

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

December 11, 2017

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

Also

Attending: K. Corcoran, Town Planner, M. Cuevas, Town Attorney, L. Walkuski, Stenographer

Absent:

Meeting called to order at 7:02 PM

Motion to approve the Agenda

Moved by: K. Semon

Seconded by: T. Bodden

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

Motion Approved

Motion to approve minutes from the November 13, 2017 meeting

Moved by: K. Semon

Seconded by: T. Bodden

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

Motion Approved

**Top Dog Enterprises, LLC
267 Saratoga Road**

**Site Plan Review
Final – Public Hearing**

This agenda item calls for the final site plan review for the conversion of the residence at 267 Saratoga Road into a real estate office. Two new parking spaces, a handicapped access ramp, additional landscaping, and a monument sign are included with this proposal. Area variances will be required for insufficient setback/buffer for the parking area from the western property line and inadequate front yard setback from Surrey Road for the parking area. The project site is located on the northwest corner of Route 50 and Surrey Road, and is zoned Community Business.

Ted DeLucia, Vision Planning Consultants, and Jamie Mattison, the applicant, were present.

T. DeLucia provided the Commission a copy of the most recent site plan which was updated from the December 4th, 2017 agenda meeting. He indicated the applicant appeared before the ZBA and received the required variances. It was suggested for different screening to be added along the west property line, to change the dogwood plantings to arborvitaes, and to include a 6' privacy fence. There were also changes made to the ramp so as to not encroach into the loading/unloading area of the ADA parking spot. Additionally, notes were added to the site plan per the PZC's request. The applicant's architect stated that if there are less than 50 occupants of the building the doors can swing in.

M. Carr asked about the sewer connection.

T. DeLucia stated they were told by the previous owner that the building is connected to the sewer line. If that is not the case, the applicant has the intention to connect to the sewer.

J. Gibney asked K. Corcoran if there is any record of a sewer connection at this location.

K. Corcoran replied there should be a record in the Water & Sewer Department.

K. Semon asked if the septic system was decommissioned and filled.

J. Mattison said that he cannot find where the septic was located on the site.

T. Bodden asked if the curb cut will be the full width of the parking lot. He also asked if there are any laws that cover the width of the curb cut.

T. DeLucia responded it will actually be the width of the parking spaces not to include the loading/unloading area. It will be approximately 9 feet x 45 feet.

K. Corcoran said there are no laws governing curb cut width on town roads.

At this time, the public hearing was opened.

Jacquie Bohlke, 1 Surrey Road, addressed the Commission. She reiterated her concerns as stated in a letter written to the ZBA (see attached letter).

Additionally, Ms. Bohlke also addressed several items from the October 16, 2017 PZC meeting. Although the minutes indicated the co-applicant had conversations with the neighbor, Ms. Bohlke, said she had only spoken to him in August 2017 and was not aware of the ongoing plans until notification of the PZC December 2017 public hearing. Also addressed was the comparison of this current application's traffic impact to another business at 265 Saratoga Road. It was mentioned that there is no business at 265 Saratoga Road, but rather an elderly couple that live there. Ms. Bohlke also indicated a concern with the future of 267 Saratoga Road. What will happen if the current applicant decides to sell the property to another business with a higher traffic impact? Since the ZBA variances will have already been established, it is felt the residents will have no recourse. Another area of concern is the exterior improvement of landscaping. Her property line is only 5 feet from the driveway and garage located at 267 Saratoga Road, and that does not leave a lot of room for a buffer. This will have a negative impact on the residential look of the street. In addition, there are 2 large pine trees along the property line which over the past year have shown signs of decay. If these trees need to be removed, is the applicant required to have an appropriately sized replacement planted to provide an adequate buffer? Lastly, a concern for the exterior maintenance was discussed as Ms. Bohlke had to contact the Town to mow the lawn this past summer since no one was providing upkeep on the property.

Brian Brewer, 6 Surrey Road, also addressed the Commission. Mr. Brewer stated he agreed with all the points that Ms. Bohlke made. His major concern is the traffic pattern that will be established since the parking spots for Top Dog Enterprises are along Surrey Road and not Route 50. As a result, there could be possible accidents with traffic coming onto Surrey Road from Route 50 and clients backing out of the parking lot into Surrey Road. Additionally, his future concern, within a couple of years, is when his daughters begin to ride the school bus and loading/unloading near this site. He asked for the Commission to consider the parking lot layout of 275 Saratoga Road, where the parking lot is larger and is on the Route 50 corridor where, he believes, the lot should be for a commercial business.

M. Carr addressed the buffer along the western property line. The Commission has asked the applicant to plant arborvitae so there will be a year-round buffer. The applicant has also agreed to a 6-foot-high stockade fence on the northern portion of the property. With regard to the variances, the ZBA looked at their variances and they were comfortable with them and therefore granted the variances. Next, M. Carr addressed the curb cut issue. Currently, there is no curb cut on Route 50 and, in order to have one established, NYS DOT would have to approve it and they probably would not approve it. There is minimal parking established for the business however, if traffic and/or accidents do become a problem the town has a Traffic Safety Committee that can be contacted with such concerns. The end result is the zoning allows for this type of business and the applicant has obtained the needed variances.

J. Mattison stated that he will be maintaining the property. He also mentioned that he will be trimming the trees and maintaining the buffer. If the trees die, they will be replaced with arborvitae. He indicated that he would like to maintain open communication with his neighbors.

At this time the public hearing was closed.

T. Bodden noted that throughout the application process the applicant has been consistent with how light the traffic pattern will be with only occasional visits by clients.

MOTION

In the matter of the final site plan review application by Top Dog Enterprises, LLC for the conversion of the residence into a real estate office located at 267 Saratoga 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 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 purposes.

Conditions of Approval:

1. The applicant is to get clarification if the site is connected to the sewer.
2. The applicant is to maintain an adequate buffer to protect the abutting residential properties, including the replacement of any trees that die.

Motion

Moved by: M. Carr

Seconded by: K. Semon

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

Motion Approved

**Michael Roman for C2 Design Group and Euro Tile & Stone
Airport Road**

**Minor (2-lot) Subdivision
(Final) Public Hearing**

This proposal would result in the creation of a 3-acre lot from the Schenectady County Airport along the northeast corner of Airport Road and Saratoga Road (NYS Route 50). The lot is under consideration for development of a new office/warehouse building (see agenda item #4 below). The proposed lot is zoned Research/Development/Technology.

Michael Roman, the applicant, was present. He indicated there were a few changes since the last meeting. Originally, there was a double entry to the site and it has now been reduced to one entry. A secondary landscaping plan was provided to better understand his landscaping intentions. Also, a provision was made for future sidewalk installation. M. Roman also stated that the comments were addressed and they yet have to be finalized by his civil engineer regarding the storm water. Nothing else has changed.

M. Carr said there are no issues with the subdivision.

At this time the public hearing was opened. With no comments from the floor the public hearing was closed.

MOTION

In the matter of the final minor 2 -lot subdivision application by Michael Roman for C2 Design Group and Euro Tile & Stone located at the intersection of Airport Road and Route 50, the PZC hereby 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.

- As this is a commercial subdivision, the recreation fee or dedication of suitable land for park or playground purposes does not apply in this particular case.

Motion Approved

[illegible]

This application calls for development of a 15,200 sq. ft. building consisting of 5,184 sq. ft. of office space and 10,039 sq. ft. of warehouse space. The project site is located on a proposed 3-acre parcel on the northeast corner of Airport Road and Saratoga Road (NYS Route 50), per agenda item #3 above. The project site is zoned Research/Development/Technology.

M. Carr noted that John M. McDonald Engineering needs to review the responses to the comments made on the SWPPP by the applicant, in response to McDonald's initial review.

J. Lippmann inquired regarding the retention of the storm water, whether or not they are tying into the municipal system. Will a MS4 acceptance form be required? It was noted by the applicant that a MS4 acceptance form will be completed.

K. Semon inquired if the lighting has been approved by the FAA.

M. Roman replied the FAA has approved the lighting.

At this time the public hearing was opened. With no comments from the floor the public hearing was closed.

MOTION

In the matter of the final site plan review application by Michael Roman for C2 Design and Euro Tile & Stone for the development of a 15,200 sq. ft. building consisting of office and warehouse space to be located at the intersection of Airport Road and Route 50, 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 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 purposes.

Conditions of Approval:

1. The final approval of the SWPPP.
2. The final approval of MS4 acceptance form.

Motion**Moved by:** M. Carr**Seconded by:** J. Gibney**Ayes:** 7 **Noes:** 0 **Absent:** 0

Motion Approved

**Louis Venditti
Saratoga Road****Site Plan Review (Final)
Public hearing**

The applicant is proposing to construct a 5,000 sq. ft. retail building and adjoining 1,200 sq. ft. storage building for occupation of the site by a flooring sales company. The vacant property is located on the west side of Route 50, just south of the antique dealer at 725 Saratoga Road, and across the street and just down from Pizza Works. The property is zoned Community Business.

L. Venditti, the applicant, was present.

M. Carr indicated the elevations have been corrected, details regarding the colors, building materials, textures, roofing materials have also been provided. He asked if the applicant has received comments from DOT regarding the curb cut.

L. Venditti responded they have not gone that far yet.

M. Carr asked about the easement for access to both lots.

L. Venditti said they have not addressed that issue.

J. Gibney asked if there are any anticipated issues with the curb cut.

K. Corcoran replied there shouldn't be any issues as the sight distance is good there.

M. Carr asked if the Commission wants to move ahead with final approval when there are some significant outstanding issues.

A discussion took place with regard to the curb cut and the easement. It was determined the applicant was waiting to hear if the Commission had any issues with the project itself. If there were not any issues, the applicant would proceed with regard to the easement and applying to DOT for the curb cut.

L. Venditti stated he is not looking for final approval tonight just approval to move ahead with the project. He indicated this project is scheduled for a spring start.

M. Carr stated that an easement needs to be drawn up for the parcels and DOT needs to be contacted regarding the curb cut.

A discussion took place with regard to the public hearing being left opened until the applicant returns to the area in the spring. At this time the public hearing was opened, and no one in the audience spoke. It was determined, with the applicant's consent, the public hearing will remain open until June 30, 2018.

Motion

Moved by: M. Carr

Seconded by: J. Gibney

Ayes: 7 Noes: 0 Absent: 0

Motion Approved

With no further business the meeting was adjourned at 7:53 PM

Submitted by:

Lynn Walkuski, Stenographer

Linda C. Neals, Town Clerk

November 27, 2017

Dear Members of the Zoning Board of Appeals,

Thank you for the opportunity to respond to the application of Top Dog Enterprises' proposal to change the use of 267 Saratoga Road from a single family home to a real estate office. I apologize we are unable to attend the meeting this evening in person but we had a prior engagement.

The above named applicant is requesting four variances which would greatly reduce, or eliminate in one instance, the protections set forth by the Town zoning laws. We are opposed to allowing any of the variances requested, as we don't feel they are not of minimal significance and will have a very negative impact on the residents of Surrey Road.

The property in question is on the western side of Route 50 but however the three of the proposed variances, including the creation of a parking lot, would be on Surrey Road which is inclusive of only private residences. Although we live close by many commercial establishments, at this point our street has still maintained a neighborhood feel. Allowing these variances will certainly impact the aesthetic of our neighborhood and we are hopeful the Town will take our concerns, as well as the concerns of our neighbors, into account when making a decision.

There are many reasons we believe these requests should be denied. First and foremost, our property is located along the western edge of 267 Saratoga Road. We purchased our house from my grandparents 18 years ago. We knew the houses were close together but knowing the people that would surround us, we were happy to purchase the home and be able to raise our kids in a wonderful school district and that is exactly what it has been for us. We are a tightknit neighborhood who look out for each other and help each other out and we have enjoyed living here.

We feel that there is insufficient space at the property for the use suggested and looking at the variances requested supports that thought. Zoning indicates that a parking lot (including its entrance and exit driveways) may not be located any closer than 40 feet from the property line of a single family dwelling, yet the applicant is proposing the Town allow only 5.5 feet between the parking lot and the property line. Asking for a variance of 34.5 would mean that the parking lot would be 10 feet from our living room windows.

There is also the concern that there is no setback for the parking lot and a request for complete relief from any green space is being made. Both of these requests seem completely unreasonable and well outside the overall vision for the Town. We believe these requests are unreasonable given they will be on the south side of the property which faces the residential street, rather than on the Route 50 side which is primarily commercial. What is currently now a lawn will be paved to allow for the parking lot and a sidewalk leading to the accessible ramp being proposed. This will result in very little greenspace for the property which again does not fit within the general footprint of our street.

We also feel allowing these variances could create serious safety concerns. The proposed parking lot is just off of Route 50 and will likely cause an issue if cars are backing out of the parking lot and a car

coming southbound on Route 50 turns right onto Surrey Road. In addition, there is also a school bus stop very close to the proposed parking lot. Allowing a business to have an entrance/exit on a residential street opens up the great possibility of these safety concerns, which is extremely bothersome.

Finally, we fear that allowing this business to be located so close to our residence will depreciate the value of our home as well as those around us. We have worked hard to maintain our property, as do our neighbors, and it is heartbreaking to think a business from outside of the Town of Glenville could come in and be located within 10 feet of our home. The property in question is much better suited as a single family dwelling.

The Town of Glenville Board has set forth specific and fair zoning codes due to the need to balance both attracting commercial establishments to the town as well as maintaining its primarily residential nature. Approving the types of variances requested here, sets a precedent of allowing the Town Center/Route 50 corridor to continue to encroach on the neighborhoods established decades ago, changing the look and feel of what many of us have called our home for many years. We are hopeful that the Town will not allow this to happen.

Given the above statements, we respectfully request the Town of Glenville Zoning Board of Appeals take into consideration the viewpoints of the residents on Surrey Road and reject all of the variances proposed by Top Dog Enterprises in their entirety.

We once again thank you for your time and consideration.

Jacquie and Tim Bohlke
1 Surrey Road
Glenville, NY 12302

