Germantown Planning Board Minutes

June 25, 2015

Planning Board Members Present: Chairman Steve Reynolds, Kerrie Abela, Peter Dedrick, Margaret della Cioppa, and Rao Gaddipati. Town Attorney Tal Rappleyea and Town Engineer Fred Masoianni were also in attendance.

39 People in Attendance.

Meeting was opened by Chairman Reynolds at 7:05 p.m. On a motion by Kerrie and seconded by Rao with all in favor and none opposed, the minutes were accepted as written.

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

This is the second informational meeting for a proposed Dollar General Store in Germantown. Chairman Reynolds stated that this session in not for public comment as it is not a Public Hearing, and that there would be no opportunity for the public to speak. He advised and encouraged the public to submit questions and comments in writing to the board after the meeting. Chairman Reynolds reminded the board that the property is located in a Hamlet Commercial zone where retail and service establishments are allowed and that it is the duty of the board to verify that any proposed subdivision or development be in keeping with Zoning and Subdivision Law. Chairman Reynolds welcomed the Primax representatives to make their presentation.

Jeremy H. Speich, Esq. from the firm McNamee, Lochner, Titus & Williams, P.C. made the introduction for a new proposal for Primax Properties, and welcomed Zachary A. Peters, P.E. of Mercurio-Norton-Tarolli-Marshall to speak about the new Site Plan. Mr. Peters explained that the new rendering showed the building moved and “flipped” to the Northeast and it would in his opinion have less impact on the view shed. Thus, the shorter, 70 foot side of the building would face Route 9G and the 130 foot long side would be along the north edge of the lot. Zach Peters commented that the building exterior would be finished in Hardie Plank siding with a metal roof and false windows.

Attorney Rappleyea asked if there was a photo simulation of site plan. The applicant asked to wait on producing the simulation until the building location was closer to being resolved to avoid unnecessary expense. Chairman Reynolds stated he would like to see more windows with fewer expanses of empty wall than the new rendering showed but that the greatest concern was the increased height and its impact to the view shed. Engineer Mastroianni seconded the request for a photo simulation so that the board and town residents could see the impact on the view shed of all aspects of the project, including building height, landscaping and parking. He added that he would like to see additional windows with awnings or shutters and that the parking lot be reduced to 30 spaces so that there could be additional green space and landscaping. Zach Peters stated that the site plan is under the maximum lot coverage of impervious surface and that such a reduction of parking spaces could easily be done.

In response to Town Engineer Mastroianni’s concern about site distances for traffic entering and leaving, Zach Peters explained that they would do a movie simulation of a truck entering and exiting the lot. The Department of Transportation will be sent a request to review the simulation. The board also asked if there were any updates on other aspects of the proposal, which had been requested by the board at the January 2015 meeting. It was stated that a Phase 1 environmental study had come back clean and that no undocumented fill had been detected. Mr. Sellner also stated that it had been brought to their attention that there is construction debris used as fill on the site and that a Phase 2 study would be conducted. It was explained by Mr. Sellner that a Phase 1-A test is based on research gathered from engineer site visits, aerial and visual analysis and even interviews of owners of nearby properties. Phase 1-B study is a shovel test and he is uncertain of frequency. Neither of these tests include hazardous waste testing.

Attorney Rappleyea asked if stream at the south-west of the original 6 acre parcel would be affected by this project, and Chairman Reynolds stated that there is a boundary line dispute and a request made to the DEC for an investigation of certain actions taken near the stream by D’Sousa, the landowner. Chairman Reynolds emphasized that the investigation was only preliminary and that no violations have been formally cited.

Board member Rao Gaddipati asked about the location of building and where/when Primax could stake out the building location for inspection by board. Adam Sellner responded that if all are in agreement they would stake it out but would do this if the site plan is acceptable. Board member Margaret della Cioppa stated her findings in the Zoning Law states no black glass, and building be constructed of natural material. It was clarified that the siding would be a long-lasting cement fiberboard, and that the colors could be adjusted to earth tones. Attorney Rappleyea requested a color palette be sent by Primax for color selection.

In summary, Adam Sellner explained to the board that in response to their requests, the next site plan and rendering would be modified to show more façade detail, the building height lowered, parking spaces reduced, and the landscaping. Chairman Reynolds asked the board for any further comments and/or questions. Margaret requested that the site visit be arranged. Adam Sellner suggested that if the board were to visit the site, that stakes and flags would be placed to indicate the important features of the plan. Chairman Reynolds confirmed that we are far from having received a complete application, are still in the preliminary phases of review and that the subdivision has not even been classified as a major or minor subdivision. In response to questions about why the project wouldn’t be classified as a major one, Attorney Rappleyea reviewed the differences between a major and minor subdivision and pointed out that in this case no multiple occupancy residence is involved, that less than 4 lots are to be created and that no new street or the extension of municipal services is required.

On a motion by Margaret and seconded by Kerrie with all in favor and none opposed, the meeting was closed at 8:00 p.m.

Jami L. DelPozzo

Planning and Zoning Secretary