

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, FEBRUARY 2, 2015

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

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

Absent: Doug Porter, Matt Maslyn

Guests: Byron L Paris, Jeff Evans, Tom Dobrydney, Frank Thiel, Travis Askins, Arthur Jones, Steven Bigness, William Todd Hall, William Hall, Howard Stanton, Matt Dann, Robert Drew, Rita McCarthy, Barb Lucas

CHAIRMAN WAYNE KENNEDY OPENS THE MEETING AT 7:00 PM.

In accordance with the Planning Board’s established procedure, the Board will hear all matters up until 9 PM. Any matters not completed by that time will be held over to the next regular meeting. As is 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.

THE MINUTES OF THE FEBRUARY 2, 2015 MEETING WERE APPROVED.

MOTION BY: TED METARKO

SECONDED BY: JOHN GARGANO

DISPOSITION: 4-0-3

1. SITE PLAN AMENDMENT APPLICATION FROM COOPERS PLAINS LONG ACRES FIRE DEPARTMENT FOR A 2304 SQ FT ADDITION 210 MAIN STREET. WITH PUBLIC HEARING.

POINTS TO CONSIDER:

The project is located in an R12.5 zone.

The applicant seeks to demolish the existing structures on the adjacent lot and construct a single, 2304 sq ft addition to the west, as a garage to house fire equipment vehicles. At the February Planning Board meeting, a subdivision was approved which combined this adjacent lot and a portion of land previously granted by the Church to Fire District into one single lot. The State Environmental Quality Review (SEQR) considered for the subdivision included the proposed addition, and the Planning Board made a negative declaration was made on the entire project.

There will be a driveway the entire width of the new structure to allow fire truck access. There will be 3’ planter on the west side of the addition to buffer it from the adjacent residential property.

Criteria:	Required:	Proposed:
Setbacks		
Front	35’	No change from existing
Side	20’	25’
Rear	50’	27.6’ Existing structure 15’
Lot coverage	15%	70% Variance granted by ZBA
Lot size	25,000 sq ft	21,732.6 sq ft Variance to 21,000 sq ft granted by ZBA

Byron Paris, Secretary for the CPLA Fire District, presented the application. He noted that the project, as presented, was previously granted two variances by the Zoning Board of Appeals: for a lot size less than the minimum of 25000 ft² and for lot coverage exceeding the maximum of 15%. Mr. Paris noted several difficulties associated with the existing building that would be corrected by the addition sought. Currently, it is necessary to park two vehicles per bay, one in front of the other. The addition of two new bays eliminates having to shuffle vehicles. Also, the Fire District is planning to purchase a new pumper truck which meets the specifications recommended by the National Fire Prevention Association. The new truck will be much larger than the existing truck which has only 6 inches clearance. The Fire District previously widened the doorway to eliminate having to fold in the mirrors of the truck in order to park.

Member Thiel noted errors regarding roof design on the drawings provided. After discussion with Robert Drew, Engineer for the Town, it was determined that the errors existing on the drawing do not relate to the footprint of the building, fenestration, or color, and can be ignored by the Planning Board. Such errors would be governed by the Code Enforcement Officer at the time a building permit is applied for.

Engineer Drew noted no engineering problems in relation to the site plan.

Member Thiel questioned whether the addition will match the existing structure.

Mr. Paris noted that the addition will be finished similar to the existing structure and the entire structure would be painted, if necessary, to meet color requirements or aesthetics.

Mr. Paris also noted that the upper area of the addition would be used as storage.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.

CHAIRMAN KENNEDY OPENED THE PUBLIC HEARING AT 7:18PM.

Frank Thiel, Chairman of the Zoning Board of Appeals, questioned the over size of the addition. It was determined that an error on the drawing indicating 50'x50' should be corrected to 48' x 48'.

CHAIRMAN KENNEDY CLOSED THE PUBLIC HEARING AT 7:19PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN AMENDMENT CONTINGENT UPON FILING OF THE SUBDIVISION PLAT PURSUANT TO THE PLANNING BOARD'S CONDITIONAL APPROVAL OF THE RESUBDIVISION, AND A STAMPED SURVEY OF THE COMBINED PARCEL IS SUBMITTED TO, AND SIGNED BY, THE PLANNING BOARD.

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

SECONDED BY: JAMES McCARTHY

2. SUBDIVISION APPLICATION FROM MATT DANN FOR A 30-LOT SUBDIVISION OFF WOODCREST DRIVE.

POINTS TO CONSIDER:

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.

On October 7, 2013, the applicant received conditional approval of the Planning Board for a 30 lot subdivision. That approval has expired since the conditions of approval were not met, the subdivision was not filed, and more than a year has passed since the approval. The engineering contingencies were not addressed, and the applicant did not submit a final phasing plan that met the NYSDOH restrictions of no more than 12 bedrooms in Phase I. Phase I and 12 bedrooms may be constructed prior to connection to the additional water supply/storage capacity of the Upper Beartown Water Extension District.

The current submittal provides for Phase 1 to consist of 4 lots, namely Lots 2, 3, 4, & 5. Sheet C3 and C3-A include the Deed Restriction:

Lots 2,3,4 and 5 shall be limited to a total of twelve (12) bedrooms cumulatively until such time as the owner and/or developer receives approval from the Town to lift this restriction.

The Planning Board may choose to seek language such as limiting each lot to 3 bedrooms, or some other language so that the situation does not arise where 3 of 4 lots have used all the bedrooms and an owner of a lot here created finds his/her lot unbuildable.

Sheet C-4 includes the Phasing Schedule and under the note for Phase 1 states:

Lot No. 1 will have a temporary building restriction, to be lifted once Phase 2 has been initiated.

Lot 1 is all the remaining lands outside of Lots 2, 3, 4, &5. The previous restriction on the Lots in Phase 1 stated that the limitation of bedrooms shall remain, "until such time as the owner and/or developer receives approval from the Town to lift this restriction". Also, the restriction on Sheet C-4 states that the restriction is lifted, "once Phase 2 has been initiated", which would allow construction of more than 12 bedrooms before connection to the water service is complete as required by NYSDOH.

The Planning Board may choose to seek language such as limiting all development on Lot 1 until approval is received from the Town Planning Board to lift this restriction, or some other language to ensure that a house does not get built that cannot be granted a Certificate of Occupancy, and/or the NYSDOH restriction is not violated.

The Town of Erwin previously chose to accept a payment in lieu of park land set aside.

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 SEQ. Both agencies previously deferred to the Town of Erwin Planning Board as Lead Agency. The applicant is seeking to receive such sign off on Lead Agency status prior to the March 2, 2015 meeting.

Since such approval has not been received, the Planning Board declares its intent to become Lead Agency and declares the application to be incomplete.

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 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 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.

Fire Chief previously signed off, but his acknowledgement of this revised submittal is required

Sign off from the Town Highway Superintendent is required

Sign off from the Town Chief Water/Sewer Plant Operator is required

Future Phases beyond Phase I will require Planning Board action.

Attorney Jeff Evans, of Welch & Zink , and Planner Tom Dobrydney, of Fagan Engineers, presented the application. Attorney Evans began by noting that a previous application for a 30 lot subdivision was approved in 2013. The 2013 application was allowed to lapse, without filing the paperwork, because it would have created 30 lots immediately taxable at a higher rate. The new plan calls for developing the property in phases and they are seeking approval on Phase I, which is a 5 lot subdivision. Lots #2, 3, 4, and 5 would be developed in Phase I and Lot #1, which includes all remaining land, would be developed in later phases.

Attorney Evans noted that the existing deed restriction, imposed by the DOH, limiting the total number of bedrooms on the buildable lots to 12, does not limit the number of bedrooms that can be built on a single lot. The applicant would prefer to keep the deed restriction as is, noting that restricting the number of bedrooms per lot could prevent the applicant from responding to market demands. He noted that the risk that one or more of lots 2, 3, 4 or 5 could become unbuildable, is a risk to the buyer of the lot, not the Town.

Planner Dobryney noted that the deed restrictions are the same as in 2013. New information included for each lot is the distance from the center point of each lot to the Field and Stream Club firing range. There is also a note indicating the size of the rain garden necessary for each lot. All sanitary sewer manholes have been relocated from the road to the shoulder. All waterlines have fire hydrants to use as temporary blow-off until the full project, including all phases, is complete.

Robert Drew, Engineer for the Town, noted that he will issue a letter noting his observations when his review is completed. He also noted that, while the current application relates to a portion (Phase I) of the entire project, he is reviewing the overall design for the full project.

Chairman Kennedy noted the following:

The current submittal provides for Phase 1 to consist of 4 lots, namely Lots 2, 3, 4, & 5, which shall be limited to a total of twelve (12) bedrooms cumulatively, until such time as the owner and/or developer receives approval from the Town to lift this restriction. The Planning Board will limit each lot to 3 bedrooms.

Lot No. 1 will have a temporary building restriction, to be lifted once Phase 2 has been initiated. Lot 1 is all the remaining lands outside of Lots 2, 3, 4, & 5. The previous restriction on the Lots in Phase 1 stated that the limitation of bedrooms shall remain, “until such time as the owner and/or developer receives approval from the Town to lift this restriction”. Also, the restriction on Sheet C-4 states that the restriction is lifted, “once Phase 2 has been initiated”, which would allow construction of more than 12 bedrooms before connection to the water service is complete as required by NYSDOH.

The Planning Board is limiting all development on Lot 1 until approval is received from the Town Planning Board to lift this restriction, to ensure that a house does not get built that cannot be

granted a Certificate of Occupancy, and/or the NYSDOH restriction is not violated.

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 SEQ. Since such approval has not been received, the Planning Board declares its intent to become Lead Agency and declares the application to be incomplete.

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.

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.

As soon as building of a house has started, the Town of Erwin will require a bond or letter of credit for the value of infrastructure to be built in phase I.

The Town has not received sign-off from the other involved agencies, the DOH and DEC.

Fire Chief previously signed off, but his acknowledgement of this revised submittal is required
Sign off from the Town Highway Superintendent is required
Sign off from the Town Chief Water/Sewer Plant Operator is required
Future Phases beyond Phase I will require Planning Board action.

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: WAYNE KENNEDY
DISPOSITION: 7-0**

SECONDED BY: DOUG COLE

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.

RESOLUTION TO ADJOURN THE MEETING AT 7:43PM.

**MOTION BY: JAMES McCARTHY
DISPOSITION: 7-0**

SECONDED BY: PATRICIA THIEL