



TOWN OF NEW SCOTLAND

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September 6, 2022

Planning Board Members:

Jeff Baker (Chairman) Daniel Byrnes, Amy Schallop, Peter Richards, Christine Galvin
Lori Saba, *Planning Board Secretary*, Jeremy Cramer, *Building Inspector*,
Crystal Peck, *Planning Board Attorney*, Garrett Frueh, *Town Engineer (Stantec Engineering)*
Veronica Soeller, Town Planner

Roll Call: Mr. Baker, Ms. Galvin, Ms. Schallop, Mr. Richards, Mr. Byrnes

Old Business:

- 1) Site Plan #114: Modification Request:** Application submitted by Grove at Maple Point, LLC for a modification of the existing site plan approval granted September 5, 2017. The site contains approximately 3 acres, is owned by The Point at Maple Grove LLC which is located within the Hamlet Development Center district at 392 & 400 Maple Road, and is identified as New Scotland tax parcel # 73.-4-17.1. The applicant seeks alteration of a previously approved site plan as required as per Article V, Section 190-52 (K) of the town of New Scotland Zoning Law.

Mr. Baker: Obviously this is a complicated project with a bunch of different things being presented to us. I want to be respectful of everybody's needs here and what we have to do. As we discussed last month, we are undertaking essentially a bifurcated review of the project. We are dealing with building one primarily now and the modifications that were requested for that. On building two, in the daycare we identified a number of issues primarily dealing with the site layout and the parking and the traffic patterns. We haven't received anything additional on that. I don't think it is going to be necessary or productive to have much further discussion on that and I want to focus primarily on what we are dealing with the modification on building one. Recognizing that anything that is going to happen regarding building two could later affect the site plan or require changes to stuff related to building one. Over the last week or so there has been a flurry of questions and discussions going across emails by Board members to Ms. Peck, Mr. Cramer and myself. In the interest of transparency, I want to have the discussion of what some of those are. There is nothing earth-shattering. I want to ask Ms. Peck to talk about first the issue of how some of the work resumed on this site. Secondly, Mr. Cramer's determination regarding the applicable zoning laws on this.

Ms. Peck: Starting with the work on the project site, some of you may have noticed that there has been some work that has been performed over the last week or so. The applicant had gone to Mr.

Cramer and asked if there could be limited work done that didn't necessarily impact the modifications that were being requested of the Board. That included the installation of two remaining catch basins. Adding some additional crusher onto the site for stabilization purposes. Installation of parking lot light poles, which part of the infrastructure was already in place before they came back before the Board. Some of the HVAC work on the interior and then additional interior work in the common area. The applicant was advised that those very limited items could move forward, however they could do so at their own risk, which means that if the Planning Board in reviewing the modification application that is before them may decide that any of those improvements either need to be changed, modified or that there are parts of this that need to be denied, they are moving forward at their own risk. They do not have any vested rights in any of the work that is progressing right now with the stop work order. It was essentially a limited lifting of the stop work order to allow for some of that to move forward. With respect to the determination, Mr. Cramer has issued a determination regarding how and to what extent the Hamlet Zoning that was adopted by the Town in 2018 applies to this site. In doing so, there was a building permit that was issued for building one that also encompassed the site work for this site. Meaning the layout for the parking lot, allowing for the grading, the crusher run to be put into this parking lot that was initially put into place. The lighting poles that have been put in place. What Mr. Cramer had determined is that, based on the fact that the permit had been issued and the improvements that had gone in before this had gotten before the Board, that those improvements were essentially vested. Meaning that the Hamlet Zoning was not going to apply to those portions of the site. However, with respect to building two, there has not been a building permit for building two and it has been Mr. Cramer's determination that the design standards which are incorporated into the new Hamlet Zoning Law do apply to building two. That is something that the Board can certainly and should certainly take into consideration as it is reviewing the application for modification of building two which will include the daycare use.

Ms. Galvin: Is there an application for that?

Ms. Peck: The applicant requested a modification for building two, which discussed the fact that actually includes a change from the retail use that was initially proposed to a partial daycare use. My understanding is that they are looking for daycare and some retail as well for building two. That is part of the modification application technically. Under our original approval we did request that tenants come in for site plan approval separate. With the daycare, since we are looking at it all now with that modification request it is going to be, that secondary application may not be necessary if they are going to be able to encompass the signage and everything that's going to be a part of that tenant's use. We don't have all that information yet. We are not going to be able to make a determination as to whether all of that information is available to the Board to look at.

Mr. Baker: Any questions from the Board?

Mr. Byrnes: I have a question, does that mean that any clocks have started with regard to the childcare center or any other site plans for occupancy for building two?

Ms. Peck: Absolutely not. The last Planning Board meeting the Board did request a number of items with respect to that specific use. I have not seen that they have yet been provided.

Mr. Baker: Let's talk about the modifications for building one. We have received some more information, as we requested, from the applicant with regards to that. The main issues are obviously Board members can bring up other ones and I will call on Mr. Frueh to help explain what some of the issues are. The primary ones in terms of some new information, we asked for a geotechnical report about the slope bordering Stonewell. Mr. Frueh received that and is comfortable with the report. There is a question of, we still need some changes to the plans in regards to swale and the details. Mr. Frueh I will turn that over to you.

Mr. Frueh: The Geotech report looked at the slope. It had a factor safety of 1.3 which is standard for a slope of that nature. The swale detail on sheet five should have a depth of one and a half feet to the adjacent property. On several locations that depth is currently shown slightly under a foot in some spots. Based on the contours in that vicinity along there are portions that do have the adequate depth but there are also portions that appear to need to be shifted slightly or adjusted slightly on those contours. That is one thing we would want to see adjusted to make sure that swale has adequate depth and capacity to convey the 100-year storm for that area.

Mr. Palleschi: I think that is something we can accommodate. We will revise our grading plan to deepen it a little bit more. That's not a problem. That is something easily that we can put on the final plans.

Mr. Frueh: The only other item in conjunction with that is by deepening that we would just want to see that it doesn't adjust any of Mr. Herschberg's comments or his review letter. Just have him take a look at that and say that meets his review of design components. If deepening that slope to do that.

Mr. Palleschi: I don't think we would have to deepen the slope to do that. For the most part, beginning at the start of Stonewell's building going to the east is certainly greater than 18-inches. It's more from the building to 85A where I think I would need to deepen that to accommodate the one and a half feet. We had our surveyors go out there and do an as built topo grades. They picked up the curbing edge of pavement, guard rail, everything from between Stonewell building and the building under construction. We picked all of that up with our survey and I have the shots. That is what I was reviewing when I looked at your first comment to ensure if we needed to do any adjustments and when I saw this latest comment again. I took it as it would be from the building back to 85A. I will certainly take a look at the whole stretch there, but from the shots we took, there are several locations where the swale is a little deeper than 1 ½, but my detail shows 1 ½ because that would be the minimum.

Mr. Frueh: Look in probably the proximity of like contour 300 out, so I think starting at that point it was around a foot on instead of a foot and a half.

Mr. Palleschi: Okay, not a problem.

Mr. Baker: Another major issue we had on this was the DOT sign off on the driveway grade. I know Mr. Frueh didn't think that they necessarily understood what the question was on that.

Mr. Frueh: It didn't appear that DOT understood, I think they were, the question was a little bit vague. It seemed like that they misinterpreted it towards the embankment along Route 85A. We just want to see a little further clarification. I tried to get in touch with Mr. Tedesco, but when he responded that up to a 3 on 1 slope was okay, I think that was kind of referencing that embankment as opposed to the commercial driveway entrance. Has there been any further development in that?

Mr. Palleschi: Yes, I can certainly add to it. I actually got on the phone with Mr. Tedesco and Rick Premo, he is the contractor out here. Mr. Premo initiated the email to Mr. Tedesco and in the email that he initiated, it specifically called out the slope entry way into the site from Route 85A into the parking lot. We all got on a three-way call and we talked it through so they had a better understanding and after I explained it to him, he wanted to make sure when we create this 10% slope coming in, it's not going to exceed one on three slopes on the sides because he wanted to make sure we didn't need guide rails, because we would steepen the slope coming in. Do you need guide rails for your side slopes? He goes as long as you can maintain the one on three on your side slopes, I am okay with that entrance the way you have it.

Mr. Frueh: That makes sense. He was referencing the embankments off of the entrance way.

Mr. Baker: You have given us other details and I think we went over everything and every significant detail. One concern that the Planning Board has is the hot box is still just being proposed as a metal hot box with vegetation around it. Obviously, the rest of the Board will chime in on this, but I think we want to see an architectural design of a shed or some sort around the hot box at the Route 85 location. It is still going to be visible. It is still the hamlet area. I think those concerns that the Town has that they want it to look appropriate are still relevant. I think that is an important thing to see. What I would like to do and I will open this up to the Board members for their thoughts on this. Again, recognizing that we are only looking at building one and only looking with the proposed modifications that are coming in. We are not discussing right now and I'm not minimize that it is going to be a much fuller discussion. We are not dealing with the signage right now. We are just dealing with the size of the building, the lay out of the parking lots, the swales, etc. I'd like to see if we can give a conditional approval for that work to go forward in particular, I'm looking because I do think you've got other issues with this project. In terms of your timing for getting your sewer and water in and getting everything finished. I know that is going to affect your tenants. Of particular concern is that the construction of this project be extended into the winter and that the swale and the riprap isn't installed in time. I don't want us to be in a situation where that is left unstabilized and unfinished into the winter. I would want to have this, you know, to an extent we are going to give a conditional approval for building one. We should put a timeframe on which you will finalize the design for that swale. Get the final signoff from Loucks on that. Then complete those design elements with a reasonable period of time, but I would think no longer than two months at the most. Those are my thoughts on those

issues, but again, limiting ourselves to the discussion of the building one modification. Do other Board members have any comments that they want to make or questions?

Ms. Galvin: Well, I don't think we've gone over all of Mr. Frueh's comments that are still outstanding.

Mr. Baker: We actually have to talk about landscaping too.

Ms. Galvin: I can continue, because I did take notes. One of the things he said was that the applicant has to add the sanitary sewer specifications/notes to the plans. The applicant has to submit a final modified SWPPP with Appendix B attached. The applicant has to provide Army Corps of Engineers verification of approval of the wetland delineations on the adjacent parcel, the 20-acre parcel.

Mr. Baker: I was assuming that all of these were just conditions of the approval. This is all administrative stuff.

Ms. Galvin: I will ask Mr. Frueh if that is true. From my perspective I'm not really strong on conditional approvals, because I don't have a lot of confidence in those conditions being met. My preference is that what we've asked for, what Mr. Frueh has asked for, there is absolutely no reason why they can't be provided before an approval. I bring those up, because those are all outstanding as far as Mr. Frueh's letter is concerned. As far as the hot box is concerned, I recall that we had an application for a solar farm that had a transformer and I know that in that application and in accordance with Ms. Stolzenberg's review of it, in addition to addressing the appearance of it, in that case I believe we allowed a decorative fence but with a bed with plantings. I recall that Ms. Stolzenberg required, and we agreed with that there be a number of plantings like a mixture of at least nine native flower species, two native grass species, that the applicant followed the NYS Utility corridor, Palmer Habitat Guidance and that we should assure that there is an expectation of long-term maintenance of these plantings to beautify the structure. There should be a maintenance agreement with potentially a line of credit. What we have is something that could potentially be an eyesore unless we as a Planning Board require either, one option would be to contain it in some type of small housing structure that would really be a complement to the existing type of design of the buildings with some plantings. Another option would be decorative fencing with plantings, but the bottom line is what is being suggested now with just an open metal hot box with six arborvitaes along it, it is not sufficient. We've all had experience in the Town where that type of thing has been tried and the arborvitaes or whatever the plants are they don't fill in. By the way we don't have any measure of the hot box, we don't know how big it is. I don't anyway. Arborvitaes unfortunately, you can check those out on the internet they are all eaten by deer. They are not going to be suitable for that kind of a situation for the hot box. That is something that has to be attended to and I would like to have the applicant propose something that the Planning Board can evaluate and review. I have a number of other things, but you only brought up the hot box and some of Mr.

Frueh's comments. I'm not sure where you want to go from here.

Mr. Baker: Well, let's go with your other comments too. I guess I wasn't clear, I agree with you on the stuff with the hot box. They will need to give us a design that meets our requirements. In my view, again, that could be left open for a future submission that they are going to do. They are not close to building that or having to build that.

Ms. Galvin: Why would we have to leave it open. Mr. Frueh has pointed out to the applicant that what's been proposed is not adequate. Why can't that be provided to the Planning Board?

Mr. Baker: I just want to give an approval tonight, if we can, that at a minimum addresses the important things that present a potential health and safety threat, which is the finalizing the slope and the swale and all of that work.

Ms. Galvin: Well, do you, Mr. Cramer, and Ms. Peck have the opportunity to make some changes to the stop work order to do things that you want to have done?

Mr. Baker: We can't change the stop work order in that regard without a modified site plan.

Ms. Peck: That is absolutely correct. We would need the Planning Board to step in to modify something that is outside of what was originally approved by the Planning Board.

Ms. Galvin: I can repeat again I am not in favor of not having what the Board wants before us before we grant any approvals. As far as other things that have to be considered we have a couple of sign issues. The original approval requires that any tenant signs be placed on the awnings only. The applicant has already been told that the proposed monument sign is not in accordance with our code, yet we still haven't received a revised sign. The applicant has chosen to give us a sign that is on the building and not on the awnings, so I don't know why that is, because it is pretty clear what the decision was on that. There are other outstanding things that Mr. Frueh has pointed out especially with respect to the easement. To the proposed easement in agreement with respect to Fred the Butcher that the water main easement, the additional parking spaces that are now presently shown on the adjoining 20-acre parcel that requires an easement agreement. I don't know if there are any other easements, but that's been something that's been on the table for some time. We still don't have those. I am not aware of any justification for why we are not getting the things that we have asked for, so that is all the more reason why I'm not inclined to consider an approval until the Planning Board has everything before it that has been requested.

Mr. Baker: I agree with some of your points and I disagree with some of the others. I mean the sign issues I agree with you. The sign issue is a separate site plan application, one has been submitted. We don't have a site plan and sign application for Trustco. We have a markup of what they are probably going to do. Your points on that are a legitimate point and we are going to talk about those, but that's separate. That is not holding up the structural issues for the modifications for building one. I think with the banked parking we are okay with that and it is just subject to them actually providing us with an easement. We can require an easement to be provided within

a date certain for our attorney's review. Again, that is an easy element to deal with and we can put it forward. I am really strongly conscious of being able to give, unless we have a compelling reason not to, to give the approval for at least some of these modifications so we can ensure the safety of this site. It was changed and built without the retaining wall. There are certain measures that have to be undertaken to finalize that work in conjunction with not having a retaining wall. That is the stuff that Mr. Frueh has talked about and I think it is important that we give that approval and because we are in a middle of a project. This isn't something we would normally put in as a condition for the approval. The mandated completion within a reasonable period of time. If we hold off on doing that, I think that's going to be a real risk. I don't want to be in a position of delaying this so that we don't give an approval and then the weather starts turning bad and issues occur that could otherwise be avoided. We are not fulfilling our responsibility if we allow that to happen.

Ms. Galvin: Is there is some reason you think that this applicant can't comply with these outstanding things for example within the next two weeks or the next three weeks? I've been on this Planning Board for over 5 years and I've never seen a situation like this. Where we ask for numerous things and we don't get them. Now we want to approve parts of a site plan proposal, but other parts of the site plan proposal. I've not seen that happen. I don't agree with you, but we don't have to keep going back and forth. Maybe other Planning Board members have opinions.

Ms. Schallop: I would like to ask a question. We are still going to have the applicant before us with regards to building number two?

Mr. Baker: Correct.

Ms. Schallop: We can give them a conditional approval on building one, so for example the hot box why isn't that something that can be resolved in the context of the approval process of building two, for example, instead of holding up the approval for building one on hot box which really isn't affecting anything in regard to the actual building one site. Correct?

Mr. Baker: Actually, it does, they need to have that built and in place before they can start occupying building one, but it is certainly is among the range of issues that still have to be addressed and the information has to be provided. That can continue to be reviewed at our next meeting. Not sure what other open issues we have and so that you know can't be and aren't normally resolved as a condition that is administrative review. We are not all going to be weighing in or opining upon the easement language for the banked parking in there. That is something we are going to require for it to go forward and that's standard. That is something that can be conditioned at certainly before, we can put a closer time frame on it, but certainly before a CO. They can't use anything until those issues are resolved. That is standard. Again, you know we have some landscaping notes to clear up for building one we can do that now. I'm not sure what else there is for building one. Mr. Frueh, am I missing anything else on your conditions that are open ended?

Mr. Frueh: Yes, the only condition is the Army Corps verification of the wetlands, which is what is probably leading to the delay in submitting some of those easements and finalizing the alignment of the water main on those components once those are confirmed and verified, I think Mr. Palleschi was planning on submitting those easements rather than having to re-write if there are any adjustments to those wetlands' delineations, so that is a component.

Mr. Baker: As long as the Corps confirms the wetlands delineations nothing changes although we could present it on a site plan, obviously if the Corps does not accept those delineations, they are going to have to come in for a modification of that. Right?

Mr. Frueh: Potentially, it depends.

Mr. Palleschi: I will add to that as well, we had conversations with Kevin, he is the wetland biologist, well known obviously for wetland delineations and relationships with the Army Corps. We had discussions with him and we are not proposing to disturb any wetlands. We are doing directional bore under the wetland, closer to Route 85 and we are staying clear of any wetland boundaries. More than 25-feet, so having that conversation with Kevin he didn't see any issues with proceeding with this design. He thought it was good we were not being very close to the wetlands, so he felt comfortable and he certainly reached out to the Army Corps. Again, we don't know how long it is going to take for Army Corps to respond.

Mr. Frueh: Sounds like it will be elevated and not be an issue hopefully.

Ms. Galvin: Until the delineation is approved you don't know if the applicant is disturbing something that is 25-feet away. We don't know if the delineation will be approved by the Army Corps.

Mr. Frueh: They are currently being verified by the Army Corps.

Mr. Palleschi: As far as the hot box, the water structure, I did have a conversation with the applicant and the applicant is considering building a structure. I was going to share with the Board what we had done at different municipalities with a hot box up front and the landscaping that was used to buffer that before tonight's meeting, but you had mentioned that it could be a potential to do landscaping or some sort, so I think either way the applicant is willing to build that structure or do the landscaping like we have been discussing. I think those details can be worked out. The waterline can be installed and then the details of whether it is an enclosed structure or landscaping. Like that is going to be done after the water line has been installed because that comes from the ground up and then you enclose what you have outside of that.

Ms. Galvin: I just want to make sure I'm not misunderstood. I'm not saying that the preference is for landscaping and not having an architecturally designed structure covering this unit. The concept is you have this structure and you have landscaping that complements it. Not one or the other. That's what was contemplated when this project was first reviewed back and approved in

2017. Of course, the design was supposed to be presented to the Planning Board for approval and so far, we don't have that design. That is what I am waiting for.

Mr. Baker: I would agree. I would like a structure with landscaping. Not just landscaping. I don't think I agree with Mr. Palleschi that we put off the review of that design until the water line is constructed and in place. I think we want to see it sooner rather than later. I'm just not sure we need it tonight to allow for us to go forward with the other modifications that are more important. I think we look at that at our next meeting or two to get that resolved. I would not put that off until you have that line constructed which may be six months.

Ms. Galvin: You originally wanted a public hearing on this are you now taking the position that we wouldn't have a public hearing before any kind of partial approval?

Mr. Baker: For these modifications that we are talking about that are more limited again particularly what motivated the stop work order and triggered this is not simply that the building was bigger. It was the change in the drive thru for Trustco and the elimination of the retaining wall. The elimination of the retaining wall presented the most important or potentially significant issue of allowing the project to move forward. Those issues have been addressed. We have an email from Andy Brick on behalf of the Stonewell saying they have reviewed everything and they asked for confirmation.

Mr. Palleschi: We have addressed everything that Stonewell's team has requested.

Ms. Galvin: Ms. Peck can we give a partial approval without a public hearing?

Ms. Peck: Yes. This is a site plan, so we can.

Ms. Galvin: So, it is up to us.

Mr. Baker: The Stonewell has been provided the copy of the Geotech reports and they have seen all the other stuff that has come through. Mr. Brick sent us an email and they are satisfied with all that. Giving these changes, I don't think there is a need for a public hearing. If we want to have a public hearing that's why I wanted to schedule one for tonight, so that we could do it and move forward. I really don't want to have to keep pushing this off before we get the work done on the swale.

Mr. Richards: I think you are making sense that the drainage is very important as we have seen a lot of rain the past couple of days.

Mr. Byrnes: I'm with you Mr. Baker. I think we should be able to find a subset of features related to building one. I'm confused a little bit I'd like to draw some distinctions but yes, I don't think we would learn anything more from a public hearing at this point on the small subset of features that we have just heard from Mr. Brick and there has been plenty of input in the past on

this. I think most people want to see this move ahead here in this limited area. I do have questions such as if we are talking about just building one then does that give us an opportunity to limit how far the water main needs to go, or do we have to bring the water main all the way around up the east side of the property across the north side to the front of 85A there. In order to service building one, and the reason I ask that is there seems to be a lot of issues in regard to the footprint of the building two that may impact the location of the water main or be influenced by the location of the water main if there is going to be an easement there for the Town to maintain that water main.

Mr. Baker: That is a good question, and the answer to that is there is a requirement for the water main to go all the way around up to 85 as part of the condition of creating the district in Bethlehem so that they can get connections to the properties on 85. Even if building two is never built, for whatever reason, they would still have the water main going up there to service that.

Mr. Frueh: Yes, just 85A instead of 85.

Mr. Baker: That is a reason for it to provide a broader municipal benefit by routing the water main along that area. I think the way it is positioned on the edge there it's at the edge of the property and, you know, all the development has to occur within it. The issues of repositioning or changing the layout of building two is just going to have to work within those constraints.

Mr. Frueh: Typical, Town Board policy for a water district extension is to join the water district. They extend the water main to the end of their parcel or end of their frontage, so the next user if wanting to join the water district and extend can then pick up and pursue a water district extension from that point. In which case they would extend it to the end of their parcel.

Mr. Byrnes: I have one other concern. If we do split this up into two projects and give it a provisional approval for building one, so they can move forward and get tenants in there, does that mean we could see concrete laid for parking lots in two phases. There would be a building one parking lot first and then to be followed by building two parking lot with whatever driveways and access that project may require? It seems to me that would be a great benefit if it could be done that way, perhaps that means, I don't know, that maybe that part of the parking lot could be laid down before it freezes. I think that would be a real encouraging sign that the project is going to be able to move forward where it can and we can wrap up some other issues like signage and other concerns as we move ahead with site plans for the individual tenants.

Mr. Baker: I think that is a useful point of discussion.

Mr. Sanders: In terms of a stabilization concern or is it just in terms of phasing. I'm not sure what the question was regarding your concern.

Mr. Baker: I think what we are looking at is and it goes to the question when you are actually going to move forward on some of this.

Mr. Sanders: We would like to do asphalt paving before the plants close, of course, so that would be, you know, before I believe November 15th or so, for building one.

Mr. Baker: I guess the question is for that building one, looking at the site plan, would that include paving the area, you know, directly to the west of building two, your northern most parking.

Mr. Palleschi: I am looking at the plan. That parking wouldn't be need if building two isn't up, right?

Mr. Baker: That was my thought. I think you've got, let's assume for argument's sake, building one is finished and rented out and stuff for whatever reason building two is held up, you don't go forward, you are not going to really need to develop that parking the northern most loop.

Mr. Palleschi: I guess we would need to understand why or what the Board members are thinking of possibly changing the configuration of that northern parking lot.

Mr. Baker: I think that goes to the point, as we said, we've got significant concerns about the positioning of building two and the traffic patterns around that for a day care center.

Mr. Palleschi: We invited Ms. Hogan to speak to her business plan for building two.

Mr. Baker: We can talk about that, but the absence of more technical information, you know, traffic counts and details of movements and an analysis of it, I think we are all very skeptical of that configuration works and it is not a criticism to Ms. Hogan.

Mr. Sanders: We wanted to address some of the concerns, not formally, but to bring them up tonight while she is here and we can adjust them again. That may alleviate some of the concerns from the Board based on her experience with other daycare centers in the area. We can always invite her back.

Mr. Baker: We do want to hear from her, but let's hold off on that for now.

Mr. Frueh: I think Mr. Byrnes makes a good point though. I think it could be beneficial to have a construction phasing plan that shows the limits of what is approved with this building #1 and areas that would be proceeding at risk if paved outside of that.

Mr. Baker: Right.

Ms. Schallop: Did we resolve the number of banked parking spots? Are there a sufficient number on the plan now?

Mr. Baker: I think a lot of that goes to the question of, you know, the uses and building two and some of the other tenant spaces. I think the belief is we will keep the bank spaces as shown until we approve building two. There is no need to require that those get developed now. They are being shown essentially in a reserved area and they can go on to the other parcel, which is the subject of the easement.

Mr. Byrnes: I'm with you, if I can make a comment, I counted 48 parking spaces, if they paved everything except for the space to the west of building two along 85A and the bank spaces. All the spaces indicated I think total 48 and two of those being handicapped spaces. A phased approach with this builds out would be successful. It could focus this way without having to make a commitment to what would go in this space between 85A and building two or what would go behind a space 85A. I did some reading on childcare centers and I ran across a reference to pick up and drop off areas, which the strip mall design that we originally looked at doesn't really have at all. I look at that space for the playground which is being envisioned behind the childcare center and I think that is terrific, but I am wondering how that could that space where perhaps could double as pick up and drop off and perhaps the building could move up closer to Route 85, I know that would make it unbalanced, but that was my thinking anyway.

Mr. Baker: Those are the issues that we need to address with the daycare center. Those are all very legitimate issues.

Ms. Soeller: Can I mention a couple of landscaping species? From the revised plan it was noticed that the species were all now native species, but there is still a problem with a couple species. One of the new species proposed Shantung Maple which is from China and Korea, so it's not natural to our area. There are other maple species that are, you know, we have sugar maple, red maple, silver maple. If the developer wants, I could send around a list that might be helpful. Also, the mugo pine is native to central Europe and southeastern Europe. If they want to use a pine species that is native, they could go with eastern white pine or red pine. These species pretty much affect the whole area, so I think they have to make sure they are putting in naturalized species as soon as possible on the revised plans. Everything else looked okay.

Mr. Baker made a motion to approve the requested modification for the site plan to the extent of approving the enlargement of the building, the modification of the grade and the driveway grade and the sidewalks that went along with that. Approving the other changes to the site plan in terms of the dimensions of the driveway and the roads that have been shown on the plans. The changes to the storm water plan with the detention basins, approve the changes to the swale along the southern boundary line. The replacement of the retaining wall with a slope and riprap condition in conformance of the plans and the detail to show the proper details and grades of the swale. Confirmation by the geotechnical engineer that those changes to the swale are consistent with the slope analysis. Conditioned that the construction of the swale and the riprap and slope stabilization measures as set forth in the plans are completed by November 1, 2022. Subject to inspection by Mr. Cramer or Mr. Frueh. We approve the changes for the sewer and the water lines conditioned upon confirmation of the delineation by the Army Corps of Engineers for the

wetlands. If there is a deviation in the confirmation by the Army Corps or DEC, it requires a return to the Planning Board for an approval of the modification. The approval of the area for the easement of the waterline is contingent upon building two can be built over that easement area. We are not approving the footprint for building two now. It is a recognition that you can't encroach on an easement area. Requiring the applicant to return I would say within a month with architectural plans, landscaping plans for the hot box. The plans are amended for the landscaping with native species as outlined in Ms. Soeller's comments. There be a provision of an easement for the banked parking spots. Subject to approval of the Town Attorney. That easement be provided within two months. Certainly, it is not going to be an issue, but no CO's issued for the building until the easement is approved and recorded.

Mr. Frueh: I think you covered it with the sewer, but they are basically replacing the on-site sewage disposal with connection to Town sewer.

Mr. Baker: We are approving that as the replacement of the septic with the connection to town sewer.

Ms. Peck: What about the guard rail.

Mr. Baker: I would give an approval of the timber guard rail. Mr. Frueh, on that, we don't have indication that with the slope or the riprap does that have to be relocated? Do they have to move their curbing?

Mr. Palleschi: No, we won't. That is why we did the as-built survey to determine exactly where the locations were and we worked our way from there towards the building to modify the existing curbing that's out there. Like closer to building one, so that will have to be ripped out and widened to accommodate this site plan.

Mr. Baker: You show that on your new site plan.

Mr. Palleschi: Yes, that is correct.

Mr. Frueh: The only thing would be, it would have to be extended slightly west, for some reason, the adjustment to that swale increase that slope in that vicinity.

Mr. Baker that is my motion for the conditional approval of the modifications for building one, can I have a second so we can have a discussion on it?

Mr. Byrnes seconded the motion.

Mr. Baker: I threw a lot out there, but I was essentially trying to do a summary of what we talked about before. I think the one point we didn't talk about was the guard rail. Does anyone have any comments? Or any changes to what has been proposed?

No comments.

Mr. Byrnes: I'm wondering about the signage Are we approving the signage?

Mr. Baker: No, that is a separate application.

Mr. Byrnes: I'm wondering if a sign appears on the revised drawings how do we remember six months from now that wasn't part of the approval, even though it appeared on the drawing.

Mr. Baker: It is good of you to highlight that and, you know, we can make it clear in the resolution and decision that we aren't approving the monument sign as proposed yet, because we have asked for a redesign or an application for an area variance from the ZBA and they haven't done that yet. The signs on the building are subject to the individual site plan applications. I don't think anything we are approving in regards to building one, which is essentially a larger structure now because they extended it by six feet, changes any of the previous approvals regarding awnings or what is going to happen with the signs. We are going to address all of that and see what is appropriate there. In regards to signs, we will talk generally about how we think it should be approached and ask them to give us more information and consider that at future meetings.

Ms. Peck: Do you want to add a condition there be no other approvals perhaps with the exception of tenant signs, unless the swale work is done within that timeframe and the additional documentation that was requested with the easement within the two months period, which puts you in to November, is provided within that timeframe?

Mr. Baker: I don't know if we have to say about other approvals. I think those are going to run out on themselves. An independent timeframe on the swale work of two months or approximately two months is sufficient. I really want to make sure that work is in before winter. We can ask for the easement for the bank parking spaces by then. I think that is fine.

Mr. Brynes: What about concrete for the actual parking lots?

Mr. Baker: Good point, we talked about that. I would like to add a condition that the applicant shall not pave the northern parking lot in front of building two until the site plan for building two is finalized.

Mr. Bryne: I'm curious if Mr. Sanders or Mr. Palleschi have any comments on that language.

Mr. Palleschi: Yes, to your point, Mr. Baker, trying to stabilize as quickly as we can. We don't want to leave that dirt.

Mr. Baker: You can put crusher run down. You still need to stabilize the site.

Mr. Palleschi: We can put a line on this drawing showing, like pave up to the inner radius of that intersection. I see that a lot, just so in the future easy to top coat and continue.

Mr. Sanders: Yes, that is fine.

Mr. Brynes: Can we look forward to seeing that inner radius on the next set of plans we see?

Mr. Palleschi: Yes.

Mr. Baker: Any other questions from the Board?

Ms. Schallop: When you have a deadline for certain work to be completed what is the ramification of not getting it done?

Mr. Baker: It is a violation of the site plan approvals. Same way they had it before and they would be liable for heavier fines because it is a second violation.

Ayes: Mr. Baker, Mr. Brynes, Ms. Schallop, Mr. Richards

Nays: Ms. Galvin

Abstained:

Vote: 4-1

Mr. Baker: Ms. Hogan has been patient. Let's have her speak before we continue with the application.

Ms. Jennifer Hogan: Thank you for letting me join the meeting tonight. I just want to clarify that the business I'm trying to open is a full-time year-round daycare, so it is not a pre-school. It's not like everyone is going to be arriving for a 9:00 opening. The hours that I anticipate is 7:00 a.m. to 5:30 p.m. The anticipated drop-off window would be typically between 7:00 – 8:30 a.m., which will allow for a variety of jobs in the area. The anticipated pick-up time would be between 4:00 p.m. and 5:30 p.m. The capacity of the daycare center would be 66 students. With carpooling we would be offering discount per family with multiple children enrolled so we anticipate that there will probably be about 50 cars. I am just guessing. At this point, I'm not anticipating any after school care at this location. I don't plan on having any school bus drop off. If at some point we did offer after care it would probably be a maximum of 10 students and prioritized for kids who have siblings in the full day daycare program. As far as a drop off lane, I am working at a daycare in another site and I considered doing that there, but I had significant safety issues with that. Particularly the possibility of young kids running out without their

parents in charge. I don't think that parents would feel comfortable with letting a teacher buckle their child into a car seat at the end of the day while they stayed in the driver seat. They are still going to get out of their car morning and evening, so I don't think that is going to speed up the process really in any way or eliminate any traffic. I can tell you, I went and observed other daycare centers just to see how long the average person was in and out of their car. It was about 3 minutes. COVID has definitely sped things up. People are on their way to work and they don't want to stand around and chat. It is the same at pickup maybe four to five minutes. My business plan also calls for an expeditious pick up. Where the parents can text ahead of time, so that their child will be ready to go. I do also plan on having a staff member at the door in the morning and in the afternoon. The check-in process is all done digitally on the parent's phones, so that is a very rapid process as well. Most parents leave the child at the door with a staff member who escorts them to the classroom. I am happy to answer any questions.

Mr. Sanders: We had discussion about the configuration and the parking lot and how similar to a couple of other daycare centers that we've been involved with that it is a standard parking lot where the parent parks their car in a regular defined spot. As opposed to a drop off turn around like you would have in a school. Can you speak to that, because that is a concern of the Board?

Ms. Hogan: Like I mention, I'm trying to open another daycare in Bethlehem and when we were doing the site plan for that I looked at a lot of other day care centers all around the region. None of them have anything other than pull into a parking spot, get out, no one had a traffic circle for dropping kids off and picking kids up.

Mr. Baker: Thank you. Do you currently operate other daycare centers?

Ms. Hogan: No, I don't, I am a preschool teacher.

Mr. Baker: I haven't heard any Board member express any concerns or opposition to a daycare. We just want to make sure it works on this site. Give us some citations on the minimum size and staffing requirements for your rooms, so we can verify that. I do have some concerns on a complementary impact on your other available tenant spaces. Obviously, you talked about having a café there or a coffee shop, which is fine. We always talked about that. Is some percentage of your parents going to stop and grab a coffee and how is that going to affect the timeframes you are talking about and staggering people on where that is going to be? In particular, again, I don't see much of a conflict in your morning periods, but a potentially a conflict in the afternoons. When the other businesses are more in a full swing.

Mr. Sanders: The bank is closing at 3:00 or 4:00 and the bike shop can speak to their hours of operation, to greatest hours of visitors. In any anticipation of any use, if somebody is using the daycare and that same car is going into a bakery, it is one car, as opposed to two cars. I don't see a conflict in that respect.

Mr. Baker: I think it is more counting of two separate attraction points that are the trip generators you have customers going to have kids in the daycare coming in and going to the café and wanting to do that in which you've got an independent trip generator which is the daycare center. I am speaking from my experience. I'm seeing some of this analysis. I would like to see more of a thorough analysis on this.

Mr. Sanders: Well, we don't have a tenant yet.

Mr. Baker: Well, but you can speculate.

Mr. Sanders: We've speculated, we've talked about it. I mean, in terms of where we are looking for a tenant who would occupy the space. They may be in building one, and in terms of distance away from the daycare front door, it is across the way.

Mr. Baker: That doesn't change anything. My concern of congestion points building up and getting some analysis and then I have more of a legal question for Ms. Peck. We are giving only site plan approval. Not a special use permit. Our ability to put on conditions is basically as Ms. Hogan laid out in terms of operating hours and everything she is talking about. Can we do that under our site plan approval and make them binding?

Ms. Peck: I would think that it would depend on whether those conditions are affecting, say like, the traffic flow of the site. That's where I would be very careful to make sure that if you are talking about operating hours, you are really looking at how it would impact things such as traffic.

Mr. Baker: We could put in those limiting terms as to what the enrollment is, the hours of operation, some operating conditions that she has talked about in terms of facilitating, you know, drop off and times. The difficulty is enforcing that, but at least we have it as a mandated condition.

Ms. Peck: If it is shown that those factors will impact the traffic flow on the site then I think the Board would be justified in doing so.

Ms. Galvin: Do we have the proper application before us now to review building two?

Ms. Peck: They have requested a modification. In looking this over again, I've looked at this a couple different times, and looking over this again, you can review building two with the modification request of the daycare use. What you are asking is there appropriate documentation in to review the daycare use. Yes, because they are modifying the retail use. It is no longer going to be just retail. However, the next question with that is, does the Board have all the documentation it believes is necessary to be a complete application for its review. That is where it gets into the number of employees, the ratio of students, you know, do you want to have the

traffic evaluated independently to be able to review this? All of that needs to be discussed and considered by the Board with the additional information needed for it to be a complete application that you can make a decision on.

Ms. Galvin: I did some research myself and I know that there are engineering standards that can help a planning board in estimating the number of pickups and drop offs based on 66 students. Traffic flow issues and I spoke with Ms. Stolzenberg and she is aware of industry standards. I spoke with Mr. Frueh he advised that their firm is able to conduct a study in terms of traffic flow with respect to this use. I know Mr. Baker didn't think we were ready to ask them for their input, because he didn't think we had what we need from the applicant for them to review. Can we now ask Ms. Stolzenberg to do a thorough review and ask Mr. Frueh to consult with the traffic engineers who are familiar with this type of situation to provide counsel to us? Or what are we waiting for in order to get that advice? I don't understand procedurally.

Ms. Peck: The Board can go ahead and ask for that. I would say either Ms. Stolzenberg or Mr. Frueh, whatever consultant that the Board wants to use, need additional information to be able to complete their analysis. That request to be made to that consult, please let us know this, because we are going to go into the next meeting and make sure that the applicant giving you all of that information. Also, you know, part of it is a discussion among the Board members. If the Board members want to have additional information before they engage a consultant you can certainly do that. You can engage the consultant now and set an escrow and if the consultant needs more information, it will be incumbent upon them to make sure the Board knows, so that can be provided to the applicant and get additional information for them.

Ms. Galvin: From my perspective I think it would be more expeditious for us to request the assistance from Ms. Stolzenberg and Mr. Frueh in this regard. They are the ones who are the experts and who can identify the information that perhaps we don't have in order for them to conduct a proper review. What is involved in that is? I would propose we engage them and then an escrow would be set for their work.

Ms. Peck: You would make a motion to engage the consultant and set an escrow for that part of the project. I would recommend that the Board articulate the scope of the review. Are they looking at traffic, or if they are looking at the number of kids or essentially the use of the daycare and how it could impact the traffic flow? It would be helpful to the consultants, as well, to make sure you specify what you want them to at least start with their review of.

Ms. Galvin: I think from Ms. Stolzenberg's perspective, she indicated she could conduct a thorough review of the site. In particular as the Hamlet Law applies to that site. Now we have this parking lot partially in front of building two, which under the Hamlet Law, you know, there is electrical charging stations required. I don't know different things required. I don't have my whole list, but there is a number of Hamlet Law provisions that would now suddenly apply to this layout. That would be something I'm fairly certain that Ms. Stolzenberg can help us with. Then the traffic flows, the adequacy of parking space, Mr. Frueh's firm can provide us advice on that subject. Are we going to need additional parking behind building two? Are we going to need the

banked spaces, and if we do, should there be a sidewalk that extends to those banked places. Right now, there is no provision on the plan for a sidewalk. Those type of site review issues Ms. Stolzenberg can do for us. Mr. Frueh's firm can help us with traffic flow.

Mr. Frueh: Yes. We can help you with that. Does the Planning Board want us to do that or if it would be on the applicant's engineer to provide some of that detail and we review it. Those are the two options that we have seen before.

Mr. Baker: My inclination I would turn it over to Mr. Palleschi and Mr. Sanders to give us that additional information that we are looking for the traffic analysis, the compliance with the Hamlet Law provisions. Mr. Cramer has already made the determination that only limited elements of the Hamlet Law would apply to the design of the building not to its location or the parking lot. Those elements are vested. Essentially issue of roof line and architectural features, landscaping, EV stations, you will have to look at that. I agree we will probably use those banked parking spaces now. We will have to look at that. Of course, once we do, yes, there should be a sidewalk extended at least on one side of it. Mr. Palleschi and Mr. Sanders, do you want to take a first cut at this and give us that information or, you know, we'll authorize an escrow for Mr. Frueh and Ms. Stolzenberg to undertake some of this?

Mr. Palleschi: Yes, we can certainly provide that if Mr. Sanders is okay with it.

Mr. Sanders: Whether our firm or we work with a traffic firm, we will take care of it.

Mr. Baker: We need a replenishment of the escrow account for Stantec. I think we are looking at \$14,000.

Ms. Peck: I don't remember the dollar amount that Mr. Cramer had wanted. I know it was down to around \$68.

Mr. Baker: Put in an additional \$2,500 in escrow for Ms. Stolzenberg's review.

Mr. Byrnes: I would like any additional guidance that we could get from the planning side for the daycare center. On how it would work. My initial reaction to this is a typical office sort of parking lot or arrangement found in a strip mall might not be the most convenient thing to do when you are dropping off kids and things like that.

Mr. Baker: I agree with you, but our intuition may be wrong. I would give the opportunity for the applicant; Mr. Sanders will give us examples of other daycare parking configurations that works will obviously help address some of our concerns.

Ms. Galvin: It depends on the volume. The issue I see if there is no exit when you pull in front of building two. There is no exit to continue out, so if all the parking spaces are full, because you

have 13 employees, and you have dedicated spaces for charging and you have handicapped spaces. How do they get out of there? If you have a bunch of cars coming, I just see like a potential for backup. Not to mention they, somehow, they have to get turned, and turn left when they are pulling out in peak time. We have a bunch of housing projects that are right nearby and you have this peak time. All the traffic going down to the intersection of Route 85 and 85A, these people are going to have a really hard time turning left to get out of there. Then you are going to have even more backup. There is no sort of relief in there, because there is no other exit to get out of there. How are they going to turn around anyway if they pull in and all the parking spaces are taken? To me, it sounds very important to try to estimate the traffic volume.

Mr. Baker: Those are good points. When this was originally approved was there an overall traffic study on the impacts of 85A?

Ms. Galvin: I don't remember there being one. It was just retail use contemplated.

Mr. Sanders: No.

Mr. Frueh: No, I don't believe there was a traffic study.

Mr. Baker: I do think there are legitimate concerns here, because we have an increase in residential development on 85A. Especially, I think, it is the morning rush hour that we are concern about far less than the afternoon rush hour. Traffic heading south on 85A taking left turns in, you know, I think that is your prime conflict point, but also possibly depending on where you figure your trip generation distribution is going to be, left turns coming out from this the same thing people are heading up to 85. We have to be cognizant, we have other traffic generators coming up in the area like Plug Power. To the extent that there wasn't a traffic analysis like this before it may have been reasonable because lower intensity retail use and had not any concentrated timeframes coming in. This is a school, effectively, that does have, you know, I don't know if in the scheme of things, if this qualifies as a large daycare or a small daycare, but it does seem to me that it is something that we are just, you know, going to have to look at. Your traffic engineer will be able to generate those numbers pretty simply. And give us a look at that; that is relevant.

Ms. Peck: We need a motion if you would like an escrow set up for this.

Mr. Baker made a motion that we establish a \$2500 escrow for Ms. Stolzenberg to assist in the review of this. Mr. Richards seconded the motion; all in favor; motion so carried.

Ms. Schallop: This would be, we would engage her once we receive information by the applicant.

Mr. Baker: Yes.

New Business:

- 2) **Site Plan # 136:** Application submitted by Steven LeBoyer to request site plan approval to allow a retail bike shop approximately 4,000 sq. ft. to be constructed at 400 Maple Road. This property is owned by The Grove at maple Point LLC, located within the Hamlet Development Center district, and identified as New Scotland Tax Parcel # 73.-4-17.1. Site Plan Approval is required as per Article V, Section 190-52 (K) of the town of New Scotland Zoning Law. The Applicant plans to open a second location here for his bike shop business, entitled *Savile Road*.

Mr. LeBoyer: This will be our second location. We are currently on Delaware Avenue in Delmar. We are just finishing our 10th year. I'm looking forward to opening a second location. We plan on maintaining the one in Delmar. It is a bike shop. It is not your typical bike shop. We pretty much focus on fittings, custom bikes, more the middle and high end. From a traffic perspective we typically, we are in about half the space; we are a little under 2,000 square feet right now. We have three employees and we just hired another one. We are looking at about 4 to 6 in total moving over there. We are going to keep this location more likely as storage and what we would refer to as a service and extra storage. Perhaps build some bikes here and use them and shuttle them back and forth. I currently live above the shop on Delaware Avenue, so that makes it convenient for me. We will have a fitting area, a service area, inventory area and then the front part and I assume you have a floor plan that we provided. A lot of open space for display of bicycles and accessories. We are planning on doing a very minimum number of improvements to the interior space. We will have concrete floor, sheet rock walls, put some paint on the walls and a couple of partitions on the interior. I would be happy to answer any questions.

Mr. Baker: I think the nature of the use and your traffic is in line with what was previously reviewed. Any Board members have any questions on that? No questions, so let's talk about the sign. It raises some issues with the Board. The requirement of the original approval was that the signage would be on the awnings. This now has it above the door. We don't have a formal proposal yet, but we have a preliminary proposal for Trustco to essentially do the same thing. I will note that we looked into it and it was a requirement of the Board when they gave the original approval for the site plan. Subsequent to that, the Hamlet Zoning that has come into place does not mandate awning signs, but permits wall signs. Leaves it up to the discretion of the Board as to what is appropriate. My primary concern is that we are looking at these structures across all the facades so that we have some uniformity and that it aesthetically looks right.

Ms. Peck: I mean the original approval did require the sign to be on the awnings. This could be a modification of the original approval, if the Board wants to allow for it to be on the building itself. It would be incumbent upon the Board to make sure, as Mr. Baker mentioned, that the its space is preserved for the additional tenants. So that not all of the signs space available is used up by just the applicants coming in. That about covers it.

Mr. Baker: Would you consider an awning sign?

Mr. LeBoyer: No. I am not opposed to them. I just didn't think it was an option. I reached out to Trustco, because for the most part I want to work with the Board, and I'm looking for something that is aesthetically pleasing to everybody. I reached out to Trustco and they are using Graphic Impact Signs, so that's who I contacted. If you want it on an awning, we can do it on an awning. I think the awnings are already up. I don't know.

Mr. Baker: This was in the condition from the beginning. If we are going to see a modification of it can we get a mockup of what the awnings are going to be or give us some proposal of how it is going to look on the other spaces. I think we need to look at this holistically.

Ms. Galvin: I don't know why we wouldn't follow what the Planning Board very specifically decided.

Mr. Baker: They have a right to request a modification.

Ms. Galvin: I don't hear any justification for it.

Mr. Baker: That is what I'm waiting to hear. We will need to get more information if you could work with Mr. Sanders and the Graphic Impact folks and give us some alternative in terms if it will be on the awning or, you know, what that could look like.

Mr. LeBoyer: I am willing to work with the Board on the signage.

Mr. Sanders: My concern a little bit moving forward the long-term liability of putting signs on awnings. I think when we got it approved a number of years ago wasn't as much of a concern as it is to us now. Is there a formal response by the Board as to how to proceed that we either do all the awnings or no awnings for signage? Is that something the Board will be reviewing or that something we have to present in a way as a comparison?

Mr. Baker: We would say all awning, or no awnings. The awnings are there. Yes, we would go all one way or the other. I think it is something for you guys to propose as to how it would look with some mock ups.

Ms. Peck: I wanted to make sure that it was clear. The original approval specified that it was all awnings. It wasn't going to be a hodge podge, it wasn't going to be a mix. It was supposed to be all awnings.

Mr. Baker: Right, if we are going forward with a modification, we are going to allow, you know, on some buildings and not others. It will be uniform.

Ms. Galvin: If a modification is being requested there would be justification for it.

Mr. Baker: Right. Well, provide justification or alternatives that the Board can consider and say in light of the Hamlet Law that came in, you know, this is consistent with what we want. We are certainly free to do that if we want.

Ms. Galvin: The Hamlet Law doesn't apply to this building one.

Mr. Baker: Yes, but again we have been trying to design this area in a cohesive manner and when this building was originally proposed we were looking at what the Hamlet Law was likely to have and that's why we came up with these important design elements. That's fine in doing it, but if they want a modification to it and want to change it. The signage differently it certainly doesn't do violence to the Hamlet Law and would be consistent with what the image was that it provides some flexibility. It is incumbent upon them to present the alternatives, basically. All awnings or all wall signs. Then we will make a decision as a Board to what we prefer.

Mr. Sanders: We will put that together.

Mr. Baker made a motion to approve this site plan for Savile Road with the exception of the sign, which will be subject to further review. Ms. Schallop second the motion; all in favor; motion so carried.

Ayes: Mr. Baker, Ms. Galvin, Ms. Schallop, Mr. Brynes, Mr. Richards.

Nays:

Abstained:

Vote: 5-0

- 1) **Site Plan # 137:** Application submitted by James Gardiner to request site plan approval to use a building located at 2706 New Scotland Road for his retail business. *Atmosphyre*. The parcel is currently owned by Helderberg Roofing Consultants LLC, located in the Commercial Hamlet Zone and identified as New Scotland Tax Parcel 82.-4-10. Site Plan Approval is required as per Article V, Section 190-52 (K) of the town of New Scotland Zoning Law. This will be a retail bathroom store, and workshop for a currently operating business, which is primarily an e-commerce operation.

Mr. Baker: Please give us an overview of your business.

Mr. James Gardiner: I am the owner of Atmosphyre. There are three of us in-house. We do two things. We primarily make concrete sinks. They go under the category of vessel sinks. Then we are the world's only company that does a hand antique age press finish on bathroom faucets. We started off as just a sink company. We put a little picture of our sink and I did a fake brass antique faucet finish on a Lowes cheap faucet and we had more people contact us to buy the faucet than the sink. After three years of that we realized, well, if you are at baseball game and

you are selling salty popcorn and everybody wants a drink you should probably sell something to drink. We realized we needed to get into the market of faucets. Then, when we got the faucets, they said, no, we want that old look, so we spent about a year figuring out how to do an aged hand brass finish. Everything is pretty much fabricated, finished and put in a box on the location and then drop shipped from there. We sell quantity-wise we are about a \$1 million in retail. We are primarily e-commerce. The number of cars coming into the parking lot, because I see where the questions may come up. We sell about one thing every other day. This is nationally and we do have some people buying in Canada and other countries. Our online presence is huge. We used to have a showroom in Maryland. We don't have a foot traffic building here. Some people do like to come to see what we do. It is unique.

Mr. Baker: Your manufacturing process on finishing your faucets and stuff, without giving away any trade secrets, does it involve any hazardous chemicals?

Mr. Gardiner: You could google how do I age brass and it's usually vinegar and salt water. You can spray it on. We made the brand-new faucets look old by tinkering with it and going over it with Scotchbrite. It is the steps and you need to go in order.

Mr. Richards: Are you going to do fabrication? Will there be noise escaping the building?

Mr. Gardiner: Yes. It is two desks the space is very small. We have a grinding booth. I would have to think for a moment about what the decibel would be. Our employees wear ear protection, because I make them do that. There is a certain pitch to it. I don't think the neighbors could hear it. It is a little bit louder than a palm sander.

Mr. Baker: How often would that be running?

Mr. Gardiner: We sell three sinks a week on an average. The grinding time is three to five minutes. The highest number would be 15 minutes of honing time. We could do sound protection if you like.

Mr. Baker: We could give an approval of this with a condition a potential re-opener if we get concerns about sound to require some retrofitting or mitigation.

Ms. Peck: Yes, we can.

Mr. Gardiner: We could centrally locate the noisy things to the far center of the building getting away from the house at the corner.

Mr. Baker made a motion to wave a public hearing on this application. Ms. Schallop seconded the motion; all in favor; motion so carried.

Mr. Baker made a motion to approve site plan #137 as proposed with the following conditions:

- The grinding/honing booth shall be located in the interior of the building as far as possible from the western property line. Should the Town receive any complaints

from the neighbors regarding noise impact the applicant will be required to return for a modified site plan to mitigate the impacts.

- Changes to the façade will require a site plan approval.

Mr. Richards seconded the motion.

Ayes: Mr. Baker, Ms. Schallop, Ms. Galvin, Mr. Richards, Mr. Byrnes

Nays:

Abstained:

Vote: 5-0

Discussion topics:

- 1) **Discussion/Comment: Minutes** for August 2, 2022. Mr. Byrnes moved to approve the August 2, 2022 minutes and Ms. Schallop seconded the motion; all in favor; motion so carried.
- 2) **Minor Subdivisions** for the month of August 2022. None
- 3) **Board Update** of previously approved projects.
- 4) **Video conferencing policy:**

Mr. Baker: The Town passed a law on this last month, but in order for us to actually do it we have to have a policy in place and I know we threw this one in the last minute. This would allow us to have up to two Board members for personal reasons, health reason to participate by Zoom. This is also contingent on us working out the technical issue in Town, which Ms. Peck is working on. The goal of getting this policy in place is at least we are legally in a position to be able to do this. It is certainly going to be subject to, you know, as we look at it and we practice with it to make revisions to it. My goal is to adopt a policy. Going forward assuming the technology does work, I want to have all of our meetings even if we are all present in the room also available by Zoom for the public to participate and for applicants to participate remotely to make it easier. Any questions on the policy?

Mr. Baker made a motion to adopt the video conference policy. Mr. Richards seconded the motion; all in favor; motion so carried.

- 5) Next month meeting will be on Monday, October 3, 2022 at 6:00 p.m.

Privilege of the Floor: Public comments on any matter relevant to the Planning Board.

Ms. Abrams: I have a question on building one with the Kay development. I don't know whether or not this has been discussed or even if it needs to be discussed. The road in winter, specifically, at the corner of 85 and 85A is particularly hazardous when snow starts swirling and the ice starts forming. There has been a lot of car accidents there. I don't know if it is the O'Rourke's responsibility, but somebody put up one of these orange snow fences. I don't know how that is going to affect getting in and out of the Kay development. I don't know if it is something you still need to look into. It affects the car traffic on 85A. It is very, very icy there. It's just a dangerous part of 85A.

Mr. Baker: I guess I would say that's endemic to the intersection and it is not being exacerbated at all by what is being proposed here. Possibly we can take that into consideration for the daycare and the traffic that is coming in the morning there. That might be relevant. To answer your question, there is nothing we can do about building one in regards to that. Not sure how relevant it will be to building two. We will look at those issues.

Ms. Abrams: With this daycare center, maybe you should discuss with Voorheesville is security. We don't have our own police. We rely on the State Police. I think that parents are getting more and more nervous about security at schools and daycare centers. Is this something you want to discuss? I just wanted to bring it up.

Adjournment: At 8:42 p.m. Mr. Byrnes made a motion to adjourn and Ms. Schallop seconded the motion; all in favor; motion so carried.

Respectfully submitted,

Lori Saba