

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, OCTOBER 2, 2017

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

Present: John Gargano, James McCarthy, Wayne Kennedy, Patricia Thiel, Joseph Reilly, Brian Harpster
 Absent: Ted Metarko, Doug Porter, Matt Maslyn
 Guests: Melinda Vasilakos, Kevin Vasilakos, Scott Drake, Lin Hough, Gary Roush, Derek Duell,
 Christian Sopp, Dave Iocco, Ali Williams, 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 SEPTEMBER 6, 2017 MEETING.

MOTION BY: JOSEPH REILLY
SECONDED BY: WAYNE KENNEDY
DISPOSITION: 6 - 0

1. 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 Living Trust. 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.

Criteria:	Required:	Proposed:
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

Dave Iocco, PE, engineer for the applicant was in attendance. Required drawings have been provided.

Alexandra Williams of Hunt Engineers, engineer for the Town, noted no outstanding issues with the application.

The NYS Department of Health issued no comments regarding the realty subdivision.

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 DECLARE THE PLANNING BOARD LEAD AGENCY, AND TO MAKE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: BRIAN HARPSTER

SECONDED BY: JAMES McCARTHY

DISPOSITION: 6 - 0

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:06 PM.

No comments from the public.

CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:07 PM.

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

MOTION BY: PATRICIA THIEL

SECONDED BY: JOSEPH REILLY

DISPOSITION: 6 - 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. APPLICATION FROM SCOTT DRAKE FOR A 2 LOT SUBDIVISION AT 170 MULHOLLAND RD. WITH PUBLIC HEARING

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.

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

Required elements:

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

The application was presented by Scott Drake. He noted that no building is planned for the subdivided property.

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 |

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

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| 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 DECLARE THE PLANNING BOARD LEAD AGENCY, AND TO MAKE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: JOSEPH REILLY
SECONDED BY: WAYNE KENNEDY
DISPOSITION: 6 - 0

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

No comments from the public.

CHAIRMAN GARGANO CLOSES THE PUBLIC HEARING AT 7:13 PM.**UPON HEARING NO APPLICABLE ADVERSE COMMENT FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE SUBDIVISION.**

MOTION BY: BRIAN HARPSTER
SECONDED BY: JAMES McCARTHY
DISPOSITION: 6 - 0

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

3. SITE PLAN AMENDMENT APPLICATION FROM LIN HOUGH TO ADD 3 MINI STORAGE BUILDINGS AT 731 ADDISON RD. WITH PUBLIC HEARING

POINTS TO CONSIDER:

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

The project is located on State Rt. 417, therefore NYSDOT is an Involved Agency. DOT has indicated that it has no objection to the Town of Erwin Planning Board as Lead Agency.

The applicant is seeking to construct three additional 30' X 160' mini storage units to the east of the existing three units which were approved by the Town of Erwin Planning Board on August 1, 2016.

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

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

<u>Criteria:</u>	<u>Required:</u>	<u>Proposed:</u>
Lot Size	10,000 sq ft	4 acres
Lot width	50'	400'

Criteria:	Required:	Proposed:
Lot Coverage	75% max	Less than 50%
Setbacks		
Side	10'	22'
Front	50' (20' planting strip, 24' access road)	20' planting strip
Rear	20'	200'+
Lighting	10'-12', no spillover light	Wall pack all 4 sides each building
Color	Historic pallet color	Blue and Stone

Wall pack cut sheets have been provided.

The application was presented by Gerald Kernahan, PE, engineer for the applicant. The applicant, Lin Hough, was in attendance. Engineer Kernahan noted that construction of the three storage units in Phase II of the project which pertain to the application will be identical to the three units built in Phase I. A slight increase in run-off due to the increase of impermeable surface in Phase II is mitigated with the installation of drop inlets.

Board member Thiel questioned the positive answers to questions on the EAF describing the area as archeologically sensitive and a habitat for endangered animals. Town Manager Rita McCarthy noted that the answers are generated automatically by the software used to create the report and positive responses describe the area in general. No action is necessary unless the condition is known to exist for the specific property in 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

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

MOTION BY: JAMES McCARTHY

SECONDED BY: BRIAN HARPSTER

DISPOSITION: 6 - 0

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:23 PM.

No comments from the public.

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

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

MOTION BY: BRIAN HARPSTER

SECONDED BY: WAYNE KENNEDY

DISPOSITION: 6 - 0

4. APPLICATION FROM MELINDA VASILAKOS FOR A SPECIAL USE PERMIT FOR A HOME OCCUPATION FOR A DOG GROOMING SALON AT 5 BIRCH CIRCLE. WITH PUBLIC HEARING

POINTS TO CONSIDER:

The property is located in a R 7.2 Residential District.

The applicant seeks to establish a dog grooming salon in half of the garage at the back of the property.

CRITERIA REQUIRED:

No more than 25% of total floor area or no more than 500 sq. ft. Proposed half of 672 sq. ft. garage. 336 sq. ft. of 2,159 sq ft total = 15.5%

The use shall be wholly within the enclosed wall. The use is wholly within the enclosed garage.

There shall be no external evidence of such use except for one sign. Need sign info but no other exterior evidence is proposed.

No external structural alteration not customary to a residential building. None proposed

Shall not be primarily retail or wholesale. Proposed business is a service.

Use shall not result in nor cause vehicular traffic that will become a nuisance. Proposed business is by appointment, single customer at a time.

ELEMENTS NEEDED:

Hours of operation

Parking

Signage

Lighting

The application was presented by Melinda Vasilakos. She noted that hours will be by appointment; there will be no signage, and no additional lighting.

The Board observed that the parking area, as shown in the photograph provided, is adequate.

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 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: PATRICIA THIEL

SECONDED BY: JOSEPH REILLY

DISPOSITION: 6 - 0

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:29 PM.

No comments from the public.

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

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

MOTION BY: BRIAN HARPSTER

SECONDED BY: JAMES McCARTHY

DISPOSITION: 6 - 0

5. SPECIAL USE PERMIT APPLICATION FROM CHRISTIAN SOPP TO BUILD A 504 SQ. FT. ADDITION TO A PRE-EXISTING, NON-CONFORMING ATTACHED GARAGE AT 12 TIMBERLANE WITH PUBLIC HEARING.

POINTS TO CONSIDER:

The project is located in an R12.5 District.

The applicant seeks to construct a 14' X 36' (504 sq. ft.) addition to the existing attached garage. The house and garage were built at a time when the required front yard setback was 30 ft. Under the current zoning law, the required front yard setback is 35 ft. The existing house and attached garage are 30 ft. from the front property line. Therefore, this is a pre-existing, non-conforming building.

In accordance with §130-102, a non-conforming building may be expanded once, provided said expansion does not exceed 25% of the current non-conforming building. Such expansion requires a Special Use permit and Site Plan permit [where applicable].

The proposed expansion is 504 sq. ft. The existing house and attached garage is 2,166 sq. ft. The expansion is 23.3% of the total sq. ft.

The application was presented by Derek Duell. Christian Sopp, co-applicant, was also in attendance. Mr. Duell explained that he would like to expand the garage with the front face in line with the existing building.

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 |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | |
| 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, DECLARE THE PLANNING BOARD LEAD AGENCY, AND TO MAKE A NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE.

MOTION BY: WAYNE KENNEDY

SECONDED BY: JOSEPH REILLY

DISPOSITION: 6 - 0

CHAIRMAN GARGANO OPENS THE PUBLIC HEARING AT 7:37 PM.

No comments from the public.

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

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

MOTION BY: PATRICIA THIEL

SECONDED BY: BRIAN HARPSTER

DISPOSITION: 6 - 0

6. SPECIAL USE PERMIT APPLICATION FROM UP STATE TOWER CO. LLC AND BUFFALO-LAKE ERIE WIRELESS SYSTEMS FOR A 125 FT. CELL TOWER AT 244 VICTORY HIGHWAY.

POINTS TO CONSIDER:

The applicant seeks to erect a 125 ft cell tower on Massi Greenhouse property.

The project is located on Route 415, therefore NYSDOT is an Involved Agency. The project is located within a Special Flood Hazard Area and therefore requires a Flood Damage Prevention Permit.

Communication Towers are permitted in Industrial and Rural Districts. No Use Variance has been granted.

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE. A COMMUNICATION TOWER IS NOT AN ALLOWED USE IN A MULTI-USE DISTRICT. NO USE VARIANCE HAS BEEN GRANTED.

MOTION BY: PATRICIA THIEL

SECONDED BY: JAMES McCARTHY

DISPOSITION: 6 - 0

7. SITE PLAN APPLICATION FROM UP STATE TOWER CO. LLC AND BUFFALO-LAKE ERIE WIRELESS SYSTEMS FOR A 125 FT. CELL TOWER AT 244 VICTORY HIGHWAY.

The project is located in an M-U Multi Use District.

The applicant seeks to erect a 125 ft cell tower on Massi Greenhouse property.

The project is located on Route 415, therefore NYSDOT is an Involved Agency. The project is located within a Special Flood Hazard Area and therefore requires a Flood Damage Prevention Permit.

Communication Towers are permitted in Industrial and Rural Districts. No Use Variance has been granted.

<u>Criteria:</u>	<u>Required:</u>	<u>Proposed:</u>
Setbacks		
East Side	125'	17.5'
West Side	125'	67.5'
Rear	125'	16.5'

THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE. A COMMUNICATION TOWER IS NOT AN ALLOWED USE IN A MULTI-USE DISTRICT. NO USE VARIANCE HAS BEEN GRANTED. PROPOSED SETBACKS DO NOT MEET REQUIREMENTS AS NOTED ABOVE. NO AREA VARIANCE HAS BEEN GRANTED.

MOTION BY: WAYNE KENNEDY
SECONDED BY: JOSEPH REILLY
DISPOSITION: 6 - 0

RESOLUTION TO ADJOURN THE MEETING AT 7:46 PM.

MOTION BY: JOSEPH REILLY
SECONDED BY: JOHN GARGANO
DISPOSITION: 6 - 0