

TOWN OF EAST BLOOMFIELD

Planning Board Minutes July 17, 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) Dianne Crowley (supervisor) Frank Fessner (Town board member) Todd Stuive (Exxel Engineering), Peter Oteszcuk (MidWest Exxel), Beverly Bailey, Curt Upham, Cathy Templar, Lynn & Will Tyler, Joel Steele, Jon Steele, Michael Huff, Dean Huff, Gary Fuoco, Christine Fuoco, Carol Creswell, Mary Menzie, Gail Ferris and .

Bennett opened the meeting at 7:45 pm and read the Public Hearing notice.

I. # TS5-14 Public Hearing Preliminary/Final Review 1 Lot Subdivision, Exxel Engineering, & MidWest XX, LLC (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.

The Board reviewed the final maps and agreed they have all the required information as requested. Bennett asked if there were any questions or concerns on the subdivision and opened the floor to the public, Carol Creswell expressed concerns on the safety of egress, and Bennett explained that they will address her concerns at the public hearing for the final site plan to be held after the subdivision review. Gary Fuoco from Hallock Rd asked about the acreage of the subdivision, Bennett stated that the proposed lot will be 1.48 acres to be taken out of the parent parcel of 62.10 acres leaving 60.6124 remaining lands in the parent parcel. Mary Menzie from 151 Main St asked if the remaining lands would continue to be farmed, Bennett stated he believed it was and refereed the question to the property owner. Huff stated that it would continue to be farmed and the property is not for sale. She asked about the possibility of a traffic issue with tractor trailers and farm equipment, Huff stated that they go in and out of that area about a week out of a year and does not see it as an issue. Supervisor Crowley stated that the property connects to State Street as well and Huff stated it does and some of the farm does traffic goes that way as he owns more property in the Village.

Bennett asked for any further comments, there were none. **Hedges made a motion and Compton seconded the motion to close the public hearing, All Board members voted aye.**

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

Planning Board Decision:

#TS5-14 Public Hearing Preliminary/Final Review 1 Lot Subdivision, Exxel Engineering, & MidWest XX, LLC (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. The final maps have the required information**
- 2. Land Transfer Only**

Record of Vote:

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

**All Board members present voted Aye, with the exception of Pellett and Jugle who voted Nay
Vote was carried.**

8:00 pm the Secretary read the Public Hearing notice

II. # SPL2-14 Preliminary/Final Site Plan Review, Exxel Engineering & MidWest XX, LLC (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.

Bennett stated that he wanted to address the concerns of Carol Creswell as brought up previously; there were concerns of the speed limit and entry into the site. Creswell stated that she has lived approximately five hundred (500) feet from the property for thirty four (34) years and she welcomes Dollar General. She stated that it has been good for Naples, even though that they had to go through a lot of hoops to develop there. Her only concern is traffic and wanted to discuss the speed limit and access ways in and out of the site due to accidents at County Rd 40 and St Rt 5&20. Her main concern is travelers heading Westbound and making a left turn and she stated that she would need to travel West onto Main Street, South onto Rt 64, West onto 5&20 and then turn South into the parking lot. She wanted to know if there was a plan to install any access lanes from 5&20 into the site. Bennett stated that the thirty five (35) mph speed limit starts West of Rt 64, the Board has a letter submitted from Exxel Engineering regarding a conversation Todd Stuive had with Greg Trost from the New York State DOT. The site plan and traffic information was submitted to the NYSDOT for Preliminary review and Trost did not anticipate a full traffic study with the information he was provided. Bennett stated that the NYSDOT would be the governing body of the entrance and driveway and they will not allow the applicant to do something dangerous intentionally, Creswell stated that just driving on 5&20 is dangerous.

Cathy Templar from Cannan Rd made a comment about the lack of landscaping on the site plan, Oteszczuk discussed the plan stating there is a large existing pine tree, a berm with trees on the rear Westside will be erected, and an eight (8) foot fence on the West side as discussed with the neighbors to the West and discussed at the Preliminary meeting. Also there will be a retention pond in the front of the property as well. She asked if the pond would be maintained by Oteszczuk, and he stated it would. She asked about any trees or shrubbery in front of the fencing proposed so the customers of the store would be looking at something other than a bare fence. Oteszczuk stated there were no plans for that; however they may be able to put something there; however they have to be mindful of the proximity between the fence and the parking lot. Lynn Tyler the neighbor to the West stated the large Pine tree is on the proposed site and she felt the fence was satisfactory. Templar asked about the dumpster enclosure, Oteszczuk stated it would be the same white vinyl fencing as the fencing in the front. There is a proposed tree and lawn area as well around the dumpster. A discussion was held and it was decided that the tree proposed should be changed from a non-leaf bearing tree in the winter to an evergreen. Templar asked about the lighting, she wanted to know how much would be shining towards the neighbors and towards the road. Oteszczuk stated that all the external lighting is full shade cut off and dark sky compliant, therefore nothing will be shining towards the neighbors.

The light from the entrance will not be an issue and all the lights except three security lights will be on a timer that will shut off twenty (20) minutes after closing giving the employee's time to leave. One light on the rear of the building on the East will stay on and one by the HVAC unit and one inside the store for Security. Templar stated that she herself was in an accident at the intersection by the Holloway House so she is concerned about the traffic; she asked if there will be a right hand turn lane going East? And if coming West will they have a lane to go around traffic that will be turning left into the store. Compton stated that the NYSDOT would be in charge of making those decisions. Templar asked if anyone has been in contact with DOT and asked the questions, Stuiwe stated they are in contact with them and are in the permit process. She also stated that the Ontario County Planning Board suggested that the Town hire an Architect consultant, and or a landscaping consultant and she wanted to know if that had been discussed. Bennett stated that the OCPB just met last week, and this is the first meeting the Town PB has had since then, Compton stated that they will take it under advisement. She asked about the hours of operation, Oteszcuk stated that he is the landlord; Dollar General will operate the facility however they typically run from 8 or 9 am to 9 or 10 pm. They set the hours that work for the business to be the most economical to serve the community.

Mary Menzie of 151 Main Street wanted to know if there would be lighting at the road, and if there was pole lighting in the parking areas. Stuiwe stated there are light poles in the parking area and they also shine down and are shaded. She also asked how the restocking of product is handled, Stuiwe stated a truck comes in one a week with roll rack product, and they take the empty racks from the week before. She asked what time that happens and Stuiwe stated that would depend on the route, but it would be during business hours.

Curt Upham of 152 Main Street asked about buffering on the East border of the property as he believes there will be yellow bags and debris in the field and on the neighbor's property.

Gail Ferris 52 South Avenue asked what type of fencing is planned on the West side front property line solid white vinyl fence, the property owners have an existing picket fence they would connect to and continue down. She asked about the back Eastern side as far as trees, Compton stated there are trees there now that will stay as they are the neighbors trees. She asked if the new property owners were aware that they spray liquid manure on the hottest day of the year on the fields, Oteszcuk stated they have other stores in agricultural communities and the residents are most likely used to it. Compton agreed and stated there is a right to farm law and we are an Agricultural Community that has been accustomed to Ag practices he stated he himself has a pond that cannot be used due to liquid manure. Gail stated she is not aware of the products that will be sold at this store. Oteszcuk stated that they sell dry goods, merchandise and some limited produce such as eggs milk meats, and frozen pizza.

Lynn Tyler neighbor to the West asked if the HVAC units are noisy, since they will now be moved from the back to the West rear of the building. Oteszcuk stated they are not, they are brand new and energy efficient Stuiwe added there will three and a half foot grade wall around it and a four (4) foot fence on top of that so there and a berm with trees as well. She asked about the access to the unit for repairs and Stuiwe stated that entrance would be around the back of the building.

Polly Nicholson of 146 Main St expressed her concern about Bloomfield being a small community and asked if this was considered necessary or desired as we have an existing Big M and a Dollar store, Compton stated that the Town did not solicit Dollar General they came in front of this Board to ask permission to be here. There is Commercial property that is available for such a use, so we do not have the right to say they cannot. For example if another car dealership wanted to sell cars in the town we could not deny them because we already have some in the Town now. Competition is good for the community, we cannot tell if this will be successful or it will hurt another business as there is no way to tell that. Bennett stated that this business offers products that are not offered downtown and vice versa so it may be a nice addition to the Community and it may bring customers from the West and we would benefit from that as well.

Compton 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 signs and both meet the Town size requirements for signs, but they do understand that code allows for either or not both, therefore all references to signs on the site plan or pictures provided will not be part of this review as they will be applied for at a later date by the tenant.

Compton wanted to address the grading and drainage on the Southeast corner of the property as the OCPB mentioned it as well, it looks like it goes off the property, Stuive stated that this is actually to protect the proposed site and to keep the drainage from the field from coming onto the site not the other way around.

Bennett asked the Board if they had any further comments on the landscaping plan, Compton stated that they discussed the plan at the Preliminary meeting and it was satisfactory with the thought that if a buffer was ever needed because it became problematic on the East property line it could be reviewed then. Jugle stated there is an open request from the public erect a fence to keep all possible debris from the site on the site. Bennett stated that with the fence on the West and the building he does not believe the air movement will be to the point of blowing. He does not feel there will be a situation of a lot of debris moving across the site. Hall stated that there is a Property Maintenance Code, but if a bag blows away and it's not a regular occurrence then he does not feel that could be enforced. Bennett asked if we have this issue anywhere else, Hall stated that by the railroad tracks behind Commodore, the Big M and the Plaza stuff does accumulate back there but they are usually good about picking up there stuff. A discussion was held on the recommendation by the OCPB Jugle stated that the current plan should be sufficient; there is a berm, a fence and trees. The neighbor on the East is approx. three hundred (300) feet away. The Board felt that the current landscaping plan is sufficient.

Bennett stated that the Zoning Board of Appeals has approved the installation of thirty three (33) parking spaces with banking of fifteen (15) spaces to be reviewed by the Code Enforcement Officer annually. If more parking becomes necessary for the current tenant or any future tenant then the baked spaces will be required to be installed. The dumpster can be relocated to another spot on the site still in the back if and when the spaces are required. Jugle wanted to review the changes to the site plan due to the approved parking plan. Bennett stated that the only changes to the original plan is that the mechanicals (HVAC) have moved, banked spaces are shown on a site plan map, and the one tree has been changed from a DT1 to a ET1.

Bennett stated that the public hearing will remain open as the Board reviews the SEQR form. At the Preliminary meeting the Planning Board motioned to declare this as an Unlisted Action with the Planning Board as the Lead Agency. The Board reviewed part 2 of the SEQR

1. Found no impact may occur
2. Found to be small impact, property zoned Commercial 1.48 acres going from Agricultural to Retail
3. Found to be small impact, may improve quality
4. Found no impact, N/A
5. Found no impact
6. Found to have small impact (will have to be built to energy code, run on Emerson panel will not run when it does not need to and have controlled temperature inside)
7. Found to have little to no impact, less than a Single Family home
8. Found to have no impact
9. Found to have little to no (small) impact
10. Found to have no impact as the drainage plan addresses this
11. Found to have no impact

Based on the review the Board has determined that the analysis above for the proposed action will not result in any significant adverse environmental impacts.

Compton made a motion and Rogers seconded the motion to declare this an Unlisted Action with a negative declaration with no further review required.

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

Bennett asked for any further questions or comments from the public, there were none.

Compton made a motion and Hedges seconded the motion to close the public hearing,

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

Bennett stated that the DOT permit is pending, and a SWPPP report is also pending. Compton asked if the deferred parking would be reviewed in the SWPPP report and Stuive stated they would include that as impervious area so that there would not need to be any improvement in the retention pond at a later time. Jugle stated that the Board should not go forward without the DOT and the SWPPP unless they make it contingent that a building permit is not obtained and no site preparation until the Code Enforcement Officer has received the permit and report and there are no significant changes to the site plan.

Bennett made a motion and Compton seconded the motion to approve # SPL2-14 Preliminary/Final Site Plan Review, Exxel Engineering & MidWest XX, LLC (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.
2. Landscape plan by dumpster will be changed to eliminate DT1 and replace with ET1 (evergreen).
3. HVAC has been moved to the West rear of the building from the South of the building due to deferred parking.
4. Deferred parking (page 3 of 8 with the original file #131798E) has been approved by the Zoning Board of Appeals with a yearly review to be made by the Code Enforcement Officer.
5. Disregard signage references, not considered as part of the site plan review as signage applications will come from the tenant at a later date.
6. DOT and SWPPP reports with no significant change to the site plan are provided to the Code Enforcement Officer before permits are obtained.

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.

III. Discussion:

Rayburn informed the Board of upcoming applications, a Subdivision for The Ski Company and Nedloh Brewery and a waiver of subdivision for Jim Spellman

A brief discussion was held on the ban of fracking as the Courts have upheld the rights of municipalities to Ban.

Jugle discussed having the Town Attorney look at land banking so the Planning Board could review these request without having to apply for an Area Variance.

IV. Minutes of June 26, 2014

Rogers made a motion and Hedges seconded the motion to approve the minutes of June 26, 2014

All board members present voted Aye.

Vote was carried unanimously.

V. Meeting Adjourned

Rogers made a motion and Hedges seconded the motion to close the meeting @ 9:30 pm.

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

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary