

Village of Bloomfield Planning Board meeting of February 27, 2014

The planning board meeting was called to order at 7:00 p.m. by Chairman Dan Morley. Present were: Dan Morley, Nancy Witt, Nikki Every, Gail Harrington, Ken Martin, Chatfield engineers' representative JP Schepp, and CEO Andy Hall. Also present were guests: Julie VanBuren, Dale Frasca, Nancy Long, John O'Mara, Terry and Estelle Hall, Jay Mitchell, Joan and Jack Herrington, Jim and Pam Perkins, Terry Baird, Colin Bruckel, John Sciarraba, William LaForte (atty. for Mr. Bruckel), Mark Boylan (atty. for Mr. Perkins). The meeting was held at the Village Office, located at 12 Main St.

Minutes: Dan motioned, Ken seconded and it was unanimously carried to accept the minutes of the February 13 meeting as submitted.

Lotus Grove Sign Application

Mr. Terry Baird, contractor representing Sandy Hicks, was present to discuss a proposed sign.

1. Ms. Hicks would like to erect a free-standing sign at the access roadway to Lotus Grove, which is located in the rear of a flag lot.
2. The building is at such a distance from the roadway that customers are finding it difficult to locate the businesses with the existing signage at the building.
3. There is no provision in the zoning law to allow a free-standing sign in the light industrial district.
4. There is currently a directional road sign at the access, which was installed by the village DPW. This should be removed if the free-standing sign is erected.
5. Ms. Hicks is willing to replace the existing directory sign at the building with a smaller building-mounted sign if it would improve compliance for approval of the proposed free-standing sign.

The planning board encourages Ms. Hicks to complete the design for the proposed sign and submit the required variance and site plan applications.

Privilege of the floor: Atty. Mark Boylan, representing Mr. and Mrs. Perkins, asked to address the board concerning the proposed project for the adjacent property. His comments included:

1. The proposed fencing buffer will present a barrier to the access to Pam's Restaurant on the east side.
 - A. Pam's has been in business for almost 4 years and has used the adjacent property for access, without the owner's consent, which may have created a prescriptive easement.
 - B. The existing 10 ft. easement on the west side is not of sufficient size to allow for delivery trucks or garbage pick-up and is not accessible due to the addition of a vent hood and pipes.
 - C. If a fence were constructed, there is concern for fire-fighting access, which could be mitigated with a gate.
 - D. Mr. and Mrs. Perkins have no other concerns with the project but are requesting that the fence be shortened to allow access to the rear of 5 Main St, as this will be a small impact on the overall project.

2. Mr. Boylan expressed concern for the vacant parcel on Elm St. which lies between the existing gas station/convenience store and the wastewater treatment plant in that it should be graded and seeded.
3. He expressed concern for the impact of the project on traffic flow and the Village center District regulations.
4. Mr. Boylan requests that the planning board make access to the rear of 5 Main St. a required condition of approval of the site plan for the project known as Bloomfield Crossings.

Mr. William LaForte, representing Mr. Peter Bruckel, addressed the planning board concerning the access to the rear of 5 Main St. His comments included:

1. He empathizes with the property owners of Pam's, however the access to the rear of their property has been friendly rather than hostile, which is an element of a prescriptive easement.
2. A prescriptive easement must be decided in a court of law.
3. The fence buffering proposed is the result of planning board site plan requirements.
4. As this project involves a pre-existing non-conforming structure, traffic flow and zoning code for the village center district was given much consideration.
4. The applicant is willing to consider planning board recommendations for the project as long as they do not impact the design of the project.

Mr. James Perkins presented a petition to the planning board that contained 374 signatures. The petition requests that Pam's Restaurant be kept open and further that this (5 Main St.) historical building should not be destroyed as the result of another business's desire to expand and own the land at 5 Main St. He is requesting that the planning board support his local business just as his customers support other local businesses.

EAF for 3 Main St. site plan: The planning board continued their review of part 2 of the EAF for the project known as Bloomfield Crossings. Two written responses were received relating to the review and read into the record. Highlights include:

1. JP Schepp, of Chatfield Engineers, responded to questions concerning the review of EAF items:
 - A. EAF 3 – as part of the coordinated review with NYSDEC the impacts upon the stream and surface water are satisfactorily addressed
 - B. EAF13 – applicant's estimated traffic generation are reasonable and will have no negative impact on transportation systems. As part of the coordinated review with NYSDOT, there are comments which will be satisfactorily addressed
 - C. EAF15 – the site plan provides for photometric contours for all lights and will be adequate and safe without excess. The canopy lighting will actually reduce glare compared to the existing lighting on the existing canopy.
 - D. EAF 17&18 – not engineering items – no comment
2. John Sciarabba, of Land Tech Surveying and Planning PLCC, responded to the EAF questions:
 - A. EAF3 – the proposed project disturbs less than 1 acre of soil and all existing drainage patterns will be maintained and the stream corridor will be protected with erosion control measures

B. EAF13 – the proposed traffic flow plan is the result of public input received at public hearings and good design practices. The two existing access points closest to the intersection are both proposed for removal and a new access onto Elm St. will be constructed further away from the intersection. The proposed plan will not significantly alter any patterns of people, goods or traffic as the increased traffic estimates represent 4% of the local volume.

C. EAF 15 – the site is located in the center of the business district, which is the busiest location in the village. There will be no significant change in noise or odor. Lighting will not migrate off of the site, which is located in one of the brightest areas of the village with several street lights and a traffic signal.

D. EAF17 – no rezoning or use variances are required for this project, which consists of an addition to an existing commercial business in a commercial area. Architectural elements have been included into the plan to upgrade the existing business to be a better fit with the character of the community.

E. EAF18 – the proposed project adds a business and revitalizes depressed property at the major intersection of the village.

3. The planning board continued their review of the EAF as follows:

A. EAF 3 – Unanimous consensus to answer “yes” to impacts upon surface water due to the stream with a consensus vote to answer “no or small impact” to items a-k

1. there will be no construction in the stream bed or banks
2. a large portion of the village upstream also drains into the existing drainage system in that area
3. no other impacts were identified

B. EAF 13 – consensus to answer “Yes” based upon information provided by the applicant in part 1.

1. 4:1 consensus vote to declare “no or small impact” to "a".
2. Nancy feels that 75 cars/day increases in traffic will exacerbate existing traffic problems on Main St. Consensus vote (4:1) is that a significant portion of the drive-thru restaurant traffic will be pass-by and not destination traffic so there will be a very small impact on overall traffic.
3. Unanimous consensus to answer no or small impact for b-e.
4. Other impacts – consensus vote (3:2) that there are no other impacts identified in terms of traffic onto Main St.

C. EAF15 – Unanimous vote to answer “yes” to impacts on noise, light, odor with an unanimous vote of “no or small impact” for items a-e after clarification from the engineer concerning the post and canopy lighting. Headlights will be mitigated with buffering

D. EAF 17 – unanimous vote to answer “yes” to consistency with community plans due to the zoning code for the village center district.

1. the project is consistent with the comprehensive plan - unanimous vote for “no impact” for item a (pg. 28 of comp. plan recommends enhancing existing structures)
2. unanimous vote for “no impact” for a permanent change in village population
3. consensus vote (3:1 and 1 abstention) on item c that the project is consistent with zoning in that all proposed uses are currently permitted in the zoning and that the area

variances needed are of a small impact. Nancy disagrees in that the project is not consistent with the village center district to a large degree. She feels that the proposed architectural elements are not significant enough to offset the non-conforming elements such as setbacks and front yard parking.

4. consensus vote (4:1) on item g that the project will induce secondary development impacts. Nancy feels that the location of the project will render the adjacent vacant parcel to the north to be less desirable for future development.

5. consensus vote (4:1) to add no other impacts as the result of the project

E. EAF18 – unanimous vote “yes” to consistency with community character and consensus vote (4:1) for “no or small impact” for items a-f.

1. the project is a proposed addition to a building in a mixed use district

2. the proposed façade for the building attempts to imitate existing buildings in the immediate area

3. consensus vote (4:1) to add no other impacts under item g as the issue of the fence buffering is not an environmental or planning issue and lies outside the scope of assessing community character relative to this project.

Summary of findings for Part 2 of the EAF for the project known as Bloomfield Crossings, located at 3 Main St.:

1. The planning board has reviewed and voted on each specific item contained in part 2 of the EAF

2. The consensus votes for questions 1-18 and all subsections thereof are that there will be no or a small impact upon the environment as the result of the proposed project

3. The planning board makes a negative declaration of environmental impact of the proposed project known as Bloomfield Crossings to construct an addition onto an existing gas station/convenience store

4. The planning chair will prepare a statement for Part 3 of the EAF in response to the “yes” answers in part 2 using the discussion and comments generated during the official review of the EAF part 2. It will be filed as required.

Position letter to ZBA re: expansion of a non-conforming building:

The planning board reviewed and discussed Article VII specific to the project in terms of expansion of a non-conforming building. Gail Harrington moved and Ken martin seconded that the following position statement be forwarded to the ZBA for their consideration:

1. The use of the current building is a special permitted conforming use. As required, the new addition to the building tends to reduce the degree of non-conformity by adding new veneer and roof outcropping to the old structure moving it closer to the street; thereby improving the current setback non-conformance.

2. The current structure does not appear to be two- story. As required, the new addition, including the existing building, will be taller tending to reduce the degree of non-conformity by improving its second story appearance.

In addition to the zoning law, the planning board is guided by the TEB/Village of Bloomfield Comprehensive Plan, specifically page 28 Section 4 Commercial Land Use Policies For the Village:

1. Stabilize and enhance existing commercial areas by encouraging renovation of existing buildings
2. Efforts should be made to improve the general attractiveness of commercial areas through the use of adequate landscaping, lighting, sign controls, and improved property maintenance.

The items discussed above support the position of the planning board to recommend expansion of the currently pre-existing non-conforming structure at 3 Main St. as described in the preliminary site plan application for the project known as Bloomfield Crossings submitted by PEMMLLC dated 12/23/13.

The planning board requests that the Village of Bloomfield ZBA take action on the proposal as deemed appropriate per Section VII of the Village Zoning Local Law.

The roll call vote was: Gail – yes, Ken – yes, Nikki – yes, Dan – yes, Nancy – no and the motion was adopted.

The planning board also recommends that the applicant seek setback and front yard parking variances.

The planning board will meet on March 13 to make recommendations to the ZBA on the area variances and will begin reviewing the preliminary site plan.

Adjournment: Dan motioned, Gail seconded and it was unanimously carried to adjourn the meeting at 9:40 p.m.

Respectfully submitted,

Kathleen Conradt
Clerk