

Chairman Kennedy noted that Jody Allen, acting as Engineer for the Town, although not present, had stated there were no outstanding issues of concern with the application.

The Application was presented by Robert Drew of HUNT Engineers. In attendance were Andy Sprague of Studio Mosaic Architecture, Jeff Treadwell, Tiffany Treadwell.

Rita McCarthy noted that the ownership of the property in between the Treadwell property line and the infrastructure of the former Route 417 is not known because it was considered a road-by-use. Although DOT may not actually own the land, the DOT owned the highway use rights and by judge's order, the highway use rights have been transferred to the Town of Erwin.

Mr. Drew noted that since the ownership of highway use rights was assumed to be DOT when the application was submitted, no monument sign is shown on the plans. A monument sign may be included at a later date.

The proposed 2600 sf structure would be divided into two spaces, 2000 sf would be used by the Liquor Factory and 600 sf would be used for professional rental space in the future. The north end of the structure would be the rental portion with an entrance on the northeast corner and an emergency exit at the north end. There will possibly be a false door on the front of the façade facing Hamilton Street for aesthetics. The functional entrance door will be on the east side facing the parking area. The sidewalk will be extended to the public sidewalk on Hamilton Street. Utility hookups will not be moved. A screened-in concrete dumpster pad will be located at the north end of the parking lot. Deliveries would be by box truck or van, three or four times weekly, in the morning.

Regarding a section of chain link fence shown in the drawing as 4 ft high, unlike the remainder which is 6 ft high, it was noted that the 4 ft high section is owned by the DOT and must remain as is.

In response to concern that the drawing indicates signs on three sides of the building, it is noted that a zoning variance has been applied for. The possibility of having a monument sign was not known when the drawing was made because the location for a monument sign was believed to be DOT property.

Rita McCarthy noted that the Town of Erwin would be willing to allow the applicant to erect a monument sign, at their own expense, provided that the sign met Town Regulations. It would have to be set back at least 10 ft, must not interfere with driver visibility, and would require liability insurance coverage. The Town would grant the applicant a Use and Occupancy Permit for a monument sign. It was noted that only 1 wall sign and one monument sign would be allowed without Zoning Board approval. A monument sign would require a building permit but no review by the Planning Board.

It was noted that NYS has changed handicap signage and the new version of signage may be required.

Regarding fire chief approval of the application, it was noted that a response has not yet been received.

Regarding the back flow preventer, it was noted that although it is not needed for the site application, it is needed for a Certificate of Occupancy and is currently in the design stage.

It is noted that the storm water infiltration estimates were completed, submitted and accepted by the Town Engineer.

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 |

THE PLANNING BOARD DECLARES ITSELF LEAD AGENCY AND MAKES AND PROPERLY FILES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

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

SECONDED BY: JOHN GARGANO

CHAIRMAN OPENS THE PUBLIC HEARING AT 7:27PM.

NO ONE FROM THE PUBLIC WISHING TO BE HEARD, THE CHAIRMAN CLOSES THE PUBLIC HEARING AT 7:28PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN WITH CONTINGENCIES FOR FIRE CHIEF SIGN OFF, BACKFLOW PREVENTER, AND TOTAL NUMBER OF SIGNS LIMITED TO TWO.

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

SECONDED BY: TED METARKO

2. APPLICATION FROM VICKI KNARR FOR A SPECIAL USE PERMIT TO CONSTRUCT AN 864 SQ FT ADDITION TO THE HOUSE TO ESTABLISH A HOME OCCUPATION MASSAGE THERAPY BUSINESS AT 215 MAIN STREET. WITH PUBLIC HEARING.

§ 130-50. Planning Board Review – General Criteria.

1. *Compatibility. That the proposed use is of a character, type, scale, and intensity that, when mitigated, is not incompatible with the surrounding neighborhood, land uses, and general area of where the use is proposed to be located, that the use incorporates a site design which is consistent with the character of and is harmonious with the Town, promotes the purposes, goals, and intent of the Town of Erwin Comprehensive Plan, and safeguards the health, safety, and welfare of the Town and its residents.*

The applicant seeks to double the sq ft living area of her house to provide additional living space and to use a portion of the existing space for the business. The increased house size of 1728 sq ft living area is in keeping with the current character of the neighborhood. The immediately adjacent properties are 3,190 sq ft living area and 2,157 sq ft. The business requires no changes to the existing driveway; will not change the look of the property; and will generate a minimal amount of traffic or parking. It is in keeping with the surrounding neighborhood and land uses.

2. *Neighboring Properties. That the proposed use, operation, and/or structures do not significantly and adversely affect neighboring properties with respect to such things as storm water drainage, glare, noise, vibration, loss of natural light, risk of fire, flood, or erosion, odors, dust, historic structures, the structural integrity of buildings, the value of nearby buildings and properties, and other similar matters.*

The proposed house addition will not affect the neighboring properties and with no other changes to the existing site, and the use not significantly impacting intensity, there will be no negative impact on neighboring properties.

3. *Vehicular Access. That proposed access points are adequate in width, grade, alignment, and visibility; are not excessive in number; are located at appropriate distances from intersections or places of public assembly; that the proposed use will not generate more volume or type of traffic than existing road infrastructure can adequately and safely accommodate; and that they satisfy other similar Article IX- Special Use Permit and Site Plan Review Page 103 safety and traffic flow considerations, including conditions for school buses, cyclists, and pedestrians.*

The driveway will remain the same as it is now; traffic will be limited to 1-2 vehicles concurrently, and there is room to park such vehicles within the existing driveway.

4. *Circulation and Parking. That adequate off-road parking and loading spaces are provided to minimize, or, where required, to eliminate the need for parking of vehicles on public highways by any persons connected with or visiting the site of the use; that the interior circulation system is adequate to provide safe accessibility to all required parking spaces; and that adequate separation of pedestrian and vehicular movements is provided.*

See comments to #3 above.

5. *Aesthetic Resources of Local and Statewide Significance. All adverse impacts on visual and aesthetic resources of local and statewide significance and on community character are avoided or minimized to the maximum extent practicable consistent with social, economic, and other essential considerations and utilizing the review process and mitigation strategies set forth in the Aesthetic Resources Overlay District Regulations of this Chapter as such may be amended from time to time.*

As described above, the house addition is in keeping with the neighborhood, and does not adversely affect the aesthetic resources.

6. *Landscaping and Screening. That all parking, storage, loading, and service areas can be and are reasonably screened at all seasons of the year from the view of nearby residential areas and public spaces and that the general landscaping of the site is in character with the surrounding areas. Such screening shall be maintained as a condition of the Special Use Permit and/or site plan approval and shall be guided by the minimum standards set forth in this Chapter.*

The use will appear no more intense than a residential use and therefore does not require any additional buffering.

7. *Natural Features. That the proposed use, together with its sanitary and water service facilities, parking facilities, and other facilities necessary for the operation of the use, are compatible with geologic, hydrologic, topographic, and soil conditions of the site and of adjacent areas; that the proposed use, operation, and structures do not significantly Article IX- Special Use Permit and Site Plan Review Page 104 impact existing natural and scenic features; and that such features are preserved to the maximum extent possible.*

As described above, the house addition is in keeping with the neighborhood, and does not adversely affect natural conditions.

8. *That once the proposed use ceases to operate for any reason, that the parcel of land on which it is located will be able to be restored and is restored so that said land may be suitable for development and use for one or more of the uses allowed in the zoning district where the property is located other than the use proposed. In Residential Districts, the land must remain suitable for residential development after the special use permit has been terminated. In connection with the construction or operation of any use in a Residential District, any disturbance of an area greater than 40,000 square feet which will substantially and irreversibly alter the natural contours and grade of the site shall be limited to an area or areas that do not exceed a total of 60% of the total area of the site that is developable for residential uses with sufficient non-disturbed areas remaining so that infill of residential development can occur.*

The only change is to increase the residential living area, therefore no restoration will be required.

9. *That the proposed use will not be inconsistent with the recommended Future Land Use Concepts for the area in which the use is proposed as described in the current Town of Erwin Comprehensive Plan.*

The site will remain consistent with the residential use, therefore it will remain consistent with the residential zone in which it is located.

§130-72 Home Occupation, On-Site Service

Special Use Permit Criteria:

- A. *No more than 25% of the total floor area of a dwelling unit or 500 sq ft whichever is the lesser may be used for such use.*

The front entryway, sitting room and therapy room will be used, approximately 300 sq ft of the 1728 sq ft structure, or approximately 17%.

- B. *The use shall be carried on wholly within the enclosed wall of the dwelling unit.*

The use will be wholly within the expanded residence.

- C. *There shall be no external evidence of such use except for 1 sign not exceeding 2 square feet... Stock, merchandise, equipment or displays of any kind shall not be visible outside the dwelling unit...*

There will be no visible stock, merchandise, equipment or displays of any kind outside of the structure.

- D. *No external structural alterations, which are not customary to a residential building, shall be allowed.*

There are no external alterations to accommodate the business.

- E. *Any form of business whose primary function is the wholesale or retail sale of goods or articles from the premises, such as a small grocery store, shall not be deemed a home occupation.*

The primary business is message therapy. Sale of retail items will be incidental for message purposes.

- F. *The use shall not result in or cause vehicular traffic that will create a nuisance to abutting properties or be detrimental to the residential character of the neighborhood.*

The hours of operation are 8AM – 8PM at the maximum. There might be an occasional UPS or Fed Ex delivery.

- G. *Such uses shall also be subject to any other conditions the Planning Board deems necessary to meet the intent of these requirements.*

The business shall be conducted as described above. No other conditions are necessary.

The plan was presented by Dave Iocco, engineer for the applicant. Vicki Knarr was present.

The applicant would like to add a two story addition to the rear of the house. On completion, it is proposed to use two front rooms in the house for a massage therapy business. Three to five patients a month are anticipated. Concerns raised at the preplanning meeting by Robert Drew as Engineer for the Town, regarding whether there was enough space for two vehicles to pass each other in the driveway is shown to be a non-issue. There is adequate space for two cars to pass adjacent to the existing 2 ft planter along the house. The driveway is joined to a neighboring drive and the neighbors follow friendship rules.

Regarding whether there would be any signs, it is noted that no signage is planned.

Regarding whether the portion of the house intended for use as a business is handicap accessible, Ms. Knarr noted that it is not now, but that a single step could easily be adapted with a ramp and she typically goes to a handicap patient’s house. It is noted that it is not required for code.

Regarding delivery of supplies, Ms. Knarr noted it would be limited to the occasional UPS truck.

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 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: JOHN GARGANO

CHAIRMAN OPENS THE PUBLIC HEARING AT 7:40PM.

NO ONE FROM THE PUBLIC WISHING TO BE HEARD, THE CHAIRMAN CLOSSES THE PUBLIC HEARING AT 7:40PM.

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

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

SECONDED BY: PATRICIA THIEL

The application was presented by Jamie Gensel of Fagan Engineers. Ron Panosian of Pyramid Brokerage and Dr. Marzo were present.

Mr. Gensel noted that the proposed structure, still in the design stage, is expected to exceed the allowable lot coverage. A variance has been submitted to the Zoning Board requesting a lot coverage of 70% where the existing structure is 73% and the allowable is 60%.

The design will have the appearance of a two story structure and earth tone colors to meet code requirements.

It would be desired to have a monument sign on the land now known to be under Town of Erwin authority.

Landscaping would mirror that of The Liquor Factory with a row of trees surrounding property.

The number of patient chairs is expected to be 12. There are a lot of parking spots to accommodate the large number of employees.

Currently confirming drainage infiltration rates and researching current structures. Plan calls for a series of interconnected, evenly spaced storm water dry wells throughout the parking lot.

Mr. Gensel noted that the original concept for the building was to orient the building to face Hamilton Street. It was determined that such an orientation would not meet code for zero front yard setback. Dr. Marzo feels that it would be more aesthetically appropriate. It was also noted that the intent of the code was to have buildings facing the front street but it doesn't serve that purpose in the unique situation at this property. After much discussion, it was determined that interpretation of the allowable orientation of the building, orienting the building to the angle of the street versus orienting the building to the property line, is under the authority of the Zoning Board. A recommendation from the Planning Board is not required.

It is noted that Proof of Agency is on file.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.

Elements needed:

- **Elevation view**
- **Building height, first floor height**
- **Roof with mechanicals**
- **Color and material**
- **Fenestration**
- **Signage**
- **Lighting cut sheets and illumination**
- **Fire Chief sign off**
- **Back flow prevention**

BASED ON THE ENVIRONMENTAL ASSESSMENT FORM, THE PLANNING BOARD CLASSIFIES 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: JAMES McCARTHY
DISPOSITION: 7-0**

SECONDED BY: PATRICIA THIEL

RESOLUTION TO ADJOURN THE MEETING at 8:17PM.

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

SECONDED BY: JOHN GARGANO

Submitted by:
Barbara Lucas
Acting Planning Board Secretary