

Town of Glenville
Planning and Zoning Commission
Monday, April 14, 2014
Glenville Municipal Center
18 Glenridge Road
Glenville, NY 12302

Present: Mike Carr, Chairman, Pat Ragucci, Javier Tapia, Tim Yosenick, and Jim Gibney

Absent: Tom Bodden and Kurt Semon

Also Attending: Peg Huff, Town Attorney, Kevin Corcoran, Economic Development and Planning Department, and Chris Flanders, Recording Secretary

1. Approval of the minutes of the March 10, 2014 meeting

Motion: P. Ragucci Seconded: T. Yosenick

Vote: Ayes: 5 Noes: 0 Absent: 2

MOTION CARRIED

Approval of the agenda

Motion: J. Gibney Seconded: P. Ragucci

Vote: Ayes: 5 Noes: 0 Absent: 2

MOTION CARRIED

2. Raindancer Car Wash, LLC
641 Saratoga Road

Site Plan Review - Final
(Public Hearing)

This proposal calls for the conversion of a vacant car wash into a 3-unit apartment building. The project site is located on the west side of Route 50, opposite the former Poor John's Restaurant and Hetcheltown Road. The property is zoned *General Business*. The ZBA tabled the area variance applications in February since they had not received the zoning referral yet from Schenectady County, and they are seeking a recommendation from the Planning and Zoning Commission.

Chris Longo, Ingalls and Associates, addressed the Commission. He stated the application was before the ZBA and all variances were granted. The landscape plan was revised to show plantings in the front of the building as requested, as well as the 6' stockade fence along the northern border of the property.

The existing tanks have been pumped out for inspection. There was water and residuals found, but no large obvious cracks. The site was revisited and some seepage was again in the tank, indicating that the block and mortar tank is not water tight. As a result, the applicant will conduct soil testing. M. Carr asked if the dry well structure in the rear yard was investigated. C. Longo said the cover of the structure has not been removed as of yet. M. Carr asked that the applicant follow up with this.

T. Yosenick asked about possible contamination from the septic system. C. Longo explained the system will be functioning with new tanks and a new pump. Septic lines will be tested for clogs.

M. Carr noted that this is a health issue, and a decision cannot be made before concrete data is obtained. The public hearing was advertised for this evening, therefore the hearing will be opened, and will continue to be open for the next meeting. This will give the applicant more time for gathering further information.

Chairman Carr then opened the meeting to the public. No one wished to speak at this time. The public hearing will remain open.

Both the Commission and the applicant agreed to table this application at this time.

**3. Edward & Linda Iovinelli
210 Maple Avenue**

**Minor 2-lot Subdivision
Final (Public Hearing)**

This minor subdivision will create one new single-family building lot from the existing 1.61+/- acre parcel. Lot 1 (29,903 square feet) will contain the existing single-family residence and associated improvements. Lot 2 (40,251 square feet) will be used as a future single-family home site and will be served with public water and sanitary sewer facilities. The property is zoned *Suburban Residential*.

Joel Bianchi, MJ Engineering, represented the applicants. He said both lots would comply with zoning requirements. The applicants will be applying for county highway permits as needed.

Chairman Carr opened the hearing to the public. With no one wishing to speak, the hearing was subsequently closed.

The Commission has no issues with this proposal.

MOTION

In the matter of the final minor subdivision application by Edward and Linda Iovinelli for a two-lot subdivision located at 210 Maple Avenue, the Planning and Zoning Commission hereby approves the application. The Commission's decision is based upon the following findings:

The proposed use takes into consideration the relationship of this project to the neighborhood and the community, and the best use of the land being subdivided. Factors considered include:

- Compliance with the requirements of the Zoning Ordinance and the policies of the Comprehensive Plan.
- Logical arrangement, location and width of streets.
- The lots' and street(s)' relationship to the topography of the site.
- Adequacy and arrangement of water supply, sewage disposal and drainage.
- Accommodation for future development of adjoining lands as yet unsubdivided.

- Adequacy of lot sizes to achieve the above.

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

However, due to the small number of lots in this particular subdivision, and the proximity of existing recreation/park facilities, and the physical constraints of this particular site, this Commission finds that the imposition of an in-lieu-of fee is more appropriate than land dedication for this particular subdivision. The recreation fee to be levied is \$1,000.00 per new lot. In this case, the applicant is hereby required to pay a fee of \$1,000.

Motion: M. Carr Seconded: P. Ragucci
Vote: Ayes: 5 Noes: 0 Absent: 2
MOTION CARRIED

4. Peter Miranda
22 Woodruff Drive

Minor 2-lot Subdivision
Final (Public Hearing)

This minor subdivision will create one new single-family building lot from the existing 2.06+/- acre parcel. Lot 1 (48,389 square feet) will contain the existing single-family residence and associated improvements. Lot 2 (41,703 square feet) will be used as a future single-family home site and will be served with public water and private on-site wastewater treatment facility. The property is zoned *Suburban Residential*.

Mike Brooks, Tommell and Associates, represented the applicant. He stated that since the last meeting, the frontage and lot line has been corrected. He reminded the Commission that the line has a slight jog in it due to an existing septic system.

M. Carr opened the public hearing. With no one wishing to speak, the hearing was then closed.

The Commission has no issues with this proposal. It was noted that the required variances have been granted.

MOTION

In the matter of the final minor subdivision application by Peter Miranda for a two-lot subdivision located at 22 Woodruff Drive, the Planning and Zoning Commission hereby approves the application. The Commission's decision is based upon the following findings:

The proposed use takes into consideration the relationship of this project to the neighborhood and the community, and the best use of the land being subdivided. Factors considered include:

- Compliance with the requirements of the Zoning Ordinance and the policies of the Comprehensive Plan.
- Logical arrangement, location and width of streets.

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- The lots' and street(s)' relationship to the topography of the site.
- Adequacy and arrangement of water supply, sewage disposal and drainage.
- Accommodation for future development of adjoining lands as yet unsubdivided.
- Adequacy of lot sizes to achieve the above.

Further, this Commission finds that a proper case exists for requiring the applicant to provide suitable land for park or playground purposes. The need for additional park and recreation facilities has been documented in the Comprehensive Plan, in addition to having been identified by both the Glenville Park Planning Committee and the Community Center Planning Committee. However, due to the small number of lots in this particular subdivision, the proximity of existing recreation/park facilities, and the physical constraints of this particular site; this Commission finds that the imposition of an in-lieu-of fee is more appropriate than land dedication for this particular subdivision. The recreation fee to be levied is \$1,000.00 per new lot. In this case, the applicant is hereby required to pay a fee of \$1,000.

Motion: M. Carr Seconded: T. Yosenick
Vote: Ayes: 5 Noes: 0 Absent: 2
MOTION CARRIED

5. Old Dominion Freight Line, Inc.
11 Seventh Street

Use Variance Recommendation
to the ZBA - Continued from
February & March

The applicant is seeking a use variance to install an electric security fence around the perimeter of the Old Dominion Freight Line facility. The security fence would be installed inside the existing fence line. The project site is located on the north side of Seventh Street, just east of the western entrance to the Glenville Business & Technology Park. The property is zoned *Research/Development/Technology*.

Michael Pate, Electric Guard Dog, LLC and Mike Martin, Old Dominion Freight Line, Inc. were present to address the Commission.

The applicant has been asked to provide solid data that shows the need for the electric fence, and to demonstrate criteria to satisfy the request for a variance. To that end, a letter from Geoff Stephany, Director of Security and Claims for Old Dominion, was provided. It addressed cargo thefts as a crime of opportunity and stated statistics from their service centers. A copy of the letter to Michael Pate is attached and made part of these minutes.

Discussion followed regarding variance criteria including realizing a reasonable return. The applicant states in conformance to Customs-Trade Partnership Against Terrorism (C-TPAT), under the Division of Homeland Security, nation-wide freight companies must take proactive measures to thwart crime. The perimeter security system is necessary to meet these requirements. Increasingly, clients of business require they be compliant with C-TPAT which has a direct impact upon their financial return.

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The applicant continued, addressing the uniqueness of the hardship, and asserting the character of the neighborhood would not be altered, as the fence is nearly invisible to the naked eye from the road. Mr. Pate said the hardship has not been self-created but is the intent to protect the general safety and welfare of the public by preventing crime. The electric fence is the most reliable, most economical, and safest security application available.

The question was asked if surrounding communities allow this type of fence. The UPS in Latham and a few others were named.

M. Carr noted that this plan was not mentioned in the original application for Old Dominion, and current zoning does not allow this type of fence. He does not feel comfortable recommending something that is contrary to zoning.

J. Gibney said he suspects similar requests will come from other companies, and the Town may need to look at the zoning regulations if this seems to be a trend nationally.

M. Carr said that this is a regulatory issue at this time. He understands the applicant wants to protect their freight, but the fence is not allowed at this time.

MOTION

In the matter of the use variance application by Electric Guard Dog Fence/Old Dominion Freight to install an electric security fence around the perimeter of the Old Dominion Freight Line facility, located at 11 Seventh Street, the Planning and Zoning Commission recommends that the Zoning Board of Appeals consider the value and the volume of material that Old Dominion has and the need of security. For the record it is noted that the Commission did not see this electric fence as part of the initial application, the use of an electric fence is not presently allowed by zoning, and asks the Zoning Board of Appeals to carefully consider the four criteria for granting

a use variance. Therefore, the Planning and Zoning Commission recommends that the Zoning Board of appeals disapprove the application.

Motion: M. Carr Seconded: P. Ragucci
Vote: Ayes: 5 Noes: 0 Absent: 2
MOTION CARRIED

Attorney Huff noted an email has been received from a neighbor to the 641 Saratoga Road application. M. Carr read the comments into the record as follows:

My name is Robert lapczenski and own invisions autobody at 609 saratoga rd. I received a letter regarding the possible building of an apartment building next door. This area is zoned general business and this hardly seems like a business. I recall from the last letter they were asking for a variance to build closer to my property line than the forty feet. It's hard enough owning a small business nowadays. I don't think a building blocking the view of my business is going to help that or possible neighbors complaining about noise, etc. as well. There is plenty of other areas

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on there property to build it seems they could find a better location with out asking for all these variances.

Thank you
Robert lapczenski (Lapczenski)

With no further business to conduct, the meeting was adjourned at 8:00 p.m.

Councilman James Martin introduced himself to the Planning and Zoning Commission and offered his assistance, if needed.

The next meeting of the Town of Glenville Planning and Zoning Commission is to be held on **Monday, May 12, 2014**. The agenda meeting will be held **Monday, May 5, 2014**.

Submitted by Chris Flanders, Stenographer:

Filed with Linda Neals, Town Clerk:
