

Town of Northumberland Planning Board

Minutes

Corrected by the Planning Board

Monday, July 11, 2016 7:00 pm

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Present: Susan Martindale, Lisa Black, Holly Rippon-Butler, Jeff King, Melanie Eggleston, James Heber, Vice Chairperson and Wayne Durr, Chairperson

Absent: Chad Reinemann, and Brit Basinger

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

Wayne Durr, Chairperson, opened the public hearing at 7:06 PM.

All in attendance stood and recited the Pledge of Allegiance

Mr. Durr asked if anyone was here for the public hearing, nobody acknowledged, including the applicants, he stated they would wait a few minutes to see if anyone arrives late.

Ms. Martindale made a motion to extend the public hearing for application #0004-16 one month,

Mr. Heber 2nd the motion,

All in attendance unanimously agreed.

Mr. Durr then stated they would leave the public hearing open and table the application, he then opened the regular monthly meeting and introduced Doug Ward, Town's Counsel to the board, Mr. Ward stated he was in attendance to respond to the Board's request for clarification on Article 7, section 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. Whenever 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. Ward stated the Board should look at this project for consistency, he continued the language is broad in the regulation and it leaves a lot to this Boards discretion, it could help to 1st look at "Attachment A Schedule of Permitted Uses, Minimum Lot Sizes Area and Bulk Regulations" he said he reviewed it with Richard Colozza, Code Enforcement Officer for the Town of Northumberland, and it was determined this project meets all the requirements, so it does comply with the strict letter of the law. He then advised the Board not to look at the smallest or the largest structure for a comparison, he stated there are a lot of existing structures which are not terribly different. He said he and Mr. Colozza had visited the proposed site before the meeting and he felt the Post Office across the road is smaller or at least similar in size, he added there is a small house on one side and a 2 story home on the other both are of similar heights to the proposed structure, and reiterated there is not a terrible difference. He then asked the Board if there were any questions, none were noted. A neighbor Ms. Warner introduced herself and stated the Post Office is only 4,200 sq ft and the highway garage is 5,000 sq ft, each is at least half the size of the proposed Dollar General, she questioned how they were similar. Mr. Ward stated he did not measure them however; they looked approximately the same to him. Mr. Warner interjected the Dollar General will be larger than both of them. Mr. Ward stated the Board needs to address the issue and discuss the features and when it is decided if it is "Harmonious in Scale" they should be ready to explain why they went that way. Mr. Durr thanked Mr. Ward for his time and assistance. Mr. Ward then stated a response was received from the Town's Engineers pertaining to the lighting (see the attached letter from Environmental Design Partnership, LLP). Mr. Durr 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, the Board appreciates public participation but would like to limit it at this time. Mr. Boyea gave a brief overview of the proposed project and stated at the end of last month's meeting this Board wanted input from the Town's Attorney and the Town's Engineer, he added Mr. Ward just gave his opinion agreeing with his firm that the project is within the Town's law and he stated he also has the letter dated July 8, 2016 from the Town's Engineer as mentioned by Mr. Durr.

Mr. Boyea said there are 3 or 4 comments by the Engineer he would like to discuss in more detail, one is the Engineer was asking exactly where the lights will be placed and the spill onto the neighbors property, this he stated was minor, however they will submit that to the Engineer, Mr. Heber said he would like to hold up on the lighting review until they get a response from the Engineers and they are satisfied with it. Mr. Boyea said he was asked by a Board member last month about a gable roof and the elevations, he stated he had submitted a new design and added they met with the bordering neighbors and provided them with an aerial view of the location, he said they are still flexible and willing to work with them on the final plan. Discussion ensued on the revisions to the building design. Mr. Boyea then stated they are trying to provide options; he discussed the screening of roof top units. Mr. Boyea then discussed a smaller building option stating he checked with the client and they do have a "urban" style building they use in

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some settings however that setup is more for foot traffic, he added this size is the smallest for this rural type setting. Mr. Durr asked if there were any additional questions, Ms. Eggleston asked what the difference in height was with the gable design, Mr. Boyea responded it does get taller, the structure stays the same however in the 1st rendition the peak is 19' 8" and the gable makes it 26' 6", Mr. Heber asked how tall the existing house was, Mr. Boyea stated he was unsure, he can measure it. Mr. King said he had some lighting questions, he asked if the signs on the building would be lit and if at any point they would not be lit, Mr. Boyea responded yes, he referred to the Engineer's recommendation to put timers on lights including the signs and all non essential lighting, then stated there would only be a few select lights that would remain on. Mr. Heber agreed it will need to be a requirement, including the sign. Ms. Warner asked to speak, she stated according to the Town's Ordinance the proposed sign is against the law, she said according to the ordinance it cannot be more than 10 square feet, she stated it is well over that according to the site plan. Ms. Warner then stated the side set back is stated in the ordinance to be 30' and per this site plan it is only 25', she added it is not in compliance the Comprehensive Plan for the Town. Mr. Craig Warner, stated he was from the Town of Northumberland Malta and said he has taken our ordinances, our Zoning Code and delivered it to their Planners, they have a fulltime planning department he continued "their response was and I quote to get into the records, There is no way that any franchise can be located on that street according to your written law and ordinances," he then added he has consulted with their legal department and they agree with him. He stated he outlined every specific thing, they looked at our ordinances, our articles and our Comprehensive Plan, he said our Comp Plan hasn't been updated since 2003 and it needs to be every 10 years. "That's what our lawyers say, that's what our Planners say." His wife, Mrs. Warner interjected she is not going to speak on the facts she would like this Board to consider the direct neighbors to the project are her children who spent all their money to purchase the house and she discussed how this will change the neighborhood not keeping with the quite setting it currently has that attracted them. Mr. Durr stated this is in preliminary stages, the next step will be a public hearing, however, this Board when reviewing the application they will take into consideration every law and regulation and it will not go anywhere until they are satisfied. He added members are volunteers to represent the Town, homeowners and businesses all in making sure the law is followed. He then stated they appreciate public comments and will consider all concerns brought before them. Mr. Craig Warner stated they should make it fit the law with 30' setbacks and only 10 square foot sign. Mr. Heber asked where he came up with 30' setback, Mr. Warner responded Article 7, "Guidelines", he stated his Planner found it when he went into other stuff. Mr. Colozza said it was under "guidelines". Discussion ensued on what was law vs. guidelines. Mr. Warner stated they were suppose to ask the engineers how much the home values would be reduced, Mr. Boyea responded there is no factual way to determine that. Mr. King stated they need to consider the Engineer's recommendations and take the guidelines into consideration as well. Mr. Durr asked if there were any other questions or concerns, Ms. Parzych asked if they could consider extending the fence between her home and the site, she explained the design currently shows it ending and leaving the two properties open to each other without a boundary to show customers. Mr. Boyea stated the fence is currently 10' off the property line and ends at the "jog" out behind the structures, he stated there was a large tree there they could possibly wrap around. Ms. Parzych then asked if they could turn down the offer to accept land from the paper road to be abandoned by the Town, Mr. Boyea stated they can work on that and perhaps keep it "forever" wild. Mr. Bombard asked about the long term lease Mr. Boyea mentioned and if it is not purchased who is the lease with? Mr. Boyea explained their client the applicant Primax Properties, LLC is under contract with the current homeowner to purchase the property, they will lease it to Dollar General, it will be a lease of 15 years plus. Ms. Warner asked who they typically lease to, Mr. Boyea responded that is not a fair question, because they will lease to whoever is available or interested. Discussion ensued on the likely hood of the property becoming vacant. Mr. Durr reminded everyone in attendance this is not a public hearing and at this point would like to end the comment period to work on the review of the plan, he then asked Mr. Boyea if there was a revised plan, Mr. Boyea responded the lighting plan was revised as requested. Mrs. Warner asked if they have approved the application to move to County Planning for review and a public hearing, Mr. Colozza stated no, Mr. Durr agreed it is still in preliminary review. Ms. Warner then asked if it is found complete and final does that mean it is in compliance with the law, Mr. Durr explained at some point it has to be accepted as complete to be able to move forward to an approval or disapproval. Mr. King stated the Board needs to decide to apply the "guidelines" for the signs, lighting and setbacks or not, he then added the big decision is whether it is Harmonious in Scale or not, in order to move forward it has to be decided as harmonious to the neighborhood. Mr. Durr agreed they will have to decide yes or no and make it a matter of record. Discussion ensued on scheduling a public hearing. It was decided a public hearing would be scheduled for August 8, 2016 at 7 pm at which time all comments and concerns will be on the record, a decision of harmoniousness can be determined after the public hearing. Discussion then ensued on commercial signs and 10 square foot requirement, if they wanted to consider the "guidelines" as rule. Mr. King asked Mr. Boyea what the maximum setbacks from the neighbors were if the side yard could meet 30' for commercial use and help harmonize with the adjacent buildings, Mr. Boyea stated it is possible to meet that setback. Ms. Rippon-Butler asked if there were an estimate of the number of vehicles, Mr. Boyea responded the threshold is 100 vehicles per

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hour however, at this location it was more likely for 50 vehicles per hour at a peak hour. Ms. Rippon-Butler asked if they could get actual numbers from other similar stores. Then she asked what the definition of Harmonious was, did it include the design, size or type of business? Discussion ensued on definition of Harmonious. The Board agreed it was a broad scope and more of a personal decision. Ms. Eggleston asked what they considered peak hours; Mr. Bombard asked if it was 50 additional vehicles to the current traffic. Mr. Boyea responded the peak hour is hard to determine, it was when the most traffic existed. Ms. Rippon-Butler stated it was reasonable to look into. Mr. Boyea stated he could compare it to the Post Office and the existing Stewart's Shop and how it relates to this situation; they only work with factual findings. Ms. Eggleston asked about the setbacks to the septic and wells, Mr. Boyea discussed how the proposed site plan improves the current setbacks and the ground water will flow away from the parcels to the rear. Mr. Durr asked to discuss the "urban" design that was available, Mr. Boyea stated it is about 7,500 square feet, Ms. Martindale asked if it would create a change in the inventory selection. Mr. Boyea responded yes there would be fewer choices for a product, Ms. Martindale then asked if they plan the product inventory by each individual community, Mr. Boyea responded no and added Dollar General is not a "dollar" store they provide excellent service and good variety of products. Mr. Durr asked if they sell local products, Mr. Boyea said they have started to cater to the area; they do have some locations that bring in Vermont Syrup. Ms. Rippon-Butler reiterated they do not buy from local producers, Mr. Boyea said probably not but they are starting to consider it. Discussion ensued on what is requested for the next meeting and public hearing. The Board determined they would like to see a re-design of the sign (10 square feet), 30' side yard setbacks, extension of the fence on left side and an estimate for "trip count" to compare to convenience store, the Post Office and a retail store. The Clerk asked which building design they would like sent to County Planning, Mr. Durr stated the original copy would be fine.

Ms. Martindale made a motion to schedule a public hearing August 8, 2016 at 7PM,
Ms. Black 2nd the motion,
All in attendance unanimously agreed.

Mr. King asked what the cut-off date was for additional submissions before a meeting, the Clerk responded 10 days prior to a meeting. The Clerk asked if the Board wanted to extend the standard distance for mailing certified notifications, the Board agreed to extend the mailings to 500' from the property lines.

ACTION
Applicant will submit re-design of sign, 10 sq ft, show 30' side yard setbacks, extend fence on left side, show comparison "trip count" to convenience store, the Post Office and retail store. Application will be submitted to Saratoga County Planning, Public Hearing will be scheduled for August 8, 2016 at 7 PM.

MISCELLANEOUS
Ms. Rippon-Butler requested a correction to her name in the June Planning Board minutes on page 3, 1st paragraph, from Ms. Ribbon Butler to Ms. Rippon-Butler,
Mr. Heber made a motion to accept the June Planning Board minutes with Ms. Rippon-Butler's correction,
Mr. King 2nd the motion,
All in attendance unanimously agreed.

Ms. King made a motion to adjourn the meeting at 8:32 PM,
Mr. Heber 2nd the motion,
All in attendance unanimously agreed.

FUTURE MEETINGS:
Agenda meeting August 1, 2016 at 7 pm.
Continuation of Public Hearing August 8, 2016, for application #0004-16,
Public Hearing August 8, 2016, for application #0005-16, regular monthly meeting to follow.

Respectfully Submitted,
Tia Kilburn, Planning Board Clerk