

TOWN OF ERWIN PLANNING BOARD MEETING

MONDAY, NOVEMBER 7, 2016

7 P.M. ERWIN TOWN HALL

310 TOWN CENTER ROAD

Present: James McCarthy, Ted Metarko, Wayne Kennedy, Patricia Thiel, Doug Porter, Matt Maslyn

Absent: John Gargano, Brian Harpster, Joseph Reilly

Guests: Dave Erwin, Robert Drew, Jay McKendrick, Doug Cole, Jeff Harmon, Rick Snavelly, Mike Dean, Jason Tschantre, Woody Swan, Ann Collins, Richard Collins, Jared Vieselmeyer, Steve Trobe, David Cox, Tom Dobrydney, John Bloise, Alexandra Williams, Rita McCarthy, Barb Lucas

**VICE CHAIRMAN JAMES MCCARTHY 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 OCTOBER 3, 2016 MEETING**

**MOTION BY: WAYNE KENNEDY**

**SECONDED BY: PATRICIA THIEL**

**DISPOSITION: 4-0-2**

<p><b>1. SITE PLAN AMENDMENT APPLICATION FROM BEARTOWN ROAD ALLIANCE CHURCH TO ADD 6,973 SQ FT TO THE CHURCH AND 1,500 SQ FT TO THE PARKING LOT AT 21 BEARTOWN RD. WITH PUBLIC HEARING.</b></p>
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**POINTS TO CONSIDER:**

The applicant seeks to do a two phase expansion of the facility. Phase I for which they are seeking approval now is to connect the existing gym and church structures, construct an addition to the gym, and expand the gravel parking lot accessible from Mills Ave. Total additional building sf is 6,973, total additional parking is 1,500 sf. Phase II will be an expansion to the chapel and a second parking lot expansion. Both phases are depicted on the plans. An Area Variance will be required for lot coverage, and has been applied for at the October 25, 2016 Zoning Board meeting. The Applicant seeks final approval on Phase I.

On October 1, 2012, the Planning Board approved a site plan amendment for a new, 121' X 134' (16,214 sf ) parking lot with a new curb cut off Mills Ave.

The parking lot was never constructed.

A Town of Erwin Highway Work Permit will be required to widen the entrance on Beartown Road.

The property is located in an R-7.2 Residential District.

<b>Criteria:</b>	<b>Required:</b>	<b>Proposed:</b>
Parking	107 spaces	147
Setbacks		
Front	30'	30'
Side	10'	10'
Rear	25'	52.09'
Lot Coverage	33%	53.9% <b>VARIANCE GRANTED</b>

Elevation drawing and revised SEQR were provided. No additional lighting is anticipated.

The application was presented by Tom Dobrydney of Fagan Engineers, planner for the applicant. Jared Vieselmeyer from Elmira Structures, builder for the applicant, and Woody Swan, Chairman of the Building Committee representing Beartown Alliance Church were in attendance.

Planner Dobrydney noted that the site plan submitted encompasses the first phase of a two phase project. Phase I includes a 7000 sf addition to the northern end of the gymnasium and additional parking extending the existing southwest parking area to replace parking displaced by the addition. Phase II of the project includes expansion of the chapel, additional parking and widening the entrances on Beartown Road and Mills Avenue to facilitate better two-way ingress and egress. He added that a variance for lot coverage requested from the Zoning Board of Appeals had been granted. He also noted that a Storm Water Pollution Prevention Plan (SWPPP) had been designed which encompasses both phases of the project.

Member Patricia Thiel questioned if a barrier was planned to block sight of the dumpster from neighboring properties. Planner Dobrydney stated that no buffering was planned because the dumpster is a pre-existing condition.

Member Ted Metarko noted that he had inspected the location of the dumpster and found it was easily visible from neighboring properties. It was determined that buffering the view of the dumpster could be a required condition for approval of the site plan.

Regarding engineering concerns, Alexandria Williams of Hunt Engineering, engineer for the Town, noted that she had not received the revised SWPPP for review. Planner Dobrydney stated that the SWPPP was being printed and that all engineering concerns had been addressed.

Member Matt Maslyn expressed concern for how the storm water was to be processed.

Robert Drew, P.E., of Hunt Engineering, noted that the SWPPP includes an infiltration system with a pretreatment unit rather than unfiltered dry wells.

Town Manager Rita McCarthy noted that engineers for both the project and the Town have reviewed the plan and expressed that all concerns can be dealt with sufficiently and that approval of the site plan can be contingent on the Town engineer's approval.

Vice Chairman McCarthy read the following comments from Chairman John Gargano who was not able to attend the meeting:

"I looked at the area around the church site off Beartown and I would agree with some of the concerns of the neighbors. I think the site needs to have a tree buffer maintained and the

dumpster location needs to be shielded better. There is an opening in the current buffer and the Price's home is looking right through the opening at the dumpster. On the NW side, there is no buffer at all, and once the new building is up, the neighbors will be seeing that, which may be okay, but may want some type of plantings along that side also."

## **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

## **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: MATT MASLYN**

**SECONDED BY: DOUG PORTER**

**DISPOSITION: 6-0**

### **VICE CHAIRMAN McCARTHY OPENS THE PUBLIC HEARING AT 7:22 PM.**

Mike Dean, 10 Birch Circle, Painted Post, NY:

Mr. Dean asked to see drawings of the proposed site and structure and questioned if it would be a metal building.

Jared Vieselmeyer, of Elmira Structures, noted that the building would have vinyl siding.

Mr. Dean stated that he objects to the proposed location of the addition. He noted that previous construction of sheds and the gymnasium have been located such that the view from his property and therefore the value of his property has been degraded. He asked whether the addition could be relocated.

Woody Swan, Chairman of the Building Committee noted that several alternatives regarding the location of the addition had been considered. He added that one design

consideration was to centralize the areas for the children. In order to achieve that centralization with the addition attached to the church instead of the gymnasium, it would be necessary to modify the interior of church and it would be more difficult and expensive due to the flat roof.

Mr. Dean asked for the maximum proposed height of the building.

Planner Dobrydney responded that the proposed maximum is 19 feet. He also noted that the 19 feet is far less than the maximum of 35 feet allowed by code. The location proposed is also 52 feet from the property line where the code requires only 10 feet.

Mr. Dean restated that he is concerned with the view from his house and that he thinks the addition should be moved elsewhere on the property.

Planner Dobrydney stated that there are currently no plans to move the addition.

Mr. Dean also noted that the existing lighting in the parking area should be replaced with better quality directional lighting.

Planner Dobrydney noted that the site plan under review does not include any changes to the lighting however, the church is planning to replace the existing poles and fixtures at a later time. Mr. Swan, speaking for the building committee, noted that LED lights on 20' poles had been considered. The existing poles are 21' tall and the code does not list a maximum height in a residential neighborhood however, neighboring businesses have lighting at 18'. The church is researching an 18' maximum alternative.

Member Matt Maslyn noted that while the code does not specify a maximum height, the Planning Board can specify a maximum height as a contingency for approval.

Jason Tschantre, 8 Birch Circle, Painted Post, NY:

Mr. Tschantre noted that he was concerned with how the addition was to be used. The existing gymnasium creates a disturbance related to his property when games are played at night.

Mr. Swan noted that the addition will be used for Sunday school classrooms.

James and Rebecca Price, 10 Jay Allen Drive, Painted Post, NY: (Read into the record by  
Vice Chairman McCarthy)

Dear Mr. Chairman John Gargano and Town of Erwin Planning board

We wish to have our concerns regarding the building project at the Beartown Alliance Church in Gang Mills heard and addressed prior to the planning board's decisions. It is our understanding the board has approved a two part building permit to the property that is directly adjacent to our property on Jay Allen drive. We own the home at 10 Jay Allen Drive which sits on the right side of the street directly facing the opening through the cul-

de-sac to the church. Our concern with the project is that we DO NOT want the integrity of the cul-de-sac changed. We Do Not want to have any trees taken down or cut as a result of the upcoming building project at the church. In addition, we DO NOT want our street changed to become a thoroughfare for church traffic. We believe this would have a negative impact for the families on our street.

In addition, the trees that were cut previously, while we were at work, when no one was informed that the church intended to disturb our street in order to have the gymnasium they built, need to be replaced. We believe this would be a great opportunity for the church to restore the original integrity of our cul-de-sac by closing this back up with some type of landscaping, either trees or bushes of some kind. We think you would understand what our concerns are if you were to come to our home and stand on our front porch and see the view that we see each time we come out our front door. We see two large garbage hoppers and a break in what was once a beautiful tree lined street.

Another concern we have is that if the church builds another large building so close to its border the side that we will see will be where lawn refuse will be piled. This has happened in the past and we have worked hard to keep the areas under and around the trees and cul-de-sac clean and picked up. We would ask that the church would attend to that area as they would their front yard, remembering their back yard is our front yard.

We want you to know that we are not opposed to the project per se. We are opposed to changes that would take away from our property value and cul-de-sac neighborhood environment. Thank you for reading this letter at your next meeting and taking our concerns into account prior to authorizing the specifics of the upcoming building projects at Beartown Alliance Church.

Please let us know that you have heard our concerns and we thank you for helping us keep our neighborhood beautiful.

Best Regards,  
James Price and Rebecca Price

Mr. Swan noted that no trees were actually cut down. The church trimmed the lower branches on several trees to facilitate mowing and later added a fence to help screen the view when neighbors complained.

**VICE CHAIRMAN JAMES McCARTHY CLOSES THE PUBLIC HEARING AT 7:43 PM.**

Town Manager McCarthy noted that zoning laws require a buffer zone between different use type properties to screen dumpsters and mechanical equipment from view.

Member Patricia Thiel proposed that several contingencies should be required for approval of the site plan presented including:

1. Provision of a complete lighting plan limiting the height of the poles and including cut sheets and photometric analysis.
2. A sight buffer is necessary to protect neighboring yards.
3. A sight buffer is necessary to screen dumpsters.

Member Matt Maslyn added that the buffer zone should extend the entire length of the borders including the gap on Jay Allen drive.

Member Patricia Thiel noted that if access is required by the fire department through the existing gap, the dumpsters should be screened.

**AFTER HEARING COMMENTS FROM THE PUBLIC, THE PLANNING BOARD APPROVES THE FINAL SITE PLAN AMENDMENT WITH THE FOLLOWING CONTINGENCIES:**

1. Engineering sign-off.
2. Maximum light pole height of 18' and photometric analysis of light plan demonstrating properly shielded lights.
3. Dumpsters must be screened.
4. Fire Chief sign-off.
5. Buffering consistent with non-compatible use properties along the entire west boundary, parking lot and building addition.
6. Buffering of the existing gap along Jay Allen Drive if Fire Chief approves.

**MOTION BY: DOUG PORTER**

**SECONDED BY: PATRICIA THIEL**

**DISPOSITION:6-0**

<p><b>2. APPLICATION FOR A TWO LOT SUBDIVISION/RESUBDIVISION FROM H. EDWARD SWAN AND DONALD BOWMAN TO TAKE 88.428 ACRES OFF THE LOT AT 24 TROY RD AND COMBINE IT WITH THE LOT AT 8535 TROY RD. WITH PUBLIC HEARING</b></p>
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The applicant Swan seeks to subdivide 88.428 acres off their land and give it to the adjoining owner/applicant Bowman to be combined with Bowman's parcel.

**POINTS TO CONSIDER:**

The project is located in an RD Rural District.

The Swan lot is 187.13 acres. The 88.428 acres will not alter lot size, setbacks, lot coverage, or width at building line in regard to zoning requirements.

SEQR needs to be revised to reflect Bowman combination of acreage into his lot

The application was presented by John Bloise, Esq., attorney for the applicants. Attorney Bloise explained that applicant Swan would like to subdivide his 180+ acres parcel and sell 88.428 acres to Donald and Kathy Bowman. The Bowmans would like to purchase the 88.428 acres and combine it with an adjoining parcel that they already own.

After reviewing the maps presented to the Board, member Matt Maslyn questioned whether the documentation adequately represented and defined the combined lot created by the resubdivision. He noted concern that without a survey map clearly showing the combined lot, there could be confusion in the future regarding what was approved by the Board, and that there was the possibility of allowing the creation of a

flagged or illegal lot. He noted that he would not be willing to approve the application without a survey of the combined lot.

Attorney Bloise noted that the information provided to the Board accurately shows the transfer of parcels. A survey of the combined lot is premature when the parcels have not yet transferred and have different owners. The combining of the parcels can be done later if necessary.

Town Manager Rita McCarthy stated that combining the parcels as a part of the subdivision is recommended and eliminates the possibility of a flagged or illegal lot. She noted that the following statement was printed on the signed stamped map that was presented: "This new parcel will be merged with the adjoining lands of Donald J. and Katy E. Bowman, ..." It was also noted that the Town has approved similar subdivision/resubdivision applications in the past without requiring a survey delineating the combined lot due to the expense of surveying a large 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 |
| 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: WAYNE KENNEDY**

**SECONDED BY: TED METARKO**

**DISPOSITION: 5-1**

**VICE CHAIRMAN JAMES MCCARTHY OPENS THE PUBLIC HEARING AT 8:05 PM.**

**VICE CHAIRMAN JAMES MCCARTHY CLOSES THE PUBLIC HEARING AT 8:06 PM.**

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

**MOTION BY: DOUG PORTER**

**SECONDED BY: TED METARKO**

**DISPOSITION: 5-1**

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

### **3. CONCEPT PLAN FROM FAMILY LIFE FOR A PERFORMING ARTS THEATER AT 300 TOWN CENTER ROAD.**

Applicant seeks to construct a 2,000 seat performance arts center, additional 765± parking spaces and 32 bus parking spaces, and to reuse the existing, former Harley Davidson building for corporate offices, radio studios, rehearsal rooms.

#### **POINTS TO CONSIDER:**

The project is located in a T-C Town Center District Zone.

Items to be considered in the Concept Plan:

- A subdivision/resubdivision is required to add a portion of the Rossettie lot to the Harley lot
- Consider making the open space between Harley existing parking and the Town Hall a separate, developable lot
- The new building must be 2 functional stories.
- Will the barrier, i.e. fence/berm/landscaping be extended from behind the Harley building to extend behind new building
- There needs to be buffering (in addition to the requisite parking lot landscaping) between the new parking lot and the residential development to the south.
- Parking lot requires interior landscaping
- Parking discussion
  - Is there a way to make the “overflow” parking a joint facility so that another development can be built adjacent.
  - If only parking can go in the Flood Protection Easement, move the overflow parking west and put development in between that shares that parking.
  - Parking garage
  -
- Can parking be handled in a way that would free up the north 43 space lot to be a separate development lot.
- Can the intersection of the entrance to the new parking and Town Center Road and extension of Town Center Road be redesigned so that the intersection is a straight “T” and Town Center Road goes straight
- SEQR issues
  - C.4.b. add County sheriff
  - C.4.c. add Rural Metro
  - C.4.d. remove Corning Inc
  - D.2.b. wetland should be listed – there is an impact on wetland to extend Town Center Rd
  - E.1.a. should wetland be noted under “Other”
- The concept plan contemplates use of adjacent land. A letter of agency is needed from that landowner, Chip Klugo
- An area variance will be required for the building size of the new performing arts center



The concept plan was presented by the applicant, Rick Snavely, President and CEO of Family Life Ministries, and David Cox and Steve Trobe of Passero Associates, engineers for the applicant.

Engineer Cox provided copies of a revised concept plan and easements and noted that Family Life has made progress in many areas however, the primary purpose of appearing before the Planning Board at this time is to start the SEQR process in motion. A complete survey and a Phase I archaeological study are in process. The extension of Town Center Road to Chatfield Place will cross wetlands however, no buildings or parking areas are in the buffer zone.

Engineer Cox gave a brief description of the entire project. The existing building, previously used by Harley Davidson, will be rehabilitated and become Family Life Headquarters with office space and a Radio Station. A 2000 seat performing arts theater will be constructed adjacent to, and connected to, the existing building. The theater would be used for dinner theater, concerts and speaking events. Several adjacent parcels will be subdivided and portions joined to the existing parcel. The additional land will be used to provide sufficient parking for the theater. Town Center Road will be extended to Chatfield Place and an existing gravel road joining Town Center Road and Robert Dann Drive will be upgraded by Family Life and later dedicated to the Town of Erwin.

It was noted by Town Manager Rita McCarthy that the existing gravel road from Town Center Road to Robert Dann Drive is on private property and Family Life Ministries provided a letter of agency from the owner giving Family Life permission to address the Planning Board regarding the proposed use.

Planning Board member Patricia Thiel asked if the existing buffer zone, including a berm, fence and landscaping, between the existing building and adjacent residential properties will be extended to buffer the proposed parking area.

Engineer Cox noted that the buffer will be extended along the proposed parking and end at the area designated as wetland.

Member Matt Maslyn questioned the 60' height of the theater building. It was noted that 60' is the typical height for similar theater structures where stage sets and scenery are lifted vertically off the stage area. The 60' height could be reduced by design changes such as using motorized lifts as opposed to counterweights in the design of rigging.

Member Patricia Thiel noted concern that the size of the proposed operations by Family Life would put pressure on Town services. Due to the tax-exempt status of the operation she questioned whether Family Life will be making any Payments in Lieu of Taxes.

Engineer Cox responded that Family Life will be building roads at their own expense and dedicating those roads to the Town. In addition, the types of events proposed for the theater typically bring business from outside the area with people spending money on hotels, restaurants and other businesses.

Mr. Snavely, President of Family Life, quoting statistics regarding a similar performing arts theater in Lancaster, PA, noted that for every \$1 in ticket sales, \$4 is spent in the community. Based on estimated ticket sales for Family Life events, the expected spending in the Town would be between 2.6 and 3.2 million dollars annually.

Town Manager McCarthy noted that the proposed plan includes future development parcels along Town Center Road, which supports the Town of Erwin's Comprehensive Plan.

Regarding possible noise generated at the types of events proposed, conversation turned to focus on noise control. Mr. Snavelly noted that noise control is important to Family Life in acting as a good neighbor as well as important to their own operations of a radio station.

Relating to the radio station operation, Mr. Snavelly noted that microwave dishes would probably be placed on the roof. The dishes would be screened from sight along with all other equipment on the roof.

It was stated that excellent sound proofing is possible when taking it into consideration in the design of a building. The building will be designed based on the maximum noise level anticipated. The basic approach is to build a building within a building.

The topic of truck deliveries was brought up. Family Life responded that deliveries such as food and performing artist equipment would be at the rear of the existing building with trucks entering from S. Hamilton Street along the route previously used when a grocery store occupied the building. Deliveries would be during the daytime.

Town Manager McCarthy noted that the existing buffer zone was designed to attenuate noise from trucks during deliveries and that trucks are not allowed to idle for more than 5 minutes by law in New York State.

Mr. Snavelly noted that Family Life has invited neighbors from the adjacent residential area to question and answer meeting in an effort to be a good neighbor.

**THE PLANNING BOARD CLASSIFIES THIS AS A TYPE I ACTION SINCE IT INVOLVES A NON-RESIDENTIAL DEVELOPMENT OF MORE THAN 10 ACRES, AND DECLARES ITS INTENT TO BECOME LEAD AGENCY.**

**MOTION BY: WAYNE KENNEDY**

**SECONDED BY: MATT MASLYN**

**DISPOSITION: 6-0**

**THE PLANNING BOARD DECLARES THE APPLICATION TO BE INCOMPLETE.**

**RESOLUTION TO ADJOURN THE MEETING AT 8:49 PM.**

**MOTION BY: DOUG PORTER**

**SECONDED BY: PATRICIA THIEL**

**DISPOSITION: 6-0**