

# PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

October 18, 2021

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

Also

Attending: A. Briscoe, Code Enforcement Officer, M. Cherubino, Dir. of Community Dev.,  
C. Heinel, Town Attorney, L. Walkuski, Stenographer

Absent: N. Brower Dobiesz, J. Gibney, J. Lippmann

Meeting called to order at 7:00PM

**Motion** to approve the Agenda

**Moved by:** K. Semon

**Seconded by:** P. Ragucci

**Ayes:** 4 **Noes:** 0 **Absent:** 3

**Motion Approved**

**Motion** to approve minutes from the September 13, 2021 meeting

**Moved by:** P. Ragucci

**Seconded by:** M. Tanner

**Ayes:** 4 **Noes:** 0 **Absent:** 3

**Motion Approved**

**Glenville Gun Center  
98 Freemans Bridge Road**

**Public Hearing  
Final Site Plan Review**

This application is for the establishment of a retail firearms store to be located in the former Goldstock's Sporting Goods building. Current zoning for this site is Freemans Bridge Road Corridor.

Jason Singer, Nolan Engineering, and Shawn Lamouree, the applicant, were present.

M. Carr inquired as to whether the applicant has received their county license. He also mentioned the county referral gave an advisory note regarding the parking spaces, but it isn't an issue as they are pre-existing with the property.

S. Lamouree stated the county license is still in process.

C. Heinel said there are no issues, but a condition of approval should mention obtaining the county license.

K. Semon asked if there will be any educational classes held.

S. Lamouree said they may hold some classes there.

M. Carr asked how will they handle an individual that wants to purchase a pistol.

S. Lamouree replied they would first ask if the individual held a pistol permit. If not, they would refer them to Schenectady County for background check, etc. Currently, they offer a basic pistol safety training course at their Green Island location. It is also offered at their Lake George location. Everyone has to go through the basic pistol safety course in NYS as part of the licensing process. They anticipate being able to do some training here in Glenville.

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 Glenville Gun Center for the establishment of a retail firearms store in the former Goldstock's Sporting Goods store located at 98 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 obtain all associated licenses and permits including the county license/permit that is currently outstanding.

**Motion**

**Moved by: M. Carr**

**Seconded by: P. Ragucci**

**Ayes: 4 Noes: 0 Absent: 3**

**Motion Approved**

**Stephen MacDonald**  
**115 Maple Avenue**

**SEQRA Determination**  
**Preliminary Subdivision Review**  
**Recommendation Area Variance**

This parcel is currently a single, 1.8-acre parcel. Proposal is to create two parcels, one .6-acre and one 1.2-acre. The larger of the two parcels would contain the existing house and garage. At this time there are no specific plans for the smaller .6-acre parcel however, future intent would be to build another single-family residence. Current zoning for this site is Suburban/Residential. An area variance is required for the creation of .6-acre parcel. Minimum lot depth in Suburban/Residential is 150 feet and the applicant only has 120 feet therefore, a variance of 30 feet will be needed for the northern property line.

Stephen MacDonald, the applicant, was present.

M. Carr asked the applicant if he would review his project.

S. MacDonald replied he is on 1.8-acre lot next to the old schoolhouse. The northern area is about a .6-acre. The previous owner had started the subdivision process, but never completed it. He is not sure what he wants to do with the smaller parcel, but wanted to complete the subdivision process. At some point in the future, he will either sell the smaller parcel or build a single-family dwelling on it. The northern line is only 120 feet and he needs 150 feet therefore, he also needs to obtain an area variance.

K. Semon asked if the center line is approximately 165 feet.

S. MacDonald replied that is correct.

M. Carr stated he believes when the Grayson Place project was before the Planning and Zoning Commission it was noted there was a cemetery located behind it. He doesn't believe this subdivision will have any affect, but NYS law states that family members need to have access to the cemetery. An easement was retained by the builder of Grayson Place for access to the cemetery.

K. Semon asked if the cemetery is maintained by the town.

A. Briscoe replied the town doesn't maintain it. However, Boy Scouts and Girl Scouts clean up the cemetery for projects. Recently, it was cleaned up for an Eagle Scout project. The grounds were cleaned and new fencing was installed. They did a good job and their access was off of Grayson Place.

M. Carr said there is no issue recommending the area variance. As a reminder, if a new house is built, it will be required to hook up to the existing water and sewer lines.

P. Ragucci asked if the existing house is on a septic system.

S. MacDonald replied it is.

A discussion took place as to what the requirements are if a current septic system fails and there is a sewer line available. Would you have to connect to the sewer line instead of installing a new septic? According to NYS Dept. of Health, the individual would have to connect to the sewer line.

#### **MOTION**

In the matter of the preliminary subdivision review and recommendation for an area variance by Stephen MacDonald located at 115 Maple Avenue, 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: 4 Noes: 0 Absent: 3**

**Motion Approved**

#### **MOTION**

In the matter of the preliminary minor subdivision application by Stephen MacDonald for a two-lot subdivision located at 115 Maple Avenue, the Planning and Zoning Commission hereby conditionally approves the preliminary application.

Conditions of preliminary subdivision approval are as follows:

1. The applicant needs to obtain the area variance.

The commission hereby schedules a public hearing for 11/8/2021 to consider the final minor subdivision application. However, in order for the Commission to schedule a public hearing for 11/8/2021, nine (9) copies of the revised subdivision map and/or requested information must be submitted to the Town of Glenville Planning Department no later than 14 calendar days prior to the public hearing.

#### **Motion**

**Moved by: M. Carr**

**Seconded by: P. Ragucci**

**Ayes: 4 Noes: 0 Absent: 3**

**Motion Approved**

#### **MOTION**

In the matter of a recommendation for an area variance to the Zoning Board of Appeals for Stephen MacDonald located at 115 Maple Avenue, the Planning and Zoning Commission recommends the Zoning Board of Appeals approve this request for the area variance, as the requested variance is reasonably minor at 30 feet.

#### **Motion**

**Moved by: M. Carr**

**Seconded by: M. Tanner**

**Ayes: 4 Noes: 0 Absent: 3**

**Motion Approved**

**Swaggertown Solar I, LLC  
653 Swaggertown Road**

**Recommendation to Town Board  
Zoning Change to Solar Overlay  
District**

This application is for a zoning change to SBL# 15.-1-16.1 currently zoned Rural Residential / Agriculture. This parcel, approximately 113-acres, is split by Swaggertown Road and the applicant intends to develop both sides with a ground mounted solar array. Solar development on the western side is approximately 8.9 +/- acres out of roughly 38.4-acres. Development on the eastern side is approximately 15.3 +/- acres out of roughly 75-acres.

Scott Price, MJ Engineering, was present.

S. Price gave an overview of the project. Swaggertown Road divides this parcel. Swaggertown Solar I is the name for the west side of the project. S. Price pointed out to the commission the location of the substation, the existing gravel road from the substation, the power lines, existing tree stands and the berry farm. This project will not affect the berry farm. The solar entryway will come in off of the gravel road.

S. Price approached the bench and showed the commission pictures that have been taken on-site from various locations showing the current conditions i.e.: the substation, tree stand, farm access road.

K. Semon asked who owns the land where the access road is located.

S. Price replied National Grid owns the land.

M. Carr asked if there are any open bodies of water on the site.

S. Price said there are wetlands.

M. Carr inquired why are trees being taken down and have any been taken down yet.

S. Price responded after a meeting with DEC and Army Corps regarding the wetlands, and to keep the appropriate buffering for the wetlands, it pushed the project's western side development further east. No trees have been taken down at this point.

M. Carr asked what is the elevation change? Is it higher or lower than Swaggertown and Bolt Roads?

S. Price showed the commission how the land slopes and where the small rise is on-site. From Swaggertown it's approximately 6 feet higher. The parcel is zoned Rural Residential/Agricultural and the intent is to use the Solar Overlay District. Total site area is roughly 109-acres. The west side is approximately 38-acres, the solar farm area within the perimeter fence is roughly 8.9-acres. The wooded area for the west side is roughly 17.5-acres, out of a total wooded area for the site of around 40-

acres. Clearing of the western wooded area is about 2.9-acres or 7.5% for the western side and 2.5% of the site's total trees.

M. Carr asked what type of growth is going to be removed; old-growth, scrub? Per satellite images it looks like there is substantial growth to the south/southeastern areas. There are concerns for proper buffering and visual standpoints particularly coming down from Bolt Road.

S. Price replied it's a mixture. They have taken photos coming down from Bolt Road however, with the trees still having full foliage, they realize there will need to be an analysis done after the leaves have dropped.

M. Carr asked who is the applicant.

S. Price replied it is Active Solar and the property owner is Mr. Bilkewicz who also owns the berry farm.

K. Semon asked if anything in this project will adversely affect the temperature, chemistry, etc. of the Indian Kill tributaries.

S. Price reviewed where the tributaries come through the property and the developer is maintaining the 100-foot buffer in accordance with DEC guidelines. There will still be vegetation between the solar panels. DEC considers solar farms as an open space project.

S. Price reviewed the eastern part of the project. This project is further off Swaggertown Road than the western side.

M. Carr asked to have clarification of the green shading and what it represents on the visuals.

S. Price stated the dark green is woods with old growth, the medium green is more of a scrub/brush growth while the light green indicates some current agricultural use (crops).

A discussion took place regarding adequate buffering. S. Price said if the project moves forward, they will need to revisit the photographs and look at the site from different viewpoints without leaves on the trees.

S. Price said the eastern side is about 71-acres. The proposed solar farm within the perimeter fence is approximately 15-acres. The wooded acres are about 22-acres and the proposed clearing would equal .6-acres. There are wetlands surrounding this area and they are also maintaining the 100-foot buffer in accordance with DEC guidelines.

M. Carr asked where is the .6-acres of clearing and what is the purpose of the clearing. How is the applicant determining the solar panel area?

S. Price showed the clearing area and said the reason is for access around the panels. The applicant is maximizing how much they can fit into the area.

S. Price stated the existing gravel farm road off of Swaggertown will be the access point for the farm. There will be an agreement with the property owner for access. Additionally, there will be an improvement made to the access road.

M. Carr inquired as to where the poles will be installed and will they be seen from the road.

S. Price showed where the poles are to be installed and said they will be seen if you look up the road.

K. Semon asked about the standing bodies of water on the property. They are associated with the Indian Kill is that correct?

S. Price pointed out where those ponds are located.

M. Carr suggested that the Indian Kill be noted on the site plans.

## MOTION

In the matter of the recommendation to the Town Board for the zoning change to the Solar Overlay District for Swaggertown Solar I, LLC located at 653 Swaggertown Road, the Planning and Zoning Commission recommends that the Town Board approve the application.

### Reasons supporting the recommendation:

1. This application does fit into the previously adopted legislation with respect to the location of solar farms and substations.
2. The support of clean energy within the Town of Glenville.

### Additional comments:

1. The Town Board needs to consider several of the items below that will be addressed at the site plan review.
  - ❖ The applicant should minimize existing tree removal particularly on the western side.
  - ❖ Both east and west locations should be screened to the maximum extent possible with particular attention given to coming down Bolt Road, with a significant several hundred-foot elevation change, from Sacandaga Road to Swaggertown Road. The solar farm will likely be visible at any time of the year.
  - ❖ It should also be noted in the GECC 10/4/21 memo to the PZC from GECC Chairman Dan Hill the following:

*“because of the slope of Bolt Road, there is potential for the arrays in the east parcel may be visible as one proceeds on Bolt Road east from Sacandaga to Swaggertown. This is in addition to the potential visibility from Bolt of the west parcel arrays and we raise this point only so that the eastward view from Bolt is included in any evaluation of screening that might be needed.”*



- ❖ M. Carr stated he also believes there will be a visibility issue with the western development and the Town Board needs to take this into consideration for the zoning change to the Solar Overlay District.
- ❖ Consideration should be given to the sensitivity and proximity of the Indian Kill and its tributaries with regard to this project.

**Motion**

**Moved by: M. Carr**

**Seconded by: P. Ragucci**

**Ayes: 4 Noes: 0 Absent: 3**

**Motion Approved**

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

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Lynn Walkuski, Stenographer

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Julie Davenport, Interim Town Clerk