

Town of Wawayanda PLANNING BOARD

June 24, 2009

7:30 p.m.

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

Consultants Present: William Bavoso, Attorney
John Szarowski, MHE
Charles Voss, C.T. Male / Planner

Recording Secretary: Karen Skinner

The Town of Wawayanda June 24, 2009 Planning Board Worksession meeting was called to order by Chairperson Ann Yates with the Pledge to the Flag.

I. INFORMAL

KATHLEEN FORD / SBL# 25-1-26.7 / Carter Road

Mrs. Kathleen Ford gave a brief overview of what she was requesting. Mrs. Ford would like to have a temporary pre-school in her home for approximately ten children. She is hoping to have two sessions daily; 9:00 a.m. till 11:30 a.m. and 12:30 p.m. till 2:30 p.m. Monday, Wednesday and Fridays would be for four-(4) year olds and Tuesday and Thursdays would be for three-(3) year olds. Mrs. Ford is in the process of review before the Town of Minisink in order to receive approval to build a building for her Preschool. Once she completes that building her Preschool will move over there.

MHE Comments as follows:

The application for a preschool requires special use approval by the Planning Board. A site plan and a special use application must be provided in accordance with Article 7 of the Zoning Ordinance. The Planning Board may wish to address any specific waivers of the required items for site plans/special use permit. Section 7.4 allows the Planning Board to waive requirements in certain site plans/special use conditions if they feel this is warranted. The intensity of use, number of children, duration of the use, portions of the structure to be utilized etc. should be addressed in the site plan.

Mrs. Ford was instructed to submit a narrative describing exactly what she was going to be doing in her home, hours of operation, how many children, how many teachers, measurements of rooms, parking etc. Was told to pick up the Section 5.12 and Section 7 of the Town Clerks office and to address the questions in that section.

VOLPICELLA / SBL# 14-1-67 / Mt. Orange Road

Home Occupation for Catering Business.

Discussed was the request to build a kitchen in the basement of the Volpicella Home for a catering business. It would be a standard range, put in with a Type II Hood, vented to the outdoors; processes water vapor and heat. Basically just the use of the oven, no employees just husband and wife. No outside storage of equipment.

Discussed the septic system for the four bedroom house and if it meets the requirement of the Health Department. Per Mr. Volpicella the Health Department is demanding a water filtration system with chlorinator; also a forty-(40) lb. grease trap is required. Water test have been done.

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MHE Comments discussed as follows:

The Planning Board should evaluate with the applicant whether they consider the project to be a minor or a major home occupation with regard to the proposed use.

If the project complies with Section 4.3-1 of the zoning ordinance, a permit may be issued by the Building Department for said use. If based on a review of the project, the project more closely relates to Section 4.3-2, a special use permit and application will be required, including each of the items required for site plan special use permit review, unless said requirements are waived by the Planning Board. Attached to these comments are the above referenced sections for the Planning Board use.

We question the flow rates for the septic system as we believe the four bedroom flow should be used in addition to the flow from the prepared home occupation.

Per comment number three from McGoey Hauser & Edsall; our Engineer will contact the Health Department to see if that approval included the septic system for the bedrooms. Place applicant on the July 8th agenda.

ALTA EAST / NAFASH / SBL# 7-3-1 & 7-4-2

MHE comments discussed as follows:

The applicant has proposed a modified internal traffic flow scheme to address potential conflicts with the multiple uses on the site. We believe that the conflict continues to exist at the 17M access to the drive-thru window. Vehicles will conflict at the drive-thru window should they access the drive up from multiple locations. We would recommend that the

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drive-up window to the Dunkin Donuts be only accessible from Dassori Drive and separate access and parking be provided for the Convenient Store use. Currently the diesel fuel pumps create a bottle neck situation on the site should two vehicles utilize the diesel fuel pumps at the same time and vehicles are staged for the drive-thru window.

Improvements have been made to the site including turning radius of the drive-up facilities via the removal of a covered shed to the rear of the site.

Previous comments must be addressed after traffic comments have been discussed with the applicant's representative.

Discussed parking spaces, landscaping, traffic flow, dumpster and the well. Discussed removing parking spaces 10, 11 & 12 from the drive thru area. MHE Engineer John Szarowski had questions with the traffic and Dassori Road.

Chairperson Yates asked all members if they were in agreement with this sketch plan and all said Ok. Board Member Barbara Parsons wants to see what they will do with the well.

II. REGULAR BUSINESS

LZ SALLY / SBL# 9-4-3.1 / Amended Site Plan

MHE Comments discussed as follows:

The applicant's have addressed the Jurisdictional Fire Chief's concerns regarding this site. The undersigned had a telephone conversation with Chief Graham this morning identifying his concerns have been addressed based on the applicant's information and correspondence with the building department.

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Additional landscaping has been proposed along the property frontage along the County Roadway and existing vegetation in front of Building 5 has been depicted on the plans. We believe that the landscaping as depicted meets zoning code with regard to landscaping the property frontage. Sufficient buffer area in the vicinity of the new building has been preserved in accordance with Bob Hansen's comments.

Updated bulk tables have been provided in compliance with revised zoning on the site.

Based on the above this office takes no exception to the Planning Board granting a Negative Declaration for the project and approval subject to any conditions the Board requires.

Motion by **Barbara Parsons**, seconded by **John Nieger** for a Negative Declaration under SEQR.

All voting members voted yes

Motion / Carried

Motion by **James Driscoll**, seconded by **Daniel Long** for Conditional Final Approval.

All voting members voted yes

Motion / Carried

Conditions as follows:

1. Robert Hansen to review and approve the final landscaping plan.
2. McGoey, Hauser & Edsall to review and approve the final Lighting plan.
3. Attorney Bavoso to review and approve the road dedication.
4. Payment of any outstanding review fees.

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GRANDVIEW / SBL# 24-1-32.1, 32.2, 32.3, 53.12 & 26-1-1.21

Travis Ewald from Pietrzak & Pfau presented a “Phase I” plan to the proposed project which would encompass lots 1, 32 and 33.

See MHE comments as discussed:

The applicant’s representative came before the Board to discuss a potential phasing plan for the proposed project consisting of a four lot subdivision. The proposed phase would include three of the residential lots. Lot 1, 32, 33 with the balance of the parcel remaining with Lot 34 as currently presented. The phases consist of a flag lot arrangement with 3 separate driveways accessing the proposed residential lots which may create a New York State Town Law 280A issue regarding access to a public street or street created by a subdivision from Lots 1, 32 and 33. The alternate identifies a proposed short cul-de-sac which would be constructed to provide access to the lots eliminating the 280A issue.

The applicant have proposed to install nitrate treatment systems in each of the houses based on previous well testing in order to obtain Orange County Health Department approval for the phased approach. As the Planning Board is aware, a community water system is proposed to service the entire subdivision based on current approvals and environmental review. Revised Health Department approval will be required if the phasing plan moves forward.

We recommend that the applicant discuss each of the alternatives with the Planning Board to receive input from the Board as to the phased plan. Additional detailed plans would be required should the Planning Board and applicant wish to entertain the phased approach.

Conditions of approval continue to exist including conservation easements, bonding of improvements, etc.

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Per Travis Ewald, the intent for the phasing would be to obtain a buyer for the large lot # 34 to generate revenue to allow for the bonding and construction of the road, all the infrastructure of water treatment, etc. Said that in order to be allowed to do this they spoke to Orange County Health Department and they indicated that if we came in with a plan they would allow us temporary wells for lots 34, 33, 32 and Lot 1. Another unidentified gentleman who said that he was a representative for Grandview said that there intent is to show the four lot subdivision, once we sell off the 50 acre Horse Barn parcel then we will go to the final plan. Our plan is not to sell off the other lots, just to generate revenue to proceed with the original plans. That it would be foolish for them to sell off those other lots and understood that the board has to look at it this way.

After a lengthy discussion on phasing, private roads, SEQR, actual number of lots being talked about and cul-de-sacs it was the consensus of the board that they want a road not driveways, and they need to design it as a stand alone five-lot (not four) subdivision. MHE will generate comments for a stand alone subdivision to the applicant.

CPV VALLEY / Update

The applicant 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. A copy will also be attached to the minutes in the official Planning Board minute book.

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III. OTHER BUSINESS

GOODNESS GARDENS / SBL# 25-1-16.26

As a follow up to Jack Grifo and Bill Bavoso's letter regarding the subject project attached to this comment letter is Section 3.4 of the recent adopted zoning regarding district boundary lines crossing lots. It would appear that the agricultural use could be extended in the RH zone as a special use.

Per William Bavoso, Planning Board Attorney said that based upon MHE Pat Hines latest comments it looks like there may not be any issues that the Planning Board has to address right now. It looks like they may not have ever completed the conditions that they had to complete with the original site plan. I need to contact them with regards to that. The other issue may just be code enforcement issues with the Building Inspector. So, I will confer with Pat Hines and Jack Grifo and let the Planning Board know what is going on.

The June 24, 2009 Town of Wawayanda Planning Board meeting was adjourned at 9:30 p.m.

Submitted by,

Patricia Battiato
Secretary to Planning