

RESOLUTION OF THE TOWN OF WAWAYANDA PLANNING BOARD

WHEREAS, International Union of Operating Engineers and the Operating Engineers Local 825 Apprenticeship Training and Retraining Fund (Applicant) has made application to the Town of Wawayanda Planning Board (Board) for Site Plan Approval and Special Use Permit Approval for certain real property located in the Town of Wawayanda, County of Orange, State of New York known and designed as Section 6, Block 1, Lots 69.1 and 70.2 on the Tax Maps of the Town of Wawayanda; and

WHEREAS, the property is located in the MC Zoning District of the Town of Wawayanda; and

WHEREAS, the Applicant proposes to use the premises as a training facility for its members; and

WHEREAS, the Zoning Board of Appeals has determined that the use of the premises proposed by the Applicant is a use that is permitted in the MC Zoning District subject to the issuance of a Special Use Permit; and

WHEREAS, the Board has heretofore conducted a full and complete review of the application, including a public hearing convened on March 14, 2012 and continued until May 23, 2012 at which time it closed; and

WHEREAS, the Board, upon its independent examination and consultation with its consultants and counsel, has carefully considered the information gathered during the course of this application;

NOW, THEREFORE, BE IT RESOLVED, that the Board grants a Site Plan Approval and a Special Use Permit subject to compliance with the terms, provisions, notes and conditions contained on that certain map entitled "International Union of Operating Engineers Site Plan" prepared by Nosek Engineering and Alpine Environmental Consultants dated July 31, 2012 based upon the following:

1. The Board finds that the proposed utilization of the property is suitable for the use intended.
2. The Board finds that the proposed use and location to be compatible with the natural and man-made surroundings of the property.
3. The Board finds that the improvements to be made on the property do not detract from the character of the neighborhood, subject to conditions set forth in this document.

4. The Board finds, having conducted a thorough environmental review pursuant to the State Environmental Quality Review Act (SEQRA) and having issued a Negative Declaration under SEQRA on August 22, 2012 that the proposed use does not have a detrimental impact on adjacent properties or the health, safety and welfare of the residents of the Town of Wawayanda, subject to the conditions set forth in this document.
5. The Board finds that the proposed use will not cause an undue economic burden on the community facilities or services.

BE IT FURTHER RESOLVED, that the Special Use Permit shall be subject to the following:

1. The hours of operation of the facility will be Monday through Saturday, 7:00 a.m. to 10:00 p.m. subject to the following limitations:
 - Heavy equipment operations on site shall be limited to 8:00 a.m. to 5:00 p.m. Monday through Saturday;
 - No classroom training or heavy equipment use on Sundays.
2. Pursuant to Section 195-10 of the Code of the Town of Wawayanda, the Planning Board hereby determines to extend the MC uses into that portion of the site that is zoned SR, subject to a further application to the Planning Board for additional improvements;
3. Pursuant to Section 195-23(D) of the Code of the Town of Wawayanda, sound levels generated by the facility shall meet the day time requirements and noise levels not to exceed 65 decibels at 100 feet from the property line of the facility. Landscaping equipment used to maintain the property shall be exempt from this restriction as is equipment used in initial site development.

This approval is subject to technical comments and sign off by McGoey, Hauser & Edsall Consulting Engineers, P.C. and William D. Bavoso, Esq. and payment of any outstanding fees by the applicant.

BE IT FURTHER RESOLVED, that any changes to this Special Use Permit require approval from the Town of Wawayanda Planning Board.

Dated: August 22, 2012

Motion by: Daniel Long

Seconded by: Ken Kyle