

Town of Erwin Planning Board Meeting
October 7, 2013
7 PM Erwin Town Hall

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

Absent: Doug Porter, Joe Banach

Guests: Gary Roush, Karl Schwesinger, C. Matthew Dann, Bob and Deb Morse, Mark Roman, Dave Iocco, Bob 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 AS AMENDED OF THE SEPTEMBER 4, 2013 MEETING.

MOTION BY: TED METARKO
DISPOSITION: 6-0-1 (MASLYN)

SECONDED BY: JOHN GARGANO

1. SUBDIVISION APPLICATION FROM MATT DANN FOR A 30-LOT SUBDIVISION OFF WOODCREST DRIVE. WITH PUBLIC HEARING.

POINTS TO CONSIDER:

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

The applicant seeks to establish a 30 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. Both agencies have consented to Town of Erwin Lead Agency status.

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.

The applicant asked how many Phase I lots may be developed before the water is connected to the Dannfield Drive watermain. This question has been submitted to DOH and a response has not yet been received.

The Town of Erwin has chosen to accept a payment in lieu of park land set aside. Lot 31 previously proposed as a recreation area has been eliminated and incorporated into surrounding lots, resulting in a total of 30 lots to be created. The long EAF has been modified to reflect this change. A new subdivision map has been provided to reflect this change.

A note has been added to the overall subdivision plat showing the distance of each lot to the Field and Stream. Language must be added to the plats for each individual lot regarding proximity to the Field and Stream Club.

The project is 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 to indicate that each lot must comply with the Viewshed requirements. The same note must be added to the plats for each individual lot and each deed will include a restriction for this requirement.

A draft deed restriction has been added to state that as a condition of approval by the Planning Board, that "on-lot storm water must be directed away from adjacent properties."

A deed restriction will be added to ensure that rain gardens continue to function.

A letter was submitted September 19, 2013 responding to the engineering comments. The Town Engineer will review the final drawings with the Town Highway Superintendent and Chief Waste Water Treatment Plant Operator for their sign off.

Hydrant locations have been added to the drawings.

Connection of the road to Dannfield Drive will occur in Phase 2 together with the drainage swales along Phase 3 roads.

Fire Chief signed off is required.

Karl Schwesinger reviewed the updates to the site plan since the last meeting addressing the engineering comments.

- The road in Phase 1 has been changed to eliminate the portion along the sides of Lot 3 and Lot 23.
- The water/sewer for Lot 1 comes directly off the extension of Woodcrest Drive and not via an easement along the sides of Lot 21/22 and the back of Lots 21/20.
- All driveway pipes are at least 18"
- The drainage pipe feeding the west pond is 2'
- No drainage from the south side of the extension of Woodcrest Drive is directed down Woodland Way

The Town Engineer stated that all engineering concerns have been addressed pending any comments which may arise from the review by the Highway Superintendent and Chief Waste Water Treatment Plant Operator.

The Planning Board declared the application to be complete.

The Planning Board reviewed the EAF.

RESOLUTION TO DECLARE THE PLANNING BOARD LEAD AGENCY, AND MAKE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

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

SECONDED BY: PATRICIA THIEL

The Planning Board Chairman reopened the public hearing at 7:33 pm

No one from the public wishing to be heard, the Chairman closed the Public Hearing at 7:34 PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN AMENDMENT CONTINGENT UPON SIGN-OFF FROM THE FIRE CHIEF, HIGHWAY SUPERINTENDENT, CHIEF WASTE WATER TREATMENT PLANT OPERATOR, AND ENGINEERING CONTINGENCIES.

**MOTION BY: MATT MASLYN
DISPOSITION: 6-0-1 (McCARTHY)**

SECONDED BY: DOUG COLE

2. APPLICATION FROM MARK AND PAT ROMAN FOR A TWO-LOT SUBDIVISION AT 3664 SUMMIT COURT. WITH PUBLIC HEARING.

POINTS TO CONSIDER:

The application was represented by Mark Roman.

The applicant seeks to split their existing 1.036 residential lot into 2 half-acre lots. There is a private deed restriction prohibiting the splitting of a lot. The Aurene Architectural Review Board and Residents Advisory Board has granted permission for the subdivision to occur.

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

Criteria:	Required:	Proposed:
Lot size	12,500 sq ft	Lot A 20,405 sq ft; Lot B 24,722 sq. ft
Lot width	100 ft	138.10 ft and 136.3 ft
Setbacks		Lot A Lot B
Front	30 ft	The building 34.46 ft
Rear	50 ft	envelope for 73.44 ft
Side - principal bldg	20 ft	Lot A is shown 30 ft
Accessory bldg	10 ft	on the plat 15.5 ft

Driveway location for Lot A is depicted on the plat, but is not yet and must be approved by the Highway Superintendent.

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 WITH PUBLIC WATER AND SEWER, DECLARE THE PLANNING BOARD LEAD AGENCY AND MAKE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

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

SECONDED BY: JOHN GARGANO

The Planning Board Chairman reopened the public hearing at 7:44 PM.

No one from the public wishing to be heard, the Chairman closed the Public Hearing at 7:44 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: MATT MASLYN
DISPOSITION: 7-0**

SECONDED BY: JOHN GARGANO

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

3. SITE PLAN APPLICATION FROM BOB MORSE FOR A LANDSCAPE RETAIL SALES OPERATION AND A 20' X 30' BUILDING AT 578 W. WATER STREET.

POINTS TO CONSIDER:

The property is located in a B3 Neighborhood Services District.

The applicant seeks to establish a landscaping retail business and construct a building for storage and sales.

Since the property has been vacant for more than one year and this constitutes a new business located on State Route 415 NYS Department of Transportation is an involved agency. The application must also be referred to Steuben County under Section 239m.

The property is adjoined by two waterbodies, and is subject to the Stream Corridor Overlay District. All activity must be kept 50 ft from the bank of each waterbody. The Mean High Water Mark (MHWM) is indicated on the site plan. All development is outside the MHWM boundary.

There has previously been a criminal proceeding in regard to this property, which requires the Planning Board to specify in detail the restrictions and requirements for operation of a retail business with outdoor storage of material on this property.

Signage location has been proposed for the property. Applicant states no lighting is proposed.

Criteria:	Required:	Proposed:
Setbacks		
Front	18 ft	OK
Rear	10 ft	OK
Side	10 ft	OK
Planting Strip	5 ft	OK
Sidewalk	8 ft	OK
Building setback	5 ft	OK

Parking is shown on the site plan. A space for handicap parking must be added to the plan. Material storage and other uses of the property are shown and specified on the site plan.

The building will be stick built.

RESOLUTION TO CLASSIFY THIS AS AN UNLISTED ACTION SINCE IT IS A NON-RESIDENTIAL DEVELOPMENT OF LESS THAN 10 ACRES, TO DECLARE THE INTENT OF THE PLANNING BOARD TO BECOME LEAD AGENCY.

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

SECONDED BY: JAMES MCCARTHY

The applicant is withdrawing the building for the ice cream stand. If the applicant wants to establish an ice cream stand, he will submit a future site plan amendment.

The Planning Board declares the application to be incomplete.

- A revised EAF to remove reference to the ice cream stand is required.
- A note must be added to the plan that no fill can be added to enlarge the useable developable land
- Handicap parking space must be depicted
- A note must be added that any building on the property will comply with §130-89

RESOLUTION TO ADJOURN THE MEETING AT 8:55 PM.

**MOTION BY: JOHN GARGANO
DISPOSITION: 7-0**

SECONDED BY: MATT MASLYN

Submitted by:

Rita Y. McCarthy
Acting Planning Board Secretary