

VILLAGE OF HOMER PLANNING BOARD
Minutes of Regular Meeting Via Zoom
Monday, 12 April 2021 – 6:30 PM

Board Members (*absent)

Donald Ferris, Chairman
*Michael Pollak
Ashley Neiderman
Paula Harrington
Jessica Schifilitti, Alternate
Vacancy, Alternate

Others Present Via Audio/Video

T. C. Buhl, PE, Village Engineer/Dollar Gen.
Joan E. Fitch, Board Secretary
Dan Egnor, Village Clerk/Zoom Host
Dante Armideo, Village Attorney
Hal McCabe, Village Mayor
Kevin McMahan, Village CEO
Tanya DiGennaro, Village Treasurer

Applicants & Public Present Via Zoom

Jason Lang, Engineer Dan Griffiths & Attorney Keegan Coughlin for Dollar General, Applicant.

REGULAR MEETING

Chairman Donald Ferris called the meeting to order at 6:36 p.m.

WELCOME & THANK YOU

Chairman Ferris thanked Richard Hemmings for his valued service to this Board , and welcomed Jessica Schifilitti to serve in his place.

APPROVAL OF MINUTES – 8 MARCH 2021

A motion was made by Member Ashley Neiderman to approve the (V) Homer Planning Board Minutes for 8 March 2021 meeting, as submitted. The motion was seconded by Member Paula Harrington, with the vote recorded as follows:

Ayes:	Chairman Ferris	Nays:	None
	Member Neiderman		
	Member Harrington	Absent:	Member Pollak
	Member Schifilitti		

Motion carried.

This becomes Action #7 of 2021.

OLD BUSINESS

Steven Camp, Applicant/Homer DG, LLC, Reputed Owner – 15 South West Street (NYS Route 2810 – TM #66.60-01-32.000 – Site Plan Review Application – Proposed Dollar General

(Reference is made to the 14 September, 14 October, 30 November 2020 and 11 January and 8 March 2021 Minutes of this Board for previous details.)

Chairman Ferris told those present that, at the last meeting, he had intended to discuss Recommendation #1 of Cortland County Planning regarding the location of the driveway for this project, but instead got into the SEQRA process. County Planning had recommended “if site restrictions do not allow for the relocation of the driveway entrance and driveway to the south of the property, that delivery times are restricted to daytime hours (such as 9 a.m. to 7 p.m.) . . .” Engineer Dan Griffiths advised that the driveway could not be moved to the south because of the site’s

configuration, e.g. stormwater runoff issues and having the driveway next to the neighboring residence. The NYSDOT is okay with the driveway being located as proposed and have issued Stage#1 and #2 approvals; they have also approved the Stormwater Pollution Prevention Plan and have given a Notice of Intent as well. Chairman Ferris asked what it would take to relocate the driveway, and Engineer Griffiths gave additional reasons they did not want to do that: maneuvering of large truck onsite, and keeping loading dock away from adjacent residence, etc. Unloading would be right next to them, between the building and their house.

Chairman Ferris stated that the County said that if the driveway could not be moved, they suggested that delivery hours be limited to between 9 a.m. and 7 p.m. Attorney Keegan Coughlin advised that the applicant could agree to those time restrictions.

CEO Kevin McMahon said that all of the designs/criteria that have gone into this have been based on the fact that the subdivision gets approved, and the subdivision has not happened yet and the lot itself has what appears to him to have plenty of room for a south entrance driveway which is the reason the County recommended that in the beginning; it's based on the entire parcel, he said. With the subdivision, the adjacent car lot would still have plenty of room to function. Member Schifilitti asked if County Planning had reviewed the request with or without the subdivision, and CEO McMahon thought they reviewed with the subdivision and had no problem. Engineer Griffiths responded that he had talked with County and they were fine with the subdivision, but were awaiting comments from this Board.

Attorney Coughlin said that County Planning, in their Resolution 21-02 of 2/17/21, recommended approval of the Site Plan and the Subdivision, with contingencies. The first contingency was thoroughly discussed.

Protection of the neighboring property owner was revisited with Engineer Griffiths repeating what had been agreed between the applicant and the Witheys as far as fence/vegetation was concerned. Chairman Ferris commented that it appeared that Dollar General selected a site "that doesn't fit them well without a lot of restrictions." Attorney Coughlin reiterated that they would agree to the County's recommended contingency pertaining to delivery times and landscape screening.

Chairman Ferris moved the discussion on to Attorney Coughlin's responses to the SEQRA concerns (moderate to large impact) of the Board. Attorney Coughlin read aloud each relevant item and their response, a copy of which has been placed on file for the record. Member Schifilitti, with regard to **#2**, thought the response did not apply to the time that we are in (pandemic), which may "go on for another year." Delivery frequency was discussed: usually once a week, but if store is successful, it could be more. Member Neiderman asked if delivery truck only came once a week, why not move the driveway? With regard to **#3**, the project is an allowed use under the Village's zoning code. Photos of nearby properties were submitted, along with Dollar General's site rendering which showed that building's design was "in line with what exists" in the area and there is no specific development pattern as it relates to the surrounding properties. Member Neiderman disagreed; she stated that she discovered that Dollar General leased their buildings because if it is not a successful store in a given area, they up and leave. With regard to **#5** – adverse change in foot traffic. The project, he stated, is expanding and improving the existing infrastructure for pedestrian traffic; there's no rational basis for "moderate to large impact" under SEQRA. Member Harrington disagreed as "nobody walks there" as an ice cream stand, but many will if a Dollar General store, as that is who they are targeting, "people who make under \$40,000 per year who don't own a car." With regard to **#8** – impair character – Village Planning Board is using improper analysis to find a moderate to large impact.

Attorney Coughlin then proceeded by reading aloud the rest of his comments, mostly pertaining to case law.

Chairman Ferris asked the Board Secretary to read aloud Part 2 – Impact Assessment of the Short Environmental Assessment Form as started at their previous meeting. Answers were recorded as follows:

- #1 All members present voted No, or small impact may occur.
- #2 No, or small impact: Chairman Ferris. Moderate to large impact: Members Neiderman, Harrington, Schifilitti.
- #3 No, or small impact: Chairman Ferris. Moderate to large impact: Members Neiderman, Harrington, Schifilitti.
- #4 Not applicable.
- #5 No, or small impact: Chairman Ferris, Member Schifilitti. Moderate to large impact: Members Neiderman and Harrington.
- #6 No, or small impact: Chairman Ferris, Members Harrington and Schifilitti. Moderate to large impact: Member Neiderman.
- #7 a. No or small impact: Chairman Ferris, Members Neiderman, Schifilitti, Harrington.
b. No or small impact: Chairman Ferris, Members Neiderman, Schifilitti, Harrington.
- #8 No, or small impact: Chairman Ferris, Member Schifilitti. Moderate to large impact: Members Neiderman and Harrington.
- #9 No, or small impact: Chairman Ferris, Members Neiderman, Schifilitti, Harrington.
- #10 No, or small impact: Chairman Ferris, Members Neiderman, Schifilitti, Harrington.
- #11 No, or small impact: Chairman Ferris, Members Neiderman, Schifilitti, Harrington.

Chairman Ferris asked Village Attorney Dante Armideo what the next step in the process should be, and Attorney Armideo responded that the Board needed to make its determination for a negative declaration or a positive declaration.

At the conclusion of this brief discussion, **a motion was made by Member Neiderman that, based on the information provided and analysis of the SEQR concerning the application for a Site Plan Review for a proposed Dollar General Store, the Village of Homer Planning Board has determined that the proposed action will not produce any significant adverse environmental impact, resulting in a Negative Declaration. The motion was seconded by Member Harrington, with the vote recorded as follows:**

Ayes: Chairman Ferris	Nays: None
Member Neiderman	
Member Harrington	Absent: Member Pollak
Member Schifilitti	

Motion carried.

This becomes Action #8 of 2021.

Chairman Ferris acknowledged receipt of a Petition against the proposed Dollar General Store, signed by over 700 people, a copy of which has been placed on file for the record. **A motion was made by Member Harrington that the Village of Homer Planning Board receives and places on file the 42±-page petition in opposition of the proposed Dollar General Store. The motion was seconded by Member Schifilitti, with the vote recorded as follows:**

Ayes: Chairman Ferris	Nays: None
Member Neiderman	
Member Harrington	Absent: Member Pollak
Member Schifilitti	

Motion carried.

This becomes Action #9 of 2021.

Attorney Coughlin asked for approval of the application, contingent upon subdivision approval. Chairman Ferris stated that the Board needed to clarify the landscaping. Fencing and landscaping were once again discussed. Jason Lang stated they would agree to put the fence in per Mr. Withey, and/or the landscaping, whatever the property owner would like. Member Neiderman stated there should also be an agreement to move the driveway, and Attorney Coughlin responded that he did not think they could agree to this. Member Neiderman responded that she did not know then if the project could go through.

Member Schifilitti commented that there were still questions to be answered. Member Neiderman stated that they had a petition against the store, signed by over 700 individuals, that should be taken into consideration.

At the conclusion of a thorough discussion, **a motion was made by Member Neiderman that the Village of Homer Planning Board denies approval of the Site Plan for the proposed Dollar General Store due to the location of the driveway. The motion was seconded by Member Harrington, with the vote recorded as follows:**

**Ayes: Member Neiderman
Member Harrington
Member Schifilitti**

Nays: Chairman Ferris

Absent: Member Pollak

Motion carried.

This becomes Action #10 of 2021.

OTHER MATTERS

- The next meeting of this Board, if an Agenda, will be via Zoom on 10 May 2021 at 6:30 p.m.
- Chairman Ferris mentioned training, and Village Treasurer Tanya DiGennaro asked the Board if they would like to have a training session after their next regular meeting.

ADJOURNMENT

At 8:30 p.m., on a motion by Member Neiderman, seconded by Member Harrington, and with all members present voting in favor, the meeting was adjourned.



Joan E. Fitch, Board Secretary

E-mailed 5/10/21 to Mayor, DE,
Vill. Atty., Co. Planning, CEO & PB Members.
(Rev. 5/12/21 – Action @10 – per You Tube Video.)