

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, MAY 2, 2016

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

Present: Chairman John Gargano, Brian Harpster, Ted Metarko, Joseph Reilly, Wayne Kennedy, Doug Porter, James McCarthy

Absent: Matt Maslyn, Patricia Thiel

Guests: George J. Welch, Jr., Dan Williams, Patrick Hyde, Doug Beachel, Brian Harpster, Jerry Picarazzi, Doug Cole, Thomas Dobrydney, 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 APRIL 4, 2016 MEETING AMENDED TO CORRECT MEETING DATE AND ADJOURNMENT**

**MOTION BY: JOSEPH REILLY**

**SECONDED BY: TED METARKO**

**DISPOSITION: 7-0**

**1. APPLICATION FROM DR. MARIA E. MARZO TO CONSTRUCT A 3,700 SQ FT MEDICAL OFFICE AT 275 S HAMILTON ST. WITH PUBLIC HEARING**

**POINTS TO CONSIDER:**

The project is located in a B-1 Business Commercial zone.

The applicant seeks to construct a new, 3,700 sq ft medical office building.

Criteria:	Required:	Proposed:
Lot Size	12,500 sq ft	33,280
Lot width	100'	232
Lot Coverage	60% max	65% Variance granted.
Setbacks		
Side	20'	54.56'
Front	0'	0 - 28' Variance granted
Rear	25'	68'
Parking	Side or rear	Side and Rear
No. of spaces	28	34
Lighting	10'-12', no spillover light	12', Photometric plan submitted

Criteria:	Required:	Proposed:
Sidewalk	8' & connect to area system	5' & connect to area system
	does not extend to road ROW, substitute perpendicular 5' sidewalk along driveway and side of building to provide connectivity	
Height	Min 2 stories	2 story appearance with functional basement; 18'11" plus cornice - Variance granted
Roof	Pitched/flat, screen equipment	Flat, cornice hides rooftop units
Fenestration	façade, windows	Elevation view shown
Materials and Color	earth tone	earth tone
Orientation	Facing local road	The lot is on the curve of the road, and the building is canted toward local road.

The Planning Board has found that the east façade faces the local road and has an entrance so no further entrance is needed.

The applicant does not own to the road ROW. An easement is on file granting this property access to S. Hamilton Street.

The Site Plan is not significantly changed since the 2014 submittal. Therefore the Fire Chief has reaffirmed his approval.

The application was presented by Tom Dobrydney of Fagan Engineers. He noted that the Town of Erwin Zoning Board of Appeals had approved a variance at the April 26, 2016 meeting for a variable front yard setback from 0 to 28 feet. All information requested by the Planning Board has been submitted.

It is noted that there was no objection by the Department of Health for the Town of Erwin to act as Lead Agency for the application.

**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: DOUG PORTER**

**SECONDED BY: JAMES McCARTHY**

**DISPOSITION: 7-0**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:10 PM.**

**CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:11 PM.**

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

**MOTION BY: BRIAN HARPSTER**

**SECONDED BY: JOSEPH REILLY**

**DISPOSITION: 7-0**

<b>2. SITE PLAN AMENDMENT APPLICATION FROM SMDM, LLC.FOR INDOOR STORAGE AT 322 S. HAMILTON STREET. WITH PUBLIC HEARING</b>
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**POINTS TO CONSIDER:**

The project is located in a B-1 Community Services District.

The applicant seeks to create indoor storage for boats and contractor equipment. Contractor is currently using the space for contractor equipment. STORAGE FACILITY, INDOOR is an allowable use in B-1 District.

In accordance with §130-5.B, the definition of STORAGE FACILITY, INDOOR is:

A building or group of buildings designed and constructed for the common, long-term, and/or seasonal interior storage of individual or business property for compensation. The wholesale storage and/or transfer of goods by commercial enterprises shall not meet this definition. See also “TRUCKING TERMINAL” and “WAREHOUSE”.

The current occupant of the building stores equipment used in his contracting business, such as scaffolding, and accesses such equipment from time to time as needed to support his construction operations.

This use does not meet the definition of STORAGE FACILITY, INDOOR, since the facility is not designed for common use, and the current use is not long term nor is it seasonal. Specifically, it was the occupant's activity and frequent use of the building that brought this new tenancy and use to the attention of the Town.

In accordance with §130-5.B, the definition of CONTRACTOR'S YARD is:

Any space, whether inside or outside a building, used for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, or materials which are in active use by a construction contractor.

Although the title uses the term "Yard", the definition specifically includes total indoor operation. This was a result of the Comprehensive Plan which did not want a contractor's activity, in the same way a manufacturing activity was not desired, in a zone where only commercial (such as office) and retail was desired.

The current use of the building meets this definition. CONTRACTOR'S YARD is not an allowable use in B-1 District.

Use variance is required.

The application was presented by George Welch, applicant and owner of the property. He noted that the application applies to the building at 322 S. Hamilton St, the former Fire Station, and not the larger building at 324 S. Hamilton St. The current lessee at 322 S. Hamilton is storing windows, doors, plumbing equipment, tools and other items accumulated over many years as a contractor. He does not access it on a daily basis.

Chairman Gargano asked how often the lessee accesses the building.

Mr. Welch noted that he does not strictly monitor access by the lessee, but that it is being used as storage. There had been increased activity at the site while the lessee was making repairs to the building. That work has been completed and does not relate to how the building is being used. Mr. Welch also noted that he stores his own boat in the building.

Member James McCarthy noted that according to the code, indoor storage is an allowed use. If the property were to be used in any way that was inconsistent with that use, it would be a code enforcement issue.

Robert Drew, engineer for the Town, noted that indoor storage and a contractor's yard are two very distinct uses. A contractor's yard is not defined based on the occupation of the user, but on how the facility is being used.

Member Joseph Riley commented that the purpose of the Planning Board is to protect neighbors from potential negative impact due to how a property is used. The proposed use of the building is for indoor storage with low traffic, an allowed use.

Mr. Welch, in answer to member Wayne Kennedy, noted that there is no long term lease. Rental is month to month.

Member Brian Harpster ascertained that there would be no deliveries made to the facility, a potential indication of use as a contractor's yard.

Chairman Gargano questioned whether there is space for additional tenants and whether Mr. Welch intended to seek additional tenants. Mr. Welch noted that there was enough additional space to store a boat if anyone was interested.

**PLANNING BOARD CLASSIFIES THIS AS AN UNLISTED ACTION SINCE IT INVOLVES A NON-RESIDENTIAL DEVELOPMENT OF LESS THAN 10 ACRES, DECLARES ITSELF LEAD AGENCY, AND MAKES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.**

**MOTION BY: JAMES MCCARTHY**

**SECONDED BY: DOUG PORTER**

**DISPOSITION: 7-0**

**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 MAKES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.**

**MOTION BY: BRIAN HARPSTER**

**SECONDED BY: JOSEPH REILLY**

**DISPOSITION: 7-0**

**THE PLANNING BOARD APPROVES A SITE PLAN APPLICATION FOR INDOOR STORAGE AT 322 S. HAMILTON STREET.**

**MOTION BY: JAMES MCCARTHY**

**SECONDED BY: WAYNE KENNEDY**

**DISPOSITION: 7-0**

**3. APPLICATION FOR A TWO LOT SUBDIVISION/RESUBDIVISION FROM JOHN GARGANO TO TAKE 65 SQ FT OF THE LOT AT 123 MOUNTAINVIEW AND COMBINE IT WITH THE LOT AT 118 MOUNTAINVIEW. WITH PUBLIC HEARING**

This application and the following application were approved at the December 7, 2015 meeting. The plat was not filed within the 62 days, and therefore, the approval has expired.

This application and the following application 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.

Chairman John Gargano, as the applicant and/or interested party, recused himself for this application and the following application. James McCarthy becomes acting Chairman.

**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 |

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

SECONDED BY: DOUG PORTER

DISPOSITION: 6-0-1

ACTING CHAIRMAN McCARTHY OPENS THE PUBLIC HEARING AT 7:30 PM

ACTING CHAIRMAN McCARTHY CLOSES THE PUBLIC HEARING AT 7:31 PM

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

MOTION BY: BRIAN HARPSTER

SECONDED BY: JOSEPH REILLY

DISPOSITION: 6-0-1

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

4. APPLICATION FOR A TWO LOT SUBDIVISION/RESUBDIVISION FROM JODY ALLEN TO TAKE 10,115 SQ FT OF THE LOT AT 118 MOUNTAINVIEW AND COMBINE IT WITH THE LOT AT 123 MOUNTAINVIEW. WITH PUBLIC HEARING

In this application, Jody Allen seeks to split off an 218<sup>±</sup> 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.

ACTING CHAIRMAN McCARTHY OPENS THE PUBLIC HEARING AT 7:32 PM

ACTING CHAIRMAN McCARTHY CLOSES THE PUBLIC HEARING AT 7:33 PM

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

MOTION BY: WAYNE KENNEDY

SECONDED BY: DOUG PORTER

DISPOSITION: 6-0-1

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

**5. APPLICATION FOR A TWO LOT SUBDIVISION/RESUBDIVISION FROM TERRY TOWNER/KRISTOPHER WOLFE TO TAKE 43.5 ACRES FROM THE PARCEL AT 161 SCOTT RD, AND COMBINE IT INTO TAX MAP PARCEL NO. 334.00-01-004.110. WITH PUBLIC HEARING**

The applicants in this application seek to subdivide 43.5 acres off one parcel and give it to the adjoining owner to be combined with that owner's parcel.

**POINTS TO CONSIDER:**

The project is located in an RD - Rural District.

The lot giving away land is 137.2 acres. The 43.5 acre transfer will not alter lot size, setbacks, lot coverage, or width at building line in regard to zoning requirements.

John Gargano returns as Chairman.

Kris Wolfe, the applicant, presented the subdivision application. He noted the land is currently leased and is used for farming. The property line runs through the middle of a corn field. Mr. Wolfe has a signed purchase agreement for the 43.5 acres between the railroad and the river which he would like to annex to his property. There would be no change in the use of the property and there is no intent to build.

**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: JOSEPH REILLY

SECONDED BY: JAMES McCARTHY

DISPOSITION: 7-0

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:40 PM.

CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:41 PM.

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

MOTION BY: DOUG PORTER

SECONDED BY: WAYNE KENNEDY

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.

6. SPECIAL USE PERMIT APPLICATION FROM REROB LLC FOR A 7,020 SQ FT EXPRESS MART AT 891 ADDISON RD.

Applicant seeks to establish a gasoline filling station/mini mart on State Route 417. In accordance with §130-71 Gasoline Filling Stations, Mini-Marts.... require a Special Use Permit.

NYSDOT is an Involved Agency under SEQR.

#### POINTS TO CONSIDER:

The project is located in a B-3 Neighborhood Services zone. APOD ????????????

Criteria:	Required:	Proposed:
Lot Size	15,000 sq ft	5 acres
Lot width	150 ft	765 ft
Fuel pumps	35 ft from ROW	50'
	50 ft from side/rear lot line	50'
	Canopy height max 17'	???????????
Lighting	No spillover; max height 20'	???????????
Parking	1 space/300 sq ft retail;	
	1 space/50 sq ft restaurant	???????????
Lot coverage	75%	???????????
Landscaping	berm plus vegetation	???????????
	20' planting strip front yard setback	
Architectural Design		
Height	1 story, max 30,000GSF	1 story; ??????????? GSF
Roof	Pitched, rooftop equip screened	Pitched; ???????Roof top equip
Fenestration	50% glass	At least 50% glass
Material & Color	Earth tone	Earth tone

**Elements needed:**

Canopy height  
Storm Water management  
SWPP (if more than 1 acre disturbed)  
Grading Plan  
Photometric Plan  
Lot coverage %  
Proposed signage  
Building size/Restaurant size

**Per 5/2 PB MTG**

Hot spot drainage  
Flood plain dev permit  
DOT Highway work permit  
Design of Fuel tanks

**Landscaping Plan**

Doug Beachel, Business Development Manager of Express Mart, and Patrick Hyde, Facilities Manager of Express Mart presented the application. Mr. Beachel explained that Express Mart would like to build a 7020 sf building to house a 5000 sf convenience store and two smaller stores on each end, one with a drive through. There would also be fuel for sale and a single bay automatic car wash. Photos of existing Express Marts were provided to show the standard brick architecture.

Member Brian Harpster asked if the site plan design had changed and is reversed from the plans originally presented.

Mr. Beachel noted that after meeting with the Preplanning Committee and Robert Drew, engineer for the Town, several changes had been made in order to address storm water regulations, cut and fill requirements, the specific soil profile and the desire to limit truck traffic to one side of the building.

It was noted by Robert Drew that a Flood Plain Development Permit is required.

**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: JAMES McCARTHY**  
**DISPOSITION: 7-0**

**SECONDED BY: JOHN GARGANO**

<b>7. SITE PLAN APPLICATION FROM ROBERT WYLIE FOR A 7,200 SQ FT MINI STORAGE AT 681 RITA'S WAY. WITH PUBLIC HEARING</b>
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Applicant seeks to build a 7,200 sq ft mini storage facility with an office and 6 rental spaces. Current access to the property is via a NYSDEC driveway. DEC has required that the applicant establish his own, separate driveway.

**POINTS TO CONSIDER:**

The project is located in a B-3 Neighborhood Services zone. Storage Facility – Indoor is a permitted use with Site Plan approval.

Criteria:	Required:	Proposed:
Lot size	10,000 sq ft	2 ac
Width at building line	50'	714'
Setback		
Front	50'	65'
Side	10'	35+ and 17'+
Rear	10'	100+
Lot coverage	75% max	38%

Building mounted lights – cut sheets provided.

Town of Erwin Highway Work Permit required for the new driveway. The Highway Superintendent raised a concern about the driveway location. He would prefer it be further down Rita's Way, farther from the curve.

Dan Williams, contractor for the applicant, presented the application. Robert Drew, of Hunt Engineers, represented the applicant. Jody Allen, of LaBella Associates, provided engineering review for the Town.

Mr. Williams stated that the applicant would like to build an indoor storage facility for seasonal use. He noted that Mr. Wylie owns an adjacent parcel with an existing storage building. Currently, the driveway servicing the parcel is owned by the DOT and the applicant has been notified that he can no longer use that entrance. In order to limit the number of curb cuts to one, while providing driveway access to both parcels owned by the applicant, the site plan shows a shared driveway. The applicant does not intend to combine the parcels and prefers to retain the possibility of selling the parcels separately in the future.

It was noted that easements between the parcels for the shared access areas should be in place before final approval.

Engineer Allen questioned if the 17' width of the aisle in the parking area was adequate.

Engineer Drew noted that 17' is tight, but acceptable and the gravel area could be extended.

Member Brian Harpster asked if vehicle size is limited.

Engineer Drew noted that vehicle size is limited however it is possible to request Article 16 Approval from the DEC to extend the gravel area through and beyond the DEC easement area allowing for larger vehicles. The applicant did not want to potentially delay approval of the application past the building season while waiting for Article 16 approval.

## **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 |

**PLANNING BOARD CLASSIFIES THIS AS AN UNLISTED ACTION SINCE IT INVOLVES A NON-RESIDENTIAL DEVELOPMENT OF LESS THAN 10 ACRES DECLARES ITSELF LEAD AGENCY, AND MAKES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.**

**MOTION BY: DOUG PORTER**

**SECONDED BY: TED METARKO**

**DISPOSITION: 7-0**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 8:16 PM.**

**CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 8:17 PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN APPLICATION CONTINGENT UPON EASEMENTS BY AND BETWEEN THE TWO PROPERTIES FOR ACCESS AND FIRE CHIEF APPROVAL.**

**MOTION BY: JOSEPH REILLY**

**SECONDED BY: WAYNE KENNEDY**

**DISPOSITION: 7-0**

**RESOLUTION TO ADJOURN THE MEETING**

**MOTION BY: JAMES MCCARTHY**

**SECONDED BY: BRIAN HARPSTER**

**DISPOSITION: 7-0**