

Town of Wawayanda PLANNING BOARD
March 8, 2017 / 7:30 P.M.

Members Present: **Barbara Parsons, Chairperson**
Ben Dombal
James Driscoll
Kenneth Kyle
Daniel Long
John Neiger
Richard Onorati, Deputy Chairman

Consultant(s) Present:
David Bavoso, Attorney
Patrick Hines, MHE Principal

Recording Secretary:
Patricia Battiato

The March 8, 2017 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.

INFORMAL

HUA – JUN / SBL# 4-1-61.21 & 61.22 / Uhlig Road / SR-Suburban Residential Zone / Agricultural Use / SR-Suburban Residential Zone

Chairperson Barbara Parsons asked the applicants to approach the board. Chairperson Parsons explained that she knows that they want to make a farm, but what exactly do you want to do on the farm; you say chicken, eggs and some vegetables, maybe fish in a pond. Well you can be a farm, you have enough acreage. You are NOT in the Ag District. I did some research and there is a possibility if you want to, you can call Cornell Extensions Services (845-344-1234) and ask to get the land into the Ag District. What they would do, I do not know but that is a possibility for you to do that. You also say you want to build a barn of some kind, but not right away.

Catherine Cole here with the applicants explained that she is not an interpreter and she does not speak Chinese, I am just helping them. They are not prepared to build a barn right now, but would like to start planning it.

MHE Patrick Hines said that as an Ag use they don't need Planning Board approval.

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Chairperson Parsons continued, that it's an accessory to our zoning Chapter 195-45 5 - "Barns and structures for the housing of livestock on lots smaller than seven acres shall be set back the minimum distance required for accessory structures. Poultry, rabbits and other animals of similar size shall be housed in structures that shall be set back the minimum distance required for accessory structures. State right-to-farm provisions shall apply in all other instances." Chairman Parsons continued that because she has more than 7 acres it's what she has to follow.

Attorney David Bavoso said generally speaking NYS tends to relax some provision and requirements. Ultimately if they want to build a barn or something like this they go to the building department. They will have to follow the correct setbacks required by the code. They would not have to come to this board.

Catherine Cole said, "Just the Building Department"?

Patrick Hines explained that if it's an Agricultural Barn its even exempt from the Building Department.

Catherine Cole asked, what about the water to the barn?

Patrick Hines said that he thought they did not even need to be here for what they are doing.

Chairperson Parsons explained that what we are trying to do here is give you a little advice that is why I did some research for you.

Planning Board Secretary said that the Building Department did send them to us.

Attorney Bavoso said that he was not sure why they sent them here. The issue as I've been presented here is that they wanted to consolidate the lots, but the problem is that they are in two different school districts. As far as that goes, we cannot do anything about that. They have to go to the school district themselves; there is nothing that this board can do in that respect.

Patrick Hines said that they can combine the lots and leave it in the two different school districts.

Catherine Cole asked how they do that.

Patrick Hines said that combining the lots is different than moving the school district line that would probably take an act of congress.

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Catherine Cole said that the problem is and I don't even know if it's a problem the 6.9 and 3.1; their house is on the 6.9 part.

Chairperson Parsons said that the main part is that both lots are in the Town of Wawayanda. The paperwork that you gave us from the Director of Real Property said, "The lots could possibly not be joined without a school board resolution redrawing the Minisink school district, but he did say that the Town of Wawayanda would consider the separate acres combined as a farm unit". Chairperson Parsons said that she believed that you used to be able to just go to the accessor's office and combine.

Catherine Coles said that the point of the combining is to allow acreage to be a farm and be an agricultural tax.

Chairperson Parsons said that was a whole other thing.

MHE Patrick Hines explained that County Legislature takes property in and out of the Ag districts, and I believe if you have multiple properties and they are contiguous that total greater than the seven acres. These properties are contiguous they don't have to worry about the 6.9 acres.

Catherine Coles asked what the process was.

Everyone is talking at once, but Chairperson Parsons said to call Cornell, and she continues that another thing is that once you start the farm before you can get an ag exemption it takes two years to be up and running and you have to make \$ 10000.00 a year. I talked to the Accessor and the ball park figure I got was \$ 192.00 for Middletown SD and \$ 88.00 for Minisink SD.

Board Secretary asked about the raising of the chickens; are you also going to be slaughtering them. She was told just eggs. For clarification then, it's just eggs, not selling the chickens for meat because there was some talk about that at one point.

Catherine Cole said that was why I clarified it and helped them write the letter. They ultimately would love to have a roadside stand.

Chairperson Parsons said that they can do that too.

MHE Patrick Hines explained that as long as 51% of the material is grown or produced on that property. The property is contiguous and you don't need to be here.

Catherine Cole also said that the second lot is land locked in the back.

Chairperson Parsons said our consensus is that you don't need to be here. Start farming.

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Attorney Bavoso said for them to contact Cornell and see what they can do for you too.

Attorney Bavoso will contact the Building Department and let them know what the board discussed.

GURDA / SBL# 6-1-95 / Co. Rt. 12 / AR –Agricultural Residential Zone /Stormwater Issues

Mr. Gurda approached the board and said that he is here because of a violation, I was dropping excess fill over one acre. About five years ago I did receive a letter from the Town, but I can't find mine and Shanna could not find hers, but I did get permission to fill in one acre. I misunderstood, I thought it was one acre per year – I was wrong. I could fill in more than one acre if it was stabilized accordingly to the Building Inspector. The other issue is that the entrance that goes into the property, Michael Carroll Orange County DPW recommended moving it at least 100 foot off of Co. Rt. 12 and Ridgebury Road. I did talk to Tom DeBlock the Town Highway Superintendent and he met with me out there and he didn't have a problem with it. I do have an application for a driveway permit, but he wouldn't accept the application until I met with you people to figure it out.

Patrick Hines MHE discussed the Engineering comments as follows:

1. The Applicant is apparently seeking a clearing and grading and stormwater management permit for activities which took place on the subject parcel. Attached under cover of this letter is a recent aerial photo depicting the activities on the site. The aerial photo clearly depicts an area which most likely is federally protected wetland areas being impacted by the fill operation.
2. A stormwater Pollution Prevention Plan in compliance with Town of Wawayanda an NYSDEC regulation for activities on the site must be prepared.
3. Erosion and sediment control must be designed by a New York State Licensed design professions for the site. A site plan depicting existing conditions on the site including existing topography and a calculation of the area currently impacted by fill must be provided.
4. A permit from the County Department of Public Works is required for the site access road.
5. The short Environmental Assessment Form must be filled out on line to allow NYSDEC's data base to populate the areas needed.
6. The short Environmental Assessment Form submitted identifies the Orange County DPW and the Orange County Soil and Water Conservation

Patrick Hines also commented that long term you identified that you want to use the area for parking. Parking is not an allowable use by itself; it has to be an associated use with some other use.

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Mr. Gurda was informed as to the process and where he had to start first.

II. REGULAR BUSINESS

FORINO / SBL# 24-1-18.2 /Breeze Hill Road / AB-Agricultural Business and RH-Rural Highway Zone / Migrant Housing

Both Mr. Forino Sr. and Jr. were in attendance.

MHE Engineering comments discussed as follows:

1. The Applicants have applied for an accessory apartment on a greater than 5 acre lot. The primary building and accessory building can be non-owner occupied.
2. The design flow for the subsurface sanitary sewer disposal system should be identified. If the Farm Stand has restroom facilities the subsurface sanitary sewer disposal system must be expanded to accommodate the additional flow from the 2 bedroom residence. It is recommended that applicant provide the entire plan sheet rather than a photo copy of the Farm Stand and subsurface sanitary sewer disposal system such that hydraulic capacity of the septic system can be verified.

Chairperson Parsons asked about a letter we received from the Building Inspector with regards to the NYS Department of Ags and Markets which said, "My office received a call from NYS Department of AGs and Markets regarding your property and specifically your farm stand. I (the CEO) advised them that a permit was issued as well as a CO for the farm stand. However it was brought to our attention that the sale of products in that farm stand must be 51% grown and /or produced from the same lot it lies on. At the time the permit and CO were issued I was under the impression that you would only be selling what you grew on that property. Since that time, no vegetables or fruit were planted and/or grown and you have many other non-farm related items for sale such as pasta, nuts, seasonal decorative items, etc. In order to be able to keep the farm stand, you must limit the sale of products in it to 51% of what is produced on the property or proceed to the Planning Board for further approvals".

Mr. Forino said, "That he grows, both him and his father, a lot of stuff there at the farm. I have receipts for sunflowers, the tomatoes, the peppers, we have our own orchard. I am allowed to bring it in. I talked to Albany about it. I own other properties in other towns. I have peach trees and I am allowed to bring it in. We are far greater than the 51%, we meet the criteria. We spent \$1800.00 in seeds.

Chairperson Parsons said ok, The Building Inspector questioned it so I thought I would ask. Mr. Forino said you can ask its ok.

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Motion by James Driscoll, seconded by John Neiger to set a Public Hearing for April 12, 2017.

All voting members voted yes. Motion Carried

III. OTHER BUSINESS

RIDGEBURY FARMS / Extension Request

Motion by Ben Dombal, seconded by John Neiger to grant a 6 month extension.

All voting members voted yes. Motion Carried

DEBORAH BALL – SBL# 26-1-3.122 Extension Request

Motion by Richard Onorati, II seconded by Kenneth Kyle to grant a 6 month extension

All voting members voted yes. Motion Carried

DEBORAH BALL – SBL# 26-1-59.22 Extension Request

Motion by Richard Onorati, II seconded by Kenneth Kyle to grant a 6 month extension

All voting members voted yes. Motion Carried

Approval of Minutes for February 22, 2017

Motion by John Neiger, seconded by James Driscoll to approve the February 22, 2017 minutes as submitted.

All voting members voted yes Motion Carried

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Motion by Kenneth Kyle, seconded by James Driscoll to adjourn the March 8, 2017 Town of Wawayanda Planning Board meeting.

All voting members vote yes

Motion Carried

The March 8, 2017 Town of Wawayanda Planning Board meeting was adjourned at 8:10 P.M.

Respectfully Submitted,

Patricia Battiato
Secretary to Planning

