

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

March 12, 2018

Present: M. Carr, Chairman, J. Gibney, J. Lippmann, P. Ragucci, M. Tanner

Also

Attending: A. Briscoe, Code Enforcement Officer, K. Corcoran, Town Planner,
M. Cuevas, Town Attorney, J. Pangburn, Deputy Building Inspector,
L. Walkuski, Stenographer

Absent: K. Semon
(T. Bodden – resignation received March 6, 2018)

Meeting called to order at 7:00 PM

Motion to approve the Agenda

Moved by: M. Tanner

Seconded by: J. Gibney

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

Motion Approved

Motion to approve minutes from the February 12, 2018 meeting

Moved by: P. Ragucci

Seconded by: M. Tanner

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

Motion Approved

**Bank of America
200 Saratoga Road**

**Site Plan Review (Final)
Public Hearing**

Bank of America is proposing to make a number of modifications to their parking lot and building lighting. The property is zoned General Business and Town Center Overlay District.

Jacqueline Menges, Project Expeditors, represented Bank of America.

J. Menges stated there have been no changes since appearing before the PZC in February 2018. Two lighting options were presented at that time and it was determined that Option 1 would be utilized per the PZC recommendation.

There were no other concerns or comments from the Commission.

At this time, M. 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 Bank of America for a number of modifications to their parking lot and building lighting located at 200 Saratoga Road, the PZC 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, 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: P. Ragucci

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

Motion Approved

**Rob Bannon for Veterans Motorcycle Club
6437 Amsterdam Road**

**Site Plan Review (Final)
Public Hearing**

This proposal calls for establishment of a meeting house for the Veterans Motorcycle Club in a former residence on NYS Route 5. The application also includes the proposed addition of new pavement to expand existing parking. The property is located on the south side of Route 5, approximately 1,700 feet west of Waters Road. The project site is zoned Highway Commercial.

Robert Meyer and James Piana represented the Veterans Motorcycle Club.

R. Meyer asked if the Commission had received the paperwork that was requested.

M. Carr indicated the PZC did receive a letter from NYSDOT indicating the driveway is acceptable. The PZC is also in receipt of a notification stating the septic system was tested and passed. M. Carr noted the site plans were revised to eliminate the need for parking variances.

J. Gibney noted the county referral had an advisory note regarding the septic system. It was determined the County did not receive the notification stating the septic system was tested and passed before the referral was completed.

P. Ragucci asked for clarification if the septic review needs to be done by the County.

M. Carr replied the County referral deferred to local consideration and the applicants supplied the necessary documentation on the septic system.

At this time, M. Carr opened the public hearing.

Kate Halasz, 6365 Amsterdam Road, stated her issue is not with the club itself, but the noise and the time the motorcycles go in and out of the site. In the evening, when the windows are opened, it is extremely loud when the cycles go by at 9:30PM – 10:00PM. The number of cycles going in and out have been up to 12 cycles at a time. Mrs. Halasz mentioned she has been living in her home for 30 years.

George Halasz said that the Harley Davidson cycles are very loud. The stretch of road they live on is a straightaway and they are used to the traffic, but the noise from the motorcycles is very loud. If they are having dinner outside and normal traffic is going by it's okay, but when the cycles go by they have to stop their conversation until the cycles pass by.

With no other comments from the floor the public hearing was closed.

M. Carr asked the applicants to address the noise level.

J. Piana replied that he appreciates the neighbor's concerns and it is his intent to meet all the neighbors. He stated all the motorcycles are registered, inspected, and are street legal every year. It is not their intention to cause any disturbance to the best of their ability.

J. Lippmann asked about the hours of operation once the club is up and running.

J. Piana responded there are typically two meetings a week. There is also cleanup of the site and/or renovations to the building, so there is someone there about twice a week. Currently members have been driving their cars to the site as motorcycle riding is a seasonal event.

M. Carr asked if the members come in large groups of 12 or more.

J. Piana said normally it's 2-3 cycles at a time however, when the meetings end there would be more leaving at the same time.

M. Carr asked what time are the members typically leaving from the site.

J. Piana said most meetings are over by 9:00PM – 9:30PM.

M. Carr asked if a commitment can be obtained from the organization and J. Piana that the group will be conscious of the neighbor's concerns.

J. Piana said he has no issue in giving a commitment.

M. Carr said the club has a right to do what they need to do on their property, but at the same time the neighbors have a right to live in peace too.

M. Carr asked A. Briscoe are there any noise regulations if there is an issue.

A. Briscoe, replied there are noise regulations within the Town Code addressing decibel levels at the property lines.

MOTION

In the matter of the final site plan review application by Rob Bannon for the Veterans Motorcycle Club for the establishment of a meeting house for the Veterans Motorcycle Club at a former residence located at 6437 Amsterdam Road, the PZC 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, 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 is to work with residents to make sure there are no issues. There are not to be any issues with the Town Building Department or being cited for noise and/or other items.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

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

Motion Approved

Louis Venditti
Saratoga Road

Site Plan Review (Revised)
Public Hearing continued

The applicant is proposing to construct a 5,000 sq. ft. retail building and adjoining 1,200 sq. ft. storage building for occupation of the site by a flooring sales company. The site plan has been revised since the last time this application was reviewed by the PZC on December 11, 2017. The most notable change to the plan is that the side of the proposed building now faces Route 50 instead of the front of the building. The property in question is located on the west side of Route 50, just south of the antique dealer at 725 Saratoga Road, and across the street and just down from Pizza Works. The property is zoned Community Business.

Louis Venditti was not present.

A discussion took place with regard to the applicant not being present and continuance of the public hearing.

M. Carr opened the continuation of the public hearing.

Christian Soria, 26 High Mills Scotch Bush Road, stated he had concerns with how far back the applicant will be cutting back into the woods on the western side, as the woods provide a nice buffer. additionally, he wanted to know if a fence is to be erected along the property line and what would the height of the fence be.

The Commission reviewed the site plan and it was determined the applicant's building would be approximately 250 feet from the rear property line. The site plan indicates development would be in the front half of the parcel.

M. Carr indicated Mr. Soria's concerns would be addressed with the applicant.

C. Soria asked how far off of Route 50 would the new building would be located.

M. Carr replied the building will be approximately 50 feet off of Route 50.

C. Soria also inquired about the storage building and what will it be used for.

M. Carr responded that storage building will be used by the flooring company that will be occupying the retail space.

C. Soria asked if there is a proposed start date.

M. Carr said the applicant has not given a start date.

C. Soria inquired about regulations with construction times.

A. Briscoe replied construction is to be done between 7:00 AM to 9:00 PM.

J. Lippmann reiterated the applicant is not proposing to go any further back on this site then any of the other surrounding businesses.

Kurt Bedore, 89 Kingsbury Road, mentioned that he would like to suggest for the applicant to consider downward directed lighting, and to look at the drainage at the site.

At this time, with no one else speaking, and with no one present to represent the applicant, the public hearing will be continued until next month.

No action was taken on this application.

**Stanley Ducharme
115 Maple Avenue**

Conceptual (2-lot) Subdivision

The landowner is seeking to subdivide his 1.8-acre property at 115 Maple Avenue into two lots. The larger 45,280 sq. ft. lot would contain the existing house, while the smaller 25,604 sq. ft. would be a vacant single-family home building lot. The property, located on the west side of Maple Avenue, and beginning about 250 feet south of the traffic signal at Alplaus Avenue, is zoned Suburban Residential.

Neither Stanley Ducharme nor his representative were present tonight and, therefore, this item was removed from the agenda.

**Thomas and Maureen Culver
36 and 38 Saratoga Road**

Conceptual Site Plan

This proposal calls for the construction of a 30' x 40' pole barn for occupation by a seasonal gift shop. As proposed, the building would straddle the property line between 36 and 38 Saratoga Road, both of which are owned by the applicant. A number of area variances would be necessary to advance this project.

Maureen and Thomas Culver were present.

M. Culver stated they owned Hollenbeck Paving and they used both properties at 36 and 38 Saratoga Road to operate the paving business. There are pole barns and trucks on both properties. That business was located at those addresses from 1969 until 2006. In 2012, she opened an owner-occupied business (gift shop) inside her home. It is her intent to build a pole barn to house the gift shop. M. Culver then cited some of the issues she is running into in an attempt to build the pole barn. There are restrictions in combining the properties or having a lot line adjustment. The pole barn is to house the gift shop. She is not increasing the size of the gift shop. The remaining part of the barn would be used for storage. Her shop is opened 192 days per year. The shop is opened Wednesday through Saturday and, in the fall, the shop is opened Wednesday through Sunday. There are no employees and no food services are provided. The barn will be handicapped accessible. She has been told that a bathroom needs to be installed in the pole barn.

M. Carr indicated that the PZC wants to see the gift shop business succeed however, the request for the pole barn to be built straddling the property line is not conducive to sound planning and zoning. The other option was to combine the lots however, that would leave two single-family homes on one lot which is not allowed. M. Carr then asked the applicant if she has looked at other options such as putting one pole barn on one property and putting another pole barn on the second property.

M. Culver reiterated the obstacles she has encountered in trying to build this pole barn. The deal breaker for her will be whether or not she is required to have a bathroom in the pole barn. The cost of connecting to the sewer line is extremely high and would not be economically feasible. She asked what exactly is the requirement? She offered the bathroom in her home to be accessible for patrons.

M. Carr asked for A. Briscoe to comment on the bathroom requirement noting that this would fall under a commercial establishment category.

A. Briscoe replied if it is a commercial business, New York State law requires a bathroom to be provided to the public. It could be a single unisex sanitary facility.

M. Culver stated as an owner-occupied business she is not required to have a public bathroom available, but just moving the business to the pole barn will require a public bathroom.

A. Briscoe responded that is what the state code requires. There is the option to apply for a waiver from the state.

M. Culver asked if they could have a "port-a-potty" available.

A. Briscoe said Schenectady County would have to approve the port-a-potty. The County usually approves the use of a port-a-potty only on a seasonal basis.

M. Culver stated she spoke with the County and the County said it would be the Town's decision.

A. Briscoe asked what would happen in the winter.

M. Culver stated she has spoken to a sanitary service and there is a salt brine solution that is used in the port-a-potty.

J. Lippmann said an architect would be able to answer her questions regarding some of these issues.

M. Culver said she won't be hiring an architect unless she knows that she can proceed with the project.

J. Lippmann said the issue with the sanitary facilities is out of the PZC's jurisdiction.

M. Culver said she would shift the pole barn to 36 Saratoga Road.

M. Carr said due to the restrictions of combining the lots, and the inability to build the pole barn straddling the property line, the other options available would be to put the pole barn on one property or build two smaller pole barns one on each property.

M. Culver asked if she would have to obtain variances to build the pole barn on one property.

J. Lippmann said yes, variances would have to be obtained. It seems that it could be a viable approach, but there are still some items that would need to be addressed i.e. parking etc. before the PZC could make any motion to the ZBA. The port-a-potty issue needs to be addressed with the appropriate jurisdiction.

K. Corcoran asked if it had been considered to move the business into the other house.

M. Culver said yes, it had been considered but the cost of renovations and loss of rental from the second home were not feasible.

A. Briscoe stated applying for the waiver from NYS may eliminate the need to connect to the sewer and may allow just a conventional septic.

Following completion of the Commission's review of the Culver site plan concept, a brief discussion took place regarding the withdrawal of the St. Anthony Lane project.

With no further business the meeting was adjourned at 7:57 P.M.

Lynn Walkuski
Stenographer

Linda Neals
Town Clerk