

**MEETING OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF GLENVILLE
THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NY 12302
Monday, April 10, 2023**

PRESENT: Chairman David Hennel, Dick Schlansker, Brian Peterson and Barry Suydam.

ABSENT: Charles Beers.

ALSO ATTENDING: Attorney: Colleen Pierson, Esq.; Deputy Building Inspector: James Pangburn; Planning Department: Anthony Tozzi, Nicholas Chiavini; Stenographer: Kristen Bode

Chairman Hennel called the meeting to order at 6:00 pm.

MOTION: To accept the January 30, 2023 minutes. The minutes were approved unanimously.

MOVED BY: David Hennel

SECONDED: Brian Peterson

AYES: 4 (Hennel, Schlansker, Peterson, Suydam)

NOES: 0

ABSENT: 1 (Beers)

ABSTAIN: 0

MOTION CARRIED

PUBLIC HEARING

- 1) Application of, Adirondack Beverages, 701 Corporations Park, Glenville, NY 12302.** The applicant is seeking a variance to construct an electrical substation, located at 501 Corporations Park, Glenville, NY 12302. The proposed substation would be located in the front yard of Building 501. The property is located in the Research Development and Technology Zoning District and is identified on the tax map as parcel #29.-3-16.61

In accordance with the Codes of Glenville, the following variance is requested:

270-79 C Location

Location. No permitted accessory use or building shall be located in any front yard. Therefore, the applicant is seeking a variance to construct a substation in the front yard.

B. Peterson read the application and the review factors for the variance request into the record.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Answer: The character of the area will not be changed by the installation of the proposed electrical substation. The Industrial Park already contains electrical substations, and there are no occupants, other than Adirondack Beverages, nearby the proposed location.

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance.

Answer: Adirondack Beverages could not transform the 34.5kVA line into usable power without the proposed substation and this associated variance. Due to the existing non-conforming structure and the course of the 34.5kVA line, there is no suitable location where a variance would not be needed.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Answer: The proposed size/dimensions of 50' x 31.1' covers the entire width (from the east to the west bollards) and the entire depth of the front lawn (from the property line/ROW interface to the face of building 501). This is the minimum area required for the substation.

4. Whether the area variance will have an adverse impact on the physical or environmental conditions of the neighborhood or community.

Answer: The variance will not have any adverse effects on the physical or environmental condition of the area. The design of the substation includes liquid containment which can hold 120% of the liquid associated with the substation. Bollards are also present to prevent physical collisions with the substation.

5. Whether there has been any self-created difficulty.

Answer: Due to the non-conforming nature of the existing structure, the front lawn requirements were not self-created. Building 501 is considered to have two front yards since it's located on a corner lot.

The application was signed by the property owner on March 28, 2023.

D. Hennel asked if the applicant wanted to add anything to the application.

Brian Aceto of Adirondack Beverages stated we're in a significant growth initiative right now. In 2022, one our largest customers was willing to invest and put in another 50+ jobs. We contracted to build a 20-million-dollar production line. Unfortunately, over the course of the last 20 years, we have grown significantly along with the grid. We have never been advised we've been outside of our PSC regulated power capacity also causing strain on the local residential circuit. This was a surprise. Another 5.5 – 6 million dollars' worth of construction for the substation. It was surprise to all of us and it was very short terms to work through this construction and this option with National Grid. Unfortunately, there was a miss in the process where we thought our engineers were handling our permitting. Until recently we thought everything was good until we started to apply for some different work from the Town. It was brought to the table we didn't have the permits. In order to complete construction, the line the Grid was willing to give us the power and transformers up until June 1 [2023] if construction was completed. We did have 50+ jobs and we're still growing on that. In order to continue operation come June 1, we need to get the site application completed, the construction on the substation built, which is currently not yet running off the local residential 13-2 circuit. In order to continue and not have to face layoffs in the interim, we're here begging for some help in passing this initiative. It's a relatively no evasive project as it's in an industrial park area and it doesn't change the appearance of the park or the facility itself. Anything I can offer, I have quite a bit of background on the project.

D. Hennel asked if this was the side of the building that faces Scotia Sand and Stone.

B. Aceto stated yes, right across the street.

D. Hennel asked how high is it?

B. Aceto stated the specs on it, it's probably 10 feet high. There is an elevation in the site plan. The elevation included in the engineering site plan is more of construction drawings. It doesn't have anything relative to the surrounding buildings structure.

J. Pangburn stated it says its 14.5 on E-101.

Chairman Hennel opened the public hearing.

Chairman Hennel asked if anyone wishes to speak in favor of or opposed to the motion.

Chairman Hennel opened up any further questions from the Board.

B. Peterson asked if the power company is covering the cost of this.

B. Aceto stated unfortunately we are barring the burden of the financial costs associated with the substation. We also have to reconfigure the residential circuit in order to provide power to Bel Gioioso, Scotia Sand and Gravel and Crown Castle which owns the cell tower. We're going to be using the existing power line from the substation. We will own and maintain the substation moving forward, anything from the substation into our plant and we're also paying for the cost of a 3.5 sub-T line to be ran from the 115

sub T line, a Rotterdam line that comes. They will maintain that line up to our substation but from our substation beyond will be us. We're paying for it and we will own it. There are some grants and opportunities. We were hoping for a little more support due to the fact we're elevating capacity on the residential circuit but unfortunately it doesn't work that way. The cost of a lost business not being able to use this power would far outweigh the cost.

B. Peterson asked if you ever decide to sell or quit, that substation if it gets shut down because it's yours, do the residents now lose their power?

B. Aceto stated there's going to be a contingency plan on our circuit that we're doing as part of this project. The Grid is responsible for that construction but we're paying for it. That will feed the residential circuit for just those three customers. Anyone else in the local area will maintain power off their local circuit.

D. Hennel asked PZC – did they include, I don't believe in their referral they had anything in terms of ownership or things we need to put as contingencies?

Anthony Tozzi stated the substation is going to be part of the same property so if the property gets sold.

D. Hennel stated I'm thinking more to Mr. Peterson's question of the other customers using it.

A. Tozzi stated there was no discussion by PZC about that.

B. Aceto stated the substation – the capacity is being freed up from the other two residential lines that feed the park.

Joseph LoDestro, Director of Operations, Adirondack Beverages stated it doesn't effect any actual residential areas. It's a circuit within the park. There are 3 circuits in the park that feed the local businesses.

R. Schlansker asked is National Grid supplying the equipment? I know you're purchasing it but are they supplying it?

B. Aceto stated no, we're working with High Voltage Electric Services. We have purchased all the switch gear and all the components themselves through them.

R. Schlansker asked if that's all been purchased already.

B. Aceto stated yes.

R. Schlansker asked if the design and layout needs to be approved by National Grid? Set back from the building, etc.

B. Aceto stated yes.

R. Schlansker stated he has a question for someone within the Town – has this been run by the Highway Department to make sure since the proximity to the road. Am I correct in saying the Town is going to maintain that road?

J. Pangburn stated yes there was a discussion with Tom Coppola, Highway Superintendent and Craig D'Allaird in DPW and they're going to provide sheeting to protect the water line that's in close proximity.

R. Schlansker asked what about the winter months for plowing? They're comfortable with how close this is to the road?

J. Pangburn stated yes. It's outside of the right of way. There's a water line in close proximity and they're providing sheeting to protect the water line.

R. Schlansker confirmed this substation will supply to all three buildings owned, all from this one substation.

B. Aceto stated that is correct.

D. Hennel stated I'm seeing in the picture there is a hydrant right there. The supply to the hydrate is not going to be under the substation?

J. Pangburn stated no.

B. Suydam stated in the drawing there are cars next to the substation and cars in front of the building. Does this take up any of the parking spots per square footage of the building?

B. Aceto stated no – there's not actual car parking there. We have initiative in the future to try and create paved parking spots in that lot but currently there is no parking.

B. Suydam asked if that is any area people would walk?

B. Aceto stated no. All of our entrances are at the west end of the building.

R. Schlansker stated this type of investment shows they're going to be staying for a while and really investing back into our Town.

D. Hennel asked if anyone else would like to speak for or against the motion.

D. Hennel closed the public hearing.

MOTION:

The applicant having applied for an area variance after having been denied a building permit related to the location of an electrical substation in the front yard at 501 Corporations Park, Glenville, NY and as identified on tax map # 29.-3-16.61 in the Town of Glenville, New York;

The applicant having applied for an area variance with regard to the Codes of the Town of Glenville 270-79 C Location - that no permitted accessory use or building shall be located in any front yard because the proposed use of the property would be in violation of such restriction or set back requirement; and

The Board having considered the application, after a full and complete public hearing on April 10, 2023, and after having considered the benefit to the applicant as weighed against any detriment to the health, safety and welfare of the neighborhood or community; in particular,

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Finding of fact: No, location for warehouse building is within existing business and technology park where a number of other buildings have similar electrical substations in similar locations. Layout of industrial park with access roads results in numerous 'front yards' for buildings with roads typically on multiple sides of buildings, while common in this park, unusual in the rest of the town.

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance.

Finding of fact: No, applicant has provided information where options to provide for necessary power inbound to building are limited as to where electrical substations can be located.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Finding of fact: Yes, the applicant is requesting total relief from the front yard requirement, but that alone should not preclude the granting of the application. Additionally, the final layout of the building and electrical substation would NOT be substantially different than other buildings within this complex.

4. Whether the area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Finding of fact: No, impact on environment is minimized based on the requirements imposed on applicant to physically protect the substation from

accident with permanent bollards as well as state requirements related to confinement of liquids/materials.

5. Whether there has been any self-created difficulty.

Finding of fact: No, due to the non-conforming nature of buildings within this previously established industrial park businesses were planned with multiple front yards, especially this property on a corner lot.

MOVED BY: David Hennel

SECONDED BY: Barry Suydam

AYES: 4 (Hennel, Schlansker, Peterson, Suydam)

NOES: 0

ABSENT: 1 (Beers)

MOTION GRANTED

MOTION: To adjourn the April 10, 2023 meeting of the Town of Glenville Zoning Board of Appeals at 6:30PM.

Moved by: Chairman Hennel

Seconded by: Brian Peterson

AYES: 4 (Hennel, Schlansker, Peterson, Suydam)

NOES: 0

ABSENT: 1 (Beers)

MOTION APPROVED

Next agenda meeting: May 15, 2023

Next meeting: May 22, 2023

Submitted by,

Kristen Bode, Stenographer

May 19, 2023
Date

ZBA Chairman

Date

Town Clerk

Date

FINAL