Germantown Planning Board Minutes

December 3, 2015

Planning Board Members Present: Chairman Steve Reynolds, Peter Dedrick, Margaret della Cioppa, Kerrie Abela, Rao Gaddipati and Joyce Crawford.

Attorney Ralph Ambrosio represented Town Attorney, Tal Rappleyea and Town Engineer Fred Mastroianni were also in attendance.

23 people in the audience

Reporters representing the Register Star and the Columbia Paper were present.

Primax was represented by Adam Sellner of Primax, Zack Peters of Mercurio-Norton-Tarolli-Marshall and attorney Jacob Lamme of McNamee,Lochner,Titus &Williams

The meeting was called to order at 7:05 PM. The minutes were reviewed.and a motion was made to accept them as written by Kerrie Abela and was seconded by Rao Gaddipati. The minutes were accepted unanimously.

Chairman Reynolds thanked Primax for their effort in holding the informal town meeting, which had immediately preceded this planning board meeting.

The Chairman called upon town engineer, Fred Mastrioanni, to deliver his responses to the submission by Primax. Mastroianni, in turn, asked Primax for their comments on our initial responses to the EAF form as submitted. Jacob Lamme, Primax’ attorney, said that they thought that the short EAF form was appropriate, that the long form was unnecessary and objected to the assertion that the form was incomplete. Mastrionanni answered by saying that there were many areas in the form that were left unanswered and that he disagreed with the idea that the form was complete because there was still much information missing from it. Though the EAF form had been submitted months ago, it was only as of November 15 that a more complete set of supporting materials for evaluating the project were submitted.

The engineer proceeded to list aspects of the project that need attention, revision or additional information:

* Sanitary connection information is missing from the site plan.
* More information concerning the water supply.
* In the zoning law. the building façade should generally not exceed 50 feet. This issue is seen as particularly important given that it is in the scenic view-shed.
* Building orientation. Primax maintained that by placing the narrower, 70 ft side of the building facing the street that the impact to the viewshed has been minimized.
* Black glass is not allowed by zoning code.
* Detail needed on where roof water is going.
* Inconsistency of dumpster plan on different drawings.
* Non-native species of plants are listed in the plantings schedule.
* Need irrigation system plan and how it relates to the well and water system in general.
* Additional detail in the outdoor lighting plan.
* Fred suggested reducing the number of parking spaces. Sellner said he'd like to avoid a variance situation.
* Mastrioanni raised the sidewalk issue calling for increased pedestrian conductivity. He cited the comprehensive plan, which insists that new development be pedestrian friendly. Previously, the planning board has suggested extending the sidewalk down to the main street intersection. Lamme objected to the idea of doing anything so extensive, saying that Primax is only legally bound to build sidewalks in front of the property. He offered a payment in lieu of constructing a sidewalk to contribute to future sidewalk construction. Mastrioanni said that the offered payment was not adequate. Sellner strongly objected to building the sidewalk all the way down to Main Street.
* Reduction of the driveway profile from grade of  6% to 2%.
* Many details missing from retention pond design.
* The issue of obtaining an easement for water output on to D’Souza's land. Lamme disagrees that an easement is necessary because the amount of output water is the same as it is now. This issue needs to be resolved. Mastroianni stated that the volume of water output needs to be verified.
* The traffic issue and the site distance based on the posted speed limit versus doing an analysis based on actual traffic measurements. We need a definition of what DOT design standards are to be for this situation. Proper signage might resolve the issue. Matroianni suggested moving the driveway so that there is a proper sight distance.

Margaret Della Cioppa raised the issue of the landscape plan and stated that the selection of plantings needs to be reconsidered and that non-native species should be omitted. She suggested including some local species of fruit trees. She expressed concern that maintenance of the plantings would fall off and plantings would die.

Fred stated that his biggest issue is the sidewalk issue.

Chairman Reynolds stated that the biggest issue is impact of such a large structure on the scenic view shed. A discussion followed as to how the zoning’s 50 foot limit to façades might be interpreted in this case, and whether this would be required by code or discretionary. Mastrioanni asked that a simulation of an alternative façade of 50 feet be prepared for comparison with the 70 foot version. Seller stated that there really isn’t an option for a 50 foot wide configuration because of shelving and other issues.

A question was raised concerning the issue of the removal of toxic fill from the site and what might end up in a landfill. This was in reference to exhibit “O” in the application. Zack Peters answered that Primax would remove and dump any fill according to DEC guidelines.

Attorney Lamme says that this is the final call and that they have done all that they have to. Chairman Reynolds stated that the planning board had only just started working with the planner and would need time to get him up to speed so that he can process the voluminous application materials. Lamme expressed the opinion that we should be able to process the information by the next meeting. Sellner expressed concern that now that the planner is involved that this will cause long delay. Mastrioanni indicated that a more complete submission was delayed for months and months between January and October 15, and that we've only had a couple of months to look it all over, and that therefore we can't be expected to respond right away. There was a discussion and a disagreement about what is considered to be a complete application. Chairman Reynolds stated that we cannot be rushed in making a decision especially when information is still being requested and processed. He went on to state that the planning board fully understands that Primax has financial responsibilities that create urgency for them, but that the board will not be rushed through the process such that the resulting design is unsuitable to the town. He restated the board’s obligation is to obtain a plan that best suits the town. The meeting was adjourned at 8:05 pm.

In the absence of secretary Jami DelPozzo, minutes were taken and prepared by Chairman Reynolds.