

MINUTES OF THE TOWN OF FORT EDWARD PLANNING BOARD REGULAR MEETING HELD ON WEDNESDAY, MARCH 13, 2019 AT TOWN HALL COMMENCING AT 7:00 P.M.

Chairman Belden called the meeting to order at 7:00pm

PRESENT: Chairman Mark Belden
Valerie Ingersoll
Joseph McMurray
Frank Wells
Zachary Middleton
Max Fruchter
Donald Sanders, Jr.

OTHERS PRESENT: Lucas Dobie (Hutchins Engineering), Larry Clute, Tammy Boire, Patrick Boire, Michael Crowe, Chris Boyea (Bohler Engineering), Supervisor Terry Middleton and Town Engineer Jim Houston.

APPROVAL OF MINUTES: MOTION by Zachary Middleton, Seconded by Valerie Ingersoll to approve the minutes of the public hearings and regular meeting of February 27, 2019 **ALL AYES**

BUSINESS:

**Williams Farm, LLC
Sullivan Parkway and Stevens Lane
Minor Subdivision
Presenter: Lucas Dobie (Hutchins Engineering)**

Lucas Dobie: We made a sketch subdivision in November and Mr. Clute attended the meeting to discuss the strategy going forward with the project. Mr. Clute wishes to retain Lot 1 which is 30 acres west of the railroad tracks and to break out Lot 2 which is 8.4 acres off Sullivan Parkway and Stevens Lane for his senior housing project. At this time there are no plans for the 30 acres, he wants to retain it to keep his options open for the future. He is in negotiations to convey this parcel to a developer and that project may be coming in the spring. We received an Area Variance from the Zoning Board of Appeals for the deficient road frontage of Lot 1, we now have 100' of frontage on May St. We are here tonight seeking approval to move along with the project.

Jim Houston: I had some conversations with the surveyor, we spoke about the lack of bearings and distances on the northern property for Lot 1 and also on the western part along the Hudson River and he added those. I believe all of the major issues have been addressed I am going to review his responses once received and also it has to be stamped by the surveyor for the Mylar. I will review and send an approval e-mail before the Mylar can be signed.

Chairman Belden: Is the separation line the railroad bed? What is the distance from the center line of the railroad bed to where your property starts? How does that work, do you give an easement to the railroad or does the railroad own the property?

Lucas Dobie: Yes the railroad is the separation line and the railroad owns the property. All we are doing is breaking the 2 property lines in reference to the railroad.

BOARD COMMENT: None

MOTION by Max Fruchter, Seconded by Zachary Middleton to set a public hearing on March 27, 2019 at 7:05pm **ALL AYES**

SEQR Review will be done at the public hearing

**Boire/Buxton
Boundary Line Adjustment
270 County Rte. 42**

Presenter: Michael Crowe (Fitzgerald, Morris, Baker & Firth)

Board Member Valerie Ingersoll recused herself

Chairman Belden phoned Town Attorney Donald Boyajian, Jr. to assist with the discussion:

Chairman Belden to Attorney: Does the fact that the packet includes a Supreme Court document change our procedure when reviewing this application? The Court order states that they agree that the property line will be shifted and a sum of money will be paid.

Attorney: One of the most important things in the lot line adjustment is that both parties are consenting and so long as they meet the other remaining requirements in the Town Code then it is fine.

Chairman Belden: The only questions we are going to have are the lot lines aren't straight but I am sure the applicant is going to explain why the lot lines are that way.

Michael Crowe: This is the end of a long process for what I hope you agree is a pretty straight forward Boundary Line Adjustment. The issue here is moving the survey boundary line to a physical point which is the center line of the drainage ditch between the 2 properties. The Boire's parcel is going to increase setbacks and frontage, the granting parcel which is a farm and the setbacks are really not applicable. We are talking about less than a tenth of an acre that is being conveyed so we are not trying to shoehorn a subdivision into the Boundary Line Adjustment. There are no other projects or building proposals, the purpose is to end a neighborly dispute of where the lot line is. The reason that the line is jagged is because it is following the center line of the drainage ditch. This is agreed to by both owners and now we are seeking Planning Board approval.

Jim Houston: I reviewed the plans and came up with a couple of comments. Exhibit B, paragraph 5 makes reference to a white pipe and it is critical to make sure that pipe is on the Boire's property and it should be shown on the plan also. The second item is the small piece of land along Mahaffey Rd. that does not appear to be owned by the grantee, this piece seems to be owned by the entity that owns the road. The Boundary Line Adjustment in this area would require approval by someone other than Buxton's.

Patrick Boire: It happened when they redid Mahaffey Rd. and moved it over.

Jim Houston: I would like to see something showing that was Buxton property and not Town or County property.

The Attorney representing the project showed the tax map confirming the ownership of the property.

BOARD COMMENTS:

Joe McMurray: This is the perfect example of a Boundary Line Adjustment.

Zachary Middleton: The map should include the land on the other side of the rd. because it is all one parcel owned by the Boire's. This is not a complete map and when you go to file it at the County it will be a problem.

Tammy Boire: That is going to be another \$2,000.00 for VanDusen and Steves to do that.

Chairman Belden called the Attorney for clarification

Chairman Belden: According to the Attorney the applicant just has to show the conveyance not the other side of the road.

MOTION by Max Fruchter, Seconded by Donald Sanders, Jr. to set a public hearing for March 27, 2019 at 7:10pm **ALL AYES**

Jim Houston will consult with the surveyor to update the map.

**Primax Properties, LLC
Dollar General
290 Broadway
Site Plan Review
Presenter: Chris Boyea (Bohler Engineering)**

Board member Valerie Ingersoll returned to the meeting

Chris Boyea: We are excited to continue the redevelopment of this corridor. At the last meeting the Board had asked for 3 things and we were able to get those completed to try and hopefully

make spring construction. One was a traffic evaluation which was also recommended by the County Planning Dept. In the traffic study they looked at the existing volume on State Rte. 4 and determined that the peak hours are 7-9 in the morning and 4-6 in the evening. They were looking for gap analysis for both left and right turns out of the site; because we are not at a signalized intersection they wanted to make sure that adequate gaps in traffic were there. They looked at traffic volumes and not everyone that comes to Dollar General is a new trip, they are mostly passing by trips. They provided that information and decided that during peak hours you have 22 new trips in the evening and 14 new trips entering in the morning. NYSDOT signed off on the driveway because this is not a big traffic generator. They looked at sight distance summary which means if you pull up and look left and right is there enough visibility or are things blocking the sight; 500 feet is required per State Code and we have an excessive 1,000 feet in each direction. They concluded that the proposed development of the Dollar General is a minor traffic generator during the morning and evening peak hours. The traffic generated will have minimal impact on traffic operations along US Route 4 and will generally not be noticeable to existing motorists in the area. There are ample gaps in traffic to accommodate the development and good site lines looking north and south from the driveway to provide safe access. There are no mitigation measures needed or required for the existing road network or existing intersection of Route 4 and Hillview Ave.

Chairman Belden: Where your curb cut is, if I am a southbound tractor trailer the curb cut seems sufficient to get in and out of but if I am a northbound tractor trailer the curb cut seems narrow.

Chris Boyea: We would love to have bigger driveways but anytime you are on a State Road DOT tells you what it is going to be; 24' is a typical driveway, we are up to 30' and I believe the biggest is 36'.

Valerie Ingersoll: An inexperienced tractor trailer driver could get on the curb and hit the fire hydrant that is there.

Chris Boyea: We provided the truck turn based on distribution and where the trucks are coming from.

Chris Boyea: Another question from the last meeting had to do with whether or not the building would have a sprinkler system for fire protection. We had the architect provide a letter talking about fire sprinklers and the building is a single story commercial building at grade, we do not high pile storage like a BJ's type store, we do not meet the 12,000sf threshold. We have provided more than ample room for a full size WB67 which would be the wheel base of the largest tractor trailer to negotiate the site while every parking space is occupied.

The last item which is more for Mr. Houston and C.T. Male, we have provided all of this greenspace for storm water and it was asked that we provide some soil information. The data shows that the water table in this area is approximately 14' deep to groundwater which is good. It also shows that we have good well drained soil from the percolation and infiltration tests.

Max Fruchter: This store doesn't have rack storage but some of the stores do, you can go online and see pictures of them. I am still concerned about the sprinklers and the reason being the following: 8/12/18 Dollar General Harrington, MA fire in their store, Dollar General 1/26/18 North Hampton, Mass. Fire in the store, 11/12/18 Harris, Missouri, fire in the store, 08/15/18 Michigan, fire in their store, 02/08/19 a fire in a store in Nebraska and 8/2018 Charleston Rhode Island had a fire in their store. Needless to say there is a predominance of fires in their stores. In one location in 2014, the Fire Chief specifically said that the fire was greater because the building was not sprinklered. In the last 8 years, Dollar General has had over 100 OSHA violations, a majority of them being life safety violations meaning that the exits are blocked or the storage in the receiving area blocked egress. The letter from the architect said this was a non-combustible type II group M and that is correct from a building code standpoint but from ISO which I deal with, it's a type III non-combustible and with the configuration of this building you have to put the framing of the roof structure on it because it's so weak. It is not an integrity roof with the cross bars and any heat will warp it and close it down. NYS told me we can't mandate sprinklers but what I am going to ask is that you contact the Fire Chief for his input. From a life safety standpoint I think you should decide if you are going to look into it or not.

Chris Boyea: I will certainly convey this information as well as start the process of talking with the Fire Chief.

Joe McMurray: The greenspace on the other side of the driveway borders a small restaurant and a residence, is there a plan for a fence or shrubbery?

Valerie Ingersoll: There is currently a chain link fence there.

Joe McMurray: Could you put in some shrubbery to avoid any problems with the neighbors?

Chris Boyea: We are proposing sod with an irrigation system and the back portion is going to be hydro seeded. We have infiltration plans for our storm water system so you will notice that there isn't one single catch basin on the whole lot. The reason for that is the way you keep things shallow for infiltration is you sheet flow over the parking lot and then you can get treatment with NYSDEC. There is a grass swale proposed to convey the water to the rear, between the irrigated sod and the grass swale and the chain link fence I think it's going to look nice. If you feel like there should be one or two more shrubs in there we can as long as they aren't in the center of the swale.

Jim Houston: I did pass the sprinkler question by our architects and they confirmed that it doesn't meet the threshold for the building code but they did indicate that the local fire chief can mandate something more than what the code requires. He cannot have something less than what the code requires but he can mandate something more. They agreed with the idea of going to get the Fire Chief's opinion. As far as the landscaping, I have not seen a lighting plan to check for lighting crossing the property line. I have not had time to look through the revised packet that I received yesterday so I will need time to review.

Chairman Belden went through the Short EAF with the Board:

MOTION by Zachary Middleton, Seconded by Donald Sanders, Jr. to declare the Planning Board lead agency for this unlisted action and to declare a negative declaration for SEQR review due to no potentially large adverse environmental impacts as a result of the project **ALL AYES**

MOTION by Zachary Middleton, Seconded by Donald Sanders, Jr. to approve the site plan contingent on the Engineer reviewing the latest set of plans, Engineer review of the lighting plan and payment of fees. **Board Vote: Valerie Ingersoll – AYE**

Joseph McMurray – AYE

Donald Sanders, Jr. – AYE

Zachary Middleton – AYE

Frank Wells – AYE

Max Fruchter – NAY

Chairman Belden – AYE

Max Fruchter: I would like clarification from our Attorney. I know that building code doesn't require a sprinkler system but life safety for a Fire Chief does require it. I want to know what our position is in the Town from a legal standpoint if the Fire Chief says that they need sprinklers.

Don Boyajian: The Town Building Inspector when he issues the building permit would have the opportunity to talk to the Fire Chief and it would be discussed at that point. We as a Board cannot require it or add it as a contingency.

Max Fruchter: I disagree with that from a moral standpoint as well as a life safety standpoint.

OTHER BUSINESS:

Chairman Belden: For the next meeting we received an application for a family subdivision and in looking at the map of the proposed lot, I think they may struggle getting a well and septic on it.

Max Fruchter: Having the Attorney accessible by phone was very helpful.

Supervisor Middleton: If there is anything that the Town Board can help the Planning Board with please let us know.

Chairman Belden: Regarding the guest cottage application that we found out does not need subdivision approval per Town Code, it is going to become more and more popular with people renting out their homes to vacationers, etc. The Town may want to add Codes relative to that.

Supervisor Middleton: The State is actually going to be coming up with regulations for Airbnb rentals but the Planning Board can come up with a list for the Town Board as well.

Chairman Belden: It could potentially increase property values as well as tax revenue for the Town.

Zachary Middleton: Something we should look into is allowing flag lots.

Donald Sanders, Jr.: I agree with flag lots, it would be better use of the land.

Chairman Belden: I would like to see 5 acre lots in the southern end of the Town or 3 acre lots with flag lots could work as well.

- **Chairman Belden reminded the Board of the upcoming training at the County Building on Monday, March 18, 2019.**

Supervisor Middleton: We can talk with our Attorney as well and see if they offer any training.

ADJOURNMENT:

MOTION by Max Fruchter, Seconded by Donald Sanders, Jr. to adjourn the meeting at 8:34pm
ALL AYES

Dated: March 15, 2019

Aimee Mahoney, Town Clerk

