

Minutes
Warrensburg Planning Board
November 2, 2021

Board Members Present: Suzanne Tyler, Susan Hull, Sharon Sutphin, Sandi Parisi, John Franchini

Others Present: Peggy Knowles, Marty Merola, Kevin & Kathy Geraghty, Rick & Kathy Galusha, Jim Hull, Janet Tallman, Joyce Reed, Liz Sebald, Jenny Peters, Theresa Whalen, Shale Miller, Don Miller, Bruce Fraser, Thom Randall, Attorney Genevieve Trigg, Manu Davidson, Linda Marcella, Paul Gilgrist, Mark Schachner (Town Attorney), Patti Corlew (Zoning Administrator)

Meeting Commenced at 7:00 p.m.

Mrs. Sutphin - I'd like to take a minute before I call the meeting to order to ask everyone to please turn off their cell phones and put them away.

(Inaudible)

Mr. Randall - (Laughter). Oh my God..

Mrs. Sutphin - Okay, thank you. I'm going to call the Town of Warrensburg Planning Board meeting to order. Today is November 2nd. It is 7:01 p.m. We do have a quorum this evening. First on the agenda is the approval of the minutes of the previous meeting. Has everyone had the opportunity to review them?

Mrs. Hull - Yes.

Mr. Franchini - Yes.

Mrs. Sutphin - Are there any corrections? Can I have a motion..

Mrs. Parisi - So moved.

Mrs. Sutphin - ...to accept. Second?

Mrs. Hull - I'll second.

Mrs. Sutphin - All in favor. Aye.

Mrs. Tyler - Aye.

Mrs. Hull - Aye.

Mr. Franchini - Aye.

Mrs. Parisi - Aye

Mrs. Sutphin - Abstained? Opposed?

RESOLUTION #2021-12

Motion by: Sandi Parisi

Second by: Susan Hull

RESOLVED, to approve the Planning Board minutes of October 5, 2021 (without correction).

DULY ADOPTED ON THIS 2ND DAY OF NOVEMBER, 2021 BY THE FOLLOWING VOTE:

Ayes: Suzanne Tyler, Susan Miller, Sharon Sutphin, Sandi Parisi, John Franchini

Nays: None

Mrs. Sutphin - Okay, I'd like to ask at this time if there are any members that feel they need to recuse themselves from any of the site plan review applications this evening?

Unknown Speaker - No.

Mrs. Sutphin - Okay, moving on. Under old business is site plan review 2021-3, tax map 211.13-3-41, 3760 Main Street. Owners are Richard and Rodney Galusha. Applicant is Cleardevelopment, LLC represented by Martin Merola, to allow the construction of, and operation of a Dollar General store. I believe we do have some new information and drawings. Mr. Merola, did you want to present them to the public?

Mr. Merola - Good evening. The board has all the, the ones I'm going to put up here.

Mrs. Hull - Right.

Mr. Merola - So I guess what I'll do is, I guess I could put the elevations down there or should I put the site plans there?

Mrs. Sutphin - Whatever you want to, whatever you have changes (inaudible) want to show them.

Mr. Merola - (Inaudible) block your view.

Mrs. Tyler - It's alright.

Mrs. Sutphin - We have...

(Tape inaudible).

Mrs. Sutphin - ...so we're, we're good.

Mr. Merola - Okay. I'll let Genevieve take over.

Ms. Trigg - Sure. So my name's Genevieve Trigg, serving as land use counsel for Cleardevelopment, and as you're aware, the board has received some additional information which includes a traffic plan and a report, a detailed updated site plan which includes a landscaping plan and some storm water findings as well. And we've also provided renderings to the board. I'm happy to answer any questions based on this new information. The traffic report as you, if you had a chance to review that, explains that the level of service coming out of the site will still be a level A which is one of the best levels of service that it can be. There's, and it concludes that there's no

anticipated traffic impacts given the trip generation, which at the peak p.m. would be 73 vehicles and that's, I think, even a pretty conservative number. And then the storm water also demonstrates that there will be less than an acre of disturbance, so a full SWIF is not necessary.

Mrs. Tyler - I have a question about the traffic survey. When it was developed, what time of year was it taken and what year?

Ms. Trigg - I believe that was recently.

Mr. Merola - They just did it?

Ms. Trigg - Yeah.

Mrs. Tyler - They just did it in the Fall, in the Summer, in the Winter?

Mr. Merola - Two months ago.

Mrs. Tyler - Two months ago. So...

Ms. Trigg - It's dated October 1.

Mrs. Tyler - Meaning that the calculations that they, their findings on, the counts were done during the Summer months or were they done during the Fall because you have different traffic patterns at different times of the year?

Mr. Merola - If you read the letter, there were counts done. It was based on the current traffic levels and the amount of trips generated by this store. So the letter is pretty self-explanatory, saying that a full traffic study is not needed based on this store.

Ms. Trigg - Right. So there was a 2019 traffic count that estimated approximately 12,750 vehicles in the p.m. traffic hour. Going in the northbound direction, it would break down to 635 and then 525 in the southbound direction. And based on the lack of historic growth in the area, these traffic volumes, it's concluded, are not expected to change significantly over the next several years.

Mrs. Tyler - I guess that was the question that, because we do have different traffic patterns seasonally.

Ms. Trigg - Sure.

Mrs. Tyler - So that was the question more so, was the data that you used to generate the report, was that based off a summertime count, a winter time count, because we do have, like I said, different, different numbers at different times of the year.

Mr. Merola - Whatever's the highest count based on the twelve thousand some odd cars.

Mrs. Tyler - For...?

Ms. Trigg - That was the average annual daily traffic.

Mrs. Tyler - Average, so they counted for a full year to compile the data. Okay. That's, that answers the question then. Does anybody else have any questions?

Mrs. Hull - I don't at this point.

Mr. Franchini - May I ask a question or two about the traffic assessment. It was concluded that there is no reason to have a traffic study. Will the Department of Transportation see this?

Ms. Trigg - Yes, the Department of Transportation, given that it's on a State road, is still required to give its approval for the development.

Mr. Franchini - Will they have an opportunity to see this assessment?

Ms. Trigg - Yes.

Mr. Merola - (Inaudible).

Mr. Franchini - One of the, one of the issues, I think, that's occurred here is that, the traffic count was from 2019 at two very different locations, not associated with the block so to speak of where this building's being proposed. It, being just even two years old, ya know, I've got to believe that the counts are different and they should be studied further at the location it exists now. There's been, I think, a lot more traffic generated in this town and probably a lot to do with post COVID activities, and a lot of people traveling up through here. So I think that needs to be addressed further.

Ms. Trigg - If we received a conceptual letter, a conceptual letter of approval from D.O.T., would that be satisfactory to the Board? I mean, this is, that is the jurisdiction, the department with the jurisdiction.

Mr. Franchini - Well, I would like to see some comment from them.

Mrs. Tyler - Mark, did you have...?

Mr. Schachner - Well, only that you don't have to know right now whether that would be satisfactory or not. If you...

Mrs. Tyler - I think we'd have to...

Mr. Schachner - ...(inaudible), you can express it, but you just say, you don't have to make a commitment as to whether that would or would not be satisfactory and obviously you all realize that while the applicant's attorney is suggesting, I think is suggesting that the New York State Department of Transportation has the only jurisdiction over traffic issues, I think the applicant's attorney also would like to concede that that can be one of the considerations that you all look like, look at as a Planning Board.

Mr. Merola - Can I address the Board for a second? When I went out and searched out the traffic study, I talked to two huge engineering firms, (Inaudible) Harbor and these guys and they both told me the same thing. All you need is this letter for, for this site. There's not enough traffic. If you happened to be at the Town Board last week, Mr. Alexander said that the gas station causes more traffic backups than anything in town, delivering gas, delivering beer, delivering whatever else they do. So this store is the minimal traffic trips based on 17,000 stores that they've studied.

Mrs. Tyler - I think our concern is the effect of an additional retail outlet with deliveries, in combination with, like you said, the, the gas station and the health center and everything that combines with that, that area. And anybody that lives in this area and travels those roads on a regular basis, all, at all points, all times of the year, we know that that is a congested area that causes concerns amongst the citizens. So I, I don't think the Board is satisfied with this current report. I think we would like more information (inaudible) general concerns.

Mrs. Hull - I don't...

Mrs. Tyler - You're satisfied?

Mrs. Hull - ...concur. I, I don't, I don't know if you're speaking for the whole board. (Inaudible).

Mrs. Tyler - I'm, I'm just... I, I, I think that's the gen, the concern is that, the overall impact...

Mrs. Sutphin - Does everyone... Does anyone feel that... How do you feel about this, as a Board, do you want more, something more? Do you want something from the State? Ya know, where are we?

Ms. Trigg - If I could just add this. It's also included in their report, but as a general rule of thumb, this is under D.O.T.'s guidelines.

Mrs. Sutphin - Hm hm.

Ms. Trigg - They recommend traffic impact studies be performed if there's a change of more than 100 vehicles at any intersection during a peak hour. And here again, the report is concluding that there's only going to be 73 total. That's entering and exiting. So again, it's our position that there, ya know, does not need to be a full traffic study completed here and ya know, again we can certainly reach out to D.O.T. I don't know if you've already done that, Marty, but I think that if you receive that letter, and they concluded that there was no

further need to do a traffic study, that that should be sufficient.

Mr. Franchini - I would be satisfied with that. I mean, you were talking 73 to 100 in a two year period at a different location within the Main Street corridor. So I would like to see if they have a reaction to that.

Mrs. Tyler - I agree.

Mrs. Sutphin - Okay, I guess we're going to ask for that, right?

Mrs. Tyler - Hm hm.

Mr. Franchini - Yes, please.

Mrs. Sutphin - Okay, good. Everyone agrees on that? So that's the traffic issue. The storm water issue, does anyone have any questions on that?

Ms. Trigg - That's pretty, I thought pretty straight-forward.

Mrs. Sutphin - Yeah.

Mr. Franchini - Well, once again, I, I'll comment on storm water briefly. I'll just give you an indication that I'm not 100% satisfied with what's being proposed in terms of the porous pavement. All the research I have done concludes that this type of pavement surface is a trend that was popular years ago and it does not work. And it especially does not work in these type of conditions in this type of location unless it's completely maintained and even that, I would think it would be questionable.

Ms. Trigg - When you say completely maintained, what are you referring to?

Mrs. Sutphin - I think (inaudible).

Mr. Franchini - Yeah, I'm talking about at least an agreement to maintain the pavement. It literally needs to be cleaned twice a year minimally.

Mr. Merola - Which I agreed to before.

Mr. Franchini - Which you, we talked about, yes.

Mr. Merola - But the permeable pavement was only put into the development because that was in your code, that we had to have 10% permeable pavement.

Mr. Franchini - Hm hm.

Mr. Merola - Okay. I, I agree with you. This climate is ridiculous for it, but we, like I said before, we'll have a maintenance agreement, and that's the end of it. One more thing I'd like to add about the renderings, ya know, once this gets approved, I'm hoping that I can sit down with whoever you might want to appoint to, to tweak it whichever way, give me other ideas how to make it look, if you want it to look a different or whatever, then I just throw that out there.

Mrs. Parisi - I do appreciate that you've attempted to make it look better than just a box building.

Mr. Merola - Yeah, that's what I promised from day one.

Mr. Franchini - Have you used porous pavement in any other, of your other developments?

Mr. Merola - Nope. 'Cause we all decided the same thing; it just makes no sense.

Mrs. Sutphin - John, I looked up (inaudible). I want you to read that over when you get a chance about that.

Mr. Franchini - Okay.

Mrs. Supthin - But yeah, it definitely has to be maintained twice a year.

Ms. Trigg - And I believe that the board... You're probably more familiar with the code than I am, but there may be a, there may be an ability to waive certain conditions, so if, if it's better suited to have regular paved parking area and that's what the applicant would agree to, then I think can (inaudible) make that determination.

Mr. Franchini - Well, it wouldn't be possible in this case because of the permeability issue on the whole entire site. If you eliminated that pavement, you would be down to about five, five and a half percent of permissible pavement, or green space. So you need to have this pavement included somehow and you need to make it work.

Mr. Merola - Well, not necessarily, but I mean, we're .73 of an acre, which we're way under the threshold for the storm water management. Right?

Mr. Franchini - Percent permeability on the site right now.

Mr. Merola - The bottom line is this, that, ya know, whether we keep the permeable pavement or we take it out, we'll resolve it with either some kind of catch basins into that underground system, that's all.

Mr. Franchini - Then you wouldn't meet our 10%.

Mr. Merola - Pardon me?

Mr. Franchini - You would not your 10%.

Mr. Merola - I'm not an engineer, so I, I rely on my engineer to handle that. Sorry for (inaudible).

Mr. Franchini - Well, I can, I can tell you, if you eliminate the pavement, you're down to about 5 or 5 ½ percent.

Mr. Merola - (Inaudible) eliminate that, we'll just have to maintain it, with an agreement, that's all.

Mrs. Sutphin - What about designs, does anybody have any comments on the designs? The elevations that we were given?

Mrs. Tyler - Is there one that you're leaning towards, more than the other or are you looking for guidance on, from us?

Mr. Merola - I'm really looking for guidance. To be honest with you, I kind of, myself I like the tan look.

Mrs. Parisi - I'm sorry. You like the what?

Mrs. Sutphin - Tan.

Mr. Merola - The tan color. But she said you liked the green, which is fine with me. It doesn't really matter to me. I, ya know, I kind of pulled it with the way the other was built with the three (inaudible) two small and one big and kind of did it like that. Try to make it look something like that other house, a little bit.

Mrs. Sutphin - Are you going to be able to use the pillars from the house?

Mr. Merola - I can. Yeah.

Mrs. Sutphin - Okay.

Mr. Merola - Around that one door there, I was thinking.

Mrs. Sutphin - Right, the front.

Mrs. Parisi - Obviously, it's a matter of.. Color is a matter of taste and I, I just prefer green as opposed to the tan. It's more Adirondacky.

Mr. Merola - Yeah, I mean. Knowing the time of the year it is, I mean, ya know, if we approve it, then we have plenty of time to sit and work together to get something that everybody loves.

Mrs. Parisi - (Laughter). Okay.

Mrs. Sutphin - Any other questions?

Mrs. Tyler - A question about the sign that you propose (inaudible). The sign that you proposed in the rendering, I know it's, is it... Do you have a picture for the public?

Mrs. Parisi - The freestanding sign (inaudible).

Mrs. Tyler - Yeah.

Mrs. Corlew - Yeah, that one.

Mrs. Tyler - So and then the next page, you had put the (inaudible). Is that what you're, I mean, 'cause..

Mrs. Sutphin - Yeah, which sign?

Mr. Merola - At the street, yeah, hm hm.

Mrs. Corlew - This one right here. Yeah.

Mr. Merola - Yeah.

Mrs. Tyler - Yeah. That's the, that's what we're talking about. Is that, is that, the picture what you're proposing to put up or?

Mr. Merola - Yeah.

Mrs. Tyler - Or a combination of looks?

Mrs. Corlew - This one.

Mr. Merola - Well, other than...

Mrs. Tyler - The picture.

Mr. Merola - ...it will be, it'll be rocks from around here; not rocks from there.

Mrs. Tyler - Okay.

Mr. Merola - Those are rocks from Morris, New York. You'll have rocks from Warrensburg.

Mrs. Parisi - I was a little concerned about the... Let me just (inaudible).

Mrs. Sutphin - Hm hm.

Mrs. Parisi - The view coming from the north, if a car is parked waiting to come out here and, and there's a car coming here, neither can really see each other with all this.

Mr. Merola - Yeah, it'll be back far enough that it won't block their view.

Mrs. Parisi - Okay.

Mrs. Corlew - And if it's not, he's going to have to move it. It's in our code you cannot block visibility.

Mrs. Parisi - Okay. Alright. I was just concerned.

Mrs. Corlew - Yeah.

Mrs. Tyler - Do we have, in... There's been so many documents, so I'll just ask.

Mrs. Corlew - You can leave it down if you want.

Mrs. Tyler - Do we have a diagram where the sign will be placed on...

Mr. Merola - Yep. It's right on the site plan.
(Tape inaudible0.

Mrs. Tyler - (Laughter). Just to give us a little bit more clarification that may be (inaudible).

Mrs. Parisi - Is that the new one?

Mrs. Tyler - So we don't have to hash it out.

(Tape inaudible). And that, maybe that can answer Sandi's question a little bit better as to...

(Tape inaudible).

Mr. Merola - Page 102 (inaudible).

Mrs. Tyler - Okay.

(Board looking over plan).

Ms. Trigg - I believe that D.O.T. will also take this into consideration when it looks at the whole site plan.

Mrs. Tyler - I think that that... I think that Sandi's concern being that if you were going to take a right and there's a sign there, the visibility, so I think that it just needs to be noted, I suppose, and if the D.O.T...

Mrs. Parisi - Well, I, I...

(Tape inaudible).

Mr. Merola - Well, it's way back here. Here's the sidewalk, so you're going to be... You're not going to be...

Mrs. Sutphin - On the other side of the sidewalk, yeah.

Mr. Merola - Your view's not going to be obstructed.

Mr. Merola - Yeah.

Mrs. Tyler - Well, you've never driven here on a, on a, an August afternoon trying to make a right or a left turn on Main Street.

Mrs. Parisi - The opposite direction.

Mrs. Tyler - In theory it wouldn't be obstructing.

Ms. Trigg - I'd also like to just redirect the conversation for a moment, back to the porous pavement, and Section 178-21 of your code does allow for the Planning Board to find that due to special circumstances of a particular plat, that meeting a certain requirement of these regulations is not requisite, if it is not requisite in the interest of the public health, safety and general welfare, that it may waive such a requirement subject to appropriate conditions, and in granting such waivers, the Planning Board shall impose such conditions that will substantially assure that the objectives and standards or requirements so waived are met. So I again, defer you to your own counsel, but I believe that, if that was a concern, that you should waive that requirement and provide for something else.

Mrs. Sutphin - Okay, anyone else have anything else? We've gone over the sign. We've gone over the, the storm water. We've gone over the maintenance agreement, if we go with the (inaudible). And the traffic, a letter from D.O.T. seems to be what everyone would be satisfied with.

Mrs. Corlew - The fence...

Mr. Franchini - Could I ask a question on the rendering? Mr. Merola, I'm curious on the church side elevation that you're showing if, if that is available to see, it looks like you had revised the plan to add a planter.

Mr. Merola - Right.

Mr. Franchini - On the side of the building. Now the building has, basically it's two feet from the property line.

Mr. Merola - Yeah.

Mr. Franchini - And you're going to add a one foot planter approximately 70 feet long on the building, and you're going to put trees in there or...

Mr. Merola - I was going to put roses in there.

Mr. Franchini - Just roses?

Mr. Merola - Just roses (inaudible) flowers for the priest next door, so when he's sitting having dinner, he didn't have to look at something that wasn't going to be aesthetically nice, so I added that to make it...

Mr. Franchini - Okay. I was curious...

Mr. Merola - ...nicer for him.

Mr. Franchini - ...on why it was added.

Mr. Merola - Okay? That was, that's why I did it.

Mr. Franchini - So that's just roses?

Mr. Merola - That's what I was planning, roses and plants and he can put ones that'll come up every year. That kind of stuff. Ya know, lilies or whatever and, ya know whatever kind of flowers he might like, ya know.

Mrs. Parisi - So it's up to him to..?

Mr. Merola - Well, we'll put 'em in. I'll discuss it with him and put stuff in there that he likes.

Mrs. Parisi - Oh, okay. When you said he can put in.

Mr. Merola - That's what I'm planning on doing.

Mrs. Parisi - Okay.

Mr. Merola - That was something I did, again, just thinking, okay that might make him happy, ya know.

Mr. Franchini - Okay. So it's for the church's benefit.

Mr. Merola - Right.

Mr. Franchini - Okay. And now... I mean, it does call out 36 yellow ribbon arbor (inaudible) which would not fit there.

Mr. Merola - Those are underground there. Those are underground on that one spot. If we can fit them which we should be able to if they're small and they stay trimmed. Ya know? We added some along the VFW side too. Some arbor (inaudible).

Mr. Franchini - Yes, I see that.

Mr. Merola - And we added the fence thing that we wanted across the back, which, I think is a great idea to block all the (inaudible) out.

Mrs. Parisi - Yes.

Mrs. Sutphin - Anything else, anyone?

Mrs. Tyler - In the front there's a planter wall noted, I know we talked about this probably like maybe two meetings ago, additionally that's a planter wall with landscaping in it, correct?

Mr. Merola - Correct. Flowers and such.

Mrs. Tyler - Okay. It's just not... On the landscaping plan, it's not noted that it, there's any vegetation in there, that I can see. It says planter wall.

Mr. Merola - I mean, I don't know if you have a garden club in your town here, but maybe we can coordinate with them and get what kind of flowers they like to plant or such. I've done that in other towns. There's a thought.

Mrs. Tyler - Okay.

Mr. Franchini - Once again, there is a plant specified in the details, a ground cover juniper. That's already..

Mrs. Tyler - Okay.

Mr. Merola - Yeah, but that doesn't have to stay. I can do whatever anybody might want.

Mr. Franchini - So you're flexible there?

Mr. Merola - Absolutely.

Mrs. Tyler - Okay.

Mrs. Sutphin- Alright?

Mrs. Tyler - Hm hm.

Mrs. Sutphin - Okay, the public hearing is still open, so we can take comments from the public that pertain to what is happening tonight.

Ms. Davidson - Just questions, really. Is...

Mrs. Sutphin - Okay. Can you come up to the microphone and state your name and where you live please?

Ms. Davidson - Sure. My name is Manu Davidson. I'm a resident of Warrensburg in a historic home here. Can you hear me?

Mrs. Tyler - We can hear you, yeah.

Mrs. Sutphin - We can hear you. I don't know if they can hear you, but we can hear you.

Ms. Peters - We can't hear.

Ms. Davidson - My questions really are more comments. To what degree has the board considered environmental impacts of this construction, whether segmentation is something that should be considered, is the Department of Transportation the final arbiter of the traffic issues or are they just at the (inaudible) and the board to (inaudible)? And ya know, there are going to be trees, I'm assuming, that will be cut down, that I think are probably ancient, as old as the community (inaudible)and what is being done to ensure that they're being protected? And are there other aesthetic designs that are being considered by the Dollar General store to make it a little bit more (inaudible) with the, the community itself and the community's desire to maintain the (inaudible) of the, of the town?

Mrs. Sutphin - Okay. Thank you. Anyone else?

Mr. Gilgrist - Paul Gilgrist.

Mrs. Sutphin - Where do you live?

Mr. Gilgrist - Hm?

Mrs. Sutphin - And where do you live?

Mr. Gilgrist - I'm sorry?

Unknown Speaker - Where do you live?

Mrs. Sutphin - Where do you live?

Mr. Gilgrist - Oh. North Caldwell.

Mrs. Sutphin - Okay. That's like Lake George, right?

Mr. Gilgrist - (Laughter).

Unknown speaker - Yeah.

Mr. Gilgrist - If a proposed action may have the potential for at least one significant environmental impact, the lead agency must issue a positive declaration and begin the environmental impact statement process.

Mrs. Sutphin - Okay. I'm going to stop you right there. Is this the email that you're reading that you sent to Patti to give to us because...

Mr. Gilgrist - It's part...

Mrs. Sutphin - ...we, we have already read that and it does not pertain to this.

Mr. Gilgrist - This is not the exact same thing.

Mrs. Sutphin - Okay.

Mr. Gilgrist - It's not going to hurt you to (inaudible).

Mrs. Hull - But I'm wondering... I'm sorry, but if you live in Lake George, Paul, why are you speaking to our...

Mr. Gilgrist - This is an open meeting for the general public. It doesn't matter if I'm from Timbuktu. This is clearly spelled out on page 86 of the New York State SEQRA handbook and on page 6 of the Land Use and Zoning Law Citizens Guide. The Dollar General project has several potentials for significant environmental impact. Here are three, although there are others: traffic congestion is a factor that obviously may have potential for adverse environmental impact, so that all by itself means the Planning Board should issue a positive declaration and begin the EIS process which will need a genuine traffic study that will satisfy D.O.T.; not just a review of an obsolete report on, on a faraway part of Route 9. The Planning Board should take under consideration the setback and excavation request and include individually and cumulatively along with all the other aspects of the proposal because that variance may have been improperly approved by the Zoning Board and could be subject to being overturned due to having been segmented. And because the owner of the hill says, says he will not allow anyone to drill into the hill to find out what it's made of, it's composition of a matter of conjecture. This means

excavation may have potential for significant environmental impact and that means issuing a positive declaration and beginning the EIS process. Actions affecting the National Register or locally designated historical district should automatically result in a positive declaration because a historic district is an environmental factor. Thank you. It's not the exact same as what I sent you before.

Mrs. Sutphin - Thank you. Anyone else? Please state your name and where you live, please.

Mr. Fraser - Bruce Fraser. I live in Queensbury, although I do own the building directly across from this project.

Mrs. Sutphin - Hm hm.

Mr. Fraser - At 3755 Main Street, and I, I'm speaking again tonight to follow up on the concern I stated last month about the plan to contain the dumpster and the, the refuse cardboard. Mr. Merola said he would have a rendering of how that would be dealt with and, and I'll restate that this is, that is something that would be directly visible from my property and my tenants. They're concerned about it, and I am. And I was just wondering what, what the plan was for that. I gave you some photographs of nearby dollar store locations where this was a problem. In the meantime, I have noticed that other locations, it's, it's the same situation. From the street, there's a dumpster and ya know, the crunched up cardboard on racks. In my opinion, that is, is something that in the neighborhood on that block is out of the ordinary if you take a look at some of the other businesses. People keep their garbage out of sight at the rear of their building and it's not just me who's, who would have to look at that if this isn't addressed. It's everybody walking by. Everybody driving by and I, I remain concerned about it because I don't want to be looking at that. Okay. Thank you.

Mr. Merola - We did address that, sir.

Mr. Fraser - I don't see, I don't see anything. That's why I, I got up.

Mr. Merola - I sent some pictures and...

Mr. Fraser - Okay.

Mr. Merola - And I just...

Mrs. Corlew - These are the ones. I them back.

Mr. Merola - These are just some fencing, what the fence will look like.

Mr. Fraser - I understood that you said you were going to have a plan...

Mr. Merola - Hold on. I, I do. Hold on.

Ms. Fraser - Okay.

Mr. Merola - Here's what the fencing would look like. Okay?
It's that type of fencing, all that style (inaudible). Okay?

Mr. Schachner - He should be addressing...

Mr. Merola - This is the dumpster we did...
(Tape inaudible).

Mr. Merola - ...we are. Let me get to the right page.

Mrs. Sutphin - Marty, can you address the board and not him?

Mr. Merola - It's (inaudible), isn't it?
(Tape inaudible).

Mrs. Parisi - No. The only thing I, I have is...
(Tape inaudible).

Mrs. Tyler - It's not actually in the plan.

Mr. Merola - Yeah, right here. This one.

Ms. Trigg - L102.

Mrs. Sutphin - What was it?

Ms. Trigg - L102.

Mrs. Sutphin - Okay, but it doesn't actually show a picture.
(Tape inaudible).

Mrs. Tyler - Well, and it's, I think it's 'cause it's combined with the landscaping plan, so it is a bit confusing when you look at it as to the, the intention of...

Mrs. Parisi - Are you talking about...?

Mr. Merola - That area (inaudible). We're going to take it like that and this...
(Tape inaudible; people speaking at once).

Mr. Merola - There's a sliding gate here and then a sliding gate for the dumpsters. A smaller one for the carts. We'll go right to the sidewalk, okay, with the wood, so you can still get off and...

Mrs. Sutphin - But you don't have a picture of what the fencing itself is going to look like?

Mr. Merola - Yeah, that was these ones that...

Mrs. Parisi - Black and white?

Mrs. Sutphin - The black and white one? Okay. Alright. Alright.
(Tape inaudible).

Mr. Merola - ...the back of the fence.

Mrs. Parisi - That would be the interior.

Mr. Merola - The inside of it. Then the other would be...

Mrs. Sutphin - It would be outside of it. What the public will be seeing is what...

Mrs. Tyler - So it's an actual fence. It's not a chain link, mesh...

Mr. Merola - It'll have gates on it, but you won't see through it. It'll be the wood slats on the gates. Okay? And then if

you look at (inaudible). It's called out here on that drawing (inaudible). I think it's a great point. I love that suggestion.

Mr. Fraser - Right.

Mr. Merola - I actually called them about it. I think they should start implementing that on other stores to keep the mess out.

Mrs. Parisi - Yes.

Mr. Merola - So (inaudible). (Mr. Merola showing Mr. Fraser the plans).

Mrs. Sutphin - But... Marty? Marty.

Mr. Schachner - Try and get the private conversation in front (inaudible).

Mrs. Sutphin - Okay. Marty. Marty, can you bring that up front here to...

Mr. Merola - Okay, so everybody can see it.

Mrs. Sutphin - Everybody.

Mr. Merola - Okay.

Mrs. Sutphin - Yeah.

Mr. Merola - Alright. So why don't we get the big plan out then. Right here. Okay. So now...

Ms. Trigg - They're talking about right here is where the dumpster (inaudible) will be. It's clearly marked as dumpster pad and mentions the 6 foot high cedar fence with metal poles and an 8 foot wide opening sliding gates.

Mr. Merola - So we'll have the 8 foot wide on where the dumpsters go and we'll slide with wood slats, so you won't see in and it won't be the (inaudible). ...rollers, so it'll stay together. And then over here with the carts are, we'll have another shorter, smaller gate, maybe only 4 feet wide, to slide across so that they can get the carts in and out (inaudible) up to the sidewalk. And the delivery doors are right here. So all that, it's (inaudible) carts and get to the dumpsters too and be screened.

Mr. Frasier - Oh good.

Mr. Merola - Alright.

Mrs. Sutphin - Does anyone else have anything new? New?

Ms. Tallman - Yeah.

Mrs. Sutphin - Hold on.

Mr. Miller - Does it have to be new?

Mrs. Tyler - Yes, it has to be...

(Tape inaudible).

Mr. Miller - I have nothing against...

Unknown Speaker - Don Miller.

Mr. Miller - ...this whole concept of this building, but I don't like where it's located.

Mrs. Sutphin - Excuse me. Could you identify yourself.

Mr. Miller - Excuse me. Don Miller, Warrensburg, 55 Prospect Street. And we also own property on Main Street. The location doesn't make sense to me. I can see no relative relation to these buildings, in relation to that beautiful church. I think it's just a total reversal of what we should be seeing. I go through a lot of towns in my travels in the state, a lot of Dollar Generals. They're located outside of the town. No problem. I don't have a problem with Dollar General being here. I don't think the location is right. I think people come into the town, as been stated before, outsiders are looking at this and saying why would they put that there. It doesn't make sense. Traffic, I also have a building on Main Street that I stayed in. The traffic where I am is super heavy. The time of day between 4:30 and 5:15, it's impossible to exit my parking lot and go north. People look straight ahead. They will not let you in. I cannot imagine this being any different in this congested area with parking on both sides. So I can already see a major, major tie-up of traffic at that hour. School buses have to pass through there other hours of the day. Emergency vehicles have to pass through there to go to the health center on occasion. Trucks that come through town not delivering Dollar General merchandise, asphalt by the dozens all day long are not going to wait while Dollar General tries to get out of there or the Pepsi truck tries to get out of there. It's just a mess. Why make it worse when it could be somewhere else, fine, out of the way and not a problem. My biggest concerns are traffic and I don't think the building is set right. The sign, Dollar General, in front lit up at night just like an eyesore. And it doesn't fit in with the general complexion. Thank you. (Applause).

Mrs. Sutphin - Anyone else?

Ms. Tallman - Janet Tallman, Mountain Avenue. Alright, I'd like to start with elevations again because this affects the storm water plan as well as the, the report that you guys reviewed since the last meeting. If you look at page L103, I think that would be the easiest for you to follow along (inaudible). Is it okay (inaudible). During the last week, Mr. Merola stated that he didn't understand where I was getting the numbers 12-16 foot fence or I'm sorry; not fence; retaining wall across the back of the property. If you look at the back end, the boundary of the property, what is currently there is retaining wall that wraps

around to the boundary between the proposed site and the church and it goes along the back boundary of the, the site and comes out away from the back boundary and then across. The current elevations are on this map, so you can see where they're at right now. The way the map looks and based on a previous conversation with Mr. Merola and I had, his plan was to hopefully preserve the part of the existing wall that currently sits along the back edge of the property and it does look in the plans as if that's what's happening and then at the point of about halfway through, it changes to a designed new wall. If you look on that wall, you see a design #720 elevation. The building is 704, so 720 minus 704, that's 16 feet at that corner of the new wall. The old wall on the other corner here, you use the top of the wall, that's an existing elevation of the existing wall is 716.87. The bottom of that wall is 710.87. That is 6.87 feet higher than where the floor of the building is, which means that the area in front of the existing wall here is going to have to be dug down 6 to 7 feet, which would undermine the existing wall, which seems to me either you put a new wall in that's 12 feet, and, and all the way around, 'cause it wraps like a "U" around the back of the property or you change the elevation of the building, which changes all of the elevations of the drainage for the storm water, which could potentially, depending on how you slope things, make it impossible for the trucks to get in and out. But it could also cause problems for the storm water because on the storm water draft report dated August 25th, the engineer who did this put into their calculations they defined the water shed as only the (inaudible) but as the site sits right now, it is getting drainage from the hill behind it. That 6 foot wall that's currently out there is completely permeable. It's just giant rocks set on top of each other. Water can drain right onto the site and into the ground and it's not a problem, but when you make this one big solid impermeable wall, not just a wall the height that it is now, but going down another six feet too, you have to put drainage there, engineering-wise, I'm telling you. If you put, if you don't put drainage there, you, the height (inaudible) knocks the retaining wall and you're done. So you're going to be draining onto this site, water from off of this site from that whole hill. In addition to that, if you look at the surrounding properties, the, the current elevation of the, the parking lot, it has to be below 704 'cause you don't want water draining into your building, and it is and it's, it's draining nicely to this, this permeable asphalt, but on both

sides, you have water draining into the site. So the calculations based on water shed that is only, only the rains that falls in this space is not accurate. You're going to have a lot more water than what they calculated.

Mr. Merola - There's a curb on that other side near the church. You might've missed it.

Ms. Tallman - Yeah, but...

Mr. Merola - The water's not coming in from the church site.

Ms. Tallman - Well.

Mr. Merola - Well...

Ms. Tallman - I hope not.

Mr. Merola - (Inaudible).

Ms. Tallman - Then the second point that I wanted to mention, as I said previously, the digging out of anywhere from well, here it would be, ya know, a foot and here it would be 7 feet of the existing lower elevation plus digging out this whole section right here down a distance of as much as 16 feet really increases the chances that you're going to run up against either bedrock or boulders, either of which the vibrations of removing them or drilling into them is extreme. You're in the middle of a bunch of historical buildings, of fragile foundations. Given that, given that that has been a problem in the past in this neighborhood or the surrounding buildings, I think it is entirely appropriate for the town to require that, that the contractor put up a bond to protect those buildings, so that if there is damage incurred on any of the surrounding buildings, that they can claim against the bond and get them repaired. That's it.

Mrs. Hull - Thank you.

Mrs. Sebald - Liz Sebald, 3770 Main Street, on the other side of the church. I just want to bring to your attention, when the road was rebuilt here, we had terrible vibrations at our house and some of the ceiling upstairs caved in. When they did the health center, I kept a log of all the days my house shook. I had, and I mentioned it before, I had pictures fall of the wall. I had to straighten pictures every day. When all was said and done, I had to have my whole foundation (inaudible). And my father always said that our house was built on bedrock. He lived in that, grew up in his house. He was a civil engineer. He was County Superintendent of Highways for many years, so I think he knew what he was talking about. I'm not sure that the house on the other side of the church was built on bedrock, but ours is, and we feel every vibration. When the logging trucks

go through, when there was a dip in the road, we, that house shook every time. So it's something to be considered.

Mrs. Hull - Thank you.

Ms. Peters - I'm Jenny Peters and I own a home on Main Street and I would just like you to consider... I don't have anything against Dollar General, but once again, the location, I don't know anyone here who has said let me have a show of hands who wants to see a Dollar General (inaudible) their home, I bet I could count how many hands would go up, and I also know that when I go to sell that home, that the value of that home is going down all the time, and I can't think of anyone that will want to buy my home as a home and so if you're looking for more of this type of construction to be in the middle of town, this is what's being forced from the, by the homeowners. Thank you.

Mrs. Sutphin - Anyone else? Does anyone have anything new to add? Linda?

Ms. Marcella - Linda Marcella, Warrensburg. I just have a procedural question, if I may? It's my understanding that once the public hearing is closed, that you have 62 days to render a decision.

Mrs. Sutphin - Hm hm.

Ms. Marcella - So my question is, if we still have outstanding issues...

Mrs. Sutphin - Hm hm.

Ms. Marcella - ...that have not been resolved, will you be holding the public hearing open until after they're resolved?

Mrs. Sutphin - I will.

Ms. Trigg - Can I just add a statement to that? While there is that legal requirement for the board to make a decision within 62 days once the hearing's closed, the applicant can agree to, ya know, continue to let the board evaluate various criteria and impacts and do that voluntarily without holding the public hearing open. So if there's been no new comments from the public this evening, we've talked about the Board's concerns, then we would respectfully request that the public hearing be closed and will, ya know, certainly agree to keep it open, or keep the conversation open with the board in evaluating site plan review criteria, as well as any SEQRA criteria.

Mrs. Sutphin - Anyone else?

Mr. Miller - Shale Miller, Warrensburg. I was talking to somebody and I can't remember who it was and it was mentioned the fact that in the new zoning, which was recently passed or looked at a few years ago, that all new development in the Town of Warrensburg in the Main Street corridor would have to be

building in the front; parking in the rear. That's not what we're seeing here. So is there a reason why it's not like that? Were they given a variance at the Zoning Board? Also, I know that there was a variance given for the rear of the building, but was there a variance given for the side lot of being 2 feet from the property line?

Mrs. Corlew - The setbacks are zero in the side and the front.

Mr. Miller - Okay.

Mrs. Corlew - So there's no variance required.

Mr. Miller - Okay.

Mrs. Corlew - And it says, about parking that parking is to be in the rear or the side unless otherwise approved by the Planning Board, so it can be...

Mr. Miller - Okay. So the Planning Board can say that it should be in the front?

Mrs. Corlew - Yes. Yes.

Mr. Miller - Okay. One last thing, if the building is within two feet of the property line, if you are digging a hole to construct a masonry wall, your footer is probably going to be two feet wide or two feet from the property, they're going to be encroaching on to the property next door with their home, so you just get some sort of awareness of... The church should be aware of that. That's all.

Mrs. Geraghty - Hi. Kathy Geraghty, Warrensburg. And since we're talking about the back of the building, I would like to know when this is up and running, where the employees will have their smoke breaks, only because I am the property owner in the back there and I am concerned about cigarettes and the woods catching on fire. As far as the dumpster, I'd like to know if it's going to be closed in so animals are not in there and dragging trash through the woods. So my main concern is the back of the building and also I have to bring up with this traffic everyone's talking about, I don't know if you know this but there's a diner called New Way Lunch and they have about 30 parking spots and every day that parking lot is just about full. There's different cars every day. So somehow they're managing to get in and out. That's my only question. I observe from up above and I see all this. So good luck. Welcome to the neighborhood.

Mrs. Sutphin - Thank you.

Mrs. Tyler - Do you want to address that or?

Mrs. Hull - Yeah, I was wondering too. (Inaudible).

Mrs. Tyler - Do you want to...

(Tape inaudible).

Mrs. Supthin - They would have to have their own policy, I would imagine.

Mrs. Tyler - Well, I think to address the, the dumpster issue, it will be enclosed, right?

Mr. Merola - Yeah, it'll be closed off so the animals can't get in.

(Tape inaudible).

Mr. Merola - Yeah, it's be enclosed, number one and number two, there's no trash that goes in there that an animal would want. They, they have no fresh anything that would go bad and be thrown in there. As far as employees smoking, they'll be hopefully behind the fence and putting 'em out on the ground and throwing them in a can.

Mr. (Don) Miller - First comment, New Way Lunch I don't, I've never seen a tractor trailer parked in there, trying to get back out. (Inaudible) have some deliveries, but I don't think it's going to be similar to the Dollar General in any way. Second thing, on the agreement of keeping the surface clean, once the contractor we're talking to right now is done with this project, how is he going to be able to enforce his rule about keeping it clean? It's going to be a separate entity entirely. I don't know where his power's going to be in their situation. He's promising that, but I don't know how he has the power to do it. Once Dollar General takes over that building, where does he stand as far as enforcing that rule that he's telling you he's going to do for you? Whether it's good or bad, the pavement, I don't know... I don't know anything about it, but I can't see where it he can make these promises that it's going to happen when he's not even going to be involved in it once he's done. Is he? I don't know.

Mr. Merola - I find the site, go through the town, build the building. I own the building; I don't sell them. So if there's an issue (inaudible) it's dirty, code enforcement, health department or me. I'm not stepping away from any project. If there's a problem, I get in my car and I go.

Mr. Miller - I didn't understand (inaudible).

Mr. Merola - I'm not absentee anything.

Mrs. Sutphin - Okay. Any other comments, questions?

Ms. Whalen - Theresa Whalen, 43 Orton Drive. Just wanted to bring up a few, few topics. One has to do with parking and I know that historically our town has been, ya know, complaining about the fact that we've lost parking when the D.O.T. restructured the, traffic corridor going down Main Street/Route 9. And there are fewer parking spaces. This proposed project

will eliminate 2 of the parking spaces in this particular section of Main Street that has traditionally been short of parking spaces. So I just wanted to bring that up. Also there was a concern about the pedestrian friendliness. I know that the, just by looking at all of this and listening, that there will be a curb cut required by the D.O.T., which will be very wide and I know when, when you're walking in areas where there's no sidewalks or there's cars coming in and out, or in this case possibly trucks, that could add, ya know, to a safety issue occurring. The traffic in this, in this particular block is very heavy, different from north of Richards Avenue where Cumberland Farms is where there's only parking on one side of the street, where our Councilman Alexander had mentioned this a few days ago at another meeting. So it's a totally different scenario. The, the corridor is narrower because of the parking on both sides and there is a heavier traffic count. Also there's a heavier traffic count and that, that could be a possibility as to why this location is so desirable, but it's the entrance to our town. It's in the middle of our historic district. It's very large in scale compared to the buildings surrounding, surrounding it, so all of these things, I trust that our Planning Board will be taking into consideration and any other current zoning codes that would be violated. Thank you.

Mrs. Sutphin - Anyone else? Anyone on the board?

(Tape inaudible).

Mrs. Sutphin - Okay. We're going to discuss the parking. Alright? We're going to suspend the public hearing so that we can discuss the parking. Okay. How do you feel about this parking? I mean, there's other properties... There's other buildings that have front parking.

Mrs. Parisi - They're all pre-zoning. The list of the properties that have parking in the front were there before. I was on the committee for the master plan and that was one of the main things we were looking at was to try to make it not all cars. Unfortunately, when the zoning was adopted, they added that provision that the Planning Board could approve it.

Mrs. Tyler - I don't think we've actually... Can everybody hear Sandy.

Mrs. Corlew - No.

Mrs. Tyler - Okay.

Mrs. Hull - I can't hear her.

Mrs. Parisi - Sorry.

Mrs. Hull - That's okay.

Mrs. Tyler - What we're talking about is off street parking and there is a, there is language in the code that speaks to on Main Street specifically that you can only put or allow parking on the side or in the back, correct?

Mrs. Sutphin - Unless the Board approves otherwise.

Mrs. Tyler - Right. And so this Board has not approved that, that proposal here on this specifically in this plan. So I think that's what we're, we're discussing to, to clarify with everybody. Are we all on the same page? So I think there is, and Mark, I think we need a little bit of clarification on this as to how to, to go about properly doing our due diligence on this as far as this board is concerned on how to approve this or not with that, that specific part of the code and Main Street parking.

Mr. Schachner - So hopefully this is obvious, but I can't advise the board whether you should approve parking in the front.

Mrs. Tyler - No, we're not asking that.

Mr. Schachner - I just wanted to make sure...

Mrs. Tyler - We're not asking you to tell us what to do. Just how... I guess the best way is that, as a board, that we discuss this and come to a conclusion to I guess put this issue to, to bed, I guess, because it does say in the code that we have to, it's (inaudible)...

Mrs. Sutphin - Okay.

Mrs. Tyler - Unless it's otherwise permitted by the Planning Board through site plan, so this process, we would agree to it as is, correct?

Mr. Schachner - You may or may not.

Mrs. Tyler - Or not.

Mr. Schachner - You're not. Let's just be careful about one thing, you will not, you should not be making an actual decision on that...

Mrs. Tyler - Okay.

Mr. Schachner - ...sub-issue this evening.

Mrs. Tyler - Okay.

Mr. Schachner - ...because that would be part of your actual decision on the application. If you are not there yet... You can't be there yet legally because you first at some point, have to go through the State Environmental Quality Review Act review process which you've obviously not done yet nor should you have done that yet, but at some point, yes, you should make a decision about the application aspect that's proposed to include to provide parking, if I understand correctly, in the front, and your decision would be basically we're going to approve the

parking in the front by exercising our right to waive the parking only in the side or the rear requirement as provided for in Section whatever of the Town of Warrensburg zoning code or no, we're not going to approve the parking in the front because we're going to insist on, or because we're going to find that it doesn't comply with Section whatever it is of the Warrensburg Zoning Code requiring parking in the front.

Mrs. Tyler - I think that... I think that's the guidance we were looking for.

Mrs. Hull - Thank you.

Mrs. Tyler - Is that, is everybody good with that?

Mrs. Hull - Yes.

Mrs. Parisi - Hm hm.

Mrs. Tyler - Okay. Alright. So to be continued, I suppose.

Mr. Schachner - Discussing it is perfectly appropriate.

Mrs. Sutphin - Okay.

Mr. Schachner - Just not deciding.

Mrs. Tyler - Alright. Do we want to discuss it any further as a group?

Mrs. Hull - I'm just trying to conceptualize it, I guess, with the planters around and the...

Mrs. Tyler - So...

Mrs. Hull - I'm just not sure how obtrusive it's going to be.

Mrs. Tyler - Well, I think that that might be beneficial to see, while we do have renderings of what the front elevations would look like, we don't have a, and if that would help you, a rendering of what the direct front elevation would look like. I guess a street view elevation, with the, that planter in front with the proposed parking in front. We don't have... We have drawings, but we don't actually have a rendering and... Would that be beneficial to this board to see?

Mrs. Parisi - I'm concerned mainly because of our, being in, getting ready to be in the process of re-doing or looking at the zoning. Currently it says that you're not allowed to have parking in the front unless we approve it. If we do, we're making a decision ahead of what may happen at the change in zoning, if I'm making myself clear. I'm not sure. But...

Mr. Schachner - I think, I think I have to comment on that, if it's okay.

Mrs. Parisi - Please.

Mr. Schachner - You can't really make a decision based on...

Mrs. Parisi - What may happen.

Mr. Schachner - Right.

Mrs. Parisi - No, I understand.

Mr. Schachner - (Inaudible) term anticipatory zoning.

Mrs. Parisi - Right.

Mr. Schachner - We don't know as we sit here what the town board may or may not do, if anything, in amending the zoning and regardless of what the basis for your belief that there was a substantial likely or some likelihood that this provision may be amended, in fairness to an applicant, any applicant, you have to apply the law as it currently exists and not as it may exist in the future.

Mrs. Parisi - Right, and I understand and I, that's why I wasn't sure I was making my point. I guess I have nothing else until we sit down and talk about it.

Mrs. Tyler - Well, then I'm going to...

Mr. Merola - Can I add something to that?

Mrs. Tyler - Absolutely.

Mr. Merola - After speaking some, to some members of the community, they're concerned about the building also blocking the mural or blocking the church, so they'd preferred it to be back. Those are my two cents. There is a cut-out sheet on page... It shows the little drawing of the, the planting wall, planter wall.

Mrs. Tyler - 102?

Mr. Merola - 501.

(Tape inaudible).

Mr. Merola - 501-C4. L501-C4.

(Tape inaudible).

Mrs. Tyler - Oh this one, okay.

(Tape inaudible).

Mrs. Tyler - I think it would be beneficial to the board to see... This is a side elevation, the C4? Or is this a, this is a side, correct?

Mr. Merola - No, that would be the front.

Mrs. Tyler - That's a front.

Mr. Merola - Front, left corner.

Mrs. Sutphin - I think she's talking face on. This isn't face on, right?

Mrs. Tyler - 'Cause otherwise we'd be looking at two uneven... If it was a front elevation...

(Tape inaudible).

Mrs. Sutphin - ...face-on, from the street, right at it.

Mrs. Tyler - Yeah.

Mrs. Sutphin - Not... 'Cause this is kind of like from the side.

Mrs. Tyler - This is a side elevation. So I, I think it would be beneficial to this board to see a, an actual rendering of

what the, as Susan said, a front elevation or side, a straight, actually look at what, from the street, a street view? That's what we're going with, a street view, thank you. ...as to what, what the planter would look like, what the proposed front parking with cars even potentially and the building in the back. It's just, ya know, it's just, it's an additional rendering of, of what's proposed because we are talking about the current parking stipulations which doesn't allow it. So to make the best informed decision, I would like to see a rendering (inaudible).

Mrs. Hull - I would.

Mrs. Tyler - Susan would to also. She's just quieter than me. (Laughter).

Mrs. Sutphin - Anyone wants to see the..?

Mrs. Parisi - Yes, I would.

Mrs. Sutphin - Okay. Alright, so we're going to need to get a rendering of the view from the street for the parking lot. (Tape inaudible).

Mrs. Hull - Just be able to see, to be able to visualize what that's going to look like. I think the building is aesthetically pleasing and I, I just want to make sure that that part of it, if we go in that direction conforms to what the building renderings are now.

Mrs. Sutphin - Okay. Anything else we need to..? (Tape inaudible).

Mrs. Sutphin - Everybody's good? Anyone in the public?

Ms. Peters - (Inaudible). I'm just wondering that, since I'm pretty sure the value of my house is going down with this addition, will I also expect a reduction in my taxes?

Mrs. Hull - I don't know as that's our board's decision.

Ms. Peters - Okay. But that's something I should ask, right?

Mrs. Tyler - I...

Ms. Peters - That's a valid question.

Mr. Schachner - That's not a Planning Board issue.

Mrs. Sutphin - Yeah, it's not ours.

Ms. Peters - But it is a valid question that I could take up with the town?

Mrs. Sutphin - It's not...

Mrs. Tyler - Yes, you can take that up with, with them, absolutely. Town Board would be happy to (inaudible).

Mrs. Sutphin - Anyone else have anything new?

Mrs. Corlew - It's not up to the Town Board.

Mrs. Tyler - Just to answer it, yeah.

Mrs. Sutphin - Linda?

Ms. Marcella - So, this is probably sort of still procedural?
So if you were to approve it...

Mrs. Parisi - The parking, you're talking about?

Ms. Marcella - I'm sorry, the parking in the front as opposed to the back, would that be creating a prior practice so that that would open it up to other projects so they could say well, you allowed...

Mrs. Tyler - Oh, like set a precedent?

Ms. Marcella - Excuse, I'm sorry, yes, a precedence. Would..?

Mrs. Tyler - I don't... Mark, you can answer that. I don't think we, every decision is, if I understand it correctly, it's per plan, so every plan gets reviewed on its total, total...

Mr. Schachner - That's an excellent answer.

Mrs. Tyler - So it's not, so no. The answer is no. It doesn't set a precedence that would allow additional properties to say well, they did it at the Dollar General, so they can do it here. That's why we do site plan review individually.

Ms. Marcella - I know, but the next one comes to you and I'm not arguing with you, but (inaudible) comes to you and says well, wait a minute, you did it...

Mrs. Tyler - And that's why we have the process of the site plan review, plus the variances, and it is taken into account case by case, plan by plan. So no.

Mrs. Hull - It might work someplace; it might not work...

Mrs. Tyler - Work others.

Mrs. Hull - ...at others. That would be our decision. We wouldn't just say oh we did it there; we'll do it everywhere.

Mrs. Tyler - Right.

(Tape inaudible).

Mr. Schachner - Nor are you required to.

Ms. Marcella - Alright.

Mrs. Sutphin - Okay.

Ms. Davidson - I have one more comment I'd like to add.

Mrs. Tyler - Sure.

Ms. Davidson - This is... Again, my name is Manu Davidson. I am a resident of Warrensburg. I live at the corner of the Ridge and River. I think some, the comments that I'm hearing today are really a matter of, of practical considerations that I think the Board should, should consider whether to, when deciding whether or not to approve this plan. Not only does it not fit with the aesthetics of the community as the gentleman in the back had pointed out, with which I wholeheartedly agree, but I also think that the added traffic that the, that this community has experienced over the course of the last couple of years

(inaudible) COVID, also should be considered, such that the flow, overflow of traffic, I think, is practically, can be practically expected to go into the back streets of the community as well. The intersection about which I'm speaking is the one just off the bridge. There's only, it's a three way stop. Traffic is terrible there. People speed through it. They want to get home. There are near accidents on a daily basis that I've witnessed myself, and again, from a practical perspective, the, the fact that there could be an increase of whatever the attorney had mentioned doesn't seem to be realistic given the, the change in, in the community just based upon the pandemic in and of itself. So again, these are considerations that I hope the Board takes to heart. (Inaudible) are all really important considerations for the community and people who live here on a full-time basis, and I would ask that the Board deny the application when the time's, when the time's right. Thank you.

Mrs. Sutphin - Does anyone have anything new to add? Is it new?

Ms. Tallman - Yep. Sorry. I forgot to mention this before. When you're making your decision... It is okay if I..?

Mr. Merola - Yep.

Ms. Tallman - Okay. The, there is a small inaccuracy in the details that were submitted for tonight. Ah, there it is. And that is because of the elevation things I mentioned earlier, on... This, this is the, facing the church, right? Yes?

Mr. Merola - I can't see that far. What's it say on top?

Ms. Tallman - Church side, oh.

Mr. Merola - Perfect.

Ms. Tallman - Very good. Okay. On the church side, because of the surrounding elevations, on this corner of the property will be 11 feet above the floor of the building, the surrounding property, the adjacent property, the church property. So, and it kind of goes downward like this. So it's going to cut off. You're not going to have any of this view and I don't think you'll be able to put the planter unfortunately on the back part. You might be... You could potentially put it near the front. There will also be the existing shed on the church property would be about right there. (Inaudible). So you're not going to see any of this back... You can't. It's underground.

Mrs. Sutphin - It's underground?

Ms. Tallman - Yep.

Mr. Merola - That's not correct.

Mrs. Sutphin - Yeah. No.

Mr. Merola - If you look there, that's incorrect. The aerial shows where the... The aerial and the survey shows where the other two buildings line up to my building, proposed.

Ms. Tallman - Your building is, is sitting..

Mr. Merola - No.

Ms. Tallman - ...on top of the, the existing retaining wall.

Mr. Schachner - (Inaudible) the board; not..

Ms. Tallman - Yeah, I'm sorry.

Mrs. Sutphin - Yeah, you need to address the board. Does anyone else have anything new?

Ms. Whalen - Theresa Whalen. Yes, I wanted to refer to the utility strip that is in front of Tops and most recently we've had all of the rosa rugosa's removed from that utility strip. Originally they were planted in the mid 90's when the, all of the road work was, was done. Primarily, the reason that we had them removed was because it has become, they were becoming a sight distance issue and also, ya know, maintenance for the town, having to keep on pruning them because they're natural growth habit is, is not to be low. And, and so they've been moved to a more appropriate location and now that sight distance issue does not exist. I believe this planter with planting on top of it will create a similar sight distance issue for people pulling in and out of the parking area. Also, the fact that there is parking on both sides of the street and on the side of the street of this proposed project there is parking, that would, that would add to the sight distance issue because in front of Tops there is not parking on that side of the street. So I think that there's a concern there that perhaps no one is really thinking of but, but it exists and, and that's just, ya know, that's just another complication, ya know, of this, of this design. Thank you.

Ms. Reed - Joyce Reed, 191 River Street, Warrensburg. I just have a question about the concern for the parking in the front. Is Krystal's Garage parking in the front? On Main Street? Krystal Chrysler?

Mrs. Tyler - They went through their own site plan review (inaudible).

Ms. Reed - Right, but it was... Are you tell... Did the, did they have to go through the Planning Board?

Mrs. Tyler - They did.

Ms. Reed - So did the Planning Board approve parking in front for them?

Mrs. Sutphin - We did.

Ms. Reed - So it's not a precedent, right?

Mrs. Sutphin - Right.

Ms. Reed - This one? Thank you.

Mrs. Sutphin - Okay.

Ms. Marcella - Just a comment, I'm sorry. Relative to that, I'm actually... I don't like to see a lot of, of variances... That's not the word I want to use, but I don't like to see deviations away from what we've already put a lot of time into; however, if you want to feel what it would be like to have the building in the front, go down Main Street in Queensbury where the Dollar General is right out by the sidewalk and it looks like "you know what I mean" kind of thing. It's not the feel that we want to see down-street. If there's going to any kind of box store there, we don't want it to feel like it's ya know, overwhelming and that's really what it is if you don't... I mean, just go down and drive by it and see. Every time I get out there, I go, why did they put it so close to the street? It just feels humongous. So I just wanted to share that.

Mrs. Sutphin - Thank you. Okay. Anyone on the Board? Okay, I'm going to keep the public hearing open. Mr. Merola, from you we need a letter or something from D.O.T... To recap what we need to get, we ask for something from D.O.T. for the traffic, the, something showing the sign placement and a view from the street of what the parking lot's going to look like with the parking in the front and the planters.

Mr. Merola - Okay.

Mrs. Sutphin - Anything else that we need? Anybody?

Mrs. Hull - Those are my concerns.

Mrs. Sutphin - Okay. Alright.

Ms. Trigg - Can the board take any SEQRA action now? Not... I understand they haven't obviously made a decision but have you declared the agency status?

Mrs. Sutphin - No, we have not done anything on SEQRA yet.

Mr. Trigg - I think it would at least be appropriate to...

Mrs. Sutphin - We can't do anything on SEQRA if we don't have all our answers.

Mr. Schachner - Well, hang on one second. There's a process question. The Board has not formally sought to be SEQRA lead agency but in part I'm not aware of, as its adviser, I'm not aware of what other involved agencies there are. Somewhere along the line, I haven't seen an environmental assessment form. Is there an Part I environmental assessment form?

Mrs. Sutphin - Yes.

Mr. Schachner - It should say other approvals are required. I'll ask the applicant's counsel, are there other discretionary approvals required besides this Planning Board?

Ms. Trigg - No.

Mr. Schachner - So there are no discretionary approvals required besides the Planning Board, then I don't think they need, they are the lead agency. So there's no need to formally establish it.

Ms. Trigg - I just want to confirm what's been done so far.

Mr. Schachner - Yeah, there's nothing. The answer is nothing.

Ms. Trigg - Okay. Does, is there anything, once these, this additional information has been requested tonight gets provided, is there anything else, because I think the next step is that he would like to move forward to the Board's SEQRA review.

Mr. Schachner - I don't think the Board can answer that question. Right now, as we sit here, if I understand correctly, the board's asked for three additional..

Mrs. Supthin - Yes.

Mr. Schachner - ...items of information and the applicant has agreed to provide them. Whether there be any others, we'll find out when the others, when they're provided and it's possible; I'm making this up. It's possible you'll see refinement of something that's been presented at the next meeting. It's, possibly you won't.

(Tape inaudible).

Mrs. Hull - Thank you.

Mrs. Sutphin - Thank you. Okay, so I'm going to close the meeting. I'm not closing the public hearing.

Mr. Schachner - Right.

Mrs. Sutphin - I want everybody to be clear on that. The public hearing is not closed. I'm going to close the meeting. If I can get a motion to close the meeting..

Mrs. Hull - I make the motion.

Mrs. Sutphin - ...we will, we will get the information from the developer and take it from there. Did I have a motion?

Mrs. Hull - I'll make a motion that we close the meeting.

Mrs. Sutphin - Any seconds?

Mrs. Tyler - I'll second.

Mrs. Sutphin - All in favor.

Motion by Susan Hull, second by Suzanne Tyler and carried to adjourn the Planning Board meeting of November 2, 2021 at 8:25 p.m.

Respectfully submitted,

Patti Corlew
Recording Secretary

Pb11022021

RESOLUTION #2021-12

Motion by: Sandi Parisi

Second by: Susan Hull

RESOLVED, to approve the Planning Board minutes of October 5, 2021 (without correction).

DULY ADOPTED ON THIS 2ND DAY OF NOVEMBER, 2021 BY THE FOLLOWING VOTE:

Ayes: Suzanne Tyler, Susan Miller, Sharon Sutphin, Sandi Parisi, John Franchini

Nays: None