

PLANNING AND ZONING COMMISSION

Town of Glenville

18 Glenridge Road

Glenville, NY 12302

November 13, 2017

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

Also

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

Absent:

Meeting called to order at 7:04 PM

Motion to approve the Agenda

Moved by: K. Semon

Seconded by: M. Tanner

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

Motion Approved

Motion to approve minutes from the October 16, 2017 meeting

Moved by: M. Tanner

Seconded by: P. Ragucci

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

Motion Approved

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

**Site Plan Review
(Preliminary)**

This agenda item calls for preliminary 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. Mr. DeLucia stated they presented this application about a month ago to the PZC and after discussions with K. Corcoran it was decided to present again to the PZC as they have made some changes. He also indicated that the applicant will be appearing before the ZBA on November 27, 2017. The changes made include the parking, relocation of a house entrance to the rear, the addition of a handicap ramp, a reduction of the entrance to the original parking area, and a reduction in the pavement area. They are proposing a 6 foot stockade fence along the northern property line. Along the western property line they are proposing to plant dogwoods to fill in the current vegetative buffer. Additional landscaping is proposed in the front area facing Surrey Road to allow for improved curb appeal. The square footage of the building is unchanged. They have changed the utilization of the interior space due to the expected low level usage of this site.

M. Carr noted the variances the applicant needs and verified the applicant is appearing before the ZBA on November 27th. He inquired as to what non-deciduous plantings will be made. The dogwoods will not provide coverage during the fall/winter season. He asked the applicant to consider a different planting, i.e. arborvitae, in order to have an adequate buffer all year long.

K. Semon asked what will the applicant do for snow removal.

T. DeLucia responded the snow will be pushed to the rear of the site behind the parking.

M. Carr commented there are no LED signs allowed/permitted in the Town Center Overlay District. He also indicated to the applicant that they will be required to connect to the sanitary sewer. Next, Mr. Carr asked for the applicant to discuss the minimum parking spaces and the intended uses of the garage and second floor of the building.

J. Mattison responded the garage will be used to house the snowblower and lawnmower.

T. DeLucia said the second floor will be used for storage for the business; i.e. paper and signage.

M. Carr said the parking is at a minimum right now for a business which is expected to be low level however, if the business grows the applicant needs to be aware the parking may not be sufficient.

M. Tanner noted the plans show the exit doors swing in where they should be shown to swing out.

J. Lippmann asked if it was intentional to have the ADA van accessible area part of the walkway.

T. DeLucia replied that won't comply so that area will need to be adjusted.

A discussion took place about street trees located along Route 50. Although the requirement is one tree per 30 feet, and the space in question is approximately 48 feet, the applicant is committed to plantings on the side and in the front with the possibility of additional plantings along a free-standing sign. It was determined that the applicant will be providing enough green space and plantings.

MOTION

In the matter of the preliminary site plan review by Top Dog Enterprises, LLC at 267 Saratoga Road for the conversion of the residence at 267 Saratoga Road into a real estate office, the Planning and Zoning Commission finds that this application will not result in a significant potential adverse environmental impact. Consequently, the PZC hereby issues a negative declaration.

Motion

Moved by: M. Carr

Seconded by: J. Gibney

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

Motion Approved

MOTION

In the matter of the preliminary site plan review by Top Dog Enterprises, LLC at 267 Saratoga Road for the conversion of the residence at 267 Saratoga Road into a real estate office, the PZC hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The applicant needs to obtain the required variances from the Zoning Board of Appeals for setbacks, or for any other items the ZBA deems variances are required. For the record, the ZBA meeting is scheduled for November 27, 2017.
2. The applicant is to install coniferous plantings on the western side of the property to provide a year round green buffer.
3. The applicant must connect to the sanitary sewer.
4. The plans must indicate the emergency/egress doors swing out.
5. Clarify or correct the ADA parking spot vs the walkway.

The Commission hereby schedules a public hearing date for December 11, 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 December 11, 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:** J. Gibney**Ayes:** 7 **Noes:** 0 **Absent:** 0

Motion Approved

**Michael Roman for C2 Design Group and Euro Tile & Stone
Airport Road****Minor (2-lot) Subdivision
(Preliminary)**

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 that he will be the architect, building owner and occupant. He said the office facility will be approximately 5,000 sq. ft. while the warehouse will be approximately 10,000 sq. ft. M. Roman also reviewed the elevation renderings and the parking spaces. The office space will be the architectural part of the business. The majority of the people who are employed here will be in the office. There is no retail aspect to the business where the public comes in for purchasing. They receive about two shipments per week at the current warehouse. At the proposed warehouse, it may be two to three shipments per week, but this is basically a holding area until the product is shipped to the installation site. The applicant is proposing to have a gravel surface to the rear of the building in order to store a dumpster, dump trailers, etc.

K. Semon asked who chose to locate the building close to Route 50, was it the applicant or the county?

M. Roman replied it was his choice as he wanted exposure for his architectural firm.

A discussion took place with regard to the perc tests and previous water issues for the area. The applicant indicated that the site will be brought up about 2 feet therefore the interior floor will be almost level with Route 50.

Another discussion took place with the possible closure of Airport Road by the County. The applicant indicated that he was aware of the on-going discussions and he would be ok with the decision if the closure took place.

MOTION

In the matter of the preliminary minor 2-lot subdivision application by Michael Roman for C2 Design Group and Euro Tile & Stone to be located on Airport Road for the creation of a 3-acre lot from the Schenectady County Airport along the northeast corner of Airport Road and Saratoga Road, the PZC finds that this application will not result in a significant potential adverse environmental impact. Consequently, the PZC hereby issues a negative declaration.

Motion**Moved by:** M. Carr

Seconded by: J. Gibney

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

Motion Approved

MOTION

In the matter of the preliminary minor 2-lot subdivision application by Michael Roman for C2 Design Group and Euro Tile & Stone to be located on Airport Road for the creation of a 3-acre lot from the Schenectady County Airport along the northeast corner of Airport Road and Saratoga Road, the PZC hereby approves the preliminary application.

The Commission hereby schedules a public hearing for December 11, 2017 to consider the final minor subdivision application. However, in order for the Commission to schedule a public hearing for December 11, 2017, 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: M. Carr

Seconded by: T. Bodden

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

Motion Approved

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

Site Plan Review (Preliminary)

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.

T. Bodden asked if this is an existing business.

M. Roman replied they are currently located at 340 Broadway, Schenectady.

J. Lippmann inquired if the entire business was going to be relocated.

M. Roman said yes, they will be relocating the office and two warehouses to this location. He was looking for a 2-3 acre site that would allow the office and warehouses to be located at the same site. This opportunity presented itself during his search and this site will allow for growth of the business. The business does installation of countertops (non-residential) and tile. It is more a specialized tile work - slab work.

A discussion took place about the County's plans to close Airport Road. The assumption will be that Airport Road will remain open until otherwise notified.

M. Carr asked the applicant if he would explain how traffic circulation would work with Airport Road remaining open and if it were to close.

M. Roman replied the circulation pattern will not be significant. Most employees arrive around 8:00 am, leave around lunch time, return and then leave around 5:00PM. There will only be about 2-3 deliveries per week. Some weeks may not have any deliveries. It will be encouraged for traffic to use the signalized entrances and not depend on Airport Road for access to the site.

M. Carr asked how many employees are with the company.

M. Roman said there are 10 employees.

J. Lippmann asked if clients are coming to a store front.

M. Roman replied clients only come to the office for architectural meetings. There is no retail business or showroom.

T. Bodden asked if there is finishing, cutting, and/or sanding of tile on site.

M. Roman responded part of the expansion plan is to purchase a wet saw that will allow for them to cut slabs for installation instead of out sourcing the work. Any type of work on tile will be done in the back part of the building which has its own filtration system.

M. Carr inquired if the business will be connected to the sanitary sewer.

M. Roman said they will be connected to the sewer.

M. Carr asked what time of day will the deliveries be made.

M. Roman replied typically the deliveries arrive between 7:30am – 3:30pm.

A discussion took place about curb cuts, current traffic flow and future traffic flow if Airport Road is closed. Also discussed was the grading of the site.

J. Lippmann inquired about sidewalks for this parcel.

M. Roman said his concern is the culvert and how the sidewalks would connect beyond that point of the property.

J. Lippmann asked if other projects have escrowed for future installation.

K. Corcoran replied other projects have either escrowed or reserved land for future sidewalk installation.

M. Roman said that he wouldn't have a problem doing either an escrow or land reservation for future sidewalks.

It was mentioned that before a condition is put on the application more discussion needs to take place to see how this project and the installation of sidewalks will tie into the current Town's plans for that area. Discussion continued about the inability to walk along Route 50 and what will be the best approach.

A discussion took place regarding landscaping.

K. Semon asked about the exterior storage. What will be there?

M. Roman said dump trailers, trailers, a truck, and a dumpster. There will not be any product stored outside.

M. Carr asked what type of product will be stored at the site.

M. Roman said the majority of the products stored will be ceramic tile, terrazzo, resin, marble chips, thin-set, etc. The resin is used for epoxy. The epoxy comes in 5-gallon buckets and the amount stored is based upon the project site.

M. Carr asked if the epoxy was flammable and inquired if the appropriate safeguards will be put into place.

M. Roman responded that the hardener, which is flammable, is separated from the resin, but safeguards will be in place. There are no other hazardous materials involved.

M. Carr asked if there are drains for the truck bays and where will they be connected to.

M. Roman said there will be drains and they will go into an oil/water separator and will not go into the ground. It will be connected to the sewer.

M. Carr inquired about snow storage removal.

M. Roman said the snow will be pushed along the front side towards the right side of the building. Anything along the back will be pushed up along the fence.

J. Lippmann asked about the storm water management area.

M. Carr asked about a SWPPP.

M. Roman indicated that both the storm water management and SWPPP are being worked on.

K. Semon asked what will be inside the office area.

M. Roman said there will be a reception area, a conference room, an architectural area along with a sample library area, and a break room is located in the middle. Bathrooms and several office spaces are also located in the rear.

MOTION

In the matter of the preliminary site plan review by Michael Roman for C2 Design Group and Euro Tile & Stone calling for the 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 to be located on the northeast corner of Airport Road and Route 50, the PZC finds that this application will not result in a significant potential adverse environmental impact. Consequently, the PZC hereby issues a negative declaration.

Motion

Moved by: M. Carr

Seconded by: T. Bodden

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

Motion Approved

K. Semon stated that the status of Airport Road will affect the traffic movement in this area. He would like to note for the Town Board that the Town needs to know what the County's plan is for Airport Road.

A discussion took place as to the amount of accidents in this area. Additional discussion took place as to who is closing and who is indicating the road will be closed. This is the second application presented to the PZC where the issue of Airport Road is of a concern. The outcome of Airport Road will also affect the Town as the Town's sewage lift station is located there.

M. Carr requested it be noted that the Town Board get involved to get a more definitive answer on Airport Road.

MOTION

In the matter of the preliminary site plan review application by Michael Roman for C2 Design Group and Euro Tile & Stone calling for the 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 to be located on the northeast corner of Airport Road and Route 50, the PZC hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. The completion of the storm water calculations.
2. The completion of the SWPPP.
3. The applicant is to consider land reservation for future sidewalk development.
4. The applicant is to submit a list of any potential hazardous materials including any glues, resins, solids, etc. and if necessary to share said list with the local firefighting agency.

The Commission hereby schedules a public hearing for December 11, 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 December 11, 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

**Louis Venditti
Saratoga Road****Site Plan Review
(Preliminary)**

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. He quickly reviewed his plans. Mr. Venditti stated that the building meets all requirements and setbacks.

T. Bodden asked what is currently located on the site.

L. Venditti replied that the site is vacant.

K. Semon asked if there were two separate lots. The second lot is a flag lot and there is a curb cut that will straddle the lot line.

L. Venditti responded there are two separate lots, including the flag lot, and they were approved years ago. He said the reason for one curb cut was to share it between the two lots. The state DOT would prefer one curb cut as opposed to two.

M. Carr told the applicant if the curb cut is to be shared then an easement will be required for access to both lots, particularly in the case one of the lots gets sold, an easement would be necessary.

A discussion took place with regard to the curb cut. It was questioned whether or not the curb cut violates the setback because it is right along the lot line. It was also questioned whether or not a variance will also be needed.

L. Venditti said if it is required for the curb cut to be moved to the one lot and not straddle the line then that could be done.

M. Carr asked for the elevations to be corrected on the plans and asked also that details of colors, building materials, textures, roofing materials, be provided.

K. Semon inquired if there will be paving done on the lots. Will the septic tank be paved over?

L. Venditti replied there will be some paving done.

A discussion took place as to where the septic tank will be located and whether or not it will be partially paved over.

L. Venditti also informed the Commission that for storm water purposes the retention will be underground.

J. Lippmann asked what type of system will be used.

L. Venditti said the system has pipes with catch basins. The water is held in the reservoir and allowed to seep into the ground slowly.

MOTION

In the matter of the preliminary site plan review application by Louis Venditti for the construction of 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 located on the west side of Route 50, just south of 725 Saratoga Road, and across the street from Pizza Works, the PZC finds that this application will not result in a significant potential adverse environmental impact. Consequently, the PZC hereby issues a 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 by Louis Venditti for the construction of 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 located on the west side of Route 50, just south of 725 Saratoga Road, and across the street from Pizza Works, the PZC hereby conditionally approves the application.

Conditions of preliminary approval are as follows:

1. There will be some type of an easement allowing for access to both lots with one curb cut.
2. NYS DOT approval will need to be obtained for the curb cut.
3. Correction of the elevations shown on plans to show one north side and one south side, not two south sides.
4. Plans need to provide details of colors, building materials, textures, roofing materials, etc.

The Commission hereby schedules a public hearing for December 11, 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 December 11, 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:** M. Tanner**Ayes:** 7 **Noes:** 0 **Absent:** 0

Motion Approved

Town of Glenville**Zoning Text and Map
Amendments –
Recommendation to the
Town Board**

This proposal involves a number of zoning amendments, one of which is the creation of an Adult Use Overlay Zoning District over a 19-acre portion of the Glenville Business & Technology Park. The zoning text amendments are intended to make permanent regulations that were temporarily imposed via several moratoria that will prohibit and/or alter the allowable locations of a variety of land uses. Among the land uses affected are adult-oriented uses, pawn shops, thrift stores, vapor shops, outdoor recreational uses, automotive repair shops, two-family dwellings, and multi-family uses, among others. M. Carr indicated that Kevin Corcoran, Town Planner, was representing the Town and asked if he would like to provide any additional information.

K. Corcoran replied that there are a lot of individual amendments for the individual zoning districts which grew out of the various moratoria. Part of the purpose is to get a better handle on multi-family/duplexes within single family zones. Another issue was the zip line course located in the western part of town. This will tighten up the language and restrictions for the residential/agricultural zone and what will be allowed recreationally outdoors. The adult uses and pawn shops, etc. are allowed in the R/D/T zoning districts which is in several different areas in town comprising of several hundred acres. This will create just one district within the Glenville Business and Tech park keeping it out of the residential areas.

T. Bodden asked if tattoo shops would be included in this list.

K. Corcoran said they would be included along with massage parlors.

K. Semon asked if the proposed district is located in the back along the railroad tracks.

K. Corcoran said it was and there is a cell tower located in the southeast corner of the parcel.

K. Semon asked how close will this proposed overlay district be to the Scotia-Glenville middle and high schools?

K. Corcoran replied it is 1,900 feet from the farthest reaches of the middle school's parking lot. Currently the town prohibits adult uses within 1,000 feet of schools, so the new zoning district will be more restrictive.

M. Carr pointed out that this overlay almost doubles the separation distance between adult uses and schools than what is currently allowed by Town Code.

M. Carr asked who is the current landowner.

K. Corcoran stated it is primarily owned by Scotia Sand and Stone and there are a few acres owned by the federal government.

J. Gibney asked if this has been discussed with the landowner.

K. Corcoran said it has not been discussed with the landowner however, he would be notified about any public hearing regarding this.

M. Carr said overall they don't really have any issues.

J. Gibney said he had some questions not so much about the zoning, but had questions regarding second hand shops. Does that mean they are not allowed anymore?

K. Corcoran replied they would be limited to the overlay district, with the exception of automobile second hand products.

K. Corcoran indicated the Town Board grouped the uses together (i.e. adult uses, second-hand dealers, pawn shops, tattoo parlors, etc).

M. Carr inquired about currently existing second-hand businesses and what happens if it changes owners?

K. Corcoran said the current businesses would be able to continue as non-conforming uses if there was a change in ownership

J. Gibney stated that this doesn't make any sense at all for some of these businesses to be relegated to an adult use district. You are not going to see a consignment shop located in an adult use district. It makes no sense.

A discussion took place with regard to revisiting some of the land uses that will be affected by this.

T. Bodden asked why this wasn't addressed in the adoption of the new Town Master Plan.

K. Corcoran stated it was addressed. The master plan doesn't get as specific as this amendment however.

A discussion took place regarding why the Planning and Zoning Commission is being asked to make a recommendation now, but they were not involved in the adoption process of the Town Master Plan. It was noted the PZC becomes involved only when it becomes zoning.

Another discussion took place with regard to trying to understand what the Town Board's underlying concern is with second hand shops. There are establishments currently in town that are successful, clean

and provide a valuable service to the community. Concerns were also mentioned does this also affect antique shops, garage sales, the City Mission and Salvation Army?

M. Carr stated he is all for keeping the adult use businesses in a specific area. As a commission they should ask the Town Board to re-evaluate some the businesses/uses that are being thrown into this category however.

P. Ragucci said he is not opposed to having second hand businesses being included in this. He noted that Glenville is privileged to have some well-run second-hand businesses where other areas may not be so fortunate.

A discussion took place centering on whether if a business is being maintained or not; does it then become more of an enforcement issue. It was also mentioned that this is telling certain businesses that your business is no longer welcomed here. There is concern the definition is too broad and lumping businesses into one category that shouldn't be included, but interestingly omits second hand automobile businesses. This puts the PZC in a difficult position.

M. Carr asked, by example, if the Salvation Army sold to another owner, would this preclude the new owner from continuing the same type of business.

K. Corcoran said the new owner could continue the same type of business so long as there were not 12 consecutive months of vacancy.

J. Lippmann asked, also by example, what if the Salvation Army wanted to put an addition on their building.

K. Corcoran responded that they would not be allowed to add to the business.

J. Lippmann stated that is a problem because then you are preventing a current business from expanding.

It was suggested that the Town Board relook at the businesses being included.

A discussion took place addressing the removal of accessory apartments in the Town as they are being viewed as two family dwellings.

J. Lippmann asked about the for profit recreational facilities and where will they be allowed in the Town with this change.

K. Corcoran responded they would be allowed in the general business district.

A discussion took place regarding for profit recreational facilities. Would these types of businesses be able to operate under a conditional use permit? It seems that the language is very prohibitive. It was noted that if the use is not allowed by zoning then the conditional use permit process would not be allowed either.

The concern is for knee-jerk reactions to a couple of issues within the town and the moratoriums they are trying to eliminate that prevents the Town from growing in a positive manner.

It was noted some of the changes are multi-faceted. They are being shuffled from one area/district to another. This does not pertain only to the adult use overlay district. It seems to have an effective change for the rural recreation outdoor uses. The five moratoria, each as a specific law, defines specific uses the Town Board wants to eliminate or change. That is the basis for this zoning amendment.

MOTION

In the matter of the zoning text and map amendments recommendation to the Town Board, this proposal involves a number of zoning amendments, one of which is the creation of an Adult Use Overlay Zoning District over a 19-acre portion of the Glenville Business & Technology Park, the Planning and Zoning Commission supports the creation of the Adult Use Overlay Zoning District in this area. However, as stated, in Section 270-24.1B4, the PZC would ask the Town Board to reconsider the availability of a conditional use permits for certain uses listed i.e. second-hand shops and, in certain instances, outdoor recreation.

Motion

Moved by: M. Carr

Seconded by: P. Ragucci

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

Motion Approved

P. Ragucci stated that he supports the zoning change but will vote with the commission.

A discussion took place as to what will the next steps be for the adoption of this zoning text and map amendments.

With no further business the meeting was adjourned at 8:47 PM

Submitted by:

Lynn Walkuski, Stenographer

Linda C. Neals, Town Clerk