

**TOWN OF ERWIN PLANNING BOARD MEETING**

MONDAY, APRIL 4, 2016  
7 P.M. ERWIN TOWN HALL  
310 TOWN CENTER ROAD

Present: Chairman John Gargano, Brian Harpster, Patricia Thiel, Ted Metarko, Joseph Reilly, Wayne Kennedy, Doug Porter  
Absent: Matt Maslyn, James McCarthy  
Guests: Bill Duell, Derek Duell, Frank Thiel, Frank Curreri, Thomas Dobrydney, Todd Martin, Jerry Picarazzi, Maria Marzo Brown, Robert Drew, Rita McCarthy, Barb Lucas

**CHAIRMAN JOHN GARGANO 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.

**MOTION TO APPROVE THE MINUTES OF THE MARCH 7, 2016 MEETING, AMENDED TO REFLECT THAT THE LOCATION OF MECHANICALS ON THE SITE PLAN FOR 125 VICTORY HIGHWAY IS UNCLEAR**

**MOTION BY: WAYNE KENNEDY**  
**DISPOSITION: 5-0-2**

**SECONDED BY: BRIAN HARPSTER**

**1. APPLICATION FROM COLUMBA SANTELL FOR A TWO LOT SUBDIVISION AT 10277 BEAVER POND RD. WITH PUBLIC HEARING**

**POINTS TO CONSIDER:**

The project is located in an RD Rural District.  
Applicant is seeking to subdivide the house and 27.27 acres from the 125.18 acre lot.  
Bill Duell is the agent for the applicant. **Need letter of Agency**

<b>Criteria:</b>	<b>Required:</b>	<b>Proposed:</b>	
		<b>Lot 1:</b>	<b>Lot 2:</b>
Lot Size	2 acres	27.27 ac	97.96 ac
Lot width	200'	511.50'	668.33

In June 2000, there was an application by Bill Duell for a two lot subdivision to create a separate lot for the house that now exists on this property. The application was never completed. There was an issue regarding building a house not on improved mapped streets and the Town subdivision law which limits the number of lots on a private road.

Therefore, at that time, a building permit was issued that did not increase the number of lots on the current, pre-existing, non-conforming road; and the private drive was improved to meet Town specifications for a private road.

The same conditions apply here. In accordance with Chapter 112 Subdivision of Land as amended, there shall be no new lots created to access the private road. The proposed application is to leave the newly created lot with access to the private road, Beaver Pond Road, and the remainder lot to have access from Dibble Road. The applicant has stated that the remainder lot has a ROW for access to Dibble Road. **Need proof of access to Dibble Road for remainder lot.**

The application was presented by Bill Duell, acting as an agent for the applicant. Mr. Duell noted that the 97.96 acre subdivided lot would have access to Dibble Road via an existing easement. If Beaver Pond Lane were to become a qualified Town road in the future, then the smaller, 27.27 acre, subdivided parcel would have road access via Beaver Pond Lane. An existing 50 wide easement parallels Beaver Pond Lane.

Robert Drew, engineer for the Town noted that due to the angle of the intersecting easement, the width appears to be less than 50 feet.

Mr. Duell noted that the map will be corrected to create a minimum 50 foot width.

**PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.**

**PLANNING BOARD REVIEWS THE EAF.**

**ENVIRONMENTAL ASSESSMENT FORM (EAF) – Part 2 – Impact Assessment**

- |  |          |
|--|----------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?  | NO       |
| 2. Will the proposed action result in a change in use or intensity of use of land?   | NO       |
| 3. Will the proposed action impair the character or quality of the existing community?   | NO       |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?                      | NO       |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?            | NO       |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? | NO       |
| 7. Will the proposed action impact existing:<br>a. public / private water supplies?<br>b. public / private wastewater treatment utilities?                                 | NO<br>NO |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?                                   | NO       |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?                     | NO       |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?  | NO       |
| 11. Will the proposed action create a hazard to environmental resources or human health?   | NO       |

**THE PLANNING BOARD CLASSIFIES THIS AS AN UNLISTED ACTION SINCE IT INVOLVES A RESIDENTIAL DEVELOPMENT OF LESS THAN 50 UNITS WITHOUT PUBLIC WATER AND SEWER, DECLARES ITSELF LEAD AGENCY, AND MAKES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.**

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

**SECONDED BY: JOSEPH REILLY**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:20 PM.**

**CHAIRMAN GARGANO CLOSES 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 CONTINGENT UPON CORRECTION OF MAP SHOWING 50 FOOT WIDTH RIGHT-OF-WAY AT INTERSECTION WITH POWER LINE.**

**MOTION BY: JOSEPH REILLY  
DISPOSITION: 7-0**

**SECONDED BY: DOUG PORTER**

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

**2. APPLICATION FROM DR. MARIA E. MARZO TO CONSTRUCT A 3,700 SQ FT MEDICAL OFFICE AT 275 S HAMILTON ST.**

**POINTS TO CONSIDER:**

The project is located in a B-1 Business Commercial zone.

The applicant seeks to construct a new, 3,700 sq ft medical office building.

<b>Criteria:</b>	<b>Required:</b>	<b>Proposed:</b>
Lot Size	12,500 sq ft	33,280
Lot width	100'	232
Lot Coverage	60% max	65% <b>Variance granted.</b>
Setbacks		
Side	20'	54.56'
Front	0'	0 - 26' <b>Variance granted</b>
Rear	25'	68'
Parking	Side or rear	Side and Rear
No. of spaces	28	34
Lighting	10'-12', no spillover light	12', <b>Need photometric plan</b>
Sidewalk	8' & connect to area system	5' & connect to area system
	Property does not extend to road ROW, substitute perpendicular 5' sidewalk along driveway and side of building to provide connectivity	
Height	Min 2 stories	2 story appearance with unctinal basement; 18'11" plus cornice <b>Variance granted</b>
Roof	Pitched/flat, screen equipment	Flat, cornice hides rooftop units
Fenestration	façade, windows	Elevation view shown
Materials and Color	earth tone	earth tone
Orientation	Facing local road	The lot is on the curve of the road, and the building is canted toward local road Applicant to address issue of door, functional or not, facing S Hamilton

The applicant does not own to the road ROW. An easement is on file granting this property access to S. Hamilton Street.

The Site Plan has not significantly changed since the 2014 submittal. Therefore the Fire Chief has reaffirmed his approval.

The engineer questioned parking lot drainage and has called for pre-treatment of the dry wells.

DOH approval is required for medical offices, therefore DOH is an Involved Agency. Since there are no major changes to the parking lot and no permits required from any other agency, there are no other involved agencies. SEQR has been modified to reflect DOH is Involved Agency.

**Elements needed:**

Lighting cut sheets and illumination

The application was presented by Tom Dobrydney of Fagan Engineers. Mr. Dobrydney noted that the application was very similar to an application approved in 2014. The size of the building is slightly smaller, the parking remains unchanged and the alignment of the building remains unchanged from the 2014 application. Mr. Dobrydney noted that variances for both lot coverage and front yard setback have been approved. The applicant has also received an ingress/egress easement from Frant Corp which owns land between the Marzo property and S. Hamilton Street. The building elevations have been revised.

Chairman John Gargano asked whether there will be either a functioning or non-functioning door on the front of the building as required by code.

Dr. Marzo, the applicant, noted several problems related to having a door, functioning or not, on the front façade. A functioning door would require redesigning the interior space which had been designed specifically to create an efficient office layout. A non-functioning door would not be aesthetically pleasing and would require installation of unnecessary walkways and ornamentation in order to “appear” functional. It would create confusion for customers.

Rita McCarthy, Town Manager, noted that in order to eliminate the need for a false front door or variance, the Board could make a determination that the east entrance essentially faces S. Hamilton Street and would satisfy the requirement for a door on the front façade.

Chairman Gargano queried the Board and found no objection. The Board concluded that the front door requirement is satisfied.

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

**BASED ON THE SHORT EAF, RESOLUTION TO CLASSIFY THIS AS AN UNLISTED ACTION SINCE IT INVOLVES A NON-RESIDENTIAL DEVELOPMENT OF LESS THAN 10 ACRES, AND DECLARES ITS INTENT TO BECOME LEAD AGENCY.**

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

**SECONDED BY: PATRICIA THIEL**

Frank Thiel, Chairman of the Town of Erwin Zoning Board of Appeals noted that an error was made in determining the maximum amount of the variable front yard setback when the variance was granted. Tom Dobrydney confirmed that although the utility lines were buried, the front yard setback must still account for the utility easement. The variance will be corrected at the next Zoning Board meeting.

**3. SITE PLAN APPLICATION FROM WOODHOUSE/JAKUBIK FOR A VEHICLE SERVICE GARAGE AT 809 ADDISON ROAD.**

**APPLICANT NOTIFIED TOWN THAT HE WOULD NOT BE READY TO PRESENT FOR MEETING.**

**4. SITE PLAN AMENDMENT APPLICATION FROM SMDM, LLC.FOR INDOOR STORAGE AT 322 S. HAMILTON STREET. WITH PUBLIC HEARING**

**APPLICANT WITHDRAWN AT PREPLANNING MEETING.**

**MOTION TO ADJOURN THE MEETING BY UNANIMOUS CONSENT.**