

Town of Wawayanda PLANNING BOARD

October 14, 2009

7:30 p.m.

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

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

Recording Secretary: Patricia Battiato

The Town of Wawayanda October 14, 2009 Planning Board Meeting was called to order at 7:30 p.m. by Chairperson Ann Yates with the Pledge to the Flag.

I. PUBLIC HEARING

DWORETZKY / SBL# 17-1-77 / 2-Lot Subdivision

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

Motion by **Donald Siegel**, seconded by **Mary Markiewicz** to open the Public Hearing.

All voting members voted yes

The applicant's representative from Taconic explained that this parcel is located in between Greeves Road and Ridgebury Road. This is a two lot subdivision and the

existing house will be subdivided off.

Liz Thorpe asked where the driveways would be coming out and what the lot sizes were. Was shown on the map to the driveway entrance location and the acreage's were given.

Chris Thorpe asked what the square was on the map and it was explained that it was the septic area.

There were no other comments or questions from the public.

Motion by **Barbara Parsons**, seconded by **Mary Markiewicz** to close the Public Hearing. **All voting members voted yes**

Motion by **Barbara Parsons**, seconded by **James Driscoll** for a Negative Declaration under SEQR.

All voting members votes yes

Motion by **Barbara Parsons**, seconded by **Mary Markiewicz** for Conditional Final Approval. **All voting members votes yes**

Conditions as follows:

1. Any outstanding review fees to be 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 angles and tangent points along the right of way.
3. Plans to be stamped by the Surveyor.

II. **INFORMAL**

BRADY / SBL# 6-1-114 / Rte. 17M / Proposed Commercial Parking Lot

October 14, 2009

Page 3

MHE Comments as follows:

1. Off Street parking is identified as an accessory use in the SR Zone. It appears parking is proposed as a principal use on the site as no other use of the lot is proposed. Zoning Board of Appeals approval for an accessory use without a principal use would be required.
2. NYSDOT approval for the access drive would be required. Distance between the Citgo Gas and Convenience Store access and the proposed commuter parking access is a concern.
3. Future submission must address grading, drainage, site development details, including phasing, curbing and landscaping.

Brian Babcock from Roger Ferris Engineering was present representing his client Mr. Brady. Spoke about the overnight parking taking place behind the 84 Quick Stop over the years. The Building Inspector sent a letter to Mr. Brady with regards to parking back there and Mr. Brady did install "no parking" signs there and it does seem to be helping. Applicant is before the board for an Informal meeting with regards to a proposal for a commercial parking lot. After more discussion it was requested that the applicant come back with more information on this before they can tell Mr. Brady what his options are.

III. REGULAR BUSINESS

JAVELIN MINING / SBL# 15-1-63.21

1. This office has reviewed an NYSDEC Mine Land Reclamation permit No. 3-3356-00128\00001 Mine Land ID# 30648. Based on the above, the Planning Board should identify all conditions of the NYSDEC referenced permit as list conditions of their approval for the mining operation. It is noted that hours of operation are

October 14, 2010

Page 4

specified as trucking loading Monday through Friday, 7:00 A.M. to 5:30 P.M., Saturday, 8:00 A.M. to 3:00 P.M. Excavating Monday through Friday, 7:00 A.M. to 5:00 P.M., Saturday, 8:00 to 3:00 P.M., Processing, Monday through Friday, 7:30 A.M. to 5:00 P.M. Processing is prohibited on Saturday. The permit states that these hours maybe temporary waived to meet emergency or contractual obligation provided prior written authorization is received by the mine land reclamation specialist. We would recommend that the permit be conditioned also on hours of operation being modified only by with the approval of the Planning Board.

2. All mining equipment and vehicles are identified as having radar activated back up alarm which will only activate when motion or objects are identified to the rear of each piece of equipment.
3. The blasting hours of operation, blasting shall be conducted between the hours of 10:00 A.M. and 2:00 P.M. No blasting shall occur on Sundays or legal holidays.
4. On 2 September 2009, a letter from the NYS Department of Environmental Conservation from Rebecca Crist, Environmental Analysis identified a concern with the Middletown and New Jersey Railroad crossing. within Hoops Road. Representatives of the Middletown and New Jersey Railroad have contacted the Town of Wawayanda and this office regarding concerns at the Hoops Road mine crossing of railroad track. The plans presented to the Planning Board identified a proposed railroad crossing to be constructed within the Hoops Road right-of-way. Representatives of the Railroad have indicated a concern regarding existing and modified grade at the crossing as well as drainage conditions at the crossing which impacted use of the rail crossing. Representatives of this office met with Brian Vankirk at M&NJ Railroad as well as has conversations with Alfred Sauer regarding the proposed crossing.

October 14, 2010

Page 5

5. The crossing must be upgraded in conformance with railroad standards and specifications. The detailed railroad crossings Section A-A should be modified to include a 2 by 4 board on the inside of the rails rather than the secure additional rail depicted. The railroad has identified a proposed reconstruction of the road crossing that requires an agreement from the applicant for reimbursement of the crossing including necessary grading and reconstruction of the section track crossing the Town's right-of-way. Railroad operations are currently impacted by changes in grade, buildup of soil material and modifications to the drainage in the vicinity of the Town Road crossing.
6. It is recommended that the applicant reinstall a drainage pipe to provide a connection between the ditches on either side of the Town Road right-of-way. Currently water ponds north of the rail crossing discharging across the track. An appropriately sized culvert should place parallel both sides of the track allowing for the swale discharge to continue.
7. A portion of the track has been impacted by soil material from up gradient areas approximately 500 feet south of the Town Road crossing. The applicant's representative is requested to evaluate this discharge of sediment from up gradient areas and proposed mitigation measures to reduce impacts to the railroad system. Based on the above we request the applicant provide correspondence from the railroad stating that the railroad is satisfied with the mitigation measures proposed such that a safe crossing for mine vehicles at the railroad right-of-way will be constructed. In addition to the above, we recommend a gravel tracking pad be constructed on either side of the railroad right-of-way to further prevent topsoil, soil and mine material from impacting the operation of the railroad grade crossing.

October 14, 2010

Page 6

Discussion amongst the Board and Mr. James Ullrich and whether the board should hold a Public Hearing with regards to the Special Use Permit. It was determined that we would have our Attorney Mr. William Bavoso and Patrick Hines, MHE to investigate with the NYSDEC the ability and necessity of the Planning Board request's for a public hearing at this time in the review process.

Will place on the October 28, 2009 meeting date for a determination.

MOTION FOR CHANGE OF MEETING DATE

Due to the upcoming Holidays, changing the November and December meeting dates to only one meeting for November, November 18 and one for December, December 16, 2009.

Motion by **John Neiger**, seconded by **Daniel Long** to change the November meeting date to November 18, 2009 and to change the December meeting date to December 16, 2009.

All voting members voted yes.

SURVING / SBL# 22-1-61.1 / 2 Lot Subdivision / Millsburgh Road.

MHE Comments as follows:

1. It is our understanding that the Town of Wawayanda ZBA is rewriting the variance for Lot 2 to include only that portion of the property located in the Town of Wawayanda. With that procedural defect corrected, our previous comments will have been addressed.
2. No new construction on the subject property is proposed. No alterations of the landscaping or removal of trees is identified such that potential impacts identified by the

October 14, 2009

Page 7

- NYSDEC Natural Heritage program will not be an issue.
3. A public hearing is required to be scheduled for the 2 Lot residential subdivision.

Motion by **Barbara Parsons**, seconded by **John Neiger** to set a Public Hearing date for November 18, 2009.

All voting members votes yes

PRESSMAN/HUTT / SBL# 22-1-82, 83, & 84 / Lot line Change

Cancelled per Mr. Pressman's attorney Mr. John Bach. An adjournment has been requested for October 28, 2009.

Motion by **James Driscoll**, seconded by **Mary Markiewicz** to adjourn this application until October 28, 2009.

All voting members voted yes.

SCAFURO / SBL# 19-1-93 / 2 Lot Subdivision / Ridgebury Road

MHE Comments as follows:

1. The Highway Superintendent's comments have been received dated 29 September 2009 identifying an acceptable site distance at the driveway location.
2. Sub surface sanitary sewer disposal system depicted on Sheet 1 identifies 10 lines at 55. The note should be revised from 450 lineal feet to 550 lineal feet. Note on Sheet 2, note requiring inspection should be identified by design engineer.
3. The project required a public hearing.

Motion by **Barbara Parsons**, Seconded by **James Driscoll** for the board to act as Lead Agency. **All voting members voted yes**

October 14, 2009

Page 8

Motion by Donald Seigel, seconded by James Driscoll to set a Public Hearing for November 18, 2009.

All voting members votes yes.

NAFASH / SBL# 7-3-1 / Rt. 17M

MHE Comments as follows:

1. The Highway Superintendent, Michael Green, has reviewed the site distances on Dassori Lane identified as an issue during the public hearing for the project. The Highway Superintendent had identified the need to cut brush and trees back in order to provide adequate site distance. Upon cutting brush and trees, site distance measurement at Dassori Lane should be added to the plan, once field measurements are prepared by the applicant's surveyor.

Motion by **Mary Markiewicz**, seconded by **Daniel Long** for Conditional Final Approval. **All voting members votes yes.**

Conditions as follows:

1. Payment of any outstanding review fees to be paid in full.
2. Landscaping plan to be approved and signed off by Robert Hansen.
3. Show new site distances on the plans.
4. Trees and brush to be maintained to preserve site distance.

GRANDVIEW ESTATES / 34 Lots

The project is before the Board for consideration of a conditional final approval for the proposed 34 lot subdivision with a cluster

subdivision. Reference to our 12 September 2007 comments identifies conditions and approval by other agencies.

October 14, 2009

Page 9

1. The Town Board

- Drainage District
- Water District
- Approval of bonding of public improvements
- Approval of restricted covenant/ conservation easement for Lot No. 34
- Approval of transportation corporation
- Offers of dedication and cessions of roadway and public improvements.

2. Orange County Health Department

- Realty subdivision approval, septic system and water supply.

3. New York State of Environmental Conservation

- Stormwater SPDES permit, Water quality certification, Water Taking permit.

4. New York State Department of Parks, Recreation and Historic Preservation

- signoff of cultural resources mitigation plan.

Based on a review of the information submitted, it is this office's belief that the following Town Board approval issued.

1. For the Water and Drainage District items outstanding include:

- Approval of restricted covenant conservation easement,
- Approval of Transportation Corporation
- Acceptance of Offer of Dedications and cession for public roadways

- Approval of bonding amount for all proposed public improvements including water supply systems.

2. Orange County Health Department

October 14, 2009

Page 10

- It is this office understanding that realty subdivision and septic system and water supply approvals are awaiting submission of final plans by applicant's representative.

3. NYSDEC Water Taking Permit, Water Quality Certification and SPDES Permit

- it is believed that NYSDEC has issued each of their required permits. NYS Department of Parks Recreation and Historic Preservation are requesting the applicant's representative update the Planning Board with regard to final acceptance of the cultural resources and cultural mitigation plan.

In addition, a condition of approval must recite that all conditions of the findings statement generated after completion of Environmental Impact Statement are incorporated by reference as if repeated for verbatim in the resolution.

Based on the above Conditional Final Approval can be granted should the Board so desire that the conditions being:

1. Setting Pins and Monuments
2. Approval and submission of bonding for all public improvements
3. Approval of restricted covenant/conservation easement for Lot No. 34
4. Approval for Transportation Corporation
5. Offers of Dedication and cession of all roadways and public improvements acceptable to the Town Attorney.
6. Final submission of Orange County Health Department realty subdivision and septic and water supply approval
7. Submission of a letter addressing Office of Parks, Recreation

- and Historic Preservation Mitigation plan.
8. Payment of outstanding fees, including recreation fees for the 34 lot subdivision.

October 14, 2009
Page 11

It is noted that Conditional Final Approval is valid for 180 days with two 90 day extension possible under New York State Town Law. If the above reference conditions are not completed within 360 days, maximum, the Condition of Final approval will lapse.

The following resolution was read by Chairperson Yates for the record:

RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF
WAWAYANDA, ORANGE COUNTY, NEW YORK, RELATING TO
CONDITIONAL FINAL SUBDIVISION APPROVAL OF THE
GRANDVIEW ESTATES SUBDIVISION APPLICATION

WHEREAS, Grandview Estates is an applicant for subdivision approval before the Planning Board of the Town of Wawayanda, Orange County, New York and

WHEREAS, the application has been long standing and has gone through several reviews and modifications, and

WHEREAS, the application affects the premises designated as Section 24, Block 1, Lots 32.1, 32.2, 32.3, and 53.12 as well as Section 26, Block 1 Lot 1.21 on the Tax Map of the Town; and

WHEREAS, the applicant has requested final conditional subdivision approval for a 34 lot subdivision and

WHEREAS, the project review included a draft and final Environmental Impact Statement which resulted in a Findings Statement adopted by the Planning Board, and

WHEREAS, as a result of the foregoing the SEQRA process is complete, and

WHEREAS, it also appears that the Planning Board's approval process is also complete, subject to certain conditions.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

The Grandview Estates Subdivision is hereby granted final conditional approval by the Planning Board of the Town of Wawayanda, Orange County, New York. In order to obtain final

October 14, 2009

Page 12

Approval from the Planning Board, the applicant must show evidence of the following:

1. 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.
2. Approval of submission of bonding for all public improvements.
3. Approval of restricted covenant /conservation easement for Lot No. 34.
4. Approval of Transportation Corporation.
5. Offers of dedication and cession of all roadways and public improvements acceptable to the Town Attorney.
6. Final Submission of Orange County Health Department realty subdivision and septic and water supply approval.
7. Payment of any outstanding fees, including recreation fees for the 34 lot subdivision.
8. Approval of water and drainage districts including bonding / security as applies by the Town Bond for nitrate treatment system.
9. Fence for Archeological area, note language to be added and copy of report to be submitted to the Town.

Upon verification by the Towns Engineer and Planning Board Attorney that all conditions have been met / accomplished, the final maps may be submitted to the Board's Chairperson for signature.

October 14, 2009

Page 13

Motion by **Donald Siegel**, seconded by **Daniel Long** to grant Conditional Final Approval.

Roll Call Vote:

Daniel Long	Aye
James Driscoll	Nay
Mary Markiewicz	Aye
Barbara Parsons	Aye
John Neiger	Aye
Donald Seigel	Aye
Ann Yates	Aye

Ayes: 6

Nays: 1

Abstentions: 0

Conditions as follows:

1. Payment of any outstanding review fees, including recreation fees for the 34 lot subdivision.
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.
3. Approval and submission of bonding for all public improvements.
4. Approval of Restricted Covenant / Conservation Easement for lot # 34.
5. Approval of Transportation Corporation.
6. Offers of Dedication and cession of all roadways and public improvements acceptable the Town Attorney.
7. Final Submission of Orange County Health Department Realty

- Subdivision and septic and water supply approval.
8. Approval of water and drainage districts including bonding / security as applied by the Town Board for nitrate treatment system.
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October 14, 2009

Page 14

9. Fence for Archeological Area, note language to be added and copy of report to be submitted to the town.

Upon verification by the Town's Engineer and Planning Board Attorney that all conditions have been met / accomplished, the final maps may be submitted to the Planning Board Chairperson for Signature.

IV. APPROVAL OF MINUTES

Approval of minutes for September 9, 2009

Motion by **Mary Markiewicz**, seconded by **Barbara Parsons** to approve the minutes from September 9, 2009 as submitted.

Ayes: 6 Nays: 0 *Abstentions: 1

*Chairperson Yates abstained from voting as she has not had the chance to read them yet.

Motion by **Donald Siegel**, seconded by **Daniel Long** to adjourn the meeting. **All Voting members voted yes**

The October 14, 2009 Town of Wawayanda Planning Board meeting was adjourned at 8:48 p.m. by Chairperson Ann Yates.

Respectfully Submitted by,

Patricia Battiato
Secretary to Planning