

PLANNING AND ZONING COMMISSION

Town of Glenville
18 Glenridge Road
Glenville, NY 12302
October 17, 2016

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

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

Absent: P. Ragucci

Meeting called to order at 7:04 P.M.

Motion to approve the Agenda

Moved by: K. Semon

Seconded by: J. Gibney

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

Motion Approved

Motion to approve minutes from the September 12, 2016 Meeting

Moved by: T. Bodden

Seconded by: K. Semon

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

Motion Approved

**Brandywine Partners, LLC
122 Freemans Bridge Road**

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

This proposal calls for the construction of a 2,575 sq. ft. Verizon retail store on a 19+ acre parcel. A conceptual layout is presented for possible additional development of the remaining suitable land on the property. The concept includes two additional retail buildings totaling just under 8,900 sq. ft. The site, formerly occupied by Schenectady Seed, is located on the east side of Freemans Bridge Road, across from the eastern terminus of Dutch Meadows Lane. The portion of the property under consideration for development is zoned General Business.

Brandywine Partners was represented by Tony Stellato, Clough Harbor Associates, and Tom Burke the applicant.

T. Stellato gave a short recap of the approval process with regard to the property at 122 Freemans Bridge Road. He mentioned the three zoning variances that were approved by the ZBA in September 2016. One was for parking within the green strip, the second was for the number and location of street trees to be planted and the third was for the number of parking spaces. Also discussed was the number of curb cuts and driveways that are currently being reviewed by NYSDOT. Approval has not been given as of yet however. Based on T. Stellato's discussion today with G. Tedesco of DOT, Mr. Stellato believes they are very close in obtaining approval.

T. Bodden inquired about the variance for parking. They are asking for more parking than is allowed which would result in parking spaces being within the 7 ft. right of way which then results in a loss of street trees. It seems that if you obtain one variance then you need the other.

T. Stellato said the parking variance was approved based on the retail operation of Verizon having a low turnover for parking spaces. This is due to the time customers spend in the store. The second variance was for parking in the green strip which, according to T. Stellato, allows for a more efficient use of that strip, otherwise the site would have to be pushed back, and would encroach upon the tree lines. It allows for less pavement and creates a better design. The third variance is for the number of street trees. The reason for obtaining that variance is due to Verizon's visibility requirements for the front of the store.

M. Carr noted that the street trees specified by Town Code are not large live oaks with 80 foot canopies, that they are small deciduous trees.

T. Stellato responded that those are the type of trees that create a blockage at eye level for the store.

M. Carr stated there is tree maintenance required to prevent visibility issues. Huge canopies and visibility are not an issue. Once the consumer knows Verizon is there the trees will not be a deterrent to customers coming.

A discussion ensued with regard to the trees and lower landscaping found on the site plan.

K. Semon stated he understood the rationale behind the parking variance, but asked if it really matches the store's needs. In other words, how many employees will be there to service the customers and how many customers are they expecting at one time?

T. Stellato stated the number of employees and customers would be dependent upon the several different scenarios; i.e. product launch, Black Friday, holiday season, etc. He also stated that Verizon is not a typical retail store. They provide the retail purchasing experience, technical assistance and management. He expected that there would be 12-20 employees at any given time.

K. Semon asked how many employees are with a customer at a time.

T. Stellato responded there is usually one dedicated employee per customer whether it would be sales or technical.

K. Semon asked how many people are permitted in the building by law.

T. Stellato said he was not aware of the number.

Discussion took place regarding where that information could be found.

M. Carr asked was there any environmental testing done on the property prior to the purchase of the property? Were there any findings with the soil, groundwater, or building?

T. Burke said there was some minor issues found with the building, nothing he was aware of for soil or groundwater.

M. Carr inquired if the SWWP escrow deposit had been received.

K. Corcoran indicated that the escrow has been received, but he has not received the SWWP report.

T. Yosenick stated the ZBA makes the final decision on zoning issues. Therefore, it looks like there is nothing the PZC can do with regard to the variance decisions made by the ZBA.

M. Carr stated the PZC can disagree and discuss the variances.

M. Cuevas responded the PZC can take the variances into consideration, but they cannot change zoning. Zoning law is interpreted by the ZBA. The variance sets the zoning for the parcel, so it is fixed. When delegated to the ZBA for the number of parking spaces for that site, the number is set by the ZBA, so the variance is 36 spaces and they (the applicant) are allowed 36 spaces. The same goes for the street trees. If they get a variance for three street trees then they are allowed three street trees on the site.

K. Semon stated that he did not like the 5 parking spaces along the road. He would prefer not to see it designed that way and would like the applicant to find 5 parking spaces elsewhere on the site.

Several commission members stated their concern with the location of parking spaces and whether they need the 36 spaces that the variance allows.

M. Carr stated the PZC is not saying you can't or shouldn't have the variance, but sees no reason why a healthy discussion shouldn't take place with regard to these issues that cause concerns.

M. Carr asked about the applicant's status with NYSDOT and the granting of the curb cuts. Schenectady County's recommendation is the number of curb cuts is excessive for the 252 feet of frontage.

T. Stellato remarked that he read the County's recommendation and the County was recommending approval based on NYSDOT findings. He indicated that Schenectady County realized the curb cuts are also for the future development of the site.

M. Carr stated the County gave a modified/conditional approval based on NYSDOT's approval. Where do you stand with your negotiations?

T. Stellato stated that the application to NYS DOT is a multiple step process. Initial application for the plans were submitted. The permit isn't issued until the contractor is ready to dig. Mr. Stellato has been unsuccessful in being able to meet with DOT to discuss their initial comments. However, today, he did speak with Guy Tedesco, at DOT, and he believes Mr. Tedesco is in agreement with the driveway configuration.

M. Carr asked K. Corcoran if the Town had heard anything.

K. Corcoran stated he spoke with Mr. Tedesco last week, but had heard nothing as of today.

T. Stellato mentioned he had a conversation with Tom Coppola, Town Highway Superintendent, and the rationale for the driveways was discussed. Mr. Stellato stated the driveways improve the situation at the traffic signal. The fact that it's a restricted right turn in, right turn out, doesn't detract from the signal; in actuality it reduces the pressure on the outbound green phase of the signal, so it doesn't need to be as long. Therefore, the signal actually works better. It was also mentioned the driveway fully conforms to DOT's standards.

M. Carr asked if NYSDOT will be putting that in writing.

T. Stellato said he understands they are going to put it in writing reiterating Guy Tedesco is in agreement with what the applicant is proposing, but it is currently not in writing.

Discussion ensued about the possibility of motorists using the site driveways to avoid the traffic light. It was discussed there already are several locations within the Town where the right turn in, right turn out are not properly using them and that it is difficult to enforce.

M. Carr readdressed the parking issue. He asked if the parking spots are to be allocated for Verizon or will they also be used for the future development of the site.

T. Bodden inquired about the 7 foot setback to the parking lot and will there be a sidewalk and barrier.

T. Stellato said there will be a sidewalk with an ornamental fence.

M. Tanner asked about the benefit of the northern exit and what are the long term plans? Are you adding two buildings?

T. Burke said his current discussions with potential clients include the driveway. It is an essential piece to the full site plan.

K. Semon asked about the traffic pattern on south side of building. What will be put into place in order to prohibit traffic from exiting to the west of building and meeting traffic coming in from the one-way entrance?

T. Stellato said there will be signage.

K. Semon asked about the metal garage located at the northeast corner of the lot. Do you plan to remove or will it be used for storage?

T. Stellato said it is not being used at this point so there is no need to take it down.

M. Carr opened 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 Brandywine Partners, LLC for a Verizon retail store located at 122 Freemans Bridge Road, the PZC 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 provision 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 and NYSDOT coming to an agreement regarding the number of curb cuts for this property.

MOTION

Moved by: M. Carr

Seconded by: M. Tanner

Ayes: 5 **Noes:** 1 **Absent:** 0

Motion Approved

With no further business, the meeting was adjourned at 7:38 p.m.

Submitted by:

Lynn Walkuski, Stenographer

Linda C. Neals, Town Clerk