

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, MARCH 6, 2017

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

Present: John Gargano, James McCarthy, Ted Metarko, Wayne Kennedy, Patricia Thiel, Doug Porter, Joseph Reilly, Brian Harpster, Matt Maslyn

Guests: Kristen Klemenz, Blaine Westervelt, Jeff Evans, Rita McCarthy, Barb Lucas

**CHAIRMAN JOHN GARGANO 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 JANUARY 4, 2017 MEETING.**

**MOTION BY: PATRICIA THIEL**  
**DISPOSITION: 6-0-1 Abstention (Thiel)**

**SECONDED BY: DOUG PORTER**

**MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 6, 2017 MEETING.**

**MOTION BY: WAYNE KENNEDY**  
**DISPOSITION: 5-0-1 Abstention (Harpster)**

**SECONDED BY: JAMES MCCARTHY**

<p><b>1. RESUBDIVISION APPLICATION FROM MATT DANN/NEALLY-DE JONG TO RECONFIGURE LOTS IN WOODCREST SUBDIVISION PHASE I. WITH PUBLIC HEARING</b></p>
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**POINTS TO CONSIDER:**

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

The applicant seeks to resubdivide lots in Phase I of the Woodcrest Subdivision, which was approved by the Planning Board on April 6, 2015. The applicant seeks to move Lot 1, which is the "entrance" to the remainder lot and is not a buildable lot in Phase I, move Lot 5 to the where Lot 1 was, and combine Lot 5 with the adjacent Lot in the proposed Phase 4, i.e. Lot 27.

All of the conditions of the original Phase I continue, with only Lots 2,3,4 & 5 being buildable lots and those lots limited to a total of 12 bedrooms.

Since there are no proposed changes to the infrastructure approved in Phase I, there are no Involved nor Interested agencies under SEQR.

The EAF lists DOH as an approving agency for water district extension. The project is located within an established Water District, therefore no DOH approval is required. The EAF lists a DEC SPDES permit required, but the area of disturbance is limited to the Woodcrest Drive Phase I Extension, which is 40,000 sq. ft., less than an acre. Therefore DEC approval is not required. All reconfigured lots are greater than 12,500 sq. ft., and all have minimum 50 ft. width at building line. All criteria are met.

### Required elements to be submitted:

Letter or agency from owner of the property M. Elizabeth Dann

Letter received 3/6/17.

Application fee plus outstanding reimbursement of engineering fees of original subdivision

Received 3/6/17.

Engineering submittal of Phase I infrastructure

Applicant engineer submitted detail. Town engineer reviewed and approved.

A revised SEQR was submitted.

### **James McCarthy recused himself.**

The application was presented by Jeff Evans of Welch and Zink, attorney for the applicant. The applicant would like to redefine the lots to be included in Phase I of the Woodcrest Subdivision. The lot with Tax Map Parcel NO. 316.00-01-002.113 which is currently included in Phase I will be removed and added to Phase II. A larger alternate lot will be included with Phase I. The total number of lots in Phase I will remain unchanged.

It is noted that some lot numbers and lot sizes have been redefined and do not correspond with the lot numbers shown on the survey maps provided with the previously approved application.

In order to comply with the conditions imposed on the different phases of the previously approved subdivision, removal of Tax Map Parcel NO. 316.00-01-002.113 from Phase I deems it unbuildable until Phase II begins. Noting that the parcel has a valid number assigned by the County, and will be taxed as a building lot, it was determined that the parcel must be either officially dissolved and combined with the remainder lot or a deed restriction must be noted on the survey map prohibiting building until Phase II. In order to facilitate Planning Board approval without delay, it was decided by the Board to allow approval of the application contingent upon the addition of a deed restriction to Tax Map Parcel NO. 316.00-01-002.113 prohibiting building until Phase II. The applicant will have the option to subsequently dissolve the lot.

### **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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|--|----|
| 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: PATRICIA THIEL  
DISPOSITION: 6-0-1 (McCarthy)**

**SECONDED BY: BRIAN HARPSTER**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:45 PM.**

**CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:46 PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SUBDIVISION ON THE CONDITION THAT TAX MAP PARCEL NO. 316.00-01-002.113 SHALL NOT BE IMPROVED WITH ANY RESIDENTIAL STRUCTURES UNTIL SUCH TIME AS THE PLANNING BOARD REMOVES SUCH RESTRICTION.**

**MOTION BY: DOUG PORTER  
DISPOSITION: 6-0-1 (McCarthy)**

**SECONDED BY: JOHN GARGANO**

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

<p><b>2. RESUBDIVISION APPLICATION FROM MATT DANN TO VACATE A PAPER STREET AND RESUBDIVIDE 4 LOTS AT 3022 OAKWOOD DR S. WITH PUBLIC HEARING.</b></p>
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**POINTS TO CONSIDER:**

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

The applicant seeks to eliminate a paper street by subdividing it into the adjacent lots, and adjusting the boundaries of 4 adjacent lots. The elimination of the paper street eliminates access to the lot owned by Patricia T. Dann, tax map parcel no. 316.00-01-003.113, and could affect the future development of that parcel. Letter of agency from Patricia T. Dann is on file.

Letter of agency from owner of paper street and adjacent lot is on file.

All reconfigured lots are greater than 12,500 sq. ft., and all have minimum 50 ft. width at building line. All criteria are met.

**Required elements to be submitted:**

Letter of agency from owner of tax map parcel no 316.06-02-013.000, Brian J. Harris  
Letter received 3/6/17.

**James McCarthy recused himself.**

The application was presented by Jeff Evans of Welch and Zink, attorney for the applicant. He noted that the application includes two separate actions as defined on the two survey maps provided. The first action requested is

to vacate the paper street and combine each half with two adjacent properties. The second action requested is to move the boundary line between two adjacent properties.

It was determined by the Board that the survey maps provided did not adequately define what was requested on the single application. The Board requested a single survey map be provided clearly noting all property lines both before and after the requested actions.

**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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|--|----|
| 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: BRIAN HARPSTER  
DISPOSITION: 6-0-1 (McCarthy)**

**SECONDED BY: PATRICIA THIEL**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 8:06 PM..**

**CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 8:07 PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE RESUBDIVISION CONTINGENT UPON SUBMISSION OF A PLAT DEPICTING ALL CHANGES ON A SINGLE PLAT.**

**MOTION BY: WAYNE KENNEDY  
DISPOSITION: 6-0-1 (McCarthy)**

**SECONDED BY: TED METARKO**

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 KRISTEN KLEMENZ TO REMOVE AND REPLACE THE 1,224 RETAIL BUILDING, REMOVE THE PRODUCE STAND, AND ADD USED AUTOMOBILE SALES AT 701 ADDISON RD. WITH PUBLIC HEARING.**

**POINTS TO CONSIDER:**

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

The applicant seeks to establish used automobile sales on the site by removing the produce shed and utilizing that space for car display; and to remove the existing retail building and replace it on the same footprint.

Automobile sales is a permitted use in the B-3 Zone. The lot is pre-existing, and no changes are being made to existing conditions. Disturbance is less than an acre, there is no additional impervious surface, and there is no change to the existing curb cut. Therefore, there are no other Involved Agencies.

The new building will be earth tone. All criteria are met.

Upon review of the EAF, items #10 and 11 were blank. The form was updated by the applicant. The building which will be demolished and replaced on the same footprint is currently connected to municipal water. The replacement building will also connect to municipal water. Municipal sewer is not available. The current building is connected to a private septic which was updated when the current owner bought the business. The replacement building will be connected to the private septic.

The application was presented by Kristen Klemenz, the applicant, and Blaine Westervelt.

The new office building will be hunter green with a white roof. There will be no changes to lighting.

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

**THE PLANNING BOARD REVIEWS THE EAF.**

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

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|--|----|
| 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 NON-RESIDENTIAL DEVELOPMENT OF LESS THAN 10 ACRES, DECLARES ITSELF TO BE LEAD AGENCY, AND MAKES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: TED METARKO  
DISPOSITION: 7-0

SECONDED BY: PATRICIA THIEL

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:13 PM.

CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:14 PM.

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

MOTION BY: BRIAN HARPSTER  
DISPOSITION: 7-0

SECONDED BY: DOUG PORTER

THE MEETING ADJOURNED AT 8:06 PM BY UNANIMOUS CONSENT.