

**Town of Wawayanda PLANNING BOARD**

**July 22, 2009**

**7:30 p.m.**

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

Members Absent: Donald Siegel

Consultants Present: John Szarowski / MHE  
William Bavoso / Planning Board Attorney

The July 22, 2009 Town of Wawayanda Planning Board Worksession meeting was called to order by Chairperson Ann Yates at 7:30 p.m. Alternate board member Ben Dombal filled in for Donald Siegel in his absence.

I. **REGULAR BUSINESS**

**Carretero / SBL# 12-1-46.3**

MHE comments discussed as follows:

1. Since this project was last before the Planning Board, the Town of Wawayanda has adopted revised zoning regulations which rezoned this property from the formally IORB to MC1 zone. It is requested that the applicant's representative update the bulk table to reflect the changes in the zoning. The revised zoning impacts this property by establishing a 50 foot front yard setback which previously had a 35 foot front yard setback. The building is currently depicted at a 40 foot front yard setback.
2. The previously proposed office/business use with associated parking and storage appears to meet the site plan uses in the mixed commercial district.

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3. A Cultural Resource survey has been submitted, sign off from the State Office of Parks and Recreation must be received.
4. The Jurisdictional Fire Department has requested the applicant's representative evaluate provisions for access to the water source along the rear of the property. The presence of Federal Jurisdictional Wetlands may prohibit the construction of the requested access. It is requested that the applicant's representative work with the Jurisdictional Fire Department to attempt to secure access to the water supply under this application or a separate application in the future involving the Federal Jurisdictional Wetlands Disturbance. The chief has deferred this comment and would like to work with the applicant in the future.
5. Sign off from the Landscaping Consultant should be received from landscaping plan.
6. Sub surface sanitary sewer disposal system testing has been witnessed by representatives of this office and found consistent with the septic design on the plan.
7. A review of the lighting plan identifies that the proposed lighting conforms to the Town of Wawayanda design standard.
8. County Planning's comments dated 6 July 2009 should be addressed by the applicant's representative. In response to comments 5 that this office has reviewed the stormwater /erosion control plan for the subject project and found it consistent with the County's comments utilizing a dry swale for water quality treatment prior to discharge from the site via the level spreader to the Federal Jurisdictional Wetland. This will maintain the Hydrologic Regime to the wetland while providing water quality benefits. In addition, representatives of this office will field review the construction activity after approval of the plan for compliance with the Town's stormwater management regulations. The current proposal limits the disturbance to less than one acre. We would recommend that the limit of disturbance line be extended along the top of the proposed retaining wall parallel to Lower Road to protect existing vegetation between Lower Road and the proposed structure.

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Discussed the Zone change from LORB to MC1 and the new requirement of a 50 foot front yard set back as opposed to the old zoning requirement of a 35 foot front yard set back. The applicant did not have an issue with the new set back and will make the appropriate changes. Discussed O. C. Planning comments and the Landscaping comments.

Motion by **Barbara Parsons**, seconded by **John Neiger** for the board to act as Lead Agency under SEQR.

**All voting members voted yes.**

**Motion / Carried**

Discussed setting a public hearing date and the applicant is to submit plans with the landscaping and the building being moved back to meet the set back changes by the August 12, 2009 meeting. If submitted will hold a public hearing for August 26, 2009. If new plans are not submitted by that date the public Hearing will be cancelled.

Motion by Mary **Markiewicz**, seconded by **John Neiger** to set a Public Hearing date for August 26, 2009 as long as the applicant makes the appropriate revised plan submittal by August 12, 2009.

**All voting members votes yes**

**Motion / Carried**

**Kathleen Ford / Little Learners Preschool / SBL# 25-1-26.7**

MHE comments as discussed as follows:

The applicant has submitted a narrative regarding the intensity of use and various uses which are to occur at the subject site. In addition a photo copy portion of a subdivision survey map has been provided for the subject property based on the Planning Board Attorney's comments dated 14 July 2009. The Planning Board should determine the level of review required. Waivers of any specific requirements of site plan/special use plans must be given or a full site plan/special use plan submission will be required. A Public Hearing for the use is required.

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Attorney Bavoso discussed with the board, with regards to the site plan and special use criteria, the information that we have received from the applicant to date, is it acceptable to the Planning Board as a preliminary site plan or are you going to require more in accordance with the requirements of a preliminary site plan as set forth in the current zoning?

Discussed amongst the board what was previously submitted, number of children, state approvals required or not required, waivers and time limits.

It was decided to have the applicant provide information to the board based on two sections in the towns zoning, Section 5.12 – Nursery Schools and Child Day Care Centers and Section 7.3 – Applications and Site Plan required. To answer all the questions to the best of her ability. Also provide to the board a copy of her field survey showing the outdoor fenced in areas, tree buffers etc.

The applicant was told that if she gets everything in for the August 12, 2009 meeting we can hold the Public Hearing for the 26<sup>th</sup> of August.

## **GRANDVIEW / PHASE I**

The proposed cul-de-sac to be constructed within an easement is a concern as dedication of the proposed Town roadway for Phase I would be required and fee ownership would be required by the Town for dedication of the roadway. A fee ownership dedication parcel should be shown which will revert back to the parcel with the frontage upon completion and dedication of the further portions of the Town roadway. The Planning Board and/or Town Attorney comments regarding this matter should be received. This office would entertain a hammerhead “T” type turn-around with approval of the Highway Superintendent, rather than the large cul-de-sac servicing 3 lots.

Health Department approval for use of the individual wells on the site must be provided.

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Ridge preservation notes should be modified removing reference to Section 195-52, as this is no longer part of the zoning requirements.

The Planning Board Attorney's comments regarding the recently revised zoning impacts on the subject property should be received. Bulk tables submitted with the plans identify a minimum one acre zoning with lots. Current bulk table requirements for the AB Agricultural Business District zone require two acres. It is noted that the project had conditional final approval prior to the adoption of the latest zone changes.

Completion of the Conservation Easements/Covenant for Lot 34 and drainage district/water district must be undertaken prior to any approvals as these lots are being separated from the balance parcel at this time and could be sold/transferred from the parent parcel.

Travis Ewald from Pietrzak and Pfau said that Phase I is four lots, lot number 34 which will have the conservation easement. Said also that their intentions are not ever to construct the cul-de-sac or build what you see, Lot 1, 32 & 33, drill the wells etc, any of that. We will go to the Health Department to get approval for the wells, but the overall for the phasing is to sell off lot 34 to generate the revenue for the bond for the infrastructure. Said that they have to establish some rights under the NYS Subdivision Law as far as a phase to get ten percent, so for the 34 lots it has to be four lots. Here to see if the board is comfortable with the proposed phase plan and then will proceed to the Health Department.

All board members were OK with the conceptual plan.

William Bavoso, Planning Board Attorney asked Mr. Ewald as he was curious as to what type of bonding the Town would accept on road and infrastructure bonding for major subdivisions. Mr. Bavoso said that there were so few Towns that take surety bonds anymore, its either a letter of credit or cash and instructed Mr. Ewald to check with the Town Attorney, Richard Guertin to see what the Town would require.

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**SIMON / EXTENSION REQUEST**

Chairperson Yates read the request from the applicant for an extension on their Preliminary Approval.

Motion by **James Driscoll** seconded by **Daniel Long** to grant a six-(6) month extension on their Preliminary Approval.

**All voting members voted yes**

**Motion / Carried**

**II. OTHER BUSINESS**

**APPROVAL OF MINUTES**

Approval of Minutes for June 10, 2009

Motion by **Barbara Parsons**, seconded by **Daniel Long** to approve the minutes of June 10, 2009 as submitted.

**All voting members voted yes**

**Motion / Carried**

The July 22, 2009 Planning Board Work Shop Meeting was adjourned by Chairperson Yates at 8:31 p.m.

Submitted by,

Patricia Battiato  
Secretary to Planning