

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, DECEMBER 7, 2015

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

Present: Chairman Wayne Kennedy, Brian Harpster, Ted Metarko, Doug Cole, John Gargano, Doug Porter

Absent: Patricia Thiel, James McCarthy, Matt Maslyn,

Guests: Jasen Gray, Jerry Brenzo, Frank Curreri, Jody Allen, Anthony J. Savino, 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 SEPTEMBER 9, 2015 MEETING.

MOTION BY: TED METARKO

SECONDED BY: BRIAN HARPSTER

DISPOSITION: 4-0

1. APPLICATION FOR A TWO LOT SUBDIVISION/RESUBDIVISION FROM JOHN GARGANO TO TAKE 65 SQ FT OF THE LOT (TAX MAP PARCEL #280.17-01-014.120) AT 123 MOUNTAINVIEW AND COMBINE IT WITH THE LOT (TAX MAP PARCEL #280.17-01-014.111) ADJACENT TO 118 MOUNTAINVIEW. WITH PUBLIC HEARING.

This application and the second agenda item are linked. Therefore, SEQR must be considered for both applications at the time the first application is heard. The applicants in these two applications seek to subdivide a portion of their land off and give it to the adjoining owner to be combined with that owner's parcel and receive the portion of land subdivided from the other owner's parcel and combined into their parcel.

First, John Gargano seeks to split off a 65 sq ft triangle of land to be combined with Jody Allen's lot.

POINTS TO CONSIDER:

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

The existing lot is 15,352 sq ft. The 65 sq ft will not alter lot size, setbacks, lot coverage, or width at building line in regard to zoning requirements.

Member John Gargano, as a party to the applications, recused for application numbers 1 and 2.

The application was presented John Gargano. He noted that he and Jody Allen, owner of the second parcel, would like to swap a portion of each of their lots in order to benefit each land owner. The

swap would allow straight access from Mountainview Road to lands owned by Jody Allen. It would also allow for a buffer zone between the Gargano property and lands owned by the railroad where Mr. Gargano could plant a row of trees.

There were no questions from the Planning Board.

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: TED METARKO
DISPOSITION: 5-0**

SECONDED BY: DOUG COLE

CHAIRMAN KENNEDY OPENS THE PUBLIC HEARING AT 7:07 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 SUBDIVISION/RESUBDIVISION APPLICATION.

**MOTION BY: DOUG PORTER
DISPOSITION: 5-0**

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.

2. APPLICATION FOR A TWO LOT SUBDIVISION/RESUBDIVISION FROM JODY ALLEN TO TAKE 10,115 SQ FT OF LOT (TAX MAP PARCEL #280.17-01-014.111) ADJACENT TO 118 MOUNTAINVIEW AND COMBINE IT WITH LOT (TAX MAP PARCEL #280.17-01-014.120) AT 123 MOUNTAINVIEW. WITH PUBLIC HEARING.

In this application, Jody Allen seeks to split off an 218[±]ft X 50 ft strip of land, to be combined into John Gargano's parcel.

POINTS TO CONSIDER:

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

The existing lot is 33.39 acres. The 10,935 sq ft will not alter lot size, setbacks, lot coverage, or width at building line in regard to zoning requirements.

SEQR has been determined as above.

CHAIRMAN OPENS THE PUBLIC HEARING AT 7:09 PM.

CHAIRMAN CLOSES THE PUBLIC HEARING AT 7:11 PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SUBDIVISION/RESUBDIVISION APPLICATION FOR TAX MAP PARCEL #280.17-01-014.111.

**MOTION BY: TED METARKO
DISPOSITION: 5-0**

SECONDED BY: DOUG PORTER

3. SITE PLAN AMENDMENT APPLICATION FROM TRACTOR SUPPLY TO ADD A 1000 GALLON BULK PROPANE DISPENSER AT 3148 SILVERBACK LANE. WITH PUBLIC HEARING.

Applicant seeks to establish a 1000 gallon propane filling tank in the storage yard that fronts to Silverback Lane.

POINTS TO CONSIDER:

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

This is a non-conforming use permitted by Court Order. There is existing merchandise storage in the yard adjacent to the front of the building on Silverback Lane.

Fire Chief sign off required.

Updated drawing depicting actual tank size, pad, fastening to pad, and location/spacing of bollards in relation to tank and fence required.

John Gargano is seated as a Planning Board member.

The application was presented by Jason Gray. Jerry Brenzo was in attendance.

Mr. Gray noted that he had contacted the Fire Chief, as requested at the preplanning meeting, and the Fire Chief indicated no concerns with the application. It was also noted that documentation requested pertaining to the location of bollards had been provided.

Robert Drew, engineer for the Town, noted for the record that the documentation provided indicated the design of bollards for a 25' long tank rather than the 16' long tank proposed in the application and that the orientation of the tank in the documentation is different than the orientation proposed in the application. The documentation is for reference in the design and spacing of bollards. He found no engineering/code issues related to the proposed design.

Related to the base upon which the tank sits, Engineer Drew noted that the tank sits on a steel frame which is supported by a concrete base of a thickness based on the overall weight of the tank.

Regarding lighting in the area, it was noted that ample lighting already exists in the area where the tank is to be located.

When asked if there was a minimum distance required between the tank and customer parking area, it was noted by Engineer Drew that the only code relevant to the tank defines a minimum of 10' from a building.

Regarding access to the tank for customers, it was noted that cylinders to be filled would be carried from the parking lot into the main tank area and filled by trained Tractor Supply associates.

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: TED METARKO
DISPOSITION: 6-0**

SECONDED BY: JOHN GARGANO

CHAIRMAN OPENS THE PUBLIC HEARING AT 7:28 PM.

CHAIRMAN CLOSSES THE PUBLIC HEARING AT 7:28 PM.

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

**MOTION BY: BRIAN HARPSTER
DISPOSITION: 6-0**

SECONDED BY: DOUG PORTER

4. SITE PLAN APPLICATION FROM ANTHONY J. SAVINO JR. TO ESTABLISH A 20' x 24' STORAGE SHED AT 647 RITA'S WAY. WITH PUBLIC HEARING.

Applicant seeks to construct a 20' X 24' personal storage shed.

POINTS TO CONSIDER:

The project is located in a B-3 Neighborhood Service Zone.

Storage facility – Indoor is a permitted use in B-3.

Storage Facility – Indoor is defined as: A building or grouping of buildings designed and constructed for the common, long-term, and/or seasonal interior storage of individual or business property *for compensation*.

The applicant has not defined a business use for the storage, or if there is a business use, has not specified use, hours of operation, access, etc.

The applicant was advised at the time the application was submitted that a detailed drawing showing the location of the proposed building in relation to the lot was required. The hand drawing indicates that the proposed building will be 240' from the toe of the levee.

Criteria:	Required:	Proposed:
Lot size	10,000 sq ft	1.04 acres
Lot width	50' max	116.5'
Setbacks		
Front	50'	22'
20' planting strip; 24' internal access road; 6' sidewalk in front of building		
Side	10'	21' and 65'
Rear	10'	240'

Mr. Savino presented the application. He presented a survey map of the property where he indicated the proposed location of the storage shed, location of utilities, easements, an existing well, sewage and driveways.

Chairman Kennedy noted that presenting the map and information at the meeting, after the deadline, leaves no time for the Planning Board to properly review the information.

Mr. Savino noted that he was not aware of the deadline.

Robert Drew, engineer for the Town, noted that the proposed location of the structure does not meet zoning code which requires a minimum 50' setback from the right-of-way of Rita's Way.

Mr. Savino noted that he was not aware of the code requirements and that none were provided to him when he submitted his application.

It was noted that all building/zoning code is available for review at the Town Hall, on the Town's website and at the Corning library.

Mr. Savino asked if the codes were applicable to a shed which is smaller than 12' x 12'.

It was noted that a 12' x 12' foot building would be considered an accessory structure and an accessory structure would not be allowed because there is no principal structure on the lot. It was also noted that the lot is in a business zone and code requires that buildings have a business purpose.

THE PLANNING BOARD DECLARES THIS PROPOSED STRUCTURE DOES NOT MEET THE DEFINITION OF STORAGE – INDOOR AND IS NOT AN ALLOWABLE USE IN A B-3 ZONE. THE PLANNING BOARD FINDS THIS TO BE AN ACCESSORY STRUCTURE, WITH NO PERMITTED PRIMARY STRUCTURE ON SITE.

THE TOWN OF ERWIN PLANNING BOARD FORMALLY ACKNOWLEDGED AND THANKED CHAIRMAN KENNEDY FOR HIS YEARS AS CHAIRMAN OF THE PLANNING BOARD.

THE PLANNING BOARD WELCOMED JOHN GARGANO AS CHAIRMAN AND JAMES McCARTHY AS VICE CHAIRMAN EFFECTIVE JANUARY 1, 2016.

RESOLUTION TO ADJOURN THE MEETING AT 7:45 PM.

**MOTION BY: DOUG PORTER
DISPOSITION: 6-0**

SECONDED BY: DOUG COLE