**Village of Liberty Planning Board**

**Regular Meeting**

**December 12, 2013 7:00 p.m**.

**Present: Also Present:**

Steve Green, Chairman Gary Silver, Village Attorney

Harry Rampe Pam Winters, Code Enforcement Officer

Jeff Miller Joan Stoddard, Trustee

Craig Case Denise Martin-Birmingham

Robert Lauro, Pres., The Lauro Group

John Webber

Chairman Green calls the meeting to order at 7:00 p.m. and leads everyone in the pledge of allegiance.

**ON A MOTION BY HARRY RAMPE, SECONDED BY JEFF MILLER AND UNANIMOUSLY CARRIED, THE MINUTES OF THE OCTOBER 10, 2013 MEETING ARE APPROVED AS SUBMITTED. (NOTE: THERE WAS NO NOVEMBER 2013 MEETING).**

**# 09-13 BITJEMAN 2-LOT MINOR SUBDIVISION**

**37 TRIANGLE ROAD (SBL 129-12)**

Denise Martin-Birmingham is present for the owner on this matter. She informs the board that the annexation papers have finally been finally accepted and filed by the County allowing the subdivision to move forward for approval.

**ON A MOTION BY HARRY RAMPE, SECONDED BY CRAIG CASE AND UNANIMOUSLY CARRIED, THE PLANNING BOARD DECLARES ITSELF LEAD AGENCY IN THIS MATTER.**

Attorney Silver reads Part 2 of the Short Form EAF into the minutes.

**ON A MOTION BY CRAIG CASE, SECONDED BY HARRY RAMPE AND UNANIMOUSLY CARRIED, THE BOARD DECLARES A NEGATIVE DECLARATION IN THIS APPLICATION.**

**ON A MOTION BY JEFF MILLER, SECONDED BY HARRY RAMPE AND UNANIMOUSLY CARRIED, THE BOARD APPROVES THE MINOR, 2-LOT SUBDIVISION SUBMITTED BY ALBERT BITJEMAN.**

**# 13-13 BITSY’S A-ONE CAR WASH INC.**

**10 SULLIVAN AVENUE (SBL 121-1-4)**

**SPECIAL USE PERMIT**

Jeff Miller is present and recuses himself from the board. He explains to the board that this application is requesting permission to change the use of this property from an auto storage lot to an auto sales lot. The previously approved special use permit (2012) limited the number of cars on the lot to twenty (20) and there is no need to increase that number.

There are no questions and the board schedules a public hearing on this matter for Thursday, January 2, 2014 at 6:55 p.m. The application will be forwarded to the County Division of Planning for 239 review and certified notices will be mailed to adjoining property owners on Monday.

**ON A MOTION BY CRAIG CASE, SECONDED BY HARRY RAMPE AND UNANIMOUSLY CARRIED, THE BOARD DECLARES ITSELF LEAD AGENCY IN THIS APPLICATION.**

**# 15-13 SHOPRITE LLC SPECIAL USE/SITE PLAN APPROVAL**

**1955 NYS ROUTE 52E (SBL 131-1-1; 124-1-5)**

Robert Lauro, President of the Lauro Group, engineers for Shoprite, L.L.C. , is present for his client.

Robert: Good evening, everyone. My name is Robert Lauro and I’m President of the Lauro Group. I represent Shoprite on their civil land use consulting. We submitted the application a little more than a week ago and appreciate your expediency in allowing us to present our application. Let me give you a broad stroke of what the intent of this application is about. Overall, this store has been here for a long time and, during that time, Shoprite feels it’s been serving the community well. The problem is that it’s a tired store. They’re having difficulty with matching some of the demands of their regular customers with variety and additional stock. As you’ll notice on the outside of the building over here they’re using this area in the daytime temporarily to store their empty racks until the next delivery comes in. So they’re also having some issues here.

More importantly, it’s not a modernized store. It doesn’t meet the refrigeration design systems that they’re using; it doesn’t have the proper shelving and displays. The other problem they’re having is that the store is very undersized for the growth of the community for the years that it’s been here.

Their typical stores are about 70-75,000 square feet, which is typical these days. This existing store is about 37,000 square feet, just the Shoprite footprint. We’re looking at a 22,000 plus or minus expansion overall of the supermarket retail space. By that I mean we have an approximately 14,000 square foot of new building that we’re looking to add on the East side of the building, we’re taking over , the former Blockbuster Video location. That’ll leave two storefronts that are vacant at the present time, and the landlord is working very aggressively to fill those two locations as we speak. So Shoprite wants to do a lateral expansion into the “takeover space” which is Blockbuster Video. We’re taking over the full Blockbuster space which is about 5,000 square feet, we’re doing a slight expansion to the existing loading dock in the rear, and then on the east side of the building we’re doing a 14,000 square foot new store expansion. With regard to the loading docks, we have a problem with running the high-low units that unload the tractor trailers, they don’t have the depth needed and they’re doing everything manually which is a safety concern for us. More importantly, from an energy efficiency standpoint, they’re not currently meeting today’s energy code. They don’t comply.

So if you look at any number of new retail stores, they’re putting in these vestibule areas. They’re fully enclosed with sliding doors on both sides which give them an airlock so that when the exterior doors open; they’re not losing the heat or cooling, depending upon the season.

Attorney Silver: Will this be like the store in Monticello?

Robert: Yes, very much so. And they work very well for a number of reasons. If gives you full ADA compliance with enough extra area to allow indoor storage of the carts, especially in the wintertime when the focus is on clearing away snow. But more importantly, it allows for safer ingress and egress of the store. Right now, when you walk up to any large frontage of a retail building, the vestibule provides a very good safety mechanism for the customer who enters with a cart, exists with a cart, and often times with children in tow. It allows motorists to also have a greater sense of acuity knowing where people are going to be exiting and entering the building. It’s about a 1,240 square foot area; it’ll be glass and up to Fire Code and ADA compliant.

The overall site itself is approximately twelve (12) acres. Of the main, paved site, people don’t realize that the ownership of this parcel is the same as that of the rear parcel, so it’s really a combined parcel of nineteen (19) acres.

Chairman Green: Have they merged the two together yet?

Robert: No, not yet. In order to accommodate the expansion, and in order to accommodate the customers, parking is sometimes a problem, depending on any given sale at the time. So, to address this issue, the landlord has negotiated the purchase this feed parcel (124-1-5, more familiarly known as the Farmers Market/Cigarette Shop/Liberty Tax). It’s about a 4,000 square foot building that’s really quite distressed. Liberty Associates is in contract to purchase this property (.74 acres), merge the two lots together and remove the building to allow for the extra parking Shoprite needs.

We are also going to fix the traffic flow to this lot. We’re creating two means of ingress. We’re leaving this one here and removing the one to the smoke shop here. That’s important to accommodate the delivery trucks coming into the store. Right now the trucks are circling around the front of the store which is not ideal. What we’ve designed here is to relocate and reestablish a new curb cut which will require NYSDOT approval. We have not yet applied to them but we will in the very near future. It allows all of the transportation and the loading vehicles to come in through here at this new access point, load into the bays and egress out this way. There will still be some loading trucks going in this way. The majority of the loading, especially the dairy and produce trucks who deliver almost daily with still come in this way.

Attorney Silver: Is this going to be a right turn only?

Robert: Right now we’re showing it as a right-hand turn. There’s no reason to have a left hand turn at this location. This application is on behalf of the landlord but Shoprite will be doing all of this work. Everything that is located within the “demise”, demise being defined in Shoprite’s lease, will be the responsibility of Shoprite, even though it might serve to benefit other merchants in the mall. That will include all parking lot improvements from the main entrance at the red light east to the property line including the out parcel. With that, we’re going to be adjusting the lighting to better and more safely serve the customers. We are re-doing the handicap parking stalls. The existing ones are no longer ADA compliant because of the slope of the paving coming from the building heading towards those stalls are anywhere from 3 ½ % - 5 % and the new requirements call for the slope to be less than 2 %. In order to do that, we’re going to have to cut into the paving and mill away part of the parking lot. In the out parcel we’re going to have to fill in anywhere from 2-4 inches of material. We also have to work on the drainage. There’s an awful lot of water that has to travel quite a distance to get to existing inlets over here in the front along Route 52. We have to stop that because what that does in the winter time is create a freezing condition.

What I can say is that I do the food shopping for my family while my wife juggles the kids sporting schedules and the stores that Shoprite builds today, the interiors are gorgeous. They really do a great job on the interior marketing designs. I’ve witnessed about a dozen of them over the past two years and they really spend a lot of time and money planning and designing them. I’m confident that this new store is going to please everyone. The additional benefits of this improvement are noteworthy. The landlord and Shoprite are still negotiating the building elevations of the construction because the landlord is contemplating doing a façade upgrade to the rest of the building so it matches what Shoprite is doing which I think is a responsible position to take. With that, there may be some additional cut outs or paving in other areas of the parking lot. They’re waiting to lock in on the final two tenants and then we’ll know more. It is a fairly modern exterior elevation. There is a lot of glass because supermarkets need a lot of visibility but, at the same token, it’s a great improvement upon what’s out there now. It’s very tired and outdated.

We’re going to be doing some landscaping to improve the buffers on the site which presently don’t exist. We have a lot of wooded area over here and certainly in the back but we really don’t have much of anything along this area (by Golden Park Apartments). We’re going to plant this with evergreens. We’re going to redo the planting here and we’re going to plant perennial beds and a lot of draught-tolerant species so we can minimize on the water consumption as much as possible. With regard to the sidewalks along Route 52, we anticipate the State to require us to replace them even though they’re fairly new and not in bad condition. So there’ll be all new curbing, all new sidewalks, new paving, and a refurbished front and obviously the inside of the store will all be new.

Right now the bottle return machines are outside at the front of the store. The purpose for taking over the Blockbuster Video store area is to do two things: (1). The interior floor plan will provide for the Shoprite At-Home Service which is doing very well right now. They’re going to provide this service for customers who are driving to or from work to pick up their order. That’s a separate entrance here, the side closest to the vestibule. (2). The western side of the Blockbuster store is where the completely interior bottle redemption area will be located. What that does is eliminate the nuisance area that now exists in the front of the store. You won’t have the odor smells that sometimes is associated with the sugary syrup that remains in the cans and bottles. It’ll be climate-controlled, the floors and walls will be fully epoxy-coated so that they can be washed down on a daily basis.

Attorney Silver: It’ll help to prevent insects and rodents.

Robert: Absolutely. And a lot of communities appreciate the efforts applied to this activity. I may have neglected to mention earlier that because some of our management work extended hours, sometimes twelve-hour shifts, we’re putting some parking stalls in back by this location for them to use. We’ll also use this area to accommodate our product service people. Those are the people who visit the store to check out how their product is doing, where their display is located and how it presents itself. In doing so, they’re often times in the store for several hours. This parking area will suit their needs as well.

Overall, I hope that you have a better understanding of what we want to accomplish. I’d be happy to answer any questions you might have.

Harry: I have a question for you. I drove around to the back of the store earlier today and am concerned about the truck turn-around area here. Are they going to have enough room to do so safely? It seemed a little crowded.

Robert: Your question is appropriate. Do you see these two loading docks here? They’re more than loading docks; they’re dry good docks so the trucks will be coming in this way rather than that way. The more active docks have more room. We have a separate vendor dock over here that accommodate step-vans. The policy that other Shoprite stores use quite successfully is that the vendors drop their goods off here at the loading dock, move their trucks to this parking area which we are going to move back a little and then come into the store to deliver their wares. I presume this will occur at this store also. We feel there’s enough room to maneuver around.

Attorney Silver: So the trucks are going to go in one way and out the other?

Robert: Yes.

Attorney Silver: Are you going to have those big, convex mirrors here on the corner?

Robert: It’s not part of the plan but If we feel that there may be a blind spot and they’re necessary to ensure the safety of the drivers and the building, we will most certainly have them installed.

Craig: On the western end of the map down by Tractor Supply, there’s an outside storage area that’s fenced in. I’ve seen some fifty-three footers have trouble negotiating those corners, especially the one towards Route 52. Does the landlord foresee any possibility of rendering those corners down any?

Robert: I don’t know. That’s up to the landlord. I know we ran 63’s and 65’s as a test and we didn’t have any issues. We can go out there again and make some observations just to be sure. The traffic projections we’ve done are very conservative. Where on paper it may seem like there’s not enough room, that’s simply not the case.

Chairman Green: Have you watched this place in the summer and seen the activity?

Robert: Yes, I have. I’ve been out to this site at various times at least 10 or 11 times since last March.

Chairman Green: They come in with buses of people.

Robert: I haven’t seen that, though I have noticed that the parking traffic is not very orderly. We can mitigate some of the issues but obviously, we can’t control some people.

Attorney Silver: Jewish families staying in local camps and bungalow colonies come in on Friday before Shabbas and sundown to shop. It definitely has an impact.

Inaudible Person: How much parking do you have in total?

Robert: 230 spaces. Pam asked me before to clarify what we’ve been doing with Delaware Engineering. We’ve had back and forth dialogue regarding the storm water drainage on the property. A lot of this started on a conceptual basis and we found Delaware Engineering very good to work with. They were very helpful and it was money well-spent. Any other questions?

Pam: I have no questions but I wanted to let everyone know that a copy of the site plan and application was sent to all of the department heads and to the Fire Department. The DPW has no comment because it’s on a State road, the Fire Chief, Tim Vogler, has no problem with site; his emergency vehicles can get around the site and the building will be sprinkled. The only concern from the John Picard, our Sewer foreman, was regarding the installation of a grease trap, where it’ll be located and its size.

Robert: We will be installing a grease trap and the details will be on January’s submission. Do you folks normally coordinate with the Police Department?

Pam: We never really have before.

Robert: We’d be concerned if there were any incidents in the past that should concern us, or if they have a recommendation as to surveillance camera placement.

Attorney Silver: Pam, perhaps you could just drop a set off to Scott and ask him to review them.

Pam: Sure. One concern I know that they’ve had in the past, which I’m not sure you can do anything about, is customers constantly parking in the fire lane. Our local law is written in such a way that our local Police Officers are unable to write tickets for those illegally parked in the fire lane because the judge will not honor any tickets written on private property. The mall was originally constructed when the property was in the Town. It was subsequently annexed into the Village. The fire lane has always been designated on the plans.

There is a brief discussion about this issue.

Robert: The only thing we can do is try to make it a little more uncomfortable for customers to park there, i.e. installing more signage, more prominent signage. It’s a problem all over.

Pam: Do you want to briefly touch upon the proposed changes to signage?

Robert: Sure. Right now there’s main sign in the middle of the parking lot right about here. Like the building, it’s tired. We’re going to be lighting up the sign and moving it a bit. There are some tentative renderings included in your packet to give you an idea what it’ll look like. We’re also going to be submitting a request for a second, monument sign. We also have a problem with the setback requirements according to your sign requirements.

Attorney Silver: The property is located in the Highway Corridor and, according to our regulations, only one ground/pole sign is allowed per parcel.

Pam: This is why I brought along a variance application for him tonight.

Robert: I actually have all of the sign applications filled out but they’ll be submitted by the sign vendor once the design and placement have been approved by both Shoprite and the landlord. When is your next meeting?

Pam: January 2nd, 2014 at 7:00 p.m. Will you have more data to submit for that meeting? I’d need to have it submitted to me for distribution by December 23rd.

Robert: That’s not a problem. Our next submission will be more complicated and complete. It’ll include more grading, the lighting, the landscaping and utilities.

Attorney Silver: That’ll all be submitted to Dave (Ohman)?

Robert: Yes, it will. We are looking to break ground in mid-March at the latest. Is it possible to have the approvals completed in keeping with that schedule?

Attorney Silver: Pam, you should also speak to Dave to find out how much of an escrow account should be established. Having already discussed the project and the drainage issue, he could come with an acceptable amount.

Pam: I’ll do that. And the board is very pro-business and they’ve been known to schedule special meetings if time is of the essence. NOTE FOR FILE: DELAWARE ENGINEERING HAS SUGGESTED A MINIMUM $5,000 ESCROW ACCOUNT BE ESTABLISH. MR. LAURO HAS AGREED TO THIS AMOUNT AND WILL BRING ME THE CHECK WHEN HE COMES TO THE JANUARY MEETING.

Robert: Thank you very much and everyone have a nice holiday.

**OTHER BUSINESS:**

**# 07 – 05 S & N DEVELOPMENT**

**CHESTNUT STREET SITE PLAN/SPECIAL USE PERMIT**

Pam: Frank Nutt called and wanted to know the status of his approved application. The process started in 2005 but didn’t receive final approval until 2009. There’s been no activity on the property whatsoever and Frank wants to know if his approval is still intact.

Attorney Silver: Five years has passed and I would say that he has to start all over again. He will need to complete and new application, pay the appropriate fees again and make his presentation to the board. He can re-submit his earlier site plan and documents but he needs to come back to the board.

**INFORMATION ONLY**

Pam brought in a copy of the conceptual master plan for Grossinger’s Country Resort for review by the board. The project is located within the Town limits, not the Village, but it’s good for the board members to become familiar with potential gaming/housing proposals in case someone from the public asks questions. It’s good policy for the Town and Village to maintain some sort of continuity of information when dealing with projects that benefit both municipalities.

**ALTERNATE MEMBER**

All of the board members are happy to see John Webber healthy enough to attend tonight’s meeting as a guest. John has expressed an interest in becoming an alternate member.

**ON A MOTION BY HARRY RAMPE, SECONDED BY JEFF MILLER AND UNANIMOUSLY CARRIED, THE BOARD DIRECTS PAM TO SEND A LETTER TO THE VILLAGE BOARD RECOMMENDING JOHN WEBBER BE MADE AN ALTERNATE MEMBER TO THE PLANNING BOARD.**

**ON A MOTION BY CRAIG CASE, SECONDED BY JEFF MILLER AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 8:23 P.M.**

Respectfully submitted,

Pam Winters, Clerk Approved: Jan , 2014