

**Town of Wawayanda PLANNING BOARD**  
**June 24, 2015 / 7:30 P.M.**

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Members Present:                   **Barbara Parsons, Chairperson**

Ben Dombal  
James Driscoll  
Daniel Long  
Mary Markiewicz  
John Neiger  
Richard Onorati, II  
Kenneth Kyle

Consultants Present:  
David Bavoso, Attorney  
Patrick Hines, MHE Principal

Recording Secretary:  
Patricia Battiato

The June 24, 2015 Town of Wawayanda Planning Board meeting was called to order by Chairperson Barbara Parsons at 7:39 p.m. Chairperson Parsons apologized to all those that were in attendance and on time for the scheduled Public Hearing as we were delayed by Justice Shawn O'Connor doing arraignments at the Dias.

**I. PUBLIC HEARING**

**JAVELIN MINING / SBL# 11-1-34.34 & 15-1-63.21 / MC 1- Mixed Commercial Zone**

The Certified Return Receipts were collected and recorded (dropped off earlier in the day). The Public Hearing Notice was read as it appeared in the Times Herald Record.

**Motion by Daniel Long, seconded by John Neiger to open the Public Hearing.**

**All voting members voted yes.**

**MOTION CARRIED**

Mr. James Ullrich approached the board and stated his name for the record. Mr. Ullrich gave a brief presentation for the audience.

Chairperson Parson asked if anyone had any comments.

Neighbors to the property were in the audience and had numerous concerns.

**Mr. John Carlucci** had the following concerns:

- Worry about traffic
- 20/40 trucks a day
- Slow moving vehicles trying to get loaded up and out of there.

Mr. Ullrich talked about the traffic study that was done.

**Ms. Mary Roth** – tenant of Mr. Carlucci's had the following concerns:

- Dust and dirt in the driveways
- Four buses every day between 6:20 – 8:15 and 2:20 and 4:20. I would request no trucks between these bus times.
- Looking to move because of this, my kids have allergies, asthma.
- People cut from Co. Rt. 49 thru McBride to Rte. 6 – a lot of traffic
- I do not open my windows because of the dust
- There should be no activity prior to seven a.m.

**Mr. Dario Diaz** had the following concerns:

- Put trees in the front of our property to shield us.
- This will create traffic and a mess here.
- Slow progression on Route 6
- Why not exit on Hoops Road
- Diagnosed with ALS a few years back, the next area this disease will affect is my breathing.
- This meeting was just held to appease us, I don't think that we have political knowledge and power to over throw this decision when we are dealing with the board. The DEC letter said they conducted a noise and erosion studies, said the noise levels were normal and the dust levels were normal, but they don't live on McBride Road.
- Will alleviate all my fears if they use Hoops Road instead of McBride.
- Moving of driveway 20 feet over
- You made a comment about the railroad having some kind of political power and you can't appeal their decision, I am encouraging you to do so.
- Donate trees to the families here to help shield this.

**Ms. Jody Jones** – Corner of McBride and Rte. 6 had the following concerns:

- I don't know why they need a secondary entrance.
- My question goes back to, "this is just a secondary entrance and we really won't see the traffic of 21 truckloads in and 21 truckloads out".
- So many accidents in front of my house (live on the corner of McBride and Rte. 6) with these trucks pulling out, you are asking for an accident to happen. People get rear ended there all the time. If you have a primary entrance, I don't see why you really need a secondary entrance.
- Every turn they are going west they will come out of that entrance. We have to be careful of people who live there / 21 in 21 out. It is not a failsafe entrance; it is going to be used on an everyday basis.

**Alan Stevens** had the following comment:

- It was a residential area that got turned into a commercial area. Respect should be given to the existing residential area and make this as a main entrance. According to your traffic study on 2011, you now have added businesses, like Zito, Boyce, trucks in and out – there is a lot of traffic.

**Madeline Shaw** had the following comment:

- So this is going to be a mine that takes dirt out?
- This man has lived here many years; it's like the endangered species, this gentlemen he has the right to good health. Anything else that you can do to accommodate that, I think the people have to come first not businesses

There were no more comments or concerns.

**Motion by Mary Markiewicz, seconded by Daniel Long to close the Public Hearing.**

**All voting members voted yes.**

**Motion-Carried**

The board heard the residents' concerns, and the board and James Ullrich from Alpine answered questions that they could with regards to being in compliance with the traffic study, dust issues, landscaping, railroad crossing, site distance and talked about bus schedules.

Also discussed that on the DEC mining permit and that town does not have rights to the private crossing on hoops road, the town has no rights to that crossing based on a legal court decision. That was declared an abandoned road and the town has no rights to it.

MHE Engineering comments discussed as follows:

1. The Applicant has responded to our previous comments regarding the subject project. A detailed project narrative has been submitted as well as comments from the Highway Superintendent.
2. The Applicant has proposed a sign stating no right turns from the proposed new access drive, except for local deliveries. A gate will be provided at the McBride Road entrance which will be closed at the end of the NYSDEC permitted hours of operation.
3. Conditions of the NYSDEC permit have been incorporated into a proposed Resolution which can be adopted by the Planning Board.
4. Signs prohibiting the use of engine/jake brakes in the access road area will be erected by the Applicant.
5. Berms and landscaping, in accordance with the NYSDEC mining plan, have been incorporated into the design of the McBride Road entrance.
6. The paved apron has been extended into the site as well as a larger stone tracking pad. A condition of the Towns and DEC permits is that no material be tracked onto public highways.

Board member Daniel Long asked additional questions about the bus schedule, trees and the landscaping. The applicant has to look into these areas and get back to us.

## **II. INFORMAL**

**Shapiro / SBL# 11-1-34.31, 34.32 and 34.33 / Hoops Road/ 1<sup>st</sup> Contractor Yard**

James Ullrich representing Mr. Shapiro explained that these three parcels were previously approved as a contractor yard about ten years ago when the prior owner Mr. DePaulis owned the property. That approval has lapsed and Mr. Shapiro wants to restore it, he wants to lease it out as a contractor yard. The second area is 11-1-41 which is in the area behind his silage pits, down in the hole behind the barns. (see the following informal application on SBL# 12-1-41) and wants to lease this out as a contractors yard as well. This is strictly for parking of vehicle equipment and storing Building materials.

MHE Engineering comments discussed as follows:

1. Project fronts along NYS Route 6, coordination with NYSDOT is required.
2. Cumulative traffic counts from this site as well as the other proposed site should be provided identifying traffic at the intersection of NYS Route 6 and Hoops Road.
3. Environmental Assessment Form provided does not identify any proposed disturbance on the project site.
4. Site access and area proposed to be used as a contractor yard should be clearly defined on the plans. Site development details consistent with site plan checklist must be provided.
5. Limits of disturbance on the site should be clearly identified if greater than one acre of disturbance is proposed. A Storm Water Pollution Prevention Plan, in compliance with NYSDEC and Town of Wawayanda requirements, must be provided.
6. Based on future submissions, if proposed uses span lot lines, legal agreements acceptable to the Planning Board Attorney must be provided that the sites are going to be utilized as a unified site plan. Setback requirements may not be able to be met on the various lots.
7. Temporary approval is not permitted based on Town zoning. The Applicant may self-impose the temporary use; however, the Planning Board has no jurisdiction to approve temporary facilities.

**Shapiro** / SBL# 11-1-41 / Route 6 / Site Plan / MC-1 Mixed Commercial Zone/ 2<sup>nd</sup>  
Contractor Yard Proposal

1. Plans consistent with requirements of the site plan checklist must be prepared. Site development details including access drives, grading, soil erosion and sediment control and landscaping are required.
2. It is noted the Town of Wawayanda does not have a temporary approval for projects. Projects can be halted by the Applicant at will, however, once approved projects are approved in perpetuity in compliance with Town zoning requirements.
3. The site is accessed by the state highway along property frontage with existing roadways. Notes restricting that access should be identified on the plans if NYSDOT jurisdictional access points are not to be utilized.

4. If more than one acre of land is disturbed, a Storm Water Pollution Prevention Plan must be provided in compliance with Town of Wawayanda and NYSDEC regulations.
5. A narrative report identifying the number and type of equipment to be utilized at the site should be provided.
6. Processing or manufacturing equipment is not permitted on the contractor yard use.
7. Applicant is requested to address dust control, noise, hours of operation and number of trips entering and leaving the site per day.
8. Project acreage for the proposed action on the Short Environmental Assessment Form is identified as 1.7 acres, with zero acres of disturbance. This appears inconsistent with the schematic plans provided.

### **III. REGULAR BUSINESS**

#### **Spiak / SBL# 1-1-68.32 / 2 Lot Subdivision / SR-Suburban Residential Zone / McManus Road**

On for Public Hearing on July 8, 2015

MHE Engineering Comments reviewed as follows:

1. Deep and percolation testing has recently been witnessed by representatives of this office. Soils acceptable for conventional Subsurface Sanitary Sewer Disposal System have been identified. Design of the Subsurface Sanitary Sewer Disposal System must be provided.
2. Highway Superintendent's approval for driveway location must be received.
3. A note identifying compliance with Section 195-16B must be added to the plans.
4. The application currently has sufficient information to schedule a Public Hearing based on these comments being addressed in the next submission.

#### **Equity Homes / SBL# - 12-1-46.23 /2-Lot subdivision / AR-Agricultural Residential Zone / Co. Rt. 12**

On for Public Hearing for July 8, 2015

1. Approval from the Orange County Department of Public Works for driveway access is required.
2. Conservation easement acceptable to Planning Board Attorney should be submitted for approval.
3. Comments dated from the 10 June 2015 meeting continue to be outstanding. Project requires a Public Hearing.

**IV. OTHER BUSINESS**

Approval of Minutes for March 11, 2015

**Motion by James Driscoll, seconded by Daniel Long to approve the minutes form March 11, 2015 as submitted.**

**All in Favor**

**Motion – Carried**

**Motion by James Driscoll, seconded by Ben Dombal to adjourn the meeting.**

**All in Favor**

**Motion – Carried**

The June 24, 2015 Town of Wawayanda Planning Board Meeting was adjourned at 8:22 P.M.

Respectfully Submitted,

Patricia Battiato  
Secretary to Planning