

PLANNING AND ZONING COMMISSION  
TOWN OF GLENVILLE  
18 GLENRIDGE ROAD  
GLENVILLE, N.Y. 12302  
July 11, 2016

Present: James Gibney, Tom Bodden, Patrick Ragucci, Kurt Semon,  
Marshall Tanner, and Tim Yosenick

Also

Attending: Kevin Corcoran, Town Planner, Jay Plumley, Attorney,  
and Lynn Walkuski, Stenographer

Absent: Michael Carr, excused

Meeting called to order at 7:05 PM

**MOTION** to approve minutes from the June 13, 2016 meeting

**Moved by:** K. Semon

**Seconded by:** T. Yosenick

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

Motion Approved

**Mark Hindes  
Rosemere Road**

**Minor (3-lot) Subdivision  
(Final) – Public Hearing**

This application calls for the subdivision of a vacant 51 + acre parcel into three residential building lots consisting of 44.7, 3.5, and 3.2 acres. The proposal also includes a 373-foot extension of Rosemere Road and extension of the existing water main on Rosemere Road. The property is located off the western terminus of Rosemere Road, and is zoned *Suburban Residential*.

J. Gibney asked if anyone was present to discuss the application. Mark Hindes, the applicant, was in attendance.

The floor was opened for a public hearing. Theresa Ippoliti, 32 Rosemere Road, addressed the commission and applicant.

T. Ippoliti asked about the existing fire hydrant located in front of her house. She wanted to know if the hydrant will be moved or will another one be installed closer to Mr. Hindes property.

M. Hindes responded his understanding is that the fire hydrants are to be 500' apart and he wasn't sure if the existing fire hydrant will be moved or not.

T. Ippoliti asked when the extension of Rosemere Road will begin.

M. Hindes replied as soon as he gets through the approval process.

T. Ippoliti mentioned that a couple of trucks have driven over her property knocking down fencing.

M. Hindes responded the neighbor who built a retaining wall was responsible for the fencing being knocked down. Their truck turned around in the cul-de-sac and ran over the fencing.

J. Gibney stated that one of the conditions to be put in place will be that any damage that has occurred will need to be repaired.

J. Gibney informed Ms. Ippoliti that this application began as a 3-lot subdivision, then went to just building a single house and now back as subdivision. Due to this, the Commission never had a formal discussion with the applicant regarding truck traffic, and other items associated with a subdivision. They will be asking for any damage to be repaired and also to post a bond for possible damage to the road.

T. Ippoliti asked about the Verizon box and it being left opened.

M. Hindes said that work had to be done for a repair issue, nothing to do with electrical work.

T. Ippoliti asked whether or not tractors are to be driven like a truck down Rosemere Road.

M. Hindes indicated that a neighbor was picking up his tractor from Mr. Hindes and was driving it down the road.

T. Ippoliti asked about drainage from Mr. Hindes project. Will it be draining to the watershed that goes under her driveway?

M. Hindes stated some will, but there is also drainage under the road that will carry the majority of it.

J. Gibney asked where the water lines are located.

M. Hindes said they are located on the north side.

T. Bodden mentioned the email the Commission was given from Lori Antal, 33 Rosemere Road. She had several questions regarding the Hindes project and was not able to attend the meeting. T. Bodden asked for M. Hindes to receive a copy of the email so that he can follow up with Ms. Antal directly.

T. Bodden asked the applicant if he was doing all the work.

M. Hindes responded he was not doing the excavation work. He indicated the septic is in and the preliminary excavation is all done.

K. Semon asked that the email from Lori Antal be read into the record.

*"My name is Lori Antal and I live at 33 Rosemere Road. I am unable to attend the meeting on July 11<sup>th</sup> but would like to address some issues with this project that has already begun.*

- 1.) When I had my detached garage built several years ago I needed to get a variance as it was larger than allowed. I was not able to start this project until after the Zoning meeting so how did the above project start already at least without being informed as I feel that I should have been.*
- 2.) Concerns with the large trucks that are going back and forth and the dirt that is being kicked up on the road in front of my house. I am unable to keep my windows open as the dirt is getting into not only my house but into the pool in my*

*backyard as well. Also, the work is starting at 7am including weekends and disruptive to my sleep.*

- 3.) Concerns with surface drainage that comes off the property already into mine. I needed to have a drainage ditch dug when I had my garage built because of this issue. What kind of system will be put in to address this issue?*
- 4.) If the 2 smaller parcels are sold who will be the builder putting up the houses and will I be notified when this happens?*
- 5.) What is the stake in front of the house for? If it is in reference to digging to lay down a drainage pipe will my property be put back to the condition it was prior to? Concerns with more disruption and issues when leaving my property if it is dug up. I need to use the access road to get to the town road.*
- 6.) Concerns with my TWC cable line being underground to the telephone pole across the street, crossing the access road.*
- 7.) What is the anticipated completion date of this project?*
- 8.) When will the dirt road in front of my property be paved and become a town road?*

*I would appreciate very much if these questions could be posed at the meeting on my behalf. Thank you."*

K. Semon mentioned he had driven to the site before tonight's meeting and saw a large cloud of dust. Additionally, there is a 10x14 shed that is not shown on the map. He also noticed a four wheeler being used in the area which was kicking up more dust. He stated it is a very dry area and understands Ms. Antal's concerns.

With no other comments the public hearing was closed.

T. Yosenick addressed question #1 by Ms. Antal stating the initial plan had reverted back to a non-subdivision single family home and due to use by right, the applicant can start the construction with the proper permits.

T. Yosenick addressed question #4 by Ms. Antal stating that whoever buys the property can choose any builder they want. If it is going to be something other than use by-right, which requires site plan review or conditional use, then they would have to come before the PZC. If it is single homes being built then they don't have to appear before the PZC and neighbors would not have to be notified.

J. Gibney addressed the issue of the large trucks. One of the conditions that will be put into place will be having a bond in order to cover any road damage that may occur due to multiple trips of 30 ton trucks.

M. Hindes said that he took pictures of the road before construction began and said that the road wasn't in good shape at the start.

J. Gibney stated that those roads are not designed for 30 ton trucks. The standard capacity is closer to 5-6 tons.

J. Gibney mentioned that there was an issue with the hammerhead and asked if it had been changed.

Kevin Corcoran, Town Planner, said it looks like it had and referred back to Mike Cuevas', Town Attorney, e-mail that was received Monday afternoon.

Discussion ensued amongst Commission members as to the original plan showing a hammerhead vs a cul-de-sac, what is needed for actual frontage, what is the position of Highway and Engineering or the Town Board on the concept, and who will be responsible for maintenance?

J. Gibney said they had a conversation with Tom Coppola, Highway Department, and it sounds like they are going back to recommending a completely paved cul-de-sac. That would eliminate any issues with the Town Zoning with respect to meeting the minimum lot width.

T. Yosenick stated that the Commission's concern is not necessarily with the current owners, but with future owners coming back to the Town and saying the Town owns the property, and therefore is responsible for its maintenance.

Mr. and Mrs. Hinds both stated that they did what the Town wanted after their engineer met with Highway and Engineering.

Further discussion followed regarding starting the project as a subdivision, going to a single home build and then back to subdivision, the different requirements for subdivision, and the confusion over who is the "they" in the email.

T. Bodden asked if the hammerhead has already been built and the driveway to it.

M. Hinds stated just the base layer has been done with the fabric and stone.

K. Semon asked if he was going to continue to work on Saturdays.

M. Hinds indicated yes on the house.

K. Semon asked how is he going to mitigate the dust.

M. Hinds said he would ask his son not to ride the ATV and possibly get a water truck to hose it down.

Another discussion regarding the subdivision and the conditions of the subdivision and when those conditions will take place.

T. Bodden asked if there was anything in the Town Code that addressed issues such as dust and noise during a build.

K. Corcoran said yes, there is.

Discussion followed regarding whether or not the Town will accept the road and how M. Cuevas' email should be interpreted.

T. Yosenick read into the record the following from the email:

*"In speaking with Tom and Dana, I believe they will revise their position on the hammerhead to eliminate any need for a variance and to avoid any potential dedication issue with the Town Board. I believe they will approve the original concept of the cul-de-sac."*

T. Yosenick stated that the Commission received a notification from Tom Coppola dated July 5<sup>th</sup> that states that a hammerhead will be accepted over the cul-de-sac. So the confusion lies in the statement *"they will revise their position"*. What does that really mean?

K. Semon asked if the building of the house on permit would be hindered in any way by not approving the subdivision.

M. Hindes said it would because it would affect the water, gas, and electrical lines. He isn't going to do certain things, if he doesn't have to, if the subdivision isn't approved.

K. Semon asked if the shed was going to be moved.

M. Hindes replied yes it would be as his calculations to the potential property line was 30 feet off.

J. Gibney asked K. Corcoran how is the bond established.

K. Corcoran stated he wasn't sure, but it will be determined through discussion between the applicant and Town DPW staff.

K. Semon asked if they are going to revisit the previous conditions and add them to the current motion. It was agreed upon by Commission members that yes, the preliminary conditions of approval should be re-stated here.

## MOTION

In the matter of the final minor subdivision application by Mark Hindes for a 3-lot subdivision located at Rosemere Road, the PZC hereby conditionally approves the application. The Commission's decision is based upon the following findings:

The proposed use takes into consideration the relationship of this project to the neighborhood and the community, and the best use of the land being subdivided.

Factors considered include:

- Compliance with the requirements of the Zoning Ordinance and the policies of the Comprehensive Plan.
- Logical arrangement, location and width of streets.
- The lots' and street's relationship to the topography of the site.
- Adequacy and arrangement of water supply, sewage disposal and drainage.
- Accommodation for future development of adjoining lands as yet unsubdivided.
- Adequacy of lot sizes to achieve the above.

### Conditions of Approval:

1. The applicant will bond for coverage of possible road damage due to multiple truck trips that are at 30 tons each. The applicant is to work with the Town DPW to determine the amount of the bond.
2. Resolve with the Town whether the road will be terminated in a hammerhead or cul-de-sac and how the right-of-way will be configured.
3. Documentation stating there are not DEC wetlands; that they are Army Corps wetlands.
4. A Statement regarding plans for the remaining property needs to be submitted.
5. An explanation regarding the existing two lots at the western end of Rosemere Road and frontage and their relation to this subdivision application.
6. A general statement saying this was originally approved for 10 lots and now it is 3 lots.
7. A schedule for construction.
8. Mitigation of dust and compliance with erosion control measures.

Further, this Commission finds that a proper case exists for requiring the applicant to provide suitable land for park or playground purposes. The need for additional park and recreation facilities has been documented in the Comprehensive Plan, in addition to having been identified by both the Glenville Park Planning Committee and the Community Center Planning Committee.

However, due to the small number of lots in this particular subdivision, this Commission finds that the imposition of an in-lieu-of fee is more appropriate than land dedication for

this particular subdivision. The recreation fee to be levied is \$1,000.00 per new lot. In this case, the applicant is hereby required to pay a fee of \$2,000.00.

**MOTION**

**Moved by:** J. Gibney

**Seconded by:** T. Yosenick

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

Motion Approved

**Wayne Ordon/Wetwerx Water & Snow  
4 Sarnowski Drive**

**Site Plan Review (Final)  
Public Hearing**

The applicant is seeking to occupy a portion of 4 Sarnowski Drive to establish a personal watercraft and snowmobile maintenance, repair, reconditioning, sales and storage business. The property is zoned *Research, Development and Technology*.

The applicant approached the bench. The Commission and applicant had a brief discussion regarding the receipt of permission to use sanitary facilities from the bike shop and the applicant committing to environmental stewardship for indoor storage and handling of hazardous materials and outside storage of materials.

J. Gibney opened the floor for the Public Hearing.

With no comments from the floor the Public Hearing was closed.

**MOTION**

In the matter of the final site plan review application by Wayne Ordon for a personal watercraft and snowmobile business located at 4 Sarnowski Drive, the PZC 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 minimizes 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.

#### **MOTION**

**Moved by:** J. Gibney

**Seconded:** K. Semon

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

Motion Approved

The application calls for the establishment of a shed and gazebo retail business on the property formerly occupied by the Creekside Café, which was destroyed by fire in 2014. The applicant is seeking to reduce the footprint of the originally-approved office and showroom building from 1,536 sq. ft. to 960 sq. ft. Parking has also been reduced from eight spaces to seven, and the applicant has addressed the four conditions of preliminary site plan approval, which was granted in January, 2016. The portion of the property slated for this business is zoned *Community Business*.

The applicant, Fred Becker approached the bench. He stated that they did away with the garage section and changed it to a small lunch room in the back.

T. Bodden asked if the applicant's son will still be living above the business on the second floor.

F. Becker said yes, there will still be an apartment there.

K. Semon asked about access to the apartment.

F. Becker said access will be from the outside stairs and inside the building.

K. Semon asked about decommissioning the grease traps.

F. Becker said the traps will be collapsed and removed. They have already been cleaned out.

T. Bodden asked about decommissioning the septic field.

F. Becker stated there are two leach fields. The one on the left side will be decommissioned, and he will continue to use the one on the right side.

T. Yosenick asked about the garage.

F. Becker said building two and three car garages is part of their business, so in the future he would like to build a garage so that it could be used as a display model while also being used by his son(as the upstairs tenant).

T. Bodden asked if there was any building done on site.

F. Becker said no there is no building done on site.

## MOTION

In the matter of the final site plan review application by Backyard Shed Company, Inc. for a shed and gazebo retail business located at 658 Saratoga Road, the PZC 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.
12. The proposed use does provide suitable open space for buffering and/or recreation purpose.

**MOTION**

**Moved by:** J. Gibney

**Seconded by:** P. Ragucci

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

Motion Approved

**Mark Moreau**  
**Ridge Road**

**Minor (3-lot)**  
**Subdivision**  
**(Preliminary)**

The applicant is proposing to subdivide a vacant 59.51-acre parcel into three lots consisting of 2.6, 24.64, and 32.19 acres. The property is zoned *Rural Residential/Agricultural*, and is served by public water. The parcel is on the east side of Ridge Road, approximately 2,000 feet south of the Ridge Road/Rector Road intersection.

Both the applicant, Mark Moreau, and his representative, Joe Bianchine of ABD Engineering were present.

Mr. Bianchine indicated that the smaller 2.6 acre lot would be sold to Mr. Moreau's sister and Mr. Moreau would build on the 24.64 acre lot. The remaining lot will be left vacant. Perc tests have been done. Raised bed septic systems will be used. Wetlands should be checked before building begins. A SWPPP has been submitted to the Town.

**MOTION**

In the matter of the preliminary subdivision application by Mark Moreau for a 3-lot subdivision located at Ridge 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**

**Moved by:** J. Gibney

**Seconded by:** T. Yosenick

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

Motion Approved

**MOTION**

In the matter of the preliminary minor subdivision application by Mark Moreau for a three-lot subdivision located at Ridge Road, (tax id # 14.-2-7) the PZC hereby conditionally approves the preliminary application.

The Commission hereby schedules a public hearing for August 8<sup>th</sup> to consider the final minor subdivision application.

Conditions of preliminary subdivision approval are as follows:

1. The applicant will have the wetlands around the driveway (Lot #2) delineated prior to the start of construction.

The Commission hereby schedules a public hearing for August 8<sup>th</sup> to consider the final minor subdivision application. However, in order for the Commission to schedule a public hearing for August 8<sup>th</sup>, nine (9) copies of the revised subdivision map and/or requested information must be submitted to the Town of Glenville Planning Department no later than 14 calendar days prior to the public hearing.

**MOTION**

**Moved by:** J. Gibney

**Seconded by:** K. Semon

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

With no further business, the meeting was adjourned at 8:25 PM

Submitted by:

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Lynn Walkuski, Stenographer

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Linda C. Neals, Town Clerk