

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

August 8, 2022

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

Also
Attending: A. Briscoe, Code Enforcement Officer, N. Chiavini, Planner I,
C. Heinel, Town Attorney, L. Walkuski, Stenographer

Absent: P. Ragucci

Meeting called to order at 7:02 PM

Motion to approve the agenda

Moved by: K. Semon

Seconded by: J. Lippmann

Ayes: 5 **Noes:** 0 **Absent:** 1

Motion Approved

Motion to approve minutes from the July 11, 2022 meeting

Moved by: V. Soldani

Seconded by: N. Brower Dobiesz

Ayes: 4 **Noes:** 0 **Absent:** 1 **Abstention:** 1

Motion Approved

**Scotia Industrial Park
Capital Blvd (Ave. F) & Prestige Pkwy (5th St.)
Glenville Business & Tech Park**

**Public Hearing
Final Subdivision Review**

Applicant is proposing to subdivide an existing 12.38-acre parcel into two lots. The smaller lot approx. 4.46 +/- acres will be used for the construction of a new 85,000 sq. ft. warehouse facility. Current zoning on this parcel is Research/Development/Technology.

David Ahl, Galesi Group, and Kurt Nichols, Delta Engineering, were present.

D. Ahl stated the plan is to subdivide the 12.38-acre parcel creating a 4.46-acre parcel to build an 85,000 sq. ft. warehouse at the location of the former Building 605. The previous building was a 120,000 sq. ft. warehouse that was taken down years ago due to it being obsolete. The reason for the subdivision is for financing, etc.

M. Carr asked if there is a tenant for the new warehouse and how easy will it be to modify the warehouse, depending upon the tenant, without having significant changes to the site plan?

D. Ahl replied at this time there is not a tenant lined up. The site will be used for warehousing and most likely a current park tenant will take the new space. However, it will be easy to make modifications. If it is not a warehouse, they will come back and ask for a different use.

C. Heinel asked if DPW had any remaining issues with this project.

L. Walkuski said Dana Gilgore mentioned there are still plans to extend the water line in the park.

C. Heinel asked if the applicant could address the water line with DPW.

D. Ahl said he has not heard from DPW, but the site works either way. Currently, it is on village water but they would rather be on town water due to the higher pressure and larger line which would be beneficial to the fire suppression system.

M. Carr asked if the FEAF has been corrected. If not, please have it noted somewhere.

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 Scotia Industrial Park for a two-lot subdivision located at Capital Blvd. & Prestige Parkway in the Glenville Business & Tech Park, 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 is no recreation fee levied for this particular subdivision because it is commercial as stated by the town attorney.

Motion

Moved by: M. Carr

Seconded by: N. Brower Dobiesz

Ayes: 5 Noes: 0 Absent: 1

Motion Approved

Scotia Industrial Park

Capital Blvd (Ave. F) & Prestige Pkwy (5th St.)

Glenville Business & Tech Park

Public Hearing

Final Site Plan Review

This application is for the construction of a new 85,000 sq. ft. food grade warehouse with loading docks, tractor-trailer and passenger vehicle parking located in the Glenville Business & Tech Park. The site previously had a 120,000 sq. ft. obsolete warehouse which has been removed. Applicant will also require area variances for exceeding maximum lot coverage and is requesting a reduction in required parking spaces. Current zoning for this parcel is Research/Development/Technology.

David Ahl, Galesi Group, and Kurt Nichols, Delta Engineering, were present.

D. Ahl said the new warehouse will be located where the former Building 605 stood. The dimensions are 170' x 500' and is smaller than the previous building and fits in the footprint.

M. Carr inquired if there was a concrete pad there.

D. Ahl said the concrete pad was torn out. Trailer parking will be on the north side facing Building 604. This will work out well as Bldg. 604 is constrained for trailers backing in. There will be a shared use of this space between the buildings, and it should clean things up. It will improve the image of the park and its functionality.

M. Carr reiterated there will be no floor drains, this is just a warehouse and the solvent plume is not located nearby this.

D. Ahl said it is only storage.

K. Nichols said the plume is about 1 ½ blocks away to the west of the project.

N. Brower Dobiesz commented she was happy to see more greenspace was included.

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 Scotia Industrial Park, LLC for the construction of an 85,000 sq. ft. food-grade warehouse with loading docks, located at Capital Blvd. & Prestige Parkway, Glenville Business & Tech Park, the Planning and Zoning Commission hereby 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.

Motion

Moved by: M. Carr

Seconded by: V. Soldani

Ayes: 5 Noes: 0 Absent: 1

Motion Approved

**Mohawk Honda
175 Freemans Bridge Road**

**SEQR Determination
Preliminary Site Plan Review**

The applicant is proposing the construction of a 1,350 sq. ft. addition and renovation to the front façade. The addition will be added to the east side of the dealership over a current sidewalk providing a location for customers to be instructed on their new vehicle's features. Building permits will be required for the façade upgrade and will be handled separately at a later date. Current zoning for this parcel is General Business.

Scott Lansing, Lansing Engineering, was present.

S. Lansing gave an overview of the site. It is approx. 8.53-acres with the dealership being about 46,000 sq. ft. and the detail center about 11,300 sq. ft. The changes are simple with a façade renovation (the front of the facility) to match the Honda standards and a small addition on the east side approx. 1,350 sq. ft. for the delivery of new vehicles. The addition would be located where there currently is an existing impervious area (sidewalk). The addition would not create an increase in impervious areas, create new employee jobs, parking, stormwater or increase the demand of water/sewer.

K. Semon asked if this addition is for post-purchase/leasing.

S. Lansing said that is correct. A new owner will be shown the features of the vehicle.

C. Heinel said she would like clarification on the size of the building. There is some discrepancy between the narrative and the site plans.

S. Lansing said initially it was planned for a 1,350 sq. ft. and the architects pared it down to 1,050 sq. ft. so the actual size will be between those numbers.

C. Heinel stated what the applicant is approved for needs to be on the final site plans.

S. Lansing asked if the building is slightly smaller would that be ok.

C. Heinel asked A. Briscoe would that be a problem.

A. Briscoe said he had no issue.

C. Heinel pointed out that if the approval is for 1,350 sq. ft., then the final site plan should reflect the 1,350 sq. ft.

A. Briscoe asked if the smaller size would change the look of the building, landscaping, etc.

S. Lansing replied it would not. What is being shown is 1,050 sq. ft. but he will verify the size before the next meeting.

K. Semon asked if the final site plan will need to reflect the actual size of the building.

C. Heinel said that is correct.

J. Lippmann asked about an answer on the SEAF regarding energy code. The applicant responded “no,” she thinks the applicant should say “yes” to that question.

S. Lansing said the answer should be “yes” to page 2, number 9.

J. Lippmann asked if the addition is enclosed or just canopy.

S. Lansing replied it is enclosed.

M. Carr said the front piece is just canopy.

S. Lansing said it is an overhang/canopy.

A discussion took place regarding the canopy and the enclosed area.

N. Brower Dobiesz asked if these changes are to keep up with Honda corporate standards.

S. Lansing said that is correct.

MOTION

In the matter of the site plan application by Mohawk Honda for the proposed construction of a TBD sq. ft. addition and renovation to the front façade located at 175 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 Noes: 0 Absent: 1

Motion Approved

MOTION

In the matter of the preliminary site plan review application by Mohawk Honda for the construction of an addition and renovation to the front façade, located at 175 Freemans Bridge Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant is to determine the total square footage of the new addition.

The Commission hereby schedules a public hearing for 9/12/22 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 9/12/22, 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: V. Soldani

Ayes: 5 Noes: 0 Absent: 1

Motion Approved

**Mark Hindes/Kimberly Plemenik
765 Saratoga Road**

**SEQR Determination
Preliminary Site Plan Review**

This application is for the installation of a 4-chair hair salon in the previously occupied space by Make It Count Gifts. The site is connected to town water and has an existing raised bed septic system. Current zoning for this parcel is Community Business.

Mark Hindes, the applicant, was present.

M. Carr asked if the applicant received input from the fire department.

A. Briscoe responded he did and there are no concerns.

M. Carr asked about the signage, lighting, and screening for the dumpster.

M. Hindes said they have discussed the lighting and signage. He also asked if it would be adequate to move the dumpster behind the building. If not, then they will screen it.

M. Carr asked does a truck need access to the dumpster?

M. Hindes said it does. The driveway goes along the building to the rear and he would prefer to move the dumpster.

M. Carr asked if the dumpster is depicted on the site plan. If not, please make a note on the site plan to indicate the dumpster's location.

C. Heinel asked if a decision was made on the signage.

M. Hinds replied they are going to use what is already there.

K. Semon asked if there are any live-in quarters or is it just business use.

M. Hinds said there is an apartment attached to the building and the tenant wants to stay.

MOTION

In the matter of the site plan application by Mark Hinds/Kimberly Plemenik for the installation of a four-chair hair salon, located at 765 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: V. Soldani

Ayes: 5 Noes: 0 Absent: 1

Motion Approved

MOTION

In the matter of the preliminary site plan review application by Mark Hinds/Kimberly Plemenik for the installation of a four-chair hair salon, located at 765 Saratoga Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant will add the location of the dumpster and the fact that it will be screened to the site plan.

The Commission hereby schedules a public hearing for 9/12/22 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 9/12/22, 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: V. Soldani

Ayes: 5 Noes: 0 Absent: 1

Motion Approved

A discussion took place between K. Semon and M. Hinds regarding the dumpster and the gravel driveway.

**M Zone Lawns, LLC (Lawn Doctor)
581 Saratoga Road**

Concept Review

Applicant is proposing the establishment of a professional lawn care maintenance business. The business offers lawn fertilization, weed control, tick/mosquito control and lawn seeding. The parcel is .74-acres in size with 4 existing buildings and the business intends to occupy 3 of the 4 buildings (single-family structure, 3-bay garage, and cold storage building). This property is in the General Business District.

Brian Sipperly, Verity Engineering, and Mark Mazzone, the applicant, were present.

B. Sipperly said a discussion was held last week at the agenda meeting regarding whether the use was an allowed use. He mentioned the town attorney presented them with a determination letter from the Building Dept. At this time, the Planning & Zoning Commission cannot do anything further for the applicant other than share some thoughts regarding the site if the applicant decides to re-appear before the commission.

M. Carr stated it is the interpretation of the Building Dept. that it is a contractor's yard.

M. Mazzone said he originally spoke with Melissa and came in with a concept plan to make the site look better and for the site's potential. Last week he was surprised legal counsel was guiding the board in a different direction.

M. Carr said last week was the first time the board saw the concept.

C. Heinel stated for clarification that the Planning Dept. might have said one thing, but it was the Building Dept. who raised this issue to her which is why she raised the issue to the applicant at last week's agenda meeting before an actual application was submitted. Her understanding was the Building Dept. always had this interpretation and Planning led the applicant to believe something else. This is why a formal determination was made so the applicant can review their options. One option is to appeal to the Zoning Board of Appeals for an interpretation appeal. The ZBA would settle the dispute as to whether they agree with the Building Dept.'s interpretation or whether they agree with the applicant's. The other option is a use variance or the third, or least likely option, is the re-arrangement of the use of the property.

M. Mazzone went back to the Building Dept. the day after the agenda meeting and spoke with J. Pangburn who said it was a legal matter. This was the legal determination from the town's attorney. His attorney spoke with another town attorney who said the legal guidance of the town is that it is "general services." Getting the determination letter this evening was a surprise and is asking for better communication. They will do everything they can to work with the town.

C. Heinel stated she is happy to work with the applicant as they move forward. As she stated at the agenda meeting, she believes this is a good application and a good use for the property, but the town needs to follow the proper course and they are not allowing something that is not allowed in the zoning and going against our own code.

M. Mazzone asked what is the town's legal standing for this property?

C. Heinel said the legal standing is letter is the applicant received.

M. Carr wanted to clarify the commission's position. We have a framework of zoning within the Town of Glenville that they need to follow. The commission receives guidance from the Building and Planning Departments along with town counsel. If it does not conform with the framework of the town zoning laws, they cannot rightfully allow it.

J. Lippmann said the only person in the town who has the authority to make that determination is the town zoning official who wrote the letter. The only way that can be overturned is to appear before the Zoning Board of Appeals who could make a different determination. Another option, although a longshot, would be to petition the town board for a zoning change.

M. Mazzone said he talked to the Building Dept. and he was told to talk to legal, which he did, and then he received this letter.

C. Heinel said she can understand the confusion and does apologize for that however, she and Earl had a conversation regarding this last Friday and unfortunately the letter was not done until today. The Legal and Building Depts. are willing to work with the applicant on whatever path they choose going forward.

K. Semon stated lawn care is a common industry in this region. Is this determination based on the intensity of the lawn care.

C. Heinel replied it is based off of the definitions in town code of "general services," "contractor's yard," and "contractor's office." The town code is written that if you are storing any materials for your business' use that would count for that portion of the property to be a contractor's yard. The town code is very clear on the storage of materials for the use of the business ,whether it be inside or outside of the building, constitutes a contractor's yard which is not allowed in "General Business."

C. Heinel said the applicant is in a way proposing a mixed-use here where a portion of the property, the single-family home, would be for the administrative side of the business, classified as a contractor's office, which is allowed, while the storage of the materials would be classified as a contractor's yard.

K. Semon said he understands that this a great use of the property so the applicant may want to take the Zoning Board of Appeals avenue.

B. Sipperly thanked the commission for their input on how to get this application started. They looked at other business' in the area and it may appear that they are doing the same thing.

Both M. Carr and C. Heinel said that is something the applicant would need to present to the Zoning Board of Appeals.

M. Carr said the PZC follows the framework and if you need to vary from the framework you need to appeal it to the Zoning Board of Appeals. If the ZBA is ok with it, then the applicant would re-appear before the PZC.

**West Glenville Self Storage
Amsterdam Road**

**SEQR Determination
Preliminary Site Plan Review**

This application is for the development of a vacant 2.4 +/- acre parcel located north of Amsterdam Road (Route 5) with approximately 430 feet of frontage along Route 5. Construction will consist of 5 single-story, non-climate controlled, steel-framed self-storage structures totaling 25,000 sq. ft., and clearing/grubbing, grading, paving, installation of stormwater management and highway access improvements. This property was granted a Storage Overlay from the town board in February 2020 and is in the Highway Commercial District.

Brian Sipperly, Verity Engineering, was present.

B. Sipperly said they appeared before the PZC in 2020 and received approval in June 2020 with signed site plans in October 2020. That approval has since lapsed, and this is now considered a new application. They do not have any issues with the process, but it was discussed that they could ask for a SWPPP review waiver. They are impartial if it gets reviewed again but would ask if it does get reviewed could it be reviewed by the engineer who did it the first time. The design has not changed and every condition from before has been addressed except for DOT permit #33 and SWPPP coverage fee which will be paid once ground is broken. The only site plan amendment would be the addition of the knox box as requested by the fire department.

C. Heinel asked if there is an amendment in the future or has it already been incorporated into the site plan.

B. Sipperly said they got the fire department comments the morning the plans had already been dropped off to the town for signature. It was too late to incorporate them at that time.

K. Semon asked if it was 24/7 gate access and was it an automated gate?

B. Sipperly said that they were going to have some hours of operation with flexibility that owners would have on a case-by-case basis. The gate would be controlled keycard access.

M. Carr stated he remembered the case-by-case basis.

MOTION

In the matter of the site plan application by West Glenville Self Storage for the development of a vacant 2.4-acre parcel north of Amsterdam Road with 5 single-story, non-climate controlled, steel-framed self-storage structures totaling 25,000 sq. ft., located on Amsterdam 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: N. Brower Dobiesz

Ayes: 5 Noes: 0 Absent: 1

Motion Approved

MOTION

In the matter of the preliminary site plan review application by West Glenville Self Storage for the development of a vacant 2.4-acre parcel north of Amsterdam Road with 5 single-story, non-climate controlled, steel-framed self-storage structures totaling 25,000 sq. ft., located on Amsterdam Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The Knox Box gets added to the site plans.
2. The applicant is to obtain the proper DOT permits, as necessary.

A discussion was held regarding the applicant obtaining a waiver from the PZC for SWPPP review. It was determined that would be addressed at the final site plan review next month.

The Commission hereby schedules a public hearing for 9/12/22 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 9/22/22, nine (9) copies of the revised site plan must be submitted to the Town of Glenville Planning Department no later than 14 calendar days prior to the public hearing date.

Motion

Moved by: M. Carr

Seconded by: J. Lippmann

Ayes: 5 Noes: 0 Absent: 1

Motion Approved

Horstman Farm Planned Development Swaggertown Road

Preliminary Site Plan Review

This project proposes multi-family housing and commercial use and encompasses 4 parcels totaling approx. 11-acres. There will be eleven 4-unit, 2-story condominium buildings, eight 2-unit, 2-story condominium buildings, and two 6,000 sq. ft mixed-use buildings with commercial on the first floor and six apartment units on the second floor. Public water and sewer are available, and stormwater will be managed on-site. The proposed development will be served by private driveways. The town board approved the Planned Development District for this project in June 2022. Zoning for the various parcels is Suburban Residential and Professional Residential.

A discussion was held whether the PZC needed to do a SEQR Determination. Since the Town Board was lead agency and already made a negative declaration it is not necessary.

Scott Lansing, Lansing Engineering, was present.

S. Lansing stated they have appeared before the PZC several times on this project. The town board reviewed this project, held a public hearing, and passed Local Law #5 to approve the mixed-use PDD. A quick review of the project was presented again. There will be eleven 4-unit, 2-story condominium buildings, eight 2-unit, 2-story condominium buildings, and two 6,000 sq. ft mixed-use buildings with

commercial on the first floor and six apartment units on the second floor. Access points will remain the same. Sidewalks were extended per both boards' comments. Green space exceeds the requirements with 61%. Buffers and screening were requested by both boards on the northern, central, and southern portions of the project.

M. Carr asked what type of plantings will make up the screenings.

S. Lansing said it is a mix of evergreens and deciduous plantings.

S. Lansing stated the project is serviced by public water and public sewer. Stormwater is managed on-site. They are ready to address any comments from the SWPPP review when ready and comments from the Planning Board.

J. Lippmann asked if the roads are proposed to be private and if so, the western side where the hammerhead is proposed is in the public ROW so will that require some type of legal transaction, i.e., does land need to be purchased from the town for the road to be private.

C. Heinel said there would need to be some type of easement if it is crossing over town owned property.

K. Semon asked if the easement would include who is responsible for maintenance of that section.

C. Heinel replied it is proposed to be a private road, so they would be responsible for the maintenance of it even with an easement over a public right-of-way.

M. Carr asked what is the name of the road?

J. Lippmann said the name of the road is Birch Knoll Drive.

V. Soldani asked about the buffering with evergreens and deciduous trees. He is concerned for the residents who have always looked out their windows at a farmer's field will now see this behemoth. Even though the buildings are attractive he believes more evergreens will need to be planted to block that view.

S. Lansing said they can check with their landscaping architect on the spacing. Currently it looks like the spacing is very tight.

M. Carr said any areas abutting the project, the northwest side of the primary development, the east, and the southern portion of the development should be well buffered.

C. Heinel asked if they are using arborvitae.

J. Lippmann said she checked, and they are not, and she appreciates the combination plantings, but it should be noted that amplifying the number of evergreens along the property lines, along the northern edge, would also be beneficial.

V. Soldani asked if the current vegetation is on the property.

S. Lansing replied the majority is off the property.

M. Carr stated they should do whatever they can to buffer with as many evergreens as possible.

Several commission members were appreciative of the increase in buffering shown as opposed to earlier versions of this project.

N. Brower Dobiesz asked if the circular drive is one-way.

S. Lansing answered it is bi-directional.

J. Lippmann said one of the biggest concerns regarded the floodplain. This plan has really elevated the sites.

S. Lansing said down by the Horstman Creek are elevated and he would imagine they would not have basements. The applicants will have to determine if they will have basements in structures to the west.

M. Carr asked to what extent will the buildings be raised.

S. Lansing said they are about 6-8 feet higher than the existing grade in that area.

A discussion took place about basements.

M. Carr asked C. Heinel if the easement over the town right-of-way was written into the PDD.

C. Heinel said she did not think it was.

M. Carr asked about striping across Swaggertown Road for the crosswalk.

S. Lansing said they will discuss it with county highway. They will have to coordinate any type of signage for the crosswalk with county.

A discussion took place between K. Semon and S. Lansing regarding the location of the crosswalks, sidewalks, and any walkway to the commercial area.

J. Lippmann asked if you live in a new townhome and want to go to the commercial development, how would you get there.

S. Lansing said you would have to walk around Stewarts.

A discussion took place regarding pedestrian traffic and navigation to the commercial portion.

M. Carr reviewed several initial concerns with the project:

- Density – was addressed and should be now acceptable for the area
- Building elevations are out of the floodplain now for all buildings

- Stormwater is not shown on the plan and a SWPPP will be needed and is assuming that is being worked on.
- Traffic Study
- Judson Meadows expansion – will likely not happen anytime soon
- Internal pedestrian concerns – they have been addressed

S. Lansing said the SWPPP has been completed and the traffic study has been submitted

N. Brower Dobiesz asked if there are sidewalks being proposed along Route 50.

S. Lansing said they are not.

J. Lippmann asked if the Greenway Plan had provisions for sidewalks in that vicinity of Route 50 and if so, should there be an easement provided for future installation.

A. Briscoe and C. Heinel both said they are not aware of any in that area.

K. Semon asked where will they put all the snow and what type of street treatments will be used.

S. Lansing said there is room between the pavement and sidewalk. Driveways will be pushed to the sides, areas in between buildings, and up on the edge of the cul-de-sac. If they run out of snow storage areas, it will be hauled off-site.

K. Semon said his concern with snow storage is anything that is put down on the streets will end up in the creek.

S. Lansing said that issue is addressed with the SWPPP. Everything drains into catch basins which goes to the stormwater system and captures that debris.

V. Soldani asked if the HOA will be responsible for hauling the snow off-site. Will the residents be charged for the removal.

S. Lansing said they would be responsible. Typically if there is excessive snow there is an additional charge for the removal.

N. Brower Dobiesz asked if they know who would be the commercial tenants.

S. Lansing said not at this point.

M. Carr asked if there was any language in the PDD as to the order with which things are built.

C. Heinel said they cannot receive any certificates of occupancy for any residential structures until the first commercial building has been completed. After the first commercial building has been completed, she believes either 50% or 75% occupation in the first commercial building, would then start the timing for the second commercial portion. That is all written into the PDD itself. The businesses that can go in there must conform with the general business district.

A discussion took place regarding the potential drive-thru and it was mentioned drive-thrus have certain restrictions.

K. Semon said he has concerns with product being used on the roads ending up in the creek. The commission had put conditions on previous projects about not using and/or applying product within a certain amount of feet of the creek. It is the same creek. If it is being mitigated sufficiently in the end, then he is ok with that.

A discussion took place regarding projects using their stormwater drainage as the run-off for snow storage. Their proposal has been incorporated into the SWPPP.

S. Lansing said all the roadways and impervious areas run towards the stormwater system which then goes to an underground chamber system with an isolator row. All the heavy sediments and debris settles out. It is accessible so it would be cleaned out on a regular basis. After the isolator row there is a large chamber area that holds and regulates the stormwater so that it is released to pre-development rates and when released it is filtered through a filter system.

MOTION

In the matter of the preliminary site plan review application by Horstman Farm Planned Development for the development of eleven 4-unit, 2-story condominium buildings, eight 2-unit, 2-story condominium buildings, and two 6,000 sq. ft mixed-use buildings with commercial on the first floor and six apartment units on the second floor, located at Swaggertown Road and Route 50, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant needs to coordinate with the county regarding the striping and crosswalk across Swaggertown Road.
2. The applicant must consider additional buffering for the Kenny property.
3. The applicant must do all they can to utilize evergreens or other non-deciduous type plantings for screening so these areas will remain screened in the wintertime.
4. An easement needs to be put in place for crossing Birch Knoll Drive for access to the southernmost portion of the development.

The Commission hereby schedules a public hearing for 9/12/22 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 9/12/22, 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: N. Brower Dobiesz

Ayes: 5 Noes: 0 Absent: 1

Motion Approved

**Dutch Meadows
Dutch Meadows Lane**

Site Plan Modification

This request is for a modification to the previously approved site plan for the Dutch Meadows residential community. The approved plan called for 208 apartments, 30 townhouses, a community center and maintenance building. This modification will replace the 30 townhouses, located on the western portion of the site, with an additional 100 apartments in two buildings with associated parking and travel surfaces to support the new buildings. The town board approved the Dutch Meadows Residential Planned Development District in 2019.

Bill Hoblock, Richbell Capital, and Brian Osterhout, EDP, were present.

K. Semon asked if he needed to recuse himself as the applicant has donated additional lands to the Legacy Veterans Park. K. Semon is a director of the Capital Region Veterans Memorial. It was determined that the donation of land has already happened, so it was not necessary to be recused.

B. Hoblock said they are here to modify the approved site plan. The PDD was approved by the Town Board in 2019, and PZC approved the plans in 2020. Construction started in 2021 and is currently still under construction with first residents moving in fall 2022. The original PDD had two residential components. One was for 208 multi-family residences and 30 townhomes. The multi-family was a mix of three-story 26 or 52 apartments with elevators, in-building garages, and a clubhouse with amenity packages for the residences. The townhome component was 7 4-unit buildings and one duplex. As a public benefit the applicant donated 6-acres of land to the north side of Dutch Meadows for the Legacy Veterans Park. In spring of 2022 the town board approved the amended PDD consisting solely of changing the 30 townhomes to 100 multi-family residences to be contained in two buildings. The first building is a 91-unit building and will mirror what is currently being built. The second building is a small string of 9 rental townhomes. Additional land will be donated to the veterans park. The traffic study has been updated to reflect the modification. It shows all intersections will operate at an acceptable level of service where no traffic improvements are necessary. Traffic increases 16 trips during the AM peak and 18 trips during the PM peak. One reason for the amendment is the market; labor shortages, material shortages, supply-chain disruptions, labor and building costs, inflation, interest rates, etc. has made it difficult to build a for-sale townhouse successfully.

M. Carr asked the applicant what type of rental rates will be charged.

B. Hoblock said the rental rates will be in line with the other rentals they have across the Capital Region. One bedrooms are in the \$1,500 range. Generally, the ranges are from \$1,500 to \$2,000. Rents are escalating in this market which allows them to offset their building costs.

J. Lippmann stated she noticed the 91-unit building looks like it is out of scale (larger) compared to the rest of the development. Could consideration be given to have it match more with the other buildings instead of its proposed size.

B. Hoblock said it will fit and will look like the others. One issue is the wetlands, and they are doing total wetland avoidance. The best way to do that is to do one larger building than smaller ones. The building is “L” shaped as a result.

A discussion took place about what the renderings look like, traffic and the current buildings being constructed.

M. Carr asked C. Heinel if the town board has already approved this modification.

C. Heinel said it has. They are still the PZC and still have jurisdiction over the site plans.

K. Semon asked about access from Route 50.

B. Hoblock said there is no access from Route 50 it is only emergency access.

N. Brower Dobiesz asked if the fire department has any concerns with the size of the building.

A. Briscoe said he does not think they have seen the plans yet.

C. Heinel said they can be contacted from this review.

K. Semon asked if the school district will be asking for a bus stop within the site.

M. Carr said all that was discussed in the original PDD. The commission needs to express their comments on the modification.

M. Carr said he personally is not a fan of losing the 30 townhouses and going to 100 apartments. However, the town board has already made its decision.

J. Lippmann asked about the fire apparatus access and being within 150 feet of the buildings at all points. This looks rather tight.

B. Osterhout replied it is maintained.

J. Lippmann and N. Brower Dobiesz both stated they would like the fire department to sign-off on this.

C. Heinel said that can be made a condition to the site plan modification. Any comments will need to be incorporated into the final design of the apartments.

Another discussion took place regarding what the fire department may require.

N. Brower Dobiesz asked which fire department will this be.

A. Briscoe replied Scotia Fire Department.

A. Briscoe asked if there will be underground power utilities or poles.

B. Hoblock replied it will be underground.

A discussion took place regarding the intensity of use and if there has been an updated SWPPP. The SWPPP should be going out this week for review.

A discussion took place as to the mix of the apartments. It is mostly one or two bedrooms with only a couple of three bedrooms.

MOTION

In the matter of the site plan modification for Richbell Capital located at Dutch Meadows Lane for the elimination of the 30 townhouses to be replaced by 100 apartments, the Planning and Zoning Commission has concerns related to the increased stress to the development related to three times the number of units (100 apartments) to what was previously proposed (30 townhomes).

- The PZC recommends the fire department review the fire fighting capabilities for the increased number in living spaces.
- The school district is to review access for transportation with the increased number of living spaces compared to the previous proposal.
- All exterior electric has to be underground.

J. Lippmann asked how will the townhome residents get to the amenities. Will they have to cross over the culvert.

A discussion took place regarding the sidewalks, the culvert, and the fencing.

Motion

Moved by: M. Carr

Seconded by: K. Semon

Ayes: 5 Noes: 0 Absent: 1

Motion Approved

**Don Higgins
3872 Ridge Road**

**SEQR Determination
Preliminary Subdivision Review
Use Variance Recommendation**

The applicant wishes to subdivide 155-acres into 3 lots. (18.31+/-, 26.38 +/- and 123.79 +/-). This subdivision will separate the home from the garage and the applicant will also need a Use Variance as this proposed subdivision leaves the garage as a stand-alone primary structure on designated Lot 2C. This parcel is in the Rural Residential/Agricultural District and a portion is also located in the Land Conservation District.

Don Higgins, the applicant, was present.

M. Carr said the commission reviewed the revised plans. He knows the applicant still wants the parcel with the garage, but town zoning does not allow it. The commission offered the following options to the applicant:

- The garage can be removed and proceed with the subdivision
- You can reconfigure the lots to include the garage on a parcel that already has a primary structure
- You can construct a primary structure on the lot with a garage

- The applicant can obtain a use variance from the ZBA prior to preliminary subdivision review

M. Carr asked when would they meet with the ZBA. A. Briscoe said this month.

M. Carr said the applicant needs the use variance for the PZC to approve the subdivision.

D. Higgins asked if he gets the zoning straighten out then the proposed lots are good.

C. Heinel said the subdivision hinges on the applicant getting the variance. The PZC cannot act on the subdivision without the variance. If the variance is denied by the ZBA then the subdivision cannot go through as proposed.

The ZBA meeting will be held on Monday, August 22nd. If the applicant gets the variance, then there should not be an issue with the subdivision.

D. Higgins stated if the use variance gets turned down his son wants to take the 123-acres and build a house there.

M. Carr said that is one of the options.

C. Heinel said if you are denied by the ZBA the good thing about holding off on preliminary and final site plans is that you are not under a ticking time clock. If you get denied at ZBA you can withdraw your application to give you time to get your specifications/plans in order if a house is going to be built on that property or you could do one of the other options that was presented.

D. Higgins said none of the other options will work.

A discussion took place regarding the subdivision, the time to get the house built and what the PZC has to do for tonight's meeting on this application.

Another discussion took place regarding the previous variance the applicant received (area) vs what the applicant needs to obtain now (use).

C. Heinel explained the difference between a use variance and an area variance.

MOTION

In the matter of the use variance recommendation for Don Higgins at 3872 Ridge Road the Planning and Zoning Commission recommends to the Zoning Board of Appeals the following options produced by the PZC for the applicant:

- The garage can be removed and proceed with the subdivision.
- You can reconfigure the lots to include the garage on a parcel that already has a primary structure.
- You can construct a primary structure on the lot with a garage.
- The applicant can obtain a use variance from the ZBA prior to preliminary subdivision review.

The PZC recommends the ZBA not to approve the use variance without the applicant following one of these options.

Motion

Moved by: M. Carr

Seconded by: V. Soldani

Ayes: 3 Noes: Absent: 1

Motion in Discussion

J. Lippmann asked counsel if this variance is regarding the structure itself but not the use of the structure. The use variance is for the “use” of something, and this garage is still being used residentially.

C. Heinel said it is because it is a garage without a primary structure. She cannot state how the garage is currently being used.

J. Lippmann said she would want to say that.

C. Heinel said the reason it is a use variance is because no where in town is it allowed to have a secondary structure as the only structure.

J. Lippmann said if this board is to vote to recommend that this use variance pass, she would want it to specifically state that the garage can only be used for residential purposes.

Another discussion took place regarding the options proposed to the applicant and how the ZBA may view this variance. If the variance is granted the PZC, at final review, could condition the use of the garage for residential purposes. A discussion also took place whether this would increase the burden of town inspections on the garage.

The commission returned to the recommendation the use variance be denied unless one of the options is followed.

Motion

Moved by: M. Carr

Seconded by: V. Soldani

Ayes: 4 Noes: 1 Absent: 1

Motion Approved

Another discussion took place about having a house built on the property.

Without any further business the meeting adjourned at 8:48 PM.

Lynn Walkuski, Stenographer

Julie Davenport, Town Clerk