

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, FEBRUARY 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

Absent: Brian Harpster, Matt Maslyn

Guests: Jesse Karp, Manish Patel, Gary Roush, Robert Drew, Jody Allen, 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 NOVEMBER 7, 2016 MEETING

MOTION BY: PATRICIA THIEL

SECONDED BY: JAMES MCCARTHY

DISPOSITION: 5-0-2

<p>1. RESUBDIVISION APPLICATION FROM MANISH PATEL COMBINE LOTS 1 & 2, AND RESUBDIVIDE LOT 3 AT 125 VICTORY HIGHWAY.</p>
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POINTS TO CONSIDER:

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

The applicant seeks to combine Lots 1 & 2 of the 4-lot subdivision created March 7, 2016, and to take a portion of Lot 3 and add it to the combined lot.

This action is part of a Special Use Permit and Site Plan to combine the lots, establish a gasoline filling station and construct a commercial building. Therefore, the SEQR review must encompass all three actions. NYSDOT and Steuben County are Interested Agencies, NYSDEC is an Involved Agency.

#2 under SEQR does not reference the NYSDEC permit for the "hot spot" for the gas fueling island.

#2 Does not list required Town Floodplain Development Permit

#14 Typical Habitats -need to add Shoreline or wetland to recognize adjacent waterbody and floodplain?

SWPPP from adjacent Dunkin' still open. Must be amended to include this 2 acre disturbance.

Criteria:	Required:	Proposed:
Lot size	10,000 sq. ft.	2.27 acres
Lot width	50'	397.5

Required elements to be submitted:

Subdivision plat does not show property lines to be eliminated
SEQR edits listed above

The application was presented by Robert Drew, P.E., of Hunt Engineers. Applicant Manish Patel was present. Engineer Drew noted that a proposed site plan for a commercial building project necessitates combination of Lots 1, 2 and a portion of Lot 3 into a single lot.

Modifications to the SEQR were discussed and Jody Allen, P.E., of LaBella Associates, engineer for the Town, summarized the involved agencies, permits and actions required:

1. Registration of bulk storage tanks with the NYSDEC
2. Restaurant permit from the NYSDOH
3. Review by Town Engineer of storm water plan for NYSDOT
4. Flood plain development permit from the Town

Regarding the survey of the proposed subdivision, engineer Drew noted that the County prefers that the official survey should not include both old property lines and new property lines because it leads to confusion. Engineer Drew noted that he will draw the old lines on a copy for the Town in order to clarify the subdivision action proposed.

Engineer Allen noted that although the County may prefer the proposed site plan to be included on the official subdivision survey, subsequent changes to the site plan may be problematic.

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: WAYNE KENNEDY
DISPOSITION: 7-0**

SECONDED BY: DOUG PORTER

2. SPECIAL USE PERMIT APPLICATION FROM MANISH PATEL FOR A GAS STATION AT 125 VICTORY HIGHWAY.

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

The applicant seeks to establish a gas station, which, pursuant to §130-71, requires a Special Use Permit.

Required elements to be submitted:

Special Use Permit Application

Fire Chief sign off

Canopy height

Canopy lighting

Lot size shall be at least 15,000 sq. ft. Proposed lot size 2.27 acres.

Lot frontage shall be at least 150 feet. Proposed frontage 397.5 ft.

Fuel pumps and other above ground service devices shall be located at least thirty-five (35) feet from the right-of-way line and fifty (50) feet from any side and rear lot lines. **Fuel island is 35.7 ft. from DOT ROW; 56.6 side setback**

Gas pump canopy height, as measured from the lowest finished or natural grade to the lowest point on the canopy fascia, should not exceed 13 feet 9 inches... Applicant must show height

Lighting. Exterior lighting proposed for the site shall be planned, erected, and maintained in such a manner that it will not cast direct light or glare upon adjacent properties or upon any public right-of-way. No light source shall be higher than twenty (20) feet. Applicant should show canopy lighting

<u>Criteria:</u>	<u>Required:</u>	<u>Proposed:</u>
Lot size	15,000 sq. ft.	2.27 acres
Lot width	150 ft.	397.5 ft.

The application was presented by Robert Drew, P.E., of Hunt Engineers. He noted that 4 islands, each with a fuel pump, are proposed to be located in the northwest corner of the lot. The location is set back 35' from the front line and 50' from the side line and meets all known zoning requirements.

The Board noted:

1. A Special Use Permit application is required.
2. Canopy height and lighting information is required.
3. Fire Chief sign-off is required.

Jody Allen, P.E. of LaBella Associates, engineer for the Town, requested a copy of the traffic study previously submitted to the NYSDOT as part of the development of multiple lots owned by Manish Patel. She would like to review the study in relation to the level of development proposed.

In response to questions concerning the frequency and timing of delivery trucks, Manish Patel, the applicant, estimated fuel delivery would consist of a one 10000 gallon truck per week however, the timing is not under his control.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.

3. SITE PLAN APPLICATION FROM MANISH PATEL FOR A 12,000 SQ FT GAS STATION, RETAIL, FAST FOOD RESTAURANT AT 125 VICTORY HIGHWAY.

POINTS TO CONSIDER:

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

The applicant seeks construct a 12,000 sq. ft. building to include a 3,000 sq. ft. gas station, 6,500 sq. ft. retail space and a 2,500 sq. ft. fast food restaurant.

<u>Criteria:</u>	<u>Required:</u>	<u>Proposed:</u>
Setbacks		
Front	Min 18'	34'
5' planting strip; 8' sidewalk, 5' building setback		Streetscape requirements met
Side	10'	60'
Rear	10'	100'
Parking	Rear or side; 68 spaces	68
	Interior landscaping 1 tree per 10 spaces	No interior landscaping shown
Lighting	Pedestrian 12' max, Area 18' max or bldg. height	18'
Sidewalk	Concrete or brick pavers 8'	Met with original streetscape
Height	Max 2 stories; 35 ft.	2 story at cupola; ?? height
Roof	Pitched or flat	pitched
Fenestration	Ground floor 50% glass	criteria met
Equipment	Roof or Ground screened	??
Dumpster	screened	??
Lot Coverage	75%	65%

Turning movement show tractor trailers crossing pedestrian traffic to fast food restaurant, retail business. Truck movement crosses and impedes incoming/outgoing traffic. Are tractor trailers delivery only? When do deliveries occur?

Water line is 6" main – to remain as private lateral? If so, where is meter pit? Why two elbows/bends? IS water line over 100 ft.?

Elements needed:

- Fire Chief sign off
- Engineering report
- Storm Water management
- Parking lot Landscaping plan
- Proposed signage
- Elevation view
- Photometric plan
- Hours of operation
- Criteria listed above

The application was presented by Robert Drew, P.E., of Hunt Engineers. Engineer Drew explained that the proposal includes a 60'x200' building and gas station. The building would include a 3000 sf express mart on the west end, a restaurant with a drive-thru on the east end and 2 or 3 retail stores in between. Parking would be on the side and in the rear. Primary access to the retail stores would be in the rear from the parking area.

Jody Allen, P.E., of LaBella Associates, engineer for the Town, expressed concern with the placement of the drive-thru menu board in relation to traffic becoming stacked up in the parking lot. It was decided that the menu board should be relocated.

Engineer Drew noted that mechanicals will be located on the flat roof however, they will not be visible due to a peaked roof facade.

The Board requested dumpsters be located on the site plan. Engineer Drew noted that dumpsters will be shown on the final site plan and will be located in a fenced in, screened area.

The building will be designed to match the Duncan Donuts in style and colors.

The building will be built at the same elevation as the Duncan Donuts which is 950' and will be redefined by the NYSDEC as outside of the flood zone when completed.

Storm water from the fuel island area will be processed as required by the NYSDEC as a hot spot. Runoff will be pretreated in a 1000 gallon oil/water separator in series with a hydrodynamic unit before entering the catch basin.

Engineer Allen questioned whether the storm system could be relocated further away from the sanitary system. Engineer Drew responded that the current design is close to the sanitary system but the horizontal and vertical clearance has been maximized based on the conditions.

Responding to concern with potential maintenance problems of the sewer line as located, Engineer Drew noted that the sewer lines on the property are not to be dedicated to the Town and maintenance of sewer lines on all lots in the subdivision will be the responsibility of Manish Patel, as owner of the adjacent Dunkin Donuts property.

Engineer Allen noted that there are restrictions by the NYSDEC regarding private sewer lines which must be considered and the Town may wish to determine if the Town is subject to any legal responsibility for the maintenance of private sewer lines in the event that the private owner is delinquent.

It was noted that the Town requires: a photometric plan, storm water management report, engineering report, fire chief sign off, height of building and canopy, location of dumpsters and proposed signage.

Member Doug Porter left the meeting at 8:15 PM.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.

4. SITE PLAN APPLICATION FROM TESLA MOTORS FOR A 10 CAR ELECTRIC CHARGING STATION AT 125 VICTORY HIGHWAY.

Applicant seeks to establish a Commercial Parking Lot for a 10-car electric car charging station.

POINTS TO CONSIDER:

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

The size is below the criteria that requires landscaping.

Elements needed:

- Letter of agency from property owner

- Fire Chief sign off

- Proposed signage (directional from Victory Highway?)

- Plan specifically depicting parking area relation to existing Dunkin, new development, Victory Highway

- Underground electric not shown on utility plan

- No detail shown of stanchion

The Dunkin site plan required the sanitary sewer to be dedicated to the Town. The charging station crosses the sanitary sewer easement; the high voltage electric line crosses the sewer pipe; there is an 18" diameter light pole base within 2 ft. of the sewer pipe and a stanchion within 1 ft. of the sewer pipe. The Town will not accept dedication of the sewer line with any of the charging station within the sewer easement.

The application was presented by Robert Drew, P.E., of Hunt Engineers and Jesse Karp of Tesla Motors. Tesla would like to install ten charging stations for Tesla cars in the area between Dunkin Donuts and the new development. Access to the charging stations would be from the new development parking lot. The 10 stations are not considered parking spaces. Power would be a 277 volt underground feed with the transformer meeting all NYSEG guidelines regarding bollard placement, etc. There is an 8' fence surrounding the equipment. Charge stations have safety features eliminating the possibility of electric current discharging to anyone/anything other than a Tesla car. There will be no signage – Tesla car owners will know where the stations are located.

Outstanding issues regarding the proposed private sewer lines prevents the possibility of the Town declaring a Negative Declaration of Environmental Significance for the SEQR.

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: PATRICIA THIEL
DISPOSITION: 6-0**

SECONDED BY: JOSEPH REILLY

RESOLUTION TO ADJOURN THE MEETING AT 9:10 PM.

MOTION BY: WAYNE KENNEDY

SECONDED BY: PATRICIA THIEL

DISPOSITION: 6-0