Germantown Planning Board Minutes

January 28, 2016

Members in Attendance: Chairman Steve Reynolds, Peter Dedrick, Margaret della Cioppa, Kerie Abela, Joyce Crawford and George Sharpe. Town Attorney Tal Rappleyea and Town Engineer Fred Mastroianni were also in attendance.

Chairman Reynolds opened the meeting at 7:00 p.m. Minutes were reviewed and on a motion by Margaret and seconded by Peter with all in favor and none opposed were accepted as written.

Returning are representatives of Primax, Adam Sellner, Attorney Jacob Lamme and Engineer Larry Marshall.

Upon discussion of member Joyce to Chairman Reynolds about parking spaces, Attorney Rappleyea is asked to clarify the process if the number of parking spaces is to be reduced. Attorney Rappleyea stated that in the Zoning Law the Board has the ability to waive compliance of infrastructure requirements and provide a rational alternative to send to ZBA for an area variance, but feels we shouldn’t need to. Mr. Marshall responded by saying a customer study is usually submitted to the number of cars visiting a facility in a certain time frame, also to the DOT, further that this area could be left as grass to “reserve” the area for future use. Mr. Sellner adds, that no lights or landscape to be placed and that they will not be asking for variance.

Chairman Reynolds stated that he wanted to explain where we are in the process and that he realizes that Primax is hoping to move on with SEQRA review, the Board has hired a planner to help in the entire process, and that a presentation by the Planner is scheduled for February 11, 2016 to help us to get to a declaration. Attorney Lamme asked if they were able to attend the planner meeting, and is told it is a public meeting that they are welcomed to attend, but that it will be conducted between the board and the planner only. Attorney Rappleyea explained that given that the workshop is primarily for the benefit of the board, that it is at the board’s discretion how, or if, the public (including Primax) is to participate. He added that Primax , however it does end up participating in the workshop, is welcome to respond in writing afterwards. Attorney Lamme and Adam Sellner shared their concern as to how the planning workshop will conflict with the date that they are to have any new submissions in for the February meeting and hoped that this didn’t push the process back and that it seemed inefficient not to be able to present their responses to the planners memo for the next meeting. Margaret stated that it is inefficient to not follow process and that we should not be rushed. Chairman Reynolds stated to Primax that we cannot waive 10-day information submission policy and that we have to follow standard procedures.

George addressed Primax, stating that after review of all the material, he is concerned with well water and other issues that need review. Mr. Marshall explained they cannot drill a well until the board reviews and reaches any decisions on SEQRA. He added that at a county level the issue cannot be addressed until that time as well.

Chairman Reynolds stated that we are Lead Agency, as Attorney Rappleyea has confirmed that we have received no opposition from other agencies. Well discussion is revisited and irrigation. If well is dug and no water reached, storage basins can be utilized. Well is not dug prior to board approval. Primax is not aware of potential issues.

Fred thanks Larry for review of plans. Lighting plan is nice, photo is nice suggested to use more decorative, not pole lighting. Sidewalks, still not quite “there”. Fred still suggests to have the sidewalk extend to intersection for safe pedestrian access Dollar General. This is not a resolved issue. Estimated cost of $30,000.00 is suggested by Fred for Primax to pay to Town. Trying to find a “middle place” for this issue. Fred stated that if a sidewalk cannot extend to intersection, that in his opinion, it should not be put in at all because it doesn’t make any sense to have just a small part of sidewalk on 9G that doesn’t connect to anything. Adam Sellner responded that he is not willing to decide on this now. Legally he feels they should be required to put a sidewalk in front of the store and that they are not bound legally to go all the way to the intersection. He has never had a municipality ask him to pave on another person’s property and that it is not legal. They will respond to board at a later date about sidewalk.

A major concern of the board stated by Chairman Reynolds is the esthetics of the building. It doesn’t fit the architectural character of the town, which is a high priority of our comprehensive plan. We are looking for a building that is narrower, lower and one that does not interfere with the scenic view shed. Although the latest submissions from Primax are getting us closer, they are still not acceptable. And he is not sure how we can resolve this. He reminded Primax that at a previous meeting they were asked to present a simulation of a 50-foot-wide version of the building. Primax representative Adam Sellner asked to put the size aside for a moment and in regards to the submissions last entered they did their best interpretation but got no feedback, he is happy to make changes but not sure what to make adjustments to. He asked for more specific suggestions. Chairman Reynolds stated we are not using buildings existing buildings on route 9G such as gas stations as a model, but that the proposed building needs to follow our current zoning code. Mr. Sellner asks for direction from the board, he really wants to adjust it and just doesn’t know what the board is looking for and maybe we wait to hear from the planner. Joyce asked Primax where they stay when in town, have they stayed in our town or driven through the hamlet. Attorney Lamme stated that after driving through hamlet and on to 9G that the area of 9G is not like the hamlet. Margaret stated we want it to look better, to go forward, that their plans look like a warehouse or a mall building and have no rural character. It is explained that Comprehensive plan was adopted after the existing stores were built and that it was done so to bring the future changes/additions to town to the likes of the hamlet.

George asked about the access of Fire vehicles to this location on north side. Larry Marshall stated that you wouldn’t have to, that New York State Fire Code states you must provide access for a fire vehicle within 150 feet of any point of the building exterior. He went on to say that there is no requirement to have access from all sides and that the design is in compliance.

George asked if a site visit of all 6 acres was conducted. Chairman Reynolds stated that a visit was done after the building footprint had been staked out. Margaret confirmed that not all 6 acres were observed, only the 1.38 acres. George suggested a revisit with Margaret in agreement, also stated by Margaret is word that construction debris is buried on site. George stated Cold Storage brick was buried there by permission of the DEC and the Town, over 10 years ago.

Chairman Reynolds reviewed minutes and questioned driveway profile, and changes. Fred responded that the grade modifications were acceptable in terms of DOT standards. To respect the view shed, it could lower the building and drop grade slightly by 1.9 feet to what it is currently. Clarification of Storm water is to be revisited by Larry and Fred.

Joyce suggested that Primax present to the board an array of pictures, suggesting the use of different applications on the internet as an example, and Attorney Rappleyea stated that the board can give their suggestions to Primax as well. Chairman Reynolds stated that perhaps the planner could aid in this.

Chairman Reynolds stated that he thought the board covered all they could tonight. Adam Sellner stated that he feels the two big outstanding issues to work on are the sidewalk and look of the building should wait for the planner to make his comments. Margaret suggested that the proposed 70’ width of the façade should be discussed also. The breakup of the façade into smaller parts was discussed and will be resolved at another time. Adam stated he would work on the elevation renderings and the sidewalk. He added that Larry and Fred would work on the storm water plan. He would like a game plan and more specifics.

Primax asked for the specifics of the planner meeting. Date, time and location are given.

George asked for, and Fred provided an explanation of the traffic study.

Primax asked for reviewed plans of Fred and planner once they have been discussed and amended, and that they be forwarded to them for review. Chairman Reynolds agrees to send any information that resulted from the discussion.

Chairman Reynolds asks Mrs. D’Souza if the board can set up a date to visit the entire 6 acres, and due to her husband being away and her health she stated that a later date will work better and Secretary to board will set up a time upon her husband’s return.

On a motion by Margaret and seconded by Peter with all in favor and none opposed this meeting is closed.

Jami L DelPozzo- Secretary Planning and Zoning