

MINUTES
PLANNING BOARD
Thursday, February 21, 2008
7:00 PM, Town Barn

MEMBERS PRESENT: Chair Matthew Farrelly, Dan Barker, Kathleen Faherty, Neil Jones, Dave Remington, Toby Vandemark, Barrie Wallace, Stephen Whitlow, and Elizabeth Woodman.

ABSENT: Tom Campanella

STAFF: Margaret Hauth and Bob Hornik.

GUESTS: John Rigsbee, Leland Little, Jim Parker, Chad Abbott, Edmund Purcell, Alan Pytcher, Stephen English.

ITEM #1: Call to Order and Confirmation of a Quorum.

Mr. Farrelly called the meeting to order at approximately 7:02 p.m. and confirmed a quorum of the Planning Board.

ITEM #2: Additions to the Agenda and Agenda Adjustments.

There were no additions or adjustments to the agenda.

ITEM #3: Approval of minutes from December 20, 2007 meeting and January 17, 2008 hearing.

Mr. Remington said on the December 20 minutes, Item #4, Committee Report from the Board of Adjustment, it should not read that there was no quorum, but that only four members were present which gave the applicant the option of delaying the issue until a full board was present.

MOTION: Ms. Faherty moved to approve the minutes from December 20, 2007 as amended and the January 17, 2008 minutes as presented.

SECOND: Mr. Remington.

VOTE: Unanimous.

ITEM 4: Committee reports and updates:

Board of Adjustment: Mr. Remington stated they had held two meetings since his last report. He said an owner filed both an appeal and variance request related to a lot ruled unbuildable by staff. The board upheld the staff decision and granted a variance to allow the lot to be developed. A second appeal was related to not fully discovering the impacts of Hillsborough zoning on an annexed piece of property that the Credit Union wished to expand upon. During the annexation review the plan was not reviewed in enough detail to discover a conflict related to land use buffers. The board upheld the staff decision, although it highlighted the need for more detailed review earlier in the process to see if the difficulties can be avoided or addressed.

Mr. Remington said in January, they had continued the site plan review for the Krishna Temple, noting there was still an issue with the drainage system as well as obtaining necessary approvals from the appropriate agencies. He said there was also a clarification item for staff on timing of opening of the parking deck relative to when the traffic light was installed.

Parks and Recreation Board: Ms. Wallace said they were continuing to discuss the Connectivity Plan, and had spent some time discussing the Leland Little sidewalk issue.

Strategic Growth Plan Phase 2 – two committee members needed: Ms. Hauth said now that they had completed their internal land use plan they were now ready to move forward. She said she needed from this Board two volunteers to serve on the Steering Committee for Phase 2. Ms. Hauth stated that Commissioner Hallman had agreed to represent the Town Board, noting volunteers should expect a six-month commitment starting in March.

Ms. Wallace said she would be happy to serve. Mr. Barker offered to serve as well. Ms. Vandemark offered to serve as a back-up, or alternate.

Ordinance re-write: Ms. Hauth said the Town Board had decided to go forward with Clarion Associates and the Brough Law Firm, and explained the reasoning for that. She said they were both available and very competent for this work. Ms. Hauth stated she was now working on the RFP and would soon begin negotiations with those two firms to decide a price and a process. Ms. Hauth said members of this Board would be asked to sit on the ordinance re-write committee and she would soon be asking for that commitment, with work hopefully to begin in April.

Colonial Inn rezoning – application withdrawn: Ms. Hauth stated Frances Henry had verbally withdrawn his application at the January Town Board workshop. She stated Mr. Henry had discussed proposed uses for the Inn and there was interest in adding language to the ordinance to allow some of those uses to be possible. She said Mr. Henry had believed that discussion was positive enough that he withdrew his application.

Steffan rezoning – application withdrawn: Ms. Hauth stated when looking at the required buffers and the parking needed, it was obvious it would not fit on the property without the need for significant variances, so the application had been withdrawn.

Town Board Retreat: Mr. Farrelly said that the Retreat had been well attended, with the main focus on presenting a vision for the Town and the Balanced Scorecard concept. He said that concept was similar to a strategic planning document so you could see all the most important issues affecting the Town contained on one page. Mr. Farrelly said there was discussion about trying to further coordinate the Town Board and Planning Board, and having the Planning Board provide more commentary on its decisions and provide deeper insight. He said he had asked the Town Board to provide some framework for how they might want to receive such comments.

Ms. Hauth said it was clear from the Town Board's perspective that they would like a comment from the Planning Board about annexation requests. She reiterated that just because an item for annexation had made it to public hearing and the Town Board had voted to establish that hearing that should not be implied as support of the project from the Town Board's standpoint. Ms. Hauth said the concept of having a checklist was discussed, so that the Planning Board would have a way to make sure that applications were looked at fully and roundly. She said she would draft a checklist and then offer it to the Board for suggestions and modifications.

ITEM #5: Recommendation to Town Board regarding Rezoning and Special Use Permit request from Leland Little LLC to rezone 2.5 acres at the northwest corner of Cornerstone Court and NC 86 from Limited Office to Entranceway Special Use.

Ms. Hauth stated on the back page of the agenda she had highlighted the waivers the applicant was requesting, including that the pre-existing stormwater design and review were adequate and did not need to be updated to the more current standard, that they not be required to build the sidewalks along NC 86 and Cornerstone Court, and that it was acceptable that they not submit a detailed environmental protection plan given the condition of the site as being previously graded and not having much there to be protected.

Ms. Hauth said she had also listed the issues carried over from the public hearing, including the possibility of using more native or drought-tolerant plant options, and comments about the trade-off of the building placement versus the building design. She said it was now placed so that it did not create an urban edge for the street, but it was also not an architecturally detailed design and possibly that trade-off was an acceptable one. Ms. Hauth said there was also discussion about a possible connection between Cornerstone Court and Valley Forge Road. She said the public comments were generally in support, although there was one citizen who questioned waiving the sidewalk requirement.

Mr. Remington said regarding the Valley Forge Road connection, it appeared to him that where the building was being proposed would not allow that.

Jim Parker, with Summit Engineering and speaking for the applicant, said at this time there were no plans in existence that indicated that Valley Forge Road would be right-in/right-out. He said the concern about that occurring was a real one, but he did not believe there was room to require that right-of-way at this point in time. Ms. Hauth said Mr. Parker was right to the extent that there was no planning document that said either that the Brady project would cause the right-in/right-out other than it had been noted to the Town by NCDOT staff, and there was no planning document that said that there had to be a road connection made at this site. She said her awareness was that it was a real potentiality should the Brady Road project go forward.

Ms. Wallace asked was that the only place a connection could be. Ms. Hauth responded most of the other lots on Cornerstone were developed and sat at a significantly different topographic level than those lots on Valley Forge, so it would be slightly more convenient to do it here at this time. But, she said, there were likely many options that could be engineered when it became necessary.

Mr. Remington said it appeared to him that since they had an active proposal to develop this property, it was the best time to be considering the connection. He said he also thought it was a critical issue, and it was likely under some circumstances that Valley Forge Road would change in terms of the access. Mr. Remington said given its proximity to US 70 it likely needed to change at some point, but the alignment would likely not be good because it was so close to US 70. He said it was probably not the best place for it, and perhaps what was needed was a more comprehensive plan of how to deal with that in the future, recognizing that it took away an option that was not a very good one to begin with.

Ms. Wallace said she was not comfortable with asking the applicant to make that connection. Ms. Hauth said she was not saying this was the best location; only that now was the appropriate time to mention it. She said the issue may possibly be resolved with a couple of driveway connections in the future.

Mr. Barker said the sidewalk concern was still on his mind, noting that sidewalks were important. He said if sidewalks were not there now, then if anything ever happened on the road the sidewalks would not be put back. He said the assumption also was if the project never happened, they still needed sidewalks. Mr. Barker said he was not in favor of allowing the sidewalk waiver.

Ms. Wallace said the Parks and Recreation Board had voted unanimously to recommend to the Planning Board that an exception not be granted on the issue of sidewalks on either street because of the Town's commitment to and great need of sidewalks.

Mr. Whitlow said that the potential connection to the greenway for Cates Creek had factored into that decision. Mr. Remington agreed with that concern, noting testimony had been heard from people who would use the sidewalks even though they would not tie into anything at the present time. He said they had to start somewhere, and now was the time.

Ms. Faherty asked why there were no other sidewalks nearby. Ms. Hauth said because at the time the other properties were developed the requirement was not in the ordinance, noting it was a relatively new requirement.

Mr. Parker added that the work on NC 86 would tear out the sidewalk, and suggested moving the construction of it back so they could possibly save it. He also requested they be relieved of having to provide a sidewalk on Cornerstone, noting it would require a good amount of grading because of the ditch and they would possibly have to install curb and gutter to make it work. Mr. Parker said as you approached the end of the proposed sidewalk to the west, there was a straight bank there so a sidewalk would never go up that bank. So, he said, if they could be relieved of building the Cornerstone sidewalk they would be agreeable to building the NC 86 sidewalk.

The Board held a short discussion on the merits of Mr. Parker's suggestion and the problems the topography posed. The Cates Creek greenway was also discussed.

When asked if the applicant would be amenable to accepting a sidewalk that connected to the paved area from NC 86, Mr. Parker replied yes.

Mr. Remington said in terms of the alignment, if the issue was NC 86 being widened that would affect the adjacent properties as well. So, he said, an alignment that would put it in a place where it would not be wiped out with the widening would be a good alignment for the future. Mr. Remington agreed that the bank on Cornerstone Mr. Parker had mentioned was a special situation, but said if there was a way for pedestrians to move about he did not care if the sidewalk was right next to NC 86. He said putting the sidewalk somewhere reasonable made more sense, and he did not believe it made sense to put sidewalks in places where the vertical alignment would not work.

Mr. Barker said the Board may be at a consensus that moving the sidewalk back from NC 86 was a good path; the question was did they ask the applicant to turn the corner or connect it in some way. Mr. Parker said it would require about 125 feet of sidewalk to make that turn and go to the driveway.

A brief discussion ensued regarding the path the sidewalk on NC 86 would take and other issues. Ms. Hauth said there was a strong preference from all involved to keep the sidewalk in the public right-of-way.

Ms. Woodman asked was there any way the Planning Board could ask for a commitment from the applicant to build the Cornerstone sidewalk in the future, should the Cornerstone lots be redeveloped and sidewalks put in. Ms. Hauth said they could, but such conditions had a tendency to get lost over time. Mr. Parker stated they would be receptive to such a condition.

Town Attorney Bob Hornik said the Town could require a condition, but did not believe they could say that 20 years from now the applicant would have to build the sidewalk.

After some discussion, the consensus was not to wrap the sidewalk around to the driveway, but bring it to the Cornerstone corner, with the condition that when the adjacent Cornerstone property to the west was developed the applicant may be asked to then put in a sidewalk and that they be attached. Mr. Remington said a caveat would be if the Cornerstone property was graded so that such a connection was feasible, and at that point then the Board would condition the other property to match so that the sidewalk could be installed.

Mr. Parker summarized what had been tentatively decided: that a sidewalk be built along NC 86 close to the edge of the right-of-way, including a ramp to Cornerstone Court, with the condition that the Cornerstone Court sidewalk be installed if the site to the west was redeveloped with a sidewalk.

Mr. Remington said he wanted to talk about building design and placement, noting that even if the proposed architecture was utilitarian it seemed to be a big improvement of anything else out there. He said he was also happy with the landscape plan which he believed was very creative. He did encourage the applicant to consider drought-resistant plants.

Ms. Woodman said she wanted to talk about the detailed environmental protection plan not being submitted, and asked if the Board was comfortable waiving that requirement. Ms. Hauth said such a plan would normally include what trees on the site would be protected, or what unique topography or other unique characteristics needed protection. She said since the property had previously been graded, those concerns did not exist.

Mr. Remington said regarding the stormwater, he did not know what more could be done to bring the whole thing into compliance as far as how it would be laid out with the Phase 2 requirements. He said a detention area already existed on the next property, so he did not know what else could be required that would be any different.

Ms Hauth said the theory of detention areas had changed over the last ten years, and the question was did they require the applicant to bring the stormwater up to today's standards or did they accept that this was done in another era and was okay as is. Ms. Wallace asked what the difference would be. Ms. Hauth said it would mainly be whether or not the site was measured for its nitrogen loading and its nitrogen removal, more than just did it capture or detain the stormwater properly.

Mr. Parker said the impervious requirement on this site was not to exceed 50%, and they were at about 42%. He said the quality of the existing basin was sized for 20% capacity when the entire site was developed, which was greater than what this site would empty into that pipe. Mr. Parker said for that reason they did not believe there was any concern about quality or capacity of the existing basin, which was well kept and functioning well. He said they were under the impervious surface requirement, which in turn enhanced nitrogen removal. Mr. Parker said the applicant was considering some Green Building concepts, such as rainwater harvesting for some of his heating and cooling needs. He said they would request that the existing basin and stormwater controls be deemed sufficient.

Mr. Barker asked how the applicant would respond if the Planning Board asked that the architectural design fulfill the LEED Silver standard in exchange for not requiring the stormwater be upgraded to today's standards. Mr. Parker said that was not acceptable due to the expensive nature of obtaining LEED Silver standards as well as the review time that would be added to the project.

Ms. Faherty said considering the applicant's willingness to consider more native and drought-tolerant plants, she suggested that the applicant consider including in the landscaping plan a rain garden as a quality control to help deal with nutrients. Mr. Parker said they would take that as a condition that they utilize such quality controls.

Mr. Whitlow said he would like to know what kind of life was present in Cates Creek at that point, noting if there were no fish at that point in the stream then such quality controls would be only so significant.

Mr. Remington said his concern was in regards to compliance with the Phase 2 requirements. Mr. Parker said if they did treat the water and it flowed into Cates Creek, it was important to remember none of the other sites would be following that practice, so how significant would it be. Mr. Hornik stated treating just the runoff from this property would still lessen the impact on the creek.

Mr. Parker suggested including a condition that the applicant utilize bio areas to help filter the water according to State requirements, in addition to what the plan now indicated. He said that Orange County Erosion and Sedimentation Control would review that.

Chad Abbott explained bio areas, stating you would put in a layer of sand in a small shallow pool no deeper than 6 inches to a foot, with landscape plantings in that area to absorb the nitrogen through the sand and soil. He said you would also have to provide overflow in storm structures to move that overflow, and there were State guidelines that dictated how that was designed.

MOTION: **Mr. Barker** moved that the Planning Board recommend approval to the Town Board with the following conditions: that Waiver 1 would not continue on; that the sidewalk would be constructed along NC 86 at the western edge of the right-of-way or on the private property as necessary to put it as close to its final location with the widening of NC 86 as possible; that an ADA ramp to Cornerstone Court be provided; that if the property to the west on Cornerstone Court was developed with a sidewalk that was capable of the grade matching with this property, then this site would construct the connection from that site back out to

the NC 86 sidewalk; that the environmental protection plan was acceptable as submitted; and, the stormwater plan would be designed to meet the best management practices for nitrogen reduction.

SECOND: Ms. Vandemark.

VOTE: Unanimous.

ITEM #6: Recommendations to Town Board regarding text amendments:

A. Section 25 and 5.27 to allow outside storage for vehicle restoration businesses:

Ms. Hauth noted that John Rigsbee was present to answer questions if necessary. She stated this was a two-part amendment to delete the prohibition on outside storage from the definition of Vehicle Restoration Business, and to make clear in the standards the allowance of outside storage in General Industrial.

Mr. Remington said he wanted to encourage existing, viable business, but what he saw when driving by this business was not a good advertisement, appearance-wise, for changing the requirement. He said the only thing that would make it acceptable for him was some kind of vegetative buffer requirement that could cover situations where there was a large grade difference in place of a fence.

Mr. Barker asked had the situation improved over the last few weeks. Mr. Rigsbee responded yes, noting he had cleared out some of the vehicle parts and he was considering putting up a fence to meet the requirements for outside storage. He said he would also work on neatening the appearance of the location of the cars in combination with the installation of a fence.

Mr. Whitlow said it was unfortunate that the topography of the lot made the business highly visible, and that it was so close to the new Riverwalk and the State park. He said that area was a sensitive area and would be very important especially when Riverwalk happened, and for that reason he did not see a reason to change the wording in the ordinance.

Ms. Wallace asked how you would have such a business without having outside storage. Ms. Hauth said you would have to have a very large building.

Mr. Jones asked what the difference was between a vehicle restoration business and an auto body shop. Ms. Hauth said for one, the age of the parts used. She said an auto body shop was predominately repairing accident damage with a quick turnover, where a vehicle restoration business was just that.

Mr. Rigsbee said most of the vehicles he restored were pre-1975 vehicles, and they took various auto parts and restored them to look like new. He said he was not fixing accident damage on a daily basis as an auto body shop would do.

Mr. Farrelly said with where the property was located and where the road was, there was very little that could be done with fencing to screen it. He said he was uncomfortable not allowing this business, but if they required all the parts to be stored inside that would be a major change. Mr. Farrelly asked what areas of Town could such a business operate, and did they not want to allow that kind of business in Hillsborough. He said to him it did not seem right.

Ms. Faherty agreed, noting it was not attractive but it was a legitimate business that was not a junkyard, it was orderly, and the parts were being stored for a reason. She said if they were talking about it being unsightly, there were many other unsightly things at the entrances to Town.

Mr. Hornik said according to the language in the ordinance, because it was vehicle restoration you could not have outside storage. But, he said, if it was just storage and warehousing outside in the GI district that would be okay. Ms. Hauth said yes, noting that was the only way she could interpret the language in the ordinance. She said the way the ordinance was written, anything could be stored outside except the vehicles and parts. Ms. Hauth said based on that language, it was possible that anything that was not garbage could be stored, except for vehicles and vehicle parts. She noted that the ordinance had been written specifically to allow Mr. Rigsbee's business.

Ms. Vandemark agreed with Mr. Farrelly, noting the language did not seem to make any sense and she did not see any reason why Mr. Rigsbee could not operate his business at that location.

Mr. Rigsbee provided some history on how the ordinance regulations were first crafted in the 1990's, noting that he had not asked for that particular condition regarding outside storage to be added to the ordinance. He said another issue was that he was opposed to putting a fence up along the Riverwalk, because he believed it would not be attractive. Mr. Rigsbee suggested instead some type of landscape buffer containing whatever Duke Power would allow in their right-of-way.

Mr. Barker asked was there anything that would prevent Mr. Rigsbee from applying for a Special Use Permit. Ms. Hauth said no, but he was not required to have one since he was already there, and he was assumed to be grandfathered in as his site plan was approved in the 1990's, which in effect was a Special Use Permit. She said he was not in compliance with the current ordinance, but the Town was handling it as a zoning enforcement issue. Ms. Hauth said she would not advise Mr. Rigsbee to apply for an SUP because it would open up the option of the Board saying he could not operate his business and would have to move.

The Board discussed the merits of Type 1 and Type 2 screening, the difficulties imposed by pre-existing impervious surfaces, and how such screening would affect the property and the business. Ms. Hauth explained the nuances of those types of screening and other standards that might apply to this property as well as others.

MOTION: Ms. Wallace moved to recommend approval to the Town Board of amendments to Section 25 and 5.27 to allow outside storage for vehicle restoration businesses.

SECOND: Ms. Vandemark.

DISCUSSION: Ms. Faherty offered a friendly amendment to add that that Type 1 screening be required around the designated storage area unless pre-existing impervious surfaces prohibit installation of landscape material; and, that in those instances that an opaque fence at least 6 feet in height be installed. Ms. Wallace and Ms. Vandemark accepted the friendly amendment.

VOTE: Unanimous.

B. Section 8 to amend freestanding sign requirements: Ms. Hauth stated the Board had had some discussion about the actual size of signs, and she had indicated there would be three signs that would be in compliance with the new height limit. She said she had checked the square footage and lot frontage at the location of those signs as a point of reference, and they were all very close to 200 feet.

The Board held a brief discussion on the sign heights as stated in the proposed amendments, whether or not 75 feet was too high, setback requirements, and the possibility of other amendments when the ordinance rewrite was undertaken. After some discussion, the Board agreed it was reasonable to reduce the 75 square foot limit requirement to 60 square feet, and that any further amendments be identified during the ordinance rewrite.

MOTION: **Ms. Wallace** moved to recommend approval to the Town Board of amendments to Section 8 regarding freestanding sign requirements, with the maximum size at 60 square feet rather than 75 square feet.

SECOND: **Mr. Barker.**

VOTE: Unanimous.

C. Sections 2 and 4 to add a Multi-Family Special Use zoning district: No discussion.

MOTION: **Mr. Barker** moved to recommend approval to the Town Board of amendments to Sections 2 and 4 to add a Multi-Family Special Use zoning district.

SECOND: **Mr. Remington.**

VOTE: Unanimous.

D. Sections 3.4.1, 4, 5, and 21 to amend the site plan review process: Ms. Hauth suggested that they slightly modify the threshold so that when dealing with new construction on either an undeveloped or previously developed site, that the threshold be lower, perhaps on the order of 2,500 square feet rather than 5,000 square feet. She said there had been some discussion as to whether the threshold square footage was what was proposed at the time or had a cumulative impact, and suggested it should be based on the size of what was proposed at that time only and not cumulative.

Mr. Hornik said he believed that was what they had in mind. He said if someone kept coming back to add square footage, at some point it would no longer be a minor subdivision but a major subdivision and it could be addressed at that time.

Ms. Hauth said her concern with it being cumulative was that eventually they would get a request for something that suddenly tripped over and became a Conditional Use Permit. She said it might be a relatively small addition, but the cumulative effect could cause that. Ms. Hauth said the Town would have a difficult time justifying how the project was now a danger to the neighborhood or worthy of that higher level of review. She said it put the Town in a dangerous spot if it were cumulative. So, she said, the threshold should be based on what was proposed to be constructed at that time.

Ms. Hauth said the third change she wanted to suggest was the possibility that at each review level, the person that was charged at that threshold to make the decision could always bump it up to the next review level.

MOTION: **Mr. Remington** moved to recommend approval to the Town Board to amend Sections 3.4.1, 4, 5, and 21 regarding the site plan review process with the following conditions: that the threshold be 2,500 square feet for a new building; that the effect not be on a

cumulative basis; that at each review level, the person that was charged at that threshold to make the decision had to option to refer the review to the next higher review level; and, that the Technical Review Committee be comprised of at least three members.

SECOND: Ms. Faherty.

VOTE: Unanimous.

Ms. Wallace remarked that she hates text amendments.

ITEM #7: Preliminary Plan for private road subdivision for Charles Plambeck to create 2 lots with access from a private road off St. Mary's Road.

Ms. Hauth stated the Edmund Purcell from Summit Engineering was present to answer questions. She noted that this was an estate division, and referred to the materials in the packet. Ms. Hauth stated there was also information regarding a case where there was a ruling that there should be some exemption for Will subdivisions, but the staff and Town Attorney did not necessarily agree with the Court ruling. She said they were bringing this before the Board to gain some clarity.

Ms. Hauth said there was a previous plat that did show a private road created in 1978, and the applicant was proposing to improve on that private road and make use of it.

Mr. Purcell stated that the Arthur Plambeck heirs owned the home site, and one of those heirs was Charles Plambeck who owned the property with the proposed 30 foot right-of-way. He noted that Charles Plambeck owned Lots A and B on the plat, but the request was regarding Lots 1, 2, and 3 which was one tract but the heirs wished to divide it.

Ms. Hauth said this was before the Planning Board because staff did not have the authority to approve a private road. She said the only problem she knew of with private roads was that in the fullness of time people did not always recognize it as a private road and had expectations for public road services, such as paving, snow plow service, or garbage service.

Responding to a question about the difference between a private road and a drive, Ms. Hauth said it was the fact that more than one person was using it, that there should be a shared maintenance agreement to maintain a minimum level of maintenance, and that there was actually a right-of-way secured for it so that the road could become public at some point in the future. She said what the Board was being asked to determine was that it met the Court of Appeals standards, to recommend approval of the subdivision as requested, to grant a variance saying it was three lots on a private road, to discuss any changes or conditions that might be appropriate, or, to recommend denial with specific reasons.

A brief discussion ensued as to what further reviews would be necessary if five houses were to be built off this private road, with Ms. Hauth offering a description of the procedure. She said it would be important that the private road be named and a sign posted so that emergency personnel could locate it. Ms. Hauth reminded the Board that it had the authority to grant the variance without it going to the Town Board.

Mr. Hornik stated he did not believe the Board should give any weight to the court ruling, noting that that case had never been cited by any other court for any proposition whatsoever.

MOTION: **Ms. Vandemark** to recommended approval to the Town Board of the subdivision as requested with the conditions that prior to final plat approval that the road design be approved by EMS, that it be clearly named and signed, that it be designated as a private road, and that a maintenance agreement put in place.

SECOND: **Ms. Faherty.**

VOTE: Unanimous.

ITEM #8: Preliminary Plan for non-residential subdivision for Tryon Investment Group to create 3 lots from 5.3 acres on Executive Court.

Ms. Hauth said this was before the Board because it was non-residential and it included a public road extension to provide access to these three lots. She said the proposal also included a dedication of 4,000 square feet of land for recreational purposes rather than the applicant making a payment-in-lieu. Ms. Hauth added that because of the topography at actual site development, there may be some water pressure issues and water towers may be required for sprinklers.

Mr. Barker said his question was about the 30-foot setback on the east side, and was curious if it needed to turn that corner somewhat to help screen the owners to the northeast. Ms. Hauth said that site which was part of the Meadowlands had an open space and buffer requirement, and this parcel was residential.

Ms. Woodman said she had some concern about the turn-in from Meadowland Drive to Executive Court. She said with the warehouses and flex space, there would be large trucks coming in and out, noting she had witnessed an 18-wheeler having to go slightly off the road to make the turn. Ms. Woodman said that appeared to be something that needed improvement, even with the current truck traffic. She said adding more trucks to the equation would exacerbate the problem, and suggested an extension of the radius.

Ms. Hauth noted there would be curb and gutter going into the three new lots, but Ms. Woodman was speaking about the intersection of Executive Court and Meadowland Drive at the bottom of the hill. She said there was no curb on Meadowland Drive coming into Executive Court. Ms. Hauth said she would speak to the owner about adding some additional pavement in that area to make it easier for trucks to make the turn.

Ms. Woodman said since these lots would be in a cul-de-sac, she asked what they should do about sidewalks. Ms. Hauth said they were proposing sidewalks. Ms. Woodman asked did they really want the sidewalks there, or could they accept a payment-in-lieu and have it connect in other more populated parts of the Meadowlands. There was a general consensus among the staff and the Board that the sidewalks were necessary.

Alan Pytcher of Summit Engineering asked the Board for its approval of the subdivision of the 5.3 acres into 3 separate lots. He said currently the lot was vacant with a lot of grass and just a few trees. Mr. Pytcher stated the 4,000 square feet they were offering as recreational space was useable and fairly flat.

There was some concern regarding making the turn onto Executive Court a gentler turn to make it easier for large trucks, as well as including a ADA curb cut at the corner. Mr. Parker indicated that they would make sure that the turning radius met the standards for WD50 trucks, which were essentially 18-wheelers. He said they would also like to have

the option to either provide the 4,000 square feet of recreational space or to make a payment-in-lieu of providing that space.

MOTION: **Mr. Remington** moved to recommend approval to the Town Board of the preliminary plan for the subdivision of the land by Tryon Investment Group with the option of either dedication of recreation space or a payment-in-lieu; and, to encourage additional pavement to ease the turning radius at Meadowland Drive and Executive Court.

SECOND: **Ms. Faherty.**

VOTE: Unanimous.

ITEM #9: Discussion of ordinance requirements for temporary signs.

Ms. Hauth said interest had been expressed about discussion of temporary signs, including sandwich boards used in the downtown and if they should be regulated.

After some discussion, it was determined that this issue would be discussed at next month's meeting due to the late hour.

ITEM #10: Meeting schedule and election of officers.

Ms. Hauth said the Board was on a temporary schedule in that they were test driving the concept of having the quarterly hearings coincide with their regularly scheduled meeting in that month, so that there were only 12 mandated meetings each year. She asked the Board to let her know when they were ready to either formalize that schedule or change it.

Ms. Hauth reminded the Board that the election of officers was normally held in April, which was a public hearing month. She asked if they would rather hold the elections at the March meeting, or wait until the May meeting. She said they could also elect officers at the close of the April public hearing.

The Board agreed by consensus to hold election of officers at the March 20 meeting.

Ms. Hauth noted that they would be adding a report from the Tourism Board to the Committee reports and updates at the beginning of the meetings.

ITEM #11: Adjourn

Upon a motion by Ms. Wallace, seconded by Mr. Remington, the Board moved to adjourn the hearing. The vote was unanimous. The meeting was adjourned at 9:59 p.m.

Respectfully submitted,



Margaret A, Hauth, Secretary