

# PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

April 10, 2023

Present: M. Carr, Chairman, J. Lippmann, P. Ragucci, K. Semon, V. Soldani

Also

Attending: J. Pangburn, Building Inspector, A. Tozzi, Dir. of Planning, C. Pierson, Town Attorney,  
L. Walkuski, Stenographer, N. Chiavini, Planner

Absent: N. Brower Dobiesz, P. Ragucci

Meeting called to order at 7:00PM

**Motion** to approve the agenda.

**Moved by: J. Lippmann**

**Seconded by: K. Semon**

**Ayes: 5 – Carr, Lippmann, McPherson, Semon, Soldani**

**Noes: 0**

**Absent: 2 – Brower Dobiesz, Ragucci**

**Motion Approved**

**Motion** to approve minutes from the March 13, 2023 meeting.

**Moved by: M. Carr**

**Seconded by: J. Lippmann**

**Ayes: 5 – Carr, Lippmann, McPherson, Semon, Soldani**

**Noes: 0**

**Absent: 2 – Brower Dobiesz, Ragucci**

**Motion Approved**

**Motion** to approve the minutes from the April 3, 2023 special agenda meeting.

**Moved by: K. Semon**

**Seconded by: V. Soldani**

**Ayes: 4 – Lippmann, McPherson, Semon, Soldani**

**Noes: 0**

**Absent: 2 – Brower Dobiesz, Ragucci**

**Abstention: 1 – Carr**

**Motion Approved**

**M Zone Lawns, LLC  
581 Saratoga Road**

**Public Hearing  
Final Site Plan Review**

This application is for the reuse of the property for a professional lawn care maintenance business offering lawn fertilization, weed control, tick/mosquito control and lawn seeding. All services are performed at customer's homes/businesses. Three of the 4 existing buildings will be used for office space, storage of non-regulated products/equipment and storage of pesticides and herbicides. No new utility connections are proposed, and site access will remain the same. The property is zoned General Business.

Matt Mazzone, the applicant, was present.

M. Carr asked the applicant if there had been any resolution regarding the easement on the driveway.

M. Mazzone replied he proposed a plan that was approved by the town in 1991. The main egress to the building goes through the parking lot and around the rear building. That was submitted with his answers to the PZC's questions from last month. The main entrance is where it is currently located, but the question was "what if Verizon decides to take down the telephone pole and move it over." The applicant would still have egress to the property.

C. Pierson said that is not the concern. Currently, there is an encroachment on this property onto Verizon's property. Either an easement needs to be obtained or the driveway needs to be moved so that the driveway no longer encroaches on Verizon's property.

M. Mazzone said the site plan approved from 1991 has the driveway going through the parking lot and going around the back.

C. Pierson said that would be fine if that was the primary entrance to the property. It is not where Verizon happens to move the pole, you will have a secondary driveway you can use. It needs to always be used or the driveway that is currently there needs to be moved off the Verizon property. You can move the driveway so that the part of the driveway that encroaches on the Verizon property is no longer there or you can get an easement, which will be more burdensome for the applicant, or just stop using this driveway all together and use the other driveway.

M. Carr said this will not hold up the approval tonight, but the final approval will be conditioned to fix this one way or another.

K. Semon asked if there is an existing curb cut for the secondary entrance.

M. Mazzone said there is a curb cut between the two fences.

M. Carr asked why are there 5-gallon buckets out front?

M. Mazzone replied there is a sink hole by the house. The plan is to demolish the house, but he cannot invest in the demolition of the house until he is told that he can run his business from this location.

J. Lippmann asked what is the cause of the sink hole?

M. Mazzone said it is due to the foundation. It is not really a sink hole, but this structure should never have been built. It is a patio that had weight put on it, so the house is sinking. The goal is to take down the whole structure.

M. Carr stated that if for some reason the applicant were to save the house and wanted to use the structure the applicant would need to reappear before the PZC. The PZC would support the applicant if the decision is to demolish the building because it is not structurally sound.

M. Mazzone said he has started the process of demolition plans with the town.

At this time Chairman Carr opened the public hearing. With no comments from the floor, the public hearing was closed.

A. Tozzi mentioned there were questions on signage and deliveries of materials that were brought up at town staff review.

M. Carr asked if M. Mazzone could address those questions. Signage would be needed to conform to the town's code. He believes it was stated earlier that deliveries would not be by tractor-trailer, but it would be more of a box truck.

M. Mazzone said they are working with a sign company, AJ Signs, and a preliminary design was submitted to the town about 4 months ago on the condition of receiving approval for this project. As for loading/unloading product, a truck will drive back into the property, unload the product, place it in the garage, and drive off the property.

J. Lippmann asked if the product is delivered by box trucks.

M. Mazzone said they are flatbed trucks.

M. Carr asked if a box truck will be able to access the property if the applicant will be closing off the driveway.

M. Mazzone answered they do already.

## MOTION

In the matter of the final site plan review application by M Zone Lawn, LLC for the establishment of a professional lawn care maintenance business located at 581 Saratoga Road, the Planning and Zoning Commission hereby conditionally approves the application. The Commission's decision is based upon the following findings:

1. The proposed use does conform to other applicable provisions of the Zoning Ordinance, including, but not limited to, landscaping requirements, building design, off-street parking requirements, building setbacks, fence requirements, sign regulations, storm water management and erosion control requirements, etc.
2. The proposed use does exhibit adequate and logical vehicular access and circulation, including intersections, road widths, curbing, and traffic controls.
3. The proposed use does exhibit satisfactory pedestrian and bicycle access and circulation, including separation of pedestrian traffic from automobile traffic, the placement and usefulness of on-site sidewalks and walkways, the accommodation for pedestrians at adjacent street intersections, and overall pedestrian and bicyclist safety and convenience.
4. The proposed use does exhibit adequate and logical location, arrangement, and setting of off-street parking and loading areas.
5. The proposed use does exhibit adequate and logical placement, arrangement, size, and design of buildings, lighting, and signs.
6. The proposed use does provide for the adequate type and arrangement of trees, shrubs, and other landscaping elements, as they relate to visual and noise buffering of adjacent sites and the reduction of visual impacts from the street.
7. The proposed use does demonstrate adequate provisions for the collection and/or disposal of storm water, sanitary waste, and garbage.
8. The proposed use will allow for adequate on-site snow plowing and snow storage.
9. The proposed use does demonstrate adequacy and durability of structures, roadways, utilities, and landscaping in areas with moderate to high susceptibility to flooding, ponding, and/or erosion.
10. The proposed use does retain existing trees and vegetation for aesthetic reasons, and minimizes 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 will need to resolve the driveway situation by either obtaining an easement or closing the driveway to the adjacent Verizon property.

2. The applicant will need to obtain town approval for signage in accordance with the Town of Glenville code.
3. The applicant is also being requested to move the 5-gallon buckets.

**Motion**

**Moved by: M. Carr**

**Seconded by: K. Semon**

**Ayes: 5 – Carr, Lippmann, McPherson, Semon, Soldani**

**Noes: 0**

**Absent: 2 – Brower Dobiesz, Ragucci**

**Motion Approved**

**Active Solar Development  
653 Swaggertown Road**

**SEQR Determination, Preliminary  
Subdivision Review, Public Hearing,  
Final Subdivision Review**

This application is to subdivide 653 Swaggertown Road, currently one parcel 113-acres and bisected by Swaggertown Road, into two separate parcels to house the planned solar farms. Active Solar Development received site plan approvals from the Planning & Zoning Commission in April 2022 for the construction of solar farms; one to be located on the west side of Swaggertown Road and one to be located on the east side of Swaggertown Road. To complete the financing for this project, the applicant needs to have two separate parcels for each solar farm. This parcel is zoned Rural Residential/Agricultural.

Jenny Lippmann recused herself from this presentation as her employer MJ Engineering was presenting.

Scott Price, MJ Engineering, and Frank McCleneghen, the applicant, were present.

S. Price mentioned he was before the commission last year for the approval of the solar farms. Tonight, they are here to subdivide the parcel into two lots.

M. Carr asked if the reason for the subdivision is for financing purposes.

S. Price replied yes, the financing group did not want to finance one lot. S. Price presented a map showing there are portions of the parcel located on both sides of Swaggertown. The entire parcel is 109-acres and its tax map parcel ID # is 15.0-1-16.1. The parcel is zoned Rural Residential/ Agricultural with the Solar Overlay District.

M. Carr asked if there was a utility easement going through the parcel as well.

S. Price stated National Grid has utility lines and a gas easement running through the property. He also pointed out where the substation is located. They are using Swaggertown Road as a divider for the two parcels. The west lot is 38.4-acres and does contain the existing farm buildings. The farm buildings cover about 1/3-acre. Lot coverage by the solar panels equals about 10.2%.

M. Carr said this is administrative and for financing. He does not believe the commission has any issues with this application.

K. Semon asked if the original approval was in phases.

S. Price replied the approvals were for both the east and west sides. Swaggertown Solar #1 was for the west side and Swaggertown Solar #2 was for the east side. They were approved as separate projects.

#### **MOTION**

In the matter of the subdivision application by Active Solar Development for a two-lot subdivision, currently one parcel, for financing purposes located at 653 Swaggertown Road, the Planning and Zoning Commission finds that this application will not result in a significant potential adverse environmental impact. Consequently, the Planning and Zoning Commission hereby issues a negative declaration.

#### **Motion**

**Moved by: M. Carr**

**Seconded by: K. Semon**

**Ayes: 4 – Carr, McPherson, Semon, Soldani**

**Noes: 0**

**Absent: 2 – Brower Dobiesz, Ragucci**

**Abstention: 1 – Lippmann**

**Motion Approved**

#### **MOTION**

In the matter of the preliminary minor subdivision application by Active Solar Development for a two-lot subdivision, currently one parcel, for financing purposes located at 653 Swaggertown Road, the Planning and Zoning Commission hereby approves the preliminary application.

The Commission hereby schedules a public hearing for 4/10/23 to consider the final minor subdivision application.

#### **Motion**

**Moved by: M. Carr**

**Seconded by: K. Semon**

**Ayes: 4 – Carr, McPherson, Semon, Soldani**

**Noes: 0**

**Absent: 2 – Brower Dobiesz, Ragucci**

**Abstention: 1 – Lippmann**

**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 minor subdivision application by Active Solar Development for a two– lot subdivision, currently one parcel, for financing purposes located at 653 Swaggertown Road, the Planning and Zoning Commission hereby approves the application. The Commission’s decision is based upon the following findings:

The proposed use takes into consideration the relationship of this project to the neighborhood and the community, and the best use of the land being subdivided. Factors considered include:

- Compliance with the requirements of the Zoning Ordinance and the policies of the Comprehensive Plan.
- Logical arrangement, location, and width of streets.
- The lots’ and street(s)’ relationship to the topography of the site.
- Adequacy and arrangement of water supply, sewage disposal and drainage.
- Accommodation for future development of adjoining lands as yet unsubdivided.
- Adequacy of lot sizes to achieve the above.

There will be no recreation fee levied on this subdivision.

### **Motion**

**Moved by: M. Carr**

**Seconded by: K. Semon**

**Ayes: 4 – Carr, McPherson, Semon, Soldani**

**Noes: 0**

**Absent: 2 – Brower Dobiesz, Ragucci**

**Abstention: 1 – Lippmann**

**Motion Approved**

At this time J. Lippmann returned to the meeting.

### **Bullets & Bourbon 104 Freemans Bridge Road**

### **SEQR Determination Preliminary Site Plan Review**

The applicant received approval in July 2022 to re-open the Glenville Sportsplex mini-golf and ice cream stand. This application is to establish an owner-occupied Bed & Breakfast in the existing single-family residence located at the site. The property is zoned Freemans Bridge Road Corridor District. This use is permitted with site plan review.

Daniel Maggs, the applicant, was present.

D. Maggs said he has run the liquor store on Freemans Bridge Road for the past 20 years. He rented from Goldstock’s, who went out of business in 2018, and he bought the property which consists of both buildings. Both buildings are connected to the traffic light. When the back 6-acres came up for purchase, he and his partner thought it would be a good idea to also connect the back 6-acres to the traffic light. They decided to resurrect the sportsplex since there is nothing like it in Glenville. They have owned the

property for about a year. There is no ice cream shop available in Glenville except for Jumpin' Jacks. He hears from residents how they would like to see it reopened. Their primary goal was to reopen the ice cream shop and they received approval last year. There is a home on the property and the previous landowner lived in the house. He was not aware the status of the single-family home was no longer grandfathered in. He is trying to find a use that is acceptable for the current zoning. A bed and breakfast is allowed and does allow owner occupation and short-term rentals.

M. Carr asked will someone be living there?

D. Maggs replied he has someone.

M. Carr stated the site plan needs to be updated to include bed and breakfast use for the property and a signature is required on Part I of the EAF.

D. Maggs said he would work with Tony Tozzi to get it done.

A discussion took place as to what should be listed on the site plan.

K. Semon asked who would be occupying the residence.

D. Maggs replied it must be someone who has the title of "owner." There are three members of the corporation and one of the members will be occupying the residence.

C. Pierson inquired how will the person be occupying the premises i.e., will it be every single day and will it be overnight? Will it be their permanent residence?

D. Maggs said he does not know what the criteria means. He asked if there is a certain number of days a week that needs to be owner-occupied? His intent is to downsize from his current home and move into the house, as an owner-occupied home. His goal is to have owner occupancy, but have the ability for short-term rentals, possibly on weekends. They had it listed for rentals last summer and the weekends are the only time people wanted to rent it.

C. Pierson asked will the owner primarily still live there during rentals.

D. Maggs said yes since that is part of NYS code.

C. Pierson inquired about overnight. Will the owner be sleeping there while the renters are also sleeping there? She also asked how many bedrooms are in the house and how will the renting be marketed.

D. Maggs replied they will be there. The house sleeps six people with one bedroom downstairs and two bedrooms upstairs. There are on-line sites that are directed towards bed and breakfasts specifically. Air B&B is for renting the whole house and they have not investigated that yet.

C. Pierson said she thought the whole purpose of this was to make sure it was not an Air B&B.

D. Maggs said this is not an Air B&B house.



A. Tozzi mentioned to C. Pierson there was a question as to how to prove residency. He said he has researched an affidavit of residency.

C. Pierson said they did have that discussion. An affidavit could be used for proof of residency where they attest that there will be someone there all the time during rentals. Voter registration will also have to be shown.

A. Tozzi said the town still needs the affidavit.

#### **MOTION**

In the matter of the site plan by Bullets & Bourbon for the establishment of an owner-occupied bed and breakfast located at the Glenville Sportsplex at 104 Freemans Bridge Road, the Planning and Zoning Commission finds that this application will not result in a significant potential adverse environmental impact. Consequently, the Planning and Zoning Commission hereby issues a negative declaration.

#### **Motion**

**Moved by: M. Carr**

**Seconded by: K. Semon**

**Ayes: 5 - Carr, Lippman, McPherson, Semon, Soldani**

**Noes: 0**

**Absent: 2 – Brower Dobiesz, Ragucci**

**Motion Approved**

#### **MOTION**

In the matter of the preliminary site plan review application by Bullets & Bourbon for the establishment of an owner-occupied bed and breakfast in the existing single-family residence located at 104 Freemans Bridge Road, the Planning and Zoning Commission hereby conditionally approves the application.

#### **Conditions of preliminary approval are as follows:**

1. The applicant will fix the site plan after discussing what is needed with A. Tozzi.
2. The applicant is to provide an affidavit stating the details of the owner-occupied situation.

The Commission hereby schedules a public hearing for 5/8/23 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 5/8/23, 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 – Carr, Lippmann, McPherson, Semon, Soldani**

**Noes: 0**

**Absent: 2 – Brower Dobiesz, Ragucci**

**Motion Approved**

D. Maggs asked if he would be able to stay in the house before getting approval.

C. Pierson replied he cannot.

**Empire State Youth Orchestra  
45 MacArthur Drive**

**SEQR Determination  
Preliminary Site Plan Review**

ESYO is re-using the former St. Joseph' Church Parish facility for their organization. This application is for the construction of a 4,200 sq. ft. building to house a music classroom, a 500 sq. ft. addition to house a mechanical equipment room, and outside performance area. The site is 8.6-acres where approximately 5.7-acres is in the Town of Glenville and the remaining 2.9-acres is in the Village of Scotia. In addition to the new buildings this application also calls for new utility service connections, pedestrian walkway, improvements to the parking lot, lighting, and layout. The acreage within the Town of Glenville is zoned Suburban Residential.

John Montagne, Greenman-Pederson, Rebeca Calos, Executive Director, Empire State Youth Orchestra, and Caryl Kinsey Fox, Architect, Envision Architects were present.

J. Montagne stated Empire State Youth Orchestra appeared before the commission about a year ago. ESYO purchased the parish so they could move in. Now they are looking at the infrastructure of the building, utility services, HVAC, etc. ESYO has determined they will be making significant improvements to the interior of the building as well as constructing a 4,200 sq. ft. addition to be utilized as a performance preparation classroom. This is not a location for public performances. Public performances will remain at locations where the orchestra currently performs such as Proctor's. The majority of the ESYO members are high school students who excel at their chosen instrument.

J. Montagne said the main entrance to the facility is off MacArthur Drive. On the back side of the property is Henry Street and Weathercrest Drive. They want to run new water and sewer, take the building off the septic system and the smaller diameter water line that comes down MacArthur Dr. This will achieve a goal to make the building a sprinkler building. They will remove several dead white pine trees from the front area. The parking lot will be cleaned up by milling and overlaying and restriping it. The parking lot currently has parallel parking, but ESYO will be restriping the lot as a traditional straight parking which will increase the parking spaces from 79 with 6 ADA spaces to approximately 100 spaces with 4-6 ADA spaces. The main part of the building (auditorium) is about 24 feet tall and is the tallest part of the existing structure. The remaining part of the wing contained the classrooms. A proposed addition will have a straight slanted roof and the tallest part of that roof will be 29-feet with the lower end being 23-feet.

K. Semon inquired about the term "classroom." Will the area be divided into separate classrooms?

J. Montagne replied it is one big open performance space for the students.

C. Fox stated the auditorium will hold about 100 people, the small rehearsal space is 90 people, and the remaining rooms will be about 20 people.

M. Carr asked what is the outside performance area? At last year's approval the commission was told there would be absolutely no outdoor performances and now ESYO is back wanting to do outdoor performances.

J. Montagne said the outdoor space is not intended for outdoor performances. The intent is to have a space for the students to hang out when the weather is nice for recess. If ESYO does some periodic fund raisers during the summertime it would be an ideal place. It is not intended for organized outdoor performances.

J. Lippmann stated the term "performance area" should come off the site plan.

M. Carr said the commission's concern is part of the property is in the Village of Scotia which will be addressed later tonight, but there are a couple of houses that are in close proximity, regardless of any buffers, which could potentially have an impact to those residents.

J. Montagne showed an aerial view of the property and discussed where the residents are in proximity to the addition and the outdoor space.

J. McPherson and V. Soldani asked if practices will be held in the outdoor space.

J. Montagne stated there will be no practices outside at all.

C. Fox said they have acoustic concerns and want to make sure the acoustics are tuned for the rooms to enable the students to hear each other. The intention is to be able to teach kids that want to apply to the premier schools such as Juilliard.

V. Soldani said they understand that, but are they going to play outside?

M. Carr said the commission supports the project, but they have concerns if anything will be taking place outside as the surrounding area is a residential neighborhood. Another issue is the Village of Scotia and the infrastructure of water and sewer connections. Which infrastructure will you be using; the town or village for sewer and water?

J. Montagne said he has had conversations with both the town and village. The area where the connections will be is in the town, but it is part of the village system. The village owns the water and sewer. They will be getting approval from both the town and village to make those connections. They have preliminary designs and preliminary engineering which is on the site plan.

J. Lippmann said they would want some assurance from the village before final approval that the village can supply water and sewer, which is critical to this expansion.

M. Carr stated there is also concern about tying into the village streets. The commission's plan for tonight is to table this. The PZC will be the lead agency for SEQR, but the applicant will need to get approval from the Village of Scotia.

J. Montagne replied they have an application into the village, and they are scheduled for their May 8<sup>th</sup> meeting. The demand for domestic water use is much lower than what the school used. The reason behind the upsized water line now is for fire protection.

J. Lippmann said the reason she mentioned about an assurance from the village is that this addition cannot be done without the fire suppression system.

M. Carr said the commission will not move on this application tonight as they still have some questions. They will need to get approval from the village first. There are concerns about traffic, infrastructure, and the outdoor performance area. If there are not going to be any outdoor performances or practices, the applicant needs to state that. There will be a public hearing and the surrounding residents will be notified of this project. The commission wants to support the project, but it needs to be done correctly. Another concern was tying the walkway in with the utilities. If parking becomes an issue, and they are parking on the streets, are they going to be using the walkway as access to the facility?

J. Montagne said the reason for the walkway was to make sure they had emergency access to the facility. There is already a walking path there that the neighborhood uses.

M. Carr said you cannot predict what is going to happen. If it is going to be used for emergency egress, there are things that need to be considered. Will there be a gate that will open?

J. Montagne said it will probably be a knockdown bollard. They want to keep people from driving up there.

M. Carr asked J. Montagne if he received notes from T. Tozzi.

J. Montagne said he did.

J. Lippmann said she would like to address the performance space again. Since it is listed on the site plan as a performance space and renderings show a terraced area that could be a performance space, although she is not against it being a performance space, but believes the biggest concern is that the commission is being told it is not a performance space but in a year there is a show or fund raiser where they are performing outside and everyone is upset that it was maybe misrepresented. The reason for this comment is that if it really is a performing space or has any potential to be a performing space, be forthcoming with the commission. Through the commission's SEQR review it is important for them to consider that.

R. Calos replied what they have said is true, in that they are not using this facility for public performances however, they are like a school where occasionally there would be a "family fun-day" where the neighborhood was informed about the event.

J. Lippmann said that it should be allowed to be a special event, but not a consistent event. Just be forthcoming because what she can see happening is having a fund raiser and then the neighbors get upset and complain stating the applicant promised they were not going to use the outdoor space.

R. Calos asked what would be the best term to use?

M. Carr said the applicant could provide a narrative stating what the outdoor space will be used for, limiting the number of people, the specific times of day, things like that.

J. Lippmann said special events are one thing, but routine triggers a whole new set of review considerations.

M. Carr reiterated this a good use of the property, but the applicant needs to be mindful of the neighbors. This parcel has been vacant for awhile and now there are cars coming in. A worst-case scenario is people parking on Weathercrest and walking in. They do not want people parking on village streets which is why the village needs to see this first. The PZC will be SEQR lead agency and will do the SEQR determination after they receive input from the village.

J. Montagne said the reason they came to the town first was that the bulk of the project lies within the town.

M. Carr agreed, however there is piece in the village and there may be some people that would like to have a say on this project.

K. Semon inquired about the 500 sq. ft. building. What is that for?

J. Montagne said the reason for the addition is to get mechanicals into the building. They need to come in at the end of the eave of the building. It is for the HVAC.

M. Carr asked if there would be any noise issues with the house located directly behind.

J. Montagne said that is the reason for the addition which will be enclosed. The mechanicals for this system need to be quiet. That is part of the acoustic requirements.

K. Semon said he would like to see the highest dB level inside the new space, what will be on the outside of the wall and what will be at the property line.

V. Soldani said the inside of the building will be quiet for the HVAC, but what about the outside of the addition?

J. Montagne said all the mechanicals will be inside the enclosed space. There is a mezzanine area between the addition and the other building that will have mechanical equipment up in the mezzanine space. This is for the mechanical equipment that would come down the hallway inside the building.

C. Fox said the only thing that is located outside are the compressors.

V. Soldani noted the residential property that adjoins the property to the north is wide open. The lawns adjoin. Is there any plan to obscure the view of the new addition from that home? It really is a continuous lawn from the project to the gentlemen's back deck.

R. Calos said they had talked about some type of landscaping.

V. Soldani asked what type of landscaping?

J. Montagne stated there would be a mixture of evergreens and deciduous trees.

V. Soldani asked why does the applicant need 100 parking spaces.

J. Montagne replied they need to resurface the lot due to its condition. They will be taking down the white pines and resurface the lot. They will be doing a more efficient restriping which will produce more parking spaces. They are looking at taking out some of the asphalt which will increase the green space for the project. There will also be a diagonal walk-thru to the front of the building.

C. Pierson asked the applicant what was the intention when the project was described in the EAF as “improvements will include an outdoor performance area.” What was being envisioned when it was written?

R. Calos said when they were discussing the terrace it was simply a space for an event where people could potentially be performing outside.

C. Pierson said there will be an increase in the parking spaces in the lot and creating a terrace area, with the school being a music organization, it would make sense that if you had a fund raiser you would want to showcase the musicians. She thinks it really seems like it will be used as an outdoor performance area and that will need to be taken into consideration. Their job is also to protect the homeowners around the area.

J. Lippmann asked if there is any code that speaks to special events and frequency of special events.

C. Pierson asked if there will be more employees hired as the parking spaces are going to be increased.

J. Montagne said the only thought was the resurfacing and restriping will create an increase in spaces. Removing a portion of the lot, located in the village, would increase the area of disturbance for stormwater. They are trying not to go above the trigger amount.

C. Pierson asked when the applicant has fund raisers where will the people be parking? Will the parking lot be able to accommodate the people and is there any anticipation of street parking?

J. Montagne said he does not think the parking lot will ever be filled.

A discussion took place about whether the town code addresses special events. Counsel suggested conditions could be put into place stating the outdoor use, the times, and number of events.

R. Calos replied it would not even be per month. They would like the ability to host something a couple of times a year for the students’ families. The reason they need that much space in the parking lot is when there is a full orchestra, once or twice a week, there are 90 kids in the orchestra or 100 kids in a full symphony. They do not all drive and a lot of parents drop them off and leave. On a night of

orchestra, they might have 50 cars in the lot. When they have percussion to load to perform off-site, they need to bring in a large truck so having the space and a good flow in the parking lot makes a lot of sense.

J. Pangburn read the following from town code “*sounds in connection with the routine activities and operations of a school or educational facility is permitted.*” and “*sounds associated with sporting events or any authorized carnival, fair, exhibition, or parade etc.*” Something along those lines would be exempt from the decibel requirements.

R. Calos said the amplification outdoors is problematic, but she appreciates the information. They have been thinking about the outdoor space, for the summertime, as like a school so they want the kids to be able to go outside and run around without concern.

J. Lippmann said these are the things the commission needs to review regarding SEQR such as sound and traffic. It is important to be forthcoming about ESYO’s plans. She thinks it will point the commission in the direction of asking for additional buffering for those residential properties.

R. Calos said they would also give the neighborhoods notification if anything was to take place.

J. Lippmann asked if the applicant would need a permit to have a fair.

J. Pangburn replied that request would need to be addressed by the town clerk.

M. Carr said the commission will be tabling this and the applicant needs to speak with the village to make sure they are ok with this project. The PZC will be the ones to deliver the SEQR determination, but they want to make sure it is done properly without impacting any village roads, infrastructure, neighbors, or the town.

J. Montagne said the timing will be good if there is a coordinated review as they will be able to mention it to the village.

A discussion took place regarding the process of a coordinated review. Counsel said there needs to be a motion for tabling tonight’s application. They are not doing a coordinated review for purposes of SEQR, as the town PZC will be the lead agency, but the town will be in communication with the village about working together. J. Lippmann said the town still needs to declare its intent to be lead agency to the village.

## MOTION

The Planning & Zoning Commission is tabling this application until next month pending input from the Village of Scotia.

### **Motion**

**Moved by: M. Carr**

**Seconded by: V. Soldani**

**Ayes: 5 - Carr, Lippmann, McPherson, Semon, Soldani**

**Noes: 0**

**Absent: 2 - Brower Dobiesz, Ragucci**

## **MOTION**

In the matter of the Empire State Youth Orchestra application, the Glenville Planning & Zoning Commission states it is their intention they will be SEQR lead agency on the entire application.

### **Motion**

**Moved by: M. Carr**

**Seconded by: V. Soldani**

**Ayes: 5 - Carr, Lippmann, McPherson, Semon, Soldani**

**Noes: 0**

**Absent: 2 - Brower Dobiesz, Ragucci**

At this time Mike Carr recused himself from the meeting and left the building.

**Adirondack Beverages  
501 Corporations Park**

**SEQR Determination, Preliminary  
Site Plan Review, Area Variance  
Recommendation, Public Hearing,  
Final Site Plan Review**

This application is for the construction of an electrical substation to transform 34.5K power to usable 13.2kVA power and installation of all necessary components for substation operation. An area variance will be required for the installation of the substation (an accessory structure in the front yard). The parcel is in the Glenville Business Technology Park and is zoned Research/Development/Technology

Brian Aceto, Adirondack Beverages, was present.

K. Semon stated the SEQR determination, Preliminary Site Plan review and recommendation to the ZBA has already been done. He asked if the ZBA approved the area variance.

T. Tozzi stated the area variance was granted.

B. Aceto mentioned in 2021 ADK Beverage was contracted with their largest customer for a significant volume increase to the plant which would support the growth of 50 union and non-union jobs. Early last year they developed their construction design and worked through their infrastructure design as well. It was identified at that point by National Grid that not only were they looking for more power outside of what is allowed by the Public Service Commission Regulatory, but they were already outside of the allowable limit. That is a concern as they have been involved in every growth phase by supplying more power. ADK Beverage was granted, temporarily, the additional power they needed, another megawatt, so the line could be up and running and the jobs sourced. The line began running January 5<sup>th</sup> this year. The requirement was ADK would be off the 13.2 circuit by June 1<sup>st</sup> and onto their own power (34.5kVA) which ADK would fund, but the Grid would support with construction.



The reason for the accelerated approval request is that it was their understanding the permitting is under the scope of the engineers that designed the substation for Adirondack. It was not and it slipped through the cracks. As National Grid started to identify other initiatives on their side it was identified that Adirondack did not have a site plan approved or permit for the substation. Adirondack needs site plan approval and a permit this month so they can begin construction of the substation in May to meet the timeline. If they do not meet the timeline, there could be a shutdown of some of the power and possible layoffs of the employees hired to support that line.

K. Semon asked if there is an emergency power supply like a diesel generator.

B. Aceto replied there is no secondary power supply. If the power goes out, it is out. They will be responsible for all the maintenance and upkeep from the substation into the plant. In case of an emergency or event or if something happens to their equipment, they will subcontract to a high voltage service specialist. The 34.5 line will run directly from the Rotterdam Industrial line, located about 6/10 of a mile away, and will be for Grid's maintenance and upkeep.

K. Semon stated in summary Adirondack is required to have this additional power source because they are overloaded on the existing line, but to make this happen before summer it needs to be acted on quickly so National Grid can act on it without loss of power to the rest of the community.

B. Aceto said National Grid, on their own, is going to do their work and follow the process with the Town of Glenville authorities as they need to. National Grid will not be able to connect, and Adirondack will not be able to get off the grid without the substation.

K. Semon asked if the area variance was approved by the Zoning Board of Appeals.

B. Aceto said T. Tozzi confirmed the approval earlier.

C. Pierson said there had been discussion of a hold harmless agreement in zoning. They want to put in the condition that they are approved with the condition that they sign a hold harmless agreement with the building permit which would hold the town harmless for snowplowing activities other than actually striking the unit with the snowplow and any harm caused by excavation due to infrastructure maintenance and repair for the water and sewer. Would the applicant be agreeable to that?

B. Aceto replied they will do whatever they need to.

C. Pierson said it has not yet been drafted up, but again it would not be if the unit were struck by the plow but for any damage that would be caused by the snow getting shot out by the plow.

K. Semon asked if this was a concern of the highway superintendent.

C. Pierson said it was.

K. Semon asked if bollards will be located around the unit.

B. Aceto stated there will be bollards and distributed renderings showing what it would look like.

The bollards will be 5-feet from the substation but also 5-feet within the ROW and the property line.

A discussion took place as to who should be in the conversation on the hold harmless agreement and the drafting of the agreement.

B. Aceto asked if he should wait for someone to contact him.

C. Pierson said it will be part of the building permit process. There is nothing that the applicant needs to do right now.

At this time K. Semon 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 Adirondack Beverage for the construction of an electrical substation to transform 34.5K power to usable 13.2kVA power and installation of all necessary components for substation operation located at 501 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. It is acknowledged by the Planning & Zoning Commission that the ZBA has granted necessary variances in this regard.
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 satisfy any concerns of the water department.
2. The applicant shall sign a hold harmless agreement with the town to cover any damage to the equipment due to snowplowing, excavation, or other maintenance the town needs to rightfully exercise.

**Motion**

**Moved by: K. Semon**

**Seconded by: J. McPherson**

**Ayes: 4 - Lippmann, McPherson, Semon, Soldani**

**Noes: 0**

**Absent: 2 – Brower Dobiesz, Ragucci**

**Abstention: 1- Carr**

**Motion Approved**

Without any further business the meeting adjourned at 8:22 PM.

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Lynn Walkuski, Stenographer

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Julie Davenport, Town Clerk