

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

May 8, 2023

Present: M. Carr, Chairman, N. Brower Dobiesz, J. Lippmann, J. McPherson,
P. Ragucci, K. Semon, V. Soldani

Also

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

Absent: n/a

Meeting called to order at 7:02PM

Motion to approve the agenda.

Moved by: P. Ragucci

Seconded by: N. Brower Dobiesz

Ayes: 6 – Carr, Brower Dobiesz, Lippmann, McPherson, Ragucci, Soldani

Noes: 0

Absent: 1 – Semon

Motion Approved

Motion to approve minutes from the April 10, 2023 meeting.

Moved by: J. Lippmann

Seconded by: P. Ragucci

Ayes: 6 – Carr, Brower Dobiesz, Lippmann, McPherson, Ragucci, Soldani

Noes: 0

Absent: 1 – Semon

Motion Approved

K. Semon arrived after the motions were approved.

**BelGioioso Cheese
300 BelGioioso Blvd.**

**Public Hearing
Final Site Plan Review**

This application is for the construction of a new addition to the existing BelGioioso Cheese manufacturing facility. The proposed uses for the 14,500 sq. ft. addition would include increasing the maintenance shop storage space with an office space for the maintenance manager and workspace for maintenance and repairs as well as possible production floor expansion. Located in the Glenville Business & Tech Park, the parcel is zoned R/D/T.

Tim Cronin, BelGioioso Cheese, was present.

T. Cronin gave a quick update of the project. Initially BelGioioso wanted to construct a new mechanics workroom addition. Upon review the cost for mobilization for the mechanics workroom addition was cost prohibitive. It was determined the mobilization costs suggested both expansions should be made at the same time. There were three items that were discussed at their last meeting. First, the SWPPP was updated to show the current expansion is about 5,000 sq. ft. less than the original SWPPP that was filed in 2019. The town has secured a third-party designated engineer to review the revised SWPPP. The second item was to update the SEAF which was done by CHA Engineering on BelGioioso's behalf. The third item was to discuss the occupancy of the additions and to have more clarity as to how the spaces will be utilized. The northeast corner remains a mechanics workroom/shop. The southwest corner will be for dry part storage for additional production growth. There is also space for production expansion opportunities.

M. Carr read Question 12B on the SEAF. *"Is the project site or any portion of it located in or adjacent to an area designated as sensitive for archeological sites on the New York State Historic Preservation Office Archeological Site Inventory."* The answer was "yes," and the applicant was asked if there are any other issues with this site.

T. Cronin said they are not in one, and he is not aware of being adjacent to one.

J. Lippmann said she would assume with the original approval there is some documentation from SHPO that says that this project would not have any effect.

T. Cronin said for the original submission they did a short form as well, as SEQRA is not for the entire park. That was done in the Metroplex Master Plan. He would have to go back and check.

M. Carr said it is probably a non-issue, but a letter could be requested from SHPO.

M. Carr asked if there had been any changes in the contamination situation.

T. Cronin replied there has been no change. They are operating under the excavation management work plan under DEC. They are working with DEC, EPA, and the Army Corps of Engineers.

M. Carr asked if there is any indoor air quality monitoring.

T. Cronin said they just received their winter report back in March, and there is no impact.

M. Carr stated someone on the commission had questions concerning the details on the application regarding existing conditions with proposed removals, landscaping, utilities, and grading.

J. Lippmann responded it was hard for the commission to determine what were existing conditions and what were the proposed conditions. The plans submitted are more of a concept level rather than developed that the commission would normally see at a final site plan review. What the commission would like to see is the applicant utilizing the Town of Glenville's checklist for site plan review and providing all the elements that are required for the commission's review. Overall, there is not a problem with the project, but it lacks details; utility plans, grading plans, landscaping plans (if there will be any), and lighting plans. Those are all required in a site plan review.

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 new addition at the existing BelGioioso Cheese manufacturing facility located at the Glenville Business and Tech 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 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 town will get the approval by Delaware Engineering after review of the modified SWPPP.
2. The applicant is to obtain a letter from SHPO regarding Question 12B on the EAF.
3. The applicant is to provide additional details on the site plans specifically associated with existing conditions vs proposed conditions, landscaping, utilities, lighting and grading as necessary as following the Town of Glenville's checklist for site plans.

C. Pierson mentioned item #6 in the motion, *"the proposed use does provide for the adequate type and arrangement of trees, shrubs, and other landscaping elements,"* that would be conditional upon what the applicant submits to the town in terms of what landscaping the applicant is going to have.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

Ayes: 7 - Carr, Brower Dobiesz, Lippmann, McPherson, Ragucci, Semon, Soldani

Noes: 0

Absent: 0

Motion Approved

**The Taco Shop
710 Saratoga Road**

**SEQR Determination
Preliminary Site Plan Review**

This application is for the establishment of a Mexican Taco and Burrito restaurant located in the former Stewart's shop. The restaurant will have take-out and limited dine-in service (no table side service by staff). No alcohol will be served or sold. The parcel is zoned Community Business.

James Fronk, the applicant, was present.

M. Carr stated for the record the commission is looking for a nice taco shop on Route 50 in Glenville. It would be a nice addition to the community.

M. Carr also stated he knew there was conversation to have the preliminary and final approvals combined into one meeting, however, there was not enough time for the town to properly notify residents that a public hearing would be taking place. The commission will be able to make a SEQR determination and preliminary review at tonight's meeting. The public hearing and final review will take place next month. As far as building permits are concerned, the applicant needs final approval before he can obtain building permits.

J. Pangburn agreed and reiterated a site plan needs to be approved before any permits can be issued.

M. Carr said it is the commission's understanding that the septic system needs to be evaluated as there are some issues.

J. Fronk said he was not aware of any issues.

J. Pangburn stated National Grid went through it.

J. Fronk said National Grid clipped a 4-inch pipe and Nat Grid has repaired the pipe.

J. Pangburn replied since it is a change of use (from retail to restaurant) the demand for the restaurant will be more extensive. He also spoke with the town's previous engineer and the grease trap that currently exists is probably undersized for the usage. The applicant's engineer needs to review both and either make a recommendation to upgrade or produce another solution.

J. Fronk asked how does the usage amount get calculated?

J. Pangburn answered that is something the applicant's engineer could determine based on the daily water usage.

J. Lippmann stated she does not think there is any issue as the applicant is utilizing the site as is except for septic system improvements, however, generally the commission likes to see the SEAF filled out using the EAF Mapper. That way there is some confidence the questions were answered properly specifically questions in regarding SHPO.

M. Carr asked who supplied the SEAF.

J. Fronk said it was himself.

J. Lippmann asked how did the applicant fill in some of the questions, particularly those regarding SHPO? If the applicant uses the EAF Mapper from the DEC website, it prepopulates the SEAF using information available in the NYS GIS databases.

M. Carr said it is based on the location of the property. The system utilizes all the databases in the state and will automatically populate a “yes” or “no” based on a location because it knows what questions are being asked. If you are located near a sensitive area, the applicant may not know about it, but the databases will.

J. Lippmann said although she does not believe it will change any opinions regarding this project, the commission would like to have accurate information on the record.

N. Brower Dobiesz stated the applicant can find the EAF Mapper in the same place that he found the form.

A discussion took place regarding how the mapper fills in the form.

M. Carr asked if the applicant or property owner has an engineer. The commission does not want to have the applicant spend money, but the Building Department brought up the septic system and grease trap issues. He then asked the applicant how everything else is coming along.

J. Fronk replied he does not have an engineer. He said there is a significant pause in the progress and unfortunately the property owner went through with the lease without looking at any of the approval process. He said his understanding is since Stewart’s has been vacant for so long, that the commercial zoning no longer exists.

M. Carr replied the zoning does not change. If the applicant had a Conditional Use Permit or a Use Variance that would expire after two years.

J. Fronk said he is trying to figure out who is the main party responsible for going through the approval process before producing a lease. He was promised he could walk in and now he cannot.

J. Lippmann said that is not true. The applicant would need to appear before the PZC in any event.

J. Fronk asked if the property owner, before he issues a lease, needs to go through certain steps to make sure he can lease the property.

J. Lippmann replied not necessarily. Depending upon who is leasing from a property owner, the individual has a proposed use and needs to come in before the PZC. She does not think it has anything to do with the fact that time has lapsed. It is still a project that needs to come before the board.

A discussion took place that the zoning has not changed on the parcel and the change from retail to a restaurant would still require a site plan review by the commission.

J. Lippmann stated the applicant should consider the bigger picture of why they need to appear before the board. The change of use from retail to a restaurant changes its intensity. As a result, it could change parking, where the garbage is disposed of, the lighting and other items, which is why applicants come before the board.

J. Fronk said this is his fourth restaurant and he has never had this happen before where he had a full lease and never knew of this process.

M. Carr said the town will provide assistance to help make this application happen. However, the lease issues are between two private entities and the town cannot get involved in that matter.

M. Carr said the property owner is going to have to have the septic system and grease trap reviewed/evaluated and the town code enforcement will help, as necessary.

J. Lippmann stated the Dept. of Health will also need to see that too.

J. Pangburn asked if the applicant has applied yet to the County Health Dept. He suggested the applicant apply sooner rather than later as the Health Dept. has been short staffed. The Building Dept. cannot issue a building permit until the applicant has a permit from the County Health Dept.

J. Fronk replied they cannot do anything inside for them to look at.

J. Pangburn stated the applicant would propose the layout of the kitchen, plumbing, etc. to the health dept.

J. Fronk asked if he will be back before the PZC next month.

M. Carr replied he would. Tonight, they will make a SEQR determination, and a preliminary site plan review conditioned upon some of the items discussed, i.e., the septic system, grease trap. Between now and next month, the applicant will need to discuss these items with the property owner. If the applicant needs a letter from the town that he needs to provide to the property owner, the town can do that. Obviously, we want to see the business open there and see the applicant be successful.

P. Ragucci reiterated the only reason for not having a combined review is due to the time the town needs to notify the public of a public hearing.

M. Carr said by law if you live within 500 feet of the property you get notified, in writing, that a public hearing is being held. Notification is 10 days before the public hearing and the town did not have the proper time.

N. Brower Dobiesz stated she did not see a dumpster on the site plan and asked for that to be added by the next meeting.

K. Semon inquired as to the status of the stockade fence (repair) since the property is going immediately from commercial to suburban residential.

J. Fronk said for the most part it is in good repair. It looks relatively updated.

J. Lippmann asked if there are any other changes being made such as lighting.

J. Fronk said no, only making the place look better.

M. Carr said the seating area inside is small and asked if most of the business will be “to-go.”

J. Fronk replied the service is similar to a Panera. There will be take-out delivery, third-party delivery, and you can get a number and sit down. There will not be a tremendous amount of water usage as there will not be a commercial dishwasher. They will only have a three-compartment sink.

M. Carr asked what other restaurants the owner is involved in.

J. Fronk said The Front Street Social Club in Ballston Spa. Previously, he also had two restaurants in California.

K. Semon inquired about hours of operation.

J. Fronk answered initially they will be open from 11AM – 8PM or 9PM five days a week. Eventually, they would like to be open seven days a week. They would like to stay competitive with the other restaurants for lunch and dinner.

J. Lippmann asked if the applicant is applying for a liquor license.

J. Fronk replied they are not going that route.

MOTION

In the matter of the site plan application by The Taco Shop for the establishment of a Mexican taco and burrito shop located in the former Stewarts Shop located at 710 Saratoga 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: P. Ragucci

Ayes: 7 – Carr, Brower Dobiesz, Lippmann, McPherson, Ragucci, Semon, Soldani

Noes: 0

Absent: 0

Motion Approved

MOTION

In the matter of the preliminary site plan review application by The Taco Shop for the establishment of a Mexican taco and burrito shop located in the former Stewarts Shop located at 710 Saratoga Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant and/or the property owner will perform an evaluation of the septic system to make sure the existing septic system will be adequate to handle any potential increased loads to the system due to the change in use.
2. The grease trap will also need to be evaluated to make sure that it will be adequate to handle the change in use as well.
3. The applicant is to have the dumpster location added to the site plan.
4. The applicant is to utilize the EAF mapper for the SEAF.

The Commission hereby schedules a public hearing for 6/12/23 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 6/12/23, 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: P. Ragucci

Ayes: 7 – Carr, Brower Dobiesz, Lippmann, McPherson, Ragucci, Semon, Soldani

Noes: 0

Absent: 0

Motion Approved

TJ Ruggiero
613 Swaggertown Road

SEQR Determination
Preliminary Subdivision Review

This application is for the subdivision of a 52-acre lot into two lots. The new smaller lot contains 6.107-acres, and the remaining lands will be retained by Douglas Glindmyer. The proposed smaller lot will house a single-family residence, 3 car garage, 30'x40' pole barn with new driveway access and septic system. This parcel will have dual zoning of Suburban Residential and Rural Residential/Agricultural.

TJ Ruggiero, the applicant, was present.

M. Carr said his understanding is the applicant will be receiving some acreage from the Glindmyers. He asked if the property owner has any intention to further subdivide the remaining acreage.

T. Ruggiero replied at one point the property owner had mentioned something about a solar farm, but that is off the table. He is not aware of any further subdivisions.

M. Carr stated the commission would like to see both parcels, with acreage, on one plat. The proposed pole barn size would not be allowed per zoning in the Suburban Residential portion of the parcel. The barn would need to be reduced to 580 sq. ft. or the pole barn would need to be moved to the Rural Residential/Agricultural zoned area of the parcel.

A discussion took place about the location of the proposed pole barn and relocating it. It was stated if the pole barn is moved the size of the barn could be up to 2,400 sq. ft. Although tonight's review is only for the subdivision itself, the commission wanted the applicant to be informed about the requirements for when he does come in for building permits.

M. Carr asked if the applicant currently owns the lands as the subdivision plat lists "*Plot Plan Lands N/F TJ Ruggiero 613 Swaggertown Road*".

T. Ruggiero replied that he paid the back taxes for the property owner and his lawyer filed a deed and mortgage so technically he does own the property. Once the subdivision is approved and he gets his 6-acres then the remaining lands go back to Glindmyer.

A discussion took place about the current ownership of the property and who owns what.

C. Pierson asked if the applicant could explain what happened with this property.

T. Ruggiero said about three years ago the property was going to go up for auction and he told the property owner he would like to have a portion of the property. He went to Schenectady County and paid three years of back taxes and filed a lien on it as a mortgage holder. Once he gets the subdivision approved, he has to pay back the balance on what was agreed on for the 6-acres and the property owner will also receive the balance of the 48-acres.

C. Pierson asked the applicant after all this is done, what will he have.

T. Ruggiero stated he will have the 6-acres.

Another discussion took place regarding the process the applicant went through. It was mentioned that T. Ruggiero does have an authorization form to apply for the subdivision.

J. Lippmann stated what needs to be done for the plot plan is to have Ruggiero's name removed as owner of the land and to show the two parcels and their acreage.

M. Carr said there is not an issue with the subdivision, but the mechanics of the process need to be correct.

P. Ragucci said he and counsel were just discussing if this is the only lien on the property.

T. Ruggiero said it is the only lien. The property owner's sister owns a separate house next to this property.

J. Lippmann also mentioned the applicant should be using the EAF Mapper to have the SEAF filled out correctly.

J. Lippmann asked if the applicant knew where the owner's septic system is located. She wants to make sure the proposed property line does not run through the septic.

T. Ruggiero explained D. Glindmyer does not have a house on the property, but the house that is shown on the plat is owned by S. Glindmyer and is already a separate parcel from the 52-acres.

A discussion took place as to the actual size of the 52-acre parcel and if there will be road frontage after the subdivision for the remaining 48-acres. It was determined that there is road frontage further up Swaggertown Road for access, which will need to be shown on the subdivision plat.

A discussion took place regarding the old access road that Glindmyer will be keeping.

MOTION

In the matter of the subdivision by TJ Ruggiero for a two-lot subdivision, located at 613 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: J. McPherson

Ayes: 7 – Carr, Brower Dobiesz, Lippmann, McPherson, Ragucci, Semon, Soldani

Noes: 0

Absent: 0

Motion Approved

MOTION

In the matter of the preliminary minor subdivision application by TJ Ruggiero for a two-lot subdivision located at 613 Swaggertown Road, the Planning and Zoning Commission hereby conditionally approves the preliminary application.

Conditions of preliminary subdivision approval are as follows:

1. The applicant needs to have the ownership names to appropriately reflected on the plot plan.
2. The plot plan needs to be larger to show all the lots, their acreage, and how it will be laid out.
3. The applicant needs to resubmit the EAF using the EAF Mapper.

The commission hereby schedules a public hearing for 6/12/23 to consider the final minor subdivision application. However, in order for the Commission to schedule a public hearing for 6/12/23, 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: 7 – Carr, Brower Dobiesz, Lippmann, McPherson, Ragucci, Semon, Soldani

Noes: 0

Absent: 0

Motion Approved

Without any further business the meeting adjourned at 7:47PM

Lynn Walkuski, Stenographer

Julie Davenport, Town Clerk