

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

**Present:** Chairman Wayne Kennedy, Joe Banach, John Gargano, Doug Porter, Ted Metarko, Doug Cole,

**Absent:** James McCarthy, Patricia Thiel, Matt Maslyn

**Guests:** Ronald Guernsey, Deb Morse, Brian and Angela Olkey, Jerry Grapevine Sr., Jerry Grapevine Jr., Ron Snavelly, Dave Iocco, 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 OCTOBER 7, 2013 MEETING.**

**MOTION BY: TED METARKO**

**SECONDED BY: JOHN GARGANO**

**DISPOSITION: 4-0-2 (BANACH, PORTER)**

- 1. SITE PLAN APPLICATION FROM BOB MORSE FOR A LANDSCAPE RETAIL SALES OPERATION AND A 20' X 30' BUILDING AT 578 W. WATER STREET. WITH PUBLIC HEARING.**

**POINTS TO CONSIDER:**

The property is located in a B3 Neighborhood Services District.

The application was represented by engineer Dave Iocco and Mrs. Morse.

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. Both agencies consented to the Town of Erwin acting as Lead Agency.

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.

No signage has been proposed for the property. No lighting is proposed.

<b>Criteria:</b>	<b>Required:</b>	<b>Proposed:</b>
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		9 + 1 hdcp OK

The material storage area is depicted on the site plan.

Notes have been added to the Site Plan that no fill will be added to enlarge the useable, developable land. Any building on the property will comply with §130-89. No building is allowed in the buffer zone.

Questions were raised at the October 7, 2013 Planning Board meeting regarding the future establishment of an ice cream stand in regard to availability of bathrooms and sewer. Reference to the future ice cream stand has been deleted. If in the future the applicant seeks to establish an ice cream stand, he must submit a Site Plan Amendment application.

The town engineer had no outstanding comments.

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: JOE BANACH  
DISPOSITION: 6-0**

**SECONDED BY: JOHN GARGANO**

The Planning Board 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 SITE PLAN.**

**MOTION BY: DOUG PORTER  
DISPOSITION: 6-0**

**SECONDED BY: TED METARKO**

**2. SITE PLAN AND SPECIAL USE PERMIT APPLICATION FROM GERALD A. GRAPEVINE, SR. FOR A HOME OCCUPATION (COMPUTER REPAIR OFFICE) AT 301 VICTORY HIGHWAY. WITH PUBLIC HEARING.**

**POINTS TO CONSIDER:**

The application was represented by Jerry Grapevine Sr. and Jr.

The applicant seeks to establish a computer repair service in his home. Operating between 8 AM and 5 PM, customers could drop off their computers. In most cases, the applicant would make repairs in the customer's home but would bring more complicated repairs back to his home. There will also be customers who will come to the applicant's home to pick up their computer.

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

<b>Criteria:</b>	<b>Required:</b>	<b>Proposed:</b>
Total floor area <25% or 500 sq ft		120 sq ft or less
Parking	1-2 spaces	driveway 20 X 50
Within the house		OK
Sign		No signage proposed
Not retail		OK
No traffic nuisance		OK

The Planning Board reviewed the EAF.

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

**MOTION BY: JOHN GARGANO  
DISPOSITION: 6-0**

**SECONDED BY: DOUG COLE**

The Planning Board Chairman opened the public hearing at 7:13 PM.

No one from the public wishing to be heard, the Chairman closed the Public Hearing at 7:14 PM.

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN AND SPECIAL USE PERMIT.**

**MOTION BY: TED METARKO  
DISPOSITION: 6-0**

**SECONDED BY: DOUG PORTER**

**3. APPLICATION FROM RONALD GURNSEY / BRIAN C. & ANGELA OLKEY TO RE-SUBDIVIDE 2 LOTS AT 34 & 36 HIGHLAND DRIVE. WITH PUBLIC HEARING.**

**POINTS TO CONSIDER:**

The application was represented by Attorney Ron Snavely, Ron Guernsey, Angela and Brian Olkey.

Applicant Guernsey seeks to convey .14 acres of his backyard to the adjacent property owned by Olkey. This is a resubdivision of 2 lots.

The property is located in an R-7.2 Residential District.

The Olkey property has a shed that is currently encroaching on the Guernsey property. This is a pre-existing, non-conforming condition that will neither be corrected by nor exacerbated by this subdivision. The Olkey property is to receive the .14 acres outlined in red on the survey map by John Fimmano, PLS dated September 25, 2013.

<b>Criteria:</b>	<b>Required:</b>	<b>Proposed:</b>
Lot size	7,200 sq ft	Both lots OK
Setbacks – accessory bldg (garage on Guernsey lot)		
Side	10 ft	10.54 ft

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

**MOTION BY: JOE BANACH  
DISPOSITION: 6-0**

**SECONDED BY: JOHN GARGANO**

The Planning Board Chairman opened the public hearing at 7:21 PM.

No one from the public wishing to be heard, the Chairman closed the Public Hearing at 7:21 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: DOUG PORTER  
DISPOSITION: 6-0**

**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.

Town of Erwin Planning Board Meeting

November 4, 2013

Page 5 of 5

**RESOLUTION TO ADJOURN THE MEETING AT 7:25 PM.**

**MOTION BY: JOHN GARGANO**

**SECONDED BY: DOUG PORTER**

**DISPOSITION: 6-0**

Submitted by:

Rita Y. McCarthy  
Acting Planning Board Secretary

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