

Town of Wawayanda PLANNING BOARD
July 25, 2018 / 7:30 P.M.

Members Present: Barbara Parsons, **Chairperson**
Ben Dombal
James Driscoll
Daniel Long
John Neiger
Richard Onorati, II

Members Absent:
Kenneth Kyle

Consultants Present:
David Bavoso, Attorney
Patrick Hines, MHE Principal

Recording Secretary:
Patricia Battiato

The July 25, 2018 Town of Wawayanda Planning Board meeting was called to order at 7:30 p.m. by Chairperson Barbara Parsons.

Masons Store requested to be taken off the agenda.

I. **INFORMAL**

Dean & Barbara Ford / Solar Array / SBL# 25-1-16.21 / AB-Agricultural Business Zone / Co Rt 12

Mel Farmer from Stantec and Greg Rosetti from OYO Solar approached the board and gave brief overview of the proposed solar project, and its location.

MHE Engineering comments discussed as follows:

1. Site inspection authorization and owner's endorsement must be submitted prior to review.
2. County planning referral and County DPW approval for access is required once a complete set of plans and application materials are submitted.
3. A survey of the parcels including metes and bounds and topography must be

submitted.

4. A location map to scale must be provided.
5. This site is very visible from Lower Road. No existing vegetation exists between Lower Road and the site. Landscaping plans must be prepared for the Board's review.
3. A visual assessment is required. The Planning Board should select areas for visual assessments to be undertaken.
4. Site access drive must comply with Orange County DPW's standards.
5. Grading plan for all access roads, stormwater improvements and any other site grading modifications must be provided.
6. Installation details should be provided for the solar arrays including foundations.
7. Vegetation control and management should be discussed with the Planning Board.
8. Information not pertaining to this specific project should be removed from all project's submittals. Submittal form must be provided identifying the property owner's name and section, block and lot for all submissions.
9. Site has been identified as containing potentially archeological sensitive areas. Submission to Office of Parks and Recreation Historic Preservation should be provided.
10. Numerous threatened or endangered species are identified in the EAF. A report should be provided identifying potential impacts to each. Submission to the New York State Natural Heritage Program should be completed.
11. All federal and state jurisdictional wetland areas should be depicted on the mapping provided.
12. Details of the interconnect to the utility company's equipment should be provided on the plans.
13. Details of any storage buildings, equipment buildings, etc. must be added to the plans.

- 14.** The layout for the site differs in the large book provided then that provided on the plan sheets. A significantly larger solar array and a different access point are depicted. All material submitted should be coordinated. Any information not associated with this parcel must be removed from submission.
- 15.** The operation and maintenance plan submission identify the operation and maintenance of the solar panels. The Town of Wawayanda is interested in the operation and maintenance of the site and site improvements including maintenance of access roads, structures, vegetative control, landscaping, fencing, etc. Operation maintenance plan should be provided addressing these issues.
- 16.** Soil mapping information should be provided on the site plan sheets. Project information should address high quality agricultural soils and the impact to them.
- 17.** The EAF should be modified to identify County planning submission as well as County DPW.
- 18.** Approvals from NYSDEC and Army Corp of Engineers are identified on the EAF. Areas of impact should be identified and detailed plans showing impacts to state and federal jurisdictional wetlands must be provided.
- 19.** An EAF identifies Saturday, Sunday, and holiday operations during construction. This should be addressed with the Planning Board.
- 20.** Zoning portion of the information submitted does not contain local law #2 of 2018 which should be addressed in that section.
- 21.** Appendix C contains numerous sites which are not subject to this application.
- 22.** Further review will be provided once detailed additional plan sheets, grading and landscaping has been provided.

Many questions were asked by board members with regard to maintenance, hours of operation, visual simulation, flood plain, topography, fire department review for the 20ft. access, pesticides and the single access and fix tilt panels.

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Dean & Steven Ford / Solar Array / SBL# 27-1-11 / AB-Agricultural Business Zone / Co. Rt. 12

Mel Farmer from Stantec and Greg Rosetti from OYO Solar appeared for this application also and gave a brief overview of the proposed solar project, and its location.

MHE Engineering review comments discussed as follows:

1. The Applicant's name for the project must be the land owner's name. A submission form for solar projects must be submitted with all future information provided.
2. Site inspection authorization must be provided.
3. Owner's endorsement must be provided consistent with the Town's regulations.
4. County planning referral and County DPW approval for access is required.
5. A survey map showing the entire impacted parcel including metes and bounds, descriptions of all lot lines, property lines, and roadway right of ways, etc. should be provided.
6. Information should be provided regarding the agricultural classification of the soils on the site including types of soils under area impacted by the solar array construction.
7. Flood plains exist on the project's site. Flood plain areas should be delineated on the survey map.
8. The EAF identifies numerous federally and/or New York State threatened or endangered species. Report identifying each of the species identified and potential impacts should be submitted for review.
9. The New York State Office of Parks and Recreation Historic Preservation has identified the site as potential sensitive for archeological sites. A Phase 1 archeological review should be provided.

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10. A review of the site plan check list identifies the following information as lacking:
 - Name and address of the owner.
 - Site location map to scale.
 - Zoning bulk table identifies requirements however not the proposed setbacks.
 - Contour lines and grading are not depicted on the plans.
 - Flood elevations and boundaries must be provided.
 - Location of existing wetland and 100 ft. buffers with the appropriate DEC note must be shown.
 - A grading plan for proposed activities on the site.
11. An inquiry to the National Heritage Program must be submitted with information provided back from that agency regarding threatened or endangered species.
12. Project narratives have been submitted which contain plans and details for other projects. Each individual property or each contiguous property group must have a separate application with the information for those specific projects.
13. The Applicants are requested to identify access to a public street for the parcel. A Town law 280A issue may exist regarding access to a public street.
14. Information regarding potential landscaping exist in the project narrative. A landscaping plan should be submitted depicting compliance with that.
15. A visual impact assessment will be undertaken by the Planning Board. The Planning Board should select view shed areas for review and evaluation.
16. The decommissioning plan appears to propose some form of annual increase in decommissioning costs. This is not provided for in the Town's ordinance. 100 percent of the decommissioning costs must be posted.
17. The decommissioning plan should identify a time period of this continued use which would trigger the need to decommission the site.
18. A stormwater pollution prevention plan has been submitted which will be reviewed with future submission.

Discussion on the access easement and that a NYS Town Law 280- A would be needed. All the comments from the previous Ford (Dean & Barbara) applied here as well and the applicant was informed of this.

II. **REGULAR BUSINESS**

Pool City / SBL# 8-1-18 & 19 / Amended Site Plan / Rte. 17M / MC-2 Mixed Commercial Zone

1. Orange County Planning comments have been received.
2. NYSDOT has allowed existing driveway to remain.
3. All variances required have been received.
4. It appears that there may be a greater than 1,100 gallons of petroleum products on the site. An NYSDEC Bulk Storage Permit would be required. Applicant should seek same through that agency.
5. Planning Board waived the Public Hearing on this project on 25 April. This office would recommend a Negative Declaration for the project and approval conditioned on payment of any fees.

MHE Patrick Hines said that the board had previously waived the public hearing and that we were waiting for OC Planning Department comments which we received. They mentioned lighting, but this site is existing, received all its variances and left to local determination. Patrick Hines also spoke to the applicants engineer this evening around 5:30 and that they were requesting approval from the board.

Motion by John Neiger, seconded by Daniel Long for a negative Declaration under SEQR.

All voting members voted yes

MOTION-CARRIED

The board discussed granting approval but would like a letter from the applicant stating at that they did request approval for the record.

Motion by Richard Onorati II, seconded by Daniel Long for Conditional Final Approval.

All voting members voted yes

MOTION-CARRIED

Conditions as follows:

1. Payment of any outstanding review fees
2. Provide written letter showing request for Approval.

Swanson / SBL# 15-1-21.2 / Ridgebury Road / SR-Suburban Residential Zone / 4 Lot Subdivision

A representative from J. Fullers office requested approval of this four-lot subdivision as everything has been completed.

MHE Patrick Hines explained that at the last meeting everything but the Phase I archaeological was done. Applicant called NYS SHPO and he pled his case and that case has now been rescinded.

The following MHE Engineering comments were discussed as follows:

1. At the July 2018 meeting the Board requested the Applicant submit information for review by the Office of Parks, Recreation and Historic Preservation to address issues regarding potential cultural resources on the site. A 13 July 2018 letter from Parks and Recreation identifies that Parks and Rec is rescinding their previous request for a Phase I Archeological Assessment. This letter closes out the SEQRA issue regarding cultural resources.

This office would now recommend a Negative Declaration and Conditional Final Approval for the project. Conditions of Final Approval would be payment of any fees, receipt of a letter identifying pins and monuments being set, approval of a private road access and maintenance agreement and bonding of the private road acceptable to the Town Board.

Motion by James Driscoll, seconded by John Neiger for a Negative Declaration under SEQR.

All voting members voted yes

MOTION CARRIED

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Motion by Richard Onorati II, seconded by Daniel Long for Conditional Final Approval.

All voting members voted yes

MOTION CARRIED

Conditions being:

1. Payment of any outstanding review fees.
2. Certification that iron rods have been set at all property corners and that 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.
3. Approval of the Private Road Access and Maintenance agreement by Attorney David Bavoso.
4. Bonding of the private road acceptable to the Town Board

I. OTHER BUSINESS

**Ridgebury Farms / SBL# 21-1-2.15 / AR-Agricultural Residential Zone
Re Approval of an 8Lot Subdivision**

Jay Samuelson from Engineering Properties explained that the conditional final approval lapsed and that they were here to hopefully get this re-approved. Absolutely noting has changed with the exception of the OCPD comments with regard to the stone wall in order to have the common lot line share the stone wall as a boundary.

MHE Engineering comments discussed as follows:

1. This project is before the Board for an 8-lot subdivision which was previously issued a conditional final approval. The conditional final approval has lapsed and the project is before the Board for a re-approval of the subdivision in substantially the same format as previously proposed. The only modification to the lot lines is the common lot line between lot 2 & 3 has been revised and the lot areas changed accordingly to make the lot meet the length to width ratio. The Applicant is advising the Planning Board that it would be willing to place the lot line 28.8 feet back towards the stone wall in order to have the common lot line share the stone wall as a boundary. The Planning Board has the ability to waive the 2.5 to 1 length to width ratio if it wishes to do so. The original lot line was placed on the stone wall at the suggestion of Orange County Planning.
2. A new subdivision Public Hearing is required and could be scheduled at the

Planning Board's convenience.

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3. Coverage under the NYSDEC stormwater SPDES permit is required.
4. Maintenance agreements for the private road and operation and maintenance of the stormwater features are required.
5. Temporary grading easements are required to be submitted.
6. It is noted that a no further subdivision map has been added to the plans for all lots.

Discussion on the stone wall and the following motion was made.

Motion by John Neiger, seconded by Daniel Long to waive the length to width ratio on lot # 3 to the property line on the stone wall.

All voting members voted yes

MOTION-CARRIED

Motion by John Neiger seconded by Daniel Long to waive the Public Hearing as set forth in Article 7 of the Towns Zoning Law on the basis that there are not going to be any changes to the site plan, any significant impacts to the site and that the board does not anticipate any public controversy.

All voting members voted yes

MOTION-CARRIED

Motion by Richard Onorati II, seconded by James Driscoll to re-affirm the Negative Declaration under SEQR

All voting members voted yes

MOTION-CARRIED

Motion by Richard Onorati II, seconded by James Driscoll for Conditional Final Approval

All voting members voted yes

MOTION-CARRIED

Conditions being:

1. Payment of any outstanding review fees.
2. Subject to MHE comments 3, 4, and 5 dated 25 July 2018 attached

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3. Certification that iron rods have been set at all property corners and that monuments have been set along the right of way.

Approval of Minutes for June 27, 2018

Motion by Ben Dombal seconded by John Neiger to approve the minutes from June 27, 2018 as submitted.

All voting members voted yes

MOTION-CARRIED

The July 25, 2018 Town of Wawayanda Planning Board meeting was adjourned by Chairperson Barbara Parsons at 8:32 P.M.

Respectfully Submitted,

Patricia Battiato
Secretary to Planning