

**VILLAGE OF SOUTH GLENS FALLS
PLANNING BOARD**

**DRAFT pdf PRESENTATION OF
Hearing and Meeting Minutes**

For

Thursday November 12, 2015

MEMBERS IN ATTENDANCE

David Linehan, Chairman
Nick Bodkin
Debbie Fitzgibbon
Gayle Osborn
Thomas Wade Jr. [TJ]

OTHERS IN ATTENDANCE

Brian Reichenbach – For Village Attorney –
Muller of Muller, Mannix & Reichenbach
Jim Gillespie, Bohler Engineering
Stefanie DiLallo Bitter, BPS&R/Cumberland Farms
Ross Galloway – Cumberland Farms / First Hartford
Carnie Barnett, Manager – Cumberland Farms
Joe Patricke – Code Enforcement
Garry Robinson, Village Consultant
Joe Orlow – Mayor

MEMBERS ABSENT or Recused

NONE

ALTERNATE IN ATTENDANCE

No Alternate named at this time

- I. The MEETING was CALLED TO ORDER by Chairman Linehan at 7:00 P.M. The chair welcomed those in attendance / reviewed agenda noting the Public Hearing would open at 7:05 P.M. as advertised.**
- II. The Chair asked for a review and approval of (October 14) meeting minutes. Gayle Osborn moved to approve the **October 14** meeting minutes; Nick Bodkin seconded and the motion passed unanimously.**
- III. SITE PLAN (S) REVIEW (S) [pursuant to – code Ch. 119 OR SUBDIVISION REVIEW [pursuant to – code Ch. 153-41] & OTHER REVIEWS IN PROGRESS:**

Matters regarding the comprehensive plan:	SEE: OLD BUSINESS
Matters regarding capital improvements to: <u>Commercial Use Property</u> Dwelling, Multiple Family /Residential Use Property Industrial Use Property	[FINAL] Review of an Application for convenient store and filling station for tax map lot designation 37.54-1-15.11 and 37.54-1-15.3
Matters regarding subdivision of land:	Public Hearing on a ‘minor subdivision’ for current tax 37.54-1-15.11 and 37.54-1-15.3
Matters regarding zoning of land:	

Chair Opened Meeting and reviewed agenda

October 14 Minutes approved unanimously

Matters regarding other reviews or actions:	DRAFT AMENDMENTS TO PB BY-LAWS. <u>Comprehensive Plan WORKSHOP WITH VILLAGE BOARD AND OTHER INVOLVED PERSONNEL RESCHEDULE?</u>
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IV. APPLICATIONS and /or Pre-Submissions FOR SITE PLAN REVIEW

APPLICATION(S) FOR SITE PLAN REVIEW [pursuant to – Chapter 119] or SUBDIVISION REVIEW [pursuant to 153-41 Village Code.] &/or OTHER Reviews: (Application(s) reviewed by Zoning Administrator and payments received by Clerk /Treas. on or before application SUBMITTAL DEADLINES FOR THE CALENDAR YEAR 2015).

Matters regarding the comprehensive plan:	SEE: OLD BUSINESS / Matters regarding other reviews
Matters regarding capital improvements to: <u>Commercial Use Property</u> Dwelling, Multiple Family /Residential Use Property Industrial Use Property	Application for convenient store and gas station for lot designation 37.54-1-15.11 and 37.54-1-15.3 (Payments received May 22)
Matters regarding subdivision of land:	Mr. Patricke has a subdivision request by Jim Cardinale for future ownership pattern
Matters regarding zoning of land:	
Matters regarding other reviews or actions:	

Prior to opening the scheduled public hearing at 7:05 the chair noted that last evening there were four vehicles parked on the remainder of the Joy Store’s paved parking lot at the corner of Hudson and Fifth. For the record and recognizing the loss of parking that has been allowed by current owners of Tax parcel 37.54-1-15.3, the chair wished to remind interested parties that in the FINAL REPORT of the 2002 **CORRIDOR IMPROVEMENT PLAN FOR ROUTE 9 IN THE VILLAGE OF SOUTH GLENS FALLS IN TOWN OF MOREAU SARATOGA COUNTY, NEW YORK** there was parking proposed along Hudson Avenue. [SEE: p.44 of Plan] The ‘improvement plan’ which was incorporated into the village’s most recent comprehensive plan shows and describes the possibilities for a diagonal parking option due to the extra width Hudson Avenue has. The village board could implement this option to accommodate off street parking needs inclusive of our Town of Moreau meeting hall if sold and re-used for some purpose.

The chair cited the Corridor Improvement Plan’s parking possibility along Hudson

At 7:05 the chair then opened the scheduled public hearing. The chair read into the minutes the public notice that had been published on November 3, 2015.

LEGAL NOTICE for Cumberland Farms Inc.

PUBLIC HEARING
SUBDIVISION, MINOR
VILLAGE OF SOUTH GLENS FALLS

PLEASE TAKE NOTICE

That the Planning Board of the Village of South Glens Falls will hold a public hearing on the application for approval of a “SUBDIVISION, MINOR” – the alteration of lot lines describing two existing parcels that are being merged into one parcel. The subdivision involves Village Tax Map parcel numbers 37.54-1-15.11 and 37.54-1-15.3. The planning board declared itself lead agency on September 9, 2015 for the site’s plans for a convenience store / filling station and necessary appurtenant structures. This action to review a “SUBDIVISION, MINOR” is pursuant to the State’s Environmental Quality Review Act: 617.5 TYPE II ACTIONS. (c) (17) mapping of...ownership patterns. The hearing and review is in accordance with Village Law of the State of New York § 7-728 and Village Code Chapter 153-3. The addresses of the pre-existing lots involved of this SUBDIVISION, MINOR include; 107 Main Street/ 56 Hudson Street, Village of South Glens Falls, Saratoga County, New York.

Legal Notice
read into the
Minutes

The hearing will be held on Thursday the 12th day of November 2015 at 7:05 P.M., at the South Glens Falls Village Hall, 46 Saratoga Avenue, South Glens Falls NY. At that time all interested parties will be given an opportunity to be heard.

BY ORDER OF THE PLANNING BOARD.
Dannae Bock, Clerk/Treasurer
David Linehan, Chairman

The chair asked the public for any comments or questions on the matter of this minor subdivision [the merging of two tax map parcels] to accommodate the applicant's plan for a filling station and convenience store. Hearing none - the chair asked for a motion to close the public hearing.

Gayle Osborn moved to close the public hearing Debbie Fitzgibbon seconded; the motion passed unanimously and the public hearing was closed at 7:09 PM.

Public Hearing
was closed at
7:09 PM.

Mr. Bodkin reported that Mr. Patrick confirmed that taxes have been paid on the parcels being merged. The chair - suggesting that everything seemed to be in order - asked for a motion to approve.

Gayle Osborn moved that the minor subdivision [consolidating parcels identified as A and B by the elimination of a mapped lot line with legal description and deed reference from ALTA / ACSM Land Title Survey of The Lands of M & R Ginsburg, LLC dated January 27, 2015] be approved for filing at Saratoga County. Nick Bodkin seconded and the motion passed unanimously.

Subdivision
[merging of tax
map parcels]
was approved

The chair then turned to the final review suggesting all might reference the minutes from the October’s meeting the check list section - pages 7, 8 and 9 as well as the original Village Site Plan Review Check List Form found on p. 9 of the April 16, 2015 submittal / transmittal document of Bartlett, Pontiff, Stewart and Rhodes, P.C. - requesting to construct a colonial style convenient store and gasoline station.

Jim Gillespie, Bohler Engineering and consultant **reviewed changes** since the October meeting. There is to be a new sidewalk surrounding the properties to better satisfy checklist item #8 [all walks curbs were in dis-repair – E. / S. boundary of lots.] There is to be an addition of more and a variety of street trees (better satisfies #16 and #19.) The fence is to be extended along the full-length of Hudson Street property line. (SEE: check list item #10 and Village code.) The fence is to have pillars. Irrigation will be the entire parcel - landscaped planting bed areas and where there are trees.

The chair expressed his concern about success of lawn establishment which is influenced by time of year of seeding, seed mix selection (see suggested), grading, irrigation and maintenance practices (growth / health regulators / mowing.) The chair cited recent New York State DOT late-season landscape “improvements” as an example / reason of his concern.

Mr. Gillespie reported the great changes to the storm water management plan and thanked Mr. Patrick and Mr. Robinson for their legwork along with Dave Gasper at DEC / Albany. The facts concerning remnants (i.e. pavement and buried debris under subsoil at the site) from previous use allows for the project classification as a redevelopment activity even though a five-year period of non-development for the site had expired. The reclassification enables the applicant to get rid of the bio-retention basin and the area will now just become (level) grass. And the treatment now becomes an alternate system - a “Down-stream Defender Hydro-dynamic Separator” the treatment train that follows is a bed of infiltration and detention chambers / with stone. This type of treatment is on a list of accepted alternate practices for redevelopment versus new development sites.

The chair asked if all pollutants associated with bio retention removal such as hydrocarbons, zinc, phosphorus are still removed with the Hydro dynamic separator.

Mr. Gillespie stated yes - that the separator has been sized for stormwater flow and tested for water quality treatment.

The chair asked - now that the second parcel is to be level and landscaped - whether or not other parklike uses might someday be considered and - if considered might the fence might have gates? Mr. Gillespie answered he had gone to the well number of times.

Mr. Robinson added that the plan of the applicant also includes a new catch basin at the corner of Hudson Avenue and Fifth Street to receive overflows. And earlier catch basin that was mapped onto Hudson Avenue was actually a wash-tub acting as a dry well.

Chair’s COMPOSIT CHECK LIST June 10 / September 9 / October 14 / November 12 for site plan review(s)

Pre- submission / Preliminary Site Plan (SEE: p.8 of BPS&R 4/16 submission) SEQRA requirements completed [responses to P.B. request for lead agency status attached – NYS DOT,]

#1-3 X Checked

#4 X N/A - above flood plain

#5 Expecting a Stormwater Management Report and Stormwater Pollution Prevention Plan [SWPPP] (reflecting any DEC recent design manual updates / in place)

Changes to plans since October meeting reviewed by Gillespie.

Chair cited recent New York State DOT late-season landscape “improvements” as an example / reason of his concern

Bio-retention basin eliminated and “Down-stream defender Hydrodynamic Separator” is now planned

Wash-tub acts as a Drywell on Hudson Ave

The **Chair moved GARRY ROBINSON, P.E.** be enlisted [pursuant to: Chapter 125 STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL: § 125-9 Fees for services.] - **to review grading and drainage SWIPP / sewer and water detail plans** on behalf of Village ASAP. **Nick Bodkin seconded** and motion passed unanimously.

Bio-retention eliminated and “Down-stream defender Hydrodynamic Separator” now planned

Jim Gillespie stated soils good; However soil can’t infiltrate fuel area portion . Canopy / building roofs to be infiltrated as much as possible additional amounts in some type of filter practice for minimum RRV (reduced runoff vol). ~~Detailed plan yet to be nailed down.~~ Jim will check trees. **Nick B. asked** about 3 evergreens currently blocking drive. A demolition plan or notes ~~to be~~ provided. **Stormwater area will not be snow storage area. SWPPP revised plans to be reviewed and reported on by Robinson and Patricke – condition for approval.**

- #6 a. X SEE: Preliminary PLAN
- #6 b. X Elevations and photo-shopped and boards presented for visualization
- #7 X **Mark Nadolny** – Creighton Manning (CME) presented /discussed **Traffic Impact Study Cumberland Farms. Chair ok** with right turn in from Rte. 9 for site’s circulation but questioned the proposed right turn out onto 9 and its impact at peak morning hours on the existing exit into stacking for 3rd St. traffic light and its impact of shared drive route / exit onto Hudson and ultimate safety of the three traffic lights along Rte. 9. The Chair had forwarded the ‘Traffic Impact Study’ to the Village’s Chief of police – asking for information pertaining to accidents in the vicinity of the shared drive. The chief did respond to the study affirmatively.(SEE: email Attached.) **Joe Patricke asked Mark Nadolny** if CME had incorporated information from a **recent (2013 / 14) Corridor Study** of the Adirondack Regional Transportation Authority. **Joe Patricke to check with Aaron Frankenfeld,** Transportation Planning Director, [afrankenfeld@agftc.org]
Thomas Wade noted the 2002 study [- the Chair cited proposed parking along Hudson Avenue from the “...2002 Corridor Improvement Plan...” for the village record (SEE: p.44 of plan)]
- #8 X provision for pedestrian access and acknowledgment of Rte. 9 **bike route all public sidewalks /curbs to be improved along store’s east side.**
- #9 X location of outdoor storage see Northeast corner of proposed convenience Store.
- #10 X Location design and construction details, ~~to be~~ **Reviewed and evaluated design criteria for site and situation as redevelopment site by Robinson, Patricke with Gillespie AND DEC. Re-design with “Down-stream defender Hydrodynamic Separator” allowed.**
- #11-12 Public sewer connection Public water connection details, to be submitted **DPW Brian Abare** has received copies of plans to date and shall receive detailed Plans.
- #13-14 Forward plans to Fire Chief / **Nick Bodkin described three nearby locations of fire hydrants. Jim Gillespie to map.**
- #15 **Signage request has yet been applied for.** [See village code chapter 115]
- #16 X Location of existing vegetative cover to be mapped. Plans should mitigate noise glare, objectionable features.

2002 Corridor improvement plan cited

Question of improvements along 5th street questioned Mr. Patricke to inspect 5th Street

- #17 X A lighting plan submitted. **Gayle Osborn asked** for lamp details on plan. **Jim Gillespie responded it would be LED lighting**
- #18 X Designation of the percent of building area
- #19 X General landscaping plan and planting schedule - **more trees** provided and improved varieties
- #20 **SEQR / lead agency status declared : The chair moved** that the village of South Glens Falls Planning Board be lead agency for site plan review in an uncoordinated review that includes the village zoning board of appeals. The project is to be classified as unlisted. **Nick Bodkin seconded and the motion** passed unanimously Project classified as unlisted; and the 'short assessment form' to be used for evaluating impacts. Mr. Patrick instructed the chair to prepare the notices with help of addresses
- #21 X Referral to county pursuant to GML-239 m / n (SEE: **response attached**)
- #22 X A **public hearing** will be required for any subdivision [merging / lot line adjustments] **A Public hearing scheduled and held Nov. 12** at 7:05 p.m.
- #23 X A **Village Zoning Board of Appeals Public Hearing and Review** ~~had been scheduled for June 25 and September 24, 2015~~
- #24 **Survey, Details, Plans to be further reviewed by Joe Patricke and Garry Robinson and sealed. Garry Robinson reported that at least one outstanding element of the plans' submittal is the updating of the SWPPP. Final review of SWPPP should be made a condition of action.**

[Concerning the subdivision: Upon approval, applicant has 30 days to file with the Village clerk, 62 days to file with the County clerk from the date of the final approval. - See Saratoga County real property tax services revised filing requirements.]

T.J. Wade asked about whether or not all (code and referral) requirements had been met. The chair answered to his knowledge all would be satisfied.

The chair asked for a motion to approve the plans as reviewed and understood for the site.

Debbie Fitzgibbon moved to approve the revised site plan dated 11/12/15 with improvements as discussed (and noted in minutes) with the condition a revised SWPPP be submitted and reviewed by Gary Robinson and accepted by the code enforcement officer. **Gayle Osborn seconded the motion.**

The chair asked for a roll call vote:

- Debbie Fitzgibbon YES
- Nick Bodkin YES
- Gayle Osborn YES
- T.J. Wade ~~ABSTAINED~~ NO - because of Rte. 9 traffic access concerns and his lingering question of why a need of three filling stations in close proximity within the village.
- David Linehan YES

The motion passed

The Chair stated he could provide members [- Mr. Wade] with NYS DOT initial [Nov. 13 2002] fax transmitted sketch / safety recommendation for rt. hand turns only of the shared access drive.

Motion to approve plans by Fitzgibbon

The motion passed

Stefanie DiLallo Bitter, Attorney for BPS&R/Cumberland Farms thanked the planning board for all the effort. **Joe Patricke thanked** the applicant and its engineers that were all cooperative throughout the review process and in addition Joe thanked Mr. Robinson for his work on the storm water review plan. **The Chair on behalf of the planning board and Mayor Orlow seconded both Stefanie’s and Mr. Patricke’s ‘thank you(s).’** There is now the look forward to a Cumberland “Chill-Zone.”

P.B. and All thanked

The Chair then turned to the next order of business Mr. Patricke’s [11.12.15] addition to the agenda – his report of an imminent request / application for a subdivision by Jim Cardinale for future ownership pattern.

Request for a subdivision review

Mr. Patricke stated a subdivision map was being prepared for a two lot subdivision to best accommodate future use and ownership patterns of Mr. Cardinale’s property on Route 9 and William Street. The subdivision is for two existing businesses Cardinale’s Car Care and Bodies by Jay. Mr. Patricke reported that this subdivision [“Minor”] is primarily for Mr. Cardinale’s estate planning. Peter and Jay are sons. Mr. Patrick stated all zoning requirements - new lots size would be met. Utilities for Bodies by Jay - some of which are by way of Cardinale's car care building lot – need / can be made right. **The chair asked Mr. Patricke if plans and paperwork would be in time to review, refer and publish a notice for a possible public hearing** at the regularly scheduled December meeting of the planning board. **Debbie Fitzgibbons asked;** Why the need for a public hearing and review - when the property to be subdivided is the person’s own land? **The chair responded** by stating that in addition to a deed description for filing at the county a map of survey is now required by our local code and a review consistent with required area, room for parking [code requirements] and all subdivision review rules as enabled by state law. Public hearings may help to identify and record civil issues / disputes such as adverse possession, encroachments, tree issues that can be included in a title report of property in question. **Brian Reichenbach – For Village Attorney –** stated that a title report could lead someone (potential buyer) to a property or neighboring property’s encroachments or claim of right. **Mr. Patricke affirmed a need for commercial subdivision hearings and reviews.**

Question asked - of a need for (minor) subdivision hearing and review

Nick Bodkin moved to schedule and public notice a public hearing at the next regularly scheduled planning board meeting of **December 9th at 7:05 PM. T.J. Wade seconded** and the motion passed unanimously.

Public hearing scheduled.

V. OLD BUSINESS

1. Village ASH Tree Survey **FOR EAB (Agrilus planipennis or Agrilus marcopoli) using NYS Heritage Program iMapInvasives** Request for supply of 2 Garmin eTrex Venture HC GPS Receiver units made] **Chair to attempt to consider recommendations of (1/7/15) CAPMO PRISM Task Force** where local governments are now encouraged to conduct surveys of their Ash trees and alerting landowners to the threat of Emerald Ash Borer

VI. NEW BUSINESS

1. Respond to the Village Board's [Trustee Bill Hayes] request of to **UPDATE PLANNING AND ZONING WEBSITE in 2015(?)**. Update Village Zoning Codes and Planning Policy pursuant to the most recent comprehensive plan.

VII. CHAIR's REVIEW OF CORRESPONDANCE / Resources

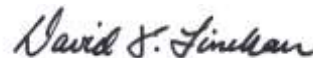
1. Various E-Mails, Calls
2. Planning Commissioner's Journal
All content on PlannersWeb.com is now free membership is no longer required. Check out the hundreds of articles on a wide range of planning topics -- especially aimed at the citizen planner.
3. DFL in receipt of Village Board Meeting Minutes
4. **ZBA Minutes of June 25 and September 24, 2015** [Cumberland Special Use]
5. **Internet Resources:**
[DOS Opinion-explanation on Alternates](#)
[Guide to Planning and Zoning Laws of New York State](#) [p.91-140]
South Glens Falls [Village Code Chapters](#) [153-35 Amendments authorized
Saratoga County Map-Viewer <http://www.maphost.com/saratoga/>
NYS Local Gov. Handbook [NYS Local Government Handbook](#)
Site Plan Reviews Pursuant to sections 7-718 of the Village Law
Local Gov. and School Accountability [Local Accountability / Gov. & Schools](#)
Governor's Initiative <http://cutpropertytaxes.ny.gov/>

VIII. REVIEW FUTURE AGENDA ITEMS - ANNOUNCEMENT for next Planning Board scheduled for **Wednesday December 9, 2015**. Submittal Deadline is **Wednesday November 18th, 2015**.

IX. REQUEST OF CHAIR FOR MOTION TO ADJOURN

Nick Bodkin moved to adjourn the meeting and **T.J. Wade seconded** and the motion passed unanimously. The meeting was adjourned at **7:48 P.M.**

Meeting
Adjourned



David F. Linehan, Chairman
For: SGF Village Planning Board

Village of South Glens Falls
46 Saratoga Avenue
South Glens Falls NY 12803

SEQRA Lead Agency Request

Re: Village of South Glens Falls Planning Board Request for Lead Agency Status
Cumberland Farms Inc. Proposed Convenience Store and Filling Station; 107 Main Street,
South Glens Falls, New York, Saratoga County Tax Map Parcel ID: 37.54-1-15.11 & 15.3

The NYS DOT consents to the designation of the Village of
South Glens Falls Planning Board as lead agency for the above-referenced project.

Signature: 

Name of Official: LORINDA L. TENNYSON for MARK KENNEDY

Title: REGION ONE - ASSISTANT PERMIT ENG.
TRAFFIC SAFETY ; MOBILITY

Date: 9/30/15