

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

January 23, 2023

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

Also

Attending: A. Briscoe, Code Enforcement Officer, A. Tozzi, Dir. of Planning,
C. Pierson, Town Attorney, N. Chiavini, Planner I, L. Walkuski, Stenographer

Absent: P. Ragucci

Meeting called to order at 7:03PM

Motion to approve the agenda.

Moved by: K. Semon

Seconded by: N. Brower Dobiesz

Ayes: 6 **Noes:** 0 **Absent:** 1

Motion Approved

Chairman Carr introduced Jamal McPherson as a new Planning & Zoning Commission member and welcomed Colleen Pierson, new counsel for the Planning & Zoning Commission.

Don Higgins
3872 Ridge Road

Public Hearing
Final Subdivision Review

The applicant is resubmitting his subdivision application with a modification to the original submission. The applicant wishes to subdivide a 5.41 +/- acre lot and add 9-acres to Lot 2a as noted on plat. The applicant will retain the remaining 142 +/- acres. This parcel is in the Rural Residential/Agricultural District and in the Land Conservation District.

Don Higgins, the applicant was present.

M. Carr said the commission is pleased with the application and there are no concerns.

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 Don Higgins for a two – lot subdivision located at 3872 Ridge 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.

Further, this Commission finds that a proper case exists for requiring the applicant to provide suitable land for park or playground purposes. The need for additional park and recreation facilities has been documented in the Comprehensive Plan, in addition to having been identified by both the Glenville Park Planning Committee and the Community Center Planning Committee.

However, due to the small number of lots in this particular subdivision, this Commission finds that the imposition of an in-lieu-of fee is more appropriate than land dedication for this particular subdivision. The recreation fee to be levied is \$1,000.00 per new lot. In this case, the applicant is hereby required to pay a fee of \$ 1,000.00.

Motion

Moved by: M. Carr

Seconded by: V. Soldani

Ayes: 6 Noes: 0 Absent: 1

Motion Approved

446 Saratoga Road, LLC

446 Saratoga Road

Public Hearing

Final Site Plan Review

The applicant is proposing the following uses for the former East Glenville Firehouse. The majority of the building will be used for housing a new video game development studio, employing about 40-50 people, and offering a small training/broadcast facility with teachers conducting virtual and small in-person classes on game development. The remainder of the building is to be marketed as a small café/coffee shop with outdoor seating and a landscaped streetscape. The parcel is in the General Business District.

Tim Wade, Verdant Architecture, Eric Sandblom, SRA Engineers, and Brian Corrigan, the owner, were present.

T. Wade stated there were a few items that needed to be reviewed. There is an existing non-conforming sign stand located in the DOT setback which was discussed in previous meetings. He wants to make sure that the applicant is able to use the existing sign stand without a variance.

A. Briscoe responded the existing sign can be used however, the signage for the new businesses cannot be any larger than what exists.

M. Carr asked if LEDs or internally lit signage would be allowed.

A. Briscoe said LEDs are not allowed.

T. Wade said the applicant is not proposing that type of lighting.

K. Semon asked if the signage will fill in the whole sign stand or just have signage at the top. His concern is whether the view will be blocked from the side door egress.

T. Wade replied there will be two signs; one for the café (located at the top) and the one for Rocket Science located below the café sign. If the concern is for sight view, turning out of the lot, they will make sure the signage (both signs) are 16 feet or more above the ground.

M. Carr stated the applicant will still need to get a sign permit from the Building Dept.

T. Wade said another item to review is the landscaping plan. They really didn't have much of a plan before, but they have retained a landscape architect for the site. The plan is for the building, parking,

and the septic area in the rear. In general it proposes a low to no turf landscaping design. They are looking at drought tolerant native plant species, river rock planting bed mulches – things that require minimal maintenance. On the north side where there is an existing grass strip in the retaining wall, they are proposing a long strip of perennial gardens with 3 varieties. Along the front street side they are proposing species that are more drought and saline soil tolerant (for the winter salt) to be a combination of perennials with an evergreen shrub screening and a couple of trees. The south side of the property will have a bank of Christmas ferns, something that gets pretty large and lush.

M. Carr asked if all of this will be provided on their modified plans.

T. Wade responded it will be included.

T. Wade mentioned they have also discussed lighting and a lighting plan was submitted with photometrics for the site.

T. Wade said they made a few plan changes that affected the parking count. The applicant reconfigured the location of Rocket Science and the vocational training area within the building. The vocational area is now going to be located in the front (previously the front area was intended to be rented out to another tenant). Rocket Science will take the remainder of the rear space with the café still occupying the southern portion of the building. It will only be a two-tenant space. With those changes they are providing 34 spaces but only require 32 spaces.

T. Wade stated there were some questions as to where the roof top equipment would be located. The back side of the building is where the view of the equipment will be most prominent. There is one rooftop recovery ventilator which will be surrounded by a corrugated metal screen that will match the rest of the building.

T. Wade also mentioned the applicant will be required to obtain appropriate permits from DOT, curb-cuts, signage, etc.

E. Sandblom said they have gone through a stormwater review with the town designated engineer. The comments came back last week and they were open and receptive to having a meeting last week to discuss any issues. Tony and Lynn, from the town, were also on that meeting. The applicant was able to satisfy the comments and concerns and indicated the engineer would be sending a letter. There were some comments that didn't really change the stormwater design that much except they were asked to look at the velocity of flow coming off the roof drain. Upon review it was determined there is some stormwater that would fall on the pavement surface which would eventually flow into the treatment practice. As a result, the applicant increased the treatment practice to accommodate those flows. The bottom line this is a redevelopment project by DEC standards. There are certain criteria that need to be met. Basically, it is reducing 25% of the existing impervious or provide 25% of the treatment for the water quality volume along with several other items. The applicant is doing 19% reduction in impervious and 39% of the water quality volume; so they are getting a 58% treatment standard when 25% is required. They are doing more than double of what is necessary to meet DEC requirements

when it comes to stormwater treatment. As a reminder they are capturing the roof run-off from the building and will completely treat that as well. The treatment practice is infiltration. When everything is ready to go, the Notice of Intent can be filed with DEC.

M. Carr asked who was the engineer who reviewed the SWPPP?

E. Sandblom replied it was Creighton Manning.

E. Sandblom stated that he has reached out to DOT leaving 4 messages from December through January and still has not received any response. They have filed a formal application. James Harrington, Schenectady County office, is trying to assist with this. They are meeting all the standards for all the work that is proposed within the right-of-way. If anything, they will lessening the impacts in the right-of-way by removing pavement, not changing the location of the curb-cuts, and providing pedestrian access which currently does not exist.

E. Sandblom said they submitted an application to DEC for the SPDES general permit on 12/6/22 both by mailing and emailing. They have not yet heard back from DEC.

E. Sandblom said the generator is shown and mentioned there had been some discussion regarding the generator. The generator will be located on the southern portion of the property.

K. Semon said it was mentioned that the site will draw 600 amps. Is that correct and at what voltage?

B. Corrigan said it is three phases, 450.

K. Semon asked if the generator is 374 kw.

B. Corrigan said they are not trying to power everything.

T. Wade said the generator they have now is somewhere around 150. It will not carry a full load.

K. Semon stated their bus transfer system is only going to be tied into, part of the system is going to have to drop off and then the critical loads will be picked up.

K. Semon said his original concern with the generator was the traffic and view. He walked the site and that is no longer a concern. His concern is with the noise, cycling once a week, and the location near a lighted intersection with five directions. It's about 85 dBs across the street (7-9 meters) away. Additionally there is concern regarding the underground utilities and the transformer to be all located within that small portion of the property.

M. Carr said they had discussed the concern of the generator's location with respect to the road and view.

K. Semon replied the view is no longer a concern. Since the commission doesn't have any specs on the generator, he was looking up information. Based on size, it's a large/loud machine (approx. 8'x20') even with the enclosure. His concern is with the noise and overlay of all the utilities; water, gas, electric to the tower and site, all being in that one corner.

E. Sandblom replied the water already exists and that will not be changing. The water and gas already come straight from the road to the building.

M. Carr asked if the applicant has any information on the generator.

T. Wade said they have specs, but he doesn't have them right now.

M. Carr said we can make that part of the approval condition. Although he understands what K. Semon is saying, the generator is not running constantly.

A discussion took place about the property located to the south and whether the generator will be an issue. The southern property is a consignment shop with apartments located in the back.

N. Brower Dobiesz said it looks like it is placed about 33 feet back from the shoulder.

M. Carr asked K. Semon if he is worried about the underground utilities.

K. Semon stated he is worried about the congestion of utilities where the generator is going to be located.

T. Wade pointed out where the generator pad is.

M. Carr asked what is the pad size?

T. Wade said the enclosure for the pad (allows for 3 feet of clearance around the entire generator) is 8' 7" wide by 16'3". The generator is roughly 13' long by 3' wide.

T. Wade mentioned there is an utility easement on the site plan.

M. Carr said the applicant will be digging for a gas line anyway and will require a dig safe. It will have to be marked. There should not be a problem.

T. Wade replied they are not digging for gas. The gas and electric come right to the building.

M. Carr asked how are you going to tap into the gas for the generator.

T. Wade said he needs to look at the generator as he doesn't know if it's hooked up to gas or if it's a filled generator.

J. Lippmann said to K. Semon's point, there is a gas line shown underneath the generator on the site plan and asked where does that go.

T. Wade said that is correct and the line goes to the back of the property.

J. Lippmann said that would probably have to be moved out of the way of the generator.

T. Wade replied potentially, yes.

M. Carr asked what is the status of the generator? Is it natural gas fired or does it have an onboard tank.

T. Wade said he has to look at the specs.

E. Sandblom said it does look like the electrical line goes right underneath the generator and the gas line is off to the side underneath the pad. It needs to be coordinated and looked at much more closely than what is presented on the plans. The gas line is not immovable, but they would prefer not to have to move it. He believes the location can be tweaked to avoid the utilities by shifting the generator a few feet.

T. Wade said it can be shifted, but a variance would be required since they would need to be 10 feet from the property line. The original and ideal location is right in front of the building, but they don't want it there.

K. Semon asked about placing the generator in the back of the building. It seems to him the choice is to deal with the issues of the utilities and move the generator to avoid them or obtain a variance. He thinks safety is the way to go.

T. Wade replied they would have to run electrical and gas around the building. He doesn't disagree with safety being a factor. His point from the last meeting is they knew they were going to have a generator and they had to define the location of the generator that would be 11 feet off the property line that could feasibly supply generator back up power for the building. As the applicant comes back today, they have shown the generator location. Another concern with the generator location was a visible enclosure, which has been provided. The last concern was the generator wasn't supposed to be too close to the southern property line (they wanted it far enough away from the neighbors) and they did not want to encroach upon the setback for an accessory structure.

K. Semon said his concern arises from walking the property yesterday.

E. Sandblom said he feels they have a little more flexibility. We have another 4 feet available to the south. That movement won't remove any parking spaces either. They are actually about 15 feet from the property line.

T. Wade countered they are only 11 feet from the property line as the enclosure needs to be included in the calculation.

M. Carr stated the generator is able to be placed in an area without needing any variances for setbacks and it won't be sitting on top of any utilities, is that correct?.

E. Sandblom replied yes.

A discussion took place about the location of the utilities and their location really won't be known until the generator is installed. A private utility mark out will be needed no matter what due to the amount of work that will be needed there.

T. Wade said his understanding is that accessory structures need to be 10 feet from the property line.

E. Sandblom asked if it is just the superstructure itself or does the pad count.

A. Briscoe replied it is 10 feet and the pad/enclosure will count.

A discussion took place about being 11 feet off of the property line and only having 1 foot available for movement of the generator. The utilities may have to be moved. It was mentioned that it is not necessarily the location of the generator that is the problem. The problem is having the utilities run underneath the generator. It cannot be placed on top of easement utilities. The first thing the applicant needs to do is get the location of the utilities and then make sure they are not closer than 10 feet to the property line otherwise a variance will be required. Another option would be to move the generator to the rear of the building.

J. Lippmann asked what will the proposed enclosure be?

T. Wade said it will be the same as the cladding on the building.

J. Lippmann pointed out several items. The landscaping plan shows an ADA parking space next to the generator that should be removed. Building code does require a "No Parking" sign for the aisle that is shared by the two ADA spaces and that needs to be placed on the site plans. She also suggested since the applicant is proposing traffic to be one-way in and out, the applicant should consider adding pavement markings (arrows) to identify traffic flow. These items should be included on the updated site plans. Lastly, there are curbed islands in the DOT right-of-way, is the applicant intending to keep them.

T. Wade said they are not on the property and they did not have any intention to do anything with them.

E. Sandblom said what would be ideal would be to change the curbed island into a grass strip between the proposed sidewalk and the curb.

J. Lippmann said it would add the visual buffer between the road and sidewalk which would be important however that is a DOT permitting topic. If it could be done that would be ideal.

E. Sandblom replied it is on the site plan that was submitted to DOT.

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 446 Saratoga Road, LLC to convert the former East Glenville firehouse into a new gaming development studio and café located at 446 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 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 will need to obtain a sign permit from the Town of Glenville Building Dept.
2. The landscaping needs to be included on the final site plan.
3. A letter from the town designated engineer (Creighton Manning) stating they agree with the stormwater comments.
4. A response from NYS DOT regarding the curb-cuts and to make sure they are in agreement.
5. A response from NYS DEC regarding the septic system.
6. The applicant is to provide additional information/specs on the generator.
7. Comments regarding signage for the ADA parking spaces and pavement directional arrows need to be included on the final site plans.

Motion

Moved by: M. Carr

Seconded by: N. Brower Dobiesz

Ayes: 6 Noes: 0 Absent: 1

Motion Approved

**Leno Codino
498 Barhydt Road**

**Public Hearing
Final Subdivision Review**

The applicant is proposing the subdivision of a 16.13 +/- acre parcel into two (2) lots. One lot (approx. 11.14-acres) will have frontage on Barhydt Road with an existing residence, outbuildings, well and septic. The second lot (approx. 5-acres) is currently vacant and will have frontage on Wagner Road to be serviced by well and septic. An area variance will be required for the newly created parcel on Wagner Road as it is creating a non-conforming lot due to lack of frontage. The parcel is zoned Rural Residential/Agricultural.

Pat Jarosz, Van Guilder Surveying, was present.

P. Jarosz stated the applicant received approval on 12/19/22 from the Zoning Board of Appeals for the front lot width variance.

M. Carr asked if the request for the variance could be reviewed.

P. Jarosz said the variance was for approximately an 89-foot variance as the current frontage is approximately 110/111 feet.

M. Carr said there were some comments from neighbors via email and asked for those to be included in the minutes. The town engineer also reviewed this and he had no traffic issues. Those comments should also be included in the minutes. (See attachments A, B and C).

K. Semon said there was a question about an answer on the Short Environmental Assessment Form (SEAF) question #20.

“Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?” The question was answered yes.

N. Brower Dobiesz replied that is an EAF Mapper answer. Since it is automatically populated you can't change the answer, but EAF mapper does give an explanation by stating “unknown”.

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 Leno Codino for a two – lot subdivision of a 16.13 +/- acre parcel located at 498 Barhydt 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.

Further, this Commission finds that a proper case exists for requiring the applicant to provide suitable land for park or playground purposes. The need for additional park and recreation facilities has been documented in the Comprehensive Plan, in addition to having been identified by both the Glenville Park

Planning Committee and the Community Center Planning Committee. However, due to the small number of lots in this particular subdivision, this Commission finds that the imposition of an in-lieu-of fee is more appropriate than land dedication for this particular subdivision. The recreation fee to be levied is \$1,000.00 per new lot. In this case, the applicant is hereby required to pay a fee of \$1,000.00.

Motion

Moved by: M. Carr

Seconded by: J. Lippmann

Ayes: 6 Noes: 0 Absent: 1

Motion Approved

**Luke Marshall (Marshall Motorsports)
165 Freemans Bridge Road**

**SEQR Determination
Preliminary Site Plan Review**

The applicant is looking to utilize office space at 165 Freemans Bridge Road for Marshall Motorsports. His business supplies parts and accessories for motorcycles, ATVs, snowmobiles, and jet-skis where 90% of the business is on-line and 10% is walk in. The parcel is zoned Freemans Bridge Corridor District.

Kurt Marshall and Luke Marshall were present.

K. Marshall said they are looking to use a portion of the building that was zoned for an office, but they would be using it as retail for some of their business. 90% of their business is on-line and 10% is walk-in.

M. Carr asked what does the business sell.

K. Marshall replied powersports, motorcycles.

M. Carr inquired if they sell the machines or just parts.

K. Marshall said they only sell parts and accessories.

M. Carr asked will there be any automotive fluids, oils, degreasers, fuels? What type of quantities will be stored there? Will there be carburetor cleaners or a 55- gallon drum for storage?

K. Marshall stated there will be unopened motor oil. The quantity would be no more than 12 quarts on the shelf, quart-sized containers. No 55-gallon drums, it will all be consumer sized, no fuel of any kind.

M. Carr noted their application stated there was a tank leak on the property and asked if the applicant knew anything about it.

K. Marshall said he knew nothing about it. He is representing his son, Luke, and the landlord who lives in South Carolina.

M. Carr asked if the applicant is going to be a tenant.

K. Marshall said that is correct. They do not own the property.

K. Semon asked if there will be any signage.

K. Marshall said there is an existing MSI sign on the building they will be using.

M. Carr asked if this is the building that did the mini-van conversions and are they still there? They would convert mini vans into handicapped accessible vehicles.

K. Marshall said that business is no longer there.

V. Soldani asked if there will be any mechanical work done on the premises. Is there a showroom and is there a glass front window where you can see the bikes.

K. Marshall replied there won't be any mechanical work done and they are not selling any vehicles only parts and accessories. The reason they need a commercial spot is their vendors want to see a commercial location open with regular business hours as a first requirement.

V. Soldani asked if they are changing anything in the front of the building.

K. Marshall said no.

J. Lippmann said the business is located in the interior of the building and access is through a shared lobby.

K. Semon asked if the two restrooms will be available.

K. Marshall said they are.

M. Carr inquired about garbage disposal. Will the packages remain the same or will they be changed?

K. Marshall said hopefully most of the sales will be dropped shipped from the vendors. The only repackaging would be if multiple orders come in for the same customer.

M. Carr asked if there will be inventory on the premises and how will that be delivered.

K. Marshall replied the deliveries will be for small shippable parts usually by UPS.

M. Carr asked if there is a dumpster there and will it be adequate for the amount of waste to be generated. Will there be any outdoor storage of parts or equipment?

K. Marshall said the dumpster is sufficient and there will not be any outdoor storage of any kind.

M. Carr stated for the record there will not be any servicing of any vehicles at this location.

K. Marshall said that is correct.

M. Carr said if the applicant wants any type of signage, they will need to obtain a sign permit through the Building Dept.

K. Marshall said AJ Signs has already submitted paperwork to the town.

M. Carr also stated that they will need a CO (certificate of occupancy).

J. Lippmann suggested to the applicant that they change the answer to Question #6 on the Short Environmental Assessment Form (SEAF) *“Is the proposed action consistent with the predominant character of the existing built or natural landscape?”* from “no” to “yes” since the applicant is not changing anything.

MOTION

In the matter of the preliminary site plan application by Luke Marshall, for an office space at 165 Freemans Bridge Road for the purpose of supplying parts and accessories for motorcycles, ATVs, snowmobiles, and jet-skis where 90% of the business is on-line and 10% is walk in, 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: 6 Noes: 0 Absent: 1

Motion Approved

MOTION

In the matter of the preliminary site plan review application by Luke Marshall (Marshall Motorsports), for an office space at 165 Freemans Bridge Road for the purpose of supplying parts and accessories for motorcycles, ATVs, snowmobiles, and jet-skis where 90% of the business is on-line and 10% is walk in, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant will need a sign permit.

The Commission hereby schedules a public hearing for 2/13/23 to consider the final site

plan review application for this particular project. However, in order for the Commission to schedule a public hearing for 2/13/23, 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.

K. Semon asked how complicated does the site plan have to be.

M. Carr said in his opinion not very as they are going into an existing space.

Motion

Moved by: M. Carr

Seconded by: J. Lippmann

Ayes: 6 Noes: 0 Absent: 1

Motion Approved

Motion to approve minutes from the December 12, 2022 meeting

Moved by: K. Semon

Seconded by: N. Brower Dobiesz

Ayes: 4 Noes: 0 Absent: 1 Abstention: 2

Motion Approved

Without any further business the meeting adjourned at 8:00 PM.

Lynn Walkuski, Stenographer

Julie Davenport, Town Clerk