

Town of Glenville
Planning and Zoning Commission
Monday, June 9, 2014
Glenville Municipal Center
18 Glenridge Road
Glenville, NY 12302

Present: Mike Carr, Chairman, Pat Ragucci, Jim Gibney, Kurt Semon, Tom Bodden

Excused: Tim Yosenick and Javier Tapia

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

1. Approval of the minutes of the May 12, 2014 meeting

Motion: K. Semon Seconded: P. Ragucci
Vote: Ayes: 5 Noes: 0 Absent: 2
MOTION CARRIED

Approval of the agenda

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

2. Benderson Development Company, LLC
268 Saratoga Road

Site Plan Review - Final
(Public Hearing)

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. Mr. Boglioli briefly reviewed the project plan. He said the deed was filed today joining the lot at 268 Saratoga Road with the shopping center. The requested variances have been granted by the Zoning Board of Appeals. Parking meets the requirements, with 57 spaces in the rear of the shopping center for employees. There will be sidewalks around the building and to Route 50.

Mr. Boglioli presented the Phase I investigation and Phase II remediation reports to the Commission. Due to the former use of this property as a gas station, a small amount of contamination was discovered. This will be cleaned up during the demolition process.

Discussion followed regarding the access to the property. A letter was received dated June 9, 2014 from NYS DOT. In the letter Mark Kennedy, Regional Traffic Engineer, states that the proposed direct access onto Route 50 is less than ideal. It further states DOT is willing to consider the proposed driveway to Route 50 as shown on the concept plan with a letter from the Town of Glenville expressing their support of the driveway configuration and requesting the Department grant an exception to the minimum driveway spacing standard outlined in their policy.

Chairman Carr said he has issues with the letter just arriving today, with little time to review it, and is also concerned with any associated liability for the Town in the event of traffic accidents. Town Planner Kevin Corcoran spoke to Town Attorney Michael Cuevas who determined there would be no liability on the Town's part as Saratoga Road is a state highway.

J. Gibney said his main concern is that DOT has not clearly addressed the situation. He is also concerned about traffic volume being much higher than the previous tenant. J. Boglioli said the new curb-cut is an improvement over what is currently there, and the applicant has agreed to restrict left turns out. The full access, oversize driveway has been improved. T. Bodden said the design was improved, but the problem is location. The driveways are too close together in that section of the road and statements in the DOT letter confirm his opinion.

J. Boglioli stated he would be willing to table this application at this time in order to have traffic engineers such as Creighton Manning address this issue in writing. The Commission was receptive to this offer, especially as the DOT letter was just received.

Chairman Carr then opened the public hearing.

Jill Burwell, 7 Surrey Road, asked about the curb-cut and how it manages traffic. Mr. Boglioli explained the curbing as a 'pork chop' design, which guides traffic from exiting in the wrong direction.

The public hearing will remain open until the next PZC meeting, at which time it will be continued.

It was agreed by the applicant and the Commission to table this application until the July meeting of the Planning and Zoning Commission.

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

Site Plan Review (Preliminary) and Conditional Use Permit

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*.

Dan Farnan was present for KB Consulting to address the Commission in this application. He stated the employee parking lot would have a berm around the lot, and landscaping on the berm. There will be a single point, 24' wide access from the existing parking lot to this newly proposed parking lot. The stormwater area is at the northwest corner of the parking area. Drainage is based on the current design and would sheet-flow to the bio-retention area with a raised catch basin. Water would then be conveyed by sump pump to interconnecting dry wells. The drywells are designed to contain a 100-year storm event.

Mr. Farnan said variances requested include the setbacks between the property lines and the pavement on the south and west sides, the size of the parking spaces to be 18' x 8' to match the existing spaces on the property, the elimination of internal landscape islands, elimination of curbing/curbstops along the west, south, and east sides, and the proposed 33% green space opposed to the 35% required per Town Code. The project would need an area variance to allow the creation of substandard lots to allow for the proposed lot line adjustment.

M. Carr addressed the comment letter from Gregg Petricca, the Thomas Corners Fire Department Chief, dated June 5. Chief Petricca suggested the addition of a fire hydrant to the southeast area of the lot and permanent *no parking/fire lane* signs be installed. Mr. Farnan said the client has agreed and this will be reflected in a future correspondence.

K. Semon asked about service records of the existing on-site hydrant mentioned in an e-mail received from Chief Petricca. M. Carr read the May 15th e-mail to Planner I Mike Burns into the record as follows:

Mike,

I looked at the plan for Mohawk Honda and drove through the parking lot tonight. I'd like to meet with you at the property. I have some concerns about vehicle access around the building and throughout the property, parking around the fire hydrant and service records of any on-site hydrant maintenance. Another request is that they install a new fire hydrant next to the dumpster/entrance to the new parking area. The additional hydrant request is due to the new addition to the building and increased parking close to the residences.

Thank you,

Gregg Petricca

Chief, Thomas Corners Fire Department

Building Inspector Paul Borisenko explained that the existing hydrant is private and annual maintenance records must be kept. These records should be provided to Chief Petricca.

M. Carr noted he had driven through the property and that the automobiles are packed in there like sardines. Cars are parked at angles with each other, prohibiting access traffic. This does not meet the current site plan criteria recently approved.

T. Bodden asked what restricts the new parking to the 113 employees. He is concerned this lot will be used for spillover of excess vehicles. He is concerned with public safety and noted that if

this lot is a pressure relief area, then the applicant should be upfront with that information now. Expansion of a commercial use is one thing, parking is another.

M. Carr said there is a concern for public safety, and upon inspection, the parking does not conform to the site plan. This needs to be addressed.

Attorney Peg Huff stated the application will need to appear before the ZBA to obtain variances before PZC action. Mr. Farnan said the application is scheduled to be on this month's ZBA agenda.

M. Carr asked that the requested variances be listed on the site plan.

J. Gibney asked if access to the houses would change, and D. Farnan stated it would not.

M. Carr stated that if the applicant is willing to comply with the local fire department, he is comfortable recommending approval of the Conditional Use application by the ZBA. Chairman Carr also asked Mr. Farnan to convey to the applicant the concern over the parking situation and lack of compliance to the current site plan.

P. Huff asked that the site plan be clearly labeled as to the location of the new hydrant, fire lanes, and variances.

MOTION

In the matter of the conditional use permit application by Two Guyz Realty, LLC/Mohawk Honda to establish a 113 space employee parking lot on a 0.99-acre parcel that is to be combined with the existing parking lot at the current facility at 175 Freemans Bridge Road at, the Planning and Zoning Commission recommends that the Zoning Board of Appeals approve the application with conditions.

Recommended conditions of approval:

1. The applicant modify the site plan to include all seven variances being requested
2. The applicant is to include on the site plan notes from the Thomas Corners Fire Department Chief in reference to emergency vehicle access, ingress and egress, and the installation of the new fire hydrant
3. The applicant is to provide fire hydrant maintenance records to the Thomas Corner Fire Department Chief as required for private hydrant systems.

Motion: M. Carr Seconded: K. Semon
Vote: Ayes: 5 Noes: 0 Absent: 2
MOTION CARRIED

**4. Capitaland Realty, LLC
41, 43, and 47 Saratoga Road**

Zoning Map Amendment

The owner of the three single-family homes at 41, 43, and 47 Saratoga Road is requesting a zoning change from *Professional Residential* to *General Business*. The three properties, which total approximately 3.5 acres, would be combined with the 4-acre Capitaland GMC/Subaru parcel at 37 Saratoga Road, allowing for an expansion of the GMC/Subaru dealership.

Luigi Palleschi, ABD Engineering, represented the applicant. He stated the proposed new building would serve the Subaru auto dealership, and would include an additional service bay on the property. The existing right-in-only curb cut will allow access from Route 50 into the site. There will be new water and sewer service to the site, connecting to the Town systems. The property drains to the rear infiltration basin and complies with DEC regulations before being discharged in a small stream/ravine at the back of the property.

Mr. Palleschi provided an aerial view of the existing property and the three properties for which a change of zoning is being requested. He is proposing a buffer around the property of a berm with trees.

L. Palleschi stated a total of 3.3 acres would be changed to General Business zoning, which is the zoning of the majority of properties in this area. He anticipates the creation of 15 to 20 new jobs with this expansion.

K. Semon asked if the neighboring homeowners are agreeable to this change of zoning. L. Palleschi answered that he believes so, and the neighbors are aware of the proposal, as some of them have been approached about the possible purchase of their properties.

P. Huff asked if the existing berm on the Capitaland property will remain, and Mr. Palleschi said it would remain as is. When asked how high the new berm would be, Mr. Palleschi said it would be between 4 and 5 feet, with evergreen trees. Town Planner Kevin Corcoran stated he can specify better, hardier trees for buffering the area and can supply suggestions to the applicant. Mr. Palleschi said the existing deciduous trees on the properties will be preserved as much as possible.

M. Carr asked the applicant to maximize the height of the berm for mitigation of noise and lights. This will be discussed during the site plan review phase of this application if the Town Board approves the requested zoning change, as well as any adverse impacts to area residents.

J. Gibney voiced some questions/concerns he has. The current zoning is Professional Residential and the original rationale for this transitional zoning was because there are residences nearby. However, it appears that type of use, Professional Residential, is not going on in this area. Therefore, the applicant is requesting a change to General Business zoning to enable him to expand his business. Extending the General Business district has been discussed previously for this section of Route 50. He questions if this makes sense from a planning standpoint. He noted that it has been zoned this way for 20 years and asks if this is justification for changing it. He is

concerned about taking away the options for less intense uses. Mr. Gibney states the property is a car dealership today, but asks what else could go in there in the future?

MOTION

In the matter of the zoning map amendment application by Capitaland Realty, LLC, for properties located at 41, 43, and 47 Saratoga Road, the Planning and Zoning Commission recommends that the Town Board adopt the zoning change for those three properties, as it is in line with what is currently happening in the Town.

Discussion:

If the Town Board approves the zoning changes, J. Gibney would ask the Board to state why they are doing this; is it to accommodate one business owner or because it is the right thing to do for the parcel. He would like to know the justification for the change because he is not sure he has seen it other than as a general statement. It should be stated that this proposal has been looked at for impacts of the new zoning and potential uses by right, and answer the question 'is that what we want going forward in this town?'

Motion: M. Carr Seconded: K. Semon
Vote: Ayes: 5 Noes: 0 Absent: 1 Abstentions: 1 (J. Gibney)
MOTION CARRIED

For the record, J. Gibney stated his reasons for abstaining are per the motion discussion above.

5. Town of Glenville

Zoning Text Amendment Recommendation to the Town Board (Continued from May)

The Town is proposing an amendment to Section 270-19(B) of the Zoning Ordinance to eliminate multi-family dwellings as a use allowed by site plan review within the "*General Business*" zoning district.

J. Gibney spoke regarding the discussion of this zoning text amendment at the PZC agenda meeting. He said Supervisor Koetzle attended the meeting and explained the rationale for this amendment. He said the Supervisor did an excellent job presenting statistics regarding the percentage of multi-family homes in our town and in neighboring towns. Glenville is on the high end of the scale. PUDs will still be allowed, and reasonable proposals can still be considered. J. Gibney felt the Supervisor presented a very viable argument for this proposal. T. Bodden agreed with Mr. Gibney. He said he opposes eliminating multi-family dwellings entirely, and the Supervisor explained the benefit of 'raising the bar' for applicants. The Commission noted for the record that they are advocates of having someone from the Town Board attend meetings to contribute to policy discussions.

P. Huff noted that other contributing factors to this proposed legislation is that large blocks of apartments have been approved, but are not being built. It is noted that if they were in demand, they

would have been built. The question also is asked if these apartments will be needed in 20 years, or will they fall into disrepair.

MOTION

In the matter of the zoning text amendment application by the Town of Glenville, the Planning and Zoning Commission recommends that the Town Board adopt an amendment to Section 270-19(B) of the Zoning Ordinance to eliminate multi-family dwellings as a use allowed by site plan review within the “*General Business*” zoning district.

Reasons supporting this recommendation include those presented by Supervisor Koetzle at the PZC agenda meeting as noted above, the fact that this amendment does not include a strict ban on multi-family housing, and the fact that there are other mechanisms to facilitate the construction of multi-family housing in PUDs and in Multi-Family zoning districts.

Motion: M. Carr Seconded: K. Semon
Vote: Ayes: 5 Noes: 0 Absent: 2
MOTION CARRIED

6. Town of Glenville

Zoning Text Amendment Recommendation to the Town Board

This proposal calls for an amendment to Section 270-108C of the Zoning Ordinance to implement a one-step site plan review process (instead of two-steps) in certain instances and for a select group of land uses.

J. Gibney referred to his notes from the PZC agenda meeting. He stated one-step site review is not mandatory, and many neighboring towns employ such action. K. Corcoran estimates 8-10% of projects that come before the Planning and Zoning Commission could be turned into the one-step process. This codifies this action. One-step review would still require SEQR review and a public hearing.

MOTION

In the matter of the zoning text amendment application by the Town of Glenville, the Planning and Zoning Commission recommends that the Town Board adopt an amendment to Section 270-108C of the Zoning Ordinance to implement a one-step site plan review process (instead of two-steps) in certain instances and for a select group of land uses.

Reasons supporting this recommendation include the applications will continue to required both SEQR review and public hearings.

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

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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, July 14, 2014***. The agenda meeting will be held ***Monday, July 7, 2014***.

Submitted by Chris Flanders, Stenographer:

Filed with Linda Neals, Town Clerk:
