

Planning AND ZONING COMMISSION
Town of Glenville
18 Glenridge Road
Glenville, NY 12302
February 12, 2024

Present: M. Carr, Chairman, N. Brower Dobiesz, J. McPherson, J. Martin,
P. Ragucci, K. Semon

Also

Attending: A. Tozzi, Dir. of Planning, C. Pierson, Town Attorney, L. Walkuski, Stenographer

Absent: J. Lippmann

Meeting called to order at 7:02 PM

Motion to approve the agenda

Moved by: P. Ragucci

Seconded by: K. Semon

Ayes: 6 – Carr, Brower Dobiesz, McPherson, Martin, Ragucci, Semon

Noes: 0

Absent: 1 - Lippmann

Motion Approved

Motion to approve minutes from the December 11, 2023 meeting.

Moved by: N. Brower Dobiesz

Seconded by: J. McPherson

Ayes: 5 – Carr, Brower Dobiesz, McPherson, Ragucci, Semon

Noes: 0

Absent: 1- Lippmann

Abstention: 1 - Martin

Motion Approved

Charles Fogg
503 Saratoga Road

Public Hearing
Final Subdivision Review

Currently this lot has pre-existing conditions with two homes and several storage structures. The proposed subdivision will create two parcels each with one home. Area variances were granted at the January 29, 2024 Zoning Board of Appeals meeting. This parcel is zoned Professional/Residential.

C. Fogg, the applicant, was present.

M. Carr discussed items from the agenda meeting. Those are:

- Easements for the buildings
- Reciprocal access agreements for the parcels in the deed and noted on the plat

M. Carr asked if those were completed.

C. Fogg said they are being worked on. He mentioned all utilities, water, gas, and electricity are also to be included on the plat.

M. Carr inquired if the boundary adjustment on the north side of the property will also be shown as the property line nicks the corner of the northeast building.

J. Martin said the applicant had indicated at the agenda meeting he would be talking with his neighbor within a couple of days and was going to look into both.

C. Fogg said he has not successfully reached the neighbors. He thought his application was going to be tabled since he was not going to be able to accommodate everything since last Monday's agenda meeting.

C. Pierson stated there will not be a decision made tonight.

A discussion took place that the application stayed on the February agenda because a public hearing was scheduled. It was also discussed that the public hearing would take place and when the applicant has all the easements, boundary line agreements, and lot-line adjustment (lot combination) then the final subdivision approval will be made.

M. Carr asked when a SEQR determination was made.

L. Walkuski replied at the December 2023 PZC meeting.

M. Carr stated the commission will need to get the applicant's approval to extend the SEQR 62-day clock for the commission to act.

C. Pierson mentioned the lot line adjustment also needs to be addressed.

A discussion took place that the smaller northern parcel with a separate SBL # needs to be combined with the larger parcel. The applicant needs to apply for the combination of lots with the town so it can be approved before it goes to the county.

C. Pierson said she believes the terms of lot-line adjustment and boundary line agreement are being confused. The boundary line agreement is for the northern shed.

C. Fogg said the boundary line agreement has some significant long-term implications stating when the current owners die that it becomes open again to make another agreement or the options are the same as they are now.

C. Pierson said the agreement follows the land.

J. Martin stated he thought there was to be an adjustment to the actual dimensions of the lot incorporating the shed onto Fogg's property. Currently the building is trespassing over the lot line.

C. Pierson replied the boundary line agreement will allow that portion of the building to be on the adjacent land.

M. Carr said they need the boundary line agreement, which is an easement from Maxon's, to allow the building to stay there. He said if Maxon's owner is good with it, if the applicant is good with it, then the commission is good with it.

C. Pierson stated the applicant was going to talk with an attorney so they would figure out the best legal way to have an agreement with the neighbor allowing that.

M. Carr said the next item is the lot-line adjustment. J. Martin said the lot line adjustment is really a lot consolidation.

C. Fogg said he needs to finish his discussion with his surveyor to include the northern parcel with the larger parcel.

A. Tozzi stated the applicant currently has two parcels and needs to be made into one parcel.

Another discussion took place regarding the lot line adjustment/consolidation of lots.

J. McPherson asked if the applicant needs to do repairs to the first shed, would he not need an easement?

M. Carr replied that is correct.

M. Carr stated the applicant will be working with an attorney to get the boundary line agreement with Maxon's. The applicant needs a lot-line adjustment resulting in a consolidation of lots.

C. Pierson told the applicant if he has any questions regarding what needs to be done, he can always reach out to her.

J. Martin said he understands why the applicant is confused based on the terms being used. When he says boundary adjustment, that is when you shift the boundary line, which is not happening here, as he is being asked to acquire an easement.

C. Fogg said the line will be eliminated.

J. Martin replied they are leaving the boundary line right where it is.

N. Brower Dobiesz stated at the agenda meeting C. Pierson was quick to point out whatever the applicant's attorney advises is the best way should be followed as the commission cannot advise him what would be best. She believes either one would be fine so long as it is made right.

C. Fogg said the dotted line is the old deed line.

M. Carr said the consolidation will get rid of the dotted line.

C. Fogg said he has concerns about the square footage being represented on the plat.

M. Carr responded the applicant should have his surveyor review it.

J. Martin said it looks like that process has already begun with the new boundary line clearly shown. The dotted line is marked as a deed reference.

M. Carr said all will be noted on the deed and the plat; the utilities, and everything that is in process. The applicant is to reach out to Maxon's, and get an attorney to work out the best scenario. The lot-line adjustment is effectively consolidating the two lots and is reviewed/approved by the town.

M. Carr mentioned the commission already made a SEQR determination. Under SEQR law once a determination is made the commission has 62 days to act on the application. We are already there so they will need the applicant's consent to extend it out as long as it takes.

C. Fogg replied he is ok with the extension.

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

M. Carr said, again for the record, the applicant has agreed to extend the 62-day period for the Planning & Zoning Commission to act on the application as a SEQR determination was made in December 2023.

M. Carr stated the commission wants this to go forward. The applicant needs to get together with the landowner and an attorney and determine the best way forward. The lot line adjustment needs to be submitted to the town, we can get that done, and then the applicant should be good to go.

K. Semon asked if there should be a formal motion to table the application.

MOTION

In the matter of the subdivision application by Charles Fogg for a subdivision at 503 Saratoga Road, the Planning & Zoning Commission is tabling this application until further additional information is received from the applicant. The PZC has received the applicant's agreement to extend the SEQR 62-day window.

Motion

Moved by: M. Carr

Seconded by: K. Semon

Ayes: 6 – Carr, Brower Dobiesz, McPherson, Martin, Ragucci, Semon

Noes: 0

Absent: 1 – Lippmann

Motion Approved

Full Throttle

6397 Amsterdam Road

Site Plan Modification

This applicant would like to expand services from the original June 2020 site plan approval. Originally approved as a small engine repair shop, the applicant would like to become an Arien and Gravely dealer and proposes to display machines out front along Amsterdam Road. It is the applicant's intent to remove the tree buffer along Amsterdam Road and replant those trees along the eastern border to increase the buffer between the shop and the residential property. This parcel is zoned Highway Commercial

Chris Laporte, the applicant, was present.

K. Semon said he recalls concerns with the original application having used machines displayed out front and the buffering. Now we are considering new machines.

M. Carr replied they are going to be new machines, both residential and commercial (Gravely & Ariens) lawnmowers and snowblowers, and not massive in size. Machines will be outside during the day and stored away at night.

C. Laporte said they have storage sheds onsite for the units and they will be locked up at night.

M. Carr said the commission wants to support this as it shows the business is growing and that is a good thing. If you can move trees and save them, that is fine, but they do not want to see a bunch of stumps out front.

C. Laporte said his main goal is to get the grass out front looking good.

P. Ragucci asked if there are any major changes to the original snowplowing plan.

C. Laporte replied there are not any changes. The whole parking lot is plowed from Route 5 and the snow is piled up by the back hill. Since they have a gravel parking lot, they need to keep the snow on the parking lot.

M. Carr asked what is the maximum number of customers at one time?

C. Laporte said on a busy day in the summer, maybe 10 people will come in one day, but not all at the same time.

C. Laporte said the maps the commission received today are updated with dimensions for the display area. The area is larger, allowing him to move the machines around so they do not ruin the grass. He wants to be able to plant grass in the area where the trees will be removed.

N. Brower Dobiesz thanked the applicant for removing the word “proposed” from several areas of the site plan that show the current layout.

K. Semon asked if this would interfere with the well.

C. Laporte replied it will not.

A. Tozzi asked if the new site plan shows plantings will still be screening the building from Amsterdam Road.

C. Laporte replied there are four trees in the front on the right-hand side and there are five trees on the right side that will be staggered to provide a buffer between the business and residential property to the east. The display area will all be grass and he may dress up the well area.

A. Tozzi said where it is indicated that the trees are “proposed,” the word proposed cannot be there. According to an attorney, not counsel on this board, the word “proposed” suggests that it is not approved.

A. Tozzi asked if the business sign was going to be turned.

C. Laporte said the sign will stay as is. He believes people seeing the machines will be more eye-catching than the sign.

J. Martin thanked the applicant for the changes.

MOTION

In the matter of the site plan modification for Full Throttle at 6397 Amsterdam Road, regarding the expanded use becoming an Ariens/Gravelly dealer, proposing to display machines out by Amsterdam Road, the applicant’s intent to remove the tree buffer and moving some of those existing trees to alternate locations, to make room to display new equipment, not used equipment, the Planning & Zoning Commission hereby approves this modification to the site plan.

Motion

Moved by: M. Carr

Seconded by: N. Brower Dobiesz

Ayes: 6 – Carr, Brower Dobiesz, McPherson, Martin, Ragucci, Semon

Noes: 0
Absent: 1 – Lippmann

Motion Approved

Without any further business the meeting was adjourned at 7:28 PM.

Lynn Walkuski, Stenographer

Julie Davenport, Town Clerk

F E M I N A L