

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

December 10, 2018

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

Also

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

Absent:

Meeting called to order at 7:03 PM

Motion to approve the Agenda

Moved by: K. Semon

Seconded by: N. Brower Dobiesz

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

Motion to approve minutes from the November 19, 2018 meeting

Moved by: J. Gibney

Seconded by: N. Brower Dobiesz

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

**Ryan Cullinan for Hewitt's Garden Center
3 Charlton Road**

**Site Plan Review
(Final) – Public Hearing**

Hewitt's is proposing to build a new 3,600 sq. ft. warehouse to the rear of two existing warehouses on their Charlton Road property. The property is zoned "Community Business."

Ryan Cullinan, the applicant, was present.

M. Carr asked if the applicant has provided written confirmation there will be no floor drains in the new warehouse.

R. Cullinan stated there will be no floor drains and there are no floor drains on the plans.

M. Carr indicated the applicant needs to provide written confirmation there will be no floor drains in the new warehouse. The applicant could indicate such with an email to the Planning Department. Additionally, the applicant was to document the amounts of all chemicals to be stored.

R. Cullinan said a list was provided to the Town.

R. Cullinan said he would send confirmation on the floor drains in the morning.

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 Ryan Cullinan for Hewitt's Garden Center for the construction of a new 3,600 sq. ft. warehouse to the rear of the two existing warehouses on the property located at 3 Charlton Road, the PZC 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 no 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 needs to provide written confirmation there won't be any floor drains installed in the new warehouse.
2. The applicant has provided an appropriate list of chemicals/materials that will be stored in the new warehouse.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

Clay and Sandra Ernst
Van Voast Lane

Conceptual (3-lot)
Subdivision

This conceptual subdivision involves the subdivision of a 12.2-acre vacant property at the east end of Van Voast Lane into three building lots. The existing parent parcel is effectively configured as two lots already, in that the two current sections of the parent parcel are noncontiguous, and located kitty corner from each other, on either side of Van Voast Lane. The 5.2-acre section of the parent parcel on the

north side of the end of Van Voast would become a separate building lot, while the 7-acre section of the parent parcel on the south side of Van Voast would be split into two building lots.

Clay and Sandra Ernst were both present.

C. Ernst said they are currently looking to purchase a vacant parcel and are appearing before the PZC in order to find out if they would be able to do anything with the property.

At this time, the applicants showed the Commission where their current lot is located and the vacant parcel they are interested in purchasing.

A discussion took place regarding the paper street, the property across the street and keeping the vacant parcel that is just north of their current home.

Another discussion took place on the topic of flag lots, lack of required frontage, variances that would be needed due lack of frontage, whether or not a lot line adjustment would be a viable alternative, and would the Town need to accept any utilities.

Additional discussion took place with the paper street, who owns it, and whether or not any deed restrictions could be put on the title with regard to the paper street.

The applicant was reminded that any variances for the property would be handled by the Zoning Board of Appeals (ZBA).

**Paul Sciocchetti for Markie Blackburn
4057 Amsterdam Road**

**Site Plan Review
(Preliminary) and
Recommendation on
Conditional Use Permit to the
Zoning Board of Appeals**

This proposal calls for the establishment of a dog kennel and dog rehabilitation business on Route 5, on the property/buildings formerly occupied by Paws Along the Mohawk. The property is split-zoned, with “Highway Commercial (HC)” occupying about 3 acres of the front portion of the property along Route 5, and “Riverfront Recreation/Commercial (RRC)” occupying the rear 8.3 acres. All of the buildings on the property to be occupied by the dog kennel business will be located within the HC district-portion of the property.

John Romeo, Insite Northeast, and Paul Sciocchetti, Sciocchetti & Abbott, were present.

J. Romeo indicated updated site plans were prepared today in order to address several of the Commission’s concerns. Those site plans were distributed to the Commission members this evening.

J. Romeo stated the name of the business has been officially changed to The Dog Chateau.

J. Romeo said the plans were updated in the following ways; the current structures were labeled with square footage, no new structures are planned at this time, several removables were identified i.e. backstops and debris, the broken asphalt located between the former motel and pavilion will not be removed at this time, the partially broken asphalt in the parking area will be fully repaved and cleaned up. On the site plan, both zones, Highway Commercial and Riverfront Recreation Commercial, have been identified. With regard to parking, there have been several parking spots added to reflect full build out on the project site with 31 parking spaces. The existing septic is planned to be reused for personal use only i.e. staff members. All dog waste will be collected on site and trucked off site by a company called Delmar Dog Butler.

M. Carr asked where does the animal waste ultimately end up and is there a required license to handle animal waste.

J. Romeo said he wasn't sure where the animal waste will be disposed, but imagined it was some sort of landfill or recycling center. Mr. Romeo did not know if a license is needed for animal waste removal.

K. Semon asked if the septic area shown was just the tank and/or leach field, and if this was the septic system that serviced the hotel.

J. Romeo said the location of the septic shown is based on a survey and he thought it was partly leach field and stated it is 100 feet away from the wells. Mr. Romeo stated the septic system is the system that serviced the hotel.

J. Lippmann replied that the Commission would want a statement from an inspection service or engineer stating the system is designed for current use and is still in good shape.

J. Romeo said two handicap parking spaces have been identified and will be located on the side of the building. Due to the set-back requirements, they cannot be located in the front of the building.

J. Romeo mentioned the area of disturbance should be relatively the same as originally proposed.

J. Lippmann asked if there has been an identified safe accessible route from the handicap parking spaces to the front entrance of the building.

J. Romeo replied they could add a striped walkway.

J. Romeo next addressed the installation of a fence through the wooded area and indicated there will not be any removal of trees.

M. Carr asked how high is the fence.

J. Romeo responded the wire fence is about 5 to 6 feet high.

J. Romeo indicated the applicant is proposing to add vegetative cover and tree plantings throughout the open rear yard area. They have not yet been identified where the trees will be planted, however, it is approximately 50 plantings.

K. Semon revisited the fencing issue wondering if the land to the south will allow for ample avenue for deer to move east to west.

J. Romeo said the land to the south, which is a few hundred feet deep from the Mohawk River, will allow for deer movement.

K. Semon also inquired if all the buildings on the site will be rehabilitated to occupancy code and if not, which ones will not be rehabilitated.

J. Romeo said the entire motel will be rehabilitated. The out structures will also be upgraded and cleaned up.

A discussion took place about the broken asphalt area and what is the applicant's intent.

K. Semon asked if the site is served by municipal water.

J. Romeo said there are two wells on the site.

J. Lippmann asked if the wells are located far enough away from the septic system.

J. Romeo indicated they were.

M. Carr inquired if there will be any potentially negative run-off into Washout Creek.

J. Romeo responded he doesn't believe there will be any additional run-off from the site.

M. Carr asked how often will the dog waste be cleaned up.

J. Romeo said the workers on the site will be cleaning up multiple times during the day. The frequency of removal from the site will depend upon usage, probably once a week.

N. Brower Dobiesz asked how will the dog waste be stored until it is removed.

J. Romeo replied it will be stored in lined garbage cans with lids.

K. Semon asked if there will be any dumpsters on site and if so, they need to be on the site plan.

J. Romeo said the dumpster will be located on the hatched area of the plan. A screening/fencing will be provided. It was determined a slatted chain link fence in a brown or dark green (earth tone) would be appropriate.

MOTION

In the matter of the preliminary site plan review application by Paul Sciocchietti for Markie Blackburn for the establishment of a dog kennel and rehabilitation business on Route 5, formerly Paws Along the

Mohawk, located at 4057 Amsterdam Road, the PZC finds that this application will not result in a significant potential adverse environmental impact. Consequently, the PZC hereby issues a SEQR negative declaration.

Motion

Moved by: M. Carr

Seconded by: M. Tanner

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

MOTION

In the matter of the preliminary site plan review application by Paul Sciocchietti for Markie Blackburn for the establishment of a dog kennel and rehabilitation business on Route 5, formerly Paws Along the Mohawk, located at 4057 Amsterdam Road, the PZC hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant will provide documentation on the ultimate destination of dog waste.
2. The applicant will provide documentation for the septic system and leach field showing both are adequate and functioning.
3. The applicant will stripe the appropriate pedestrian walkway particularly in the vicinity of the handicapped parking.
4. The applicant will provide additional information indicating the number and location of plantings proposed for the open space as indicated on the site plan.
5. The applicant will provide detail and location on the dumpster and how it shall be buffered.
6. The applicant will provide documentation that the entire motel building will be rehabilitated and up to current Town of Glenville Building Code.

The Commission hereby schedules a public hearing for February 11, 2019 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for February 11th, 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: J. Gibney

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

MOTION

In the matter of the conditional use permit application by Paul Sciocchietti for Markie Blackburn to establish a dog kennel and rehabilitation business located at 4057 Amsterdam Road, the Planning and Zoning Commission recommends that the Zoning Board of Appeals approve the application, assuming the applicant meets all the preliminary site plan conditions.

The Commission's findings in support of our recommendation are as follows:

1. The establishment/operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare of the community.
2. The conditional use will not compromise the use and enjoyment of other property in the immediate vicinity, nor will it substantially diminish or impair property values within the neighborhood.
3. The conditional use will not hinder the normal and orderly development and improvement of surrounding properties.
4. The proposal does provide adequate utilities, access roads, drainage, and other necessary facilities to serve the conditional use.
5. The proposal does provide adequate measure for ingress and egress to the site, in such a manner as to minimize traffic congestion in the public streets.
6. The conditional use does, in all other respects, conform to the applicable rules, regulations, and ordinances of the Town, as well as the Town of Glenville Comprehensive Plan.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

**GE Solar
156 Barhydt Road**

**Site Plan Review
(Preliminary – continued
from October)**

The Schenectady County Solar Consortium, with General Electric (GE) serving as the contractor to build, is proposing a ground-mounted solar array at the former Town of Glenville Landfill property off of Barhydt Road. This project would result in an array being placed on the capped landfill portion of the property, which amounts to approximately 24 acres of the 73.4-acre site. The property is zoned "Rural Residential/Agricultural."

Kim Cupicha, GE Solar, was present.

K. Cupicha handed photographs to the Commission showing what the site looks like currently with no seasonal vegetation cover.

K. Cupicha stated they are looking to build in summer/fall 2019, taking about 4-5 months for completion.

A discussion took place regarding the design of the project including the degree of tilt for the panels, wind sustainability, snow load, securing to the ground, determination of load carrying ability, etc.

M. Carr asked if the landfill was capped and what happens if the cap is breached? Who is responsible?

J. Lippmann asked if the applicant needs to obtain a DEC permit.

K. Cupicha replied they do need a permit. She also stated that if there were to be any damage it would be covered through the insurance stated in the contract with the Town.

A discussion took place with regard to the process for obtaining the DEC permit along with what the applicant will have to provide to DEC for actual approval of the project. Additional discussion took place as to the closure of the landfill, what type of landfill was it, whether or not there are vents, and groundwater monitoring and samples.

Another discussion took place addressing the visibility of the project from roadways, in particular I-890, would glare/reflection be of concern for motorists on I-890, and what is the decommission plan if needed?

M. Carr asked if there have ever been any situations where emergency responders were needed.

K. Cupicha stated she was not aware of any situations, however, there are safeguards in place in case there is an emergency. Typically, the fire marshal is brought out to the site to see how to disconnect the power.

M. Carr asked if there is any manufacturer information regarding the panels that needs to be provided to the Town.

K. Cupicha replied that GE is responsible for all the monitoring of the panels.

K. Semon asked if the applicant has spoken to the neighbor to the south/southwest of this project.

K. Cupicha said no contact has been made as of yet.

M. Carr stated Schenectady County resolution 141-18, paragraph 5, indicates there is a comprehensive environmental review. M. Carr asked the applicant what was the comprehensive review.

K. Cupicha replied she only has the Environmental Assessment Form (EAF), but she would provide that to the Commission.

M. Tanner asked how much space is between the rows and where does the snow go.

K. Cupicha said typically there is 10-14 feet between the rows and the snow slides off the panels.

MOTION

In the matter of the preliminary site plan review application by GE Solar for the establishment of a ground mounted solar array at the former Town of Glenville Landfill, located at 156 Barhydt Road, the PZC hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. GE Solar is to speak to each of the adjacent property owners, to promote good faith, with regard to this project.
2. GE Solar is to present to the Town a detailed site-specific training program for first responders and the fire district in case of an emergency.
3. The Commission wants to see the Comprehensive Environmental Review and all associated documentation as stated in Schenectady County resolution 141-18, paragraph 5.
4. GE Solar is to state that the panels will be visible during the months where there is no seasonal vegetation coverage.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

GE Solar

Pump House Road off of Van Buren Lane

Site Plan Review

**(Preliminary – continued
from October)**

This is the second of two Schenectady County Solar Consortium solar array proposals in Glenville. As with the proposal above, GE would serve as the building contractor for this project, which involves construction of a ground-mounted solar array occupying approximately 3.7 acres of the 5.8-acre Town of Glenville-owned property on the north side of Pump House Road. The property is zoned “Riverfront Recreation/Commercial.”

K. Cupicha, GE Solar, was present.

K. Cupicha gave a quick review of the property. She stated this project would have more tree clearing than the Barhydt Road project. The clearing will take place mostly on the inside of the property as the trees along the property’s perimeter will be preserved.

M. Carr asked if any old growth trees will be removed. He also asked the applicant to address the wetland issue and how they are handling it.

K. Cupicha replied she believes the clearing will be mostly brush and smaller shrubs. In regards to the wetlands, there will be setbacks from all the wetlands at approximately 25 feet. Concerning the flood plain area, it is their intent to place the equipment on the highest part of the property.

J. Lippmann asked if the major distribution equipment will be above the 100-year flood elevation.

K. Cupicha indicated it would be.

N. Brower Dobiesz stated there is tree clearing to the west of the array and what’s the reasoning behind the additional tree clearing.

K. Cupicha replied it has to do with shading of the panels. The removal of those trees will allow for more energy production.

M. Carr inquired if any permits are needed from DEC for the amount of tree clearing on this site.

K. Cupicha stated a permit is not required as there is no ground disturbance since the tree stumps will remain in the ground.

M. Carr asked if the body of water noted on the plan is an old mine.

K. Corcoran replied that the mine is still active.

M. Carr wanted to know if there were will be any issues during the spring thaw with large pieces of ice from the Mohawk River.

K. Cupicha stated that it won't be a problem.

M. Carr asked the applicant to address the visibility issue.

K. Cupicha replied the trees remaining on the property's perimeter will provide good coverage for visibility purposes.

M. Carr stated the Commission would want to see a site-specific training program similar to the one to be provided for 156 Barhydt Road, also the applicant should also speak to adjacent property owners regarding this project, and the Commission wants to see the Schenectady County Comprehensive Environmental Review on this project as stated in resolution 141-18 paragraph 5.

MOTION

In the matter of the preliminary site plan review application by GE Solar for a ground mounted solar array occupying approximately 3.7 acres of the Town of Glenville-owned property on the north side of Pump House Road, the PZC hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. GE Solar is to speak to each of the adjacent property owners, to promote good faith, with regard to this project.
2. GE Solar is to present to the Town a detailed site-specific training program for first responders and the fire district in case of an emergency.
3. The Commission wants to see the Comprehensive Environmental Review and all associated documentation as stated in Schenectady County resolution 141-18, paragraph 5.

The Commission hereby schedules a public hearing for January 14, 2019 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a

public hearing for January 14th, 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: J. Gibney

Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

MOTION and to be considered a condition of approval for the GE Solar projects.

WHEREAS, the Town of Glenville is an involved agency regarding SEQR for these two solar energy projects located at 156 Barhydt Road and Pump House Road off Van Buren Lane, and

WHEREAS, the County of Schenectady declared itself Lead Agency for the purpose of SEQR review, and

WHEREAS, the County of Schenectady stated through official County legislation that it had completed a comprehensive environmental review for each site location in the Town of Glenville, and

WHEREAS, the County of Schenectady determined that the solar project at all locations warrants a negative declaration for purpose of SEQR, and

WHEREAS, each proposed location in the Town of Glenville is near environmental sensitive areas; 156 Barhydt Road site within 2,000 feet of the Mohawk River and the Pump House Road off Van Buren Lane site within 800 feet of the Mohawk River and in the flood plain, and

WHEREAS, the 156 Barhydt Road site is a capped landfill located 2,000 feet near and at higher elevation above the Mohawk River, and

WHEREAS, the developer was not able to present a plan during recent agenda meeting to mitigate key issues at the 156 Barhydt Road site, and

WHEREAS, the PZC did not have the benefit of an environmental review by the GECC, and

WHEREAS, the Town of Glenville Planning and Zoning Commission does not have a copy of the Schenectady County comprehensive environmental review in its possession to facilitate a comprehensive site plan review, therefore

RESOLVED, the Town of Glenville Planning and Zoning Commission requests that Schenectady County forward a true copy of the comprehensive environmental review it completed for the town Glenville GE Solar proposed sites, as stated in tis resolution. The PZC requests that this request be honored in time for the January 2019 PZC agenda meeting to allow a proper and thoughtful review by the members of the PZC.

Motion

Moved by: K. Semon

Seconded by: P. Ragucci
Ayes: 7 **Noes:** 0 **Absent:** 0

Motion Approved

With no further business the meeting was adjourned at 8:22 P.M.

Lynn Walkuski
Stenographer

Linda Neals
Town Clerk