

# PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

December 11, 2023

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

Also

Attending: A. Tozzi, Dir. of Planning, C. Pierson, Town Attorney, L. Walkuski,  
Stenographer

Absent: J. Lippmann

Meeting called to order at 7:00 PM

**Motion** to approve the agenda

**Moved by: N. Brower Dobiesz**

**Seconded by: P. Ragucci**

**Ayes: 6 – Carr, Brower Dobiesz, McPherson, Ragucci, Semon, Soldani**

**Noes: 0**

**Absent: 1 - Lippmann**

**Motion Approved**

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

**Moved by: P. Ragucci**

**Seconded by: V. Soldani**

**Ayes: 5 – Carr, Brower Dobiesz, McPherson, Ragucci, Soldani**

**Noes: 0**

**Absent: 1 - Lippmann**

**Abstention: 1 - Semon**

**Motion Approved**

Chairman Carr stated there are a lot of people in the audience tonight and the commission is aware of why they are here. He said the Planning & Zoning Commission will not be making a decision on the Cellco application tonight. The commission plans to table the application. The applicant will be asked to provide a neutral third-party engineering assessment for the need of the cell phone tower to be paid for by the applicant. The commission has received the letter from the attorney representing the opposing folks. The commission has received two petitions: one in opposition with 103 signatures and one in favor with 131 signatures. The Planning & Zoning Commission will take up the application once the town receives the third-party engineering assessment. The applicant is here tonight, a representative, and will present some revisions, as he understands it, to the original application. Finally, he wants to recognize Vince Soldani. Vince will be moving on to greener pastures. He has been with the Planning & Zoning Commission for two years now and he is a good man. He also owns and operates Galway Rock Winery. He thanked Vince for his service to the town.

**Joe Popolizio**  
**34 Freemans Bridge Road**

**Final Subdivision Review**

This application is for the subdivision of 12.9 +/- acres into two lots. Lot #1 will front Maple Avenue and total 4.57 +/- acres and Lot #2 will front Freemans Bridge Road and total 8.33 +/- acres. The applicant is also asking for a zone change on the proposed newly created Lot #1. Currently, the area to be Lot #1 is split zoned (Research/Development/Technology and Freemans Bridge Road Corridor District). The applicant is requesting to have the zoning changed to Research/Development/Technology for Lot #1 while Lot #2 will remain within the FBR Corridor District.

Dave Kimmer, ABD Engineering, was present.

D. Kimmer said this is an approximate 13-acre lot and the applicant is looking to subdivide the property. This project has already been before the Planning & Zoning Commission and a public hearing was already held. The application went before the Town Board, and they approved the zoning change that was necessary to align the zoning with the proposed subdivision. He would be happy to answer any other questions surrounding the subdivision. If not, they would be looking for final subdivision approval.

Chairman Carr polled the commission and the members did not have any comments.

**MOTION**

In the matter of the final minor subdivision application by Joe Popolizio for a two – lot subdivision located at 34 Freemans Bridge 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.

As this is a commercial subdivision, there will not be an in-lieu-of fee imposed for land dedication for this subdivision.

#### **Motion**

**Moved by: M. Carr**

**Seconded by: K. Semon**

**Ayes: 6 - Carr, Brower Dobiesz, McPherson, Ragucci, Semon, Soldani**

**Noes: 0**

**Absent: 1 – Lippmann**

**Motion Approved**

**Richbell Capital  
457 Dutch Meadows Road**

**Final Subdivision Review**

The applicant's project The Residences at Fox Meadows (formerly Dutch Meadows Residential Community) was previously approved for a subdivision and site plan in April 2020. The applicant is looking to subdivide approximately 16.4 +/- acres on the easternly portion of the project into Lot # 1A (phase I construction) and Lot #1B (phase II construction). Additionally, Richbell Capital is looking for a modification of the PDD to incorporate the proposed new subdivision.

Bill Hoblock, Richbell Capital Development Group, was present.

B. Hoblock said they are subdividing The Residences at Fox Meadows Phase I from Phase II strictly for financing purposes. They appeared before the Town Board last week where a public hearing was held, and the board approved the amendment to the PDD that allows the subdivision. He is here seeking final subdivision approval tonight.

Chairman Carr asked if the commission has any questions. K. Semon stated only the comments that they were provided by the Planning Department.

A. Tozzi asked about the timing on the construction of the sidewalks. He said the town board did approve the amendment for the subdivision and also to correct a typo that stated only 3 buildings were being built when in fact there are 4 buildings as shown on the site plan.

M. Carr verified that any recreation fees have already been paid by the applicant through the PDD.

V. Soldani stated there is really no shrubbery along the roadside for the current buildings. It looks unsightly from the road, and it should be addressed, not only for the existing buildings but also for the new buildings.

B. Hoblock said he would go back to the plans and revisit.

## MOTION

In the matter of the final minor subdivision application by Richbell Capital for a two– lot subdivision located at 457 Dutch Meadows Road, The Residences at Fox Meadows (formerly Dutch Meadows Residential Community) was previously approved for a subdivision and site plan in April 2020. The applicant is looking to subdivide based on funding. Richbell Capital is looking for a modification of the PDD to incorporate the proposed new subdivision. The Planning and Zoning Commission hereby conditionally 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.

### Conditions of Approval:

1. The applicant shall file the town signed plat with the County Clerk within 62 days and return two filed paper copies to the Planning Department.
2. The applicant is to establish a date or development milestone to trigger the beginning and the completion of the sidewalk along Dutch Meadows Lane.
3. The applicant is to revisit the issue of plantings on existing buildings as well as any remaining buildings.

### **Motion**

**Moved by: M. Carr**

**Seconded by: K. Semon**

**Ayes: 6 – Carr, Brower Dobiesz, McPherson, Ragucci, Semon, Soldani**

**Noes: 0**

**Absent: 1- Lippmann**

**Motion Approved**

**Allison Schroder  
15 Glenridge Road**

**Public Hearing  
Final Site Plan Review**

This application is for the establishment of a spiritual store providing crystals, incense, books, oracle cards, meditation tools and holistic wellness products. The current zoning is Town Center Overlay and General Business.

Allison Schroder, the applicant, was present.

Chairman Carr asked the commission if there were any questions, with no comments from the commission 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 Allison Schroder for the establishment of a spiritual store providing crystals, incense, books, oracle cards, meditation tools and holistic wellness products located at 15 Glenridge 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 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. No adult uses as defined in the Town Zoning Code may be operated at this location, including but not limited to massages, CBD sales, smoke shop sales, and tobacco sales.
2. Prior to beginning fit-up or other work within the space the applicant shall obtain a building permit.
3. Prior to occupying the space, and prior to conducting any sales, a Certificate of Occupancy shall be issued by the Town Building Department.

**Motion**

**Moved by: M. Carr**

**Seconded by: P. Ragucci**

**Ayes: 6 – Carr, Brower Dobiesz, McPherson, Ragucci, Semon, Soldani**

**Noes: 0**

**Absent: 1 – Lippmann**

**Motion Approved**

**Cellco Partnership d/b/a Verizon Wireless  
185 Swaggertown Road**

**Site Plan Review**

This application is for the installation of a 124 foot +/- monopole tower w/attached antennas within a proposed 100'x100' leased area. Installation will include ground-based equipment cabinets for power, telecommunications, and emergency generator. Access and utilities proposed via existing access road/driveway, utilities will be constructed within 30' access and utility easement. The property is zoned Suburban Residential.

Bill Hurst, Young & Sommer LLC, was present.

B. Hurst said he will not be presenting tonight. They understood the commission has tabled the application. He believes there is a model pine proposal either in front of you or on the way, a reduced height proposal either in front of you or on the way, and a RF study by the third party that will kick off any day now so that is where we are at this point.

M. Carr stated for the record the applicant is willing to extend the 62-day requirement of approval from the Planning & Zoning Commission. B. Hurst said they agreed.

K. Semon stated the setbacks will be changed.

M. Carr went over the following:

- The PZC is requiring an outside expert, neutral third-party, to review the need for coverage.
- The applicant has agreed to extend the application's timeframe.
- Any fencing can be adjusted to 8' high as opposed to 6' high for additional shielding if necessary.
- The applicant is proposing a faux tree, not a bottle brush, it looks like a tree.
- The tower height is proposed to be 15' lower than the original.
- The pole will be moved to accommodate all the setbacks.
- For the record, which was pointed out in the letter from the opposition's attorney, the application appears to meet all the FCC thresholds and as such the town cannot consider health impacts.
- The town will require the applicant to fund the independent study.
- The PZC requested the Town Planner to solicit proposals for coverage and demonstration of need.

#### **MOTION**

M. Carr stated he does not know when the application will be back in front of the commission as it is dependent upon the study and the availability of expert RF consultants. The commission will table this application until such time the town has that report, and they can review it.

#### **Motion**

**Moved by: M. Carr**

**Seconded by: J. McPherson**

**Ayes: 6 – Carr, Brower Dobiesz, McPherson, Ragucci, Semon, Soldani**

**Noes: 0**

**Absent: 1- Lippmann**

**Motion Approved**

**Charles Fogg  
503 Saratoga Road**

**SEQR Determination  
Preliminary Subdivision Review  
Area Variance Recommendation to  
ZBA**

Currently this lot has pre-existing conditions with two homes and several storage structures. The proposed subdivision will create two parcels each with one home. Area variances will be required as road frontage will be deficient in both (approx. variances of 130' and 91' respectively). This parcel is zoned Professional/Residential.

Chales Fogg, the applicant, was present.

M. Carr said the commission has taken a look at this application and it has pre-existing conditions two homes and several structures and the commission thinks it is the lesser of two evils if they allow the subdivision even though the applicant is going from one non-conforming lot to two non-conforming lots. At least the applicant will have one house on each lot. He does not believe there will be a negative environmental impact because of this application.

#### **MOTION**

In the matter of the minor subdivision application by Charles Fogg to be located at 503 Saratoga Road, proposing a subdivision to create two parcels each with one home, the PZC finds that this application will not result in a significant potential adverse environmental impact. Consequently, the Planning and Zoning Commission hereby issues a negative declaration.

#### **Motion**

**Moved by: M. Carr**

**Seconded by: N. Brower Dobiesz**

**Ayes: 6 – Carr, Brower Dobiesz, McPherson, Ragucci, Semon, Soldani**

**Noes: 0**

**Absent: 1 – Lippmann**

**Motion Approved**

#### **MOTION**

In the matter of the preliminary minor subdivision application by Charles Fogg for a two-lot subdivision located at 503 Saratoga 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 obtain ZBA approval for the required variances.

The commission hereby schedules a public hearing for 1/22/24 to consider the final minor subdivision application. However, in order for the Commission to schedule a public hearing for 1/22/24, 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: 6 – Carr, Brower Dobiesz, McPherson, Ragucci, Semon, Soldani**

**Noes: 0**

**Absent: 1 – Lippmann**

**Motion Approved**



## MOTION

In the matter of Charles Fogg, 503 Saratoga Road, the Planning & Zoning Commission recommends the Zoning Board of Appeals approve the subdivision for the following reasons.

1. Granting the area variances requested to allow for the future subdivision of the parcel into two parcels would be more zoning compliant because each house would be one primary use on each of the two future parcels.
2. The PZC will require a reciprocal easement to access the driveway located to the northeast corner of the property.

### **Motion**

**Moved by: M. Carr**

**Seconded by: P. Ragucci**

**Ayes: 6- Carr, Brower Dobiesz, McPherson, Ragucci, Semon, Soldani**

**Noes: 0**

**Absent: 1 – Lippmann**

**Motion Approved**

Without any further business the meeting was adjourned at 7:30 PM.

---

Lynn Walkuski, Stenographer

---

Julie Davenport, Town Clerk