

**Town of Glenville
Planning and Zoning Commission
Monday, February 10, 2014
Glenville Municipal Center
18 Glenridge Road
Glenville, NY 12302**

Present: Mike Carr, Chairman, Kurt Semon, Pat Ragucci, Javier Tapia, and Tom Bodden

Excused: Jim Gibney and Tim Yosenick

Also Attending: Paul Borisenko, Building Inspector, Dana Gilgore, Engineering, Peg Huff, Town Attorney, Kevin Corcoran, Economic Development and Planning Department, and Chris Flanders, Recording Secretary

1. Approval of the agenda

**Motion: K. Semon Seconded: T. Bodden
Vote: Ayes: 5 Noes: 0 Absent: 2
MOTION CARRIED**

Approval of the minutes of the January 13th, 2014 meeting

**Motion: T. Bodden Seconded: K. Semon
Vote: Ayes: 5 Noes: 0 Absent: 2
MOTION CARRIED**

**2. Mark Klos for Vintage Automotive Services
4 Sarnowski Drive**

**Site Plan Review - Final
(Public Hearing – continued
from December, 2013)**

The applicant is requesting to establish an automotive repair business in the existing 4,224 sq. ft. building located across from TrustCo Bank and immediately west of (behind) Pet Lodge/Checkerhill Farms. The property is zoned *Research/Development/Technology*.

Mr. Klos was present to address the Commission. M. Carr noted that the applicant did receive a Conditional Use Permit from the Zoning Board of Appeals at the November ZBA meeting. He also stated that a letter was received from the landlord regarding sanitary facilities as requested. The presence of hazardous materials was discussed and no hazardous materials will be stored on the site. Mr. Klos also clarified that there are no floor drains in this building.

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

MOTION

In the matter of the final site plan review application by Mark Klos for an auto repair business in the building located at 4 Sarnowski Drive, the Planning and Zoning Commission hereby approves the application. The Commission's decision is based upon the following findings:

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1. The proposed use does conform to other applicable provisions of the Zoning Ordinance, including, but not limited to, landscaping requirements, building design, off-street parking requirements, building setbacks, fence requirements, sign regulations, storm water management and erosion control requirements, etc.
2. The proposed use does exhibit adequate and logical vehicular access and circulation, including intersections, road widths, curbing, and traffic controls.
3. The proposed use does exhibit satisfactory pedestrian and bicycle access and circulation, including separation of pedestrian traffic from automobile traffic, the placement and usefulness of on-site sidewalks and walkways, the accommodation for pedestrians at adjacent street intersections, and overall pedestrian and bicyclist safety and convenience.
4. The proposed use does exhibit adequate and logical location, arrangement, and setting of off-street parking and loading areas.
5. The proposed use does exhibit adequate and logical placement, arrangement, size, and design of buildings, lighting, and signs.
6. The proposed use does provide for the adequate type and arrangement of trees, shrubs, and other landscaping elements, as they relate to visual and noise buffering of adjacent sites and the reduction of visual impacts from the street.
7. The proposed use does demonstrate adequate provisions for the collection and/or disposal of storm water, sanitary waste, and garbage.
8. The proposed use will allow for adequate on-site snow plowing and snow storage.
9. The proposed use does demonstrate adequacy and durability of structures, roadways, utilities, and landscaping in areas with moderate to high susceptibility to flooding, ponding, and/or erosion.
10. The proposed use does retain existing trees and vegetation for aesthetic reasons, and minimize soil erosion and siltation.
11. The proposed use does protect adjacent properties against noise, glare, light pollution, odors, litter, unsightliness, or other objectionable features.
12. The proposed use does provide suitable open space for buffering and/or recreation purposes.

It is noted for the record that the applicant has received the requested Conditional Use Permit from the Zoning Board of Appeals.

Motion: T. Bodden Seconded: K. Semon
Vote: Ayes: 5 Noes: 0 Absent: 2
MOTION CARRIED

3. Garner Builders, LLC – Dance Studio
124 Saratoga Road

Site Plan Review - Final
(Public Hearing - continued
from December, 2013)

The applicant is seeking Site Plan approval to occupy the rear portion of the existing building with a dance studio. The project is located on the east side of Saratoga Road opposite Socha Plaza and is zoned *Community Business*.

Dominick Arico, P.E., represented the applicant, Michael Chrys of Garner Builders. The applicant's attorney, Mr. Brick, was also present.

Mr. Arico said the applicant had received the variances needed for parking. The original plan would have required six additional spaces. The dumpster has been relocated, and the handicapped parking space has been modified per comments from previous meetings.

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Chairman Carr listed the items discussed at the agenda meeting as follows:

Performance monitoring of the storm water management system will be required for one year from the date of approval.

A parking variance was required – this has been received.

The applicant is to correct the piping size issue. (This needs to be shown on the final drawings).

The existing businesses/occupants are to be labeled on the map. (This needs to be shown on the final drawings).

The dumpster needs to be screened and the location is to be shown on the map. D. Arico said screening would be added. The dumpster itself will be a small haul-away.

With the items of concern satisfactorily addressed, the public hearing was continued.

No one wished to speak regarding this application; Chairman Carr closed the public hearing.

Building Inspector Paul Borisenko clarified that this site plan review application originally was for the expansion of the parking lot, and was quickly followed by a site plan review application for a business to occupy the premises. As the parking lot expansion is included in the occupancy site plan, this motion will address both applications.

MOTION

In the matter of the final site plan review application by Garner Builders, LLC for a dance studio to occupy the rear of the building located at 124 Saratoga Road, to include the parking lot, the Planning and Zoning Commission hereby conditionally approves the application. The Commission's decision is based upon the following findings:

1. The proposed use does conform to other applicable provisions of the Zoning Ordinance, including, but not limited to, landscaping requirements, building design, off-street parking requirements, building setbacks, fence requirements, sign regulations, storm water management and erosion control requirements, etc.

2. The proposed use does exhibit adequate and logical vehicular access and circulation, including intersections, road widths, curbing, and traffic controls.
3. The proposed use does exhibit satisfactory pedestrian and bicycle access and circulation, including separation of pedestrian traffic from automobile traffic, the placement and usefulness of on-site sidewalks and walkways, the accommodation for pedestrians at adjacent street intersections, and overall pedestrian and bicyclist safety and convenience.
4. The proposed use does exhibit adequate and logical location, arrangement, and setting of off-street parking and loading areas.
5. The proposed use does exhibit adequate and logical placement, arrangement, size, and design of buildings, lighting, and signs.
6. The proposed use does provide for the adequate type and arrangement of trees, shrubs, and other landscaping elements, as they relate to visual and noise buffering of adjacent sites and the reduction of visual impacts from the street.
7. The proposed use does demonstrate adequate provisions for the collection and/or disposal of storm water, sanitary waste, and garbage.
8. The proposed use will allow for adequate on-site snow plowing and snow storage.
9. The proposed use does demonstrate adequacy and durability of structures, roadways, utilities, and landscaping in areas with moderate to high susceptibility to flooding, ponding, and/or erosion.

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10. The proposed use does retain existing trees and vegetation for aesthetic reasons, and minimize soil erosion and siltation.
11. The proposed use does protect adjacent properties against noise, glare, light pollution, odors, litter, unsightliness, or other objectionable features.
12. The proposed use does provide suitable open space for buffering and/or recreation purposes.

Conditions of Approval:

1. The applicant is to correct the piping size issue on the final site plan.
2. The applicant is to label the existing businesses in the building on the final site plan.
3. The dumpster is to be screened to the satisfaction of the Building Department.
4. The dumpster location is to be shown on the final site plan.

Motion: M. Carr Seconded: J. Tapia
Vote: Ayes: 5 Noes: 0 Absent: 2
MOTION CARRIED

4. Raindancer Car Wash, LLC
641 Saratoga Road

Site Plan Review
(Preliminary)

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*.

Christopher Longo, Ingalls and Associates LLP, represented the applicant. He stated the plan is to convert a former car wash into three apartment units, by expanding the southern side of the building. The existing septic system but be utilized, but a new tank and pump will be installed. Access to the property is being coordinated with NYS DOT. The southern driveway will be eliminated and there will be a new orientation of the northern driveway. Sidewalks and plantings will be in front of the building. The existing storage shed will be removed. There will be garages for the tenants, plus two additional parking spaces in the rear of the building.

C. Longo continued by saying that variances will be required. Zoning calls for a 3-acre parcel for multi-family development, but this property is about 2 acres. A side yard variance and a parking setback variance will also be requested.

K. Semon asked if the applicant has considered demolishing the existing building and building in the center of the lot to avoid the need for variances. Mr. Longo cited the use of the existing walls and septic as a considerable cost savings.

T. Bodden asked if the neighbors have been approached about this proposal and C. Longo said they have not been in discussion with the neighbors. The project has appeared in front of the Glenville Environmental Conservation Commission, where a negative declaration recommendation was given.

M. Carr listed items that were discussed at the agenda meeting; responses in italics.

1- Determine the status of the SPDES permit

The original SPDES Permit was for the car wash. It has been closed out. Documentation has been received regarding this closure.

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2-Applicant must provide details on the wash water collection system, sediment tanks, etc. and the plan to clean, secure, and document the status of any subsurface structures.

The plan is to fill those tanks with stone and cap them.

M. Carr stated there is the potential that hazardous materials in the sediment tanks and a plan to clean and secure them must be in place before filling and capping. When asked, C. Longo said he has been provided a SPDES letter dated 2010 that states the permit has been discontinued. The letter is from Nancy Baker, NYS DEC. M. Carr noted that there is a formal process on protocol for decommissioning SPDES permits and referred the applicant to that to characterize what is in the tanks.

3-What is the status of the out building that is supported by an earthen berm?

The shed will be demolished, and is no longer an issue.

4-What will the exterior features include? Colors? Amenities? Would the applicant consider razing the building and rebuilding apartments?

The intention is to use some of the existing building, but Mr. Longo will ask the applicant if this would be a possibility. The roof will be re-shingled with light brown/sandstone architectural shingles, the siding will be beige vinyl and the trim features will be white. C. Longo will verify if the addition will be frame or block.

T. Bodden said he thinks making this car wash into a living space is out of conformance with other living spaces in our town. The building was not meant to be a home. He would have a difficult time granting variances for this use if he were on the ZBA.

P. Huff said GECC wanted to know the square footage of the units. C. Longo said there is 840 sq. ft. of living space for each apartment.

T. Bodden asked to see a rendering of the rear of the building showing the garage doors. The elevation was not available at this time.

Parking was discussed with the result of designating the front drive as a fire lane to prohibit parking there.

C. Longo also said the owner will be responsible for the utility/laundry room.

When asked about the septic system, C. Longo said the leach field is on the southern end of the site. The present piping will remain in place, but the tanks and pump will be new. The leach field will need to be inspected to see if it is functioning properly.

Discussion followed regarding procedure. T. Bodden would like to wait to act until after the applicant has gone to the ZBA and granted the variances they are requesting. He said if the area variances are not granted, then this application could change drastically. P. Borisenko stated the ZBA is going to be looking for advice from the Planning and Zoning Commission. Chairman Carr stated for the record and for the applicant's understanding, that the Commission does not usually see applications for car wash conversions to residential use; it is an unusual conversion.

K. Semon asked if a building inspection has been done on this property. Mr. Longo said he did not know, and would find out.

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T. Bodden made a motion to table the application to provide time to get more information and to give the ZBA time to make their decision. This motion was seconded by K. Semon. Vote to table this application was unanimous. This application is tabled.

The applicant is referred to supplying information as previously mentioned, i.e. color and materials, elevations, and status and inspection of the building.

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

**Use Variance
Recommendation to the
ZBA**

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*.

Cindy Gsell was present to represent the security company in this application. She stated Old Dominion has used this system in 133 locations because it has proven effective. She described the fence as a stand alone electric fence consisting of 20 strands of wire strung between fiberglass poles placed 30' apart. It runs on a solar-charged 12-volt battery and is pulsed. If a circuit is broken, an alarm is set off.

The fence is much like a cow fence used in agricultural zones.

C. Gsell explained this is a crime deterrent. It does not cause cardiac arrest, does not cause burns, or interrupt pacemakers.

Ms. Gsell said her company, Electric Guard Dog, owns, services, and maintains the fence. EGD has about 3,000 business customers across the country. These are mostly businesses that store materials outside or in trucks parked outside of their buildings and wish to deter cargo theft.

K. Semon asked why Old Dominion did not include this aspect of their plan when they brought their Site Plan Review application in front of the PZC. T. Bodden asked why Old Dominion feels this fence is needed and stated he would like to speak with someone from Old Dominion who could answer this question. K. Semon said there are other types of security – why electricity?

Ms. Gsell stated this type of crime is increasing rapidly across the country. Although there are many types of security, this type is most effective. It is 1/10th the cost of a security guard, who can't be around the perimeter at all times.

M. Carr referred to the criteria that must be addressed for a Use Variance to be granted. Ms. Gsell is ready to address these. P. Huff noted that the financial evidence must also be presented.

K. Corcoran spoke to the role of the Planning and Zoning Commission in a Use Variance Recommendation per Town Code. The ZBA will discuss the financial hardship and other requirements associated with obtaining a variance.

P. Borisenko asked what happens when the fence is touched. Ms. Gsell said there is a five second delay if the circuit is broken. Then a burglar alarm goes off, just as a home security

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system would.

K. Semon stated the Commission was not given the option during site plan review to consider this. If it is the standard procedure for Old Dominion, it should have been included in Site Plan Review. M. Carr stated he understands Ms. Gsell cannot answer for Old Dominion; she is representing her product.

Ms. Gsell offered to bring an Old Dominion security representative in to the next meeting. She asked what type of information the Commission is looking for so that it can be answered. She stated she does not usually need to have the customer present, but she will do so. The Commission said she is welcome to come to the March agenda meeting, as she has a conflict for the next scheduled PZC meeting, March 10th.

MOTION

To table this application

Motion: K. Semon Seconded: T. Bodden
Vote: Ayes: 5 Noes: 0 Absent: 2
MOTION CARRIED

This application is tabled.

6. Glenwyck Development, LLC Dutch Meadows Lane

Amendment to previously- approved site plan

Glenwyck Development is seeking a modification to the site plan that was approved in July, 2013. Specifically, the applicant is ready to move forward with construction of the 110-unit senior apartment building on Parcel B, but they wish to extend grading for the apartment project and install a swale along the western side of Parcel A, where a 92-unit assisted living facility is to be built at a later date. Once construction moves forward on Parcel A, an underground pipe will be installed to replace the swale, and parking and grading will be established per the previously-approved site plan.

K. Corcoran stated this is on the agenda so as to have a permanent record regarding this amendment.

M. Carr said the applicant is asking to install a swale now, and when the next phase is built, remove the swale and replace it with parking per the originally approved site plan.

K. Semon asked what if the applicant does not build the next phase. M. Carr stated that the swale would not need to be replaced in that event. K. Corcoran said notes have been added to the site plan addressing that possibility. D. Gilgore said he has reviewed this and does not have a problem with this amendment.

MOTION

Regarding procedure, motion to amend the agenda to include Item #6.

Motion: K. Semon Seconded: P. Ragucci
Vote: Ayes: 4 Noes: 1 (T. Bodden) Absent: 2
MOTION CARRIED

MOTION

In the matter of an amendment to the previously approved site plan for Glenwyck Development, LLC, at Dutch Meadows Lane, the Planning and Zoning Commission hereby approves the amendment for the installation for a stormwater drainage swale. Once construction moves forward on parcel known as Parcel A, an underground pipe will be installed to replace the swale and parking and grading will be established per the previously approved site plan dated December 17, 2013.

Motion: M. Carr Seconded: J. Tapia
Vote: Ayes: 5 Noes: 0 Absent: 2
MOTION CARRIED

In other business, the lighting at the Old Dominion site was discussed. P. Borisenko said the lighting engineers will be looking to resolve the intensity and spillage of the light issues. The intent is to make the lighting comply with the originally approved plan. If the problem is not fixed, it will become an enforcement issue.

With no further business to conduct, the meeting was adjourned at 8:30 p.m.

The next meeting of the Town of Glenville Planning and Zoning Commission is to be held on ***Monday, March 10, 2014***. The agenda meeting will be held ***Monday, March 3rd, 2014***.

Submitted by Chris Flanders, Stenographer:

Filed with Linda Neals, Town Clerk:
