

**Town of Wawayanda PLANNING BOARD  
December 28, 2011**

---

Members Present: **Barbara Parsons, Chairperson**

Ben Dombal

James Driscoll

Daniel Long

Mary Markiewicz

John Neiger

Richard Onorati, II

Consultants Present:

William Bavoso, Attorney

Patrick Hines, MHE Associate

Recording Secretary:

Patricia Battiato

The December 28, 2011 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. INFORMAL**

**SCHMIDT / SBL# 21-1-27 / 3-Lot Subdivision / AB-Agricultural Business Zone / Schmidt Lane**

Mr. Tim Gottlieb from Gottlieb Engineering was in attendance representing this application. Explained that this was being proposed as a three lot subdivision to settle an estate. First lot is 12 acres, which fronts on County Route 12, New Lot is 10 acres and proposed to be built on in the future, and the balance of 86 acres has farming facilities on it.

MHE Engineering comments discussed as follows:

1. The project involves the subdivision of a 109+/- acre parcel of property into three lots. Lot 1 being a 12.3 +/- acre parcel with an existing house and barn, proposed Lot 2 being a single family residential lot at 10.2 +/- acres and the balance parcel being 86.5 +/- Acres. Schmidt Lane is an existing town maintained roadway.
2. Schmidt Lane is shown on Tax Maps as continuing through to Onion Avenue. This should be clarified.

**December 28, 2011**

**Page 2**

3. Proposed turnaround is identified on the plans if this is to be constructed, details of its construction and review of approval by Highway Superintendent should be received.
4. Driveway location for Lot 2 should be depicted on the plans.
5. Notes should be added to the plans that all lots will access Schmidt Lane with no access proposed from Onion Avenue or Pierce Circle.
6. Previous comments say Lot 2 should access off of Schmidt Lane

Pat Hines discussed that Schmidt Lane is only proposing a turnaround; he did speak to the Dan O'Brien, the surveyor, and the Town actually constructed that road in the past for access to the house. It has been maintained since that time. Michael Green should clarify that. The interesting thing is that shown on the tax map that the road goes all the way out to Onion Avenue and it doesn't appear to do that, possibly abandoned and we would need clarification from Mike Green on that also.

Mr. Hines continued that the lots are greater than five acres so the septic system doesn't need to be designed; they did go out and do deep and Perc test to prove that the new lot has an area for a septic system. For a ten acre lot it is not required but they have shown it.

**PAGLIA / SBL# 20-4-1 / TC Town Commercial / Rte. 284 and US Rte. 6  
Amended Site Plan to add a Barber Shop**

Mr. Jim Dillon, professional Land Surveyor was in attendance representing Mr. Paglia. Mr. Paglia was here with a proposed amended site plan to include a Barber Shop in the building. The board discussed the water, SDS system and the residential lot next door having access through the property. There was a filed easement on that and everyone agreed to allow the drive through easement.

MHE Engineering comments discussed as follows:

1. Offsite parking is showing via an easement on a residential lot, Section 20 Block 4 Lot 7. This issue was addressed by the Planning Board in 2008 and found to be not an allowable accessory use to the adjoining residential parcel. Bill Bavoso's comments regarding this should be received, see 2008 comment letter.

2. Subsurface sanitary sewer disposal evaluation prepared by Joseph Gottlieb's office contains a math error regarding the barber shop identifying 100 gallons per day which should read 110 gallons per day.

**December 28, 2011**

**Page 3**

3. Source of the 55 gallon per day per chair for barber shop water use should be cited as NYSDEC published hydraulic loading rated for this use which are significantly higher.

Discussion on the additional proposed parking; said to be in the easement, which is on the adjoining lot, which is residential. The applicant has a signed deed allowing him access to that. This would be an accessory use to that residential lot and the concern is that it is not safe and a site plan would be needed to show the parking area. Discussed putting the additional three parking spaces where the plant boxes are and to allow access to drive through the easement. This way everything is one the one lot and this site plan stands alone.

For the record, all board members were in agreement to allow the drive over the easement to get to the additional parking spaces.

The applicant will come back with the updated plan to include the correction of the 1100 square feet to 1250 square feet and the additional septic information.

## **REGULAR BUSINESS**

### **CPV VALLEY / Acknowledge receipt of FEIS**

Motion by Daniel Long, seconded by Richard Onorati to acknowledge receipt of the FEIS for CPV Valley.

**All voting members voted yes**

**Motion / Carried**

### **SLATE HILL DISCOUNT BEVERAGE / SBL# 15-1-1.21 / Us Rte. 6 / TC-Town Commercial Zone / Amended Site Plan**

New maps were submitted with changes to the west of property showing a circular drive through.

MHE Engineering comments discussed as follows:

1. The applicant's representatives are requested to explain the large circular pavement area show on the southern portion of the site.
2. The apparent drive thru window and its use should be identified on the plans. Current parking for the convenience store requires 13 while no parking is attributed to the Phase II storage area which is approximately 1500 +/- square feet.

**December 28, 2011**

**Page 4**

3. We would recommend the single parking space depicted in front of the building in the vicinity of the entrance/exit lane be removed.
4. NYSDOT comments on the project should be received as project gains access from NYS Route 6.
5. Information from Orange & Rockland utilities is required.
6. Any use other than storage for Phase II will require review and evaluation of subsurface sanitary disposal system.
7. Plans should identify the location and details of proposed septic tank to be replaced.
8. Clearly identify area propose to be curbed on the site.
9. The Town's landscape architect consultant should be reviewing the plans.
- 10 Information pertaining to message sign now depicted on plans should be received.
- 11 If proposed large circle at south end of site is to remain, does center of circle require pavement as depicted?
- 12 Label finished floor elevation on structures.
- 13 Show well location.
- 14 Orange County Planning Department comments must be received.

Discussion on the Orange & Rockland comments that were received and basically that is an issue between the applicant and O&R as this building has always been there.

Mr. Ullrich questioned why now, after three months of being before this board are they being requested to go to NYSDOT. Mr. Hines explained that was a previous comment on his comment letter. It still is not addressed. Mr. Hines suggested to Mr. Ullrich that it should be done, because we will only get a letter from them asking why we didn't do it, especially with the new changes. Mr. Ullrich then asked if the plans had gone to the landscape architect, which the secretary replied no. Mr. Ullrich would like them to go, and possibly get the turn around within thirty days or two weeks.



**RUTGERS CREEK KENNELS / SBL# 23-1-110 & 111 / AR-Agricultural  
Residential Zone / Gardnerville Road**

MHE Engineering comments discussed as follows:

1. We would recommend that the 300 foot setback line be eliminated in that portion of the site which is covered by the conservation easement to clarify that area cannot be constructed on based on the current restrictions.

**December 28, 2011**

**Page 6**

2. A Note has been added to the plans requiring filed stake out of all structures in close proximity to the conservation easement and building setback lines. Construction activities shown near conservation easement may be difficult to accomplish without encroaching on conservation easement.
3. Septic design flow identifies 35 dogs in kennel. The Planning Board should discuss with the applicant the number of dogs and intensity of use at the facility.
4. Plans should show width of driveway to commercial building. 20 foot minimum driveway width is required for fire access road.
5. Area to remain on undisturbed in center of one way loop seems to require grading on that area based on proposed driveway grading. This should be clarified.

Comment # 3 was discussed with regards to the septic and James Ullrich, the applicant's representatives said that they would rather discuss that down the line once they get the public hearing under their belt.

Chairperson Parsons explained to Mr. Ullrich that this is her opinion, there is a lot of controversy on this, and feels the applicant may want to come in with fewer dogs than the 35. "I'm thinking along the line of about twenty and let's see how this works out. If he's a good neighbor and he needs the extra dogs later on he can always come back before this board".

Mr. Ullrich said that he was not going to recommend that to his client, and continued that the board does have the power to set the number of dogs we can have. We can always re-design the septic.

Chairperson Parsons explained her feelings, and did not know how the board felt on this but considering the controversy here she was trying to be fair to the neighbors and the applicant as this use does fit in the zoning. "I'm trying to make

as minimal impact as possible". Talked about Attorney Bavoso letter to Mr. Ullrich, as the Kennel would be the primary use, and the residence would be the accessory use to the property.

Motion by **James Driscoll**, seconded by **John Neiger** for the board to declare its intend for Lead Agency.

**All voting members voted yes**

**Motion / Carried**

**December 28, 2011**

**Page 7**

Motion by **Mary Markiewicz**, seconded by **Daniel Long** to set a Public Hearing date for February 8, 2012.

**All voting members voted yes**

**Motion/Carried**

**TURTLE BAY 5 LOT SUBDIVISION / SBL# 26-1-48.1, 48.2, 48.3, 48.4**

Mr. Anthony Trochiano from Pietrzak & Pfau was in attendance representing the applicant.

MHE Engineering comments discussed as follows:

1. This office takes no exception to the Planning Board issuing final approval.

Motion by **Barbara Parsons**, seconded by **John Neiger** for Conditional Final approval.

**All voting member voted yes**

**Motion / Carried**

Conditions being:

1. Payment of any outstanding review fees.
2. Setting of the pins and monuments

**COUNTRY MANOR SUBDIVISION / SBL# 18-1-11.5 / US Rte. 6  
TC-Town Commercial Zone**

MHE Engineering comments were discussed as follows:

1. The plan presented is a conservation subdivision for 8 new residential lots on a 43.7 +/- acre parcel which contains an existing structure along the Route 6 frontage as well as a barn. Compliance with Section 195-56 conservation subdivision must be documented. Note 7 identifies that Lot 9 should have permanent deed restriction against any further subdivision.

This note does not comply with the requirements for conservation easement and permanent protection of 50 % minimum of the parent parcel Size. Prohibiting future subdivision does not comply with the requirements for a conservation easement. Long term ownership and maintenance of the Conservation easement area must be addressed in accordance with Section 195-56.

2. Highway Superintendents comments regarding driveways should be received. Shared driveways should be provided where possible.
3. Health Department review of septic system and wells will be required.
4. Stormwater management/SWPPP must be prepared for the project.

**December 28, 2011**

**Page 8**

5. EAF should be expanded to identify evaluation of threatened or endangered species, supplemental information and natural heritage program information should be provided.
6. Plans should be submitted to the Office of Parks Recreation Historic Preservation for review of potential cultural resources.
7. Applicant's representative is requested to explain the groundwater collection system proposed which has all footing drains and septic curtain drains tied into a common system. Operation and maintenance of this common system as well as easements for connections and maintenance are required; systems encroachment into potential conservation easement area must be addressed. Timing of installation of these improvements, if they are to remain as part of a plan, should be addressed by the applicant.

Discussed section 195-56; Conservation Subdivision and that the language is very specific, requirement of 50% of land forever preserved and the issue here is that a note on the map says "no further subdivision of lot # 9" That is not acceptable. This needs to be looked at.

**MATHEW / SBL# 12~+1~26.9 & 68 / Ridgebury Road /Subdivision and Lot Line Change**

MHE Engineering comments were discussed as follows:

1. Previous comment No. 3 dated 22 August 2011, must be addressed regarding Highway Superintendent's comments on driveway and need for culvert pipe. Comment is not addressed in the November 3, 2011 resubmission.

2. Our office would recommend a Negative Declaration on the 2 Lot subdivision and lot line change. Project required a Public Hearing and review by the Orange County Planning Department of projects in an AG district.

Public Hearing for this application has been set for January 11, 2012

**VELLENGA / SBL# 23-1-82.1 / Co. Rt. 93 / AR-Agricultural Residential Zone.**

Discussed the revised driveway location and the length is about one-third shorter.

**December 28, 2011**

**Page 9**

The secretary will contact the Fire Chief and get maps to him to see if this works better, being that the driveway length is shorter and the site distance is better.

Public scheduled for January 11, 2012.

The December 28, 2011 Town of Wawayanda Planning Board meeting was adjourned by Chairperson Barbara Parsons at 8:48 p.m.

Respectfully Submitted,

Patricia Battiato  
Secretary to Planning