

**Town of Wawayanda PLANNING BOARD**  
**June 14, 2017 / 7:30 P.M.**

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

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

Recording Secretary:  
Patricia Battiato

The June 14, 2017 Town of Wawayanda Planning Board meeting was called to order by Chairperson Barbara Parsons with the Pledge to the Flag at 7:30 P.M.

**I. PUBLIC HEARING**

**LeBlanc** / SBL# 22-1-89.1 & 89.2 / So. Plank Road / AR-Agricultural Residential Zone / Lot Line Change and subdividing the parent parcel resulting in one new lot

Certified Return Receipts were received earlier in the day and recorded.

The Public Hearing Notice was read as it appeared in the Times Herald's Record.

**Motion by Daniel Long, seconded by Ben Dombal to open the Public Hearing**

**All voting members voted yes**

**MOTION-CARRIED**

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David LeBlanc gave a brief overview of his proposed project. He explained that he has two lots and is doing a lot line change and subdividing the parent parcel resulting in one new lot.

Chairperson Parsons's asked for any questions or comments from the public. Let the record show that there were none.

**Motion by James Driscoll, seconded by John Neiger to close the Public Hearing.**

**All voting members voted yes**

**MOTION-CARRIED**

MHE Engineering comments discussed as follows:

1. Joint soil testing must be performed with representatives of the Town of Wawayanda.
2. Private road access/common driveway agreement must be prepared and approved by David Bavoso.

We have the highway superintendent sign off, and we have also received letter from OC Planning.

Mr. LeBlanc explained that he is waiting to do the soil testing and is working on the maintenance agreement.

**Motion by Richard Onorati, II, seconded by John Neiger for a Negative Declaration under SEQR.**

**All voting members voted yes**

**MOTION-CARRIED**

**Motion by Ben Dombal, seconded by Richard Onorati, II for Conditional Final Approval.**

**All voting members voted yes**

**MOTION-CARRIED**

Conditions being:

1. Payment of any outstanding review fees.
2. MHE Comments dated 6/14/17 (attached) need to be completed prior to the plans being signed.
3. Certification that iron rods have been set at all property corners and that monuments have been set along the right of way. Plans should show monuments to be set at all angle and tangent points along the right of way.

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**PUBLIC HEARING:**

**84-Quick Stop / SBL# 6-1-76.12 / MC-2 Mixed Commercial Zone / Rte. 17M / Amended Site Plan**

Certified Return Receipts were collected and recorded. The Public Hearing Notice was read as it appeared in the Times Herald's Record.

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

**All voting members voted yes**

**MOTION-CARRIED**

The applicant's representative John Fuller from Fuller Engineering gave an overview of the proposed changes to the site.

Chairperson Parsons read into the record the letter from Coach /Short Line Bus.

The following are comments from the audience:

**Kristian Diaz / SBL# 8-1-29 – Comments as follows:**

- Said he moved up here ten years ago, great place to raise a family
- Concerned about people sleeping in the trucks
- Trucks idle overnight right now– now you're giving them legal permission for 12 trucks. It is a truck stop. You may not want to call it a truck stop. There are several trucks idling, even in the winter time. That's what I have problem with. There are truck drivers sleeping in their trucks with the engine running.

Board Member John Neiger said that you say you bought your property about ten years ago, this has been going on there all this time, those trucks have been parking there illegally all this time, even when you bought your property. Mr. Diaz said exactly, and my fear it is going to get worse. Mr. Neiger said that he disagreed with him, as the Chairperson did too because they feel it is going to get better. It's going to get more organized, no more trucks than what is already coming there, illegally, parking on the side of the road. The buses are stopping on one side of the road, people are running across the road to catch the bus, I don't think that's too safe either. I'm in agreement with the site plan that is in front of us tonight, I'm in agreement with it, it's safer.

- We don't need a bus stop; there are Park and Rides in Goshen, Middletown and one in Monroe. Do we really need this in the Town of Wawayanda?

- Concerned about air pollution, noise pollution

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- The traffic is horrendous there.
- Now this is going to be a truck stop. That is what it sounds like to me.
- I was not informed and I live right across the street.
- Talked about an unpaved road on Brady's property. Whose says they are not going to pave a road there?
- How many patrons are currently using the Short Line Bus.?
- How many parking spaces are designed to be there?
- There are plenty of gas stations and convenience stores already on 17M. Do they think they are going to get that many people there? They are anticipating a huge increase of traffic and use of that place because they are putting a truck stop and bus station there.
- I implore you to use your judiciary responsibilities. This is going to destroy the property values and the neighborhood.

**Mr. Theofanis** / SBL# 6-1-77.2 / 5098 Rt. 17M / Major Blossom Farm – comments as follows:

- Dumping at 84 Quick Stop property
- They unhook tractor trailers, leave them there for three days with garbage in it and it smells
- Drainage goes on my property – where is the water going to go?
- I have been here 40 years and this is my livelihood. I have plants
- I am 40 feet from the gas station; the back of that property is my property.

It was very hard to understand Mr. Theofanis and Mr. Fuller and the applicant as they were talking and Mr. Theofanis was yelling over all of them. At one point Mr. Theofanis got angry and left the building.

**Brian Corwin** / Bigert Drive – Comments as follows

- Landscaping on the south west side – something to buffer the diesel
- Trucks idling
- What about the Lot line change
- In the winter you can hear conversations in the parking lot.
- In the winter you can smell the dumpsters
- You can see headlights
- Long term truck parking?
- Any overnight parking

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**Severio Maione / 56 Biggert Road – Comments as follows**

- I have lung problems (on oxygen) It's bad enough I smell them, now my health is at risk.
- Talked about the Adult Book Store and kids and that someone needs to police this.
- Overnight on 17M

**Catherine Maione / 56 Biggert Drive – Comments as follows**

- Concerned about my husband health with this truck stop coming in.

**Mr. Hilliard / Dassori Road – Comments as follows:**

- Traffic Problem already there
- Left hand turns, accidents and backed up traffic
- Overnight truck parking – I've lived here for 17 years.

There seemed to be some confusion as to the property in question. Some of the neighbors were talking about a lot line change. Board Member Richard Onorati explained that the parcel that is before the board at this time, is the one we are reviewing. The other parcel to the rear and along Dassori road is not subject to review. We don't have jurisdiction on something that we don't have an application for. There is no lot line at this time.

**Motion by John Neiger, seconded by Richard Onorati, II to close the Public Hearing**

**All voting members voted yes**

**MOTION-CARRIED**

MHE Engineering Comments as follows:

1. Outlet Control Structure detail should have inverts added corresponding to the Stormwater Management Report.
2. A Type II Rainfall has been utilized in the stormwater model. The Applicants representative is requested to provide documentation that the Type II Rainfall is appropriate and not the Type III rainfall distribution.
3. A soils Report has been included in the SWPPP, however the majority of the sit has been altered by filling. The Erie Soils identified are most likely not he soils present within the top 4 ft. of the site. Information pertaining to undorthents smooth should be incorporated based on field review.
4. The mulched and landscape areas depicted on the south property line to break up the parking areas should be protected with curb islands.

5. The Towns landscape Architect comments dated 31 May 2017 should be addressed.
6. Comments from NYSDOT, Orange County Planning, Orange County Health Department are outstanding and should be received by the Planning Board prior to any approvals.
7. Submission of Architectural plans for building modification should be provided. A rendering of the building materials should be provided.
8. A stormwater Facilities Maintenance Agreement must be executed.

Other items discussed were the landscaping on one side, possibly reduce a few of the struck spaces, snow removal area and “no long term storage” needs to be defined. There were also a lot of comments that this board could not control. They would have to contact the Code Enforcement Officer. The applicant will come back to the board and address the comments.

## **INFORMAL**

**Nexamp/Bernard** – Site Plan / SBL# 13-1-92 / Mt. Orange Road/ AR – Agricultural Residential Zone

Mr. Palmer Moore approached the board and introduced himself and Pat Mitchell who is the Project Manager. Mr. Moore explained briefly that this is a 900 Kilowatt Solar Facility, 44 acres. The array is 5 acres of that property; the majority of the property is in the wetlands. They are working to purchase the property from Mr. Delbert Bernard.

### **MHE Engineering comments discussed as follows:**

1. Long Form EAF submitted is not executed by the Applicant’s representative or the preparer.
2. A review of the Long Form EAF identifies several environmental issues which must be addressed by the project including: Impacts to threatened or endangered species, Impacts to wetlands and adjacent areas, Impacts of project being located in Town’s Critical Environmental Area- Ridge Preservation, Visual Impacts of the project resulting from Ridge Preservation. Future submissions should contain detailed site plans based on the Town’s Site Plan Checklist.
3. Information pertaining to the connection to the Orange and Rockland system should be provided with the application.
4. Bulk Table requirements should be placed on the plans with a compliance schedule based on Local Law 2-2016.
5. Large scale solar energy systems must be enclosed by a fence with appropriate warning signs.
6. Decommissioning bonding for removal of all solar arrays and associated equipment must be provided. Further review will be undertaken upon receipt of

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7. appropriate site plan submission, environmental review documents, engineered
8. designed plans for site plan special use and all equipment proposed.
9. Future submissions must contain all information required or the Site Plan Check List.

## **II. REGULAR BUSINESS**

**Masons Market Place/ SBL# 3-1-15 / Co. Rt. 50 / Hamlet District Zone/ Amended Site Plan**

**MHE Engineering comments discussed as follows:**

1. Comments from OPRHP should be received.
2. Comments from Orange County DPW should be received.
3. Comments from Orange County Planning Department should be received.
4. Detail sheet identifies an asphalt sidewalk proposed. Parking bumpers or guiderails should be placed to prevent vehicles from extending over parking areas. A concrete curb along with the sidewalk may function better than an extension of the parking lot with painted striping.
5. Plans should identify an appropriate detail for both accessible and conventional parking spots.
6. We appreciate the design of a bio retention area to provide water quality treatment from the parking lot. Discharge from the bio retention area will be to the rear of the parcel.
7. Comments from the Town's Landscape Architect consultant should be received.
8. Short Form EAF identifies the following:
  - Archeological sensitive area
  - Threatened or Endangered Species.These items should be addressed more fully with supplemental information for the Board.

Mr. James Ullrich said that they submitted to SHPO, sent plans to the landscape Architect and would like to set a Public Hearing to get the publics input.

**Motion by James Driscoll, seconded by Daniel Long to set a Public Hearing for July 12, 2017.**

**All voting members voted yes**

**MOTION CARRIED**

**FlynnCo / SBL# 19-1-30.21/ TC-Town Commercial Zone / Rte. 284 / Site Plan**

Mr. & Mrs. Flynn approached the board with their Engineer John Fuller. Mr. Fuller gave a brief overview of the proposed site. He would like the board to consider an item 4 type material instead of blacktop. Joint Soils were just done yesterday. Also I believe the

applicants had indicated at the last meeting that there wasn't an initial plan to do a lot of stockpiling at the site, but if there were it would be to the rear of the property well behind the building. Mr. Flynn explained that right now, currently we don't stockpile anything except our mulch which comes in bags and is there for maybe two months. We will have plants come in for a job, not talking a nursery but there in and there out. We don't make any money with stuff sitting on site. If we were, maybe the most we should have is some debris coming back from a job site, but we haul everything out.

MHE Engineering comments discussed as follows:

1. The Planning Board should review the proposal for paving and gravel surfaces. All publically accessible areas of the site will be paved while the Contractor Yard portion of the site is proposed to have an Item 4 surface.
2. Joint soil testing has been performed by this office. The results of that joint soil testing shall be added to future plan submissions.
3. NYSDOT comments regarding highway access should be received. Orange County Planning comments should be solicited after receipt of the Stormwater Pollution Prevention Plan.
4. Stormwater Pollution Prevention Plan is identified as to be submitted under separate cover.
5. Details for the proposed well vault should be added to the plan sheet. A Stormwater Facilities Maintenance Agreement must be executed.
6. Note regarding stockpile of materials should be revised that the appropriate limits proposed by the Applicants representative.
7. Town's Landscape Architect consultant should review landscape plan.

**Motion by Daniel Long, seconded by John Neiger to set a Public Hearing for July 12, 2017.**

**All voting members voted yes**

**MOTION CARRIED**

**Healey / SBL# 1-1-57.2 & 58 / Dolsontown Road / MC-1 Mixed Commercial Zone / Amended Site Plan**

We received the letter from Mr. Michalski, saying the man will be vacating the property.

MHE Engineering comments discussed as follows:

1. David Bavoso's comments regarding the unified site plan note on the Title Block should be received.
2. Stormwater Pollution Prevention Plan is to be submitted.
3. A Stormwater Facilities Maintenance Agreement is required to be executed with the Town prior to final approval. Landscaping plans should be submitted to the



4. Town's Landscape Architect consultant.
5. A note has been added on Sheet S-2 regarding vehicles being driven to the site with no car carriers accessing the site. This note should be included in any resolution of approval.
6. The Applicants representative has addressed the remaining comments from our previous review.
  
7. Submission to County Planning is required as project abuts Interstate 84 on the rear lot line.
8. Letter from property owner regarding existing violation for unapproved use on the site should be reviewed by David Bavoso's office for acceptability for continued review of the project.

**Motion by Daniel Long, seconded by James Driscoll 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 July 12, 2017.**

**All voting members voted yes**

**MOTION CARRIED**

**ServePro / SBL# 1-1-16.23 / Dolsontown Road / Amended Site Plan / MC-1 Mixed Commercial Zone**

MHE Engineering comments discussed as follows

1. Response from County Planning is outstanding.
2. Comments from NYSDOT should be solicited.
3. Modifications to the plans consistent with our previous comments have been undertaken. Applicant's representative has addressed each of our comments.
4. This office witnessed percolation and deep testing for the subsurface sanitary sewer disposal system. Those results should be added to the final plans along with confirmation of design parameters.
5. Applicants representative are submitting a short SWPPP for erosion and sediment control and water quality improvements on the site.

Discussed waiving the public hearing and the following motion was made:

**Motion by John Neiger, seconded by Ben Dombal 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.**

**All voting members voted yes**

**MOTION CARRIED**

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

**All voting members voted yes**

**MOTION CARRIED**

**Equity Homes** Reiss Road/ SBL# 22-1-4.17 / 6 Lot Subdivision / AR-Agricultural Residential Zone

Mr. John Fuller said that since they were here last we did a little bit of reconfiguring of the lines, the soil tests were done.

Attorney Bavoso said that he checked with the Greenville Chairperson and the board and they do not have a problem but would like to see a note saying that the Greenville piece has to stay with the lot that's its adjacent too. As long as that's there I think everyone would be happy.

MHE engineering comments discussed as follows:

1. Plans must be submitted to the Orange County Planning Department due to the proximity to the municipal boundary with Greenville and location in an AG district.
2. The results of a percolation tests performed during a joint site inspections should be added to the plans.
3. Highway Superintendents response to driveway locations must be received. Previous meeting was to be rescheduled.
4. Lot lines have been drawn around existing structures to remain.
5. A letter from the NYS Department of Environmental identifies the site in Dutchess County and the Town of LaGrange. It is requested that this letter be revised to identify Orange County and the Town of Wawayanda to be sure that no threatened or endangered species exist or this was just a typo on DEC's behalf. The Endangered/Threatened Species letter identifies roosting area for Indiana Bats. It is recommended that notes be added to the plans restricting any tree clearing to the months which are permitted by the US Fish and Wildlife Service in order to avoid impacts to Indiana Bats.
6. The project requires a Public Hearing. This office takes no exception to the Public Hearing being scheduled at this time. Information from outside agencies can be followed up in the time period between this meeting and the Public Hearing.

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**Motion by James Driscoll, seconded by Richard Onorati to set a Public Hearing for August 9, 2017**

**All voting members voted yes**

**MOTION CARRIED**

**IV: OTHER BUSINESS**

**Approval of Minutes for May 24, 2017**

**Motion by Daniel Long, seconded by John Neiger to approve the minutes from May 24, 2017 as submitted.**

**All voting members vote yes**

**MOTION CARRIED**

**Motion by James Driscoll, seconded by Kenneth Kyle to adjourn the meeting.**

**All voting members voted yes**

**MOTION CARRIED**

The June 14, 2017 Town of Wawayanda Planning Board meeting was adjourned at 9:34 PM

Respectfully Submitted,

Patricia Battiato  
Secretary to Planning