

**TOWN OF ERWIN PLANNING BOARD MEETING**

MONDAY, APRIL 6, 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, Matt Maslyn  
Absent: Doug Porter  
Guests: Corey Zeh, Jeff Boylan, Jeff Evans, Thomas Dobrydney, Frank Curreri, Matt Dann, Dave Iocco, 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 MARCH 2, 2015 MEETING WERE APPROVED.**

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

**SECONDED BY: JOHN GARGANO**

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

**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.

NYSDOH has allowed Phase I consisting of 12 bedrooms only to 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. The Deed Restriction for these lots has been modified to read:

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. As a condition of approval by the Town of Erwin Planning Board, said lots are restricted to three (3) bedrooms each, until cumulative bedroom restriction is lifted.

The deed restriction for Lot 1 has been modified to state:

Lot 1 shall not be improved with any residential structures until such time as the owner and/or developer receives approval from the Town of Erwin to lift this restriction.

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 SEQR. The 30 day notice period for these agencies to object to the Planning Board as Lead Agency has expired.

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 has been added to ensure that rain gardens continue to function.

The following items are required:

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

With the commencement of the first house in Phase I, the Town of Erwin will require a bond or letter of credit for the value of the infrastructure to be built in Phase I.

Jeff Evans, Attorney with Welch & Zink, and Tom Dobrydney, Planner with Fagan Engineers, and Matt Dann presented the application.

Planner Dobrydney presented revised drawings for the project with the following additions/changes:

A deed restriction has been added limiting each dwelling to three bedrooms until cumulative bedroom restriction is removed.

In response to engineering comments, easement lines were drawn around each storm drainage area.

In response to the DPW, fire hydrant connections were relocated to be perpendicular to the water line as is typical and expected.

In order to better illustrate project phases, a phasing schedule has been added to individual drawings for utilities, grading, etc. It was noted that each phase stands alone and each phase requires approval from the Planning Board, however, all phases must be considered when reviewing SEQR.

Engineer Robert Drew, acting for the Town, noted that his engineering comments have been adequately addressed or a plan has been presented to address his concerns.

Planner Dobrydney noted that he has provided the Fire Chief with a set of plans and is awaiting a response.

Concerns of the Highway Superintendent have been addressed by cleaning up the utilities and the addition of a turnaround.

Concerns of the Chief Water and Sewer Plant Operator were addressed in engineering comments.

Chairman Kennedy noted that the Department of Health and the Department of Environmental

Conservation are involved agencies under SEQR, however the required thirty days notice has expired with no objections.

Chairman Kennedy noted for the record that each plat must indicate the proximity to the Field and Stream Club, the restriction on the view shed requirements and the Town of Erwin will require a bond or letter of credit for the value of the infrastructure to be constructed in Phase I.

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

**THE PLANNING BOARD REVIEWS THE EAF:**

<i>Full Environmental Assessment Form</i>		Agency Use Only (If applicable)	
<i>Part 2 - Identification of Potential Project Impacts</i>		Project:	Date:
<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Impact on Geological Features</b> The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
<b>3. Impacts on Surface Water</b> The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>
l. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>4. Impact on groundwater</b>			
The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: <u>UPPER BEARTOWN WATER EXTENSION DISTRICT</u>	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b>			
The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. SOURCE: ALLEGHENY OAK FORESTINYS GEOR WEB MAPPER	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>

b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h) <span style="float: right;"><input type="checkbox"/> NO <input checked="" type="checkbox"/> YES</span> <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/4 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>
d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

**11. Impact on Open Space and Recreation**

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.

(See Part 1. C.2.c, E.1.c., E.2.q.)

If "Yes", answer questions a - e. If "No", go to Section 12.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2a, E1b, E2h, E2m, E2o, E2n, E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**12. Impact on Critical Environmental Areas**

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)

If "Yes", answer questions a - c. If "No", go to Section 13.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems. (See Part 1. D.2.j)

If "Yes", answer questions a - g. If "No", go to Section 14.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy. (See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>

b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____			

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES

(See Part 1. D.2 m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)  NO  YES

(See Part 1.D.2.q., E.1. d. f. g. and h.)

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____			

UPON REVIEW OF THE INFORMATION RECORDED ON THE EAF, AND CONSIDERING BOTH THE MAGNITUDE AND IMPORTANCE OF EACH IDENTIFIED POTENTIAL IMPACT, IT IS THE CONCLUSION OF THE TOWN OF ERWIN PLANNING BOARD AS LEAD AGENCY THAT THIS PROJECT WILL RESULT IN NO SIGNIFICANT ADVERSE IMPACTS ON THE ENVIRONMENT, AND THEREFORE, AN ENVIRONMENTAL IMPACT STATEMENT NEED NOT BE PREPARED.

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

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

**SECONDED BY: PATRICIA THIEL**

**CHAIRMAN KENNEDY OPENED THE PUBLIC HEARING AT 7:33PM.**

**CHAIRMAN KENNEDY CLOSED THE PUBLIC HEARING AT 7:34PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SUBDIVISION CONTINGENT UPON SIGN-OFF FROM THE FIRE CHIEF AND RESOLUTION OF ENGINEERING ISSUES.**

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

**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.

**2. APPLICATION FROM JEFF BOYLAN FOR A 2 LOT SUBDIVISION OFF VICTORY HIGHWAY. WITH PUBLIC HEARING.**

**POINTS TO CONSIDER:**

The applicant seeks to break off a 6 acre lot surrounding existing railroad tracks together with the existing access to Victory Highway from the larger 41 acre lot.

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

<b>Criteria:</b>	<b>Required:</b>	<b>Proposed:</b>
Lot size	25,000 sq ft	6 acres
Lot width	200' max	1207'

A survey was provided with the submittal, but needs to be revised to show one parcel as the 6 acre lot with its access to a public road, Mill Street, through RR owned property, separate from the remaining lands of Boylan, and showing the access to Victory Highway as the easement from Sullivan. A revised signed, stamped survey is required.

Note: John Gargano recused.

Jeff Boylan, applicant, and Corey Zeh, representing B&H Rail Corp, presented the application. Mr. Boylan explained that he would like to subdivide off a 6 acre rectangular area (Parcel A) from a 42 acre parcel which he owns. Parcel A is currently under lease to the railroad and there would be no change in the use of the property.

Mr. Zeh noted that the railroad currently has a 17 year lease for the 6 acres and first right of refusal for the purchase of the land. The railroad owns additional land providing two means of access to the parcel.

Rita McCarthy, Town Manager, noted that to create a new subdivision, the new lot (Parcel A) would be required to have access to a public street. Parcel A would have access to Mill Street via an existing railroad right of way.

Member Matt Maslyn requested a map showing the undivided 42 acre parcel indicating where the 6 acre parcel A would be subdivided. It was determined that a 2010 survey map is available from a different

transaction which would provide the necessary data and is on record with the Town.

Member Cole noted that use of Parcel A would be limited in use if the railroad were to lose access to Victory Highway. Town Manager McCarthy added that Parcel A would still be considered a legal parcel because it would have access to Mill Street, however, due to weight restrictions on vehicles in the Hamlet of Coopers Plains, use of the property would be limited. Mr. Zeh noted that the railroad, having first right of refusal, would purchase the property in order to maintain access to Victory Highway.

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

**THE 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:   |    |
| a. public / private water supplies?  | NO |
| b. public / private wastewater treatment utilities?  | 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 |

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

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

**SECONDED BY: MATT MASLYN**

**CHAIRMAN OPENS THE PUBLIC HEARING AT 7:58 PM.**

**CHAIRMAN CLOSSES THE PUBLIC HEARING AT 7:59 PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SUBDIVISION CONTINGENT ON THE 2010 SURVEY.**

**MOTION BY: MATT MASLYN  
DISPOSITION: 7-0**

**SECONDED BY: BRIAN HARPSTER**

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 AMENDMENT APPLICATION FROM TWIN TIERS CHURCH FOR A 2400 SQ FT ADDITION AT 36 BEARTOWN RD. WITH PUBLIC HEARING.**

The applicant seeks to construct a 40' X 60' addition to provide 4 classrooms and large gathering hall.

**POINTS TO CONSIDER:**

The project is located in an R-10 zone.

<b>Criteria:</b>	<b>Required:</b>	<b>Proposed:</b>
Lot coverage	25% max	8.2 %
Setback		
Front	30'	140'
Side	10'	20'

There is no proposed exterior lighting.

Dave locco, engineer for the Applicant, presented the application. Engineer locco noted that the applicant would like to build a single story addition to an existing structure.

Member Thiel noted that the existing drawing indicates no exterior lighting. Engineer locco will correct the drawing to indicate that there will be one emergency light on the wall and facing down.

Robert Drew, engineer representing the Town, found no concerns related to the application.

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

**THE PLANNING BOARD CLASSIFIES THIS AS A TYPE II ACTION BECAUSE IT IS A NONRESIDENTIAL STRUCTURE LESS THAN 4000 SQ FT, DOES NOT INVOLVE A CHANGE IN ZONING OR A USE VARIANCE, AND IS CONSISTENT WITH LOCAL LAND USE CONTROLS NOT INVOLVING RADIO COMMUNICATION OR MICROWAVE TRANSMISSION FACILITIES. NO FURTHER SEQR ACTION IS REQUIRED.**

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

**SECONDED BY: JOHN GARGANO**

**CHAIRMAN OPENS THE PUBLIC HEARING AT 8:09 PM.**

**CHAIRMAN CLOSSES THE PUBLIC HEARING AT 8:09 PM.**

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

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

**SECONDED BY: JAMES McCARTHY**

**RESOLUTION TO ADJOURN THE MEETING AT 8:10 PM.**

**MOTION BY: MATT MASLYN  
DISPOSITION: 7-0**

**SECONDED BY: PATRICIA THIEL**