

TOWN OF CHAMPION PLANNING BOARD

TO: Members of the Town Board; Members of the Planning Board; Christina Vargulick, Town Clerk; Peter LaBarge, ZEO, ZBA, and Timothy Farley, Town Attorney

FROM: Christina Vargulick, Secretary

DATE: July 29, 2020

RE: Minutes of July 28, 2020 meeting

The Town of Champion Planning Board met in regular session on Tuesday, July 28, 2020 at the Town of Champion Municipal Building, 10 North Broad Street, West Carthage. Present were P. LaBarge, F. Brooks, K. Mix, J. Surace, D. Leary and Att. Timothy A. Farley. Chairman LaBarge called the meeting to order at 4:00pm.

Motion by J. Surace, seconded by F. Brooks to dispense with the reading of the minutes of July 14, 2020 and to approve the minutes as presented. Ayes-5, Nays-0. Motion carried.

Public Hearings

The public hearing on the minor subdivision of parcel no. 76.00-2-19.11 owned by Joshua Cobb and Autumn McBride and located at 36201 Jackson II Road was called to order by Chairman LaBarge at 4:01pm. No one spoke for or against the proposal. Motion by D. Leary, seconded by F. Brooks to approve the minor subdivision of parcel 76.00-2-19.11 as presented. Ayes-5, Nays-0. Motion carried. The plat maps were sealed and signed. Ms. McBride was advised that she has 62 days to file the map with the County Clerk.

The public hearing on the site plan presented by U.S. Light Energy to construct two (2) solar arrays on parcel no. 76.00-2-42.1 owned by Uhlinger Capital Company was called to order at 4:03pm by Chairman LaBarge. No one spoke for or against the proposal. Susan Jornov, representing US Light Energy, submitted a memorandum of lease and solar easement as previously requested by the Board. No action was taken on the application pending comments from the County Planning Board.

The public hearing was called to order at 4:05pm on the site plan presented by Caskinette Realty LLC and RML Properties LLC to construct a 17,263sq ft building, single story loading dock, and overhead canopy. In addition, the plan includes a proposed new 66' wide access driveway off NYS Route 26, gravel pad, cobblestone display area, storm water management pond

and additional overhead lighting and pavement. Michael Gates, an adjoining property owner with a right-of-way (ROW), made a statement regarding his intent to reserve his ROW which has been made impassable by earthwork done on the site to construct gravel pads. He submitted photos of the damage. He explained that he uses the ROW to access his adjoining property for recreation, hunting and potential logging. He stated that the proposed ROW, as presented on the site plan map, terminates at an inaccessible point on his property due to swampy conditions. He stated that he is unwilling to relocate his ROW, as stated in his deed, based on what has been presented to date.

M. Altieri, town engineer, stated that he reviewed the site plan application and map at the request of the Town and shared a number of comments and recommendations based on his technical review including:

- NYS DOT highway entrance – recommended NYS DOT as an involved agency under SEQR and a coordinated review with Long Form EAF be performed.
- Project Scope and Disturbance – inclusion of parking and storm water management description appear to have changed from the previous SEQR dated 11/13/2018. Recommended that SEQR be performed to examine.
- Water service – applicant should state if water infrastructure is proposed for dedication to Town.
- Sewer service – applicant should state if sewer infrastructure is proposed for dedication to Town.
- Storm water retention facility – Town is concerned that retention facility is shown to be constructed over Town’s sanitary sewer line. The location must be adjusted to not affect this utility.
- Lighting impacts – recommended lights be considered under SEQR.
- Traffic impacts – applicant should state whether a traffic impact study would be required. Recommend traffic be considered under SEQR.
- Driveway – applicant should state if the 66’ wide easement is proposed for dedication to Town as a roadway.

B. Ferguson, Town Supervisor, discussed correspondence received from the project’s legal representative stating that Planning Board has caused delays in the project. He stated that it was his understanding that the applicant had not submitted a site plan application even though the Planning Board Chairman extended the date for submittal at the applicant’s request. Portions of the proposed project were originally presented in May, 2018. At that time, drainage concerns were identified. Additional applications were submitted for review and approval and later for amendment. The Town did not receive a copy of the SWPP as requested and now in July, 2020 the drainage concerns have become a reality as previously discussed by Mr. Gates due to the swale being filled during the construction of graveled parking areas. The new application still does not address the damage already done.

He stated that the plan should include water and sewer infrastructure details. He noted that the Town site plan application requires a NYS SEQR Full Environmental Assessment Form- Part 1. He also noted that the proposed project involves three (3) separate parcels owned by two (2) different owners and stated that the parcels should be combined prior to any action.

Wendy Marsh, legal representative for the applicant, questioned who the Town Supervisor was speaking for and reminded the Planning Board that they were autonomous. Supervisor Ferguson stated that he was speaking on behalf of the residents of the Town. Ms. Marsh requested a copy of the town engineer's comments. Att. Farley reminded her that he had forwarded a copy previously to her attention. Ms. Marsh stated that regulations governing SEQR allow the Planning Board to consider the previously submitted SEQR and negative declaration and to either amend, rescind, or re-affirm the declaration.

Att. Farley reviewed SEQR-Part 1 dated 10/10/2018. The following was identified:

- Disturbance area change from .2 acre to 7 acre.
- Drainage – applicant engineer stated that the new drainage plan will improve drainage. Responding to the current drainage issues, P. Scordo responded that grading could be done to correct the issues. Mr. Gates identified the location of the ROW as defined in his deed on the map. Rick Caskinette stated that Mr. Gate's ROW was overgrown with brush and trees and could not have accommodated a vehicle. He stated that it would be up to Junior Stefani to decide if a log truck could access the new paved driveway. The applicant agreed that the response to question #18 should be changed to "yes". NYSDEC will review the plan for drainage.

Att. Farley reviewed SEQR – Part 2 responses with the Board.

- Responses to all questions remained "no" including question #10 – Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?- based on the proposed improvements to the drainage plan.

K. Mix questioned if the proposed project is still considered an unlisted action. W. Marsh confirmed that it was. J. Surace discussed his concerns that the project consisted of three (3) individual parcels owned by different entities and recommended that the applicant be required to combine the parcels. K. Mix agreed that the site plan approval requires that the plan involve a single parcel. Att. Farley stated that a perimeter description and a deed combining parcels 86.05-1-30, 86.05-1-31 and 86.05-1-32 could be listed as a condition of approval.

Rick Caskinette stated that Junior Stefani owns the majority in Caskinette Realty LLC already and agreed that the two owner groups can combine the

identified parcels. J. Stefani agreed that he would allow a low boy to transport logs on the new driveway if Mr. Gates decided to log his property. J. Stefani stated that he intends to operate a well maintained and attractive business and that with improved drainage he didn't expect a single puddle.

Chairman LaBarge questioned if the Board was ready to take action on the SEQR. K. Mix stated that since there were only minor changes to Part 1 that he favored reaffirmation. Motion by K. Mix to reaffirm the negative declaration issued on 11/13/2018, seconded by J. Surace. Ayes-5, Nays-0. Motion carried. P. LaBarge requested a copy of the SWPP and the applicant agreed.

Att. Farley identified initial details to be added to the site plan map for clarity including:

- Perimeter description of combined parcels 86.05-1-30, 86.05-1-31, and 86.05-1-32
- Deed combining parcels 86.05-1-30, 86.05-1-31, and 86.05-1-32 filed with the Jefferson County Clerk
- Storm water retention pond shall be relocated away from Town wastewater infrastructure
- Copy of approved Storm Water Protection Plan (SWPP) to Town Planning Board
- Water infrastructure shall not be dedicated
- Sewer line conveyed to Town up to wall
- 66' access driveway shall be a private road
- DOT driveway permit
- Lighting shall be LED and downward facing

P. Scordo advised the Board that the highway work permit application would include design elements and sighting. Att. Farley asked Mr. Scordo to identify those areas that will be physically disturbed. Mr. Scordo identified where existing pavement would be removed and the area graded to gentle the slope. The graded area will be repaved in conjunction with new adjoining parking area. All deliveries, including car transports, will be directed to the new north driveway and towards the rear of the property. All cars will be unloaded on the site not on the shoulder of the highway. Dealership customers shall continue to use existing southerly driveway.

Att. Farley deferred to Mr. Gates regarding acceptable access to his property. Mr. Gates stated that he preferred not to use the new driveway to avoid tracking mud and debris from his property onto the new pavement. Mr. Gates prefers to continue to use a gravel road at the northerly end of parcel 86.05-1-31. Mr. Scordo advised that NYS DOT may require that the road be abandoned. Att. Farley suggested restricting travel on the road with a gate that Mr. Gates has a key to. Mr. Gates requested that his access be maintained during project construction.

Mr. Scordo stated that M. Lundy, who attended the County Planning Board meeting, reported the following:

- The project is a local concern
- Recommended improved landscaping
- NYSDOT permit required
- Adequate circulation for emergency vehicles be maintained

P. LaBarge questioned if there would be a request for additional signage. J. Stefani responded that he would like signage to indicate ingress and egress from the new driveway.

All persons desiring to be heard, having been heard, the public hearing was closed at 5:28pm.

Motion by K. Mix, seconded by F. Brooks to approve the site plan for Caskinette Realty LLC and RML Properties LLC with the following conditions:

- Perimeter description of combined parcels 86.05-1-30, 86.05-1-31, and 86.05-1-32
- Deed combining parcels 86.05-1-30, 86.05-1-31, and 86.05-1-32 filed with the Jefferson County Clerk
- Storm water retention pond shall be relocated away from Town wastewater infrastructure
- Copy of approved Storm Water Protection Plan (SWPP) to Town Planning Board
- Water infrastructure shall not be dedicated
- Sewer line conveyed to Town up to wall
- 66' access driveway shall be a private road
- DOT driveway permit
- Cars shall be loaded and unloaded on site
- Lighting shall be LED and downward facing
- Landscaping as recommended by Jefferson County Planning
- Mr. Gates shall be consulted on and deeded an agreed upon right-of-way

Ayes-5, Nays-0. Motion carried.

New Business

Zach Scordo presented an application for a minor subdivision of parcel no. 85.07-1-37 owned by Betty J. Wilton and located at 33392 Hall Road. The property is located in R-2 zone. The Board reviewed the survey map and determined that each lot has sufficient road frontage. Board members reviewed and responded to the SEQR. The Board concurred that there were no significant environmental impacts. Motion by P. LaBarge, seconded by K. Mix to issue a declaration of negative environmental impact for the proposed minor subdivision

of parcel no. 85.07-1-37. Ayes-5, Nays-0. Motion carried. Motion by P. LaBarge, seconded by J. Surace to schedule a public hearing on the proposed subdivision for August 11, 2020 at 4:00pm. Ayes-5, Nays-0. Motion carried.

Gary Roes presented an application for a minor subdivision of parcel no. 85.07-1-2.1 located at 22522 County Route 47. The property is located in ARD zone. The Board reviewed the survey map and determined that each lot has sufficient road frontage. Board members reviewed and responded to the SEQR. The Board concurred that there were no significant environmental impacts. Motion by J. Surace, seconded by K. Mix to issue a declaration of negative environmental impact for the proposed minor subdivision of parcel no. 85.07-1-2.1. Ayes-5, Nays-0. Motion carried. Motion by P. LaBarge, seconded by J. Surace to schedule a public hearing on the proposed subdivision for August 11, 2020 at 4:00pm. Ayes-5, Nays-0. Motion carried.

The Board reviewed and responded to Part 2 of the NYS SEQR Full Environmental Assessment Form for the proposed Riverbend Apartments project. The Board concurred that there were no significant environmental impacts. Motion by P. LaBarge, seconded by K. Mix to issue a declaration of negative environmental impact for the proposed site plan for parcel no. 76.06-2-79. Ayes-5, Nays-0. Motion carried.

Motion by P. LaBarge, seconded by K. Mix to adjourn. The meeting adjourned at 5.51pm.

Christina Vargulick
Christina Vargulick, Secretary