

# PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

January 14, 2019

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

Also

Attending: A. Briscoe, Code Enforcement Officer, K. Corcoran, Town Planner,  
M. Cuevas, Town Attorney, J. Pangburn, Deputy Building Inspector,  
L. Walkuski, Stenographer

Absent: N. Brower Dobiesz, J. Lippmann

Meeting called to order at 7:00 P.M.

**Motion** to approve the Agenda

**Moved by:** K. Semon

**Seconded by:** P. Ragucci

**Ayes:** 5 **Noes:** 0 **Absent:** 2

Motion Approved

**Motion** to approve minutes from the December 10, 2018 meeting

**Moved by:** J. Gibney

**Seconded by:** K. Semon

**Ayes:** 5 **Noes:** 0 **Absent:** 2

Motion Approved

The applicant is proposing to build a 7,207 sq. ft. commercial building on the vacant two parcels totaling 1.04 acres adjacent to Pizza Works on the south. Pizza Works would relocate from next door and occupy 4,877 sq. ft. of the new building, with the remaining space to be marketed for retail or office use.

Kurt Bedore, KB Engineering, and Ed Rovetto, the applicant, were present.

K. Bedore gave an overview of the proposed project. The applicant is proposing to construct a new single-story mixed-use commercial building where a new Pizza Works would occupy approximately 4,300 sq. ft. with the remaining space to be used for retail or light office/commercial at approximately 2,300 sq. ft. on the south side of the building. They are looking at a single point access off Route 50 with a similar flow pattern that exists at the current Pizza Works. Thirty-four parking spaces are proposed to include angled parking on the side and employee parking in the back. A pick-up window, similar to the one at the current Pizza Works, would also be included, but will not be used as a “fast food” service. At this time, it is believed there will not be any variances required however, the applicant will appear before the ZBA for the Conditional Use Permit. Landscaping plans are to include street trees along Route 50 and proper landscaped buffering for those neighboring parcels along the rear. The plan is to service the site with municipal water from the main located across Route 50. Sanitary sewage will be an on-site septic system. There will be downward directed building mounted lighting and grading will be at a minimum. Drainage at this point will be provided through collection and conveyance since disturbance is less than one acre. Directing drainage downstream through and around some neighboring properties and tying into the system on Kingsbury Road which would discharge into the unnamed tributary on the east side of Route 50 that goes into the Alplaus Kill.

M. Carr asked why is the drainage directed on the east side of Route 50. There is a larger drainage swale on the west side.

K. Bedore replied he took a look at the west side, but it is problematic. He indicated there have been water problems on Kingsbury and believes that development of the site may improve the water issue on Kingsbury Road.

E. Rovetto gave an overview of the building design. It is based on an old-fashioned service station with garage doors giving it a retro look. The new building is needed in order to accommodate their business by upgrading and enlarging the kitchen.

M. Carr inquired about a proposal from the applicant dated several years ago that included a pub. Why is the current proposal scaled back?

E. Rovetto responded part of the scaling back is that the site wouldn't accommodate a larger project i.e. storm water and sewer/septic.

M. Carr asked what are the intentions for the current Pizza Works building.

E. Rovetto answered the building will be renovated with the hopes of renting it out. There has been some interest but nothing is finalized. They may, once the renovations are done, consider selling off that site, but it's too early to tell. Mr. Rovetto would still like to see a pub included in the project, but they are not pursuing it now. He wants to see if the proposed project would be acceptable and then will look at the costs to see what is financially reasonable.

M. Carr inquired will storm water be an issue.

K. Bedore stated he doesn't think it will be an issue and it will be properly conveyed.

M. Carr asked where will the leach field be located and will any mounding be needed.

K. Bedore replied it will be located in the southeast area. Mr. Bedore was at the site in mid-December with A. Briscoe and stated the perc test came out with sandy loam, and ground water depth of 32"-37" so a shallow trans system will be fine. Dom DeCarlo, County Health Department, will be coming out in April for testing.

M. Carr stated the setbacks need to be shown on the site plans.

M. Carr asked if the applicant would elaborate on the parking.

K. Bedore said the first part of the project, the restaurant, requires by code 1 parking space per 4 seats. The proposal has 84 seats which would equate to 21 spaces. The general office requires 1 parking space per 200 sq. ft. and that's another 12 spaces totaling 33 spaces, but the applicant is proposing 34 spaces including the two handicapped spaces located in the front.

K. Semon asked about the distance between back to back parking in the southern portion of the site as it seems narrower.

E. Rovetto stated that he thought it was 16 feet, but it follows the guidelines for angled parking.

It was determined proper signage for traffic flow/control will be installed.

M. Carr asked if the garage doors will be functional.

E. Rovetto responded they will be functional, but they are more for design.

M. Carr inquired if there will be any outdoor seating.

E. Rovetto said they have outdoor seating at the current site, but no one wants to sit on Route 50. The proposal shows a pergola, but he doesn't believe it will be used for outdoor seating. The pergola is more for outdoor decoration.

M. Carr asked about signage for the business.

E. Rovetto replied they are hoping for some type of illuminated sign for the building and some sort of monument sign on Route 50.

J. Gibney asked if they will be maintaining the vehicle traffic area between the two buildings.

K. Bedore said they will be maintaining the area and have a cross flow easement.

P. Ragucci asked if the easement will be two way.

E. Rovetto said it will be two way.

M. Carr asked if there will be a waiting area.

E. Rovetto responded there are two spaces near the pick-up window for orders that may not be ready when a customer arrives.

M. Carr inquired about the pick-up window which is not allowed in the current zoning.

E. Rovetto replied he didn't know it wasn't allowed as there is one at the current Pizza Works.

K. Corcoran said this proposal has both the characteristics of a sit-down and fast-food restaurant. What could make it a fast-food restaurant by definition is the drive-thru. If it is determined that this is a fast-food restaurant then the applicant will need to apply for a use variance.

A discussion took place regarding what constitutes a fast-food definition and the type of service the restaurant provides.

M. Cuevas said the Zoning Officer should make the determination. The definition talks about typical items that are served at a fast-food restaurant, but at the end of the definition of "fast-food restaurant" is the language K. Corcoran was referring to "*or the establishment includes a drive-up or drive-thru service facility or offers curb-service.*" It's a pretty broad definition.

K. Semon asked if there will be any deed restrictions or client restrictions if they sell the current Pizza Works location.

E. Rovetto said he hasn't thought about it.

K. Bedore asked if the applicant should contact the Zoning Officer to have a determination on the definition.

M. Carr stated the sooner a determination can be made the better it will be.

E. Rovetto said the pick-up window is a large part of their business and it could make or break the project depending upon the interpretation of the definition. If the pick-up window isn't allowed, he would have to reconsider the project.

M. Carr asked how much business is done at the pick-up window.

E. Rovetto said it's probably 40% at the window and 60% inside the restaurant.

M. Carr asked if the object of the project was to increase the business.

E. Rovetto replied the current dining room (has seats 64) and they are only increasing seating about 25%. The kitchen needs renovation, doubling it in size, in order to accommodate the business.

M. Carr asked when the applicant is coming back with a formal application.

K. Bedore responded as soon as possible.

**Michael J. Watson**  
**31 Charlton Road**

**Minor (2-lot) Subdivision**  
**(Preliminary)**

This application involves a lot line adjustment between 31 Charlton Road and 31A Charlton Road, each of which contains an existing single-family home. The proposed lot line adjustment would reduce the already substandard lot frontage from 115 feet to 66 feet for 31A Charlton Road, but it would increase and "square off" the frontage of 31 Charlton Road from 151 feet to 200 feet. An area variance for the reduced frontage on 31A was granted by the ZBA in November. This proposal does not involve any new construction. The properties in question are zoned "Suburban Residential."

Bob Wilklow, Gilbert VanGuilder Land Surveyors, represented the applicant.

B. Wilklow stated the Watsons and Rogows have been neighbors for 10 years. Mrs. Rogow would like to list her property for sale and clear up the issue of an existing asphalt driveway that could possibly jeopardize the sale of her house. No physical changes are proposed only a lot line adjustment to have the driveway completely on her lot. An area variance was obtained in November 2018 for the lot frontage.

K. Semon asked what was the original intent of the driveway and would language be included for a utility easement.

B. Wilklow stated he didn't know the original intent and yes, a utility easement was required by the Zoning Board of Appeals.

J. Gibney asked if this would become an issue as this is a flag lot. He also asked when these lots were established.

K. Corcoran said since the applicant obtained a variance for insufficient lot frontage the issue of a flag lot is not relevant. He does not know when the lots were originally created.

#### **MOTION**

In the matter of the subdivision plan by Michael J. Watson for a minor 2-lot subdivision located at 31 Charlton Road, the PZC finds that this application will not result in a significant potential adverse environmental impact. Consequently, the PZC hereby issues a negative declaration.

#### **Motion**

**Moved by:** M. Carr

**Seconded by:** J. Gibney

**Ayes:** 5 **Noes:** 0 **Absent:** 2

Motion Approved

#### **MOTION**

In the matter of the preliminary minor 2-lot subdivision application by Michael J. Watson for a 2-lot subdivision located at 31 Charlton Road, the PZC hereby approves the preliminary application.

The Commission hereby schedules a public hearing for 2/11/19 to consider the final minor 2-lot subdivision application. However, in order for the Commission to schedule a public hearing on 2/11/19, nine (9) copies of the revised subdivision map and/or requested information must be submitted to the Town of Glenville Planning Department no later than 14 calendar days prior to the public hearing.

#### **Motion**

**Moved by:** M. Carr

**Seconded by:** P. Ragucci

**Ayes:** 5 **Noes:** 0 **Absent:** 2

Motion Approved

**Benderson Development Company, LLC**  
**262 Saratoga Road (Hannaford Plaza)**

**Site Plan Review**  
**(Preliminary) and**  
**Recommendation on Conditional**  
**Use Permit**

Benderson Development is seeking to locate two new tenants (Five Guys and Great Clips) into the space in Hannaford Plaza formerly occupied by Aubuchon Hardware. Five Guys would occupy 2,500 sq. ft. of the 5,611 sq. ft. former Aubuchon space, while Great Clips would occupy 1,136 sq. ft. A space consisting of 1,975 sq. ft. would remain vacant and available for another tenant. Five Guys is also looking to establish an outdoor patio. The Plaza is zoned “General Business” and “Town Center Overlay.”

J. Boglioli, Benderson Development Company, LLC, was present.

J. Boglioli gave a quick overview of the proposal. The only changes to the site plan would be the addition of a patio for Five Guys that would curb the current striping, add landscaping and pavers for the entire area, a railing for vehicle protection and Five Guys would add 4 tables out front. Nothing else changes i.e. the entrances, the traffic patterns. There is an application in for a Conditional Use Permit. The parking requirement is met due to the fact this location is in a shopping center. A parking study was done during 11/21/18, 11/23/18, and 11/24/18 and on average only 53% of the parking lot was utilized so there is enough parking available to support this project.

M. Tanner asked what type of fencing will be installed to keep the vehicles out.

J. Boglioli responded it will be a metal railing with bollards.

M. Carr asked what is the diameter of the bollard.

M. Tanner asked if they are big enough to stop a car.

J. Boglioli replied they use the bollards at all their shopping centers and they would stop a car. Mr. Boglioli stated he could provide specs on the bollards.

A discussion took place regarding the parking lot and if there is enough parking for the project.

M. Carr asked if there will be any circulation issues with vehicles leaving the Valvoline location.

J. Boglioli stated they do not foresee any traffic circulation issues.

M. Carr asked if there will be any roof-mounted HVAC units.

J. Boglioli said there will be roof-mounted units and they will be hidden behind the parapet of the wall.

M. Carr asked about the dumpster location.

J. Boglioli responded the dumpsters will remain the same and they will use the ones that are currently on site.

For those not familiar with Five Guys a brief description was given on the restaurant layout and the ordering process.

K. Semon asked about the entrances and if the side entrance was going to be used.

J. Boglioli said customers will use the front entrance and the side entrance will remain open for loading. Loading takes place off hours. There will be a submission to the Schenectady County DOH as part of the building permit process.

A discussion took place about the delivery of product to the restaurant.

J. Gibney asked about the remaining available vacant space out back.

J. Boglioli stated he didn't think they would be renting the space as it is tough to lease with very little visibility. At this time, it would be additional storage space.

A discussion took place regarding the vacant space, possible removal of the shed, traffic flow behind Valvoline, and when the striping of the parking area to the rear of the plaza would be addressed.

J. Boglioli stated the striping will be done this spring and the shed is probably going to be removed.

K. Semon asked what type of wall is going to separate the two new businesses.

J. Gibney asked where will the sewage be going.

M. Carr asked about ventilation.

J. Boglioli replied the wall between the businesses will comply with building requirements. The sewage will be tied into the sewer system and a grease trap will be installed in the restaurant. Ventilation will be on the roof and filtration systems are also used.

M. Carr asked what type of signage will be used.

J. Boglioli said signage will be on pylon signs and building-mounted signs on the front for both businesses using the chains' recognizable signs. They would like to move forward with this project as soon as possible.

## MOTION

In the matter of the site plan application by Benderson Development Company, LLC for locating two tenants (Five Guys and Great Clips) in space formerly occupied by Aubuchon Hardware located in the Hannaford Plaza, 262 Saratoga Road, the PZC finds that this application will not result in a significant potential adverse environmental impact. Consequently, the PZC hereby issues a negative declaration.

## **Motion**



**Moved by:** M. Carr  
**Seconded by:** P. Ragucci  
**Ayes:** 5 **Noes:** 0 **Absent:** 2

Motion Approved

#### MOTION

In the matter of the preliminary site plan review application by Benderson Development Company, LLC for locating two tenants (Five Guys and Great Clips) in space formerly occupied by Aubuchon Hardware located in the Hannaford Plaza, 262 Saratoga Road, the PZC hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant is to submit details on the outdoor railings and bollards.

The Commission hereby schedules a public hearing for 2/11/19 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 2/11/19, 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:** 5 **Noes:** 0 **Absent:** 2

Motion Approved

#### MOTION

In the matter of the conditional use permit application by Benderson Development Company, LLC for locating two tenants (Five Guys and Great Clips) in space formerly occupied by Aubuchon Hardware located the Hannaford Plaza, 262 Saratoga Road, the Planning and Zoning Commission recommends that the Zoning Board of Appeals approve the application.

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 measures 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:** 5 **Noes:** 0 **Absent:** 2

Motion Approved

With no further business the meeting was adjourned at 7:57 P.M.

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Lynn Walkuski  
Stenographer

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Linda Neals  
Town Clerk