

Town of Wawayanda PLANNING BOARD
March 27, 2019 / 7:30 P.M.

Members Present: **Barbara Parsons, Chairperson**

Ben Dombal

James Driscoll

Kenneth Kyle

Daniel Long

John Neiger

Richard Onorati, II Deputy Chairman

Consultants Present:

David Bavoso, Esquire

Patrick Hines, MHE Principal

Recording Secretary:

Patricia Battiato

The March 27, 2019 Town of Wawayanda 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

Affordable Imports / SBL# 8-1-25 / Rte. 17M / MC-2 Mixed Commercial Zone / Amended Site Plan

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

Mr. Gary Lake gave a brief overview of the proposal.

Motion by Daniel Long, seconded by Kenneth Kyle to open the Public Hearing

All voting members voted yes

MOTION-CARRIED

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Let the Record show that there were no questions or comments from the public.

**Motion by Daniel Long, seconded by Kenneth Kyle to close the Public Hearing
All voting members voted yes MOTION-CARRIED**

Discussion on the septic and it was determined that a dye will be performed within 3 months of opening the facility. Also discussed was the comments from Orange County Planning and MHE Patrick Hines believes that the County was unaware that the site was already built, and this was left to local determination.

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

All voting members voted yes MOTION-CARRIED

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

All voting members voted yes MOTION-CARRIED

Conditions being:

1. Payment of any outstanding review fees
2. NYSDOT Signoff
3. Dye Test on the septic performed within 3 months of opening and the report submitted to the Building Department.

II. REGULAR BUSINESS

**Dolsontown Plaza / SBL# 1-1-16.11 / MC-1 Mixed Commercial Zone/
Dolsontown Road / Site Plan**

John Fuller, Engineer for the applicant approached the board and discussed that a number of comments have been addressed with the Engineer and if the scope is defined well enough, he would like to move forward with lead agency if the board is ok with that.

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Patrick Hines, MHE Principal said that he did concur with Mr. Fuller and he asked Mr. Fuller to bring extra maps tonight for his firm to circulate.

MHE Engineering comments were discussed as follows:

1. Finished floor elevations are depicted on the plans with two different elevations; 480.67 and 480.5. The Applicants representative is requested to check the grading along the front on the proposed commercial multi-tenant structure as the grade at the curb line is 482. Drainage would be discharged against the building based on this grading.
2. The pipes at the access drives have been depicted with inverts which are well below existing topography. An example being the westerly most entrance drive with a surface elevation of 486 and an invert of 482.5.
3. Invert and discharge location of the pipe within Dolsontown Road which crosses from the house at 1303 Dolsontown Road onto the site should be identified. This pipe appears to discharge water to the area of the subsurface sanitary sewer disposal system.
4. Previous discussions regarding loading dock areas for the multi-tenant building identified loading docks to the rear of the structure. Current finished floor elevations and grading identify a 4+/- foot elevation difference. Will these structures have doors to the rear? And how will these doors function with the grade change.
5. Check rim elevations versus grading on all catch basins to assure catch basins will collect runoff. Example being catch basins to the rear of the structure. Stormwater will be flowing perpendicular to the catch basins.
6. Arrows to the rear of the multi-purpose structure which are apparently depicting drainage flow are pointing in the opposite direction of the elevations.

7. A retaining wall is proposed to be rear of the structure. Retaining walls approximately four feet high, guiderail or other measures for vehicle safety should be incorporated into this design.
8. A proposed “bio retention pond” is identified on the plans, this practice is not identified in the NYSDEC design manual. Bio retention areas are only permitted to have six-inch water depth over the planting medium. A current bio retention area based on grading has an excess of four foot of elevation prior to discharge.
7. Check outlet from stormwater management facility. Invert is identified at 460.6, while topography in that area is higher than that.
8. Subsurface sanitary sewer disposal system requires approval from the NYS Department of Environmental Conservation and the Orange County Health Department.
9. Water treatment system proposed requires approval from the Orange County Health Department.
10. Landscaping should be submitted to the Town’s Landscape Architect consultant for review.
11. The manufacturer of the identified lighting fixtures should be identified on the plans to check lighting design.
12. The bio-retention area is identified as having a pond liner. In the detail this liner is only depicted at the bottom of the typical section. Pond liner must extend above the outlet control structure orifices in order to be effective. Specifications for the pond liner should be included in the SWPPP and on the details.
13. A concrete washout detail should be added to the plans consistent with NYSDEC guidelines.

14. Dumpster enclosures should be sized as depicted on the plans; details should be provided accordingly. Notes should be added to the plans requiring all dumpsters on the site be incorporated into the two enclosures.
15. The Applicants are requested to discuss the entrance to the structures and sidewalk perimeters. Are curbs proposed at these locations?

Additional discussion on comment # 4 and Mr. Fuller said that he would take a good look at that.

Also discussed was the Notice of Intent that was prepared by MHE and discussed by the board and the following motion was made:

Motion by Richard Onorati, II seconded by Daniel Long for the Board's Intent to act as Lead Agency.

All voting members voted yes

MOTION CARRIED

Motion by James Driscoll, seconded by Kenneth Kyle to set a Public Hearing for May 8, 2019

All voting members voted yes

MOTION-CARRIED

MHE Engineering to do the circulation. John Fuller to send to Mr. Hansen as well.

Distelburger Commercial Solar / SBL# 1-1-21.12 / Airport Drive/ MC-1 Mixed Commercial Zone

Ross Winglovitz from Engineering Properties approached the board and gave brief update to the board where they left off last. They have been working through the interconnect process with Orange and Rockland, and it has not been going as smoothly as planned. Wallkill owns property across the street and Wallkill is willing to grant them an easement.

The following MHE Engineering comments were discussed as follows:

The following engineering comments were discussed as follows:

1. Section 195-19f (2) identifies “there shall be no more than one entrance and one exit to any business or commercial use parking area on any one highway unless safety or other considerations should demand it. Each entrance shall be clearly defined with curbing. Fencing or vegetative screening as to prevent access from the area from other than a defined entrance and exit. In no case shall one entrance and exit be located within 80 feet of any other on the same property or adjoining property along the same public right-of-way.” It is noted that the location of Federal Jurisdictional Wetlands as well as a water course which is to be avoided during construction requires the installation of two limited access driveways to each of the separate solar arrays proposed on the property. The presence of the wetland area requires the two access points.
2. The first portion of all access points should be paved from the roadway into the site.
3. The Glare Hazard Study performed by Blue Oak Energy concludes that there are potential issues for glare for the airport, Interstate 84 and Airport Road. These glare issues are identified in the “yellow” glare for potential for temporary after image impacts. This office recommends that these reports be submitted to Randall Airport, the FAA and NYSDOT for evaluation of the glare impacts at the site.
4. The plans show a required easement through the parcel of property on the north side of Airport Road to access the Orange and Rockland utilities. Status of this easement should be discussed with the Planning Board. It is noted that a portion of the power lines leaving the site will be placed underground at Airport Road. The Applicants representative are requested to address placement of all utilities underground from the power conversion pad to the O&R connection.
5. A Stormwater Pollution Prevention Plan should be prepared for the project site. Long Form EAF identifies 10+/- acres of disturbance on the parcel

Lead Agency circulation is required as project is a Type I Action impacting greater than 2.5 acres of land in an Agricultural District.

6. Submission to NYSDOT due to the projects proximity to Interstate 84 is required.
7. Submission to Orange County Planning due to the proximity to the town line and Interstate 84 is required.
8. The amount of tree clearing proposed should be identified on the plans. EAF does not identify threatened or endangered species however recent solar farms have had input from the US Fish and Wildlife Service which identifies potential impacts to Bat species due to habitat loss.
9. Jurisdictional Federal Wetlands exist on the site. The Planning Board should be provided with a copy of the Wetlands Delineation for their file.
10. The Applicants are requested to identify if existing tree cover in the vicinity of the residential structure located along Airport Road is to be preserved. It is unclear if these trees are located on the residential parcel or the project site.
11. Plans for the power conversion pad, generator, solar invertors should be included in the submission. Plans and insulation details for the solar equipment should be provided with the submission. Fencing details should be added to the plans.
12. A property operation and maintenance plan must be submitted in accordance with Section 195-42.1(4)(d).
13. Ownership and operation of the facility should be identified with appropriate leases, easements and other agreements provided to the Planning Board attorney for review.

14. The Applicants representative is requested to provide additional 200-foot measurements from the roadway along the property frontage at several locations.
15. The Applicants are requested to evaluate if any landscaping or screening is to be provided on the site along Airport Road. Screening and landscaping should be submitted to the town's landscape architect consultant for review.
16. The decommissioning plan dated October 2018 does not contain a cost estimate detailing project costs for the decommissioning plan. Cost estimate shall take into account inflation. Cost estimate will be utilized to establish a bond amount equal to 125% of the de-commissioning and reclamation cost for the system.

Motion by James Driscoll, seconded by Kenneth Kyle for the board to act as Lead Agency.

All voting members voted yes

MOTION-CARRIED

This project is a Type I Action under SEQR and needs to be circulated to Orange County Planning Department, NYSDOT, Town of Wallkill, NYSDEC, and eventually send to Robert Hansen. MHE Engineering will do the circulation.

The Glare Study should be sent to FAA and NYSDOT as well. The applicant will provide to the board the property operation maintenance plan, details of the interconnect, ownership of facility, 125% decommissioning plan and the pilot agreement with the town.

III. OTHER BUSINESS

Approval of Minutes for November 14, 2018

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**Motion by Daniel Long, seconded by John Neiger to approve the minutes
For November 14, 2019 as submitted**

All voting members voted yes

MOTION-CARRIED

The March 27, 2019 Town of Wawayanda Planning Board meeting was
Adjourned at 8:06 P.M.

Respectfully Submitted,

Patricia Battiato
Secretary to Planning