

**Minutes
Warrensburg Planning Board
March 3, 2010**

Board Members Present: Danielle Robichaud (Alternate), Laura Moore, Shale Miller, Joyce Harvey, Art Healy

Board Members Absent: David Spatz

Others Present: Lynn Smith (Alternate Planning Board Member), Kathy Galusha, Morgan and Fay Crandall, Jonathon Lapper, Tom Lewis, Ruth Fruda, Eileen Frasier, Gary Cooper, Lenore Smith, Tina Sackman, David and Theresa Lloyd, Gloria Harris, Gary Rounds, Austin Markey, Pete Haggerty, Faith Buck, Jane LeCount, Jean Hadden, Jon Alexander, Paul Gilchrist, Theresa Whalen, John and Louise Goettsche, Joan Noble, John Kennedy, Brad and Terri Jamison, Patti Corlew, Chris Belden and several others

Meeting Commenced at 6:00 p.m.

Mr. Miller - Okay. Let's call to order the special meeting of the Warrensburg Planning Board. We've established quorum. Our old business, the referral from the Town Board, a petition for a zone change for tax map 211.13-1-39 for Stewart Farrar and Main Street. The applicant is Hudson Headwaters Health Network. To change a portion of the property from Professional/Multi-Family to Hamlet Commercial. The portion of the property facing Main Street is currently Hamlet Commercial. What we're going to do is let you guys give a brief presentation of what the project entails and we'll go on from there.

Mr. Lapper - Thanks. Good evening. For the record, I'm Jon Lapper. I represent Hudson Headwaters and with me is Tom Lewis on behalf of Stewart's. What's really unique about this parcel is that it's already in the two zones; the commercial section on Main Street which is most of the parcel is already zone Hamlet Commercial and of course, there's this piece at the opposite corner that's Professional Multi-Family. To start with, I've just got a color handout of what I know you're all familiar with. Just what it looks like in terms of the current zoning of this parcel and where the zone lines are on the parcel. It's interesting and significant that the portion of the parcel that is zoned Hamlet commercial does go all the way to Elm Street. So for some reason you've got a parcel in the two zones, but you're already on Elm Street with a commercial piece and so obviously Hudson Headwaters would like this to be sold and Stewart's is, from the standpoint of the applicant, Stewart's is a good customer because it's a commercial use in a commercial zone, but Stewart's wants the whole lot to be zoned to commercial and part of it is just to make sure that it lays out better. You can see from that, from the site

plan the area where the pump, the gas pump island that is proposed is already in the commercial zone and a portion of the building is in each. So it's just a matter of, ya know, yeah, could you put this all in the front on Route 9, yeah, probably, but it wouldn't work out and it wouldn't look any better than it does where it is now. It would just be too much on, on a small portion of the lot. So this has been designed so that it fits on the lot and that's why we need to come before the Town Board and ask for the whole lot to be in the same zone. And we ask you for the recommendation. In terms of what Stewart's is proposing, which we'd come back to you obviously if we get through the re-zoning process for site plan review, it's the, if there's really an upgrade of what they've built in Lake George, and I've got some photos of that, they consider it an Adirondack style compared to their more typical brick buildings, although what's proposed here will have more stone than what's, what was built in Lake George. But that's certainly one of the nicer Stewart's that they've built. In terms of the standards (inaudible) your review in terms of the appropriateness.. We're really, we're asking for a commercial use that's in the Main Street commercial corridor of just going a few feet back from there. So it's not a significant change as, as we look at it and hopefully, as you look at it. Do you have anything specific that you want to talk about?

Mr. Lewis - No, I'm just here to answer any questions any board members may have.

Mr. Lapper - Okay. So that's really a pretty straight-forward request (inaudible) answer any questions (inaudible).

Mr. Lewis - Obviously we got the site plan review (inaudible).

Mr. Miller - Right. Do you have any questions right straight ahead or need a few more minutes or?

Mrs. Moore - I just want to read over the board's information. I did ask, suggest that the board members review the two zones; Hamlet Commercial and Professional/Multi-Family. And I'll just read the purpose of the Professional/Multi-Family. The purpose of the professional MF zone are to allow the large old homes in the town to maintain their character once they can no longer be maintained as single family residence and concurs the orderly growth of the professional area by allowing for expansion with areas specifically designated. And then reference to the Hamlet Commercial zone, the purpose... The HC zones are those areas of Warrensburg which have already developed fairly intense commercial patterns. The purpose of these zones is to encourage development of these types, these, or, sorry, development of this type in these areas while providing for extension primarily through infill. Do any board members have any questions of the applicant?

Mr. Miller - Obviously a lot of this, a lot of this would be site plan review from our, our point of view. There are certainly considerations for traffic and, and whatnot. I'm trying to...

Mr. Lapper - We think, in terms of traffic that this would actually alleviate some of the traffic problems with the existing Stewart's site, which is an inadequate site because of the, the gas pumps and just the location of the curb and it's just too tight a site, so it'd be better on this part of Main Street than where it is now.

Mr. Miller - I think one of the big concerns people have had is what was going to become of that once it's... I know you have, you run some concurrent while you're building but...

Mr. Lewis - That is very, very unlikely. We will remove the gas tank and the gas pumps and we will look to lease it out for an allowed use. Someone's already called me to purchase it and I just said ya know, we can't deal with that until we, we go through this process, but we will definitely remove the gas pumps.

Mrs. Moore - One of the... I guess one of the other questions that's come up is the use of the existing post office. You've indicated that that's to remain.

Mr. Lewis - Yes.

Mrs. Moore - Is there any...?

Mr. Lewis - Yeah, and originally we had contemplated knocking that down and because we got a number of phone calls from people who, who weren't happy with this... Some of who I assume are in this room, and, and we made the decision that there would be much less impact on the neighborhood and Elm if we left what's there, there. Because otherwise our building would've been roughly where the, the old post office is. So we thought that this would have substantially less impact on the neighborhood, which we are sensitive to.

Mrs. Moore - Another thing I thought of when I reviewed the permitted uses for Hamlet Commercial, it, concerns about two uses that are allowed in the Hamlet Commercial zone that may not be conducive at this time for that area would be an auto repair shop or a car wash. And my understanding is that if we make a referral back to the Town Board, it's possible that we can put a condition on there, indicate, explaining that you would suggest that they not allow auto repair shops or car washes.

Mr. Lewis - And we would have no objection to that whatsoever.

Mrs. Moore - I don't know if the Board members think that might be a suggestion, back to the Town Board. Maybe you want to take another look at the uses and if there's another specific use, it gives specific direction of what uses would not be allowed on that, on that particular piece of property.

Ms. Harvey - Because with Hamlet Commercial, you could put just about anything you wanted on that piece of property.

Mr. Lewis - We have no objection to working with this board and Town Board on some reasonable limitations just like what Laura just said. That's (inaudible).

Ms. Harvey - And with the traffic on Route 9, is there any thought or concern about the exit and entrance to your property from Route 9 because during the summer, that's bumper to bumper traffic.

Mr. Lewis - I know. I've been here often. We, we have had numerous discussions with the D.O.T. and I'm confident there's, that there will, that, that (inaudible) same thing they brought up and we're confident we will solve those issues. Besides which, I mean, it's even worse where we are now. I have a camp up in Indian Lake and I'm up here almost every single weekend. I don't even want to get gas at our existing store 'cause it's too dangerous going in and out of there.

Mr. Miller - You said you spoke with D.O.T. Did they indicate that they would even consider putting a light there? Did that come up?

Mr. Lewis - Yeah, it wasn't brought up. That wasn't brought up. They, they have certain warrants that have to be met in order to do that. They didn't bring it up and (inaudible) yesterday knowing that I would be here this evening and they haven't fully reviewed the plans yet. But obviously that's an issue that we'll have to deal with at site plan review if we get there.

Mrs. Moore - Any other particular concerns, questions? One of the things that we do need to do tonight is consent to the Town Board that they are lead agency. So do board members understand this, during the SEQRA review process, the Town Board has, they've indicated that they will be the lead agency for this project, reviewing the long form at their next regularly scheduled meeting as part of their review of the zoning referral or zoning change request. So as the Planning Board, we would, we would defer or consent to them being the lead agency. It's just part of the SEQRA review process. Is that..? Art?

Mr. Healy - The only thing I say is I thought we were only here today on changing the zoning. That's all I know that we're here for.

Mrs. Moore - Right.

Mr. Healy - Nothing to do with Stewart's.

Mrs. Moore - Correct.

Mr. Miller - Right.

Mr. Healy - That's all. We're just here to make this lot one way or another.

Mr. Miller - To make a... No, we're here to make a recommendation.

Mr. Healy - Make a rec, yes, make a recommendation on the zoning which has nothing to do, as far as I'm concerned, with Stewart's. Anything could happen after we change this lot or don't change it. I don't think this should be brought up until the site review plan, if it goes that far.

Mr. Lapper - Well, for SEQRA purposes, we need to disclose the full project.

Mr. Healy - Right.

Mr. Lapper - Which even though that's a different part of the review, we'd still need to show you what we are proposing for the whole thing. Hudson Headwaters is only interested in rezoning. Stewart's is interested in the site plan. So, ya know, you're point is correct, but you need to...

Mr. Healy - I understand where you're coming from, but what I'm saying... My only thought is to change this lot or not change the lot.

Mr. Lapper - I understand that.

Mr. Healy - That's the only thought I got. That's where I'm going with it.

Mr. Lapper - The Town Board wants to be lead agency so that they can review the SEQRA and they're going to look at (inaudible).

Mr. Healy - (Inaudible) go to the Town Board and then if, whatever happens, it comes back to us.

Mr. Lapper - Right.

Mr. Healy - Whatever happens.

Mr. Miller - Can I get a motion to, to make the Town Board..

Mrs. Moore - Consent to..

Mr. Miller - ...consent, right.

Mrs. Moore - ...the Town Board as being lead agency.

Mr. Miller - Yes.

Mr. Healy - I'll make that motion.

Mrs. Robichaud - I'll second.

RESOLUTION #2010-7

Motion by: Art Healy

Seconded by: Danielle Robichaud

RESOLVED, to consent that the Town Board act as Lead Agency for the proposed zone change and project on Stewart Farrar Avenue by Hudson Headwaters and Stewart's Shops to review SEQR application.

DULY ADOPTED ON THIS 3RD DAY OF MARCH, 2010 BY THE FOLLOWING VOTE:

Ayes: Danielle Robichaud, Laura Moore, Shale Miller, Joyce Harvey, Art Healy

Nays: None

Mr. Miller - Okay. That's done. What portion of the building is within... Do you know the exact..?

Mr. Lapper - Yeah, it's on the site plan exactly where the zoning line is right now. I have that right there.

Mr. Lewis - You mean the percentage of the lot?

Mr. Miller - Yeah.

Mr. Lewis - 8 ½%

Mr. Miller - 8 ½%?

Mr. Lewis - And on the site plan that you all should've gotten... Wish I had an extra copy here (inaudible) site plan, it'll, it'll show just exactly on the site plan where...

Mr. Lapper - The line is.

Mr. Lewis - ...the line is. Roughly about here.

(Board members taking out site plan maps)

Mr. Lapper - 3rd Page.

Mr. Miller - Right here.

Mr. Lapper - Yeah.

Mr. Miller - Alright.

(Board members went onto review map).

Mrs. Moore - Can you clarify; the changing of the zone would be for the whole parcel? If a recommendation came from this board just adjusting the zone line, would that, my, this explain... Can you just clarify what the, if there's, what concerns are with that?

Mr. Lapper - The issue is that it might involve area variances because of setbacks.

Mrs. Moore - Okay.

Mr. Lapper - So it wouldn't completely solve the problem, and as a property owner, you'd rather have a site that's all in one zone rather than partially in one and partially in another. But it would just be in terms of this project that you'd be looking at setback issues to the zone line. We thought about that too, obviously, because the post office building is fine the way it is, but it doesn't, it doesn't make (inaudible) where the pavement is, where the parking is, that it's ancillary to which use. Ya know, it just gets a little grey.

Mrs. Moore - For board members, also, on Elm Street, on that particular piece of, in that particular area, there's five parcels that front Elm that are zoned Hamlet Commercial zone now and with, if this particular piece of property is changed in the zone, there will be four remaining properties that will only have the Professional Multi-Family zone within it. If everybody took a look at the zone on that.

Mr. Miller - Hm hm.

Mr. Healy - (Inaudible) on Elm Street?

Mrs. Moore - Correct.

Mr. Miller - Okay. From there to the bank.

(Tape inaudible).

Mrs. Moore - I'm just going to suggest something. The Planning Board can recommend to the Town Board to consider the following during the review. The first one that I spoke of was, do not allow auto repair shops, car washes and then there's probably a couple of others. But that will be one suggestion of getting information to the Town Board. (Tape inaudible).

Mr. Miller - I don't think they could anyways 'cause of the church. (Tape inaudible).

Mr. Miller - School zone prevents that I think. No?

Mrs. Moore - I don't think so. Couldn't do that anyway 'cause of the church.

Mr. Miller - Oh, right. (Inaudible).

Mrs. Moore - That's, that's the only suggestion I thought of. I don't know if the board members have a particular, either way they wish to have this property rezoned completely. There is, the Professional/Multi-Family zone's purpose was to, to, to maintain the

character of the single family, the large old homes. Unfortunately, there is no large home on that property any longer. So my only concern is being property, or activities or uses that front Elm Street as, as allowed in the Hamlet Commercial zone may not be conducive to an entrance on Elm Street. So that's why I was listing that, identifying those specific uses would be helpful.

Mr. Lewis - I think that's, that's very reasonable. As I look at this list, we're not going to want to do a hotel, a motel, inns, lodges, ya know, farm, construction sales, bars. Ya know, we're not going to do any of that stuff.

Mrs. Moore - The idea is to keep it that particular area facing Elm Street as close to Professional/Multi-Family as we possibly can.

Mr. Miller - And the other thing is that (Inaudible) another post office going in there, office space will have to come in front of site plan review anyway 'cause it would be a change of use, ya know.

Mr. Lewis - No problem.

Mr. Miller - Ya know, other than office space, it'll be a change, change of use. So it'll have to be site plan review.

Mr. Lewis - We enjoy site plan review.

Mr. Miller - Yeah.

Mr. Lewis - We've done it before.

Mr. Healy - So do we.

Ms. Harvey - There's the National Register, historical register.

Unknown - Hm hm.

Ms. Harvey - Now where, where's that district? Where, where is it on the map here?

Mrs. Moore - It's, it's within the district.

Mr. Miller - Yeah.

Mrs. Moore - And the district... And I apologize not knowing the boundary of the district, but it encompasses a large portion of...

Mrs. Corlew - Pretty much all the way up and down Main Street.

Mr. Miller - Right there. (Inaudible).

(Tape inaudible).

Mr. Miller - ...portion, so it's right there. So it's within that zone. So is Corner Auto.

Mr. Healy - Is this the old one or new one. It's the old one, right?

(Inaudible) site review plan, the new one.

Mr. Miller - Oh yeah, this is...

Mrs. Moore - These are using USGS...

Mr. Miller - Yeah.

Mrs. Moore - ...overlay.

Mr. Miller - Yep.

Mr. Lewis - Yeah, you can keep this.

Mr. Miller - Okay.

(Tape inaudible).

Mr. Miller - Alright. I think... I've already spoken a little bit about this, but I think that as a board we can, we can recommend that they consider certain issues.

Mrs. Moore - Hm hm.

Mr. Miller - But not, not really come down with a precise yes or no answer right now, obviously, 'cause there's a lot of things that need to be answered that we don't have; one, we don't have the, the power right now to ask certain issues.

Mrs. Moore - (Inaudible).

Mr. Miller - Right. There's site plan... Once it comes for site plan review, then we'll have a lot of, a lot of issues that we can, we can go about asking about. Obviously there is a lot of concern about this property. We do not get this kind of participation by the Town for, unless there's something that's a concern. So there will be a public hearing at the Town Board level for everybody to weigh in their concerns. Several letters and correspondences have been received by both boards. I think that from our standpoint, we've got a couple of issues and I think I'll let Laura list them and we'll make a motion to forward them to the Town Board for consideration.

Mrs. Moore - So (inaudible) Planning Board to recommend to the Town Board to consider the following during their review of this, the zone change. To not allow the following uses on the property; auto repair shops, car washes, automobile sales, farm and construction sales and services, logging equipment sales and service. And those are the only ones that are specifically identify. They may, at the Town level, identify others, and the second thing I would suggest to the Town Board is that they maintain Elm Street frontage as close to as nearly possible as professional office/multi-family appearance as they can.

Mr. Healy - What about a senior citizen or chamber of commercial building. Would be nice to donate to the Town.

Mr. Miller - Okay.

Mrs. Moore - That was a motion.

Mr. Miller - Yep. Can I get a second on the motion.

Ms. Harvey - I'll second.

Mr. Miller - Okay. All those in favor.

RESOLUTION #2010-8

Motion by: Laura Moore

Seconded by: Joyce Harvey

RESOLVED, to recommend to the Town Board to consider the following during their review of the proposed zone change on Stewart Farrar Avenue; 1) to condition zone change to not allow the following uses on the property: auto repair shops, car washes, automobile sales, farm and construction sales and services and logging equipment sales and service and 2) that the Elm Street frontage maintain as nearly as possible the Professional Office/Multi-Family zone's appearance.

DULY ADOPTED ON THIS 3RD DAY OF MARCH, 2010 BY THE FOLLOWING VOTE:

Ayes: Danielle Robichaud, Laura Moore, Shale Miller, Joyce Harvey,
Art Healy
Nays: None

Mr. Miller - Okay.
Mr. Lewis - Thank you very much.
Ms. Sackman - Can, can I please...
Mr. Miller - Well, we were not going to open it up to public...
Ms. Sackman - Well, ya know what? If they can speak, don't you think you (inaudible).
Mr. Miller - No.
Mrs. Moore - Because it, it's a different process. So that's why...
Mr. Miller - There's a point in time there will be a public hearing and you will be able to speak.
Ms. Sackman - You know what I don't understand though. If you say about a commercial, that (inaudible). I mean, shouldn't we contact the EPA and, and, and let them know that, that, that we, we're against having this put in here. I mean...
Mr. Miller - You're welcome to do anything you want. You're welcome.
Mr. Healy - It's the process...
Mr. Miller - It's not our power to do that.
Mr. Healy - We don't have that power. The process is we make a recommendation. It goes to the Town Board on March 16th, okay, they can either override us or agree with us but they strictly have the power.
Ms. Sackman - Can I just say, it's caring about Warrensburg.
(Inaudible) the best for the Warrensburg.
Mr. Miller - Excuse me.
Ms. Sackman - (Inaudible) Warrensburg.
Mr. Miller - Excuse me. We care a lot about this town and we are just following the process.
Ms. Sackman - (Inaudible).
Mr. Miller - Alright. Can I get a motion to adjourn?
Ms. Harvey - I'll make the motion to adjourn.
Mr. Healy - I second it.

Motion by Joyce Harvey, seconded by Art Healy and carried to adjourn the Planning Board meeting at approximately 6:40 p.m.

Respectfully submitted,

Patti Corlew
Recording Secretary

Pb03032010

RESOLUTION #2010-7

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Seconded by: Danielle Robichaud

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Nays: None

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Seconded by: Joyce Harvey

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Ayes: Danielle Robichaud, Laura Moore, Shale Miller, Joyce Harvey, Art Healy

Nays: None