

TOWN OF ERWIN PLANNING BOARD MEETING

WEDNESDAY, JANUARY 3, 2018

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

Present: John Gargano, James McCarthy, Wayne Kennedy, Patricia Thiel, Brian Harpster,
Doug Porter, Matt Maslyn
Absent: Joseph Reilly
Guests: Steve Hubertus, Ron Yorio, Jody Allen, Frank Thiel, Doug Cole, Ben Vetter, Denice Thompson,
Rick Thompson, Alexandra Williams, 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 DECEMBER 4, 2017 MEETING.

MOTION BY: MATT MASLYN
SECONDED BY: BRIAN HARPSTER
DISPOSITION: 7 - 0

1. SITE PLAN AMENDMENT APPLICATION FROM DALRYMPLE GRAVEL & CONTRACTING CO., INC. TO ADD 3.66 ACRES TO THE MINE AREA AT 9158 SMITH HILL RD. WITH PUBLIC HEARING

POINTS TO CONSIDER:

The project is located in an RD Rural District zone.

The applicant seeks to add 3.66 acres to the Life of Mine area. There will be no change in ingress, egress, traffic, hours of operation. The new area proposed to be mined is at the back of the property, further away from surrounding development and therefore will have no impact on noise or visual aesthetics.

The NYS Department of Environmental Conservation and US Army Corps of Engineers are Involved agencies.

The application was withdrawn pending DEC action.

MOTION TO DECLARE THE DEC LEAD AGENCY

MOTION BY: MATT MASLYN
SECONDED BY: JAMES MCCARTHY
DISPOSITION: 7 - 0

2. APPLICATION FROM VETTER REVOCABLE TRUST FOR A TWO LOT SUBDIVISION AND RESUBDIVISION AT 687 and 735 ADDISON RD. WITH PUBLIC HEARING

POINTS TO CONSIDER:

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

The applicant seeks to subdivide a 4.9 acre parcel from remaining 34 acres he owns in that location. The 34 acres of remainder lands consist of two parcels: tax map parcel no. 316.00-01-035.211, 687 Addison Rd, 6.41 acres; and tax map parcel no. 334.00-01-025.121, 735 Addison Rd, 31.8 acres. The applicant wishes to combine these two parcels so as to create the remainder parcel of 34 acres.

Criteria:	Required:	Proposed:
Lot size	10,000 sq. ft.	4.9, 34 acres
Lot width	50'	1,000±, 250±

Need signed, stamped subdivision plat with metes and bounds.

The application was presented by Ben Vetter. Mr. Vetter explained that the final map was not yet available from Hunt Engineers. He noted that Hunt Engineers recommended moving the proposed 20 foot wide easement for access to Parcel 1 from the north end of Parcel 2 to the south end of Parcel 2. The easement would be adjacent to the DEC hard packed road but entirely on Parcel 2.

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 A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

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

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:15 PM.

No comments from the public.

CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:16 PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES A TWO LOT SUBDIVISION AND RESUBDIVISION AT 687 and 735 ADDISON RD CONTINGENT UPON A 20 FT WIDE EASEMENT ALONG THE SOUTH END OF PARCEL 2 AND RECEIPT OF A SIGNED, STAMPED PLAT.

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.

<p>3. APPLICATION FROM ANDREA M. CRANE FOR A TWO LOT RESUBDIVISION AT 990 AND 996 ADDISON ROAD.</p>
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POINTS TO CONSIDER:

The project is located in an RD Rural District.

The applicant seeks to take .5 acres from the 1.971 acre, residential lot at 990 Addison Rd and add it to Fran's Landing .87 acre lot at 966 Addison Road. Both lots are pre-existing, non-conforming lots because neither lot is of sufficient size. The lot at 990 Addison Rd must be 2 acres as it is a residential lot in an RD District. Fran's Landing must be 4 acres as it is a non-residential lot in an RD District. There is no opportunity to simultaneously make both lots conforming. This will make Fran's Landing more conforming.

Since the property is located on Route 417, NYSDOT is an Involved Agency.

Letter of authorization from Presthill Properties, owner of Fran's Landing, is required.

The application was presented by Steve Hubertus, surveyor for the applicant. Mr. Hubertus explained that the applicant would like to subdivide the lot at 990 Addison Road into two parcels, Parcel A consisting of 0.5 acres on the west and Parcel B consisting of the remaining 1.471 acres on the east. Parcel A would be conveyed to and combined with the adjacent property to the west at 966 Addison Road owned by Presthill Properties.

Town Manager McCarthy noted that a Letter of Agency from Presthill properties had not yet been received.

Planning Board member Matt Maslyn requested that the final map submitted for approval show the entire Presthill Property and the entire Crane property on a single map in order to clearly define the complete subdivision/resubdivision actions.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.

BASED ON THE SHORT EAF, 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: DOUG PORTER
SECONDED BY: WAYNE KENNEDY
DISPOSITION: 7 - 0**

4. UPDATE FROM BELL ATLANTIC MOBILE SYSTEMS OF ALLENTOWN, INC., D/B/A VERIZON WIRELESS FOR SPECIAL USE PERMITS AND SITE PLAN APPROVALS FOR COMMUNICATIONS TOWERS IN RESIDENTIAL DISTRICTS AT 12 ERWIN ST, 50 CREEKSIDE DR, 188 BEARTOWN ROAD, 125 FOREST DRIVE.

Town Manager McCarthy noted that Daniel Brennan of Nixon Peabody, LLC, attorney representing Verizon Wireless, requested that the shot clock be tolled until Verizon submits notice that they are ready to proceed. (ATTACHMENT 1)

MOTION TO TOLL THE SHOT CLOCK UNTIL APPLICANT RESUBMITS APPLICATION

**MOTION BY: MATT MASLYN
SECONDED BY: BRIAN HARPSTER
DISPOSITION: 7 - 0**

5. APPLICATION FROM TILLMAN AND STAMP FOR A TWO LOT RESUBDIVISION AT 110—112 MILL ST. WITH PUBLIC HEARING

POINTS TO CONSIDER:

The project is located in an RD Rural District.

The applicant seeks to take .254 acres from Tillman's .345 acre lot and add it to Stamp's .258 acre lot at 110 Mill St Ext. Both lots are pre-existing, non-conforming lots because neither lot is of sufficient size. There is no opportunity to simultaneously make both lots conforming.

The septic at the Tillman property had failed. NYSDOH must approve a replacement /repair.

Applicant needs to show proof of DOH approval of septic at Tillman property.

The application was presented by Ron Yorio, attorney representing both Timothy Tillman and Carole Stamp. He noted that the joint boundary line currently runs through the house on the Stamp property. The subdivision/resubdivision moves the joint boundary line to the west, in line with the hedge row and outside the house on the Stamp property.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.

Corrections to Items #2 and #5b on the EAF Part 1 were completed and initialed by the applicant.

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

BASED ON THE EAF, THE PLANNING BOARD DECLARES THIS AN UNLISTED ACTION SINCE IT IS A RESIDENTIAL DEVELOPMENT OF LESS THAN 250 UNITS WITHOUT MUNICIPAL WATER OR SEWER, DECLARES ITSELF LEAD AGENCY AND MAKES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: PATRICIA THIEL
SECONDED BY: WAYNE KENNEDY
DISPOSITION: 7 - 0

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:49 PM.

No comment from the public.

CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:50 PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE TWO LOT RESUBDIVISION AT 110—112 MILL ST..

MOTION BY: JAMES McCARTHY
SECONDED BY: DOUG PORTER
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.

RESOLUTION TO ADJOURN THE MEETING AT 7:51 PM.

MOTION BY: BRIAN HARPSTER
SECONDED BY: MATT MASLYN
DISPOSITION: 7 - 0

ATTACHMENT 1



NIXON PEABODY LLP
ATTORNEYS AT LAW

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December 15, 2017

FEDERAL EXPRESS

Rita McCarthy
Zoning Board of Appeals & Planning Board
Town of Erwin
310 Town Center Road
Painted Post, New York 14870

RE: Application for a use variance from the Town of Erwin Zoning Board of Appeals by Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless to construct and operate a microcell wireless telecommunications facility a new utility pole to be located at 50 Creekside Drive, Town of Erwin, New York (Verizon Wireless' "Creekside and Beartown" Site).

Application for a use variance from the Town of Erwin Zoning Board of Appeals by Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless to construct and operate a microcell wireless telecommunications facility a new utility pole to be located at 125 Forest Drive, Town of Erwin, New York (Verizon Wireless' "Erwin and Forest" Site).

Application for a use variance from the Town of Erwin Zoning Board of Appeals by Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless to construct and operate a microcell wireless telecommunications facility a new utility pole to be located at 12 Erwin Street, Town of Erwin, New York (Verizon Wireless' "Erwin and Hamilton" Site).

Application for a use variance from the Town of Erwin Zoning Board of Appeals by Bell Atlantic Mobile Systems of Allentown, Inc. d/b/a Verizon Wireless to construct and operate a microcell wireless telecommunications facility a new utility pole to be located at 188 Beartown Road, Town of Erwin, New York (Verizon Wireless' "Lac and Beartown" Site).

Dear Ms. McCarthy and Members of the Zoning Board of Appeals and Planning Board:

At the October 24, 2017 public hearing of the Zoning Board of Appeals, the ZBA requested that Verizon Wireless investigate the alternate locations for the proposed Cell Sites, including existing utility poles. In response, by letter dated November 6, 2017, Verizon

Wireless agreed to toll the shot clock from October 24, 2017, to November 28, 2017. Verizon Wireless is continuing to investigate the alternative sites at the request of the Town including an in-depth RF re-analysis in order to try to accommodate the Town's request. As this process is taking longer than expected, Verizon Wireless hereby agrees to toll the shot clock until it provides notice in writing that the Shot Clock will resume.

Should you have any questions, please do not hesitate to contact me. Thank you for your time and attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Brennan".

Daniel F. Brennan

DFB/las
Enclosure

cc: Mark Coon, Verizon Wireless
David F. English, Esq., Town Attorney