

Town of Northumberland Planning Board
Workshop Minutes
Accepted by the Planning Board
Monday, August 1, 2016 7:00 pm
Page 1 of 6

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

Absent: Chad Reinemann and Jeff King

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

Wayne Durr, Chairperson, opened the workshop at 7:04 PM.
All in attendance stood and recited the Pledge of Allegiance

Mr. Durr stated the public hearing for the proposed Dollar General project is scheduled for the following week, August 8th at 7:00 pm, this meeting is a workshop, a discussion between Board members. He informed the public in attendance they are welcome to listen however, the Board will not be taking any comments or discussion from them. He advised them if they hear something tonight they find interesting or are concerned with he asked if they would please take note of it and bring it up at the public hearing, that way it will be on the record. Mr. Durr then stated there were a few letters and emails received both for and proposed to the project, each of the members were given a copy for their review. There was also a "Trip Study" submitted by the applicant's engineers and additional information including pictures of the lighting and how the illumination would fall. Mr. Durr then said at the last meeting he believed this Board was ok with the lighting, Mr. Heber interjected and said they decided to have the Town's Engineer take another look at it for dimming of the lights by their recommendation.

Discussion ensued to send the revised lighting plan to the Town's Engineers to assure all their recommendations are met and written on the plan, Mr. Durr added and the hours, Mr. Basinger and Mr. Heber agreed. Mr. Durr said he believed Mr. Reinemann had come up with a timing schedule for the dimming of the lights. Mr. Heber then asked if Bohler Engineering had changed the setbacks as mentioned in the "guidelines" which Mr. Boyea said they could meet, and if the application had been submitted to County Planning, The Clerk responded yes it had been. Mr. Colozza asked what specifically this Board was looking for from the engineers on the lighting, Mr. Heber responded to make sure all their recommendations were met and on the plans, he added they are the experts if they are good with it this Board should be. Mr. Basinger said the lighting was a bit high in places and he would like them to review the height and comment. Mr. Heber suggested they discuss the ground sign, he added he has traveled past some Dollar Generals and the signs are on the building with none out front at ground level. Discussion ensued on sign regulations. The Board reviewed page 43, Article VII, Section B, Subsection 4, *Signage: The goal of regulating signage is to encourage legible signage for commercial and businesses located within the Route 50 corridor and Hamlet areas to enable the identification of goods and services available, while deterring excessive visual competition which degrades the quality of this District's visual character. All signs to be located within these Districts are subject to the review and approval of the Town Planning Board. Large, freestanding signs are prohibited with the C/R and Hamlet Districts. The Planning Board should require applicants to utilize the smallest sign possible, and in instance shall the area of said sign be in excess of 10 square feet. Whenever possible, small freestanding signs shall only be permitted in the Commercial/Residential and hamlet Districts when sited in conjunction with vegetative landscaping designed to integrate the sign into the adjoining residential character of these Districts.* Mr. Heber stated this section tries to deter freestanding signs, Mr. Basinger added it really isn't needed in this case, and sited the Post Office and Highway Department with building mounted signs. Mr. Basinger asked if they did have a ground sign would it be illuminated and then shut off? After discussion Mr. Durr stated he would rather just have one sign on the building, Ms. Black and Mr. Basinger agreed. Mr. Heber asked if the sign on the building was illuminated, Ms. Black responded the plan calls for internal lighting on the building mounted sign. Mr. Basinger said instead of internal illumination, down lighting on the sign could have a nice look to it and then be turned off at night. Ms. Rippon-Butler said there are no other illuminated signs in the Hamlet besides Stewart's gas sign. Mr. Basinger asked if that is something they could ask the applicant to do, have down lighting instead of internal. Mr. Heber and Ms. Black

Town of Northumberland Planning Board
Workshop Minutes
Accepted by the Planning Board
Monday, August 1, 2016 7:00 pm
Page 2 of 6

agreed it would look better. Mr. Heber said he would like to see more of the streetscape on the plan.

Discussion ensued on street lights and the illumination of the sign. Ms. Eggleston said freestanding signs are prohibited in the Commercial/Residential, and Hamlet districts per the section they just reviewed. Mr. Heber responded that is why he suggested they review it and consider the building sign with down lighting. He then stated he would like to see additional parking lot screening in the front and along each side of the lot. Discussion ensued on buffer screening, Mr. Durr reminded the Board of the fence and screening already agreed on, Mr. Heber explained he may like to see more to screen the large parking area and look more like a driveway.

Mr. Heber asked if any correspondence has been received back for lead SEQRA, State Environmental Quality Review, the Clerk responded yes from NYS DEC and the Town Board, both agree this Board should take lead, she then explained they replied there is a new online process that has to be used, she added she has been communicating with them for a response from New York State Parks, Recreation and Historic Preservation. She stated she had to first submit for a NY.GOV id to use the system, NY State is no longer taking "paper" letter request, she said she was able to get an id and now they have asked for additional information she will be submitting to them as soon as Bohler Engineering supplies it to her.

Mr. Durr asked if there were any additional questions or comments, Mr. Basinger asked if they wanted to suggest add a note to the site plan to preserve as much green space as possible. Mr. Durr responded yes. Ms. Rippon-Butler asked if Bohler Engineering had an update on the green space, the footprint for the % of coverage for the lot. Mr. Basinger stated the site plan says existing area to be removed and asked if they were changing that to preserve all where possible, Mr. Durr explained previous discussions from prior meetings that the applicant will remove some and replace it with shrubs and landscaping, then Mr. Durr added they have reduced the number of parking spaces needed. The Board then reviewed the site plan / notes for preservation to the greatest extent possible. Mr. Heber asked Mr. Boyea to make a note to preserve as much as possible, Ms. Rippon-Butler questioned the % of lot coverage on the plan and the Board reviewed the plans / notes. Mr. Heber questioned if the building foot print was listed incorrectly, Mr. Boyea said there was a "key" on the plan, Ms. Rippon-Butler said it was difficult to see how the listed coverage's were true, Mr. Heber stated they have to consider the entire lot including the proposed lot line adjustment for the additional land as a whole for the building and parking, Mr. Basinger agreed they need to review the entire site for the project. Ms. Rippon-Butler then agreed, she was not considering the additional gained with the lot line adjustment, she then added one of her concerns was how this fits with the character of the Town, the pavement coverage and the foot print of the building is considerable, not just the % of coverage but the impervious surface making it the largest contiguous area of coverage, Mr. Durr agreed it was the largest. Discussion ensued on the amount of impervious coverage and the Zoning Ordinance, it was determined the plan is within the ordinances limits. Mr. Basinger asked Ms. Rippon-Butler if she had concerns with the appearance, she responded yes it is different driving and seeing grass and driving and seeing concrete, Mr. Heber interjected that was the reason he was asking for additional screening in the front, so not to see the entire lot of pavement. Discussion then ensued on the appearance of a parking lot vs. a driveway. Mr. Heber stated they have made improvements with screenings and buffers, Mr. Durr agreed this plan is better than the original submitted. Mr. Heber said he was looking at the highway department across the street for a size comparison, Mr. Durr added the size of the front lot of the highway department and the Post Office parking lot as compared to the size of this parking lot and the difference of seeing a driveway entrance or a parking lot. Mr. Heber agreed, that was his goal to try and make it look like a driveway, he added there is no screening around the Post Office it looks like it is sitting in the middle of a field and it is the same for the highway garage. Ms. Eggleston said the Post Office is different, there is less flow of traffic and it closes early, Mr. Heber disagreed he said the Post Office gets more traffic than this proposed store. Discussion ensued on a vehicle traffic study, Mr. Colozza stated it is on a State Highway built for additional traffic and they have already approved it without a study. Mr. Basinger agreed with Mr. Heber with a request for additional screening in the front for the parking lot, not to see it. Ms. Rippon-Butler discussed the difference between this proposed retail store and the existing Post Office and Garage,

Town of Northumberland Planning Board
Workshop Minutes
Accepted by the Planning Board
Monday, August 1, 2016 7:00 pm
Page 3 of 6

she said the large amount of pavement for parking is part of the nature of a retail business. The highway garage and Post Office are public services. Mr. Basinger said it is not fair to compare size to what is existing other than the overall density of the Zone, he added this Board needs to try to make it the best they can following the laws and regulations. Ms. Rippon-Butler agreed the Board needs to set a pretty high standard. She added there is an existing general store that is no longer in use in the hamlet, Discussion ensued on previous businesses. Mr. Basinger stated he worries about vacancies however, if this doesn't succeed somebody else will come in and use it for something else. Ms. Eggleston questioned if there is a demand for a building that size in Northumberland? Mr. Colozza compared this proposed building to the existing WuffDorf Astoria (doggie daycare / grooming and agility) on Route 50, that building is about 11,000 sq. ft. in a mixed use Residential Zone.

Ms. Rippon-Butler said there are 11 General Dollar Retail Stores within 20 miles of us. Mr. Basinger stated they do "gap studies" to see where to place them, Ms. Eggleston said she saw somewhere Dollar General is planning on constructing thousands within the next few years all across the Country. Mr. Basinger said a big dilemma with this one was the sign, Ms. Eggleston stated she is concerned with the conditions of the store and the up keep of it in addition to the treatment of the employees. Mr. Basinger said he was impressed with some of the stores he has seen and how they have improved the architecture of them from the big box store look. Ms. Rippon-Butler said she was concerned they do not support and sell local product or services., Mr. Durr asked Mr. Basinger what he thought of this particular site plan, Mr. Basinger responded he was pleased with it, discussion ensued on previous changes made to the plan to improve the building design.

Mr. Heber stated this is a land use issue, Mr. Basinger interjected that is where Mr. Ward comes in. Mr. Ward said at the last meeting of this Board they discussed "Harmonious" and permitted use. This has to meet certain standards; he said he thinks this Board will be wrestling with harmony, he advised the Board to ask themselves, "Is this something per-sea not harmonious with the area it is zoned for?" He added if they say yes or no they will have to articulate rational, because he said he always looks at things from a law suit perspective, Mr. Heber interjected both ways, Mr. Ward agreed. Mr. Ward stated that shouldn't deter this Board from saying no if they don't believe it is harmonious, what goes into the calculus is not a specific term, it's not like it has to be setback 30', it is something that is subjective and that is specifically what this Board is charged with to apply. What are the elements each Board member sees going into harmony, size, setbacks and lighting within the entire district not just a couple of houses, he stated it has a lot to do with; what is your vision, given the constraints of the law, saying this is where we are going to do commercial business located on one of the Town's major highways, if this is NOT harmonious in your view, you will need to articulate why and if you do that either way, a court will probably defer to your decision making if you are articulating. He then added from listening to all the issues of the % of coverage and setbacks the Board can ask the applicant to put berms in. Mr. Heber agreed what this Board is trying to do is make it harmonious, Mr. Ward interjected the Board members may differ on opinions that is the nature of the question, the point is to articulate why or why not. Ms. Rippon-Butler asked if they need to do that at the public hearing, Mr. Ward responded no need to articulate in the decision making, he added he would like to see everyone agree, "these are the elements that make it harmonious or not harmonious", Mr. Heber stated there have been many changes to improve the look, Mr. Durr agreed and added the Board needs to look at it and if it is not harmonious ask can they make it harmonious and how. Ms. Black said she did not see why it needed to be so large of a store, she added they have a smaller model for urban sites and they are building another store in Schuylerville. Mr. Durr asked if it could be smaller does that change the feeling, Mr. Heber interjected it probably be just as wide but a not as long, Ms. Eggleston said this Board had discussed the size and the applicant said it couldn't be changed, Ms. Black agreed that is what they said, Mr. Heber responded anything can be changed. Mr. Basinger asked the members what would make it harmonious, not just being opposed to the store, think how to improve it and articulate it to the applicant and see if they are willing to change for you. Mr. Durr said that is what the applicant has been doing, now the Board needs to decide is what has been done everything that can be done, if so do we find it fits the character or doesn't fit the character, harmonious or not. Mr. Heber discussed the immediate neighborhood and the mixed use. He stated the Town needs growth it cannot improve

Town of Northumberland Planning Board

Workshop Minutes

Accepted by the Planning Board

Monday, August 1, 2016 7:00 pm

Page 4 of 6

without it and generate tax revenue. Ms. Eggleston disagreed and stated the Post Office and Highway are different, they are public services and the garage is setback from the road, she added they both close early, have low traffic and the clientele will be different, Mr. Heber responded he would hope it would be the same clientele, town resident's, he said people are not going to come from all around to this Dollar General. Ms. Rippon-Butler asked why there is so much parking, Mr. Heber answered because it is required by the Zoning Ordinance and they already allowed a reduction for the number of required spots. Mr. Basinger asked if the Board had problems with the buildings appearance, and then asked if it looked different would they like it, Ms. Rippon-Butler responded no, she elaborated there are a number of elements of the harmoniousness beyond aesthetics. She said there is economic viability, its environmental impact, harmoniousness is how the community is feeling, is the community accepting this, she added she prefers to live in a place where there is general happiness and support for what is going on. It is an element of harmoniousness that you cannot get from a re-design. She then said it is an aspect of ownership, services vs. capitalism, are they supporting the feel of our Town, the agricultural community, are they selling local product, are they offering something in our Town not available in other Towns, she stated that would generate more tax dollars than this.

Mr. Ward said in talking about the decision making; lead SEQRA, State Environmental Quality Review Form, the Town Board is not an involved agency, New York State Department of Environmental Conservation (DEC), is an interested party but not an involved agency and the OPRHP, New York States Parks, Recreation and Historic Preservation, is not going to make a decision on SEQRA so it has to be up to this Board, you will be lead. He said this Board, first before any decision making, should declare this as a Type 1 Action, which means it is determined under SEQRA to be more likely to have an impact and requires more preparation and can require the preparation of an environmental statement, one of the questions that goes into that environmental impact statement analysis is the community character, the Board has a decision if you say you do not need an environmental impact statement they you have to say this project will NOT have an adverse impact on the community. He added because this is a Type 1 Action this Board cannot condition it, meaning you cannot say "IF they do x, y & z, it is ok", it has to be in the plans. He then explained the form and said he would take the Board thru it. Mr. Durr asked Ms. Rippon-Butler if she had ever filled out a SEQRA form, she responded no, but she would like to see one other than when she was in training, Mr. Durr agreed she should review one, Mr. Basinger and Mr. Heber suggested she go online and Mr. Ward stated the DEC website covers it. Mr. Ward then stated the Board needs to look at each object on the form.

Mr. Heber stated he has never been in a Dollar General store and is interested in visiting one to see if they provide something Stewarts doesn't that people can get without going to South Glens Falls or the Mall. Ms. Black stated it depends on your standards, she added they carry off brands. Discussion ensued on the possible convenience.

Mr. Durr said the Board has received letters supporting this project so there are people for it, and far they have only heard from the ones opposing. Mr. Basinger said they need to take a good look at it and if the architecture fits with the character it is harmonious, the hardest part will be the legal part, the cultural, economic and overall character of the community, he added they need Mr. Ward and his expertise to understand how to position their argument to address those issues and he then he said another issue is, will it compete with Stewarts? Those issues are harder to define than does the building look good, if (we) the Board say we don't like those things how do we build an argument it is not harmonious? Ms. Rippon-Butler asked about the size of the signs, Mr. Ward responded they really can't consider that as harmonious, they need to decided if they are going forward after they review SEQRA and the law based on land use principals, so if something offends you like they sell cigarettes, that really does not go into the calculus he stated they have to consider the impacts on the environment, which is broadly defined it includes community character and economic impacts, he then stated they will have to talk about it because it doesn't really factor into SEQRA. Mr. Ward said there are other factors that do factor into SEQRA and it can't become "I like Sears better." Ms. Rippon-Butler asked about the economic viability, as far as having vacant store fronts, Mr. Ward responded you have to have the facts, he then said he has seen projects that have required a bond if it goes bad.

Town of Northumberland Planning Board
Workshop Minutes
Accepted by the Planning Board
Monday, August 1, 2016 7:00 pm
Page 5 of 6

Mr. Basinger discussed the "big box stores" that if they go out of business it comes to real economics and with enough research, they could show the true impact however, they will need an equally compelling argument for the impacts on economics as the applicant has for impacts on economics, he stated he is sure the applicant is already prepared for it. Mr. Ward reiterated there are factors that to into it and he will help, as far as the harmonious part there really isn't case law that is very instructional.

Discussion ensued on surrounding Towns and harmoniousness. Ms. Eggleston stated they should really encourage it more toward Route 50, she said this area is the "sleepy" part of Town, low traffic, business close down in the evening, there is a strip of houses. She added the Post Office across the street but it is closed, quite and dark, this store will have traffic coming from all directions, lights hitting windows she said near Stewarts, the flag area, train area there is the Route 50 corridor. Mr. Basinger stated this is Main Street and they would have to change zoning and re-visit the Comprehensive Plan. Ms. Rippon-Butler asked Mr. Ward if there is a list of what is harmonious, Mr. Ward stated he would see what he could find as instructional.

Discussion ensued on the Comprehensive Plan, allowed uses and Zoning Ordinance.

Mr. Ward stated they do need to take a look at the Comprehensive Plan and decide if this fits, either way the decision will need to be explained.

Discussion ensued on previous businesses in that area "Main Street".

Mr. Basinger stated the site plan listed the size of the building as 9,300 sq ft, Mr. Heber stated 7,300 sq ft is listed as retail floor space and 2,000 sq ft is listed as storage.

Mr. Basinger said he is all for what is in the Comprehensive Plan, he feels if the applicant improves the architecture so it does not look like a big box store, reduce the sign so it does not look like a billboard this could be good for the Town, it could add nice character. Mr. Heber said if it doesn't work, the Dollar General doesn't own it and the owners will get someone else in there to rent it.

General Discussion ensued on the site plan, what is sold and the building design.

Mr. Basinger said if you go to a resort community such as Manchester you will notice nice architecture of the store fronts, do you really care what is inside, Ms. Rippon-Butler responded yes, and that is not entirely what is being discussed. Mr. Basinger stated there is a McDonalds in Aspen, Mr. Heber interjected that looks like a 4 star restaurant, saying they can make it look like whatever they want. Mr. Basinger agreed and said where does the Board go to from here, there are two sides, one it looks good and fits, ok the other side it does not and the Board will have to prove it is not in harmony and it will have an impact on the Town. He added they should find someone that has gone through this with Dollar General and maybe they can contribute to this Board's process.

Mr. Durr stated the Public Hearing is scheduled for next week (Monday), Mr. Basinger said this Board just has to listen to the comments and concerns of the public. Mr. Heber then said they can schedule an agenda meeting to review the SEQRA, Mr. Ward agreed they should schedule a workshop after they listen to the public, and he will talk to the Board about what the considerations are and he will try to identify some of the issues, he added it helps to identify what is important and what is not, what is in the building is not important. Mr. Durr explained the process for the public hearing was to listen to the public then this Board will hold the workshop like this one, the public is welcome to attend however, like tonight, they will not be taking any comments from them. Mr. Ward asked if this Board made it clear the public can also submit concerns or comments in writing, Mr. Heber responded yes, notices went out.

Town of Northumberland Planning Board
Workshop Minutes
Accepted by the Planning Board
Monday, August 1, 2016 7:00 pm
Page 6 of 6

Mr. Durr asked if there were any additional thoughts or questions, anything for Mr. Ward, Mr. Ward interjected the members should get his cell number from Mr. Colozza and if they had any questions or needed help from him they could call him. Mr. Durr then asked if everyone was clear on the next steps, public hearing and workshop. He discussed the board room size and if it became over capacity they would postpone the hearing and re-schedule to a location that will be accommodating to the needs. Mr. Basinger suggested they invoke the 3 minute rule for speakers at the public hearing, Mr. Ward agreed and encourages the 3 minute rule and written comments. He then said when the Clerk completes the minutes he will review them and all written comments received to be able to give input to this Board.

Mr. Durr asked if there were any other comments, none were noted.

Mr. Basinger made a motion to adjourn the workshop at 8:24 PM.

Mr. Heber 2nd the motion,

All in attendance unanimously agreed.

FUTURE MEETINGS:

Public Hearing August 8, 2016, for application #0005-16, regular monthly meeting to follow.

Respectfully Submitted,

Tia Kilburn, Planning Board Clerk