

Town of Rockland Planning Board
July 20, 2016

Special meeting on the Dollar General Project (Primax Properties)

Members present: Chairman Thomas Ellison, Richard Barnhart, James Severing, Chris Androla, Nancy Hobbs, Joy Wood and Robert Eckert.
Also present was Robert Eggleton, Supervisor and Glenn Gabbard, Code Enforcement Officer and Wes Illing, engineer.

Chairman Ellison opened the meeting with the pledge to the flag.

Mr. Zach Peters, representing Primax Properties, approached the board noting that two minor changes were made to the project since the last meeting. After a conversation with the NYS DEC an under drain was added to the dry swale, running parallel with the swale. The entry sign has been reduced to a 4' x 8' size and the building sign was reduced and is located on one side of the building only.

Chairman reviewed the conditions for approval and asked the board members for their comments or questions. Wes commented about #1 - the SWPPP going to the DEC for review. They don't usually review them. Chairman Ellison asked that it be sent anyway whether they review it or not.

Mr. Peters asked about the parking lot lines being yellow, white or blue - not earth tones. These colors are expected and exempt from the condition stated. There were no other comments. Chairman Ellison read the resolution in its entirety, asked for a motion and took a roll call vote.

**TOWN OF ROCKLAND PLANNING BOARD
RESOLUTION GRANTING SITE PLAN AND SPECIAL USE APPLICATION
APPROVAL FOR PRIMAX PROPERIES AND SUBDIVISION APPLICATION
APPROVAL FOR B. CHAMIS**

WHEREAS, the Planning Board of the Town of Rockland, New York, (the "Planning Board") has received an application of B. Chamis for subdivision approval and an application of Primax Properties (Dollar General) for site plan approval (B. Chamis and Primax Properties collectively referred to as "the Applicants" and the subdivision and site plan collectively referred to as "the Project"), with respect to premises located at Upper Main St., Livingston Manor being Town of Rockland tax map parcel 47.-4-3; and

WHEREAS, the Project requires site plan review and special use approval by reason of it constituting a major impact use according to §185-27(A)(1); and

WHEREAS, the Planning Board's Notice of Intent to be Lead Agency was circulated on December 9, 2015, no involved agency challenged its intent to be lead agency; and

WHEREAS, the Planning Board, for purposes of environmental review pursuant to the State Environmental Quality Review Act ("SEQR"), designated itself as lead agency; and

WHEREAS, in furtherance and support of the application, the Planning Board has received and considered duly completed application forms, a site plan and revisions thereof, a subdivision plat and revisions thereof, an environmental assessment form as prepared by the Applicants, a Storm Water Pollution Protection Plan ("SWPPP") and other items of correspondence and supplemental material; and

WHEREAS, the Planning Board held duly advertised public hearings on March 2, 2016, April 6, 2016 and May 4, 2016, as a result of which various revisions of the Project were requested by the Planning Board and following such revisions the Planning Board thereupon determined that it had a complete application; and

WHEREAS, the Planning Board has completed part 2 and part 3 of the environmental assessment form and determined the impacts of the proposed action to be no greater than small to moderate and issued a negative declaration; and

WHEREAS, the Planning Board held duly advertised and properly noticed public hearings on June 23, 2016 and July 6, 2016 at which the Planning Board received the comments of any and all interested parties appearing thereat and entertained questions from such interested parties as well as the responses thereto from the Applicants, and all input from the public was considered; and

WHEREAS, the members of the Planning Board are personally familiar with the subject property and the surrounding neighborhood and have observed the same; and

WHEREAS, the Planning Board has given thorough and complete consideration to all of the foregoing matters and the general purpose and intent of the Zoning Law and Comprehensive Plan.

WHEREAS, the Planning Board is satisfied that it has a complete and adequate record upon which to render its determinations with respect to the application pending before it and that it has duly deliberated thereon.

NOW, THEREFORE, the following resolution of the Planning Board was offered by Richard Barnhart, who moved its adoption, and seconded by James Severing, to wit:

RESOLVED, that, having considered the criteria of the Zoning Law regarding special use permits and site plans, major impact uses and subdivisions, together with the recitals, findings and determinations hereinabove made by the Planning Board, and

having considered the intent of the Comprehensive Plan, the Planning Board finds in accordance with §185-18(B) of the Zoning Law as follows:

1. The Project will not result in an over-concentration of such uses in the particular area of the Town in which it is proposed to be located. In reaching such conclusion the Planning Board has considered the suitability of the site proposed as compared to other sites in the immediate area. The Planning Board is aware that there are several parts of the Town's Comprehensive Plan that promote the preservation of the special character of Livingston Manor and has taken them into consideration. The site plan has been modified, several times, to incorporate design features that reduce the impact of a retail operation of the proposed size. Relative to the other larger major commercial retail building, which is located in the heart of the downtown area, the proposed building will better fit in with the special character of the downtown area. The Board has also noted that one of the Comprehensive Plan's goals (Goal 3.6.2) was to "allow for wide ranging development of convenience shopping opportunities". The site of the proposed development lies at the very end of what could be considered the downtown Livingston Manor area. This alone helps to minimize any impact.

2. The Project will not have a detrimental impact on adjacent properties or the health, safety and welfare of the residents of the Town of Rockland. The proposed site of the development was formerly a lumber yard that produced a significant amount of noise and traffic. Although the site has not been in operation for several years, the Planning Board believes that the proposed use will have a small impact when compared to the previous commercial use of the site. The Planning Board has taken steps to ensure that the site will be accessible to pedestrian traffic, required that dark sky lighting be included in the site plan, and required landscape and fencing buffers be included in the site plan, all to reduce the small impact, if any on adjacent properties. Further, the Planning Board has thoroughly considered the area of concern most voiced in the public hearings and other commentary received, which is the potential for flooding. The Comprehensive Plan identifies as one of its objectives "securing the Town from flooding" (section 3.3). The Project mitigates concerns associated with flooding in that as finally designed, following revisions made at the instance of the Planning Board's engineer, it advances the peak storm water discharge such that the bulk of the storm water has discharged from the Project site into the Cattail Brook so that water from the site shall leave Livingston Manor well before flows from the outer reaches of the watershed force the brook to its peak elevation. There will be reduced flows from the site into the stream when Livingston Manor is flooding as compared to the present and past uses of the property. The SWPPP for the Project also includes significant stream bank stabilization measures.

3. The Project is judged to not present detrimental impacts for the reasons set forth in paragraphs 1 and 2 above. To the extent any detrimental impacts were perceived in commentary received by the Planning Board, the same were either substantially reduced or, in fact, eliminated by the revisions made to the Project at the direction of the Planning Board and upon the recommendation of its engineer. The management of flood water by advancing the departure of runoff from the Project site well ahead of the arrival of flood water from the outer reaches of the watershed adequately mitigates any potential adverse impacts and reduces existing impacts.

4. In view of the foregoing (findings 1, 2 and 3 above), the Project will have a neutral to beneficial impact on the environment. By bringing a new business into the area, it will have a positive impact on job creation and the economy. As a commercial facility, it will have no impact on housing availability as it will not create housing, nor will it eliminate any, nor will it increase demand. It will also have no impact on open space given that it is redeveloping property previously developed for commercial use.

5. The Project will not create an economic burden on community facilities or services. No new highways, sewage treatment or water supply facilities will be required. Adequate firefighting capabilities exist.

6. As already noted above, the site plan has been developed into its final form in a manner that is consistent with the requirements of the Zoning Law and the Comprehensive Plan. The use is one that is encouraged for the area by the Comprehensive Plan. Appropriate landscaping is addressed. The exterior aesthetics of the proposed structure have been tailored to satisfy requests of the Planning Board. Exterior lighting has been designed to limit spread upward and outside of the property. Existing vegetation is to be preserved.

And it is further

RESOLVED, that the Planning Board makes the following additional finding that the Project is consistent with the purposes, goals, objectives and standards of the Town of Rockland Comprehensive Plan with respect to a recommended revision concerning waterfront setbacks. The Planning Board notes in particular the recommendation in the Comprehensive Plan (appendix C, page 2 of 6) to change a provision in the Town of Rockland Zoning Law on waterfront yard setbacks from 50 feet to 100 feet also includes the provision that “The Town of Rockland Planning Board may, with site plan review, modify this requirement to allow encroachment on this setback in the case of non-residential construction outside the 100 year floodplain”. Although this non-residential Project does not conform to the recommended 100 feet setback, it is outside the 100 year floodplain and the waterfront setback of the Project meets with the approval of the Engineer for the Town who has studied the site and analyzed the water runoff in flood conditions and advised the Planning Board that the site plan, in its final configuration, and with revisions to the SWPPP he has recommended and which were incorporated, more than adequately mitigates any potential of the Project to add to flooding. The Planning Board therefore modifies such requirement of the Comprehensive Plan to such extent as it may apply to the Project.

And it is further

RESOLVED, that the waiver requests made by the Applicants meet the criteria in §18517(C) of the Town of Rockland Zoning Law. Specifically, the Planning Board grants the following waivers for the following reasons:

A. Parking: A waiver from §30.22.A for fifteen (15) parking spaces in accordance with industry standards for the proposed use. The generic parking standards listed in §30.22.A.6 require a minimum of forty-five (45) parking spaces for the proposed store. Based upon the 11,000+ stores and the market research for Livingston Manor, Dollar General has determined that thirty (30) parking spaces are sufficient for the proposed store. The additional spaces are deemed to be unnecessary and would add unwanted impervious surface to the project.

B. Landscaping: A waiver from §30.22.D.2 requiring a ten (10) foot planting bed between the building and parking area. Due to the unique geometry of the parcel, there is limited width to provide the necessary site access and truck maneuverability. Additional landscaping has been provided adjacent to the building and parking area as mitigation.

C. Screening: A waiver from §30.21.E.2 for the required deciduous tree planting size. A mixture of mature trees meeting the required deciduous planting size and smaller trees shall be provided at the site. A waiver from §30.22.E.6 requiring 1 deciduous tree per 35 linear feet of perimeter lot line for a non-residential use. The project requires twenty-eight (28) deciduous trees based upon the proposed lot perimeter. The site plan has been developed to maintain the existing tree line and vegetation along the stream bank to the greatest extent possible, which the Planning Board finds to be more desirable and beneficial than as would otherwise be required. The narrow frontage of the lot results in further limitations for planting area. The landscaping plan has been developed to provide screening of the adjacent residential parcels and to complement the proposed site improvements, which together with retention of the existing vegetation the Planning Board finds satisfies the intent of the waived provisions.

And it is further

RESOLVED, that the Planning Board finds as follows in response to the recommendations made by The Sullivan County Division of Planning and Environmental Management in the GML-239 review of the project:

1. The four parking spaces located at the front of the proposed building “should be removed or relocated to the side of the building along with the remainder the parking lot”. The Planning Board, through site plan review, addressed the issue to its own satisfaction prior to GML-239 review by requiring relocation of all but the remaining four parking spaces from the front of the building and the Planning Board has secured vegetative screening that will reduce the visual impact of the parking spaces. The subject matter of the recommendation has been adequately addressed.

2. “The bollards, concrete bases for light poles, and curb stops should remain unpainted or painted a solid neutral color that coordinated with the building material. The Town should specify the color of all outdoor objects, including fencing and shopping carts.” The Planning Board finds that the bollards, concrete bases for light poles, and curb stops should be painted a yellow color for visibility and safety reasons. The color of all other outdoor objects will be specified in the special use conditions of approval set forth below. The subject matter of the recommendation has been adequately addressed.

And it is further

RESOLVED, that the Planning Board does hereby approve the Applicant's subdivision plat, as most recently revised.

And it is further

RESOLVED, that the Planning Board does hereby approve the Applicant's site plan, as most recently revised, and grants special use approval subject to the following terms and conditions:

1. The SWPPP shall be submitted to NYS DEC and any necessary review thereby or approval therefrom shall be obtained.
2. The owner shall install and maintain all storm water infrastructure in accordance with the approved SWPPP.
3. The owner shall maintain all vegetative measures as approved on the site plan.
4. The owner shall install and maintain the building and all man-made infrastructure in accordance with applicable NYS laws, codes, rules and regulations.
5. The owner shall maintain healthy vegetative stream bank stabilization measures.
6. Packaging waste and garbage shall not be stored or permitted to accumulate outdoors. Garbage dumpster overflow and the outside storage of packaging refuse are not permitted.
7. Other than painting the light pole bollards, some curbing yellow and striping in the parking lot for safety reasons, and the approved design of the building and signage, all other painted surfaces and outdoor objects shall be of earth tone/neutral colors.
8. On street advertising, other than the approved sign, and promotional displays (pennants, flags, additional signage, and the like) are prohibited.
9. The Applicants shall provide a bond or other financial security in amount approved by the Planning Board's engineer and in form acceptable to the Town Attorney to secure installation and survivability of the required landscaping.

And it is further

RESOLVED, that the Chairman of the Planning Board is hereby authorized to affix to the site plan, as approved, and the subdivision plat, as approved, the appropriate approval notations and to sign the same on behalf of the Planning Board.

The question of the adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

<u>Thomas Ellison</u>	voting	<u>YES</u>
<u>Richard Barnhart</u>	voting	<u>YES</u>
<u>Joy Wood</u>	voting	<u>YES</u>
<u>Nancy Hobbs</u>	voting	<u>YES</u>
<u>Chris Andreola</u>	voting	<u>NO</u>
<u>Robert Eckert</u>	voting	<u>NO</u>
<u>James Severing</u>	voting	<u>YES</u>

The resolution was thereupon declared duly adopted on July 20, 2016, carried 5/2.

Mr. Ellison thanked the board members for their efforts in this lengthy endeavor. He thanked Chris for making the board better and Mr. Peters for his diligence and responsiveness to all the board asked of him.

Chairman Ellison also asked Mr. Peters to ask the project owners to help heal the division that was created in the community due to this project. He asked that they be conscience of hiring local work force for the construction and later the operation of the business; get involved in the community by sponsorship and generosity and above all keep the building and grounds beautiful.

Mr. Peters assured the board that he would pass on these comments and requests.

There being no other business before the board Jim made a motion to adjourn, Joy seconded and all were in favor.