

## **Town of Wawayanda PLANNING BOARD**

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**May 26, 2010**

**7:30 p.m.**

**Members Present:** Barbara Parsons, **Chairperson**  
Ben Dombal  
James Driscoll  
Daniel Long  
Mary Markiewicz, **Deputy Chairperson**  
John Neiger

**Members Absent:** Richard Onorati, II

**Consultant(s) Present:** William Bavoso, Attorney  
**Recording Secretary:** Patricia Battiato

The May 26, 2010 Planning Board work session meeting was called to order by Chairperson Barbara Parsons at 7:31 p.m.

### **I. INFORMAL**

#### **5030 LLC / Amended Site Plan for a Spa / Massage Business / Rte. 17M / SBL# 8-1-22**

The following are MHE comments as discussed:

1. The application is before the Board for a personnel service business with one residential dwelling unit in a non-residential building. Both uses are allowable in the MC 2 Zone.
2. The site received a variance from the Zoning Board of Appeals, dated 19 September 2008. A review of the variance identifies that “the applicant wishes to maintain a used car dealership at the site”. Bill Bavoso’s comments regarding the applicability for the zoning variance to the changed use must be received.

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**May 26, 2010**

**Page 2**

3. Previous review of the site identified a significant reduction in hydraulic loading to the existing on site subsurface sanitary sewer disposal system. Hydraulic loading calculations and capacity of the subsurface sanitary sewer disposal system should be provided, number of bedrooms in the dwelling unit as well as anticipated water use must be received.
4. On site potable water well exists. In consideration of the uses, water quality data for the well should be provided including testing for volatile organic compounds.
5. Parking on the site should be evaluated, 12 parking spaces are identified on the site. Previous site plan identified these spaces as parking for used car inventory. 12 Spaces currently proposed appear excessive for the proposed use.
6. NYSDOT previously commented on the project and should receive plans for the changed use for review and comment.
7. Submission to County Planning due to proximity to State Highway is required.
8. Details for ADA compliance handicap parking should be provided.
9. Jurisdictional Fire Department should be received.
10. Details of proposed curbing should be included on the plans in compliance with NYSDOT standards.

Discussed the variance that was granted and Attorney Bavoso will research and get back to the board.

Discussion with the applicants engineer **Lewis Powell**, with regards to how many employees, if certificates or licenses are needed, whether this is a chain business, etc. Mr. Powell will provide the board with additional information at a future meeting.

## **II REGULAR BUSINESS**

### **Walker – Johnson / SBL# 24-1-32.6 / 4 Lot Subdivision / Lynch Avenue.**

**Karen Emerick** from Lehman & Getz was in attendance representing the applicant. Discussed the following engineering comments with her from MHE.

1. Information pertaining to the Jurisdictional Determination provided by the Army Corps of Engineers, dated 9 December 2003, should be submitted for Planning Board record.
2. Subsurface sanitary sewer disposal system on Lot 4 is depicted within the 100 year floodplain. It is requested that the applicant review the most recent floodplain mapping adopted last fall, specifically panel 0427E with regard to revising floodplain locations consistent with most recently adopted mapping. Subsurface sanitary sewer disposal system should not be located within 100 year floodplain.
3. Highway Superintendent's comments regarding driveway locations must be received.
4. Bill Bavoso's comments regarding the proposed dedication strip along the frontage for Lot No. 4 should be received.

5. The applicant's representative are requested to check the scale of the mapping on Sheet 2 of 6. Scale identified is 1 inch = 40, however survey mapping is at a different scale.
6. Show metes and bounds for all existing and proposed lot lines on survey sheet.
7. Grading plan on sheet 3 of 6 identifies re-grading of the septic area on Lot 2. Re-grading of septic areas without modification of design is not permitted.
8. Lot 2 subsurface sanitary sewer disposal system design data identified mottling within the soil profile which would evidence seasonal high groundwater within "useable soils" area. Similar comment for Lot 3, although mottling is deeper in the soil profile.
9. The plans identify 3.7 plus and minus acres of disturbance. Coverage under NYSDEC SPDES permit for the project is required, however, as project is residential with less than 5 acres disturbance, a Soil and Erosion Sediment Control plan and implementation of such plan meets the NYSDEC SPDES permit requirements upon receipt of permit. An SWPPP, addressing soil and erosion sediment control should be submitted along with the NOI.
10. The long form EAF submitted, identifies no impact to threaten endangered species, however no information is submitted regarding this. It is requested that the applicant provide documentation from the New York State Department of Conservation National Heritage program regarding the presence or absence of endangered species and based on that indication, possibly a field survey by a qualified individual may have to be undertaken.
11. The site is located in an AG district and will required submission to the Orange County Planning Department for 239 review.
12. Information regarding historic or archeological resources on the site should be obtained from the Office of Parks, Recreation, and Historic Preservation.

13. We would request a note to be placed on the plans that the site contains Federal Jurisdictional Wetland areas and that any disturbance to wetlands area on the site requires a permit from the US Army Corps of Engineers.

Once the secretary receives a full copy of the application from the engineer she can submit to Orange County Planning for any comments that they may have.

**Corts-Slate Hill Orchard / SBL# 18-1-11.5 / Update on Site Plan  
Rt. 6 & South Plank Road**

**Mr. John Fuller**, Engineer, representing his client, Mr. Wayne Corts gave an overview since they have not been before the board for several years. Mr. Fuller said that originally this project was to become a commercial development, a six storefront type of scenario. Some review was done on that proposal. Mr. Corts has done some upgrades of a new roof etc. to the existing farm stand "Slate Hill Orchards". Originally the thought was to reconstruct the cold storage building, but that part of the building is in very bad shape and they are probably going to demolish that and build on the same foot print.

Since the last time we were here and with the economy we have decided to propose something different. We are talking about a single store front, grocery store / farm market, something along the line of an "Adam's" store but on a smaller scale. Mr. Fuller gave handouts to the board showing the existing building, the proposed store front and a pictorial concept of the farm/market. All board members liked the concept very much.

Discussed the two lot subdivision that was originally proposed and they are considering going ahead with that as well. Discussed the existing footprint of what's there now, which is 18000 SF. The Farm

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Stand is about 3000 SF., and the balance of the other building would be about 15000 SF. Also discussed was the parking and the town's requirements for parking on a proposal like this.

**Mr. Fuller** asked the board's Attorney, **Mr. Bavoso**, that when they originally applied, they were under the previous zoning, and a variance was sought and received. Now the zone has changed and under new zoning, the use is allowed. Just how does that affect this project now? Attorney Bavoso suggested that the applicant just amend the original application to reflect the proposal.

### **BRANNAN / SBL# 10-1-45 / 2-Lot Subdivision / Kirbytown Road**

MHE Comments as follows:

1. The applicant's representative has complied with our previous comments. Final plans must include subsurface sanitary sewer disposal design prepared by the applicant, based on an engineering report previously submitted. Actual location of the percolation and deep tests and layout of the subsurface sanitary sewer disposal system filed must be provided. Plans submitted must be stamped by both the project surveyor and the applicant's engineer in order to be filed with the Orange County Clerk's office.

### **BROOKFIELD / SBL# 1-1-52.1 & 6-1-3.2 / Dolsontown Road**

**James Ullrich**, representing the Brookfield applicants approached the board and gave a brief update. Said they are working diligently on the project, working on visual, noise, traffic and air analysis, re-positioning the buildings, lighting, hours of operation, security etc.,

**May 26, 2010**

**Page 7**

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and gave an update on each topic as to where they are in the process on those items being reviewed.

**Chairperson** Parson asked if there was a site nearby to visit, and Mr. Ullrich said that he would like for the board to visit the site in Ohio, possibly sometime in the summer.

**Chairperson Parsons** asked that when the draft EIS is submitted to provide a cover list of the acronyms to make it easier to take out the list to read the draft.

Mr. Ullrich is looking to get the Draft Environmental Impact Statement to the board by next month.

The Town of Wawayanda May 26, 2010 Planning Board Work Session was adjourned at 8:48 p.m. by Chairperson Barbara Parsons.

Respectfully Submitted by,

Patricia Battiato  
Secretary to Planning