

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

August 13, 2018

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

Also

Attending: A. Briscoe, Code Enforcement Officer, K. Corcoran, Town Planner,
M. Cuevas, Town Attorney, L. Walkuski, Stenographer

Absent: K. Semon

Meeting called to order at 7:02 PM

Motion to approve the Agenda

Moved by: J. Gibney

Seconded by: P. Ragucci

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

Motion Approved

Motion to approve minutes from the July 9, 2018 meeting

Moved by: J. Gibney

Seconded by: M. Tanner

Ayes: 4 **Noes:** 0 **Absent:** 1 **Abstention:** 2

Motion Approved

**Deborah J. Quick
Washout Road**

**Minor (2-lot) Subdivision
(Final) – Public Hearing**

The applicant is seeking to subdivide a 42-acre parcel into two lots consisting of 36.8 acres and 5.03 acres. The five-acre lot to be created would be located on the west side of Washout Road, about 7/10 of a mile north of Route 5, and across the street from the house located at 778 Washout Road.

Richard and Deborah Quick were present.

M. Carr asked the applicants if they have any plans to further subdivide their property.

The Quicks responded they have no intentions to further subdivide the property.

M. Carr requested the applicant to provide a letter or email indicating they have no intention to further subdivide the property for at least 18 months. They should provide that notification to the Planning Department.

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

MOTION

In the matter of the final minor subdivision application by Deborah J. Quick for a two-lot subdivision located at Washout Road, the PZC hereby conditionally 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.

Conditions of Approval:

1. The Commission requests a letter or email stating the applicant will not seek further subdivision of the property within the next 18-month period.
2. This Commission finds that a proper case exists for requiring the applicant to provide suitable land for park or playground purposes. The need for additional park and recreation facilities has been documented in the Comprehensive Plan, in addition to having been identified by both the Glenville Park Planning Committee and the Community Center Planning Committee.

However due to the small number of lots in this particular subdivision, this Commission finds that the imposition of an in-lieu-of fee is more appropriate than land dedication for this particular subdivision. The recreation fee to be levied is \$1,000.00 per new lot. In this case, the applicant is hereby required to pay a fee of \$1,000.00.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

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

Motion Approved

Dean Durst on behalf of Cindy McKenna
730 Saratoga Road

Site Plan Review
(Final – continued from June)

This proposal calls for an already existing seasonal and portable outdoor retail operation for the sale of flowers, vegetables, bedding plants, mums, pumpkins, etc. The project consists of seven seasonal greenhouses on the north side of the Country Acres/Garden Time property. The property is zoned Community Business. There are still outstanding issues relative to the accuracy of the site plan. However, the 62-day period in which a decision must be rendered following the public hearing by the PZC in June expires today (August 13), so the Commission needs to act this evening, unless there is a mutual agreement between the PZC and applicant to extend this deadline.

There was no representative present for this application.

MOTION

At this time, the Commission determines they will not grant the extension requested by the applicant based on the following reasons:

- The applicant has been out of compliance for approximately two years.
- The northern “fence” is not a fence, but a structure to hold and water plants.
- The sign is not mobile in its present condition.
- The Commission wants the applicant to resolve all existing code violations before re-applying for the site plan review.

Motion

Moved by: M. Carr

Seconded by: M. Tanner

Ayes: 5 **Noes:** 0 **Absent:** 1

Motion Approved

MOTION

In the matter of the final site plan review application by Dean Durst on behalf of Cindy McKenna located at 730 Saratoga Road, the PZC hereby disapproves the application. The Commission’s decision is based upon the following findings:

- The proposed use does not conform to other applicable provisions of the Zoning Ordinance, and in particular the applicant is not in compliance with Section 270-107A of the Town of Glenville Code, which addresses site plan review.

Motion

Moved by: M. Carr

Seconded by: M. Tanner

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

Motion Approved

**Sanrit Realty
415 Sacandaga Road**

**Site Plan Review
(Preliminary)**

The applicant is seeking site plan approval for a mix of existing tenants to settle an enforcement action by the Building Department. Current uses of the 415 Sacandaga Road building include office, private day care, storage, a watchman's quarters, and vacant space. The property is located on the west side of Sacandaga Road, abutting the north side of the railroad tracks, and approximately 500 feet north of Burch Parkway.

Ken Buhrmaster represented Sanrit Realty.

M. Carr stated the commission would like to know exactly what businesses are utilizing this site. He also stated there is concern with regard to the daycare center. The town has been told it's a private daycare however, NYS does regulate daycare facilities. When the town inspected the facility between 12-15 children were on the premises. The commission is requesting definitive documentation that an unlicensed daycare is not operating on this site.

Additionally, the commission has questions concerning:

- the hours of operation
- is the parking sufficient for all the different uses at the site
- any issues with health & safety, fire suppression
- proximity to Petroleum Bulk Storage facility
- storage – fuel trucks, etc.

K. Buhrmaster replied the daycare facility is what they would call a private family care as it is a non-profit business and is not opened to the public. The family that runs the daycare rents the space, but only watches relatives' children.

M. Carr asked if that has been reviewed by NYS Department of Health.

K. Buhrmaster said it has not since they don't fall under the regulations of NYSDOH.

M. Carr asked if there is documentation supporting that statement.

K. Buhrmaster said he believes documentation has been provided to the Building Department. His tenant said the daycare is categorized as a family operation or private club.

J. Lippmann asked if the daycare pays rent for space, but they don't charge for watching the children?

K. Buhrmaster said they do pay rent, but he does not know how they run their business or recover their cost.

M. Carr restated that the commission is requiring documentation from the Office of Child and Family Services who oversees daycare facilities.

M. Carr asked Arnie Briscoe if he has visited the site and how many children were there at that time.

A. Briscoe stated he saw approximately 10 children during his site visit and 4 female adults.

M. Carr said if it's one family, it's not really a concern, but the appearance is that it is a daycare facility and if so, the Commission needs to make sure that all regulations are being followed for the operation of a daycare facility.

M. Carr asked what is stored at the facility.

K. Buhrmaster replied since about 1980, when the building was acquired, there has been various items stored on-site. Such items include pipe, furnaces, plumbing/heating equipment, and boilers. There is also storage from a carpet business, an auctioneer service dealing in antique toys, some non-profit groups, computers for refurbishing, and campaign signs.

M. Carr inquired as to the hours of operation and are there any conflicts with the number of businesses located there.

K. Buhrmaster stated most of the businesses do not have regular operating hours, and it varies with the business, except for the daycare which is opened during more normal business hours Monday through Friday. The J. Buhrmaster Company can run anytime day or night due to the nature of its business.

A discussion took place with regard to the petroleum storage capacity of the facility. Currently the facility is in discussions with DEC and will be closing down their largest storage tank dropping their capacity from 748,000 gallons to under 80,000 gallons. There is fuel oil and kerosene on the property along with two 3,000-gallon tanks; one for diesel and one for gasoline, to be used for the business's trucks. There are three underground tanks used for heating the buildings. These tanks are in the process of being removed as well. By fall of this year, there should be no underground storage tanks.

M. Carr asked A. Briscoe what exactly were the violations.

A. Briscoe said there were no permits for any of the businesses.

K. Buhrmaster replied most of these spaces have been in use for 20 or more years. There was a lack of awareness on their part that there should have been a site plan filed with the town. It was assumed that the businesses could continue as they had been for a number of years.

M. Carr asked where the town is in the enforcement phase.

M. Cuevas, Town Attorney, stated there were no Certificates of Occupancy issued because there were no site plans approved. When the Building Department found out about these mixed uses there are still some questions that need to be answered. There have been exterior inspections but no interior inspections. When there are multiple-uses in one building, the building inspector should be able to get inside the building to verify there are no fire safety issues particularly when you have children occupying the building. Have the tenants given a maximum number of children that are there at any one given time?

K. Buhrmaster said the tenant told them it's between 12-15 children.

M. Carr asked if the number will drop once school is back in session.

K. Buhrmaster said he thought so, but would have to verify with the tenant.

M. Carr stated the commission will need some type of documentation on the daycare.

A. Briscoe mentioned there is an apartment on the second floor.

K. Buhrmaster said when the building was originally built, the second-floor apartment was considered a "watchman's quarters". The quarters is for someone who has a relationship with the business and in exchange for their occupancy they keep an eye on the property. Someone does live there now.

J. Lippmann stated the applicant's biggest hurdle now is the interior code requirements especially if it is a daycare. It will have to be evaluated by the Town. She also noted the children need to cross a parking lot to get to the play area.

J. Gibney asked if all the businesses currently located at this site are allowed.

K. Corcoran replied the site is zoned "General Business" and everything there is allowed, although we are waiting on the interpretation of the daycare.

J. Lippmann asked about the septic system upkeep and is the design for a one-bedroom apartment or all the businesses.

K. Buhrmaster said most of the businesses don't have a lot of activity, even with the daycare, but maintenance is done every 2-3 years. The septic was there when the building was purchased and the former occupant was a meat packing plant that probably had a more intensive use than what is currently at the site.

MOTION

The Planning and Zoning Commission tables this application until additional information can be obtained on the businesses that are using the site. Definitive documentation is needed in regards to the daycare stating that it is not a regulated daycare facility by NYS or the Office of Child and Family Services. Additional documentation on the septic system's capacity/functionality will also be required.

Motion

Moved by: M. Carr

Seconded by: N. Brower-Dobiez

Ayes: 6 Noes: 0 Absent: 1

Motion Approved

Steve Marsh, Glenville resident, approached the Commission in regards to a real estate listing for the former 20-lot “New Holland” subdivision that was approved in 2004 for landowner Jonathan Arneault. A discussion took place as to the rendering posted by the real estate agent versus the 2004 approval.

With no further business the meeting was adjourned at 7:47 P.M.

Lynn Walkuski
Stenographer

Linda Neals
Town Clerk