

Town of Erwin Planning Board Meeting  
March 4, 2013  
7 PM Erwin Town Hall

**Present:** Chairman Wayne Kennedy, Ted Metarko, Doug Porter, Doug Cole, John Gargano, Patricia Thiel, James McCarthy

**Absent:** Joe Banach, Matt Maslyn

**Guests:** Kashyup Shah, Kurt Charland, Frank Thiel, Karl Schwesinger, Matt Dann, Robert Drew, Rita McCarthy

Chairman Wayne Kennedy opened the Meeting at 7:00 PM

Planning Board members introduced themselves.

In accordance with the Planning Board's established procedure, the Board will hear all matters up until 9 PM. Any matters not initiated by that time will be held over to the next regular meeting. As in the usual practice, the Board's consultants have met with the applicants prior to this meeting and have gone over the applications to ensure that they are as complete as possible and to point out any errors or omissions that can delay approval.

**MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 4, 2013 MEETING.**

**MOTION BY: WAYNE KENNEDY**

**SECONDED BY: JOHN GARGANO**

**DISPOSITION: 6-0-1 (MC CARTHY ABSTAIN).**

- 1. SITE PLAN APPLICATION FROM MATT DANN FOR A PLANNED RESIDENTIAL DISTRICT TO CREATE A 19-LOT SUBDIVISION TO CONSTRUCT NINE DUPLEX UNITS AND ONE SINGLE FAMILY HOME OFF WOODCREST DRIVE.**

The application was represented by Karl Schwesinger, engineer, and Matt Dann, developer.

**POINTS TO CONSIDER:**

The applicant seeks to establish a Planned Residential District to accommodate 18 townhouse units and includes a single residence on the remainder lot.

The property is located in an R-12.5 Residential District.

Since the project will require extension of municipal water and sewer utilities, and subdivision of more than 5 residential lots of less than 2 acres, NYSDOH and NYSDEC are involved agencies under SEQR. The Town of Erwin Planning Board has declared its intent to become Lead Agency.

§130-36.D states:

*If the Planned Residential District proposal involves the subdivision of land into parcels for sale to individual owners, the site plan review required for the PRD shall suffice for Planning Board review under Chapter 112, Subdivision of Land. In such cases, the developer shall prepare a subdivision plat ... in addition to the required*

*site plan drawings. Site plan approval shall constitute final plat approval under the Town Subdivision Regulations...*

§130-36.E states:

*Upon expiration of the schedule for submitting site plans for phased development as approved as part of the PRD zoning amendment, the PRD zoning designation shall be removed from the remaining sections and the property shall return to the zoning designations at the time of the PRD approval.*

<b>Criteria:</b>	<b>Required:</b>	<b>Proposed:</b>
Lot size PRD	10 acres	11.030
Density	max 12 units/acre	1.6 units/acre
Recreation area	§130-79	2.09 acres
Planning Board is requiring \$400 per lot fee in lieu of recreation area per Chapter 112		§4.8.2
Access	2 access points preferred from a road with a min. class as collector road Single access justified in terms of safety concerns	Proposed connection to Dannfield Drive
Setback		
Front	30 ft	40 ft
Rear	25 ft	60 ft
Side	10 ft	30 ft
Habitable space	900 sq ft	3800 sq ft for 2 units
Lot coverage	20%	11.5%

**TOWNHOUSE REQUIREMENTS**

Lot coverage	30%	
Setback	50' to dedicated peripheral road 30' to interior road	OK OK
Bldg height	35'	
Units	max 12 in single bldg	
Size		
Efficiency	550 sq ft	
1 bdrm	700 sq ft	
2 bdrm	850 sq ft	
3 bdrm	1,000 sq ft	
Ea. Add'l bdrm	+120 sq ft	

Applicant has submitted a letter responding to engineering comments.

Plans have been submitted to the Fire Chief.

Utilities for single family home connect to PRD water/sewer utility extensions. Applicant acknowledges no Certificate of Occupancy until Phase I utilities are complete and applicant pays the fee to be included in the Upper Beartown Water District Extension.

Phasing for utilities and end of road treatment for each phase is shown.

Applicant will provide \$400 per lot payment in lieu of parks fee.

Applicant has provided information on driveway landing pads.

A note has been added to the plat regarding proximity to the Rod and Gun Club. Planning Board requires that a note be added to each plat for each individual lot

Applicant states that the project is in compliance with the Viewshed Overlay District, and that final decisions on materials and color will be made for each unit's building permit application. Applicant has provided information in the engineering report detailing Viewshed compliance.

Applicant provided rear elevation depiction. The peak of the roof is 29 ft. The Viewshed Overlay requires screening at 25 ft. The applicant has noted in the landscaping plan to clean out growth around the existing 10 ft tall pin maples so that they will leaf out and provide more screening. The engineering report depicts what can be seen from different vantage points.

The applicant has e-mailed plans to the Fire Chief and is awaiting approval.

Project requires Planning Board recommendation on zone change; Town Board Local Law to establish PRD zone.

There are some minor, outstanding engineering comments to be addressed by the applicant.

**THE PLANNING BOARD DECLARED THE APPLICATION TO BE INCOMPLETE.**

**2. RECOMMENDATION ON AN AMENDMENT TO THE CODE OF THE TOWN OF ERWIN CHAPTER 130 ZONING TO ESTABLISH A PLANNED RESIDENTIAL DISTRICT TO CREATE AN 18 LOT SUBDIVISION TO CONSTRUCT NINE DUPLEX UNITS OFF WOODCREST DRIVE.**

There was discussion that one of the purposes of a PRD is to compress the development to enhance the green space and have the development take up less space. This development appears as though they are large duplexes on large lots. The developer explained that this was done to be in keeping with the neighborhood.

Also, there was a discussion as to why a PRD was necessary for such large lots if the lots were to be individually owned. Why not just have independent lots? The developer indicated that buyers choose a duplex so that they will have less maintenance. The developer does not plan a Homeowner's Association, but will encourage property owners to pool their maintenance needs and hire a single contractor to service multiple lots.

The developer indicated that the build-out time would be five years. The developer was informed that the PRD would expire in five years and that no further duplexes could be built after that time, unless the Town Board specifically passed another Local Law to extend the District establishment.

It is anticipated that at their regular March meeting, the Town Board will establish their April meeting as the date for a public hearing on the PRD. The Planning Board could then consider the application to be complete for action at their May 2013 meeting.

**RESOLUTION TO RECOMMEND THE ESTABLISHMENT OF A PLANNED RESIDENTIAL DISTRICT.**

**MOTION BY: TED METARKO  
DISPOSITION: 6-1 (THIEL)**

**SECONDED BY: DOUG PORTER**

**3. APPLICATION FOR A TWO-LOT SUBDIVISION FROM SHAASHWAT LLC AT 3133 SILVERBACK LANE.**

The application was represented by Kurt Charland, engineer, and Kashyup Shah, developer.

**POINTS TO CONSIDER:**

The applicant seeks subdivide a .77 acre lot off the existing 3.125 acre ALDIs parcel on Silverback Lane to construct a 4,000 sq ft restaurant/retail building. The Town of Erwin Zoning Board of Appeals has granted a variance to allow the .77 acre lot and a side yard setback of 20 feet.

The property is located in R-S Regional Services District.

<b>Criteria:</b>	<b>Required:</b>	<b>Proposed:</b>
Lot size	1 acre	.77 acres VARIANCE GRANTED 2.36 acres (ALDIs)
Width at bldg line	100 ft	169.51 ft 218.52 (ALDIs)

The Planning Board declared the application to be complete.

EAF properly shows subdivision and site plan actions, and lists Town of Erwin as an involved agency.

The Planning Board reviewed the Environmental Assessment Form

**THE PLANNING BOARD DECLARES ITSELF LEAD AGENCY AND MAKES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.**

**MOTION BY: PATRICIA THIEL  
DISPOSITION: 7-0**

**SECONDED BY: JOHN GARGANO**

**The Chairman opened the Public Hearing at 7:42 PM.**

Matt Dann, 5 E Fifth St, Corning NY, raised the issue that it was ALDIs that created the non-conforming lot, and ALDI is technically the applicant. The Board noted it was self created but the Zoning Board of Appeals found that while including the shared access drives in this lot would make the lot conforming, it would be impractical.

Mr. Dann was informed that this Public Hearing was solely on the subdivision and other concerns should be expressed during the site plan review.

**All members of the public wishing to be heard, the Chairman closed the Public Hearing at 7:45 PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SUBDIVISION CONTINGENT UPON ENGINEERING ISSUES BEING SATISFACTORILY ADDRESSED.**

**MOTION BY: DOUG PORTER  
DISPOSITION: 7-0**

**SECONDED BY: DOUG COLE**

The applicant is advised that the approval expires if the plat is not filed with the County Clerk within 62 days of signature.

**4. SITE PLAN APPLICATION FROM SHAASHWAT LLC FOR A 4000 SQ FT RESTAURANT/RETAIL BUILDING AT 3133 SILVERBACK LANE.**

**POINTS TO CONSIDER:**

The applicant seeks to construct a single, 4000 sq ft building consisting of a 2,000 sq ft Taco Bell with drive-through window and a 2,000 restaurant/retail space on the frontage outparcel of the ALDI development on Silverback Lane.

The property is located in R-S Regional Services District.

<b>Criteria:</b>	<b>Required:</b>	<b>Proposed:</b>
Setbacks		
Front	50'	61'
Side	50'	20' Variance Granted
Side	50'	88.5'
Rear	50'	567.8'
Max lot coverage	85%	73%
Orientation	Bldg must present main façade towards main ingress/egress road or be consistent with surrounding buildings. Planning Board shall have full discretion with respect to building orientation	
Off street parking	Rear or side of bldg	

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Interior parking	1 space for every 50 sq ft =34	33
Parking access road	1 lane=12'; 2 lane=24'	drive thru 12'; 24'
Parking screening/buffer	Min 7% interior = green, landscaped main driving aisles and entranceways;	
Site lighting	Pedestrian scale along property edge Area lighting 32' max	25' w/ 2' concrete base
Public Spaces	sidewalk connection from site to street sidewalk system <b>NONE PROP</b>	
Landscape bet sidewalk and road	Landscaping shown between drive-through and back of bldg which faces Silverback	
Proportion	Max 2 stories; 2 <sup>nd</sup> story not req to be functional but must appear as such	
Max bldg height	2 stories; max 1 <sup>st</sup> floor = 15'	17' matches ALDI bldg
GSF	max 150,000	4,000
Roof Fenestration	differing styles no less than 60% of horizontal length = arcades, entryways, display window, added to rear of bldg.	Inclu parapet & alum slat wall Awning and arch features
Rooftop equip	screened	Parapet 20'
Materials & color	earth tone	Brown
Signs	Will have panel on existing monument sign; wall/window signs	

There are some additional, minor engineering comments to be addressed including those relating to the water line.

In regard to parking, ALDI was required to have 72 spaces and built 91; Five Star Bank was required to have 17 but built 25 spaces. This development requires 34 spaces and has 32. Total plaza required is 123 spaces; total built is 148. Therefore, as anticipated, the entire plaza has sufficient parking, and that the individual businesses would share the parking spaces.

Applicant has provided cut sheets on lighting, and details on trash enclosure.

Waterline along shared ALDI access drive needs to be dedicated.

The applicant stated that truck deliveries would occur between 7:30 – 8:00 AM. The Planning Board determined that truck deliveries can be accommodated if they occur after 6 PM and before 9 AM.

Sign off from the Fire Chief has not yet been received.

At the February meeting, there was considerable discussion of parking, drive-thru, and egress from the property.

The Planning Board determined that no bypass lane would be required.

The applicant explained that the parking adjacent to the ALDI shared access drive/parking had been split per the Planning Board's request, leaving a single stall line at that location and the second parking stall line has been moved up next to the building. The applicant has moved the drive-thru exit onto the access drive so that it is 30 feet from the intersection of the main entrance access drive. The Planning Board requested a "Do Not Enter" sign be placed at the drive-thru exit.

The Planning Board discussed sidewalks and determined that the sidewalk entrance to Five Star Bank provides access to the ALDI's plaza and that there was no practical additional sidewalk to be added to this specific development.

The Planning Board declared the application to be complete.

**The Chairman opened the Public Hearing at 8:04 PM.**

Matt Dann, 5 E Fifth St, Corning NY, raised the issue that the Planning Board will have no control over the second development, and with an existing traffic concern, any future development could create problems with no oversight by the Planning Board.

It was explained that this Site Plan accounted for the most intensive use from the second business in this building and therefore no additional Planning Board review would be necessary. Further, if there were to be any change to the footprint or attempt to add a second drive-thru, a site plan amendment would be reviewed by the Planning Board.

**All members of the public wishing to be heard, the Chairman closed the Public Hearing at 8:21 PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN AMENDMENT CONTINGENT UPON APPROVAL OF THE FIRE CHIEF, DEDICATION OF THE WATER LINE, ENGINEERING ISSUES BEING ADDRESSED, AND THAT TRUCK DELIVERIES SHALL OCCUR BETWEEN 6 PM AND 9 AM.**

**MOTION BY: PATRICIA THIEL  
DISPOSITION: 6-0-1 (McCARTHY)**

**SECONDED BY: DOUG COLE**

**RESOLUTION TO ADJOURN THE MEETING at 8:22 PM.**

**MOTION BY: PATRICIA THIEL  
DISPOSITION: 7-0**

**SECONDED BY: DOUG COLE**

Submitted by:

Rita Y. McCarthy  
Acting Planning Board Secretary