

**AGENDA MEETING OF THE ZONING BOARD OF APPEALS**

**OF THE TOWN OF GLENVILLE**

**THE GLENVILLE MUNICIPAL CENTER**

**18 GLENRIDGE ROAD, GLENVILLE, NY 12302**

**Tuesday May 26, 2020**

**PRESENT:** Chairman: David Hennel; Melissa Cherubino

**PRESENT VIRTUALLY:** Juliano Febo, Beth Kissinger, Brian Peterson, Dick Schlansker

**ALSO ATTENDING VIRTUALLY:** Code Enforcement: Arnold Briscoe; Stenographer: Jen Vullo; Attorney: Courtney Heinel; Mike Burns; Henry (Hank) LaBarba; Nicole Constantino, Mike Arogosa

**Chairman Hennel called the meeting to order 7:13 pm.**

**Application of Nicole Constantino, 307 Alexander Avenue, Glenville, NY 12302** for an Area Variance in regard to the installation of an inground swimming pool in the rear yard. This parcel is identified on the tax map as parcel# 29.19-3-15.1, and is located within Suburban Residential District.

In accordance with the Codes of Glenville, the following area variance are being requested.

**270 – 9 (G) (4) Accessory Uses and Structures.** The combined footprint of all accessory structures may not exceed 75% of the footprint of the dwelling. The Applicant proposes to install an inground swimming pool. The Applicant therefore requests a variance of 367 sq ft of usable accessory structure footage.

Chairman Hennel asked the applicant if she had received the questions from the Board from the last ZBA meeting? She had not. The Board informed her they are looking for distances from property lines, elevation drawings, dimensions, specifically where the pool and concrete will be located, fencing, setbacks, water runoff, what if any grading will be done around the pool. She was also informed that one of her neighbors had a concern. If she felt comfortable, she could talk to him, explain her proposal and ask for a letter of support if they could not attend themselves. She asked which neighbor it was. It is the neighbor located at 305 Alexander Ave.

**Application of Capitaland Realty, LLC, 37 Saratoga Road, Glenville, NY 12302,** for a Use Variance in regard to operation of a used vehicle dealership, identified as tax parcel # 22.15-2-45.2, located at 141 Saratoga Road, Glenville, NY 12302, located in Community Business Zoning District.

In accordance with the Town Code of Glenville, the following variance is being requested.

**270-18 CB Community Business.** As per the listed uses in this section of the Town Code, the sale of “used vehicles only” is not an allowable use in this zoning district. The Applicant is seeking a request to utilize the property as a used vehicle only sales location.

It was noted the applicant was not on the line for this meeting. C. Heinel asked if the applicant was notified of this meeting? She noted that Jim Town, attorney for applicant, would be the person to contact. A. Briscoe responded that the applicant was notified by mail of the meetings.

**Application of Mohawk Asphalt Emulsions, 6 Freeman's Bridge Road, Glenville, NY 12302**, for a Conditional Use Permit due to expansion. Asphalt Emulsion Storage is a non-conforming use now located in the newly designated Freeman's Bridge Road Corridor District, D. (2)- Research and Development Facilities require Conditional Use Permit Approval.

Chairman Hennel questioned based on what's there today, are they removing 6 tanks, adding 6, removing 4 and adding 2? Is there a net increase when it's done? A. Briscoe replied they are removing 4 existing tanks, constructing 6, for an addition of 2 new ones. B. Peterson noted that the application indicates there will be 4 new tanks and replace 2.

H. LaBarba explained they are replacing 2 existing large tanks (#11, #12), with 4 smaller ones, and then adding 2 new tanks.

Chairman Hennel referenced the map. Is the hotel the closest to the property line? H. LaBarba explained the hotel is to the right. Chairman Hennel then confirmed the tanks are in the back of the property. H. LaBarba agreed, they are the furthest point from the hotel.

B. Kissinger asked what the volume capacity of tanks 11 and 12 are now? H. LaBarba replied that tank 11=420 cubic ft and tank 12=560 cubic ft. B. Kissinger then asked to compare what is there now, to what you are proposing? More or less capacity? Chairman Hennel asked if we are increasing or decreasing in total volume? H. LaBarba explained they will be increasing capacity. He emphasized that they are replacing 2 old, leaky tanks with 4 new tanks that are from a new product line and are non-kerosene. The newer emulsion material calls for the use of a chemical polymer instead of the more volatile petroleum-based mixture. He also noted that the overall site expansion is less than 1% and questioned if they even need to apply for a CUP. M. Burns explained they are allowed a one-time expansion not to exceed 10% of the footprint or volume because they are a non-conforming use. This allows them to try and obtain a CUP and not a use permit, which is much more difficult to get.

Chairman Hennel inquired if there is any need for a SEQR? M. Burns stated that ZBA will need to declare SEQR at the next meeting. He also noted that they have sent the coordinated review request to DEC, asked for input from the fire department, Schenectady County Economic Development and Planning, and PZC.

H. Labarba noted that the facility is permitted by DEC and they receive results of annual reviews. He also noted that the site has primary and secondary containment already.

M. Burns noted that it was sent to Nancy Baker, but they haven't heard back yet. H. LaBarba noted that Michael Rice is the engineer in charge of this. He also explained they will have to modify the permit to DEC after adding the tanks. They will have to modify their spill prevention and control plan. All of this will have to be done after ZBA approval and PZC approval.

Chairman Hennel noted that it could be a conditional approval, that no work can be done until DEC approval.

H. LaBarba said there was a previous question regarding Coast Guard approval. He said there is no access to the river, and no loading or unloading is done from this site. Chairman Hennel

explained that the question was raised out of concern for proximity to the river in case of a spill. He also inquired about the berms. H. LaBarba explained the location of the berms on the site, around the perimeter. Every 5 years a surveyor comes in and certifies the height of the berms, and checks for settling. As a storage facility, containment has to be able to hold 110% of the largest tank. The berms are there in case of a spill, not for flooding. The mixture is heated to 500 degrees. When it cools it hardens like cement. An emulsion spill won't go too far because it hardens when it cools, like lava. If there is a storm, the water goes to a low point. There is one pipe and one valve, where water can be tested before it's released.

D. Schlansker asked if the site is open during business hours? Can Board members drive by the site? H. LaBarba said that Tim Roser will allow you in to view the site. He also emphasized again that this expansion is a safety move to get away from kerosene.

Chairman Hennel asked if there are odors from the new tanks? H. LaBarba said no, everything is contained. It is heated and pumped, and an emulsifier is added on site. The tanks store the asphalt emulsion.

C. Heinel confirmed that the plant only operates March – December? H. LaBarba said yes, it is not open in the winter, typically the end of November thru April.

Chairman Hennel asked A. Briscoe if this has to go to PZC? M. Burns said no, ZBA is in charge of the CUP.

B. Kissinger confirmed ZBA will need to vote on SEQR prior to voting on CUP.

C. Heinel reviewed SEQR types of action and conclusions.

M. Burns stated that SEQR needs to be done on Capitaland also.

C. Heinel stated the ZBA is always lead on use variances. SEQR would be needed for consideration of storage of old vehicles, leaking tanks, etc.

**MOTION:** To adjourn the May 26, 2020 AGENDA meeting of the Town of Glenville Zoning Board of Appeals.

**Moved by:** Chairman Hennel

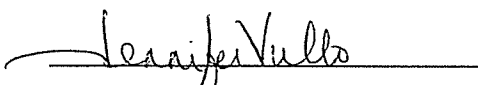
**Seconded by:** J. Febo

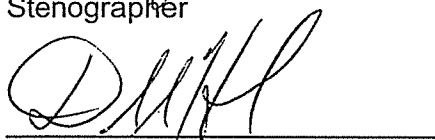
**AYES:** 5 (Hennel, Febo, Kissinger, Peterson, Schlansker)

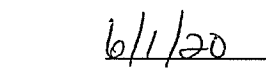
**NOES:** 0

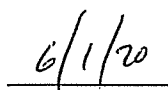
**MOTION APPROVED**

Submitted by,

  
Stenographer



  
Date



ZBA Chairman

Date

Linda C. Deak

6/3/2020

Town Clerk

Date

FINAL