

**CITY OF GLOVERSVILLE PLANNING BOARD
JULY 7, 2015
7:00 P.M.
CITY HALL**

MEETING NOTES

PRESENT:

**JAMES ANDERSON, CHAIRMAN
GEOFFREY PECK, VICE CHAIRMAN
MATTHEW DONDE
BRENDA LEITT**

**CINDY OSTRANDER, SECRETARY
BRANDON MYERS, CODE ENFORCEMENT OFFICER
TOM GROFF, FIRE CHIEF
SEAN GERAGHTY, SENIOR PLANNER**

I. CALL MEETING TO ORDER:

The meeting was called to order at 7:00 p.m.

II. APPROVE MINUTES OF LAST REGULAR MEETING:

MOTION : To approve the minutes to the June 2, 2015 meeting.
MADE BY : Matthew Donde
SECONDED : Geoffrey Peck
VOTE : 4 in favor, 0 opposed

III. PUBLIC COMMENT PERIOD:

A. Purpose:

The City of Gloversville Planning Board offers a public comment period at the beginning of each of its meetings in an effort to allow the community an opportunity to comment or provide insight on a particular land use planning and/or zoning issue in the City. This comment period is not a public hearing and the Planning Board asks that you save comments regarding a particular project that is before the Board until the actual public hearing on the specific application itself. The Planning Board also asks that you not use the public comment period as a question and answer session since Board members will not enter into a dialogue regarding any particular issue.

There was no one to speak during the public comment period.

IV. GEORGE KAKAVELOS – SITE PLAN FOR TRAVER’S DINER DECK AND PAVILION:

A. Background:

George Kakavelos owns the Traver’s Diner along South Kingsboro Avenue Extension in the City of Gloversville (Tax Map Parcel 149.18-6-1). Over the past several years, Mr. Kakavelos has proposed numerous concepts and changes for the restaurant. However, because of the Walmart Supercenter Project and the reconfiguration of South Kingsboro Avenue/Hales Mills Road intersection, Mr. Kakavelos has been forced to reconsider his ideas several times. Rather than demolishing an existing pavilion on the north side of the restaurant, Mr. Kakavelos would like to use the structure as a takeout pavilion and will provide four (4) dedicated spaces in the adjacent parking lot for that service. He would also like to construct a 1,370 sq. ft. deck on the northwest corner of the restaurant building with seating for 50 customers.

DISCUSSION: Dave D’Amore, representing the applicant, indicated that his client was striving to do a couple of projects as part of his Site Plan submittal. He noted that the previously-constructed pavilion did not go through the traditional Site Plan review process with the Planning Board. He explained that his client has been negotiating with NYSDOT for the past year to purchase a piece of property along South Kingsboro Avenue that would add approximately .29 acres to his site. He indicated that the property would afford his client free and clear access to the driveways that access the employee parking area near the pavilion. He indicated that the negotiation has been a long process and his client and NYSDOT officials have not been able to reach an agreement. He explained that his client is no longer actively pursuing this property transaction.

Mr. D’Amore explained that, as part of this Site Plan submittal, he would like to get the pavilion structure approved for a takeout barbecue service. He indicated that his client would also like to construct a new deck on the northwest corner of the restaurant with seating for 50 additional patrons. He indicated that the deck has been sized to accommodate tables and service components. Mr. D’Amore indicated that, after reviewing the City’s Zoning Code, he was not sure how much of a setback would be required for the proposed deck. He indicated that his client is estimating that the barbecue takeout service will generate approximately 20 pickups a day. He pointed out that the pavilion is an open air structure, so it will be operated, initially, on a seasonal basis from late spring to early fall. He indicated that there is sufficient parking available on the property to move the employees to the main lot so that the small parking area adjacent to the pavilion can be used for the takeout service. He pointed out that there will be no new signage, lighting or landscaping provided as part of this project.

County Senior Planner Sean Geraghty pointed out that he believed the property was located in an M-1 Manufacturing District, which allows the

Planning Board to determine the required setbacks during the Site Plan review process.

B. June 3, 2014 Meeting:

During its June 3, 2014 meeting, the City of Gloversville Planning Board discussed Mr. Kakavelos' letter requesting additional time to complete a real estate transaction with the NYS Department of Transportation (NYSDOT) that would provide him with additional property along South Kingsboro Avenue Extension before removing the pavilion that is now being proposed for takeout service. At that time, the Planning Board agreed that Mr. Kakavelos should be given additional time so that he could conclude negotiations with the NYSDOT for the additional property along South Kingsboro Avenue Extension.

C. Planning Department Review:

The Fulton County Planning Department has reviewed the application in accordance with the City's Site Plan Regulations and would like to offer the following comments:

1. The existing driveway that is located on the north side of the property and will be used for the takeout pavilion service was originally intended for employee parking.

DISCUSSION: Planning Board members did not feel the estimated traffic to be generated by the barbecue takeout service would cause any traffic concerns on South Kingsboro Avenue. The Board was comfortable allowing the applicant to use the northernmost driveway along South Kingsboro Avenue Extension for the takeout service.

Mr. Geraghty asked Mr. D'Amore if Mr. Kakavelos has a right-of-way provision in his deed giving him driveway access for the northernmost driveway to South Kingsboro Avenue Extension? He pointed out that if Mr. Kakavelos is no longer pursuing the purchase of the property from NYSDOT, the State agency could require him to close off the driveway and no longer cross over the State's property?

Mr. D'Amore indicated that the State has not given his client any indication that they would prohibit him from using the State's property for the northernmost access driveway to South Kingsboro Avenue Extension, but he indicated that he would discuss this matter with his client.

Planning Board Member Jim Anderson asked if the deck would be covered?

Mr. D'Amore indicated that there would be some type of roof over the deck. He indicated that he has not yet developed elevation plans for that roof structure.

Code Enforcement Officer Brandon Myers asked if a survey of the property is available?

Mr. D'Amore indicated that the current Site Plan drawing was put together using a composite of a few surveys. He indicated that he would be speaking with his client regarding the preparation of a new survey.

Mr. Myers stressed the need for a new survey, noting the proposed setback issues on the property.

Mr. Peck asked if the structural integrity of the pavilion was sound?

Mr. D'Amore indicated that the pavilion was well constructed. He pointed out that there are other structures on the property that will be removed, but are not part of the pavilion structure.

2. The location and proposed screening of the outdoor storage areas must be specifically identified on the Site Plan drawings.

DISCUSSION: Mr. Geraghty pointed out that there are two (2) structures shown within the fenced-in area on the east side of the property. He indicated that he drove by the property before the meeting and saw three (3) structures within that fenced area. He asked that Mr. D'Amore identify all of the structures that are within the fenced area.

3. The parking area for the takeout pavilion should be paved and the parking spaces lined.

DISCUSSION: Mr. Peck indicated that if the takeout service is only operated on a seasonal basis, then pavement may not be necessary. He noted that snow removal will not affect the usage of the pavilion.

Planning Board Members Matthew Donde and Brenda Leitt both agreed that, based on the proposed seasonal use of the pavilion, the parking area could be left with a gravel surface.

4. Why is the existing rip rap on the northwest section of the property being removed and replaced?

DISCUSSION: Mr. D'Amore noted that the rip rap section appears to have been compromised with a significant amount of over growth. He indicated that he would like to remove material and restabilize the rip rap as part of this project.

Mr. Anderson asked if any additional changes would take place on the pavilion structure?

Mr. D'Amore indicated that there would be some slight refinements to give the pavilion a more finished appearance. He also noted that his client would like to construct a sidewalk in front of the pavilion for takeout service customers.

5. Will any additional signage be provided on the property as a result of the proposed deck addition and reuse of the pavilion for a takeout service?

DISCUSSION: Mr. Peck questioned the need for additional signage on the property.

Mr. D'Amore indicated that his client feels that the business will be its own advertisement and will not require additional signage on the property.

Mr. Peck asked if directional signage would be provided for the takeout service area?

Mr. D'Amore indicated that he would have to check with his client on that issue.

There was then a brief discussion amongst Board members and Mr. D'Amore concerning his client's history of erecting numerous signs to make sure his business is clearly advertised.

6. Will any additional outdoor lighting be provided for the deck or the takeout service?

DISCUSSION: Mr. D'Amore indicated that all of the additional outdoor lighting will be within the ceiling structure of the deck.

7. Building elevation drawings for the deck must be provided.

DISCUSSION: Mr. D'Amore indicated that he would provide some renderings showing the general appearance of the deck and roof structure.

Planning Board Member Matthew Donde indicated that he would like actual elevation drawings prepared for the deck and roof structure.

8. An estimated project construction schedule should be included with the drawings.

DISCUSSION: Mr. D'Amore indicated that his client would like to take the time to properly plan the project and is hoping to finish construction in the late fall of this year.

Planning Board Member Matthew Donde asked that a Knox Box be provided on the restaurant building.

D. State Environmental Quality Review:

Section 617.5 of 6NYCRR identifies the construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 sq. ft. of gross floor area and not involving a zoning change or use variance as a Type II Action which is not subject to further review under the State Environmental Quality Review Act.

E. Planning Board Action:

In accordance with Section 300-79 of the City of Gloversville Zoning Ordinance, the Planning Board must fix a time within forty-five (45) days from the day the Planning Board determines an application for Site Plan review to be complete for a public hearing on the application for Site Plan approval. Consequently, does the Planning Board feel that a public hearing should be scheduled on George Kakavelos' Site Plan application at this time?

DISCUSSION: Mr. Geraghty asked Mr. D'Amore if he felt the additional information could be provided for a public hearing in August.

Mr. D'Amore indicated that the survey will be the only piece of information that may take additional time.

Mr. Geraghty suggested that the Board schedule a hearing for August, and if information is not available in advance of the public hearing, then the hearing can be put off until the Board's September meeting.

MOTION: To schedule a public hearing on George Kakavelos' Site Plan for the Traver's Diner deck and pavilion for 7:00 p.m., Tuesday, August 4, 2015.

MADE BY: Geoffrey Peck

SECONDED: Brenda Leitt

VOTE: 4 in favor, 0 opposed

V. **JEM REALTY AND DEVELOPMENT (CHAD TABACK) – SPECIAL PERMIT FOR MULTI-UNIT DWELLING:**

A. Background:

Chad Taback (JEM Realty and Development) has renovated and expanded a building at 91-95 East Fulton Street (Tax Map Parcel Nos. 149.6-9-5, 149.6-9-6.5 and 149.7-1-8). Originally, there were two (2) residential units in the building, along with storefronts on the main floor. Mr. Taback would now like to have a total of five (5) residential units over two (2) storefronts in a 3-story mixed use project.

B. County Planning Department Review:

The County Planning Department has reviewed the application in accordance with the City's Special Permit Regulations and would like to offer the following comments:

1. The application should provide a better description of where the five (5) residential units are located within the building and how much retail space the building has on the first floor.

DISCUSSION: Mr. Geraghty explained that the Planning Board typically asks that the applicant provide a brief description of the project that clearly outlines what he intends to do with the property and the components of the project.

Mr. Taback indicated that he understood, but did not want to do too much work on the application until he was sure that the Planning Board would allow him to expand from two (2) residential units to five (5) residential units in the building.

Mr. Geraghty pointed out that the additional residential units simply require a Special Permit approval from the Planning Board. He indicated that before the Planning Board can make a decision on his application, additional details regarding the project will need to be provided.

2. The dimensions of the off-street parking spaces should be identified. The plan for removing snow from those parking areas must also be noted.

DISCUSSION: The Board held a lengthy discussion with Mr. Taback concerning the availability of parking on the two (2) tax map parcels he owns. He explained that the spaces shown on Tax Parcel 149.6-9-5 will require him to improve a parking area. The Board discussed the need for lighting on that property and whether or not a retaining wall will need to be constructed as part of this project.

Mr. Myers pointed out that the total acreage of all parcels included in the project should be noted on the application so that the number of proposed residential units in the building meets the density requirements of the City's Zoning Code.

Mr. Donde asked that a Knox Box also be provided on the building.

Mr. Taback indicated that he would probably deed a portion of Parcel 149.6-9-6.5 to Parcel No. 149.6-9-5 in order to link the driveway access on Littauer Place and the parking lot to the project site.

C. State Environmental Quality Review:

The reuse of an existing building for a similar type of use is considered a Type II Action under the State Environmental Quality Review Act and is not subject to any further review.

D. Planning Board Action:

In accordance with Section 300-86 of the City of Gloversville Zoning Ordinance, the Planning Board must fix a time within forty-five (45) days from the day the Planning Board determines an application for Special

Permit review to be complete for a public hearing on the application for Special Permit approval. Consequently, does the Planning Board wish to schedule a public hearing on JEM Realty and Development's Special Permit application at this time?

MOTION: To schedule a public hearing on Chad Taback's Special Permit application for a multi-unit dwelling at 91-95 East Fulton Street for 7:00 p.m., Tuesday, August 4, 2015.

MADE BY: Geoffrey Peck

SECONDED: Matthew Donde

VOTE: 4 in favor, 0 opposed

VI. KEVIN RIENHARDT – SITE PLAN FOR MARTIAL ARTS SCHOOL:

A. Background:

Kevin Rienhardt would like to open Go Ju Ryuk Mixed Martial Arts School at 207 Bleecker Street in the City of Gloversville (Tax Parcel 134.14-14-7). Mr. Rienhardt will be using an existing building that is owned by James and Sue Marijanapolis. The school will be on the main floor of the building which was previously a storefront. The school will occupy approximately 2,544 sq. ft.

DISCUSSION: Kevin Rienhardt introduced his wife, April Rienhardt. He indicated that the property at 207 Bleecker Street was previously used as a dance studio. He indicated that he and his wife have cleaned up the inside of the building and feel that it is ready to be used for their martial arts school. He indicated that no renovations will need to be made to the building. Mr. Rienhardt pointed out that he doesn't need a significant amount of parking because most of the kids will be dropped off at the school. He talked about his business plan for the school and identified three (3) of the other instructors that will be teaching there.

B. Planning Department Review:

The Fulton County Planning Department has reviewed the application in accordance with the City's Site Plan Regulations and would like to offer the following comments:

1. The hours of operation for the proposed business should be identified.

DISCUSSION: Mr. Rienhardt indicated that the school would be open from 8:00 a.m. to 8:00 p.m. each day with classes throughout the day.

2. The availability of off-street parking for the business must be identified.

DISCUSSION: Mr. Rienhardt indicated that there is no space for off-street parking.

Mr. Geraghty explained that the Planning Board will need to send a letter to Kevin Jones, the Director of the City of Gloversville Public Works Department, to see if he is comfortable with the availability of off-street parking in the immediate vicinity of the business.

MOTION: Authorizing County Senior Planner Sean Geraghty to forward a letter on behalf of the Planning Board to City DPW Director Kevin Jones asking for a recommendation on the availability of parking for Mr. Rienhardt's proposed martial arts school along Bleecker Street.

MADE BY: Matthew Donde

SECONDED: Brenda Leitt

VOTE: 4 in favor, 0 opposed

3. Any additional outdoor lighting to be provided on the building must be identified.

DISCUSSION: Mr. Rienhardt indicated that no additional outdoor lighting will be provided as part of this project.

4. Any new signage on the building must be identified.

DISCUSSION: April Rienhardt showed Board members a picture of a canvas sign they would like to hang above the awning on the building.

Mr. Geraghty suggested that they consult with the City Code Enforcement Officer Brandon Myers regarding the sign. He explained that the City's Zoning Regulations may require that the sign be attached to the building and not hanging over the awning because it could then be considered a temporary sign and subject to time limitations.

5. The location of any outdoor storage areas must be identified.

DISCUSSION: Mr. Rienhardt indicated he wouldn't need any outdoor storage areas.

The Planning Board asked that a Knox Box be provided for the building.

C. State Environmental Quality Review:

The reuse of an existing building for a similar type of use is considered a Type II Action under the State Environmental Quality Review Act and is not subject to any further review.

D. Planning Board Action:

In accordance with Section 300-79 of the City of Gloversville Zoning Ordinance, the Planning Board must fix a time within forty-five (45) days from the day the Planning Board determines an application for Site Plan

review to be complete for a public hearing on the application for Site Plan approval. Consequently, does the Planning Board feel that a public hearing should be scheduled on Kevin Rienhardt's Site Plan application at this time?

DISCUSSION: The Planning Board felt that a public hearing on Mr. Rienhardt's application would not be necessary.

MOTION: To waive a public hearing and to conditionally approve Kevin Rienhardt's Site Plan for a martial arts studio at 207 Bleecker Street with the following stipulations:

1. The Planning Board receive a letter from DPW Director Kevin Jones indicating that there are enough on-street parking spaces available for the applicant's business.
2. The final location of the sign advertising the martial arts school must be identified.
3. A Knox Box must be provided for the building.

MADE BY: Geoffrey Peck
SECONDED: Matthew Donde
VOTE: 4 in favor, 0 opposed

VII. AVANTI GROUP PROPERTIES, LLC (TIMOTHY TESIERO) – SITE PLAN FOR BUILDING ADDITION AT 91 NORTH MAIN STREET:

A. Background:

Timothy Tesiero is proposing to occupy an existing building at 91 North Main Street (Tax Parcel 134.18-35-6) for a mixture of uses including retail space, engineering offices and a light manufacturing component. As part of the project, a 16' x 23' addition will be constructed on the back of the building. The existing façade on the building will also be changed dramatically.

DISCUSSION: Mr. Tesiero explained to Board members that his company works on automated control systems and pump control systems. He indicated that the business is essentially an assembly operation. He indicated that he employs five (5) highly-skilled engineers in the company and does work for several area companies. He indicated that he does not advertise his business but simply relies on word of mouth for his customers. He indicated that he recently spent \$40,000 on a new roof for the building at 91 North Main Street. He indicated that he would like to restore the appearance of the original storefront. He indicated that architectural insulation will also be put on the building. He indicated that the addition will be constructed in the footprint of the loading docks on the back side of the building which will better suit his business. He

indicated that he knew that his proposal would need to go before the City's Historic District Review Board for its consideration.

Mr. Donde asked if the loose brick on the front side of the building would be addressed?

Mr. Tesiero explained that the brick has been removed and is being repaired.

Mr. Peck asked if the freight elevator in the building would be used?

Mr. Tesiero indicated that it has not been inspected but is occasionally used for his business.

Mr. Tesiero indicated that he had also looked at converting the building into a technology center with multiple spaces available for technology companies. He indicated that the alleyway on the north side of the building will be paved but no parking will be provided between the buildings.

Mr. Peck asked if tractor trailer loads would be offloaded with a forklift outside of the building?

Mr. Tesiero indicated that they would. He pointed out that because of the wood floors inside the building, forklifts cannot be operated within the building.

Mr. Donde then had a question concerning wastewater that Mr. Tesiero explained would not be an issue.

B. Planning Department Review:

The Fulton County Planning Department has reviewed the application in accordance with the City's Site Plan Regulations and would like to offer the following comments:

1. A brief project narrative should be provided with the Site Plan application.

DISCUSSION: Mr. Geraghty suggested that Mr. Tesiero provide a brief project narrative explaining his proposed use of the building.

2. Off-street parking for the business should be identified.

DISCUSSION: Mr. Geraghty pointed out that there are no off-street parking spaces available on the property and that a letter will need to be sent to City DPW Director Kevin Jones regarding the availability of on-street parking.

MOTION: Authorizing County Senior Planner Sean Geraghty to forward a letter on behalf of the Planning Board to City DPW Director Kevin Jones asking for a recommendation on the availability of parking for Mr. Tesiero's proposed mixed use project at 91 North Main Street.

MADE BY: Geoffrey Peck
SECONDED: Matthew Donde
VOTE: 4 in favor, 0 opposed

3. The actual property boundaries should be identified on one (1) of the Site Plan drawings.

DISCUSSION: Mr. Tesiero indicated that if the existing loading dock is actually on City property, he intends to pull back the dimensions of the addition so that it remains on the company's property.

There was then a brief discussion concerning the availability of a property survey. Mr. Tesiero indicated that he would measure the dimensions of the building again but felt that the facility would stay within his property boundaries. Again, City Code Enforcement Officer Brandon Myers suggested that an actual survey of the property be prepared.

4. The location and proposed screening of any outdoor storage areas on the property should be identified.

DISCUSSION: Mr. Tesiero indicated that eventually he may want to place a small dumpster behind the building for cardboard. The Planning Board felt that this was not an issue.

Mr. Donde asked that a Knox Box be provided on the building.

There was then a brief discussion concerning the existing sprinkler system in the building.

5. The location, size and design of any new signage on the building should be identified.

DISCUSSION: Mr. Tesiero indicated that he would rather not have any signage, but will likely put a small sign inside the front windows of the façade.

6. The location and design of any new outdoor lighting on the building should be identified.

DISCUSSION: Mr. Tesiero indicated that the lights in the alleyway have already been replaced and that a security camera system will also be installed on the building.

C. State Environmental Quality Review:

Section 617.5 of 6NYCRR identifies the construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 sq. ft. of gross floor area and not involving a zoning change or use variance as a Type II Action which is not subject to further review under the State Environmental Quality Review Act.

D. Planning Board Action:

In accordance with Section 300-79 of the City of Gloversville Zoning Ordinance, the Planning Board must fix a time within forty-five (45) days from the day the Planning Board determines an application for Site Plan review to be complete for a public hearing on the application for Site Plan approval. Consequently, does the Planning Board feel that a public hearing should be scheduled on Avanti Group Properties, LLC's Site Plan application at this time?

DISCUSSION: The Planning Board didn't feel that it was necessary to conduct a public hearing on Mr. Tesiero's Site Plan application.

MOTION: To waive a public hearing on the Avanti Group's Site Plan application for the building addition at 91 North Main Street and to approve the Site Plan application with the following stipulations:

1. A letter be provided by DPW Director Kevin Jones regarding the availability of on-street parking and public parking for the business.
2. The clarification of the western boundary line of the property.
3. A Knox Box be provided on the building.

MADE BY: Matthew Donde
SECONDED: Brenda Leitt
VOTE: 4 in favor, 0 opposed

VIII. OTHER BUSINESS:

A. Code Enforcement Update:

Mr. Myers reminded Planning Board members that, several years back, Chad Taback and Marae Tesi appeared before the Board seeking a Site Plan approval for a parking lot on the corner of East Fulton Street and Littauer Place. He indicated that the project has never been completed and that he feels the property looks bad and is unsafe. He noted that the

original retaining wall design as proposed to the Planning Board, will not work and needs to be reconsidered. He pointed out that there is now erosion on the property that extends into the public right-of-way. He indicated that he has a strong sense of urgency to have this problem resolved.

Mr. Taback indicated that the company he wanted to hire to construct the retaining wall would not do so without an engineering analysis.

There was then a great deal of discussion concerning the slope of the back side of the property and how a retaining wall could be constructed.

Mr. Donde indicated that engineered drawings will be necessary.

Mr. Myers indicated that he would like to see the retaining wall constructed out of some type of textured block.

Mr. Geraghty pointed out that the Planning Board previously approved this property for a parking lot and stipulated certain specifications for its design. He noted that the City of Gloversville Common Council passed a law that allowed applicants to avoid paving the parking lot because it was under 8,000 sq. ft. in size. He indicated that he would have to check in the Planning Board's records to see what other conditions were originally placed on this project. He indicated that he did not believe the project belonged back before the Planning Board since it has already been approved and simply needs to be designed properly.

There was then a brief discussion concerning whether or not the project should have been sent to the Historic District Review Board.

Mr. Geraghty indicated that any new construction or improvements on the property will be required to go before the City's Historic District Review Board. He indicated that he would check the Planning Board's records to see if this issue was previously discussed. Mr. Geraghty indicated that he would get a letter to Mr. Myers explaining what needs to take place in order to bring the property into compliance with the Planning Board's Site Plan approval and the City's code.

IX. CLOSE OF THE MEETING;

MOTION:	To close the meeting at 8:32 p.m.
MADE BY:	Geoffrey Peck
SECONDED:	Matthew Donde
VOTE:	4 in favor, 0 opposed