

# PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

October 17, 2022

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

Also

Attending: A. Briscoe, Code Enforcement Officer, N. Chiavini, Planner I, C. Heinel,  
Town Attorney, L. Walkuski, Stenographer, D. Theobald, Barton & Lojudice

Absent: P. Ragucci, V. Soldani

Meeting called to order at 7:02 PM

**Motion** to approve the agenda

**Moved by:** K. Semon

**Seconded by:** N. Brower Dobiesz

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

**Motion Approved**

**Motion** to approve minutes from the September 12, 2022 meeting

**Moved by:**

**Seconded by:**

**Ayes:** **Noes:** **Absent:**

**Motion Approved**

Motion

Motion to table the approval of the September 12, 2022 minutes until the November 14, 2022 meeting. N. Brower Dobiesz was absent at the September meeting, and two commission members are absent tonight and therefore, the commission does not have a quorum to approve the minutes.

**Motion**

**Moved by:** K. Semon

**Seconded by:** J. Lippmann

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

**Motion Approved**

**Codino's Food Inc.  
704 Corporations Park**

**Public Hearing  
Final Site Plan Review**

This application is for the installation of an 18'x 22'6" concrete slab on the south side of the building. The slab is for a 13,000 gallon, 10' diameter, 36.5' height nitrogen tower. This parcel is zoned Research/Technology/Development.

Pat Jarosz, Van Guilder Associates, was present.

P. Jarosz gave a quick overview of the project. The new nitrogen tower is to increase production capacity at the facility. The tower is to be installed on an 18'x22'6" concrete slab on the south side of the building. The tower is 13,000 gallons, 36.5' high and 10' in diameter. The parcel is zoned Research/Technology/Development.

M. Carr asked if the tank is under pressure.

P. Jarosz replied he does not know but would imagine it is.

M. Carr asked what is the pressure? Although nitrogen is an inert gas and if it leaks it will not hurt anybody. He was wondering if it is under enough pressure where it could turn into a missile.

K. Semon said the only issue he saw was if there was a fire and the pressure increased.

N. Brower Dobiesz looked at the plans and stated there is a design pressure listed at 14.7 psi which seems very low. Further review showed it is listed as 175 psi and she said that seems more realistic.

M. Carr asked A. Briscoe if there are any fire issues or concerns.

A. Briscoe said there are no issues.

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 Codino's Food Inc. for the installation of an 18'x 22'6" concrete slab for a 13,000 gallon, 10' diameter, 36.5' height nitrogen tower located at 704 Corporations Park, 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.

M. Carr asked if there are bollards around the tank for protection from vehicular traffic

P. Jarosz stated there are bollards in front of the tank and there is a chain-link fence around it as well.

K. Semon asked if this is a used tank. The certification on this tank is from 1998 and 1996.

P. Jarosz said he thought it was a new tank.

M. Carr stated the applicant's professional engineer will need to certify the tank along with the pressure of the tank.

Conditions of the approval:

1. The applicant's professional engineer is to provide a statement regarding the pressure of the tank and if it is punctured it will not become a missile.
2. The applicant's professional engineer is to certify the tank.

**Motion**

**Moved by: M. Carr**

**Seconded by: J. Lippmann**

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

**Motion Approved**

**Horstman Farm Mixed Use Development  
Swaggertown Rd and Route 50**

**Public Hearing  
Final Site Plan Review**

This project proposes multi-family housing and commercial use and encompasses 4 parcels totaling approx. 11-acres. There will be ten 4-unit, 2-story condominium buildings, eight 2-unit, 2-story condominium buildings, and two 6,000 sq. ft mixed-use buildings with commercial on the first floor and six apartment units on the second floor. Public water and sewer are available, and stormwater will be managed on-site. The proposed development will be served by private driveways. The town board approved the Planned Development District for this project in June 2022. Zoning for the various parcels is Suburban Residential and Professional Residential.

Scott Lansing, Lansing Engineering, and Geoff Booth and Jeff Knox, the applicants were both present.

S. Lansing said the board is familiar with this project. They have been working with the Planning & Zoning Commission and the Town Board and incorporating PZC comments. They went before the Town Board for Planned Development District (PDD) approval and approval was granted by Local Law #5.

S. Lansing reviewed the project for the benefit of the public hearing. The project is located at Swaggertown Road and Route 50 and is 11-acres in size. 8.5-acres is on the north side of Swaggertown Road, and 2.5-acres is on the west side of Swaggertown Road by Birch Knoll Drive. It is a mixed-use planned development district involving the demolition of the existing structure on the parcel, a former farmstand, and includes the construction of two 6,000 sq. ft. mixed-use buildings, 3,000 sq. ft. commercial on the first floor and 3 apartments on the second floor totaling 6 apartments in all. Also included are 10 4-unit multi-family buildings (40 units in total). One 4-unit building was removed (the PDD did allow for 44 units), a modification was made to the stormwater, and greenspace was added. They are also proposing 8 2-unit buildings (16 units in total).

S. Lansing stated access is by private shared driveways off Swaggertown Road for both the north and west side of Swaggertown. Waste management will be performed with individual rolling cans that go into the garages of the individual units. Parking requires 113 parking spaces, and they are proposing 259 spaces. There are two-car garages on the units for two cars inside the garage and two cars behind allowing for 4 parking spaces per unit.

S. Lansing said they are proposing over 61% of greenspace. They have worked with the Planning Board regarding buffers and screening for existing property owners, and sidewalks for connectivity to the units, to the main roadway, the two parcels of the development, and to the commercial component on Route 50.

S. Lansing said the project is in Water District #11 and Sewer District # 9 and stormwater is managed on-site.

M. Carr asked what is the status of the SWPPP, has it been reviewed and are there any major comments?

S. Lansing said he believes all the comments have been addressed, if there are any outstanding issues they could be conditionally approved.

C. Heinel said one item should be included on a conditional approval and that item is the applicant will need to petition to join the sewer district. The approval would have to be conditioned on the applicant petitioning and joining the sewer district for that area.

J. Lippmann asked for clarification on the stormwater management. Is the applicant looking to use the surface basin and are there no longer any subsurface infiltration chambers?

S. Lansing said there is still subsurface on the smaller side, on the 2.5-acre side, but not on the larger parcel. The depth of ground water was a concern.

M. Carr asked about the buffering to the north, particularly on the northeast (Mr. Kenney's property).

S. Lansing replied they worked with the Planning Board. There were some plantings originally shown and more plantings were added.

M. Carr asked if the plantings by the Kenney property were going to be evergreens. He does not want Mr. Kenney to be able to see the buildings.

S. Lansing said he thinks it is a robust planting plan and includes a variety of plantings. There are four rows of several types of plantings there. The rows are going both south and east.

K. Semon asked if the existing trees will be kept in the northeastern portion and the plantings will be in the north and northwest.

S. Lansing replied that is correct.

M. Carr said the board discussed the stormwater retention basin between the commercial and residential buildings. Will there be any type of landscaping and/or fencing?

S. Lansing answered they do have plantings between the residential and commercial areas. There is at least one row between them and in some areas, there are two rows. There are also some larger trees around the basin as well.

M. Carr asked if there is fencing around the basin and will there be standing water. How deep will it be?

S. Lansing replied there will be standing water and its depth will be 4 feet. It will have the prescribed safety slopes on the side of the basin which meet DEC requirements. It technically does not need a fence for DEC.

A discussion took place among the board members regarding safety concerns.

M. Carr asked J. Lippman what is her experience on fencing for the stormwater basin?

J. Lippman replied that S. Lansing is correct that fencing is not required so long as you have the safety bench, and the slide slopes are as prescribed by the design manual. With that said, she would not be opposed if the board wanted something to separate it i.e., a split-rail fence due to its proximity to the residential properties. She would not recommend a chain-link fence as it is not aesthetically pleasing.

M. Carr next asked about the pedestrian crosswalk on Swaggertown Road.

S. Lansing said they are working with the county. He believes there will be flashing beacons.

J. Lippmann said due to the location she would like to see push-button solar with flashing beacons if the county is agreeable to it.

M. Carr next asked about the easement status for Birch Knoll Drive. Has the town received anything?

C. Heinel replied to her knowledge there has not been any easement that has come through. The proposed private road on the small 2.5-acre lot will need an easement from the town for the section where it comes in between the 2-unit and 4-unit buildings. That would also need to be a condition of approval.

S. Lansing said he has already spoken to Tom Coppola and Dana Gilgore and Tom is supposed to write a letter recommending that easement.

M. Carr asked if C. Heinel will need to see the language and she said it will be forwarded to her office.

M. Carr inquired about the timeframe for the construction/phased approach.

S. Lansing responded the PDD does outline the timing of the commercial and residential phasing. He does not think the developers have figured out which units will be started first.

M. Carr asked will the floodplains affect the total elevations of the buildings.

S. Lansing replied as far as the finished floors of the buildings by the Horstman, they are a minimum of four feet, and some are four and half feet above the floodplain elevations so there is no impact on the floodplain.

M. Carr asked if they will be able to slope away.

S. Lansing said there is a minimum of a foot to a foot and a half of fill above floodplain elevation for those located near the Horstman.

N. Brower Dobiesz inquired about the building elevations. The buildings are listed as two-story. Are the dormers faux?

S. Lansing said they are decorative dormers. The second floor is basically where the windows are below the dormers.

N. Brower Dobiesz then asked if the board thinks it gives the building too much mass.

The board said they felt the dormers make it look residential, the dormers do not exceed the peak roof line, and they give the building some interest.

J. Lippmann asked with the amount of new impervious surface how are they meeting their run-off production.

S. Lansing replied they have chambers, a cistern, tree plantings, and conservation of some areas by the open space areas near the Horstman.

M. Carr asked J. Lippmann is she is good with the underground storm water structures.

J. Lippmann said soon long as the third-party designated engineer is reviewing it.

M. Carr stated that will be a condition.

At this time Chairman Carr opened the public hearing.

Paul Kenney, 48 Swaggertown Road, has some questions regarding the buffering/landscaping, water, and traffic evaluations.

P. Kenney thanked the board for all their comments and recommendations as well as the applicant for what they have done regarding the buffering near his house.

P. Kenney asked what is the duration of the project once they start construction.

S. Lansing said it will be about 2-3 years from start to finish.

P. Kenney asked when will the landscaping occur.

S. Lansing answered the phasing plan has not yet been identified, but would imagine if there was any disruption around that area the plantings would be taken care of at that time.

M. Carr told Mr. Kenney that the board will make sure the applicant keeps the neighbors in proximity updated on construction activities. That will be made a condition of approval.

P. Kenney asked if the trees will be taken down in the beginning.

S. Lansing replied the vegetation in that area will be left and not removed.

M. Carr said the plan was to supplement the existing vegetation, not to take down or out, and give another row or two of trees so the goal would be for Mr. Kenney not to see anything.

P. Kenney asked who is the individual responsible for making sure the plantings are done properly.

S. Lansing said they are part of the plans that will be approved so who ever builds the project will have to put in the plantings.

M. Carr responded typically a general contractor is retained. The general contractor will have a site superintendent that would be responsible for all on-site activity.

J. Lippmann said in adding to the Chairman's comments to make sure that what is on the paper is done, the town's Building Inspector will make sure that the site plan is being followed. No certificate of occupancy can be given unless the conditions of site plan approval are met.

M. Carr said any questions during the process of construction can be directed to the Building Dept. and they can go investigate to make sure things are being done properly.

P. Kenney asked what recourse is there if it only partially done.

M. Carr asked what was meant by partially done.

P. Kenney replied maybe the commercial and only a couple of residential buildings are built.

M. Carr said he cannot answer a hypothetical question. This is a private venture and there is an inherent risk. Sometimes the private investor makes money and sometimes they do not.

J. Lippmann said hypothetically if the developer is unable to unfinish all the buildings, they would just be vacant pad sites, but they would be vegetated and maintained, and the density would be less. It would be less of an impactable project until the time the developer would be able to resume construction. Nothing would be able to be left in an unsafe manner.

P. Kenney said there he figured about 184 trees will be planted after he reviewed the landscaping plan. Among those plantings are 12 oak trees which are a favorite of the spongy moth. Are there any concerns with oak trees being planted?

M. Carr said he has no concerns or does not believe it will be detrimental. Oak trees are a nice hardwood and native to the area.

P. Kenney said he has a dry basement. How will this project affect the dryness of his basement.



M. Carr said the applicant with their SWPPP (Stormwater Pollution Prevention Plan) and their engineered system cannot have any greater run-off then what is currently on the property if the land was left alone. Yes, they are adding impervious surfaces, but that gets collected and gets discharged at a rate that is to mimic what is there now or be less.

J. Lippmann said that was a fair statement and the whole purpose of the SWPPP. The applicant is not able to discharge more than what currently discharges off site. They do that via the proposed ponds and infiltration practices. They would not want to see an infiltration practice close to Mr. Kenney's home because that could adversely impact the home, but that is not the case. Everything is heading in the opposite direction towards the creek.

P. Kenney said there is a water line along Swaggertown Road that provides water to his house. However, when you go down Horstman Drive to Route 50 there is no water line. If there is anything that happens adversely to the wells of those residents they will have an issue. They could lose capacity, also the land where the construction is taking place was farmland, so there are farm chemicals there that can also be moved.

M. Carr said he does not see an adverse impact to groundwater. Secondly, the land has been farmed and they have used various chemicals throughout the years just as orchards and agricultural fields do. They are going to be vegetating it here and, in effect, sealing what is in there anyway so it will probably help stabilize the material and help prevent it from going places.

P. Kenney said the SWPPP was sent out for review, but has since been modified with the infiltration basin.

M. Carr said the SWPPP has not been modified and is with the third-party designated engineer. The applicant has to pay for the review of the SWPPP by a NYS licensed engineer. It is effectively a check and balance on the calculations and theory of the applicant's engineer. It will be conditioned on the motion.

J. Lippmann stated she thinks Mr. Kenney's concern is the original application showed infiltration chambers and now it is a surface pond, which was done based on their field testing. You cannot do infiltration if the ground water elevation is too high, which it is here, that is why they are proposing a surface pond instead of the infiltration chambers.

J. Lippmann said ultimately the town designated engineer sees the last round of the SWPPP and they need to give their recommendation to the town to sign-off and accept it. The commission may not see it, but they may still be working on the technical aspects of it.

M. Carr said plans do not get signed until all that work is done and the applicant cannot start construction until the site plans are signed.

P. Kenney asked the commission what type of review does the commission do regarding the traffic study. Is it done by the commission as a whole or is it sent out for independent review?

M. Carr replied that report was part of the package the commission received when they reviewed the application at their agenda meeting. They have had the traffic study for a while. When the applicant first came before the board there was significantly more living space then what it is now. M. Carr's first concern was traffic particularly with Swaggertown and Judson Meadows. According to the traffic study what they are proposing will not have an adverse effect.

J. Lippmann said the difficult thing with traffic studies is unless you are putting in a Lowe's or Walmart, developments like this almost never raise traffic above the level that dictates traffic mitigation. We know there will be additional cars but there's not enough additional cars to dictate anything to be done to the road or for the commission to give negative declaration on SEQR.

P. Kenney asked if the commission read into the report far enough to look at the numbers.

The commission said they did.

P. Kenney said at the end of the report it states that the number they calculated is below the 100-trip threshold, so the intersection does not need to be looked at, However, does that only hold true if the intersection is not already filled up.

M. Carr said the engineers that do this reporting are part of ASHE (American Society of Highway Engineers) and follow specific models from the timing of traffic lights to the location of stop signs. One of his concerns was where was the school bus going to pick up children, is there sufficient areas for bus stops, and how is that going to be impacted. These are NYS licensed engineers that look at these requirements not only for state highways but county highways as well. He thinks they have done a sufficient job to alleviate the commission's concerns on traffic.

P. Kenny said he thought it strange that the applicant stopped at saying they are under the threshold, but he thought there needed to be a documented position on the level of service at the intersection. There are different opinions out there.

M. Carr said there can only be so much information put into a report and they are following standard industry practice and ASHE guidance. Every municipality and local town follow this. This application has been reviewed for several months now. The applicant was asked to look at surrounding density and the commission made sure it was the same or less. The applicant has worked with the commission and voluntarily removed some buildings that they were not asked to do which is a step in the right direction. The town board has concerns about the commercial aspect and that they make sure the commercial comes in concurrently. The applicant, which is funding with private dollars, is taking a risk. He appreciates Mr. Kenney's questions and hopes they have been answered fairly.

Tom Bodden, 25 Horstman Drive, wanted to follow up on a few things Mr. Kenney discussed.

T. Bodden asked about the phasing of the project.

M. Carr replied one commercial building has to be 50% completed at 50% completion of all the other buildings.

C. Heinel explained the applicant will not receive C.O.s (Certificate of Occupancy) for any of the residential units until such time as the first commercial building is completed and received a C.O. In terms of the second commercial building, it is only required to be constructed when the applicant has at least 50% occupancy of the commercial first building. The first commercial building must be completed and receive a C.O. before any C.O.s can be granted for the residential structures. The incentive is to get the commercial portion finished.

T. Bodden said it does not stop them from breaking ground and beginning work on them.

C. Heinel said that is correct. They will not make a profit on any of it until that commercial project is completed.

T. Bodden said that is not always a factor. Judson Meadows, located across the street, is an incomplete project and a disaster. There are empty paved footprints and about 30-acres of cleared land. We cannot go back in time and change anything with the zoning.

M. Carr countered with saying Judson Meadows is financed completely differently than this project. To his knowledge it relies on Medicaid and public sector monies. If you are discussing financials, this current project is private, and market driven where Judson Meadows is not market driven.

T. Bodden said if this is market driven there were comments in previous meeting minutes where a discussion about market for condominiums in the town said it does not exist. The Dutch Meadows project had proposed 30 condominiums and had to be changed to 100 apartments for that very reason. Yet, we are going to go ahead and approve this project.

M. Carr said that is a Planned Development District (PDD) and that language is written into the law.

C. Heinel said both Dutch Meadows and this project are PDDs.

M. Carr said he understands what T. Bodden is saying about Dutch Meadows.

C. Heinel stated each developer has different needs, different market analysis, and different ways to approach it. Because one developer does not see a profit does not mean another developer would not see a profit.

T. Bodden replied there is proof within the town of a failed project across the street and down the road about ¼ mile another potentially failing project.

N. Brower Dobiesz said she does believe lessons have been learned and that is why this PDD was written the way it was with the language about the commercial and specifics of phasing.

T. Bodden said he realizes the PDD is done however, there are things the commission can still control. You can control the water pollution potential. He would like to know if a monitoring well or testing device will be installed that tests the groundwater. There are 32 residences that rely on the water table for drinking water. Basically, they are building this thing in our wells. The wells are very shallow, 8-feet so you can see why we are concerned.

J. Lippmann said projects such as this have more of a concern about raising groundwater elevations vs depleting them. So, to have concerns that the capacity will not be there due to this project is very unlikely.

M. Carr said, based on his professional experience, he would rather see this development than an agricultural land with what they utilize these days.

T. Bodden replied this is what is going in and has the potential to stir up things, change things, change flows, and affect the water quality. No one is going to run out of water in that neighborhood. He would like to see a monitoring pre-test/post-test.

M. Carr replied that is not standard industry practice for a development like this.

T. Bodden answered you are putting this in an environmentally sensitive area of the town, and you have the power to do this. So, he is asking for this to be done.

K. Semon asked where would the test well be located.

T. Bodden said someone who knows more about hydrology would determine it.

T. Bodden said he is not worried about traffic congestion with 60 apartments, but he is worried about the safety of putting in these curb-cuts as there is a major intersection at the end of Swaggertown Road. Due to the growth of the town, Swaggertown Road is now non-stop traffic and so is Route 50. This is where Swaggertown and Route 50 come together, and you are adding three curb-cuts within about 300 yards of this.

M. Carr said all the curb-cuts require approval by the county for Swaggertown Road and NYS DOT on Route 50.

T. Bodden said the town is not requiring the first commercial building to be occupied it just needs to be completed.

C. Heinel replied it needs to have a certificate of occupancy.

T. Bodden has concerns about the height of the buildings. He does not believe they can be called a two-story building. On the outside it is a three-story building regardless of the interior.

J. Lippmann said she would disagree as its just roof line. Any two-story building would have the same exact roof line and the same building height. It is just a dormer that anybody could have on their residential home. There is no occupancy of that third floor and is assuming it is attic space. The building height would not be different with or without the dormers.

T. Bodden said you are building these in a flood area. First you have to raise them above the flood zone. How many feet is that?

M. Carr said 4-feet to 4 ½-feet.

T. Bodden said they are on slabs and asked for the thickness of the slab and the preparation under the slab. How much on top of the 4-feet is it going to be built up?

S. Lansing replied 4-feet above the floodplain is the elevation of the slab, so it will be 4-feet.

T. Bodden said how much under the slab do you have to dig down and prepare with gravel, etc. how far do you penetrate the soil?

S. Lansing replied it depends on the individual building and the 4-foot frost wall. In some areas it will be 4-feet others may be a little less.

T. Bodden asked what is the height of the buildings?

S. Lansing said he believes they are 25-feet. With a quick calculation he said about 25-27 feet.

T. Bodden said they look more than 25-feet. So, let us say they are 30-feet to the peak of the roof. Those are going to have to be big trees to be planted.

M. Carr said the vegetation along the creek is not going to be removed.

T. Bodden asked how far the building is from Mr. Kenney house. Is it about 75-feet?

J. Lippmann said with what the applicant has presented to the commission the height of the building is no greater than what would be for a single-family two-story home.

T. Bodden said yes but there are ten of them being built.

N. Brower Dobiesz said there potentially could be ten single-family homes built if the applicant had subdivided the land.

T. Bodden said when this was first proposed there were 85 units, and it was significantly cut back, and he applauds that decision. However, he remembers a conversation and quoted that they (the town) were looking for 50 units. There are still 62-units and again under the category of things that can be controlled he still believes the density can be reduced. He thinks it would be a great idea to lose some of the smaller buildings on the north side. He does not believe it would make that much of an economic difference to sink the project from a rental or sales point of view. He asks the commission to think about the things they can still control, to be advocates for the residents, and not the applicant. He thanks the commission for their time.

M. Carr responded that he believes the commission has been an advocate for the residents throughout the entire process. They have spent a lot of time on it and take it seriously, they look at the calculations, and they made sure buffering was put in by Paul Kenney's house. The commission appreciates the feedback which helps them do a better job, but the applicant is entitled to do this, it is a town law now, and the town is trying to work with the applicant to make sure it fits in nicely with the community.

J. Lippmann asked if these are owner-occupied or are they rentals.

S. Lansing said they are owner-occupied condominiums, but the 6 apartments are rentals.

Jacqueline Borne, 59 Swaggertown Road, wanted to know more about the sanitary sewer upgrades and how far they are going to be extended. If the residents are going to be impacted by this project will the residents in the area have an opportunity to tie into the sanitary sewer system?

A discussion took place regarding how far the sanitary sewer system runs up Swaggertown Road. It is believed that the sewer system goes past the Judson Meadows facility up to the intersection of Horstman Drive.

C. Heinel replied as far as she knew the applicant is not adding any upgrades to the system or extending it any further. Their petition will be to join the existing the line, not bringing it up any further. Unless the town decides to extend the line, or the resident wished to incur the cost of connecting to the current line this project would not be making the existing line available for connection.

M. Carr asked where her house is located.

J. Borne said she is two houses up on the left side from where Horstman Drive intersects.

M. Carr said unfortunately her house is just outside of where the line is.

Caireen Miller, 7 Birch Knoll Drive, said she is a big advocate of open space and to see more open space being gobbled up is concerning and upsetting, especially since it is farmland. She said she did not hear about this project until August when she received a letter stating that a public hearing was taking place in September which was postponed until October. She said she keeps up on current events and feels that residents on Birch Knoll were never given the opportunity to attend the meeting that took place in June. They were never properly notified of what was going on.

M. Carr said until there is a formal application there is no notification until they are on the agenda.

C. Heinel said notification goes out if it is a specific application or when they are on the agenda. Everything is posted on the town website and posted in the newspaper.

M. Carr said by law residents within 500 feet have to be notified in writing.

C. Miller said she was notified in writing after the zoning was changed, but not for the zoning change itself.

C. Heinel said that is not the same type of requirement as this board. The town board decision for a PDD does not have the same 500-foot requirement that the PZC or ZBA has for their processes.

A discussion took place that the 500-foot notifications only go out if there is an application presented to the PZC or ZBA. The public hearing still took place for the town board on the zoning change and that information was posted on the town website and inserted in the newspaper.

M. Carr said the town follows what they need to do as far as legal notification to residents.

C. Miller also mentioned about a pollution problem with Judson Meadows that is disturbing for her neighborhood.

M. Carr asked for clarification on the type of pollution.

C. Miller replied it is the light pollution. She was hoping that would be taken into consideration when this project is being built if there is a lighting plan.

J. Lippmann said the applicant presented a lighting plan and photometrics are included to be reviewed and they see the light spread and the light is not to spill off the property. It is more residential in scale, there will not be parking lot lighting or street lighting. That should satisfy that concern.

C. Miller said she cannot tell from the plans if Birch Knoll will continue to be a dead-end street.

C. Heinel asked Ms. Miller if she sees the smaller parcel on the plans, which is the private road the applicant is proposing, and Birch Knoll is right there. Birch Knoll will dead-end into the private road. The HOA that will be developed for these properties will maintain their private road and the town will continue to maintain Birch Knoll.

C. Miller said she was also wondering if there was going to be a HOA.

J. Lippmann said C. Miller mentions a valid concern. Does the applicant feel there is sufficient buffer between the dead-end and the private drive so people are not attempting to drive thru to Route 50 from Birch Knoll.

A discussion took place about the paper street.

C. Miller said she was also concerned about the traffic as well as the commercial as there are quite a few open commercial spots in Glenville. She also wanted to know if they would somehow be able to hook up to sewers. It is a concern because everyone on Birch Knoll has problems with their septic.

A discussion took place regarding where the sewer line runs.

C. Heinel said this project would not likely bring sewer to Birch Knoll, but if there is a question about hooking up to the existing line the best bet would be to contact the Commissioner of Public Works or Highway Superintendent who could provide information regarding the closest connection point to her home and whether it would be feasible to connect.

M. Carr said a lot of residents have the same concerns about sewers, and it would be great, but it is very costly to run sewer lines and the taxes would increase.

It was mentioned that the current applicant's plans were posted on the website the first week of October and the building elevations would also be posted.

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

M. Carr asked if there is any discussion from the board from what was presented. Several items will be added as conditions and also taking into account comments from the public.

K. Semon asked if the power will be located underground. The existing poles on the smaller parcel have a lot of communications on them and they look rather low. There are approximately 8 cables, and he wonders if there will be a movement of the cables i.e., will they be raised.

J. Lippmann said they would need to be flagged for construction purposes.

S. Lansing replied that will be coordinated with the utility provider to see if the cables need to be raised for clearance.

## MOTION

In the matter of the final site plan review application by Horstman Farm Mixed-Use Development for a multi-family housing and commercial use associated with the previously approved Planned Development District located at Swaggertown Road and Route 50, 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 final SWPPP is reviewed and approved by the town designated engineer with the most up to date plan provided by the applicant.
2. The applicant must pay special attention to the buffering on the north side of the application and particularly to the Kenney property as it is the closest residential property to the application.
3. The applicant should consider a type of demarcation barrier for the stormwater retention basin between the residential and commercial areas preferably not chain-link fencing.
4. The town attorney needs an updated easement on Birch Knoll Drive and a final copy of the easement for review prior to starting construction.
5. The applicant must submit a petition to join the sewer district in the area.
6. The applicant shall place a vegetated buffer between Birch Knoll and the auxiliary piece of the development to prevent traffic from going through.
7. The applicant is to provide notification to the neighbors to the schedule of construction and keep the town up to date on various phases of construction.

**Motion**

**Moved by: M. Carr**

**Seconded by: N. Brower Dobiesz**

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

**Motion Approved**

The applicant is proposing the following uses for the former East Glenville Firehouse. The majority of the building will be used for housing a new video game development studio, employing about 40-50 people, and offering a small training/broadcast facility with teachers conducting virtual and small in-person classes on game development. The remainder of the building is to be marketed as a small café/coffee shop with outdoor seating and a landscaped streetscape. The parcel is located in the General Business District.

Tim Wade, Verdant Architecture, Eric Sandblom, SRA Engineers, and Brian Corrigan, the owner, were present.

B. Corrigan said he makes video games and owns a video game studio in Clifton Park and he is hoping to move his studio to Glenville. He is a resident of Glenville and wants to establish his business in his community.

T. Wade said there is a lot of paving around the existing building. The focus for the site is to maximize greenspace and provide outdoor space for occupants and those visiting the community. They would like to minimize parking surface and they are trying to propose a one-way parking thruway. They are trying to narrow those parking aisles to slow the traffic down that comes into the area and around the main points of entry for the building. They are proposing to install a new septic system and a grease trap for the new café tenant space. They are introducing a comprehensive stormwater management strategy.

T. Wade reviewed the site plan drawing showing the existing building, the parking lot, the existing cell tower area, and an annex building that is currently or will be occupied by a general business function.

T. Wade said the proposed plan for the site is to minimize the existing impervious space. There will be an increase in the pervious area of approximately 8,364 sq. ft.(about a 27% increase). Due to the existing stop light intersection, they are proposing the one-way inlet be located closer to the stop light to make ingress to the property easier. All parking is dedicated to the rear of the property and the south side of the building with a few overflow parking spaces near the annex building and are dedicated for that structure. There is one narrow exit lane they are trying to keep far enough away from the intersection.

M. Carr inquired if there are existing curb-cuts and will there be any interaction with the NYS DOT for curb-cut modifications.

E. Sandblom said there may be a need for that. The entire property that abuts the highway is now paved. The plan is to improve access management and modification of the land within DOT right-of-way. It will require coordination with DOT.

T. Wade said they are getting some greenspace in the front of the building and holding the parking 10-feet off of the property line. There is a row of trees along the southern line.

M. Carr asked if the pervious increase is mostly to the rear and front of the property?

T. Wade said they are increasing the north, south and the street front.

J. Lippman asked if they are proposing a sidewalk.

T. Wade said yes.

T. Wade stated they are trying to maintain and repurpose the existing building. The only additions are entry vestibules and covered areas for each of the tenants. One of the goals is to be energy efficient and they are working with NYSERDA and National Grid. They are proposing a zero fossil fuel use limited to what the restaurant would need, but otherwise they are all electric.

K. Semon asked if there will be an on-site generator.

T. Wade replied they have some options for an on-grid battery back-up generator and if a gas generator is needed, they will do that.

A discussion took place on how on-grid battery back-up generators work.

T. Wade said the only piece of rooftop equipment will be the air exchanger for the heat pumps everything else will be internal.

K. Semon asked if anything on the roof will be shielded from the street view.

T. Wade said you cannot see it on the roof as it is hidden by the higher existing roof levels.

B. Corrigan said they have cut down some of the existing chimneys to make it more aesthetic.

T. Wade said they want to present a sleek and modern building. They want to use existing streetlights for the front lighting and they are proposing parking lighting on the rear side. Most of the lighting will be attached to the building, under the canopies, and downward lighting for the entryways. They are using the shared parking rules and percentages to get the proper amount of parking. Basically, there are 3 main tenant spaces and a café shop. There is an existing kitchen in the firehouse that will be utilized. They want to minimally finish the interior to get it up to fire code and are proposing a little outdoor seasonal patio. The building with the vestibules is about 8,700 sq. ft., the existing firehouse is 8,300 sq. ft.

M. Carr said the north side egress has a steep grade coming up to Route 50. The rendering does not really show the grade. The grade will need to be taken into consideration for site distances coming out onto Route 50.

M. Carr asked if there are any offices in the interior

B. Corrigan said his business will occupy the tan shaded areas of the site plan, except for 3A which is reserved for the café. The classroom area is for training adults/kids how to make video games. There will be a separate space to keep equipment received from Microsoft and Sony that needs to be under lock and surveillance.

M. Carr asked if there will be any deliveries of any type.

B. Corrigan said the spaces will only have desks in them.

C. Heinel stated that might be true for the gaming business but what about the café.

B. Corrigan replied that they will be needing deliveries.

T. Wade said they are maintaining the driveway which parallels the property line and widens out as it goes into the property. There will be enough room to get box trucks there.

M. Carr stated the applicant needs to consider truck turning radiuses and also for ability of emergency services to have access. There is an elementary school behind them, so the applicant needs to be aware that there are not any impacts on the school.

K. Semon stated a dumpster needs to be placed on the site plan. M. Carr said the dumpster also needs to be shielded or enclosed.

K. Semon asked about the garage in the rear. What type of business will be occupying it?

B. Corrigan said he does not know at this time it is being rented for storage and they may continue to rent it out.

M. Carr asked will the renters have 24/7 access to the garage, or make appointments?

B. Corrigan said they will think through that as they may just use it for storage of lawn equipment and site maintenance items.

T. Wade said the one big challenge is parking for the business use and restaurant use. Right now, it is maxed out at 100% during 8AM-6PM for the office use and between 6PM-12AM it will taper off. The vocational use will be in the evenings and will probably cut down on the parking requirement during the day. With the thought on the dumpster, restaurant use and deliveries they are holding some of the overflow parking for that.

M. Carr said if the business becomes successful then the applicant would need to come back before the board for a modification.

K. Semon asked if they are looking at 30 parking spaces.

T. Wade replied 37 spaces.

M. Carr asked if that was sufficient for the gaming, evening hours and restaurant.

K. Semon said his concern is 40-50 employees.

T. Wade said there is a balance between allowable occupancy and what can be in there. There would have to be some shift changes of the employees and their schedules. Tenant 1A & 1B will be one space, and the conference rooms are included in that space. If you are just looking at a gross area for general office use, then it would be 150 sq. ft. per occupant. Therefore, they would only be allowed a certain number of occupants based on egress and occupancy code.

C. Heinel said she assumes there is a certain amount of remote work that goes into this business, so all employees are not there at the same time on a daily basis.

M. Carr said the applicant, when they come back for a full application, needs to consider their hours of operation. It is something the board would want to see.

B. Corrigan said he would like to have the evenings available.

M. Carr said just think about who is located around you and what are the adverse potential impacts by the applicant.

J. Lippmann asked if there are any residential properties around the project.

B. Corrigan said they are trying to work with the consignment shop.

T. Wade mentioned the veterinary business to the north.

J. Lippmann asked if the total land disturbance is less than an acre.

T. Wade said it is less. He had a preliminary plan sent to the architect and owner and then it was submitted for an application. It will be refined for future submission. The total site now is about an acre and the work done will be less, and with the reduction in the impervious surface they do not believe there will be a required SWPPP. That can be reviewed and confirmed. They want to take as many opportunities as possible to improve the conditions that exist now. On the north side there is a storm pipe and catch basins that take the water from that side, and it actually takes water from across the road at the other site.

M. Carr asked if there is a state easement.

T. Wade said it does not look like there is DOT water going in. It looks like it is the property across the street (Point Plaza). They will have to maintain that pass through and improve what they are putting into those catch basins.

K. Semon noted the property is elevated above the veterinary business.

T. Wade said the catch basins are very deep. There is a good size retaining wall between the two businesses. The site flows away from the highway. The vast majority flows towards the back of the property into a yard which is all sand. They have done some test pits for the septic design and infiltration tests in case they want to incorporate infiltration. The area is maxed out with the septic system for now.

It is designed for 1,500 gallons per day while the existing system is less than 1,000-gallon tank and the field goes under the pavement so that will be abandoned.

M. Carr asked A. Briscoe if he was involved with the fire department when it was an active firehouse. Were there any bay drains?

A. Briscoe said he was, and they had 55-gallon drums underneath the slab. It was collected but did not go anywhere.

J. Lippmann asked if there were any issues with integrity.

A. Briscoe replied it was mainly there for washing the vehicles.

M. Carr asked if there was a Phase I done and were there any REC (Recognized Environmental Concerns).

B. Corrigan replied yes, a Phase I was done.

T. Wade said there are some monitoring wells around the property, but he has not seen any documentation.

M. Carr said there were former underground storage tanks out behind the garage that were removed. He was curious with the bay drains if it came out as a recognized environmental concern.

B. Corrigan said the bank asked about the Phase I and they were fine with it.

T. Wade stated as a former fire station there is an 8-inch water main coming into the building and it will be re-used. The power will be replaced with an underground line with a pad mounted transformer before it goes into the building and meet National Grid requirements.

M. Carr asked if there will be a significant increase in power consumption.

B. Corrigan said currently there is 200-amp single phase, and they are going to 600-amp three phase to cover all the computers, screens, and electric car charges. He wants the ability to put servers in there and potentially they have the machines that people connect to remotely.

J. Lippmann asked about the condition of the retaining wall by the veterinary clinic.

T. Wade said they have not conducted a detailed analysis but there is nothing there that concerns them based on observation. The disturbance will be minor by taking up pavement and replanting. They want to incorporate some stormwater treatment practices there. They also recognize that they would not be doing infiltration behind a retaining wall, but they can slow it down before it goes into the catch basins. There is a 35-foot buffer they are maintaining from the stream and the septic is taking that into consideration and also for future expansion. That is why they say they are limited with parking because they have already maxed out the back space for the wastewater. It will require a DEC permit.

M. Carr asked what is the applicant's time frame to come in with a site plan application.

T. Wade said they are looking for a path forward now to start doing some interior work such as metal stud framing, no building additions, no foundations, no canopies, but would like to continue some movement forward.

M. Carr asked A. Briscoe if these upgrades would still require permitting.

A. Briscoe replied it still requires permits.

M. Carr said he does not think the applicant should have any problems with the applicant getting all their approvals, DOT approves the curb-cuts, engineering, etc. The exterior earth tones are good.

K. Semon said you cannot jump the gun; you need to go through the process.

T. Wade said they have a demolition permit, and said they are not responsible for the means and methods or sequencing of what happens on-site. We trying to move this forward. The sticking point was not being able to apply for a full building permit until they had planning board approval.

M. Carr replied that the board would like to see this project happen sooner rather than later. He would suggest the applicant make a formal application. At this time, he asked about the number of employees and salary ranges.

B. Corrigan said he contracts with bigger companies to provide expertise. Typically, the salary range is mid to high.

C. Heinel reminded the applicant the concept review does not grant any approval from the board, and it will not get them further in the permitting process however, they have far more advanced plans than the board normally sees with a concept review.

J. Lippman inquired since the applicant is so far along would it be possible to have a combined preliminary and final review.

M. Carr responded not on this project. They need to go through the process.

K. Semon said with the plans as they are now, he does not see where it would take much more to have fully developed plans to go to the next step.

C. Heinel said the board would like to see bollards around the seasonal patio as they have with other projects to protect from traffic.

K. Semon asked if the classroom is on spec or do they have a contract. Mary Ann Symer was mentioned before and is she a part of this project or just an interested party.

B. Corrigan said just an interested party. They have to figure out how to do this.

B. Corrigan asked do they need to apply to continue to work on the inside or do they need to go through the next approval phases.

M. Carr said the board has not approved anything.

K. Semon asked if there are any variances needed for this project.

A. Briscoe said he does not know yet as he just got the information and has not reviewed it.

E. Sandblom had a question about the highway setback and where they are now with the property. The front property line is basically the highway setback. If they come off that the required set back is 35-feet. It is existing non-conforming but does not want any issues coming up later.

A discussion took place regarding the non-conforming status of the building and the addition of vestibules furthering the non-conforming status.

M. Carr said he believes that is insignificant to the overall project. Based on his experience, with the board and what the applicants are trying to do with this building, if there are any variances needed the Zoning Board of Appeals will take that into consideration. The town wants to welcome businesses so long as the project is done properly and there are no ill effects to traffic or surrounding areas.

J. Lippmann said the building of the vestibules is not coming closer to the property line.

C. Heinel said it will really come down to the Building Department looking at it and seeing if it falls within the non-conforming building footprint provisions within the code. Any questions should be referred to the Building Department.

**654 Route 50 LLC/ Ed Dworakowski  
654 Saratoga Road**

**Site Plan Modification**

This application was reviewed and approved by the PZC on 5/10/2021 for the site formerly known as the Pig-n-Whistle. At the time of approval, the banquet facility was to include a tent for the banquet area. The applicant wishes to change the tent to a 3-season 40'x60' pavilion with a maximum capacity of 150 guests. Additional improvements include ADA parking and travel paths to the building and pavilion area. Existing building will be for restrooms, staging areas and bar service, no food preparation will be on-site. A new septic design is proposed as part of the project scope. The facility will run from May – October. The parcel is zoned Community Business.

Owen Speulstra, CT Male Associates, and Ed Dworakowski, the applicant, were present.

O. Speulstra quickly reviewed the approval process from March 2021 and approval in May 2021 for a pavilion tent. Now the applicant would like to have a three-season permanent structure/building. There are no changes to the site or operation from what was previously discussed/approved. It will still be a three-season venue operating from May thru October for weddings and other special occasions. Operating times will remain the same. Music will stop at 9PM and guests out by 10PM.



M. Carr asked if there could be a discussion on the construction. There were some questions regarding the material submitted; figures A-1,A-2,A-3 by Manco, what is the material, etc. He is assuming the roof and vertical structures are permanent or quasi-permanent.

O. Speulstra replied there was talk about hard sides and the picture example shows hard sides that are removable.

K. Semon and J. Lippmann both said they were thrown off by the pictures and permitting a tent is much different than permitting a structure.

K. Semon asked if the hard sides are removable, and will they be removed from time to time and where will they be stored.

E. Dworakowski said they would be stored in an existing shed on-site or they could be stored in the pavilion.

O. Speulstra said the roof is currently calling for roof panels.

M. Carr inquired what would the colors be?

E. Dworakowski said they are currently green or earthtone and trying to match the existing structures.

M. Carr stated the applicant is not changing any of the previously approved conditions, the hours of operation, no music outside – the music is allowable in the pavilion. If there could be provide more details on the framework and materials that will be helpful. A. Briscoe had concerns with the drawings; items that needed to be corrected.

A. Briscoe said there is a lot of conflicting information on the drawings presented as far as building structure. He has not had the opportunity to go through it completely, but one page indicated the trusses would be two-foot on center and the next page stated four-foot on center. The drawings need to be cleaned up and more information/details will be needed. It is the first time he has heard the walls are removable. There are drawings that show a canvas roof and other drawings that show a metal roof.

M. Carr stated the other issue was the septic system which was part of the previous approval.

O. Speulstra said things got slowed down, as there was turnover at DEC, and things are still on-going.

## MOTION

In the matter of the site plan modification from the previously approved May 10, 2021 site plan for the former Pig-n-Whistle property for a three-season 40'x60' pavilion with a maximum capacity of 150 guests and details included in the previous approval, located at 654 Saratoga Road, the Planning and Zoning Commission conditionally approves the modification. The conditions of approval are as follows:

1. The applicant must clarify the construction details, framework, removable walls, materials, exterior color, etc.
2. Any associated drawings noted by the Building Department need to be addressed with any inconsistencies in what was submitted.
3. The applicant will address the septic system making sure it is compliant with the appropriate county or state requirements.

**Motion**

**Moved by: M. Carr**

**Seconded by: N. Brower Dobiesz**

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

**Motion Approved**

**Adirondack Beverages  
701 Corporations Park**

**SEQR Determination  
Preliminary Site Plan Review**

The applicant would like to install an aboveground storage tank and associated equipment for a proposed automotive fuel facility. This facility will be located on a vacant parcel next to the Adirondack Beverage plant on Patent Parkway. This parcel is zoned Research/Development/Technology.

Tim Snyder, Adirondack Beverage – Engineering Manager, and Joe Lodestro, Adirondack Beverages, Vice President- Operations, were present.

T. Snyder said they are looking for preliminary approval of the above ground diesel storage tank and corresponding equipment for a semi-truck fuel facility. At this time, they currently operate an underground storage tank that will be decommissioned and filled in accordance with DEC guidelines and constructing a new 12,000 gallon above ground diesel storage tank to continue to supply fuel to the truck fleet.

C. Heinel stated the memo for this meeting indicated the project is located above the aquifer zone. Town Code Intermunicipal Watershed rules will require obtaining a SPDES permit for this activity.

M. Carr asked if the permit was for the containment area.

C. Heinel said she thought it was for the fuel tank.

M. Carr said for the tank you need a SPCC plan based on the size of the tank.

M. Carr asked if the applicant understood there is a 30-day notification for both the UST removal and AST installation.

T. Snyder said he did, and notification has already been sent into DEC.

M. Carr asked who was doing the UST removal.

T. Snyder stated the entire project will be done by RM Dalrymple, a large petroleum contractor. They have been a part of the process since the beginning.

M. Carr asked if an underground storage tank closure report will be done once the underground tank is removed.

T. Snyder replied CNS Engineering – Syracuse NY will do a tank closure report. One thing he wanted to note is that the UST will be abandoned and filled in place.

M. Carr said he is aware they can do that, but they would like to see the tank be removed. Is there any reason they want to keep it in place.

T. Snyder answered the main reason is site constraints due to local underground utilities and overhead power lines. They would not be able to safely remove the tank.

M. Carr asked if DEC has responded to their request.

T. Snyder said he has not heard from them.

M. Carr asked how will the soil and groundwater be assessed?

T. Snyder said during the tank closure process they will be taking the required samples from the sides and bottom of the tank. Due to current water table observation, when ground water assessment was being done, the water table is only a few feet below the bottom of the underground tank. There was some concern by Dalrymple doing the closure. They did not want to penetrate the bottom of the tank to get the sample, so they were going to contract some directional drilling to get the sample from the bottom of the tank.

M. Carr said if the groundwater is that close to the bottom of the tank, it would be sufficient to do some testing around the outside of the tank. As long as DEC Region 4 is ok with it, it should be fine.

M. Carr asked what will happen if the applicant encounters contamination. What is their responsibility?

T. Snyder replied they will be notifying DEC.

M. Carr stated the board had a question on #9 on the EAF. *“Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies.”* The applicant checked off “yes.” How does it exceed state energy code requirements?

T. Snyder said it might have been a misread on his behalf. They meet but do not exceed requirements.

J. Lippmann said she thinks they clarified that question as does it meet or exceed, and they responded yes and the only reason you need to respond is if you exceed.

M. Carr asked if the engineer will be doing the PBS (Petroleum Bulk Storage) modification. It is a registered facility so they will need to submit a new application and take the old tank off and put the new tank on.

T. Snyder replied that is correct.

M. Carr asked if CNS will be doing the SPCC Plan.

T. Snyder said they are contracted to establish the new SPCC plan with this new tank as well as with the existing tanks within the facility.

M. Carr said the SCPP plan will need to be signed off by an officer of the company and reviewed once a year.

T. Snyder said that is a new piece of documentation for them, but it has already been discussed.

M. Carr asked if the applicant could discuss the fueling area. He thinks there are some catch basins in the area. How big is the tank?

T. Snyder said it is 12,000-gallon design by Highland. It has the 20% overfill and chamber and double wall.

M. Carr said there will need to be secondary containment for the tank and containment at the loading area for the trucks. How will the stormwater be managed?

T. Snyder said there are two new proposed new catch basins on the pad. The fueling areas are dual hose allowing for two trucks at once one on either side of the tank. One of those areas is where a delivery vehicle would unload. The entire pad is going to slope to the center to drain stormwater to those catch basins. Those basins will be tied into the existing sewer.

M. Carr asked if there is a fuel spill, and it gets into the catch basins where does it go?

T. Snyder replied based on design, the oil stop valve will stop it from going further downstream and that will be installed on the single discharge to the town.

M. Carr asked if it was manually activated.

T. Snyder said it is an oil water separator valve so any water detected, based on density, would continue to pass through.

A discussion took place about the valve being mechanical and maintenance of the valve.

M. Carr asked if the applicant would provide some cut sheets on the tank.

T. Snyder said he would provide them.

M. Carr reiterated the applicant will have two fueling stations.

T. Snyder replied said they will be fueling from a single pump with dual hoses.

M. Carr asked if the dispenser is on the tank or off the tank.

T. Snyder said it would be referred to as on the tank.

A discussion took place regarding the dispenser, assuming the engineers are looking at it, they do not want to see a potential for siphoning.

M. Carr asked if there will be a spill bucket and will there be mechanical overfill prevention or automated tank gauge. Is there an audible or visual alarm for overfill?

T. Snyder said there will be a spill bucket, but he is not sure of the overfill prevention. He believes there will be a visual alarm attached to the top of the tank. The specification sheets should show the information.

M. Carr said as an AST there are monthly inspections. Bollards are to be included. His only concern is the catch basins and making sure what is allowed under SPCC but is allowed under the state regulations. The applicant needs to review AST regulations at 6NYCRR part 613§4.

K. Semon said he was looking at the oil stop valve. Safety devices are only as good as the maintenance and at the same time only as good as the training for the operators in an emergency situation.

M. Carr asked for a cut sheet on the oil stop valve.

M. Carr asked if the tank is a fire guard, and they also must be ballistic proof.

T. Snyder said they are.

## **MOTION**

In the matter of the site plan application by Adirondack Beverages, for the installation of an above ground storage tank as well as the decommissioning of an existing underground storage tank located at 701 Corporations 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: N. Brower Dobiesz**

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

**Motion Approved**

## MOTION

In the matter of the preliminary site plan review application by Adirondack Beverages for the installation of an above ground storage tank as well as the decommissioning of an existing underground storage tank located at 701 Corporations Park, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant needs to provide a cut sheet on the specific tank and oil water valve.
2. The applicant will need to check to see if they are required to have a SPDES permit.

The Commission hereby schedules a public hearing for 11/14/2022 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 11/14/2022, 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: 4 Noes: 0 Absent: 2**

**Motion Approved**

**BelGioioso Cheese  
300 BelGioioso Blvd**

**SEQR Determination  
Preliminary Site Plan Review  
Public Hearing / Final Review**

This application is for the construction of a 4,000 sq. ft. +/- maintenance room addition onto the existing manufacturing facility as well as renovating the existing maintenance room into a production floor space. This parcel is zoned Research/Development/Technology.

Tim Cronin, General Manager - BelGioioso Cheese, Ed Valenta-Plant Manager-BelGioioso, and Andrew McKay, LaChase Construction, were present.

T. Cronin said they are here to propose the expansion of their maintenance shop located in the Glenville Business and Technology Park. They constructed a 100,000 sq. ft. cheese manufacturing plant in 2020 and is currently in operation. He described the new maintenance shop which will be an additional 3,892 sq. ft.

K. Semon said the only issue are the stairs coming down the new addition.

T. Cronin said they are being relocated and will not be in any traffic area.

J. Lippmann said it is a little unclear with the plans presented. What will be protecting them?

E. Valenta said the road is a non-public plant access road. The stairs will be in the southwestern corner outside of the access road.

A discussion took place regarding the stairs, protection of them, and maintenance of the access road.

J. Lippmann noticed the site plans are stamped with a Wisconsin stamp.

M. Carr said they need to be NYS stamped.

M. Carr asked how business has been.

T. Cronin stated it has been very good and they recently acquired Polly-O cheese, and there is another facility they purchased in western New York. They currently have 16 manufacturing plants.

N. Brower Dobiesz and J. Lippmann both mentioned that the road width was not identified and to make sure there was enough room for fire apparatus access.

#### MOTION

In the matter of the site plan application by BelGioioso Cheese for the construction of a 4,000 sq. ft. maintenance room addition onto the existing manufacturing facility as well as renovating the existing maintenance room into a production floor space, located at 300 BelGioioso Blvd., 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: 4 Noes: 0 Absent: 2**

**Motion Approved**

#### MOTION

In the matter of the preliminary site plan review application by BelGioioso Cheese for the construction of a 4,000 sq. ft. maintenance room addition onto the existing manufacturing facility as well as renovating the existing maintenance room into a production floor space, located at 300 BelGioioso Blvd., the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant will need to modify the bollards.

The Commission hereby schedules a public hearing for 10/17/22 to consider the final site

plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 10/17/22 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: K. Semon**

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

**Motion Approved**

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 BelGioioso Cheese for the construction of a 4,000 sq. ft. maintenance room addition onto the existing manufacturing facility as well as renovating the existing maintenance room into a production floor space, located at 300 BelGioioso Blvd., 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 provide the appropriate number of copies of the revised site plan.
2. The applicant is to include a note on the site plan regarding the bollards by the stairs.

**Motion**

**Moved by: M. Carr**

**Seconded by: K. Semon**

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

**Motion Approved**

Without any further business the meeting adjourned at 9:50 PM.

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Lynn Walkuski, Stenographer

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Julie Davenport, Town Clerk