Germantown Planning Board Minutes

January 29, 2015

Planning Board Members Present: Chairman Steve Reynolds, Kerrie Abela, Rao Gaddipati and Peter Dedrick. Town Supervisor Joel Craig, Town Attorney Tal Rappleyea and Town Engineer Fred Mastoianni were also in attendance.

70 People in audience.

Meeting was opened by Chairman Reynolds at 7:03p.m. On a motion by Kerrie and seconded by Rao with all in favor and none opposed, the minutes were accepted as written.

**DelPozzo-Minor Subdivision**

Jami DelPozzo presented to the Board for Mr. Victor DelPozzo his property map for Subdivision of 12.97 acres into two parcels (1) 4.97 acres (2) 8.0 acres. Maps were reviewed for completeness. Exsisting driveway, all existing structures, wells, utility lines, the names of adjoining property owners and the tax map numbers of all parcels are shown. It is described on map that Subdivision and Lot Line Adjustment will happen simultaneously as to not create a non-conforming “land-locked” parcel having no access to the road. The final plat is labeled Subdivision and Lot Line Adjustment and note states that the Lot Line Adjustment does not create a separate new lot.

Kerrie made a motion to declare this Minor Subdivision seconded by Rao with all in favor and none opposed.

Public Hearing will be scheduled for February 2015.

**Phelan-Public Hearing Major Subdivision**

Motion was made by Kerrie to Open Public Hearing seconded by Rao with all in favor and none opposed.

Chairman Reynolds opened the Public Hearing. No comments were made and the Board proceeded to review the maps and they were found to be complete. The Board reviewed Part 2 of the Short Form EAF, and made a Negative Declaration. It was thus determined that there was no evidence of a significant negative environmental impact. Motion was made by Kerrie to approve Subdivision seconded by Rao with all in favor and none opposed.

Motion was made by Rao to close Public Hearing seconded by Chairman Reynolds with all in favor and none opposed.

**Primax Properties, LLC-Dollar General Informational Meeting**

This is an informational meeting for a proposed Dollar General Store in Germantown. Chairman Steve Reynolds stated that this session is not for public comment as it is not a Public Hearing. The public was encouraged to submit questions and comments in writing to the board after the meeting. It was emphasized though, that for these comments, evidence or expert testimony to be made part of the legal record, that they must be re-submitted during the future public hearing. Chairman Reynolds also noted that the property located in a Hamlet commercial zone where retail and service establishments are allowed and as a permitted use and welcomed the representative to make his presentation.

Larry Marshall from the engineering firm Mercurio-Norton-Taroli and Marshall represented Primax Properties for a proposed 9,100 square foot Dollar General Commercial Retail Store, to be located on the west side of Route 9G on a proposed 1.313 acre subdivision of what is currently a 6.059 acre parcel owned by Paul and Henrietta D’Sousa of Germantown.

Some of the essential points made in a written project narrative prepared by Mercurio-Norton-Tarolli and Marshall were:

The project has two phases. Phase 1 is for a 2 lot subdivision and phase 2 is the proposed construction of a Dollar General Store.

The proposed development is for the construction of a 70 foot by 130 foot (9,100 s.f.) free standing Dollar General store with parking area to side consisting of 38 spaces, including 2 handicap spaces and a Loading area in the rear with an at grade concrete pad. Access of an entrance will be from Route 9G. Typically the store employs a total of 8-12 people, and hours of operation are from 8am to 10pm, 7 days per week. Larry Marshall noted that only 4 employees are anticipated for this store. No after hour deliveries are expected. The deliveries are set for off peak hours at 4 per week which may increase during the holiday season depending on how busy the store is. A men and woman’s’ restroom will be available, but are to be locked at all times.

The building will be steel with split-faced block and stucco on the front and sides and metal siding on the rear. A wall sign will be mounted near the corner of the building above the entrance. A free standing sign is proposed near Route 9G adjacent to the entrance. Lighting will be in accordance with the town code of 14 feet around the perimeter. It will be shielded and down lit. Perimeter lights stay illuminated for one hour after closing for safety of employees, after which time the store signs remain lit.

Water service will be provided by drilling a new well meeting NYS Department of Health and Columbia County Department of Health requirements. Primax will provide facility for containment of storm water not absorbed and follow DEC regulations for absorption back to ground. It is generally filtered through an engineered media and they will consider a way to “protect” pond.

The building will be served by a connection to the existing public sewer located along Route 9G.

Based upon the Institute of Transportation Engineers, the proposed store will generate 31 trips during the afternoon peak hour.

After having reviewed the proposal with respect to the zoning law, the planning board found the application to be incomplete for not having addressed the following issues:

1. The project lies within the Scenic View-shed Overlay district of the town and it is required that the project be designed in such a way as to be in keeping with Article 3,B of the Zoning Law. The façade size, height exposure to street, blank walls unbroken by windows, and surface materials need consideration. The building width, as presented, exceeds the 50ft. maximum prescribed in the zoning law. The façade height as presented would clearly obscure the view of the mountains. Photo simulations will be needed so that the Town can assess what impact the building will have on the viewshed. Consideration should be given to moving the building closer to the road and having the parking lot in rear.
2. Traffic study by an independent agent of a similar Dollar General Store is to be performed.
3. A grading plan will be needed showing existing and proposed surface elevations.
4. An evaluation of sight distances and traffic speed is to be performed to evaluate the safety of traffic entering and leaving the premises.
5. The percentage of impervious surface, may exceed the maximum and may need to be addressed.
6. A detailed design for the management of storm water is required.
7. A design for a sidewalk in front of the proposed new lot will be required per the Towns Comprehensive Plan. New curbing will likely be needed along Route 9G adjacent to the proposed sidewalk. Consideration will need to be given to impact on the existing drainage site along Route 9G.
8. A plan for type of signage must be included as part of the application.
9. The driveway to be designed to meet the Town of Germantown and NYSDOT. A permit will be needed from NYSDOT.
10. A more detailed plan for the parking area addressing issues of screening and landscaping is needed. In addition, consideration should be given to porous pavement for the parking lot to reduce stormwater runoff.
11. An archeological study will be required since project is in a sensitive area.
12. A geotechnical study is required with the respect to the foundation design. Site may contain fill material not suitable for placement of building foundation.
13. A report on the environmental impact of all cleaning or other chemicals entering the town sewer system is to be prepared. Also need to determine if the Towns treatment plan can handle the additional wastewater.
14. A noise level report and agreement is to be drawn up.
15. The design of an on-site well system will need to be provided and approved.
16. Issues relating to landfill previously added to the site:
	1. Asbestos test is to be performed as there are unknown materials in the fill.
	2. Analysis of soil quality with respect to bearing requirements for the building foundation is required. A copy is to be submitted to Germantown Town Engineer.
17. A review of endangered species and sensitive habitats, and wetlands that may be present is to be conducted by an environmental scientist and/or wetland specialist.
18. Documentation is needed to confirm project is not located within the flood plain.
19. As a minimum, the Long SEQRA form and possibly a DEIS will be required. All backup documentation is to be included with these documents.
20. Site Plan review is applicable
	1. Referral to county planning is required
	2. A performance/bonding guarantee will be required for any improvements in landscaping
21. An escrow account for the reimbursement of the town for engineering and legal expenses of $20,000 with replenishment if the balance drops below $5,000 will be established.

Mr. Marshall was informed that in future presentations, the matters listed above need to be addressed and that a letter outlining them will be sent to his firm.

In the final order of business, Chairman Reynolds requested information on upcoming training seminars on land use and planning to fulfill the annual requirement for board members. The planning secretary will inquire about the seminars and inform the board members.

On a motion by Kerrie and seconded by Peter with all in favor and none opposed, the meeting was closed at 8:25.

Jami L. DelPozzo

Planning and Zoning Secretary