

Town of Wawayanda PLANNING BOARD

June 10, 2009

7:30 p.m.

Members Present: Ann Yates, Chairperson
Ben Dombal, Alternate
James Driscoll
Daniel Long
Mary Markiewicz
John Neiger
Barbara Parsons
Donald Siegel

Consultants Present: Patrick Hines, MHE Associate
William Bavoso, Board Attorney

The Town of Wawayanda June 10, 2009 Planning Board meeting was called to order at 7:30 p.m. by Chairperson Ann Yates with the Pledge to the Flag.

Chairperson Yates asked for a Motion to enter into Executive Session.

Motion by **Donald Seigel**, seconded by **Barbara Parsons** to enter into executive session in order to consult with the Attorney for the Board regarding the legal issues outstanding on the CPV Valley and Brookfield Applications and to review the qualifications and appropriateness of particular persons, corporations or other entities leading to appointment or employment by the Town of Wawayanda on the CPV Valley and Brookfield applications before the Planning Board.

All voting members voted yes

Motion / Carried

June 10, 2009

Page 2

EXECUTIVE SESSION: No action taken.

Motion by **Donald Seigel**, seconded by **Mary Markiewicz**, to close Executive Session and re-open the regular meeting.

All voting members voted yes

Motion / Carried

Motion by **Barbara Parsons**, seconded by **Daniel Long** to have the Planning Board recommend that the Town Board employ CT Male Associates, P.C. and George Janes Associates as consultants to the Planning Board for the continuing review of the CPV Valley and Brookfield applications currently before the Planning Board.

All voting members voted yes

Motion / Carried

PUBLIC HEARING

LZ SALLY / SBL# 9-1-3.1 / Amended Site Plan

Motion by **Barbara Parsons**, seconded by **Donald Siegel** to reopen the Public Hearing.

All voting members voted yes

Motion / Carried

Attorney Bavoso asked the following question to the applicant: “that generally speaking when zoning changes during the pursuit of an application usually that’s not a good thing for an applicant and an applicant wishes to be reviewed under the previous zoning. In this situation I believe that the applicant will benefit from the new zoning. So I am assuming, and you need to let me know that you prefer to be and continue to be reviewed and a decision made based on the new zoning that was recently adopted by the town, is that correct”? The answer given by the applicant’s representative was correct.

June 10, 2009

Page 3

Discussed the neighboring property owner, Mr. Soons and the letter he had submitted to this board at the last meeting. One of the biggest issues was the warehouse use on the parcel did not fit the zoning. Since the new zoning has been adopted and filed with the State it now allows the warehouse use on the parcel. The other issue was the visual impact to the building.

Chairperson Yates asked for any questions or comments from the public.

Deborah Glover asked if the applicant had any potential applicants for the warehouse and what is the nature of the businesses, and if the existing building is also a warehouse and is that occupied and also with regards to the use of the building being a warehouse can the applicant possibly delineate it down to what the potential warehousing they will do there with regards to potential hazardous material, medical waste, radioactive material, any potential for any occupation in that building along those lines?

James Sweeney, attorney for the applicant explained that what ever the occupancy will be will fall in line with the zoning law and all of the regulatory requirements.

Discussed the aesthetics and that the applicant has sent the plans to the Landscape Architect which needs to be reviewed under the new zoning.

The following MHE comments were discussed:

1. The applicant's representative was requested at the previous meeting to meet with the Jurisdictional Fire Chief regarding outstanding issues. Many of these issues were building code related and will be reviewed by Jack Grifos office. It is noted that the landscaping details have been modified to remove the mulch which was a previous concern of the Fire Department.
2. The Orange County Planning comments which were advisory in

June 10, 2009

Page 4

nature have been addressed on previously submitted plans including access to the site. A sign-off from Highway Superintendent regarding the access road has been received and restricted access from Soon Circle has been identified on the plans.

3. Stormwater Management comments are noted; however infiltration is the preferred method of Stormwater treatment on the site. Stormwater will remain tributary to the small stream identified under post development conditions; however water quality improvements by infiltration will be accomplished. Plans have been amended to identify the discharge for catch basin 6 which was identified in previous comments by this office.
4. A letter submitted by a representative of neighboring property owners identifies a concern regarding the scale of the building with regard to the adjoining land uses. The letter suggests architectural features be incorporated into the building to

mitigate visual impacts to the neighborhood. The applicant is requested to evaluate these comments with the Planning Board to determine if architectural features can be added to the Warehouse type building to address the neighbor comments.

5. It is requested that the applicant update the bulk table requirements in compliance with the revised zoning which now makes this an allowable use in the zone.

Deborah Glover asked how many trucks will be coming in and out of the facility and what are the steps to mitigate any noise.

Mr. Dino (one of the principals of the property) said that he could not answer those questions until he had a tenant.

Chairperson Yates asked if there were any other questions or concerns, let the record show that there were none.

June 10, 2009

Page 5

Motion by **John Neiger**, seconded by **Barbara Parsons** to close the Public Hearing.

All voting members voted yes

Motion / Carried

Looking at three primary outstanding areas; Fire Coordination with the Fire Company, Landscaping and lighting issues and the bulk tables. Will place on the June 24, 2009 work session meeting for possible action if all areas of concern are addressed.

INFORMAL

NAFASH / SBL# 7-3-1 & 7-4-2 / Amended Site Plan

Roger Ferris addressed the board and said that the last time they were here there were some concerns about the traffic patterns and parking which would have a major effect on the layout and the use of the property.

Discussion on the use, traffic flow, the traffic on 17M and turning into Dassori Road, and finalizing discussion on the layout. Will bring down plans and will be put on the June 24, 2009 meeting.

REGULAR BUSINESS

CJBD LLC /LANDS OF DUL / SBL# 13-1-11.3

As of the last meeting we are awaiting final sign-off from the Office of Parks, Recreation, Historic Preservation regarding the Phase 1A and B completed on the project site. Parks and Recreation previously requested additional testing. Deep testing was performed, which has been submitted to the Town.

Discussion that the survey will be shown on the plans with regards to the Indian Bat Survey and that Patrick Hines from MHE

June 10, 2009

Page 6

will review once the applicant indicates which trees they feel will need to be cut.

Motion by **Mary Markiewicz**, seconded by **Barbara Parsons** for a Negative Declaration under SEQR.

All voting members voted yes

Motion / Carried

Motion by **Daniel Long**, seconded by **John Neiger** for Conditional Final Approval.

All voting members voted yes

Motion / Carried

Conditions being:

1. Payment of any outstanding review fees paid in full.
2. Certification that iron rods have been set at all property corners and that copper clad 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.
3. Add the survey of the bat habitat trees to the plans and a note indicating time limitation on cutting of trees. MHE Consultant Patrick Hines to review and approve prior to signing of maps.

BROOKFIELD / SBL# 1-1-52.1 & 6-1-3.2

The applicant has used the services of a Professional Stenographer and a Certified Transcript of those proceedings can be obtained from the Town Clerks office here at the Town Hall.

June 10, 2009

Page 7

Motion by **Donald Seigel**, seconded by **James Driscoll** to adjourn the meeting.

All voting members voted yes

Motion / Carried

The June 10, 2009 Planning Board meeting was adjourned at 10:26 p.m.

Submitted by,

Patricia Battiato
Secretary to Planning