

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, AUGUST 7, 2017

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

Present: John Gargano, James McCarthy, Ted Metarko, Wayne Kennedy, Doug Porter, Joseph Reilly, Brian Harpster, Matt Maslyn (Alternate)

Absent: Patricia Thiel

Guests: Dave Iocco, Ben Jolley, Frank Curreri, Scott and Amy Drake, Lisa Massi, Tom Massi, Kristen Klemenzenz, Blaine Westervelt, 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 JULY 10, 2017 MEETING.

MOTION BY: WAYNE KENNEDY

SECONDED BY: TED METARKO

DISPOSITION: 4-0-3

1. SITE PLAN AMENDMENT APPLICATION FROM MASSI'S GARDENS FOR A PROPANE FILLING STATION AT 246 VICTORY HIGHWAY. WITH PUBLIC HEARING

POINTS TO CONSIDER:

The project is located in a M-U Mixed Use zone.

The applicant erected a propane filling station for which he needs Site Plan approval.

Since this business is located on State Route 415, NYSDOT is an Involved Agency.

<u>Criteria:</u>	<u>Required:</u>	<u>Proposed:</u>
Setback		
Front	50 ft	17 ft VARIANCE GRANTED 7/25/17

The tank is 500 gallons. The applicant does not intend to service automobiles. There is capability to fill up to 100 pounds. There is no New York State permit required to sell Liquified Petroleum Gas (propane). The supplier provides training to the vendor and employees. The County Sealer of Weights and Measures checks the accuracy of the dispensing system. The location meets NYS Fire Code for setbacks from buildings, public ways, etc. The applicant operates two fork lifts which utilize propane, and in addition to selling the propane commercially, the applicant intends to use the propane for his fork lifts. There has not been a significant increase in traffic, and the applicant's experience has been that many customers were already visiting the retail

business at the time they purchased propane. There are no regulations on protection of the tank. The applicant has placed large rocks near the tank to keep cars from getting too close. The tank is enclosed by a fence which is not attached to the ground. The tank is on a sled that sits on concrete blocks.

The application was presented by Tom and Lisa Massi. A propane tank was installed on their property at a location acceptable to their supplier, Suburban Propane. They were not aware that it was necessary to apply for a site plan review by the Planning Board until notified by the Town Code Enforcement Officer. It was also determined at that time that a variance would be required from the Zoning Board of Appeals regarding the location of the tank. A variance was granted on July 25, 2017 allowing a front yard setback of 17 feet where 50 feet is required.

Planning Board member Patricia Thiel submitted the following comments via email:

At the July meeting, Rita (McCarthy) asked the Massis about bollards for the propane tank under question. The Massis said that they had them in place. I have since been out to the site. While there are large rocks serving as bollards on the inside (driveway side) of the tank, there is nothing on the road side other than some attractive plantings to act as camouflage. Has the fire department seen this? If it has, does it judge suitability solely on access or does it also consider the potential hazard in case of an accident? This tank now has a variance to be very close to a well-traveled road. It would be wise if it had bollard protection from that side, too.

Ali Williams of Hunt Engineers, Architects & Surveyors, acting as town Engineer, had the following comments:

The only items I would recommend the planning board consider with respect to Massi's application is to inquire about locking of the fence, protection of the tank from all sides and not just the parking lot, and location of the tank with respect to landscaping as it appears the landscaping along the road is quite close to the tank and could be a potential fire hazard. However, the fire chiefs approval letter indicates that they have either visited the site or reviewed photos and do not have any concerns.

Lisa Massi responded that the fence is padlocked and the door to the scale room is locked.

Tom Massi noted that there are currently large rocks embedded in the berm on the street side of the tank however, they can raise the rocks higher and/or install additional rocks on the street side.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE COMPLETE.

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 |

ENVIRONMENTAL ASSESSMENT FORM (EAF) – Part 2 – Impact Assessment

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| 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 TO BE LEAD AGENCY AND MAKES A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: BRIAN HARPSTER
SECONDED BY: JAMES McCARTHY
DISPOSITION: 7-0

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:11 PM.

No comment from the public.

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

THE PLANNING BOARD APPROVES THE SITE PLAN AMENDMENT FROM MASSI'S GARDENS FOR A PROPANE FILLING STATION AT 246 VICTORY HIGHWAY CONTINGENT UPON THE PLACEMENT OF LARGE ROCKS ON THE STREET SIDE OF THE TANK .

MOTION BY: JOSEPH REILLY
SECONDED BY: DOUG PORTER
DISPOSITION: 7-0

2. SITE PLAN AMENDMENT APPLICATION FROM B&W TOWING TO CONSTRUCT A 40' X 60' CANVAS BUILDING AT 701 ADDISON RD. WITH PUBLIC HEARING

POINTS TO CONSIDER:

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

The applicant seeks to erect a 40' X 60' canvass building for the storage of trucks.

<u>Criteria:</u>	<u>Required:</u>	<u>Proposed:</u>
Setback		
Side	10 ft	10 ft
Rear	10 ft	10 ft

The application was presented by Kristen Klemenz and Blaine Westervelt. They noted they would like to locate a 40 foot by 60 foot canvas building on the property to house equipment for protection from snow and sun. It would be anchored to concrete blocks along the length of the structure on both sides.

Vice-Chairman James McCarthy asked if the structure would be located in the area of the DEC easement. Blaine Westervelt responded that the structure will be set back from the easement however, in the event that it became necessary, the structure could be relocated.

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 TO BE 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 7:18 PM.

No comment from the public.

CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:19 PM.

THE PLANNING BOARD APPROVES THE SITE PLAN AMENDMENT FROM B&W TOWING TO CONSTRUCT A 40' X 60' CANVAS BUILDING AT 701 ADDISON RD.

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

3. APPLICATION FROM BEN JOLLEY & ASSOC. FOR A 4 LOT SUBDIVISION AT 161 SCOTT RD. WITH PUBLIC HEARING

POINTS TO CONSIDER:

The project is located in an R-D Rural District.

The applicant seeks to establish 8 lots in two phases. Phase I to include 3 lots accessed off Scott Road. Phase II will include construction of a road to be dedicated to the Town and 5 lots.

There is currently no schedule to construct Phase II. If the applicant develops the fifth lot within three years of Phase I, then this will become a Realty Subdivision regulated by NYSDOH.

<u>Criteria:</u>	<u>Required:</u>	<u>Proposed:</u>
Lot Size	2 acres	5+ acres
Width at Building Line	200 ft	400 ft+

Elements needed

Depiction of Phase II lots and road

Setback lines

All lots need width at building line 400 ft. Lot 2 = 414 ft., Lot 3 = 373.43 ft.

Signed, stamped plat

The application was presented by Dave Iocco, PE, engineer for the applicant. Ben Jolley, agent for the applicant was also present. Engineer Iocco noted that the owners want to subdivide approximately 46+ acres from their large property and develop the 46+ acres in two phases into 8 house lots. Each lot would be larger than 5 acres. In Phase I, three lots would be developed and the remaining acres would be the fourth lot. Phase II would include subdividing and developing the fourth lot into 5 housing lots.

Planning Board member Matt Maslyn noted that subdividing the 46+ acre portion from the original parcel would create three separate parcels, not two, because the two portions of the Towner property on the opposite side of Scott Road would no longer be contiguous. Further subdividing the 46+ acre portion into 4 lots results in a total of 6 lots.

Town Manager Rita McCarthy noted that creation of 5 lots within a three year period is considered a “realty subdivision” and the DOH becomes an involved agency.

The applicant was instructed to have the surveys modified to indicate a six lot subdivision for Phase I.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.

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 AND DECLARES ITS INTENT TO BECOME LEAD AGENCY FOR THE REALTY SUBDIVISION.

MOTION BY: JOSEPH REILLY

SECONDED BY: JOHN GARGANO

DISPOSITION: 7-0

4. CONCEPT APPLICATION FROM SCOTT DRAKE FOR A 2 LOT SUBDIVISION AT 170 MULHOLLAND RD.

POINTS TO CONSIDER:

The project is located in an R-D Rural District.

The applicant seeks to subdivide 18 acres from a 51 acre lot.

Criteria:	Required:	Proposed:
Lot Size	2 acres	5+ acres
Width at Building Line	400 ft	400+ ft.

Elements needed

Signed, stamped survey map
 Width at building line
 Setback lines
 Driveway profile

The application was presented by Scott Drake. He explained that he would like to subdivide 18 acres from a 51 acre lot. He has a buyer interested in purchasing the 18 acre portion.

The Board noted information missing from the EAF form submitted. The EAF was corrected, signed by the applicant and resubmitted.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.

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 AND DECLARES ITS INTENT TO BECOME LEAD AGENCY.

MOTION BY: WAYNE KENNEDY

SECONDED BY: JOSEPH REILLY

DISPOSITION: 7-0

RESOLUTION TO ADJOURN THE MEETING AT 7:49 PM.

MOTION BY: JAMES McCARTHY

SECONDED BY: DOUG PORTER

DISPOSITION: 7-0