

**Town of Wawayanda PLANNING BOARD
October 14, 2015 / 7:30 P.M.**

Members Present: **Barbara Parsons, Chairperson**
Ben Dombal
James Driscoll
Daniel Long
Mary Markiewicz
John Neiger
Richard Onorati II

Members Absent:
Kenneth Kyle

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

Recording Secretary:
Patricia Battiato

The October 14, 2015 Town of Wawayanda Planning Board meeting was called to order by Chairperson Barbara Parsons at 7:30 P.M. with the Pledge to the Flag. Due to an illness, Chairperson Parsons was going to go out of meeting order and take "After the Barn" first.

After the Barn / SBL# 17-1-44 / AP-Agricultural Preservation Zone / Site Plan

Mr. Robert Staab approached the board and gave a quick overview of the proposal, saying that he seeks to operate a woodworking business where he removes old barns and uses wood to build furniture. Mr. Staab explained that he had been to the ZBA and was granted a USE variance.

MHE Patrick Hines explained that there will be no physical changes to the site; it's a change of use only, a small woodworking site. A Type II action, therefore no SEQR review is required.

A brief discussion on waiving the public hearing and the following motion was made.

Motion by Daniel Long, seconded by John Neiger to waive the Public Hearing as set forth in Article 7 of the Towns Zoning Law on the basis that there are not going to be any changes to the site plan, any significant impacts to the site and that the board does not anticipate any public controversy, and the submittal of requirements for a site plan.

All voting members voted yes

Motion Carried

The board discussed referring this application directly to the Building Department as the only change to the site is the use.

Motion by Mary Markiewicz, seconded by John Neiger to refer this applicant directly to the Building Department.

All voting members voted yes

I. PUBLIC HEARING

Schaeffer / SBL# 20-3-6.2 / TC-Town Commercial Zone / Rte. 6 / Site Plan

The Certified Return Receipts were collected and recorded. 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

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Mr. John Fuller gave a brief overview of the project and that they have received the variances that were requested from the Zoning Board of Appeals.

Chairperson Parsons asked for any questions or comments from the audience.

Jena Elston had the following comments:

- Ms. Jena Elston asked what the variances were.

Chairperson Parsons explained the variances granted from the ZBA as follows:

- For an AREA Variances of 195-51 B for less than the required lot width and road frontage for Automotive Service Stations and Auto Body Shop
- For an AREA variance of 195-51 J for a 25 foot landscape side yard buffer
- For an AREA Variance of 195 Schedule of Zoning District Regulations for less than one acre lot area
- For an AREA variance for less than the minimum lot width,
- For an AREA variance for less than the 55 foot front yard setback
- For an AREA variance for less than the 15 foot side yard setback
- For an AREA variance for both side yards of 35 feet.

Ms. Elston's concern is that it is another auto repair place;

- What about the contaminants?
- What happens to the oil?

Patricia Skinner had the following comments:

- Last year we had a lot of snow, where is the snow going to go?

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- What are the plans for the snow removal
- Questions regarding the easements that they all have
- Easement needs to be kept clear, possibly some type of no parking sign.
- The easement that we all use, it needs to be kept clear. I am concerned about people coming in and out of Schaeffer's Automotive and just parking there. You cannot pass a car in the easement. I need to get in the back, perhaps a "no parking" sign.
- Assess ability to Rte. 6; it is a very difficult intersection of not getting out, I'm concerned, I need to see both sides of Rte. 6. Coming in and out is difficult. He has cars there, can they be put in a way so we can see.
- Also, if Zito sells, my fear is that there will be no control over the easement that we all share.

Alan Stevens had the following comments:

- If the property changes ownership, what happens to the variances

David Cole had the following comments:

- Are you proposing any additional lighting, and if you are, can it be pointed downward and not on my daughter in laws house.

Mr. Schaeffer explained that the way he is going to run his operation is this; that no one is going to go down that easement, none of my customers on their own. They are going to pull up to the front of the building by the garage, enter into the garage and leave their car there. Then I'm in charge of the car which I plan on leaving in the building until they pick it up at the end of the day.

With regards to Mrs. Skinner's assess ability to Rte. 6 question, Mr. Schaeffer responded that if you back up the cars up to the back of the building you will have plenty of room.

Motion by Daniel Long, seconded by Ben Dombal to close the Public Hearing.

All voting members voted yes

MOTION CARRIED

MHE Engineering comments discussed as follows:

1. The Applicant's Representative has identified that the vehicle sales parking space will be repaved within one year of obtaining site plan approval. The undersigned does not recall this being discussed with the Planning Board. The small amount of paving should be complete as part of site plan approval and will be dependent upon NYSDOT's review of that access point.
2. The Planning Boards attention is called to the fact that landscape planter boxes are proposed to landscaping.
3. Rear parking spaces are identified as grass. The Applicant's Representative stated parking lines will be painted on the grass. Extended parking will result in the grass dying in these areas. We would recommend the rear parking area receive a dust free gravel surface and take no exception to the lines not being painted and vehicles parked in an orderly fashion based on employees parking of the vehicles in this area. Applicants narrative identified all vehicles will enter through the front overhead door and exit via employees parking them.

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4. NYSDOT approval for the access to the site is required.
5. Orange County Planning comments must be received.
6. Easements for water and sewer serving the site should be submitted to David Bavoso's office for review.

The Planning Board is still waiting on OC Planning and the NYSDOT
If received, put on the October 28, 2015 meeting agenda.

**EBS Associates-Shapiro / SBL# 11-1-41 / Hoops Road / MC-1 Mixed
Commercial Zone / Contractor Yard – Continuation of Public Hearing
AND**

**EBS Associates-Shapiro / SBL# 11-1-34.31, 34.32 & 34.33 / MC-1 Mixed
Commercial and TC-Town Commercial Zones / Hoops Road/
Continuation of Public Hearing**

IT IS NOTED FOR THE RECORD THAT BOTH THE HOOPS ROAD
CONTRACTOR YARD AND THE RTE. 6 CONTRACTOR YARDS WERE
BEING REVIEWED TOGETHER PER THE LAST MEETING OF
September 23, 2015

Chairperson Barbara Parsons asked for any questions from the public.

Jena Elston

- Had numerous questions with regards to the traffic study and time frames of the traffic study.
- Would like another traffic study done
- There is a lot more traffic than what there appears to be
- There's no trust here
- Absolutely needs a new traffic study, there is a lot more traffic here with the other sites (Boyce, etc.)

- Comments about her calling the DEC and they said it's with you people, and you are saying it's them.

Chairperson Parsons read from an email provided by James Ullrich explaining that he received the NYSDOT counts on Route 6. Average Annual Daily Traffic (AADT) actually declined by 6.7 % between 2006, when the Javelin mine study was done, and 2013, the date of the last count. This is a decrease of 231 vehicles per day. A lengthy discussion took place.

Board Member Daniel Long expressed his concern as to the traffic and thought another study should be done. Board member James Driscoll agreed.

Alan Stevens

- * At the last meeting we did not know what this was for and now I am hearing it was figured in as a contractor yard, I'm not sure how it could have been figure in to the traffic study.
- * Pile of dirt we spoke about last time, it is getting bigger.
- Any trailers on site?

Joan Schisterman:

- Asked about the turbines (CPV) and their traffic study.
- Would like an updated Traffic Study done
- Will there be any hazardous materials stored there, and if so, who monitors them. Make a note on the map, "no hazardous materials".

Engineering comments discussed for SBL# 11-1-41 were as follows:

1. Plans should be updated to clearly show previous approved contractor yard on the site. Each of the sites should be depicted in full including all previous approved conditions and notes.

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2. Stormwater Pollution Prevention Plan must be submitted.
3. Details should be included on the plan including how a dust free surface is going to be developed on the contractor yard site.
4. Traffic generation notes have been added to the plans continuing to limit the amount of vehicles to 100 vehicle trips per day. This requirement would be for both the original approval and the expansion limiting total cumulative vehicle trips to 100 per day with 20 vehicle trips limited in the AM and PM hours.
5. The Applicant's representative is requested to confirm that the long form EAF submitted was prepared off the NYSDEC's interactive website such that data in the NYSDEC's file is applied to the long form EAF
6. County Planning referral is required. SWPPP should be part of the County Planning referral.
7. Method of defining approved area should be identified on the plans. Metes and bounds, permanent fencing etc. should be discussed with the Applicant's representative. Previous approval was defined by State Highway corridor and power line right of ways as well as existing structures.

Engineering comments discussed for SBL# 11-1-34.31, 34.32 & 34.33 were as follows:

1. The Applicant's Representative have provided a narrative report regarding traffic studies prepared for the CPV and mine site along Route 6. The traffic analysis evaluation identifies that truck traffic as well as workers entering and exiting the CPV site are well below the traffic impacts identified in the Environmental Impact Studies. A background growth rate of 2% has been added to each of the quarry and CPV traffic studies. These growth rates have not been realized based on economic conditions since each of those reports had been prepared. The undersigned has traversed the Route 6 corridor on numerous occasions since the previous Planning Board meeting and did not identify any significant traffic related issues regarding the operation of the quarry and CPV site. It is noted that single lane construction traffic is occurring along Route 6 near 17M progressing

2. towards the CPV site. This single lane has not resulted in significant traffic delays
3. The CPV facility has imported approximately 70,000 cubic yards of fill to the project site to date. This represents approximately 1/3 of the fill material which is required to be placed on the site. In addition, approximately 28 employees were working on the CPV site during afield review on this date.
4. The Applicant's Representative identifies a maximum of 100 trips per day of each of the two contractor yards or 200 total trips. This equates to 25 vehicle trips per hour or roughly one vehicle every two minutes.
5. The Applicants have revised the plans for the Hoops Road site (multiple parcels) to identify one way traffic flow consistent with Orange County Planning recommendation. Long form Environmental Assessment Forms have been provided per this office request for use and evaluated potential environmental impact.

I. INFORMAL

Loyas / SBL# 12-1-46.1 & 46.12 / Lot Line Change / Co. Rt. 12

James Dillon Land Surveyor representing his clients approached the board and gave a brief overview.

MHE Engineering comments discussed as follows:

1. Project proposes a .921± acre land swap between adjoining parcels. All lots resulting after the land swap meet zoning bulk table requirements for the AR Zone.
2. County Planning referral is required as project is located on county highway.
3. Referral from County Highway Department should be undertaken per recent conversations with them.

4. Project requires a Public Hearing which should be scheduled at this time.

Motion by James Driscoll, seconded by Daniel Long for the board to act as Lead Agency.

All voting members voted yes

MOTION CARRIED

Motion by Daniel Long, seconded by John Neiger to set a Public Hearing for November 18, 2015

All voting members voted yes

MOTION CARRIED

Enterprise Rent a Car / SBL# 7-2-1 / Amended Site Plan / MC-2 Mixed Commercial Zone / Bates Gates Road

1. The Applicant is proposing a carport structure on the subject site. This office previously recommended the Applicant be referred to the Building Department, rather the Planning Board. However, updated plans submitted to the Building Department identified walls and a carwash water recovery system. It appears now the Applicant is continuing to propose a car wash bay with 3 sides. The water recovery system will be utilized seasonally as no heat is proposed in the structure. The structure does not appear to rely on conventional footings and could be considered a temporary structure. Based on the above, we ask the Applicant to clarify the size and construction of the structure as well as the seasonal nature of the use to allow the Planning Board to determine the level of review required.

Motion by James Driscoll, seconded by Ben Dombal that once the applicant submits additional information that information will be reviewed by MHE Consultant Patrick Hines, and Mr. Hines will let us know when we can send them back to the building department.

All voting members voted yes

MOTION CARRIED

II. REGULAR BUSINESS

Bacarella / SBL# 5-2-5 / Rte. 6 / Site Plan / TC-Town Commercial Zone

1. The Applicant's Representative has addressed this office's previous comments for the project.
2. Orange County Planning review is the only outstanding item.

A representative from Lanc & Tully gave a brief overview of where they are in the process. The board and applicant discussed the lighting comment from O.C. Planning, NYS DOT and Robert Hansen.

Motion by Mary Markiewicz, seconded by James Driscoll for a Negative Declaration under SEQR

All voting members voted yes

MOTION CARRIED

Motion by John Neiger, seconded by Mary Markiewicz for Conditional Final Approval

All voting members voted yes

MOTION CARRIED

Conditions being:

1. Payment of any outstanding review fees
2. Sign off from the Landscape Architect

**Miedema / SBL# 19-1-88 / Rte. 284 / TC-Town Commercial Zone /
Amended Site Plan**

1. The Applicant's Representative has stated that a proposed requirement of two spaces per 100 square feet be utilized for the Auction House. Utilizing the Applicant's Representative suggested
2. two spaces per 100 square feet, the site is deficient by 18 parking spaces. The Applicant's Representative identifies 70 spaces required, while 52 are provided. This will result in the overflow parking area being utilized very frequently based on the parking deficiencies. It is requested that a note be placed on the map stating that no parking within the state highway right of way is permitted. David Bavoso's comments regarding the need for a variance for parking should be received.
- 2 Comments from NYSDOT and County Planning are outstanding and should be received.
- 3 The Planning Board should discuss the Applicants response that he wishes the parking lot to remain in a gravel condition. Planning Board previously allowed gravel condition for the re-use of the existing structure.
- 4 Note 8 on Sheet S-3 should be eliminated. Handicap parking spaces are required by code to be paved.
- 5 One bedroom apartment requires two parking spaces which should be modified in the parking calculations.

Plans should be submitted to Town's Landscape Architect for review.

Discussed with the applicant's representative Mr. John Fuller the clarification needed with regards to the storage and display of auctions items. Mr. Fuller said that he would clarify that on the maps as to which section is which. Other items discussed was; what is going to be done with

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the parking lot, having adequate parking and that some black top would be needed where the main parking is and was there food on site, and to send this to Robert Hansen Landscape architect for his review.

Motion by Richard Onorati II, seconded by John Neiger to close the meeting

All voting members voted yes

MOTION CARRIED

The October 14, 2015 Town of Wawayanda Planning Board meeting was adjourned at 9:13 P.M.

Respectfully Submitted,

Patricia Battiato
Secretary to Planning