

# PLANNING AND ZONING COMMISSION

Town of Glenville  
18 Glenridge Road  
Glenville, NY 12302  
December 12, 2016

Present: M. Carr, Chairman, J. Gibney, T. Bodden, P. Ragucci, K. Semon  
M. Tanner, T. Yosenick

Also Attending: K. Corcoran, Town Planner, A. Briscoe, Asst. Building Inspector,  
M. Cuevas, Attorney, L. Walkuski, Stenographer

Absent: none

Meeting called to order at 7:04 PM

**Motion** to approve the Agenda

**Moved by:** P. Ragucci

**Seconded by:** K. Semon

**Ayes:** 7      **Noes:** 0      **Absent:** 0

Motion Approved

**Motion** to approve minutes from the November 14, 2016 Meeting

**Moved by:** K. Semon

**Seconded by:** T. Bodden

**Ayes:** 7      **Noes:** 0      **Absent:** 0

Motion Approved

**The Schenectady Distilling Company, Inc.**  
**3304 Amsterdam Road**

**Site Plan Review**  
**(Preliminary)**

This application would result in the establishment of a distillery in a portion of the former Rector's Fire Department on Route 5. The distillery would occupy the easternmost 1,135 sq. ft. of the building, which was the easternmost service bay of the fire station. The property is zoned "Community Business".

Ken Gibbons is representing both The Schenectady Distilling Company, Inc. and Guardian Preservation LLC.

Mr. Gibbons stated he is part of a 4 person LLC (Guardian Preservation LLC) which owns a number of real estate and property management services in the area. Guardian Preservation holds the contract with the firehouse. The original intent was for Guardian to use the building for office/storage space. After that project began, Mr. Gibbons personally started Schenectady Distilling Company which has been incorporated for several years. He has obtained his NYS Liquor license (now in the conditional phase) and is waiting for Federal Government approval (may take about 6 months to obtain). The intent is to have a small batch distillery producing a barrel per month (about 10 gallons) with the possibility of future production to be 30 - 40 gallons per month. Mr. Gibbons also indicated that he submitted responses addressing the Commission's preliminary questions regarding the distillery.

M. Carr said this is a nice opportunity. He asked who owns the property.

K. Gibbons stated he wanted to keep the distillery local. Once he viewed the property he thought it would be a good place for the distillery, with the hopes that Guardian Preservation would carry the building until the distillery was profitable. He said the property is owned by the Rector's Fire Company who merged with Beukendaal.

T. Bodden asked about the Farm Distillery label.

K. Gibbons said it is a designation NYS gives to companies that use NYS grains/products in the production of their product. He believes 80% is required by NYS to get the designation. Due to his small production he believes he could increase that percentage to 100% NYS products. He also stated that he will be obtaining barrels from a NYS company named Adirondack Barrel Cooperage.

T. Bodden asked since he used the "Farm Distillery" designation for his business did it speed up the licensing process with NYS.

K. Gibbons agreed that designation did help with the process.

M. Carr asked about the wort being placed in the septic system. Will there be any negative impacts i.e. killing of bacteria?

K. Gibbons said there shouldn't be any issues. Wort is basically beer without alcohol.

M. Carr addressed the issues of the floor/bay drains. He informed Mr. Gibbons there is a process that needs to be followed in order to cap them off. A concern was discussed with regard to the previous tenant, the firehouse, and what type of cleaning agents were used on the firetrucks etc. especially with the current news stories regarding PFOA. The applicant would need to contact DEC Region 4 for the proper decommissioning of the drains.

K. Semon stated that the fire department should know where the drains empty.

K. Gibbons indicated that he had contacted the fire department and there was some difference of opinion as to where the drains emptied. He stated he had the drains tested and could not prove the drains emptied into the septic system.

M. Carr said since the location is down by the aquifer recharge area, and to prevent any future problems, DEC should be contacted with respect to decommissioning the bay drains.

A discussion took place with regard to the location of the septic tank, the amount of waste going to the septic system, and size of tank.

M. Carr asked if there were going to be any chemicals on the site other than what is needed to produce alcohol.

K. Gibbons responded only some cleaning chemicals that will be needed to clean the equipment.

T. Yosenick asked about sanitizing the equipment.

K. Gibbons said the sanitizing will be done by using a product (a powder that has water added to it) that is considered a standard cleaning agent in the restaurant/bar business.

K. Semon asked about the type of fire suppression that will be available and also what type of heat will be used in the bay area.

K. Gibbons said at the present time there will be small open burners in the bay area. Since the burners are small and there is a ventilation system in the firehouse, he doesn't have any concerns with regard to fumes. There is no sprinkler system installed and there will be fire extinguishers available on site. He is aware that he needs to meet NYS fire code.

M. Cuevas, Attorney, asked about the category of use. The Town already has a specific distinction for micro-breweries and micro-wineries, but not micro-distilleries. There is no definition for micro-distilleries.

K. Semon stated micro-distilleries would need to be added to the Town Code.

K. Gibbons said that since he will be producing and selling his product, he would also fall into the retail category.

A discussion took place as to the newness of the micro-distillery category compared to micro-breweries/wineries. Additionally, should this application be considered as a retail business instead of a micro-distillery? Also discussed was whether this application will be conditionally approved, and what is the process of a zoning change regarding this application.

T. Bodden asked how long will it take for the distillery to be up and running.

K. Gibbons stated a major issue is the septic system and it depends when that issue resolves itself.

M. Carr asked M. Cuevas what is be the best way to proceed.

M. Cuevas said for now the site plan application should be considered as a retail operation. Then an amendment to modify the site plan should be submitted when the applicant has the license to manufacture. The zoning modification should be resolved by the time his is ready to manufacture. He also added the State is encouraging this type of business.

J. Gibney asked will there be sufficient parking for future tastings.

K. Gibney said it meets Town minimum requirements for parking.

T. Yosenick asked how often does the grain get picked up?

K. Gibbons said the grain does not sit long. It is picked up every couple of days.

P. Ragucci asked who owns the building?

K. Gibbons responded the original plan was to have Guardian Preservation own the building, but that brought up questions as to how ownership would be divided among the four principles. To date, the ownership question has not been answered.

T. Yosenick asked about the utilities being shared between both businesses, including rest room areas. A future concern is if one of the businesses is sold what will happen to the utilities. Who will have use of them?

K. Gibbons responded that currently the plan is to share the utilities and rest rooms.

M. Carr replied this type of situation has been presented before and the PZC has asked for a letter allowing the use of rest rooms and utilities being utilized by both tenants/businesses.

M. Tanner asked about the wall that will be separating the businesses. Is there a wall there now?

K. Gibbons answered there is not a wall there at the present time, but a fire wall would have to be installed. He will talk to the Town Building Department before it is built.

## MOTION

In the matter of the site plan review application by The Schenectady Distilling Company for the establishment of a distillery located in a portion of the former Rector's Fire Department, 3304 Amsterdam 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 SEQR Negative Declaration.

## **MOTION**

**Moved by:** M. Carr

**Seconded by:** P. Ragucci

**Ayes:** 7    **Noes:** 0    **Absent:** 0

Motion Approved

## **MOTION**

In the matter of the preliminary site plan review application by The Schenectady Distilling Company for the establishment of a distillery located at 3304 Amsterdam Road, the PZC hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant needs to resolve any septic system issues.
2. Establish a plan for the investigation of the bay drains and proper decommissioning of the drains.
3. Must meet current codes for signage.
4. Must meet current building code for fire wall to be built.
5. Must meet current fire codes for fire suppression.
6. This application is being looked at as a retail application as the current Town Code does not recognize micro-distilleries as part of micro-breweries/micro-wineres definitions. As such, the applicant will need to reapply when he is ready to start manufacturing at the site.

The Commission hereby schedules a public hearing for January 9, 2017 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for January 9, 2017, 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**

**Moved by:** M. Carr

**Seconded by:** P. Ragucci

**Ayes:** 7    **Noes:** 0    **Absent:** 0

Motion Approved

**Guardian Preservation LLC**  
**3304 Amsterdam Road**

**Site Plan Review**  
**(Preliminary)**

This proposal calls for the establishment of a property management company office and storage facility in a portion of the former Rector's Fire Department on Route 5. Guardian would occupy the western 2,725 sq. ft. of the 3,860 sq. ft. building, with the eastern 1,135 sq. ft. of the building – the eastern overhead bay – being earmarked for the distillery. The property is zoned "Community Business".

M. Carr asked who was representing Guardian Preservation.

K. Gibbons introduced himself as the representative for Guardian Preservation.

M. Carr asked what type of office will Guardian have and what will they be storing there?

K. Gibbons replied the items to be stored are related to rehabilitating apartments and houses, i.e. maybe some appliances, furniture or left over building materials. No hazardous wastes, 55 gallon drums, or roofing materials will be stored on site. All debris goes off-site, and all materials will be stored inside the building. It will not be a contractor's yard.

Questions were asked as to the number of employees working there, the number of working crews, and will there be storage of cleaning supplies on site.

K. Gibbons responded there will be no cleaning supplies on site except those needed to clean the Guardian office. Cleaning of the rehabbed apartments/houses will be hired out so therefore, no cleaning supplies will be stored there. He expects 1 FTE on site and 1 primary working crew. The property manager will be out most of the time and the rental person is PT. All in all, no more than two people at the site at one time.

M. Carr asked if a generator was there and what was the power source.

K. Gibbons stated there is a generator using the site's natural gas line. There are no above ground or underground fuel tanks.

T. Yosenick asked if any rehabilitation work will be done on site.

K. Gibbons responded all rehabilitation work will be done offsite at the location that is being rehabilitated.

T. Yosenick asked if there was going to be a dumpster located at the site.

K. Gibbons said there might be a dumpster, but doesn't think they will generate enough waste to have one. He expects one trash can and one recyclable trash can that can be stored in a garage to be sufficient.

M. Carr said that if the applicant believes he will be needing a dumpster, then a dumpster location needs to be added to the site plan.

## MOTION

In the matter of the preliminary site plan review application by Guardian Preservation LLC for a property management office/storage facility located in a portion of the former Rector's Fire Department, 3304 Amsterdam 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 SEQR Negative Declaration.

**MOTION**

**Moved by:** M. Carr

**Seconded by:** K. Semon

**Ayes:** 7    **Noes:** 0    **Absent:** 0

Motion Approved

**MOTION**

In the matter of the preliminary site plan review application by Guardian Preservation LLC for the establishment of a property management office/storage facility located in a portion of the former Rector's Fire Department, 3304 Amsterdam Road, the PZC hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant needs to resolve any septic system issues allowing the system to handle both businesses.
2. Establish a plan for the investigation of the bay drains and proper decommissioning of the drains.
3. Must meet current codes for signage.
4. Must meet current building code for a fire wall to be built.
5. Must meet current fire codes for fire suppression.
6. A letter allowing the shared use of rest room facilities/utilities for both businesses.

The Commission hereby schedules a public hearing for January 9, 2017 to consider the final site plan review application for this particular project. However, in order for the Commission to schedule a public hearing for January 9, 2017, 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**

**Moved by:** M. Carr

**Seconded by:** P. Ragucci

**Ayes:** 7    **Noes:** 0    **Absent:** 0

Motion Approved

A discussion took place with regard to the site plans and the number of copies that are needed for the final review. It was mentioned if there are changes to the site plans then new site plans will need to be provided. The discussion also noted although two applications were submitted for the site, the first application under consideration should be Guardian Preservation LLC. Without the approval for Guardian, the distillery will not be able to go forward.

**Capitaland Subaru  
49 Saratoga Road**

**Zoning Map Amendment  
Recommendation to the  
Town Board**

Capitaland Subaru recently acquired 49 Saratoga Road, a former single-family residence, and is requesting to change the zoning of this 0.66-acre parcel from “Professional/Residential” to “General Business”. The rezoning would allow Capitaland to expand their parking lot to the north to accommodate more inventory for the increase in Subaru sales from this property.

M. Carr asked who is representing Capitaland Subaru.

Tom Address, ABD Engineering, represented Capitaland Subaru.

T. Address stated a couple of years ago the PZC approved the consolidation of 4 lots between Subaru and GMC, and subsequently a new Subaru dealership building was built. Subaru has been able to acquire one of the last residential lots, a .66-acre lot, north of the dealership. There is a question regarding a small portion of the lot being acquired (top northeastern area) that Subaru will either give an easement or have a lot line adjustment done as this portion contains the driveway to the Dillenbeck residence. At this point, Subaru is considering giving this portion of the lot to the Dillenbecks.

T. Address further explained that the existing General Business zone extends to the end of the Capitaland Motors site. Going north from there the zoning becomes Professional/Residential. Capitaland Motors would like to have the zoning changed on this acquired lot to allow for the expansion of their parking lot. The rear line of the Capitaland site is zoned Suburban Residential and there is no intention to ask for rezoning of that area. The addition of the .66-acre lot would give just over 8-acres to Capitaland.

M. Carr asked Mr. Address to address the curb cuts. It looks like there are three on the map.

T. Address confirmed there is not any intent to increase the number of curb cuts. Currently, there are two curb-cuts.

T. Bodden asked about the Dillenbeck driveway and will that be used by both the Dillenbecks and Capitaland.

T. Address said the driveway is to be used only by the Dillenbecks and not Capitaland Motors.

M. Carr inquired about the buffer and the lighting.

T. Address mentioned the Town Code states you need a 40 foot buffer if there is residential use next to the property. The 40 foot buffer is already there so, the berm will be moved forward and the lighting along the perimeter will be moved accordingly. The dealership will end up with about 60 more parking spaces.



T. Bodden asked if Capitaland has heard anything from the Dillenbeck family stating whether they are on board with the changes.

M. Carr said the family would be notified by the Town with regard to the public hearing on the zoning change.

T. Andress said the family is well aware of what is going on as Subaru has been in negotiations with the Dillenbecks for awhile. Currently, the residents of the house are tenants. It was also mentioned there was a concern initially from the owners of the property that backs up to the Return development. Those owners had issues with the lighting. Once the lighting was changed, the issue was resolved. To date, they have not heard anything from those owners.

A discussion took place concerning the steps to be taken in changing the zoning designation. The PZC recommends to the Town Board for the zoning change. If the Town Board does change the zoning, then the applicant will come back and appear before the PZC with a site plan. The discussion continued regarding whether or not the PZC should recommend further expansion of the General Business zone instead of doing it on a case by case review.

J. Gibney asked K. Corcoran what, if any, has the indication been from the Town Board with respect to the “creeping” of the General Business zone along Route 50 and is that included in the Town plan.

K. Corcoran responded he believes there will be more land designated for commercial use along Route 50 as residential uses continue to convert to commercial. Using the Return development as a break point for the transition from General Business to Residential seems logical.

## **MOTION**

In the matter of the zoning map amendment application by Capitaland Subaru to be located at 49 Saratoga Road, the PZC recommends that the Town Board approve the application.

Reasons for supporting the recommendation:

This business is looking for additional space to accommodate more inventory for the increase in Subaru sales. Of concern, is the potential “creep” of General Business zoning north along Route 50 and the impact on Professional/Residential areas. As a regulatory body, the PZC, would like to see a more definitive plan from the Town Board/Planning Department addressing this issue instead of using a piecemeal approach.

## **MOTION**

**Moved by:** M. Carr

**Seconded by:** K. Semon

**Ayes:** 7    **Noes:** 0    **Absent:** 0

Motion Approved

**Aldi, Inc.**  
**303 Saratoga Road**

**Conceptual Site Plan**

The applicant is requesting feedback on a conceptual site plan for the construction of a 17,825 sq. ft. Aldi's grocery store on the vacant 2.5 +/- acre property on the west side of Route 50, directly across from Price Chopper. This project would also necessitate the rezoning of a 0.26-acre parcel on Sheffield Road from "Suburban Residential" to "General Business". Also, the former *Glenville Tile* property on the northwest corner of Route 50 and Sheffield Road, which is now part of the 2.5 +/- acre development parcel would need to be rezoned from "Community Business" to "General Business" in order to accommodate a future 1,000 +/- sq. ft. drive-through fast food restaurant.

M. Carr asked who is representing the applicant.

Rob Osterhout, Bohler Engineering, and Bruno Lourenco, Aldi Inc., were present.

R. Osterhout gave a brief overview of the site and stated the main purpose for their conceptual site plan tonight was to get feedback so they can move forward with the project. There is a mixture of zoning classifications on the site with the majority being General Business and Town Center Overlay. The site has been sitting vacant for years and they are looking to develop this site with an Aldi's store. He pointed out that Aldi will be a tenant for the site as the developer is also looking to have future development on the southern side of the lot. A traffic study has been started, but they do not have the complete results yet.

K. Semon asked if the curb cut is for the Aldi site or for the future development.

R. Osterhout stated the curb cut is more for the future development.

M. Carr asked if the traffic signal is owned by Price Chopper (Golub).

R. Osterhout said that is correct. He received the plans for the signal and it doesn't look like a signal modification needs to take place. They will have about 101 parking spaces and that falls within Town Code. They do not meet the 25 foot frontyard parking setback requirement and also mentioned the site is limited in area with regard to traffic circulation.

M. Carr asked how short is the site on green space.

R. Osterhout stated he thinks they are just over the 35% threshold needed on the complete site.

A discussion took place regarding the Aldi that was built in Colonie and comparisons were made to the current Glenville plans.

T. Bodden inquired if they had considered rotating the building 90 degrees like CVS?

R. Osterhout said they tried many variations for the building. It had been considered to move the building more to the front of the site, but doing so would result in the parking being located

behind the building next to the residential area. It was their intent to keep the noise and parking up front away from the residential neighbors.

M. Carr responded it's good to know why other options were not utilized. There needs to be a consistency in the look of the Town Center.

R. Osterhout stated they understood the aesthetics for the Town Center plan. The building's stone work, modern look, elevation, and incorporation of natural resource components is not a typical Aldi's prototype. There is also the vision of enhanced landscaping, metal fencing, pedestrian scale lighting in order to continue the Town Center plan look. A utility easement to the Town within the green space may be a hindrance. The signage proposal is for a free standing monument with an 8 ft. maximum height which conforms to code.

K. Semon asked about the delivery scheme.

R. Osterhout stated the circulation pattern is to come in the main entrance, go through the site to the south end and back into loading dock.

B. Lourenco said the trucks come in overnight and are idle-free trucks, which means they turn off when parked. The trailers are never left in the lot. Deliveries are made off hours, early in the morning, before the store opens.

T. Yosenick asked if there was any attempt made so the loading dock wasn't facing the front.

R. Osterhout said yes there was, but the site is not wide enough to reorient the loading dock.

P. Ragucci inquired as to how many deliveries are made per day.

B. Lourenco replied there are daily deliveries, but dairy deliveries are every two days between 6:00 am and 7:00 am.

K. Semon said there may be issues with the buffer located in the southwest corner and the dumpster.

R. Osterhout indicated this is a master plan layout. The dumpster is not part of Aldi's. Aldi's dumpster is contained below grade by the loading dock and has a retaining wall providing a screen for it.

K. Semon asked when they come back for the site plan review will the retail pad be included?

R. Osterhout said the site plan will not show the pad area.

M Carr said the pad lot for future development needs to be shown on site plan.

J. Gibney asked by the time Aldi's happens will the developer own the residential properties.

R. Osterhout said he would assume so otherwise Aldi's won't be moving forward.

B. Lourenco said that Mr. Burke has to have those residential properties under contract or Aldi's will not be able to build.

R. Osterhout said they will need to come back for a rezoning recommendation.

T. Yosenick asked if bottle redemption is done at the site.

B. Lourenco said they collect the bottles, but the returns are bagged up and sent to CT.

T. Bodden asked if the second pad will be approved with the Aldi project.

R. Osterhout said when they come back in for SPR the pad will not be shown. The rezone is for the two areas where one is "Community Business" and the other is "Suburban Residential."

T. Bodden said practice in the past has been having a plan like this listed as Phase I and Phase II.

R. Osterhout said that is a good point, but Aldi's is not responsible for the pad. Only for SEQRA perspective is it being presented to take into the future development so that it is not segmented.

A discussion took place regarding the traffic pattern, and whether or not the future pad development will be on the site plan review

R. Osterhout addressed the stormwater management questions. He believes it will be along the right northerly side. There will be infiltration basins, depending on the reports. There have not been any geotecs done, but believes there is good soil available.

M. Carr said there might be issues with bedrock.

T. Yosenick asked how will snow storage be handled?

R. Osterhout responded he believes there is enough room along the northerly side, and if need be, the snow will be removed off site.

M. Carr stated overall the conceptual plan is fine, and the PZC has presented their concerns. The issue of the proposed additional right-in/right-out curb cut is up to DOT.

J. Gibney asked if there will be any variances on the site?

R. Osterhout said the front setback for the building, and the rear yard has a 40 foot requirement. Currently, they are at 26 feet on one side of the building and 47 feet on the other. There would also be a variance for the 25 feet of green space in the front. On the south side, to the corner of the building, they have 26 ½ feet. It looks as though they are in the Town Center overlay and that they may be ok with what they currently have.

K. Corcoran said they would need a waiver and not a variance for most of these dimensional shortcomings.

M. Carr said the differential is not severe and asked what is their time frame for starting?

B. Lourenzo responded they are ready to go.

With no further business the meeting was adjourned at 8:55PM

Submitted by:

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Lynn Walkuski, Stenographer

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Linda C. Neals, Town Clerk