

Town of Wawayanda PLANNING BOARD

August 26, 2009

7:30 p.m.

Members Present: Barbara Parsons, acting Chairperson
Ben Dombal, alternate
James Driscoll
Daniel Long
Mary Markiewicz
John Neiger
Donald Siegel

Members Absent: Ann Yates, Chairperson
John Neiger

Consultants Present: William Bavoso, Esq.
Patrick Hines, MHE Associate

The Town of Wawayanda Planning Board August 26, 2009 meeting was called to order at 7:30 p.m. by Acting Chairperson Barbara Parsons in the absence of Chairperson Ann Yates. Alternate board member Ben Dombal joined the board in the absence of board member John Neiger.

I. PUBLIC HEARING

CARRETERO / SBL# 12-1-46.3 / Co. Rt. 12

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

Motion by **Donald Siegel**, seconded by **Daniel Long** to open the Public hearing.

All voting members voted yes

Motion/Carried

James Dillon Jr. presented a brief overview. Said that the applicant is requesting site plan approval for construction of a office and storage building. Wetlands on the property have previously been delineated and that there would not be any wetland disturbance.

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Acting Chairperson Barbara Parsons asked if there were any questions or comments from the audience.

Mrs. Mary Noe, 154 County Route 12 had questions with regards to the entrance and the wetlands in that area, and did not agree with Mr. Dillon and she felt there will be issues with water/drainage there. Mrs. Noe provided to the board pictures that were previously taken of the overflow of the Wallkill River. The pictures will be on file in the Planning Board office. Other concerns that she had were with traffic, asked what was proposed for lighting and if there was going to be any additional noise.

Patrick Hines said that there was a water culvert there crossing County Route 12. Spoke about the Federal Wetland delineation and that it was performed on site and that we had told the wetland Biologist to submit a letter confirming the wetland boundaries on the site, which was submitted.

MHE Engineering comments discussed as follows:

1. Plans have been revised based on zoning revisions to provide 50 foot front yard setback. We would request the note be added to the plans requiring staking of the foundation prior to commencement of construction with submission of a plot plan to the Building Inspector office as the building is shown at the front yard setback. This submission will prevent issues regarding setbacks once the building is constructed.
2. Sign off from Office of Parks, Recreation and Historical Preservation must be received regarding cultural resources survey.
3. We request that the applicant continue to work with the Jurisdictional Fire Department during construction in order to provide access to the Wallkill River water source either via a gravel pad or dry hydrant installation. This will be worked out with the Jurisdictional Fire Department and not subject to review under this application.

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4. Sign off from landscape consultant should be received.
5. A review of the long form EAF identifies that the structure has been revised to a 7,000 square foot structure rather than a previously proposed 8,000 square foot structure. In addition the maximum dimensions have been reduced from 80 to 70.
6. Upon receipt of the sign off from the Office of Parks, Recreation and Historical Preservation, this office would be in a position to recommend a Negative Declaration for the subject project.

Motion by **Mary Markiewicz**, seconded by **Barbara Parsons** to close the Public Hearing.

All voting members voted yes

Motion / Carried

Still waiting to hear from the Office of Parks and Recreation and Historic Preservation. Until we receive that we cannot make a determination on SEQR.

Patrick Hines / MHE will check the site for drainage.

Place on the September 9, 2009 meeting for an update and possible decision.

FORD / SBL# 25-1-26.7 / Temporary Preschool / Carter Road

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

Motion by **Daniel Long**, seconded by **Donald Seigel** to open the Public Hearing.

All voting members voted yes

Motion / Carried

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Mrs. Kathleen Ford gave a brief overview of the proposed project.

Requested approval for a temporary preschool in her home. Before the board in the Town of Minisink for Site Plan to approve a building for a preschool. Two sessions 9-11:30 a.m. and 12 to 2:30 p.m. Maximum of 8 students per session

Patrick Hines said that their office also represents the Town of Minisink and he had the opportunity to review the other file and said that the applicant has been actively pursuing the process since June and that the percs and deep tests were witnessed, OC Planning Comments were received and a Public Hearing has been scheduled. Suggested a least one year for the temporary special use permit for this application.

Acting Chairperson Parsons asked for any questions or comments from the public.

Neighbor Amelia Crumm, 34 Carter Road had some general questions regarding traffic, parking, water and if the speed limit was going to be reduced being that there is a preschool there now. Patrick Hines responded that the site plan shows nine parking spaces, more than adequate, signage showing a one way traffic pattern, there will not be any food prep on site so there really should not be any additional water usage. There will not be a change in the speed limit. Also there will not be any special events being held, i.e., graduation etc. there, they will be held at a different facility.

Motion by **Mary Markiewicz**, seconded by **Daniel Long** to close the Public Hearing.

All voting members voted yes

Motion/ Carried

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

All voting members voted yes

Motion / Carried

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Motion by **Mary Markiewicz**, seconded by **Daniel Long** for a Negative Declaration under SEQR.

All voting members voted yes

Motion / Carried

Discussed the waiving of the site plan requirements that were not required for this application and per Patrick Hines anything not shown on the site plan should not be required.

A discussion amongst the board with regards to “temporary” time frames, and for allowing enough time for the other building in Minisink to be built. After a poll by the acting Chairperson Parsons, both board members Mary Markiewicz and James Driscoll felt that in their opinion a year was not temporary. Would rather them come back after six months and request an extension if need be. The rest of the board members felt that they would rather give a year to make sure with construction and all that they had enough time and this way wouldn’t have to come back before the board.

Motion by **Daniel Long**, seconded by **Mary Markiewicz** to waive any site plan requirement that is set forth in Section 7.3 of the Towns Zoning that is not already depicted on the site plan reviewed by the Planning Board and Planning Board Engineer.

All voting members voted yes

Motion / Carried

Motion by **Daniel Long**, seconded by **Bennie Dombal** to grant a one-(1) year temporary special use permit to include the following conditions:

1. No Special Events, i.e. graduation etc. to be held on the premises.
2. No more than eight-(8) students per session.
3. Mrs. Fords narrative letter received date of 7/8/09 to be incorporated into the Special Use Permit.
4. Fence to be shown on the site plan.

II. INFORMAL

Bottoms Up Restaurant / SBL# 19-1-28.1 / Amended Site Plan

Kevin May approached the board and explained that he wanted to add an addition off the side of the building, an 18 x 32 glass atrium with a 20x20 deck.

MHE Engineering comments discussed as follows:

1. The proposed project involves the construction of 18 by 33 foot room (576 sq. ft.) and 400 sq. ft. outside deck. The project requires site plan approval. Site plan should identify the number of seats in the restaurant for parking and sewage flow calculations.
2. A variance will be required for front yard setback as proposed structure will increase a preexisting non conforming front yard setback. TC zone requires 50 foot front yard while less than 50 foot exists and based on schematic plans submitted, rooming will project closer to front lot line.

Motion by **Ben Dombal**, seconded by **Donald Siegel** to refer the applicant to the Zoning Board of Appeals for the front yard set back based on increase in the non-conformity.

All voting members voted yes

Motion / Carried

AKC DACHSHUND N.Y. / Biasi Kennel / SBL# 18-1-4.12 / JoGee Road

Ms. Doreen Biasi approached the board and explained that they did not know that they were not zoned for a Kennel. When they called the Building Inspector for something else that was when they found out that they could not have a kennel on their property. They need ten-(10) acres, and 300 feet on the side yards. Ms. Biasi said that she has 16 females and 6 males.

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MHE Comments discussed as follows:

1. The kennel use is a special use in the AR zone. A special use application in accordance with provisions of Article 7 of the Zoning Ordinance as well as compliance with Section 5.7C must be submitted.
2. Based on the review of the plot plan submitted, it appears that an application to the ZBA would be the only method of approving a kennel use on the 2 acre parcel of property.

Motion by **Daniel Long**, seconded by **Mary Markiewicz** to refer the applicant to the Zoning Board of Appeals.

All voting members voted yes

Motion / Carried

III. REGULAR BUSINESS

JAVELINE MINE / SBL# 15-1-63.21

James Ullrich gave the board an up date. Working with the DEC

MHE Engineering comments discussed as follows:

1. The project is before the Board for an update as to an approval status with the NYSDEC. The applicant's representative is requested to submit copies of the NYSDEC Mining permit for the Board's use.
2. The NYSDEC as SEQRA Lead Agency has issued a negative declaration for the subject project. A copy which has been received by the Town.
3. The Planning Board should commence review under Section 5.3 of the zoning entitled mining which specifically identifies those areas which the Town is permitted to review mining permits as a special use. The Town can review ingress and egress to Town roads, routing mineral transport vehicles on Town roads, appropriate set backs from property

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4. boundaries or public right-of-ways, the need for man made or natural barriers designed to restrict access including the length and height thereof, dust control and hours of operation. In addition, the Town should adopt the NYSDEC permit as a condition of the Town's special use approval when granted.
5. The applicant's representative is requested to specifically update the Planning Board on each of the above referenced items.
6. The Industrial SPEDES permit for mining activities of unconsolidated and consolidated materials require sampling for specific parameters which impact water quality. The SWPPP should be updated to identify the parameters to be sampled and the frequency at which they are sampled. The location of the record on the site should be specifically identified on the plan such that reviewing entities can identify the location of the SWPPP and supporting inspections.
7. The SWPPP should be updated to require twice weekly inspections once site disturbance exceeds five acres.
8. The Part III EAF submitted identifies that Phase IB Cultural Resource investigation is currently in progress and the results will be provided. The applicant is requested to provide the results of the Stage 1B investigation for review. Sign off from OPRHP should be submitted for the Board's file.

No action taken.

NAFASH / SBL# 7-3-1 & 7-4-2 / Amended Site Plan for a Dunkin Donuts Drive-thru / Rte. 17M

MHE Comments as follows:

1. Comments from the landscape architectural consultant were to be received.

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2. The applicants were requested to obtain a letter from NYSDOT stating no additional improvements are required. The project is a Type II exempt from the SEQRA review process such that no submission to NYSDOT under SEQRA would normally be required.
3. Applicants were to submit the most recent V.O.C. testing for Orange County Health Department from the water supply well on the site.
4. The applicants were requested to identify how the proposed potable water manhole would be vented.
5. Lot consolidation must be completed prior to final approval.

Public Hearing set for September 9, 2009.

IV. OTHER BUSINESS

POST / FIELD OF DREAMS / EXTENSION REQUEST

Received a request from Mr. Post regarding his addition on the Field Of Dreams commercial building. He is requesting an additional three year extension, due to the economic downturn, on his approval based on the current zoning.

Note: Date of Approval was August 2, 2007, current zoning allows the site plan approval to remain effective as an authorization to establish the use for a maximum of five years.

Motion by **Donald Seigel**, seconded by **James Driscoll** for the board to grant a three year extension based on current zoning to expire August 2, 2012.

All voting members voted yes

Motion / Carried

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The Town of Wawayanda Planning Board August 26, 2009 meeting was adjourned at 9:03 p.m.

Submitted by,

Patricia Battiato
Secretary to Planning