

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

July 12, 2021

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

Also

Attending: A. Briscoe, Code Enforcement Officer, M. Cherubino, Dir. of Community Development,
L. Walkuski, Stenographer

Absent: K. Semon

Meeting called to order at 7:04 PM

Motion to approve the Agenda

Moved by: P. Ragucci

Seconded by: N. Brower Dobiesz

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

Motion Approved

Motion to approve minutes from the June 14, 2021 meeting

Moved by: P. Ragucci

Seconded by: N. Brower Dobiesz

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

Motion Approved

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

**Public Hearing
Final 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 Engineers, was present.

L. Palleschi gave a quick overview of the project. The parcel is zoned Research/ Development/ Technology and is approximately 7-acres. Frontage for the parcel is on NYS Route 5 with an ingress/egress easement along E Street. The existing building is approximately 122,000 sq. ft. with one current tenant, VBI (sheet metal fabrication). SQP is located within the business park and they are looking to purchase this building for storage of their overflow paper products from their main facility. Everything is scheduled to remain the same except for updating to current building and fire codes. There is an established parking lot, but since this building will be used for storage, there will be few SQP employees using this facility. Parking should be adequate for the VBI employees and any SQP employees that will need to visit this building. Water and sewer utilities are available at the site and no changes will be made to impervious surfaces. They have responded to the June 3rd memo from the Glenville Staff. Comments have been received from Village of Scotia Fire Department Chief Almy. They have also received the July 12th memo from Glenville staff and there are no major issues with the 14 items listed.

M. Carr stated the only item of note from the agenda meeting was the striping of the parking lot which is mentioned in the July 12th memo. Additionally, parking lot asphalt pavement repair should be addressed as necessary.

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

MOTION

In the matter of the final site plan review application by SQP (Specialty Quality Packaging) located at 606 7th Street, 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. Parking lot is to be striped.
2. The applicant has agreed to the items listed in the July 12, 2021 memo from the staff of the Economic Planning and Building Departments as well as the five permits noted on the memo.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

Ayes: 6 Noes: 0 Absent: 1

Motion Approved

US Light Energy
66 Freemans Bridge Road

Final 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.

M. Fingar said he would give an update on two outstanding items. First, the easement with Auto Solutions is still pending. The easement is with the other attorney for signature. The second item was to follow up with the fire department. They are in contact with Tim Graves, Thomas Corners Fire Department, and plans were dropped off for review. The applicant is willing to provide training for the emergency responders. There are some other items they are working on such as emergency vehicle access.

M. Fingar said he could get a draft of the easement to town council and when finalized it will be submitted to the town.

M. Carr asked if all the items listed in the June 14, 2021 memo from town staff were addressed.

C. Koenig replied a response letter was submitted on June 21st addressing the staff's comments as well as comments from the third-party designated engineer.

J. Gibney asked if the big issue was the buffer.

M. Carr responded yes, and the applicant will be providing a 120-foot buffer along the railroad tracks.

M. Fingar showed where the tree plantings will take place.

C. Koenig said they are proposing Eastern Red Cedars at the property boundary. They are more deer-resistant than arborvitae.

J. Lippmann asked if they have addressed the comments from the third-party engineer.

C. Koenig said they have.

At this time, Chairman Carr opened the public hearing.

H. Williams, a Woodhaven resident for 20+ years, went to the original town board meeting relative to the project. He takes exception to the notion that someone has a piece of property and wants to do a project that is not allowed in the zoning and then the town changes the zoning for the project. The issue is not about solar, but more about the character of the town. He has lived in places where the zoning is not as good as Glenville's. His question is how do you tell the next applicant no, when he has a project, that he wants to do on his property and how do you decide that? He realizes the town board has approved the development district for this project, but he has concerns that these special development districts disregard the character of the town and the zoning requirements of the town. His other concerns are if the US Army Corps has been brought in, if jurisdictional issues with DEC are squared away, and if the US Fish and Wildlife have been involved to understand the endangered species that live in this part of town. He hopes that this has been done. His biggest concern is how do you stop changing the zoning every time someone has a project that they can't develop otherwise.

M. Carr said that the planned development districts do not happen every day. They do happen in areas where people try to be creative. A planned development district offers some liberties that normally would not be allowed. Part of this project also includes a retail portion along Freemans Bridge Road, which is an area the town would like to develop. If you look at some of the other properties in the vicinity, in particular, several junkyards that are eyesores, he believes a solar farm is less intrusive. His personal opinion is that solar energy is great however, he thinks they are unattractive. The planned development districts are not that common. He appreciates Mr. Williams' comments on the town and zoning. The PZC members are all town residents and they also want to see good development. In this particular instance, with private sector investment along Freemans Bridge Road, this is a step in the right direction.

Tony, Entegris employee at 37 Maple Avenue, inquired as to where the access is for the project. Will any of it come through Maple Avenue?

M. Fingar replied all access will come from Freemans Bridge Road. There is a utility access to the interconnect and main disconnect that is located at the existing 66 Freemans Bridge Road where the old greenhouses are. The main project access for construction and maintenance will be through the auto body scrap yard.

M. Carr stated they will need that easement, which is being negotiated with that property owner's attorney. Once that gets resolved it will need to go before the town attorney to be reviewed. Another point to mention, from a health and safety perspective, is the fire department will receive paid training by the applicant to make sure the emergency responders know how to respond if there is an issue with the solar panels, etc.

Mr. Williams asked what was the timing of the build for this project.

M. Fingar said at this time it is to be determined. They are not sure if they will start construction this year.

M. Carr also said there has been review of the wetlands. There have been studies that indicate that the effect of solar panel installation over wetlands is minimal to any plant life, etc.

At this time, with no other comments from the floor, the public hearing was closed.

N. Brower Dobiesz asked what is the timing of Phase II.

M. Fingar replied he believes the PDD states it's three years.

A discussion took place stating that the preparation of the pad-site will be done concurrently with the solar development.

P. Ragucci asked if there is any tenant yet.

M. Fingar said no tenant has been identified yet, but the applicant has committed to a use that would be allowable.

J. Lippmann asked what is the three-year stipulation in the PDD. Is that to construct a building or just to be pad-site ready.

M. Fingar responded that it's supposed to be pad-site ready with a bond posted for that as well.

MOTION

In the matter of the final site plan review application by US Light Energy for a solar array development in Phase I and a commercial development along Freemans Bridge Road in Phase II located at 66 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 access easement needs to be addressed. The finalized easement needs to be reviewed by the Planning Board council.
2. The applicant needs to provide the appropriate training and information for the fire department or any other emergency responders so they can address any issues that could occur at the project site.
3. Any items that may be outstanding from the memo dated June 14, 2021 from the town staff of the Economic Planning and Building Departments.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

Ayes: 6 Noes: 0 Absent: 1

Motion Approved

Active Solar

81 Freemans Bridge Road

Final 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.

Scott Price, MJ Engineering, and Frank McCleneghen, Active Solar, were present.

S. Price said they have received comments from the Planning Board 6/28/21 agenda meeting. An Operation and Maintenance manual has been developed and submitted on 7/2/21. They have received a letter from the Village of Scotia Fire Department. Chief Almy provided a letter on 6/29/21 which has also been forwarded to the town. The only comment was to add a knox box to the entrance gate. The plans will show the knox box. Additional comments from previous review letters included landscaping near the Dutch Meadows project. They have reviewed line of sights from several different proposed buildings of the Dutch Meadows project. In the profiles they saw the need for the landscape buffer as the board had mentioned. Trees will be installed along the property line and those plantings will be a mixture of white spruce, Norway spruce, and white pine. At the time of planting, they are 8-feet tall and at maturity they will average between 40 to 60 feet and grow between 6-12 inches per year. They are to be staggered between two rows.

They also received the memo dated 7/12/21 from town staff and there are a couple of items they would like to discuss.

- Item #4 “Letter of No-effect” from NYS OPRHP has been requested, but to date they don’t have a response.
- Item #5, pertains to the existing farm buildings on the property. The applicant is only leasing the property from the owner and their project is not in the vicinity of the farm buildings.
- Item #6, they are working on easements for Lowe’s Drive. Everything else is ok.

A. Briscoe stated the easements should go to the town attorney not the town clerk.

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

MOTION

In the matter of the final site plan review application by Active Solar for a 44-acre ground mounted solar array on a portion of 81 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 applicant is to follow the items on the July 12, 2021 memo from the staff of the Economic Planning and Building Departments. Several items discussed with the applicant included:
 - Item #4 has been requested and not yet received.
 - Item #5 should be noted that the buildings are not located on the section of the property that is being leased by the applicant from the property owner. Therefore, the town should be taking up this issue with the property owner, not the lessee.
 - Item #6 is also in process and will need to go to the town attorney for review.
 - Evergreen buffer of white pine, white spruce, and Norway spruce is to be staggered and installed at a height of 8-feet and installed along the northwestern boundary of the property for buffering for the proposed PDD along Dutch Meadow Lane. If the buffer trees are dead or dying then the applicant is to replace them.

Motion

Moved by: M. Carr

Seconded by: N. Brower Dobiesz

Ayes: 5 Noes: 0 Absent: 1 Abstention: 1

Motion Approved

With no further business the meeting was adjourned at 7:45 PM.

Lynn Walkuski, Stenographer

Linda Neals, Town Clerk