

TOWN OF CONSTANTIA PLANNING BOARD – August 4, 2016 – APPROVED
Public Hearing for new Nice N Easy store

Members Present: Rita Petkash, Dan Pone, Mike Marr, and Dave Antos, & Paul Heins

In attendance: Jim Hagan and Matt Paduano representing Nice N Easy, Paul Baxter, Tom & Francine Moran, Lance Vella, Toni Gilkey, and 9 others from the public

OPENING – Chairman Rita Petkash opened the meeting and public hearing at 6:30pm with everyone present joining in the pledge of allegiance to the flag of the United States of America.

Jim Hagan, architect for the new Nice n Easy, presented to the public, the history of the current store and history of the CST Company's purchase of the former library property, which was explained to the Planning Board at the July 14 meeting. He went on to present some minor changes to the site plan that were presented at that meeting.

The new store will be approximately 4,825 square feet. It will be located 173' from the center line of Rte. 49, and 107' from Mill Street. There will be 3 gas islands with canopies to accommodate 6 cars at the same time. The store will have an inside seating area, public restrooms, food service, groceries, a sidewalk along the front and west side, outside picnic tables, and 3 entrances. There will be 3 new underground gas tanks on the east side of the property.

The area behind the building will remain a green area. The septic system has been redesigned and will be placed there, outside and above the 100 year flood plain. It will be a raised bed system. This has received verbal approval from the county health department and is currently under their review.

The storm drain system has also been redesigned in accordance with the DEC.

Trees will be added to the site for visual barrier.

OCWA water line will come into the site on the northeast corner.

Propane for store use will be located in back of the building as well as a fenced dumpster enclosure.

A photometric plan was presented with LED soffit lights to cover the sidewalks and lights under the canopies, both lighting to be focused downward. Five 20' poles with downward lighting will be added to the site, lighting directed back into the site.

The upper part of the front of the store and the Mill St. side will be open allowing visibility into the store. The front exterior will have brick 4' high and clapboard above. The roof mechanics will be hidden by the roof design.

The signage was presented, with an attempt to stay within the Town's Land Development Law. Jim Hagen stated that some of the Law is vague. They would like to have two signs on the front of the building, the LDL states one is permitted. They propose to have "Nice N Easy" signs on the gas canopies. A free standing roadside sign is planned with changeable gas prices, controlled from inside the store.

The meeting was then opened up to the public for comments:

Timothy Toleson spoke first. He felt the Planning Board was far ahead of him with knowledge of this project. (There was only one prior meeting by Nice N Easy with the Planning Board. This public hearing was posted in the local paper and there were signs posted in local establishments. As well as letters sent to the adjoining

neighbors announcing the public hearing, which is not required, but a courtesy for their benefit). Timothy Toleson appeared to be the only one present who clearly was opposed to the project. He stated that he spoke for 3 property owners with concern for the standing water in the spring caused by runoff. He also stated that the new building will block his view of the lake, which was later disputed by Jim Hagen. He was also concerned about the possibility of a vacant lot being located next to his property and the dangers of that since he has witnessed “no less than 15 drug deals” at the current Nice N Easy. And if the lot is vacant, he’s concerned that it will be worse. He’s concerned that the value of his property will decrease with this “behemoth of a gas station” as he put it. He also stated that he thought gas stations being located in Cleveland and Central Square were adequate for this area and this one is not needed. It was stated by the Planning Board that there are no Town laws concerning protecting views of the lake.

Dave Seal thought the proposed September 8 start date was rushing the project. Chairman Petkash informed him that nothing has been approved yet.

Jim Hagen explained how the water runoff will be redirected into a sand bed which will filter it before it is discharged into the lake, an improvement over the current situation. He later stated that they will work with these neighbors to resolve the drainage problems.

Deborah Seal asked about removal of vegetation. There are currently plants that shield her property from the site. Jim Hagen stated that there are no plans to remove the vegetation.

Ann Pierce asked about a snow fence to keep the snow mobiles from coming off the lake and off of the septic field. Jim Hagen said a snow fence is a possibility but then the snow mobiles will likely come up Mill Street.

Ava Brown asked about the noise from the cooling fan on the building. Jim answered that on the new building the fan will be on the roof directing the noise upward, and because it is newer equipment, it will likely be quieter. She was also concerned about a big tree being removed. Jim said there are no plans to remove it.

Anne Pierce asked about the possible vacant building being left behind and Deborah Seal asked if there were any plans for the old store. It had been stated earlier that this store is leased, not owned by Nice N Easy. Chairman Petkash stated that that building is not our concern and the Town has not received any applications for any plans for that building.

Ann Pierce asked about outside music. She was informed that there would be outside music at the pumps, but at a low level, and she would likely not hear it.

Timothy Toleson voiced his concern about the gas tanks at the old store being a Hazmat hazard. He was told he should present his concern to the Town Supervisor. For which he replied that he thought the Planning Board should write a letter to the owner. It was answered that after a period of time of the gas tanks not being used, it is required by law that they be removed.

Deborah Seal stated that “it could be worse.” (the proposed use of the former library property)

Tom Moran asked if there had been a traffic flow study. He mentioned that in winter, Mill Street has cars parked on both sides of the street (presumably fisherman accessing the lake). Jim Hagen answered that no study has been done.

Dick Pierce asked about the brush along the lakeshore and was told there are no plans to remove it.

A friend of Ava Brown stated that she would like a fence to shield her view of the store. Jim Hagan and Matt Paduano agreed to meet with her to look at this.

CLOSE - At 7:38 Chairman Petkash closed the public hearing.

Jim Hagan asked the board if the questions of the signage could be answered. Chairman Petkash stated that the sign questions could not be discussed at this time since the PB had just received the information tonight. Dan Pone stated the size of the signs: the store front sign is 39 sq.ft.

The Planning Board completed the SEQRA form for the proposed Nice N Easy store.

Jim Hagan was asked if any of the required permits would be received by the next PB meeting. He said the septic may be accepted but probably not the DOT.

Jim Hagan stated that a phase 1 archaeological study had been done. It showed that there were artifacts found. However, evidence showed that it was likely imported with fill to the site and the foundation of the former building disturbed the site. The study has been sent to SHIPPO. Jim Hagan had access to the study previously completed for the water system.

The next regular Planning Board meeting is August 23, 2016. The Nice N Easy project will be on the agenda.

ADJOURN

MOTION At 8:13 Paul Heins made a motion to adjourn the meeting, seconded by Mike Marr. Vote as follows: Rita Petkash, yes; Mike Marr, yes; Dave Antos, yes; Paul Heins, yes; and Dan Pone, yes. The motion was carried unanimously.

Respectfully submitted, Kay Foster, Planning Board secretary