

## Town of Wawayanda PLANNING BOARD

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March 10, 2010

7:30 P.M.

**Members Present:** Barbara Parsons, Chairperson  
Ben Dombal  
James Driscoll  
Mary Markiewicz, Deputy Chair  
John Neiger  
Donald Siegel

**Members Absent:** Daniel Long

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

**Recording Secretary:** Patricia Battiato

The Town of Wawayanda March 10, 2010 Planning Board Meeting was called to order at 7:30 p.m. by Chairperson Barbara Parsons with the Pledge to the Flag.

### I. PUBLIC HEARING

#### CONKLIN / SBL# 4-1-81 & 82 / Lot Line Change

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

Motion by **Donald Siegel**, seconded by **John Neiger** to open the Public Hearing. **All voting members voted yes**

James Dillin, Mr. Conklin's Surveyor approached the board and gave a brief overview of the lot line change. Owns five acres and has two existing home's on the property right now, and is splitting this in two.

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MHE Engineering comments addressed as follows:

1. The project has received its approval from the Orange County Department of Public Works for the access driveway.
2. Orange County Planning comments are advisory in nature. The undersigned spoke with Jennifer MacLeod of Orange County Planning and explained that the initial driveway construction is to assure access to the lot and upon transfer of ownership of the lot the actual driveway from the property line the house will be constructed. The existing County permit and that portion of the driveway within the County roadway will be constructed at this time.
3. Based on the above, all outstanding comments have been addressed.

Motion by **James Driscoll**, seconded by **Donald Seigel** to close the Public Hearing. **All voting members voted yes.**

Short Environmental Assessment Form was reviewed and completed.

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

Motion by **James Driscoll**, seconded by **Donald Seigel** for Conditional Final Approval. **All voting members voted yes**

Conditions as follows:

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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.

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## II. DORMANT APPLICATIONS

### Van Weiren / Walker – Elizabeth Johnson

This application, applied for in 2006, is for a four lot subdivision. The board has not had any contact or closure with the applicant and a letter was sent requesting the applicant to appear before the board to inform them if they are either going to continue on with this application, or are not interested in pursuing it.

It was explained that if they did continue on with this application at this time, new application fees would not be required because they were paid in 2006.

If they did not continue at this time and were to come back at a later date, new application fees would then be required.

Chairperson Parsons explained that they are being given the opportunity to either continue or not. If they do not want to continue we will close this application out.

Ms. Johnson said that they were definitely going to

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pursue this application and move forward with it.

Escrow fees are now required as that is the new procedure for applications before the board. An updated application for continuance is required along with escrow fees and plans to be submitted to the board no later than within three months from now. Also check the towns zoning to see if any changes since the new zoning has been adopted.

**MARION PROPERTIES / Robert Grossman**

**Mr. Robert Grossman**, applicant appeared before the board and it was explained that a letter was sent because there has been no contact or closure on this application since 2007 (consultant work session with Patrick Hines).

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They were asked to appear before the board to inform them if they are either going to continue on with this application, or are not interested in pursuing it.

It was explained that if they did continue on with this application at this time, new application fees would not be required because they were previously paid.

If they did not continue at this time and were to come back at a later date, new application fees would then be required.

**Chairperson Parsons** explained that they are being given the opportunity to either continue or not. If they do not want to continue we will close this application out.

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**Mr. Grossman** said that he did wish to continue, and asked for clarification on the new procedure. Chairperson Parsons explained that an updated application for continuance was required along with escrow fees and plans to be submitted to the board no later than within three months. Also to check the new Town zoning to see if there has been any changes.

### **III. INFORMAL**

#### **Turtle Bay / SBL# 26-1-48.1, 2, 3, & 4 / Lot Line Change**

MHE Comments discussed as follows:

1. This is a proposed consolidation and re-subdivision of an 11.21 +/- acre parcel of property previously subdivided into four-(4) lots approved by the Town of Wawayanda. As all internal lot lines are being modified, the project will be considered a new major subdivision resulting in 5 proposed lots. Previous approval in 2006 approved 4 lots.

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2. The project will required approval from the Orange County Health Department for subsurface sanitary sewer disposal systems. The project was previously before the Planning Board as a 4 lot minor subdivision, however creation of the fifth lot less than 5 acres in size will make this a major subdivision.
3. Proposed rain garden identified on the detail sheet should be clearly identified on the plans. Rain garden note should be clearly labeled on the front sheet and no certificate of occupancy should be issued unless rain garden as proposed are installed on each individual lot.
4. Highway Superintendent comments regarding driveway

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5. locations should be received.  
Show size for typical culverts at driveway crossing. Driveway culverts should be a minimum of 15 inches, 12 inches are shown.

Mr. Joseph Pfau from Pietrzak & Pfau explained that originally a proposal for a five lot subdivision, they got caught in the towns moratorium and could only proceed with a four lot subdivision, which we did receive approval for. This application before you is to go back to that five lot subdivision. We are now back before the board to add that additional fifth lot. The configuration of those four lots will be changed and adding an additional lot makes this a major subdivision and they know that they will need to go to OCDOH for septic and wells.

Will also need a long form EAF.

No action taken at this time.

### **MORASKI / SBL# 23-1-108 / Farm Housing**

Mrs. Moraski explained that she owns GrayStone Stables and they have about 150 acres on both sides of the road. She would like to put another duplex up, not in the conservation piece, for farm housing.

MHE Comments as follows:

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1. If the existing duplex located on the property is owner occupied the accessory structure proposed may be considered a accessory apartment under Section 4.4 of the zoning code. The zoning code limits the accessory structure to a single family dwelling to a maximum of 600

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- square feet with one bedroom. Since the site already contains two residential uses, a zoning variance will most likely be required for the accessory apartment.
2. Well and septic for any accessory apartment must be depicted.
  3. If the site is utilized as migrant seasonal housing, then NYS Agricultural Market regulations would supersede Town zoning ordinance on the active Agricultural parcel. Further clarification from the applicant should be received prior to Planning Board making any determination on the use.

Discussed with the applicant the Ag & Markets Law and Town Law, that by adding another duplex on the site you would need to go to the ZBA because the towns zoning does not allow for two houses on the site. Current zoning (recently adopted) allows for the use that is there now, but it doesn't allow for an additional duplex being put on that property. You could possibly go the ZBA and argue that you need it for the farming operation. Or it was suggested that she check with Ag. & Markets to see what her limitations are, discuss with them their regulations for year round or seasonal, what you fall under with them with regards to this.

#### **IV. REGULAR BUSINESS**

##### **BIANCHI – Medulan / Lot Line Change / SBL# 1-1-33 & 34**

Brain Babcock from Roger Ferris Engineering submitted a letter requesting for the board to set a Public Hearing date at their next regular Planning Board Meeting of April 14, 2010.

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Motion by **John Neiger**, seconded by **Donald Siegel** to set a Public Hearing for April 14, 2010. **All voting members voted yes.**

Motion by **Donald Siegel**, seconded by **John Neiger** to adjourn the meeting. **All voting members voted yes.**

The March 10, 2010 Planning Board Meeting was adjourned at 8:04 p.m.

Please note for the record, that this was Board Member Donald Siegel last meeting as he had previously submitted his letter of resignation to the Town Board after 16 years of dedicated service to the Town.

Respectfully Submitted,

Patricia Battiato  
Secretary to Planning