

# PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

December 13, 2021

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

Meeting called to order at 7:04 PM

**Motion** to approve the Agenda

**Moved by:** K. Semon

**Seconded by:** N. Brower Dobiesz

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

**Motion Approved**

**Motion** to approve minutes from the November 8, 2021 meeting

**Moved by:** J. Gibney

**Seconded by:** K. Semon

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

**Motion Approved**

**Glenville Cricket Complex  
4281 Amsterdam Road**

**SEQRA Determination  
Preliminary Site Plan Review**

This +/- 42.6-acre parcel is to be developed into 3 practice/championship cricket fields for the Empire Dukes and Electric Charges. The site has 1,000 feet of frontage on Amsterdam Road and is currently occupied with an agricultural use and dilapidated building. Scope of work involves select removal of vegetation, demo and grading for the three fields. No utility connections or changes to the principal access points are proposed to support the athletic uses. This entire parcel is located within the Riverfront Recreational/Commercial District.

Brian Sipperly, Verity Engineering, and Ashok Adikoppula, the applicant (NY Capital Sports, LLC), were present.

B. Sipperly stated the ownership group has met over the past couple of months to determine what is the plan going forward. It has been pared down from the original master plan that was previously presented to the PZC. Presently, the plan is three cricket fields in a park-like setting allowing the partnership group a beginning platform on how to grade the fields/draw in participants. There still is validity to the overall plan to include the structures, etc. that were previously presented in the master plan. The fields are designed to potentially incorporate soccer fields.

B. Sipperly said the current plan shows three competition cricket fields, with the existing structure to remain at this time. A total of 60 parking spaces are being provided and swales to drain the fields. There is no proposed stormwater management or post-construction stormwater practices. Access of the site has not changed; there are two principal curb-cuts. Trip generation is approximately 48-50 trips (entering) during peak pm hours. This number is based on a code for soccer fields as there isn't a code specifically addressing cricket fields. The applicant is aware of the commission's concerns with potable water and sewer. They are not proposing potable water, but do want to provide sanitary service in the form of a portable toilet to be available (weather dependent) from April - November. It would be maintained by a firm hired by the partnership.

B. Sipperly noted the entire site is located in the 100-year floodplain. The design is balanced to finished grade meaning there is no net import/export off the site. Long range plans for future development would be in the northern portion of the site where fill would need to be brought in.

B. Sipperly addressed the commission's concerns about a water withdrawal permit. He said the fields are natural turf fields. They do intend to seek a water withdrawal permit to provide non potable water from the Mohawk River as an alternative to developing a series of non-potable wells for irrigation.

B. Sipperly stated that there is no knowledge of a hazardous waste site nearby and the EAF mapping triggered the incorrect answer on the Environmental Assessment Form.

M. Carr asked A. Briscoe what are the health department's requirements for sanitary facilities.

A. Briscoe replied the county Department of Health, have great concerns for porta johns being located in the flood plain. They want to see specifics details/plans on what the applicant will be providing. The plans should include what will be done if a flood is predicted.

K. Semon asked if maintenance of the facilities would also need to be included in the plans.

A. Briscoe responded yes it does need to be included. DOH encourages the use of the current building, if possible, and the existing sanitary system. Inspection of the system should be done to determine if the system is usable/workable.

A discussion took place between A. Briscoe and B. Sipperly about the number of lavatories/units for the proposed occupation numbers.

M. Carr asked what agency will need to be contacted for the water withdrawal.

B. Sipperly answered he believes it's NYSDEC and Canal Corp, but the applicant has been handling that issue.

A. Adikoppula said they are still researching it and don't have all the information yet.

M. Carr inquired about the potable water being available on site.

B. Sipperly confirmed there will be no potable water on site.

M. Carr asked what is entailed with the future development of the property. He emphasized that if this application gets approved and there are any changes to this site plan it will need to be reviewed by the PZC again.

B. Sipperly replied this is what the applicant wants to do.

K. Semon inquired as to the status of the existing building on this specific plan.

A. Adikoppula said the existing building will not be used and will be locked up.

M. Carr stated for the record that there will be no future development on this site plan from this applicant other than what is presented tonight.

B. Sipperly said that is correct.

J. Gibney asked if the parking will be paved.

B. Sipperly stated the parking will not be paved. The parking is over hard-packed surfaces similar to overflow parking in a field.

J. Gibney noted the existing entrance to the building is gravel. Is the roadway also gravel?

B. Sipperly replied the roadway is a compacted farm road with gravel.

N. Brower Dobiesz asked if part of the roadway is on a different parcel.

B. Sipperly said that is correct and the applicant will need to address this issue.

A discussion took place regarding either obtaining an easement or lot-line adjustment. The survey did not show any encumbrances that they could see.

J. Gibney asked if there will only be one porta john or will there be one for each of the fields.

B. Sipperly said the proposal was to have a bank of them a bit north of the fields.

M. Carr asked A. Briscoe if the county is in charge of anything to do with the septic.

A. Briscoe said if a new conventional septic system was installed then the town would be in charge. If it becomes an engineered or mound system then the county is involved with approvals, etc. Porta johns would also be under the review by the county DOH. They have rules for waste management that the town doesn't address.

P. Ragucci asked to confirm that a third-party entity will be handling the maintenance/service of the porta johns.

B. Sipperly said that is correct.

J. Gibney asked about trash disposal. Is it a carry-in/carry-out situation?

B. Sipperly said that is correct.

A. Adikoppula said they are providing a trash receptacle service.

B. Sipperly said a minimum number of receptacles will be provided. If they need to be screened in a small enclosure that can be accomplished.

J. Gibney said if that is the case then the receptacles need to be shown on the site plan.

K. Semon asked if there is a gate on the access road as it leaves the neighbor's property. Who does the gate belong to?

B. Sipperly said there is a gate shown on the property however, he doesn't know who installed it.

A. Adikoppula said the farmer who occupies it now does have a key to the gate. According to the previous landowner the individuals had an understanding regarding access to the road.

A. Briscoe wanted to mention that gravel roads/access points/parking areas may become a problem when complying with ADA requirements.

## MOTION

In the matter of the preliminary site plan review by the Glenville Cricket Complex, located at 4281 Amsterdam Road, the Planning and Zoning Commission finds that this application will not result in a significant potential adverse environmental impact. Consequently, the Planning and Zoning Commission hereby issues a negative declaration.

### **Motion**

**Moved by: M. Carr**

**Seconded by: N. Brower Dobiesz**

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

**Motion Approved**

## MOTION

In the matter of the preliminary site plan review application by Glenville Cricket Complex for the development of three practice/championship cricket fields for the Empire Dukes and Electric Charges, located at 4281 Amsterdam Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant needs to figure out what is being done with the driveway in the northeast corner, will it be purchased, obtained by a lot-line adjustment or an easement.
2. The applicant needs to provide a plan and details for sanitary use to the town or DOH for approval depending upon what direction the applicant decides. Use of the current building is encouraged, but the decision is up to the applicant.
3. The applicant will need to check with NYSDEC or Canal Corp for the removal of water from the Mohawk River for irrigation purposes and obtain the appropriate permits.
4. The applicant states no potable water will be available on site.
5. The applicant is to provide a plan for on-site waste (garbage) and place receptacles on the site plan. Plan should include waste handling practices.
6. The applicant will need to be in compliance with the American Disabilities Act not only with respect to any facilities, but also any unpaved areas.

The Commission hereby schedules a public hearing for 1/10/22 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 1/10/22, 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: N. Brower Dobiesz**

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

**Motion Approved**

**DSM  
300 Tech Park Road**

**SEQRA Determination  
Preliminary Site Plan Review**

DSM is proposing a 1,600 sq. ft accessory structure (40'x40'x20') for the purpose of enclosing two roll-off dumpsters to prevent unauthorized use of dumpsters. Chemicals will not be stored in proposed accessory building. Building will feature a peaked metal roof and metal siding and will not be connected to either private or municipal water/sewer. Applicant may elect to run electrical power for lighting. Parcel is zoned Research/Development/Technology.

Dan Tompkins, Environmental Design, and John Sesonske, DSM, were present.

D. Tompkins stated that DSM has two dumpsters used as part of their operation (human food grade waste material) which have been used by third parties over the years. At this time, D. Tompkins showed the commission where the proposed pole barn would be located on the site. He said the pole barn will be on pavement.

K. Semon asked if it is on pavement or an Alaskan slab.

D. Tompkins said it won't sit on the pavement, but what he means is it won't displace lawn area. There will be some type of concrete slab, but it won't increase the impervious area.

M. Carr asked if the applicant has security cameras to see what is happening.

J. Sesonske said they do have cameras, but there was a blind spot where the dumpsters were located before. The problem has gotten worse in the last few years, particularly when the road was extended.

**MOTION**

In the matter of the proposed 1,600 sq. ft. accessory structure for the purpose of enclosing two roll-off dumpsters by DSM, located at 300 Tech Park Road, the Planning and Zoning Commission finds that this application will not result in a significant potential adverse environmental impact. Consequently, the Planning and Zoning Commission hereby issues a negative declaration.

**Motion**

**Moved by: M. Carr**

**Seconded by: K. Semon**

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

**Motion Approved**

**MOTION**

In the matter of the preliminary site plan review application by DSM, for the installation of a 1,600 sq. ft accessory structure for the purpose of enclosing two roll-off dumpsters located at 300 Tech Park Road, the Planning and Zoning Commission hereby approves the application.

The Commission hereby schedules a public hearing for 1/10/22 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 1/10/22, 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: 6 Noes: 0 Absent: 1**

**Motion Approved**

**Horstman Farm**

**Swaggertown and Route 50**

**Concept Review**

Applicant would like to propose a Planned Development District for the four parcels totaling 11.14-acres near the intersection of Swaggertown Road and Route 50. The project will include (21) 4-unit, 2-story condominium buildings, (2) 2-unit, 2-story condominium buildings, and one 11,500 sq. ft. commercial building. The larger parcel north of Swaggertown is zoned Suburban Residential, while the remaining three parcels are zoned Professional/Residential.

Scott Lansing, Lansing Engineering, and Geoff Booth and Jeff Knox, NY Development Group, were present.

S. Lansing stated the project is comprised of four parcels; approximately 8.7-acres-east of Swaggertown Road, while the remaining three parcels totaling approximately 2.4-acres are located to the west of Swaggertown Road. There is an existing farm stand located in the front of the largest parcel, the remaining parcels are vacant. The largest parcel and the parcel to the west of Birch Knoll are zoned Suburban Residential, while the two parcels to the west of Swaggertown Road are zoned Professional Residential. He stated this project is primarily surrounded by single-family residential, several commercial structures, and a couple of vacant lands. The property does have some wetlands, approximately 1.1-acres of US Army Corps wetlands, located on the east side. The Horstman Creek is also located on this property.

K. Semon noted during the approval process for Dutch Meadows the commission insisted on a wide berth around the Horstman Creek.

S. Lansing stated the Horstman Creek is a Class C stream per NYS DEC. DEC does not require any type of buffer for the protection of a Class C stream.

M. Carr asked if he was sure of the classification.

A discussion took place as to the classification of the stream. S. Lansing said they would confirm the stream's classification.

S. Lansing said the proposed conditions for this project is a mixed-use planned development. Per town code, maximum density of 10 units per acre is allowed. Based on their calculations they used 111 units as a guide along with MUPD regulations to develop this plan.

S. Lansing said the first part will be to demolish of the existing farm stand in the front. The applicants are proposing 11,500 sq. ft. of commercial space facing towards Route 50. The rear portion of the parcel will have 88 multi-family condominium units. 21 of the 88 units are two-story four-unit multi-family buildings, approx. 4,900 sq. ft. Each unit will have a two-car garage attached to the unit as well as two parking spaces in front of the unit. There are also two-unit condominiums approximately half the size of the four-unit condos with the same criteria of two-car attached garages.

S. Lansing noted accesses to the site will be owned, operated and maintained privately and are not proposed to be dedicated to the town. Access points include Swaggertown Road and Route 50 on the eastern side and Swaggertown Road and Birch Knoll Drive on the western side.

J. Gibney asked if this was to be a private road and who would be responsible to maintain the road.

S. Lansing said where the connection is made at Birch Knoll would begin the transition to a private owned road. Responsibility lies with the condominium owner's association.

J. Gibney asked if there are many of these associations within the town.

A. Briscoe replied there are a few.

N. Brower Dobiesz said she isn't sure she likes the proposed joining of roads. Is there any place in town where there is a continuation of a town road like that?

A. Briscoe said he wasn't aware of any.

M. Carr asked S. Lansing if he could discuss the mixed-use portion and what percentage is residential vs commercial. Why are they seeking a PDD as opposed to developing it under the current zoning?

S. Lansing said he didn't have the percentage numbers and that it is the owner's desire to go this route.

G. Booth replied there is a need in town for multi-family. After speaking with M. Cherubino, he stated the town has about 97% of single-family residential so there isn't an overabundance. It provides a place for people who no longer want the responsibility of home ownership.

M. Carr asked what is the price range for these.

J. Knox said in the area of \$250,000 to low \$300,000.

K. Semon asked if this will be a gated community? Easy access will be created, particularly with the southern parcels, for anyone to use.

J. Knox said it is not something they planned, but could look at it.

G. Booth replied they have developed three of these in the last few years locally and there aren't any gates. It really hasn't been a problem with the condos.

K. Semon stated he could see someone continuing down Birch Knoll Drive and cutting through the private road to access Swaggertown.

J. Gibney asked if the only parking available for visitors is the driveway. How many sq. ft. are these units?

S. Lansing replied they are providing four parking spaces per unit. Two spaces in the garage and two behind the garage.

G. Booth replied they are approximately 1,300 sq. ft. or 1,700 sq. ft.

G. Booth said this is similar to single-family residential now where people would park on the road.

A discussion took place about the parking.

M. Carr inquired whether the project's interior roads will be built according to the town's specifications.

G. Booth said they would. They could visit to see if there is a place to put additional overflow parking. He indicated that throughout town there are situations where there is parking on the town's roads.

N. Brower Dobiesz replied there are a lot of driveways with this project being placed into a small area. Most single-family residential homes are spaced further apart. She foresees issues with people being able to back out of the driveways with this current number of proposed driveways.

K. Semon asked where will the snow go.

S. Lansing said the snow will be pushed off the side of the roadway and the same would be for the driveway. The snow will be stockpiled between the units.

P. Ragucci asked if there are any plans for a common area, clubhouse, etc.

S. Lansing said there are no plans for a common area.

M. Carr noted this is a concept review and the commission would only be making a recommendation to the town board. The town board would ultimately make the decision for allowing the PDD.

Several of the commission's concern are:

- the density for the area
- traffic
- stormwater run-off and where will it go
- any future development at Judson Meadows and how will that effect this planned development
- classification of Horstman Creek needs to be verified and protection of the stream

- the flood plain associated with this project. In particular the three northern buildings are potentially within the flooding areas for the tributary.

K. Semon believes for the Dutch Meadows project, there could not any removal of vegetation within 50 feet or salting of driveways/roads within or near the Horstman Creek area.

M. Carr stated with this project, as presented, you are looking at 100 families in a very small area.

N. Brower Dobiesz said she would like to see some consideration to line up the entry boulevard with the Judson Meadows boulevard.

S. Lansing said they didn't line it up due to a culvert pipe that goes underneath it.

N. Brower Dobiesz asked how are you proposing to convey the water from the culvert?

G. Booth said they would take the water that flows through there and incorporate it into the stormwater plan. They understand that this needs to comply with NYSDEC stormwater standards. He asked where does the 50-foot buffer measure from, the center of the stream or the edge of the stream?

M. Carr said he believes it's the center of the stream. It's not a very wide tributary. Once the classification is determined then the protective measures for that classification need to be followed. Last time he checked it was classified as a trout stream.

K. Semon asked about garbage removal. Will there be a centralized location or will each homeowner be responsible for their own?

S. Lansing said there will be roll-off cans for each individual unit.

C. Heinel asked if there are any plans for the inclusion of sidewalks, crosswalks, etc. for a highly trafficked area?

S. Lansing that is not proposed at this time.

C. Heinel replied it is an initiative for the town, so the town board may be inquiring about it through the PDD process.

G. Booth responded he didn't know of any sidewalks around that you would walk to from that location. Stewart's is adjacent so you could walk there. They can take a look at it. The challenge they run into occasionally is the building of sidewalks which lead to nowhere.

C. Heinel replied using the example if a dog owner wanted to walk their dog. That person would want a safe sidewalk even if it leads to nowhere. Sidewalks are part of a larger development plan and eventually that sidewalk will probably get a connector through some other development project in the future be it town or private.

N. Brower Dobiesz said that Judson Meadows does have sidewalks that lead to Swaggertown Road.

K. Semon asked if the plats could be printed with more clarity regarding the surrounding areas of the project. It is difficult to read these as presented.

J. Gibney said he has concerns with the portion of the project that is right next to residential homes. It is not on the edge of it, it is coming through their neighborhood. To him that is changing the character of the area, and it doesn't make much sense to put condos there instead of single-family homes. Has the applicant talked to any of the neighbors regarding this project?

S. Lansing replied they have not.

C. Heinel also asked the applicant as to their plans for lighting this development. They need to be aware of not creating too much glare off of the property into the residential neighborhoods.

M. Carr asked what is the elevation of the highest plane of the building.

S. Lansing said they don't have the elevation number.

A discussion took place regarding similar condos that were built off of Route 50 in the Beacon Hill development. G. Booth discussed similar projects that he has developed over the past number of years.

A discussion took place regarding the density of the project and how it is portrayed on the concept plan. Items noted:

- the way Birch Knoll Drive will terminate
- the proposed plan does not look like it leaves any space for stormwater management
- 88 units with approximately 264 people will generate an increase in traffic.

A discussion took place on the current zoning of the parcels and what is the allowed density. This project is greatly increasing the density.

J. Gibney inquired about the northern parcel with the blue line crossing it, it looks like it goes through the buildings.

S. Lansing replied it is an Army Corps wetland. It is just a drainage swale.

The applicant was asked to indicate it as such on the site plans.

A discussion took place regarding the wetlands and the area of the flood plain. The actual delineation of the flood plain needs to be shown on the site plan.

P. Ragucci asked if they have any potential commercial tenants.

G. Booth said they don't however, they looked at this project in several ways. The first was coming in as a residential PDD. After looking at the parcel, they thought it would be a good location for some commercial. As a result, they think its viable to have a commercial component.

A discussion took place regarding the makeup of the project and what is commercial vs residential and they believed it was a good transition of use.

J. Gibney noted there are no retention basins listed.

S. Lansing said they haven't gotten that far yet for stormwater management. It would be reviewed during site plan design. NYS Stormwater Design manual has many practices available.

K. Semon asked if it is known where the water sheets off at the present.

S. Lansing said the water sheets towards the Horstman Creek.

The applicant asked what are the next steps. A more definitive plan will need to be presented to the Planning and Zoning Commission in order for the PZC to make a recommendation to the Town Board regarding the change to a PDD.

**US Light Energy  
66 Freemans Bridge Road**

**Modification to Site Plan  
Recommendation to Town Board  
accepting modification**

The applicant is requesting a modification from the original site plan approved on 7/12/21 to move the construction and long-term access from the northern entrance to the southeast corner of the project utilizing an existing paved parking area along Freemans Bridge Road. This modification provides a simpler solution to site access and is a preferred option for NYSDOT.

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

M. Fingar stated they are requesting a modification to their site plan approval for a change in access. Previously, access would have been further up Freemans Bridge Road through an easement from an adjoining parcel. The proposal now is to use an existing entrance to the old greenhouse located on the parcel. This will become a full access road to the project where before this access was to be used as a utility road.

C. Koenig reviewed some concerns from the last meeting. The existing paved parking lot from the edge of Freemans Bridge Road has a 45 -foot apron that will stay in place. The stabilizing structure for the entrance is number #3 crushed stone on top of fabric will go 50 feet beyond the edge of the parking lot. The length from the edge of the pavement to the first wetland crossing is approx. 275 feet. There will be about 1,000 feet of gravel road from edge of pavement to the turn in the road.

M. Carr reviewed the comments from the 12/6/21 agenda meeting.

- NYSDOT permit is required for the curb cut.
- Dust control measures have been taken into consideration with the asphalt pavement before the crushed stone roadway.
- Mud & soil control measures for traffic leaving the site, should be good.
- Town Board must approve the modification based upon a recommendation from the PZC.

C. Heinel stated that the town is particularly concerned with dust control from gravel driveways and access roads. Anyway, the applicant can mitigate the kick up of dust from construction vehicles or normal vehicles would be appreciated. Just a thought for the client when they do meet with the town board.

A discussion took place regarding when the applicant would appear before the town board. It was determined they would be on one of the January agendas.

M. Cherubino stated the town is concerned with dust control so, if the applicant is going to use gravel, then the town would like the applicant to also provide some landscaping to buffer the dust. If not, then the town is asking for 250 feet of pavement from the roadway.

N. Brower Dobiesz asked what was driving this request.

M. Cherubino replied the original ask was to pave the road all the way to the solar arrays. That request came from someone on the town board.

A discussion took place regarding the surrounding properties of this project. Whether there would be dust issues, etc.

## **MOTION**

In the matter of the site plan modification for US Light Energy located at 66 Freemans Bridge Road, the Planning and Zoning recommends the Town Board approve the location of the new access road and take into consideration the following:

1. A NYS DOT permit will be required for the curb-cut.
2. The Planning and Zoning Commission does not have any significant concerns regarding dust control measures, however, the PZC would want the applicant to institute measures to properly address any dust control measures and, if required, as well as any mud or debris measures on Freemans Bridge Road (NYS highway), for traffic leaving the site.

## **Motion**

**Moved by: M. Carr**

**Seconded by: J. Gibney**

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

**Motion Approved**

C. Koenig asked if a site plan modification will be approved at tonight's meeting.

M. Carr explained that since this is a PDD only the Town Board can approve the change. Once they approve the modification, they will not have to re-appear to the PZC.

At this time, M. Carr informed the commission that Jim Gibney is resigning from the Planning and Zoning Commission and tonight is Jim's last meeting. He acknowledged Jim's 40 years of service to the town and thanked him for his contributions to the Planning and Zoning Commission and the other boards/commissions that Jim has served on.

J. Gibney said he has enjoyed his time with the town. One of the things he is most proud of is his involvement with the introduction of the agenda meeting and believes it has become an integral part of the review process. Jim mentioned he appreciated all the help the Planning and Building Departments, along with other town committees, have provided over the years.

With no further business the meeting was adjourned at 8:45 PM.

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Lynn Walkuski, Stenographer

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Julie Davenport, Town Clerk