

MINUTES OF THE TOWN OF WAYNE
PLANNING BOARD
April 7, 2014

Mr. Neu called the public hearing for Jude Weis, Special Permit No. 01SP14, to order at 6:30PM.

MEMBERS PRESENT:		PRESENT	ABSENT	LATE ARRIVAL
Glenn Neu, Chair		X	—	—
Nancy Gabel		X	—	—
James Hancock		—	X	—
Chris Mooney		X	—	—
Stan Witkowski, Vice-Chair		X	—	—
Donna Sue Kerrick		X	—	—
Dennis Carlson, liaison		—	X	—
Gill Harrop, CEO		X	—	—
ALSO PRESENT:				
Odette Stremel	Joe Stremel			Bill Grove
Vince D'Ingianni	Diana D'Ingianni			Wayne Hand
Lorraine Nelson	Peter Nelson			Candy Dietrich
Daniel Long	Morten Hallgren			
Patrick Rosno	Angela Potter			

Mr. Neu opened the floor for any comments regarding Special Permit No. 01SP14 after reviewing the process of a Special Use Permit and the Planning Board's role.

Mr. D'Ingianni, property owner to the North, stated the following concerns:

- The 15% grade in relation to a gully on the property.
- Potential erosion.
- Existing gas and water lines that may be affected with regards to the retaining wall.
- The height of the retaining wall.
- Location of the septic.
- Removal of the existing building.

Mr. Neu reviewed the computerized application on the screen for those present to review.

Mr. Stremel inquired about how far the applicant was moving the proposed structure to the North, drainage issue and parking.

Mr. Neu noted the following items from the applicant letter:

- The proposed structure would be located 14.8 ft. from the North side and 10 ft. from the South side.
- All drainage will be discharged into an existing drainage ditch located in front of the house.
- The applicant has a permit for a new septic system.

Mr. Harrop stated the Special Use Permit was for the excavation on a steep slope and the retaining wall.

Ms. Kerrick stated parking for construction vehicles and employees should be strictly enforced.

Mr. Neu read the following commentary prepared by the applicant:

- No parking will be allowed on the west side of the road.
- All glass will be removed before any demolition.
- The porch will be removed first.
- Dumpsters will be placed off from the road where the porch was located.
- Plan to seek permission from local landowners to park on their property.
- No excavation equipment will be **unloaded** from the road.
- The goal is to minimize the destruction in the neighborhood during construction.
- The project will comply with all setbacks, except for the front yard.

No one else was present to express any concern.

Ms. Kerrick made a motion to close the public hearing at 6:58PM, seconded by Mr. Witkowski. The public meeting was closed with an Aye vote by all members present at 6:58PM.

Mr. Neu opened the May 7, 2014 meeting at 7:00PM with a roll call of the members.

MEMBERS PRESENT:		PRESENT	ABSENT	LATE ARRIVAL
Glenn Neu, Chair		X	—	—
Nancy Gabel		X	—	—
James Hancock		—	X	—
Chris Mooney		X	—	—
Stan Witkowski, Vice-Chair		X	—	—
Donna Sue Kerrick		X	—	—
Dennis Carlson, liaison		X	—	—
Gill Harrop, CEO		X	—	—

MINUTES:

Mr. Witkowski made a motion to approve the March 3, 2014 minutes as previously amended, seconded by Ms. Kerrick.

A roll call vote was taken.

Vote Record	Yes/Aye	No/Nay	Abstain	Absent
Glenn Neu, Chair	X	—	—	—
Nancy Gabel	X	—	—	—
James Hancock	—	—	—	X
Donna Sue Kerrick	X	—	—	—
Chris Mooney	—	—	X	—
Stan Witkowski	X	—	—	—

Ayes-4. Nays-0. Abstain-1. Absent-1.

NEW BUSINESS:

Mr. Neu welcomed Mr. Mooney onto the Planning Board and thanked him for his interest in becoming involved in the community.

NEW BUSINESS:

SPECIAL USE PERMII NO. 01SP14: Jude Weis. Property located at 14546 Keuka Village Rd., Town of Wayne. Request to excavate on a slope greater than 15% and a retaining wall greater than 4 ft. high. 7.3.5 (1) (a) and 7.8.12 (3)

Mr. Witkowski made a motion to become the lead agency for the SEQR, seconded by Ms. Kerrick. Ayes-5. Nays-0.

The Board referred to the training session attended by members at Corning Community College which stated under SEQR law, the Board may create its own Type II or Type I actions, due to uniqueness of the area.

Upon the Board's review and discussion of Application No. 01SP14, it was determined to be a type II action according to numbers 7, 9, 12 and 13, under NYS environmental quality review law 617.5, type II action.

Upon further discussion, Mr. Witkowski made a motion to label the application as a type II action, requiring no SEQR to be completed, seconded by Mr. Mooney.

A roll call vote was taken.

Vote Record	Yes/Aye	No/Nay	Abstain	Absent
Glenn Neu, Chair	X	—	—	—
Nancy Gabel	X	—	—	—
James Hancock	—	—	—	X
Donna Sue Kerrick	X	—	—	—
Chris Mooney	X	—	—	—
Stan Witkowski	X	—	—	—

Ayes-5. Nays-0. Abstain-0. Absent-1.

Following discussion, the Planning Board proceeded with the Special Use Permit application prior to review of the site plan.

The following concerns were noted:

- Possible road damage due to heavy equipment.
- Erosion control measures.
- Need approval of the septic system, prior to any building permit being approved.

William Grove, engineer for the project, was present to answer any questions and noted the following:

- The height for the retaining wall would not exceed five (5) ft.
- Currently seeking KWIC approval to use existing septic system.

Ms. Kerrick made a motion to approve the Special Use Permit for line one (1) on the excavation on a slope greater than 15% and; for line two (2) for a four (4) ft. retaining wall, not to exceed five (5) ft., seconded by Mr. Witkowski.

A roll call vote was taken for line item one (1). Ayes-5. Nays-0. Absent-1

A roll call vote was taken for line item two (2). Ayes-5. Nays-0. Absent-1

Mr. Grove signed the responsibilities and conditions agreement.

Mr. Witkowski made a motion to approve the site plan application as submitted, seconded by Ms. Kerrick.

Upon discussion, the following items were noted:

- The need for a septic letter of approval from KWIC .
- The need for a letter of approval from Highway Superintendent approving measures the applicant addresses for road erosion control, parking of equipment, possible of traffic detour, etc.
- The need of approval from the Zoning Board of Appeals for a variance for ten (10) ft. of relief from the road right of way.
- No removal of existing trees.
- Any lighting would need to meet all code requirements.

Upon further discussion, Ms. Kerrick made a motion to approve the Site Plan Application with the following conditions:

- Letter from KWIC approving the septic system.
- Letter from the Highway Superintendent approving a road use agreement with the applicant.
- The Zoning Board of Appeals approves the variance of the 10 ft. relief for the front yard.

A roll call vote was taken. Ayes-5. Nays-0. Absent-1

SITE PLAN APPLICATION(S):

Ravines: Morten Hallgren, owner of Ravines Wine Cellars located at 14630 Ste. Rte. 54, Town of Wayne. Request addition to existing place of business and parking space for 20 cars as required by current LUR.

Mr. Witkowski recused himself.

Mr. Long, architect for the Hallgren's, reviewed the proposed project with the Board and to answer any questions.

Mr. Long addressed the following items:

- Currently working with the Dept. of Health for recommendations and approval for both a waste water and water treatment system.
- 1600 sq. ft. addition to the main floor.
- Pedestrian lighting.
- Grade changes.
- Use of existing tree.
- Improving driveway runoff.
- Proposed parking spaces would be done with crushed blue stone and fabric.
- Installation of lavatory and accessible entrance for handicap.
- Improved storage and utility spaces.

Mr. Neu stated the site plan application was for a remodel of an existing commercial use structure and didn't require a SEQR.

Ms. Gabel made a motion to accept the site plan review as submitted, seconded by Mr. Mooney.

Upon review of the information provided by the applicant and discussion, Mr. Neu stated if the building permit follows suit with the site plan, it would serve as the site plan for that building permit. Further noting, if any changes were made to the plan, it would need to come before the Board.

The following items were needed to be met:

- The need for Dept. of Health approval for both the waste water and water treatment systems.
- Suggest revitalizing temporary bus and limo parking.

Mr. Neu made a motion to approve the proposed site plan application with the condition it not significantly change from the building permit during the application process, seconded by Ms. Gabel.

A roll call vote was taken.

Vote Record	Yes/Aye	No/Nay	Abstain	Absent
Glenn Neu, Chair	X	—	—	—
Nancy Gabel	X	—	—	—
James Hancock	—	—	—	X
Donna Sue Kerrick	X	—	—	—
Chris Mooney	X	—	—	—
Stan Witkowski	—	—	X	—

Ayes-4. Nays-0. Abstain-1. Absent-1

Peter and Lorraine Nelson: Property located at 12043 East Lake Rd. Request to construct a garage.

Mr. Harrop referred to Section 7.8.11 of the land use regulations, stating the garage should be built within the buildable portion of the lot.

Mr. Mooney made a motion to approve the site plan application with the condition it be built within the buildable portion of the lot, meeting all setback requirements, seconded by Ms. Kerrick.

Upon further discussion, the Planning Board found no issues with the application.

A roll call vote was taken.

Vote Record	Yes/Aye	No/Nay	Abstain	Absent
Glenn Neu, Chair	X	—	—	—
Nancy Gabel	X	—	—	—
James Hancock	—	—	—	X
Donna Sue Kerrick	X	—	—	—
Chris Mooney	X	—	—	—
Stan Witkowski	X	—	—	—

Ayes-5. Nays-0. Abstain-0. Absent-1.

DISCUSSION:

Angela Potter: 9671 Grove Springs Rd. Request to operate a coffee shop business and dog park.

Ms. Potter was present to state she has a garage on the premises and would like to operate a coffee shop and dog park. At this time she questioned what the zoning regulations would allow.

Mr. Neu stated the area was not zoned commercial, meaning that it was in an Ag/R district, which would allow for a dog park and a convenience business with a Special Use Permit.

Ms. Potter stated she would fence in her side yard to allow dog owners to let their dogs roam free and sell coffee.

Upon discussion, the Board thought the plan had potential and suggested the applicant looking into following items:

- Put together a business proposal.
- Look into the current LUR and try to formulate the potential business fall into the Ag/R district.
- Suggest looking into the Ag and markets for potential help.
- The need to show the proposed parking area.
- The need to address the fence height.
- The need for the applicant look into liability insurance as it could be a potential issue.
- Hours of operation.

Ms. Potter stated she was looking into starting the business in about two (2) years.

The Board suggested Ms. Potter look into the proposed LUR by coming to the Town Hall during business hours and reviewing them, to help formulate her business plan.

Unfinished Business: Patrick Rosno. Site Application for a commercial driveway along State Rte. 54.

This application was first reviewed in February 3, 2014, and then tabled due to lack of information.

Mr. Rosno was present with the following items:

- A letter dated March 29, 2014 from the Dept. of Transportation allowing him to install the driveway.
- The Dept. of Transportation recommended one drive for less confusion on people coming off of Ste. Rte. 54.
- Tax map survey showing the proposed distances.
- Pictures showing where the proposed drive would be.

Upon review and discussion of the provided information, the Board agreed this application was now complete and was approved.

A roll call vote was taken. Ayes-5. Nays-0. Absent-1

As there was no further business at this time, Ms. Gabel made a motion to adjourn the meeting at 9:35PM, seconded by Mr. Witkowski. Ayes-5. Nays-0.

Sincerely,

Nancy Gabel, Acting Secretary
Maureen Kurtz, Typist