

M E M O R A N D U M

TO: Ralph Huddleston, Chairman & Planning Board

FROM: Dennis G. Lindsay, PE, Town Engineer &
Sean T. Hoffman, PE, Planning Board Consultant

SUBJECT: BMG Powersports
HC Zone; AQ-3 – Site Plan and Area Variance
File No. 12-1-115, Memo No. 83-12-016

DATE: March 9, 2012

CC: Neal Halloran, Building Inspector, Broderick Knoell, Highway Superintendent,
Richard Golden, Esq., David Getz, PE (for applicant)

The following are our comments on an application for site plan for a mixed use building with commercial uses and an upper-floor residential apartment on a 1.5 acre tract along New York State Route 17M within the Highway-Commercial (HC) and AQ-6 Overlay District. Applicant proposes to demolish the existing farm stand and construct a new structure with site improvements including parking and utilities.

Background – This matter was last considered during your April 19, 2012 meeting. At that time, the applicant provided an initial presentation and the Board considered the visibility of the proposed structure, access and water supply. Since your last meeting the applicant has discussed the project with the NYSDOT and determined to eliminate the proposed driveway entrance along the westerly side of the site in favor of a shared driveway with the adjacent lot. In addition, the applicant has added an accessory storage building toward the rear of the proposed parking lot. These modifications as well the Code requirements for architecture and visibility were reviewed during the May 3, 2012 staff meeting. This matter is listed so the Board may review the design changes, commence SEQRA and possibly set a public hearing.

A) Materials Reviewed:

1. Correspondence prepared by Lehman & Getz Consulting Engineers dated May 3, 2012;
2. Plans by Lehman & Getz Consulting Engineers as follows:

<u>Sheet</u>	<u>Title</u>	<u>Last Revised</u>
1 of 4	Site Plan	5/3/2012
2 of 4	Removals Plan & Construction Details	5/3/2012
3 of 4	Construction Details	5/3/2012
4 of 4	Construction Details	5/3/2012

3. Copy of easement for ingress and egress over Brown Realty, LLC in favor of Frank Siena (BMG Powersports);
4. Correspondence prepared by NYSDOT dated May 7, 2012

B) Review of Submitted Materials –

1. Zoning – The applicant submitted correspondence detailing the plan revisions which guided our review. Comments have been repeated from previous reports where applicable; new comments indicated with [**].
 - a) Use – Applicant proposes to construct a mixed-use building with three (3) commercial spaces on the first floor including BMG Powersports which will sell and service recreational vehicles. The remaining spaces are presently unoccupied however, the applicant anticipates similar retail or service businesses. The proposed uses are permitted within the HC District subject to site plan review by the Planning Board. Upper floor apartments in mixed use buildings are permitted by right in the HC District. We believe this is a major project [§97-70.D] since the proposal includes the alteration of 10,000 square feet of land and a public hearing is required.
 - b) Area Variance – An area variance has recently been approved for frontage along a state road (197.17-feet where 300-feet is required). (Informational)
 - c) Development Compliance –
 - Development within the HC Zone requires compliance with the design standards listed under §97-14D. This includes submission of materials in connection with the proposed architecture [also see special permit and site plan requirements §97-75B(16)]. Conceptual architectural plans were reviewed during the May 3, 2012 staff meeting and the applicant has advised plans will be submitted prior to your next meeting. Additionally, landscaping and buffering must be provided per §97-14D. The applicant has proposed a continuous green landscape buffer along the road consisting of shrubs and lawns with a sidewalk in accordance per §97-14D.3(A). (also see comments below regarding landscaping). [**].
 - Applicant previously indicated their intention for outdoor merchandise display along the front of the building and has revised the plans to show dedicated display areas. We understand the applicant intends to remove the outdoor display merchandise each evening and suggest you confirm with Building Inspector Halloran this is not considered “outdoor storage”. We recommend your action include a requirement for the outdoor display merchandise to be removed each evening and to be placed in areas to avoid impacting sight distance from the proposed driveway. [**].
 - Parking – Your Code requires four (4) stalls per 1,000 square feet for retail or service businesses [§97-48.A.(3)(a)(1)] and two (2) stalls per residential dwelling unit [§97-48.A.(2)]. Based on this 5,5000 square foot building with a second floor apartment the applicant would require 24 spaces¹. The applicant has requested a modification of the provisional parking standards which is permitted if the Board considers (1) peak usage; (2) structure size; (3) environmental, scenic or historic resources; (4) on-street parking; (5) adjacent off-street parking and (6) additional parking. In addition, the Code

¹ Per space allocation criteria. Applicant to submit information on number of employees to confirm satisfaction of employee criteria.

permits the Board to require as a condition of reducing the provisional parking standards, the setting aside of additional land to meet potential parking needs.

2. Site Plan –

a) Site Layout –

1. In accordance with the NYSDOT's correspondence a Highway Work Permit is necessary and the proposed driveway entrance along the westerly side of the site has been eliminated in favor of a shared driveway with the adjacent lot (Joseph Brown Realty). The proposed easterly driveway will be a dedicated exit. In accordance with our previous request, and NYSDOT requirements, the applicant has indicated the sight distance measurements will be provided with the next plan submission so the Board may confirm the adequacy of driveway. [**].

The Code requires driveways on lots with 100 feet or more of road frontage to be setback at least 10 feet from the side lot lines [§97-40C(4)]. We recommend you discuss with Building Inspector Halloran and Attorney Golden whether the proposed driveway is an existing nonconformity. [**].

2. During the May 3, 2012 staff meeting, the delivery of vehicles requiring service was discussed. The applicant anticipates customers will unload within the exit driveway to access the service area and confirmed the proposed 20-foot wide exit drive will be sufficient for this purpose. The Board may wish to require striping any anticipated loading zone(s) and restrict the time delivery vehicles may be parked within the driveway. [**].
3. The applicant has submitted information regarding the easement for ingress and egress over the neighboring Joseph Brown Realty property. We presume Attorney Golden will comment regarding the adequacy of this easement. The plan shows an interface between the existing and proposed parking lot and it is presumed vehicles will seek parking in the adjacent lot if necessary. This configuration is required by NYSDOT and should be discussed further with the applicant. If the lots are to function together, the driveway intersection at the property line may need to be reconfigured, striped or signed to improve circulation. [**].

b) Utilities –

1. Water – The applicant intends to abandon the existing well in the center on the property and has indicated this work will be in accordance with NYS DOH Standards.

The site is within the AQ-6 Overlay Zone. Your Code (97-43.B; 97-27C & D) requires non-residential uses be evaluated on a case-by-case basis for impact on groundwater supply and quality. The applicant has submitted general information on their water needs. The applicant should confirm the proposed use does not have any additional water needs (vehicle washing, etc.).

The applicant is proposing to provide fire sprinklers for the residential apartment only; we recommend design information on this system including any required storage tanks or pumps be submitted for review. Adequate access for Fire Department should be considered in the layout and reviewed by Emergency Services to confirm acceptability.

The applicant has provided a copy of electronic correspondence from the Orange County Department of Health indicating the water supply is a non-public supply. If the proposed use changes to a food service, school/daycare or beverage production this should be resubmitted to the Department of Health for additional review. (Informational).

2. Sanitary – The applicant intends to abandon the existing onsite sewage disposal system and construct a new pumped system toward the rear of the lot and have included information on soil tests. In accordance with your prior actions, we recommend your action include a requirement for witnessed testing.

The applicant has calculated the total (commercial and residential) daily discharge to be 770 gpd which is below the 1,000 gpd threshold for coverage under the SPDES permit. We note the applicant conservatively utilized three (3) bedrooms in their calculation (2 bedrooms proposed) and 0.08 gpd/sf for the commercial space. We understand this value is based on hydraulic loading rate of 0.1 gpd/sf² less 20% for mandated water saving plumbing fixtures. (Informational).

The 6 foot trench width utilized in the applicant's sewage disposal system calculation appears at variance with the Eljen In-Drain Cross Section Detail which shows a 4 foot trench width. Although this should be revised, we believe the overall trench length of 120 linear feet is correct due to a conservative application rate of 1.2 GPD/SF (DOH permits application rate of 1.72 GPD/SF). [**]

3. Stormwater – The applicant should confirm the proposed area of disturbance is still 0.9 acres with the addition of the disturbance for the storage building. If the disturbance remains below the one (1) acre threshold, coverage under the NYSDEC SPDES General Permit for Construction Activities, including the preparation of a stormwater pollution prevention plan (SWPPP), is unnecessary. [**].

The proposed grading appears to direct runoff from the parking lot toward the flush curb where it may become trapped or cause icing conditions. We recommend directing any surface water discharge to the existing collection conveyance system or adding basins to connect to the existing drainage.

The NYSDOT requirement for a negative slope from NYS Route 17M may create a low point requiring drainage structures to eliminate ponding.

² NYS DEC Design Standards for Wastewater Treatment Works, Intermediate Sized Sewage Facilities (1988).

4. Lighting & Landscaping – The applicant has indicated a lighting plan will be included in the next submittal and will provide reasonable light levels (0.5 footcandles) in the area of the structure. We recommend light levels be limited at the property line to less than 0.1 footcandles. If wall-pack fixtures are proposed they should be equipped with non-glare shields. We recommend any action of the Board require no offsite glare.

The applicant has added landscaping consisting of Spirea at the rear corner of the building, a dogwood tree in the side yard and daylilies along NYS Route 17M. The Code [§97-75D(2)] requires landscaping to enhance the appearance of development and screen incompatible uses. The proposed use is bordered by a vacant lot to the east and a similar use to the west. Any additional landscaping in the westerly side yard will need to be setback sufficiently to limit interferences with sight distance of the existing driveway. [**].

c) Miscellaneous –

- Signs – The applicant has indicated information on signs will be included in the next submittal. We refer the applicant to the zoning code §97-49 and §97-75.B(8) regarding sign requirements and the requirements to include information on both freestanding and façade signs.
- Traffic – The applicant has estimated 24.1 vehicular trips per hour using the Institute of Transportation Engineers’ Trip Generation Manual and has had initial discussions with the NYSDOT regarding the NYS Route 17M access.

C) Referrals Required

1. NYSDOT
2. Orange County 239 referrals
3. Emergency Services