

TOWN OF ERWIN PLANNING BOARD MEETING

WEDNESDAY, SEPTEMBER 6, 2017

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

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

Absent: Doug Porter

Guests: Doug Cole, Jeff Evans, Rita McCarthy, Barb Lucas

CHAIRMAN JOHN GARGANO OPENED THE MEETING AT 7:01 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 AUGUST 7, 2017 MEETING.

MOTION BY: BRIAN HARPSTER

SECONDED BY: JOSEPH REILLY

DISPOSITION: 6-0-1 (THIEL)

**1. RECOMMENDATION ON PROPOSED LOCAL LAW #2 OF 2017 TO AMEND THE CODE OF THE TOWN OF ERWIN
CHAPTER 130 ZONING.**

Town Manager Rita McCarthy noted that Local Law #2 of 2017 was adopted by the Town Board with the understanding that the section of the law pertaining to signs would be reviewed. An ad hoc committee was formed to review Local Law #2 including Town Board member Doug Cole, Planning Board member James McCarthy and Zoning Board Chairman Frank Thiel. Town Board member Doug Cole presented the revisions recommended by the ad hoc committee to the Planning Board. The primary revision emphasizes that advertising should not be directed to I86 or I99 traffic. The complete recommendations and a copy of proposed Local Law No. 2 are attached.

PLANNING BOARD RECOMMENDS LOCAL LAW #2 OF 2017 AS PROPOSED TO AMEND THE CODE OF THE TOWN OF ERWIN CHAPTER 130 ZONING.

MOTION BY: BRIAN HARPSTER

SECONDED BY: PATRICIA THIEL

DISPOSITION: 7-0

2. APPLICATION FROM BEN JOLLEY & ASSOC. FOR A 6 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 10 lots in two phases.

The land is a single, large parcel owned by Towner. The parcel consists of one contiguous area on the east side of Scott Rd. The remainder of the parcel is on the west side of Scott Rd, consisting of two portions, which are not contiguous on the west side. The applicant seeks to control only the land on the east side of Scott Rd. Therefore, the two non-contiguous parcels on the west side are each being broken off from the east side into two separate parcels, to remain in control of Towner.

Concurrent with subdividing off these two parcels from the land on the east side of Scott Rd, the applicant seeks in Phase I to create 3 buildable lots and one larger remaining lot. Phase II will further subdivide this remainder lot into 5 lots and include construction of a road to be dedicated to the Town.

Since Phase I will create 2 lots on the west side of Scott Road and 4 lots on the east side, for a total of 6 lots, this is a realty subdivision pursuant to NYSDOH review. At the August 7, 2017 meeting, the Planning Board declared its intent to become Lead Agency.

<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

No applicant or representative was present.

MOTION TO TABLE THE APPLICATION UNTIL OCTOBER 2, 2017.

MOTION BY: BRIAN HARPSTER

SECONDED BY: JOSEPH REILLY

DISPOSITION: 7-0

3. RESUBDIVISION APPLICATION FROM MATT DANN TO VACATE A PAPER STREET AND RESUBDIVIDE 4 LOTS AT 3022 OAKWOOD DR S. WITH PUBLIC HEARING

POINTS TO CONSIDER

The project is located in an R12.5 Residential Zone.

The applicant seeks to eliminate a paper street by subdividing it into the adjacent lots, and adjusting the boundaries of 4 adjacent lots. The elimination of the paper street eliminates access to the lot owned by Patricia T. Dann, tax map parcel no. 316.00-01-003.113, and could affect the future development of that parcel. Letters of agency from all parties are on file.

All reconfigured lots are greater than 12,500 sq. ft., and all have minimum 50 ft. width at building line. All criteria are met.

This subdivision was approved at the March 6, 2017 Planning Board meeting. The plat was not filed within 62 days.

ELEMENTS REQUIRED

Plat depicting all changes on a single plat

The application was presented by Jeff Evans, attorney for the applicant. Attorney Evans explained that the land making up the former paper street was originally to be divided in half along the length with one half to be added to Lot #44 to the north and the other half to be added to Lot #42 to the south. The involved parties would prefer to annex the entire paper street to Lot #42 to the south. Additionally, the property lines shared by Lot #42, the lot to the south of Lot #42 owned by Brian Harris and the lot to the east owned by Patricia Dann will be adjusted to be in line with a drainage structure.

It was noted that the paper street was considered a lot. The paper street was a 50' wide strip of land which had been owned by the Town of Erwin. The land was to be developed as a street to provide access for a possible subdivision of the large lot owned by Patricia Dann. Recognizing that the lot owned by Patricia Dann was not suitable for subdivision due to the topography, the land of the paper street was sold with the consent of Patricia Dann.

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 |

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

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|--|----|
| 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 RESIDENTIAL DEVELOPMENT OF LESS THAN 250 UNITS WITH PUBLIC WATER AND SEWER, DECLARE THE PLANNING BOARD LEAD AGENCY AND MAKE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: PATRICIA THIEL
SECONDED BY: WAYNE KENNEDY
DISPOSITION: 7-0

CHAIRMAN GARGANO OPENED THE PUBLIC HEARING AT 7:27 PM.

No comment from the public.

CHAIRMAN GARGANO CLOSED THE PUBLIC HEARING AT 7:28 PM.

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

MOTION BY: JOSEPH REILLY
SECONDED BY: TED METARKO
DISPOSITION: 7-0

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

RESOLUTION TO ADJOURN THE MEETING AT 7:33 pm.

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

ATTACHMENT 1

July 27, 2017

MEMO TO: COMMUNITY DEVELOPMENT AGENCY
TOWN BOARD
PLANNING BOARD

FROM: AD-HOC SIGN COMMITTEE
Doug Cole, Town Board
James McCarthy, Planning Board
Frank Thiel, Zoning Board of Appeals

As a result of the Erwin Town Center South Hamilton Vision, Land Use and Zoning Recommendation Report, the Town Board formulated amendments to the Town Zoning Law to implement such Vision. In accordance with Town Law, the proposed amendments were referred to the Planning Board for their recommendation.

The Planning Board recommended adoption of the proposed amendments except for those relating to signs.

When the Town Board adopted the zoning amendments, it adopted the amendments including those relating to signs, but stated that the language regarding signs will be revisited.

Therefore, our ad-hoc committee was formed with a representative from the Town Board, Planning Board and Zoning Board.

We reviewed the original language in 2005 Zoning Law, the Comprehensive Plan that engendered that language, the amendments that were just adopted and the Erwin Town Center South Hamilton Vision.

Attached is a comparison showing the 2005 law, the recent amendments, and our recommendation for the revision to the amendment. We believe that this recommendation takes into account the original Comprehensive Plan and vision captured in the 2005 law, the desire to address the issues that have since been raised as the subject of variance requests, the desire to be more supportive of business, especially small business, the new circumstances which will be created by the conceptual layouts included in the Erwin Town Center South Hamilton Vision, while maintaining a Community of Distinction.

We hereby submit our recommendation for your consideration.

Table 130-81-1
Amend Wall in TC, B1, B2, B3, MU
2005 Law:

Sign Type	TC	B1	B2	B3	MU
Wall	<ul style="list-style-type: none"> ➤ Permitted ➤ The total display area of wall signs for one building shall not exceed an area equal to one and five-tenths (1.5) square feet of sign area for each linear foot of building frontage, or ten percent (10%) of the total area of the one building façade upon which the sign is located, or one hundred (100) square feet, whichever is the lesser. In no instance shall any one wall sign exceed fifty (50) square feet. ➤ Shall not be located higher than, or exceeding fifteen (15) feet; or any wall sign that projects above the first floor of the structure whichever is lower. 				

Current – Amended 7-11-17

"One (1) exterior wall sign is permitted per business within a building for each public thoroughfare to which such building is immediately adjacent for a maximum of two (2) exterior wall signs per business within a building where such building is immediately adjacent to two or more public thoroughfares, with each wall sign having a total display area not exceeding an area equal to one and five tenths (1.5) square feet of sign area for each linear foot of the business's building frontage, or ten percent (10%) of the total area of the business's building façade upon which the sign is located, whichever is the lesser. In no instance shall any one wall sign exceed fifty (50) square feet with a maximum of one (1) wall sign per distinct business per building wall. In no instance shall a sign be placed on the exterior wall of a business that is not the business associated with such sign, that is, any exterior wall sign shall be placed on the distinct segment of wall that is directly exterior to the business associated with such sign."

RECOMMENDED 7-27-17 AMENDMENT:

Sign Type	TC	B1	B2	B3	MU
Wall	<ul style="list-style-type: none"> ➤ Permitted ➤ A total of two (2) wall signs are permitted per business, one per wall, that is owned or rented by such business subject to the following: <ul style="list-style-type: none"> ○ No sign shall face, i.e. located substantially parallel to, an interstate highway ○ Each wall sign shall have a total display area of the lesser of: <ul style="list-style-type: none"> ▪ an area equal to one and five tenths (1.5) square feet of sign area for the linear feet of the façade where such sign is to be placed ▪ ten percent (10%) of the total area of the façade upon which sign is to be placed ○ In no instance shall any one wall sign exceed fifty (50) square feet. ○ Shall not be located higher than fifteen (15) feet on a multi-story building; or located higher than the face of a single-story building. 				

§130-81.B.3.a

Current:

a. A maximum of two principal site business identification signs (i.e., one freestanding sign with a maximum of two display faces, and one wall sign) may be displayed on the same lot as the business with which they are associated, except for Shopping Malls as described below.

RECOMMENDED 7-27-17 AMENDMENT:

a. A maximum of three principal site business identification signs (i.e. one freestanding and two wall signs subject to Table 130-81-1) may be displayed on the same lot as the business with which they are associated, except for Shopping Malls as described below.

LOCAL LAW FILING

(USE THIS FORM TO FILE A LOCAL LAW WITH THE SECRETARY OF STATE)

Text of law should be given as amended. Matter being eliminated is shown in line-out format and new matter is shown in underline format.

TOWN OF ERWIN

Local Law No. 2 of the year 2017

A local law entitled "Amendment of Section 130-81 Signs of The Code of the Town of Erwin, and Section 4.14 of Town of Erwin Local Law No. 1 of 2017".

Be it enacted by the Town Board of the

Town of Erwin as follows:

Section 1. STATUTORY AUTHORITY:

This local law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

Section 2.

Chapter 130 of the Code of the Town of Erwin is hereby amended as follows:

To Table 130-81-1 Schedule of Commercial, Business, Industrial and other Nonresidential Signs, Amend:

Sign Type	TC	B1	B2	B3	MU	RS	I-1 and I-2	RD	R7.2, R-10, R-12.5
Wall	<ul style="list-style-type: none"> ➤ Permitted ➤ The total display area of wall signs for one building shall not exceed an area equal to one and five-tenths (1.5) square feet of sign area for each linear foot of building frontage, or ten percent (10%) of the total area of the one building facade upon which the sign is located, or one hundred (100) square feet, whichever is the lesser. In no instance shall any one wall sign exceed fifty (50) square feet. ➤ Shall not be located higher than, or exceeding fifteen (15) feet; or any wall sign that projects above the first floor of the structure whichever is lower. 					<ul style="list-style-type: none"> ➤ Permitted ➤ The Total wall signage shall not exceed an area equal to one (1) SF of sign area for each linear foot of building frontage, or three hundred (300) SF, whichever is lesser. In no instance shall any one sign exceed one hundred fifty (150) ➤ Shall not be located higher than, or exceeding fifteen (15) feet; or any wall sign that projects above the first floor of the structure whichever is lower 		<ul style="list-style-type: none"> ➤ Permitted ➤ Maximum size 355F ➤ Shall not be located higher than, or exceeding ten (10) feet; or any wall sign that projects above the first floor of the structure whichever is lower 	<ul style="list-style-type: none"> ➤ Permitted ➤ Maximum size 20 SF ➤ Shall not be located higher than, or exceeding ten (10) feet; or any wall sign that projects above the first floor of the structure whichever is lower

As further amended by Section 4.14 of Town of Erwin Local Law No. 1 of 2017:

One (1) exterior wall sign is permitted per business within a building for each public thoroughfare to which such building is immediately adjacent for a maximum of two (2) exterior wall signs per business within a building where such building is immediately adjacent to two or more public thoroughfares, with each wall sign having a total display area not exceeding an area equal to one and five tenths (1.5) square feet of sign area for each linear foot of the business's building frontage, or ten percent (10%) of the total area of the business's building facade upon which the sign is located, whichever is the lesser. In no instance shall any one wall sign exceed fifty (50) square feet with a maximum of one (1) wall sign per distinct business per

~~building wall. In no instance shall a sign be placed on the exterior wall of a business that is not the business associated with such sign, that is, any exterior wall sign shall be placed on the distinct segment of wall that is directly exterior to the business associated with such sign.~~

To read:

Sign Type	TC	B1	B2	B3	MU	RS	I-1 and I-2	RD	R7.2, R-10, R-12.5
Wall	<ul style="list-style-type: none"> ➤ Permitted ➤ A total of two (2) wall signs are permitted per business, one per wall, that is owned or rented by such business subject to the following: <ul style="list-style-type: none"> ○ No sign shall face, i.e. located substantially parallel to, an interstate highway ○ Each wall sign shall have a total display area of the lesser of: <ul style="list-style-type: none"> ▪ an area equal to one and five tenths (1.5) square feet of sign area for the linear feet of the façade where such sign is to be placed ▪ ten percent (10%) of the total area of the façade upon which sign is to be placed ○ In no instance shall any one wall sign exceed fifty (50) square feet. ○ Shall not be located higher than fifteen (15) feet on a multi-story building; or located higher than the face of a single-story building. 					<ul style="list-style-type: none"> ➤ Permitted ➤ The Total wall signage shall not exceed an area equal to one (1) SF of sign area for each linear foot of building frontage, or three hundred (300) SF, whichever is lesser. In no instance shall any one sign exceed one hundred fifty (150) ➤ Shall not be located higher than, or exceeding fifteen (15) feet; or any wall sign that projects above the first floor of the structure whichever is lower 		<ul style="list-style-type: none"> ➤ Permitted ➤ Maximum size 35SF ➤ Shall not be located higher than, or exceeding ten (10) feet; or any wall sign that projects above the first floor of the structure whichever is lower 	<ul style="list-style-type: none"> ➤ Permitted ➤ Maximum size 20 SF ➤ Shall not be located higher than, or exceeding ten (10) feet; or any wall sign that projects above the first floor of the structure whichever is lower

Section 3.

Chapter 130 of the Code of the Town of Erwin is hereby further amended as follows:

Remove the text of §130-81.B.3.a in its entirety and replace with:

A maximum of three principal site business identification signs (i.e. one freestanding and two wall signs subject to Table 130-81-1) may be displayed on the same lot as the business with which they are associated, except for Shopping Malls as described below.

The remainder of §130-81.B.3 shall not be modified.

Section 4. EFFECTIVE DATE:

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.

CERTIFICATION OF LOCAL LAW

(Certification of Town Clerk)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2017 of the Town of Erwin, in the County of Steuben, New York, was duly passed by the Town Board on _____ in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated immediately above.

 Eve D. Fisher
 Town Clerk
 Town of Erwin

Date: _____, 2017

(Seal)

(Certification to be executed by Town Attorney or other authorized Attorney)

STATE OF NEW YORK :
 COUNTY OF STEUBEN :

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

 David F. English
 Attorney for the Town
 Town of Erwin

Date: