

## Town of Wawayanda PLANNING BOARD

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January 13, 2010

7:30 p.m.

On January 7, 2010 the Town of Wawayanda Town Board appointed Board Member Barbara Parsons to the position of Chairperson. The Town Board also appointed Alternate Board member Ben Dombal to a Board Member position to fill the vacancy of past Board Member / Chairperson Ann Yates.

**Members Present:** Barbara Parsons, Chairperson  
Ben Dombal  
James Driscoll  
Daniel Long  
Mary Markiewicz  
John Neiger  
Donald Siegel

**Consultants Present:** William Bavoso, Attorney  
Patrick Hines, MHE

**Recording Secretary:** Patricia Battiato

The Town of Wawayanda Planning Board January 13, 2010 regular Meeting was called to order by Chairperson Barbara Parsons at 7:28 p.m.

### I. PUBLIC HEARING

#### **JANIES SUNOCO / ALGERIA – SBL# 15-1-21 – Amended Site plan**

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

Motion by **Donald Siegel**, seconded by **James Driscoll** to open the Public Hearing.

**All voting members voted yes.**

John Nosek, representative for the applicant, gave a brief overview. Explained that they are proposing to convert possibly half of the building, 1200 SF. of it, to a Sports Bar. Other half will still be the Sunoco Gas Station / Convenience Store which are existing. All access

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will remain the same and we will not be changing any of that other than DOT signage per their request. Proposing an 8ft by 24 ft small addition on the southerly side of the building for refrigerator and equipment. Additional seventeen-(17) parking spaces are proposed on the southerly portion of the building.

Chairperson Parsons asked if there were any comments from the public.

**Mr. Richard Sica**, 33 Stillwater Drive, said he lived right around the corner, asked about lighting; concerned about accidents at night. Discussed the neighbors concern, and possibly some extra lighting on the building.

The following were comments that were discussed from MHE:

1. The Planning Board previously waived the requirement for curbs on this commercial site plan in lieu of providing additional landscaping. Landscape plans should be reviewed by Landscape Architect consultant.
2. NYSDOT has submitted a letter to the Planning Board dated 5 January 2010, requiring a Highway Work Permit and modification to signage on the site. A note should be added to the site plan that no building permit for the site will be issued until a highway work permit has been received.
3. Information pertaining to the dye testing of the on-site subsurface sanitary sewer disposal system should be received from the applicant's engineer. Date and time of dye test should be submitted to this office as representatives of this office or the building department may wish to witness dye testing.
4. Existing petroleum bulk storage permit were to be submitted.
5. Correspondence from O&R regarding improvements within O&R

right-of-way should be received.

6. The water system will most likely be considered a non-community water system by the Health Department. Approval of the water system prior to issuance of Certificate of Occupancy for building is required. Notes to the same should be added on the plans.

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Discussed curbing. Additional landscaping will be added, waiting on landscape architect comments.

Pat Hines was requesting a note to be added to the plans with regard to the NYSDOT having issued a highway work permit prior to a building permit.

Motion by **Mary Markiewicz**, seconded by **John Neiger** to close the Public Hearing.

**All voting member voted yes**

Applicant is still waiting for confirmation from Orange & Rockland.  
No action being taken at this time.

**TINTLE / SBL# 4-1-48.11 / s-2-Lot Subdivision / Kirbytown Road**

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

Motion by **Donald Seigel**, seconded by **James Driscoll** to open the Public Hearing.

**All voting members voted yes.**

Roger Ferris, the applicant representative gave a brief overview.

Chairperson Parsons asked for any questions from the public.

**Mr. James Niblock** said that he had a formal objection to this as he feels it is too close to his property.

Mr. Niblock was concerned about drainage coming on to his property. Patrick Hines, MHE said that the lot has been designed and meets town code. Mr. Niblock said his wife knows more about this and asked for a postponement until his wife comes back from out of town, a week from Monday.

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Mr. Hines explained and said that based on the existing zoning of that site, it meets the zoning. The design of the SDS and deep test and percs and the separation distances complies with all regulations. Did review on site with regards to the driveway and requested that a culvert be added to the driveway to allow water to continue to flow. A culvert has been provided on the plans. This all complies with requirements of the town code for subdivisions in this area.

Motion by **John Neiger**, seconded by **James Driscoll** to close the public hearing.

All voting members voted yes

Motion by **Mary Markiewicz**, seconded by **Donald Siegel** for a Negative Declaration under SEQR.

**All voting members voted yes.**

Motion by **James Driscoll**, seconded by **Daniel Long** for Conditional Final Approval.

All voting members voted yes

Conditions being as follows:

1. Any outstanding review fees to be paid in full.
2. Certification that iron rods have been set at all property corners and that copper clad 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.

II. **INFORMAL**

**PISTONE / Rt. 211 Auto Sales – SBL# 7-1-4, amended Site Plan  
Rte. 17M**

Mr. Sal Pistone has recently bought the property and is requesting permission to operate a used car lot there.

This would be a Special Use Permit and an amended site plan application. The applicant would need an Engineer to amend the previous site plan.

No action taken.

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**DEWITT / SBL# 26-2-4 / Amended Site Plan – Turtle Bay Road**

MHE Engineering comments as follows:

1. The applicant is proposing to relocate the subsurface sanitary sewer disposal system on the previously approved lot. The project received Orange County Health Department major subdivision approved based on the location of the septic system and well. Any relocation of the approved septic and/or well locations will required re-approval by the Health Department. The applicant must provide the Health

Department with a revised subsurface sanitary sewer disposal and well location plan prepared in accordance to Orange County Health Department.

The reason the applicant is requesting a change in location of the house is he doesn't want it so close the road.

It was discussed that an amended map to the board would be the next step. Once received and reviewed the board can make a determination if we need a Public Hearing or not.

### III. REGULAR BUSINESS

#### SELKIRK WAREHOUSES / SBL# 5-5-18.1 / Rte 6 & 17M

Engineering comments discussed as follows:

1. Location of water service to the building should be depicted.
2. NYSDOT comments should be received due to the project proximity to Route 17M and US Route 6.
3. Orange County Planning comments are required.
4. Building Inspector's comments regarding the use of storage containers should be obtained.
5. One of the entrances on the site is be depicted to be abandoned. How this is to be accomplished should be depicted on the plans.
6. Jurisdictional Fire Department comments should be received.

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7. Dumpster location should be reviewed by the Planning Board as it is located along busy highway. Chain link fence is proposed. Planning Board input on this should be received.
8. Planning Board should discuss any other site improvements required. We

recommend the Planning Board perform field review of existing site conditions, landscaping, pavement, etc.

9. Any signage proposed for site should be depicted on the plans.
10. Relocating proposed handicap access closer to entrance door should be considered.
11. Internal circulation utilizing the one way traffic pattern should be evaluated. Appropriate signage should be provided should one way parking continue to be proposed.
12. Business hours are identified as only weekdays, if Saturday hours are ever anticipated, they should be identified on the plans at this time.

Asked the applicant to submit a Long form EAF.

Discussed Special Use Permit for the storage trailers on site, Section 3.11-1. Discussed Signs and the new zoning, the following motion was made.

Motion by **James Driscoll**, seconded by **Mary Markiewicz** to send the applicant to the Zoning Board of Appeals for an area variance for the proposed sign that exceeds the allowable sign size.

**All voting members voted yes.**

Motion by **James Driscoll**, seconded by **Daniel Long** for the board to to declare its intent for Lead Agency..

**All voting members vote yes**

Motion by **Donald Siegel**, seconded by **Daniel Long** to adjourn the meeting.  
**All voting members voted yes**

The Town of Wawayanda Planning Board meeting was adjourned at 8:31p.m.

Submitted by,

Patricia Battiato  
Secretary to Planning