

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

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

Excused: Tom Bodden

Also Attending: Paul Borisenko, Building Inspector, Michael Burns, Planner I, Dana Gilgore, Engineering Tech, Peg Huff, Town Attorney, Jim Martin, Town Board Liaison, and Chris Flanders, Recording Secretary

**1. Approval of the minutes of the June 9, 2014 meeting**

**Motion: K. Semon Seconded: T. Yosenick**

**Vote: Ayes: 6 Noes: 0 Absent: 1**

**MOTION CARRIED**

**Approval of the agenda**

**Motion: J. Gibney Seconded: J. Tapia**

**Vote: Ayes: 6 Noes: 0 Absent: 1**

**MOTION CARRIED**

**2. Creekside Café & Coffee House LLC**  
**658 Saratoga Road**

**Site Plan Review and Conditional**  
**Use Permit Amendment**

This proposal calls for an expansion to the previously proposed and approved restaurant/café to include an 8'x12' prefabricated shed, 96"-long outdoor cooking grill and up to 6 picnic tables on the grass area of the rear yard. Adequate parking spaces already exist to accommodate the expansion. The project site is located on the east side of Saratoga Road, near the intersection with High Mills-Scotch Bush Road. The property is zoned *Community Business*.

Fred Ogle, owner, addressed the Commission. He would like to purchase a free-standing shed for storage and a portable outdoor cooking grill which will be stored in winter months.

M. Carr asked about Schenectady County Department of Health approval. Mr. Ogle explained the process. The plans have been submitted to the DOH. After it is built and open for business, the DOH will inspect the premises and will continue to monitor operations. There is no official letter provided. P. Borisenko concurs.

M. Carr also noted that the applicant must obtain approval of the Conditional Use Permit amendment, as this will be an expansion of the use.

P. Huff clarified that the shed shown on the plan will be newly added and is not the existing shed. Mr. Ogle said the current shed is for the restaurant; the new, smaller shed will be for further storage.

Attorney Huff stated that a SEQR motion is not necessary, as a negative declaration was previously issued when the original project was approved.

## MOTION

In the matter of the final site plan review amendment application by Creekside Café & Coffee House LLC for the expansion of the previously approved restaurant/café to include an 8' x 12' prefabricated shed, 96"-long outdoor cooking grill and up to 6 picnic tables in the rear yard located at 658 Saratoga Road, 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.

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 must obtain approval of the expansion of the Conditional Use Permit by the Zoning Board of Appeals.
2. The applicant must obtain approval of the Schenectady County Department of Health.
3. The applicant is reminded that the size of the grill must not exceed the size shown on the site plan.

**Motion: M. Carr Seconded: J. Gibney**  
**Vote: Ayes: 6 Noes: 0 Absent: 1**  
**MOTION CARRIED**

**MOTION**

In the matter of the expanded conditional use permit application by Creekside Café & Coffee House LLC for the previously approved restaurant/café to include an 8' x 12' prefabricated shed, 96"-long outdoor cooking grill and up to 6 picnic tables in the rear yard located at 658 Saratoga Road, the Planning and Zoning Commission recommends that the Zoning Board of Appeals approve the application.

The Commission's findings in support of our recommendation are as follows:

1. The establishment/operation of the expanded conditional use will not be detrimental to or endanger the public health, safety, or general welfare of the community.
2. The expanded conditional use will not compromise the use and enjoyment of other property in the immediate vicinity, nor will it substantially diminish or impair property values within the neighborhood.
3. The expanded conditional use will not hinder the normal and orderly development and improvement of surrounding properties.
4. The proposal does provide adequate utilities, access roads, drainage, and other necessary facilities to serve the conditional use.
5. The proposal does provide adequate measures for ingress and egress to the site, in such a manner as to minimize traffic congestion in the public streets.

6. The expanded conditional use does, in all other respects, conform to the applicable rules, regulations, and ordinances of the Town, as well as the Town of Glenville Comprehensive Plan.

**Motion: T. Yosenick   Seconded: P. Ragucci**  
**Vote: Ayes: 6   Noes: 0   Absent: 1**  
**MOTION CARRIED**

**2. Benderson Development Company, LLC**  
**268 Saratoga Road**

**Site Plan Review - Final**  
**(Public Hearing) – continued**  
**from June**

The applicant is proposing a 6,400 sq. ft. restaurant with 208 seats. The existing building will be demolished and the parcel will be combined with the adjacent Mayfair Shopping Center parcel. Twenty-one new parking spaces will be added on the south side of the new restaurant along with landscaped greenspace, sidewalks, and decorative lighting. The property is zoned *General Business & Town Center Overlay District*.

James Boglioli, Esq. represented the applicant, Benderson Development. Paul B. Going, P.E., Atlantic Traffic and Design Engineers, Inc. was also present to discuss traffic findings.

J. Boglioli stated the issue remaining from the last Planning and Zoning Commission meeting is the driveway to the project. It has been shifted to the southern portion of the site. The letters received from Atlantic Traffic on July 7 and July 8 indicate that the configuration generally will complement the Town Center Master Plan. Car counts were done and revealed the busiest time for Dunkin' Donuts, the property immediately south of this parcel, is early morning, at which time Applebee's is closed.

Discussion followed regarding trip generation. Mr. Boglioli stated the plan not only complies with the Town Center Master Plan, but shows no negative impact. M. Carr stated that his concern was south bound traffic making a left turn into the new driveway. He asked Mr. Going for his professional opinion. Mr. Going stated this should not be problematic. Chairman Carr stated the applicant has done what was asked by calling in roadway design consultants and he is comfortable with their findings.

Chairman Carr then opened the public hearing which was continued from the June Planning and Zoning meeting. With no one wishing to speak, the hearing was closed.

**MOTION**

In the matter of the final site plan review application by Benderson Development Company, LLC for the construction of a 6,400 sq. ft. Applebee's restaurant located at 268 Saratoga Road, 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.

Conditions of Approval:

None

**Motion: M. Carr Seconded: K. Semon**

**Vote: Ayes: 6 Noes: 0 Absent: 1**

**MOTION CARRIED**

**3. Two Guys Realty, LLC /Mohawk Honda  
175 Freemans Bridge Road**

**Site Plan Review (Preliminary)  
continued from June**

Mohawk Honda is proposing construction of an employee parking lot containing 113 spaces, landscaping, lighting and storm water management facilities on a 0.99-acre parcel that is to be combined with the existing parking lot at their current facility. The property is zoned *General Business*.

Kurt Bedore, KB Consulting, was present to address the Commission in this application. Mr. Bedore briefly reviewed the proposed project. He stated the property lot line adjustment will allow Mohawk Honda to construct an employee parking lot of 113 spaces. The owner of the parcel, Ms. Hummer, will retain ownership of the remainder of the parcel. The Zoning Board of Appeals conditioned approval of this proposal on the agreement that no unregistered vehicles would be allowed to park there.

M. Carr read an e-mail from Gregg Petricca sent to M. Burns into the minutes:

Mike,

My original requests for a hydrant and permanent no parking signs in the Mohawk Honda lot stand as agreed to by Mohawk Honda and the Glenville Planning Board and Board of Appeals.

I had a discussion with the engineer and he assured me Mohawk Honda would abide by the permanent signage request. One month later the signs are still in the stanchions with no indication of being permanently mounted. In there current state, these signs can easily be moved or removed.

In addition, I have since learned that Mohawk Honda plans to use the expansion area for auction vehicles, which may be high risk vehicles that can't be sold on the lot. I was originally lead to believe the area would be for employee parking. Please forward this to the Planning Board and the Zoning Board.

Thank You,  
Gregg Petricca  
Chief, Thomas Corners Fire Dept

Also read into the minutes was an e-mail from Code Enforcement Officer Terri Petricca regarding results of the Monday, June 23<sup>rd</sup> Zoning Board of Appeals meeting as follows:

*Actions from last night's ZBA meeting:*

*436 Ballston Road – Hummer application to create a substandard sized lot was approved.*

*Mohawk Honda – CUP was conditionally approved:*

- 1) PZC conditions from 6-9-14 meeting be upheld.*
- 2) Compliance with TCFD Fire Chief's requests*
- 3) Lighting plan be submitted for review per County Referral*
- 4) Parking expansion area is limited to licensed, registered vehicles for employee parking only.*
- 5) All landscaping, screening, buffers, etc must be in compliance with approved site plan presented tonight, dated 5/20/14.*

K. Bedore stated he has assured Gregg Petricca signs will become permanent. There will be additional permanent signs installed as well, to allow fire equipment access. The on-site hydrant system will also be monitored and records provided to Fire Chief Petricca.

M. Carr asked if the site is in compliance with the originally approved site plan. P. Borisenko indicated it has not been. Autos are parked in fire lanes, and at angles with one another, prohibiting fire equipment access. It is difficult for the Board to consider additional applications for this site when the conditions of the first application are not being met.

K. Bedore said the current construction of the new building has temporarily pushed out 33 parking spaces, and that Mohawk Honda is doing the best that they can with what they have. He believes construction of this parking lot will alleviate the problem.

When asked, Mr. Bedore said he thought the lot could be built in about one month.

K. Semon said the worst case scenario could be the parking of cars for short and long-term lease, employees, and cars being repaired overnight. Given the remote location of the parking lot, he is amenable to this.

#### MOTION

In the matter of the preliminary site plan review application by Two Guys Realty, LLC/Mohawk Honda for construction of an employee parking lot containing 113 spaces, landscaping, lighting and stormwater management facilities on a 0.99-acre parcel that is to be combined with the existing parking lot at their current facility located at 175 Freemans Bridge Road, the Planning and Zoning Commission finds that this application will not result in a significant potential adverse environmental impact. Consequently, the Planning and Zoning Commission hereby issues a negative declaration.

**Motion: M. Carr Seconded: K. Semon**  
**Vote: Ayes: 6 Noes: 0 Absent: 1**  
**MOTION CARRIED**

#### MOTION

In the matter of the preliminary site plan review application by Two Guys Realty, LLC/Mohawk Honda for construction of an employee parking lot containing 113 spaces, landscaping, lighting and stormwater management facilities on a 0.99-acre parcel that is to be combined with the existing parking lot at their current facility located at 175 Freemans Bridge Road, the Planning and Zoning hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. Signage will be made permanent, as well as any road striping (designated fire lane signage) requested by Thomas Corners Fire Chief Gregg Petricca, no later than September 1, 2014.

2. Written approval is to be provided from Fire Chief Petricca with respect to hydrants, signage, and vehicular traffic.
3. Applicant is to comply with the previously approved site plan.

The Commission hereby schedules a public hearing for August 11<sup>th</sup>, 2014 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for August 11, nine (9) copies of the revised site plan must be submitted to the Town of Glenville Planning Department no later than 14 calendar days prior to the public hearing date (July 28).

**Motion: M. Carr   Seconded: P. Ragucci**  
**Vote: Ayes: 6   Noes: 0   Absent: 1**  
**MOTION CARRIED**

**4. Garry Garrett**  
**Maple Avenue Extension**

**Minor 4-lot Subdivision**  
**(Preliminary)**

The applicant is requesting minor subdivision approval to create three new single-family building lots on an existing 3.38 acre parcel located at the northwest corner of Glenridge Road and Maple Avenue Extension. Access for the new lots would be on Maple Avenue Extension. The proposed subdivision will include public water and sanitary sewer. The property is zoned *Suburban Residential*.

Mr. Garret, Ray Koch, land surveyor, and realtor Donald Nichter were present to address the Commission.

R. Koch briefly described the proposed subdivision. He stated that the smallest lot would be ½ acre and the largest lot, just over one acre. Access is from Maple Avenue and the lots would have both public water and sewers.

Discussion followed regarding the garages/pole barn on the property. Mr. Garrett would like to keep the garages until the lots sell. A lot line now is shown through one of the buildings. It was determined that the owner needs to combine lots 2 & 3, or take down the pole barn before seeking approval.

The applicant will consider his options and discuss with his representatives.

K. Semon made the motion to table this application until further information is ready to review. The motion was seconded by P. Ragucci, vote: Ayes: 6, Noes: 0, Absent: 1, motion carried.

The applicant was also invited to attend the next agenda meeting, August 4.



## **5. Town of Glenville**

### **Zoning Text Amendment Recommendation to the Town Board**

The Town is proposing an amendment to Section 270-52 (Fences) of the Zoning Ordinance to allow for the expanded use of electric fences. At present, electric fences are only allowed on agricultural properties. With this amendment, electric fences will be allowed as a security measure on “Research/Development/Technology”-zoned properties of the Glenville Business & Technology Park, subject to restrictions.

M. Carr asked Town Board Liaison Jim Martin his thoughts on this proposal. J. Martin said he had sponsored the motion and supports the amendment.

M. Carr stated allowing an electric fence was not part of initial site plan review application made by Old Dominion Freight Company, which precipitated this amendment. It did not make sense to have Electric Guard Dog Fence Co. come to the Town one or two months later; it should have come in with the original application. The Commission heard from the fence salesman who wants to sell the fence, not Old Dominion. Mr. Carr is not aware of any increase in crime in the area.

J. Martin said from a zoning perspective, it probably is not necessary, but for health, safety, and welfare, he doesn't see any harm.

Discussion followed. J. Gibney asked if other businesses are asking for this. J. Martin answered no, but Town Planner Kevin Corcoran has looked into what some neighboring communities are doing, and about half of them are allowing electric security fences. J. Gibney stated electric fences may not have been included in the Town Code for a reason. J. Martin stated different communities have different needs. J. Gibney noted the organization petitioning this is the salesman of the fence, not the organization buying the fence. J. Martin stated there are three ways this can be resolved: 1) obtain an Use Variance, which is very difficult in New York State, 2) legislation, or 3) denial. He does not see the harm of a legislative solution. Commission members would like to see testing of the system done during weekday working hours. Members also felt that this creates a precedent for other companies. J. Martin said no precedents will be set, as each application will be determined on merit; requiring site plan review would provide the Commission the opportunity to determine details like decibel factors, testing timing, etc. J. Tapia noted that with the promoting of this area for this type of use, the question of electric fences would likely come up again. T. Yosenick stated he does not like changing zoning based on one applicant. M. Carr stated he does not see a need for this. P. Ragucci agreed that if this amendment is passed, it should include required site plan review.

## **MOTION**

In the matter of the proposed zoning text amendment by the Town of Glenville to allow for the expanded use of electric fences, the Planning and Zoning Commission recommends that the Town Board approve the application.

Recommended conditions of approval are:

1. The process will include site plan review.
2. Alarm decibels, testing days and times to be determined by Site Plan Review.

**Motion: K. Semon Seconded: P. Ragucci**  
**Vote: Ayes: 4 Noes: 2 (M. Carr, T. Yosenick) Absent: 1**  
**MOTION CARRIED**

With no further business to conduct, the meeting was adjourned at 8:45 p.m.

The next meeting of the Town of Glenville Planning and Zoning Commission is to be held on ***Monday, August 11, 2014***. The agenda meeting will be held ***Monday, August 4, 2014***.

Submitted by Chris Flanders, Stenographer:

Filed with Linda Neals, Town Clerk:

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