

**Town of Sand Lake
Zoning Board of Appeals (ZBA)
June 18, 2020**

The minutes, as follows, are intended to provide a general summary of the Agenda items and Public Hearings. Quotes presented are not verbatim, nor is all discussion which occurred presented herein. This document should not be relied upon as a transcript or the actual proceedings. The transcript of this meeting is on a digital voice recorder and available at the Town Hall.

CALL TO ORDER: Melissa Toni opened the meeting at 7:00 PM

MEMBERS PRESENT: Melissa Toni
Geraldine Burger
Scott Bendett
Amy Lent
Wayne Gendron
Craig Crist, Esq.

MEMBERS ABSENT:

OTHERS PRESENT: Wendy Powell, John Hitchcock, Ivo Garcia, Frederick Nick, Kevin McGrath,
Scott Morrissey, William Keniry, Bonnie Jo Willard, Monica Ryan

RECORDING CLERK: Laura Fedoreshenko, Clerk for Planning Board and ZBA

Area Variance Application and Public Hearing

Ivo Garcia – Dunkin Donuts
3696 NY 43
West Sand Lake, NY 12196
HC – Hamlet Commercial Zoning District

Tax Map #146.2-5-36
Lot Size: .465 +/- acres

An Area Variance Application for parking location in side yard, exceeding the maximum front yard setbacks and a reduced stacking lane for a proposed commercial use.

Melissa Toni (MT) explained the Public Hearing process. ABD Engineer John Hitchcock presented and summarized the project which had been previously discussed at the 2/20/20 meeting. MT opened the Public Hearing at 7:10pm; seconded by Geraldine Burger (GB) and all approved. MT read a letter submitted by Wendy Powell (attached). MT asked Ms. Powell if she had any additional comments. Ms. Powell replied no and noted on the site plan that more trees had been added along the property line which she thought would help with the noise. MT stated that as Ms. Powell's letter contained a number of concerns, she wished to go over them individually. MT started with the traffic issue that may occur with both Routes 43 and 150 having entrances and exits. MT asked Monica Ryan whether NYS DOT had approved the site plan. Ms. Ryan replied that per a verbal conversation with Mr. Tedisco, NYS DOT was okay with the traffic flow and understood issues with emergency vehicles being able to access the site from Route 150 and indicated they would accept it if the Town was also okay with it. She added that NYS DOT continued to review the revised stormwater plans. Ms. Ryan then asked Mr. Hitchcock if they received a written response from NYSDOT. Mr. Hitchcock replied that he had spoken with them and was informed that the response was being finalized. With no further public comments, MT motioned to close the Public Hearing at 7:24; seconded by Wayne Gendron (WG) and all approved. MT then asked how the issue of trucks accessing the site as customers and/or to make deliveries was being accommodated. Mr.

Hitchcock replied that trucks can enter from Route 43 and pull off into the park lane to back up by the dumpster where unloading could be done. He added that the site was set up in order that fire trucks can enter from either Route 43 or 150 and circulate through. Ms. Powell clarified that the trucks of concern would be those from Troy Sand & Gravel, Hannaford or semi-tractor trailer trucks drivers who wanted coffee, breakfast or lunch and then asked where they would park. MT asked Mr. Hitchcock if there was any such truck parking. Mr. Hitchcock replied there was not and added that he was not aware of a DD that had such parking available. GB stated that that she agreed with Ms. Powell's concern for the parking of big trucks being a problem. She then stated that the revised stacking lane did not seem to account for the size of pickup trucks and/or SUVs. MT asked Mr. Hitchcock if semi-tractor trailer trucks could fit through the drive-thru for which he replied no. MT replied that the only option would be for them to park at Hannaford and walk over. MT then asked Mr. Hitchcock if the stacking calculation was based on a larger vehicle length. Mr. Hitchcock replied that the Zoning Code required 20' per vehicle for the stacking lane which they had done and it allowed for 8 vehicles at 20' – he added that this accounted for full size pickup trucks. WG referred to the location for where the delivery truck would park and believed that the delivery person would then have to cross through the drive-thru to get to the back door of DD. He added that past experience has shown that delivery truck(s) ended up parking as close as possible to the doorway. He then asked what assurances would be made that they would not park in the handicapped and/or regular parking spots; and, how safe would it be for the delivery person to cross the site's drive-thru traffic. Mr. Hitchcock replied that the delivery trucks would not be there during the peak hours and enforcement would need to be done by the owner and/or the store manager. The applicant (property owner and DD developer) Mr. Garcia, replied that he agreed with Mr. Hitchcock on the deliveries being scheduled for off peak hours and that the distribution center would accommodate for timing of the deliveries to the best of their ability. WG replied that while the response sounded good, he hoped it would work that way in reality. Mr. Garcia clarified that for donut deliveries, it would be done when the store was closed. MT then addressed the concern for the location of the dumpster not being in line with the neighbor's barn but rather towards the yard area causing odors, noise and pollution from trucks idling to waft over. Mr. Hitchcock replied that the dumpster area would be enclosed and that the existing fence along with the 7 trees to be added would help with the screening/barrier. Mr. Hitchcock then spoke of the noise and restated that Mr. Garcia will be able to adjust the volume on the drive-thru speaker and is willing to work with Ms. Powell should there be an issue. MT asked if there were any proposed plans to improve or replace the existing fence. Mr. Hitchcock replied no. Ms. Powell stated that they had installed the fence approximately 10 years ago and they had plans to replace the rotted areas. Ms. Powell agreed that the addition of trees would help. She then questioned why the dumpster had to be in the proposed location which was in her line of vision versus the truck parking area. Mr. Garcia replied it would not be in her line of vision and should the fence be inadequate, another fence would be supplied. He reiterated that the dumpster area would be enclosed. He explained that the reason for its location is so that a garbage truck can directly access the dumpster; thus, no maneuvering needed by the truck as it would drive in and front load the dumpster to empty then exit. Mr. Garcia added that placing the dumpster in another location would mean that maneuvering would be necessary for the big truck to access and empty it. Ms. Powell asked when the dumpster would be emptied. Mr. Garcia replied it would be during business hours and whenever they scheduled it and would look to have it done at a time that would not bother the neighbors. Mr. Garcia spoke of the noise from the drive-thru speaker and stated that at his other location which also had close neighbors, they were successful in adjusting the volume so it is not heard by them. MT asked Ms. Ryan if she could explain where the Planning Board (PB) stood on the location of the dumpster and the fence. Ms. Ryan replied that the PB had no issue with the current location of the dumpster however were concerned that delivery trucks could fit adequately. MT asked Mr. Garcia to elaborate on his comment about what may be done should the existing fence be inadequate. Mr. Garcia replied that a close look at the fence would be needed and if found not to be up to standards, landscaping could be added to make it appealing. GB commented that Ms. Powell's statement of the dumpster being offensive to her residence was valid. She added that neither a fence or trees could prevent the aroma from wafting

over to Ms. Powell's house nor the speaker noise. GB also commented that the carbon monoxide from cars in the drive-thru stacking lane could not be prevented from wafting over to Ms. Powell's house. Mr. Garcia stated that the dumpster would not have an odor as it would mostly be loaded with cardboard, donuts and bread. He explained that the dumpster is normally emptied 2 times a week and added that he has never had a complaint of offensive odors at his other locations. He mentioned that in the summer sometimes there are bees for which bee traps are utilized. MT stated she was at a point where she would like the ZBA members to consider some special conditions such as if the existing fencing was inadequate, there would be some sort of replacement; and, if needed, the adjustment of the drive-thru speaker. WG noted that Ms. Powell had mentioned possibly selling her property in order to eliminate some of the issues with the site layout. Ms. Ryan clarified that for the setbacks of the proposed structure, it would actually need to be forward to the road in order to meet the Zoning Code. WG replied that he understood and meant that if the adjacent property was purchased, it would allow for the drive-thru to be in the back and for the building to be closer to the road. Ms. Powell clarified that she had stated to Mr. Garcia after the Planning Board's Public Hearing that she had previously indicated to a Town of Sand Lake staff member that she would be willing to speak with anyone about the possible purchase of her property. She added that Mr. Garcia replied to her that the message had not been relayed to him. Ms. Powell further stated that she had shared her phone number with Mr. Garcia that evening however had not heard back from him. Ms. Ryan asked Ms. Powell who she had spoken with at the Town. Ms. Powell replied that she did not recall who the person was and added that it was just a general call that she had made. Ms. Ryan advised Ms. Powell that she had not been aware of that information. Craig Crist (CC) stated that the Town was not in a position to compel anyone to sell or buy property. Mr. Garcia replied that he would be open to speaking with Ms. Powell at a later date however did not see that as part of the proposed project. He added that due to the money invested thus far with the purchase of the property and the engineering costs, he did not want to start the process for the project over again. Mr. Hitchcock commented that if Ms. Powell's property fell into a different zoning district and needed rezoning, that would also add more cost and time to the project. Ms. Ryan replied that she was unsure where the zoning line was and would have to look it up. Ms. Powell commented that she believed the proposed DD would be busy as there was not another one nearby. She added that if her property were to be purchased by the applicant, the well would no longer need to be shared with the laundromat for water. MT stated it was good that Ms. Powell and the applicant were in conversations but reiterated that the Town could not require the acquisition of land.

CC then read the NYS Town Law 267-B 3 for all present.

MT then went over the criteria for ZBA members to discuss/comment on:

- (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

MT restated the zoning requests versus what was required by the Zoning Code. She stated: the building was required to be 10' from the property and the request is for 20'; parking was required to be no more than 50% in the side yard and the request is for 100% parking in the side yard and; the drive-thru stacking lane required space for 10 vehicles – the request was for 8. MT then stated that the requests were necessary as the applicant was very limited due to site constraints to fit in the proposed project; thus, no undesirable change seen. Scott Bendett (SB) agreed. GB commented that she did not view the project as consistent with what we would like to maintain in the town. GB added that as the building needed to be pushed back and not aligned with Walgreen's disrupted the original plan for the four corners. GB then commented that she had an issue with the side yard parking being non-conforming to the Zoning Code. Mr. Hitchcock commented that the reason for 100% side yard parking was that there was no rear yard to the site due to it being fronted on two sides. He further explained that for the building setback; the initial

proposal had it facing Route 150 which met the setback; however, the PB asked that it be rotated to face Route 43 which created the need for a further setback. GB pointed out that all the cars waiting in the drive-thru lane would be the visual for those driving through the intersection. Mr. Hitchcock pointed out that any commercial development on that site would not meet the 50% side and 50% rear yard parking. He further pointed out that Walgreens had a drive-thru for pharmacy which was on the side of their building and seen by those driving on Route 43. WG stated that in regards to the setback on Route 43, approval of such variance would set a precedent for other such requests; thus, he would rather see it moved closer to Route 43. MT asked if there was any way the building could be moved 10' closer to Route 43. Mr. Hitchcock replied no and that after many meetings with the PB, the proposed layout was what they had agreed on. WG also noted that the that the Zoning Code stated that customers should be able to enter the front door of a business from the sidewalk without having to cross to across traffic. Mr. Hitchcock replied that the proposed plan called for "pedestrians crossing " signs to mitigate the issue. GB commented on the issue of safety and stated that according to the Traffic Impact Study, the four corners did have 3x the amount of accidents when compared to other corners of a similar nature. She commented that the direction for the entrance and exit onto Route 150 would cause issues considering there would also be traffic in and out of Walgreens and a similar issue on Route 43 with the Hannaford exit. MT agreed that there would be a change to the dynamics and added that were State roads and NYS DOT were the experts. CC commented that concerns should be related to the Area Variances being sought. Amy Lent (AL) questioned how far back the laundromat was located from the road and noted they had a lot of parking in the front. Ms. Ryan replied they were back approximately 40' from the road. She commented that Walgreens was not at the 10' setback line but rather closer to 20' as well. Ms. Ryan then stated that Walgreens had been built prior to the zoning being changed for setbacks and added that Walgreens had also received several area variances. She stated that the updates to the Zoning Code could not cover every situation; thus, looking at the character around a project was key. AL commented that the proposed project would be a vast improvement over the laundromat and as such was in favor of the Area Variance needed for the front setback. MT stated she understood the setback concerns however did not see another option for the DD to have a drive-thru and that is what is proposed for the site for the ZBA to review. MT then asked if there was a means for the placement of outdoor seating. Mr. Hitchcock stated that an additional patio table may be added and over all there would be four outdoor seats.

- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

MT stated that she could not foresee the project be accomplished in another manner.

- (3) Whether the requested area variance is substantial;

MT stated this factor was subjective as it is closer than the adjacent properties, yet it was still double.

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

MT commented that a majority of the alleged difficulties were self-created by the purchase of the property.

MT then asked SB where he stood. SB replied that he saw the issues from both sides. He added that his concerns were also safety related and similar to comments made by WG. SB stated that the stacking was a concern and wondered if the size of the building size could be reduced a bit. He added that he was unaware of any of the other buildings along that stretch meeting the setback either. WG commented that he did not believe that another structure had been built in the area since the zoning ordinance for setbacks had been changed; thus, did not see how that statement could be used as a rule of thumb. SB agreed. MT commented that the intent of the zoning ordinance for setbacks was intended to allow for a streetscape look, walkable community and additional pedestrian access for more of a small-town feel. MT then added that she did not see another option to reconfigure the building to have a drive-thru and be able to maintain the 10' setback. Mr. Hitchcock commented that he felt the proposed design layout provided for the walkable streetscape along with nice landscaping, lighting along a newly constructed sidewalk. Ms. Ryan commented that the proposed design also added pedestrian scaled street lighting which the applicant was not required to do. MT asked if there would be pedestrian crossing signs on the Route 43 side for customers to access the front door of DD. Mr. Hitchcock replied yes and the site layout design was reviewed for the location of such signs. MT then asked, if in reality, the folks driving into the site would be able to visually see the yield to pedestrian sign and crosswalk marking or would a rumble strip possible be needed. Mr. Hitchcock replied that he believed the area to be open to see the sign and did not foresee vehicles turning into the site at 30 mph. GB commented that she was not in favor of adding rumble strips.

To conclude this discussion, the ZBA members agreed that as there were three separate Area Variances, they would be voted on individually.

- MT motioned to approved the location of the 100% parking in the side yard; seconded by SB. The motion was granted by a vote of 4 to 1; GB opposed.
- MT motioned to approve a stacking lane for 8 vehicles versus 10 with no conditions; seconded by AL. The motion was denied by a vote of 2-3; WG, SB, GB opposed.
- MT motioned to approve the increased maximum front yard setbacks, seconded by AL. The motion was granted by a vote of 3 to 2; opposed by GB and WG.
- MT motioned to apply the following conditions in addition to the approved variances: i) adequate fencing between the applicant property and the residential neighbor to the north; ii) adjustment of the drive-thru window speaker to be the least intrusive to the neighboring properties; and iii) incorporate a "pavement notification" to caution drivers of a pedestrian crosswalk ahead. The motion was seconded by AL.

MT summarized that the 100% of the side yard parking had been approved, the front yard setbacks had been approved and the 8-car stacking versus the required 10 had been disapproved.

Mr. Hitchcock asked if a redesign was done that allowed for 10-car stacking, without changes to the setbacks, then would it be correct to say that they would not need to return to the ZBA but rather finish with the PB for Site Plan Review approval. MT replied yes.

Area Variance Application

Morrisey Contracting LLC
89 Gundrum Point Road
Averill Park, NY 12018
R – Residential Zoning District

Tax Map #169.2-1-34

Lot Size: 6,609 sq. ft.

Minutes 6/18/20 ZBA

An Area Variance Application to replace an existing residential dwelling with a new larger home that will exceed the required setbacks and impervious surface coverage.

MT explained the Area Variance process and stated a future Public Hearing would be scheduled if sufficient information was and/or obtained. Ms. Ryan reminded ZBA members that starting in July, the ZBA would begin meeting the second Thursday of the month versus the third Thursday as discussed in late 2019. She added the change would place the ZBA meeting in between the two PB meetings to try and streamline the process for those applicants who needed dual Board consideration. Scott Morrissey of Morrissey Contracting referred to a site picture and stated that the existing home was owned by his parents and was purchased in 2014. He added that they had moved their full-time in the past year. He explained that the property had elevation changes which allowed the snow to accumulate making for an unsafe setup and they were looking to remove the structure entirely and rebuild a new home. The new house would be 20' further away from the lake, which would allow for a better view of the lake for the neighbors. He stated this move would also allow for a covered garage parking and level entry off the street. He stated that the proposed home would be approximately 1550 square ft versus while the existing dwelling is 1,000 square feet. MT stated that it had been a non-conforming lot for which Mr. Morrissey agreed. MT then stated that smaller setbacks were being sought due to the larger sized home proposed for which Mr. Morrissey agreed. Ms. Ryan pointed out that the proposed 5'2" side setback was the same as what currently existed, thus grandfathered in to allow a rebuild with the same setback on that side within 24 months. She then stated that the setback for the other side went from 16'4" down to 5'2". MT stated that setback of the proposed house 20' further back from the water would be more in line with one neighbor and slightly behind the other neighbor for which Mr. Morrissey agreed. The plans for the proposed new home were reviewed. MT stated that a site visit may be needed and arrangements were made with the applicant for Board members to visit individually.

MT then motioned to schedule the Public Hearing for July 9, 2020 at 7:00pm; seconded by WG and all approved.

Area Variance Application LOT 1 of 2 (Referred to as Lot 23)

Estate of Michael F. Lomonoco, Jr.

Bonnie Jo Willard, Executrix

60 & 64 Loon Creek Lane

Averill Park, NY 12018

R – Residential Zoning District

An Area Variance Application to create a lot with insufficient area, side setback and lot width as part of two-lot subdivision

Tax Map#158.4-2-3

Lot Size: .425 +/-acres

Proposed Lot Size: .075 acres

And

Area Variance Application LOT 2 of 2 (Referred to as Lots 24, 25, 26)

Estate of Michael F. Lomonoco, Jr.

Bonnie Jo Willard, Executrix

60 & 64 Loon Creek Lane

Averill Park, NY 12018

R – Residential Zoning District

An Area Variance Application to create a lot with insufficient area, side setback and lot width as part of two-lot subdivision.

Tax Map#158.4-2-3

Lot Size: .425 acres

Proposed Lot Size: .35 +/-acres

Attorney William Keniry stated that he represented Bonnie Jo Willard who was the executrix of the Michael F. Lomonoco, Jr. estate. Mr. Keniry stated that the applications were brought forth as pre-existing

legal non-conforming conditions. He explained that back in 1910, Mr. Wagner subdivided the land and then in 1913 a subdivision map had been filed which created Lots 23, 24, 25 & 26 as shown on the survey map. He further explained that over time a one-story house was built on Lot 23 and then referred to a similarly situated house having been built on Lot 22. He stated that in 1995 Citibank had foreclosed on the house located on Lot 23. In 1997, Mr. Lomonoco bought lots 24, 25 & 26 which was one deed. He then stated that in December of 1997, Mr. Lomonoco bought Lot 23 for which he had received a separate deed from another lawyer. Mr. Keniry stated that the conveyances were made by separate deeds in two distinct transactions. Sometime after these transactions, Rensselaer County then consolidated these properties into one tax parcel. He stated that for many years Mr. Lomonoco resided in the two-story house on Lots 24, 25 & 26 and Bonnie Jo Willard has resided in the smaller house on Lot 23 since April 1998. Mr. Lomonoco became ill and passed away suddenly in December 2018. Mr. Lomonoco's will had left 60 Loon Creek Lane to Ms. Willard and the remainder (lots 24, 25 & 26) which had consisted of the two-story house was willed to the grandson and close friends and was to be sold. Mr. Keniry then stated that the request was to retain the property that existed, reinstate these lots as two lots by granting the variances with respect to the non-conforming conditions as laid out and ultimately complete the subdivision through the Planning Board. Mr. Keniry stated that he had pointed out to surveyor William Darling that a potential problem could also be corrected. He then referred to a darkened lot line on the survey map by the two-story house which was proposed to be shifted a hair to the north to allow the crushed stone parking area which is located partially on what is referenced as Lot 23 and partially on Lot 24 and place it all on Lot 23. He stated that no additional changes were to be made on the site. MT stated that similar situations have come before the ZBA.

CC asked Mr. Keniry for his thoughts on the SEQR classification regarding a coordinated review for Area Variance and the Minor Subdivision. Mr. Keniry replied as an unlisted action for which Ms. Ryan agreed.

MT motioned to seek a Recommendation from the Planning Board on the Area Variance Applications; seconded by AL and all approved. MT motioned for the ZBA to request Lead Agency status from the Planning Board prior to the next ZBA meeting; seconded by GB and all approved. MT motioned to schedule the Public Hearing for July 9, 2020 at 7:00pm; seconded by SB and all approved.

CC clarified that the shortened timeframe to gain a response on the request to seek Lead Agency was asked as a courtesy. The process time and dates for the completion of the Area Variances and the Minor Subdivision were discussed and the applicant's attorney stated that he agreed to it.

Area Variance Application – LOT 1 of 2

Frederick Nick

Tax Map#138.04-3-8.1

21 Knob Hill Road

Averill Park, NY 12018

Lot Size: .296 +/-acres

R – Residential Zoning District

An Area Variance Application to create an undersized lot as part of a two-lot subdivision.

And

Area Variance Application – LOT 2 of 2

Frederick Nick

Tax Map#138.04-3-8.1

26 Knob Hill Road

Averill Park, NY 12018

Lot Size: .692 +/-acres

R – Residential Zoning District

An Area Variance Application to create an undersized lot as part of a two-lot subdivision.

Frederick Nick and surveyor Kevin McGrath were present. Mr. McGrath referred to the survey map and stated that Mr. Nick had purchased and owned the properties for 37 years and that the properties came as one taxable parcel with one parcel identification number. Mr. McGrath added that Mr. Nick wished to subdivide the parcels which are separated by Knob Hill Road each with existing dwellings on them in order to sell them to two different people. He explained that 21 Knob Hill Road would need three area variances for: 1) deficient front yard setback of 31.4' from the Town road versus the required 50'; 2) deficient lot width of 100' versus the required 150' and; 3) deficient lot size of approximately 3/10 of an acre versus required 1 acre. Mr. McGrath then explained that for 26 Knob Hill Road the house and setbacks were fine however one area variance was needed for deficient lot size as it is 7/10 of an acre versus the required one acre. All of the existing improvements on the properties would remain exactly as they are. MT stated that this situation was similar to the prior agenda item for the estate of Michael Lomonoco and as such similar items were needed such as: Subdivision by the PB, Recommendation from the PB and Lead Agency to be sought. With no questions from ZBA members, MT stated that she viewed the application as complete.

MT then motioned to seek a Recommendation from the Planning Board on the Area Variance Applications; seconded by SB and all approved.

MT motioned for the ZBA to request Lead Agency status from the Planning Board prior to the next ZBA meeting; seconded by WG and all approved. MT motioned to schedule the Public Hearing for July 9, 2020 at 7:00pm; seconded by GB and all approved. MT asked Mr. Nick if he was in agreement to a site visit to be performed by the ZBA members. Mr. Nick replied that he was fine with that and noted that the 21 Knob Hill Road dwelling is occupied while the 26 Knob Hill Road is presently vacant. Mr. Nick and Mr. McGrath advised Ms. Ryan that they would be available for the July 1, 2020 PB meeting for the Recommendation to be discussed.

DRAFT RESOLUTION APPROVALS

Area Variance for Susan and Harold Howe

MT fully read the drafted Resolution.

MT motioned to approve the Resolution in its entirety; seconded by SB and GB agreed. AL and WG abstained due to not being appointed as a member of the ZBA until January 2020.

Area Variance for Moira and Andrew Bulmer

MT fully read the drafted Resolution.

MT motioned to approve the Resolution in its entirety; seconded by SB and GB agreed. AL and WG abstained due to not being appointed as a member of the ZBA until January 2020.

MINUTES— SB motioned to accept the October 24, 2019, November 21, 2019 and December 19, 2019 minutes as submitted; seconded by GB and MT agreed. AL and WG abstained due to not being appointed as members until January 2020.

ADJOURNMENT – SB motioned to close the meeting at 9:31pm; seconded by MT and all approved.

Hello,

My name is Wendy Powell. I live adjacent to the property to which Dunkin Donuts (DD) is planned. As I mentioned in the Planning Board meeting, I am not 100% against this business at this location. However, I do have some concerns. I mentioned some of them to the Planning Board and Mr. Garcia, but since I have had time to study the proposed layout of the building and grounds, I have some additional concerns I would like to bring to the town's and Mr. Garcia's attention.

As I mentioned at the Planning Board meeting, one of the biggest concerns I have with this busy and heavily trafficked area is adding a popular and busy business to this intersection. This is guaranteed to cause additional traffic issues during peak times. I have lived in my home for 20 years, so I have seen the traffic congestion get worse as more businesses and families relocate to the area. I have also seen the numerous accidents and "close calls" that have occurred at/near this intersection. When the Mobil station was in business on the same property (and Rite Aid/Walgreens was not even built yet), I watched an impatient driver heading south on Rte 150, who was unwilling to wait in line at the traffic light that week day morning, pull around the line of cars to drive up to the entrance of the Mobil station. As he was doing so, a driver turned the corner off Rte. 43 onto Rte. 150 north. This caused the first driver to erratically pull into my driveway to escape an accident with the other driver. Had my children been out there waiting for the school bus, this could have been tragic. I watch multiple drivers race through the Walgreens to bypass the traffic light on a daily basis. This will occur on the DD property, as well. My concern is that having an exit directly across from the Walgreens exit will cause even more traffic accidents/near misses. The posted speed limit through town is 30 mph. Almost nobody obeys this speed limit, even when they see people doing yard work in front of their homes, or walking/riding bikes along the sidewalks/roads.

In addition, I have some other concerns about the proposed property layout itself. Based on the proposed layout, there will be a separate entrance and exit on Rte. 150. Those entering the property from 150 will have to drive around the entire building to get to the parking and/or drive thru line. During peak times, where are the cars supposed to go when there is already a long line at the drive-thru? How are those in the drive-thru supposed to exit when there is a line of cars blocking the drive-thru exit? I see this also causing back-up not only on 150, but for those entering from 43. I also foresee numerous accidents or near misses occurring with cars exiting in an attempt to make a left-hand turn onto Rte. 43. In addition, the cars waiting for the drive-thru will be blocking the handicap parking spots at the entrance to the building. I don't believe this is legal.

The parking is already limited, based on the proposed layout; and employees will most likely be taking at least 3 of those spots. I would like the Board to recognize the lack of parking for large trucks, etc. There are numerous trucks that come through town on a daily basis to/from Troy Sand and Gravel, and those who make deliveries to the various businesses. Where are they supposed to park when they want to hop into DD to grab a coffee, etc.? They will be parking on the street or in surrounding businesses lots. This will not only be hazardous to the traffic flow, but also to the pedestrians and patrons of all the businesses at this intersection, including DD.

An additional concern of mine is where the dumpster is located. Rather than placing it at the corner of the property, hidden by my barn and next to the side of the laundromat, it is being placed right next to my fence and the green space in my yard where our 10 year old plays. We will be smelling the rotting garbage while we are outside in the yard and the dumpster is likely to attract vermin of all types.

Mr. Garcia, where do you propose to pile the plowed snow on your property? I do not see anywhere on the property diagram that allows for a space to safely place snow. As it is now, Walgreens plows part of their parking lot across the street and onto this lot. My fence has been knocked over in the past from plow drivers constantly piling the snow against it. I do not want to see that happen again.

Finally, I would like to see some type of site/noise/security barrier placed between my property and the proposed DD. As most of the current trees along the property line are thin, they will not provide any type of barrier to the noise, pollution from the additional idling cars, site line from my windows, and the possibility that an erratic driver may come through my fence and injure us in the yard.

Thank you for your time.

Wendy Powell