

Town of Erwin Planning Board Meeting
August 5, 2013
7 PM Erwin Town Hall

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

Absent: Vice Chairman Joe Banach,

Guests: Allen Snapp, Tim Rawleigh, Frank Curreri, Fred Clinton, Carole Clinton, K. David Holmes, Jackie Foster, Jim Miller, Dave Iocco, Karl Schwesinger, C. Matthew Dann, Scott VanEtten, 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 AS AMENDED OF THE JULY 1, 2013 MEETING.

MOTION BY: PATRICIA THIEL

SECONDED BY: TED METARKO

DISPOSITION: 5-0-2 (GARGANO, COLE)

- 1. APPLICATION FROM K. DAVID HOLMES FOR A TWO-LOT SUBDIVISION AT 550 BEARTOWN ROAD. WITH PUBLIC HEARING.**

POINTS TO CONSIDER:

David Holmes represented the application.

The applicant seeks to split a lot off from a larger, rural lot to create a new, 3.89± acre lot leaving 13.78± great lot.

The property is located in a Rural District.

The applicant received approval of this subdivision September 5, 2012, but never filed the plat because the planned sale of the subdivided lot did not move forward. The applicant now has a new buyer for the smaller lot.

Criteria:	Required:	Proposed:	
Lot size	2 acres	Lot A 13.78 acres	Lot B 3.89± acres
Lot width	500 ft	500 ft and 995 ft	
Setbacks		Lot A	Lot B
Front	75 ft	Pre-existing	Pre-existing
Rear - principal	150 ft		
Accessory bldg	50 ft	87 & 71 ft	
Side - principal bldg	50 ft		
Accessory bldg	25 ft	Pre-existing	

Both lots have pre-existing structures, which do not meet setbacks. This action neither affects this condition nor can it improve the condition.

The Planning Board reviewed the EAF.

RESOLUTION TO CLASSIFY THIS AS AN UNLISTED ACTION SINCE IT INVOLVES RESIDENTIAL DEVELOPMENT OF LESS THAN 50 UNITS WITHOUT PUBLIC SEWER AND WATER, DECLARE THE PLANNING BOARD LEAD AGENCY, AND MAKE AND PROPERLY FILES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

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

SECONDED BY: DOUG COLE

The Chairman opened the public hearing at 7:06 PM.

No one from the public wishing to be heard, the Chairman closed the public hearing at 7:07 PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SUBDIVISION AND AUTHORIZES THE CHAIR TO SIGN AND PROPERLY FILE THE PLAT.

**MOTION BY: TED METARKO
DISPOSITION: 7-0**

SECONDED BY: JAMES MC CARTHY

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

2. SUBDIVISION APPLICATION FROM MATT DANN FOR A 31-LOT SUBDIVISION OFF WOODCREST DRIVE.

POINTS TO CONSIDER:

Karl Schwesinger of Fagan Engineering, and developer Matt Dann represented the application. The previous time this application was presented to the Planning Board it was a concept plan. Phases have been shown and drainage information was revised.

The applicant seeks to establish a 31-lot subdivision on a loop road extension of Woodcrest Drive.

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.

Prior to Phase 1, applicant seeks to establish one, single-family home on the south side of the proposed new road. Utilities for this single family home must connect to the municipal water/sewer utility extensions for the proposed road extension. Applicant acknowledges no Certificate of Occupancy will be issued until Phase 1 utilities are complete and applicant pays the fee to be included in the Upper Beartown Water District Extension. Phase I utilities shall include looping the water to Dannfield Drive.

There will be an extension off the dedicated loop road to provide an emergency connection to Dannfield Drive. This extension will be built to Town of Erwin private road standards and will be protected by a crash gate at both the loop road and the Dannfield Drive intersections. The applicant proposes to build this connection in Phase 3.

Lots that can will drain to the back of the subdivision, not toward Woodcrest.

Applicant is proposing Lot 31 as a recreational area for the development. The applicant stated that the lot was not particularly useable. The Town must decide if it wants another park.

A note will be required to be added to the plat and to the plats for each individual lot regarding proximity to the Field and Stream Club.

The project is in the Viewshed Overlay District, and must comply with those regulations as well as §130-92 Aesthetics Mitigation Strategy. A note has been added to the plat and must also be added to the plats for each individual lot that each lot must comply with Viewshed requirements.

Existing drainage from Dannfield Drive will remain outside the ponds created for this development.

A concern was raised regarding manholes located in the swale. The applicant will look at relocating these.

The applicant asked about the timing of connecting the water to Dannfield Drive during Phase I construction. Specifically, how many units can be built in Phase I before the connection has to be made. The Town Engineer will consult with the Chief Water Operator and provide a response.

The Town Engineer should review the utility plan with the Chief Wastewater/Water Operator and obtain his sign-off on the Utility Plan; and review road design with Highway Superintendent for his sign-off.

BASED ON THE LONG EAF AS SUBMITTED, RESOLUTION TO CLASSIFY THIS AS A TYPE I ACTION SINCE IT INVOLVES THE EXTENSION OF PUBLIC SEWER AND WATER AND TO DECLARE THE INTENT OF THE PLANNING BOARD TO BECOME LEAD AGENCY.

**MOTION BY: TED METARKO
DISPOSITION: 7-0**

SECONDED BY: JOHN GARGANO

THE PLANNING BOARD DECLARED THE APPLICATION TO BE INCOMPLETE.

The following items as identified above area required:

Fire Chief sign off

Demonstration that the road and driveways meet slope requirements

Final storm water calculations and plan demonstrating that storm water drains away from the houses and not onto downstream properties, and no negative impact on Woodcrest Drive drainage.

Information regarding the suitability of Lot 31 for recreational use.

A note on the plat regarding proximity to the Field and Stream Club.

Relocation of manholes

3. SITE PLAN APPLICATION FROM WILLIAM F. AND CAROLE E. CLINTON TO CREATE A THIRD RESIDENTIAL UNIT AT 6 MORNINGSIDE DRIVE. WITH PUBLIC HEARING.

POINTS TO CONSIDER:

The application was represented by Fred and Carole Clinton. The applicant purchased the property one year ago. The property includes one main structure and one garage. When the proposed project is finished, the two buildings will remain and there will be no garage.

The project is located in an R7.2 Residential District.

There are 2 residential units in the principal building. The applicant seeks to establish a third residential unit by converting the existing garage into an apartment. In accordance §130-5 Definitions, a Multi-Unit Dwelling is "a building or series of buildings comprising three (3) or more dwelling units ... and other essential facilities and services on one lot". In accordance with Appendix A Use Regulation Table, a multi-unit dwelling is permitted in an R7.2 zone with Site Plan approval.

The new apartment must be in compliance with NYS Building Code. All structures are pre-existing.

In accordance with §130-78.A.1.e.ii a multi-unit dwelling requires one-and-one-half (1½) spaces for each dwelling unit. Therefore, 5 spaces are required. The applicant has submitted an aerial view depicting the available parking area.

The Planning Board reviewed the EAF.

RESOLUTION TO CLASSIFY THIS AS AN UNLISTED ACTION SINCE IT IS A RESIDENTIAL DEVELOPMENT OF LESS THAN 250 UNITS CONNECTED TO PUBLIC WATER AND SEWER, DECLARE THE PLANNING BOARD LEAD AGENCY, AND MAKE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

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

SECONDED BY: DOUG COLE

The Chairman opened the public hearing at 7:42 PM.

No one from the public wishing to be heard, the Chairman closed the public hearing at 7:43 PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN.

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

SECONDED BY: DOUG COLE

4. SITE PLAN AMENDMENT APPLICATION FROM GRACE COMMUNITY CHURCH TO ESTABLISH A 195 MEMBER CONGREGATION AT 580 WEST WATER STREET. WITH PUBLIC HEARING.

POINTS TO CONSIDER:

The application was represented by Allen Snapp and Tim Rawleigh.

The applicant seeks to establish a church in the former K of C building facing West Water Street. At the June 3, 2013 meeting, the Planning Board split the former K of C building off from the remaining land accessed from Route 415.

The property is located in a B-3 Neighborhood Services District.

The applicant proposes renovations to the interior of the building to create a 195-seat sanctuary, together with smaller offices, meeting rooms, and kitchen. The building has been vacant for more than one year. There is a letter of agency on file from the property owner.

In accordance with §130-78.A.1.c.i one parking space is required for each 6 seats in the sanctuary. Therefore, 33 spaces are required. The parking lot accommodates 66 cars and is not striped. The applicant must provide 2 dedicated handicap spaces as close to the entrance as possible with a loading zone, which can be the 1 parking space in between the two designated handicap parking spaces. The path from those spaces to the entrance door must be either concrete or asphalt. It must be possible to gain entry to the building without traversing gravel or grass. Parking spaces must be at least 9' X 18' with 24' between aisles. There is sufficient size of the parking area to accommodate the requirements. The parking area must be properly laid out.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.

The Planning Board reviewed the EAF.

THE PLANNING BOARD CLASSIFIES THIS AS AN UNLISTED ACTION SINCE IT IS A NON-RESIDENTIAL DEVELOPMENT OF LESS THAN 10 ACRES, DECLARES ITSELF LEAD AGENCY AND MAKES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

**MOTION BY: JAMES MC CARTHY
DISPOSITION: 7-0**

SECONDED BY: JOHN GARGANO

The Chairman opened the public hearing at 7:56 PM.

No one from the public wishing to be heard, the Chairman closed the public hearing at 7:57 PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN CONTINGENT UPON APPROPRIATE PARKING LOT DESIGN.

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

SECONDED BY: JOHN GARGANO

5. SITE PLAN APPLICATION FROM ITR VENTURES, INC./JAMES MILLER FOR A 2,244 SQ. FT ADDITION AT THE TYPHOON CAR WASH , 435 S HAMILTON ST. WITH PUBLIC HEARING.

POINTS TO CONSIDER:

The application was represented by Dave Iocco, Engineer, and James Miller.

The applicant seeks to construct a 2,244 sq ft addition for a new, two story customer service office, and 3 new auto service bays to accommodate his Oil Xpress business.

The property is located in a B-1 Community Service District.

A letter of agency from the owner is on file.

The front yard setback is established by the existing building. No change is proposed to the existing landscaping or lighting. There will be no rooftop units. The dumpsters are shown on the plan and will be screened.

Criteria:	Required:	Proposed:
Parking	Rear or side; 5 spaces	Rear & side; 9 spaces
Proportion	Min 2 stories	New office = 2 stories
Roof	Pitched or flat	Pitched
Fenestration	Façade = sections; Windows required	Variation office /bays 2 large down; 4 smaller upper story
Materials color		Will match existing building
Lot coverage	60% max	58%; additional adjustment possible will increase green space

Existing building lighting will be continued. There will be no night business at the oil change.

THE PLANNING BOARD DECLARED THE APPLICATION TO BE COMPLETE.

The Planning Board reviewed the EAF.

RESOLUTION TO CLASSIFY THIS AS AN UNLISTED ACTION SINCE IT IS A NON-RESIDENTIAL DEVELOPMENT OF LESS THAN 10 ACRES, TO DECLARE THE PLANNING BOARD LEAD AGENCY, AND TO MAKE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

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

SECONDED BY: JOHN GARGANO

The Chairman opened the public hearing at 8:11 PM.

Scott VanEtten, Hendy Hollow Rd, Caton NY, as owner of the adjacent business, questioned the lot coverage percentage; observed that the retention pond is filled with chopped up concrete; stated that the vacuum islands as depicted were too tight and did not provide room for 4 cars to be at the pumps and to allow traffic to proceed behind the cars; concerned about lights shining onto his property; thinks the dumpster access is tight; asked about parking space width; wondered why DOT placed all kinds of restrictions on his property including landscaping and sign placement and none on this property.

Everyone from the public having been heard, the Chairman closed the public hearing at 8:18 PM.

The Engineer stated that he had contact DOT regarding any restrictions or easements they might have and had received no response to date. The lights at 4 ft produce .9 ft candles, and since the town requirement is .5 ft candles at the property line, the lights exceed the requirements. Lot coverage was computed via an autocad computer program and is therefore deemed to be accurate. It is also in keeping with the engineer's own measurements. Parking spaces will be 9' X 18'. The drawing depicted two vacuum stations because two currently exist. If there is not enough room, either the center aisle access can be eliminated, or 1 vacuum station can be eliminated.

The Fire Chief has not yet signed off on the project.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN AMENDMENT CONTINGENT UPON FIRE CHIEF SIGN OFF, DOT RESPONSE REGARDING EASEMENTS, IF ANY BEYOND THE ROAD RIGHT OF WAY, REVISED VACUUM STATION, CORRECTLY SIZED PARKING SPACES AND ENGINEERING REVIEW COMMENTS.

**MOTION BY: JAMES MC CARTHY
DISPOSITION: 7-0**

SECONDED BY: PATRICIA THIEL

RESOLUTION TO ADJOURN THE MEETING at 8:50 PM.

Submitted by:

Rita Y. McCarthy
Acting Planning Board Secretary