

Planning Board Minutes
March 27, 2019

Chairman Chris Maron called the meeting to order at 7:04 p.m. with the following members present: Mr. Dwight Anson, Ms. Cynthia Fairbanks, Ms. Mary Lou Fitzgerald, and Mr. Ken White. Also in attendance was Mr. George Hainer, Building Codes/Zoning Officer. Guests in attendance: David Langston and Steve Denton.

Chairman Maron: Our first order of business is to approve the minutes of February 27, 2019.

Ms. Fitzgerald: I so move.

Mr. White: Second.

Chairman Maron: All in favor? Approved.

- **Resolution 2019-6 Minutes Approval**

Resolved: To approve the minutes of the February 27, 2019 meeting.

Moved by: Ms. Fitzgerald

Seconded by: Mr. White

In Favor: Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Mr. White, Chairman Maron

Opposed: None

Chairman Maron: The next item is **Camp Dudley's Special Permit application** to build a climbing tower. They completed a Short Environmental Assessment Form (Part I – Project Information) and I'm going to go over that quickly.

- Is the proposed action a permitted use under the zoning regulations or consistent with the adopted comprehensive plan? Not Applicable.
- Is the proposed action consistent with the predominant character of the existing built or natural landscape? Yes.
- Is the site located in, or does it adjoin, a state listed Critical Environmental Area? No.
- Will the proposed action result in a substantial increase in traffic above present levels? No.
- Are public transportation services available at or near the site? No.
- Are any pedestrian accommodations or bicycle routes available on or near the site? No.
- Does the proposed action meet or exceed the state energy code requirements? No.
- Will the proposed action connect to existing water supply? No.
- Will the proposed action connect to existing wastewater utilities? No.
- Does it have anything to do with National or State Historic Places? No.
- Is the site adjacent to an area designated as sensitive for archaeological sites? No.
- Does the site adjoin a wetland? No.
- Will it alter any wetland or waterbody? No.
- Identify the typical habitat types that occur on, or are likely to be found on the project site: Suburban
- Does the are contain any species or habitats listed by the State or Federal government as threatened or endangered? No.

- Is it part of the 100-year flood plain? No.
- Will the proposed action create storm water discharge? No.
- Will it include construction that would result in the impoundment of water? No.
- Has the site been the location of an active or closed solid waste management facility? No.
- Has there been any hazardous waste on the property that needed to be remediated? No.

Now we'll go on to Part 2 of the Environmental Assessment Form – Impact Assessment. I'll read out the question and we can decide the answers.

- Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No.
- Will the proposed action result in a change in the use or intensity of the land? No.
- Will the proposed action impair the character or quality of the existing community? No.
- Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area? No.
- Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway? No.
- Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? No.
- Will the proposed action impact existing:
 - A. Public/private water supplies? No.
 - B. Public/private wastewater treatment utilities? No.
- Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No.
- Will the proposed action result in an adverse change to natural resources? No.
- Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? No.
- Will the proposed action create a hazard to environmental resources or human health? No

Part 3 – Determination of Significance. I'll check the box stating, "Check this box if you determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts."

We also need to complete the Special Permit Minor Project Check-off List. Section 5.041 Minor Projects reads: A Minor Project shall be presumed to be acceptable if it complies with applicable health laws and other specific provision of this Local Law and if no credible expert testimony is presented in opposition to it. Before granting a Minor Project Special Permit, the Planning Board shall determine that the criteria for Major Projects listed in Section 5.042 below are generally satisfied. I'm going to read the question and give my answer; if anyone disagrees please say so.

- a. Will comply with all provisions and requirements of this and other local laws and regulation, and will be in harmony with the purposes of the land use district in which it is located and with the general intent and purposes of this Local Law. Yes
- b. Will not be detrimental to adjacent uses. Yes
- c. Will not adversely affect the availability of affordable housing in the Town. Yes
- d. Will not cause undue traffic congestion, unduly impair pedestrian safety, or overload existing roads considering their current width, surfacing and condition, will have appropriate parking, and will be accessible to fire, police, and other emergency vehicles. Yes

- e. Will not overload any public water, drainage, or sewer systems, or any other municipal facility, or degrade any natural resource or ecosystem. Yes
- f. Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads. Yes
- g. Will not result in excessive noise, dust, odors, solid waste, or glare, or create any other nuisances. Yes
- h. Will be subject to such conditions on design and layout of structures, provision of buffer areas, and operation of the use as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the town. No
- i. Will be consistent with the goal of concentrating retail uses in villages and hamlets, avoiding strip commercial development, and locating non-residential uses that are incompatible with residential use on well-buffered properties. Not Applicable
- j. Will comply with the criteria in Section 5.063. Yes
- k. Will have no greater overall impact on the site and its surrounding than would full development of uses of the property permitted by right, considering environmental, social, and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, or glare, or any other nuisances. Yes

Section 5.040 Findings Required: The findings are that the project complies with the local law.

Mr. White: Dave, what color will the tower be?

Mr. Langston: It is a wood tone; it's a cabin stain that also serves as a preservative.

Chairman Maron: We need a motion to approve the Special Permit.

Mr. White: I move for approval.

Mr. Anson: I second.

Chairman Maron: Is there any discussion? All in favor? Approved.

- **Resolution 2019-7 Camp Dudley Special Permit**

Whereas, application Number 001-02-27-19 of 2019 has been submitted for a Special Permit to erect an under 40 foot climbing wall structure as outlined in the project application in the 31.020 AL District, a land use requiring a Special Permit; and

Whereas, said application is a non-jurisdictional project in respect to the APA Act; and

Whereas, in respect to the State Environmental Quality Review Act, the proposed project is an Unlisted Action for which a Negative Declaration has been issued; and

Whereas, it is an exempt action of a local nature with respect to GML-239 M, N review by the Essex County Planning Board; and

Whereas, an architectural data statement was sent to owner of lands and notified of the project; and

Whereas, a public hearing was held on March 27, 2019; and

Whereas, a site visit review was made by GIS mapping photos; and
Whereas, the following findings were made as a result of:

- Technical review by the Code Enforcement Officer: Will comply with local surroundings.
- Planning Board:
 - SEQR: No “Adverse Effects” were identified
 - Site Visit by GIS mapping photos
 - Conditions from Planning Board
- Public Hearing: No comments. No public in attendance.

Now Therefore Be It Resolved, that said Special Permit is approved subject to the following condition(s): None

Be It Further Resolved, that due to the minor nature of this Special Permit use, this Resolution will also serve as the Special Permit for this project.

Moved by: Mr. White

Seconded by: Mr. Anson

In Favor: Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Mr. White, Chairman Maron

Opposed: None

Mr. Langston and Mr. Denton left at this time.

Chairman Maron: Our next order of business is **Benjamin Lemerle and Inés Chapela (Tax Map No. 66.1-1-25.200)** at 44 Sam Spear Road. We maintain site plan review. This property has a building envelope and this is within the envelope. They plan on building a new barn, shed, and house. It looks like it’s set back from the road; you may be able to see it from the road.

Mr. Hainer: It should be pretty well hidden from the road.

Ms. Fitzgerald: I think the only concern is overflow of water; there’s a lot of runoff now.

Chairman Maron: We could consider putting in a condition saying that any drainage from the house needs to go northwest.

Ms Fitzgerald: I don’t think it’ll go north easily. I think that’s uphill.

Ms. Fairbanks: What’s the driveway going to be made of?

Mr. Hainer: It’s going to be a typical crushed stone driveway. All the services will be buried. There’s already been a perc test done in that area.

Chairman Maron: Looking at a topographic map, it looks like the drainage goes toward the north and west.

Ms. Fitzgerald: I don’t think it can go north.

Mr. Anson: I think that whole lot flows toward the road.

Chairman Maron: We'll make sure the water is planned for and flows away from the houses to the south.

Mr. Hainer: There is already a partial road leading in. He plans to put the road in, build the barn and shed, and put utilities in this year; the house would be built next year. He's provided the design of the house and barn.

Mr. White: Is the barn for horses or just storage?

Mr. Anson: I've noticed the barn is quite a way from the house.

Mr. Hainer: I don't know if he's having animals or not. The barn will probably be a workshop.

Chairman Maron: How many square feet is the house?

Mr. Hainer: Maybe about 2,200 square feet.

Chairman Maron: Any other thoughts or comments? Should we make a motion to approve the site plan?

Mr. White: I move to approve.

Mr. Anson: Second

Chairman Maron: Any discussion? All in favor? Approved.

- **Resolution 2019-8 Site Plan Review Proposal**

Resolved: To approve the site plan review proposal for Tax Map No. 66.1-1-25.200 as submitted by Benjamin Lemerle and Inés Chapela.

Moved by: Mr. White

Seconded by: Mr. Anson

In Favor: Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Mr. White, Chairman Maron

Opposed: None

Chairman Maron: Is there any other business? If not, I'll take a motion to adjourn.

Mr. White: I move we adjourn.

Ms. Fitzgerald: I second.

Chairman Maron: All in favor? Meeting adjourned at 7:32 p.m.

Respectfully submitted,

Julie Schreiber, Secretary