

TOWN OF EAST BLOOMFIELD

**Planning Board Minutes
June 26, 2014**

Planning Board Members Present: Brad Bennett, Gene Rogers, Brud Hedges, Julie Pellett, Daniel Compton, and Kip Jugle.

Absent: Karl W. Smith.

Others Present: Andy Hall (CEO), Kim Rayburn (Secretary), Carl Richardson (Agent), Tom and Todd Vento (Owner), Todd Stuiwe (Exxel Engineering) Scott Knowlton (Midwest XX, LLC) Josie Holden (Owner Nedloh Brewery) and Ryan Baldick, Will and Lynn Tyler (Residents)

Bennett opened the meeting at 7:30 pm and the Secretary read the Public Hearing.

I. #TS4-14 Preliminary Final Review 1 Lot Subdivision, Thomas Vento(Owner), Carl Richardson (Agent), Lands located at 3484 Flatiron Rd Bloomfield, NY 14469 tax map # 094.00-1-78.000 1 lot subdivision parent parcel 43.530 acres lot A of 10.1683 acres leaving 33.3617 acres as parent parcel.

Bennett asked if there were any comments from the Public, there were none.

Compton made a motion and Hedges seconded the motion to close the public hearing, all Board members voted aye.

The Board reviewed the final maps and agreed they have all the required information as requested.

Bennett opened the discussion on SEQR, Bennett made a motion and Hedges seconded the motion to declare this an Unlisted Action with a Negative Declaration. All Board members present voted aye. Vote was carried unanimously.

Planning Board Decision:

Compton made a motion and Hedges seconded the motion to approve the maps for Preliminary/Final Review for a 1 Lot Subdivision, Thomas Vento (Owner), Carl Richardson (Agent), Lands located at 3484 Flatiron Rd Bloomfield, NY 14469 tax map # 094.00-1-78.000 parent parcel 43.530 acres, lot A of 10.1683 acres leaving 33.3617 acres as parent parcel.

Whereas:

1. Land Transfer Only

Record of Vote:

Brad Bennett Aye
Gene Rogers Aye
Brud Hedges Aye
Julie Pellett Aye
Dan Compton Aye
Kip Jugle Aye

All Board members present voted Aye, Vote was carried unanimously.

II. Amendment to Site plan for Signage for Nedloh Brewery 6621 Rt 5&20

Ryan Baldick stated that RG&E had to position the hot box in a different location than what was on the original maps, the sign was approved to be on the hot box, and the sign no longer works at the new location due to line of site, ect. The proposed sign would still be in the original area where the box was supposed to be. The Holden's have plans to do some landscaping around the new location of box to make it aesthetically pleasing since it will no longer be covered by the sign.

Hall stated that RG&E had to erect another pole where the water line was going to be placed which changed the spot for the box. Bennett stated that the sign will be in the same place as previously proposed, however since the utilities have moved the sign has a different design as it will not be hiding the box. Bennett asked for any further input, there were none.

Rogers made a motion and Pellett seconded the motion to approve the amendment to the Site Plan for sign placement for Nate & Josie Holden Commercial building for Nedloh Brewery. Lands located at 6621 State Route 5&20 of tax map # 81.00-1-93.200

Whereas:

1. The sign will meet the Town regulations for signs

Record of Vote:

Brad Bennett Aye
Gene Rogers Aye
Brud Hedges Aye
Julie Pellett Aye
Dan Compton Aye
Kip Jugle Aye

All Board members present voted aye, Vote was carried unanimously.

III. # TS5-14 Sketch Plan Review 1 Lot Subdivision, Exxel Engineering (Agent) Happy Acres, LLC (owner) Lands located on 5&20 Bloomfield, NY 14469 tax map # 80.00-1-9.000 1 lot subdivision parent parcel 62.10 acres creating a new lot of 1.4876 acres leaving 60.6124 acres of parent parcel.

Bennett explained that the Town Board voted to extend the existing CC district back one hundred (100) feet for the proposed lot. The Board reviewed the Sketch Plan maps they will need the farm note, and signature lines on the final maps.

Jugle stated that the proposed lot creates a variance, and he feels that if they had gone deeper with the lot the variance would not be necessary, he also feels this is a self-created hardship due to the requested size of the lot and there is not enough space for the required amount of parking spaces per Town code. Bennett stated that the size of the lot is not the reason they are reducing the number of parking spaces, and a further discussion will be held when they review the site Plan and Variance. Hall stated that the Variance is for a reduction in parking spaces because they do not need the required amount, installing them would require more surface area causing more storm water run-off instead of leaving green space. The Dollar General has done there studies and have documentation on the number of shoppers per hour and how many spaces they actually need, they feel it would be better for all involved to ask for a Variance to have less parking than the Town requires. Compton asked if they could fit the formula for the required spaces but just not create a hard packed surface, Pellett agreed if they could show documentation that they could support the required forty eight (48) spaces then they may not need a variance.

Bennett stated that he felt the subdivision should be done first, Compton agreed and Rogers stated that the variance is not on the size of the land so the subdivision should be looked at on its own. Todd Stuiwe the Engineer for the project stated that they are proposing a lot that would be the same depth as the adjacent parcel; Stuiwe didn't think a larger parcel was an option or necessary, the frontage that is left on the parent parcel is the required frontage for the District so they could not go wider, and going deeper was not necessary. They typical area needed for development is between an acre and an acre and a half, Dollar General needs 29 parking spaces for this size store, they are proposing 33 and whenever an ordinance is significantly over the amount needed they ask for a Variance as to leave more green space. He stated more spaces could possibly be put in the back of the building but they would not be utilized so they feel it would be unnecessary. Compton stated even if the parcel was larger they would still be asking for the same Variance because the spots are not needed and will not get used. Stuiwe stated they usually ask for a Variance as parking requirements vary in municipalities. Bennett asked if there were any other comments, there were none,

Rogers made a motion and Compton seconded the motion to approve the Sketch Plan Review # TS5-14 1 Lot Subdivision, Exxel Engineering (Agent) Happy Acres, LLC (owner) Lands located on 5&20 Bloomfield, NY 14469 tax map # 80.00-1-9.000 1 lot subdivision parent parcel 62.10 acres creating a new lot of 1.4876 acres leaving 60.6124 acres of parent parcel.

Whereas:

1. Final maps will have the farm note and the signature blocks

Record of Vote:

Brad Bennett Aye

Gene Rogers Aye

Brud Hedges Aye

Julie Pellett Nay

Dan Compton Aye

Kip Jugle Aye

All Board members present voted aye, with the exception of Pellett

Vote was carried.

IV. # SPL2-14 Preliminary Site Plan Review, Exxel Engineering (Agent) Happy Acres, LLC (owner) Lands located on 5&20 Bloomfield, NY 14469 tax map # 80.00-1-9. Proposed construction of a 9,300 Sq Ft Dollar General store.

Stuive introduced Scott Knowlton from Midwest; Stuive stated that they are proposing a nine thousand three hundred (9,300) sq. ft. retail store, with approximately seven thousand two hundred (7,200) ft of retail space. He discussed the positioning of the building, the building will be set back one hundred twenty six (126) feet from the road to the front of the store, the setback on 5&20 for Commercial is one hundred feet and there is no parking, or a building allowed in that one hundred (100) feet. The minimum side setback is twenty (20) feet however the building will have a forty five (45) foot setback on the West. The rear setback is forty (40) feet the building will be forty three (43) feet. The building will have a corner entrance located on the North East corner of the building.

Deliver trucks would pull in and back in to the deliver door located on the South East corner of the building, Compton stated there will not be a loading dock, it will be at grade, Stuive agreed. The dumpster will also be located on this side and will be fully enclosed. There will be a bike rack added to the plan also.

Sanitary Sewer and water main is available to the property, the sewer is on the site side and the water is on the other side of the road. Stuive discussed Storm water Management and stated that the site falls from South to North towards the road there will be a retention pond in the front of the property and there is an existing storm culvert they will be utilizing and tying into at a restricted rate so there will be no increase in run off from the site. Compton stated that the State (DOT) will determine the size of the pipe; Stuive stated that they would and they would receive a highway permit for the driveway and any drainage would be included in that. Compton wanted to discuss the retention pond; Stuive states that the state is requiring that you keep the water on the site and percolated into the ground for at least twenty four (24) hours; he stated that the slope area can be mowed and the bottom area whenever it's dry enough, the underlying soil underneath the heavier soil is sandy gravel soil so it does perc well. Due to the topography of the land the pond has to go in the front.

Stuive discussed the lighting plan, they will be using LED lights which are a sleeker look, and there will be two (2) on the front of the building, five (5) on the East side and one (1) on the back for security. No lights will be on the West side of the building. There will be three (3) pole lights for parking two (2) on the East side and one (1) on the North. Compton asked how high the poles would be, Stuive answered they would be fifteen (15) feet. Bennett asked if they were dark sky compliant, Stuive stated that they are and the light is directed downward with shields on them directing the light down. The only light that would be on is a security light by the rear, there may be one inside the building also.

Compton discussed signs, and stated that the proposed signage will need a Variance as they are requesting both a Ground mounted sign and a building mounted sign. Stuive stated that the tenant will be proposing both, and both meet the Town size requirements for signs, but they do understand that code does state that either or is allowed,

Stuive stated that the tenant, Dollar General and their sign creators would be applying for that at a later time, and generally two (2) signs are allowed so it's an unusual thing to Dollar General. Compton asked about the ground mounted sign and how it would be lit, Stuive stated it would be internally illuminated. All sign lighting does go off when the building is closed.

Stuive discussed buffering, there are farm fields surrounding the property except on the west, he stated that previous discussions with the neighbor on the West lead them to erect a six (6) foot white vinyl fence on the property line to a point where it was no longer needed where there is an existing pine tree and hedge row. They have introduced a grade wall which will be about six (6) foot above the floor of the building.

There will also be a berm with trees along the back portion of the West property line and the fence along the front. Compton discussed issues with berms and trees dying off in the past, Stuive stated the entire site is irrigated so it should not be an issue.

The building is not the typical block metal building with a flat roof as they have been working with the Town to try to provide a building that will be more in character with the surrounding buildings. On three sides it will have a combination of the brick and the stone it will have a sloped roof with a copula. Generally there are no other doors and windows but they are proposing three (3) windows on the front with canopies.

Compton asked about the hours of operation, Knowlton stated that the hours are not uniform across the Country but they usually range from 9 or 10 am to 9 or 10 pm. Generally the hours of operation do not change once they are established. Compton was concerned about the neighbors to the East, although there is a farm field in between them it is also a Commercial lot, and he wondered if buffering was necessary. Rogers stated that the way the garage is situated at a forty five (45) degree angle you would not be able to see the lights from the vehicles entering and exiting parking spaces, therefore the garage becomes the buffer and they also have a row of trees that act as a buffer when in bloom.

Bennett asked for further information on parking (as discussed above) There are thirty three (33) parking spaces proposed, the bulk of them will be on the East side of the building and there will be spaces across the front also, forty eight (48) spaces are required for this size building per Town code, however Dollar General needs 29 parking spaces for this size store, whenever an ordinance is significantly over the amount needed they ask for a Variance. He stated more spaces could possibly be put in the back of the building but they would not be utilized so they feel it would be unnecessary. Compton stated even if the parcel was larger they would still be asking for the same Variance because the spots are not needed and will not get used. Stuive stated they usually ask for a Variance as parking requirements vary by municipality. Dollar General has approximately thirteen thousand (13,000) stores across the county, and they are a fairly low volume retail store. They included the peak Christmas season in the number of usable required parking spaces in their research. But the Town ordinances are a kind of a one size fits all. This proposal falls into a retail category requiring more spaces that are needed. Bennett stated that the more parking spaces you put in increases the size of the retention pond and the storm water run-off. Compton asked about deliveries, Knowlton stated that there is one big truck delivery per week, and then there are smaller truck deliveries. The employees tend to park in the spaces back by the delivery door. They do not feel this will be an issue with customer parking due to their research.

Bennett asked if there were any further comments or questions, there were none.

Bennett opened the discussion on SEQR, Jugle made a motion and Pellett seconded the motion to declare this an Unlisted Action with the Planning Board acting as Lead Agency.

All Board members present voted aye. Vote was carried unanimously.

Hall discussed outside sales, the Board feels that it will be allowed and handled how the current retail stores are conducting outside sales.

Compton made a motion and Pellett seconded the motion to approve # SPL2-14 Preliminary Site Plan Review, Exxel Engineering (Agent) Happy Acres, LLC (owner) Lands located on 5&20 Bloomfield, NY 14469 tax map # 80.00-1-9.000 proposed construction of a 9,300 Sq Ft Dollar General store.

Whereas:

1. Exterior lighting will be on only during hours of operation plus twenty (20) minutes, with the exception of security lighting discussed.

Record of Vote:

Brad Bennett Aye
Gene Rogers Aye
Brud Hedges Aye
Julie Pellett Aye
Dan Compton Aye
Kip Jugle Nay

**All Board members present voted aye, with the exception of Jugle
Vote was carried.**

V. # SPL2-14 Area Variance Review, Exxel Engineering (Agent) Happy Acres, LLC (owner) Lands located on 5&20 Bloomfield, NY 14469 tax map # 80.00-1-9.000 proposed site of Dollar General requesting a Variance of 15 parking spaces. 48 are required and 33 are provided on the Site plan

As per previous discussion:

There are thrifty three (33) parking spaces proposed, the bulk of them will be on the East side of the building and there will be spaces across the front also, forty eight (48) spaces are required for this size building per Town code, however Dollar General needs 29 parking spaces for this size store, whenever an ordinance is significantly over the amount needed they ask for a Variance. He stated more spaces probably could be put in the back of the building but they would not be utilized so they feel it would be unnecessary. Compton stated even if the parcel was larger they would still be asking for the same Variance because the spots are not needed and will not get used. Stuive stated they usually ask for a Variance as parking requirements vary in municipalities. If they did not have to stay the one hundred (100) feet back they could add more parking and they could most likely add more in the rear but as the documentation shows it's not needed. Dollar General has approximately thirteen thousand (13,000) stores across the county, and they are a fairly low volume retail store. They include the peak Christmas season in the number of usable required parking spaces in their research. But the Town ordinances are a kind of a one size fits all and this proposal falls into a retail category requiring more spaces that are needed. The more parking spaces you put in increases the size of the retention pond and the storm water run-off. Compton asked about deliveries, Knowlton stated that there is one big truck delivery per week, and then there are smaller truck deliveries. The employees tend to park in the spaces back by the delivery door. They do not feel this will be an issue with customer parking due to their research.

Bennett asked for any further input, Hall stated that if the building becomes a different use after the contract for Dollar General is up and is no longer lucrative for them to lease then those parking spots may be required for the next Commercial Business. So if banking of fifteen (15) parking spaces is put on the site plan then the additional spaces would have to fit on the proposed lot without a Variance now. Jugle agrees and believes that the parking spaces required should be what are on the site plan, if they cannot fit then the lot should have been larger. He feels this is a self-created issue and could have been handled before this point. Pellett stated that if they can show on the site plan that they could physically put the forty eight (48) spaces on the property then the Planning Board could allow them to only develop the thirty three (33) instead of the required forty eight (48) and a Variance would not be required. Bennett agreed and stated he does not see the purpose of making them put in more spaces than they require per their research on how many spaces their retail store requires. Bennett states that storm water runoff is an important issue, Rogers feels less is better in this case. Bennett stated that you would have to encroach on the setback and reduce your retention basin but increase the run off, Stuive stated that could be correct in order to get the additional fifteen (15) spaces on the lot anywhere in the front. Stuive stated that they could possibly show the additional parking spaces on the rear of the lot on paper, even though they do not want to put them in.

This is called banked parking, a Variance with conditions; if additional spaces are required than the owner of the property would be required to put them in, not Dollar General as they are leasing the building.

Hall stated that the NYS Planning federation states that a proposal is weighed on whether the request is a benefit to the community more than meeting a requirement.

The ZBA will review the benefit of the applicant with the detriment of health, safety and welfare of the community and also consider the four (4) conditions of approving an Area Variance.

Compton made a motion and Pellett seconded the motion to forward the application to the ZBA with comments that they are in favor of the proposed:

Whereas:

1. Documented market research shows the Towns required number of parking spaces are not required/ needed by Dollar General

2. A Deferred Parking Plan is supplied showing the required forty eight (48) spaces

Brad Bennett Aye

Gene Rogers Aye

Brud Hedges Aye

Julie Pellett Aye

Dan Compton Aye

Kip Jugle Nay

All Board members present voted aye, with the exception of Jugle

Vote was carried.

VI. Discussion:

Stuive stated that the building sign is an individual letter sign instead of a box sign; they wanted feedback on that design. The Board stated that the letters were more aesthetically pleasing than the big yellow box sign.

Hall stated that the Neighbors on the West side of the property would like the fence to be an eight (8) foot fence as Code allows rather than a six (6) foot fence. Bennett stated they can make that request at the Public Hearing set for July 17th. When Peter came to their house he stated the fence would be eight (8) foot, but six (6) is on the plan.

A discussion was held on the Zoning Changes, the packet was sent to the Supervisor; the Comprehensive Plan took up more funds than originally planned therefore the original changes and the definitions will be done this year but the Road Use Agreement and the Local Law will be done in next year's budget. Supervisor Crowley will forward the packet onto the Town Attorney for review before going to the Town Board.

Hall updated the Board on the situation with the property owned by Singer; the trial for June 26th was cancelled as the Town Attorney had to reschedule due to illness. Hall still arrived at court at the scheduled time and Singer was not present at that time. A new Trial was set for July 24th.

VII. Minutes of June 5, 2014

Hedges made a motion and Pellett seconded the motion to approve the minutes of June 5, 2014

All board members present voted Aye.

Vote was carried unanimously.

VIII. Meeting Adjourned

Bennett made a motion and Rogers seconded the motion to close the meeting @ 10:00 pm.

All Board members present voted Aye, Vote was carried unanimously.

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary