

**Town of Glenville
Planning and Zoning Commission
Monday, May 12, 2014
Glenville Municipal Center
18 Glenridge Road
Glenville, NY 12302**

Present: Mike Carr, Chairman, Pat Ragucci, Javier Tapia, Tim Yosenick, Jim Gibney, Kurt Semon, Tom Bodden (7:15 pm)

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 April 14, 2014 meeting

Motion: J. Gibney Seconded: P. Ragucci

**Vote: Ayes: 5 Noes: 0 Absent: 1 Abstaining: 1 (K. Semon due to absence)
MOTION CARRIED**

Approval of the agenda

Motion: J. Tapia Seconded: T. Yosenick

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

**2. Raindancer Car Wash, LLC
641 Saratoga Road**

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

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.

Benjamin Ewald, Ingalls and Associates, represented the applicant.

Mr. Ewald stated the applicant had been asked to test the contents of the tanks on the premises. The bays were tested and came back clean. There were no issues of contaminants. M. Carr stated there is the presence of contaminants, but the amounts are below the standard threshold. The samples were taken from bays under the building, one in each bay, and one in the rear structure. M. Carr said he was satisfied with the results of the testing.

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

M. Carr noted the appropriate variances have been granted by the Zoning Board of Appeals.

MOTION

In the matter of the final site plan review application by Raindancer Car Wash, LLC for the conversion of a car wash to a three-unit apartment building located at 641 Saratoga Road, the Planning and Zoning Commission hereby 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. *It is noted that fencing and buffering*

as discussed previously will be provided to avoid any adverse impact to the neighbors to the north of this parcel on Route 50.

12. The proposed use does provide suitable open space for buffering and/or recreation purposes.

It is understood the southern curb cut will be closed.

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

It is noted that Tom Bodden arrives at 7:15 p.m.

3. Clay & Sandra Ernst
36 Van Voast Lane

Conditional Use Permit -
Recommendation to the ZBA

A Conditional Use Permit is requested to establish an accessory apartment within the new single-family residence planned for the existing 5.4+/- acre building lot located at 36 Van Voast Lane. The existing lot is served with public water and will have on-site sanitary sewer facilities. The property is zoned *Suburban Residential*.

Mr. and Mrs. Ernst were present to answer any questions the Commission might have.

Mr. Ernst addressed the Commission. He explained that he would like to build a home with an apartment for his mother. The apartment will be under the 750 sq. ft. allowed by zoning. There will be a common driveway to the main house.

M. Carr stated the Commission had no major issues with this application. Mr. Ernst stated that there is plenty of room for expansion of the septic system if necessary.

MOTION

In the matter of the conditional use permit application by Clay and Sandra Ernst to establish an accessory apartment within the new single-family residence planned for the existing 5+/- acre building lot located at 36 Van Voast Lane, 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 conditional use will not be detrimental to or endanger the public health, safety, or general welfare of the community.
2. The 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 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 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: M. Carr Seconded: P. Ragucci
Vote: Ayes: 7 Noes: 0 Absent: 0
MOTION CARRIED

4. Benderson Development Company, LLC
268 Saratoga Road

Site Plan Review (Preliminary)
and Conditional Use Permit -
Recommendation to the ZBA

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 stated the site at 268 Saratoga Road, the former Teresa's Restaurant, is the location for the new 6,400 sq. ft. Applebee's Restaurant. The site now has zero greenspace. The building would be demolished and the site would be integrated with the Mayfair Shopping Center. The driveway has been re-designed for stacking and the greenspace would be increased to 24.7% and be around the entire building. Sidewalks will also be installed along the frontage.

J. Boglioli also stated the 410 parking spaces are in compliance with zoning. Two variances for parking lot setbacks, cross easements, and a conditional use permit would be required, as the previous permit has expired.

When asked, Mr. Boglioli said 57 parking spaces for shopping center employees will be behind the buildings. Deliveries to the supermarket are towards the opposite end of the shops and would not create interference. Any snow amounts too large to be accommodated on site will be trucked off-site, if necessary. The salt storage shed will change from the current location, and will be shown on the site plan.

M. Carr next addressed the demolition of the existing building. He asked if the grease traps are going to be removed. The applicant's engineer, Jim Gillespie, said the existing grease traps will be removed and new ones installed. Regarding any possible automotive business contamination

from previous uses on the property, J. Boglioli said a Phase I investigation was done, and Phase II sampling. The results were reported to DEC for review. If there is any evidence of contamination during demolition, it will be reported to DEC immediately. M. Carr asked Mr. Boglioli to send him the information regarding concentrations of contaminants found in the sampling via e-mail.

M. Carr asked if fencing would be provided, and Mr. Boglioli said fencing is not proposed. The doorway is 15' from the road, and there may not be room for a fence. He added the lighting would be Sternberg fixtures to match other lighting in the Town Center. Mr. Boglioli was asked to look into the possibility of adding a fence such as the fence in front of CVS Pharmacy.

M. Carr asked where take-out parking spaces would be located and Mr. Boglioli pointed out the take-out window on the side of the building.

Discussion followed about the curb cut and driveway; whether a right in/right out only drive is the safest, restricted turns, possibly switching the building and parking to get the proposed driveway further away from Dunkin' Donuts, and if accident history is available. DOT will also address this during their review.

MOTION

In the matter of the preliminary Site Plan Review application by Benderson Development Company, LLC for a 6,400 sq. ft. restaurant with 208 seats located at 268 Saratoga 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: T. Yosenick
Vote: Ayes: 7 Noes: 0 Absent: 0
MOTION CARRIED

MOTION

In the matter of the preliminary Site Plan Review application by Benderson Development Company, LLC for a 6,400 sq. ft. restaurant with 208 seats located at 268 Saratoga Road, the Planning and Zoning Commission hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. Existing grease traps are to be removed from premises.
2. The applicant will work with DEC to address and remediate spill previously noted.
3. The applicant will address any DOT comments regarding curb cuts, etc.
4. The applicant's representative will speak to the applicant regarding the Town's desire to eliminate left turns exiting the property.
5. The applicant is requested to consider decorative fencing.
6. The applicant agrees to report any further contaminants encountered to DEC.
7. The applicant has agreed to install Sternberg lighting per the Town Center Master Plan.
8. The applicant is to locate the salt shed on the site plan.

The Commission hereby schedules a public hearing for June 9, 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 June 9th, 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.

Motion: M. Carr Seconded: K. Semon
Vote: Ayes: 7 Noes: 0 Absent: 0
MOTION CARRIED

MOTION

In the matter of the Conditional Use Permit application by Benderson Development Company, LLC to establish an Applebee's Restaurant at 268 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 conditional use will not be detrimental to or endanger the public health, safety, or general welfare of the community.
2. The 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 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, *and applicant will consider restricting left turn out of the property.*
6. The 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: M. Carr Seconded: P. Ragucci
Vote: Ayes: 7 Noes: 0 Absent: 0
MOTION CARRIED

6. Town of Glenville

Zoning Text Amendment Recommendation to the Town Board

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.

T. Yosenick asked if someone from the Town Board will be present to address the Commission. Town Board liaison Jim Martin was invited, but was not present. The Commission discussed the result of such legislation. It was noted as a zone change, the Town Board would not have to even consider multi-family applications.

The Commission questions the motivation for this recommendation, and would like to have a board member present to address the intent of this proposal.

MOTION

This application is tabled until Supervisor Koetzle or Town Board liaison Jim Martin is present to address this issue and provide additional input regarding this proposal.

Motion: M. Carr Seconded: K. Semon

Vote: Ayes: 7 Noes: 0 Absent: 0

MOTION CARRIED

Application tabled.

7. Town of Glenville

Zoning Map Amendment Recommendation to the Town Board

The Town is proposing a zoning map amendment for lower Freemans Bridge Road and lower Maple Avenue. The proposed map amendment would change the zoning designation of 18 properties and a portion of seven additional properties from "*Research/Development/Technology*" to "*General Business*." The proposed map amendment is reflective of existing land uses and supports recommendations contained in the Freemans Bridge Road Master Plan.

M. Carr noted one of the properties included in this proposed amendment is the Lyons property, now owned by Mr. Popolizio. Although this contaminated property has been cleaned up by the state, there are residual PCBs there. He asked if there are any restrictive covenants or deed restrictions on the property. K. Corcoran said residential uses would not be allowed. Attorney Peg Huff said she would look into any restrictions.

K. Corcoran noted that the Town Board believes this area of Town is better suited for commercial than industrial uses. He also noted the proposed rezoning complies with the Freemans Bridge Road Master Plan.

MOTION

In the matter of the zoning map amendment application by the Town of Glenville for lower Freemans Bridge Road and lower Maple Avenue, changing the zoning designation of 18 properties and a portion of seven additional properties from "*Research/Development/Technology*" to "*General Business*," the Planning and Zoning Commission recommends that the Town Board approve the application.

Additional Comments:

1. As a known former hazardous-waste site, the Town Board should investigate if there are any deed restrictions or restrictive covenants on the property formerly known as the Lyons property.
2. The Town Board should take into consideration that one of the properties is environmentally distressed.
3. It is noted that the County Zoning Referral defers to local consideration.
4. This action would now make the majority of the properties conforming uses.

Motion: M. Carr Seconded: J. Tapia
Vote: Ayes: 7 Noes: 0 Absent: 0
MOTION CARRIED

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, June 9, 2014***. The agenda meeting will be held ***Monday, June 2, 2014***.

Submitted by Chris Flanders, Stenographer:

Filed with Linda Neals, Town Clerk:
