TOWN OF CORNWALL

PLANNING BOARD

March 4, 2013

MEMBERS PRESENT: NEIL NOVESKY, CHAIRMAN
WILLIAM GRABE
LED KLOSKY
HELEN BUNT
WYNN GOLD
KENN BRODMERKEL

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

LESLIE DOTSON
PLANNING BOARD CONSULTANT

GARY VINSON
BUILDING INSPECTOR

ABSENT: MICHAEL LOBLANCO

MEETING AGENDA:

1. Cumberland Farms #2012-06

REGULAR MEETING:

MR. NOVESKY: It's 7:00, we'll call the meeting to order. I'm without gavel tonight. Mike called and asked if he can be excused for the evening, he has another commitment. We have a little bit of correspondence, notably a correspondence from, related to the Kiryas Joel Mountainville water pump station. We received a letter, the planning board has no authority on the matter, just a notification for us. With that, we've had a discussion on the Cornwall Yarn shop expansion. Gary, the board by consent has asked that you do the review and whatever is necessary.

MR. VINSON: Thank you.

MR. NOVESKY: The planning board feels that it's necessary.

MS. DOTSON: They don't need a special permit either.

MR. NOVESKY: The other correspondence we have related to the extension request for Cornwall Commons and again that's an acknowledgment, no action necessary on the part of the board. We discussed it last month and by consent the extension is granted.

MR. CORDISCO: Six month extension as the board reminded me was granted last month, that would run from this month and we'll follow up with a confirming letter for the applicant.

APPROVAL OF MINUTES DATED 12/3/12 AND 1/7/13

MR. NOVESKY: With that, we have minutes from December and January. Does anyone have any comments or questions? Fran usually does a great job with the stuff.

MR. KLOSKY: Move the minutes be approved.

MR. GOLD: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. KLOSKY	AYE
MR. GRABE	AYE

MR. NOVESKY AYE

MR. NOVESKY: Thank you, Fran.

CUMBERLAND FARMS #2012-06

MR. NOVESKY: First project on the agenda tonight, Cumberland Farms.

MR. OLSON: Richard Olson with the law firm of McCabe & Mack, counsel to Cumberland Farms. With me is Tim O'Brien with Bohler Engineering, Don Vanderman (phonetic) regional manager. If you recall, we were here in November. This is essentially an upgrade of the existing facility. We're seeking to add 1,200 square feet to the property which would consist basically of storage refrigeration units to give more storage to the inside of the building. There's going to be an upgrade for the new corporate logo. When they we here in November, it came down to details as far as engineering questions on the waste water disposal drainage. Therefore, I'm going to ask Mr. O'Brien to bring the board up to speed on that.

MR. NOVESKY: I will point out there was further discussion last November related to the access road on the side of the people's houses.

MR. OLSON: As to whether that could be further improved, yes.

MR. O'BRIEN: Good evening, everyone, my name is Tim O'Brien. I note on the project initially Cumberland Farms presented a plan and that's the plan that I show here. Since that plan has been presented, we have been, gotten involved with the project and we have made some minor site changes just really with regard to the parking layout. The previous plan had the handicapped parking on the side of the building and parking straight in front of the building. Because of the existing grades out at the site, we couldn't get the parking spots for the ADA to be compliant so we moved those to from in front of the building to this point here, provided a ramp to the building, also angled a couple spaces in front of the building just for access with the pumps there. But there's vehicle parking at the pumps. Truthfully, if they were straight in and out they'd have problems getting out of the site.

MR. BRODMERKEL: Some straight, some angled.

MR. O'BRIEN: Just two angled, we provided enough spaces here just so that they can get in and out if the vehicles are parked at the pumps.

MR. BRODMERKEL: Led, am I correct ours does not show that?

MR. KLOSKY: Yeah, if you go to sheet two of four of the site plan it shows them on there, it's kind of buried back in the plan set.

MR. O'BRIEN: There's a color rendering of the site plan and the existing and prior site plan.

MR. KLOSKY: I believe Kenn our engineer will have something to say about the couple spaces.

MR. BRODMERKEL: Yeah, just wanted to make sure we had them.

MR. O'BRIEN: So additionally, one thing came up with the location of the septic system on site, some of the town's records show there was an existing septic system on site that actually the County Health Department's records also showed one on site but there was some confusion with that. Additionally with the well that was located on site basically in this vicinity here in the footprint of that addition that well that was mislabeled by the surveyors is actually a pump station. We weren't sure if the pump station went to an on-site septic system or out to a manhole in the street. Further investigation by the town's sewer department discovered that it was actually there's a letter from them that they opened up a manhole up the street and found out that it did in fact discharge to that manhole. So we know that there's off-site or septic goes off-site so there should be no issues with that anymore.

MR. KLOSKY: So are you maintaining there was a sanitary septic system on site or there was not?

MR. O'BRIEN: There's an abandoned one right now in the footprint. We're going to have that removed during construction, mislabeled as a well, actually a pump station. The problem with the pump station is we do not know where the force main is located on site so therefore during construction of this they are going to have to do some exploratory excavation to determine where that force main is so they can relocate that. The well for the site, the health department was kind enough to give us some of their old mapping, we determined that the well is actually located in the

island out by the street so we know where the well is, now we know the septic goes off-site, therefore, those two issues that County Health Department says they are comfortable with that and they no longer have to be involved.

MR. KLOSKY: On which plan is the well location marked?

MR. O'BRIEN: It should be on the site plan and it's located right here.

MR. EDSALL: Just above the sign.

MR. O'BRIEN: They mislabled that as a standpipe, they didn't know what it was and I've gone out to the site and I confirmed that it is a well there so those are the two issues that came up. Additionally there was some question about drainage, currently the whole site sheet flows off-site basically down to the front green island, basically we're going to maintain that, the building footprint's going to remain the same, they're going to install new sidewalk around the building. We have provided spot elevations around that and there's an area in the parking lot that they're going to have to remove some of the asphalt and redo it but otherwise the rest is going to be milled and repaved. We're proposing to put a catch basin in back. There's a hill behind us and you do have sheet flow coming off the hill, basically it goes out through the, it goes basically out through the parking lot, we're making the sidewalk flat in this area so we can still get some going off but we basically have a ditch that goes around the site and discharges over here to the roadside ditch. We did add a couple trees, we show the existing landscaping that's on-site which is to remain. I know the question has come up as well about trying to widen the driveway to that property in the back, DOT to my opinion and I believe the engineer might agree with me that DOT will not allow that curb cut to get that wide, they're not going to like that. Additionally, DOT has a kind of a rule that the tangency where the radius comes out to the street has to be tangent within the limits of your property frontage, meaning that they don't want the tangency to be out in front of the neighboring property. So those are basically the issues. One other item did come up, somebody asked about truck access. I created another sheet that I will hand out for the truck access. I talked with corporate today and they said that this is the route that the trucks currently take, this is a large truck,

actual size tractor trailer which we show coming into the site and exiting, smaller truck deliveries basically come into the site and back into the loading area that's over by the dumpster location. We do have a service door at the back of the building now for deliveries as well as if the box trucks were to come on site they have room to park in this general vicinity here and then they can also use the front entrance to deliver.

MR. BRODMERKEL: You're indicating that the truck arrives from Shore Road?

MR. O'BRIEN: That's what I was told.

MR. KLOSKY: Shore Drive doesn't actually connect to anything that a truck could really get into.

MR. EDSALL: This would imply they go into Shore, make some type of a turnaround maneuver and come back.

MR. NOVESKY: You can come from 207 that way, it's round-about but it might address the trucks going to go through the Beaver Dam roads.

MR. O'BRIEN: I've been able to run a truck coming in this way so they can back in, do a couple maneuvers so they can get into the curb and back out. The trucks are doing it now. I'm not quite sure, this is the path that I was told, maybe there's a different route.

MR. NOVESKY: Kind of curious, isn't it, you won't--

MR. EDSALL: It seems highly unlikely that a truck would access this property from Shore Drive.

MR. NOVESKY: You're absolutely correct.

MR. VANDERMAN: I've seen a couple times, I didn't go up the hill to see but the driver does go up the side street and then I don't know if he turns around or backs in, I think he backs in.

MR. NOVESKY: The gas trucks?

MR. O'BRIEN: Yes.

MR. NOVESKY: I don't think there's any turnaround.

MR. O'BRIEN: There's a loop up there. So any other, I

think I tried to address all the concerns brought to my attention.

MR. NOVESKY: Very well. Leslie?

MS. DOTSON: Do I understand one of the plans that you gave out is the one that shows the landscaping, proposed landscaping because, okay, that's it.

MR. O'BRIEN: We don't have much green area on-site existing or in the future, we do maintain the landscaping out front and we added two trees.

MS. DOTSON: Yeah, because that does though he addresses at least one of the things that County Planning had.

MR. O'BRIEN: You don't want too much out here, you've got the intersection, you don't want to block that.

MS. DOTSON: Understood. Well, the other thing is I'm sure that you still have storm water going there and piping from the well.

MR. O'BRIEN: That's a low area, you're correct, there's some stone and within the right-of-way on-site.

MS. DOTSON: One of the things I know that people living nearby had mentioned concerns about some of the lighting. Typically, you see lighting with the landscape plan. I don't know if you propose to have a public hearing, you know, again, based on some of the concerns that were raised to the ZBA, the ZBA had indicated that these would be issues that would be addressed during site plan.

MR. NOVESKY: Leslie, there was a public hearing and were these issues raised at that public hearing?

MR. OLSON: They were and we have addressed this in the note here, the two lights on-site we have proposed the shielding to go on those, that there would be no off-site glare. The gentleman across the street talked to us about the glare coming from the store and they are proposing a 3-M film, some type of an anti-glare so whatever interior light there is would not be glaring across the street. There was a comment from Mr. Denning, I believe, I'm not sure.

MR. NOVESKY: Continue, Leslie.

MS. DOTSON: So, I mean, that's something that you need to determine. Again because this is not a public hearing, the public cannot raise those concerns, although it does appear to address them. County Planning did respond to your referral. They made the same comments basically that they had in your previous consideration of this plan and quite frankly had some very good reasons for not paying attention to some of their comments before they were suggesting that you close off the westerly access to Route 94 which I think based on your truck deliveries is impractical, you have already considered that.

MR. BRODMERKEL: Are you saying that what they want to do is impractical?

MS. DOTSON: No, what the county was suggesting and recommending was impractical, they wanted this to go to DOT.

MR. BRODMERKEL: They're not going to do it so we can move on.

MR. OLSON: We're not proposing it.

MR. BRODMERKEL: Why don't we go on.

MS. DOTSON: I don't think that there's any reason that the board would change its mind and decide to like what the county said as compared to the way you responded two years ago.

MR. BRODMERKEL: I'm sick of it.

MS. DOTSON: Right, so I agree with Mark's comments about the parking layout and eliminating those two spaces doesn't harm zoning compliance. I personally suspect that people are going to use those two spots anyway but whatever. So that's really the only question is do you want to have a hearing?

MR. NOVESKY: Thank you, Leslie. Mark?

MR. EDSALL: Comment two is as far as the meat of my comments on the state plan review the first bullet under two I comment on the diagonal parking, although I recapped the changes that have occurred with parking. It's all 90 degree except for the two diagonal, I think those two diagonal are a problem waiting to happen. I

think we're better off not having them and candidly if there's a need for additional overflow parking as is the case since I've been to the site before if it really gets jammed up, people park along the island curb line effectively where the actual delivery vehicle goes through and it's just surplus parking cause they've got room but those two spaces are going to lead to problems when people pull in for actual, at the gas pumps, somebody is going to get backed into, probably just better off having it striped.

MR. NOVESKY: There are adequate spaces without them?

MR. EDSALL: They meet the code without those two so to me it's probably in everyones' benefit not to show spaces that could create problems, so that's just a suggestion. My other comments really deals with handicapped parking. We need to make sure that there is separate striping between the crosshatch no parking areas versus the handicapped access aisle, one can be white or yellow whatever the preferences is but the handicapped has to be striped blue so those should be clearly marked separate. The signs, historically, we have a problem where the signs are placed at the curb line because they obstruct the actual access aisle from the eight foot width. In this case, you're better off mounting the post against the building face or mounting the sign to the building face. It's less of a pedestrian hazard, snowplow operators will love you and it's just a lot cleaner and they've got the bumpers there to stop anybody from driving up over the curb anyway so it would serve the site much better. The sidewalk width, it's a tight installation especially when you put in the multiple bollards but it looks as if the size of the sidewalk is adequate so you have proper handicapped access route into the front of the building.

MR. O'BRIEN: That's a very good catch there, when we saw the plan also they had the bollards on the sidewalk, we actually moved them off for that reason.

MR. EDSALL: That's just what I found. So the 5.3 feet Gary would have looked at it anyway but it's easier to solve those problem now than after you got the approval. Looks as if the route works based on the doors and such that you show. Going into lighting for just a minute, we had discussed this in the workshop I had provided the applicant with a note which is on sheet two that note when they rebuild the canopy or if

whatever lighting is existing if it does create a glare it gives the town and Gary the ability to go in and work with the applicant to either add shields, enhance the shields, whatever's needed so the nuisance is removed. It's a general note that I think is a lot more functional because it allows us to take real life conditions and adjust them in the field and the applicant's been cooperative in adding that note to the plan. So that's from previous discussions I've had with them and I appreciate them adding the note. Going to comment three, I believed all along there was a pump station there, just had no proof. Now I guess they found that it's there. So to make it absolutely clear that that pump station is not an obligation of the town's for maintenance, I've got a note here that we use historically in this municipality and other municipalities that just documents the responsibility for maintenance and the pump station so I'd ask that they add that note on the plan. County comments Leslie has gotten through, I'll be more than happy to discuss the public hearing issue as the board may need. And last issue that was discussed as part of the presentation was the truck routing for deliveries. I spoke with Gary once the issue started in the discussion, he's received no complaints relative to the deliveries. So we're not aware of any problem and they are not changing the method of delivery. The curb cuts are exactly the same, deliveries would be the same. So I don't believe that that site plan would create a problem relevant to deliveries cause it's going to be as it is now, no change. So that's it.

MR. NOVESKY: Dominic?

MR. CORDISCO: No comments at this point, other than one of the key items for the board to consider tonight is whether or not to require a public hearing. This application is in the nature of site plan amendment and the code does give the board the discretion to waive that public hearing so that's an item for discussion tonight. As you know, they have returned from the zoning board where they had a mandatory public hearing but obviously, there are concerns so the board will have to decide whether or not a second public hearing before you is warranted as well.

MR. NOVESKY: Thank you, Dominic.

MR. KLOSKY: Mark, is the increase in square footage of the building, we know that the existing well has been

servicing the building well but with the expanded size will come increased demands on that system so I'm wondering if it's usual to run a pump test on the water supply. As usual, our first focus has to be focused on the water supply. I'm curious if there's a usual procedure? If not, that's fine.

MR. EDSALL: The applicant can speak to it but this is more of an increase in retail display and storage than anything else. I don't know that the demand on the well would be of any significant difference, if anything, they may have to as part of the rehab they might be replacing their hydromatic tank so they might put a larger tank in.

MR. KLOSKY: Okay. Secondly, I thought that the note three, your third note was excellent but I wonder if we should add private pump station and force main because there's also--

MR. EDSALL: You're absolutely right.

MR. KLOSKY: Pressure pipe of unknown condition.

MR. EDSALL: It's a good thing to add so I'll put that.

MR. KLOSKY: The last question is, not the last, but it's close to last, the other question is about that force main. Is there any way to pressure test that main to make sure this would be the time to find out whether it's currently in good operation? The trouble with those is of course when they go bad they leak out instead of leaking in which is the troubling so I was wondering if there's some way to pressure test it.

MR. EDSALL: There is, obviously, I don't have it, we didn't have very substantial records on the existence of one.

MR. KLOSKY: Hence my concern.

MR. EDSALL: I had no idea when that force main was put in, it could very well have been pressure tested, even if it was a low pressure test similar to a new low pressure force main or gravity main they could find out if its integrity has been compromised. It's to their advantage because if it's leaking, it creates liability problems for them.

MR. KLOSKY: Now's the time to do that.

MR. EDSALL: When the pump station is being relocated.

MR. O'BRIEN: We're going to have to relocate the pump station anyway so--

MR. KLOSKY: I'd just like to see it pressure tested.

MR. EDSALL: I think that's a good suggestion.

MR. KLOSKY: Would it be worthwhile, Leslie, to put, to make the lights on the rear of the building motion sensitive so that they just are sort of normally off, maybe won't disturb the neighbors so much?

MS. DOTSON: Well, I think what Mark's point is is that the way this lighting note one reads is that it should allow the town to go back and request a change if it's a problem.

MR. OLSON: I think the shielding is more effective. I've always been told when the animals go through, lights are going on, lights are going off.

MR. KLOSKY: Fair enough.

MS. DOTSON: That's another concern because it can be very distracting if a critter runs through.

MR. OLSON: Proposing the shielding and we'll work with the town.

MR. KLOSKY: Lastly, I think I'm hearing Mark say we should just strike the two parking spaces in the front. I think that will improve the handicapped access. It will decrease the number of fender-benders and make the overage functionality of the site better. I'm with the engineer on that one. The two angled spaces I don't see they're absolutely necessary to the functioning of the site, in fact, kind of retract so I'd just remove them, I don't know if it meets the parking for the site, I think it does.

MR. EDSALL: With the two spaces eliminated, they still meet code and as I said, there's adequate room and I've seen people parking on the locations as overflow.

MR. BRODMERKEL: What's the number of handicapped they're required?

MR. EDSALL: Just one.

MR. KLOSKY: Last, there was some discussion on truck access but as near as I can tell, the truck access is essentially unchanged from what's going on now. And I haven't heard anything at the public hearing or from any of the consultants that it's a problem. So I just, since we brought it up earlier, I don't see it as an issue, I want that in the record.

MR. GRABE: No questions.

MR. GOLD: I have a couple of questions. I understand you're going to be putting public bathrooms in this facility?

MR. OLSON: Correct.

MR. GOLD: Mark, would that add to the demand on the well or would that be insignificant the addition of public bathrooms?

MR. O'BRIEN: There's existing bathrooms there.

MR. EDSALL: As far as I know, there's no change in facilities other than additional retail display and storage areas.

MR. OLSON: Except I believe the existing facilities are only for employees, they would be increased in size for public use.

MR. EDSALL: So you'd have some increase in demand at that point, I suspect they may have to improve their storage and their hydro system.

MR. O'BRIEN: These will be more modern fixtures so you'll have a decrease in volume based on that as well.

MR. GOLD: My other concern on the record in the past the right-of-way to the property behind if there's anything that you can do other than crosshatch painting to discourage people from parking in the area that blocks the driveway behind that leads to behind it, I would encourage you to do that.

MR. OLSON: There's no parking signs, there's three proposed.

MR. GOLD: I understand it's a problem and I don't have

a solution but Mark has already identified the fact that when the parking spaces are, actual people park anywhere else and, you know, it's unfair to the people behind if they can't get in and out of their house because somebody needs a cup of coffee. That's it.

MS. BUNT: I don't have anything.

MR. BRODMERKEL: Is there more parking on this plot diagram than there was before or there is now?

MR. O'BRIEN: It's the same as the original plan that they presented.

MR. BRODMERKEL: And that, oh, even though we would be removing two would that make it less parking than it was?

MR. O'BRIEN: I'm not quite sure how many spaces.

MR. EDSALL: Shows existing 16 and there would be 15 with the two removed.

MR. NOVESKY: With the two removed it still meets code.

MR. EDSALL: There's only 13 required.

MR. BRODMERKEL: My question was that's what's there now?

MR. EDSALL: According to the plan, existing 16 with the two removed it would be 15 so one less.

MS. DOTSON: Would it help if some of the emergency spaces that Mark was talking about over by the tanks were marked off?

MR. NOVESKY: No, because if the truck came in people don't know where the deliveries are, I don't think you can do that.

MS. DOTSON: That's true, just a thought.

MR. NOVESKY: I point out the proposed number of spaces meets code as Mark points out.

MR. BRODMERKEL: Would it be an improper thought to angle at least slightly all of the parking in front at least on the left side so that you could keep one of the two spaces?

MR. EDSALL: The problem with that is that because you've got access to the site from both sides, you'd have to choose which side and then you'd have people making all kinds of odd ball maneuvers in the parking lot to try to get lined up.

MR. BRODMERKEL: Okay, no further questions.

MR. NOVESKY: Okay, with that, I'll ask the board what's your opinion with regard to scheduling a public hearing? But before that, do we have minutes from the zoning board's public hearing? Perhaps the only question we have to address is whether or not we'd like to have a public hearing on this or not, that's the only question up for discussion tonight.

MR. BRODMERKEL: We do not have minutes.

MS. DOTSON: I can give you minutes if you want from August.

MR. NOVESKY: That was when the public hearing was.

MS. DOTSON: Yes, and that was the same night they made their decision.

MR. NOVESKY: The question for the board I will entertain discussion whether you think we should schedule a public hearing for this next on this?

MR. KLOSKY: How many people appeared?

MR. OLSON: We had two neighbors, Mr. and Mrs. Bush from the rear property and I believe it's Mr. Denning across the street, his concern was the lighting emanating off the property and obviously the Bush's concern is access drive.

MR. KLOSKY: That hearing took place in August?

MR. OLSON: Yes.

MR. KLOSKY: I seem to recall we received the minutes maybe in our September or October meeting.

MS. DOTSON: There were also some complaints about people urinating outside the building but I'm hoping--

MR. OLSON: There was mention of people congregating

behind the building, we're going to add lights and public restrooms.

MS. DOTSON: That's one of the reason for the lights and the restrooms.

MR. BRODMERKEL: I counted four people that spoke that were not participants.

MR. NOVESKY: Opinion of the board?

MR. GRABE: I think we should have a public hearing.

MR. KLOSKY: Yeah, the plans have evolved since the ZBA application and in general, I'd like to default towards a public hearing rather than away from one.

MR. GOLD: I think we should have a public hearing.

MS. BUNT: Public hearing.

MR. BRODMERKEL: You got a majority.

MR. NOVESKY: Therefore, you don't have to say anything.

MR. BRODMERKEL: That's right.

MR. NOVESKY: So I'll take a motion to schedule a public hearing next month.

MR. GOLD: So moved.

MS. BUNT: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. KLOSKY	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

MR. NOVESKY: We'll schedule a public hearing with that. However, Dominic, let me ask you, is there any objection from the board to in light of the fact that there's a public hearing that this is on the agenda that we consider asking for a preparation of a negative dec and a resolution pending the outcome of the public

hearing?

MR. BRODMERKEL: So moved.

MR. GOLD: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. KLOSKY	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

MR. NOVESKY: Would you do that?

MS. DOTSON: Yes, that's fair.

MR. OLSON: For April 1st?

MR. NOVESKY: Yes. Any other questions, issues, concerns? Very good, hearing none, we can move forward.

DISCUSSION

MR. NOVESKY: Other issues? You're all in receipt I'm sure of the Table of General Use Regulations for the MR District. There will be a quiz next month. Are there any other questions or issues that we need to cover? Dominic, do you have anything that you wanted to say?

MR. CORDISCO: No, sir.

MR. NOVESKY: I'll ask for a motion to adjourn.

MR. KLOSKY: Mr. Cordisco, since we haven't closed up, is there any anything on the agenda having to do with Cornwall Commons?

MR. CORDISCO: Only the acknowledgment that the six month extension was previously granted at the last meeting.

MR. KLOSKY: We have not yet been asked to consider any changes to zoning or approval of any site plans or changes thereto?

MR. CORDISCO: That's correct.

MR. KLOSKY: Very good, I'm satisfied.

MR. GOLD: I move we adjourn.

MR. BRODMERKEL: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. KLOSKY	AYE
MR. GRABE	AYE
MR. NOVESKY	AYE

Respectfully Submitted By:

Frances Roth
Stenographer