

1 **MEETING OF THE ZONING BOARD OF APPEALS**
2 **OF THE TOWN OF GLENVILLE**
3 **THE GLENVILLE MUNICIPAL CENTER**
4 **18 GLENRIDGE ROAD, GLENVILLE, NY 12302**
5 **March 25th , 2024**

6
7 **PRESENT:** Chairman David Hennel, Dick Schlansker, Brian Peterson, and Charles
8 Beers.

9 **ABSENT:** Barry Suydam.

10 **ALSO ATTENDING:** Planning Department / Stenographer: Nicholas Chiavini | Planning
11 Department: Anthony Tozzi | Legal Counsel: Colleen Pierson, Esq. |

12 **Chairman Hennel called the meeting to order at 7:00 pm.**

13 **MOTION:**

14 To accept the January 29, 2024 minutes.

15 **MOVED BY:** David Hennel

16 **SECONDED:** Brian Peterson

17 **AYES:** 4 (Hennel, Schlansker, Peterson, Beers)

18 **NOES:** 0

19 **ABSENT:** 1 (Suydam)

20 **ABSTAIN:** 0

21 **MOTION APPROVED**

22
23 **PUBLIC HEARING**

- 24 **1. Application of Dylan Drewes, 272 Saratoga Road, Glenville NY 12302**, for the re-
25 use and renovation of 139 Freemans Bridge Road as a Retail Ski Shop (Tune
26 Skis LLC). The property is currently owned by Stephen Ritzko, 139 Freemans
27 Bridge Road, Glenville NY. Dylan Drewes is currently under the option to lease or
28 purchase the property from Stephen Ritzko. The proposed plans necessitate a
29 variance to allow the reduction of green space requirements due to site
30 improvements, additional parking area and 2nd entry/exit location. This
31 property is located within the Freeman's Bridge Road Corridor District and is
32 identified on the Schenectady County Tax Map as Parcel # 30.14-2-1.

33
34 **In accordance with the Codes of Glenville, the following variances are requested**
35 **for 139 Freemans Bridge Road:**

36 **1. § 270-141B(1): Site and landscape design standards.**

37 *Minimum Landscape Area:* All nonresidential uses will retain at least 35%
38 of the property as green space.

39 The applicant's site plan proposes 20.1% green space. Therefore, a
40 variance of 14.9% is requested.

41
42 Brian Peterson read the submitted applications and the review factors for the variance
43 requests into the record.
44

- 45 1. Whether an undesirable change will be produced in the character of the
46 neighborhood or a detriment to nearby properties will be created by the granting
47 of the Area Variances(s).

48
49 Answer: By granting this variance we will create a clean and functional parking
50 area to improve parking, traffic flow, and safety of our employees and
51 customers

- 52
53 2. Whether the applicant can achieve their goals via a reasonable alternative which
54 does not involve the necessity of the variance.

55
56 Answer: To incorporate the necessary parking spaces per town requirement, we
57 will not be able to achieve our goals without a variance to green space.

- 58
59 3. Whether the requested area variance is substantial as compared to the lawful
60 dimensions allowed by zoning code.

61
62 Answer: Considering the size of the building in relation to the property line this
63 variance is not substantial compared to lawful dimensions.

- 64
65 4. Whether the area variance(s) will have an adverse impact on the physical or
66 environmental conditions in the neighborhood or district.

67
68 Answer: The variance will only improve the look and functionality of the property
69 at 139 Freemans Bridge Rd. In addition to the parking area, we will be planting
70 decorative trees along the proposed sidewalk location to beautify the property.

- 71
72 5. Whether there has been any self-created difficulty

73
74 Answer: Due to the minimum number of parking spaces needed, this variance is
75 necessary to reach important goals in the project. With the addition of a 2nd
76 entry/exist, we can significantly improve traffic flow and safety for our
77 customers and employees. We also would like to locate waste disposal in the
78 back, which is only possible with a paved rear parking area.

79
80 The application was signed by Stephen Ritzko, the property owner, on February 26,
81 2024. Notice of the applications was mailed to 14 property owners within 500 feet of
82 the affected property by the Town. This was a County referral. The County deferred to
83 local consideration and had an advisory note requesting that consideration be given to
84 having the business connect to the municipal sewer system and that the Town should
85 review parking to verify that 3 customer spaces was satisfactory.

86
87 No letters were received for or against the application.

88
89 Chairman Hennel asked if the applicant, Dylan Drewes (272 Saratoga Road) would like
90 to add anything to his application.

91 D. Drewes asked for confirmation that the variance was for reduction in greenspace.
92 D. Hennel confirmed the variance was for reduction in greenspace.
93 D. Hennel asked if the applicant must return to the Planning for final site plan approval
94 if the variance were to be granted.
95 D. Drewes answered that he was on the April Planning Board Agenda for Final Site Plan
96 Approval.
97 D. Hennel inquired if the applicant would connect to municipal sewer and had
98 addressed other concerns in the County Advisory note.
99 D. Drewes replied that the latest site plans demonstrated his intent to connect to both
100 municipal water and sewer. The County had received his first set of plans for review,
101 and they did not show these connections.
102 D. Hennel asked how the applicant planned to construct parking on another parcel.
103 D. Drewes replied that he had a lawyer working with Wal-Mart to verify existing
104 easements and, if necessary, obtain new easements that would allow the 2nd
105 entrance/exit of the property and parking.
106 D. Drewes further explained that if there were an issue with the easements from Wal-
107 Mart that, as far as the variance was concerned, there would be more green space
108 on his property than shown on the Area Variance application because he would not
109 be able to pave the site as extensively. He also stated that if the easements were not
110 available that he would still have the minimum number of parking spaces required
111 by Town Code.
112 D. Hennel observed that Wal-Mart's property near the applicant's project site, while
113 not technically included in the greenspace calculations, would have the desired
114 effect of visually buffering the project site with greenspace as viewed from the road.
115

116 **D. Hennel opened the public hearing.**
117

118 D. Hennel asked if anyone wished to speak for or against either application.
119 No one wished to speak.
120 D. Hennel asked if anyone on the Zoning Board had questions or comments.
121 D. Schlankser observed that the applicant's site plan showed the water and sewer
122 connections.
123 There was a discussion concerning whether the applicant already had easements with
124 Wal-Mart or if easements would need to be acquired.
125 D. Drewes answered that there are currently easements in place from when Wal-Mart
126 was first built, but they are seeking clarification from Wal-Mart on the language of
127 the easement to verify they are allowed to use them in the manner they are
128 proposing.
129 D. Drewes said that if the existing easements did not allow the use, that they would
130 obtain new easements from Wal-Mart.
131 C. Pierson stated that any easements should be submitted to the Planning Board
132 during final approval.
133 D. Hennel asked if anyone would like to speak in favor or opposed to the motion.
134 **D. Hennel closed the public hearing.**
135 D. Hennel made the following motion.
136

137
138 **MOTION:**

139 The applicant having applied for an area variance and having been denied
140 a building permit for redevelopment of a parcel in regard to minimum
141 green space requirements at 139 Freemans Bridge Road in the Town of
142 Glenville New York and identified on the tax map as 30.-14-2-2; and
143

144 The applicant having applied for an area variance in regards of the Town
145 of Glenville 270-141B: Site and Landscape Design Standards (1)
146 Minimum Landscape Area: "All nonresidential uses will retain at least
147 35% of the property as greenspace."; and
148

149 Because the proposal would be in violation of the dimensional zoning
150 regulations of the Town by providing 20.1% greenspace necessitating a
151 variance of 14.9%; and
152

153 The Zoning Board of Appeals having considered the application, after a
154 full and complete public hearing held on March 25, 2024; and after having
155 considered the benefit to the applicant as weighed against any detriment
156 to the health, safety, and welfare of the community in particular,
157

- 158 1. Whether an undesirable change will be produced in the character of
159 the neighborhood or a detriment to nearby properties will be created
160 by the granting of the area variance.
161

162 Finding of fact: No, reduction in greenspace based on submitted
163 design will leverage adjacent parcel and visually still provide adequate
164 amount of greenspace.
165

- 166 2. Whether the applicant can achieve their goals via a reasonable
167 alternative which does not involve the necessity of the area variance.
168

169 Finding of fact: No, applicants desire to improve property and provide
170 for sufficient ingress /egress limits ability to meet greenspace
171 requirements.
172

- 173 3. Whether the requested area variance is substantial as compared to
174 the lawful dimensions allowed by zoning code
175

176 Finding of Fact: Yes, variance is for reduction of 40% of required
177 greenspace.
178

- 179 4. Whether the area variance will have an adverse impact on the physical
180 or environmental conditions of the neighborhood or community
181

Finding of Fact: No, visually for traffic on Freemans Bridge Road, on applicant parcel, or entering via Walmart entrance will still have significant greenspace and will not impact the neighborhood.

5. Whether there has been any self-created difficulty

Finding of Fact: Yes, the situation is self-created.

Now, therefore be it resolved that this area variance application for a 14.9% reduction in required greenspace for a nonresidential property be granted without conditions.

MOVED BY: D. Hennel
SECONDED BY: D. Schlankser
AYES: 4 (Hennel, Schlankser, Peterson, Beers)
NOES: 0
ABSENT: 1 (Suydam)

MOTION APPROVED

PUBLIC HEARING

2. Application of, Hindes Properties, LLC, 38 Rosemere Road, Ballston Lake, NY 12019, for Plush Hair Salon, 765 Saratoga Road, Glenville, NY 12302. The applicant is requesting a Conditional Use Permit to establish a Yoga Studio (Indoor Recreation Facility) in the rear of the salon. This property is located in the Community Business zoning district. It is identified on the map as parcel# 10.13-1-14.411

In accordance with the Codes of Glenville, the following is being requested: A Conditional Use Permit in order to establish an Indoor Recreation Facility in the Community Business District.

1. § 270-18 C: Uses Permitted by Conditional Use Permit which also Require Site Plan Review.

(1) Indoor recreation facilities.

Brian Peterson read the submitted applications and the review factors for the variance requests into the record.

1. The establishment, maintenance, or operation of the Conditional Use will not be detrimental or endanger the public health, safety, morals, or the general welfare of the community.

Answer: The establishment, maintenance, health, safety will not be detrimental or endanger the public. The addition of yoga classes will be a healthy option for residents of Glenville that are now traveling outside our community for those classes.

- 227 2. The Conditional Use will not compromise the use and enjoyment of other
228 property in the immediate vicinity, nor substantially diminish and impair
229 property values within the neighborhood.
230

231 Answer: The Conditional Use will not the [sic] use and enjoyment of other
232 property in the vicinity. It will also enhance the value of neighboring properties
233 because of keeping our residents in our neighborhood to enjoy healthy options
234 of exercise and meditation.
235

- 236 3. The establishment of the Conditional Use will not impede the normal and orderly
237 development and improvement of surrounding properties.
238

239 Answer: The establishment of a Yoga Studio will not impede the normal and
240 orderly development or improvement of surrounding properties. It will enhance
241 surrounding properties by keeping our residents here, which now they will go to
242 surrounding businesses and partake in what they offer as well.
243

- 244 4. Adequate utilities, access roads, drainage, and any other necessary facilities
245 have been or will be provided to serve the Conditional Use.
246

247 Answer: Adequate utilities, access roads, and driveways are already provided.
248 Nothing additional is needed although we will be putting additional stone on
249 side of the building to open up parking in the back of the building in the event
250 there is a need for space for salon employees during the overlap of yoga/salon
251 employer coming and goings.
252

- 253 5. Adequate measures have been or will be taken to provide ingress or egress to
254 the site in such a manner as to minimize traffic congestion in the public streets.
255

256 Answer: Adequate measures have been taken to provide ingress and egress
257 around site to minimize traffic congestion. The studio will be opened off hours
258 from the Hair Salon. 5-9AM, 7-10PM whereas the salon hours are 9AM-7PM.
259

- 260 6. The Conditional Use shall, in all other respects, conform to the applicable rules,
261 regulations, and ordinances of the Town, and be consistent with the Town of
262 Glenville Comprehensive Plan
263

264 Answer: The Conditional Use conforms to the community business zoning and
265 will abide by all rules and regulations in the Town of Glenville.
266

267 The application was signed by Mark Hindes, the property owner, on January 22, 2024.
268 Notice of the applications was mailed to 13 property owners within 500 feet of the
269 affected property by the Town. This was a County referral. The County deferred to
270 local consideration and had an advisory note that notice must be given to the
271 Ballston Town Clerk pursuant to General Municipal Law Section 239-nn.
272 No letters were received for or against the application.

273 D. Hennel asked if the applicant, Mark Hinds (38 Rosemere Road, Ballston Lake)
274 would like to add anything to his application.
275 M. Hinds replied that his application had covered everything.
276
277 **D. Hennel opened the public hearing.**
278
279 D. Hennel asked if anyone wished to speak in favor or opposed to the motion.
280 No one wished to speak.
281 D. Hennel asked N. Chiavini if a stone parking lot was allowed as described in the
282 application.
283 N. Chiavini replied that all parking was required to be paved according to Town Code.
284 M. Hinds said that the property possessed the minimum required number of paved
285 parking spaces in the front parking lot.
286 N. Chiavini stated that all parking was required to be paved; not just the minimum
287 number of spaces according to Town Code.
288 D. Hennel told the applicant that he had concerns that both the salon and the Yoga
289 Studio would have overlapping hours because the hours of operation were
290 inconsistent in the application, the salon's website, and in other instances.
291 M. Hinds replied that no matter the hours, the Yoga Studio and Hair Salon would not
292 be open at the same time.
293 D. Hennel asked to clarify that the existing parking was adequate for the salon. He
294 recalled that parking minimums for salons are based on the number of chairs and
295 asked N. Chiavini for confirmation.
296 N. Chiavini replied that the Town Code specifies 2 parking spaces per chair and that M.
297 Hinds' site plan for Plush Hair Salon showed there were 4 chairs.
298 M. Hinds replied that he believed there might be 5 chairs, but was not completely
299 confident in that number. He concluded by saying they absolutely had enough
300 parking spaces since he had to undergo site plan review previously for the Salon.
301 D. Hennel asked the applicant to state clearly that the salon and Yoga Studio would not
302 be open at the same time. He reiterated his concern that there would not be enough
303 parking if they were to operate at the same time.
304 M. Hinds affirmed that there would not be any overlap in the operating hours of the
305 two businesses. He pointed out that the Yoga Instructor (not present) had a 9-5 job
306 and would be working her day job during the Hair Salon's operating hours.
307 D. Hennel inquired whether the Yoga Studio would be open during the weekend.
308 M. Hinds replied that there would be no yoga classes to his knowledge.
309 D. Hennel replied that his application stated there would be Yoga Classes on Saturday.
310 M. Hinds apologized for the confusion and stated that Saturday Yoga Classes would
311 be held from 5AM-9AM and 7-10PM.
312 D. Hennel stated that according to Plush Salon's website their hours of operation
313 would conflict with those times.
314 M. Hinds replied that Plush Salon's website was out of date and can't be updated with
315 new hours of operation. He said there was an issue with being able to log in and edit
316 the website.
317 D. Hennel asked M. Hinds for the number of chairs in the Hair Salon.

318 M. Hinds said he was confident there were no more than 5 chairs, but reiterated that
319 he wasn't sure of the exact number. He ended by stating he was confident that the
320 site met parking requirements.

321 D. Hennel stated that he had no issue with the establishment of a Yoga Studio, but that
322 he had serious concerns about traffic and parking on the site.

323 D. Hennel stated that if the applicant had shown additional paved parking on his site
324 plan that he would be more comfortable with granting the Conditional Use Permit.

325 M. Hinds expressed confusion with the parking conversation because he met the
326 required minimum number of spaces and had stated repeatedly that the hours of the
327 Yoga Studio and the Salon would never overlap.

328 D. Hennel stated he had doubts about M. Hinds information regarding operating
329 hours because there was so much conflicting information on the application and
330 website.

331 C. Beers read Question #4 on the Conditional Use application which stated that there
332 would be some overlap between the Yoga Studio's operation and the Hair Salon's
333 operation. He surmised that the applicant had admitted parking would be an issue in
334 his answer to this question.

335 M. Hinds replied that the question concerns employees coming and going and not
336 customers.

337 C. Beers repeated that the applicant had acknowledged there would be overlap.

338 M. Hinds replied that overlap would only occur right before the switch in operations
339 between the two businesses.

340 C. Beers replied that made no difference and there would be insufficient parking.

341 M. Hinds stated he would work with the Yoga Studio and Hair Salon to adjust their
342 hours to minimize overlap when one business closes and the other opens.

343 C. Beers asked M. Hinds to verify the number of chairs in the Hair Salon and the
344 number of parking spaces present on the site.

345 There was a discussion about what counted as a parking space and it was determined
346 that there were 13 spaces shown on the plan.

347 C. Beers said the prior conversations demonstrated there was a lack of accurate
348 information in this application.

349 C. Beers suggested it would be in the applicant's interest to request a tabling of the
350 application and for the applicant to return next month with accurate information for
351 the Zoning Board to review.

352 M. Hinds disagreed and stated that these were small details that did not affect his
353 overall application. He elaborated that the salon was already approved, and it had
354 been determined by the Planning Board that he met the minimum parking
355 requirements. He further promised that there would be no overlap in hours of
356 operation and that he would pave the rear and side parking areas.

357 C. Beers asked how many square feet the proposed Yoga Studio would occupy.

358 M. Hinds answered that the Yoga Studio would be approximately 1,200sqft.

359 C. Beers asked how many people M. Hinds estimated would be attending yoga in the
360 1,200sqft Yoga Studio.

361 M. Hinds answered that he had no idea. He stated that the Yoga Instructor currently
362 has a 400sqft space that attracts around 7 people.

C. Beers replied that simply extrapolating that number to the current space results in at least 21 people, which is significantly more than the existing parking provides.

M. Hindes replied that he was not sure if that would be accurate.

D. Hennel stated that it sounded like he would need 21 parking spots for the Yoga Studio and that would be with the generous assumption there would be no overlap in hours or people coming and going from the Hair Salon.

D. Schlankser stated that parking is calculated for the Yoga Studio as an Indoor Recreation Facility which is based upon square footage, so he was not sure the Board should be looking past that requirement. The existing paved parking lot meets the minimum requirements according to Town Code.

D. Hennel replied that as part of reviewing a Conditional Use Permit the Board is required to consider ingress, egress, and safety as a factor and impose conditions to address any issues which could include requiring more parking than the minimum.

D. Hennel asked the applicant if there was also a residence on this property.

M. Hindes affirmed that there was a residence on the property.

D. Hennel asked where the residents parked on the property.

M. Hindes stated the residents park on the unpaved area at the rear of the building.

D. Hennel stated that would need to be addressed since parking on unpaved areas was not allowed.

C. Pierson asked the applicant how people would enter the Yoga Studio after hours since the entrance and exit are through the Hair Salon.

M. Hindes stated the Yoga Instructor would have a key and let people in through the Hair Salon.

C. Beers asked the applicant about chemicals stored on site. He was concerned because the applicant stated there would be no chemicals stored on site, but there would be hair products like bleach.

C. Beers said that was another inconsistency in the materials provided and would like the application tabled until the Zoning Board is provided with complete information.

M. Hindes asked if he would need to pave the unpaved parking areas prior to receiving a Conditional Use Permit along with providing all the other information being requested.

C. Pierson replied if he were to receive a Conditional Use Permit then he would need to go back to the Planning Board and that is where the details like paving could be deliberated.

M. Hindes replied that he understood.

C. Pierson clarified that the Zoning Board had not stated that if he provided these things that he was guaranteed to be approved for the Conditional Use Permit. The Zoning Board had simply requested more complete information. She concluded by conveying that she had just wanted to make this aspect clear to the applicant.

C. Beers said that if the Zoning Board of Appeals were to deny the Conditional Use Permit that the application would need to be substantially different for it to be placed in front of them again.

D. Hennel suggested that the applicant reach out to the East Glenville Fire Department to ensure that any parking configuration would not block fire truck access to the side and rear of the building.

C. Beers seconded that it would be quite helpful if the applicant were able to obtain a letter from the fire chief confirming access.

D. Hennel reiterated that paved parking was required by the Town Code and would need to be done no matter what happened that night at the Zoning Board.

C. Beers asked the applicant if he was comfortable tabling his application.

M. Hindes replied that he would like to table his application and would work towards providing more information concerning hours, parking, and the other items discussed that night.

D. Hennel made the following motion.

MOTION:

To Table the Conditional Use Permit Application for the property located at 765 Saratoga Road.

MOVED BY: D. Hennel

SECONDED BY: C. Beers

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

NOES: 0

ABSENT: 1 (Suydam)

MOTION APPROVED

PUBLIC HEARING

Application of, Luco Associates, LLC, 2505 Whamer Lane, Niskayuna, NY 12309 at 27 Airport Road, Glenville, NY 12302, for a Conditional Use Permit to establish a 0.86 acre fenced contractor yard for Mid-State Industries, LLC. This property is located in the Research Development Technology District. It is identified on the map as parcel# 30.-1-44

In accordance with the Codes of Glenville, the following is being requested: A Conditional Use Permit in order to establish a Contractor's Yard in the Research Development Technology District.

§ 270-20C Uses Permitted by Conditional Use Permit which also Require Site Plan Review.

(4) Contractors' offices, shops and yards.

Brian Peterson read the submitted applications and the review factors for the variance requests into the record.

1. The establishment, maintenance, or operation of the Conditional Use will not be detrimental or endanger the public health, safety, morals, or the general welfare of the community.

Answer: The proposed use will not be detrimental or endanger the public health, safety, morals, or general welfare of the community. The proposed use is

located in the Airport Business Park and is similar to existing uses within the park, office/warehouse/contractor yards. The proposed use will not manufacture any of the materials that are used to conduct their business of commercial roofing. Materials used to conduct their business of commercial roofing will be stored on site in their original packaging awaiting transport to remove job sites for use at those locations. The applicant does not anticipate any emissions, odors, or discharged that would harm the community.

2. The Conditional Use will not compromise the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values within the neighborhood.

Answer: The proposed use will not compromise the use and enjoyment of other property in the immediate vicinity, not substantially diminish and impair property values within the neighborhood. The proposed use is similar to existing uses in the Airport Business Park. The proposed use is located adjacent to a similar property where there is a mix of office space, warehousing, and contractor yards. The proposed building architecture will be developed to complement surrounding properties.

3. The establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding properties.

Answer: The establishment of the Conditional Use will not impede the normal and orderly development and improvement of surrounding properties. The proposed use is located at the terminus of Airport Road with no other vacant properties surrounding it for future development. The proposed use will not encroach on surrounding properties or create any obstacles to future improvement to surrounding properties.

4. Adequate utilities, access roads, drainage, and any other necessary facilities have been or will be provided to serve the Conditional Use.

Answer: Adequate utilities, access roads, drainage, and any other necessary facilities have been or will be provided to serve the proposed use. Adequate access is provided through the business park with the proposed use located at the terminus of Airport Road. The proposed project will connect to municipal sewer and water that is located adjacent to the property. The applicant understands the installed utilities were designed for full build out of the business park and does not anticipate any issues with available capacity. Storm water infrastructure will be designed to provide a zero net increase of peak runoff rates from pre-development to post-development conditions up to the 100yr design storm.

5. Adequate measures have been or will be taken to provide ingress or egress to the site in such a manner as to minimize traffic congestion in the public streets.

499
500 Answer: Adequate measures have been or will be taken to provide ingress and
501 egress to the site in such a manner as to minimize traffic congestion in the
502 public streets. Adequate access is provided through the business park with the
503 proposed use located at the terminus of Airport Road. The proposed use will not
504 have direct access to Route 50, but will access the site from Route 50 at existing
505 signalized intersections.
506

- 507 6. The Conditional Use shall, in all other respects, conform to the applicable rules,
508 regulations, and ordinances of the Town, and be consistent with the Town of
509 Glenville Comprehensive Plan
510

511 Answer: The Conditional Use is consistent with the Town of Glenville
512 Comprehensive Plan. The proposed use is similar to existing uses within the
513 Airport Business Park of which most are commercial in nature. The project site
514 is constricted on the south side of the parcel by an existing overhead electrical
515 service easement to National Grid creating the need for a building, parking, and
516 contractor yard setback variance from the Airport Road ROW. The proposed use
517 will request a third driveway entrance to allow better vehicle flow through the
518 parking area and contractor yard. The proposed use will meet all other
519 applicable rules, regulations, and ordinances of the Town.
520

521 The application was signed by the property owner, on February 12, 2024. Notice of the
522 applications was mailed to 17 property owners within 500 feet of the affected property
523 by the Town. This was a County referral. The County recommended approval and had
524 an advisory note that the proposed Norway Maple is an invasive species and should be
525 replaced with a native deciduous tree.
526

527 --LETTERS RECEIVED--

528 Letter 1:

529 *Zoning Board of Appeals,*
530 *We are disappointed not to have the opportunity to speak at this meeting.*
531 *Tome and I have many concerns with this project – we reside at #38 Saratoga*
532 *Rd also own #36 for 24 years!*
533

534 *We have a financial interest in our property – prior to us Hollenbeck family*
535 *lives here for 60+ years – While we do understand this is a commercially*
536 *zoned area there are many residential homes adjacent to this property – We*
537 *do hope you will give us the opportunity to voice our concerns with this*
538 *project: Noise, Lights, Deliveries, Trucks Idling, just a few.*
539

540 *Once this is approved we have no recourse. Also this is the first we are hearing*
541 *of this. When land was being cleared no one in the Town knew what was going*
542 *on – Seems like it's a Metroplex deal without conversation!*
543

544 *Lastly, food for thought – This property on Airport Road would make a GREAT*
545 *entrance/exit for the current residential properties that will eventually turn into*
546 *full commercial. Route 50 growing another egress would be beneficial. Hope to*
547 *hear from you!*
548 *Thank you,*
549 *Maureen Culver*

550 --LETTERS RECEIVED--

551
552 D. Hennel asked if the applicant wished to add anything to the application.

553
554 Michael Roman (C2 Architecture) and Michael Dussault (Engineering Ventures, PC)
555 were representing the project on behalf of the applicant.

556 M. Dussault gave a brief overview of the project explaining the zoning, existing
557 nonconformity in the lot depth, and reasoning for the variances. These reasons
558 included the National Grid Easement to the rear of the property pushing the
559 development into the front setback and the necessity for delivery trucks to be able to
560 safely navigate into and around the contractor's yard.

561 M. Dussault provided new plans to the Zoning Board addressing some of the Planning
562 Board concerns. Among the changes was a re-calculated side setback that now
563 included a part of the building previously ignored in the calculation. Another change
564 was that fencing in the front of the property was moved back an additional 3ft to
565 minimize the variance and privacy fabric was swapped out for a solid material in the
566 chain link fence. There was also an increase in density and the number of plants
567 being placed around the site for a more effective buffer.

568 C. Pierson stated that this application is for the Conditional Use Permit and
569 conversation should not focus on the Area Variances because that was a separate
570 application.

571 D. Hennel replied that it was difficult to separate the two, so he thought it best to have
572 the applicant give the entire presentation and then the Zoning Board could focus on
573 the Conditional Use Permit application first before moving onto the variances.

574 C. Beers questioned the procedure concerning the applicant providing new plans the
575 night of the meeting. He explained that the new application provided different values
576 for variances requested and that the Zoning Board had spent the last week reviewing
577 plans that were worthless now. He wondered if it would be best to table the
578 application.

579 N. Chiavini asked M. Dussault and M. Roman to summarize all the changes to the new
580 site plans as they related to the variances.

581 M. Roman replied that the building design had not changed and that the only reason
582 the side setback calculation was different is because the Planning Board instructed
583 them to include a part of the building that jutted out towards Route 50 in the
584 calculation.

585 M. Dussault replied that the only variance that was affected by the new plans was the
586 increased front yard setback.

587 M. Roman expressed confusion at the issue because the new plans were submitted to
588 the Planning Board yesterday and incorporated the Planning Board's suggestions for
589 the Site Plan.

C. Pierson replied that the issue was the Zoning Board and Planning Board were not the same entity and that the application submitted to the Zoning Board for review last month is different than what was being presented now. She added that submitting new plans the night of the meeting generated confusion and did not give Zoning Board Members adequate time to review the plans.

C. Beers expressed to the applicant he did not believe he was being unreasonable in his expectation that the drawings under review by the Zoning Board would coincide with the values and descriptions in the applications submitted for the meeting.

There was a discussion between Board Members, Legal Counsel, and the Applicant about whether to continue reviewing the application at the meeting. It was determined that the review would continue, but the Applicant was informed that coming to the meeting with new plans was highly inappropriate and ill-advised.

M. Dussault gave a presentation demonstrating the need for a contractor's yard of its size by showing the turning radius of the 53ft long delivery trucks the applicant would utilize. He further explained that the site would receive between 1-2 deliveries per week to bring products to the site.

M. Roman added that given the lot's configuration it would be impossible for the site to work with a smaller contractor's yard or smaller buildings.

M. Roman went over the architectural details of the buildings and emphasized how much care and consideration had gone into their design. He pointed out that primarily only the office building would be viewable to anyone on Route 50 and that they worked hard to make the building as attractive as possible with the materials chosen and the architectural features. He drew comparisons between this building and much more dilapidated buildings lining Route 50 and throughout Town. He concluded by describing the effort that went into plantings and buffering the contractor's yard from the surrounding areas and that the site plan before the board was as minimized as they could possibly make the proposal.

D. Hennel opened the public hearing.

D. Hennel asked if anyone wished to speak in favor or opposed to the motion.

Tom Culver (36-38 Saratoga Road) wished to speak in opposition to the motion.

T. Culver specified that his properties were located near the site.

T. Culver stated that both he and his wife were aware that this area was zoned industrial when they bought the property. However, he expressed his feelings that it did not change the fact that his family had suffered and their quality of life degraded with every new development in this area. He described issues with noise, lights, and traffic associated with nearby properties that were built since they bought their properties.

T. Culver stated that his issues with this project were: hours of operation, noise, property values, traffic, truck drivers idling, and many more. He expressed alarm at the magnitude of the variances and argued that if these variances were granted that there would be nothing stopping all future developments from ignoring those rules. He concluded by expressing his opinion that the proposed project is too large and industrial for the site and would not fit in with the surrounding area.

Maureen Culver (36-38 Saratoga Road) wished to speak in opposition to the motion.

636 M. Culver stated that she found it unfair that M. Hindes was given a hard time for
637 wanting to open a Yoga Studio in an existing building while it seemed that the
638 Contractor's Yard application was being rushed through the process. She suspected
639 that the project was a County and Metroplex backroom deal that the Town had no
640 say in. M. Culver stated that neither she nor any of her neighbors had received notice
641 about this project and that was unfair to everyone.

642 M. Culver described the life her and her husband had built on their property over the
643 past several decades as well as that of their long-time neighbors whose quality of life
644 would be severely degraded by this project.

645 M. Culver said that the project was going through the approval process much too
646 quickly and that the Town should hit the brakes on the project and inform the
647 neighborhood about this proposal and to conduct an in-depth analysis of the
648 proposal rather than rushing it through.

649 M. Culver described issues she had been having with neighboring businesses and was
650 frustrated that the Town was ignoring her complaints about noise and other
651 nuisances. She believed the project tonight would be just as bad, if not worse than
652 the existing neighbors.

653 M. Culver stated that the Town has rules regarding setbacks and other requirements
654 for a reason, and that she believed if a project required 90+% reduction in these
655 requirements that the project obviously does not belong there.

656 M. Culver continued to express her dismay at the lack of public notice and input
657 regarding this project. She stated that she woke up one day and saw the site had
658 been clearcut and when she called the Town Supervisor, he stated he did not know
659 what was going on with this site. She further described conversations she had with
660 the Deputy Town Supervisor and other Town Board members and stated that none of
661 them had any idea what was occurring on the site.

662 M. Roman responded that he had lengthy discussions with the Town Supervisor
663 months ago and that he had reached out to Anthony Tozzi in the Planning
664 Department for permission to clearcut the site.

665 T. Culver added that if these variances were to be granted then he did not see the point
666 in having any requirements at all. He gave several examples of things he would like to
667 do with his property that the Zoning Board should allow him to do if they were to
668 grant the variances requested by the project before them.

669 M. Culver described an Area Variance application for an accessory structure that she
670 had submitted many years ago and had been denied. She stated it would be absurd if
671 the Board approved this project with so many variances but would not let her build an
672 accessory structure.

673 M. Culver concluded by stating that it seemed like small businesses were being
674 punished in the Town for doing things the correct way while larger businesses from
675 outside the area have all the rules waived for them.

676 D. Hennel asked if anyone else wished to speak.

677 M. Roman explained that a lighting analysis had been conducted and that there would
678 not be any light spillover from the property, so neighbors had no reason to worry
679 about that.

680 D. Hennel asked for lighting details.

681 M. Roman stated that the lighting locations and the analysis was provided in the
682 complete package submitted to the Planning Board for the April meeting.
683 D. Hennel asked if M. Roman had copies for review.
684 M. Roman stated he did not have any copies.
685 C. Beers asked how the Zoning Board could be expected to make a judgement on the
686 application with incomplete information. He reiterated the issues with bringing new
687 plans the night of the meeting and stated that doing so made it hard for the Board to
688 comprehensively review the application.
689 M. Roman stated that the hours of operation would be 7:30am-3:30pm and that it
690 would be far less intrusive than manufacturing, which he reminded everyone was
691 also an allowed use in the RDT Zone.
692 M. Roman assured the Zoning Board and the audience that deliveries would only come
693 in during those hours.
694 M. Roman read the email in which A. Tozzi granted him permission to clearcut the site
695 on January 28th.
696 M. Roman and M. Culver had a disagreement about how buffered her properties would
697 be from the site.
698 D. Hennel informed both that they should not be speaking to each other and should
699 instead address the Zoning Board.
700 D. Hennel asked M. Roman to state for the record that the hours of operation would not
701 fall outside 7:30am-3:30pm
702 M. Roman stated that the hours of operation would be 7:30am-3:30pm.
703 Mike Lucey (Mid-State Industries LTD) stated that the hours of operation were to be
704 7:30am-3:30pm. He explained that deliveries take 20-30 minutes and that there
705 would be no deliveries on the weekends or outside of their operating hours.
706 T. Culver asked about equipment storage and expressed concern that the equipment
707 would be moved around outside of operating hours.
708 M. Lucey stated all their equipment would be stored indoors.
709 C. Pierson stated that if the project were to be approved there should be a condition
710 that the project must abide by their written plans and statements made that night.
711 She said it was important that the applicant was held to the statements made during
712 the meeting. She stated it would be wrong for the project to be approved based on
713 statements made at the meeting and then for the neighbors to live with the
714 consequences of the property operating in a different way.
715 D. Hennel expressed the concern with the rear setback in particular due to the
716 proximity to a residence and an existing business. He stated that the proximity would
717 absolutely affect the existing neighborhood character and expressed interest in
718 having the magnitude of that variance lessened.
719 M. Roman replied that he did not believe that it was feasible to lessen the magnitude of
720 that variance any further and maintain the feasibility of the site, but that was
721 something they could explore. He stated that he would be more than willing to
722 increase plantings to soften the visuals and better buffer the site.
723 M. Roman gave a presentation of all the plantings they had included on the site to
724 make it a more attractive space to the public eye.
725 C. Beers asked M. Roman and M. Dussault if there was a "Plan B" if they did not receive
726 their variances.

727 M. Roman replied that without the variances the site would not be feasible. He stated
728 that the only option he sees would be to make the buildings smaller, but that it might
729 hinder the operations of Mid-State.

730 M. Roman added that without the variances it would be very likely that they would not
731 build this project on the site. He summarized the previous explanations given for the
732 site layout regarding storage, equipment turn radii, stormwater management, and
733 parking.

734 M. Roman concluded by saying he was confident that what was shown on the site plan
735 was the bare minimum needed for the feasible operations of the site. He added that
736 these variances were not being requested simply because they wanted to build a
737 massive site, but that the variances were truly necessary for the business to operate.

738 D. Hennel asked if stormwater management systems could be reduced and the
739 contractor's yard could take some of that space in order to lessen the magnitude of
740 the variances.

741 M. Roman answered that according to their calculations regarding volume the
742 stormwater management systems could not be further reduced.

743 M. Dussault added that the lot was existing non-conforming which he argued causes
744 many of these problems with variances.

745 There was a discussion about the definition of Lot Depth and how it was calculated.
746 The minimum lot depth required was 200ft and the lot was currently 170ft.

747 M. Roman reiterated that without these variances the project would likely never be
748 built, and the site would sit vacant.

749 D. Hennel stated that he had far less of an issue with the variances relating to the
750 building and much more concern for the contractor yard setbacks, particularly to the
751 rear.

752 D. Hennel also reminded the applicant that, out of the 4 Board Members present, he
753 would need 3 of the 4 votes. D. Hennel asked if the applicant was willing to table the
754 application and return with new plans.

755 C. Pierson asked if the public hearing would be closed with the tabling.

756 D. Hennel stated he would leave it open.

757 N. Chiavini stated that the public hearing was currently just for the Conditional Use
758 Permit. He asked if the public hearing for Area Variances would be opened at all in
759 the meeting?

760 D. Hennel stated it was difficult to remove the Area Variances from the Conditional Use
761 Permit.

762 C. Pierson replied that she understood what D. Hennel was saying, but procedurally
763 was a different matter.

764 D. Hennel asked if any Zoning Board members had further questions.

765 B. Peterson expressed concern with the turning radius shown on the provided site
766 plans. The rendering showed a semi-truck that crossed parking spaces in order to
767 make the turn. B. Peterson was concerned about semi-trucks becoming trapped due
768 to parked cars or if a semi-truck were to arrive that was too big to make the
769 turnaround.

770 B. Peterson repeated that the applicant stated the hours of operation were 7:30am-
771 3:30pm. However, he expressed concern with out-of-state drivers arriving during off-
772 hours and sleeping in their truck on the road.

773 M. Roman answered that it was in no one's interest to bring a truck too large to the site
774 or to arrive when the business is closed. The applicant would provide this
775 information to the truck drivers making the delivery and the truck drivers would not
776 want to sleep on Airport Road. He pointed out that the issue could be asked of every
777 business receiving deliveries.

778 C. Beers replied that did not address the issue of the rendering showing the semi-truck
779 sweeping over half a dozen parking spots in order to make the turn. He added that if
780 the deliveries were made during the hours of operation, then those parking spots
781 would likely be occupied.

782 There was a discussion among the Zoning Board about alternative ways a semi-truck
783 could make the turn.

784 D. Schlankser sought to clarify aspects of the site design and had suggestions for
785 making more efficient use of the space and for easier truck access. He also asked C.
786 Pierson if they would be voting on a Conditional Use for 0.86 acres of contractor yard,
787 or just the contractor's yard in general. He wanted to clarify if there would be an issue
788 with granting 0.86 acres of contractor's yard as a Conditional Use and if that would
789 have conflicted with denying or granting certain Area Variances.

790 D. Hennel stated it was his understanding that the Conditional Use Application was
791 solely concerned with the use whereas the Area Variance Application was concerned
792 with dimensions and size.

793 D. Hennel asked Nicholas Chiavini the same question.

794 N. Chiavini replied that the Conditional Use Permit was simply to allow a Contractor's
795 Yard on this property and had nothing to do with its size. The dimensional aspects
796 would be addressed in the Area Variances.

797 C. Pierson confirmed N. Chiavini's statement concerning the Conditional Use Permit.

798 Mark Storti (Schenectady County) wished to speak and reiterated that there are two
799 separate applications: Conditional Use and Area Variances. He stated that these
800 would be voted on separately and to not conflate the two.

801 M. Storti explained that the Conditional Use Permit Application concerns the use of a
802 property and was specified in allowed uses within a Zoning District. He stated that a
803 Contractor's Yard was allowed in RDT. The second application concerned the
804 dimensions and layout of the yard and would be addressed by Area Variances.

805 N. Chiavini added that some of the concerns he had heard about noise and lighting had
806 less to do with a contractor's yard in particular and more to do with the types of uses
807 allowed in RDT at large. He expressed his opinion that the site was zoned Industrial
808 and had been for many years and would likely eventually have an industrial use
809 placed upon it.

810 M. Culver stated that she knew the land was zoned Industrial and was fine with
811 development, but that the application in front of the Zoning Board was too intense of
812 a use even for the RDT Zone as could be seen by the number of variances.

813 D. Hennel reminded everyone that the Board would be voting on what was said at the
814 meeting and what was provided in the application. He brought up the hours of
815 operation and explained that the statements made by the applicant would be made
816 part of the conditions of approval.

817 C. Pierson agreed and stated that she had seen applicants make statements at
818 meetings to gain approval and then do the opposite after receiving final approval.

819 She explained that she did not want to see that happen with this application because
820 so many people would be affected by this project being approved.

821 Anthony Tozzi (Planning Dept) stated that, in his experience, Zoning Boards incorrectly
822 tend to treat Conditional Use Permits as they would Variances. He explained that a
823 use of the property requiring a Conditional Use Permit simply means that the Town
824 Board believed it should be allowed in the Zone, but with some extra consideration.
825 He provided an example of allowing Dog Kennels and Senior Centers, which would be
826 fine on their own, but require special consideration in where they are located.

827 C. Pierson replied that it may be listed as an allowable use, but that the Zoning Board
828 still must evaluate it according to the 6 factors in Town Code. They cannot ignore
829 problems with ingress/egress, effect on the neighborhood, and other factors.

830 D. Hennel explained that in his view, there was an issue because the Variances coupled
831 with the Conditional Use showed that there are a number of issues. He stated that if
832 the application was just for a Conditional Use Permit that he would have much less
833 of an issue, but the application was deficient in many areas of Town Code as shown
834 in the Area Variance Application.

835 C. Pierson explained that, although difficult, they did have to keep the Conditional Use
836 and Area Variance Applications separate from each other.

837 D. Hennel asked if the applicant was comfortable with tabling the application.

838 C. Beers asked the applicant if there was any way they could reduce the magnitude of
839 the variances.

840 M. Roman explained his belief that the project fits in with the character of the
841 commercial and industrial corridor and every effort was already made to minimize
842 these variances and to make the building an attractive addition to the Town. He
843 stated that the project is located within an Industrial Park, and he did not understand
844 some of the issues brought up tonight.

845 M. Roman concluded by reiterating that he did not believe the site would be feasible for
846 the owner if the site were reconfigured to eliminate or minimize the need for
847 variances. He stated that he believed it was likely that they would not be able to
848 come back with a new proposal.

849 M. Roman said in the face of an outright denial vs a tabling, he would opt to table the
850 application and try to find a way to make the project work.

851 C. Pierson asked who currently owned the land.

852 M. Roman replied that the applicant currently owns the land and had bought the
853 property from Schenectady County.

854 C. Pierson asked if M. Storti was involved in the transaction and approval by the
855 County.

856 M. Storti replied that the County Planning Department reviewed it, but he did not.

857 A. Tozzi stated that the County conducted a 239 Plan Review.

858 D. Hennel asked to clarify that Schenectady County used to own the land but sold it to
859 the applicant.

860 M. Roman replied that was the case and that Schenectady County owned all the land in
861 that area of Town.

862 C. Pierson asked A. Tozzi if it was true that he gave permission for the applicant to
863 clearcut the site.

A. Tozzi replied that he did give permission because there was nothing in the Town Code prohibiting the clearcutting of that acreage.
C. Pierson asked if A. Tozzi knew what was being proposed at that time.
A. Tozzi replied that he did have a general idea, but that no plans had been submitted at the time.
M. Roman stated that he had a meeting with the Planning Department to review the concept prior to applying for Site Plan Review.
A. Tozzi affirmed that there was a conceptual meeting.
B. Peterson asked C. Pierson if they granted the Conditional Use would the lot forever have a Conditional Use Permit for a Contractor's Yard even if this project was not completed.
C. Pierson answered that they could tie their approval the site plan provided as a condition.
M. Roman stated he would like to table the application rather than see it outright denied. He reiterated how hard everyone had worked on making it fit into the neighborhood with minimal intrusion on neighbors and how it would be a shame if that all went to waste.
D. Hennel stated that if M. Roman was looking to change anything about the site layout that he would suggest the rear setback.

D. Hennel made the following motion.

MOTION:

To Table the Conditional Use Permit Application and the Area Variance Application for the property located at 27 Airport Road.

MOVED BY: D. Hennel

SECONDED BY: C. Beers

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

NOES: 0

ABSENT: 1 (Suydam)

MOTION APPROVED

D. Hennel made the following motion.

MOTION:

To adjourn the March 25th, 2024 meeting of the Town of Glenville Zoning Board of Appeals at 9:30 pm

MOVED BY: D. Hennel

SECONDED BY: B. Suydam

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

NOES: 0

ABSENT: 1 (Suydam)

MOTION APPROVED

909 Next scheduled agenda meeting: April 15th, 2024

910 Next scheduled meeting: April 22nd, 2024

911

912

913 _____
Nicholas Chiavini, Stenographer

Date

914

915

916 _____
ZBA Chairman

Date

917

918

919 _____
Town Clerk

Date

DRAFT