

Town of Northumberland Planning Board
Minutes
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Monday, June 13, 2016 7:00 pm
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Present: Susan Martindale, Lisa Black, Holly Rippon-Butler, Chad Reinemann, Jeff King and Wayne Durr, Chairperson

Absent: Melanie Eggleston, James Heber, Vice Chairperson and Brit Basinger

Town Employees Present: Tia Kilburn, Clerk and Richard Colozza, Code Enforcement Officer

Wayne Durr, Chairperson, opened the public hearing at 7:07 PM.

All in attendance stood and recited the Pledge of Allegiance

The Clerk reported to the Board the Applicant for the public hearing, John Gallup had phoned to advise they would not be able to make this meeting, Mr. Durr asked if anyone was here for the public hearing, nobody acknowledged, he stated they would wait a few minutes to see if anyone arrives late.

Mr. Durr then stated they would leave the public hearing open and table the application, he then opened the regular monthly meeting and invited Mr. Chris Boyea, Engineer representing Primax Properties, LLC (Dollar General) to give a general overview of the application noting there were several people in attendance interested in this application. Mr. Durr explained this is not a public hearing however, he would like to give the public as much information as they can, he added the Board appreciates public participation but would like to limit it at this time. Mr. Boyea stated they are proposing a re-development of a residential property directly across from the DPW Garage and the US Post Office, they propose to remove the existing single family dwelling and garage and replace it with a 9,000 sq ft General Dollar retail store. He then reviewed improvements requested by this Board and displayed large maps of the site, Mr. Durr asked if the Board had copies of the maps he displayed and Mr. Boyea stated yes they were just black and white not color. Mr. Boyea then stated he submitted an E-mail from New York State Department of Transportation indicating their approval for the ingress and egress to the parcel, he added they do not have a permit at this time but they have received the commitment. He explained as part of the requested improvements they have added additional fencing on each side of the property between the neighbors and plantings, they propose to plant spruce trees on the outside of the fences to be used as a buffer, the trees will be considerable at the time of planting they will be 6 to 7 ft tall and the fence will be the backdrop. He said the Board did not like the large sign so they have changed it to a monument style, Mr. Durr asked if the sign will be lit, Mr. Boyea responded yes. Mr. Durr then asked if they could install a timer to have it shut off at a certain time, Mr. Boyea stated that is up to this Board they will work with it. Ms. Martindale asked how tall the sign was, Mr. Boyea responded the base is 4' and the sign will be 4' on top of that, the design is due to snow banks in the winter and plow trucks. He then discussed the building and how they are trying to spruce up the design to make it look better at this Boards request, he stated they added faux windows and awnings to the façade toward the road along with a masonry knee wall. He added they also improved the windows. Mr. Durr asked if that was the side that faces Route 32, Mr. Boyea responded yes and stated they used earth tone colors and the faux windows as requested. He stated they have been doing everything this Board has asked, he said they went to the Zoning Board of Appeals for an interpretation and the Zoning Board determined the entire lot was in the Hamlet zone which allows such a project, he asked if this Board could declare themselves Lead on the SEQRA, State Environmental Quality Review Form and they would like to continue the dialog and discussion to move along he stated they are not looking for an approval tonight but this still has to go to Saratoga County Planning and a Public Hearing which both take more time. Ms. Rippon-Butler mentioned photos of other Dollar General Stores recently constructed; Mr. Colozza stated he had taken pictures of them to show as samples of the different designs. Mr. Parzych asked if he could ask a question, Mr. Durr responded yes, Mr. Parzych asked what was on the North and South sides of the proposed project, Mr. Durr said houses, Mr. Parzych then asked what was going to happen to the houses, Mr. Durr said nothing they are not part of the proposal and he was unsure what was being asked, Mrs. Parzych interjected she would try to clarify what she believed her husband was asking was, if they were going to be affected, what is being considered for the homes, she stated her family just recently moved there and they cannot re-sell, they do not believe they would be able to get the cost back out of their home because of the proposed Dollar General, she then stated she really did not want the trees near her property because she will be the one that has to clean up after them with all the needle droppings. She then stated they feel de-humanized because it has been stated to them it is just a structure, she stated they are upset because these are their homes. Mr. Durr stated the Board appreciates the concerns and although this is not a public hearing they feel it is important to listen, he then added this Board is governed by Town Law. He stated this Board had requested the buffer with the fence and trees to protect the homeowners, Mrs. Parzych responded she understood and realized it was not meant to be offensive and she just did not want the Dollar General there period, she stated they are taxpayers and they were here 1st she discussed the reasons for purchasing that home in a small rural town to raise their children. Mr. Durr stated they understand and they will try to mitigate however at the end of the day it is the Town Laws that have to be followed.

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Mr. Craig Warner stated he was previously on the Malta Planning Board and is currently on the Malta Town Board, he was here to help his son, a neighbor of the proposed store. He asked the height of the building, Mr. Boyea responded it was 20', Mr. Warner said the fence is only 6' so the building will be 12' above the fence that his son will have to look at, he stated in Malta they ask for a 100' buffer on the sides of buildings to block the light and noise from commercial business in residential areas, he said here there is only a 25' setback for commercial in a neighborly Hamlet, he added it was not good planning to squeeze this size of a building in there. Ms. Rippon-Butler stated the sq ft has been discussed however, she asked Mr. Boyea if the footprint needed to be that large, Mr. Durr stated this application was referred to the Zoning Board for interpretation and they did not impose any restrictions. Mr. King asked if they looked at the lot coverage, Ms. Martindale responded this entire lot / project would be in the Hamlet Zone. Ms. Rippon-Butler then asked if there could be a study conducted on the impact of the home values, Mr. Boyea said no, each location is different and there are too many variables, he then added if the surrounding homeowners have no intent to sell it will not matter. He then said The Dollar General can be good community stewards, they bought an oversized lot, they did not need to purchase one that large in the hamlet for an allowed use, he said they are respecting the neighbors wells and septic, improving the site and following all the require setbacks for New York State and the Town. Mr. Boyea then said a typical dwelling uses 400 gallons of water a day, this proposed 9,000 sq ft store will only use approximately 60 gallons a day, and there will be no kitchen and no laundry being processed there. Ms. Rippon Butler reiterated that they cannot hire an appraiser to determine the surrounding home values or if there would be a large loss of value to them, Mr. Colozza said no, the appraiser could give the value of that building, he then explained it is an allowed use, businesses are allowed in the hamlet, he added the zoning goes back to the 70's. He then stated the home values could go either way. Mrs. Parzych stated she appreciates small businesses, however, they don't affect the surroundings, this type of big box store has no control over their customers and their actions, the business does not get to know them personally. She added they can dress up the appearance but if they do a study of a 3 to 5 mile radius they will find there are more animals than people, she added this is a different type of business and it does not reflect a small community, she stated it is not the same as a highway department or post office and she questions the direction the hamlet is going. Ms. Warner asked if she may interject and stated she also would like to know the direction of the hamlet, she would like to know if the Town will continue to encourage commercial business, she then added she would like to see a bigger buffer and she is concerned about tree roots reaching her septic. Mrs. Parzych then asked how many deliveries they anticipated, Mr. Durr responded that had come up previously. Mr. Boyea stated he appreciates all the comments from the public however, this is not a public hearing and he is concerned these items will be repeated several times and again at the public hearing. He stated there will be little impact from trucks, minimal deliveries, maybe 2 times a week depending on sales, they are made with full size 18 wheeled trucks that deliver to multiple stores, he showed the truck route and explained it has been approved by New York State, they will be driving in and out no backing of the trucks will be necessary onto Route 32. Mr. Boyea then stated they are clean trucks that meet or exceed emission standards; he added more emissions are let off by the DPW across the road. Mr. Boyea continued to explain this project gives the neighbors "free land", he discussed the paper roads and said it will be a huge benefit to them, paper streets are split between property owners, one paper street between the proposed site and the neighbor will give each an additional 25' the entire length of the property and then there is Mott St which is in the rear that will give each property owner 33' and he stated he says free because Bohler Engineering has paid for all the research and attorney fees. Ms. Warner asked what they would do about her septic being damaged; Mr. Boyea stated they can only address facts, such as buffers he stated they cannot assume what could happen in the future. He added they have been trying to address the concerns of the neighbors; they have no way of knowing what type of people will be shopping, they did reduce the number of parking spaces to provide more green space, following the storm water management plan and he stated they will move the trees back to the other side of the fence to keep the needle droppings on their property not the neighbors. Mr. Warner asked if they could have an appraiser come out and give them an idea on what the impact would be to the surrounding properties comparing to similar situations, Ms. Rippon Butler also asked if that was possible and if an appraiser could use comparables. Mr. Reinemann stated he was appreciated the public participation, the Hamlet is where the retail belongs he added with the building turned 90% it appeared to be shoehorn sight, then he said they could improve the perspective from both sides, he asked what the height of the building was, Mr. Boyea responded 19' 6". Mr. Reinemann then asked if they could identify where the surrounding septics were, Mr. Boyea stated they are all at least 100' from the well. Mr. Reinemann asked if they could show the actual septic and leach fields on the site plan, Mr. Boyea stated all the plantings will be at least 10' from all property lines. Mr. Reinemann then asked if they had an idea on an amount of the customer base that will be walking, Mr. Boyea responded they are not counting on pedestrian traffic, Mr. Reinemann stated there are no crosswalks and asked if this could trigger a traffic study, Mr. Boyea responded New York State Department of Transportation controls all that and they have already approved, he added it will be a small impact and stated they have built over 30 of these retail stores and never was a traffic study warranted. Mr. Reinemann then discussed dressing up the building to blend with the surrounding buildings stating perhaps adding a gable for aesthetics he said almost all the buildings in the area have gables, he added the cornice they are showing is nice but the gable would blend with the surrounding structures. Mr. Boyea stated adding a

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gable it gets high, Mr. King asked if they meant just the façade, Mr. Reinemann explained like a faux gable. Ms. Ribbon Butler asked if requesting an appraiser study was out of this Boards power, Mr. Durr explained an appraiser would only be able to give an appraisal of existing, they would not be able to predict what would happen in the future because there are too many variables. Mr. Bombard asked if they had any idea what the impact of sales tax revenue would be and what would happen to the structure if the business folded at that location because the Town couldn't support this type of retail store, did they do a sales tax study. Mr. Bombard then added the Town couldn't support a Country Store and a Stewarts at the same time. Mr. Colozza interjected the school system will get 100% of the school tax, he added the project will not generate students but will produce tax revenue the assessor could give us a rough value of the new building. Mr. Boyea stated all this can be covered at the public hearing so we do not have to keep repeating it, then he stated it is all subject to different formulas, they can guesstimate the projected sales tax but not all of that will come to this Town because it goes to Saratoga County and then is distributed to all the Cities / Towns in the County by way of formulas. Mr. King asked if the Orion packet showing the shading was proof all the light stays on the property, Mr. Boyea said yes most communities want little or no light impact, they use what is called "house side shields", these shields direct the light down and prevent the cast of light off the property so there will be zero light spilled off the property. Mr. Craig Warner stated the height of 25' next to a single story residence and a 6' fence that is going to rot does not make for a good neighbor. Ms. Rippon Butler asked why they designed it as a 9000 sq ft structure, did they conduct a study? Mr. Boyea stated in order to have a variety departmental modern day general that is able to survive they needed it to be a little larger, he then proceeded to explain the large variety of goods the Dollar General carries. Ms. Ribbon Butler asked if they could reduce the size of the store at this location because there are a few other of these same Dollar Generals not very far away, she questioned why they would want to place another in a close proximity of the others. Mr. Boyea responded it is based on market research they follow, he can ask the applicant if they will consider reducing it, they are willing to work with the Town, he added they can lower the light poles but it really wouldn't make sense to make it smaller and get rid of some departments but maybe they can shrink some departments. Mr. King stated he would like to encourage them to come up with a better design because they are replacing a dwelling and it is in close proximity of other dwellings, it is a challenge to make it be in harmony with the homes and the neighborhood but they do have some alternatives with the size to better fit with the surroundings.

Mr. King then made a motion to declare this Planning Board lead agency for the SEQRA, State Environmental Quality Review Form,

Mr. Reinemann 2nd the motion,

All in attendance unanimously agreed.

Mr. Durr stated the Board appreciates Mr. Boyea's / Bohler Engineering and the applicant's co-operation with this application, at this time they would like to forward it to the Town's Engineer and the Town's Attorney for review to get some feed back or any recommendations. Mr. King asked if they could get some feedback from the applicant on the square footage proposed for the building, and Mr. Durr added alternate options for the design and maybe a size reduction for the building. Mr. Boyea interjected they are willing to work with the neighbors and the Town however at the public hearing there could be 15 or more people with different opinions. Mr. Durr stated this project is impactful for the Town and this Board wants to address the concerns of the neighbors and tax payers, in addition to review by the engineer and attorney they would like clarification for a law in the Towns Zoning Ordinance Article VII, Item B, Sub-section 1, *Harmony in Scale: In many instances, the scale of new commercial structures is inharmonious with pre-existing residential buildings and their surroundings. The Planning Board should review each application for new commercial/business structures within these Districts to determine its compatibility of scale with the existing nearby residential structures. Wherever possible, the Planning Board should require the applicant to design the scale of commercial and business structures to be compatible with the scale of existing structures within the area.* Mr. Boyea reiterated there would not be any changes required at this time, Mr. Durr responded no, this Board would like the interpretation from the attorney and review of the lighting scheme and site plan by the Towns Engineer and see if he has any recommendations. Mr. Durr then stated they would like the applicant to consider a reduction in square footage of the building, although he stated it is not a requirement. He then asked how the size determined for each location; Ms. Rippon-Butler asked why they choose this location for a new store when they are building a new store in Schuylerville, why such a close proximity, Mr. Boyea responded there will be no impact it is a small community base store and added they need the size to accommodate the "department" style store. He then asked if they could forward the application to County Planning and schedule a public hearing, the Clerk stated they will need to accept the application as complete and final if they submit it to County for review and schedule a public hearing, Mr. Durr agreed and said no, not at this time. Mr. Boyea stated it is a 30 day process, they have been trying to co-operate with this Board and would like to move forward.

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Mr. Durr said he understood, however, they need to be sure they cover all the concerns and aspects of the Town's Laws before they move forward. He then thanked Mr. Boyea for his time.

ACTION

Richard Colozza will ask the Town's Attorney to review and comment on Zoning Ordinance, Article VII, Section B subsection 1. Bohler Engineering MA, LLC will forward a copy of the lighting scheme and site plan to the Town's Engineer.

MISCELLANEOUS

Ms. Martindale made a motion to accept the May Planning Board minutes as submitted,
Mr. Reinemann 2nd the motion,
All in attendance unanimously agreed.

Ms. Martindale made a motion to adjourn the meeting at 9:00 PM,
Mr. King 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS:

Continuation of Public Hearing July 11, 2016, for application #0004-16, regular monthly meeting to follow

Respectfully Submitted,
Tia Kilburn, Planning Board Clerk