

TOWN OF WARWICK PLANNING BOARD

February 4, 2015

Members present: Roger Showalter, Vice-Chairman  
Dennis McConnell, Beau Kennedy,  
Christine Little, John MacDonald, Alternate  
Laura Barca, HDR Engineering  
J. Theodore Fink, Greenplan  
John Bollenbach, Planning Board Attorney  
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, February 4, 2015 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

**PUBLIC HEARING OF The Warwick Yard, LLC.**

Application for Site Plan Approval and Special Use Permit for the construction and use of conversion of existing property use from Correctional Facility to Outdoor Amusement (88), aka Frozen Ropes-The Yard, situated on tax parcel S 46 B 1 L 34.12; parcel located on the eastern side of State School road 3200 feet south of Kings Highway (the old prison site), (122 State School Road), in the OI zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: Ross Winglovitz & Keith Woodruff, Engineering & Survey Properties.

Connie Sardo: Mr. Vice-Chairman, I have received the certified mailings for the Frozen Ropes public hearing.

Mr. Showalter: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 12/03/14 no comments
4. Architectural Review Board – pending comments
5. OC Planning Department – 12/18/14 advisory comment for caution if hazardous substances encountered during demolition
6. ZBA: variances were recently granted and are current; however, variances must be shown on the plans. The complete ZBA approval language must be shown on the plans.
7. The deed for the property must be submitted.
8. 9-1-1 address must be shown for all buildings, as appropriate.
9. The Demolition Plan shall call out the area of disturbance; this project shall be in compliance with the relevant sections of §164-47.10 Stormwater.

10. If water lines will remain for irrigation or other purpose, Applicant to clarify use of water to prevent stagnate water in portions of the water main system. Applicant to confirm that the removed water lines will not create stagnant water at any location.
11. Applicant to clarify if requesting a waiver for lighting height and/or shielding. Applicant states that field lighting is exempt from the Town's lighting standards. Applicant is requesting a waiver.
12. The Field Lighting Plan, Sheet C-107, shows the proposed lighting of the sports fields. Review is pending determination of review criteria.
13. A proposed use for building #94 Guard Tower is not shown.
14. Applicant to clarify use of vacant buildings. Applicant to add a note to the plan that any future use of a vacant building on this site plan will require planning board approval.
15. The easement access information to Building 5 should be shown. The beneficiary to this easement should be shown.
16. Applicant to show compliance with §164-46.J(52) Town of Warwick Design Standards.
17. Applicant to show compliance with §164-46.J(81) Town of Warwick Performance Standards.
18. The Applicant must revise the text to reference the current version of the NYSDEC General Permit for Stormwater Discharges from Construction Activities, effective 01/29/15 and comply with the new requirements, including revisions to the NYS Stormwater Management Design Manual (January 2015), the new stormwater permit GP-0-15-002, and the revised Notice of Intent Form.
19. The grading on Figures F-2 and F-3 are the same. Land grading is proposed as a permanent structural erosion and sediment control practice. Consider using a finer scale for these figures to better demonstrate proposed changes in grading.
20. The Erosion Control Plan (C-106) does not identify the locations of the swale, check dams, stabilized construction entrance or areas of seeding.
21. Temporary swales / ditches are discussed in the SWPPP and a detail is included in Sheet C-201. Temporary swale should be checked in Question #26 of the NOI if it will be implemented on site.
22. Provide details in Sheet C-201 for the stabilized construction entrance, inlet protection and check dams.
23. Applicant must list proposed temporary (if applicable) and permanent seed mixtures to be used on site.
24. Include a construction sequence in the SWPPP.
25. Applicant should list the anticipated phases of construction to avoid exceeding the 5-acre threshold that would trigger the MS4 Permit requirement, unless the Applicant specifically requests a waiver from the Town to exceed the 5-acre threshold. If the Applicant requests and the Planning Board grants a waiver to the 5-acre requirement, a note shall be added to the plan stating that the Town reserves the right to enforce the 5-acre threshold requirements if stormwater concerns arise at this project site.
26. The letter from the Applicant states the fields will be constructed with artificial turf (response 17). Provide a cross section detail of the artificial turf and documentation supporting a CN of 80 for this material.
27. Applicant to add a note to the plan stating that if hazardous substances are encountered during renovations or demolition that proper precautions and/or regulations will be followed.
28. Payment of all fees.

The following comment submitted by the Conservation Board:

The Warwick Yard, LLC. – None submitted.

The following comment submitted by the ARB:

The Warwick Yard, LLC. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The applicant has provided us with the Full EAF. This is the new Full EAF. It is much more in depth than the old document. I have reviewed the document. The applicant has provided us with all the information that we needed regarding SEQR.

Comment #2: Applicant to discuss project.

Ross Winglovitz: This application is a proposed project of an outdoor recreational sports facility. This project is located at the old prison site located on State School Road. There is an existing gym and recreational building located on the site. There would be a cafeteria to serve food to attendees and dorms for summer use. There would be a pro-shop where they would be coordinating events. The applicant plans to demolish building #3 and put in new fields.

Comment #3: Conservation Board – 12/03/14 no comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – 12/18/14 advisory comment for caution if hazardous substances encountered during demolition

Mr. Bollenbach: Laura, do we have map notes on the plan?

Ross Winglovitz: Laura does have a comment listed here tonight asking for a map note regarding that issue.

Mr. Bollenbach: Ok.

Comment #6: ZBA: variances were recently granted and are current; however, variances must be shown on the plans. The complete ZBA approval language must be shown on the plans.

Ross Winglovitz: Will do.

Comment #7: The deed for the property must be submitted.

Ross Winglovitz: Yes. The property was just recently closed on December 31, 2014. We will submit that.

Comment #8: 9-1-1 address must be shown for all buildings, as appropriate.

Ross Winglovitz: We will confirm that.

Comment #9: The Demolition Plan shall call out the area of disturbance; this project shall be in compliance with the relevant sections of §164-47.10 Stormwater.

Ross Winglovitz: Will do.

Comment #10: If water lines will remain for irrigation or other purpose, Applicant to clarify use of water to prevent stagnate water in portions of the water main system. Applicant to confirm that the removed water lines will not create stagnant water at any location.

Ross Winglovitz: There would be artificial turf fields. There will not be any irrigation on the property. The water line has been managed by the Water Department. We will confirm about the removed water lines.

Comment #11: Applicant to clarify if requesting a waiver for lighting height and/or shielding. Applicant states that field lighting is exempt from the Town's lighting standards. Applicant is requesting a waiver.

Ross Winglovitz: We would request a waiver on that.

Comment #12: The Field Lighting Plan, Sheet C-107, shows the proposed lighting of the sports fields. Review is pending determination of review criteria.

Ross Winglovitz: Ok.

Comment #13: A proposed use for building #94 Guard Tower is not shown.

Ross Winglovitz: It is so small. You can't tell. It is hatched as a building not used. It remains vacant. It is shown as that.

Comment #14: Applicant to clarify use of vacant buildings. Applicant to add a note to the plan that any future use of a vacant building on this site plan will require planning board approval.

Ross Winglovitz: Will do. We will add to that note.

Comment #15: The easement access information to Building 5 should be shown. The beneficiary to this easement should be shown.

Ross Winglovitz: No problem.

Comment #16: Applicant to show compliance with §164-46.J(52) Town of Warwick Design Standards.

Ross Winglovitz: Will do.

Comment #17: Applicant to show compliance with §164-46.J(81) Town of Warwick Performance Standards.

Ross Winglovitz: We will provide that.

Comment #18: The Applicant must revise the text to reference the current version of the NYSDEC General Permit for Stormwater Discharges from Construction Activities, effective 01/29/15 and comply with the new requirements, including revisions to the NYS Stormwater Management Design Manual (January 2015), the new stormwater permit GP-0-15-002, and the revised Notice of Intent Form.

Ross Winglovitz: We had done an analysis. There is a note. We will clarify with Laura on that.

Comment #19: The grading on Figures F-2 and F-3 are the same. Land grading is proposed as a permanent structural erosion and sediment control practice. Consider using a finer scale for these figures to better demonstrate proposed changes in grading.

Ross Winglovitz: No problem.

Comment #20: The Erosion Control Plan (C-106) does not identify the locations of the swale, check dams, stabilized construction entrance or areas of seeding.

Ross Winglovitz: We will add as appropriate.

Comment #21: Temporary swales / ditches are discussed in the SWPPP and a detail is included in Sheet C-201. Temporary swale should be checked in Question #26 of the NOI if it will be implemented on site.

Ross Winglovitz: We will make the revisions.

Comment #22: Provide details in Sheet C-201 for the stabilized construction entrance, inlet protection and check dams.

Ross Winglovitz: Will do.

Comment #23: Applicant must list proposed temporary (if applicable) and permanent seed mixtures to be used on site.

Ross Winglovitz: There will be some grass. There will be disturbance areas. We will specify that.

Comment #24: Include a construction sequence in the SWPPP.

Ross Winglovitz: Will do.

Comment #25: Applicant should list the anticipated phases of construction to avoid exceeding the 5-acre threshold that would trigger the MS4 Permit requirement, unless the Applicant specifically requests a waiver from the Town to exceed the 5-acre threshold. If the Applicant requests and the Planning Board grants a waiver to the 5-acre requirement, a note shall be added to the plan stating that the Town reserves the right to enforce the 5-acre threshold requirements if stormwater concerns arise at this project site.

Ross Winglovitz: We are not going to request a waiver. The phasing of the project will be fields 1 and 2 including the courtyard area. It will be under the 5 acres.

Laura Barca: Ok.

Comment #26: The letter from the Applicant states the fields will be constructed with artificial turf (response 17). Provide a cross section detail of the artificial turf and documentation supporting a CN of 80 for this material.

Ross Winglovitz: Will do.

Comment #27: Applicant to add a note to the plan stating that if hazardous substances are encountered during renovations or demolition that proper precautions and/or regulations will be followed.

Ross Winglovitz: Will do.

Comment #28: Payment of all fees.

Ross Winglovitz: Will do.

Mr. Bollenbach: Laura, on the map are there the recording information for the easements, R.O.W., and maintenance of the fence? Is that included on the plans or does that need to be added?

Laura Barca: The only easement that is on there is the 50-foot wide easement for the 2-Lot subdivision that created this lot.

Mr. Bollenbach: Wasn't there also supposed to be an easement for some of the fencing and the maintenance of the fencing that coincide with the lot line?

Laura Barca: Yes. Also there is the water and the sewer.

Ross Winglovitz: I will tell you what is going on. There are no easements. There is language in the sale of the property that allows the Town to come back and take the easements.

Mr. Bollenbach: It will be offered now. Then, the Town would take it when they wish.

Ross Winglovitz: Yes. It is something like that.

Mr. Bollenbach: You would have to provide the recording information. We would have to go over that.

Mr. Showalter: Do any Board Members or Professionals have any other comments or concerns?

Ms. Little: I have a question about the lighting. Comment #11 applies to mostly the lighting that is currently there.

Ross Winglovitz: Yes. The only lighting that they are currently using is the building and parking lot that is adjacent to the training facility.

Ms. Little: Ok. Regarding Comment #12, talks about the lighting for the sports field. That is an entirely different Beast. If anyone had viewed the prison when all of the lights were on there was a definite light haze at night time. The sporting lights are intense. That is going to amplify that haze. Is there anything you could do about that?

Ross Winglovitz: They will be shielded. I don't think you will see any haze. You are going to have a lot less background lighting. They are only turning on the parking lighting and building lighting for safety reasons.

Ms. Little: Ok. Would any new lighting that you are proposing be noted on the plan?

Ross Winglovitz: Yes. It is noted on the plan. The lighting for the field is shown on the plan.

Ms. Little: Ok.

Mr. Showalter: Do any Board Members or Professionals have anything else?

Mr. McConnell: You mentioned that these fields would be turf so there would be no need for irrigation for watering. But further on, you mentioned that there would be seeding around construction. How would you intend to keep that grass alive?

Ross Winglovitz: That would be subject to the sports activity. We are not looking at irrigating or anything like that. It is a seeded area. Once we disturb it, we would grade it back and seed the lawn area.

Mr. McConnell: But you are not going to water it on a regular basis.

Ross Winglovitz: No.

Mr. McConnell: Ok. The second thing I have is probably for our Engineer. Regarding Comment #26, what is supporting a CN of 80 for this material?

Laura Barca: The CN is a curb number. Basically what that is in people term is if a drop of water goes on an impervious surface, it would runoff. If it hits a nice grassy area, it's going to hit and absorb in.

Ross Winglovitz: It is a percentage of what is going to runoff in the ground from the rain.

Mr. McConnell: It is a measure of permeability.

Laura Barca: Yes.

Mr. McConnell: Ok. Regarding the sports lighting, I live next to the High School. I am well aware of how intense sports lighting could be. I would like to have some assurances that the lighting on these fields is not going to be on for any longer periods of time than absolutely necessary.

Laura Barca: On Sheet 1, the hours of operation are on the plan. The hours of operation are from 8am through 10pm Monday through Saturdays. On Sundays, the hours of operation are from 8am through 6pm.

Mr. MacDonald: Laura mentioned the operating hours. Are you also going to have off hours?

Ross Winglovitz: Yes. That is why we have it to go until 10pm. On a Saturday they could have a tournament so the lights would be on until 10pm.

Mr. Showalter: The games could go into extra innings.

Ross Winglovitz: Yes. They do.

Mr. Showalter: This is a public hearing. If there is anyone else wishing to address the Warwick Yard/Frozen Ropes public hearing, please rise and state your name for the record. Let the record show no public comment.

Mr. Kennedy makes a motion for the Negative Declaration.

Seconded by Mr. McConnell. The following Resolution was carried 5-Ayes.

617.12(b)

**State Environmental Quality Review (SEQR)**  
Resolution Authorizing Filing of Negative Declaration

**Name of Action:** Frozen Ropes

**Whereas**, the Town of Warwick Planning Board is the SEQR Lead Agency for conducting the environmental review of a proposed adaptive reuse of a portion of the former Mid-Orange Correctional Facility, Town of Warwick, Orange County, New York, and

**Whereas**, there are other involved agencies pursuant to SEQR, including the Orange County Industrial Development Agency and

**Whereas**, the Planning Board has reviewed an Environmental Assessment Form (EAF) for the action dated 12/12/2014, the probable environmental effects of the action, and has considered such impacts as disclosed in the EAF.

**Now Therefore Be It Resolved**, that the Planning Board adopts the findings and conclusions relating to probable environmental effects contained within the attached EAF and Negative Declaration and authorizes the Chair to execute the EAF and file the Negative Declaration in accordance with the applicable provisions of law, and

**Be It Further Resolved**, that the Planning Board authorizes the Chair to take such further steps as might be necessary to discharge the Lead Agency's responsibilities on this action.

Mr. McConnell makes a motion to close the public hearing.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes.

Mr. McConnell makes motion to waive the lighting height and/or shielding to the extent practicable to the Planning Board Engineers specifications. Applicant states that field lighting is exempt from the Town's lighting standards.

Seconded by Mr. Kennedy. Motion carried 5-Ayes.

Ms. Little makes a motion on the Warwick Yard, LLC., granting Site Plan Approval and Special Use Permit for the construction and use of conversion of existing property use from Correctional Facility to Outdoor Amusement (88), aka Frozen Ropes-The Yard, situated on tax parcel 46-1-34.12; parcel located on the eastern side of State School Road 3200 feet south of Kings Highway (the old prison site), (122 State School Road), in the OI zone, of the Town of Warwick, County of Orange, State of New York. A SEQR Negative Declaration was adopted on February 4, 2015. Approval is granted subject to the following conditions:

1. ZBA: variances were recently granted and are current; however, variances must be shown on the plans. The complete ZBA approval language must be shown on the plans.
2. The deed for the property must be submitted.
3. 9-1-1 address must be shown for all buildings, as appropriate.
4. The Demolition Plan shall call out the area of disturbance; this project shall be in compliance with the relevant sections of §164-47.10 Stormwater.
5. If water lines will remain for irrigation or other purpose, Applicant to clarify use of water to prevent stagnate water in portions of the water main system. Applicant to confirm that the removed water lines will not create stagnant water at any location.
6. Applicant to clarify if requesting a waiver for lighting height and/or shielding. Applicant states that field lighting is exempt from the Town's lighting standards. Applicant is requesting a waiver. (Waived, 2/4/15).
7. The Field Lighting Plan, Sheet C-107, shows the proposed lighting of the sports fields. Review is pending determination of review criteria.
8. A proposed use for building #94 Guard Tower is not shown.
9. Applicant to clarify use of vacant buildings. Applicant to add a note to the plan that any future use of a vacant building on this site plan will require planning board approval.
10. The easement access information to Building 5 should be shown. The beneficiary to this easement should be shown.
11. Applicant to show compliance with §164-46.J(52) Town of Warwick Design Standards.
12. Applicant to show compliance with §164-46.J(81) Town of Warwick Performance Standards.
13. The Applicant must revise the text to reference the current version of the NYSDEC General Permit for Stormwater Discharges from Construction Activities, effective 01/29/15 and comply with the new requirements, including revisions to the NYS Stormwater Management Design Manual (January 2015), the new stormwater permit GP-0-15-002, and the revised Notice of Intent Form.
14. The grading on Figures F-2 and F-3 are the same. Land grading is proposed as a permanent structural erosion and sediment control practice. Consider using a finer scale for these figures to better demonstrate proposed changes in grading.
15. The Erosion Control Plan (C-106) does not identify the locations of the swale, check dams, stabilized construction entrance or areas of seeding.
16. Temporary swales / ditches are discussed in the SWPPP and a detail is included in Sheet C-201. Temporary swale should be checked in Question #26 of the NOI if it will be implemented on site.
17. Provide details in Sheet C-201 for the stabilized construction entrance, inlet protection and check dams.
18. Applicant must list proposed temporary (if applicable) and permanent seed mixtures to be used on site.
19. Include a construction sequence in the SWPPP.

20. Applicant should list the anticipated phases of construction to avoid exceeding the 5-acre threshold that would trigger the MS4 Permit requirement, unless the Applicant specifically requests a waiver from the Town to exceed the 5-acre threshold. If the Applicant requests and the Planning Board grants a waiver to the 5-acre requirement, a note shall be added to the plan stating that the Town reserves the right to enforce the 5-acre threshold requirements if stormwater concerns arise at this project site.
21. The letter from the Applicant states the fields will be constructed with artificial turf (response 17). Provide a cross section detail of the artificial turf and documentation supporting a CN of 80 for this material.
22. Applicant to add a note to the plan stating that if hazardous substances are encountered during renovations or demolition that proper precautions and/or regulations will be followed.
23. Provide map note with Recording information placed on the map for all Easements, Right-Of-Ways, and Agreements pertaining to the property.
24. Payment of all fees.

Seconded by Mr. McConnell. Motion carried; 5-Ayes.

Ross Winglovitz: Thank you.

**Review of Submitted Maps:*****HOMARC, LLC.***

Application for Preliminary Site Plan Approval and Special Use Permit and FEIS completeness for the construction and use of a commercial site plan of a 21,900 square foot professional and office development on a 5.1 acre site, situated on tax parcel S 51 B 1 L 5.231; project located on the northern side of NYS Route 94 near the intersection with Warwick Turnpike (152 NYS Route 94 South), in the CB zone, of the Town of Warwick, County of Orange, State of New York. The Planning Board adopted a Final Scoping Document on 3/4/09. The Planning Board adopted an "Amended" Final Scoping Document on 7/17/13. Planning Board deemed the DEIS complete on 7/16/14. The Planning Board closed the Public Hearing on the DEIS at the 8/20/14 Planning Board meeting with written comment period opened until 9/10/14. The Preliminary Site Plan Approval and Special Use Permit Public Hearing was adjourned without date. Planning Board to accept the FEIS for review. At the 1/7/15 PB Meeting, the Planning Board accepted the FEIS for review. Planning Board to discuss adopting the FEIS.

Representing the applicant: Dave Griggs from ERS Consultants. Paul Canivari, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 10/16/12: no comments at this time
4. Architectural Review Board – **10/16/12**: (1) request similar conceptual view of all four sides, (2) provide materials of construction, (3) determine front(s) of building, & (4) perspective rendering of nearby buildings; **08/11/14**: see separate comment letter dated 08/11/14
5. OC Planning Department – pending
6. NYSDOT – connecting to the proposed Marginal Access Road
7. Final scoping document Page 8 (IV.D.1.c): Fire suppression water supply must be discussed, including improvements to the existing system. Applicant to clarify if pumps are needed and where connections will be made.
8. Applicant must confirm how will the dry swale be vegetated and whether or not it will be seeded. While a formal planting plan may not be necessary, it should be seeded with a commercially available basin seeding mix so invasive species such as loosestrife and common reed (both present in the vicinity) do not colonize the site. SWPPP refers to contract documents; Applicant must provide information in the SWPPP document, or also provide the contract documents for review by the Town.
9. DEIS Section 5b: The Scoping Document (Section 5b) cites correspondence with SHPO re the Cultural Resources report; Section 3.7-6.2 of the DEIS cites that a copy of the report has been sent to SHPO. Applicant to confirm if any correspondence or concurrence been received from SHPO.
10. Applicant to confirm if there are any problems with mosquitoes anticipated with the proposed permanent pool in the stormwater management system. Change "breeding" to "breeding" in the response. Also cite the New Jersey study re more mosquitoes in stormwater dry basins.
11. DEIS Section 3.3 Terrestrial and Aquatic Ecology: In Table 3.4 the scientific name for the Eastern phoebe should be *Sayornis phoebe*. The tufted titmouse is cited in the text but

does not appear in Table 3-4. Also, the range of the Carolina chickadee is not reported to extend north of central New Jersey. The species encountered is most likely the black-capped chickadee, *Poecile atricapillus*. The table should also indicate which of the listed species were observed on the site and which were not observed but expected to occur. In Table 3-4, the common name for *Mustela frenata* should be “long-tailed weasel”. Also no habitat type is cited for the tufted titmouse.

12. Applicant should illustrate truck movements to verify that a garbage truck can access the dumpster and confirm that the gate provided is wide enough.
13. DEIS Section 2.4.2 Structures and Site Development: The DEIS states transit bus circulation is feasible. If so, a transit stop should be provided. If a transit stop is provided, appropriate access, ADA access and crosswalks may be required. Noted that no transit stop is provided. Additional pedestrian access with a cross walk has been provided, but handicap ramps must be included.
14. DEIS Section 2.4.2 Structures and Site Development: DEIS states that a minimum level of all night illumination will be maintained for security. Site plans states hours of operation as Dusk to 8am. It does not specify reduced lighting levels. Applicant to include reduced lighting levels, as necessary, to the DEIS. It must be noted that typical parking lot lights are not shut off. Applicant to verify that lights will be turned off after operational hours.
15. DEIS Site Plans: Site plans require more details in order to determine ADA compliance, including ramps, grades across parking areas, contours and spot elevations, guiderails above surface of parking areas, handicap parking details. Handicap parking does not appear to be located in the shortest, most central location. Applicant to revise figure(s), including the Grading Plan, accordingly. Handicap ramps have been relocated, but no additional information has been provided to determine if the site can meet ADA grading requirements. The site plans and details should incorporate the most appropriate type of handicap ramp.
16. DEIS Site Plans – Landscaping Plan: Plan states “To reduce the visual impact of the parking lot, provide a ten-foot wide landscape strip around the perimeter of the lot, to be planted with shade trees and low shrubs. Provide a minimum of one shade tree every 35 feet of lot perimeter but not necessarily at 35 feet on-center.” Per the provided plans, this is not provided. These trees would be in addition to the 1 per 8 spaces interior to the lot. Applicant to revise Landscaping Plan. Perimeter landscaping has been provided in some locations but is not in compliance with Town Code.
17. DEIS Site Plans – Landscaping Plan: Plan states “Parking spaces shall have wheel stops or curbs to prevent injury to trees and shrubs planted in landscaped islands.” Per the provided plans, this is not provided. Applicant to revise Landscaping Plan. Retaining walls should include a guide rail or similar to prevent vehicles or pedestrians from falling off the top of the retaining wall.
18. DEIS Site Plans – Landscaping Plan: Planting details are not sufficient to illustrate to a contractor how to plant. Applicant must provide shrub planting details and details for permanent seeding. The responses note that shrub details have been added. These are not found on the drawings. All details provided appear to be tree details. Please provide shrub and perennial planting details, and label each detail.
19. DEIS Site Plans – Landscaping Plan: Provide details on soil restoration after being compacted during construction, in order to support plant health. Please note detail number and sheet for review.
20. DEIS Site Plans – Landscaping Plan: Provide landscaping notes, including contractor instructions, plant warrantee period, plant stock standards, etc. Applicant to state where this information is shown.

21. DEIS Site Plans – Landscaping Plan: Plants for the proposed pocket pond need to include quantity, spacing and size. What is shown on the Landscaping Plan differs from the pocket pond detail. Applicant to confirm and revise plan(s) for uniformity accordingly. Quantity has been including, although size and spacing has not. Different plants are still noted in the pocket pond detail. Please confirm.
22. DEIS Site Plans – Landscaping Plan: Perimeter plantings where the retaining wall is located are well below the parking level surface. Shrubs may not even be seen. Trees, along parking areas, typically can be maintained to have lower branches removed to maintain sight distance. With the trees below the wall, as they grow, the limbs may damage parked cars, as the limbs would not be the lower branches. Change “site” to “sight” in the response. Retaining wall has been moved. Please verify that there is enough room provided for the trees proposed along the top of the retaining wall, and that roots will not impact the wall. If trees are to be maintained to not encroach within parking areas, those maintenance notes should be included.
23. DEIS Site Plans – Landscaping Plan: Please verify types of vegetation proposed. There are numerous sized symbols for the same plant which is deceiving. Applicant must verify that there is enough room for each plant, given that the sidewalk planting area is only 3ft. Please verify symbols, as there appear to be differing symbols for the same plants. Verify quantities shown. Plants growing to 6-10ft in width are not appropriate for a 3-5ft planting strip. Please confirm.
24. Applicant must provide access to the bicycle rack; or, Applicant to confirm if bicyclists should use the handicap access aisle and sidewalk to reach the rack.
25. Applicant must provide a truck movement plan to illustrate how a garbage truck is getting to the proposed dumpster location. It appears that, depending on type of garbage truck used in the Town, that at least one parking space will be impacted.
26. DEIS Page 3-17: The first paragraph states that the runoff from the remaining portions of the site will not be affected by the proposed project. Development is proposed outside of the one drainage area that is analyzed. Applicant shall update the existing drainage area map (Figure 3-9) to include all portions of the site that will be developed. Applicant should coordinate Figure 3-9 in the DEIS with Figure 3 provided in Appendix C.
27. DEIS Page 3-18 and 3-20: The Applicant must revise the text to reference the current version of the NYSDEC General Permit for Stormwater Discharges from Construction Activities, effective 01/29/15 and comply with the new requirements, including revisions to the NYS Stormwater Management Design Manual (January 2015), the new stormwater permit GP-0-15-002, and the revised Notice of Intent Form.
28. DEIS Appendix C, SWPPP, Section 7.0: This section references the preservation of existing vegetation as much as possible. Applicant to provide a figure demonstrating these areas, and any trees that will remain, as well as identify methods of tree protection. The applicant stated a figure was provided in the SWPPP that identifies the preservation of existing vegetation, however, no such figure could be found. Please clarify.
29. DEIS Appendix C, SWPPP, Section 7.0: This section references temporary soil stabilization of disturbed areas and removal of sediment from construction site discharges. Applicant to confirm if temporary seeding or erosion control matting is to be used on site and types / placement of controls. Applicant must also provide drop inlet protection to any stormwater catch basins on site, as needed. Applicant to provide details of all temporary erosion control features to be used on site. The areas of temporary seeding are not shown on the figures(s). Update the figures to show the limits of temporary seeding.
30. Grading and Utilities Plan, Sheet 2 of 6: Applicant to revise location of silt fence between proposed building and Route 94, as there are no means of ingress / egress from the proposed contractor staging area.

31. DEIS Appendix D, Soil Logs: Provide a figure to demonstrate where the soil percolation tests and test pits were performed on the site.
32. DEIS Appendix C, SWPPP: Applicant to include the pocket pond total post-development WQv analysis in Appx. E – Revised SWPPP, Appx. D.
33. DEIS Appendix C, SWPPP: Applicant must provide permanent seed mixtures, application rates, recommended application dates and ratio of soil amendments necessary for the site. SWPPP refers to contract documents; Applicant must provide information in the SWPPP document, or also provide the contract documents for review by the Town.
34. SWPPP, Appendix C: The HydroCAD data provided for the modeling of the pocket pond do not conform with the requirements of the NYSDEC Stormwater Design Manual.
  - a. The modeling of the pocket pond for the 100 year design storm illustrates freeboard of 0.54 feet, which is less than the two feet required by the manual.
  - b. Because the pond is intended to have a wet bottom, the model should be revised to reflect this condition. As it currently exists, there are means for water below elevation 567.84' to discharge from the pond.
  - c. The modeling of the outlet structure needs to be updated to reflect the proposed outlet structure layout. As it is currently modeled, the 15" orifice (#3, Device 2) is restricted by the 4" orifice (#2, Device 1). The proposed outlet structure does not reflect this condition.
35. Furthermore, this paragraph states that the critical period is between 11:45-12:45 PM. Provide additional backup information (traffic counts, observations, etc.) in order to determine the Saturday peak hour. Please provide back up information (traffic counts, observations, etc.).
36. DEIS Pg. 3-30: The 4<sup>th</sup> and 5<sup>th</sup> paragraphs seem to include information about a more recent study that was conducted. Provide the back up information (existing and future traffic counts, traffic analyses, methodologies developed for assessment, etc.). Please provide 2010 traffic counts and observations.
37. If the proposed building is nearly 10,000 larger than the building proposed in the 2007 study, Table 3-10 was directly from the 2007 trip generation (again mentioned as 7th Edition in table and 8th Edition in text). Applicant to confirm how the additional trips generated were accommodated. Table 3-10 states 14,560 sf. Traffic study states 19,120 sf. Please clarify.
38. A three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the building department after final approval has been granted.
39. Payment of all bonds (Landscaping, Performance, Marginal Access Road, Construction Trailer Removal, Construction Inspection fees for Landscaping and Performance, and Traffic Mitigation Fees).
40. Surveyor to certify that iron rods have been set at all property corners.
41. Payment of all fees.

The following comment submitted by the Conservation Board:

HOMARC, LLC. – None submitted.

The following comment submitted by the ARB:

HOMARC, LLC. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: What we have is the Final EIS. I have completed my review of the document. I believe that all of the comments that have been made on the DEIS have been adequately answered. All of the changes made in the DEIS have also been addressed in the FEIS. There was one area that I think needs to be furthered discussed. We did discuss it at the Works Session. That was the issue of whether or not to have a sidewalk or to simply have a white line on the roadway where there would be pedestrian traffic. That would be between the HOMARC property and the plaza next door. The bridge that is being designed by the Town to bridge the Federal wetland is going to incorporate a sidewalk. I think the issue is safety where there is simply an area along the commercial roadway where there would likely be future truck traffic. There is a safety issue that comes in with having an adequate separation distance. I know that is not possible in the bridge area because that is more of a confined space. But for the remainder of the roadway, I think it would be much safer to have a separate pedestrian way to connect to the developments. Laura had gone back and checked the design of the bridge. Laura, do you want to talk about that?

Laura Barca: The bridge will extend over the wetlands to the HOMARC property. The sidewalk is on the side between the marginal access road and Route 94.

Mr. Fink: Is it on the outer side?

Laura Barca: It is on the outer side.

Mr. Bollenbach: Does that make sense? I just want to bring it up now. Is it going to increase pedestrian cross traffic? If the sidewalk was away from Route 94, then people could access through the existing parking lot within the existing shopping center. When they get to the HOMARC property they could access the HOMARC parking lot and whatever interior sidewalk system is there. Not that they have to cross the traffic to get close to Route 94 then to cross back over to get back to the parking lot. I don't know what the Board's comment is on that.

Mr. McConnell: It would be advisable perhaps more prudent to have the walkway on the side away from Route 94. For instance, if you were going from Pricechopper to HOMARC it would be on the right hand side of the road.

Mr. Bollenbach: Right. They could stop at Chase Bank or something along the way and not have to cross marginal access traffic.

Mr. McConnell: There was some concern about whether there would be some additional engineering required to make that happen if in deed Laura wasn't sure at that point on which side.

Laura Barca: We may be too far in the design on where the sidewalk is located at this particular point.

Mr. McConnell: I for one believe the sidewalk should be on the side away from Route 94.

Mr. Showalter: Yes.

Ms. Little: I agree. My concern is that you are not going to have people cross the road. You are going to have them walking in the road.

Mr. McConnell: They are going to be walking on that side anyway, but not safely.

Mr. Showalter: Ok. Do we have any other comments on SEQR?

Mr. Fink: I think that Laura's office had some corrections that is needed to be made. What I have done was prepare a Notice of Completion of Final EIS so that the applicant doesn't have to go through this whole process again. I have also prepared a Resolution adopting the FEIS and authorizing the Chairman to file the FEIS once Laura's office is satisfied that the corrections have been made to the document. The Resolution states that the Planning Board hereby adopts the HOMARC Final EIS subject to the completion of the changes detailed on the attached list, and once such changes are prepared authorizes the Planning Board Chairman to file and distribute the Final EIS and the attached Notice of Completion of Final EIS in accordance with requirements of SEQR. So that in effect anything that is left that remains to be done could be done. Once that has been produced to the Planning Board, then we could go and file the document. I don't have anything further.

Mr. Showalter: Ok.

Comment #2: Applicant to discuss project.

Dave Griggs: We have done a bunch of modifications. Everybody has received that in the form of the FEIS and the revised site plan. They are fairly minor in scope.

Comment #3: Conservation Board – 10/16/12: no comments at this time

Comment #4: Architectural Review Board – **10/16/12**: (1) request similar conceptual view of all four sides, (2) provide materials of construction, (3) determine front(s) of building, & (4) perspective rendering of nearby buildings; **08/11/14**: see separate comment letter dated 08/11/14

Mr. McConnell: Where are we with that?

Dave Griggs: I know that we had submitted revised design plans from the Architect with this last package.

Mr. Showalter: Ok.

Comment #5: OC Planning Department – pending

Comment #6: NYSDOT – connecting to the proposed Marginal Access Road

Mr. McConnell: What does that mean?

Laura Barca: There was a point where they were going to go the NYSDOT to get access through a new road cut. There will be no new road cut onto Route 94.

Mr. Bollenbach: Is there a temporary one pending during construction?

Dave Griggs: We want to do a temporary one if the marginal access road is not constructed. But we can move forward with the NYSDOT application until we are done here.

Mr. Showalter: I have question for Ted and Laura. Could we list the rest of these comments, Comment 7 through 41 for the record?

Mr. Bollenbach: Dave, do you have any questions on any of the comments?

Dave Griggs: No. We are going to go back and try to resolve all of these comments as soon as possible.

Mr. Fink: As soon as that gets resolved and the FEIS gets filed, then the next step would be to do a Findings Statement. After that, then SEQR would be complete. The Findings Statement is an outgrowth of the DEIS and FEIS. Everything that has already been accepted by the Board amongst the DEIS and FEIS, then there would be the Findings Statement. It is simply a balancing of the impacts of the project with some sort of economic benefits. That is what the Findings Statement is. That would conclude the SEQR process.

Mr. Showalter: Ted, is that included in this packet here?

Mr. Fink: The Findings Statement is not. Once the FEIS has been adopted and filed, then you are supposed to get the Findings Statement completed and adopted within 10-days of that. As soon as that gets done, at the next available meeting we should have the Findings Statement ready to go.

Paul Canivari: Is the sidewalk going on the other side?

Mr. Bollenbach: That will be determined. It is the Board's feeling for it to be on the side away from Route 94.

Dave Griggs: We could certainly put it on that side of our property. You are going to have to deal with HDR for the sidewalk.

Mr. Showalter: To go to the Pricechopper and to the end of the road on the Pricechopper's property.

Dave Griggs: Correct. That should not hold up what we are doing.

Laura Barca: No. It is not.

Paul Canivari: Then you want a curb, space, and a sidewalk. Is that correct?

Mr. McConnell: I don't think we were talking about curbs.

Ms. Little: It did come up at the Work Session.

Mr. Fink: If the concept was to have the pedestrian walkway along the roadway, then the way to create a safer passage for the pedestrians would be to have a separation. Otherwise, you wouldn't have to have a separation if you had a tree lawn area separation of 3 or 4 feet. Then, you would have a sidewalk there.

Paul Canivari: This has been a long time process for us. We have been going on with this for 7 or 8 years. It keeps getting more and more. How much more?

Mr. McConnell: I think we do recognize that. That is not why we are sitting here to say put in a curb or Belgium block, etc... We are not sitting here saying that. We are trying to make it safe for pedestrians.

Mr. Showalter: Ok. We will list Comments 7 through 41 for the record.

Comment #7: Final scoping document Page 8 (IV.D.1.c): Fire suppression water supply must be discussed, including improvements to the existing system. Applicant to clarify if pumps are needed and where connections will be made.

Comment #8: Applicant must confirm how will the dry swale be vegetated and whether or not it will be seeded. While a formal planting plan may not be necessary, it should be seeded with a commercially available basin seeding mix so invasive species such as loosestrife and common reed (both present in the vicinity) do not colonize the site.

SWPPP refers to contract documents; Applicant must provide information in the SWPPP document, or also provide the contract documents for review by the Town.

Comment #9: DEIS Section 5b: The Scoping Document (Section 5b) cites correspondence with SHPO re the Cultural Resources report; Section 3.7-6.2 of the DEIS cites that a copy of the report has been sent to SHPO. Applicant to confirm if any correspondence or concurrence been received from SHPO.

Comment #10: Applicant to confirm if there are any problems with mosquitoes anticipated with the proposed permanent pool in the stormwater management system. Change "breading" to "breeding" in the response. Also cite the New Jersey study re more mosquitoes in stormwater dry basins.

Comment #11: DEIS Section 3.3 Terrestrial and Aquatic Ecology: In Table 3.4 the scientific name for the Eastern phoebe should be *Sayornis phoebe*. The tufted titmouse is cited in the text but does not appear in Table 3-4. Also, the range of the Carolina chickadee is not reported to extend north of central New Jersey. The species encountered is most likely the black-capped chickadee, *Poecile atricapillus*. The table should also indicate which of the listed species were observed on the site and which were not observed but expected to occur. In Table 3-4, the common name for *Mustela frenata* should be "long-tailed weasel". Also no habitat type is cited for the tufted titmouse.

Comment #12: Applicant should illustrate truck movements to verify that a garbage truck can access the dumpster and confirm that the gate provided is wide enough.

Comment #13: DEIS Section 2.4.2 Structures and Site Development: The DEIS states transit bus circulation is feasible. If so, a transit stop should be provided. If a transit stop is provided, appropriate access, ADA access and crosswalks may be required. Noted that no transit stop is provided. Additional pedestrian access with a cross walk has been provided, but handicap ramps must be included.

Comment #14: DEIS Section 2.4.2 Structures and Site Development: DEIS states that a minimum level of all night illumination will be maintained for security. Site plans states

hours of operation as Dusk to 8am. It does not specify reduced lighting levels. Applicant to include reduced lighting levels, as necessary, to the DEIS. It must be noted that typical parking lot lights are not shut off. Applicant to verify that lights will be turned off after operational hours.

Comment #15: DEIS Site Plans: Site plans require more details in order to determine ADA compliance, including ramps, grades across parking areas, contours and spot elevations, guiderails above surface of parking areas, handicap parking details. Handicap parking does not appear to be located in the shortest, most central location. Applicant to revise figure(s), including the Grading Plan, accordingly. Handicap ramps have been relocated, but no additional information has been provided to determine if the site can meet ADA grading requirements. The site plans and details should incorporate the most appropriate type of handicap ramp.

Comment #16: DEIS Site Plans – Landscaping Plan: Plan states “To reduce the visual impact of the parking lot, provide a ten-foot wide landscape strip around the perimeter of the lot, to be planted with shade trees and low shrubs. Provide a minimum of one shade tree every 35 feet of lot perimeter but not necessarily at 35 feet on-center.” Per the provided plans, this is not provided. These trees would be in addition to the 1 per 8 spaces interior to the lot. Applicant to revise Landscaping Plan. Perimeter landscaping has been provided in some locations but is not in compliance with Town Code.

Comment #17: DEIS Site Plans – Landscaping Plan: Plan states “Parking spaces shall have wheel stops or curbs to prevent injury to trees and shrubs planted in landscaped islands.” Per the provided plans, this is not provided. Applicant to revise Landscaping Plan. Retaining walls should include a guide rail or similar to prevent vehicles or pedestrians from falling off the top of the retaining wall.

Comment #18: DEIS Site Plans – Landscaping Plan: Planting details are not sufficient to illustrate to a contractor how to plant. Applicant must provide shrub planting details and details for permanent seeding. The responses note that shrub details have been added. These are not found on the drawings. All details provided appear to be tree details. Please provide shrub and perennial planting details, and label each detail.

Comment #19: DEIS Site Plans – Landscaping Plan: Provide details on soil restoration after being compacted during construction, in order to support plant health. Please note detail number and sheet for review.

Comment #20: DEIS Site Plans – Landscaping Plan: Provide landscaping notes, including contractor instructions, plant warrantee period, plant stock standards, etc. Applicant to state where this information is shown.

Comment #21: DEIS Site Plans – Landscaping Plan: Plants for the proposed pocket pond need to include quantity, spacing and size. What is shown on the Landscaping Plan differs from the pocket pond detail. Applicant to confirm and revise plan(s) for uniformity accordingly. Quantity has been including, although size and spacing has not. Different plants are still noted in the pocket pond detail. Please confirm.

Comment #22: DEIS Site Plans – Landscaping Plan: Perimeter plantings where the retaining wall is located are well below the parking level surface. Shrubs may not even be seen. Trees, along parking areas, typically can be maintained to have lower branches removed to maintain sight distance. With the trees below the wall, as they grow, the limbs may damage parked cars, as the limbs would not be the lower branches. Change “site” to “sight” in the response. Retaining wall has been moved. Please verify that there is enough room provided for the trees proposed along the top of the retaining wall, and that roots will not impact the wall. If trees are to be maintained to not encroach within parking areas, those maintenance notes should be included.

Comment #23: DEIS Site Plans – Landscaping Plan: Please verify types of vegetation proposed. There are numerous sized symbols for the same plant which is deceiving.

Applicant must verify that there is enough room for each plant, given that the sidewalk planting area is only 3ft. Please verify symbols, as there appear to be differing symbols for the same plants. Verify quantities shown. Plants growing to 6-10ft in width are not appropriate for a 3-5ft planting strip. Please confirm.

Comment #24: Applicant must provide access to the bicycle rack; or, Applicant to confirm if bicyclists should use the handicap access aisle and sidewalk to reach the rack.

Comment #25: Applicant must provide a truck movement plan to illustrate how a garbage truck is getting to the proposed dumpster location. It appears that, depending on type of garbage truck used in the Town, that at least one parking space will be impacted.

Comment #26: DEIS Page 3-17: The first paragraph states that the runoff from the remaining portions of the site will not be affected by the proposed project. Development is proposed outside of the one drainage area that is analyzed. Applicant shall update the existing drainage area map (Figure 3-9) to include all portions of the site that will be developed. Applicant should coordinate Figure 3-9 in the DEIS with Figure 3 provided in Appendix C.

Comment #27: DEIS Page 3-18 and 3-20: The Applicant must revise the text to reference the current version of the NYSDEC General Permit for Stormwater Discharges from Construction Activities, effective 01/29/15 and comply with the new requirements, including revisions to the NYS Stormwater Management Design Manual (January 2015), the new stormwater permit GP-0-15-002, and the revised Notice of Intent Form.

Comment #28: DEIS Appendix C, SWPPP, Section 7.0: This section references the preservation of existing vegetation as much as possible. Applicant to provide a figure demonstrating these areas, and any trees that will remain, as well as identify methods of tree protection. The applicant stated a figure was provided in the SWPPP that identifies the preservation of existing vegetation, however, no such figure could be found. Please clarify.

Comment #29: DEIS Appendix C, SWPPP, Section 7.0: This section references temporary soil stabilization of disturbed areas and removal of sediment from construction site discharges. Applicant to confirm if temporary seeding or erosion control matting is to be used on site and types / placement of controls. Applicant must also provide drop inlet protection to any stormwater catch basins on site, as needed. Applicant to provide details of all temporary erosion control features to be used on site. The areas of temporary seeding are not shown on the figures(s). Update the figures to show the limits of temporary seeding.

Comment #30: Grading and Utilities Plan, Sheet 2 of 6: Applicant to revise location of silt fence between proposed building and Route 94, as there are no means of ingress / egress from the proposed contractor staging area.

Comment #31: DEIS Appendix D, Soil Logs: Provide a figure to demonstrate where the soil percolation tests and test pits were performed on the site.

Comment #32: DEIS Appendix C, SWPPP: Applicant to include the pocket pond total post-development WQv analysis in Appx. E – Revised SWPPP, Appx. D.

Comment #33: DEIS Appendix C, SWPPP: Applicant must provide permanent seed mixtures, application rates, recommended application dates and ratio of soil amendments necessary for the site. SWPPP refers to contract documents; Applicant must provide information in the SWPPP document, or also provide the contract documents for review by the Town.

Comment #34: SWPPP, Appendix C: The HydroCAD data provided for the modeling of the pocket pond do not conform with the requirements of the NYSDEC Stormwater Design Manual.

- a. The modeling of the pocket pond for the 100 year design storm illustrates freeboard of 0.54 feet, which is less than the two feet required by the manual.

- b. Because the pond is intended to have a wet bottom, the model should be revised to reflect this condition. As it currently exists, there are means for water below elevation 567.84' to discharge from the pond.
- c. The modeling of the outlet structure needs to be updated to reflect the proposed outlet structure layout. As it is currently modeled, the 15" orifice (#3, Device 2) is restricted by the 4" orifice (#2, Device 1). The proposed outlet structure does not reflect this condition.

Comment #35: Furthermore, this paragraph states that the critical period is between 11:45-12:45 PM. Provide additional backup information (traffic counts, observations, etc.) in order to determine the Saturday peak hour. Please provide back up information (traffic counts, observations, etc.).

Comment #36: DEIS Pg. 3-30: The 4<sup>th</sup> and 5<sup>th</sup> paragraphs seem to include information about a more recent study that was conducted. Provide the back up information (existing and future traffic counts, traffic analyses, methodologies developed for assessment, etc.). Please provide 2010 traffic counts and observations.

Comment #37: If the proposed building is nearly 10,000 larger than the building proposed in the 2007 study, Table 3-10 was directly from the 2007 trip generation (again mentioned as 7th Edition in table and 8th Edition in text). Applicant to confirm how the additional trips generated were accommodated. Table 3-10 states 14,560 sf. Traffic study states 19,120 sf. Please clarify.

Comment #38: A three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the building department after final approval has been granted.

Comment #39: Payment of all bonds (Landscaping, Performance, Marginal Access Road, Construction Trailer Removal, Construction Inspection fees for Landscaping and Performance, and Traffic Mitigation Fees).

Comment #40: Surveyor to certify that iron rods have been set at all property corners.

Comment #41: Payment of all fees.

Mr. McConnell makes a motion to accept the Notice of Completion of FEIS and adopting the FEIS, subject to such changes are prepared and authorizes the Planning Board Chairman to file and distribute the FEIS and the Notice of Completion of FEIS.

Seconded by Ms. Little. The following Notice of Completion of FEIS and the Resolution adopting the FEIS was carried 5-Ayes.

617.9

State Environmental Quality Review (SEQR)

**Notice of Completion of Draft EIS  
and**

**Notice of Public Hearings on  
Draft EIS and Preliminary Site Plan & Special Use Permit**

**Lead Agency:** Town of Warwick Planning Board

**Address:**

Town Hall  
132 Kings Highway  
Warwick, NY 10990

**Date:**

July 16, 2014

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

A Draft Environmental Impact Statement (EIS) has been completed and accepted for the proposed action described below by the Town of Warwick Planning Board, the SEQR Lead Agency for the action. Comments on the Draft EIS are requested and will be accepted by the contact person until 4:00 PM on September 10, 2014. A public hearing on the Draft EIS will be held at 7:30 PM on August 20, 2014 in the Town of Warwick Town Hall on Kings Highway, Warwick, New York. As suggested by the SEQR Regulations, the Public Hearing on the Draft EIS will be held jointly with the Public Hearing on the applications for Site Plan and Special Use Permit approval.

**Name of Action:** Proposed Homarc Commercial Development

**Description of Action:** The applicant has requested approval from the Town of Warwick Planning Board for construction and operation of a new ± 21,900 square foot professional and office development on a 5.1 acre site located on New York State Route 94 near the intersection with Warwick Turnpike (County Route 21). The project site is located in the Town's Community Business (CB) Zoning District. It consists of a one-story building that has been proposed for interconnection with the Town's water and sewer system, located on parcels adjoining the contiguous Price Chopper Plaza site. Site access would be from a proposed Marginal Access Road connection with the Price Chopper Plaza site. A total of 84 parking spaces have been proposed to accommodate the use. Landscaping the site following construction would be in accordance with Town of Warwick design requirements.

**Location:** 152 New York State Route 94 South, Town of Warwick, Orange County, New York. The parcel is identified as Section 51, Block 1, Lot 5.231

**Potential Environmental Impacts:**

1. Increased susceptibility to erosion from the loss of natural vegetation on the site during construction and a potential increase in downstream sedimentation of surface waters in the Wawayanda Creek watershed.
2. Increase in the volume of stormwater runoff from 1.52 acres of new impervious surfaces.
3. An increase in pollutant loadings in stormwater runoff from the proposed impervious surfaces.
4. An increase in air emissions and fugitive dust generated during construction activity. An on-site increase in emissions from natural gas use and an increase in electricity use during operation of the project, potentially creating an off-site increase in emissions.
5. An increase in the volume of traffic and delays through local intersections.

6. An increase in the demand for police, fire and ambulance services.
7. An increase in the demand for potable water supplied by the Town of Warwick. An increase in the volume of wastewater received by the Town of Warwick's Fairgrounds Wastewater Treatment Facility.
8. An increase in the volume of solid waste generated locally.
9. An increase in the amount of light visible at the site during nighttime hours, an increase in noise from traffic going to and from the site and from HVAC equipment installed on the site.
10. The project will increase the extent of commercial uses in the Route 94 corridor.
11. The project will create a net increase in tax revenues to the Town and special districts in the Town.
12. A decrease in the amount of land currently being used for agricultural production.

**The Draft EIS is herewith circulated to all agencies. A Copy of the Draft EIS is available through the contact person named below. Additional paper copies of the Draft EIS are available for examination at the Warwick Town Hall and electronic versions are available for downloading and printing on the Town of Warwick Internet website at <http://www.townofwarwick.org/>.**

Contact Person: Connie Sardo, Secretary  
Address: Town of Warwick Planning Board  
Town Hall  
132 Kings Highway  
Warwick, NY 10990  
Telephone: 845.986.1127

**A Copy of this Notice and Draft EIS Filed With:**

Town of Warwick Planning Board  
 Town Hall  
 132 Kings Highway  
 Warwick, NY 10990

Homarc Land, LLC (applicant)

Environmental Notice Bulletin **(Notice Only)**  
 Email: [enb@gw.dec.state.ny.us](mailto:enb@gw.dec.state.ny.us)

Michael Sweeton, Town Supervisor

Town Board of the Town of Warwick

Town of Warwick Architectural Review Board

Town of Warwick Conservation Advisory Board

Orange County Department of Health

Orange County Department of Planning

New York State Department of Environmental Conservation

New York State Department of Transportation

New York State Office of Parks Recreation and Historic Preservation

United States Army Corps of Engineers

United States Fish & Wildlife Service

Town of Warwick Planning Board  
 Homarc Commercial Development  
 RESOLUTION ADOPTING FINAL EIS

WHEREAS, the Town of Warwick Planning Board (the “Planning Board”) received an application from Homarc Land, LLC (the “Applicant”) for Site Plan and Special Use Permit approval for development of a new ± 21,900 square foot professional and office development on a 5.1 acre site located at 152 New York State Route 94 near the intersection with Warwick Turnpike (County Route 21) in the Town of Warwick, Orange County, New York; the parcel is identified as Tax Map Section 51, Block 1, Lot 5.231; and

WHEREAS, the applicant’s stated purpose of the development is to “attract economic development and reduce the increasing tax burden on local residents without destroying the rural

character of the Town” through the provision of 12 to 14 new office and/or retail spaces for rent in the Community Business Zoning District; and

WHEREAS, the Project includes a one-story building, 84 parking spaces, entrance and exit drives through a marginal access road connecting with the adjoining Price Chopper Plaza, landscaping, on-site stormwater management, and water and sewer services through interconnections with the Town of Warwick’s Fairgrounds systems; and

WHEREAS the Planning Board was established as the SEQR lead agency for the Project on April 16, 2008 following a coordinated review with other Involved Agencies; and

WHEREAS, the Planning Board adopted a Positive Declaration on April 16, 2008, requiring the preparation of a Draft Environmental Impact Statement (“DEIS”) to assess potential environmental impacts of the Project; and

WHEREAS, Public Scoping of the DEIS was undertaken with a Final Scoping Document adopted on March 4, 2009, and due to a downsizing of the overall project, later amended with an Amended Final Scoping Document adopted on July 17, 2013; and

WHEREAS, a DEIS was prepared by the Applicant and submitted to the Planning Board for a completeness review beginning on November 20, 2013; and

WHEREAS, on March 5, 2014, the Planning Board determined that the DEIS was not complete for commencing public review and provided a list of deficiencies that needed to be provided before the DEIS could be accepted; and

WHEREAS, on June 17, 2014, the Planning Board received a revised DEIS from the applicant for a second completeness review; and

WHEREAS, on July 16, 2014, the Planning Board accepted the Homarc Commercial Development DEIS as adequate for public review, filed and distributed the DEIS in accordance with requirements of SEQR, held a public hearing on the Draft EIS on August 20, 2014 and accepted written comment on the Draft EIS until September 10, 2014, and

WHEREAS, the applicant has prepared and submitted a Preliminary Final EIS document for the Planning Board’s consideration, and

WHEREAS, the Planning Board and its Planning, Engineering, and Legal consultants have reviewed the Preliminary Final EIS document and has directed the applicant to prepare a number of changes to the Preliminary Final EIS document prior to filing it in accordance with SEQR requirements.

NOW THEREFORE BE IT RESOLVED that the Town of Warwick Planning Board hereby adopts the Homarc Commercial Development Final EIS subject to the completion of the changes detailed on the attached list, and once such changes are prepared authorizes the Planning Board Chairman to file and distribute the Final EIS and the attached Notice of Completion of Final EIS in accordance with requirements of SEQR, and to take such further steps as might be necessary to discharge the Lead Agency’s responsibilities on this action.

Paul Canivari: Thank you.

Application for Sketch Plat Review of a proposed 4-Lot (Major) subdivision, situated on tax parcel S 47 B 1 L 103.5; parcel located on the eastern side of O.C. Hwy 5 (Lakes Road) 3,600 feet north of Nelson Road, in the MT zone, of the Town of Warwick.

Representing the applicant: Chris Guddemi, LAN Associates

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board comments: pending
4. Architectural Review Board comments: pending
5. OC Planning Department: pending submittal
6. OCDPW: pending submittal
7. The Building Department states that permits are required for roof repairs.
8. The Building Department states that there are currently 12-15 unregistered vehicles on property; this is not allowed in the Town of Warwick.
9. The Building Department states that the abandoned cottage is not currently livable.
10. The 911 number must be posted for the existing home.
11. Applicant needs to sign and date the Preliminary and Final Subdivision Application Forms and have the forms notarized.
12. Applicant to prepare and submit an Aquifer Impact Assessment; it is required for all Major Subdivisions. Applicant is requesting a waiver.
13. The Applicant must prepare a visual EAF Addendum because construction is proposed within the Ridgeline Overlay District. Application requesting waiver for the 25-ft height requirement.
14. Sight distance must be shown §137 Appendix F(2) for each proposed driveway entrance. The speed limit for the roadway must also be shown. Applicant to clarify if vegetation removal is required to maintain proper sight distances.
15. Applicant to clarify the purpose of the two existing water tanks. Applicant states that water tanks have been abandoned; applicant to add a note to the plan stating that if safety concerns arise, applicant will remove any hazards associated with these tanks, including the complete removal of the water tanks.
16. The "Area of Disturbance" table on sheet SC.01 does not correlate with the area of disturbance noted in the callout for each lot. Please clarify.
17. The 911 address must be included on Sheet 1. Applicant to complete form and submit to the Building Department.
18. Please clarify who the responsible party is for long-term maintenance of the permanent control measures on site. Section IV.B.10 indicates Kristopher Harrison, the conclusion indicates the property owner (Robert Kubinec) and question #29 of the NOI states "To Be Determined."
19. References should be made to the latest NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002).
20. Identify the location of the temporary swale(s) on the Grading / Stormwater Plan.
21. Identify where storm drain inlet protection will be implemented on the Soil Erosion and Sediment Control Plan.
22. The NYSDEC requirement for separation distance between stormwater infiltration systems and subsurface sewage disposal system of 50 feet is not maintained on Lot 2 and Lot 3.
23. Provide soil stockpile locations on the Soil Erosion and Sediment Control Plan.

24. The erosion control construction sequence notes that rough grading should occur before trees are removed. Confirm that this is the desired sequence of construction.
25. The Applicant must revise the text to reference the current version of the NYSDEC General Permit for Stormwater Discharges from Construction Activities, effective 01/29/15 and comply with the new requirements, including revisions to the NYS Stormwater Management Design Manual (January 2015), the new stormwater permit GP-0-15-002, and the revised Notice of Intent Form.
26. Clarify the existing and proposed impervious surface area presented in question 7 of the NOI.
27. Construction Road Stabilization should be checked on Question #26 of the NOI, as it is identified on the Soil and Erosion Control plan.
28. Erosion Control Mats and Topsoiling should be included in Question #26 of the NOI, as they are identified in the Land Grading Construction Specifications on the Soil Erosion and Sediment Control plan.
29. Provide details / specifications sheet for all temporary and permanent erosion control practices.
30. Provide pre- and post-development drainage maps for the entire developed portion of the site.
31. Provide calculations for determining the runoff curve number for each sub-catchment.
32. Clarify how the stormwater from the driveways will be collected and conveyed to the proposed stormwater system. The driveways are proposed in a fill condition and without a curb, the stormwater will runoff the driveway and not be treated by the stormwater system.
33. The applicant shall resolve the following conflicts:
  - a. On Lot 2, the storm drain pipe passes through the septic tank.
  - b. On Lot 3, the storm drain pipe passes through the SSDS.
34. The "Approval Signatures" box on Sheet T.01 can be removed.
35. Surveyor to certify that iron rods have been set at all property corners.
36. The declaration for the aquifer protection and ridgeline overlay notes must be added to the plans.
37. Payment of parkland fees for three lots.
38. Payment of all fees.

The following comment submitted by the Conservation Board:

Kubinec Subdivision – None submitted.

The following comment submitted by the ARB:

Kubinec Subdivision – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: We have received a short EAF. This is an Unlisted Action. There are other agencies involved. The Planning Board will need to do a coordinated review. The Planning Board could declare their Intent to be Lead Agency tonight. We will need to

circulate to the NYSDEC and OCDPW asking for them to sign off on the Planning Board acting as Lead Agency. I have prepared a Resolution for Establishing Intent to be Lead Agency for the Board's consideration.

Ms. Little makes a motion for the Intent to be Lead Agency.

Seconded by Mr. Kennedy. The following Resolution was carried 5-Ayes.

**617.6**  
**State Environmental Quality Review (SEQR)**  
**Resolution Establishing Intent to be Lead Agency**  
Unlisted Action Undergoing Coordinated Review

**Name of Action:** Kubinec Subdivision

**Whereas**, the Town of Warwick Planning Board is in receipt of a Subdivision application by Robert Kubinec for a ± 29.2112 acre parcel of land located at Lakes Road and Ponderosa Lane, Town of Warwick, Orange County, New York; and

**Whereas**, an Environmental Assessment Form (EAF) dated 9/11/2013 was submitted at the time of application; and

**Whereas**, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action ; and

**Whereas**, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply ; and

**Whereas**, after examining the EAF, the Planning Board has determined that there are other involved and/or federal agencies on this matter including the Orange County Department of Public Works and the New York State Department of Environmental Conservation.

**Now Therefore Be It Resolved**, that the Planning Board hereby declares its intent to be Lead Agency for the review of this action; and

**Be It Further Resolved**, that the Planning Board hereby authorizes its Chairman to circulate the attached lead agency coordination request letter(s) to all other involved agencies and to discharge any other SEQR responsibilities as are required by 6 NYCRR 617 in this regard; and

**Be It Further Resolved**, that unless an objection to the Planning Board assuming lead agency status is received within thirty (30) days of the date of mailing the EAF, the Planning Board will become lead agency for the review of this action.

Comment #2: Applicant to discuss project.

Chris Guddemi: This application is for a proposed 4-Lot subdivision. It is located on Lakes Road. We have completed a number of test pits on the property. The soils are suitable for the onsite septic systems. We have prepared stormwater design plans. We are hoping to move forward with this application.

Mr. Showalter: Do any Board Members or Professionals have any comments?

Comment #3: Conservation Board comments: pending

Comment #4: Architectural Review Board comments: pending

Comment #5: OC Planning Department: pending submittal

Comment #6: OCDPW: pending submittal

Chris Guddemi: Who is responsible on sending the revised plans back to OCDPW?

Laura Barca: Connie, doesn't that go to you?

Connie Sardo: Yes. I have sent it to them originally not long ago. If there was another revised plan, it wasn't given to me or I wasn't told to resend to OCDPW.

Chris Guddemi: I haven't sent anything to OCDPW.

Laura Barca: Ok. Connie, do you have a copy of the plans?

Connie Sardo: If we have one extra copy here, I will send it out tomorrow. I need to know in advance from now on from the engineers on when to resubmit to OCDPW or whoever.

Mr. Showalter: Connie will take care of that.

Connie Sardo: Yes.

Laura Barca: We have it. We will submit it to OCDPW.

Chris Guddemi: Ok.

Comment #7: The Building Department states that permits are required for roof repairs.

Chris Guddemi: Applicant will go and satisfy that with the Building Department.

Comment #8: The Building Department states that there are currently 12-15 unregistered vehicles on property; this is not allowed in the Town of Warwick.

Chris Guddemi: The applicant has made efforts to move some of the vehicles on the property. He has made progress. There are about 10 vehicles that remain on the property. He is going to take the matter up with the Building Inspector. Maybe we could enclose some of the cars. We are working on that matter.

Mr. Showalter: Ok. Laura, could we list the rest of the comments, Comment 9 through 38 for the record? Do our Professionals have any comments regarding any of these comments? Does the applicant have any questions regarding any of these comments?

Mr. Bollenbach: Chris, regarding the abandoned cottage, is it currently occupied?

Chris Guddemi: The abandoned cottage is not currently occupied.

Mr. Bollenbach: Is it secured? Make sure that it is secured so that we don't have a hazardous building that we have another proceeding to go through. You will need to secure the building.

Chris Guddemi: Ok. We will make sure it is secured.

Mr. Showalter: Chris, do you have any other questions?

Chris Guddemi: Regarding the Aquifer Impact Assessment, we would like to request a waiver of the Aquifer Impact Assessment. We discussed this at the Workshop.

Mr. McConnell: At the Workshop, my idea of that is if you want to request a waiver of that you would need to present to us with an argument that would lead us to that conclusion. A naked request for a waiver, I am not inclined to look favorably upon.

Chris Guddemi: I believe there is approximately 1650 gallons per day maximum.

Mr. McConnell: I rather not have it off the cuff.

Mr. Bollenbach: You will need to discuss that with Laura.

Mr. McConnell: Yes. I am just voicing my personal opinion. I don't know how the rest of the Board feels on that.

Chris Guddemi: There is no history of water problems or quantities.

Mr. McConnell: Make notes of these things.

Chris Guddemi: Ok.

Mr. Showalter: Do you have any other questions?

Chris Guddemi: No.

Mr. Showalter: Ok. We will list Comments 9 through 38 for the record. Would the Board be comfortable with setting the Kubinec application for a public hearing at the next available agenda?

Mr. Bollenbach: Is it premature at this point or not? I don't know if the applicant has shown good faith and effort. There are a number of violations on the property. Laura, how do you feel about setting this for a public hearing subject to? Are you seeing progress with this?

Laura Barca: I would be fine with having them be set for a public hearing. That public hearing would not take place until all of these items have been completed.

Mr. Showalter: The Building Department is asking that he gets the permit for the roof repairs. John, I think at this point and time the cars would be difficult for him to move. As I understand it, the cars are not really bothering anybody or visible.

Mr. Bollenbach: The violations have been outstanding for several years. I am just letting the Board know.

Mr. Showalter: Ok.

Mr. Bollenbach: It would be the Board's discretion.

Chris Guddemi: When were the violations issued?

Connie Sardo: They were reissued about a week ago. The Building Department just received the returned receipt from Mr. Kubinec that he received the violations. I think he only has so many days to take care of the violations. Then the Building Department will go out and re-inspect to see if they were taken care of. If not, then it goes into a Court matter.

Mr. Bollenbach: The next step would be going to Court. If the Board wants to set it for a public hearing, then fine. But, the public hearing won't happen until all of these issues have been resolved. You could set it for a public hearing. Then, it would be up to the Board when they decide to pull the trigger and have it.

Mr. McConnell: I think we should hold off on setting it for a public hearing. The mechanics of making sure that we are satisfied of several other points. It would be appropriate to save the applicant money from having their professional come back out again. I just don't see that there is a clear way to set up the mechanics.

Mr. Showalter: I agree.

Chris Guddemi: How about setting it for a public hearing with a condition to addressing these comments?

Mr. Bollenbach: We could do that. It would be for the next available agenda.

Mr. Showalter: Ok. That would be done once he complies with these comments.

Connie Sardo: Yes. If he doesn't comply, then he wouldn't be put on for a public hearing.

Mr. Showalter: Ok.

**Mr. Kennedy makes a motion to set the Kubinec Subdivision for a Preliminary Public Hearing at the next available agenda.**

Seconded by Ms. Little. Motion carried; 4-Ayes & 1-Nay (Mr. McConnell)

Chris Guddemi: Thank you.

Comment #9: The Building Department states that the abandoned cottage is not currently livable.

Comment #10: The 911 number must be posted for the existing home.

Comment #11: Applicant needs to sign and date the Preliminary and Final Subdivision Application Forms and have the forms notarized.

Comment #12: Applicant to prepare and submit an Aquifer Impact Assessment; it is required for all Major Subdivisions. Applicant is requesting a waiver.

Comment #13: The Applicant must prepare a visual EAF Addendum because construction is proposed within the Ridgeline Overlay District. Application requesting waiver for the 25-ft height requirement.

Comment #14: Sight distance must be shown §137 Appendix F(2) for each proposed driveway entrance. The speed limit for the roadway must also be shown. Applicant to clarify if vegetation removal is required to maintain proper sight distances.

Comment #15: Applicant to clarify the purpose of the two existing water tanks. Applicant states that water tanks have been abandoned; applicant to add a note to the plan stating that if safety concerns arise, applicant will remove any hazards associated with these tanks, including the complete removal of the water tanks.

Comment #16: The "Area of Disturbance" table on sheet SC.01 does not correlate with the area of disturbance noted in the callout for each lot. Please clarify.

Comment #17: The 911 address must be included on Sheet 1. Applicant to complete form and submit to the Building Department.

Comment #18: Please clarify who the responsible party is for long-term maintenance of the permanent control measures on site. Section IV.B.10 indicates Kristopher Harrison, the conclusion indicates the property owner (Robert Kubinec) and question #29 of the NOI states "To Be Determined."

Comment #19: References should be made to the latest NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002).

Comment #20: Identify the location of the temporary swale(s) on the Grading / Stormwater Plan.

Comment #21: Identify where storm drain inlet protection will be implemented on the Soil Erosion and Sediment Control Plan.

Comment #22: The NYSDEC requirement for separation distance between stormwater infiltration systems and subsurface sewage disposal system of 50 feet is not maintained on Lot 2 and Lot 3.

Comment #23: Provide soil stockpile locations on the Soil Erosion and Sediment Control Plan.

Comment #24: The erosion control construction sequence notes that rough grading should occur before trees are removed. Confirm that this is the desired sequence of construction.

Comment #25: The Applicant must revise the text to reference the current version of the NYSDEC General Permit for Stormwater Discharges from Construction Activities, effective 01/29/15 and comply with the new requirements, including revisions to the NYS Stormwater Management Design Manual (January 2015), the new stormwater permit GP-0-15-002, and the revised Notice of Intent Form.

Comment #26: Clarify the existing and proposed impervious surface area presented in question 7 of the NOI.

Comment #27: Construction Road Stabilization should be checked on Question #26 of the NOI, as it is identified on the Soil and Erosion Control plan.

Comment #28: Erosion Control Mats and Topsoiling should be included in Question #26 of the NOI, as they are identified in the Land Grading Construction Specifications on the Soil Erosion and Sediment Control plan.

Comment #29: Provide details / specifications sheet for all temporary and permanent erosion control practices.

Comment #30: Provide pre- and post-development drainage maps for the entire developed portion of the site.

Comment #31: Provide calculations for determining the runoff curve number for each sub-catchment.

Comment #32: Clarify how the stormwater from the driveways will be collected and conveyed to the proposed stormwater system. The driveways are proposed in a fill condition and without a curb, the stormwater will runoff the driveway and not be treated by the stormwater system.

Comment #33: The applicant shall resolve the following conflicts:

- a. On Lot 2, the storm drain pipe passes through the septic tank.
- b. On Lot 3, the storm drain pipe passes through the SSDS.

Comment #34: The "Approval Signatures" box on Sheet T.01 can be removed.

Comment #35: Surveyor to certify that iron rods have been set at all property corners.

Comment #36: The declaration for the aquifer protection and ridgeline overlay notes must be added to the plans.

Comment #37: Payment of parkland fees for three lots.

Comment #38: Payment of all fees.

Application for Site Plan Approval for the construction and use and upgrade of an addition to a single-family residence and construction of a septic system located within “A Designated Protection Area” of Greenwood Lake, situated on tax parcel S 76 B 1 L 59; project located on the south side of Cove Road 100 feet east of Sanders Lane (25 Cove Road), in the SM zone, of the Town of Warwick.

Representing the applicant: Geoffrey Bass, Engineer. Rosemarie Castillo, Applicant.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA
2. Applicant to discuss project.
3. Conservation Board – pending comments
4. Architectural Review Board – pending comments
5. OC Planning Department – pending submittal
6. TW Building Department – open permits for replace room/roof, deck, and fence/woodstove; also need septic pump-out (NYSDEC MS4 area)
7. Greenwood Lake Commission – suggest Elgin or aerobic septic system, plan to show stormwater runoff; silt fence installation if soil disturbance
8. The plans shall call-out the number of existing and proposed bedrooms in the home.
9. A new septic system is being proposed; Orange County Department of Health will review this plan.
10. A site inspection may be necessary to review the existing site for stormwater concerns.
11. Applicant to clarify if any soil disturbance is proposed.
12. Provide a map note stating that “No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained.”
13. Surveyor to certify that iron rods have been set at all property corners.
14. Payment of all fees.

The following comment submitted by the Conservation Board:

Rosemarie Castillo Site Plan – None submitted.

The following comment submitted by the ARB:

Rosemarie Castillo Site Plan – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: The Applicant has provided us with a short EAF. It is an Unlisted Action. There are no other Involved Agencies. The Planning Board could go ahead and declare Lead Agency.

Mr. Kennedy makes a motion for Lead Agency.

Seconded by Ms. Little. The following Resolution was carried 5-Ayes.

617.6

**State Environmental Quality Review (SEQR)**  
Resolution Establishing Lead Agency  
Unlisted Action Undergoing Uncoordinated Review

Name of Action: Castillo Site Plan

Whereas, the Town of Warwick Planning Board is considering action on a proposed Site Plan application by Rosemarie Castillo for a  $\pm$  0.351 acre parcel of land located at Cove Road, Town of Warwick, Orange County, New York, and

Whereas, an Environmental Assessment Form (EAF) dated 1/14/2015 was submitted at the time of application, and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and 5, the Planning Board has determined that the proposed project is an Unlisted action, and

Whereas, the Planning Board has determined that the proposed project is not within an agricultural district and, therefore, the requirements of 6 NYCRR 617.6(a)(6) do not apply, and

Whereas, after examining the EAF, the Planning Board has determined that there are no other involved and/or federal agencies on this matter.

Now Therefore Be It Resolved, that the Planning Board hereby declares itself Lead Agency for the review of this action.

Be It Further Resolved, that a Determination of Significance will be made at such time as all information has been received by the Planning Board to enable it to determine whether the action will or will not have a significant effect on the environment.

Comment #2: Applicant to discuss project.

Geoffrey Bass: My clients plan on upgrading their home. They want to make it a little more livable than it is now. They had a series of additions put on over the years. They are also proposing to build a new septic system. They are located within a "Designated Area" of Greenwood Lake.

Comment #3: Conservation Board – pending comments

Comment #4: Architectural Review Board – pending comments

Comment #5: OC Planning Department – pending submittal

Comment #6: TW Building Department – open permits for replace room/roof, deck, and fence/woodstove; also need septic pump-out (NYSDEC MS4 area)

Mr. Bollenbach: We need the septic pump-out verification to show that the system has been pumped.

Geoffrey Bass: I think we can provide that.

Rosemarie Castillo: One of the things that we are doing with our project is to close off the existing septic system. We are requesting a waiver to do that process once versus twice in a row. Our intent is to close off the system properly. We will be putting in a new system.

Laura Barca: Do you have a record of a pump out from the last 3 years?

Rosemarie Castillo: I have done it before. I would have to find the receipt.

Mr. Showalter: Could she produce that to the Building Department?

Laura Barca: Yes. If you can find it and produce that, it would then go away.

Rosemarie Castillo: Ok. Regarding the other open permits, it is my understanding that they are closed. I have all of the documentation for that.

Connie Sardo: You would have to contact the Building Department about that. I don't think they have any documentation on file.

Rosemarie Castillo: I should have that.

Connie Sardo: Ok. Just provide it to them.

Mr. Showalter: Just provide that to the Building Department. It would make things go smoother.

Comment #7: Greenwood Lake Commission – suggest Elgin or aerobic septic system, plan to show stormwater runoff; silt fence installation if soil disturbance

Geoffrey Bass: I believe the silt fence is on the plan already. We are proposing an Aerobic septic system.

Comment #8: The plans shall call-out the number of existing and proposed bedrooms in the home.

Geoffrey Bass: I guess I didn't put that on the site plan. It is a proposed 2-bedroom home.

Comment #9: A new septic system is being proposed; Orange County Department of Health will review this plan.

Geoffrey Bass: Yes. It is being reviewed. It was submitted to OCHD back in July.

Comment #10: A site inspection may be necessary to review the existing site for stormwater concerns.

Mr. Showalter: We had discussed that at the Work Session. Does anyone want to pick a date for a site inspection?

Laura Barca: We could probably discuss that at the next Work Session.

Mr. Showalter: Ok. We will discuss that at our next Work Session.

Comment #11: Applicant to clarify if any soil disturbance is proposed.

Geoffrey Bass: We will elaborate that on the plan.

Comment #12: Provide a map note stating that "No construction or proposed use shall begin until the maps are signed by the Planning Board Chairman and Building Department permits are obtained."

Geoffrey Bass: We will put that note on the plan.

Comment #13: Surveyor to certify that iron rods have been set at all property corners.

Geoffrey Bass: The Surveyor is not here tonight. I did not know if that was a requirement on a site plan.

Laura Barca: There is a one page form. I believe John McGloin is the Surveyor.

Geoffrey Bass: Yes.

Laura Barca: Get in touch with John McGloin about that.

Geoffrey Bass: Ok. I will.

Comment #14: Payment of all fees.

Geoffrey Bass: Ok.

Mr. Bollenbach: I have one comment regarding Comment #7. Laura, maybe the next time around you could indicate that an Aerobic system is proposed. There is also a requirement that the applicant provides an annual maintenance contract. That is to make sure it is properly maintained.

Geoffrey Bass: Right. Ok.

Laura Barca: The Health Department would make sure of that.

Mr. Bollenbach: Yes. We just want to make sure that it is on the map.

Mr. Showalter: We will discuss at the next Work Session on scheduling a site inspection. Would the applicant like to be set for a public hearing at the next available agenda?

Geoffrey Bass: Yes. I would have to satisfy all of these comments first. Then resubmit to you.

Connie Sardo: Yes.

Mr. Showalter: Do any Board Members or Professionals have any comments?

Mr. McConnell: You mentioned that there would be no change in the number of bedrooms.

Geoffrey Bass: That is correct.

Mr. McConnell: Would there be a change in the square footage of the house?

Geoffrey Bass: Yes. I believe the square footage of the house would be increasing.

Mr. McConnell: Ok. Along with the comment that I had made at the Work Session, showing us what is there compared to what is proposed that would show the change in the square footage where that change was occurring. Could you please show that? It would be helpful.

Geoffrey Bass: Ok.

Mr. Showalter: Does the Board or Professionals have anything further?

**Mr. McConnell makes a motion to set the Rosemarie Castillo Site Plan application for a Public Hearing at the next available agenda.**

Seconded by Mr. Kennedy. Motion carried; 5-Ayes.

Connie Sardo: The next Work Session would be February 23, 2015. That would be just for the Board to schedule a site visit. You will not be ready for a public hearing until you revise all of these comments and re-submit new plans back to the Board. That would be done at another time.

Geoffrey Bass: Ok. Thank you.

Application for Sketch Plat Review of a proposed 4-Lot Cluster (**MINOR**) subdivision, situated on tax parcel S 31 B 2 L 48; parcel located on the north western side of Entin Terrace 1144± feet south west of Ackerman Road (15 Entin Terrace), in the RU zone, of the Town of Warwick.

Mr. Showalter: The applicant has requested that this application be “Tabled” for this evening.

Connie Sardo: I received a letter today from Kirk Rother the applicant’s engineer. He could not make it this evening. Kirk asked to “Table” this application for tonight and to be placed on the next available Work Session Agenda, which would be February 23, 2015.

Mr. Showalter: Ok.

**Other Considerations:**

1. Planning Board Minutes of 1/7/15 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 1/7/15.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes.

2. **DiBart & Rosenberg Lot Line Change** – Letter from James Dillin, PLS., dated 1/21/15 addressed to the Planning Board in regards to DiBart & Rosenberg Lot Line Change – requesting a 6-Month Extension on Re-Approval of Final Approval of a proposed Lot Line Change, situated on tax parcels SBL # 19-1-21 & 22; parcels located on the northern side of West Lake Road, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 8/21/13. *The Applicant has stated that the extension is needed because the Seller has been working diligently to resolve a Title issue and is currently working with the Bank for a resolution.* The 6-Month Extension on Re-Approval of Final Approval becomes effective on 2/21/15.

Mr. McConnell: John, do we know what the Title issues are?

Mr. Bollenbach: No. I will take a look at it.

Mr. McConnell makes a motion on the DiBart & Rosenberg Lot Line Change application, granting a 6-Month Extension on Re-Approval of Final Approval of a proposed Lot Line Change. SBL # 19-1-21 & 22. Conditional Final Approval was granted on 8/21/13.

The 6-Month Extension on Re-Approval of Final Approval becomes effective on 2/21/15.

Seconded by Ms. Little. Motion carried; 5-Ayes.

3. Planning Board to discuss canceling the 2/9/15 Work Session & 2/18/15 PB Meeting.

Mr. McConnell makes a motion to cancel the 2/9/15 Work Session & 2/18/15 Planning Board Meeting.

Seconded by Ms. Little. Motion carried; 5-Ayes.

### **Correspondences:**

Mr. Showalter: Connie, do we have any correspondences this evening?

Connie Sardo: No.

Mr. Showalter: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record?

Nancy Owen: Regarding HOMARC, the bridge that is going over the wetlands, is that a walking bridge or a road?

Mr. Showalter: It is a road and a walking bridge.

Laura Barca: It is also a culvert.

Nancy Owen: Regarding the sidewalk issue, you said it was too far along where the sidewalk is...

Laura Barca: That is something that I would have to talk to Mike Sweeton about when he comes back from vacation. I would also have to talk to DPW about that. It will be their road.

Nancy Owen: Ok.

Mr. Showalter: Is there anyone else wishing to address any of the Agenda items? Let the record show no further public comment.

**Mr. McConnell makes a motion to adjourn the February 4, 2015 Planning Board Meeting.**

Seconded by Ms. Little. Motion carried; 5-Ayes.