

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, AUGUST 1, 2016

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

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

Absent: Doug Porter

Guests: Byron Paris, Lin Hough, Alexandra Williams, Frank Curreri, Jerry Kernahan, Mike Manzari,  
Dave Iocco, Alex Wisniewski, Doug Beachel, Rita McCarthy, Barb Lucas

**CHAIRMAN JOHN GARGANO OPENS THE MEETING AT 7:03 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 JULY 6, 2016 MEETING**

**MOTION BY: BRIAN HARPSTER**

**SECONDED BY: WAYNE KENNEDY**

**DISPOSITION: 5-0-2**

<p><b>1. SITE PLAN APPLICATION FROM LIN HOUGH FOR A MINI STORAGE AT 731 ADDISON RD. WITH PUBLIC HEARING</b></p>
---

**POINTS TO CONSIDER:**

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

The project is located on State Route 417 therefore NYSDOT is an Involved Agency. DOT has indicated it has no objection to the Town of Erwin Planning Board as Lead Agency, but notes that the applicant must seek a NYSDOT Highway Work Permit for access to SR417.

The applicant states that he is seeking to construct three 30' X 80' mini storage units in two phases, based on market response. He will initially build two units. Then, depending on market demand, he will build the third unit.

There is an existing structure on the property that the applicant intends to demolish. A Town of Erwin demolition permit will be required.

The property is approx 4 acres, split by the flood control levee, leaving approximately 2 developable acres.

Criteria:	Required:	Proposed:
Lot Size	10,000 sq ft	4 acres
Lot width	50'	400'
Lot Coverage	75% max	Less than 50%
Setbacks		
Side	10'	20'
Front	50' (20' planting strip, 24' access rd)	20' planting strip
Rear	20'	200'+
Lighting	10'-12', no spillover light	Wall pack all 4 sides each bldg
Color	Historic palette color	Blue and Stone

Fire Chief has indicated he has no concerns with the project as proposed.

Wall pack cut sheets have been provided.

Prior to presentation of the site plan application, member Wayne Kennedy noted that Item # 16 on the Environmental Assessment Form was missing an answer. The form was corrected by the applicant.

It was noted that although Robert Drew, P.E., of Hunt engineers was unable to attend the meeting, he had reviewed the application and found no engineering issues.

The application was presented by Gerald Kernahan, P.E., engineer for the applicant. Lin Hough, the applicant, was in attendance. It was noted that after the Preplanning meeting, it was decided to limit the scope of the site plan presented. Recognizing that a SWPPP would be required by the DEC for a multi phase plan disturbing more than an acre, a single phase plan was presented including 3 buildings and limiting the total area of disturbance to less than one acre. The hydraulic study and documentation provided were revised to be single phase.

Member Patricia Thiel asked for clarification on the setback requirements. It was determined that the minimum front setback is 50 feet which includes the planting strip and access road.

It was noted that a demolition permit will be required from the Code Enforcement Office and a Highway Work Permit will be required by the DOT for the resurfacing.

It was also noted that a backflow preventer would not be required because water service will be limited to a yard hydrant.

Engineer Kernahan noted that he had contacted the DEC regarding the addition of a 15 foot wide gravel drive behind the buildings. He received 8 comments from the DEC which they are addressing.

**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 DECLARES ITSELF LEAD AGENCY AND MAKES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

**MOTION BY: JAMES MCCARTHY**  
**DISPOSITION: 7-0**

**SECONDED BY: TED METARKO**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:20PM.**

**CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:21PM.**

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

**MOTION BY: WAYNE KENNEDY**  
**DISPOSITION: 7-0**

**SECONDED BY: JOSEPH REILLY**

<b>2. SITE PLAN AMENDMENT APPLICATION FROM COOPERS PLAINS LONG ACRES FIRE DEPARTMENT FOR A 2304 SQ FT ADDITION 210 MAIN STREET. WITH PUBLIC HEARING</b>
---

### POINTS TO CONSIDER:

The project is located in an R12.5 zone.

The applicant seeks to demolish the existing structures on the adjacent lot and construct a single, 2304 sq ft addition to the west, as a garage to house fire equipment vehicles. There will be a driveway the entire width of the new structure to allow fire truck access. There will be 3' planter on the west side of the addition to buffer it from the adjacent residential property.

Criteria:	Required:	Proposed:
Setbacks		
Front	35'	No change from existing
Side	20'	25'
Rear	50'	27.6' Existing structure 15'
Lot coverage	15%	70% Variance granted by ZBA
Lot size	25,000 sq ft	21,732.6 sq ft Variance to 21,000 sq ft granted by ZBA

The application was presented by Dave Iocco, engineer for the applicant. Engineer Iocco noted that a similar application was previously approved by the Planning Board but the approval had expired while the CPLA Fire District considered alternatives that had become possible. It was determined that the alternatives were not acceptable. The Fire District recently presented the plan to the Zoning Board of Appeals and was granted variances for both lot coverage and lot size. Concerns about drainage and snow removal have been addressed.

Member Patricia Thiel questioned the design of the roof for the addition. It was noted by Engineer Iocco that the drawings presented are concept drawings rather than construction drawings. The final design could change slightly to accommodate storage in the attic of the addition.

Member Matt Maslyn questioned if there would be an additional curb cut necessary to access the addition. It was noted that there is no sidewalk or physical curb along the length of the property. The entire length would be used by vehicles for access.

## 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

RESOLUTION TO CLASSIFY THIS AS AN UNLISTED ACTION SINCE IT IS A NON-RESIDENTIAL DEVELOPMENT OF LESS THAN 10 ACRES, DECLARE THE PLANNING BOARD LEAD AGENCY AND MAKE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: PATRICIA THIEL  
DISPOSITION: 7-0

SECONDED BY: JOSEPH REILLY

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:30PM.

CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:31PM.

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: WAYNE KENNEDY

<b>3. SPECIAL USE PERMIT APPLICATION FROM REROB LLC FOR A 7,020 SQ FT EXPRESS MART AT 891 ADDISON RD. WITH PUBLIC HEARING</b>
---

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, and consents to the Town of Erwin Planning Board as Lead Agency.

**POINTS TO CONSIDER:**

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

The site is in a floodplain. A Town of Erwin Floodplain Development Permit is required.

Criteria:	Required:	Proposed:
Lot Size	15,000 sq ft	5 acres
Lot width	150 ft	765 ft
Fuel pumps	35 ft from ROW 50 ft from side/rear lot line Canopy height max 17'	50' 50' 17'
Lighting	No spillover; max height 20'	17'
Parking	1 space/300 sq ft retail; 1 space/50 sq ft restaurant Total approx 40 spaces	47
Lot coverage	75%	54%
Landscaping	berm plus vegetation 20' planting strip front yard setback	vegetation buffer in the front

Criteria:	Required:	Proposed:
Architectural Design		
Height	1 story, max 30,000GSF	1 story; 7,000 sq ft
Roof	Pitched, rooftop equip screened	Pitched; Rooftop equip screened
Fenestration	50% glass	At least 50% glass
Material & Color	Earth tone	Earth tone

Elements needed:

- SWPP
- DOT Highway work permit
- Floodplain Development Permit
- Engineering Issues

The Fire Chief has approved but requires further discussion regarding hydrant access. This is to be addressed with additional engineering issues.

The application was presented by Alex Wisniewski, engineer for the applicant. Doug Beachel, Director of Development for Express Mart Stores was in attendance. He noted that the site, across the street from the Corning Incorporated Diesel Plant on Addison Road, is approximately 5 acres in size and appropriately zoned for the proposed use. There is an existing driveway at the intersection with State Route 417 which has a signal. There is also an unpaved driveway through the site accessing the neighboring parcel owned by Corning Incorporated. An existing agreement for access to that roadway will be extended if requested by Corning Incorporated.

Engineer Wisniewski noted that flood plain development guidelines and other engineering issues outlined by the Town Engineer, Robert Drew of Hunt Engineers, are being addressed.

The overall project includes a 7000 sq. ft. convenience store, gasoline fuel pumps with a canopy to the front, diesel fuel pumps with a canopy to the west of the store and an automatic single bay car wash. Storm water will be controlled and directed via piping to an infiltration basin on the east end of the site. A SPDES permit and SWPPP are in the works. Run-off from the fueling areas will be directed to an underground oil/water separation device and further treatment via bio retention cells before discharging water.

Revisions made pursuant to the Preplanning meeting include:

- A revised landscape plan
- A photometric and lighting scheme are provided
- Lot coverage data has been noted on the site plan and has been calculated to be 54% which is within the code.
- Location of emergency shut-off switches within 150 feet of fuel dispensers are noted on the site plan.
- Canopy height has been revised and limited to a maximum of 17 feet to meet code. A variance for the height of the diesel canopy may be sought in the future but the current plan is compliant.
- A floor plan and elevations of the building were provided.

Engineer Wisniewski noted that the fire department had been contacted for comment. Fire Chief Bierwiler responded that emergency vehicle access is adequate. The addition of a second hydrant or relocation of the existing hydrant should be considered.

Town Manager Rita McCarthy noted that any changes to hydrant locations should be reviewed by the Chief Water Operator for the Town.

Engineer Wisniewski noted that signage information was not available, however the intent is to meet all existing signage code. Photos of signage at another site were shown.

Member Ted Metarko asked how many employees would be required. It was noted that the convenience store would have 4-8 employees, Dunkin' Donuts would have 4-8 employees and Subway would have at least one.

Member Wayne Kennedy asked if there was parking provided for trucks. It was noted that parking was provided for a limited number of trucks but the parking is not for use as an overnight truck stop. Truck turning templates will be added to the plan.

Member Wayne Kennedy asked if there would be two menu boards, one for each tenant. It was noted that there will be one menu board to serve the drive-through window for Dunkin' Donuts.

**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 DECLARES ITSELF LEAD AGENCY, AND MAKES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.**

**MOTION BY: TED METARKO  
DISPOSITION: 7-0**

**SECONDED BY: JAMES MCCARTHY**

**CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:54PM.  
CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:55PM.**

**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SITE PLAN CONTINGENT UPON ENGINEERING ISSUES BEING ADDRESSED.**

**MOTION BY: WAYNE KENNEDY  
DISPOSITION: 7-0**

**SECONDED BY: BRIAN HARPSTER**

#### 4. APPLICATION FROM MICHAEL J. CARLINEO TO COMBINE TWO LOTS 314 & 315, ON DEER CREST DRIVE. WITH PUBLIC HEARING

##### POINTS TO CONSIDER:

The project is located in an R7.2 zone. The applicant seeks to combine 2 lots and to move existing utility easements to facilitate construction of a house and pool.

The Aurene Resident Advisory Board has approved the combination of the two lots. A Town of Erwin Highway Work Permit is required for the driveway.

Criteria:	Required:	Proposed:
Lot size	7,200 sq ft	29,793 sq ft
Lot width	60'	100+'

##### Elements needed:

Applicant needs Letter of Agency from owner or Purchase Contract.

The application was presented by Alex Williams of Hunt Engineers. Engineer Williams noted that the property had been purchased by the applicant and she provided a copy of the title transfer. She also noted that the Aurene Architectural Review Committee reviewed and approved the plan. A copy of the approval letter is on file with the Town.

Engineer Williams indicated that there is an existing storm sewer easement on the line between the two parcels. It is the intent of the applicant to move that easement and sewer line to the western edge of Lot Number 314.

Town Manager Rita McCarthy noted that Jody Allen of LaBella Associates had reviewed the application for the Town and found no issues. It was Engineer Allen's opinion that moving the sewer line would have no negative impact on the system. A comprehensive drainage study had previously been completed for the area and there have been no observed problems with the system.

**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, ground water, 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: JAMES McCARTHY  
DISPOSITION: 7-0

SECONDED BY: PATRICIA THIEL

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:8:02PM.

CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 8:03PM.

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

MOTION BY: JOSEPH REILLY  
DISPOSITION: 7-0

SECONDED BY: BRIAN HARPSTER

RESOLUTION TO ADJOURN THE MEETING AT 8:04PM

MOTION BY: JOSEPH REILLY  
DISPOSITION: 7-0

SECONDED BY: JAMES McCARTHY