

MINUTES OF THE TOWN OF WAYNE
PLANNING BOARD
June 11, 2018

Mr. Mooney called the public hearing for the Nancy Woodward and Daniel O Robbins, Special Permit No. 03SP18 to order at 6:35PM.

Ms. Kurtz stated 12 letters were sent out.

Mr. Mooney read the emails and letter received from the Bennett's, William's and Senior Engineer PE Reid to those present. (All on file).

After visiting the site and proposed work, Jeff Parker of Soil and Water was present to state the following:

- Due to the scope of the proposed project, it would be wise to have a complete Hydrologic & Hydraulic study completed.
- Due to the slope of the proposed culvert extension, there is a need for more information about the size of rip rap pad to be used.
- The type of pipe and the connections to be used to accommodate the angular stone bed load as stone could deteriorate the pipe over time.
- How the alignment of the proposed culvert extension would be handled and maintained.
- There is a serious watershed issue due to a potential water flow strain.

Mr. Parker presented a letter to the Planning Board stating his concerns. (On file).

The following individuals were present to state their concerns:

George and Pat Tyler stated:

- 20 families would be affected if the road was washed away as it was in 2015.
- There was no way for them to drive their car to their cottage if the road failed.
- There was a small spring along the bottom of the gully that ran continually.

Andrew and Teresa Williams stated:

- He was a retired DOT licensed professional engineer.
- After looking at the proposed plans, hydraulics was a main issue that needed to be addressed.
- To date, every time there's a heavy thunderstorm, flooding from the gully spills out onto their property.
- A video was presented showing the flooding that took place after a downpour.

Via cell phone, contractor Jack Shoemaker stated he put in the existing spill pad and pipe to repair the damaged caused by the 2015 downpour and voiced concern if anymore pipe was installed in the problem area.

Ms. Woodward stated she was trying to make the area safer for families and was willing to do whatever it took to do so.

She further noted they would make it sure the pipe didn't go onto the Williams' property.

Ms. Gabel made a motion to keep the public hearing open, seconded by Mr. Martin. Ayes-4.

Public hearing for Special Permit 04SP18 for Robert Douenias was opened.

Ms. Kurtz stated 19 letters were sent out, 3 letters were received back stating they had no issue with this request. (On file).

As no one was present to express any concern, Mr. Serdula made a motion to close the public hearing, seconded by Mr. Gabel. Ayes-4.

Mr. Mooney opened the June 11, 2018 Planning Board meeting at 7:28PM with a roll call of the members.

<u>MEMBERS PRESENT:</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>LATE ARRIVAL</u>
Stan Witkowski, Chair	_____	<u>X</u>	_____
Nancy Gabel	<u>X</u>	_____	_____
Chris Mooney, Vice-Chair	<u>X</u>	_____	_____
Jon Serdula	<u>X</u>	_____	_____
Donna Sue Kerrick	_____	<u>X</u>	_____
Jeff Martin, alternate	<u>X</u>	_____	_____
Shonna Freeman, liaison	<u>X</u>	_____	_____
Gill Harrop, CEO	<u>X</u>	_____	_____

<u>ALSO PRESENT:</u> Pat Tyler	George Tyler	Lin Hough
Andrew Williams	Teresa Williams	Jerry Kernahan
Donald Clarkson	Montana Yastremski	Larry Woodward
Nancy Woodward	Joel Smith	Julia Smith
Patrick O'Shaughnessy	Laura O'Shaughnessy	Attorney Laura Smith

Due to the absence of Both Mr. Witkowski and Donna Sue Kerrick, Mr. Martin was brought on board.

MINUTES:

The minutes were not approved at this time.

NEW BUSINESS:

SPECIAL PERMIT NO. 03SP18 for Woodward/Robbins: Property located at 9242 Wixson Rd. Request excavation and fill exceeding 100 cubic yards for gully and to extend existing culvert.

Upon discussion, Mr. Martin stated the following:

- More information was needed from both Soil and Water and a licensed Engineer once a hydrologic and hydraulic study was completed.
- It appears the applicant is willing to work with a revised plan that would best suit the area.

- It would be premature for the Town to hire an independent Engineer to review prior to any revisions on the proposed plan.

Joel Smith of Diversified Contracting, contractor for Woodward's and Robbin's stated they had an engineer that they work with and inquired what studies were done when the previous work was done.

It was noted the following individuals were involved: Charlie Banik residing at 9292 Wixson Rd. worked with contractor, Jack Shoemaker along with Soil and Water.

Mr. Mooney stated that it was the responsibility of the Planning Board to ensure the health, safety and welfare of the community when rendering any decision.

Upon further discussion, Mr. Serdula made a motion to table the decision until the following items were completed:

1. The DEC is involved or until they sign off the proposed project.
2. The Army Corps of Engineers is involved or until they sign off the proposed project.
3. Steuben County Soil and Water be involved with the project.
4. See new revised plans showing the water not being directed onto the neighbor's property.

Seconded by Ms. Gabel.

A roll call vote was taken. Ayes-4. Nays-0.

SPECIAL PERMIT 04SP18 for Robert Douenias: Properties located at 11830 East Lake Rd. Request to construct retaining walls higher than 4 ft. and grading on a slope greater than 15%, and adding greater than 100 cubic yards of fill. 7.3.5, 73.8.12(3)

Mr. Harrop stated:

- The application was heard and approved for setback relief on June 4, 2018 by the Zoning Board of Appeals for setback relief on the house and road right-of-way for the garage.
- He didn't have sufficient information regarding the actual materials to be used and measurements for the proposed retaining walls to meet either the NYS building code or the Town building code requirements.
- He felt the application is not complete at this time.

Mr. Kernahan stated he had plans from the architect that were emailed to Mr. Harrop on June 10, 2018 at 5PM for the proposed retaining walls.

Mr. Harrop stated he hadn't received the plans and had a problem when a plan says "if" they're built, further noting he needed more detailed plans.

Mr. Kernahan stated there were 2 types of walls, one under 4 ft. that would not be an issue and the other type of over 4 ft. would be designed by an engineer. Further noting the architect had 3 proposed landscape walls under 4 ft. and 3 proposed retaining walls that would need stamped engineered approval by a structural engineer.

Mr. Hough stated he thought the concept with dimensions for the proposed project would be enough for site plan approval contingent upon the submission of the final plans.

Mr. Mooney stated in general the Planning Board needs approved final engineered plans to review in order to reach an informed decision and has the flexibility to meet on a different date.

Upon further discussion, Ms. Gabel made a motion to table Special Permit 04SP18 until Thursday, June 21 at 7:00PM contingent upon the applicant supplying the specified information to Mr. Harrop by June 19, prior to the meeting, seconded by Mr. Serdula.

A roll call vote was taken. Ayes-4. Nays'0.

SITE APPLICATION for Montana Yastremski: Property located at 9438 County Rte. 87. Request to construct a garage.

Mr. Serdula made a motion to accept the site plan application, seconded by Mr. Martin.

Mr. Harrop stated the application was heard and approved by Zoning Board of Appeals on June 4, 2018 to build on an undersized lot that met all the setback requirements and he had no problem with this request.

Mr. Mooney stated:

- It was a Type II action and no SEQR would be needed.
- Any future lighting should be down facing.

As no one had any issues with the request, a roll call vote was taken. Ayes-4. Nays-0.

Mr. Mooney informed the applicant there was a time period to start the project once the building permit was issued.

SITE APPLICATION for Robert Hood: Property located at 10115 Grand View Lane. Request to demolish existing cottage and replace it with new home and garage.

Ms. Gabel made a motion to accept the site plan application, seconded by Mr. Martin.

Mr. Harrop stated:

- This was heard and approved by the Zoning Board of Appeals for setback relief June 4, 2018 for 2 variances.
- The request is straight forward.
- He had no issue with this request.

Mr. Kernahan stated he has approved septic plans for the new home and is awaiting final confirmation and documentation from the DOT with regards to the new driveway.

Mr. Mooney stated:

- It was a Type II action and no SEQR would be needed.

As no one had any issues with this request, a roll call vote was taken. Ayes-4. Nays-0.

SITE APPLICATION for Patrick O'Shaughnessy: Property located across from 9066 Carpenter Rd. Request to construct a 40 ft. by 28 ft. pole barn.

Ms. Gabel made a motion to accept the site plan application, seconded by Mr. Martin.

Mr. Harrop stated:

- The proposed garage met all setback requirements.
- He had no concerns about this request.

Mr. Mooney stated:

- No SEQR was needed as it was a Type II action.
- Any outdoor lighting should be downward facing.

As no one had any issues with the request, a roll call vote was taken. Ayes-4. Nays-0.

SITE PLAN APPLICATION for Gary Robbins: Property located 9607 Sweetwater. Request to place 12 ft. by 20 ft. pre-fab tool shed.

Ms. Gabel made a motion to accept the application as submitted, seconded by Mr. Martin.

Mr. Harrop stated:

- The shed was placed before a permit was issued.
- He had no issues with this request.

Mr. Mooney stated:

- No SEQR was needed as it was a Type II action.

As no one had any issues about this request, a roll call vote was taken. Ayes-4. Nays-0.

Variance Application 12V17 for proposed Subdivision Application SA76-17 of Sandra Frank-Nolan.

Mr. Harrop stated the following:

- The applicant had requested a lot line adjustment back in July 2017.
- They then requested to table the application until they acquired the right-of-way adjacent to lot 25.
- Instead of a lot line adjustment, they are now seeking a true subdivision on a pre-existing non-conforming lot as they want to sell off part of the lot.
- In order for the Zoning Board of Appeals to hear the variance, they need a written recommendation from the Planning Board.

Upon discussion, the Board agreed to recommend the Zoning Board approve the variance with a new survey map showing lots 25, 26 and part of 78 as one parcel and forward any recommendation onto the Planning Board regarding the subdivision of the proposed lot.

As there was no further business, Ms. Gabel made a motion to adjourn the meeting at 9:02PM seconded by Mr. Serdula.

Respectfully, Maureen Kurtz