

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, May 1, 2017

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

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

Absent: Patricia Thiel, Doug Porter

Guests: Robert Drew, Jim Morris, Manish Patel, Knual Patel, Tarak Patel, Ravi Patel, Preashant Patel, Mariana Huber, Nicolette Wagoner, Doug Cole, Jody Allen, Rita McCarthy

CHAIRMAN JOHN GARGANO OPENED THE MEETING AT 7 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 APRIL 3, 2017 MEETING.

MOTION BY: JAMES MCCARTHY

SECONDED BY: BRIAN HARPSTER

DISPOSITION: 6-0-1 (REILLY)

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| <p>1. 1. RESUBDIVISION APPLICATION FROM MANISH PATEL TO COMBINE LOTS 1 & 2 AT 125 VICTORY HIGHWAY. WITH PUBLIC HEARING.</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.

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

The application was presented by Robert Drew, P.E., of Hunt Engineers, engineer for the applicant, and Manish Patel, owner of the property. MR Drew explained the subdivision and the colored map which depicts the original lot lines, proposed new lot lines, and easements.

THE PLANNING BOARD DECLARED THE APPLICATION TO BE COMPLETE.

THE PLANNING BOARD REVIEWED 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: WAYNE KENNEDY

SECONDED BY: TED METARKO

DISPOSITION: 7-0

CHAIRMAN GARGANO OPENED THE PUBLIC HEARING AT 7:08 PM.

NO ONE FROM THE PUBLIC WISHING TO BE HEARD, CHAIRMAN GARGANO CLOSED THE PUBLIC HEARING AT 7:09 PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SUBDIVISION.

MOTION BY: JOSEPH REILLY

SECONDED BY: BRIAN HARPSTER

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

POINTS TO CONSIDER:

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.

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... **Canopy height to fascia is 13'9", total canopy height is 17'***

*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. **Lights are 13'9" high. Cut sheets provided***

Criteria:	Required:	Proposed:
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, engineer for the applicant, and Manish Patel, owner of the property.

Mr. Drew pointed out that all aspects of the project meet the Special Use criteria. Changes were made to ensure setbacks, canopy height and lighting are compliant.

THE PLANNING BOARD DECLARED THE APPLICATION TO BE COMPLETE.

CHAIRMAN GARGANO OPENED THE PUBLIC HEARING AT 7:12 PM.

NO ONE FROM THE PUBLIC WISHING TO BE HEARD, CHAIRMAN GARGANO CLOSED THE PUBLIC HEARING AT 7:13 PM.

UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SPECIAL USE PERMIT.

MOTION BY: JAMES McCARTHY

SECONDED BY: WAYNE KENNEDY

DISPOSITION: 7-0

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

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.

Criteria:	Required:	Proposed:
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 Interior landscaping 1 tree per 10 spaces	68
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 32'6"
Roof	Pitched or flat	pitched
Fenestration	Ground floor 50% glass	criteria met
Equipment	Roof or Ground screened	Roof, screened
Dumpster	screened	Chain link fence with slats
Lot Coverage	75%	65%
Color	Earth tone	Same as Dunkin
Signage		Compliant monument; menu Board has been rotated 90°

Water line is 6" main and will be no more than 80 feet, therefore will not require a meter pit.

Hours of operation will be 5am – 11 pm.

The application was presented by Robert Drew, P.E., engineer for the applicant and Manish Patel. Mr. Drew highlighted the changes the application has gone through: removal of the diesel fuel island; relocated menu board; no encroachment on the sewer easement; turning radius prepared for and approved by the Fire Department.

Jody Allen, engineer for the Town noted that NYSDOT letter in response to the request for Lead Agency status noted their “ongoing review”. However, Engineer Allen spoke with DOT which confirmed that the original Highway Permit accounted for all of the development within this application, and the current application contains no new work within the DOT right of way.

It was noted that NYSDOH approval of the backflow preventer is required.

THE PLANNING BOARD DECLARED THE APPLICATION TO BE COMPLETE.

CHAIRMAN GARGANO OPENED THE PUBLIC HEARING AT 7:24 PM.

NO MEMBERS OF THE PUBLIC WISHING TO BE HEARD, CHAIRMAN GARGANO CLOSED THE PUBLIC HEARING AT 7:25 PM.

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

MOTION BY: BRIAN HARPSTER

SECONDED BY: TED METARKO

DISPOSITION: 7-0

<p>4. SITE PLAN AMENDMENT APPLICATION FROM AUTOMATED CELLS AND EQUIPMENT TO ADD 12 NEW PARKING SPACES AT 9699 ENTERPRISE DRIVE. WITH PUBLIC HEARING.</p>

POINTS TO CONSIDER:

The property is located in an I-1 Industrial District.

The applicant seeks construct 10 additional, parallel parking spaces along their entrance drive, and two parking spaces in the front row next to the building. One existing parking space will be designated handicap parking. Three spaces will be designated handicap parking.

In accordance with §130-78.A.b industrial uses require 1 space per employee on the largest shift; 1 space per 300 sq. ft. of gross floor area for visitors; 1 space for each incoming/outgoing freight vehicle; and 1 space for each company vehicle.

Required spaces is 62, proposed is 68. Required handicap parking is 3 spaces, proposed is 3.

No additional lighting is proposed.

The application was represented by Jim Morris, owner.

THE PLANNING BOARD DECLARED THE APPLICATION TO BE COMPLETE.

THE PLANNING BOARD REVIEWED THE EAF:

Jody Allen, engineer for the Town, questioned the notation on the EAF that a flood plain development permit was required. The Planning Board reviewed the NFIP flood maps and with input from the Engineer Allen determined that a Floodplain Development Permit is not required.

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, AND MAKES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: MATT MASLYN

SECONDED BY: JOSEPH REILLY

DISPOSITION: 7-0

CHAIRMAN GARGANO OPENED THE PUBLIC HEARING AT 7:38 PM.

NO MEMBERS OF THE PUBLIC WISHING TO BE HEARD, CHAIRMAN GARGANO CLOSED THE PUBLIC HEARING AT 7:39 PM.

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

MOTION BY: WAYNE KENNEDY

SECONDED BY: JAMES McCARTHY

DISPOSITION: 7-0

<p>5. PRESENTATION OF THE ERWIN TOWN CENTER VISION, LAND USE AND ZONING RECOMMENDATION DRAFT REPORT AND PROPOSED ZONING LAW AMENDMENTS.</p>
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Nicolette Wagoner, Senior Planner from Elan Planning / Design / Landscape/Architecture PLLC, made a PowerPoint presentation of the study area, vision and proposed zoning law changes to implement the vision. The Planning Board discussed Town Center Road alignment, discussions with landowners/stakeholders, and the proposed wording of the wall sign regulations.

Planning Board members have the opportunity to study the proposals and make comments. The Planning Board will make its recommendation on the zoning law changes to the Town Board at the June 5, 2017 Planning Board meeting.

RESOLUTION TO ADJOURN THE MEETING AT 8:42 PM.

MOTION BY: JAMES McCARTHY

SECONDED BY: WAYNE KENNEDY

DISPOSITION: 7-0