

TOWN OF ERWIN PLANNING BOARD MEETING

WEDNESDAY, SEPTEMBER 9, 2015

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

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

Absent: John Gargano, Doug Porter

Guests: Dave Iocco, Chuck Coons, Warren Baker, Reverend Daniel Mahler, Nancy Gabel, Gary Lee Smith, Julia Marie Smith, Jody Allen, 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 JULY 6, 2015 MEETING AS AMENDED.

MOTION BY: PATRICIA THIEL

SECONDED BY: TED METARKO

DISPOSITION: 5-0

1. APPLICATION FOR A TWO LOT RESUBDIVISION FROM GARY SMITH TO COMBINE THE LOTS AT 60 AND 66 FOREST DRIVE. WITH PUBLIC HEARING.

The applicant seeks to combine two adjoining lots, one vacant lot with the lot including his residence, into a single lot.

POINTS TO CONSIDER:

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

Criteria:	Required:	Proposed:
Lot Size	12,500 sq ft	.9 acres
Width at building line	100 ft	268 ft

The application was presented by Gary Lee Smith and Julia Marie Smith. They would like to combine tax map parcels 316.11-04-007.000 and 316.11-01-034.000 into a single parcel. The smaller parcel is not buildable and they do not intend to sell it.

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 |

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: JAMES McCARTHY

SECONDED BY: MATT MASLYN

DISPOSITION: 7-0

CHAIRMAN KENNEDY OPENS THE PUBLIC HEARING AT 7:08 PM.

CHAIRMAN KENNEDY CLOSSES THE PUBLIC HEARING AT 7:08 PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE RESUBDIVISION APPLICATION WITH THE CONDITION THAT THE COMBINED LOT SHALL NOT BE RESUBDIVIDED IN THE FUTURE.

MOTION BY: PATRICIA THIEL

SECONDED BY: JAMES McCARTHY

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. WITH PUBLIC HEARING.

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'	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' Two Way 24'	12' 24'
Proportion		
Max Height	35'	33' + Steeple 14'
Roof		
	Pitched or flat	Pitched

Grading plan has been provided.

DEC has ruled no wetland permit required.

DEC has agreed with the plan to use a secure fence to separate undisturbed area from construction, therefore no SWPP is required.

Additional items necessary:

Lighting Plan

Interior parking lot landscaping

Drainage info regarding pond and drainage plan re: storm water

Sign off from the Fire Chief (request sent 8/17/15)

Engineer Dave Iocco presented the application and provided a status update. The required Fire Chief sign-off is not yet available. Per the email received from P. Bierwiler, the Fire Chief, it will be necessary to determine if the turning radius of the largest truck will fit the proposed design. It was noted that parking spaces may have to be eliminated to accommodate the largest truck.

The Board agreed to make Fire Chief sign-off a contingency of application approval.

Engineer Iocco noted that Scott Rodabaugh, of the NYS DEC, approves of the proposed fencing of 1.15 acres of the lot in order to keep the area undisturbed during construction. The disturbed portion of the lot would be limited to approximately 0.85 acres, eliminating the need for a SWPPP.

Robert Drew, engineer for the Town, noted no outstanding issues after reviewing the plans.

Member Matt Maslyn questioned where the drainage outflow is directed. Engineer Drew noted that

the outflow will be directed to an infiltration basin.

Engineer Iocco noted there is no issue concerning the nearby wetland area as indicated by Scott Jones, a biologist with the DEC, because the project is located outside the regulated area.

Addressing a concern for the possibility of drainage affecting neighboring properties, Engineer Iocco noted that there is a bigger possibility of drainage from the neighboring Home Depot property affecting the applicant's property.

Member Thiel questioned the exterior finish of the building. Chuck Coons, President of St. Mary's Orthodox Church, noted that one possibility is high quality vinyl siding. The color will meet the code requirements. They are also seeking bids on stonework.

Member Thiel questioned the steeple height. It was noted that the Board approved the concept of the steeple design at the previous Board meeting and it is noted in the minutes.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.

PLANNING BOARD REVIEWS THE EAF:

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

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| 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 DECLARE THE PLANNING BOARD LEAD AGENCY AND TO MAKE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: MATT MASLYN SECONDED BY: TED METARKO
DISPOSITION: 7-0

CHAIRMAN OPENS THE PUBLIC HEARING AT 7:28 PM.

CHAIRMAN CLOSES THE PUBLIC HEARING AT 7:28 PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN CONTINGENT UPON FIRE CHIEF APPROVAL OF TURNING RADIUS OF TRUCKS.

MOTION BY: BRIAN HARPSTER SECONDED BY: DOUG COLE
DISPOSITION: 7-0

3. SITE PLAN AMENDMENT APPLICATION FROM COOPERS PLAINS UNITED METHODIST CHURCH FOR A 60' x 100' GRAVEL PARKING LOT AT VEHICLE SERVICE GARAGE AT 10 RACE ST. WITH PUBLIC HEARING.

The applicant seeks to construct a 20 space gravel parking lot, 60' X 100'.

POINTS TO CONSIDER:

The project is located in an R12.5 Residential District.

The .13 acre lot will not exceed the lot coverage of the .88 acre parcel. The parking lot will drain to the 60' wide rear area of the parcel.

The handicap parking space including loading zone must be located on a hard surface, and there must be hard surface from the parking space to the church entrance. There must be appropriate signage for the handicap parking space/loading zone.

The applicant intends to place 2 wall pack lights on the building. The Town engineer suggests that additional lighting is required for the new parking lot.

In 2010, three parcels were combined into the existing single parcel. There was no subdivision review at that time. Absent a survey, there is currently no indication that the parcels combined to create one contiguous parcel.

Additional items necessary:

Survey

Lighting Plan

ADA compliant handicap parking and signage

Engineer Dave Iocco represented Coopers Plains United Methodist Church. It was noted that the required signed, stamped survey is in progress, but not yet available.

Engineer Jody Allen, of LaBella Associates, representing the Town of Erwin, had the following issues and concerns with the application which were discussed at length:

- Information provided does not adequately address grading and drainage. It is necessary to show elevations that a contractor can use to build the driveway and adequately address whether neighboring property will be affected.
- Dimensions of the parking area must be shown so that a contractor can build to specs and so that it can be determined whether the plan is compliant.
- Pre-existing, non-conforming conditions of the handicap parking areas and two-way traffic in a 12 foot lane should be corrected to meet code during reconstruction.
- The necessity of a fence or landscape buffer to screen the parking area from abutting parcels was considered. Discussion centered on whether the abutting parcels should be considered as preexisting uses and not subject to the buffering requirement or whether a business use parcel abutting residential use parcel would require buffering. Noting that an existing line of trees, acting as a buffer along one boundary, was removed by the neighbors, it was asked whether a statement from the neighbor indicating no buffer was required would be sufficient to eliminate the requirement. It was determined by the Board that the question should be answered by the Zoning Board of Appeals.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.

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

SECONDED BY: JAMES McCARTHY

It is the determination of the Planning Board that the following are required to complete the application:

- Signed, stamped survey must be submitted
- Show Site Plan with the survey as an underlying layer
- Show traffic circulation to address the concern of two-way traffic on a 12' existing driveway and proposed 16' new driveway, where 24' is required for two-way ingress/egress
- Grading Plan which may show just spot elevations
- Dimensions on the total parking
- Dimensions on handicapped parking which proves that ADA requirements are met
- Depict ingress/egress for existing 40'X70' parking which is adjacent to Erie Street such that the parking would be compliant with allowable parking on a ROW
- EAF items #9 and 17B to be completed
- Lighting already exists – note whether additional lighting will be added to the pole in the back or anywhere else
- Submit an application to the ZBA requesting a variance of the landscaping/buffering requirements

RESOLUTION TO ADJOURN THE MEETING AT 8:19 PM.

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

SECONDED BY: BRIAN HARPSTER