

Town of Northumberland Planning Board
Accepted by the Planning Board
Monday, October 24, 2016 7:00 pm
Page 1 of 6

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

Absent: Brit Basinger

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

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

Application #0008-16, Anthony Martino, Site Plan (Engineer, Kevin Hastings, P.E.)

Mr. Martino stated he is proposing developing 2 lots he purchased in July on Route 50 and Putnam Roads in the light Commercial zone. He displayed a survey and said he wishes to place a duplex on each lot with a garage. Mr. Durr stated if there was anyone that would like to speak regarding this application please stand and state their name and address for the record. Mr. Baker stood and introduced himself, he stated he was a neighbor of the property and had some concerns however, has since spoke with Mr. Martino and the concerns have been resolved, he is fine with it. Mr. Durr asked if there were any other questions or comments, none were noted. Mr. Reinemann asked if anything has changed on the map, Mr. Hastings stated they moved the septic systems to the rear of the lot behind the dwellings and added the home owner's names, Ms. Martindale reiterated across the road, Mr. Hastings responded yes. Mr. Durr asked Mr. Heber if he had any questions or comments, none were noted. Ms. Eggleston stated a letter was received against the project but it did not state what the concerns were only that they did not support the project, she then asked Mr. Baker if he was related to the person who wrote the letter and Mr. Baker responded yes he is his nephew but it had nothing to do with him, he owned the property next to him. Mr. Reinemann asked Mr. Baker what his concerns were prior to discussing it with Mr. Martino, Mr. Baker stated it was fine. Mr. Reinemann suggested he share the concerns and maybe this Board can help make sure any agreement is followed. Mr. Baker stated it was pertaining to a buffer and some fencing.

Mr. King made a motion to close the public hearing,
Mr. Heber 2nd the motion,
All in attendance unanimously agreed.

Mr. Durr opened the regular monthly meeting and announced application #00012-16, site plan / special use permit for Thorobred Feed Sales, Inc - Mr. Paul Bowers introduced himself as representative for this application, a Broker with Berkshire Hathaway Realtors and then stated Mr. Ladisemia the property owner and Sara Baldes, Controller for Throrbred Feed Sales are also in attendance. Mr. Bowers then stated Thorobred Feed Sales currently are operating on East Ave in Saratoga Springs, their lease with the owner is up at the end of the year and they need more room. This application is a proposal to utilize existing structures, an office, storage building and a shed on 2 acres of land on Route 4 in the Hamlet of Northumberland. Mr. King asked if this was the parcel next to the storage facility, Mr. Bowers responded yes, Mr. Heber stated the old Amerigas location, Ms. Martindale asked what is currently at that location. Mr. Bower stated the buildings are vacant; it was formally occupied by GE testing of the Hudson River. Ms. Rippon-Butler asked if they will be erecting a new building, Mr. Bower responded they will use the existing buildings for now to get established and operational and added they may expand in the future. Mr. Durr asked if they could indicate the entrance, Mr. Bower indicated the two entrances and stated they propose signage on each end of the property. Mr. King asked if they planned on using the north end entrance on the adjacent property, Mr. Bower said yes it is a shared driveway and the property owner is here. Mr. Reinemann asked if they planned on any improvements to the site. Mr. Bower responded only inside the buildings and security lights and cameras on the outside for now. Mr. Durr stated they will need the surrounding property owners indicated on the map, Mr. King mentioned the sewer and water as well, Mr. Bower stated they are existing. Ms. Martindale asked what the hours of operation would be and if it would only be Monday - Friday.

Mr. Bower responded 8:00 am - 5 PM, Monday - Friday except for track season, Ms. Blades interjected then it will be 7:30 am to 5, Monday thru Friday. Ms. Martindale reiterated they will be closed weekends even during the racing season. Ms. Blades stated they may still do deliveries on those days but not open to the public on those days. Ms. Martindale then asked if they would be receiving the goods within the same hours, Ms. Blades said yes, that was correct. Mr. King stated he did not have any additional concerns but they needed maps drawn with lighting, indicating parking, the placement of the signs, Mr. Durr added a picture of the sign, Mr. King continued and the route / area for the truck / trailers on the map, Mr. Bower agreed. Ms. Rippon-Butler reiterated the proposal was for a change in use and they would work on improving the lot later. Mr. Durr answered yes, this Board will have to approve the use, and the applicant needs to add the neighbors to the map in addition to the items Mr. King listed and the hours and of operation. Mr. Reinemann asked if heavy equipment will be used, Mr. Bower stated they use a fork truck and 2 forklifts to move the product around. Mr. King asked if this was an allowed use in the Hamlet, Mr. Colozza stated yes it is retail. Mr. Heber asked if they could have the maps ready with the items they mentioned and a copy of the easement for the driveway, Mr. Bower responded yes. Mr. King asked if this is in the shoreline overlay, Mr. Heber responded yes. Mr. Durr asked to also indicated where the light spills and the sign dimensions in addition to if it is lit or not. Mr. King asked if they had plans to change the front of the lot at all, Mr. Bower stated after they own it, they may remove the small banks for now, however they do not anticipate any changes at the moment, the goal is to secure a place they can operate the business from before the end of the year when their lease expires for the current location. Mr. Reinemann asked if the main entrance would be the driveway at the south end of the lot, Mr. Bower responded yes near Haskells storage. Discussion ensued on the location and condition of the property. Mr. Durr asked what was there previously; Mr. Colozza responded it is the old Amerigas site. Ms. Eggleston asked what the expected traffic was, Ms. Baldes stated they only expect 2 or 3 vehicles at a time it is light commercial mostly they deliver the product. Mr. Reinemann asked if there is enough room to maneuver the large delivery trucks, Mr. Bower stated yes, GE used it for their trucks and the cleanup of the river. Mr. King asked when the current lease was up; Mr. Bower stated the end of the year. Mr. Reinemann asked what material the parking area consisted of, Mr. Bower responded it is all gravel, Mr. Reinemann asked him to outline that area on the map, Mr. Ladisemia, property owner, stated it is all gravel inside the fence, it was set up that way for Amerigas. Mr. Durr asked if they had time to schedule the public hearing for the next meeting on November 14th, the Clerk responded yes. Mr. Durr then stated they will schedule the public hearing if the applicant is able to produce the updated map by then, Mr. Bower agreed they could. Mr. Durr thanked them for their time and stated the hearing would be scheduled for November 14th at 7 pm, same location. Mr. Bower reiterated what was requested on the map.

Action

Applicant to produce updated maps with requested information. Clerk will submit application to Saratoga County planning and schedule a public hearing for November 14th, 2016 at 7 PM.

Mr. Durr invited Mr. Martino back to the Board.

Mr. Heber made a motion to declare a negative declaration on application#: 0008-16, site plan / special use permit for Anthony Martino, 2 duplexes on 2 separate lots.

Mr. King 2nd the motion,

All in attendance unanimously agreed.

Mr. King asked if there were any additional comments, questions or concerns, none were noted.

Mr. King made a motion to approve application#: 0008-16 as written,

Mr. Heber 2nd the motion,

All in attendance unanimously agreed.

Mr. Durr asked what the status of application #0004-16, subdivision for John Gallup was, the Clerk responded they asked for an extension because they have not gotten the completed survey from the surveyor yet. Mr. Durr agreed to table the application.

Application#: 0005-16, Primax Properties, LLC., site plan / special use permit and lot line adjustment proposed Dollar General

Chris Boyea and Caryn Mlodzianowski of Bohler Engineering MA, LLC represented the applicant. Mr. Boyea stated they are here to continue the dialog for the proposed Dollar General, he stated they have been here several times so he would summarize where they left off, he said he will list the items requested by the Board at the September 26th meeting of this Board and discuss how they addressed them so they can move forward, he stated at the 9/26 meeting they reviewed the SEQRA, State Environmental Quality Review Form to determine what additional information may be required for this Board to be comfortable with taking any position on the project;

1. More detailed traffic analyze was requested, Mr. Boyea stated the applicant had submitted standards for traffic from past history but this Board requested a traffic study specific to this project, So they hired a professional to analyze the available information in manuals but also they prepared detailed traffic counts for area facilities, they prepared 3 different studies, Mr. Boyea said he believes they took the highest level out of all 3 studies and made the conclusion that the amount of traffic generated by this facility is fairly insignificant to the capacity of the current operation of the State Highway.
2. They were asked to hire a 3rd party consultant, and it needed to be an independent 3rd party, for a study on the impact of the property values adjacent to the project, that was done by the Town's Consulting Engineer, Paul Olund, providing a list of names he felt was capable and they choose one. The study compared this location to similar commercial properties in Saratoga County and it included if properties sat in the market longer, maybe, and was it worth more money as commercial, possibly, the net result was there will not be a substantial impact on adjacent property.
3. They were asked to submit a complete Storm Water Management Report. He in stated they went through all the pollution control and they are very fortunate to have great sandy soils, the ground water table is very deep, and the report documents nothing will leave the site, less will leave the site than before and this project will be an improvement to the lot and there will not be a substantial impact on the environment. The Town's Engineer reviewed it and had one or two questions about a culvert pipe leaving the site up front that they can address, there was nothing substantial that they don't agree with and that can't be addressed.
4. They were asked to perform a photo simulation, Mr. Boyea stated they hired a company that specializes in photo simulation, he then displayed the results. That was to assess the preferred elevation how it would look from different vantage points. Two are specific one from each direction of the road. Mr. Boyea then discussed the trees blocking the neighbors house from one direction. Different angles were compared.

Mr. Durr stated there is a picture they do not have a copy of, Mr. Boyea agreed and stated because he did not feel this Board would "buy" that view, he said they moved down the road more for a better vantage point. He then agreed to submit copies for the file. Discussion ensued on the photos and the row of trees between the proposed building and the neighbors.

Mr. Parzych (neighbor) asked how tall the fence would be, Mr. Boyea responded 6', Mr. Parzych then stated the building looks very tall and he thought his wife had asked for an 8' fence. Mr. Parzych then asked why one picture was further away than the others. Mr. Durr stated he thought there was more vegetation and fencing blocking the houses. Mr. Parzych interjected yes, and the building was to be back further. Mr. Durr stated they need more landscaping in the

front towards the road, Mr. Boyea responded it is behind the fence because the neighbors did not want it on the outside of the fence. Ms. Rippon-Butler stated she thought the trees were much taller. Mr. Boyea then stated there are other items they were talked about;

5. Screening, the Board asked to have screening for the roof units all around the top, he explained they do not typically go all around the top because the roof needs to drain, what they did in this case was to add the faux walls and drains to catch the water in gutters and direct to down spouts. Added the 4th wall, there is a gap below it to allow the water to drain from the roof.
6. They were asked to show the building sign with "goose neck" lights; he indicated they propose to use smaller individual channel block type letters. They substantially changed it.

Mr. Durr said the sign itself is not lit up, Mr. Heber stated the letters are not lit up, Mr. King reiterated it is not internally lit, Mr. Boyea said he was not sure if they discussed one way or the other that is something need to clarify he said he has seen it both ways letters are lit internally and the other way externally, either way is fine so if the Board feels strongly one way or the other they can decide and he added there is no site sign it has been removed. Mr. Heber stated he feels it needs to be externally lit.

7. Mr. Boyea then stated the Board requested more trees, so they added two additional trees back by the dumpsters.

Mr. Boyea said that is the summary of where they left off at the last meeting, he reiterated they went through the SEQRA, State Environmental Quality Review Form to see if there was more information needed, and that is where they are at now, he asked for any questions and comments from the Board.

Mr. Heber then stated the Board did not want any illumination of the sign itself, only down lighting. Mr. Durr agreed that is what Ms. Rippon-Butler had stated that the previous month, it should be in the minutes. Mr. Olund stated he recalled that discussion as well. Mr. Boyea responded ok. Mr. Durr asked Mr. Olund if he had any comments on the lighting and Mr. Olund stated the additional site lighting was discussed as the same down lighting, the monument sign is gone and the building signs have been reduced in size so as to compute the size and scale being below 40 square foot which is acceptable for both, they have all been reduced. Mr. Olund then added he has seen similar stores with the down goose lighting and it looks nice. Mr. Durr poled the Board one by one asking if they had any questions, Mr. Heber stated he has reviewed plan and it looks like all the setbacks are on the plan and there is 30'+ of grass between the blacktop and an additional 5' vegetation, so 35' to the property line, he added it seems everything else that has been asked for has been met, they need to make a determination if they are going to do the SEQRA. Mr. Durr asked Ms. Eggleston, she stated she did not have any questions, Ms. Black, Mr. King, Ms. Rippon-Butler indicated they did not have any questions, Ms. Martindale asked if the Town's Engineering Firm had a chance to review the Storm Water Report, Mr. Olund responded yes, he did not find anything out standing that can't be addressed. He stated Geo Technical Report was used to reference the ground water, the water is deep and he doesn't foresee any problems, there will be a perk test for the septic at time of installation and the Building Inspector witness. Mr. Reinemann asked if a perk test has been performed. Mr. Olund said yes, Mr. Boyea agreed and stated the soils are consistent on this site. Mr. Ward stated Mr. Boyea was asking what the Board wanted to do with the 4th (faux) wall after discussion the Board agreed they liked it. Mr. Ward then reiterated to clarify because it is important for SEQRA; the externally lit sign, the parapet (4th) wall, no site sign outside, the continuing of the tree row back they are all now incorporated in the application, Mr. Boyea responded yes. Mr. Ward then stated Mr. Boyea has displayed two photo renditions that are not in the file he would like to get into the file, Mr. Boyea stated he will submit them for the file. Ms. Rippon-Butler asked if the X's on the plan were trees, Mr. Boyea stated they are fence post. She then asked where does it show the trees and Mr. Boyea indicated that for her, she asked about where it was marked for the signage, Mr. Boyea stated all the site signs have been removed so now just looking at the building signs. Ms. Rippon-Butler said they need to have the note about the building sign on there she added they

want to make sure they are all on there, Mr. Durr agreed. Mr. Boyea said to keep in mind the elevation is part of the submission package so the goose neck lighting, the trees will all be basically stapled to the back to be attached, Ms. Rippon-Butler responded ok. Ms. Warner said she had spoke with Mr. Boyea after one of the meetings about a sprinkler system and he said it was not required because of the size of the building, she added she has concerns with the close proximity to her house and with the firemen comments at the public hearing said it would take more than a couple of fire departments to control a fire in there, and with the products that are flammable in there, and some violations for fire safety she is worried about that and because there are is sprinkler system, Mr. Durr thanked her for her comments and stated the Board received a letter from the Fire District and they found no issues of concern (see attached), but he added the comments are in the minutes. He then asked for any final questions or comments from the Board, none were noted. Mr. Durr thanked the public in attendance and the applicant adding the Board appreciates the co-operation from everyone, he stated now is the Boards obligation to review everything discussed tonight so they can make a decision, and told the applicant they will see them next month. Mr. Boyea asked if there was anything else the Board needed from him, Mr. Durr responded no, Mr. Boyea said he was hopeful something could be done because they have spent a lot of time and energy getting what the Board needed, Mr. Durr interjected stating he commends Mr. Boyea for his efforts he knows he has taken into consideration and made a lot of adjustments based on the public and the Board, they appreciate that, but it is a pretty big project so he wants to allow everyone on the Board to take time to think about what they went through the last couple of months and then we will see you next month. Mr. Boyea responded ok, he was just thinking about a couple of conflicts in his office, and he thanked the Board. Ms. Black asked if he would leave the other couple of pictures with the Board for the file, Mr. Boyea agreed. Mr. Durr stated the next meeting is November 14th.

ACTION

Tabled

MISCELLANEOUS

Public Hearing for Application #0012-16 will be scheduled for November 14, 2016 immediately preceding the regular monthly meeting.

Mr. Durr asked if there were minutes to approve, Mr. King said yes September.

Ms. Martindale stated there was an error on page 2, line 4 of the September workshop meeting minutes, "staid" needs to be changed to "said".

Mr. King made a motion to accept the September workshop meeting minutes with correction as indicated,

Mr. Heber 2nd the motion,

All in attendance unanimously agreed.

Mr. Heber stated they have a draft copy of the Solar Energy Law, (attached) and stated the Town Board was looking for comments from them, Mr. Colozza responded yes, take a look at it and there are highlighted areas to be looked at and if you have any comments or recommendations, not residential larger scale like commercial. Ms. Eggleston asked if they are suppose to have a combine meeting with them, Mr. Colozza said yes they can do that, discussion ensued on the Town and Counties placing moratoriums on commercial solar farms. Mr. Reinemann asked if any surrounding Towns have adopted a Solar Law, Mr. Colozza responded yes and that is where this boiler plate came from, Mr. Heber stated basically what they are looking for is where it is allowed and restricted, Mr. Colozza agreed, and continued you can recommend districts to allow and / or zones to restrict it or limitation on sizes or minimum acreage, make any comment what so ever and then you can talk to the Town Board about a joint meeting. He added give it some thought. Mr. Durr asked if they should review and bring it back to him, Mr. Colozza responded that is fine we can make copies and forward to the Town Board. Ms. Eggleston asked if the Fire Department needs training on something like this, Mr. Colozza stated he notifies the Fire Department when he gets notices on training. Discussion ensued on residential vs. commercial solar.

Mr. Colozza stated residential is allowed, it must supply power only to the property, he added the moratorium pertains to Commercial Solar Farms, which is large scale ground mount and supplies power off site. The residential ground mount solar must be for use on the premises.

Mr. King made a motion to adjourn the monthly meeting at 8:17 PM.
Mr. Durr 2nd the motion,
All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn, Planning Board Clerk