

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, JULY 6, 2015

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

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

Absent: Matt Maslyn, Doug Porter

Guests: Dave Iocco, Dan Lapp, Chuck Coons, Warren Baker, Reverend Daniel Mahler, Daniel Slaughter, 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.

MOTION TO APPROVE THE MINUTES OF THE MAY 4, 2015 MEETING.

MOTION BY: PATRICIA THIEL

SECONDED BY: TED METARKO

DISPOSITION: 7-0

MOTION TO APPROVE THE MINUTES OF THE JUNE 1, 2015 MEETING.

MOTION BY: DOUG COLE

SECONDED BY: JOHN GARGANO

DISPOSITION: 7-0

1. APPLICATION FROM DANIEL SLAUGHTER FOR A TWO LOT SUBDIVISION AT 127 CREEKSIDE DRIVE. WITH PUBLIC HEARING.

The applicant seeks to resubdivide original lots 5 & 6 of the Creekside subdivision, which had previously been combined when his parents owned the property.

POINTS TO CONSIDER:

The project is located in a R 7.2 Residential District.

Criteria:	Required:	Proposed:	
Lot size	7,200 sq ft	14,592 sq ft	14,636 sq ft
Lot width	60'	88'	88'
Setbacks			
Front	30'		
Side	10'		
Rear	25'		

An updated subdivision plat with original stamp, depicting both lots and the location of the structure is required.

The application was presented by Daniel Slaughter. He stated that the house on the property was originally built for his mother on Lot No. 5. Lot No. 6 was then purchased by her and combined with Lot No. 5. His mother is now deceased and Mr. Slaughter is selling the house. He would like to resubdivide the property in order to have the option to sell Lot No. 6 separately.

Asked whether anything exists on Lot No. 6, Mr. Slaughter noted that there is a 6'x6' shed. Removal of the structure would be a decision for the property buyer. It was also noted that while the shed is within the setback, it is not considered a permanent structure because it is smaller than 10'x12'.

Asked whether the two lots are the same size, Mr. Slaughter noted that Lot 5 is approximately 0.335 acres and Lot 6 is approximately 0.336 acres.

THE 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: | |
| 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 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 MCCARTHY

SECONDED BY: PATRICIA THIEL

DISPOSITION: 7-0

CHAIRMAN KENNEDY OPENS THE PUBLIC HEARING AT 7:09 PM.

CHAIRMAN KENNEDY CLOSES THE PUBLIC HEARING AT 7:09 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: JOHN GARGANO

SECONDED BY: PATRICIA THIEL

DISPOSITION: 7-0

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

2. SITE PLAN APPLICATION FROM ST. MARY'S ORTHODOX CHURCH FOR AN 80' X 80', TWO STORY CHURCH AT 61 CANADA RD.

The applicant seeks construct a two story, 80' X 80" building with a 22 space parking lot and retain the existing house as a rectory. The existing garage will be used in support of the construction, and will be demolished when construction is complete.

There will be a monument sign which will be within the 8' X 4' requirement.

POINTS TO CONSIDER:

The project is located in a B-2 Office Commercial District.

The property is located with Aquifer Protection Overlay District #2, so the restrictions in §130-37.D apply.

Criteria:	Required:	Proposed:
Lot size	10,000 sq ft	2.019 acres
Lot width	50' max	250'
Setbacks		
Front	0	50'
Side	0 or 15'	40'
Rear	10'	260'
Max Lot coverage	75%	28.6%
Parking		
Spaces	84 seats = 14 spaces	22
Location	Rear or side	Rear
Landscaping	75' from tree	Landscaping to meet §130-89.D.A.iii
Access Road	One Way – 12'	12'
	Two Way 24'	24'
Proportion		
Max Height	35'	33' + Steeple 14'*
Roof	Pitched or flat	Pitched

*

- §130-21.B. states, " No other structure except a silo or church steeple shall be constructed over thirty-five (35) feet...
- §130-21.C. states that "Additional height restrictions apply for...those projects subject to the Design Standards of this Chapter".
- §130-89.D.C.i for "Properties Fronting Canada Road" requires 2 stories, max 3, 2nd story does not have to be functional, but it states "Max height = 35'".

Grading plan has been provided.

Labels from original site plan need to be included. The EAF must be modified to show DEC as an Involved Agency.

Additional items necessary:

- Lighting Plan
- Interior parking lot landscaping
- Sign off from the Fire Chief

It is anticipated that the land disturbance will be close to or at least than 2 acres. Therefore, DEC is an Involved Agency because a SWPP permit is required. Although at the May 4, 2015 meeting, the Planning Board declared its intent to become Lead Agency, no other agency was listed or notified as an Involved Agency. Therefore, the DEC must now be notified and given 30 days to respond.

The application was presented by Dave Iocco, engineer for the applicant. Chuck Coons, President of St. Mary's Orthodox Church and Reverend Daniel Mahler, were present.

Engineer Iocco noted that he would like to address issues which came to light in the Preplanning meeting. A new site plan was presented with an area outlined in red indicating an area which would be fenced off during construction. The fenced in area would include the easements for the Town and the DEC. The computer generated measurement of the area within the fence area is 1.1 acres leaving approximately 0.91 acres accessible during construction. The intent of limiting the accessible area to less than one acre is to eliminate the necessity of a SWPPP. If acceptable to the Planning Board, Engineer Iocco would present the idea of a fenced off area to the DEC for approval.

Robert Drew, engineer for the Town, noted concern that without a grading plan he cannot determine if construction has the potential to affect the proposed fenced off area.

Engineer Iocco noted that portions of storm prevention will be implemented during the construction phase.

Engineer Drew noted that it would be necessary for a biologist from the DEC to determine if construction would be outside the buffer area regarding the "wetland check zone" detailed in maps of the wetlands.

Regarding concern with the height of the proposed steeple, Engineer Iocco noted that the total height of the building, including the dome and cross would be 48-50 feet with the roofline at 33 feet. The Planning Board indicated the height would not be a problem.

Mr. Coons asked if it is necessary to submit samples of the proposed siding to the Planning Board. It was noted that samples are not necessary. The materials used should comply with the code as determined by the code enforcement officer.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.

It was noted that the following items are incomplete and required:

1. Drainage calculations and pond sizing
2. Grading plan to Engineer Drew
3. Fire chief approval
4. Lighting plan
5. Landscaping details
6. Revisions to EAF including #13A, and #14

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

The applicant seeks establish a new vehicle service garage which can accommodate tractor trailers by constructing 2 package steel buildings connected to each other. The existing house and garage would remain.

POINTS TO CONSIDER:

The project is located in a B-3 Neighborhood Services District.

The Garage, Service and Repair, is an allowable use. Mixed Use is allowed in this zone if both uses are permitted. The house is a pre-existing non-conforming use.

Since the property is located on state Route 417, NYSDOT will be an Involved Agency. Item #2 on the Short EAF needs to be updated to reflect this. DEC may be an Involved Agency is more than 2 acres is disturbed.

Rudy Jakubik, the applicant, and Dave Iocco, engineer for the applicant presented the application.

The project is located on a 6 acre parcel at the intersection of Route 417 and Indian Hills Road. The site has been filled, as observed by the Town of Erwin Code Enforcement Officer, and has compacted for several freeze/thaw cycles. A certificate of elevations was included with the application. The building is to be constructed a minimum of 2' above the Base Flood Elevation.

The parcel includes an existing house which will remain. The construction will include assembly of two packaged steel buildings on a slab. It is expected that approximately 1.5 acres will be disturbed during construction. The DOT and DEC will both be involved agencies.

Regarding water and sewer, it was noted that two wells currently exist on the property. It was determined that the existing house, which is currently connected to one of the wells, can remain connected to the well. The new construction must hook up to both municipal water and sewer.

Robert Drew, engineer for the Town, noted that the site plan should indicate connection to utilities if possible.

BASED ON THE SHORT EAF, RESOLUTION TO CLASSIFY THIS AS AN UNLISTED ACTION SINCE IT IS A NON-RESIDENTIAL DEVELOPMENT OF LESS THAN 10 ACRES, DECLARE THE INTENT OF THE PLANNING BOARD TO BECOME LEAD AGENCY. THE DOT AND DEC ARE INVOLVED AGENCIES.

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

SECONDED BY: JON GARGANO

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.

It was noted that a drawing is necessary to send to the DOT and DEC when requesting lead agency status. Page 1 of the EAF must also be revised.

RESOLUTION TO ADJOURN THE MEETING AT 7:56 PM.

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

SECONDED BY: BRIAN HARPSTER