

***Town of New Baltimore Planning Board
Regular Monthly Meeting
March 10, 2022 – Page 1***

The Regular Monthly Meeting was called to order at 7:15 p.m. followed by the Pledge of Allegiance. Other Board Members in attendance were Ann Marie Vadney; Bob Court; Lee Salisbury; Frank Orlando; Michelle Stefanik and Ken Finke.

Old Business

Lands of Anthony Santamaria – Minor Subdivision Application

Required Public Hearing on this application was held just prior to the start of this meeting. The Board had no further discussion on the application. Resolution was presented as follows:

WHEREAS, Anthony Santamaria, wishing to complete a three-lot minor subdivision of property located at 2143 County Route 26, Climax, submitted a Minor Subdivision Application at the February 10, 2022, Planning Board Meeting; and

WHEREAS, required Public Hearing, having been duly noticed, was held on March 10, 2022, with members of the public offering comment; and

WHEREAS, the Short Environmental Assessment Form was reviewed at the February 10, 2022, meeting with negative declaration given for purposes of SEQR; now therefore be it

RESOLVED, that the Santamaria minor subdivision be approved with the following conditions

That maps and mylar be presented within 30 days of this date for Planning Board stamp and signature.

Moved by: Vadney

Seconded by Court

Ayes: Van Etten; Vadney; Court; Salisbury; Orlando; Stefanik; Finke

Nays: None Abstained: None Absent: None

As soon as more paper copies of maps and the mylar are received from surveyor, the Chairman will stamp and sign. County filing procedure was explained. Maps to be filed within 60 days of signing in County Clerk's office.

New Business

Surinder Cheema – Cheema Petro, LLC – Site Plan Application

Application, Long Form EAF and necessary letters of authorization from current property owners, Peter Boeri and Robert Briski, allowing preliminary discussion to begin on project proposed for their property once purchased by applicant had been received prior to meeting. Present on behalf of the applicant was Jason Singer from Nolan Engineering.

Mr. Singer came forward and introduced himself. He was present on behalf of Mr. Cheema who is out of Town. Copies of Site Plan were laid out for the Board's review. Mr. Cheema's proposal is to construct a gas station and convenient store on property located at 12552 Route 9W. Gas station will have a filling area for cars and another for trucks at the site. Mr. Singer did not know if the property was under contract as of yet or not. Mr. Cheema wants to know if approval can be obtained before making the purchase.

Mr. Singer pointed out where Best Western is located in relation to proposed project area and that there is a residence on the two-acre lot at the current time. The gravel driveway running through the property at the present time was pointed out as well as 9W. The proposal is to remove the existing residence, put in a wider driveway where the existing one is for the trucks and cars that would be coming in and going out. Applicant will be going through DOT for that process. Existing utility pole was pointed out. Location for gas pumps and canopy for the trucks was pointed out as well as a parking area for the trucks. At the front of the site, they are proposing a 2,900 square foot building to house a convenient store. In front of that are the pumps for the cars and the parking associated with that. Proposed landscaping at road was pointed out as well as the area for the dumpster.

Mr. Singer further pointed out that the part about this that does not meet Zoning requirements is the

Town of New Baltimore Planning Board
Regular Monthly Meeting
March 10, 2022 – Page 2

maximum lot coverage, the allowable 30%. This is not that project. If it was just the convenient store and there were no trucks involved in here, then I think we would be fine. To do all this and get the truck turning and all that, we are proposing to take up 70% or so. There is just the one small building, the rest is asphalt as pointed out for the cars, trucks, parking.

Mr. Singer continued we are also asking for this 50-foot side lot set back which we are proposing to maintain for the building but we are asking for a little more room for the truck turning for the parking, for the asphalt. We are asking for a five-foot setback for the asphalt. These are the two main things we are missing, the five-foot setback as well as the maximum lot coverage. We are way over what is allowed in this Commercial District.

Mr. Singer pointed out this is preliminary, our first time coming here. We are starting to show light poles but we are not too much into all of that yet, not until we had a talk with this general site plan.

Ms. Stefanik pointed out it was an ambitious project and questioned if a traffic study had been done. Mr. Singer advised that they had not done a traffic study impact. Question was raised whether it would be possible to join the driveway with that of the hotel, make it a road, instead of having two driveways with constantly in and out on to a road where people are going to be turning left. Mr. Singer responded I don't know; I think that would be fine from the owner's point of view, the sharing would be an option. Ms. Stefanik continued that that is something you probably should talk to the hotel owners about. The property line is really close. Mr. Singer pointed out there is the ease of the trucks coming in. It was noted that trucks coming in using that road, would be turning and then turning again. It might work, it hasn't been discussed much. We were avoiding it, with the idea that that would not be do-able.

Mr. Court commented that he wanted to talk to the Board about the lot coverage, we always took the lot coverage as the impervious surfaces. That is not the definition that we have in our book. He pointed out here [Dimensional Regulations in Code Book] it says here "*Maximum % Lot Coverages*". You then go back here [in definitions]:

Lot Coverage - The percentage of the lot area covered by the combined area of all buildings and structures.

Mr. Court then questioned are you considering a parking lot to be a structure? Mr. Court then pointed out in the past for the dentist when he wanted to pave the gravel lot, we held him to the percentage. He did not know if that was right. Mr. Orlando commented that he always thought it was impervious surface. Mr. Court continued there is a definition for "impervious surface" in there [the Code Book] too.

[Impervious Surface Coverage – The percentage of the lot covered by buildings, parking areas, walkways or other surfaces covered with a paved surface or a surface that is impervious to water.]

Mr. Van Etten commented speaking of impervious surfaces, something that just jumps right out at me and questioned where is the stormwater run-off going to go? Further noted there is drainage but questioned where is it going to? Mr. Singer pointed out that was the idea, that we would hold it. We would put in drywells; and then added, we haven't studied this yet. I don't know if it is going out on the road; I don't know if there is a storm line running down the road or not. It was pointed out that you would need pretty big dry wells to handle the rain down here. Mr. Van Etten pointed out you are working in an area where you can dig it out and make brick out of it. That tells you the kind of soil structure here. It was also noted with the hill across the road, you have a lot of water coming down.

Mr. Court pointed out in SEQR, you did not address water source. It was noted that there is not public water there. Ms. Vadney pointed out that it was noted that there is a well shown on the Site Plan and also noted that it is being closed off. Mr. Court continued there is also a septic, it mentions about the septic. You are going to use the existing tank not even knowing what it is? It was questioned where is the leach field, where is it going to go? Mr. Van Etten commented you will need a private septic because there is no possibility of hooking into anything. Further noted there is not anything public out along the road [referring to 9W.] Mr. Singer said they had been told that the water was coming from the Best Western. He assumed it was coming from a well. There is also a well on this property. He didn't know if it was going to be used. He then commented that he didn't think that the water usage was going to change a whole lot. Ms. Vadney questioned this house gets water from the Best Western? Mr. Singer responded that that was what they had been told. She pointed out right here with the house, the existing dwelling, it says existing well. Mr. Singer continued that is as much as we know about this. He again mentioned that however, water is coming in there, he did not think the water usage would change that much. This is a convenient store with two bathrooms and a little kitchen.

***Town of New Baltimore Planning Board
Regular Monthly Meeting
March 10, 2022 – Page 3***

Mr. Van Etten pointed out you still have to put in a new septic system. As far as most kinds of septic systems are concerned, they are put in a 20 by 20 area, with the ground conditions that we have here. [Several conversations took place at once.] Mr. Singer continued before we get into this real deep and do this, this big area of asphalt, and then we will move on to the other steps.

It was noted that no septic was shown on the Site Plan. Mr. Singer advised that the owner had since said there was septic, so there is septic somewhere, right? Mr. Van Etten advised he has looked at the house for the current owner; that it is either back behind it or along side of it. That would be in the middle of your parking lot. That is not going to work obviously. Mr. Van Etten continued, and I still wonder about your water situation. I am sure there would be well water there if you drilled a well; but where the well is, again in the middle of your parking lot. Ms. Vadney questioned if there was a reason why they could not use the well that would be in the parking lot? [Conversation took place that was not understood.]

Discussion was held regarding the property surrounding this lot. At one time, it was all one parcel and then subdivided a number of times. At one point in time, it was owned by Torchy Martin. William Brandt later built the motel. The current owners of this property, purchased it from William Brandt in 2010.

Question was asked if this developer has many of these. Mr. Singer responded that his name is Surinder Cheema and he has about 25 of these. He is down in the Ellenville area and he is in Burnt Hills, Ballston Spa, Saratoga. He is working on one in Watervliet. [Several people were speaking at the same time, so rest of locations given not understood.] He is upgrading some of the ones he has. Question was raised regarding gasoline brands. [Mr. Singer response not understood.] Mr. Finke advised he was familiar with the Ellenville location, and it looks like the one in the plan submitted. Question was again raised as to square footage and Mr. Singer responded 2,900 square feet, like 70 by 40.

Mr. Orlando pointed out you were saying that the two bathrooms would be comparable with that of a house but you are going to have hundreds of people that would be passing through there each day. I don't think it will be comparable to a house; there is no way. Mr. Singer responded that they had not really analyzed that but that he saw what they were saying.

Mr. Finke pointed out the Board cannot approve anything; more detail is needed. Stormwater, septic and public water; they are the three big ones. He then added that he had just noticed that there are only two 1,000 gallon tanks. Mr. Singer responded that he personally did not know that much about that end of the business. [Some of Mr. Singer's comment not understood.] There would be diesel, there would be regular. He really didn't know too much more about it.

Ms. Vadney responded that she thought they needed to know that too. Mr. Finke continued that he felt all that should be shown on the plans, figure it all out, before we can even make a judgement or have our engineer look at it to see if this thing is acceptable or not.

Mr. Singer questioned what about the idea of using all the asphalt, the impervious versus the lot area? Mr. Finke responded that he thought that was going to depend on the stormwater management plan, whether you are going to put a retention pond in or not. That land where the house is, is not what the land south of it is that is all built. I think a lot of it is clay there.

[Conversation took place that could not be understood.]

Mr. Van Etten pointed out that the project approved for the adjacent property has stalled out. All of that had fire retention ponds on it. It had an expensive stormwater system on it. Mr. Van Etten further pointed out but if you have retention ponds, they have to spill out somewhere. Mr. Finke responded correct, but there is no room for retention ponds. Ms. Vadney questioned where would you put one? Mr. Singer commented the back area. Mr. Finke pointed out you would have to put it in the front area, spill into the ditch. It would eventually run north.

As far as the truck parking in the back of the lot, you need more green space. Mr. Singer responded yes, if that wasn't there, it would be a lot easier in terms of all the stormwater and managing it. Mr. Finke questioned if it was an overnight parking kind of deal? Mr. Singer responded that he would have to double check that, but he didn't think overnight parking there was intended.

Mr. Finke pointed out that he didn't know of any other place in area other than the truck stop that has semi's going into it and filling up. Semi's aren't pulling into Stewarts are they? [Conversation not understood.]

***Town of New Baltimore Planning Board
Regular Monthly Meeting
March 10, 2022 – Page 4***

Mr. Finke responded he was not commenting on; she made a very good point. You have to really do a study to get the business. Mr. Singer responded that he was sure that he had. If he were here, he probably would respond to that a little bit more. It was noted that the Thruway rest area is closed but gas is still being sold there. Mr. Finke continued he might be able to do without that to make this work. [Mr. Singer's comments not understood.]

Mr. Van Etten recapped you have a few major points. There is the water source, the septic, the stormwater; they are all big considerations. You are on a tight site. I think you need to address these before you move forward. Ms. Vadney pointed out they will have to go to the ZBA on the coverage. Mr. Van Etten responded they definitely would have to go to the ZBA for a Variance on that; but still at this point. Ms. Vadney continued I don't think we could send them to the ZBA without the additional information.

Mr. Salisbury questioned if they had any thoughts on how to resolve the neighbor's equipment on the site, like the electrical? Mr. Singer responded he was not following that. Mr. Salisbury continued according to your map, "Electrical breaker panel encroaches on subject property." Mr. Singer responded that he didn't know how that was being used. That would be related to the truck parking at the Best Western. Mr. Salisbury further pointed out to him which also comes over onto the property, the existing parking area; that might be a problem. Mr. Van Etten commented that he figured that was some plug-ins for RV's. It was further noted that the Best Western's sign also encroaches onto the property per the survey.

[Mr. Singer's comment not understood.] He really didn't know. The parking for the motel is over there. We will find out more about that too. I guess the first thing we would need to do would be a PERK test. [Rest of his comment not understood.] Ms. Vadney pointed out if you don't know where your water is coming from and your sewage is going, that is a little bit of a problem. Mr. Singer responded we think we know. Mr. Van Etten again commented being somewhat familiar with the house, it would be right in the middle of your parking lot. I mean in that end. You have this leach field; it has to be there. Access to the parking lot, for cleaning, the leach field is below asphalt. [Several conversations took place at once. Comments could not be understood.]

Mr. Finke questioned if he had anything else for the Board. Mr. Singer responded that he thought he knew what they had to look at. Comment was made maybe they need to buy some of the neighbor's land. Ms. Vadney pointed out first you have to determine if you can put it on that site. You have to figure out what the bottom line is. Do you have water, wells, drain off?

Mr. Finke pointed out I think if you came here and said we are going to take 70% of this but here is the stormwater management program, here is where the sewer is going to go, here is where this is going to go, with it all figured out and all engineered, then we would really take a hard look at it. Mr. Singer commented that will be the next thing. This is coming out of the size needed for the trucks, from that point of view. Mr. Singer had concluded his discussion with the Board at this point and took his leave.

Mr. Court again wished to re-visit the issue of lot coverage. We are supposed to follow the book. Right now, I think something needs to be addressed. It says Max. Lot Coverage, definition of Max lot coverage. If it said impervious surface coverage covers the buildings. Percentage of lot coverage, like buildings, parking lots, sidewalks and other surfaces covered with paved surfaces or surface that is impervious to water. If that was spelled out here, then yes, we are going to send them to the ZBA because he exceeds 70%; but right now, he is only going to do 11% according to this. So, whom and how does this get fixed or what is it supposed to be? Mr. Van Etten responded I don't know, that was done by the professionals.

Mr. Court continued I think a gas station would be a great thing down there, a little competition. There is only one place that a big truck can get diesel and that is Fox Run. Mr. Van Etten continued but I mean not having any idea of what we are doing for the public, are we doing public water. It was noted they don't have the space with all that they are trying to cram in there. It was more or less a boiler plate plan; they were testing the waters.

U.S. Route 9W, LLC - Site Plan Application

Authorized representative from Hershberg and Hershberg Engineering had asked to be on agenda for this meeting but no one was present. Since the Board Members had copy of the proposed Site Plan, and the project would be before the Board on another evening, Mr. Van Etten suggested that they spend a few minutes discussing the plan, get everyone's thoughts on it and a direction.

It was first noted that there will be quite a lot of disturbance in a large area there and it was decided right

***Town of New Baltimore Planning Board
Regular Monthly Meeting
March 10, 2022 – Page 5***

at this point that the Planning Board should have an engineer on Board to assist in the review. There will be five or six retention ponds and it talks about a lot of run-off, four bio- retention ponds. Question was raised as to square footage on these lots? It was believed there is 25 acres. Impervious area 23%. It was believed they were going by the buildings. If there is 25 acres, the buildings would not add up to 23%. Project will only cover 5.9 acres.

Mr. Van Etten commented one thing that really stood out to him was that the one building closest to 9W really is not that far off but they are showing finished elevation several feet above 9W. You see that if you look at the contours for 9W. It was questioned are they taking the stuff from the ponds and building that up? The existing ground is considerably lower. 15 feet right across, leveling it right out, that is massive. Mr. Van Etten continued putting that big building that close to 9W and being that high, it is kind of like, wow, that is really in your face. I don't see the reasoning for doing that at all. It was then questioned is it because they want to put that railroad siding in? [Several spoke at the same time.]

It was noted it is about 50 feet off the edge of the road. The fact is that they are sticking it, if you look at the contours for 9W in that area, they are sticking it up seven or eight feet above 9W. Mr. Van Etten again pointed out he just did not see the reasoning for it. Question was raised is it so they can get a swale to go into that pond, to get everything to go towards that pond? Mr. Van Etten continued I am just not following why they are doing this. Right there, the first building they are bringing it up 15 feet. Then noted unless the grades are off. Mr. Van Etten continued I am wondering why the need to stick that right up there as high as it is. To me, it certainly would blend in a little better if it fit more with the contours.

Discussion continued on the existing grades and new/proposed grades. It was noted this is all contoured because this slopes down. Existing grades here are 162, 164 and that is 178. Just north of there where the entrance is 184, 186 entrance. The southern building, closest to 9W, they have a finished elevation of 186 and 9W there is about 178. Ms. Stefanik commented he said when he came in that they wanted to level that whole thing right off. It was then noted they are going to move a lot of dirt. Mr. Van Etten again commented he was just trying to figure why they needed it so high. Ms. Stefanik continued they said it was for the trucks, to have it easier for them to get in and out on to 9W. Mr. Van Etten pointed out where that building sets, there is a couple hundred feet of roadway between 9W and the building.

It was noted there is already guard rail along 9W there anyway. Mr. Van Etten continued my thought is just when they put it up there [Several words not understood.] more in your face. It was noted we don't know how high the buildings are. Further noted if it is going to be warehousing, they are going to have a lot of head room. They are going to be 20 to 25 anyway.

It was noted in Commercial/Industrial, 50-foot setback in the front, now is that not the 9W but 9W's right-of-way? It was noted it says the dimensions of the largest proposed structure 32+/- high, 100+/- width and 200 +/- length. It was noted 32 at the peak; the sidewalls are probably roughly 20. You set that up 4 or 5 feet above the road and then you put that 20 feet, it just seems a little overwhelming. It was noted that there must be some reasoning for it because it has to be expensive to fill that into that elevation.

It was noted it had been mentioned that it would be rotating storage in and out, in and out. It was mentioned that is why major companies are looking to locate, have pilots all over the place. Concern was expressed for the view the people across Flatbush Road would have, they would be looking at a wall. You have thirty-two feet high; and then putting it on a pedestal and it is way over where it should be. It was realized they have to have docks which are four feet, they have to drop down. They have plenty of room to spill off. They have retention ponds there.

It was further noted there is no visual impact study. Mr. Van Etten again pointed out that is exactly what my point is, the visual impact. It was stressed well then they need to provide one. We will want to see what it is going to look like when driving down the road. It was noted there are the residents on Kreitmeier Road too and then noted it is a bit far from them. It is more the people on the other side of 9W, Taylor Monument and the houses in back of them.

It was then pointed out but at same time realized they are in a Commercial zone. However, there is no need to throw it in the residents' faces. They don't need to be looking at another big truck outfit and trucks all day, but rather a nice building. Ms. Vadney pointed out they have to present us with a building that is acceptable in appearance from the road; and if it is not, proper landscaping will be needed. It was noted that from what was presented, it looks like they are trying hard, putting a lot of time into it so far.

***Town of New Baltimore Planning Board
Regular Monthly Meeting
March 10, 2022 – Page 6***

Minutes

It was moved by Vadney and seconded by Stefanik to approve the minutes of the December 9, 2021, Dippo Public Hearing minutes as presented.

Ayes: 7 Nays: 0 Abstained: 0 Absent: 0

It was moved by Vadney and seconded by Stefanik to approve the minutes of the January 13, 2022, Messina Public Hearing as presented.

Ayes: 7 Nays: 0 Abstained: 0 Absent: 0

It was moved by Court and seconded by Vadney to approve the minutes of the January 13, 2022, Regular Monthly Meeting as presented.

Ayes: 7 Nays: 0 Abstained: 0 Absent: 0

It was moved by Vadney and seconded by Court to approve the February 10, 2022, Sterritt Site Plan Application Public Hearing as presented.

Ayes: 7 Nays: 0 Abstained: 0 Absent: 0

Concern was expressed regarding wording that could be misleading in one section of the draft of the February 10, 2022, Regular Monthly Meeting minutes. That wording will be re-worked, and the minutes put forth again at the April meeting for approval consideration.

Adjournment

At 8:10 p.m., it was moved by Vadney and seconded by Stefanik to adjourn the meeting.

Ayes: 7 Nays: 0 Abstained: 0 Absent: 0

mbl