

Town of Boston Planning Board

Minutes of Meeting November 12, 2019 at 7:30 p.m.

Members Present:

Paul Ziarnowski, Chairman
Jim Liegl, Vice Chairman
David Stringfellow
Elizabeth Shutt, Secretary
Gary Stisser
Tara Lowry, Alternate

Members Absent:

Dave Bowen
Keith Pelkey

Also Present:

Jennifer Lucachik, Town Board Liaison
Attorney for the Town Sean Costello
Town Engineer LaBella P.C., by Michael Simon
Kevin R. Rautenstrauch, Esq., for Altius Vista, LLC
Joan May
David May
Kath Prackajlo
Rebecca Hill, Broadway Group LLC
Melissa Ballard, Broadway Group LLC

1) Call Meeting to Order

Chairman Ziarnowski called the meeting to order at 7:30 pm. Alternate member Ms. Lowry was designated to serve in the place of an absent regular member.

2) Approval of Minutes

Motion by Mr. Stringfellow seconded by Ms. Shutt to approve the meeting minutes from October 8th 2019.

The motion was approved, 6-0.

3) **Public Hearing Regarding Proposed Subdivision – Altius Vista LLC to David and Joan May**

Chairman Ziarnowski opened the public hearing. David May spoke in support of the subdivision, which will enable a parcel with a home and buildings to stay in the May family. There were no speakers in opposition to the proposed subdivision.

Chairman Ziarnowski closed the public hearing on the proposed subdivision.

Mr. Stringfellow made a motion to approve the following resolution, seconded by Ms. Shutt:

***SEQRA REVIEW FOR TWO LOT SUBDIVISION,
CORNER OF SOUTH FEDDICK AND KELLER***

WHEREAS, Richard May, on behalf of Altius Vista LLC, represented by Attea & Attea, P.C., has submitted a survey dated September 25, 2019 for the subdivision of a 64.38 acre parcel (SBL# 226.00-1-47.1) into two individual lots, each over 10 acres in size, in Boston, New York; and

WHEREAS, the Town of Boston Planning Board has plenary authority for subdivision approvals in the Town, and has reviewed the environmental impact of the proposed project at its November 12, 2019 meeting; and

WHEREAS, the Planning Board has duly considered the survey, the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the State Environmental Quality Review Act (“SEQRA”), and such other information deemed appropriate; and

WHEREAS, the Planning Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination; and

WHEREAS, the proposed action is classified as Unlisted with respect to SEQRA; and

WHEREAS, Unlisted actions are subject to environmental review under SEQRA; and

WHEREAS, the Town of Boston Planning Board is the only involved or interested agency with regard to SEQRA; and

WHEREAS, the Planning Board may determine to act as Lead Agency with respect to the environmental review of the project as it has final authority to approve or disapprove subdivision plats; and

WHEREAS, there are no other involved agencies, so the environmental review can be uncoordinated; and

WHEREAS, the Planning Board hereby has determined that the project will not have a significant adverse impact on the environment;

NOW, THEREFORE, BE IT

RESOLVED, that the Planning Board of the Town of Boston declares itself as Lead Agency with respect to the environmental review of the project; and

IT IS FURTHER RESOLVED, that the Planning Board of the Town of Boston hereby makes a negative declaration pursuant to the State Environmental Quality Review Act for the proposed subdivision of a 64.38-acre parcel (SBL# 226.00-1-47.1) into two individual lots as shown on the survey dated September 25, 2019.

The foregoing resolution was approved, 6-0.

Ms. Shutt made a motion to approve the subdivision as set forth on the application materials, seconded by Mr. Stisser.

A roll-call vote was taken as follows:

Ziarnowski - Yes.

Liegl - Yes.

Stringfellow - Yes.

Bowen - Absent.

Shutt - Yes.

Pelkey - Absent.

Stisser - Yes.

Lowry - Yes.

The motion was approved, 6-0.

Attorney Rautenstrauch, for Altius Vista, LLC, asked if the Planning Board requires filing of a map cover. Attorney Costello will verify that this has not been a requirement by the Planning Board for similar subdivision approvals and will respond to Attorney Rautenstrauch.

4) Kevin Bieler – Proposed Ward Road Subdivision

Mr. Bieler stated that he has sold four parcels of at least three acres each from his parcel on Ward Road, all with 150 to 300 feet of frontage. He plans to keep the remaining half of the frontage for when he builds a retirement home. He is looking for approval of the creation

of the most recent subdivided parcel, which is four acres, before selling it. The parcels do not have public sewer, but are served by all other utilities.

Mr. Liegl made and Ms. Shutt seconded a motion to schedule a public hearing on the proposed subdivision by Mr. Bieler on Ward Road for December 10, 2019 at 7:30 p.m.

The motion was approved, 6-0.

The Planning Board cautioned Mr. Bieler not to close on the property until after formal subdivision approval.

5) Broadway Group LLC/Dollar General Project at 9287 Boston State Road

Chairman Ziarnowski noted that the Planning Board has a large volume of paperwork, and that Mr. Simon has been working with Broadway Group's engineer to resolve issues. Mr. Simon recently prepared a letter dated November 11, 2019 with 45 items noted, and Chairman Ziarnowski stated that he would use that letter to guide the project discussion.

Alternate member Tara Lowry recused herself from the discussion and vote regarding the Dollar General project because of a personal interest.

- [Notes: The following numbered list corresponds to Mr. Simon's November 11, 2019 letter, a copy of which is attached to and incorporated herein. References to drawings and plans refer to the plan set with revision date October 25, 2019. References to the "Broadway Group representatives" and "applicant" refer to Broadway Group LLC, represented at the meeting by Ms. Hill and Ms. Ballard.]

1. The Broadway Group representatives brought samples of the proposed exterior building materials and passed these to interested members of the Planning Board.

2. The Broadway Group representatives confirmed that the dumpster screening material is the same fence shown on Drawing C-6.

3. Chairman Ziarnowski noted that redbud trees, which are proposed on the planting plan, are wispy, have a short lifespan, and do not offer adequate screening. Proposed fencing is six-foot pressure-treated pine. Wooden fences look nice when installed but deteriorate. It would be nice if plantings, when they have grown, could help to shield the fence when it begins to deteriorate. There was some discussion about appropriate plants; Mr. Simon's firm has a landscape engineer who will offer comments on the applicant's current landscape plan in order to help provide more screening.

4. There was discussion regarding the four-foot gooseneck lamps depicted on the exterior of the building, but further discussion on this point was reserved for a later point (see item No. 41, below).

5. The applicant has included on the current plans information regarding setbacks and other zoning requirements.

6. LaBella had not yet completed its review of the Storm Water Pollution Prevention plan submitted by the applicant but will do that and will submit any comments.

7. The “daily flea market” that appears at many Dollar Generals, consisting of carts of merchandise rolled onto outdoor walkways for sale, was a concern raised by the Planning Board. Chairman Ziarnowski explained that the proposed store is in a unique residential area and the store will change residents’ lifestyle. **A recommended condition of approval is that display of retail items for sale (other than propane and ice in the locations indicated on the plans) are not permitted outside the store.**

Additional Planning Board concerns regarding carts of cardboard containers that often are wheeled outside of Dollar General stores pending their retrieval for recycling were discussed. **A recommended condition is that the dumpster enclosure be enlarged so that it is large enough to keep all waste, including cardboard, out of plain view, and that refuse and cardboard not be permitted to be left outside in plain view.**

A further concern regarding lighting left on long after business hours at the North Boston Dollar General was discussed. The Broadway Group representatives explained that lights are controlled by timers called EMS Units in the store, and they will bring the issue with North Boston to Dollar General. In the case of the proposed project, lighting schedules are noted in the plans.

8. Discussion was had on the two-lane exit proposed, versus a one-lane exit. Applicant prefers two exit lanes to avoid traffic stacking, and believes that this is a safety matter, while Mr. Simon believes single exit is safer. If reduced to one lane in, one lane out, the curb cut will remain the same width to accommodate trucks, and the sides will be striped. Mr. Simon would like to see less paved width even if curb cut width is needed. **Single in and out lanes are a recommended condition of approval.**

9. Ms. Hill noted that the four lights that will remain on after the store is closed are depicted on the separate interior lighting diagram [Drawing Title “Lighting Plan,” Sheet No. E2, dated November 2, 2018]. All are interior lights. Additionally, placement of the store is on a corner turned from the road, so Ms. Hill states that the four interior lights will not be very visible when driving by, unlike the North Boston Dollar General’s lights.

Ms. Hill stated that although not stated in the plans, all exterior lights will turn off one hour after the store closes, but the Broadway Group representatives will check to see if this includes the monument sign. The Planning Board questioned the lumens of the monument sign; the Broadway Group representatives did not know the lumens but it will comply with the Town Code. The building-mounted sign or signs will turn off when the store is closed.

10. Mr. Simon indicated in his November 11, 2019 letter that he was satisfied with the response to this item and there was no substantive discussion beyond the contents of his November 11, 2019 letter.

11. Mr. Simon indicated in his November 11, 2019 letter that he was satisfied with the response to this item and there was no substantive discussion beyond the contents of his November 11, 2019 letter.

12. The applicant stated that all existing asphalt will be removed from the proposed building site entirely.

13. Mr. Simon indicated in his November 11, 2019 letter that he was satisfied with the response to this item and there was no substantive discussion beyond the contents of his November 11, 2019 letter.

14. Architectural drawings will need to be reviewed for details on the building's water service, but the location has been indicated as part of the site-plan submission. Mr. Simon would like to review a floor plan showing the mechanical room, but Ms. Hill noted that they understand that these will be part of the submittals reviewed at the building permit application stage and accordingly are waiting to produce final architectural and mechanical plans pending site plan requirements. Mr. Simon indicated that this was okay with him.

15. Mr. Simon indicated in his November 11, 2019 letter that he was satisfied with the response to this item and there was no substantive discussion beyond the contents of his November 11, 2019 letter.

16. Mr. Simon was satisfied with the response to this item and there was no substantive discussion beyond the contents of his November 11, 2019 letter. Plans for the grading and storm water calculations will be sent to the County DOT.

17. The applicant agreed to add a maintenance plan for the underground retention system's filter to the Operations and Maintenance manual.

18. Mr. Simon indicated in his November 11, 2019 letter that he was satisfied with the response to this item and there was no substantive discussion beyond the contents of his November 11, 2019 letter.

19. Electrical service to the building was discussed, underground versus aboveground. Ms. Hill noted they defer to the utility. Mr. Simon does not think NYSEG has a requirement, but it is customary in the area for new builds to install electric service underground. He noted multiple new builds in Boston with underground services. He thinks this is an aesthetic issue and benefits the applicant to avoid ice and windstorm damage to the electric line. There is no proposed generator. **A recommended condition of approval is that the electric service from the utility pole to the building be underground.**

20. The store will be open from 8:00 a.m. to 9:00 p.m. daily; at 10:00 p.m. all but four interior lights will turn off.

21. Ms. Ballard confirmed that all deliveries are during open hours and not in the middle of the night. There would not be anyone present to receive. There was discussion of interference with approximately six spaces of parking by truck traffic during deliveries. Even with the proposed number of parking spaces, the applicant does not anticipate a parking issue, and the reduced number of spaces allows them to remove spaces that otherwise would be close to the highway.

22. Mr. Simon was satisfied with the response to this item and there was no substantive discussion beyond the contents of his November 11, 2019 letter. Plans will be coordinated with County DOT.

23. The applicant understands that they need a variance from the ZBA for the number of parking spaces proposed on the site plan package (30 where 45 would be required). They have an area where additional parking spaces could be placed that is close to the highway, but Ms. Hill noted that they are trying to avoid a “sea of asphalt” appearance, based in part on their prior discussions with the Planning Board.

Attorney for the Town Costello was asked about timing for the variance application, and believes that if the plan/layout will not be changed further, the applicant can seek a variance now. Mr. Costello noted that an approved variance will be required prior to Town Board approval of the site plan.

While on the subject of variances, the applicant was asked about their request for two building signs when the code permits one. Ms. Hill explained that they (Broadway Group) will not be seeking that variance because Dollar General, the tenant, hires a separate sign company. The sign company either will install signage that complies with the code or will seek a variance.

Mr. Simon questioned whether the signs will be part of the site plan approval. Ms. Hill stated that while they have had extensive discussion regarding the monument sign and it will be part of the site plan, they have no authority on the building signs.

24. The question of asphalt curbing proposed by the applicant versus concrete curbing was discussed. Concrete is more durable with snow plowing. Chairman Ziarnowski recommends that the applicant install concrete curbing.

25. Mr. Simon indicated in his November 11, 2019 letter that he was satisfied with the response to this item and there was no substantive discussion beyond the contents of his November 11, 2019 letter.

26. Mr. Simon indicated in his November 11, 2019 letter that he was satisfied with the response to this item and there was no substantive discussion beyond the contents of his November 11, 2019 letter.

27. Mr. Simon indicated in his November 11, 2019 letter that he was satisfied with the response to this item and there was no substantive discussion beyond the contents of his November 11, 2019 letter.

28. Mr. Simon indicated in his November 11, 2019 letter that he was satisfied with the response to this item and there was no substantive discussion beyond the contents of his November 11, 2019 letter.

29. Mr. Simon indicated in his November 11, 2019 letter that he was satisfied with the response to this item and there was no substantive discussion beyond the contents of his November 11, 2019 letter.

30. Ms. Hill confirmed that that all construction materials, including old asphalt, will be removed from the site and not buried.

31. Ms. Hill stated that one reason old construction materials are not buried as it affects the stability of the building. Ms. Ballard noted that the applicant's geo-technical engineer will make sure compaction is proper for foundation.

32. Chairman Ziarnowski asked that the applicant to do its best to screen the HVAC units that are 11-feet in the air. Mr. Simon noted that these are in rear of building and should not be visible from the road, and with fence and landscape screening, should not be visible from neighbors. With respect to noise emissions, Mr. Simon requests a cut sheet for the HVAC units that the applicant agreed to provide.

33. Chairman Ziarnowski asked the Planning Board its thoughts regarding the material and height of the proposed six-foot wooden fence. It does not go all along the length of the property, just where there is a sightline. Mr. Simon noted that opinions vary on wood versus vinyl fences. Chairman Ziarnowski noted that plantings could help hide deterioration of fence over time. The applicant clarified that the plantings are on the inside of the fence, because maintaining plantings on the other side of the fence would require trespassing on neighboring properties.

A plan showing the placement of houses was requested from the applicant to show the neighboring structures. Both neighboring structures are two stories, and Mr. Stringfellow noted that the fence would not block the view from the second story. Ms. Hill noted that landscaping will provide some screening from the second-story windows.

Mr. Stringfellow questioned why the Planning Board was spending time on these details because he feels the project is not appropriate for the location. There is a utilitarian Dollar General in North Boston that he feels is a detriment to the business district, and now there is discussion about putting one in a residential area. Chairman Ziarnowski explained that the details need to be discussed, because the Planning Board is an advisory body. The details are the endpoint for the Planning Board, but the project that goes up to the Town Board after the Planning Board's review and input will be its starting point. The Planning Board needs to go through the details because the Town Board does not necessarily have the time or expertise to go

through the details, and if the Town Board approves the project, the details will be included. Chairman Ziarnowski noted to the applicant that the package sent to the Town Board needs to be the same that the Planning Board is considering, with no “pull-backs or changes.” This project has been following a slightly different path because a conceptual plan was not submitted in the ordinary course. Attorney Costello noted that what is submitted to the Town Board can include separate sheets to show the changes that are made after this meeting, and Ms. Hill agreed that this would be helpful.

34. The plan for LaBella to provide comments on the landscaping plan was discussed earlier in the meeting.

35. A revised exterior lighting plan was received.

36. Chairman Ziarnowski emphasized that aimed at nadir [as called for in the lighting plan] means just that and does not allow aiming a light so it spills out wider.

37. The applicant noted that model numbers for lights are noted on the photometry report. Mr. Simon will double-check.

38. The proposed exterior 25-foot pole with two lights versus two 15-foot poles was discussed. Chairman Ziarnowski noted that the 25-foot pole is not desirable in residential neighborhood, and results in uneven lighting compared to two 15-foot poles. **A recommended condition of approval is two 15-foot poles in place of a 25-foot pole.** Ms. Hill noted that they did look at two 15-foot poles but light spilled onto neighboring properties. Mr. Simon stated that there are problems with the 25-foot pole lighting and that there are 15-foot configurations that can work. He can share appropriate standards with the applicant.

39. There no longer are plans for bar lights or floodlights on the building.

40. There no longer are plans for bar lights or floodlights on the building.

41. There was discussion regarding the gooseneck lights shown on the drawings above the building signs. Ms. Hill clarified that the building-mounted signs are internally illuminated. The gooseneck lamps are for aesthetic purposes but also are illuminated because they provide some illumination for customers walking into the store. They point down more than at the building-mounted sign. Ms. Hill stated that the goosenecks should not be used to light the sign because it makes the sign look half-lit, and looks worse than internal illumination.

Chairman Ziarnowski noted that you can see all of the light bulbs inside the store when driving past the North Boston Store, but the picture showing the door area provided to the Planning Board shows the top section blacked out barring direct sight of the ceiling lights. Ms. Hill explained that the picture of the building provided to the Planning Board showing the transom above the entry as dark is accurate; it will not be glass and will obscure direct view of interior lights from outside the building. This is different from the North Boston Dollar General, and the proposed store is their new wood prototype.

Chairman Ziarnowski noted that the exterior North wall is blank and asked what could be done to dress it up. Ms. Hill noted landscaping. **A recommended condition of approval is the addition of at least three sets of shutters that will look like windows on the North elevation of the proposed building.**

[Note: Items 42-45 from Mr. Simon's November 11, 2019 letter were not discussed separate from the discussion set forth above.]

Chairman Ziarnowski then went through several additional comments that the Town Planner previously emailed to the applicant and each of those items was discussed during the meeting or are in progress. The applicant has provided a letter stating that there is no known environmental contamination at the site.

The applicant's plans include subdividing the parcel. The Broadway Group representatives stated that there is nothing in writing, but the Church that neighbors the rear portion of the property that they would like to split off has verbally agreed to accept the property. The applicant was advised that the Planning Board will not approve a subdivision that creates a non-conforming lot. Attorney Costello advised that a written agreement for the transfer of the property should be included with the subdivision application so the Planning Board knows it is not approving a non-conforming lot. **A recommended condition of approval is that the applicant not be permitted to create a non-conforming lot.**

The Planning Board then discussed a stand of woods at the northeast corner of the project site. The current plans do not include removing any of these trees, most of which are not on their property but provide a screen from that direction.

The applicant addressed a question regarding whether the property's drainage facilities will function if power is lost. The building is slab on grade so no sump pump is required, and the proposed underground infiltrators function without power as there is no mechanical component. Mr. Simon explained that LaBella will review the applicant's drainage calculations, but the infiltrators should be designed to store water for a 25-year storm; greater rainfall will overflow to the ditch on Boston State Road.

A question was asked regarding who will own the store, and who will manage its construction. Ms. Hill stated that they do not yet know who will own the property and lease it to Dollar General as the tenant; they do not know if it will be the same as the owner of the North Boston Dollar General. Ms. Hill noted that a local person could purchase the site and be the landlord for the store. This might help with concerns regarding property maintenance. They have a New York based project manager who will manage multiple sites.

Concerns regarding the construction of the North Boston Dollar General were discussed. Attorney Costello was asked about performance bonds. These are to make sure the job is completed; any relevant site-plan approval conditions should be complied with before a certificate of occupancy is issued.

Mr. Simon thanked the applicant's engineer for working with him on issues. Chairman Ziarnowski expressed appreciation for the improved communication over the time the project has been in development, and feels that the project has merit in a different location, but still does not feel that the project is appropriate for the neighborhood. He does not feel it is necessary for the applicant to return prior to making a motion.

Chairman Ziarnowski made a motion, seconded by Mr. Stisser, to recommend that the Town Board deny site plan approval because the proposed development is out of character with the neighborhood around the project site; a negative recommendation for the site plan.

A roll-call vote was taken as follows:

*Ziarnowski - Yes.
Liegl - No.
Stringfellow - Yes.
Bowen - Absent.
Shutt - Yes.
Pelkey - Absent.
Stisser - Yes.
Lowry - Recused.*

The motion was approved, 4-1.

Chairman Ziarnowski made a motion, seconded by Ms. Shutt, to recommend that if the Town Board decides to approve the proposed site plan, that its approval be conditioned on the applicant's compliance with the conditions discussed during the meeting.

A roll-call vote was taken as follows:

*Ziarnowski - Yes.
Liegl - Yes.
Stringfellow - Yes.
Bowen - Absent.
Shutt - Yes.
Pelkey - Absent.
Stisser - Yes.
Lowry - Recused.*

The motion was approved, 5-0.

Mr. Simon was asked about timing on LaBella's landscaping and drainage comments. He stated that these will take a couple of weeks.

Attorney Costello noted that Planner Desjardins will handle the coordinated SEQRA review of this project, which is not a Type II action given its size.

6) Reports

Attorney Costello noted that he is working to complete local laws on minor subdivision procedures and the site plan review waiver law prepared by the Town Planner in advance of the next Code Review meeting.

Councilwoman Lucachik noted that the Town's Solar Regulation law passed. The law covers all solar energy collection systems. The next code section she wants to address relates to Air B&B's.

Mr. Stringfellow made a motion, seconded by Chairman Ziarnowski, to adjourn the meeting at 9:20 p.m.

The motion was approved, 6-0.

DRAFT

November 11, 2019

Town of Boston, Town Board
Town Hall
8500 Boston State Road
Boston, New York 14025-9648

**RE: Proposed Dollar General – Site Plan
9287 Boston State Road
LaBella Project No. 2190909.08**

Dear Supervisor Keding and Town Board Members:

We have reviewed the recent revised site plan submission, revision date 10/25/19, and supporting materials provided by CEI Engineering Associates for the proposed Dollar General at 9287 Boston State Road. The applicant's responses as well as our comments are provided below for your consideration.

1. We understand color renderings of the proposed building have been provided to the Planning Board, the proposed building materials should be noted on these rendering. *Received, the Board should continue to review building designs/renderings.*
Acknowledged
LaBella Response: Ok
2. As the dumpster will be facing Boston State Road, the applicant should provide details of materials and color of the proposed enclosure. *Needs to be provided for review.*
Applicant Response: Dumpster has been moved behind the building, materials have been provided.
LaBella Response: Dumpster detail still not provided.
3. The planting plan should be reviewed by the Board(s) to assure there is adequate landscaping provided to not only complement the building/site but also to provide screening to the neighbors. *Planting Plan received but no detail provided*
Acknowledged
LaBella Response: Ok
4. A detailed lighting plan should be provided to include details of fixture styles, lighting type (we suggest LED), heights of poles with base details, building mounted light locations, proposed security lighting, foot-candle contour plan and hours of illumination. *Received however no hours provided*
Applicant Response: A revised site lighting plan has been done and included in this submittal with details. The hours of store operation will be 8:00am – 9:00pm daily.
LaBella Response: Illuminated signage in front of the building is not included in the revised lighting plan. What lights will remain on during off hours?
5. The Zoning District and schedule should be provided with front/side/rear setbacks, building heights, minimum lot size and widths etc. *Received.*



Acknowledged

Labella Response: OK

6. A Storm Water Pollution Prevention Plan will be required and should be provided for review.
Received, has not yet been reviewed by Labella.
7. The Boards should determine the allowance of any outside storage for items such as propane cages, bulk ice coolers or seasonal sale items. Outside banner flags and other like items should also be discussed; any items not desired by the Town should be specifically outlined in the potential approval conditions. *Board condition/decision.*
Applicant Response: Propane and ice cabinets have been shown on the plans.
Labella Response: Board to review locations and allowable item.
8. A curb cut permit will be required from the NYS Department of Transportation, typically relatively low generators of traffic would not warrant the need for two egress lanes. *To be addressed. Please provide justifying as the (two) exiting vehicles could block each other's vision of sight.*
Applicant Response: Plans for Driveway permit will be submitted for review by Erie County Highway Department.
Labella Response: Regardless of Erie Count DOT we would recommend 1 ingress and 1 egress lane unless the applicant can provide traffic data to support the need.
9. The plans should include color details of all signage both free standing and building mounted including dimensions, height and hours of illumination. *Hours of illumination should be provided including the signage. Will the interior of the building be lit after store hours?*
Applicant Response: Details of the monument and exterior signage is included with this submittal. Store hours of operation will be 8:00am –9:00pm daily. At 9:00pm, 30% of the interior store lights will remain on to allow employees time to safely complete closing tasks. At 10:00pm, all interior lights shut off, except for four (4) lights that stay on for safety. These four (4) lights, along with emergency EXIT signs remain on throughout the night.
Labella Response: Town to review interior lighting procedure during off hours. Exterior lighting should be off when stores is closed.

New comments from recently submitted plans and material. (October 18th 2019 Letter)

10. Our understanding is that the existing sanitary and water laterals will need to be abandoned. We ask the applicant's design professional to depict the locations of existing sanitary and water laterals, as they have not been shown on the Demo Plan, Sheet C1.
Applicant Response: Notes have been added to Demo Plan, Sheet C1
Labella Response: Ok
11. The Demo Plan, Sheet C1, indicates an existing catch basin in the parking lot where no outlet was found. The disposition of the storm piping should be determined and addressed.
Applicant Response: Notes have been added to Demo Plan, Sheet C1
Labella Response: Ok
12. We ask the applicant to verify that the remains of the asphalt parking lot that is in poor condition (Noted on Sheet C1) will be removed and restored with seed and or some mix of



vegetation. Plans for restoration of this area should be described and depicted on the planting plan / landscape plan.

Applicant Response: All existing asphalt parking area will be removed and seeded where necessary. See hatch area has been revised in planting plan.

Labella Response: Ok

13. The applicant will need to provide water calculations for both domestic and fire use. We also ask the applicant to verify whether a separate fire service would be required for the proposed commercial building.

Applicant Response: We are including a letter from the architect/engineer for water usage with this submittal. A Fire sprinkler system is not required.

Labella Response: Ok

14. A backflow preventer on the water service will be required and should be noted on the plans, as we did not find this within the submission materials.

Applicant Response The location of approximate interior backflow preventer has been shown on the plan with note 22Y. See architectural drawings for more detailed water service in the building.

Labella Response: Location is acknowledged. Provide town with architectural plans for review.

15. The water and sewer laterals should be installed in accordance to the 10 States Design Standards as well as any other County or Local regulations.

Applicant Response: Note 76A has been added to the Site and Utility plan. Contractor will install in accordance to the 10 states design standards as well as any other County or Local regulations.

Labella Response: OK

16. Provide storm water calculations for the capacity of the existing ditch, so as to verify that the existing ditch has capacity to handle proposed storm water flows. What is the ultimate disposition of the stormwater once it reaches Boston State Road? The NYS DOT should be provided plans and stormwater calculations for their review and comments.

Applicant Response Storm water calculations have been provided on Grading plan (sheet C3) and existing/proposed water flow in the ditch cross section has been provided on Detail Sheet 3. Plans will be provided to County DOT.

Labella Response: Ok

17. Provide a maintenance plan and agreement for underground retention system for review. Cleaning out the filter bag and taking care of the end section will be critical to the function of the system.

Applicant Response: O&M manual will be included.

Labella Response: Filter media and outlet structure should be specifically called out for inspection in O&M manual.

18. Recommend changing the site grading on the southwest side of the parking lot to avoid pooling of water and prevent any issues with the property to the south.

Applicant Response: Site grading on the southwest side was been changed.

Labella Response: OK



19. The plan indicates overhead electric with and pole and transformer on the south and east side of the building. We would recommend all electric service to the building be underground and any transformers be screened with vegetation.

Applicant Response: Power lines will be coordinated with utility provider.

Labella Response: Note new location of Poles to the north of the building. Labella still recommends the electrical service to be underground as this is customary with new construction. The new pole location is in a spot that will be challenging to service. The wires may impeded any maintenance needed on water and sewer service.

20. What will the hours of operation be and will there be an after-hours lighting plan (interior and exterior)? All hours of lighting for the parking lot and signage should be discussed with the Board.

Applicant Response: Details of the monument and exterior signage is included with this submittal. Store hours of operation will be 8:00am –9:00pm daily. At 9:00pm, 30% of the interior store lights will remain on to allow employees time to safely complete closing tasks. At 10:00pm, all interior lights shut off, except for four (4) lights that stay on for safety. These four (4) lights, along with emergency EXIT signs remain on throughout the night.

Labella Response: Town to review interior lighting procedure during off hours. Exterior lighting should be considered during shutdown off times.

21. Provide offloading plan for trucks supplying the store, provide turning template for truck turnaround. When/what times of day will deliveries occur.

Applicant Response: Truck route has been shown in the Detail Sheet 2.

Labella Response: Note 6-12 parking spaces will be blocked during offloading.

22. As the Grading Plan, Sheet C3, indicates grading will occur within the NYSDOT Right-of-Way, this work would likely require a Highway Work Permit from NYSDOT.

Applicant Response: Plans will be coordinated with County DOT.

Labella Response: Ok

23. The Site and Utility Plan indicates 30 parking spaces are provided where 45 would generally be required pursuant to Section 123-103, Paragraph E of the Boston Town Code, which requires one space for every 200 square feet of gross floor area for retail stores. In lieu of showing an additional 15 parking spaces to be constructed at this time, the Board may want to request that the applicant depict 15 land-banked parking spaces that could be provided at some point in the future should the need arise.

Applicant Response: Variance will be requested

Labella Response: Ok

24. Concrete curbing or car stops should be provided for the south parking stalls. We also recommend the use of concrete curbing on the west side of the parking lot in lieu of the proposed asphalt curbing. A detail should be provided for concrete curbing as well.

Applicant Response: Concrete wheel stops have been added (Detail 02A). Asphalt curbs will remain.

Labella Response: The town to review the use of asphalt curbing versus concrete.



25. We ask the design professional to clarify the location of snow storage areas on the site plan.
Applicant Response: Snow storage area has been shown on the site and Utility plan (note 70C)
Labella Response: Ok
26. Provide jointing detail for heavy duty and standard duty asphalt pavement.
Applicant Response: As discussed with Mike Simon-top asphalt layer will be the same for standard and heavy-duty pavement transition. Note has been added to the Site Plan.
Labella Response: Ok
27. We ask the applicant to verify that the proposed monument sign foundation will not adversely affect existing sanitary main or other utilities. A detail that depicts the foundation depth may help resolve whether the sign would conflict with existing utilities.
Applicant Response Monument sign has been drawn to scale and moved away from the existing sanitary sewer line.
Labella Response: Ok
28. The building design drawings show downspouts on both sides of the building. How will the downspouts on the south side of the building tie into the storm system.
Applicant Response: Downspouts have been connected into the storm system on Grading plan.
Labella Response: Ok
29. We ask the applicant to verify that the proposed slope of the ADA Accessible parking area is no more than 1.5%. Sheet C3 appears to note a 1.6% slope or greater in the vicinity of the accessible parking area.
Applicant Response: National American with Disabilities Act requires ADA parking are not to exceed 2.0%, therefore 1.6% slope is in compliance.
Labella Response: Ok
30. Based upon our review, the site does not appear to balance. We ask the applicant to clarify where exported materials would be disposed of.
Applicant Response: Exported material location will be identified at the time of construction.
Labella Response: Ensure all construction materials (old asphalt , ex.) will be removed from the site.
31. According to the geo-tech report, there is reportedly 2-3 feet of existing fill covering the site. Depending on the composition of the fill, how the site is graded, and/or if the fill is deeper between the borings; the fill may have to be over-excavated to get to suitable bearing materials (either in the footings or beneath the floor slab or pavements). Also, since the site has fine-grained native soils, the geo-tech report recommended placing 1 foot of compacted structural fill beneath the new foundations (on approved native soil). The proper placement/compaction of this structural fill material will need to be verified at the time of construction. With the site having an existing structure(s) that need to be demolished, contractor may ask if they can recycle concrete to be re-used as structural fill. This is something that will need to be approved by the geo-tech engineer.



Applicant Response: Note has been added to the Grading Plan: “The geotechnical report indicates a portion of the property will be fill. The acquisition of additional dirt will be determined at the time of construction, if export is required-the location for export will be determine at the time of construction.”

Labella Response: We recommend requiring compaction testing and evaluation by the applicant’s geo-technical engineer for fill underneath the foundation of the building before installing the foundation.

32. Our understanding is that the HVAC units will be mounted to the rear of the building approximately 11-feet in the air. We ask the applicant to provide some screening of these units.

Applicant Response: Additional landscaping has been provided along the north and south per Town request.

Labella Response: Additional screening to be discussed with the board.

33. Provide detail for proposed wood fencing? Further discussion with the Board should continue relative to fence material, locations, height as well as some possible screening.

Applicant Response: The fence detail 70C has been added to the plans.

Labella Response: Board to review detail/need for fence.

34. Landscape Plan. The Board should require the submission of a detailed planting/landscape plan, particularly for screening of the adjacent properties and to enhance the appearance of the building and the site in general. Although a 6-foot high fence is currently proposed for screening, dense vegetative plantings including trees provides for a more attractive environment and can be an effective buffer.

Applicant Response: Additional Landscaping has been added to the plans.

Labella Response: Board to review landscaping plan for adequacy.

35. Lighting Plan. LaBella suggests the lighting plan be incorporated as a sheet within the overall site plan for final signatures.

Applicant Response: A revised lighting plan has been added to the plan set and is included in this submittal.

Labella Response: Ok

36. Pole-Mounted Light Fixture. We ask the applicant to verify that the proposed pole-mounted fixture is a full-cutoff light fixture, as the catalog cut sheet submitted for review does not seem to indicate the fixture is full cutoff. If the fixture is full cutoff when aimed at nadir then we ask the applicant to note on the lighting plan that the fixture is to be installed aimed at nadir.

Applicant Response: All interior and exterior lighting fixtures are LED and verified to be full cut-off light fixtures. Cut sheets are included in this submittal and plan sheet has been updated to indicate that fixture will be installed aimed at NADIR.

Labella Response: Ok

37. Wall Mount Light Fixtures “HB”. We ask the applicant to clarify the type of fixture to be used for the “HB” lighting, as the description appears to be similar to the pole-mounted fixture, with the exception of a note indicating “42-inch upsweep arm”.

Applicant Response: The exterior “42 inch upsweep arm” HB fixtures have been replaced with decorative wall pack lightning. The change is reflected on the revised lighting plan included with this submittal.



Labella Response: Unclear in lighting specs which model it is, will discuss with the applicant.

38. Lighting Uniformity / Illumination Ratio. Lighting uniformity across the site is very inconsistent, and we suggest the applicant provide a better uniformity. Although the parking spaces in general are illuminated, there are portions of the drive aisles and parking spaces that have widely varied illumination levels. Two shorter (15-foot tall) pole-mounted fixtures could be used in lieu of one (25-foot tall) fixture. Side shielding should be installed if an alternative configuration would result in light trespass onto neighboring property.

Applicant Response: The proposed lighting plan is submittal. This recommended contradicts previous comments received from Planning Board. We are open to this suggestion, but will defer to the Planning Board's request.

Labella Response: To be further discussed with the board.

39. LED Bar Light. LaBella notes the Exterior Elevations drawing by MJM Architects, Sheet A02 depicts an LED Bar Light above the proposed building mounted sign, which does not appear to be consistent with the proposed gooseneck fixtures on the lighting plan. This inconsistency should be resolved on the elevations.

Applicant Response: The elevation page previously submitted is from a prototypical building design. There will be no "Flood Lights" on this building. A revised elevation page reflecting this change is included in this submittal.

Labella Response: Ok

40. Flood Light. LaBella notes the Exterior Elevations drawing by MJM Architects, Sheet A02 depicts and calls out "Flood Light" (Keyed Note 3) on the Front and Right elevations. These building-mounted lights should be full cutoff light fixtures, as floodlights result in disability glare and light trespass. This comment also relates to comment 37, above.

Applicant Response: The elevation page previously submitted is from a prototypical building design. There will be no "Flood Lights" on this building. A revised elevation page reflecting this change is included in this submittal.

Labella Response: Ok

41. Monument Sign. The monument sign depiction on the Site and Utility Plan, Sheet C2, should be scaled to the size proposed. The length of the sign on the plan appears to be greater than 15-feet; however, the Everbrite monument sign sheet dated 01/14/2019 calls for a 6-foot length.

Applicant Response: Site Plan has been revised.

Labella Response: Ok

42. Monument Sign Illumination and Cladding. Assuming the monument sign is proposed to be internally illuminated, this would not appear to match the theme of the building-mounted signage that seems to be externally illuminated by the gooseneck lighting. LaBella requests the applicant verify that the monument sign would be externally illuminated. We also request the applicant utilize cladding on the bottom portion of the sign that compliments the color theme and materials to be used on the building.

Applicant Response: The monument sign is internally illuminated. Our prototype calls for internal illuminated building signs as well. The gooseneck lighting above the building signs has been added to enhance the aesthetics, per the Planning Board's request. The cladding at the base of the monument sign will match the brick façade proposed on the building. A revised sign detail is included with this submittal.

Labella Response: Ok, Verify monument hours of illumination.



43. Signature Block. Each sheet within the plan set should have a signature block for final signatures.

Applicant Response: Signature block has been added to each sheet.

Labella Response: Ok

44. The SEQR process will continue to be facilitated by the Town Board and the Town Planner.

Acknowledged:

Labella Response: Ok

45. Regarding the Stormwater Pollution Prevention Plan (SWPPP);

- A completed Notice of Intent would provide helpful information for review.

Applicant Response: a completed NOI has been provided to Michael Simon on 10/18/19

- The SWPPP does not demonstrate eligibility to SHPO in accordance with the Permit.
- A stormwater management design was not provided. There is no mention of runoff reduction, water quality or water quantity controls. We can provide further comment when a design is provided for review. The report appears to reference the state of Missouri standard for water quality.

Applicant Response: Stormwater calculations have been provided in the SWPPP and submitted for review.

Labella Response: Ok, SWPPP still under review by Labella.

Thank you for the opportunity to assist you with reviewing the proposed plans. Please feel free to contact me directly with any comments or questions you may have.

Respectfully submitted,

LaBella Associates

Michael A. Simon
Senior Project Manager

Cc Via Email

Paul Ziarnowski, Planning Board Chair
Sarah DeJardins, Town Planner
Dawn Boncal, Board Secretary
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