

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

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

Members Absent:
Kenneth Kyle
Daniel Long

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

Recording Secretary:
Patricia Battiato

The April 25, 2018 Town of Wawayanda Planning Board meeting was called to order at 7:30 P.M. by Chairperson Barbara Parsons.

I. INFORMAL

1. **Dipple** / SBL# 1-1-49 / MC-1 Mixed Commercial Zone / Dolsontown Road Amended Site Plan

Mr. Dipple has bought this property from Mr. Rotundo. Mr. Dipple has established a Contractor Yard without approval, and is before the Planning board for an updated site plan.

MHE Patrick Hines explained a bit of the site history and that it received violations when someone worked with Orange & Rockland and tried to use it as a contractor yard. There were some previous fill activities on that site that were previously addressed. This is not a permitted use as it stands. We need to see exactly what you're going to use the site for. A narrative would be good.

MHE Engineering Comments discussed as follows:

1. A bulk table for the site should be provided identifying all uses and setbacks on the property.

2. All information from the site plan checklist must be on the plans including topography, subsurface sanitary sewer disposal systems and all existing and proposed site features.
3. Note on plans identifies that DEC regulated wetlands were taken from Orange County mapping. Actual DEC wetland boundary must be identified on the site.
4. The map provided does not depict existing conditions on the site as clearly three entrance points to the property exist on the Town roadway. This is not permitted based on Town Code.
5. An existing structure is located on the parcel to the rear of the single family residence, which is not depicted on the plans.
6. The existing residential structure is pre-existing, non-conforming use in the MC Zone. David Bavoso's comments regarding need for zoning approval for increasing the intensity of use on a site which contains a pre-existing, non-conforming use should be received.
7. The contractor yard use should be provided with paved surfaces in all areas not utilized for outdoor storage.
8. Outside storage is proposed outside those areas depicted with gravel area.
9. A narrative report identifying the proposed use of the site and the intensity of that use should be identified on the plans.
10. If project is to move forward a defined lease area for the proposed uses of the site must be depicted on the plans in order for the Planning Board to evaluate the use of the site and identify the actual size of the project under review.
11. Section 195-17 Accessory Structures & Use Standards A (4) prohibits the use storage trailers, railroad cars, bulk containers and retired mobile home units as accessory structures.
12. Section 195-23 J pertains to Outdoor Storage, compliance with this section to the satisfaction of the Planning Board must be provided. Access to the site should be further discussed with the Highway Superintendent. Limited number of access are permitted based on Town zoning. Currently three access point's exist which are not permitted.
13. A further review of the project will be undertaken based on a site plan submitted in compliance with Town Zoning ordinance and site plan checklist.
14. EAF submitted used outdated form. NYSDEC website must be utilized for EAF.

MHE Patrick Hines said that because the existing residence on that site is pre-existing non-conforming in that MC Zone, it's there and it's allowed to be there. But now that

you're changing the intensity on that site it probably needs a zoning variance too. Basically you're adding a business to a preexisting non-conforming use. Attorney David Bavoso said that he thought the prior owner received the variances for that and the secretary explained that she believed that to be true as well. The secretary will do some research on this.

Mr. Dipple was instructed by Chairperson Parsons to contact his engineer and give him the comments and to keep moving forward with this.

II. REGULAR BUSINESS

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

Engineer Tom DePuy representing the DePuy family explained to the board where they were after getting the variances granted by the Zoning Board of Appeals. There were (14)-fourteen variances in all that were granted. He showed those to the board on the map. A condition of the variance was for the lots to be combined. They have done that.

Board Attorney David Bavoso explained that this was originally sent to the Zoning Board of Appeals because the most recent approvals had been in the 1980's which existed prior to any type of zoning. Because some of the buildings seemed to go over property lines and some new ones since that time the Code Enforcement Officer sent them to the ZBA. They have received the variances primarily just about every building existed prior to any type of zoning. So as a condition of the variance the consolidation of the lots was required.

Chairperson Parsons addressed the email that was received from the Building Clerk, Shanna Bosch, by asking if they parked over at the Fire Company, they said that they did, sometimes just a few employees. They donate to the Fire Company. Chairperson Parsons said that this was not our issue as our application and review is on this parcel, not the Fire Company's. Patrick Hines (said that they have 21 spaces, 27 are required and you received a variance for the others) That is not our issue.

MHE Engineering comments discussed as follows:

1. The Applicants have received ZBA approval for pre-existing; non-conforming issued on the lot and / or removal of certain portions of

- structures on the lot in compliance with the ZBA approval. David Bavoso's comments regarding the ZBA approval should be received.
2. The Planning Board may wish to discuss with the applicant the addition of landscaping in compliance with the Town's landscape regulations.
 3. Orange County Planning referral is required for site plan approval.
 4. A lot consolidation is proposed and is required to be accomplished prior to Planning Board signing any amended site plan.
 5. The amount of diesel fuel located on the site as depicted in tanks exceeds the NYSDEC requirements for petroleum bulk storage permits. Petroleum bulk storage permits should be applied for or copy of said permit provided.
 6. Water supply and utilities to each structure should be depicted.
 7. NYSDOT approval is required.

Per MHE Patrick Hines, a copy of the storage permit for the fuel on site is being requested for the files.

A brief discussion on waiving the public hearing as one was just had at the ZBA and no one was in attendance and that everything already exists on site.

Motion by Barbara Parsons, seconded by John Neiger 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 James Driscoll, seconded by John Neiger for the board to act as Lead Agency

All voting members voted yes

MOTION-CARRIED

Orange County Soil & Water / SBL# 27-1-10 & 12 / AP-Agricultural Preservation Zone / 1 Lot Subdivision

Public Hearing set for May 9, 2018

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

Public Hearing set for May 9, 2018

III. OTHER BUSINESS

1. **Faber/Gurda** / Ridgebury Hill Road /SBL# 12-1-108 & 109.2 / Resigning of maps

It was explained to the secretary by Mike Breitenfeld of OC Tax Map, that a minor issue was, that just before the attempted filing of the maps, but AFTER the signing of the maps, a deed was filed in January for a 1999 lot line change. Tax Map changed the number from 109 to 109.2 this was just a simple correction that in no way alters any line work or intentions of the subject map.

The secretary then explained that the major issue is that you have 62 days to file the maps with County, when the Title Company went to file, the signature on the signed maps by the Chairperson was past the 62 day limit, so now a re-signing of the maps would need to be authorized by this board.

MHE Engineering comments as follows:

1. This office takes no exception to the Planning Board re-approving the lot line change as identified. IF project is considered a new application a new Public Hearing is required.

A brief discussion took place on re-affirming the Negative Declaration

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

All voting members voted yes

MOTION-CARRIED

Motion by John Neiger, seconded by James Driscoll to authorize the re-signing of the approved maps

All voting members voted yes

MOTION-CARRIED

Approval of Minutes for February 14, 2018

Motion by Richard Onorati II, seconded by John Neiger to approve the February 14, 2018 as submitted.

All voting members voted yes

MOTION-CARRIED

YAY 5

NAY 0

Abstentions 1

It is noted that Chairperson Parsons was not in attendance for this meeting and is abstaining from voting.

GRANDVIEW / 6-Month Extension

Chairperson Parsons read into the record the request from the applicant to ask for a six-(6) month extension of the approval, as they are currently working on completing the archeology and Department of Health.

Motion by James Driscoll, seconded by John Neiger to grant the six month extension request

All voting members voted yes

MOTION-CARRIED

The April 25, 2018 Town of Wawayanda Planning Board meeting was adjourned by Chairperson Barbara Parsons at 8:03 P.M.

Respectfully Submitted,

Patricia Battiato
Secretary to Planning