

Town of Wawayanda PLANNING BOARD

November 18, 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

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

Recording Secretary: Patricia Battiato

In the absence of Chairperson Ann Yates, Deputy Chairperson Barbara Parsons called the Town of Wawayanda Planning Board November 18, 2009 regular and combined Worksession meeting to order at 7:30 p.m.

I. PUBLIC HEARING

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

The Public Hearing Notice was read as it appeared in the Times Herald Record. All the certified return receipts were collected and recorded.

Motion by **Donald Seigel**, seconded by **Mary Markiewicz** to open the Public Hearing. **All voting members votes yes.**

Brief overview to subdivide the existing parcel into two individual lots each containing a single family residential structure.

Motion by **Daniel Long**, seconded by **Donald Siegel** to close the Public Hearing. **All voting members votes yes**

November 18, 2009

Page 2

Motion by **Daniel Long**, seconded by **James Driscoll** for the board to act as lead agency. **All voting members voted yes**

Motion by **Daniel Long**, seconded by **James Driscoll** for a Negative Declaration under SEQR.

All voting members voted yes

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

Conditions being:

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 an angle and tangent points along the right of way.

BOTTOMS UP RESTAURANT / SBL# 19-1-28.1 / Rte. 284
Amended Site Plan

The 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 Siegel** to open the Public Hearing. **All voting members voted yes**

The applicant's representative Kirk Rother gave a brief overview.

Plans have been revised pursuant to a previous Planning Board meeting regarding additional lighting in the parking lot; handicap parking space moved closer to entrance door; and widening of the access drive with twenty foot width throughout the project site. In addition the areas proposed to be paved for additional parking to the rear of the existing restaurant facility have been depicted on the plans and appropriate detail for parking lot paving has been added.

November 18, 2009

This is a TYPE II Action under SEQR (less than 4,000 Sq. Ft. commercial)

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.

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

The 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 **John Neiger** to open the Public Hearing.

Roger Ferris gave a brief overview of the two lot subdivision, and explained that this once was two lots, and was combined through

the assessor office for tax purposes. The new owners want to subdivide it back the way it was.

MHE comments including revision to the subsurface sanitary sewer disposal system and notes regarding the curtain drain have been addressed.

Gladys Hall, neighboring ad joiner asked about the parcel and when was it originally made into two lots. Roger Ferris explained that it was separated in 1977.

There were not other questions or comments from the public.

Motion by **Daniel Long**, seconded by **James Driscoll** to close the Public Hearing.

November 18, 2009

Page 4

Motion by **James Driscoll**, seconded by **Mary Markiewicz** for a Negative Declaration under SEQR. **All voting members voted yes**

Motion by **Daniel Long**, seconded by **John Neiger** for Conditional Final Approval. **All voting members voted yes**

Conditions being:

1. Payment of any outstanding review fees
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.

PRESSMAN-HUTT / SBL# 22-1-82, 83 & 84 / Lot Line Change
Continuation of Public Hearing

Mr. John Bach, Mr. Pressman's attorney explained to the board that this has been an open Public Hearing since June 2009. Mr. Hutt was at the last Planning Board Meeting where the board was given a map with changes and at that meeting Mr. Hutt agreed to the changes. So we are now asking for approval.

Motion by **Donald Seigel**, seconded by **Daniel Long** to close the Public Hearing. **All voting members votes yes**

Motion by **James Driscoll**, seconded by **Mary Markiewicz** for a Negative Declaration under SEQR. **All voting members votes yes**

Motion by **Donald Siegel**, seconded by **Daniel Long** for Conditional Final Approval. **All voting members voted yes.**

November 18, 2009
Page 5

Conditions Being:

1. Payment of any outstanding review fees.
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.

II. INFORMAL

RYAN / SBL# 15-1-24.1 / 2-Lot Subdivision/ Ridgebury Rd.

There was no one in attendance for this application.

CONKLIN / SBL# 4-1-81 & 82 / Lot Line Change / Co Rt. 49

Mr. James Dillin, professional land surveyor for the applicant explained to the board that this is a lot line change between two adjoining parcels owned by the same owner.

MHE comments discussed as follows:

1. Project is actually a lot line change between two adjoining parcels. It is recommended that existing and proposed lot sizes be depicted on the plan.
2. A note on the map identifies an easement in favor of lot 2 over lot 1 for access as the driveways are currently shared. Easements should be prepared as acceptable to Bill Bavoso's office. Currently noted on the map, this eliminates the easement upon changing ownership of either of the parcels. This office recommends obtaining a driveway access letter from the County DPW for a driveway to lot 2, if the arrangement identified on Note 4 is acceptable.

November 18, 2009

Page 6

3. Existing wells and septic's are identified on the plans serving each of the residential structures on each lot.

Discussed easement or show on the plans a separate driveway.

No action taken at this time.

III. REGULAR BUSINESS

CPV Valley / Update

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.

During the discussion the following motion was made as follows:

Motion by **Donald Siegel**, seconded by **Mary Markiewicz** to approve for the CPV Valley project, the Nixon Peabody letter of protocol for making additional studies available for public review. **All voting members votes yes**

DEBLASIO / SBL# 20-3-9 / Mixed Use / Rte. 6

Mr. Robert Gannon was present from Mike Miele's office representing Mrs. DeBlasio.

The following are items discussed per MHE comments:

1. The size of each of the parking spaces should be depicted on the plans. Proposed parking appears to conflict with normal parking movement as spaces back out into driving lane and adjoining parking spaces.

-
-
2. Handicap accessible space should be re-designed in compliance with typical detail provided. Removal of portion of the accessible isle and/or parking spaces is not permitted.
 3. NYSDOT approval for the driveway access should be received.
 4. We would recommend “no parking” signs be placed in front of the garage, if they are to be only utilized by the residential use.
 5. We would recommend parking space # 2 be extended to provide additional drive width.
 6. Referral to Orange County Planning for a special use site plan approval is required.

Discussion on the “privy” and possibly taking it down for more parking spaces.

No action taken.

TINTLE / SBL# 4-1-48.11 / 2-Lot Subdivision / Kirbytown Road

MHE Comments as follows:

1. Previous discussion at Planning Board meeting requested that the lot line for Tax Map Section 10, Block 1, Lot 43 be depicted to assure that proposed lot 1 has adequate road frontage.
2. The proposed lot exceeds the length to width ratio policy. Waiver of Planning Board’s policy regarding length to width ratio should be received.
3. Building envelope depicted on proposed Lot No. 2 should only be shown where lot is greater than 150 foot wide.
4. Highway Superintendent’s comments regarding existing and proposed driveways should be received.
5. Response from Office of Parks, Recreation and Historic Preservation regarding cultural resources should be received.

November 18, 2009

Page 8

6. Response from NYSDEC identifies potential impact to Indiana bats. Applicant's representative is requested to identify if habitat for Indiana Bat issues exist on the site.

Motion by **Daniel Long**, seconded by **Donald Seigel** to refer the application to the Zoning Board of Appeals for and area variance for the road frontage. **All voting members voted yes.**

IV. OTHER BUSINESS

FRIDLICH / Extension Request

Per the Town's Subdivision Regulations 162-14 (h) a total of three six-month extensions may be granted.

Expiration of the applicant's third six-month extension request granted on this application will expire at the end of November. The engineering firm for the applicant, MJS Engineering has requested a forth extension.

The Board could not grant that request.

Motion by **Donald Seigel**, seconded by **James Driscoll** to adjourn the meeting. **All voting members voted yes**

The November 18, 2009 Town of Wawayanda Planning Board meeting was adjourned at 9:00 p.m.

Respectfully Submitted by,

Patricia Battiato
Secretary to Planning