

R. Bova replied the driveway is for the 64 homes in the Return. He wants them to be able to utilize the professional offices with this project which could include medical, insurance, attorneys, and engineering offices. The safer movement for the Return residents would be through and via Miracle Lane. His background is in forensic engineering and is a board-certified forensic engineer. This proposed commercial entrance is a safer move for the Return residents as opposed to taking a left hand turn off Miracle onto Route 50 and then an immediate left-hand turn into the professional offices.

M. Carr and K. Semon both stated they are not in disagreement however, M. Carr stated he wants to make sure there are no issues with the town. K Semon stated his concern is for the individual, who does not live in the Return, trying to get to Route 50. As they would cross the open divider, with trees on either side, there will be difficulty seeing someone who is trying to exit Miracle Lane.

R. Bova said the site distance is adequate to make a safe left hand turn.

J. Lippmann said that she is leery about commercial access on Miracle Lane. She has also heard from other Return residents who are also concerned about a commercial access on Miracle. Due to the difficulty of hearing what the applicant was saying, she asked if someone could summarize the need for the commercial access.

M. Carr asked the applicant if he could summarize the need.

R. Bova said he purchased the property along Miracle Lane and as a result there is improved access and safety for this project. The primary purpose of the access is to allow the Return residents access to the commercial offices in a safer manner than having to go out to Route 50.

M. Carr asked C. Heinel if she could research and let the commission know if there are any restrictions or zoning regulations regarding commercial access on town residential roads.

C. Heinel replied she would check into that.

J. Lippmann stated she looked at the zoning and she thinks from a zoning standpoint this access is allowable, but she is mostly concerned with what the Return residents will think about it. She expects there will be some pushback. She wants to make sure the residents are heard at the public hearing. Her concern is inviting commercial traffic on a residential road. She is not comfortable with it the way it is shown.

K. Semon stated it looks like this proposed entrance will service Building 65A. He said there is also a proposed sign for Building 65A. He doesn't see any signage on Route 50 and since the Route 50 driveway is the main entrance to the professional buildings it should also have signage to prevent the majority of the traffic using Miracle Lane to access the commercial area.

R. Bova said the sign is to prevent confusion with the Return subdivision signage. He will be proposing signage on the south side of the Route 50 driveway. The main sign on Route 50 will be listing the tenants.

M. Burns said his response on the signage to R. Bova was based on the fact that this is located in the Professional Residential district. The signage regulations for that district are very restrictive. The signage that has been proposed will probably need several variances so before the signs were ordered, the town needed a general idea of placement, etc.

K. Semon asked if the dead-end sign and speed limit are going to be relocated.

R. Bova replied yes, they will be relocated.

M. Carr asked what other variances will be required. For the record, those other variances will need to be approved before the PZC will do anything with a final site plan review.

M. Burns said we are trying to follow a court case, that set a precedent, for non-conforming odd-shaped lots, like this one, and follow the same process through our Zoning Board of Appeals. The ZBA is not meeting this month, but will meet in July. There are manageable steps that need to occur to see this through to approval.

K. Semon asked about the easement through the condominiums, will that be abandoned.

R. Bova responded he is not intending to abandon the easement. This easement will allow for pedestrian access for the residents at the condominiums to the commercial area. It is also a single-lane for vehicle access.

A discussion took place about several items that needed to be addressed by the applicant i.e., the building needed to be moved and the parking was moved to maintain the 40-foot setback from the residential lot.

M. Burns stated the big issue now is the access on Route 50 and the applicant has already contacted NYS DOT to get preliminary comments.

R. Bova said he contacted them back in March 2020 and thought the comments were being funneled through the town, but he will follow up with a phone call.

M. Burns said that the town can submit this application to the Traffic Safety Committee and ask for the committee's comments on the alternate driveway on Miracle Lane. Additionally, Highway Superintendent Coppola was asked for his comments regarding the driveway.

M. Carr asked if we can discuss the zoning change.

M. Burns said that is needed due to the non-conforming lot arrangement and the way the zones are split up. That is what he referred to for the precedent setting court case. When R. Bova went to the town board he was told he didn't need to be there that this case would resolve this issue once the Zoning Board of Appeals deliberated and ruled on the request. We are educating the staff, PZC and ZBA.

K. Semon asked if this was a local court case.

M. Burns stated he believed it was a state court case, but doesn't know what court.

M. Carr asked C. Heinel about the court case.

C. Heinel said she wasn't aware of the court case.

M. Cherubino said there are a number of cases, but what she is looking at is the parking that is proposed for the Suburban Residential area and the uses in Suburban Residential that allow parking.

M. Carr asked why is there a request for a zoning change.

M. Cherubino said we are trying to figure out what is the right way to go about this. The zone change was the original thought to make it right, but after looking into it he may only need an area variance or nothing at all. That is what was discussed with Courtney.

C. Heinel said she is looking into this, but there was no court case mentioned during her discussion with M. Cherubino.

M. Carr said he understands that this can be accomplished with either an area variance or zone change but the PZC is waiting for direction from the town. Is that correct?

M. Cherubino said yes.

K. Semon said that the applicant came before the commission awhile back and proposed a complicated plan, but the applicant has stepped up to the plate to bring the commission a better plan.

MOTION

In the matter of the preliminary site plan review and the recommendation of an area variance vs a zoning change for the professional office buildings, associated parking, stormwater management practices, utility connections and landscaping located at 65 & 69 Saratoga Road, by Miracle View Professional Offices, 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: 6 Noes: 0 Absent: 1

Motion Approved

MOTION

In the matter of the preliminary site plan review application by Miracle View Professional Offices located at 65-69 Saratoga Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

Items from the June 1, 2021 memo from the staff of the Economic Development & Building Departments to include:

1. Cover (Sheet 1 of 10). Title to be amended to include Preliminary Site Plans, Miracle View Professional Office Park, Including One (1) Single-family Home Lot.
2. Existing Conditions Plan (Sheet 2 of 10). Include existing "Return" development signage and landscaping. Will development signage be retained, relocated or eliminated?

3. Existing Conditions Plan (Sheet 2 of 10). Included remaining trees of significant size still located on site. Will these be removed or retained and incorporated into site design?
4. Existing Conditions Plan (Sheet 2 of 10). Expand mapping coverage to incorporate Miracle Lane boulevard design, due to new proposed entry/exit onto Miracle Lane from professional office buildings. Need to include alignment of new driveway onto Miracle Lane.
5. Site Plan (Sheet 3 of 10). Include thirty-foot (30') transition buffer along professional office property and Dover Place single-family homes and condominium Planned Development District (PDD). Landscaping/berming/fencing must be incorporated into the transition buffer area.
6. Site Plan (Sheet 3 of 10). A Capital District Transportation Authority (CDTA) transit stop existing along the southbound lane of NYS Route 50 at the corner with Miracle Lane. Connections should be considered between the professional office park buildings and this bus stop location. A bench, waste receptacle and bicycle rack could also be included at this location.
7. Site Plan (Sheet 3 of 10). Consider incorporating a six-foot (6') wide concrete sidewalk along Miracle Lane to facilitate pedestrian access to the office site and homes within the Return to the west. Additionally, consideration should be given to incorporating a ten-foot (10') wide asphalt pathway along the length of the project site along NYS Route 50 for the purposes cited previously.
8. Site Plan (Sheet 3 of 10). Include location(s) and design of proposed Miracle View Professional Office Park signage into the Site Plan and detail sheets, particularly when potential exists for 6-8 tenants and the lot is within a PR Professional Residential zoning district.
9. Site Plan & Grading & Utility Plans (Sheets 3-4 of 10). There appears to be discrepancies between the architectural renderings submitted and the location(s) of building entries. Please verify.
10. Grading & Utility Plan (Sheet 4 of 10). The existing sanitary sewer line to the small home proposed for demolition is located on the plans. Will it be truncated and left in place or removed?
11. Grading & Utility Plan (Sheet 4 of 10). A sanitary sewer connection is shown for the new single-family home lot along Miracle Lane. Is the new proposed single-family home lot within an existing sanitary sewer district or is an extension required? Please verify.
12. Grading & Utility Plan (Sheet 4 of 10). Most of the site in the proposed professional office development will be disturbed during construction. The Short Environmental Assessment Form and Stormwater Management Design Report both indicate a disturbed area of 0.70 acres total disturbance. With a total acreage for the three (3) lots to be 1.94 acres or 84,506.4 sq.; and the land area associated with the proposed single-family home (22,077 sq. ft.) deducted for the aforementioned total, then the disturbed area will be 62,429.4 sq. ft. It appears that the actual disturbed land area exceeds the one (1) acre threshold for SWPPP permit coverage. Please verify the 0.70 disturbed area calculation.
13. Erosion Control Plan (Sheet 5 of 10). The "topsoil stockpile" is located immediately adjacent to the Miracle Lane right-of-way. Is a different location within the center of the site possible to better contain wind-blown sediment from leaving the property?
14. Landscaping Plan (Sheet 6 of 10) needs to be revised to incorporate street trees into the proposed landscaping plan in accordance with Article XIX Landscaping (one (1) street tree, 2.5 minimum caliper diameter breast height per thirty-feet (30') street frontage).
15. Lighting Plan (Sheet 7 of 10) include building lighting fixtures as applicable into analysis. Include typical building lighting details into detail sheets. All lighting fixtures shall include "night sky optics" and shields to prohibit glare on adjacent properties and roadways. Occasional adjustment shall be required by the property owner as needed

The Commission hereby schedules a public hearing for 7/12/21 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 7/12/21, 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. However, a determination needs to be made as to what direction the town wants to move in with respect to the area variance vs the zoning change. If variances are required for this project, those need to be obtained prior to the PZC entertaining final site plan review.

Motion

Moved by: M. Carr

Seconded by: K. Semon

Ayes: 6 Noes: 0 Absent: 1

Motion Approved

M. Burns stated for the record the timing for the steps will be a bit different as the ZBA will not meet in June 2021 so they won't see this application until July 2021. As a result, the public hearing scheduled before the ZBA meets may have to be held open until the ZBA makes their determination.

M. Carr agreed that the public hearing could remain open. He asked C. Heinel again to have a determination available for the PZC regarding the commercial driveway on a residential street.

M. Burns also stated the applicant has responded to the items that were listed on the June 1, 2021 memo and the applicant will have updated plans to show the changes.

J. Gibney asked if the PZC cares whether it's an area variance vs a zone change.

A discussion took place regarding the differences between an area variance and the zone change and which will be more difficult to obtain.

J. Lippmann said she just looked at the zoning code and, upon her initial review, it looks like a zoning change would be required due to what uses are allowed in the Suburban Residential district.

C. Heinel said she sees that and the question would be there is no business taking place on the suburban parcel just parking.

J. Lippmann said the use for the parking is what's important as it's based on what is in the professional buildings.

A discussion took place about allowing parking spaces in the Suburban Residential district.

A discussion took place as to which board, Town Board or Zoning Board of Appeals, should have the recommendation made to.

MOTION

In the matter of the recommendation to the Zoning Board of Appeals for an area variance the Planning and Zoning Commission recommends that the ZBA consider the area variance as opposed to the Town

Board zoning change that would minimize the intensity of potential future uses of the property. For the record the applicant has done a decent job addressing the PZC's concerns with the initial proposal.

J. Lippmann asked in making the recommendation to the ZBA how are you navigating the potential process with the potential zoning change. She is hesitant making a recommendation to ZBA for an area variance when a zoning change may be required.

M. Carr replied that the PZC doesn't know if a zoning change is required. If you change the zoning, you will be intensifying the potential use of the property.

A discussion took place regarding the zoning change and the zoning change request that went to the town board last year. The town needs to figure out what direction they want to go in, but without that decision recommending an area variance is less intense than a zone change.

A discussion took place has to how long the public hearing can be kept open. With a sixty-two-day window, it could be kept open until September 12th.

Motion

Moved by: M. Carr

Seconded by: K. Semon

Ayes: 6 Noes: 0 Absent: 1

Motion Approved

US Light Energy

66 Freemans Bridge Road

Preliminary Site Plan Review

This Preliminary Site Plan application is to allow development of the first phase of a newly created Commercial Planned Development District. Phase I involves construction of a 4.125 MW AC community photovoltaic solar array. Phase II consists of two (2) commercial development sites fronting along Freemans Bridge Road. Site access to the solar array is through an easement over an adjoining property. Access to the commercial portion of the CPDD is from Freemans Bridge Road. The property is zoned CPDD Commercial Planned Development District. The commercial pad sites will be developed to be consistent with the Freemans Bridge Road Corridor District per the CPDD legislation adopted by the Town Board.

Chris Koenig, CT Male, and Mike Fingar, US Light Energy, were present in person.

Genevieve Trigg, Barclay & Damon, and Zach Lissard, US Light Energy, were present via webinar.

M. Fingar said they are proposing Phase I of the recently approved Planned District Development for the solar aspect of the project. The proposal is for a 4.125 ac community solar facility that will be operating in the rear of the property. It consists of approximately 6.5 megawatts ac solar energy which will power about 300-500 homes depending upon usage and whether or not there are commercial and/or residential users. The benefit of community solar is that it is subscription based so you can subscribe/unsubscribe as needed. It is hopeful that the energy produced here will remain in the community, those closest to the site however, the energy produced does generate a credit that does go to anybody in National Grid territory.

C. Koenig said the site is a 42-acre flag lot. The location for Phase I is in the rear of the lot in areas that are relatively flat and consistent of both emerging wetlands and uplands. The upper field consists of wooded areas. The solar development encompasses about 24 acres. The access road is from Freemans Bridge Road, through the adjoining Schaeffer property, crossing two separate parcels into the site behind the salvage yard. The access road provides access to the electrical equipment pads that are stationed strategically within the arrays for maintenance purposes. The gravel access road is designed as a permeable access road so it infiltrates rainwater and stormwater. The intent is to minimize the impact of the development in terms of creating impervious surfaces and disturbance of the ground. The panels are either driven or screwed into the ground so there is no need for excavation.

M. Fingar replied they are currently proposing ground screws which will be about 6-feet into the ground. There is a utility entrance from Freemans Bridge Road to facilitate the utility interconnection to National Grid's existing distribution system. Since the last meeting they will be providing additional screening towards the Maple Ave. section of the project. Fifteen shrub-type evergreens will be planted to fill in the gaps and provide screening for all seasons on the property boundary.

M. Carr asked if an easement will be needed from the Schaffers. Will the vehicles and whatever else he is storing be removed allowing you access?

M. Fingar said yes, they will need an easement and they are in conversation with the Schaffers. It will be following the existing access road that goes through the property.

K. Semon asked if it's a gravel road and is that a NYS approved road cut.

M. Fingar said it is through an existing curb-cut per the PDD language and they will be improving that surface to be more dust resistant.

M. Carr inquired if there are any issues remaining regarding glare for the north-south runway and are the FAA and Air National Guard are satisfied.

M. Fingar stated they have completed the FAA review and got a letter of no impact. To his understanding that has also been coordinated with the National Guard base.

M. Carr asked what is the proposed timing for the commercial development out front. Will it be before or concurrent with the development of the solar farm?

M. Fingar replied the current PDD language outlines that commercial development is to be within three years. First activities for the site will be the demolition and clean up of the pad site. This will be done parallel to the development of the solar site.

M. Carr asked M. Burns if the town is comfortable with the schedule of events.

M. Burns replied the language has already been approved by the town.

K. Semon stated that the town has worked diligently to make this project go forward while also putting in some safety measures such as the site ready pad and commercial development within three years.

M. Carr asked if the applicant had received the June 14th memo from the Economic Planning and Building Departments. Are you ok with the comments as these comments will be included in the preliminary site plan review?

C. Koenig said he would like the opportunity to respond by the next meeting.

MOTION

In the matter of the preliminary site plan review application by US Light Energy for the construction of a photovoltaic solar array, located at 66 Freemans Bridge Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. Other Agency Required Permits: The Site Plan Review Application form indicates several “other agency permits” are required. Please provide an update as to the status of each permit, particularly if the permitting agency requires changes to the project layout/design.
2. Site Access: The main site access is from an existing commercial driveway located at 118 Freemans Bridge Road, an adjacent private property. Please provide a status update concerning the negotiations of the leased access area. A second smaller access point is located at 66 Freemans Bridge Road where the main interconnection and equipment will be located. Will the Future Development Area (FDA) Pad Site be adversely impacted by the array interconnection at this location? Is there a more appropriate location for the interconnection?
3. Stormwater Pollution Prevention Plan: Provide status of Town Designated Engineer (TDE) review of project SWPPP and inclusion of recommendations (as applicable) into Final Site Plan. Will the applicant be requesting a 5-acre maximum disturbance waiver from the Town of Glenville Stormwater Management Officer?
4. Screening and Landscaping Plan: A “Photographic Log from the Vicinity of Maple Avenue” has been provided. No additional landscaping has been proposed on the project site due to existing vegetation between Maple Avenue and the project site on property owned and controlled by others. Has additional landscaping been considered on the project site in this area to buffer the view from Maple Avenue in the case where other owners trim or remove existing vegetation? Additionally, a “multi-species visual buffer tree line,” (50 trees planted 3-4 feet O.C. in a zig-zag line) has been proposed to screen the solar array from view at Freemans Bridge Road (Sheet C-104 in the Site Plan set). The size of specific species of plantings are required per Article XIX Landscaping of Glenville’s zoning code.
5. Emergency Services/Fire Protection: A complete set of plans should be referred to the Thomas Corners Fire Department for comment regarding the proposed access road location, width, construction specifications and project layout. The Site Plans shall be revised accordingly, to incorporate responses to the listed items and/or others requested by the fire department.
6. Future Development Area (FDA): Details of the FDA Pad Site are limited but understandings of the expected future development of this portion of the CPDD are included within the 66 Freemans Bridge Road Commercial Planned Development District - Project Narrative and Proposed Local Law Language. A future Site Plan application will be required

The Commission hereby schedules a public hearing for 7/12/21 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 7/12/21, 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: K. Semon

Ayes: 6 Noes: 0 Absent: 1

Motion Approved

M. Fingar asked if the applicant or the town reaches out to the fire department for comments. Also, they have some comments regarding pole locations. Would the commission like to hear those comments now or at the next meeting?

M. Carr replied the applicant reaches out to the fire department and the next meeting will be fine for the comments on the pole locations. A written response, either email or on letterhead, will be fine.

Active Solar

81 Freemans Bridge Road

Preliminary Site Plan Review

This Preliminary Site Plan application 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. The property is zoned FBR Freemans Bridge Road Corridor District and Solar Overlay District.

S. Price, MJ Engineering, was present via webinar. He gave a quick overview of the project. The applicant will be entering into a lease agreement with the property owner Raymond Piotrowski. This project is located in the upper northern portion of the property divided into two segments – Module 1 and Module 2. There will be panels located within the 100-year flood plain, but all the electrical transformers and equipment will be located outside of the 100-year and 500-year flood plains. A 7-foot-high security fence will encompass the entire solar farm. Site access will be from the end of Lowe's Drive utilizing the existing gravel driveway however, a new gravel access road will be installed primarily for interior access to transformer pads. There are four transformers – two for each module. There are two interconnects for Module 1 and they will connect out through the Lowe's access road. Module 2 two interconnects will be down by Sunnyside Road. The majority of the site is within the Scotia Fire District while a small portion and the main access is through the Thomas Corners Fire District. A meeting with Chief Almy, Scotia Fire District, is taking place on 6/15/21.

A discussion took place about the poles located along Lowe's Drive.

M. Carr said there is some concern with the viewshed from the approved PDD on Dutch Meadow Lane. How will you address the visual buffer?

S. Price stated they received a copy of the Dutch Meadows PDD plan and they are starting to incorporate it into theirs. The proposed development sits up higher than the railway. They started with

Building 5000, which seems to be the biggest building along the common property line, and have begun studying how to address those views.

A discussion took place regarding the views and consideration for when the deciduous trees are bare.

S. Price stated there is no red or yellow glare. There is some green glare which is acceptable.

M. Carr asked if the applicant has seen the June 4th memo from the Planning and Building Departments.

M. Burns replied they have already submitted a response and the commission should have the information in their folders.

K. Semon asked for clarification on the access road. From Lowe's, it's referred to an "unnamed town road", then an "easement", then goes within the property and continues to Sunnyside.

S. Price replied the primary access is from Lowe's while the other is considered secondary, but the intent is to use the access from Lowe's.

J. Lippmann recused herself as her employer is the engineer for this project.

MOTION

In the matter of the preliminary site plan review application by Active Solar for the installation of two ground-mounted solar arrays, located at 81 Freemans Bridge Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant needs to consider any and all potential visual impacts and address via year-round buffering to minimize the viewshed particularly from the PDD that has yet to be built along Dutch Meadows Lane and any other viewshed areas.
2. The applicant has reviewed and addressed the comments in the June 4th memo from the Economic Planning and Building Departments.

The Commission hereby schedules a public hearing for 7/12/21 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 7/12/21, 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: 5 Noes: 0 Absent: 1 Abstention: 1

Motion Approved

With no further business the meeting was adjourned at 9:07PM

Lynn Walkuski
Stenographer

Linda Neals
Town Clerk