

# Town of Wawayanda PLANNING BOARD MEETING

## October 27, 2021 / 7:41 P.M.

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### Members Present:

Chairman Richard Onorati II  
John Bacan - Absent  
Ben Dombal  
James Driscoll  
John Neiger  
John Pierce  
John Razzano, Deputy Chairman

### Consultants Present:

William Bavoso, Attorney  
Patrick Hines, MHE Principal  
Kenneth Wertsted, Traffic Consultant

### Recording Secretary:

Stacey Daly-Wilkins

The October 27, 2021 Town of Wawayanda Planning Board meeting was called to order by Chairman Richard Onorati II at 7:30 P.M.

## I. Informal Applications

### **Banca / SBL#22-1-3.11 / Reiss Rd / AR- Zone / 5 Lot Subdivision**

Tim Gottlieb of Joseph Gottlieb PE, PC Consulting Engineer was present to represent the applicant for this 5-Lot Subdivision of a 22.38-acre parcel. 4 lots will be approx. 2 acres each with the remaining lot to be approx. 14-acres. Topography, culverts, driveways, site distance, wells and sanitary sewage locations need to be added to all plans before further review.

### MHE comments reviewed as follows:

1. The application is before the Board for a concept approval. A review of the concept plan identifies the need for a Bulk Table depicting zoning compliance. Sight distance should be added at each driveway. Future submissions should provide all information from the subdivision checklist including topography as well as limits of disturbance to determine if SWPPP is required.
2. Further review of the project will be undertaken upon review by the Planning Board.

### **Kirby / SBL#10-1-49 / Pocatello Rd / AR – Zone / Special Use Permit – Agricultural Re-Use**

Let the record show, Board Member James Driscoll stepped down from the dais to recuse himself for this application.

Les Kirby was present to represent his application for a Special Use Permit. Mr. Kirby wants to repurpose an existing storage building as an apartment for farm labor. Mr. Kirby wishes to add a well and sanitary sewage disposal. This 95.6-acre parcel contains no other primary residence, only farm structures. A brief discussion was held and this is not considered an agricultural re-use. Mr. Kirby will only need to go to the building office as there is no other residential structure on this location. The building office will guide through the permit process. A zoning variance may be required due to site distance and building proximity to Pocatello Road.

MHE comments reviewed as follows:

1. A site plan prepared in compliance with Town of Wawayanda regulations should be submitted for the project.
2. The applicants are apparently requesting an Agricultural Reuse of the structure. The definition of agricultural structures contains a sentence which states:  
*"In an effort to preserve the structures and to provide income to the Owners when farming is no longer possible, compatible nonagricultural uses are allowed by Special Use."*  
The application identifies the building structure will be utilized as housing for farm labor which identifies that farming continues to be compatible on the subject property.
3. Should the project continue; a well and septic system must be designed.
4. Parking should be provided for the proposed structure.
5. A variance may be required as it appears from the schematic plan that the structure may be located at or within the right-of-way of Pocatello Road.

### **Paternoster / SBL#1-1-55 / McVeigh Rd / SR – Zone / Subdivision**

Let the record show, Board Member James Driscoll returned to the dais.

Teresa Angelico & Kathy Paternoster were present for this application. The intent is to subdivide the 15.80-acre parcel and build a home on the subdivided lot. Ms. Angelico has concerns regarding the amount of road frontage available for a new lot and side yard setback for the existing home. They are requesting the guidance of this board to move forward. Chairman Onorati stated that this board cannot provide the requested guidance. The applicant must utilize a design professional in order to assess their needs. A design professional will be familiar with the Town Code and be able to guide the applicant on the best course for them based on their needs.

The applicant discussed the potential for a Flag-Lot and the need for a possible zoning variance. Atty Bavoso stated that a formal application must be completed and submitted for Planning Board review, and that if a Zoning Board referral was necessary, this board would make the referral at that time.

MHE comments reviewed as follows:

1. The application is before the Board for an informal for a subdivision. Insufficient information has been submitted for adequate review at this time. The applicant's representative is requested to

provide a subdivision plan by a licensed design professional in compliance with Town Code for future submissions.

## II. Formal Applications

### **Dorsey / SBL#13-1-21.22 / Kirbytown Rd / AR – Zone / Special Use Permit – Accessory Apartment**

Marion Dorsey was present for this Application request for a Special Use Permit for an 864 sq. ft. Accessory Apartment which will be above a new 2-car garage. A 50% expansion of the existing sanitary sewage disposal is required. A water line will be run from the existing well. An updated short form EAF is requested.

MHE comments reviewed as follows:

1. The applicant’s representatives have provided an analysis for modifications to the subsurface sanitary sewer disposal system. The analysis recommends additional leech fields and an addition of a separate 1,000-gallon septic tank for the accessory apartment. The plan lacks the required 50% expansion area for a residential septic system. It appears that the expansion for the apartment utilizes what previously was the expansion area for the residential septic system. An additional area depicting 50% expansion should be depicted on the site.
2. The water line serving the proposed accessory apartment should be depicted on the plans. It was previously identified that the water system for the existing dwelling would be utilized with a lateral serving the apartment.
3. The Planning Board should determine if a Short Environmental Assessment Form was submitted for the project. The accessory apartment use is an Action under SEQRA.
4. A Public Hearing is required for the project.
5. The plans should note the size of the accessory apartment as they are restricted to 900-square feet maximum 400-foot minimum. The plans must identify owner occupancy required for one (1) of the structures the accessory apartment or the single-family dwelling.
6. The accessory apartment is only permitted by Special Use Permit. The Special Use Permits require a Public Hearing.

### **Motion by John Neiger, seconded by John Razzano to Declare its Intent to for Lead Agency under SEQR.**

#### **VOTE UPON ROLL CALL:**

<b>Ben Dombal</b>	<b>AYE</b>
<b>James Driscoll</b>	<b>AYE</b>
<b>John Neiger</b>	<b>AYE</b>
<b>Richard Onorati II</b>	<b>AYE</b>
<b>John Pierce</b>	<b>AYE</b>
<b>John Razzano</b>	<b>AYE</b>

**AYE 6**

**NAYS 0**

**ABSTENTIONS 0**

**Motion by James Driscoll, seconded by John Neiger to set a Public Hearing for November 10, 2021.**

**VOTE UPON ROLL CALL:**

<b>Ben Dombal</b>	<b>AYE</b>
<b>James Driscoll</b>	<b>AYE</b>
<b>John Neiger</b>	<b>AYE</b>
<b>Richard Onorati II</b>	<b>AYE</b>
<b>John Pierce</b>	<b>AYE</b>
<b>John Razzano</b>	<b>AYE</b>

**AYE 6**

**NAYS 0**

**ABSTENTIONS 0**

**Motion by John Pierce, seconded by John Razzano to submit to Orange County Planning for a 239 Review.**

**VOTE UPON ROLL CALL:**

<b>Ben Dombal</b>	<b>AYE</b>
<b>James Driscoll</b>	<b>AYE</b>
<b>John Neiger</b>	<b>AYE</b>
<b>Richard Onorati II</b>	<b>AYE</b>
<b>John Pierce</b>	<b>AYE</b>
<b>John Razzano</b>	<b>AYE</b>

**AYE 6**

**NAYS 0**

**ABSTENTIONS 0**

**Ridgebury Hills/ SBL#12-1-37.1, 38, & 104 / Ridgebury Rd & Greeves Rd / AR – Zone / 21 Lot Subdivision**

Steven Green, P.L.S. was present to represent the applicant of this request for a 21-lot subdivision. (These parcels were previously reviewed 2003-2010 as the Huckleberry Hills Subdivision.) The Town Board has received a letter from 24 neighbors on Greeves Road concerned about the current drainage issues coming from these parcels.

MHE comments reviewed as follows:

1. The project proposes a 21-lot subdivision of a 55 +/- acre parcel of property. The project site has frontage on Ridgebury Road and small pieces of frontage on Greeves Road. The project is located in the AR Zoning District.
2. The applicants have submitted a Full Environmental Assessment Form for the project. The project should be typed as a Type I Action under SEQRA. Type I Actions are defined as Actions which will likely require an Environmental Impact Statement. The project is considered a Type I Action for the following reasons:

- Habitat for endangered species – Indiana Bat,
- Disturbance of greater than 2.5-acres in Orange County AG District #2,
- Project is located in the Town’s Critical Environmental Area – Ridge Preservation Area
- Project may contribute or exacerbate existing drainage concerns

3. It is recommended that the Planning Board declare its intent for Lead Agency for the environmental review of this project. A Notice of Intent for Lead Agency will be prepared and circulated to involved and interested agencies.

4. The current plan identifies stormwater management facilities on residential lots. Individual stormwater lots owned by a proposed drainage district should be provided. A review of the topography from the areas identified as potential stormwater ponds identifies the possibility of the creation of point discharge to adjoining residential properties. Point discharges to adjoining residential properties will not be permitted. Drainage should be directed to natural existing water courses at rates equal to or less than previous development conditions.

5. Status of the Federal jurisdictional wetland determination should be received. Copies of any wetland delineation and any information submitted to outside agencies should simultaneously be copies to the Planning Board for a complete file.

6. A cursory review of the subsurface sanitary sewer disposal areas identifies that the septic system on proposes Lot #10 is located in close proximity to wetlands. Similar comment for Lot #11.

7. The subsurface sanitary sewer disposal system depicted on Lot #6 appears to have separation distance issues to adjoining wells.

8. The drainage evaluation must incorporate an evaluation of site runoff from the properties to Greeves Road and Ridgebury Road include an analysis of existing drainage within each of the roadways.

9. Highway Superintendent’s preliminary comments on the roadway layout should be received.

10. The project will require the establishment of a drainage district through the Town Board. Drainage district approvals should be referenced in the Long Form EAF.

11. A subdivision plan prepared by a NYS Licensed surveyor must be incorporated into the plan set.

**Motion by James Driscoll, seconded by John Razzano to Declare its Intent for Lead Agency under SEQR.**

**VOTE UPON ROLL CALL:**

<b>Ben Dombal</b>	<b>AYE</b>
<b>James Driscoll</b>	<b>AYE</b>
<b>John Neiger</b>	<b>AYE</b>
<b>Richard Onorati II</b>	<b>AYE</b>
<b>John Pierce</b>	<b>AYE</b>
<b>John Razzano</b>	<b>AYE</b>

**AYE 6**

**NAYS 0**

**ABSTENTIONS 0**

**Corwin Subdivision / SBL#6-1-4.1, 8-1-3.1, 8-1-3.22, & 8-1-8.32 / Bigert Dr./ SR – Zone / Subdivision and Lot Line Change**

Ross Winglovitz of Engineering & Surveying Properties and Brian Corwin were present to provide an overview of this application. Two of the four lots are existing non-conforming and should be reviewed the Zoning Board of Appeals before further review of this application by this board. EAF must be revised, Orange County Health Depart and other county offices will also need to review.

MHE comments reviewed as follows:

1. A plan depicting the entire parcels involved should be shown. Tax Lot 4.1 appears to be increasing in size. The location of the increased size should be depicted on the plan sheet.
2. ZBA approval will be required for proposed Tax Lot 3.1 as the lot currently does not meet lot area and will not meet lot area under the proposal. Tax Lot 3.32 contains an existing mobile home and does not meet lot area currently and in a proposed condition, will not meet lot area. David Bavoso’s comments regarding the variances should be received.
3. “+/-” on the lot sizes should be eliminated upon completion of a detailed survey.
4. Town Board approval and Health Department approval for water main extension will be required.
5. Subsurface sanitary sewer disposal system designs should be submitted with future applications.
6. Detailed water line plans will be required once a water line plan and report are developed for Health Department approval.
7. Note #9 should be reevaluated. It is not clear if an Indiana Bat Hibernaculum is located within proximity to the site. If the project site is located near a Hibernaculum the cutting time is restricted to November 1st.

**Motion by Ben Dombal, seconded by John Neiger to refer to the Zoning Board of Appeals.**

**VOTE UPON ROLL CALL:**

<b>Ben Dombal</b>	<b>AYE</b>
<b>James Driscoll</b>	<b>AYE</b>
<b>John Neiger</b>	<b>AYE</b>
<b>Richard Onorati II</b>	<b>AYE</b>
<b>John Pierce</b>	<b>AYE</b>
<b>John Razzano</b>	<b>AYE</b>

**AYE 6**

**NAYS 0**

**ABSTENTIONS 0**

**McManus Solar / SBL#1-1-48.11 / McManus Rd / SR – Zone / Special Use Permit & Site Plan**

Minutes Approved on: November 10, 2021

*Sherry Doby Wilkins*  
Secretary to Planning Board  
Town of Wawayanda

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Ross Winglovitz of Engineering & Surveying Properties was present to provide an overview of this application. In addition to the comments below, the board requests the following: Glare and Glint Visual Impacts for both I-84 and the Airport., a cross section of visual simulation from all neighbors, a decommissioning plan and PILOT for review by Atty. David Bavoso. The maximum height on the Solar array is 15'. The solar array is not to go with the land topography, and grade may need to be adjusted in order for array to be uniform in appearance. This applicant indicates that it will comply with the PILOT agreement.

**MHE comments reviewed as follows:**

1. The project proposes to construct a 19.4-acre solar array on 73.07 +/- parcel of property located in the Town's SR Zoning District. Approval for large scale solar systems is considered a Special Use Approval in accordance with Section 195-42.1 E.
2. All components of Section 195-42.1E4 A through I should be provided with the application.
3. Specific notes should be added to the plans identifying that the height of solar energy systems shall not exceed 15-feet when oriented at maximum tilt.
4. The project site contains extensive Federal jurisdictional wetland areas. The solar arrays are proposed to cross these Federal jurisdictional wetlands. A jurisdictional determination from the Army Corps of Engineers as well as permitting for the solar array and fencing will be required.
5. The applicants have submitted a Full Environmental Assessment Form. The Form identifies the project located within an AG District. The project site identifies disturbance of greater than 2.5-acres within said AG District. The project should therefore be typed as a Type I Action under SEQRA. The Planning Board may wish to declare its intent for Lead Agency for review of the project.
6. The Planning Board should consider locations where visual renderings and simulations are required as well as line of sight profiles.
7. Landscape screening should be addressed on future submittals for the Airport Road/McManus Road frontage as well as the adjoining residential properties.
8. The site is identified as having potential for archeological/cultural resources. Phase Ia-b Archeological Reports should be prepared and submitted to the NYS Office of Parks, Recreation and Historic Preservation for the site.
9. Future submissions should contain a grading plan for the proposed solar arrays. The project development details should also be provided.
10. Fire access road should be identified as 20-foot minimum with appropriate turnarounds depicted on the plans. Details of the fire access roads should be provided.
11. Any equipment pads or facilities associated with the project should be identified on the plans.
12. A SWPPP will be required for the project.
13. Further review of the project will be undertaken upon submission of detailed design plans.





**Motion by John Pierce, seconded by John Razzano for Conditional Final Approval.**

**VOTE UPON ROLL CALL:**

<b>Ben Dombal</b>	<b>AYE</b>
<b>James Driscoll</b>	<b>AYE</b>
<b>John Neiger</b>	<b>AYE</b>
<b>Richard Onorati II</b>	<b>AYE</b>
<b>John Pierce</b>	<b>AYE</b>
<b>John Razzano</b>	<b>AYE</b>

**AYE 6**

**NAYS 0**

**ABSTENTIONS 0**

Conditions being:

1. Receipt of review by the NYS Department of Transportation.
2. Easement review and approval by the Atty. David Bavoso.
3. Payment of any outstanding review fees.

**Simon / SBL#6-1-107 & 6-1-90.1 / MC1 – Zone / Special Use Permit, Lot Line Change & Site Plan**

Justin Dates of Colliers Engineering, Robert Stout Esq. of Whiteman Osterman & Hanna LLP were present to provide an update of this amended application. The application now calls for only one warehouse of approx. 282,5250 sq. ft. There is no proposed wetland disturbance. This board requests Visual and Sound Impact studies from Caskey lane neighbor properties.

MHE comments reviewed as follows:

1. The applicants have revised a previously submitted site plan which is under review by the Planning Board. The project is being considered by the Board under a generic Environmental Impact Statement. The scoping session recently held for the generic Environmental Impact Statement identified that the project will be evaluated for various environmental components. The scope of the GDEIS is currently under review by the Board. It is recommended that changes proposed to this plan be incorporated into the GDEIS.
2. The frontage along Caskey Lane should be depicted as a front yard as the project is a corner lot.
3. Finished floor elevations must be identified on the plans. Significant grade difference across the building exists. Site grading plan should address proposed finished floor elevations and site grading. Excess of 50-foot grade elevation exists in the existing conditions within the building footprint depicted.
4. The plans should address if fire protection water supply tanks are required.
5. Further review of the project will be undertaken upon submission of detailed plans and review of the project under the current GDEIS.

**Motion by John Pierce, seconded by John Razzano to adjourn the meeting.**

**VOTE UPON ROLL CALL:**

<b>Ben Dombal</b>	<b>AYE</b>
<b>James Driscoll</b>	<b>AYE</b>
<b>John Nieger</b>	<b>AYE</b>
<b>Richard Onorati II</b>	<b>AYE</b>
<b>John Pierce</b>	<b>AYE</b>
<b>John Razzano</b>	<b>AYE</b>

**AYE 6**

**NAYS 0**

**ABSTENTIONS 0**

The October 27, 2021 Planning Board meeting was adjourned at 8.56 PM.

**Respectfully Submitted,**

*Stacey Daly Wilkins*

**Stacey Daly-Wilkins, Secretary to Planning Board**